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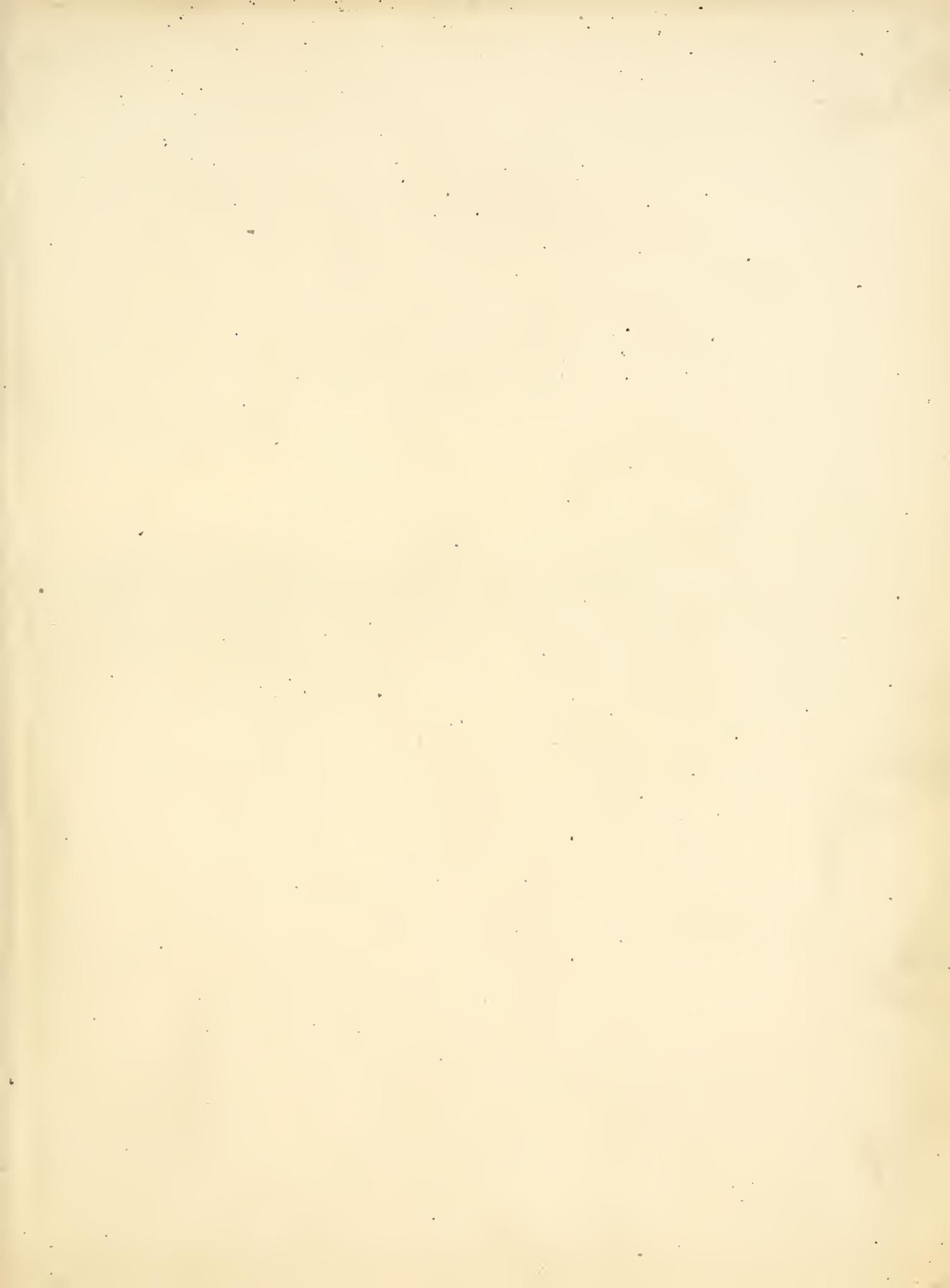
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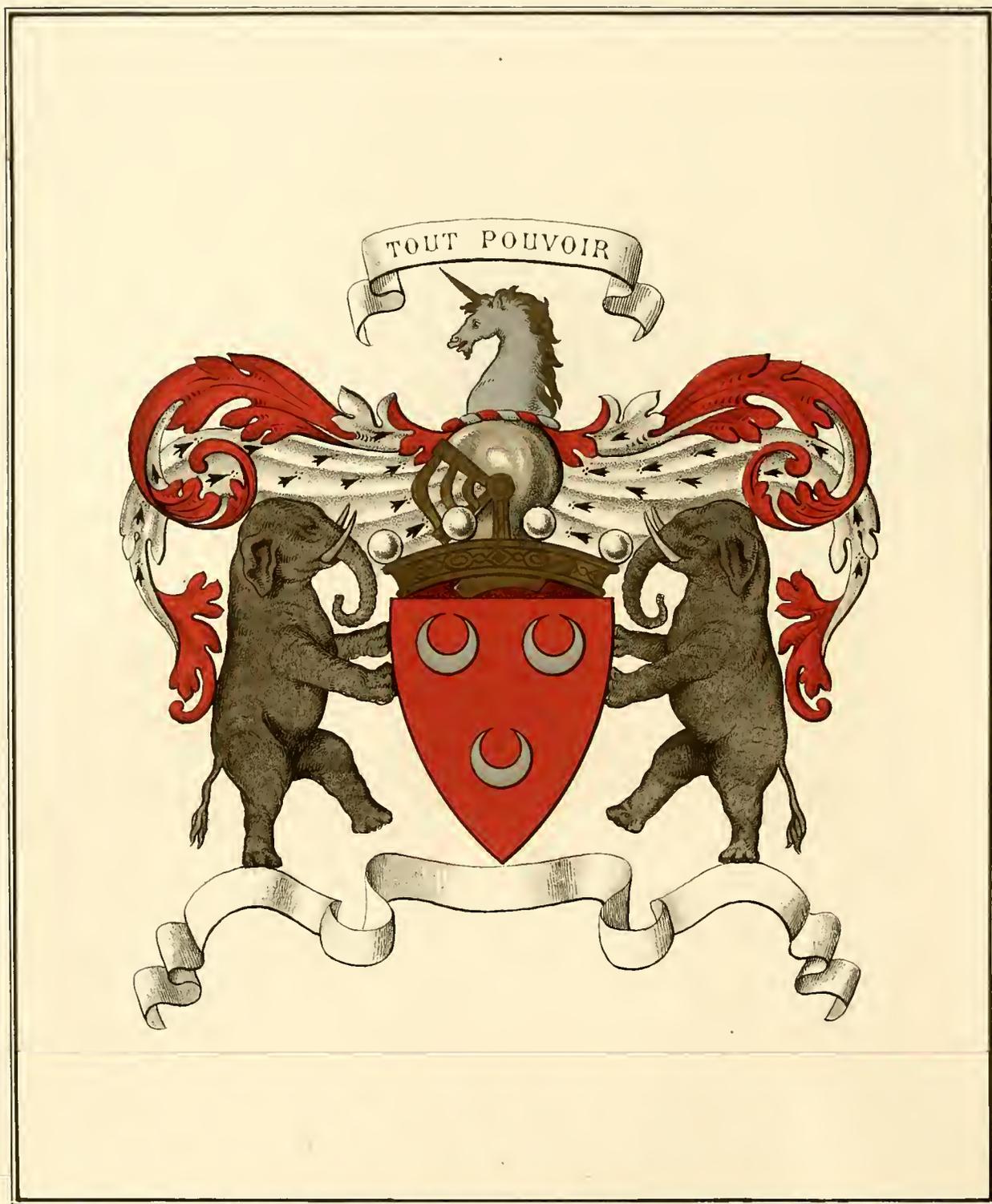
THE
OLIPHANTS IN SCOTLAND.

IMPRESSION: ONE HUNDRED COPIES.

*Printed for T. L. KINGTON OLIPHANT, Esq. of Gask,
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ARMORIAL BEARINGS
OF THE LORDS OLIPHANT.

A. 113. a.

The
Elephants in Scotland,

WITH A SELECTION OF

ORIGINAL DOCUMENTS

FROM THE CHARTER CHEST AT GASK.

EDITED BY

JOSEPH ANDERSON,

KEEPER OF THE NATIONAL MUSEUM OF THE ANTIQUARIES OF SCOTLAND.



EDINBURGH:
PRINTED FOR PRIVATE CIRCULATION.
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P R E F A C E.

THE materials which have been used in the preparation of the introductory part of the present volume were collected by T. L. KINGTON OLIPHANT, Esq. of Gask, and the greater portion of the Original Documents in the second part of the volume passed through the press under the supervision of the late Rev. THOMAS MORRIS, Assistant Minister in Old Greyfriars' Church, Edinburgh, whose early death is deeply regretted by all who knew him. The work of the present Editor has thus been chiefly limited to the recasting of these materials into the form in which they appear in the following pages, and the completion of the series of Documents from the Charter Chest at Gask. In each of these departments he has been largely aided by the advice and co-operation of Mr. Kington Oliphant, as well as by the notes and memoranda of Mr. Morris; but he has also endeavoured to supplement their researches wherever that was possible. The later history of the Gask family has been but lightly touched upon in these pages, and for a fuller narrative of their share in the stirring events of 1715 and 1745, the reader is referred to Mr. Kington Oliphant's "Jacobite Lairds of Gask," issued by the Grampian Club in 1870.

EDINBURGH, 1879.



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THE OLIPHANTS IN SCOTLAND.

I.—THE OLIFARDS, 1142–1329.

DAVID OLIFARD, the first of the name in authentic record, was probably of Norman descent.¹ The Olifards were settled in England, in the neighbourhood of Lifford in Northamptonshire, where they continued to hold lands long after the principal branch of the family had been transplanted to Scotland.² They were close friends of King David I. of Scotland, when as Earl of Huntingdon he was "getting the Scottish rust rubbed off,"³ by residence in England. In consequence of his marriage with Matilda, widow of Simon de St. Liz, King David held the Earldoms of Northampton⁴ and Huntingdon during her lifetime, and thus his relations with the Olifards of Northamptonshire are easily accounted for. He stood godfather to the young heir of the house, who thus bore his name, and in after years evinced his attachment to his royal godfather by a signal act of personal devotion. Entangled in the civil broils which followed the death of Henry I., King David's eagerness in the cause of the Empress Matilda led him into a position of extreme peril. Beleaguered at Winchester in the autumn of 1141, he would have been captured in the general rout of Matilda's followers had it not been for the timely intervention of David Olifard, who was then serving in the hostile army. In the words of a contemporary historian,⁵ "The King of Scotland having lost all his men barely escaped, and made a precipitate retreat to his own kingdom; for a certain godson of his, David Holifard, a comrade of those who besieged the city of Winchester, secreted him, so that those who were in eager search of the king did not

¹ In the traditionary list of the Norman knights who fought at Hastings, the Scalacronica notes—
"Oyssel et Olifard,
Maulouel et Maureward."

² In September, 1216, King John ordered the Sheriff of Northamptonshire to convey to Ralph de Trumbleville the lands in Lideford, which had belonged to Walter Olifard: *Rotuli Literarum Clansarum*, i., p. 286. The Olifards of Huntingdonshire appear in the charters of Sawtre Abbey.

³ So says William of Malmesbury.

⁴ The Saxon Chronicle, *anno* 1124, calls David "Earl of Northamptonshire." David Olifard, his godson, must have been born some short time before this.

⁵ John, Prior of Hexham, apud Twysden, *Decem Scriptorum*, p. 270. The date given is 1142, but the events in John of Hexham's Chronicle are misdated by one year after 1140.

discover him." This service of Olifard's did not go unrewarded. Shortly afterwards we find him at the court of King David in Scotland, and in possession of lands in Roxburghshire, which must have been given to him by the king. A grant of his to the church of St. Mary, of Dryburgh, is expressed in the following terms:—

"David Olifard, dominis suis et amicis, et omnibus probis hominibus suis salutem: Sciatis tam presentes quam futuri, me dedisse, et hac mea carta confirmasse, Deo et Ecclesie sancte Marie de Driburgh et fratribus ibidem Deo servientibus, unam plenariam carucatam terre in Smalham, cum omnibus pascuis ad trecentos oves, pro remissione peccatorum meorum, et pro animabus dominorum meorum qui mihi terram dederunt,¹ et pro animabus antecessorum et successorum meorum in perpetuam elemosinam ita libere et quiete sicut aliqua elemosina liberius et quietius potest concedi et teneri. Testibus, &c."

This grant was confirmed by King Malcolm IV., and is often referred to in subsequent charters of the Abbey.²

Like his godfather King David, that "sair sanet for the crown," David Olifard was a generous benefactor to the church. He gave to the monks of Jedburgh a tenth of the multures of the mill of Crailing.³ He also granted a thrave of corn in autumn from each ploughland of the lands of Crailing and Smalham, to the House of Soltre and the brethren there serving God, and the document continues: "in order that this my donation may be ratified and secured to all posterity, I have affixed my seal to this charter."⁴ Fully a century afterwards, in the time of King Alexander II., this grant was the subject of dispute between the monks of Soltre and Walter de Moravia, into whose hands the lands of Crailing and Smalham had then passed, and on the 10th April, 1238, King Alexander II. summoned an inquest at Kelso to try the question whether the late lords Walter and David Olifard, predecessors of Lord Walter de Moravia, had been in use to give to the House of Soltre a thrave of corn for each of the ploughlands of Crailing and Smalham.⁵

David Olifard appears occasionally as witness to charters of King David and Henry, his son. He was a witness to the agreement made between the monasteries of St. Andrews and Dunfermline, concerning the church and chapel of the Castle of Stirling, before King David and his son Henry, and the barons of the realm assembled

¹ This expression implies the grant of the lands to Olifard by King David. In a charter by Roger Burnard, granting a peat-bank to the monks of Melrose, the formula is given in full, "pro salute animarum dominorum meorum Regum Scocie, scilicet Regis David, et Regis Malcolm, et Regis Wilelmi, et pro salute anime mee, et pro animabus omnium antecessorum et successorum meorum, &c. Walter Olifard is one of the witnesses to this grant. *Liber de Melros*, i., p. 76.

² *Regist. de Dryburgh* (Bannatyne Club), pp. 109, 110, 204.

³ *Morton's Monastic Annals*, p. 50.

⁴ *Regist. Domus de Soltre* (Bannatyne Club), p. 4. Crawford (*Peerage of Scotland*, 1716, p. 376), says, that a seal of David Olifard is appended to a royal grant to the Priory of Coldingham; this seal displays three crescents; these have been the arms of the Oliphants for seven hundred years.

⁵ *Regist. Domus de Soltre*, p. 39.

at Edinburgh.¹ In company with such representatives of the ancient nobility of Scotland as Duncan Earl of Fife, Ferteth Earl of Strathearn, Gilbride Earl of Angus, Malcolm Earl of Atholl, and Cospatrik Earl of Laudonia, he witnesses charters of Ernald and Richard, Bishops of St. Andrews.² The charters of King Malcolm show that he was frequently in attendance at Court, accompanying the king to Berwick, Glasgow, Dunfermline, Perth, Forfar, St. Andrews, and other places. We find him at the Castle of Roxburgh in 1159 as a witness to the confirmation charter of Kelso by King Malcolm, in company with the queen-mother and her three sons; the Bishops of Glasgow, Moray, and Dunkeld; the Abbots of Dunfermline, Jedburgh, Newbotle and Stirling; Godfrey, King of Man and the Isles, Earls Cospatric, Ferteth, and Gilbride; Uchtred, son of Fergus of Galloway, and a host of the representatives of the Anglo-Norman houses then rising into importance.³ He witnessed King Malcolm's confirmation charter to Dunfermline, and the grant by the same king of the church of St. Peter of Rostinoth to the Abbey of Jedburgh.⁴

The style of the charters of this period is peculiar. It shows the extent to which the foreign element, introduced in preceding reigns, had leavened the mass of the people. The king addresses his missive to his justiciaries, barons, sheriffs, &c., and "to all the men of his whole land, French and English, Scots, and Gallwegians." Over this mixed multitude in southern Scotland, we find David Olifard in the next reign presiding as "Justiciarius Laudonie."⁵ The Scotswater (as the Frith of Forth was then called) was the southern boundary of Scotia. Between it and the Tweed lay the fair and fertile province of Laudonia, which may be said to have been the creation of King David. He embellished it with the monasteries of his religious foundations, and strengthened it with the castles of his feudal baronage, and here he established the nucleus of feudal Scotland.⁶ Among its Anglian population⁷ there were no Celtic traditions, and no body of ancient magnates to oppose his policy. Hence feudalism took root in it more easily, and flourished more speedily under the *novi homines* whom he planted so thickly around his castles of

¹ Regist. de Dunferm., p. 9.

² Regist. Prior. Sancti Andree, pp. 129, 132, 144.

³ The initial letter of this document is illuminated with miniatures believed to be those of the kings David and Malcolm. See the Lord Clerk Register's Facsimiles of National MSS. of Scotland.

⁴ Fraser's History of the Carnegies of South Esk, vol. ii., p. 475.

⁵ At this time the Justiciarius Seocie, and the Justiciarius Laudonie, presided over the districts north and south of the Forth respectively.

⁶ Robertson's Scotland under her Early Kings, vol. i., p. 233.

⁷ The charters show that the agricultural population of Laudonia bore Teutonic names, as those beyond the Scotswater bore Celtic. This, says Robertson, is always a sign of lengthened occupation. Ibid., ii., 498.

Roxburgh and Edinburgh. In the reign of William the Lion, the great feudal officers of the crown continued almost exclusively Anglo-Norman, and among them David Olifard appears as the first *Justiciarius Laudonie*.¹

With Richard de Moreville the constable, and Walter Fitzalan the steward, he witnesses the king's settlement of the controversy waged between the monks of Dunfermline and the canons of St. Andrews, about the lands of Balcristin, to which the latter claimed right through the Keledei of the time of King David.² In the same capacity he witnesses a charter of King William acquitting Nar, a man of the Abbot of Scone, of any charge he had against him, and expressing his will that the church and abbot should hold the said Nar and his heirs free of the king and his heirs in perpetuity. He witnesses the confirmation charter of Cambuskenneth by King William, and the charter to the monastery at Scone of its courts of ordeal. We trace him on many occasions visiting distant parts of the realm with King William. Thus he appears as witness to charters granted at Elgin³ and at Perth,⁴ the future home of his kinsmen. The names most frequently associated with his are those of Stewart, Lindsay, Hay, Colville, and Riddell, knights whose families are still well known, though seven centuries have come and gone since they were thus associated in the service of the Scottish kings.

David Olifard died about 1170, leaving a numerous family of sons, if we may judge from the frequency with which the name of Olifard appears in the charters of the period.⁵

¹ The duties of the *Justiciarius* at this early period are not well defined. Besides the holding of the ordinary justice-ayres in the different localities twice a year, he seems to have been called to preside at the great meetings of the provinces in which questions of right were tried and settled by the verdict of arbiters, or judges, appointed to hear the oaths of the compurgators. Such a meeting is recorded in the early part of the reign of King David. When Sir Robert Burgoin encroached upon the lands of Kirkinnis, held by the priory of St. Andrews, complaint was made to the King, whose messengers summoned the people of the province of Fife and Fotheriff for the trial of the cause. Earl Constantine at that time is said to have been *magnus iudex* in Scotia, and with him were chosen Maldonach Mac Machedah, "a good and discreet judge," and Dugal Mac Moccha, an aged and venerable man, as arbiters. Then Abbot Dubtach and five of his clergy testified, by an oath sworn on the altar, to the boundaries in dispute, and the priory was legally attested heir

to the Keledei of Kirkinnis. *Regist. Prior. Sancti Andree*, p. 117.

² *Regist. Dunferm.*, p. 34.

³ *Reg. Vetus de Aberbrothoc*, p. 25.

⁴ Raine's *North Durham, App.*, p. 9.

⁵ Chalmers says he left five sons, but owing to the want of any indications of the exact relationship of the various Olifards, who appear in the charters of the period, it is impossible to make a definite statement on the subject. Fortunately, we are left in no doubt as to his son and heir, since Walter Olifard is so styled in a charter to be subsequently referred to; and there is similar documentary evidence for the name of another son, David, who appears with "Walter his brother" in a charter of Walter Fitzalan to Paisley (*Regist. de Passelet*, pp. 22-24), and in the confirmation by Alexander II., of a charter by Roger de Quincey to the canons of Holyrood (*Lib. Ste. Crucis*, p. 50), and in the confirmation of Yeteham to Kelso (*Lib. de Calchou*, p. 196). William Olifard also witnesses charters to Coldingham along with his

Another Olifard, Osbert the Crusader, who was contemporary with David Olifard, and was probably his brother, had settled before this time at Arbuthnot, in the Mearns. He held the offices of sheriff and forester of the Mearns in the time of King William the Lion, and went subsequently to the Holy Land. This appears incidentally from the record of the Synod of the clergy of the Archdeaconry of St. Andrews held at Perth, on 11th April, 1206, which then had under its consideration a dispute between the Bishop of St. Andrews and Duncan de Aberbuthenoth concerning the Scoloc lands of Arbuthnot.¹ One of the witnesses in the cause was John de Hastings, who, being sworn, testified that in the time of Richard, Bishop of St. Andrews (1163-1178), Osbert Olifard, the sheriff and forester of the Mearns, held the Scoloc lands, called Kirktown of Arbuthnot. Another witness, Isaac de Banevin, also testified that in the time of Hugo, Bishop of St. Andrews (1178-1188), Osbert Olifard became a crusader and set out for Jerusalem, and that Osbert gave to him the lands that he had received from the king, and these lands he held for six years, partly in the time of Osbert, and partly in the time of Walter Olifard who succeeded him; and the said Walter subsequently gave the lands of Arbuthnot to Hugh of Swinton.² It seems from the statement of the last witness that Osbert Olifard never returned from the crusade, but was succeeded within a few years by his nephew Walter. It appears probable that he was the hero of the romantic story told by Boece and the Metrical Chronicle, in which they attribute the fall of Acre to a Scotsman named Oliver (as Olifer or Olifard was often written), who, being in the city, and, either from constraint or necessity, fighting on the side of the Saracens, recognized an old acquaintance among the besiegers, in the train of David Earl of Huntingdon, and after finding means to make himself known to his countrymen, agreed to open a postern gate to the Scots on the following night, so that the city was easily taken.³

brother David (Raine's North Durham, App., p. 13), and with A. Olifard, his brother, he is witness to a charter of William de Vallibus of half a merk annually from his mill of Haddington to the monastery of Arbroath, for the soul of his lord King William, of good memory (Regist. Vet. de Aberbrothoc, pp. 83, 202). There is a Philip Olifard who witnesses charters of the kings Malcolm and William to Dunfermline, and Fulco Olifard appears with Joceline, Bishop of Glasgow, as a witness to grants to Paisley.

¹ See an interesting notice of the obscure subjects of the character of the office of the Scolocs in the Scotican Church, and the peculiar tenure of the Scoloc lands, by the late Joseph Robertson, LL.D., in the Miscellany of the Spalding Club, vol. v., Appendix to the Preface, pp. 58-59, and

also at p. 210, where the decret of the synod of the clergy of the archdeaconry of St. Andrews is given at length.

² Chalmers states that Osbert Olifard left a daughter who was married to Hugh of Swinton, the progenitor of the Arbuthnots, and this would suggest that the lands were given as her dowry. *Caledonia*, p. 516.

³ Boece, who has a remarkable faculty of accounting for everything, states that "he was banist afore out of Scotland, and fled to the Sarayenis, and be lang conversatioun with thaim he had their perfite language, nane of thaim kuawing what he wes." Belleuden's Boece, Book 13, Cap. 7. *Metrical Chronicle* (Master of the Rolls Ed.), iii., 50.

WALTER OLIFARD "appears as the son and heir of David Olifard" in a charter to the church of Melros.¹ In the summer of 1174 King William of Scotland was taken prisoner at Alnwick by the English and sent to Falaise in Normandy. To that old castle, the birthplace of William the Conqueror, came Walter Olifard and twenty others of the noblemen of the realm, and there a treaty was concluded by which King William became the liegeman of King Henry, and delivered Olifard with other Scots² to be held as hostages until the castles of Roxburgh, Berwick, Jedburgh, Stirling, and Edinburgh, should be surrendered to the English king. The hostages had all, like their king, to become the liegemen of King Henry, to guarantee the same obedience on the part of their absent fellow-countrymen, and to forswear allegiance to King William should he prove false to the King of England. Before he was permitted to return to Scotland Olifard was obliged to give his eldest son as a hostage for his own fidelity.³ Some time previous to this he had married Christian, daughter of Ferchard Earl of Strathern, receiving with her the lands of Strageath,⁴ which were subsequently granted by his son Walter to her brother Gilbert, founder of the Abbey of Inchaffray. Walter Olifard is a witness to the first charter printed in the present volume, *circa* 1176. He is a witness to the charter by which King William grants all the lands in Inverleth, held by Reginald, gate-ward of Edinburgh Castle, to Ailif, the king's baker.⁵ He appears as Justiciary of Laudonia in the foundation charter of the abbey of St. Thomas of Aberbrothock,⁶ 1178, and in subsequent grants to the same monastery by King William the Lion. Among the witnesses to these grants⁷ along with Olifard are Earl Gilbert of Strathern, his brother-in-law, Walter de Berkley, William de Lindsay, and Nes son of William, all of whom were hostages with him at Falaise. He ranks next to the earls in the list of witnesses to King William's grant to Bishop Jocelyn, the builder of Glasgow Cathedral; and with Richard de Moreville the constable, and Robert de Quincey at Selkirk, he witnesses the grant by King William to the church of St. Kentigern, and to Bishop Jocelyn, of Gillemachoi de

¹ Liber de Melros (Bannatyne Club), vol. i., p. 161.

² Rymer, *Fœdera*, *sub anno*, 1174.

³ Besides Olifard, the hostages were David the king's brother, Earls Duncan, Waldeve, and Gilbert, and the Earl of Angus, Richard de Moreville the constable, Nes son of William, Richard Cumin, Walter Corbet, John de Vals, William de Lindsay, Philip de Coleville, Philip de Valuines, Robert Frembert, Robert de Burneville, Hugo Giffard, Hugo Ridel, Walter de Berkelai, William

de la Haie, and William de Mortimer. Most of them appear subsequently with Olifard as witnesses to the king's charters.

⁴ Drummond's Genealogy of the House of Drummond. It is there stated that Strageath was exchanged for other lands belonging to the Earl of Strathearn.

⁵ Regist. de Neubotle, p. 289.

⁶ Regist. Nigrum de Aberbrothock, pp. 535 and 540.

⁷ Regist. Vetus de Aberbrothock, pp. 10, 13.

Conglud "cum liberis suis, et tota ejus secta," like any other chattel.¹ He witnesses the foundation charter of the Abbey of Lindores, by David Earl of Huntingdon, before 1198. Along with Jocelyn Bishop of Glasgow, and David Earl of Huntingdon, at Lanark, he witnessed a charter of King William the Lion granting Wilton to the church of St. Mary of Melrose, and here, as Justiciarius, he ranks after the king's brother.² Walter Olifard still possessed lands in England, where other branches of the family continued to flourish, though none of them attained the distinction of the Scottish Olifards. In the Roll of Battle Abbey, bequeathed to us by Leland and Hollingshed, the name appears both as Olifard and Olifaunt. Though the Battle Abbey Roll may not be of much authority, it is established from another source that Walter Olifard held part of the lands of his fathers in England up to the year 1216. In that year King John of England and his foreign mercenaries made an inroad into Scotland, burnt Roxburgh and Berwick, and many neighbouring towns, and no doubt harried the lands of the Olifards in Roxburghshire. It would seem as if Walter Olifard had made himself specially obnoxious to the English king at this time, probably by distinguishing himself in the defence of the Borders, for we find that in 1216, the lands in Lideford, in Northamptonshire, which belonged to Walter Olifard, were bestowed by King John on Ralph de Troubleville, to be held during the king's pleasure.³ In 1220 Walter Olifard accompanied King Alexander II. to York, and is one of the witnesses to his betrothal to the sister of King Henry.⁴ In 1221 he is styled Justiciary of Laudonia, when, with thirteen others of the principal nobility of Scotland, he witnesses the grant of the queen's dowry.⁵ He seems to have died about 1222, at which time we find his son Walter holding the office of Justiciary of Lothian.

WALTER OLIFARD, junior, Justiciarius Laudonie, appears in the chartulary of Glasgow in a curious document,⁶ which, as Chalmers remarks, gives us a list of the following of this great officer of state. It is the settlement of a dispute between Walter Bishop of Glasgow, and Jordan of Currokes, concerning the lands of Stobo, and the witnesses are specified as follows:—"David Olifard, Robert de Park, and Robert de Malevyn, our knights, David our clerk, Osbert the Great, Osbert the Scot, and Walter the baker, our servitors." This settlement, effected by the king's Justiciary, was acquiesced in by the church, and confirmed by the Bishop of St. Andrews at Musselburgh, on 21st May, 1223, the Abbots of Neubotle and Holyrood, and Walter Olifard, the Justiciary of our lord the king, being witnesses. He

¹ Regist. Episc. Glasg. (Maitland Club), pp. 29, 32, and 33. See a notice of the import of the terms "bondi, nativi, et eorum sequele," &c., by Dr. Joseph Robertson, in Lord Lindsay's "Lives of the Lindsays," vol. i., p. 425.

² Liber de Melros, i., p. 157.

³ Rot. Lit. Claus., i., p. 286.

⁴ Rymer, Foedera, i., p. 241.

⁵ Ibid., p. 252.

⁶ Regist. Episc. Glasg., i., 108.

appears again accompanied by his clerk David *in curia Regis* at Roxburgh, in 1231.¹ In a charter by Vinian de Mulyns we have another glimpse of him and his clerk David measuring the lands which were the subject of the donation. By this deed Vinian de Mulyns grants to the brethren of the Holy Trinity, of Soltre, half a ploughland of Saltoun "as it was measured to me by Sir Walter Olifard, Justiciary of Laudonia, by command of our lord the king of Scotland."² In 1225, at Cadzow, he witnesses a deed of resignation, by Alexander II., in favour of Walter Bishop of Glasgow, of whatever rights the king had in Gillemill, son of Bowein, and Gillemor his son, and Buet, and Gillys, son of Eldred, whom Adam, the son of Gilbert, had made over to the said bishop and his successors in office.³ He is styled the king's justiciar in a charter by John de Normanville, granting certain portions of the lands of Maxton to the church of Melrose, and in its confirmation by Alexander II., in 1226, he is styled Justiciarius Laudonie.⁴ In 1228 William Cumyn, of Buchan, Justiciarius Scocie, and Walter Olifard, Justiciarius Laudonie, are among the witnesses to a charter by Alexander II. to Harold Bishop of Argyle.⁵ He appears as Justiciarius in 1229 in a charter by the king granting the lands of Dunscore to the monks of Melrose.⁶ In 1230 he is present as Justiciarius Laudonie at the King's Council at Stirling.⁷ He appears in 1231 as a witness to the foundation charter of the Abbey of Balmurinach;⁸ in 1234 in a grant of the lands of Dalnottar by the king to Hugh, son of Simon; and in 1236 as a witness to the settlement between the monks of Melrose and Roger Avenel, concerning the lands of Eskdale.⁹ In 1236 Walter Fitzalan, Seneschal and Justiciarius Scocie, and Walter Olifard, Justiciarius Laudonie, are witnesses to a charter by the king of the lands of Thulychen and Rothevan to the Bishop of Moray, "saving the right of Gyllecris Gartenach, the hermit, to his life tenure of the lands of Rothuan."¹⁰ In 1237 the King of England writes to "Walter Olifard, Justiciary of Loeneys," and three other Scottish noblemen, who were to have met Simon de Montfort at Doncaster, and to have signed an agreement of peace between the two countries.

It was probably this Walter Olifard who confirmed the grant by Claribald de Esseby, of two fishings on Tweed, to the church of Coldingham, which he had formerly given to Claribald and his heirs for his homage and service:—

¹ Acts of the Parliaments of Scotland, i., 408.

² Regist. Domus de Soltre, pp. 11, 27.

³ Hamilton's Sheriffdom of Lanark and Renfrew (Maitland Club), p. 163.

⁴ Liber de Melros, i., p. 220.

⁵ Regist. Epis. Morav., p. 25.

⁶ Liber de Melros, i., p. 184.

⁷ Acts of the Parliaments of Scotland, i., p. 399.

⁸ Illustrations of Scottish History (Maitland Club), p. 23.

⁹ Liber de Melros, p. 181.

¹⁰ Regist. Epis. Morav., p. 32.

“Omnibus Christi fidelibus ad quos presens scriptum pervenerit Walterus Olifard salutem in Domino: Noverit universitas vestra me confirmasse Deo et Sancto Chudberto et Saucte Ebbe et monachis Dunelmensibus apud Coldingham Deo servientibus donacionem illam quam Clarebaldus de Esseby fecit Deo et Sancto Chudberto et Saucte Ebbe et mouachis de Coldingham ibidem Deo servientibus de duabus piscariis super Twedam scilicet de una piscaria sub Gardino de Fissewick et alia apud Schipeswel sicut continetur in carta quam dictus Clarebaldus dedit dictis monachis de dictis piscariis quas ego dedi et concessi et carta mea confirmavi dicto Clarebaldo et heredibus suis pro homagio et servicio suo Et in hujus confirmacionis testimonium presenti scripto sigillum meum apposui.”¹

In 1241 King Alexander confirmed the grant of the whole lands of the town and mill of Bothwell, which Walter Olifard, Justiciary of Laudonia, had given to God and to the chapel of the blessed virgin St. Catherine, situated at Osberniston and to the chaplains there serving God, to celebrate divine service there for ever, for the souls of himself and Isabella his former wife. This gift became the subject of contention in the reign of Alexander III., between Walter de Moravia, into whose hands the lands had then passed, and the Bishop of Glasgow and chaplains of Osberniston, but the dispute was settled by his agreeing to hold the town of Osberniston of the Church, under burden of the maintenance of two chaplains, one of whom should sing masses for the souls of Sir Walter and Sir David Olifard in Osberniston, and the other in the Cathedral Church of Glasgow.² The David Olifard here mentioned is probably the first of the name, and the “David Olifard, our knight,” may have been a son of David, the brother of the first Walter, who witnesses the foundation charter of Paisley in 1164. He seems to be the David Olifard who, with his wife Johanna, resigns the mill of Calder, and a toft near the church of Calder, lying between the church and the river, which Walter, Bishop of Glasgow (1208-1232), gave him for life at the instance and petition of our lord the King Alexander, and Robert de Brus, and Walter the Steward, and other good men.

Walter Olifard, the third Justiciary of Lothian, and second of the name, died in 1242. His death is recorded in the Chronicle of Melrose under that year, and it is added, that he was honourably interred in the chapter-house of that monastery. He held the office of Justiciary of Laudonia (or the country south of the Forth) for the long period of twenty years. Few families have held that high office for such lengthened periods as it was held in succession by the Olifards. The Cumyns were employed from generation to generation as the Justiciaries of Scotia (or the country north of the Forth), as the Olifards were in Laudonia. Probably none of the men of mark about the Scottish court exerted a more powerful influence than the holders of these high offices, and it must have been largely due to them that Scot-

¹ Raine's North Durham, App., p. 37.

² Regist. Episc. Glasg., pp. 148, 163.

land made greater progress under the sway of her two royal Alexanders than at any time down to the Union.¹ The task of reducing to order and keeping in harmony the discordant elements of which the kingdom was composed in these times of transition could not have been an easy one. The "French, English, Scots, and Gallowegians," as the earlier charters describe the "men of the whole land," were being gradually welded into a compact and homogeneous society, rendered interdependent in all its gradations by the system of feudalism now established.

An English "maker" gives us the notion then current of the condition and character of the Scottish lowlanders in the district entrusted to the Olifards. Scotland and Galloway, he says, are a wilderness and grisly waste; the men are wild, and "hane nother grithe ne sibbe;" they eat nnsodden flesh like wolves; they have no wine nor beer, but live like wild beasts; they go clad in rough skins as if they "came out of hell." A good teacher, he thinks (though some such had gone thither from Rome), would be wasted upon them:—

" He mighte bet sitte stille,
For al his wile he sholde spille;
He mighte bet teche ane bore
To weye bothe sheld and spere."²

In the Chronicle of Melrose we get a glimpse of the wild work that now and then went on among these "wild men." In 1234 the Gallowegians devastated with fire and sword some of the royal lands contiguous to themselves, and to punish them for this the king led an army into Galloway, and after defeating the rebels with great slaughter, compelled the survivors to seek his mercy with ropes round their necks. A body of Irishmen who had assisted the rebels fled towards Glasgow, but the citizens "nnanimously sallied forth and cut off the heads of as many as they could lay hands upon." Two of the leaders were taken alive, and were afterwards torn to pieces by horses at Edinburgh.³ This is not the only instance of this dreadful punishment being inflicted in these times.

Thus we find in the reign of Alexander II. the principal branch of the Olifards holding lands on the Tweed and the Clyde, and established in Perthshire through its connection by marriage with the old Celtic Earldom of Strathearn. The Ruthvens, the Grahams, and the Murrays, who came into the district after the time of the first Walter Olifard, also owed their establishment in Strathearn to their intermarriage with various daughters of the old Earls. The Drummonds, the fifth great family of Strathearn in modern times, came last of all. It is a singular fact that the Olifards never climbed so high as in the first

¹ Regist. de Aberbrothoc, Preface, p. xxix.

p. 35. This was written about 1240.

² The Owl and the Nightingale (Percy Society),

³ Chron. de Melros, p. 147.

century of their settlement in Scotland. In this their history differs from that of all other long-lived Scottish houses, if we except the three that afterwards wore the crown.

After the death of the second Walter, the Justiciary of Lothian, it is difficult to trace the history of the Olifards for a period of more than fifty years.

WILLIAM OLIFARD, knight, appears on record in 1230. In that year the Earl of Athole confirms a grant by William Olifard, his knight, of the lands of Invervac to the abbey of Cupar.¹ In 1240 William Olifard, knight,² appends his seal to a resignation of lands in Perth in favour of the abbot and convent of Scone.³ In 1246 he witnesses a charter of confirmation granted at Forfar, by Alexander II., of lands in the parish of Conveth (now Laurencekirk), by Adam abbot of Aberbrothock,⁴ and a charter of confirmation of the gift of the mill of Stanchouse, by Adam de Morham, to the monks of Neubotle.⁵ In 1247, at Cupar, he witnesses a charter by Alexander II. granting ten marks annually at Pentecost, from the king's ferm of Monifieth, for lights and wax to the church,⁶ and a charter granted at Musselburgh by the king to Robert de Walnchop.⁷ In the same year he is styled Justiciarius Laudonie in a charter by the king to the abbot and convent of Lindores.⁸ In 1248 he witnesses a charter granted by the king at Berwick, confirming the settlement of a dispute between Patrick Earl of Dunbar, and the abbot and convent of Melrose, concerning the lands of Halsinton.⁹ About 1260 he is witness, in company with some of the Cumyns, to a charter of lands in Glenalmond, granted by Malise Earl of Strathern.¹⁰

PHILIP OLIFARD, knight, perhaps a son of William, witnesses on the same day, in 1278, two grants of John Cumyn, at Gasknes, near Perth. By one of these, Cumyn gives to the monks of Inchaffray a right of way to Perth through the Black Ford, which in Scottish is called Achbethy, in his wood of Rosmaddiryn, and allows them to build a bridge. By the second grant he bestows on the abbey Gilchrist Roch, son of Gillethteny, "cum omni sequela sua ab ipso progressa, et in perpetuum progressa."¹¹

¹ Printed in the present volume, p. 2.

² It is just possible that the wife of this William Olifard may have been the Dervorgulla Olyfart who, in the year 1289, was suing Dervorgulla de Balliol (the foundress of Balliol College, Oxford) before King Edward's justices, at Westminster, for restitution of her rents, which had been unjustly seized and detained by her namesake in Yorkshire. It may be that the two ladies were cousins, and both scions of the great House of Galloway, which had become extinct in the male line in 1234. (Stevenson's Documents Illustrative

of the History of Scotland, i., p. 93.)

³ Liber de Seon, p. 61.

⁴ Fraser, History of the Carnegies, vol. ii., p. 478.

⁵ Regist. de Neubotle, p. 175.

⁶ Reg. Vet. de Aberbrothoc, p. 102.

⁷ Archæologia Scotica, i., 366.

⁸ Reg. Mag. Sigilli, p. 36. Robertson's Index, p. 76.

⁹ Liber de Melros, i., p. 214.

¹⁰ Red Book of Grandtully, i., p. 125.

¹¹ Liber Iusule Missarum (Bannatyne Club), pp. 35, 56.

WILLIAM OLIFARD, who was destined to force his name upon the attention of all the English chroniclers of his day, appears first as a witness to the charter by John, Earl of Athole, granting Weem and Abyrfeally-beg to Alexander de Meyners, before 1296.¹ No Olifards appear to have been in Strathearn in 1291, when Edward I. came to Perth and received the oaths of the burgesses and landed men of the shire in the cemetery of the Black Friars, or they could hardly have escaped swearing fealty to the English usurper, as was done by the Earl of Strathearn, and by the Grathams, Murrays, and Ruthvens of the neighbourhood.² Five years later the Scots were making ready for their long struggle with the King of England. Berwick was sacked, and at the battle of Dunbar, according to Bartholomew de Cotton, ten thousand of the Scots were slain; and three earls, thirty-six knights, and a hundred squires were taken and consigned to English prisons. William Olifard was among those who were thus dragged across the Border, mounted on jades two and two, or bundled into carts with their feet fettered.³ Thus it happens that the Oliphants⁴ enjoy the distinction (rare in Scotland) of being unrepresented in the Ragman Roll.⁵

Olifard lay in prison till 8th September, 1297. On 28th August there is an order for his liberation from the castle of Devizes on the surety of the Earl of Athole and others. Edmund de Ramsaye, William de la Hay, and Walter de Berkeley, prisoners in the same castle, were liberated at the same time. On 12th September there is an order that their lands should be restored to them. The Scottish prisoners generally received their liberty on condition of serving in Edward's army beyond the seas. Olifard thus followed Edward to Flanders in the most inglorious of his many campaigns, with Edward Comyn, Simon Fraser, and Gilbert, son of the Earl of Strathern. We find him waiting for six days at Sandwith previous to embarkation, along with Edmund de Ramsaye, where they were allowed twelve pence a day for their expenses, and each of their squires sixpence per day.⁶

The Earl of Athole, with whom Sir William Olifard had gone to Flanders, left

¹ Sixth Report of Historical MSS. Commission, p. 690.

² Ragman Roll (Bannatyne Club), p. 17.

³ "Par deus et deus ensemble en hakeuay mountez,
Les uns en charettes, enfergez les pez,
En tel plait de karole leur jeu est terminez."
Pierre de Langtoft.

⁴ It seems that there were two men of the name of William Olifard in English prisons at this time, one a knight and the other a squire. A month before the liberation of William Olifard, the knight, from Devizes Castle, a mandate was issued for the liberation of William Olifard, a squire,

from Rochester Castle, on the surety of Richard Siward, who engaged "that the said prisoner should follow the said Richard across the sea with horses and arms, and would serve the king well and faithfully." (Rot. Scotiæ, i., pp. 45-49.)

⁵ All who are familiar with the works of Sir Walter Scott will remember the scene in which the Antiquary and Sir Arthur Wardour discuss the ill-omened parchment. We may say of any Scottish knight of 1296, who did *not* sign the Ragman Roll, "ma foi, il est bien distingué."

⁶ Stevenson, Documents Illustrative of Scottish History, ii., pp. 133-140.

Edward on his embarkation at Hardenburgh, in Flanders, for England, and went with other Scottish barons to the court of Philip of France, where they prevailed on him to stipulate for the liberation of all the Scottish prisoners, and the extension of the truce to Scotland, but the treaty was not concluded, and the Scots were at last thrown over by the wily Philip. Defeated at Falkirk, and deserted by the nobles whose aid was most necessary to the success of his efforts for the emancipation of Scotland, Wallace had resigned the governorship. John Comyn and John de Soulis were appointed Regents, and in the winter of 1299, after a long investment, the English garrison was starved out of Stirling Castle. This important fortress was immediately garrisoned by the Scots, and committed to the care of Sir William Olifard.

Olifard is called by the English chroniclers of his day "a doughty knight, one among a thousand."¹ His garrison numbered no more than 140 men. Among them were his cousin Sir William, the knight of Dupplin, close to Aberdalgie, and Hugh and Walter Olyfard. In 1303 King Edward, bent on smiting quickly and smiting hard, led his host to the conquest of Scotland. Leaving Stirling behind him he pushed on into Moray, devastating the country, and striking such awe into its defenders that the boldest succumbed to his superior power. Comyn and Fraser yielded, Soulis fled to France, even Wallace himself sued for terms.² Scotland's sole hope was centred in Stirling and Olifard. Edward set himself to his one remaining task in grim earnest. The siege began on the 22nd April, 1304. When summoned to surrender the castle, Olifard replied, that as he had received the guardianship of the fortress from Sir John de Soulis, as governor of Scotland, he could not surrender it to Edward without forfeiting his oaths and his honour as a knight, and he therefore asked for time to communicate with his master, who was then in France. Although this proposal was quite in keeping with the spirit of the age, and Edward, who loved chivalry, might in other circumstances have agreed to it, his anger was fully roused, and he resolved to subdue the castle at once, sending word to Olifard that he would consent to no delay, and that if he resolved to defend the castle it would be at his peril. Thirteen of those great and cumbrous engines that were used in the middle ages to batter down the walls of beleaguered fortresses were speedily set up. The lead was stripped from the refectory of St. Andrews to supply them with materials. The besieged on their part were not idle, and by the effective manner in which their engines were served, and their frequent sallies, they inflicted great loss upon the besiegers. Even the king himself was

¹ Mat. de Westminster, p. 440. Trivet also mentions him as "Militem admodum strenuum et

cordatum."

² Langtoft's Chronicle, vol. ii., p. 356.

more than once in personal jeopardy through the dexterity of the Scottish marksmen. Once when riding so close to the castle that he could distinguish the soldiers who worked the *balista*, he was struck by a bolt which lodged between the plates of his armour. Drawing it out and turning towards the castle he cried with a loud voice that he would yet hang the traitor who had sped that bolt.¹ On another occasion he was saved from being crushed by a great stone by the sagacity of his horse, which on this account was likened to Balaam's ass by the monkish chroniclers. Even the common soldiery expostulated against this reckless exposure of his person, by reminding him of the doom of Abimelech, and sought to save him from further danger by leading his horse down the hill. For fully a month the engines were plied in vain against the castle walls, and Edward was fain to write to the Sheriffs of York, Lincoln, and London, for all the *balista*, quarrels, and bows and arrows which they could collect. In addition to this he caused his engineers to construct two engines of enormous calibre, capable of throwing stones and leaden balls of three hundred pounds weight. These were named respectively the Ram and the War Wolf. The first was too complicated to work well, but the second did great execution. Yet it was not till after a siege of nearly three months that the garrison ceased to act like mad dogs, as Edward had called them. By this time the walls were breached, their provisions had failed, and they themselves were feeble and worn out by fatigue and exhaustion. Thirteen ladies, wives or sisters of the defenders, shared their privations within the walls, and their distress and misery had now become extreme. On the 13th of July, therefore, Olifard met with two English envoys in one of the valleys that slope down from the high road leading up from Stirling to the castle, and stipulating only that they should be brought into the king's presence, accepted the only terms that the enraged monarch would grant—an unconditional surrender. Accordingly, the keys of the castle were first thrown over the wall and handed to the Vice-Constable of England, and then an inglorious procession filed singly through the castle gate and passed among the throng of exulting soldiery, straight to the victor's tent, where the knights and barons were already assembled to witness the last act of the drama. Ungirt and stripped to their shirts "like thieves," barefooted, bareheaded, and with dust upon their heads, with ropes round their necks, and bearing the ends of their ropes in their hands, Sir William Olifard and his luckless band of twenty-five knights and gentlemen approached in single file and rendered themselves to the king's mercy. "Speak not of my mercy," said the haughty conqueror, "of which ye are unworthy,

¹ Rishanger, *Annales Regni Scotiæ*, p. 223.

but speak only of my will." "We render us to thy will." "And my will is to tear you limb from limb and hang you; if ye like not that, get you back into the castle." Then Olifard, prone on the earth, presented another petition for himself and his comrades, whereupon the king turning to "the other parricides" fiercely demanded "And what do you ask?" With one accord they cried, "We are worthy of death, but take us to thy will." Then the king was moved, and turning away for a little space he at length gave orders that they should be imprisoned singly in different castles in England, but without the indignity of chains.

Fordun and Wyntoun, writing long after the events, accuse Edward of treachery to the garrison, and even Tytler seems to misunderstand the nature of the agreement made by the Earl of Lincoln with Olifard,¹ which simply implied that the besieged should be brought personally into the presence of the king. The humiliating pageant that followed the surrender was nothing but what was customary when a town or a fortress was starved out. The surrender of Calais to Edward III. will readily occur as a parallel instance, and another of the best known cases of the kind is the surrender of Faenza to the Emperor Frederick II., in 1241, of whom it is also said by the chronicler, Fra Salimbene, that he kept not his compact with the garrison.

King Edward had seen much hard fighting at home and abroad, but he never encountered a stouter resistance than at Stirling Castle. He marked his sense of the achievement accomplished in its capture by calling together the principal men of his army, on the day after the surrender, and requesting them to take council as to the meed they should ask at his hands. They met thrice but could not agree. On the 8th of August we learn that he rewarded "les bones gentz d'Irland," who had served under his banner all through the winter.²

The noble ladies and knights of England must often have listened to Olifard's exploits, as narrated in the fashionable dialect of the day by Pierre de Langtoft:—

"Chevalers ij avaint le chastel a garder,
Sire William Olifarde estait ly primer,
Sire William de Dypplyn ly altre oy nomer,
Et xx gentilshoms, saunz pages et porter,
Un frere Jacobyn, un moygne conseyllere,
Et xiiij gentils femmes of lour lavender.
Noun pluz des personnes i fount à noumbre.

¹ There is no doubt that Olifard must have had special reasons for thus insisting on being brought into the presence of the king. In our own days, a Hungarian or a Pole who had held out singly for three months, after all

the rest of his countrymen had yielded, could scarcely have hoped for such a mild adjudication on his case, or less humiliating treatment.

² Palgrave's *Illustrations of Scottish History*, pp. 267, 274, 276.

* * * * *

Entre ses aferes ly reys fet carpenter
 Une engine horrible, et Ludgar apeler,
 Et cel a son hurtir crevañt le mur enter,
 Tres mays et viij jours, en journez acounter,
 Dura la tempest, dure fu l'endurer
 A chaytifs dedeynce, ke n'avaint à manger.

* * * * *

Le chastel fu rendu au rey à soen voler,
 Issi ke cels dedeynz, chevaler, esquier,
 Et tretut li altre, saunz covenauñt tayller,
 Se mistrent en sa grace pitousement de quoer,
 Le chastel est seysi." ¹ * * *

For four years after his capture, Olifard lingered a prisoner in the Tower of London.² Startling changes had taken place in this interval. Bruce had slain his rival the Comyn, and now stood forth as the champion of Scotland. Edward I. was dead, and his successor had not been long upon the throne when he set Olifard free. On the 24th of May, 1308, the royal order was brought to the Tower by Hugh le Despenser, after four English knights had stood sureties for the future loyalty of the Scotsman, "body for body."³ The new king calls the doughty constable of Stirling "our beloved and faithful William Olifard."

It is well known that in these unsettled times the Scottish nobles, from Bruce and Douglas downwards, shifted sides in the struggle between England and Scotland in a way that is to us very wonderful, and altogether inexplicable.⁴ Even with this fact before our eyes, it is difficult to believe that the Constable of Stirling in 1304, and the Warden of Perth in 1311, were one and the same person. Yet there is no doubt that it was this William Olifard who held Perth for Edward II. for more than three years. On his way to Scotland he came to Lincoln, and by the king's permission took out of prison four Scotsmen who had served under him in Stirling Castle, viz., John de Coulgask, Patrick de Polworth, Thomas de Lillay, and Thomas de Clenuil, who were to go with him on the king's service into Scotland.⁵

¹ Pierre de Langtoft's Chronicle (Master of the Rolls' Series), ii., p. 356. Thirty years later these lines of Langtoft were turned into English by Robert de Broune, and thus the common folk might hear of the leaguer of Estrivelyn, and how "Two knyghts wretherin, the castell had in warde, Sir William of Depplyn, Sir William Olifarde, And tñentie of honour without page and portere, And a frere prechoure, a monke the counsellere."

² The Sheriff of London paid to the Constable of the Tower £6 ls. 4d. for the maintenance of

William Olyfar, knight, a prisoner in the Tower, for one year reckoned from the 29th of September, 1304. (Stevenson's Documents Illustrative of the History of Scotland, vol. ii., p. 485.)

³ Rymer, Fœdera, iii., p. 82.

⁴ Wallace is, however, a notable exception to this prevailing inconsistency of conduct.

⁵ Rotuli Scotiæ, i., p. 61. Compare with the list of those taken at Stirling, in Rymer's Fœdera. Coulgask is now Cowgask.

Several of the letters addressed by the king to his deputy in Perth are extant, in which he is praised for his loyalty, and requested to send the king the news from Perthshire. Ships from Yarmouth laden with provisions, and soldiers, money, and supplies, are continually promised him down to the month of October, 1311.¹ But before this year was out Bruce had beleaguered the town. It was then a place of great strength, being fortified by a high wall, defended at intervals by strong towers, and surrounded by a wide and deep moat.² Failing in his attempt to reduce it after a siege of six weeks, Bruce had recourse to stratagem. He raised the siege, led his army to a considerable distance, and lay quiet for eight days. The garrison thus lulled into a fancied security, were suddenly surprised by an attack made in the darkness of a winter's night, Bruce himself leading the way across the moat up to the throat in water, with a scaling ladder on his shoulder, and feeling his way with a spear. Olifard was taken, and though the rest of the principal men of the Scottish party who had held the town were put to death, he was spared and sent in banishment to the Western Isles.³

A powerful motive for Olifard's conduct at this crisis in his country's history, may be suggested in the fact already made clear, that he and his Perthshire kinsfolk were closely linked with the Comyns, and that his wrath would naturally blaze high when, in the seclusion of his long imprisonment, he heard of the slaughter of his friend. From this and other feelings he may have regarded Bruce's claim to the Scottish throne with as much scorn as the Oliphants of the eighteenth century regarded the claims of the House of Brunswick. If he thus clave to the wrong side, it may have been not that he loved his country less, but that he hated Bruce's faction more. We may also fancy that after the capture of Perth, Bruce shrank from inflicting on the Constable of Perth the doom meted out to the other Scotsmen, as traitors and rebels, because he may have remembered that at the time when he himself was fighting on the English side, Olifard was starving within the walls of Stirling Castle, the one remaining bulwark of Scotland.

From the time of his banishment to the Isles, till after the crowning victory of 1314, we lose sight of the doughty Constable of Stirling entirely. We may imagine,

¹ *Rotuli Scotiæ*, i., pp. 78-105.

² Barbour tells how the Bruce—

“Till Perth is went with all his rout,
And umbesett the town about,
And till it a siege has sett,
But quhill it mycht haiff men and met,
It mycht nocht but gret payne be tane,
For all the wall wes then of stane,
And wucht touris and hey standaud.

And that tyme wer therin dwelland

Moffat and als Olyfard;

Thai twa the town had all in ward.”

Barbour's Bruce, Buke Sext.

³ “Sir William Olifard, a Scot, who had long held that town for the King of England, was bound and sent to the Isles.” *Chron. de Lanercost* (Maitland Club), p. 222.

however, that when Bruce was drawing round him the long scattered remnants of the Scottish chivalry for the decisive struggle of the War of Independence, the old "hero of the Rock" would not be absent.¹ After King Robert had established himself on the throne of an independent kingdom, he rewarded his chief supporters with grants of lands. Accordingly, we find that by a charter given at Newbotyll, on the 26th December, 1317, he grants to William Olifaunt, knight, the lands of Newtyle and Kynprony, in Forfarshire, to be held in free barony, with all the liege and native men of the said lands, for the performing of the fourth part of a knight's service in the king's army.² By another charter, King Robert gives to William Olifaunt, "our beloved and faithful knight, our whole lands of Muirhouse, in the shire of Edinburgh, with their pertinents," in excambion for a certain piece of land "which John de Balliol took within the enclosure of the park of Kincardine, in the Mearns, and which land we desire to retain in the said park."³ These lands lying close to Kincardine Castle, an old residence of the Scottish kings, were doubtless part of the possessions of Osbert the Crusader, in the 12th century, which, as we saw by the evidence led before the Synod, held at Perth in 1206, had passed to Walter Olifard. Balliol apparently had acted the part of Ahab to Naboth in the matter of the lands adjoining the royal park, and Bruce made restitution by giving Muirhouse in exchange, as he "desired to retain the said lands in the said park." Still later, by a charter dated at Scone, 20th March, 1326, King Robert granted the lands of Ochtertyre (which had belonged to John Comyn) on the resignation of Niel of Carrick, to Sir William Oliphant, knight, for the service of three archers in the king's army and Scottish service, use and wont.⁴ He also received a grant of the lands of Gasknes, which formerly belonged to Comyn.⁵

Sir William Olifaunt was present at the great parliament held at Aberbrothock in April, 1320, and his seal is attached to the remonstrance then addressed to the Pope,⁶ the noblest state paper ever framed. After setting forth the ancient inde-

¹ In the year that followed Bannockburn, we find William Olifaunt witnessing a charter of King Robert to Sir Andrew Gray.

² A notarial copy of this charter was made at the instance of Sir John Olyfaunt, knight, Lord of Aberdalgy, on 2nd October, 1438, in the house of the Carmelite Brethren of Tullylum, near Perth, in the presence of Lawrence Pentland the prior, and others. The charter and the copy are both among the writs belonging to Lord Wharnccliffe. It is printed in the Appendix to the present volume by Lord Wharnccliffe's permission.

³ Regist. Magni Sigilli, p. 12.

⁴ The service of three archers was commuted by King David II. into a reddendum of "three broad arrows," in 1364. The charter is printed in the Appendix to the present volume.

⁵ Robertson's Index, pp. 18, 26.

⁶ Among the signatures are also those of the Earl of Strathearn and his neighbours William de Aberuethy, William de Montefixo, Alan de Moravia, and three of the De Grahams. Strathearn thus furnished fully its share to the common cause. All the Scottish barons signing it have the prefix *de*, except Olifaunt, Fraser, Cambel, and Cambrum.

pendence of the Scottish nation, under a long line of a hundred and thirteen kings, and reciting the cruelties of Edward the First, the document goes on to say:—
 “From these countless evils we have been freed by the most valiant Prince, the



Seals of Sir William Oliphant and Malise, Earl of Strathearn, attached to the letter to the Pope.

Lord Robert, our king and lord, who has cheerfully borne toil and weariness, hunger and danger, like a second Maccabeus or Joshua, striving to deliver his people. Him we have made our king, and to him we are resolved to cleave. But were he to bow to England we should expel him and give the kingdom to another; for so long as an hundred of us remain alive, we shall spurn the English yoke. It is not for fame, riches, or honours that we fight, but for liberty, which no honest man will lose but with his life. Wherefore, we beseech your Holiness, to remember that with God, there is no respect of persons—Jew or Greek, Scottish man or English man. Deign, therefore, to bid the English king be content with England, which was once enough for seven kings and more, and bid him leave us quiet in our little Scotland, for should your Holiness, by your favour, encourage the English, the loss of bodies and souls that must follow will be laid to your charge by the Most High.”¹

It is related of a schoolmaster, strongly imbued with the “*perfervidum ingenium Scotorum*,” that he used to set the text of this document as a Latin exercise for his boys, holding that its sound patriotism more than compensated for the defects of its Latinity. What an interest would have been lent to it had we possessed its double, done in the vigorous vernacular of the period, the rich and racy dialect of which Barbour some years after was such a master! We have no specimen of the mother tongue of these sturdy Scots who met at Arbroath, but there is no question

¹ A *facsimile* of this document is given in the National Manuscripts of Scotland, part ii., No. 24.

that the French spoken generally by the upper classes in England, and to a large extent introduced into Scotland by the preponderance of the Anglo-Norman element at the Scottish court in the previous centuries, had given way much sooner in Scotland than in England. There was nothing in Scotland, for instance, answering to the French poem on the conquerors of Caerlaverock, the French documents drawn up by Edward after the siege of Stirling Castle, or the French rhymes in which Pierre de Langtoft sang the achievements of his great king. The northern form of English, as spoken beyond the Humber, had long been gaining ground, and one can fancy that the Arbroath patriots were not unable to appreciate "Sir Tristrem" (as it was first given to the world), and the "Cursor Mundi." And if we picture King Robert riding over from Perth to visit the veteran warrior of Aberdalgie, perhaps to discuss the betrothal of his daughter Elizabeth to the son and heir of the house of Oliphant, we may take the following as a not unlikely rendering of the incident in the common language of their day:—

"Seriantes of mace went him before,
Right at the dore than down he lyght,
And went into the hous ful right.
The godeman welkumed fayre the king.

* * * *

The whife him welkumed als ful rath,
The king thanked blithely them bath;
The kyngs dener wele wes grayd;
Thai set trestes and bordes on layd,
Thai spred clathes and salt on set,
And made redy unto the mete:
Thai set forth water and towell;
Herkens now, how it befell;
In a gude kape the king gan stand,
Als custume was than in that land.

"Whan thai gaf water unto the king,
The fader saw the sleve down hing;
He stirt therto and held it up,
For water sold noght tharon drap,
The godewife gan before him stand
With a towayl to wipe his hand;
She honord him at al hir might.

* * *

The kyng kissed tham both in fere
And said 'Bese meri, and mase gude chere,
For ye sal be in joy and blis

And nonekins myrthes sal ye mys.⁷
 The kyng gaf sone into their handes,
 New tenements and riche landes,
 And gold and sylver grete plente."¹

"New tenements and rich lands," as we have seen, had been falling to the lot of the old warrior of Aberdalgie, and more were to follow on the marriage of his son Walter with the king's daughter, Elizabeth.

Sir William Olyfant was present at the parliament held at Holyrood, on the 8th of March, 1326.² We find him witnessing a charter by Malise Earl of Strathearn, along with his neighbours Walter de Rothewan, Malcolm de Dromonde, and John de Moravia.³ We find him present also at the granting of Abercainey to Malise's son-in-law.⁴ In 1328 he makes a payment to the Sheriff of Perth for lands which he held in Glenlyon, of which the tenth penny had been granted to the crown.⁵ He acted as "Escaetor Domini Regis," and rendered an account of his receipts at Newbotle on 16th January, 1329.⁶ The year thus noted was fatal both to him and to his royal master. After an unusually eventful life he died full of age and honours, and was borne to his last resting-place in the kirk of Aberdalgie. His tomb, says Martin, in his *Genealogical Collections*, has a very large black marble stone covering it, which is finely carved, and has the figure of a man in armour engraved upon it at full length. The coat of arms of the House of Oliphant, and these letters in Saxon characters, are yet legible⁷:—

Dominus Willielmus Olifaunt Dominus de Aberdalgie qui obiit quinto die
 mensis Februarii anno Domini Mill. CCC Vicesimo nono.

¹ Weber's *Metrical Romances*, iii., p. 148.

² Robertson's *Index*, p. 28.

³ *Liber Insule Missarum*, xl.

⁴ *Ibid.*, xlii.

⁵ *Compota Camerarii Scotiæ*, i., p. 9.

⁶ *Ibid.*, i., pp. 145, 166.

⁷ The copy of the inscription here given is from

a Gask manuscript of 1719. The letters are now much defaced, but the three crescents of the Oliphants may still be traced on the knight's shield. The old Kirk of Aberdalgie has been pulled down, and the tombstone of the old warrior now lies in the open air. In 1780 a stone covering was erected over it by Laurence Oliphant of Gask.

II.—THE OLIFAUNTS, 1329-1445.

The gradual softening of the name Olifard first into Holifarth and Olifarth, then into Olifart or Olyfart, and lastly into Olyfant or Olyfaunt, has been perceptible as we have traced the history of the family from the time of King David to that of King Robert the Bruce. These variations are doubtless due, in some instances at least, to the capricious orthography of the charter scribes, but there is no doubt that, on the whole, the records faithfully represent the change that actually took place. This change was doubtless facilitated, if not actually suggested, by the growing popularity of the word Olifaunt, as the name of the "huge earth-shaking beast," of which the Crusaders brought home such marvellous stories. The Italian chroniclers deemed the advent of the elephant of the Emperor Frederick II. worthy of special record. Matthew Paris tells the story of the arrival of one sent as a present to Henry III. by St. Louis, and its portrait drawn by an artist of the day is still extant. The populace became still more familiar with the name when the Romance of Alexander the Great was translated from French into English during the time of King Robert the Bruce:—

"That ypotame a wonder beast is
 More than an Olifaunt I wis
 * * * *
 Hit is more than an Olifaunt
 In wilde wode is his haunt
 * * * *
 Twelf fote is he long
 And so Olifant he is strong.¹"

Accordingly we find that two elephants have always been the supporters of the arms of the house of Oliphant, and on this account Nisbet brackets their heraldic insignia with those of the Orsini of Rome (whose bears live in Dante's verse), and with those of the Princes of Monaco, who have monks for their supporters.

¹ Ylp is the older English word for Elephant, and our Teutonic forefathers mostly, from Ulfilas downwards, used the word "Olfend," or something closely resembling it, for our "Camel." Thus, in the latter part of the twelfth century, we

find the poet Orm thus describing John the Baptist:—

"Hiss clath wass of ollfenness hæ
 Hiss mete wass gresshoppe."



1

THE BORE STONE OF GASK.



It may be convenient here also to say something of the record history of the lands of Gask, with which the name of Oliphant has been so long and so intimately associated.

Early in the thirteenth century, Ysenda of Gask was married to Gilbert Earl of Strathearn, the founder of the Abbey of Inchaffray.¹ About the same time Saier de Quincey, well known in English history, who seems to have sometimes lived in Scotland, held property at Gask, and granted ten acres of it to the convent of Inchaffray.² After his death, Earl Robert, son of Earl Gilbert of Strathearn, gave to the same convent the church of Gask.³ In 1226 Malise, the next earl, gave to the convent the liberty of quarrying stones in his lands of Nethergask,⁴ with two acres of ground near the quarry for their workshops.⁵ The Comyns, inheriting through a De Quincey heiress, appear as the next owners of Gask, and after them it seems to have passed into the hands of the Knight of Aberdalgie, in the time of King Robert the Bruce.

Though the district is rich in historical associations, but few memorials of the earlier times remain. Of these the most interesting is the so-called Bore-Stone of Gask, an ancient sculptured cross, of the type so common in the eastern part of Scotland beyond the Forth. It is sorely mutilated, having lost the upper part of the cross, which was formed by four circular holes in its angles, but two of these still remain. A curious superstition, now almost extinct, was formerly attached to them, which led the wives of the neighbourhood to thrust their arms through these holes in the hope of offspring. It is richly carved on both sides with those mysterious monsters which played such a conspicuous part in the symbolism of the early Celtic church, and of which we of this enlightened age have such an imperfect knowledge.⁶ Not far from the Earn stands a mouldering tower, still popularly believed to have given shelter to the patriot Wallace after he had slain Fawdoun at Dupplin. Blind Harry tells how the English followed him to Dalreoch and how

“In the Gask Hall their luyng haif thai tane
Fyr gat thai sone, but mayt than had thai nane.”⁷

Dupplyn, which lay between Gask and Aberdalgie, was most likely in the

¹ Liber Insule Missarum, p. 64.

² Ibid., p. 66. ³ Ibid., p. 19.

⁴ The use of this name at that early period marks the progress of the English tongue in this Celtic district. The name Gask itself, and such others as Clathy More, Clathy Beg, and the Bridge of Dalreoch, sufficiently attest the character of the original topography.

⁵ Liber Insule Missarum, p. 63.

⁶ Representations of the two sides of the Gask cross are given in the accompanying lithographs. See also Dr. Stuart's account of it, and the engravings in his elaborate work on the Sculptured Stones of Scotland.

⁷ Blind Harry's Wallace, Buke Fifth.

possession of the Oliphants at the time of the battle in 1332, so graphically described by Wyntoun:—

“The Erle of Mare wyth his folk ferd
To saynt Jhonystoun; and thare he herd
That all thare fays commyn ware
To Forteviot, and thaim thare
Had luyd in a lytil plas;
The Mylnarys Akyre it callyd was.”

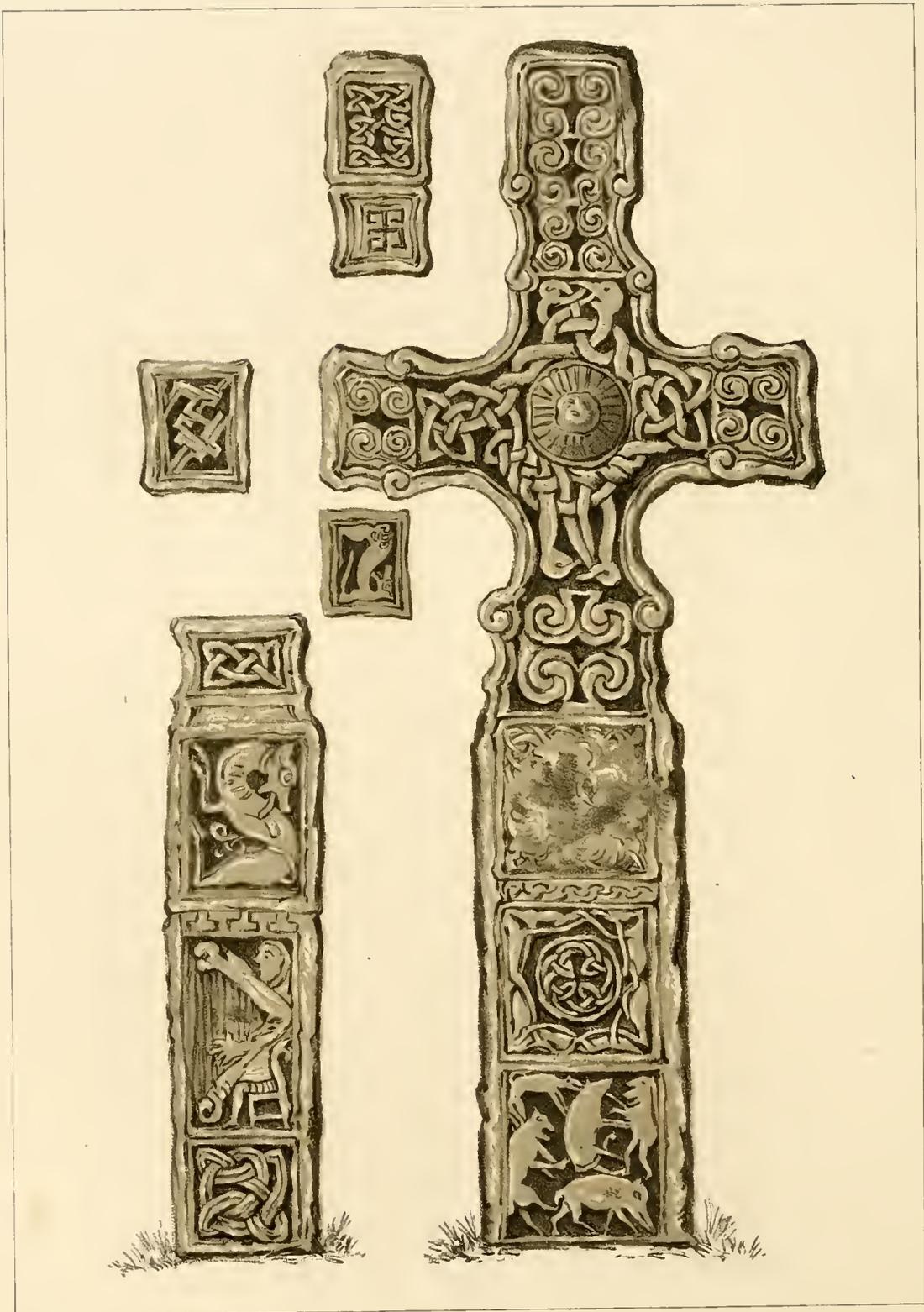
The Scottish host had Perth in their rear and the Earn in their front. The English lay at Forteviot on the other side of the Earn. The Scotch were in two divisions one at Dupplin and the other at Auchterarder,

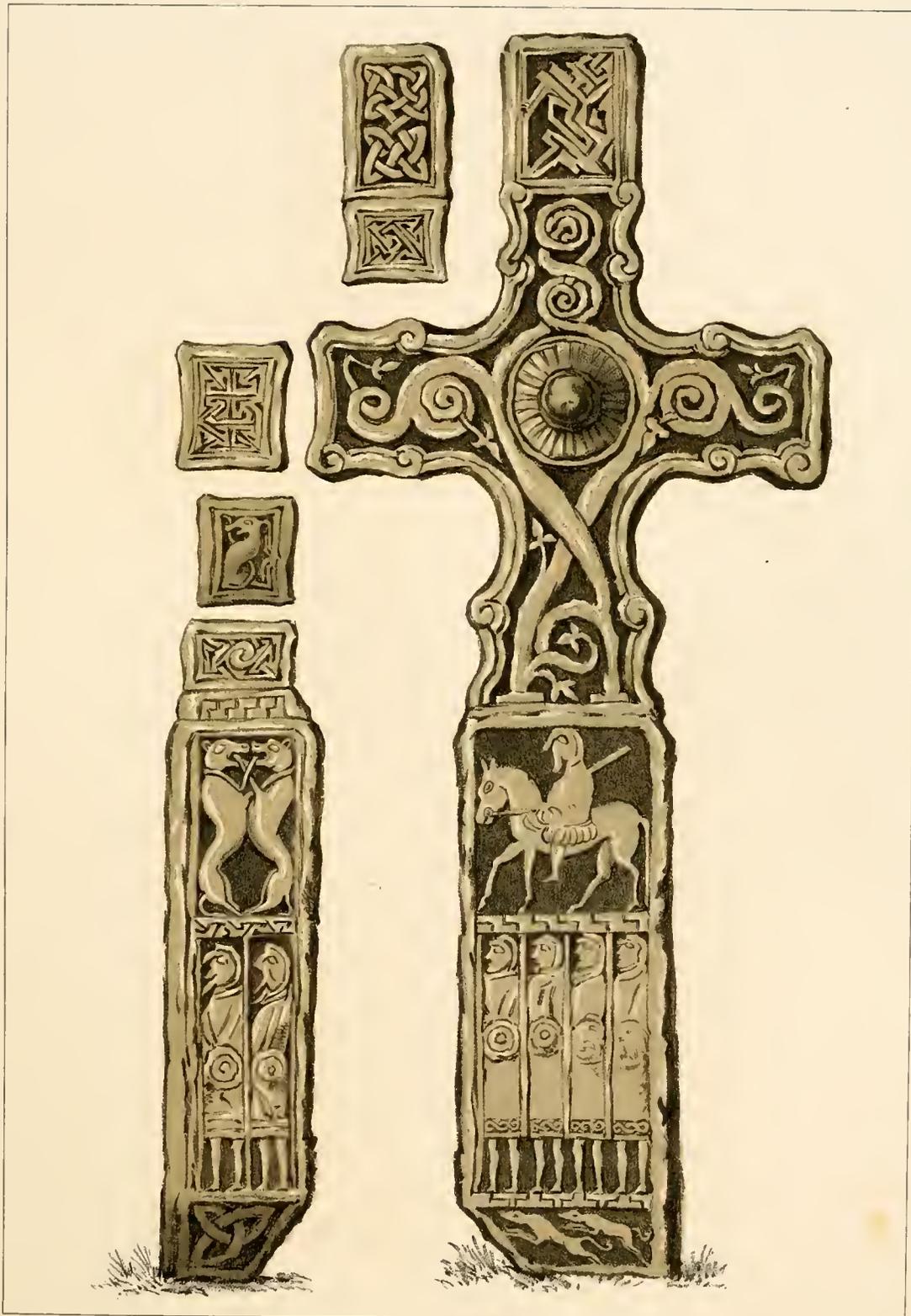
“Behind Erne a lytil fra
The Scottis men come til a bra
Twa bowdrawcht, or lytil mare,
Lychtyt and a rest took thare,
For it nyctyd fast; and thai
Thowcht til abyd thare to the day.
Thai send to Perth for wyn and ale
And drank, and playid and made na tale
Of thare fays, that lay thame by.”

The English, though thus hemmed in “as fisch in net,” had the advantage of being under skilful leadership, while the Regent Mar, who commanded the Scots, was notoriously unfitted for the position he had assumed. As Wyntoun narrates it, the English host—

“Made them all ready before day,
And wythouten noys or cry
Passed the wattyр prewaly,
That nane that sat upon the bra
Wyst it, for thai made myrthis swa.
Men says, ane met them in the forde
That prewaly wythouten worde
Led thame up by the wattyр syne
Qwhill thae to the Gask come and Duplyne
Thare mony wes lwgyd, nought to layne;
Of thai the mast part haue thai slayne.”

Hastily arming themselves, at the first noise of the onset, the Scots bravely resisted for a time, and as the morning broke the small number of their assailants became apparent. But by an unfortunate movement of the reserves, brought up by the Regent, the Scots became so huddled together that their superior numbers became





1

CROSS AT DUPLIN.



their own destruction. "The confusion," says Tytler, "soon became inextricable; multitudes of the Scottish soldiers were suffocated and trodden down by their own men, and the English preserving their discipline, and under brave and experienced leaders, made a pitiless slaughter."

"Than was the myschef sa cruel
That quhasa in that gret throng fell
Had nevyre laysere to ryse agayne.
On this wyse smoryd war and slayne
Welle twa thowsand as men can ges."

It was about this time, and with reference to the siege of sixty years before, in which an Oliphant had been the principal actor, that the men of his district were thus taunted by a tuneful follower of Edward III.:—

"Whare er ye, Skottes of Sainte Johnes toune?
The boste of youre baner es betin all doune;
When ye bosting will bede, Sir Edward es boune
For to kindel you care, and crack yowre crowne.
He hes crakked yowre croune, wele worth the while,
Schame betyde the Skottes, for thai er full of gile.

"Skottes of Striflin war steren and stout,
Of God, ne of gude men had thai no dout,
Now haue thai the pelers priked about,
Bot at the last Sir Edward rifild thaire rout.
He has rifild thaire rout, wele worth the while;
Bot ever ar thai under, bot gaudes and gile."¹

But throughout the troubled time of the minority of David II., and the still more troubled time of his captivity in England after the battle of Durham, the total, or almost total, silence of the records concerning the Oliphants leaves us entirely ignorant of the part they may have played in the history of the period. From the death of the Knight of Aberdalgie till the time when in 1364 we find his son Walter, the king's brother-in-law, receiving charters of confirmation of the lands and baronies of Gask, Dupplin, Ochertyre, Newtyle, Kynprony, Turynge, and Dromy, there is little of moment recorded of them.

WALTER OLYFAUNT, son and heir of Sir William Olifaunt of Aberdalgie, appears first in 1360, in the resignation by Elena de Maxwell, Lady of Kelly, of the lands of Kelly into the hands of the king, for new infestment in favour of Walter Olifaunt, her cousin.² In 1364 he received a charter of confirmation of the lands and barony of

¹ Political Poems and Songs. Edited by Mr. Wright (Master of the Rolls Edition), i., p. 62.

² Printed in the present volume, p. 4. From an entry in Robertson's Index of Missing Charters (p. 28), we learn that the Lady of Kelly in 1327

was Helena Siward, daughter of Richard Siward, and wife of Isaac Maxwell; and in a note of the charter to Walter Oliphant (p. 52) she is styled daughter and heir of Richard Siward, Knight.

Gask from King David II., his brother-in-law. The charter is dated at Edinburgh, on the last day of February, and proceeds on the narrative that "our beloved and faithful Walter Olyfaunt," having resigned into the king's hands the lands of Gask, which among others he held of the king *in capite*, the king now therefore confirmed "to the said Walter and his spouse Elizabeth, our beloved sister," the whole of the said lands of Gask and their pertinents for the *reddendum* of a chaplet of white roses at the feast of the nativity of St. John the Baptist, yearly, at the manor place of Gask, and three suits at the king's court at Perth. The original charter is still at Gask, and has long been regarded as the *palladium* of the family.¹ Its interest is greatly enhanced by the fact that not only is it the only one of the many charters granted by King David II. to Walter Olyfaunt and his spouse Elizabeth, "our beloved sister," now in possession of the family, but because its disappearance for 40 years after its abstraction from Gask by the Duke of Cumberland's officers, sent to ransack the house in 1746, caused Lord Hailes to throw doubt on the accuracy of Crawford's reference to it as the evidence for the existence of this daughter of King Robert Bruce and her marriage with Walter Olyfaunt.²

The Gask charter, however, is amply corroborated by several others of similar tenor still in existence. One of these is a confirmation of the lands of Newtyle and Kinprony, in Forfarshire, granted at Edinburgh on the same day as the Gask charter, by King David II. It proceeds on the narration that Walter Olyfaunt having resigned these lands into the king's hands, "in pleno consilio nostro," at Perth, on 11th January, 1364, the king, therefore, now confirmed them to the said Walter and Elizabeth his spouse, the king's sister, they rendering for the said lands a pair of silver spurs on the feast of All Saints, at Halton of Newtyle, yearly, with three suits at the king's court at Forfar. By another charter of the same date,³ the lands of Ochertyre and Balcraig, in Forfarshire, were similarly granted, the *reddendum* being three broad arrows on the feast of St. Martin, yearly, at Ochertyre, and three suits at the king's court at Forfar. These lands, as we have seen, were originally granted by King Robert the Bruce to Sir William Olyfaunt for the service of three archers in the king's army.

Another charter, also granted at Edinburgh on the same date as the three previously mentioned, is couched in exactly similar terms.⁴ It conveys to Walter

¹ It is printed in the present volume as No. 8 of the Original Documents from the Archives of Gask, p. 5. A notice of its curious history is also there given.

² See the note at p. 6 of Original Documents in the present volume. See also "Jacobite Lairds of Gask," by T. L. Kington Oliphant (Grampian Club), pp. 200, 345, 298, 403.

³ These charters are now among the writs belonging to Lord Wharnccliffe. They are printed, by Lord Wharnccliffe's permission, in the Appendix to the present volume.

⁴ Printed in the present volume, Original Documents, p. 6.

Olyfaunt and Elizabeth¹ his spouse, the king's beloved sister, the lands of Turynys and Dromy, in the shire of Forfar, for the *reddendum* of a silver penny at Dromy, annually at Christmas. An old inventory of writs at Gask also records the charter of the lands of Aberdalgie and Dupplin, of the same date, and in the same terms, with a *reddendum* of "unam merulam sive speculum," annually, at the feast of St. Peter ad vincula. With the barony of Aberdalgie was also granted the advocacy of the kirk of Dupplyn and the privilege of fishing in the water of Earn three days a week in forbidden time, a privilege also attached to the lands of Gask, but one of an altogether unusual nature.

It was on the 13th January, 1364, that the great parliament met at Perth to deliberate on the means of discharging the unpaid portion of the ransom of King David and obtaining an honourable peace with England, and we learn from the narration of these charters that Sir Walter Olyfaunt was present at the king's court there on the 11th of that month, although his name does not appear in the records of the parliament.

WALTER OLYFAUNT, the younger of Aberdalgie, grandson of King Robert Bruce, was sheriff of Stirling,² and had the keeping of Stirling Castle in 1368. Some years before this time he had married Mary, daughter of Sir Robert Erskine, the strenuous supporter of Robert II., who is thus mentioned by Wyntoun—

"Schir Robert Stewart wes mad king,
Specialy throu the grete helpyng
Of gude Schir Roberte of Erskyne,
That Edinburgh, Dunbertane, and Strevelyne,
Hade in his keypyng than all three.
Worthy, wys, and lele wes he."

He and Robert the Steward, now made king, had witnessed the charter of Gask some seven years previously. Olyfaunt profited by his royal cousin's bounty. Wyntoun says of the new monarch—

"This king wes wys and debonare . . .
A tendrare hart mycht na man haue,
Til lordis rowmly landis he gave."

In 1378 Walter Olyfaunt, the younger, received a charter of confirmation from Robert II. of the lands of Kelly and Pitkery in Fyfe, which his father had resigned into the king's hands. The youth who was afterwards to be Robert III. was a witness to this charter.³ Two sons were born to Walter Olyfaunt, John who

¹ In 1365 Elizabeth Olyfaunt sends a cask of wine for the king's use. *Comp. Camerar. Scot.*, i., p. 440.

² *Comp. Camerar. Scot.* i., pp. 490, 497.

³ Printed in the present volume, Original Docu-

ments, p. 8. From an inventory of writs given by M'Farlane, it appears that David II. had granted the lands of Pitkeirrie to Walter Olyfant and Elizabeth his spouse, on the last day of February, 1364. M'Farlane MS., p. 431.

succeeded him, and Malcolm, from whom sprang the Oliphants of Haselhead in Ayrshire.

Sir JOHN OLIFANT of Aberdalgie, the son and successor of Walter Olyfaunt, obtained the honour of knighthood from his cousin King Robert II., and in 1388 we find him receiving a charter of confirmation of all the lands he held in Scotland, holding of the crown. "This," says Crawford, "is all I have found memorable concerning him." In 1412 he granted a charter of the lands of Haselhead and Mekilheyhead, in the barony of Giffen, and county of Ayr, to his brother Malcolm, "his testibus, Egregio viro Domino Johanne Senescallo de Innermeith milite, Domino de Lorn, Domino Willelmo de Ruthven milite, John de Scona vicario de Forgun-dethney et Alexandro Capellano mco, Phillippo Olifant, Georgio Olifant ac multis aliis."¹ Sir John Olifant married first a daughter of Sir William Borthwick of Borthwick, by whom he had a son William, who succeeded him, and secondly a daughter of Sir Thomas Home of Home, by whom he had another son Thomas, from whom are derived the Oliphants of Kellie. He had also a daughter named Marion, the subject of a curious indenture dated 1399, between Sir Patrick Graham of Kincardine, and Sir John Olifant of Aberdalgie; engaging that Robin de Graham, son of Sir Patrick, "shal wed to wyffe, God willand," Marion Olifant, daughter of the said Sir John, with many remarkable and singular conditions.²

In the year 1413 an unhappy incident occurred in which two Oliphants were concerned, most probably cousins of the young Lord of Aberdalgie, Sir William Olifant, who succeeded his father Sir John. At this time there were four distinguished families near neighbours in Strathearn; the Ruthvens in the vicinity of Perth; the Grahams in their castle of Kincardine over against Gask, on the opposite side of the Earn; the Murrays of Abercairney and Tullibardine, further to the west; and the Drummonds, always close friends of the Oliphants, nearer Crieff. The story, as told by Bower, the continuator of Fordun, is briefly as follows:—Sir Patrick Graham, Earl of Strathearn, was slain by his brother-in-law, Sir John Drummond of Conraig, although they had shortly before taken the sacrament together in token of a mutual league of peace and friendship never to be broken. Drummond himself died shortly after of disease; but his accomplices, two brothers, William and Arthur Oliphant, were drawn and hung for the crime.

Sir WILLIAM OLIFANT, the son and successor of Sir John Olifant of Aber-

¹ This charter was ratified by Sir John Montgomerie of Ardrossan in 1412, and the deed is in the Gask charter chest.

² Strathallan's Genealogy of the House of Drummond, p. 166.

dalgie, was one of the hostages for the payment of the £40,000 which was demanded by the English commissioners in name of expenses for the maintenance of James I. during his twenty years captivity. He appears in the list of these hostages as "Willelmus Olyfant, dominus de Aberdawge," and he, with three other knights, was allowed to bring a train of twenty persons to Durham, there to meet the returning king.¹ At Durham, on the 28th March, 1424, Olyfant and twenty-seven others were handed over to the English, after they had each touched the Gospels, and made oath that they would remain in the hands of the English king till the money was paid, and would attempt nothing against him in word, writing, or deed. Olyfant was kept first in Pontefract Castle, and subsequently with his neighbour Ruthven, and six others of the Scottish barons, in the Tower of London. In July, 1424, we find that "William Olyfaunt axcth a conducte for Thomas Camby and Sir Thomas Hirdmantoun, preest, and for a servant to goe safe unto him in what place that he be withyne the ground of Ingeland, and this conducte to endure unto the first day of May next comyng,"² and the lords in council made a memorandum on the 4th:—"Be that remembered to grant a condit to William Olyfant for Sir Alexandre Cambron, preest, Thomas Camby, John Broune, and Davy Richardson." He seems to have been detained as a hostage upwards of two years, as we find him still in the Tower in 1426. We do not meet with him on record after his return to Scotland. He had married Isabel Stewart, daughter of John Stewart of Innermeath, Lord of Lorn, by whom he had a son John, who succeeded him.

Sir JOHN OLIFANT of Aberdalgy, appears as a witness to a deed executed at Cupar in Fife, along with Richard Abbot of Balmerino, Henry de Douglas of Lochleven, and Gilbert de Seton, in 1441.³

He had married Isabel, daughter of Sir Walter Ogilvie of Auchterhouse, the hereditary sheriff of Angus, and was thus dragged into the feud between the Lindsays and the Ogilvies which cost him his life. The feud arose from a dispute between Alexander Lindsay, the Master of Crawford, and Alexander Ogilvie, Olifant's brother-in-law, as to which of them had the best right to the bailliary of the Abbey of Aberbrothock⁴; the quarrel was fought out at the abbey gates on a Sunday evening, with great slaughter on both sides. It is thus referred to by the anonymous author of the Auchinleck Chronicle, a contemporary document:—

"The yer of God, MCCCCXLV, the XXIII day of Januar,⁴ the Erl of Huntlie and

¹ Rotuli Scotiæ, ii., p. 245.

² Rymer, Fœdera, x., p. 309.

³ Lib. de Melros, ii., p. 565. John Olifard appears along with William Olifard of Kelly, in a deed executed in the Refectory of St. Andrews in

1438. Regist. Prior. St. Andree, p. 431.

⁴ The true date is 13th January, 1445-6. See Lord Lindsay's Lives of the Lindsays, vol. i., p. 129.

the Ogilbeis with him on the ta part, and the Erll of Craufurd on the tother part, met at the yettis of Arbroth on ane Sondag laite, and faucht. And the Erll of Huntlie and Wat Ogilbie fled. And ther was slane on thair part Schir Jhon Oliphant, Lord of Aberdalgy, . . . with uther syndry. And on the tother part the Erll of Craufurd himself was hurt in the field and diet within VIII dayis. Bot he and his son wan the field and held it, and efter that, a gret tyme held the Ogilbeis at great subjeccioun, and tuke thair gudis and destroyit thair placis."

Bishop Lesly, writing more than a century after the event, says, "The batell was verry crewellie fochin on boith the sydis; in the haille, aboue the nombre of fyue hundreyth men werc slayne."

The memory of this encounter, so fatal to the house of Aberdalgy, is still preserved in the district in which the battle was fought. Alexander Ogilvy is said by the traditionary version of the story to have been killed in the pursuit, and buried at Kinnell, and not many years ago a boot and spur, which were regarded as his, were still suspended in the "Ogilvy aisle" of the church of Kinnell. The following traditionary rhyme is still current in the neighbourhood:—

"At Arbrod yett the pley began,
To the Loan of the Leys they did rin,
An' then the battle did begin,
An' the Lindsays owre the Ogilbys ran."

III.—THE LORDS OLIPHANT, 1445-1748.

LAURENCE, THE FIRST LORD OLIPHANT, eldest son of Sir John Oliphant of Aberdalgie, must have been quite a youth when his father fell in the unfortunate fight at Arbroath. In 1450 King James II. granted to Sir David Hay, of Yester, "the ward and marriage of Laurence Oliphant, son to umquhile Sir John Oliphant, of Aberdalgie, knight."¹

In this year the Earl of Douglas went on pilgrimage to Rome with a great following, and we learn from Boece that Oliphant was one of those who went with him. They took the road through Flanders, and as their approach was known at Rome beforehand, a grand reception was given them. It was the year of the jubilee of Pope Nicholas V., who, as Manetti says, did more for learning in the five last years of his Pontificate than all the previous Popes had done in the five preceding centuries. The impressions young Oliphant received in this pilgrimage must have produced some influence on his after-life. He escaped the crush, in which two hundred lives were lost, on the bridge of San Angelo, as the throngs were returning from the exhibition of St. Veronica's napkin at St. Peter's, and shortly afterwards returned home in safety. In 1463 he appears as one of the Lords of the Scottish Parliament, with the title of Lord Oliphant.² Lord Hay, the Constable of Scotland, had been made Earl of Errol a few years previously, and his daughter Isobel was married to Lord Oliphant shortly afterwards.

In the year of King James' death (1460) Lord Oliphant founded a monastery at Perth, which had but a short term of existence. It was situated near the walls of the city towards the south, and was the third of the nine houses of the Observantines founded in Scotland between 1450 and 1494. These "gray friars" seem to have become specially obnoxious to the populace, for in 1559 "the rascal multitude ran to the gray and black friars, and notwithstanding that they had within them very strong guards, kept for their defence, yet without opposition their gates were broke up. The first invasion was upon idolatry; thereafter the common people sought spoil. The gray friars was a place very well provided. Their sheets,

¹ MS. Genealogy at Gask, drawn up in 1719. The deed is said to be in Lord Tweeddale's possession.

² Acts of Par. of Scot., Supp., p. 29. A curious Act had been passed in 1455, regulating the dress of the Lords of the Scottish Parliament. By it they were ordained "to haif

ane mantill of rede ryth sa oppiunit befor, and lynyt with silk or furryt with cristy gray, grece, or purray, togidder with ane hude of the samyn clath and furrit as said is." Any Lord entering the General Council without the prescribed mantle and hood was fined in ten pounds.

blankets, beds, and coverings were such that no Earl of Scotland had better. Their napery was fine. There were but eight persons in the Convent, yet they had eight puncheons of salt beef, wine, beer, and ale, besides store of other victuals. Within two days, so busy were they in abolishing idolatry, that the walls only did remain of this edifice."¹ The site is now merely a burying-ground. Unfortunately, no records of this foundation are extant, though writs connected with the Dominican, Carthusian, and Carmelite houses in the vicinity of St. Johnston are still preserved. From them we learn that Lord Oliphant's brother, Thomas Oliphant, of Dron, died on the 11th of December, 1474, and left to the Church of St. John an *obit* of £2, to be paid out of the lands of Wester Dron and Kintilloch, and out of a tenement on the east side of the Kirkgate of Perth.²

In the year after the founding of the Monastery we find Lord Oliphant at feud with the burghers of Perth, who seem to have treated him much as the Guelf townsmen of an Italian city two hundred years earlier might have treated the Ghibelline noblemen of their neighbourhood. The cause of the feud is not on record, but its results may be gathered from the following document:—

“Be it kend til all men be thir present letters, we, Laurence, Lord Oliphant, of Aberdalgie, knight, to have quytlamit, and dischargit, and be thir our present letteris quytlaimis and dischargis, alderman and council, and communitie of the Burgh of Perth, in general and special, and their successoris, for us our airis and executoris, for now and ever of the doune casting of the hous of Dupline, and of the spoilyeation of it and Aberdalgie in special, and of all and sundrie actions, quarrelis, and pleyis, debatis, questionis, and demandis depending betwixt us and them, untill the day of the making of thir present writis, but reservation, fraud, or guyl. In wittnes hereof to thir our present letteris, we appensit our seal of our awin, in presence of our wel beloved friendis, Henrie Wardlaw of Torie, Alexander Blair of Bothick, James Hering, John of Moncreif, Alexander of Dundas, Robert the Rosse of Craigie, Walt. Oliphant, Walt. of Moncreif, with uthiris diverse, at Perth, the penult day of June, the yeire of our Lord ane thousand four hundreth sixty and a yeire.”³

Whatever damage Dupplin Castle may have suffered at the hands of the angry burghers was speedily repaired, and on the occasion of this reconstruction Lord Oliphant seems to have adorned his hall with the names of his ancestry.⁴

¹ Knox's History in Spottiswoode's Account of the Religious Houses that were in Scotland. Russell's edition, 1824, p. 452.

² The Book of Perth, pp. 73, 78. Another *obit* of £1 in St. Anne's Chapel is also noticed.

³ Adamson's Muses Threnodie, by James Cant, Perth, 1774, p. 110.

⁴ Sir John Cunninghame, Advocate, whom Burnet (writing of the year 1666) calls “the most extraordinary man of his profession in the

kingdom, very universal in all learning, and a man of eminent probity,” drew up a genealogy now at Gask, in which we are gravely informed that in the days of Donaldus Septimus, King of Scotland, there is evidence of a worshipful man of great powers, named Sir Donald Oliphant, who assisted King Duncan in his wars *in anno* 1094, and was succeeded by Sir Duncan and Sir Malcolm Oliphant in the reigns of the Kings William and Alexander. A later genealogy in MSS. states

Lord Oliphant was present at the Scottish Parliament in 1467, when the subject of the young king's marriage with Margaret, Princess of Denmark, was discussed. Thomas Oliphant, a kinsman, was one of the commissioners for Edinburgh charged with the levying of the tax for the necessary expenses. In 1471 Lord Oliphant was placed on the Committee of the Estates, to whom were committed "the full power and strength of the hale three estates of this realme, beand gatherit in this present parliament to advise, determine, treat, and conclude eftir as thair fynde in thair wysdomys, the materis concerning the weifare of our Soverane Lord, that ar now openit in this present parliament and unendit."¹ In the Lord Treasurer's Accounts there is a payment, on 23rd July, 1474, "to Marchmound, herald, passande in Angus with lettres to the Erle of Buchan and the Lord Oliphant, to stane thare gadering for the court of Forfar;" and again, on 14th September, a payment "to David Rudeman, passand in hast to Perth, to the Lord Olifant, with lettres anent the slauchter of Thome of Prestoun;" and "to Marchmound, heralde," on 20th September, "passand with lettres to sumound the Lord Oliphant and Schir Laurence Mersore."² Lord Oliphant was present at the Parliaments of 1476 and 1478, in the latter of which a "dome" that had been given at Cupar by his neighbour, Haldane of Gleneagles, was reversed, as "evill given and wele againsaid." He appears in the roll of the Lords of Parliament in 1479, when provision was made "for remeid of the gret brek that is now appearand, specially in Anguse betwix the Master of Craufurd and the Lord Glamis," and for the trial of the Duke of Albany and his followers for holding the Castle of Dunbar against the King. In 1482 he was one of an Assize of sixteen who tried Lord Lyle for "furthering of the King's enemy of England." Measures were now also being taken for "the resisting and aganestanding of the Revare Edward, calland him King of England, quhilk schapis to invaid this realme, baith be sey and land." And in 1484 Lord Oliphant was one of the Ambassadors sent to the Court of Richard III.,

that "these three first knights of Aberdalgie are found to be mentioned in evidents, as also their names thus exprest and set down painted in one of the scild rooms in Duppline, now demolished [by an enemy to antiquity], but with whom they have been allayed there is no record. All the originall wreaths and evidents of these lands before King David the Bruce his days supposed to have been burnt and destroyed at the buruing of the house of Aberdalgie." More wonderful still is another genealogy at Gask, drawn up by Sir George Mackenzie (of bloody memory), which holdly begins with "the year of God 830," when

Sir Donald Oliphant got a grant of Aberdalgie from King Donald the First! Such were the vagaries of an age when the historian dispensed with records as alike unnecessary and inconvenient, and when the genealogist practised the forgery of pedigrees as one of the fine arts.

¹ The Committee of Estates perhaps owed its origin to the appointment of a Committee with judicial and deliberative functions, in 1367, to transact the public business during the recess.

² Accounts of the Lord Treasurer of Scotland. Edited by Thomas Dickson, p. 51.

who now occupied the throne of the "Revare Edward." In August of that year the new King granted a safe conduct for ten Scottish Ambassadors with a following of two hundred horsemen. On the 30th of the same month, King James gave commissions to Argyle the Chancellor, Bishop Elphinstone of Aberdeen, Laurence Lord Oliphant, Sir John Drummond of Stobhall, and three others, with full powers as his Ambassadors.¹ With them went Master Archibald Whitelaw, doubtless beguiling the tedium of the way by the rehearsal of the long Latin speech, well garnished with gems from Virgil and Statius, Sallust and Cicero, of which the worthy Clerk purposed to deliver himself in presence of the King.² On the 11th of September the Scottish Ambassadors came to Nottingham, and were attended to their lodgings by an escort of English knights. Next day they were conducted to the King's presence. "The kyng, beyng in his gret chambre, undyr his clothe of ryall estate, and ther one of the ambassadors purposyd a oracyon, and delyvered to the kingis grace a commissyon under the Gret Sell of Scotland for the abstyness of were by tweyen England and Scotland, and another commissyon for the maryage by twyene the prince of Scottis and one of the kynges blood."³ The negotiations were happily concluded by the signing of a Treaty of Peace and a Compact of Marriage between the young Prince of Scotland and Anne, King Richard's niece. Lord Oliphant was one of those named to act as guardians of the truce between the two countries by land and sea. He was also appointed one of the Commissioners for settlement of the marches, and to depute certain persons to see that the bounds of Berwick were marked out according to the stipulations of the truce.

If Lord Oliphant took any part in the agitation which preceded the accession of James IV., there is no indication of his leanings, beyond the fact that he was certainly in high favour with the new government. He was chosen one of the Lords of the Articles in the first Parliament of James IV., in 1488, and sat as one of the Judges on the trial of the partizans of the late King. He was also made Sheriff and Justiciary of Strathbraan and the Lowlands of the Sheriffdom of Perth, and Bishopric of Dunkeld.⁴ Lord Drummond was appointed to the same office in Strathearn. In the Lord Treasurer's Accounts for 21st October, 1489, there is a payment "til a man of Lord Olifant's that brought titlings fra Sanct Johnston to the King, and past again;" and also "til anodir man of Lord Olyfantis that com to the King with lctteris." These "tidings" thus sent by Oliphant from Perth must

¹ Rymer, *Fœdera*, xii., pp. 230, 232.

² Whitelaw, as he himself tells us, had been sent into Ireland by James II. twenty-five years earlier, on an embassy to King Richard's father, though he was now for the first time to see

Richard's face, "which moral and heroic virtue illustrated." Bannatyne Club Miscellany, ii., p. 41.

³ Gairdner's Letters of Richard III. (Rolls edition), i., p. 63.

⁴ Acts of the Parliament of Scotland, ii., p. 208.

have had something to do with the rising against the King headed by Lennox and Lord Lyle. In November of the same year we find Lord Oliphant assisting to put down the rebellion by taking part in the siege of Dumbarton.¹

In 1490 Lord Oliphant was made one of the Lords of the Privy Council. On 27th June, 1491, there is a payment in the Lord Treasurer's Accounts "to Will Cambel, mason, to pass to Perth, to cess the gadering betwiss the Erle of Buchan and Lord Olyfant."²

In this year Lord Oliphant was nominated one of the Commissioners who were empowered to search in France, Spain, or elsewhere, for the future Queen of Scotland; and in June of that year Henry VII. of England granted safe conduct to Lord Oliphant and the other Commissioners to come and go through England, with a following of a hundred persons, on horse or on foot.³ The purpose of the embassy was accomplished in France, so that the Ambassadors had no occasion to proceed into Spain, where they would have found Ferdinand and Isabella laying siege to Granada, and might have stumbled on Columbus in the ante-chamber. They had returned to Scotland by the 1st December, 1491, on which day it was stipulated in the Treaty of Coldstream, that Bothwell and Oliphant should sign and seal the truce between Scotland and England. In 1492 Lord Oliphant was again on the Committee of the Estates in connection with the arrangements for the royal marriage. In the Lord Treasurer's Accounts for that year there is a payment to "Wallas that tellis the tayllis," for carrying letters from the Court at Edinburgh to Lord Oliphant and two other noblemen;⁴ and another payment on 24th August, 1497, "to ane man of Lord Oliphant's that brocht plowmis to the King."

From this time till the time of his death, at the close of the 15th century, we hear no more of Lord Oliphant.⁵ In all probability he was buried in the Church of the Monastery which he had founded, but as it was one of the first of the religious houses that were destroyed at the Reformation, there is no notice preserved of the tomb of its founder.

As has been already stated, Lord Oliphant had married Lady Isobel Hay, daughter of William, Earl of Errol, and by her he had two sons, John, second Lord

¹ Accounts of the Lord Treasurer of Scotland. Edited by Thomas Dickson, pp. 122, 125.

² *Ibid.*, p. 178.

³ Rymer, *Fœdera*, xii., p. 446.

⁴ King James kept a tuneful Court. Blind Harry sang to them at the King's behest in 1490, and in the Treasurer's Accounts there are frequent payments to "Ersche clareschawes, lutaris, fithclaris, trumpetouris, and menstralis." "The

sangstar of Lythgow" is noticed as bringing a song-book to the King, and in 1497 two fiddlers sang "Graysteil" to His Majesty. Aytoun's Ballads of Scotland, and the Lord Treasurer's Accounts, edited by Thomas Dickson, 1877.

⁵ The series of Bonds of Manrent to the first and second Lords Oliphant (1463-1507) are perhaps the most interesting documents printed in the present volume. See pp. 12-49.

Oliphant, and William Oliphant, of Berriedale, in Caithness, and also a daughter, Margaret, betrothed to George, Master of Angus, who fell at Flodden in 1513.¹

JOHN, THE SECOND LORD OLIPHANT, is designated son and heir-apparent of Laurence Lord Oliphant, in a suit instituted against him before the Lords Auditors in 1488, by the Abbot and Convent of Lindores, for repayment of seven years' mails of their land of Bynny, at the rate of ten merks yearly.² He is mentioned in 1492 in an action against his father as Sheriff of Perth and "Johne Olyphant, his sone and apperand are and depute to him," for the "inordinate execution of thare office of Sherefschip."

There is a bond of mutual manrent, or indenture of friendship, executed at Inchaffray on 8th April, 1500, between William Lord Graham and John Lord Oliphant, which shows that by this time he had succeeded to his father's title and estates.³ On 28th May of the same year there is an instrument of sasine on the Sheriff's precept, narrating the King's brieve for giving sasine to John Lord Oliphant, of the lands of Kinpurny and others in the shire of Forfar, in which the Mair is desired to "take security for two silver pennies, beand the duplication of the blenche ferme of the lands of Turings and Drummy, and of two pundis gynger for the dowblyne of the blench ferme of the twa pairt of the said lands of Ochertyre and Bawcraig, and of twa pair of quhyt spurris for the dowblyne of the blench ferme of the lands of Newtyl and Kynpurny."⁴

John Lord Oliphant was present at the Parliament held at Edinburgh, 1503, and was one of the witnesses to the marriage settlement of James IV., on 13th March. On 13th September, 1508, there is a remission to him and others for oppression done to John Lord Drummond, and "for forethought felony done to umquhile John, Earl of Buchan, within the Burgh of Perth, after the slaughter of James Oliphant of Arquhalzie, by the said Earl and his accomplices."⁵ He was present at the first Parliament of James V., held at Perth in November, 1513.

Previous to his father's death he had married Elizabeth Campbell, daughter of Colin, first Earl of Argyle, by whom he had two sons, Colin, Master of Oliphant, and Laurence, Abbot of Inchaffray.⁶ They accompanied King James on his ill-fated expedition in 1513, and were both among the slain at Flodden. The names

¹ A bond for the expenses of this marriage, by Archibald, Earl of Angus, is printed in the present volume, p. 24.

² See p. 27 of Original Documents, printed in the present volume.

³ Printed in the present volume, p. 48.

⁴ Fifth Report of Commission on Historical Manuscripts, p. 622.

⁵ Pitcairn's Criminal Trials, i., *108.

⁶ Like too many of his order, the Abbot was a man of loose life, and from him sprang a base-born line of Oliphants.

of their kinsmen of Argyle and Errol appear also in the fatal list, which included "the best gentlemen and flower of Scotland."¹ Colin, Master of Oliphant, had married Lady Elizabeth Keith, second daughter of William, third Earl Marischal. By her he had two sons, Laurence, who became third Lord Oliphant, and William, ancestor of the Oliphants of Newton and Gask.

Lord Oliphant survived the loss of his sons but a short time. He died in 1516, and in that year we find a grant to his widow under the Privy Seal of the ward and non-entries of all his lands, and "als the marriage of Laurence Olyphant, sone and ayr of umquhile Colin, Master of Oliphant, and aire to the said umquhile Lord Oliphant, his grandschir."²

LAURENCE, THE THIRD LORD OLIPHANT, came of age and took his seat in the Scottish Parliament in November, 1526. He was present at the Parliament of 1527, and again in that of 1528, which attainted Angus and the Douglasses, from whose domination the young King had now escaped. Lord Oliphant appears again in the Parliaments of 1531 and 1532. We hear no more of him till 1540 and 1541, when he appears again in the Parliament at Edinburgh which made the vain attempt to withstand the progress of the Reformation,³ by enacting laws "for the honor of the haly sacramentis, for worschip to be had to the Virgin Mary, and that na man argun the Popis auctorite."

In 1542 we find him involved in the ignominious consequences of the inglorious "Rout of Solway," in which, to quote the quaint narrative of old Hall, "so God ordeined it to be that the Scots at the first bront fled, and the Englishmen folowed; and there wer taken prisoners the Erles of Casselles and Glencarne, the Lorde Maxwell, the Lorde Flemyng, the Lord Somerwell, the Lorde Oliphant . . . and two hundred gentlemenne more, and above eight hundred common people, in so muche that some one man, yea and woman, had three or four prisoners." The nobles, as we learn from Stowe, were brought to London and lodged in the Tower. Thence they were brought to Westminster, "Sir John Gage, Constable of the

¹ Among those from Strathearn who fell on that fatal day were the Master of Ruthven, Sir John Haldane of Gleneagles, and Archibald Graham of Garvock. Abercromby's *Martial Achievements*, ii., p. 540.

² Printed as No. 110 of the Original Documents in the present volume, p. 53.

³ It was at this time that Andrew Oliphant, famous as the "hammer of heretics," flourished. Nothing, however, is known of his relationship to the Dupplin house, and he may have been a misbegotten son of the Abbot of Inchaffray. He

was educated at St. Andrews, his name occurring among the determinants in 1525; and he was subsequently preferred to the vicarage of Fowlis. In 1539 he was Cardinal Beaton's agent at Rome, charged to procure a brief for his master, by which as Primate he might bear his cross before him throughout all Scotland, and even in the diocese of Glasgow. He is one of the "apt serjeantis of Sathan" so denounced by Knox, and the crowning stain on his memory is the part he took in the persecution and death of the aged martyr, Walter Mill.

Tower, riding before them, and the Lieutenant of the Tower riding behind them. They rode two and two together, and eight of them being Earles and Lordes had new gownes of blacke damask, furred with blacke conies, coates of blacke velvet, and doublets of sattene, all newe, of the King's charge." It was the King's policy to create a favourable impression among the captives, and he seems to have succeeded with most of them, for they declared that they were never better entertained in their lives, and promised in return for the kind treatment they had received to further the King's designs in regard to the Scottish throne, left virtually without an occupant by the death of King James V. The infant Queen was to be married to Prince Edward, and in the meantime King Henry was to be acknowledged Lord Superior of the Kingdom, and was to have the custody of the Queen's person. Such was the scheme to which the crafty monarch beguiled the Scottish prisoners to give their assent. But of the seven Scottish Lords, Oliphant was the only one whose signature does not appear in the secret articles, whereby, as King Henry himself says, "it was meant to set the crown of Scotland upon our head."

From a paper drawn up by Bishop Tunstall, containing an appraisement "of the yearly value of the lands, and also the value and substance in goodes," of the prisoners, we find: "The Lorde Olyvaunte, in landes, per annum, 2000 merkes Scottishe, which is sterling 500 merkes; and in goodes two thowsand merkes Scottishe, which is sterling 625 merkes." His son and heir, Laurence, then about fifteen years of age, is also noted as bound to come in and lie in pledge for his father. He was entrusted to "my Lord Duresme," who was then at Darlington,¹ and he would thus be for some time under the eye of Tunstall. Lord Oliphant's ransom was fixed by the deputies of the crown, in 1543, at 800 marks sterling.²

The Solway prisoners came to Edinburgh in time for Queen Mary's first Parliament in 1543. Ralph Sadler, the English Ambassador, who did all that man could do to carry out King Henry's wishes, writes that Oliphant was one of the Lords who came to make the treaty in Edinburgh; "and great sticking was among them at the delivery of the Daughter of Scotland, at ten years old;"³ but he was not one of those whom the Ambassador reports as open to a bribe from England. On the contrary, he is described as "most hard to manage." A Scottish writer of the time, after mentioning King Henry's devices to induce the Scottish prisoners to consent to his wishes regarding the marriage of the young Queen with Prince Edward, and stating that they undertook to do their endeavour, so far as might stand with the honour of their country and the young Queen, declares that after

¹ State Papers, Henry VIII., v., p. 233.

² Rymer, *Fœdera*, xiv., p. 796.

³ Sadler's State Papers, i., pp. 212, 268.

the King's designs were more fully disclosed, "many noblemen, and in special those who were prisoners and had left their sons pledges for them in England, repented their hasty conclusion, and by general consent resolved to cross the business."¹ Nevertheless, the treaties with England were solemnly ratified, after High Mass in the Abbey of Holyrood, on the 25th of August, 1543. Arran, the Governor, sent word to Henry VIII. "to keep the Lord Fleming's heir, and the Lord Oliphant's heir, which do now ly pledges in England, for the governor would be loath to ly in pledge any other of his friends, and he will enter bonds for the payment of their ransoms."²

Lord Oliphant was present at the Parliament held at Edinburgh in December, 1543, when there "wes gret murmure that heretikis mair and mair risis and spreidis." The Reformation was gathering headway, and was soon to sweep everything before it. In 1559 the outbreak at Perth, in which the monastery founded by his ancestor was one of the first to experience the fury of the mob, showed how completely the popular feeling was in favour of the new order of things. Of the Abbeys in Lord Oliphant's neighbourhood, Inchaffray went to the Drummonds and Scone to the Ruthvens. It may be thought strange that in the general scramble that ensued for possession of the Abbey lands Lord Oliphant allowed Inchaffray thus to slip out of his hands. But the truth is that there were peculiar circumstances in the case.

At the Reformation, Inchaffray was held *in commendam* by the one Scottish Prelate who turned Protestant, Alexander Gordon, Bishop of Galloway and Archbishop of Athens. This trimmer, being a brother of the Earl of Huntly's, could neither be ousted nor squeezed, as most of the other Abbots were, and he continued to hold Inchaffray till 1564, when he resigned in favour of a child, James, son of David Lord Drummond, for whom it was erected into a temporal lordship, and who afterwards became the ancestor of the Lords Strathallan.

Lord Oliphant bore no part in that memorable Parliament of 1560 which swept the Papacy from Scotland. In all likelihood he stood aloof, regarding the tendency of the times with sullen displeasure. But the seeds of a new life for Scotland were quickening into vitality and vigour, and the mass of the people were being now for the first time taught that there were higher interests in the world than those of feudal Barons and mitred Abbots.

The last notice we have of the third Lord Oliphant is in connection with a lawsuit brought against him by his neighbour, Sir William Murray of Tullibardine,

¹ Historie of the Reigne of Marie, Queen of Scots, by her great partizan, Lord Herries (Abbotsford Club), pp. 2-4.
² Sadler's State Papers, i., pp. 270-271.

Comptroller to the Queen. Fifteen years previously Lord Oliphant had received a tack "of the teynd schaves of the kirk of Dunbarnye, with the pendicles thereof, viz., the kirks of Polty and Moncreiff," for nineteen years from the Collegiate Church of St. Giles, Edinburgh, in consideration of an annual payment of nine score pounds. This payment had fallen into arrear, and Lord Oliphant probably imagined that he had as good a right to keep possession of the church property as those who were pursuing him had to exact payment. The case was decided against him by the Lords in Council in January, 1566.¹ He died between this date and the 26th of March, when his eldest son Laurence assumed the title.

The third Lord Oliphant had married Margaret, daughter of James Sandilands of Cruvie, by whom he had three sons and four daughters, viz., Laurence, afterwards the fourth Lord Oliphant; Peter, who received from his father the lands of Turings and Dromy, and became ancestor of the Oliphants of Langton; and William, who is mentioned in a remission, in 1576,² cancelling the sentence of outlawry against Peter Oliphant of Turings, William Oliphant of Newton, and William Oliphant, brother to Laurence Lord Oliphant, for being concerned, along with John Oliphant, notary public, Laurence Oliphant, son of Thomas Oliphant, portioner of Newton, and others, in the slaughter of "unquhile James Roise, lawful sone of unquhile Thomas Roise," committed in September, 1571. The daughters of Lord Oliphant were, Catherine, married first to Sir Alexander Oliphant of Kellie, and secondly to George Dundas of Dundas; Margaret, married first to William Moray of Abercairnrie, and secondly to James Clephane of Carselogie; Jean, married to William Moncrieffe of Moncrieffe; and Lilius, married to Robert Lundie of Balgonie.

LAURENCE, THE FOURTH LORD OLIPHANT, born in 1529, was sent to England as a hostage for his father in 1543. In 1563, when still Master of Oliphant, he was one of the Assize assembled upon the unburied corpse of the Earl of Huntly, who, some months before, had died in arms against the Queen. Argyle was then Justice-General, and it was afterwards objected that the Master of Oliphant, being a near kinsman of Argyle's, had no right to be on that Assize.³ A similar objection was taken against the Earl of Errol, who had given his daughter, Lady Margaret Hay, in marriage to the Master of Oliphant in 1552. In 1565 Oliphant was one of the Lords of Council extraordinary who took proceedings against the Earl of Murray in consequence of his attempt to break off the match with Darnley. He

¹ Regist. Sancti Egidii. (Bannatyne Club), p. 270.

³ Acts of the Parliament of Scotland, ii., p. 578. Douglas's Peerage, ii., p. 334.

² Printed in the present volume, p. 135.

succeeded to his title as Lord Oliphant on 6th March, 1566, and was served heir to his father on 2nd May, 1566, in the lands and baronies of Aberdalgie and Dupplyne, the lands and barony of Gask, Newtyle, Kilpurny, parts of Ochertyre and Balcraig, Turingis, and Drymmie; the lands and barony of Galray, in Forfarshire; the lands and barony of Glensaucht, in Kincardineshire; and the lands of Muirhouse and Nakitcorse, in Edinburghshire.¹ He was then at feud with Laurence Bruce of Colpmalindie, whom we find taken bound on November 14th, 1566, to underly the law for "convocation of the lieges and umbesetting the gait to Laurence Lord Oliphant for his slaughter."²

Lord Oliphant attended the Parliament at Edinburgh in April, 1567, and on the 19th of that month he was one of the nineteen who signed the bond to Bothwell at "Ainslie's Supper," declaring that it was inexpedient for the welfare of the realm that the Queen should remain a widow, that their host Bothwell was guiltless of the death of Darnley, and that he was a fit person to be the Queen's future husband. A week before this Lord Oliphant had been one of the fifteen assizers who sat on the trial of Bothwell, and "made him clean" of the slaughter of Darnley, "albeit that it was havilie murmurit that he was gyltie thereof." A month later he was one of the nine temporal lords present at the marriage of Mary and Bothwell at Holyrood, "not with the mess bot with preitching, and neither plesour nor pastyme usit, as use wes wont to be usit quhen princes wes mariet."³

On the following day (16th May), "Johne, Archbishop of Sanctandros, and Laurence, Lord Oliphant, wer choisin and admittit be the Queenis Majestie to be of hir Previe Counsalo, and gaif thair ayth, as use is;"⁴ and on the 22nd his quarter of attendance was fixed as from the 1st June to the 16th July, and from the 1st December to the 16th January.

The ill-omened marriage was followed by events familiar to all. We learn from Bothwell's confession in his Danish prison, that when the Queen was imprisoned in Lochleven Castle, the Scottish nobles who were still well affected to her cause (among whom was the Lord Oliphant), had two meetings with him, "first in the western part of the country and afterwards in the north, and deliberated about every means by which her deliverance might be effected."⁵

¹ Fifth Report of Historical Manuscripts Commission, p. 622. The document is among the writs of Lord Wharncliffe at Belmont.

² See the Document at p. 107 of the present volume, and Pitcairn's Trials, i., p. 488.

³ Diurnal of Remarkable Occurrences in Scotland (Bannatyne Club), pp. 108-111.

⁴ Register of the Privy Council of Scotland. Edited by John Hill Burton, pp. 509-512.

⁵ Hosack's Mary Queen of Scots and her Accusers. Vol. ii., Appendix, p. 591. Lord Oliphant's name is third on the list of the Lords given by Bothwell.

Hence, when the Queen escaped from Lochleven, Oliphant was one of the twenty-seven Lords who entered into a bond, at Hamilton, to stand by her, and to abjure all feuds among themselves.¹ But neither Oliphant nor his cousin Argyle, the head of the league, were the men to match such statesmen and warriors as Murray and Morton, Lethington and Kirkcaldy; and though the Queen's majority looked formidable enough, it was unable to maintain its ground against a resolute minority of men who knew their own minds and understood their age. When Mary had been two months a prisoner in England, Oliphant was one of the twenty Scottish Lords who wrote to Queen Elizabeth from Largs, on 25th July, 1568, asking for the Queen's release, and stating their resolve to maintain her as their native Princess "induraud her lifetime." Argyle appointed Perth as the rendezvous of his party, whither they were to come with their armed followers.² Oliphant and Drummond were the only two of the Queen's nobles who lived near Perth. On the 12th September Oliphant was at Dumbarton, where the leaders of the Queen's party drew up a paper of instructions (subject to the Queen's approval) for Bishop Lesley and her other advocates, in which they declared that Murray and his faction were not in number a sixth part of the nobility and people of the realm.³ Oliphant was one of the sixteen whom Queen Mary appointed as advisers with Chatelherault, Huntly, and Argyle in the critical circumstances of the kingdom. The Commission appointing them is dated from Bolton Castle, January 6th, 1569, and in it she charges that her lieutenants should proceed "on na grett and wechty affairis wythowte thair avyse, or at the leist of the gretest part of thame, except necessite require."⁴ But Queen Mary's adherents were either outwitted or overawed by Murray, whose hands were strengthened by England. Argyle himself was driven to acknowledge the young King, and we find Oliphant at Inverness with the Regent Murray in July, "being in our Sovereign Lord's service."⁵

Maitland, accused by his old friend, the Regent, of participation in Darnley's murder, was to be tried at Edinburgh on the 22nd November, 1569. The Parliament met five days earlier, and amongst its members (a very small body on this occasion) we find the names of the Earl of Crawford and Lord Oliphant.⁶ They seem to have been deputed by the Queen's party (now once more awakening into life) to attend in Maitland's interest, and the Regent's plans were frustrated by the decisive action of Kirkcaldy. The murder of the Regent, in the beginning of

¹ Keith's History of Affairs of Church and State, p. 476.

² Lives of the Lindsays, i., p. 469.

³ Goodall's Appendix, ii., p. 354.

⁴ Labanoff's Letters of Queen Mary, ii., p. 271.

⁵ Register of the Privy Council. Edited by John Hill Burton, ii., p. 37.

⁶ Acts of the Parliaments of Scotland, iii., p. 57.

1570, precipitated the country again into anarchy. On the 9th of April Lord Oliphant met the leaders of the Queen's party at Linlithgow, where they had a conference with the French Ambassador and the banished Earl of Westmoreland. The Queen's adherents advanced on Edinburgh, Argyle with a following of "three hundred Irischmen in abirchonis (habergeons), and the remanent lords with their freindis substantiouslie."¹ But the invasion of Scotland by Sussex soon changed the aspect of affairs, and on the 18th of September we find Lord Oliphant included in the list of those who "are presentlie obedient to the kingis majestie and his auctoritie." Among the "noblemen and thair friendis" thus enumerated, it is said:—

"The Lord Ros hes not accompanyet the adversaries, and is becum obedient.

"The Lord Olyphant siclike, quha hes mareit the Erle of Errolis dochter."²

Drummond soon followed Oliphant, and Argyle joined them in 1571. On 28th August, 1571, Maitland, writing in cypher to France from the Castle of Edinburgh, which was still held for the Queen by Kirkcaldy, gives the names of twelve noblemen "conjurit enemies to the Queen," and of six Lords who concur with them. He then describes Argyle's desertion some three weeks previously, and complains of Oliphant and four others that, "though thai join not plainly with thaim as yit in thair awin personis, yit thair freinds and servandis obeyis al thair proclamations, and comes to their gatherings as well as the rest."

Lord Oliphant was now involved in a feud with the Ruthvens, on account of the slaughter of James Roise, son of Thomas Roise of Maitlands, in which Peter Oliphant of Turingis; John Oliphant, notary public; Laurence Oliphant, son of Thomas Oliphant, of Williamstoune, and eight others, servants of Lord Oliphant, were concerned. We know nothing of the occasion of the broil further than that it happened on the 20th of September, 1571, and had been preceded by an outrage committed by the Roses, in the month of July, when they violently expelled Jane Hepburn, widow of Thomas Rose, and now wife of Peter Oliphant of Turingis, from the house and fortalice of Malare.³ On the 22nd September, William Lord Ruthven, Henry Lord Methven, John Rose, laird of Cragy, and the friends of the Roses, to the number of two hundred men in arms, "gadderit upon the landis pertening to Laurence Lord Oliphant, callit the landis of Duplenc and Abirdalgy," and there took "Johnne Mwle, servand to William Oliphant, Thomas Millar, at the kirk of Duplene, and dyverse utheris furth of thair awin houssis, ledand thaim as captives

¹ Diurnal of Remarkable Occurrents in Scotland (Bannatyne Club), p. 168.

James VI. (Bannatyne Club), p. 63.

³ Pitcairn's Criminal Trials. Vol. i., part ii., pp. 25, 27.

² Illustrations of the Reigns of Mary and

and presonaris to the toun of Perth, quhair they held and detenit thaim bundin in irnes within strait presoun and captivitie, be the space of twentie dayis." They also "assegeit the place of Duplene the samen day, purposlie to have slane Laurence Lord Oliphant, and utheris."

In the beginning of September, 1571, the King's party had been surprised in Stirling in the dead of night, and the Regent Lennox slain. The war was now waged more savagely than ever, first under Mar, and then under Morton as Regent. Drummond and Oliphant are among the names of the nobles attending the Parliament at Holyrood on 30th April, 1573, which, sitting within range of Kirkcaldy's guns, decreed that some compensation should be given for "the hevie dampnage and skaith sustenit be the nichtbouris of Edinburgh Cannogait," whose houses had been wrecked by the "traitouris in the Castle."¹

In 1575 Oliphant appears in the Privy Council at Holyrood on February 23rd,² and also in the records of Parliament as one of the Peers in whose presence the new Earl of Argyle and his Countess, the Regent Murray's widow, handed over the Crown jewels to Morton.³ In 1576 a kinswoman of the new Regent's, daughter to one of his heirs-presumptive, the laird of Lochleven, was given in marriage to the Master of Oliphant.⁴

In 1577 there occurs in the English State Papers a list⁵ endorsed "Nobility of Scotland and how they stand affected," in which Lord Oliphant is thus referred to:—

"Therle of Athol and Montrosse, and the Lo. of Routhen, Drowmond, Oliphont Mefan, and Innermeth dwell in the counties of Perth and Stragherne.

"The Lo. Drowmonde of thilke.

"The Lo. Oliphant of thilke.

"The Invermethe, a Steward. } within age.

"The Lo. Mefan.

"These 4 depende whollie upon the Lo. Rewthen, and are as he will sett."

But perhaps the best description of the Lord Oliphant of the time is that given in a small MS. volume preserved in the Public Record Office, London.⁶ It contains a list of the Scottish nobility, drawn up for the information of the English Government by some staunch Protestant. Among the fifty-three Peers of Scotland

¹ Acts of the Parliaments of Scotland, iii., p. 33.

² Provostry of Methuen. Edited by Thomas Morris, p. 60.

³ Acts of the Parliaments of Scotland, iii., p. 84.

⁴ The bride must have been well able to remember Queen Mary as a prisoner in Lochleven

eight years previously.

⁵ Calendar of State Papers, Scotland (Master of the Rolls Series), i., p. 395.

⁶ MS. volume in quarto, Miscellaneous, No. 27, in the Public Record Office, London.

is found the name of Lord Oliphant, accompanied by the following description of himself, his arms, and his house:—

“ OLIPHANT.

“ [de geules aux trois croissants d'arg.] .

“ The Ld. Oliphant of the same surname descended of the Lds. of Abirdawgie. His house called Dupline lyeth in Straherne upon the water of Erne, where Edward Baliol assisted by Edward 3d. K. England gave battell with 8000 men only, overthrew the most pt. of the nobles of Scotland and made himself King, called to this day the Battle of Dupline. This Baron is not of great revenue but that he hath be good lands and profitable. Few gentn. of his surname and soe of small power, yet a house very loyall to the State of Scotland, accompted no orators in their words, nor yet fooles in their deeds. They do not surmount in their alliances but content with their worshipfull neighbours. Their house lieth two miles on this side St. Johnston.”¹

In 1577 the Regent Morton's power was being slowly undermined by Argyle and Athole, who were joined by many of the leading Protestants, among whom were Lord Ruthven, Tullibardine the Comptroller, and George Buchanan. In March, 1578, the faction was strong enough to oust Morton from the Regency, and such was the state of affairs that the English Ambassador could only describe it by saying that “ all the devils in hell were stirring and in great rage in the country.” Lord Oliphant was present at the Parliament at Stirling when James VI., then a boy scarcely twelve years old, accepted the government in person, with Master George Buchanan as Keeper of the Privy Seal. A month afterwards, Morton, who had withdrawn for safety to Lochleven Castle, dealt his counterblow, aided by his kinsmen, the Earl of Angus and Douglas of Lochleven. He was soon once more master of the royal person; and Oliphant was again present at the Parliament held at Stirling on the 12th June, and saw him give “ his ayth be halding up his hand, that he sould gif his aufauld leill and true counsall in all things.”² It seems that by this time Oliphant had sundered all the old ties that bound him to Argyle, and we now find him appearing in the list of the Lords that voted with the Earl of Morton, to be of the “ king's counsell.”³ On the 16th of July another Parliament was held at Stirling. Among the noblemen by whom “ his majestie's rob royall wes borne up,” were the Lords Ruthven, Oliphant, and Drummond.⁴ In this

¹ Of Lord Oliphant's neighbours the same writer tells us that Ruthven is Lord Treasurer of Scotland, has not many of his surname, and is Sheriff of Perth by inheritance; that Montrose, at Kin-cardine, is an Earl of small power, having but few gentlemen of his surname, but a man civil and given to quiet, with no great revenues; that the Drummonds are not of great power, “ a

surname subtile and of crewell stomacke,” as shown by the Monzievaird atrocity.

² Acts of the Parliaments of Scotland, iii., pp. 118, 121.

³ Calendar of State Papers, Scotland (Master of the Rolls Series), i., p. 397.

⁴ Moysie's Memoirs (Bannatyne Club), p. 12.

Parliament ten thousand merks were voted for the rebuilding of the decayed bridge over the Tay at Perth, an item of national expenditure to which Oliphant doubtless would lend his influence. In 1580 he and the Master of Oliphant became again involved in a deadly feud with the Ruthvens. In October of that year King James had attended a marriage at the Castle of Kincardine, not far from Dupplin. The story, as told by Moysie,¹ is as follows:—

“The Lord Ruthven returning thairfra, coming by Dupling, upon ane sudden chatmel, wes onbesat be the Maister of Olyphant, quhare one Steuart brother sone of Trackquaire wes slaine; my Lord only stayed with six or sevin of all the number being 56 or thairby. Quhairupone the Lord and Maister of Olyphant wes chairged to ansuer *super inquirendis* afoir the Counsell upon the penult of November, during quhiche tyme cartalis past betuin thame, but tuik no effect. Heirefter my Lord and Maister of Oliphantis compeirit with thair assisteris to underly the law; thair could not than be had a sufficient assyse, and so the maiter wes continovit; but the puir men als weill on the one side as uther clengit. In the meantyme the Lord Oliphant and Maister wer fugitives.”

Oliphant and the others implicated were summoned to appear before the Lords of the Privy Council on 30th November. At a meeting of Council held on the 19th of that month, the matter was taken into consideration, and because His Majestie understands that on account of the variance which lately happened to fall out between Lord Ruthven, the Treasurer, and Laurence Lord Oliphant, and the Master of Oliphant, involving the slaughter of Alexander Stewart of Schutingleis, further occasion of grudge and displeasure was thereby engendered between the Ruthvens and Stewarts and their friends, on the one part, and the Oliphants and their friends on the other, the Council resolved to issue letters forbidding their coming to Edinburgh on the day appointed with a retinue of armed followers, and charging them to appear “with xxiiii personis only, or within, in quiet and peceable manner, without armour; and in na wise to invade each other either for auld feid or new in their coming to the Burgh of Edinburgh and Canongait and for the space of aucht dayis after their departing.” On 7th December, William Douglas of Lochleven, and David Barclay of Cullernie, became sureties for Lord Oliphant, that he would enter his person in ward within the Castle of Down, in Menteith, and keep ward therein until he be freed by the King’s Majesty.²

Calderwood, who was evidently much drawn to such a champion of Presbyterianism as the Master of Oliphant was, gives a few more details of the skirmish.³ He says:—

¹ Moysie’s Memoirs (Bannatyne Club), p. 28.

² Register of the Privy Council *sub anno*.

³ Calderwood’s History (Wodrow Society), iii., p. 479.

“In October, the Lord Ruthven, coming from Kinkardin, where he had been at the Earl of Marr’s marriage, the Lord Oliphant, offended that he should ride so neer his dwelling-place to witt, Dippline, immitie standing betwixt them for a certain teind, the Maister of Oliphant came furth and persued him. The foremost fleing, the rest followed in such misorder, that they could not be recalled by the Lord Ruthven’s crie, whereupon he fled himself also. Alexander Stewart, a brother of the hous of Traquare, his kinsman, staying behind the rest partlie to hold off the persuers by resistance, partlie to mollifie their rage with fair speeches, was shott with a hacquebutt and slaine by one that knew him not, to the Maister of Oliphant’s great greefe. The Lord Ruthven persued the Maister of Oliphant before the Justice Generall.¹ The Maister was assisted by William Douglass of Lochlevin, his father-in-law. The Erle of Morton would gladelie have reconciled them; but seing he could not effectuat the agreement, he assisted the partie persued; whereupon the Lord Ruthven was not a little offended at the Erle. Mr. Johne Matlane and Robert Melvill, who depended upon him, blew the bellows. The Stewarts were no less offended for assisting one accused for the slaughter of a Stewart.”

This skirmish was one of the main causes which led to Morton’s downfall two months later. His old friend Ruthven, who had stood by him at Rizzio’s murder, and all through the hard struggle with the Queen’s adherents, was enraged at the Regent’s partiality to the Oliphants, and therefore sought the friendship of Arran, then a rising favourite at Court. Three years and a-half later Ruthven was reminded of this by Arran in the darkest hour of his life: “I loved you alswell as my awin saulle, and ye knew when ye had to do against the Lord Oliphant, how I counterfeited the king’s handwreit for the advancement of your cause.” But this petty Strathearn squabble was soon lost sight of in the weightier proceedings that led to the trial and death of Morton in 1581.

Queen Mary, pining in her English prison, rejoiced over the feudal “chatmel” which was to be the death-warrant of her great enemy. Two years later she thus expressed herself regarding Ruthven: “Because the Earl Morton did not, in a particular controversy that was between him (Ruthven) and Lord Oliphant, do what he would, he was the cause of his death.”²

Lord Oliphant attended the Parliament held at Edinburgh³ on 30th October,

¹ The trial took place on the 20th December, and is the only instance on record of a charge of shooting with poisoned bullets. The verdict found the defenders to be “clengit, innocent, and acquit of airt and pairt of the crewall slaughter and murthoure of nmqhile Alexander Stewart, of Schuttingleis, schot with ane poysonit bullet . . . and siclyke of umbeseting of the hieway to William, Lord Ruthven, Tresaurer, invading of him and his servandis for their slanchteris.” Next day the Ruthvens were arraigned for the

slaughter of John Buchan, a servant of Oliphant’s, and Lord Ruthven pled that he had a special license, for himself and his servants, to carry arms and use them in defence against enemies. The verdict of course was “clengit, innocent, and acquit.” Pitcairn’s Criminal Trials, i., p. 89.

² Tytler’s History, viii., p. 141.

³ A Fair was established at Auchterarder by this Parliament, to be held annually on 25th November. The towu had become decayed, and was “oppressit be broken men and lymmeris quha

1581, but withdrew (as we see by the list of the names) before the passing of the harsh sentence on his friends, the Douglasses, to whom and to the stern form of Protestantism they represented the Oliphants had now begun to cleave. After Morton's death there still remained the Earl of Angus, called "the minister's king;" the knight of Lochleven, Queen Mary's gaoler and the Master of Oliphant's father-in-law, was now Earl of Morton. If the country was to be saved from the impending ruin implied in the sudden rise to power of Lennox and Arran, mere tools of Spain, then all good Protestants must stand shoulder to shoulder. It was necessary, above all things, that all feuds among themselves should cease, and a peace was therefore patched up between the Ruthvens and Oliphants in this wise:— "On the night of the 20th of March (1582) at nyne houres, the Master of Oliphant came to the Lord Ruthven, now Erle of Gowrie, his chamber, without sword or anie other weapon, and offered himself in his will."¹ This chivalrous mode of soldering a quarrel was the prelude to an event of much greater importance, known as the Raid of Ruthven. Lennox and Arran, the promoters of the scheme against the reformed religion, which had for its object the destruction of the leading nobles of the Presbyterian party, were separated from the King, who had gone to Perth to enjoy his favourite pastime of the chase. Gowrie, Glammiss, and Lindsay, three of the chief men of the Protestant party, were all-powerful in this district, and, aware of the necessity for immediate action, they resolved to take advantage of the opportunity to secure possession of the King's person. "Sua upon the 23d day of August, the king mynding to return to Edinburgh, was interrupted in his voyage be the Erle of Gowrie, the Erle of Mar, the Master of Glammiss, the yong Lord Oliphant, the laird of Lochleven, &c., with the rest of thair complices assemblit in armes within the province of Strathern, to the number of thrie thousand men or therby convoyit the king perforce to the Castell of Ruthven; the gentilmen of his garde violentlie put fra him. The Erle of Arran understanding of this, suddenlie went over to have relevit his prince; but he wes als suddenlie apprehendit and keapit sure within the Castell of Duplein and his arms tayne from him, his brother, William Steuard evill woundit, and all their cumpanie other hurt or spulzeit."² While Arran was thus closely confined in the Oliphants' stronghold, King James was no less a prisoner in the Ruthvens' fortress, and the only notice taken of his boyish tears was the stern rejoinder, "Better bairns greet than bearded

makis incursiones and hereis mony conntrymen, and manassis oftymes the inhabitantis." Oliphant's own lands, lying nearer to the Highlands, must have been still more exposed to such depredations.

¹ Calderwood's History (Wodrow Society), iii., p. 596.

² Arran, coming from Stirling, had to pass near Dupplin on his way to Perth. Historie of King James the Sext (Bannatyne Club), p. 414.

men." The Presbyterian party were now triumphant. Morton's head was taken down from the Tolbooth, and the pulpits everywhere rang with the praises of the Raiders.¹ Mr. Patrick Galloway, the minister of Perth, told the King in the public sermon that he ought to praise God that he was freed of such pernicious persons as had been about him in times bypast, and exhorted the nobles to prosecute their good and godly cause with constancy, zeal, and fear of God. "Howbeit, his Highness was not weill pleased with this form of doctrine at that time." The same preacher was afterwards sent for from Perth to repeat his sermons before the King at Stirling. On this occasion, he says: "I somewhat twiched the imperfections of those who had misgoverned the estat in time bypast, wherethrough his Majestie did mislyke more of me nor of before."²

La Motte Fenelon, who now came on an embassy to Scotland, wrote that he found King James a strict prisoner. "La corone par terre, et le sceptre soulz les piedz des subjectz." For ten months the cause of the Raiders was in the ascendant. On the 19th October, 1582, the Master of Oliphant sat in the Parliament at Holyrood. King James was present, and was made to complain of innovations on the ancient laws and customs of the realm, and to acknowledge that the Raiders of Ruthven had done towards him "the dewtie of maist loving subjectis to their soverane Lord in their repairing and abiding with His Majestie;" and the Raid itself was characterized as "gude, aufauld, trew, thankfull, and necessar service, speciallie anent religione;" and no danger or scathe should result to those concerned in it. Colville, writing to Walsingham, on 13th March, 1583, acknowledges the assistance Queen Elizabeth had given to the Protestant cause, and says that "the Ministry, the most part of the Borrowis and Barronis wythin the realme, professors of trew religione, acknowledges the same, and next to thair awin

¹ The parishes to the south and west of Perth were filled by readers and exhorters for some years after the Reformation. One of the best of the Reformers, John Row, was minister of Perth from 1560 to 1580. William Lauder, one of the few Presbyterian ministers who have successfully wooed the Scottish muse, was minister of Forgan-denny from 1567 to 1572. He composed his "Godlie Tractate or Mirrour" during the great dearth of 1568. One cannot be sure that none of his invectives were meant for Lord Oliphant. All greedy dissembling Protestants are hard hit by the poet. Forteviot, the next parish to his, was supplied by a reader; and we find Alexander Young, late prior of the Carmelites at Tullielum, installed in the charge of no fewer than four parishes—Dupplin, Aberdalgie, Tibbermore, and

Pitcarne—with a stipend of £133 6s. 8d. and the kirk lands. Lord Oliphant was edified at Dupplin by the ministrations of Robert Simson, *alias* Glook, who was reader from 1574 to 1593. Findo-Gask and Trinity-Gask were supplied by a reader in 1567, but afterwards William Melrose was translated to the former parish from Dupplin. Very few of the name of Oliphant ever took orders in the kirk, but the parishes to the west of Gask were often filled by Graemes, Murrays, and Drummonds.

² Calderwood's History (Wodrow Society), iv., p. 114. Montgomery's sonnet, beginning—

"Sound, Galloway, the trumpet of the Lord"—one of the finest that our language can boast before Shakespeare's day, was written about this time. Bannatyne Miscellany, i., p. 109.

Soverainge, reservis an speciall dewetie to hir Majestie by all princes in the world ; also the hail nobill men that ar joynit in the lait caus ar of the same mynd, chieffie the Erllis of Anguss, Mar, Bothwell, Marschall, Gowry, Glencarne, and Kaitness; the Lords Lyndsay, Boyd, Cathcart; and the Maisters Glammiss, Oliphant, Forbes, &c.”¹ But in June of the same year (1583), King James slipped out of the clutches of the reforming Lords, and threw himself into the Castle of St. Andrews, where Crawford and Huntly, Argyle and Marischal, joined him, and after a brief interval Arran was again in the ascendant. A new plot was formed, and in April, 1584, we find Colville setting down “the names of the heades presently entering into the Action in Scotland” for the overthrow of Arran’s administration; and among those who “have given consent either to join or not to hinder the said action,” are the names of Argyle and Lord Oliphant.

The conspirators seized Stirling Castle, and the Masters of Morton and Oliphant made themselves conspicuous by the capture of four loads of arms on the way from Perth to Stirling. But the movement was completely frustrated by the vigilance of Arran. The seizure of Gowrie, who was carried prisoner to Edinburgh at the very time when he was waiting the signal to join his friends at Stirling, effectually paralyzed the activity of the promoters of the movement. King James advanced against Stirling in person, and the insurgents, not daring to encounter the force he was bringing against them, fled to England. The Master of Oliphant is mentioned in a list of “soche of the nobilitie and others of Scotland as ar presentlie distressed, and withdrawen for fear of apprehension,” dated in the month of May.² Before the month was out the Earl of Gowrie had been beheaded. The Master of Oliphant was summoned to appear for trial, and one John Brown made oath that he had fixed the summons on the Market Cross of Perth on 13th June, 1584, and then “past to the place of Newtyle, quhair the said Laurence, Master of Oliphant, dwelt and maid residence; and eftir I hade dewlie and syndrie times knockit at the yettis of the said place, I affixt and left a just coppie on ilk ane of the saidis yettis.” The summons was read before the Lords Commissioners of Parliament on the 20th and 21st of August, first in Latin and then in Scots; and the names of the rebels were peremptorily called at the Tolbooth window, but for them all only three ladies chose to appear. The Master of Oliphant and young Lochleven were granted

¹ Letters of John Colville (Bannatyne Club), p. 44. In the same year we have the following description of Lord Oliphant. “Laurence Oliphant, a man past fifty, an auncient Baron and of great lyvinge, but his landes lye dispersed. His sone maryed Lochleven’s dochter, a younge gentel-

man of good valure and accompte. Himself maryed the Erl of Arroles sister.” Present State, &c., of the Nobility of Scotland, 1583. Bannatyne Miscellany, i., p. 65.

² Calendar of State Papers, Scotland (Master of the Rolls Series), i., p. 472.

a further term till the 20th of September, and this favour may have been granted at the instance of Lord Oliphant, who attended the Parliament of the 19th May, when "the maist treasonable attempt at Ruthven" was duly condemned, and sixty of those concerned in it were forfeited. The fate of the Masters of Oliphant and Morton was never known. Calderwood, who was their contemporary, relates that "Robert Douglas, of Lochleven, and Laurence, Master of Oliphant, being charged to depart out of the countrie, obeyed, and perished by the way, and were never seen again, they, nor shippe, nor anie belonging therunto. The maner is uncertane, but the most common report was that being invaded by Hollanders or Flusingers, and fighting valiantlie, slue one of the principall of their number, in revenge whereof they wer all sunke; or as others report, after they had randered, they were hanged upon the mast of the shippe. They were two youths of great expectatioun."¹ Thus miserably and mysteriously perished the one man who might have upheld the fortunes of his house, now speedily to wane. If he had taken refuge in England, as Mar, Angus, and the others did, he might have shown himself worthy of the spurs he won at Ruthven, by withstanding James and Charles in the long struggle against Episcopacy, and might have lived to sign the Covenant in the days of Laud.²

At this time Lord Oliphant had large possessions in Caithness, over which a species of feudal warfare had been waged for a series of years. William, the second son of the first Lord Oliphant, had married Cristina Sutherland, the heiress of Duffus; and in 1497 King James IV. had granted the lands of Beredaill and Auldwick³ in heritage to their son George, with remainder to the younger son Charles, and to the heirs whomsoever of William Oliphant and Cristina. George seems to have died when still a youth, and Charles having been slain by William Sutherland of Querelwood, the estates fell to Andrew, a third son. In 1526 Andrew Oliphant executed a deed of sale of his whole lands in favour of Lord Oliphant, in which he narrates the circumstances of their transmission as follows:⁴—Long ago, the marriage of Cristina Sutherland being in the King's hand, through the death of her father Alexander Sutherland of Duffus, whose heir she was, the deceased Laurence first Lord Oliphant, the grandfather of Andrew, desiring to promote his sons to heritages

¹ Calderwood's *History* (Wodrow Society), iv., p. 46.

² Sixteen years after the disappearance of the Masters of Oliphant and Morton, 'a bruit went abroad' that they were detained in slavery by the Turks at Algiers, and a petition was sent to Queen Elizabeth by Robert Olyphant for assistance to enable him to go to Algiers in search of them.

The document is printed in the present volume, p. 141.

³ The lands of Beredaill were held by Reginald Chen, third of the name, in the reign of David II. His daughter appears to have carried them to the Sutherlands of Duffus.

⁴ The confirmation of this Deed by King James V. is printed in the present volume, p. 57.

and honours, that thus his descendants of the name of Oliphant might be advanced and continued in honour and dignity, had purchased the marriage of Cristina from the King for a large sum of money, and had given her in marriage to his second son, William, the father of Andrew. But after the celebration of the marriage, and at the time of serving the briefs in favour of Cristina, the deceased William Sutherland, of Querelwood, had taken the exception of illegitimacy against her before the Sheriff, and the case having been remitted to the judgment of the Spiritual Court, had been begun within the Kingdom of Scotland, and had for several years been litigated at the Court of Rome. Lord Oliphant had sustained very heavy expenses in defending the case, and while it was in dependence had maintained the heiress, her husband, and servitors, in his own house, by which means, through the heritable alienation of his lands, he had injured his family and heirs to an enormous extent. Considering these matters, and also the grievous injuries inflicted by the deceased William Sutherland, and his friends and successors, on William Oliphant and Cristina, his father and mother, and on his brother Charles, whom they cruelly slew, attempting right or wrong to recover from the successors of William and Cristina that portion of land in Caithness which had been peaceably assigned to them; and knowing that he could not peaceably enjoy those lands, or reside in those parts, without the danger of death from the insults and plots of his enemies, by the advice of his friends, considering especially that he had and was likely to have no male heirs, out of sympathy for the losses and expenses incurred by his deceased grandfather, and for the benefits bestowed upon his father and mother, and for certain sums of money to be paid towards the marriages of his daughters, he sold to his cousin Laurence, Lord Oliphant, the lands of Berredale and Auldwick, in Caithness, and the lands of Strabrock, in Linlithgow, with the advowson of their churches and chapels. These lands were confirmed to Lord Oliphant by Crown Charter in the same year. Andrew Oliphant of Berredale died in 1545, leaving three daughters. In 1549 Queen Mary granted to Laurence Oliphant, the son and heir-apparent of Laurence, third Lord Oliphant, the ward and non-entry of the lands of Berredale, in the parish of Latheron; and of Subister, Braule, Greistane, and Askary, in the parish of Halkirk; and of Clardene, Borland-Murkill, Sordale, Ambuster, Ormelie, the water of Thurso and its salmon fishings, Thurdistoft, and Subambuster, in the parish of Thurso; the lands of Sovre, Brawlbyn, Skaill, Burrostoun, and Lybuster, with the mill, in the parish of Reay; the lands of Stangergill and Ester Murkill, with the mills, multures, and fishings, in the parish of Olig; the lands of Duncansby, in the parish of Duncansby; the lands of Dunate, Wesbuster, Barrak, Rattar, Corsbak, Rasister, and Haland, in the

parish of Dunnet; the lands of Tusbister and Brabsterdorran, in the parish of Bower; the lands of Auldweik, Cambuster, Sarcleith, Ulbuster, Thrumbuster, Stambuster, Hasbuster, Thuresetter, Nether Bilbuster, Ovir Bilbuster, Aikirgyll, Reis, Harland, Wesbuster, Myrelandnorne, and the town of Wik, with the fourth of the salmon fishings, "all which were in the Queen's hands since the death of Rannald, Lord Schen, or other possessor."¹

In 1552 the lands themselves were appraised to Laurence Lord Oliphant and a sum of £10,000 was paid on those lying in the parish of Wick, in lieu of the Crown's dues for 120 years. Oliphant thus became one of the largest landholders in Caithness. There were castles on the lands of Berredale, Wick, Ackergill, Tusbuster, Brawl, and Ormlie, and manor-houses on several of the other lands, which now form separate estates.

In 1556 Queen Mary granted to George Earl of Caithness a remission for various crimes, including the violent seizure of the salmon fishings on the Thurso belonging to Laurence Master of Oliphant, in the years 1553-56, amounting to three lasts yearly at £100 per last.² The feud that subsequently broke out between the Sutherlands and the Sinclairs involved the Oliphants, who seem by this time to have been so far reconciled to their kinsmen the Sutherlands as to make common cause with them against the common enemy. George Earl of Caithness held a commission of heritable jurisdiction which constituted him justiciary over "the whole bounds of Caithness, Sutherland, and Strathnaver from Portinculter to Pentland firth, and from the east sea to the west sea, as far as the diocese of Caithness extends," with power not only "to use the pain of justiciarie" upon those whom he might find guilty of crime, but also "to charge under the pain of rebellion, and cause execute the horning, and tak up the half of the escheittis to his awin usc." It is easy to see how this power might be abused in a region so remote as Caithness. In December, 1565, William Sutherland in Berredale, Angus Sutherland in Myllarie, Alexander Sutherland in Suffester, William Sutherland in Brabister, younger, and Alexander Murcheson in Kilmuster, petitioned the Privy Council to be exempted from the Earl's jurisdiction, offering to compeir before the justice-air at Inverness to answer for any crimes that might be laid to their charge; but the application was refused.³ On the last day of January, 1566, they complain that they are "maist extremelie handillit" by the Earl, "who intends, under pretence of justice, to put them to destruction, notwithstanding the crewell slauchtir of

¹ See the quotations from the Register of the Great Seal, given under the various parishes, in the *Origines Parochiales Scotiæ*, vol. iii., part ii.

² Pitcairn's Criminal Trials, i., p. 395.

³ Register of the Privy Council of Scotland. Edited by J. H. Burton. Vol. i., p. 408.

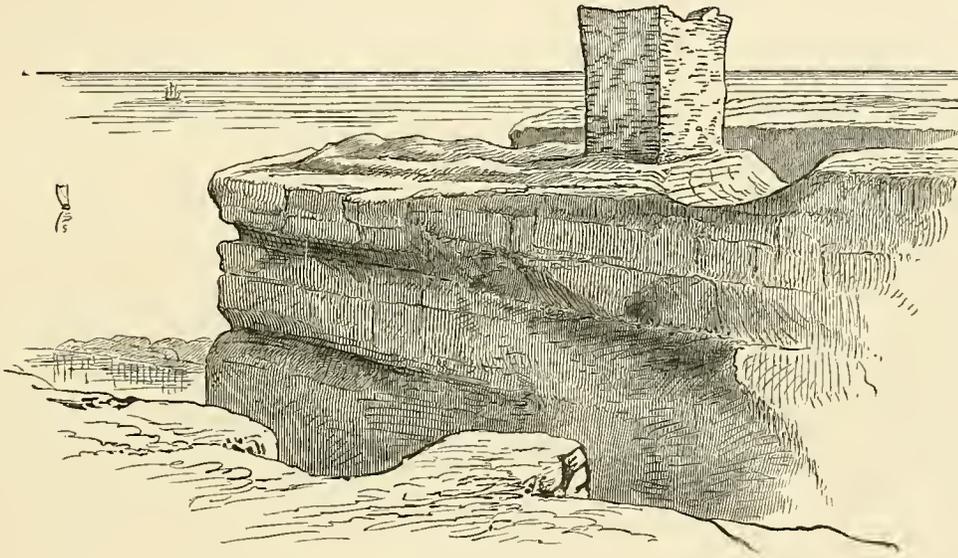
Robert Sutherland, and mutilatioun of William Sutherland in Lathrinfulye of his left hand," by the friends and tenants of the Earl on the 28th May previous.¹ The complaint was dismissed, and the Sutherlands took the law into their own hands. In April, 1566, the Earl of Caithness presented a complaint to the Privy Council, to the effect that the Sutherlands, on the 27th August, 1565, had slain seven persons, and raised fyre and brint the hous of Andro Bayne in Eister Alicht (Clycht?); that he had summoned them to underly the law for their crimes; that they had failed to appear, and had been put to the horn, "quhairat thai remainit ane lang space thaireftir, and hantit and repairit within the hous, place, and fortalice of Berredaill, pertaning to Laurence Lord Oliphant, swa that they could nocht be gottin nor apprehendit to be puneist for the crymes foirsaidis;" that the Earl then took the castle of Berredale by force, and garrisoned it, to hold it in the Queen's name; that, on the 23rd December, the Sutherlands, assisted by Hew Murray and the Laird of Duffus, came under silence of night and surprised the garrison and retook the castle, "and eftir that thai had enterit thairin, thay crewellie slew umquhile Gillepatrick M'Anuldonich, ane of the kepairs of the said house, hurt and woundit divers utheris kepairs of the same, and hes takin and holdis thame in pressoun and captivitie." The Earl therefore asks the Lords of the Council to charge the Sutherlands to deliver up the castle of Berredale to Laurence Master of Oliphant, and to charge him to pass himself, or to direct others to go north to receive the same, with certification that if he fail to do so "the King and Queen's Majesties will appoint sufficient kepairs of the said place and fortalice to the intertenyment of quietness in the cuntre."²

The Sinclairs evidently had the worst of it at this time, but in his capacity of heritable justiciary of Caithness the Earl possessed great powers, which he was not slow to exercise when occasion offered. Lord Oliphant's lands lay widely scattered throughout the county, but his principal seats in Caithness were the Castles of Berriedale and Aulwick, both of them strong fortalices, picturesquely perched on isolated rocks overhanging the sea, and defended on the landward side by deep ditches cut across the necks of the narrow promontories on which they were situated. The Castle of Aulwick consists of a square keep, built close to the south side of a precipitous crag, with a narrow passage left on the north between the base of the tower and the edge of the cliff, which stretches out like a wall seawards. Behind the keep a number of grass-grown mounds mark the ruins of the buildings connected with the Castle, which stood between the main tower and the seaward end of the

¹ Register of the Privy Council of Scotland, i., p. 428.

² Register of the Privy Council. Edited by John Hill Burton. Vol. i, pp. 447-450.

promontory. A ditch, deep and wide, cuts off all access on the land side, and the tower itself presents no opening, either in the shape of door or window, on the sides that look towards the land. The entrance gate, now gone, must have been on the north side of the keep, and was probably reached by a drawbridge. The ruin is thoroughly dismantled and roofless, and the walls are falling outwards, through the weathering of the mortar. Destitute of every architectural feature, except the striking characteristics of solid strength and impenetrability, it stands on the bare



The Castle of Auldwick.
(From *Archæologia Scotica*, vol. v.)

rock an empty shell, so storm-swept that even the hardier mosses and lichens refuse to clothe its naked walls. "The whole aspect of the scene," says Calder, the historian of Caithness, "is peculiarly wild and repulsive, without a single redeeming feature of beauty. With a gale from the east or north-east the sea-breach is horrible, reminding one of the poet's epithet of 'a hell of waters.' The maddened breakers roar, and foam, and dash in fiend-like fury against the iron cliffs, while the old keep, grey and weather-beaten, scowls amid the storm like an angry demon."¹

¹ Calder's *Civil and Traditional History of Caithness*, p. 30. The Castle, which is now called "The Old Man of Wick," is a well-known landmark to vessels approaching the coast. Calder gives a traditional version of one of the encounters which Lord Oliphant had with the Sinclairs, as

In this Castle Lord Oliphant was besieged for eight days by John, Master of Caithness, and finally obliged to yield owing to the want of water, there being no well within the bounds of the fortress. The story of the siege, and of the events that led to it, is so picturesquely told in Lord Oliphant's complaint before the Privy Council, that it is here given entire:—¹

“Anent oure Soverane Lordis lettres purchest at the instance of Laurence, Lord Oliphant, makand mentioun:—That quhair efter he had departit fra my Lord Regentis Grace laitlie in the burgh of Invernes, being in our Soverane Lordis service, he reparit towart his landis in Caithnes for sic resonabill caussis as he had ado; and upon the xxviii day of Julii last bipast (1569) he being in the toun of Weik, eftir dennar, passing to the feildis in pastyme convenient; and met him, Andro Keyth in Subister, Williame Sutherland younger of Clyne, Johne Suthirland his brother, with certain'utheris to the noumer of xxiiii personis; quhilk Andro, eftir he had spoken to the Lord Oliphant, and presentit to him ane writting of the Maister of Marschellis—throw altercatioun of wordis fallin betuixt him and Maister Thomas Keir, in quhais hous the said Lord Oliphant had immediatelie afoir dynit,—drew ane quinzear of purposis to invaid the said Maister Thomas, the said Lord Oliphant being standing betuixt thame, and wald na wayis be mitigat be request or fair wordis; bot incontinent the said Andro and his cumpany drew all swerdis, of set purposis as apperit, to invaid the said Lord Oliphant and the personis present with him for the tyme for thair slauchteris, and had nocht faillit to have sched greit blude wer nocht his greitar lenitie and expres inhibitioun gevin to his servandis to desist. Eftir the quhilk, he departing hame to the place of Auldweik eftir he had sowpit, that samyn nycht word come to him that the said Andro and his complices to the nowmer of thre scoir personis, bodin in feir of weir, were of deliberat mynd to tak the said Maister Thomas furth of his dwelling hous in Weik for forder invasioun; for quhais releif the said Lord Oliphant send certane of his servandis unarmit, quha passing to his hous fand him reddy to pas to bed, and returning the nearest way hame saw the said Andro and his cumpany —of quhilk nowmer sevin bowmen standing in arrayit battell at the marcat croce of Weik —to quhome or thai approcheit be the space of ane pair of buttis, the said Andro, with his complices foresaidis, but ony speking or motioun, maid schot at the saidis Lord Oliphantis servandis, and befor ony swerd wes drawin on ather side, sevin gentilmen, his servandis, wes hurt and mutilat with arrowis; and thaireftir, being sa cruellie invadit, tuke thame to thair defence. In the quhilk combat Johnne Suthirland was slane, and diverse

follows:—Oliphant, it appears, was fond of the chase, and as he happened to be out one day hunting in the vicinity of the hills of the Yarrows (on his own lands of Thrumbuster), he was attacked by the Earl of Caithness and some of his retainers. Oliphant was without attendants, but fortunately he had a fleet horse. He set spurs to his steed and galloped towards Auldwick, hotly pursued by the Earl and his men. On approaching the Castle he found the drawbridge was not lowered. His pursuers were close behind him, and he had not time even to wind his hunting-horn and warn

the inmates of his return. It was a critical moment, and the noble animal on which he rode seemed fully to understand the danger. No application of whip or spur was needed. Exerting his full power, the horse leaped across the terrific chasm—clearing, at one bound, twenty-five feet—and landed his rider safe on the other side of the ditch. “Lord Oliphant's Leap” is yet a familiar saying among the people.

¹ Register of the Privy Council of Scotland. ii., pp. 37-40.

hurt and mutilat as yit in perrell of thair lyffis. Eftir the quhilk the said Andro and his company continewing in thair furie the samyn nicht, committit plane oppressioun upoun his tenentis and servandis, spūilyeing thame of thair hail gudis to greit quantitie. And upoun the morne thaireftir the nyntene day of the said moneth of Julii, not onelie come Alexander Suthirland to the said Lord Oliphantis landis and of new did the lyke reif and oppressioun, and led away with him and his army sum of the said Lord Oliphantis servandis and detenis thame captive; bot als the samen day at xii houris, Johnne Maister of Caithnes, with a greit nowmer of armit men, came and besegeid the said Lord Oliphantis place and castell of Auldweik, his propir persoun being thairin for the tyme, be the space of aucht dayis or thairby nixt thaireftir; quhil at length in defalt of viveris, speciallie watter, thai wer constrainit for saufftie of thair lyffis to becum in will. And thai being this assegeid, wer be the Erll of Caithnes as Justice of that schyre and his said sone as Depute, chargeit to find souertie to underly the law for the saidis allegeit crymes. For obedience of the quhilkis chargeis the said Lord Oliphant offerit him self souertie for his hail servandis complenit upoun, quhilkis being ressavit offerit diverse responsall landit men souertie for him self quhilkis were panelie refusit, as attentik instrumentis takin thair-upoun beris; nochtwithstanding the quhilk, the said Maister and his hail company continewit still at the said assege and departit nocht thairfra quhill the said Lord Oliphant wes compellit to rander in thair handis thir his servandis, viz., Sir James Layng, Patrick Ochirlony, Maister Thomas Keir, Johnne Keir, and Johnne Law, messenger, quhome presentlie they detene captive and iutendis to put to the knowlege of ane assyise, albeit the said Erll, Justice fairsaid, nor his deputtis—in respect of thair formar procedingis, declaring thame allutirly partiall—aucht nocht to be sufferit to proceid in the said uater, bot sould be dischargeit thairof, and the said Lord Oliphantis servandis presentit befor the Justice Generall and his deputtis, that tryall may be tane and justice ministrat as efferis. And althoch it nicht appeir that the said Erll were juge competent and unsuspect as he is nocht, the said Lord Oliphant dar nocht resort in thai boundis for defence of his servandis lyvis, nor seik remeid of the wrangis done to him and thame, in respect that the personis principall authouris and committaris thairof are his tender kynnismen, and the said Erll and the said umquhile Johnne Suthirland quha wes slane thrid and ferdis of kin,—in respect that the said umquhile Johnne is sone to Alexander Suthirland, quhilk Alexander is sone to unquhile Kathrene Sinclair dochter to umquile Sinclair bischop of Caithnes, quha wes brother to umquhile Williame Erll Caithnes grandsire to the said George now Erll of Caithnes—and swa wilbe opinlie, at the leist quietlie, assistit manteinit and defendit be him as he hes alreddy schawin evident declaratioun. And thairfor oneles my Lord Regentis Grace and Lordis of Secreit Counsall provyde remeid as sic notorious oppressioun and wrang be puneist, it is nocht possibill to gentilmen to preserve thair lyvis and rowmes in thair boundis.”

In the months of August and October following, the Earl, in his capacity of heritable justiciary, held Courts at Thurso, in which he ordained the sureties for Lord Oliphant's compareance to be uncalled, in respect of his non-compareance, and “als to denunce him our Soverane Lordis rebell and put him to the horne.” But in the month of November the Privy Council summoned the Earl of Caithness to

appear before them "to heir and se the personis tane, apprehendit, and presentlie captive for the saidis allegit crymes, exemit fra him and his jurisdiction, to the Justice Generall and his Deputis, and the said Erle dischargit of all proceeding aganis thame in tyme cuming;" and power was given to the Deputies of the Justice General to hold Courts of Justiciary in the Tolbooth at Elgin for trial of the parties charged, Lord Oliphant excepted, because he was to be tried at Edinburgh by his peers. In April, 1574, Lord Oliphant appeared before the Privy Council, and solemnly protested, "immediately after the delyvering of the charter maid be him to George Sinclair sone to George Erle of Caithness of the comprysit landis quhilk ai comprysit be the said George for the said Erle his fader (spccifeit at mair lenth in the saidis letres of horning purchest be the said George aganis the said Laurence Lord Oliphant Superior thereof) for ressavng of the said George as immediat tennant thairto—contenyng the half landis of Akergill, mylne and mylne landis of Gillok and field thereof, mylne and mylne lands of Knokairn, the half landis of Harland with the rest of the landis contenit in the saidis letres," that the delivering of this Charter should not prejudice him and his heirs anent an action of reduction. Lord Oliphant now joined with George, Earl Marischal, and Robert, Commendator of Deir, who held lands adjoining his own in Caithness, in making a representation to the Privy Council that the late Earl of Caithness' commission of justiciary had been obtained "in that disorderit court and tyme quhilk immediately followed the murthour of his hieness (the king's) dearest father," and that it had been exercised to the complainers' great hurt and damage for fourteen years, until at last, in the month of April (1582), it had been reduced, at the instance of George, Earl of Huntly, Sheriff of Inverness, and Alexander, Earl of Sutherland, by decret of the Lords of Council and Session, "as a power strange and unsufferable to be in the person of ony inferior subject under a soverane prince;" that nevertheless a renewal of the commission was now sought by George, now Earl of Caithness, "being yet minor, and within the age that he may occupy the place of judgement in his awin person," and that if it were granted "it wold in effect tak thair lands within Caithness and the servicc of thair awin tennentis fra thame and mak thair roumis to be possest be the Clan Gun and utheris contraire justice law and ressou." This representation had the desired effect, and the Privy Council decided that no commission of justiciary should be granted to the Earl of Caithness, which should include the complainers' lands and servants within his jurisdiction. In the month of July of the following year, however (1583), David Sinclair, natural brother of the Earl of Caithness, came with a body of men, under silence of night, and forcibly ejected William Oliphant of Newton, uncle of Lord Oliphant, and all his

servants from the house and lands of Thrumster, and seized the crops, and all the "guidis, geir, insicht, and plenisching upon the ground of the same and within the houses thair of." On the 15th September following, having gathered a band of sixty of the followers of the Earl, the same David Sinclair came to the "tower and fortalice of Tnsbuster and Braiwin," under silence of night, and violently ejected Lord Oliphant's servants, and took possession of the houses and lands and all that belonged to them, and at the date of the complaint made to the Privy Council in November, 1587, it is said that they "as yit withhaldis the same, sellis, ussis, and dispones daylie thair upon at thair plesure to thair awne behufe, quhairthrow Dame Margaret Hay, spouse to the said Lord Oliphant, quha is presentlie duelland within the boundis of Caithnes for doing of her lafull affairis, can nawayes remain in the said cuntrey." The result was that Lord Oliphant obtained letters of charge against the Earl of Caithness that he and his tenants and servants should be harmless and skaitless of him in their bodies and goods, under the pain of five thousand ponnys; and as the Earl's men continued their depredations after the charge, the Earl himself was put to the horn, and charged "to pas and enter his person in warde within the Castell of Blackness, and to remane thairin quhile he obeyit the command of the said letters of horning, under the pane of tressoun."

King James tried hard to put a stop to such broils among his nobles, and on the 15th May of this very year he had given them all a banquet at Holyrood, and then made them walk two and two, hand in hand, up the High Street to the Cross, where they drank to each other's healths. We do not know whether in this singular procession Lord Oliphant and the Earl of Caithness were paired together, but we find that Lord Oliphant was present at the meetings of the Parliament in that same year. The execution of Queen Mary had roused the old hatred of England, and at the close of the Session the whole assembly, fired by the address of the Chancellor Thirlstane, threw themselves on their knees before the king, and, amid the clang of their weapons, cursed the perfidious Queen of England and swore to back him in the quarrel with their lives and fortunes. This was the beginning of a reaction of which the Romanist party did not fail to take advantage, but Oliphant was now drawing towards the close of his public career, and we no longer meet with him in the assemblies of Parliament. In 1589 he is thus described in one of the many lists of the Scottish nobility prepared for the information of the English Government:—

"L. Oliphant of that ilke, of 60 yeares. His eldest sone, the Mr. of Oliphant, perished in the hands of the Dunkirkers, leaving behind him his Lady, daughter to this

Earl of Morton,¹ and now Lady Hume, and a sonne and heire to inherite the Barony of Oliphant after the old Lord's decease. His daughter married to the yonge Laird of Glenbarvig.² His living in Perthshire and Strathern."³

Another of these lists, marked with Lord Burghley's pen in 1592, gives Drummond and Oliphant as of the Protestant party, while Oliphant's son-in-law, the new Earl of Angus, and his nephew the Earl of Errol are marked Papists. They were among the most active leaders of the Popish party, then making its last struggle for the supremacy in Scotland.

In this year Lord Oliphant had gone to his estates in Caithness. An old diary of the time contains the brief notice:—

"1593, January 16. Laurens, L. Oliphant, diet in Kathnes, and buriet in the Kirk of Wik."⁴

He left a son John (to be afterwards noticed), who was killed in a brawl with the Grays of Bandirran before 1604.⁵

In 1575 Lord Oliphant had built the Castle of Newtyle⁶ commanding the pass which leads from Strathmore to Dundee.⁷ Although now only a picturesque ruin, it is almost the oldest specimen of Oliphant masonry remaining, now that Dupplin Castle and the Greyfriars' House at Perth are gone. The Castles of Berriedale and Oldwick, in Caithness, are older, but they were probably built long before these lands came into possession of the Oliphants. The stronghold at Halton of Newtyle has little wanting but the roof, the wooden floors, and the iron cage stanchions that once crossed the square windows. The walls, built (like those of the "Auld House" of Gask) of the red sandstone of the district, are still in a fair state of preservation. This is due to the excellence of the masonry and the durable quality of the stone of which it is built, which was probably obtained from the adjoining quarry of

¹ Formerly William Douglas of Lochleven.

² Afterwards Earl of Angus.

³ Colville's Letters (Bannatyne Club), p. 328.

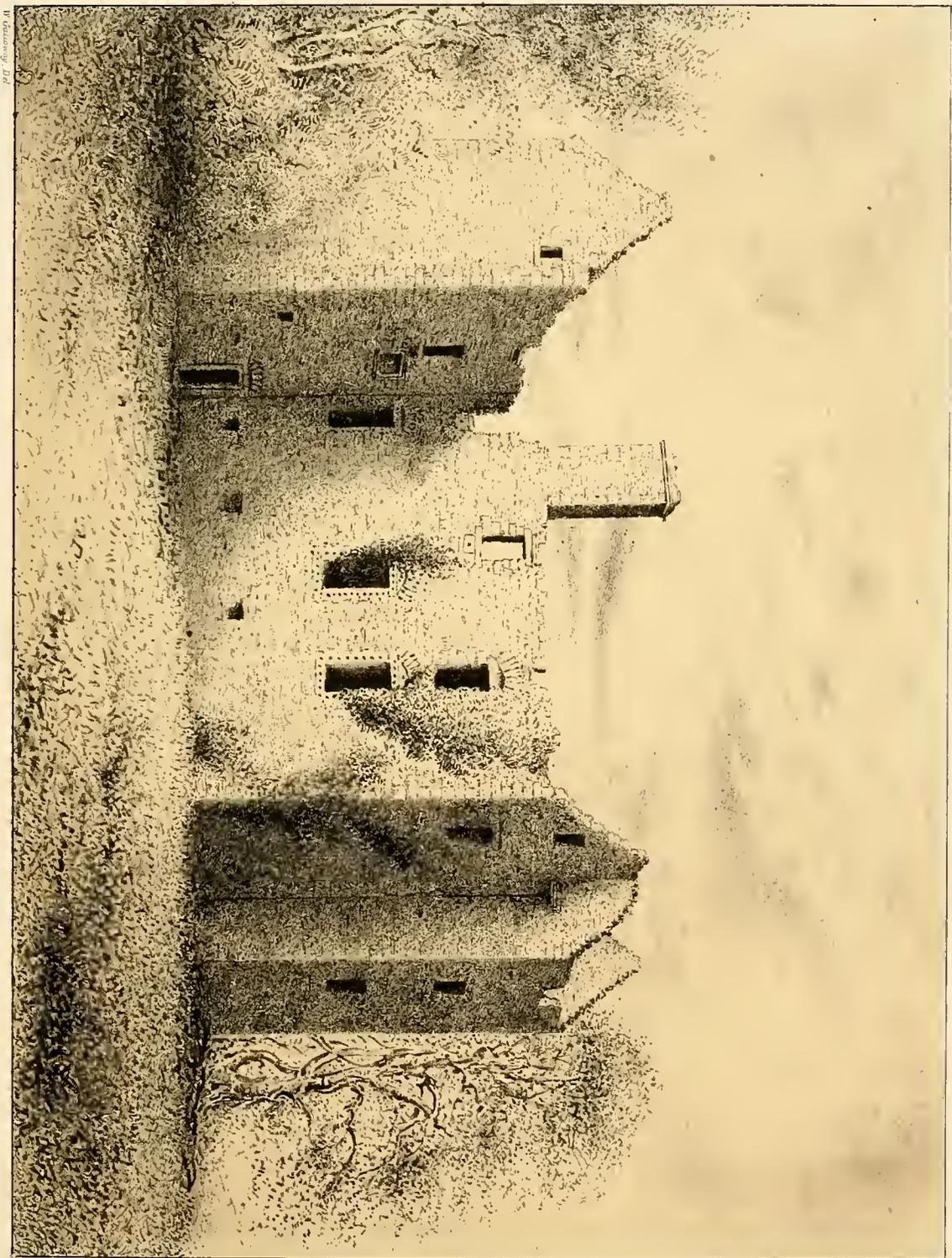
⁴ Lamont's Diary. Appendix, p. 282.

⁵ The remission to Gilbert Gray and others for the slaughter of John Master of Oliphant is dated "the penult day of May, 1604."—Pitcairn's *Crim. Trials*, ii., p. 512.

⁶ Halton Castle, a picturesque ruin, south of the village of Newtyle, bears the date of 1575. The lands continued in the noble family of Oliphant until the early part of the 17th century, when they were sold to Halyburton of Pitcur, from whom they passed in the course of 50 or 60 years to a son of the celebrated Sir George Mackenzie; and the property was inherited by the Stuart-

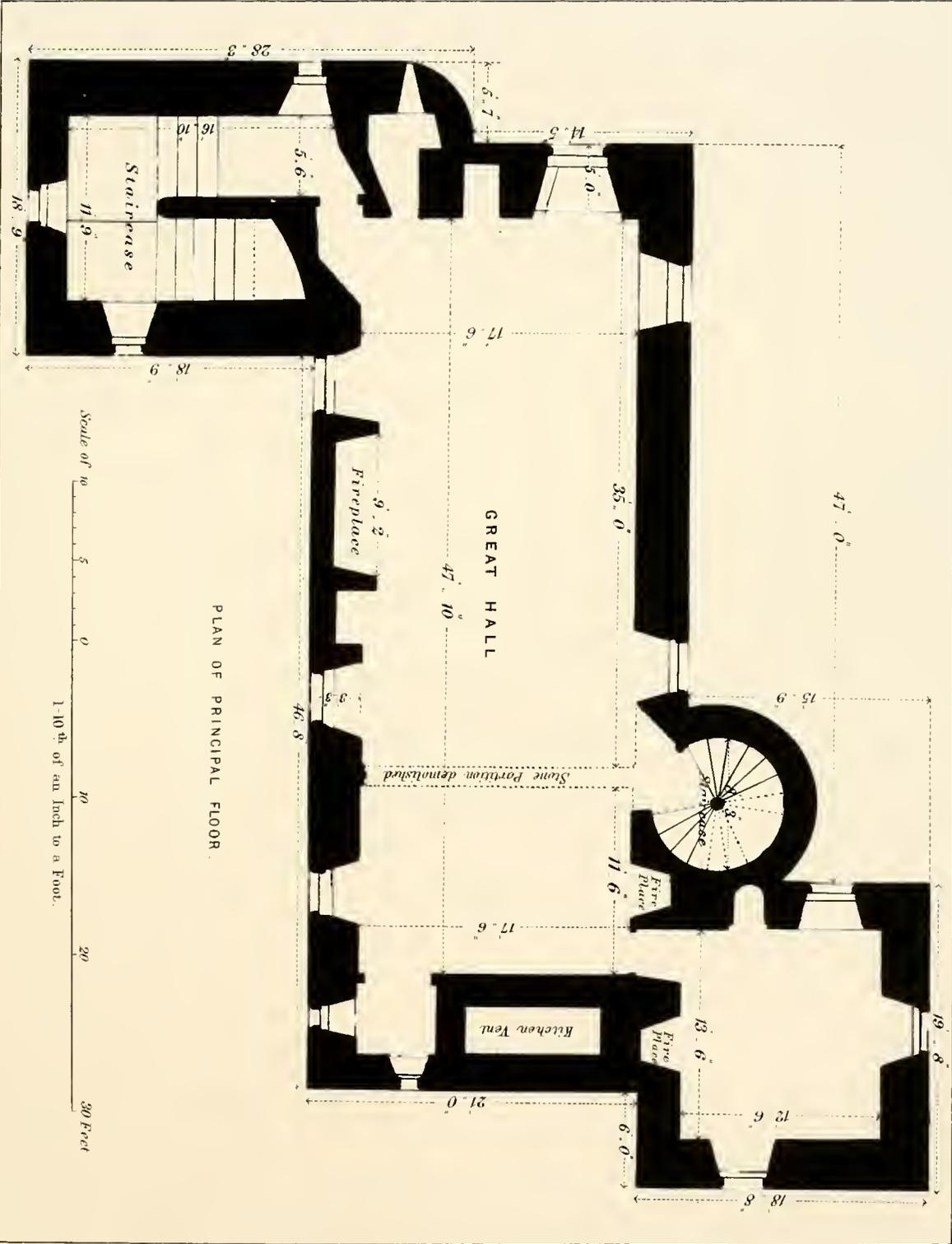
Wortley family, now represented by Lord Wharmcliffe. Two fragments of tombstones in the churchyard of Newtyle probably relate to the Oliphants. One bears the Oliphant and Crichton arms (?), with the initials L.O.:—C., and on the other are the words—OLYPHAN. AND. H....AGE. VE1603.—Jervise's *Epitaphs and Inscriptions in the North-east of Scotland*, pp. 141, 373.

⁷ Oliphant is said to have planted guns upon the walls to sweep the high road, and thus compelled all restive travellers to do an act of homage by repairing to the Castle to explain the object of their journey and receive befitting hospitality. Scott's "Marmion," Canto iv., note on Crichton Castle.



W. Davidson sculp. 1847

HATTON CASTLE, NEWTYLE.



Scale of 10
 5 0 10 20 30 Feet
 1-10th of an Inch to a Foot.

PLAN OF PRINCIPAL FLOOR.

HATTON CASTLE, NEWTYLE.

Pitneppie. This quarry is still in use, and, as in the case of the Harbour Works of Dundee, is chiefly resorted to when durability is specially required. The main part of the Castle is, in plan, a simple oblong about 61 feet by 24, with two rectangular projections at the opposite angles, one of which contains the principal staircase, and the other various subsidiary apartments. The entire arrangements of the building are well suited for defence, the openings in the ground floor being as few as possible and of very limited dimensions, while, at every available coign of vantage, shot-holes are placed, so that it would be impossible for an enemy to approach any part of the Castle without being exposed to a raking fire. Not only is this the case on the ground floor, but in each storey above the same provision has been made under the sills of all the windows. The doorway, which is of very moderate dimensions and decorated only by a simple collection moulding, is placed in the angle of the projecting staircase. It is a curious feature that for all the wants of so large a building only this one moderately-sized doorway has been provided, no other means of ingress or egress being available. The doorway is covered by the immediate cross-fire of two portholes, so that hostile approach would be a matter of imminent hazard. On entering and turning to the right, access is obtained to a long passage, from which a series of vaulted cellars or dungeons open at intervals. At the further extremity of this passage is the kitchen, a large apartment, but without a single window to afford a ray of light. It has no fireplace in the modern sense, but the entire width of the apartment next the gable-end of the Castle is carried up in one vast chimney, down whose ample throat the daylight feebly struggles. Returning to the main entrance, an admirably constructed scale-stair, each step of which is about fifteen inches broad and seven or eight inches deep, gives access to the great hall, which has occupied the entire width of the building, and may have been about forty feet in length. On the south side there is a large fireplace, over nine feet in width, the lintel of which has unfortunately been removed, but the jambs exhibit the same moulding as that round the external doorway. Other apartments have been formed in the rear of this hall, and a good-sized turnpike staircase, projecting externally, has given access both to the upper floors of the Castle and to the kitchen and other conveniences below. The stair itself is entirely gone, the building having been at some time extensively used as a quarry, especially for dressed stones, though it is now protected from further injury by the present proprietor, Lord Wharnccliffe. The whole of the upper storey has been floored with wood, but the timber-work has long since perished, and the walls rise bare and roofless from above the vaulted level of the hall floor. At some height above the external doorway, and on a level with the hall windows, there is a moulded panel, which, in all probability, had

contained the arms of the Lords Oliphant, and, it may be, the initials of the founder of the Castle and the date of its erection. Although the building throughout has been such a carefully constructed piece of mason-work, it is curious that, beyond simple mouldings round the windows, the doorway and the panel above it, and the fireplace in the hall, there has been no further attempt to give it architectural decoration. Built in still unsettled times, and with its architectural features subordinated to the defensive, it marks the transition from the mediæval fortalice of the feudal baron to the more peaceful residence of the great landowner.

The Castle of Newtyle appears to have become the mansion-house of the heirs-apparent to Dupplin. Two Masters of Oliphant dwelt in it in succession; but hard by there stands a lowlier building, by which we are reminded that the scholar's pen is now more honoured than the baron's sword. Bannatyne House, close to Lord Oliphant's Forfarshire castle, was the refuge of George Bannatyne when the plague was raging in 1568, and a turret is still pointed out¹ as the spot where the worthy merchant spent the three months of that dismal year copying out

"The buik writ in tyme of pest,
Quhen we frae labour was compeld to rest."

LAURENCE, THE FIFTH LORD OLIPHANT, son of the Master of Oliphant whose mysterious disappearance has been before narrated, succeeded his grandfather, but being still a minor when the fourth Lord died, he did not take the title till 1604. The date of his birth is given in the old Diary already referred to as follows:—"1583, March 25, Primogenitus magistri de Oliphant natus hora 4." Five years after his grandfather's decease, and when he was still only 15 years of age, he went to travel abroad, having first executed a faculty in favour of Mr. John Lindsay, brother to the Laird of Dowhill, appointing him chamberlain for uplifting the rents from all the Oliphant baronies except those in Caithness.² No details are known of his travels, but the complaint of the Kirk that at this time the young Scottish nobles were going abroad meanly instructed, and returning either atheists or papists, seems not unwarranted.³ Although his grandfather was an adherent of Queen Mary's in the earlier stages of the struggle between the two parties, he is always described as "Protestant" in the lists sent to the English Court. But in Colville's list,⁴ drawn

¹ Such, of course, is the current tradition, but the house in which George Bannatyne sojourned in 1568 must have been very different from Bannatyne House as it now exists.

² This appears from a genealogy of the Dowhill family taken from old papers in May, 1716, which

appears to be in the hand of young Thomas Oliphant.

³ Letter from Bowes to the English Court, 1599. Tytler's History, ix., p. 263.

⁴ Colville's Letters (Bannatyne Club), p. 352.

up in 1602, we find the fifth Lord thus described:—"The Lord Oliphant, callit Oliphant, Catholique, of good expectation." We have no reason to doubt the truth of the first part of this description, though the last was certainly not realized. He was served heir to his grandfather in 1604, but his creed debarred him from taking the seat in Parliament so long occupied by his ancestors.

A writer of the 17th century says:—"The nobility of Scotland was not created by patents as now, but the old way of creation was by some extrinsic solemnity or rite, such as girding them with a belt in public Parliament or other public assembly, or by listing them in public rolls by the titles conferred upon them, or by designating them so in the public charters and evidents of their lands; and which, not being always in the custody of the noblemen concerned, many controversies arose for precedency and priority of places and votes in Parliament."¹ In order to settle the many disputes about precedency which had arisen, a Commission was appointed under the Great Seal in 1606, to examine the evidences produced by the Peers and rank them accordingly. Lord Oliphant came between Lord Maxwell and Lord Lovat, and his evidents are thus recorded:—

"LORD OLIPHANT.

Produced a charter given be King Robert the Bruce of the lands of Kilpirmie, Newtyle, Ochtertyre, to William Oliphant of Aberdalgie, dated 12^o anno regni sui.

"Item, a charter given be King David in these words (dilecto et fideli nostro Waltero Oliphant, pro bono servicio suo nobis impenso et Elizabethæ sorori nostræ) of the lands of Duplin and Aberdalgie, dated anno 1364.

"Item, a confirmation of all former charters granted be King Robert the 2nd Stewart, dated apud Edinburgum, 10th Decembris anno regni nostri 18, anno 1388.

"Item, a charter in English of the lands of Cranshawes, wherein he is called Walter, Lord of Aberdalgie, dated anno 1412.

"Item, a retour Joannis Oliphant Domini de Aberdalgie, wherein he serves himself air avo suo, dated at Dunbar anno 1445.

"EX REGISTRO.

"A sasing of the lands and mannor place of Ochterhous, dated anno 1456, James 2nd his dayes. He is witness in a charter penult October anno 1458, King James 2nd his dayes.

"A charter of the lands of Brodland, anno 1462. He is Lord in Parliament, anno 1457 and 1467."²

Immediately after his grandfather's death, the enmity that had arisen between the young Lord Oliphant and his uncle John, styled the Master of Oliphant, was

¹ Maitland Miscellany, de Jure Prelationis Nobilium Scotiæ, i., 353.

² Maitland Miscellany, i., 350.

openly manifested. It seems that the deceased Lord Oliphant, by a deed executed at Dupplyn, on 11th October, 1588, had granted to his son John the lands and baronies of Aberdalgie, Dupplin, and Gask, Ochertyre, and Balcraig, Newtyle and Kinprony.¹ In 1594 a complaint lodged with the Privy Council² by Laurence Lord Oliphant and William Earl of Morton, his tutor, sets forth that John Oliphant, son to unquhile Laurence Lord Oliphant, forgetful of his natural behaviour and duty which he owed to the Lord Oliphant his chief, and intending now in his minority, to take advantage of his rents and living, violently oppresses the tenants and takes possession of the rents and duties, menacing them with all kinds of violence and injury if they refuse to deliver them to him. In 1599 it was complained to the Privy Council by Laurence Lord Oliphant, the Earl of Morton, and William Oliphant of Gask, tutor and curator to the said Lord Oliphant,³ that in the month of March, David Gray, Thomas M'Gibbon, and William Millar, servants to John, Master of Oliphant, with an armed force came to Lord Oliphant's house of Newtyle, and violently brake up the yettis, surprised and took the Castle, and "stuffit" it with men, victual, and armour, and held it for a long space thereafter. So reckless were they of the consequences that when a herald arrived from the Privy Council with his displayed coat of arms, bearing a summons commanding them to render the Castle in his Majesty's name, they fired upon him, and persisted in keeping possession of the Castle till they heard that the Sheriff, accompanied by the "hail forces of the sheriffdom," was on the way to besiege them in it. This may be the affair referred to by Calderwood in connection with his account of the Gowrie conspiracy:—"The cause," says he, "of his Majestie's servants following him so fast (undesired by him) being only grounded on the suspicion they had conceived of his Majestie's intention of riding was for the apprehension of the Master of Oliphant, one who had lately done a vile and proud oppression in Angus; for repairing of which they thought that his Majestie had some purpose for his apprehension."⁴ In 1604, King James granted a remission to certain persons for the slaughter in the execution of the King's commission of John, Master of Oliphant, and James Reid, "assisting and plain partaking with Gilbert Gray, our rebel," for whose apprehension for the slaughter of John Shepherd and for sundry crimes of theft the commission had been issued. In September, 1605, Gilbert Gray of Bandirran was slain by Laurence Lord Oliphant, and Laurence Oliphant of Lammerkin; and the feud seems to have

¹ This deed is among the writs belonging to Lord Wharnclyffe at Belmont.

² Printed in the present volume, p. 159.

³ Printed in the present volume, p. 169.

⁴ Calderwood's History (Wodrow Society), vi., p. 33.

continued till 1617, when the Grays executed a discharge in favour of these two parties for their father's slaughter.¹

From the charter granted by King James VI., on 28th June, 1607 (a transumpt of which, with the sasine following thereon is preserved in the charter chest at Gask), we learn the extent of the lands (besides those in Caithness) then possessed by the Fifth Lord Oliphant:—

Jacobus Dei gratia Rex etc. Sciatis nos dedisse etc. dilecto nostro consanguineo Laurentio Domino Oliphant et Domine Lilie Drummond ejus sponse eorumque alteri diutius viventi in conjuncta infeodatione, et heredibus masculis etc. quibus deficientibus heredibus masculis quibuscunque hereditarie cognomen de Oliphant et arma domus de Duppling gerentibus Totas et integras terras et baroniam de Kellie, videlicet locum et terras dominicales vulgo lie maines de Kellie, Over Kelly, Kellyside, Balclutho, Belliestoun, lie Kellymylne, Arnecloich, lie Grenesyde et Petkeirie cum molendinis, multuris, etc. et omnibus earum pertinenciis jacentibus infra vicecomitatum de Fyf. Necnon omnes et singulas terras de Over Gask, Nether Gask, et lie Holtoun de Gask cum pertinenciis jacentes infra vicecomitatum de Perth in plenam contentationem et satisfactionem ante Domine Lilie Drummond pro omni conjuncta infeodatione, vitali reddito tercia etc. que habet. Necnon dedisse etc. prefato nostro consanguineo Laurentio Domino Oliphant suisque heredibus masculis hereditarie quibuscunque cognomen de Oliphant et arma domus de Duppling gerentibus Totas et integras terras et baronias de Aberdagey et Diplen cum speciali libertate piscandi aquam de Erne tribus diebus in septimanu, tempore prohibito de jure et consuetudine regni nostri et cum advocacione donatioue et jure patronatus ecclesie de Diplene etc. infra vicecomitatum de Perth. Totas et integras terras et baroniam de Gask cum molendinis etc. et cum libertate piscandi (ut supra). Terras et baroniam de Newtyle et Kilpurnie cum molendinis etc. Binam partem terrarum et baronie de Auchtertyre et Balcraig cum molendinis etc. Terras et baroniam de Turingis et Drymmie cum molendinis etc. Terras de Galray, cum molendinis etc. infra vicecomitatum de Forfar. Terras de Binzean; dimidietatem terrarum de Dumbarney; duas quarterias terrarum de Pitcaithlie infra vicecomitatum de Perth. Terras de Hedderwick infra vicecomitatum de Edinburgh.

The next notice we have of Lord Oliphant is in connection with a deed of violence, committed on one of his own kin. The story is thus told by Lord Binning,² in a letter to King James, dated at Edinburgh in the month of May 1617:—

“MOST SACRED SOVERANE,—Since my last we ar adverteised that the Lord Olifant having consaued ane desperat malice agains Patrik Olifant his neirest kinsman and heire apparant; without any discoverie or denunciation of his evill will, enterteaned him in his howse, and at his table, with such familiaritie and freindlie countenance, as became men so near in bloude, till Wednesday last that having sowped together in Dipline, and standing in the hall before the fyre efter they had sowped, Patrikis doublet and cloathes being

¹ Printed in the present volume, p. 191.

Earl of Melros (Abbotsford Club), i., p. 291.

² State Papers and Correspondence of Thomas

lowse, the Lord Olifant upon the suddane without any schew of displeasour in wourdis or countenance gaue to Patrik ane great and dangerous wound in the bellie under the navill which is judged to be most deadlie. As yet we haue not assurance of the gentleman's death, bot none that haue sene him think he can leive. The malefactour is fugitive and if the patient die, it is thought it will equally indanger the offenders lyfe and estate, whairin I will affirm no thing rashlie, bot onlie entreat your majestie to forbear to dispose upon his escheat or estate till your majestie's chancelar and thesaurar come to yow to Berwik with whom yow may resolve what is most convenient thairin."

The matter was not so serious as it had at first sight seemed, for the Master of Oliphant lived to succeed his irascible cousin, of whose subsequent career we have no further notice, except what is gleaned from the documents recording the sale of his lands. In 1623 he executed a contract of sale in favour of William, Earl of Morton, of the lands and baronies of Aberdalgie, Dupplin, and Gask, ratifying a contract of sale of the same lands, dated 28th March, 1617, "granted in favour of the said Earl by Patrick Oliphant, son and heir to the deceased John, Master of Oliphant, and having right from the said Laurence Lord Oliphant." He seems to have sold Kellie to Lord Fenton in 1624, and Newtyle and Kinprony were sold about the same time to Halyburton of Pitcur. This spendthrift had married Lilius Drummond, eldest daughter of James, first Lord Madderty, by whom he had an only child, Ann, afterwards married to Sir James Douglas of Mordington. His own marriage must have taken place about the time that he came of age and succeeded to the title; for in April, 1604, it is noted that there was "a mes said in George Boswallis ludgeiug; my Lord Inchaffra duelling thair; the Ladie Oliphant present and her twa sisters." Lord Oliphant died in 1630; and as he left no male heirs, he was succeeded by his first cousin Patrick, the youth whose life he had nearly taken in Dupplin Castle in 1617.

PATRICK, THE SIXTH LORD OLIPHANT, was, like his cousin, a Roman Catholic, and thus was debarred from taking his seat in Parliament.¹ He was served heir to the estates in 1633, but the title became the subject of one of the most celebrated Peerage cases on record. Laurence, the fifth Lord, had executed a procuratory of resignation of his honours in favour of Patrick, as his collateral heir-male. A reduction of this conveyance was pursued in the Court of Session at the instance of Ann, only child of Laurence, the fifth Lord, with concurrence of Sir James Douglas, her husband.. This was a strictly contested Peerage claim, in which, says

¹ It must be of Patrick Oliphant that Father Archangel, the Capuchin Friar, speaks when he says: "In Angus I converted the eldest son of Viscount Oliphant and one of his nephews."—Historical Records of the family of Leslie, iii., p. 422.

Riddell, "the Court, on the 11th of July, 1633, after a full argument and consideration, decided these material points regarding dignities :—That use and solemn recognitions were enough, by the laws of the realm, to constitute and transmit them, when the patent did not exist; that they were descendable to heirs-female, if not specially barred; that they were not *in commercio*, or required infeftment; and that the late Lord Oliphant, by his procuratory of resignation, had denuded himself and his descendants of the dignities, ay and while the Prince should declare his pleasure and either confer the honour on the pursuer or defender. The decision obtains the utmost force and effect from the presence in the character of spectator of Charles I. (then in Edinburgh on the occasion of his coronation), as we are informed by the report of Lord Durie,¹ one of the presiding Judges." Durie states the decision of the Court in the following terms :—"They found that none of the said parties could claim the said honours, but it remained with the King which he might confer to any of them he pleased."² In conformity with this judgment, the dignity merged in the Crown, and Sir James Balfour, who was Lord Lyon at the time, informs us that in this same year (1633) "Patrick Oliphant (was) created Lord Oliphant."³ The patent is not now extant. Sir James Dalrymple states that Charles I. determined "that the heir-male should have the title of Lord Oliphant, and Sir James Douglas to be called Lord Mordington, with the precedency of the Lord Oliphant."⁴ In the diploma registered under the Great Seal, 10th March, 1640, the King announces his pleasure that the title of honour and dignity which is inherent in the right of blood flowing from the first Lord Oliphant should be established in the person of Ann Oliphant, and of her husband, Sir James Douglas of Mordington, and their heirs, and changes the name and designation of the title from the designation of Oliphant, Aberdalgy and Dupplin, to the name and designation of Lord Mordington.⁵

¹ This fact is also vouched for by Mr. William Maxwell in a letter addressed to Sir John Maxwell of Pollok, the original of which is in the Pollok Charter Chest :—"This day (10th of July, 1633) his Majestie cam from Falkland to Halyrud-hous be the ferrie at Burntisland, quhere, in his awin schip, accompaniet with a great number of bottis, the sea being sumquhat ruche, his Majestie happilie cam to Leithe about twa in the eftirnone. . . . His Majestie, tomorrow is to heir a dispitt in the matter of the tytill of the Lord Oliphant betwixt Sir James Douglas and the Lord Oliphantis brother sone; Mr. Lewis (Stewart) is for him, and Mr. Thomas Nicholson for Sir James and his

ladie quha is here of line, and My Lord Advocate (Sir Thomas Hope) for the King. They have taken great paines to prepar themselves swa that we think it sall be a creditable dispitt." Mr. Riddell styles the three advocates engaged in the case "the triumvirate of the Scottish Bar."

² Durie's Decisions, p. 686.

³ Balfour's Annals, ii., p. 203.

⁴ Dalrymple's Collections concerning Scottish History, p. 396.

⁵ See the use made of this famous case in Riddell's Inquiry into the Law and Practice in Scottish Peerages, i., pp. 17-20 and 178-184.

In the beginning of 1639 Montrose, who was then on the side of the Covenanters, brought "brave Aberdeen" under subjection; and Huntly, the leader of the Royalist party in the North, was obliged to make his submission at Inverury. "The 4th of Aprile the Marquess (of Huntly) came, eleven and himselfe, with only swords be their sydes, whereof the Lord Oliphant, and his son James the Lord Aboyne, were two. The General (Montrose) in like manner mett him at the place appointed with eleven and himselfe in like armes."¹ Nine days afterwards this "great and mightie Marquess,"—"great and egregious Earle" was enticed to Aberdeen, and thence borne off to Edinburgh. Montrose desired him to agree with the Laird of Fren draught and take him by the hand, because the Covenant admitted of no feud to stand unreconciled. But the "fire of Fren draught"² could not be so easily forgotten, and Huntly replied that he would take Fren draught by the hand on no condition.³ Lord Oliphant had become allied to the House of Fren draught through his marriage with his second wife, Mary Crichton, a sister of the former Laird. With her he got certain lands on the Deveron in Banffshire, but these must have been but small consolation for the loss of Aberdalgie, Dupplin, Gask, and the other old Oliphant baronies alienated by the spendthrift Lord. By his second wife Lord Oliphant had four sons—Charles, William, Laurence, and Francis.

CHARLES, THE SEVENTH LORD OLIPHANT, resided mostly in Banffshire, his mother's county. He sat in Parliament in 1672 and 1673. On the accession of James VII., Lord Oliphant, like too many others, hoped for the re-establishment of the old faith. In 1685 Lord Fountainhall tells us that "James VII. sent down a letter read at Council, 12th November, dispensing with the Test to some Papists to be Commissioners in their shires for uplifting the supply; among them the Duke of Gordon and Lord Oliphant."⁴ But three years later the Revolution came and upset all Lord Oliphant's calculations. He and his brother William, also a staunch Roman Catholic, clung fast to their old master's cause. In February, 1689, even before Dundee had come down from London to head the first of the Jacobite risings, Lord Oliphant was apprehended for signing an association to stand by King James with life and fortune.⁵ In 1693 Lords Oliphant, Strathallan, Nairne, and twenty-four other Scotch peers had been fined £1200 Scots each for absenting

¹ Spalding's History (Bannatyne Club), p. 112.

² An interesting account of the Burning of the House of Fren draught, in which Huntly's eldest son, Viscount Aboyne, and John Gordou, son of the Laird of Rothiemay, perished miserably (as related in the popular ballad), is given in Spalding's Memorials. See also a paper by Dr. John

Stuart in the Proceedings of the Society of Antiquaries of Scotland, x., p. 93.

³ Spalding's History (Bannatyne Club), p. 121.

⁴ Fountainhall's Diary, p. 150.

⁵ Luttrell's Brief Relation of State Affairs, ii., p. 20.

themselves from Parliament.¹ In spite of the fine, however, Oliphant refrained from appearing in Parliament till after the death of "the Dutch King." When a Stuart was once more seated on the throne, he reappeared in his place in Parliament, and showed himself to be a patriot of more fire than foresight. On the 12th October, 1706, he took the oath of allegiance, and his first act was to protest against the bringing of troops to Edinburgh to overawe the riotously inclined populace, among whom the proposals for Union were exciting much discontent. Oliphant followed the Duke of Atholl as an uncompromising opponent of the Union, and recorded his vote against each article of the Treaty. In the vote on the 21st Article he appears in a minority of eight, two of his allies being Lockhart of Carnwath and Fletcher of Saltoun. On the 7th January, 1707, he joined with the Duke of Atholl in calling attention to the fact that there was not a single address from any part of the Kingdom in favour of the Union, and that Scotland would now cease to be "a Sovereign and Independent Monarchie." After the 27th of January his name appears no more among the votes. He died before the month of March, 1707, and was succeeded by his son Patrick. His wife was Mary Ogilvy, heiress of Ogilvy of Milton, a cadet of the Findlater family. A carving of the Oliphant arms quartered with those of Ogilvy still remains built into the wall of the old church at Keith.

PATRICK, THE EIGHTH LORD OLIPHANT, wishing to serve under Marlborough, sold his lands in Banffshire to James Oliphant of Gask, and resigned in his favour "the honour, title, and dignity of the Lord Oliphant, with all rights, privileges, and precedency due and belonging thereto," because the said James Oliphant "is our near relation, and the only person capable to support and preserve our family."² He was present at the siege of Bouchain and served to the close of the campaign. He died without issue in 1720, and was succeeded by his uncle William.

WILLIAM, THE NINTH LORD OLIPHANT, like his brother Charles, was a Roman Catholic, and had been a staunch adherent of King James VII. He held the rank of Lieutenant-Colonel when he came over from Ireland in 1689 with Colonel Pursell's Regiment, and joined Dundee's rising in the west. He and his kinsman, Lord Fren draught, were denounced to the Parliament in the next year as having been in arms for King James at Duart, the stronghold of the Macleans, which was bombarded by the English fleet.³ Even after the Jacobite cause had come to wreck at Killiecrankie, he continued an active partizan of King James.

¹ Acts of the Parliament of Scotland, ix., sent volume, p. 319.
p. 251.

³ Acts of the Parliament of Scotland, ix., app., p. 55.

² The deed of resignation is printed in the pre-

We find him entering into a bond at Tamentoul that he and those of the Grants, Gordons, and Farquharsons associated with him would "goe on seeritlye and stike and bide by on another," and that they would never "be lessed or broken of this said association without the eonsent of his Majesties General." This bond was brought to the notice of the Scottish Parliament by King William's Advocate.¹ In 1695 Lieutenant-Colonel Oliphant was aeused of treason for fighting on the French side at Landen and Steenkirk, and for remaining in France without leave from King William.² He was still in the French service at Orleans when the announcement of his nephew's death was made to him.³ After his retirement from active service he returned to Seotland, and spent the last seven or eight years of his life in retirement in the family of Gask. He also made a resignation of the honours and dignity of Lord Oliphant in favour of Gask, "being desirous that the dignity and splendour of the family be preserved, as well as the honours thereof be continued in the present blood, and considering that James Oliphant of Gask, our grand-nephew, is the nearest male in blood to the family of Oliphant, and who is capable to support and maintain the dignity thereof." He died at a ripe old age in 1728, leaving no issue.

FRANCIS, TENTH LORD OLIPHANT, son of Francie, younger brother of the two previous lords, succeeded his uncle. Deprived of his parents in his youth, this hapless lad had been brought up with one "Deacon Lauthor, a shoemaker," who lived in the Horse Wynd at the foot of the Canongate, but for whose charity he "had lyne in the street and sterv'd." At this time he is described as a poor ehild, elad in rags, with "neither breeches, shoes, nor stockens but what is all in pieces," who, nevertheless, "goes by the name of my Lord Oliphant, and is so called by everybody, but in the meantime he will go in a erend for any body for a babee."⁴ This was in 1725, three years before the last Lord's death. He had, however, received the elements of a fair education, through the kindness of the Countess Marischal, which, in a letter to Gask written soon after his unele's death, he gratefully aeknowledges. He was served heir to his eonsin Patrick, the eighth Lord, in 1733; and Gask gave him a writ aeknowledging him the nearest heir of the deceased Lord, that he might thereby be entitled to vote, which procured him a pension for life. He died without issue at Islington in 1748, and thus ended the line of the Lords Oliphant.

¹ Acts of the Parliament of Scotland, ix., app., p. 60.

² *Ibid.*, app., p. 115.

³ See the notice in the present volume, p. 348.

⁴ See the letter of Margaret Garioch in the Jacobite Lairds of Gask (Grampian Club), p. 78. Several letters of the previous Lords Oliphant are given in the same volume.

IV.—THE OLIPHANTS OF GASK.

THE OLIPHANTS OF GASK derive their descent from William Oliphant of Newton, styled in a decret of July 30th, 1538, "Brothir-germane to Laurence third Lord Oliphant."¹ He was thus the younger son of that Colin, Master of Oliphant, who fell at Flodden, and must have been born sometime between 1506 and 1513. We find him in 1544 as pursuer in an action in the Sheriff Court at Perth, for recovery of certain rents of his lands of Newton in that neighbourhood, and in 1545 he appears as one of the assize on the service of the three daughters of Andrew Oliphant of Berriedale, as the heirs of their father's possessions in Caithness.² Shortly afterwards he married his cousin Margaret, one of the three heiresses referred to.³ In 1559 he obtained a decree from the Lords of Council and Session against the master cook of the Queen Dowager, for production of certain writs of the lands of Newton.⁴ In 1567 he obtained letters of protection from King James VI., against William Lord Ruthven, Patrick Murray of Tibbermuir, and others who had on the 21st July of that year "spulzeit and taken fra the said William Oliphant furth of ane foir sellar in the burgh of Perth, certain vittal, with gold, silver and other gear," of which they were ordered to make restitution.⁵ The feud was not stanchd, however, for in the following year seven of the Oliphants, including their chief, were charged with "hurting, wounding, and blud-drawing of the said Patrick Murray."⁶ In 1571 he was concerned with others of his kin in the slaughter of James Rose of Maitlands, and his name appears in the remission granted by James VI. for this crime in May, 1576. In 1586 he made a contract with his son Laurence by which he became bound to infeft him and his heirs-male in the Newton property. About this time William Oliphant of Newton went to Caithness to take charge of the family estates there, which now belonged to his nephew, the fourth Lord Oliphant, having been granted in 1526 to the third Lord Oliphant by Andrew Oliphant of Berriedale (who had no male heir), in con-

¹ The tenor of this decret, extracted from the Register of Acts and Decrets of the Supreme Civil Courts, is given on p. 349.

² These documents are printed, *infra*, pp. 70, 71.

³ Another of these heiresses, Catherine, was married to James, son of Andrew Oliphant of Biuzean. It seems that neither of the contract-

ing parties could write their names. The contract is printed, *infra*, p. 75.

⁴ This document is in the charter chest at Gask.

⁵ Printed, *infra*, p. 108.

⁶ Acts and Decrets of the Lords of Session in actions "the King's Advocate against Oliphant, April 21, 1581."

sideration of Lord Oliphant undertaking to "caus be marieit all the dochters gottin or to be gottin lauchfullie be the said Andro upon landit men as mony as the said Andro providis nocht in his tym." The duties of the representative of Lord Oliphant in Caithness were no sinecure, and William Oliphant was greatly harrassed by the Sinclairs, who dispossessed the tenantry and took possession of the lands and houses by force. These high-handed proceedings, in which the Earl of Caithness was deeply implicated, have already been described and need not be here repeated.¹ William Oliphant of Newton died soon after 1588, and was succeeded by his eldest son Laurence.

LAURENCE OLIPHANT of Newton was apparently a man of great stature. He is styled "Lang Lawrence" in a deed of July 24th, 1606.² In 1576 he was "pursewit befor the Shereff of Perth tuiching the spoliatioun of Henry Ogilvy of ane grey horse, price lx pounds, and withholding thereof fra him ay sinsyne." At this time he held the kirklands of Forteviot, as appears from an obligation granted by him in 1574 to Dioneis Conqueror, burges of Perth, of an annual rent of five bolls victual yeirlie to be uplifted from his kirklands of Forteviot. In 1576 he obtained decret from the Lords of Council and Session confirming him as tacksman of the whole vicarage of Forteviot, "with the teyndis, fruitis, rentis, emolumentis, manis, gleib, profitis, and pertinentis," which the parishioners in that year had refused to pay to him.³ In 1588 he sold to Lord Oliphant, for 1700 merks, the reversion of the Cane lands, or kirklands of Forteviot, wadset to him by Alexander Ruthven of Ercland. In 1598 he is styled "of Thrumestar in Caithness," in a contract of sale to him of certain lands near Kirkcaldy by Sir James Scott of Balwery. Laurence Oliphant had married Mary Rollo, daughter of Andrew Rollo of Duncrub. He died about the beginning of the 17th century, and was succeeded by his eldest son, also named Laurence.

LAURENCE OLIPHANT, son of Laurence Oliphant of Newton, and the acquirer of Gask from the elder branch of the family, is first mentioned in a bond given by John, Earl of Caithness, 12th March, 1601, in which it is stated that umquhile William Oliphant of Newton was tacksman, kindly tenant and possessor of the lands of Thrumbuster, Snartigill, Raggras, Yarras, and others pertaining heritably to Laurence Lord Oliphant; and that Laurence Oliphant, grandson of William Oliphant of Newton, is now likewise kindly tacksman of the same lands. In a

¹ See the account of the strife between the Oliphants and the Sinclairs, *supra*, pp. liii.-lix.

² This document is in the charter chest at Gask.

See p. 352.

³ The decret is printed, *infra*, p. 123.

requisition of 1605 against Sir James Scott of Balwearie, he appears as "Laurence Oliphant, eldest lawful sone of umquhile Laurence Oliphant of Thrumestar." He is thus identified as the great-grandson of Colin, Master of Oliphant, who fell at Flodden in 1513. Born probably about 1575, he married in 1606 Liliash Grahame of Inchbrackie, the widow of William Colville of Condie. He was closely connected with his spendthrift cousin, the fifth Lord Oliphant, now beginning his course of folly; and in 1610 he received from Lord Oliphant a grant of the town and lands of Ross, in the barony of Gask and parish of Findo-Gask, in consideration of a money payment of 2100 merks. Four years afterwards Lord Oliphant also sold him the lands of Lamberkin for 6700 merks, but under reversion on repayment of the same sum. A few months later he disposed these lands to Laurence Oliphant (now styled his chamberlain and factor) for payment of his debts. In 1616 he sold to Laurence Oliphant, for £9500 Scots, the lands of Keirprow, Clathybeg, and Keir Woodhead. In 1617 an inhibition was granted at the instance of Laurence Oliphant against Lord Oliphant, inhibiting him from putting away his goods until certain contracts anent Lamberkin and Ross should be implemented. In the same year he is included with Lord Oliphant in the discharge granted by Patrick Gray of Bandirran for the slaughter of Gilbert Gray. This seems, however, to have been the last of these fatal brawls, and Laurence Oliphant was more remarkable for thrift than pugnacity. In 1623 he received a discharge from the Earl of Morton and Lord Oliphant for his intromissions with the rents of the baronies of Aberdalgie, Dupplin, and Gask, most of which were now passing away from the old name of Oliphant for ever. Two years afterwards he purchased from John Earl of Montrose, for the sum of 20,600 merks, the barony of Culgask, or Cowgask as it is now called. In the same year Gask itself, which had been in the hands of William Oliphant, uncle to Lord Oliphant, was sold to the Earl of Morton, by whom it was assigned to Laurence Oliphant of Ross.¹ The charter under the Great Seal of the lands and barony of Gask, and the office of the bailliary of Inchaffray, is dated December 6th, 1625. Fifty years before this time the Archdeacon of Dunblane, with consent of the Dean and Chapter, had made over to the fourth Lord Oliphant the lands of Cur, with the lands, manse, and glebe of the Church of Findo-Gask, with the croft called the Vicar's Croft, at the back of the Church, but reserving the manse and glebe to the minister of the church. These lands, along with the lands of Clathybeg, were now also granted to Laurence Oliphant by the Earl of Morton and Lord

¹ The deeds relating to the acquisition of Gask by Laurence Oliphant are printed *infra*, pp. 203-212.

Oliphant. An inventory of the writs of Gask from 1364 was drawn up about this time, the receipt at the end of the document being in the names of Laurence Oliphant of Gask, and Laurence, his eldest son and heir. The old laird died on the 20th July, 1632. In his will, after commending his soul to God, he ordains his body to be "buriat in the earth within the Kirk of Gask, reverentlie as effeiris," and enjoins his executors to "cause bild above my buriell plaice ane sufficient and cumlie yle with ane loft above the same, weill securit and in guid ordour." In the schedule of "dettis awand be the deid" the stipend of Mr. Johnne Fyffe, minister at the Kirk of Gask, is specially mentioned.

LAURENCE OLIPHANT, the second of Gask, was retoured heir to his father on 25th August, 1632. On the 24th October he received from James the great Earl of Montrose a precept for infesting him as heir in the lands and barony of Culgask and the feu-duties of the lands of Aberuthven. In 1634 the young laird of Gask granted a charter of the lands of Clathybeg in favour of Lilius Oliphant, his future spouse, only daughter of Patrick the sixth Lord Oliphant. She is subsequently styled in the documents Dame Lilius Oliphant, Lady Gask. Like his kinsmen and neighbours of Bachilton, Laurence Oliphant was strong on the side of the Covenant, which, on 5th November, 1643, was "read, sworne, and subseryvit be the town of Perth be standing up and everie man upholding their hands; the women also were movit to stande and sweir."

A charge has been brought against the Laird of Gask that he deserted the side of the Covenant on the day of Tibbermuir, and went over to Montrose. But Baillie, whose letters give the best idea of these times, speaks in more passages than one of "Gask, now Tullibardine, and my Lord Drummond." These two caused the loss of the battle. Gask is still one of the titles of the Athole family, and thus the leader who caused so much harm at Tibbermuir was a Murray, not an Oliphant. In 1648 Laurence Oliphant procured from his father-in-law, Lord Oliphant, a disposition of lands at Gask and Glasclune. In this year we find Laurence Oliphant of Gask in trouble with the Presbytery of Auchterarder for subscribing the Treaty between the Scottish Commissioners and King Charles, which the Kirk had declared "ane unlawful bond." Oliphant submitted that when he signed it he conceived it not to be prejudicial to the Covenant or to his former profession, "qubairin he had kythed faithfull and suffered thairfor." He declared also that "howsoever, in the day of temptationne, being threatened with loss of lyfe and fortune, he did put his hand to that bond, yit he did then protest before the Committee of the shire that he did it only in so farre as it agreed with the Covenant,"

and professing his sorrow for his rashness, and ingenuously confessing and repenting of the sinfulness thereof, he desired that the Presbytery should suffer him to renew his Covenant and publicly to declare his repentance.¹ In this year also we find Lieutenant-General David Leslie giving a discharge for 200 merks to the Laird of Gask as tutor to his nephew. The laird sent a man and horse to the army on the 17th July, 1649, and again on the 17th November of the same year. On the 2nd of January, 1651, Charles II. was at Perth with the Committee of Estates. Edinburgh Castle had just yielded to Cromwell, and the King was fast in the clutches of Argyle and the Covenanters. On that day at Scone he knighted Sir Laurence Oliphant of Gask, Sir James Drummond of Machiney, and two other gentlemen.² Perth soon yielded to "Oliver's men," however, and the walls of the Grey Friars' Monastery, built by the first Lord Oliphant, were taken to build the new Citadel, now called the Mount. Many old buildings shared the same fate, and even the tombs were not respected, among which were those of the Oliphants.³ In 1652, when Scotland was sullenly enduring the yoke of the usurper, the Knight of Gask was making further acquisitions. He obtained from Blair of Williamstoun a fourth of the town and lands of Williamstoun, with the manor place thereof, a fourth of the lands of Soutarton, the lands of Middle Dubheid, and others. Four years later he apprenticed his second son Laurence to Robert Wallace, writer to the Signet. But a different career was in store for this youth. In 1657 Sir Laurence disinherited his first-born, Patrick, then a youth of about two-and-twenty, and the effects of this freak of fatherly wrath were not set right for nearly fifty years. On the 22nd May, 1657, a contract was drawn up by which the knight sold to Laurence Oliphant, his second son, the lands and Barony of Gask, the lands of Cur, the office of the bailliary of Inchaffray, the barony of Culgask, and others, reserving his own life-rent of the subjects. Patrick Oliphant, his eldest son, who in ordinary circumstances would have inherited the lands, is a witness to this contract. On the 6th of June Sir Laurence sold to Patrick, his eldest son, his lands at Williamstoun and Dubheids, reserving his own life-rent, and burdening these lands with provisions for his daughters. In 1658 the brothers gave bonds that they would relieve each other from debt on certain contingencies. In this year also another step was made by the Oliphants of Gask at the expense of the elder branch—a process which went on for four generations after the "Spendthrift Lord" had begun his career of waste and folly. On 5th August, 1658, Patrick Lord Oliphant

¹ See the Extract Minute of the Presbytery, printed *infra*, p. 238.

² Balfour's Annals, p. 256. See the Receipt by

Sir James Balfour for the fees, printed *infra*, p. 241.

³ Cant's edition of The Muse's Threnodie, app. p. 129.

granted a charter to Sir Laurence Oliphant, his son-in-law, of the town and lands of Pitneppie, in the parish of Newtyle.¹ Many branches of the house were now flourishing in Perthshire. We find from the Perth valuation of 1649, and the list of Commissioners of Supply in 1661, that there were Oliphants holding lands at Abernethy, Bachilton, Carpow, Dumbarney, Pitcaithly, Cold Coats, Condie, Bynzean, Rossie, Newton, Maderty, Methven, Monzievaird, and Wester Meigour, besides their better-known kinsmen at Gask and the head of the house, who was now no longer the owner of Aberdalgie and Dupplin.² In 1659 Sir Laurence gave to Laurence, his second son, a tack of the lands of Williamstown for three years. On the 19th of July, 1661, a contract of marriage was made between Laurence Oliphant, younger of Gask, and Anna Preston, second daughter of Sir George Preston of Valleyfield,³ and shortly thereafter Sir Laurence sold to him the lands of Williamstown, Soutarton, and Dubheids, which he had recently purchased. About the same time there is a precept of infeftment of the lands and barony of Culgask in favour of the young Oliphant and his future spouse. Two years later, a charter under the Great Seal secured the rights of young Laurence to his father's lands. In 1669 Sir Laurence abated his wrath against his first-born, and settled Patrick Oliphant in Williamstown. Lady Gask died in this year, and probably this event may have been instrumental in bringing about a reconciliation between the father and son. In 1672 the Knight of Gask gave one of his daughters in marriage to Colin Campbell of Monzie, and another was afterwards married to Gavin Drummond of Bellaclone. In this year young Laurence Oliphant died, and his father and elder brother gave a bond that they would maintain and educate the younger children of the deceased, Gask being entailed on the eldest son. Sir Laurence himself died on the 20th July, 1679, and in his will, which is dated 5th June, he appointed his eldest son Patrick his sole executor.⁴ Before he died he had granted certain revenues to this son, with whom he had dealt so hardly.

GEORGE OLIPHANT, eldest son of the deceased Laurence, second son of Sir Laurence Oliphant of Gask, succeeded to the lands and baronies⁵ which his grandfather had caused to be entailed upon him, after he had disinherited his eldest son Patrick. The retour of George Oliphant's service as heir to his father is dated 6th

¹ Printed *infra*, p. 243.

² About this time Sir John Cunningham, Advocate, drew up a genealogy of the Oliphants, bringing it down to the year 1660. This document is still extant in the Gask charter chest. Balfour, Mackenzie, Crawford, Nisbet, Lord Hailes, Riddel, and Skene have all lent their aid to the

establishment of the Gask pedigree.

³ Printed *infra*, p. 245.

⁴ Printed *infra*, p. 275.

⁵ These are detailed in the Retour of the Service of George Oliphant as heir to the deceased Laurence, his father, printed *infra*, p. 262.

June, 1677. He was twice married—first to Anne, daughter of Sir John Malcolm; and secondly to Jean, daughter of James, third Lord Burleigh. He died without issue in 1684, and was succeeded by his younger brother.

WILLIAM OLIPHANT, younger son of Laurence Oliphant, the second son of Sir Laurence, succeeded his brother George, who died childless. The retour of his service as heir is dated May 4th, 1687.¹ He represented the county of Perth in 1703, and died unmarried in 1704. The estates then devolved upon their rightful owner, in the person of James, eldest son of Patrick Oliphant of Williamstoun, the disinherited heir of Sir Laurence.

JAMES OLIPHANT of Williamstoun, eldest son of the disinherited Patrick Oliphant, succeeded, on the failure of the younger branch, to the estates which should have been his father's. He had been served heir of his father in the lands of Williamstoun in 1689, and the retour of his service as heir of tailzie to the deceased William Oliphant of Gask is dated 16th February, 1705.² In 1689 he had married Janet, daughter of the Rev. Anthony Murray of Woodend, ancestor of the Duchess of Lauderdale, Countess of Dysart.

As the subsequent history of the Oliphants of Gask, chequered as it was by the fiery zeal with which they espoused the cause of the Stuarts in the rebellions of 1715 and 1745, has been so fully detailed in a recent work by the present representative of the family,³ it is unnecessary here to give more than the leading outlines of their subsequent career, adding a few particulars not specially noticed in Mr. Kington Oliphant's "Jacobite Lairds of Gask."

James Oliphant, when still laird of Williamstoun only, along with three other neighbouring lairds, applied to the Scotch Parliament on the 9th of October, 1690, for an Act to compel all the heritors to drain the Pow of Inchaffray, which flooded the neighbouring lands. An arrangement had been come to, and the proportion of the expenses effeiring to each of the proprietors was fixed by arbitration in 1672,⁴ but the much-needed improvement was now permanently effected by Act of Parliament, and this is the only instance on record of a great agricultural improvement having been made under the authority of the Parliament of Scotland. After he succeeded to Gask, James Oliphant had some trouble in settling his

¹ The document is printed *infra*, p. 190.

² Printed *infra*, p. 309.

³ The Jacobite Lairds of Gask. By T. L.

Kington Oliphant, Esq., of Balliol College, Oxford. (Grampian Club.) London, 1870, 8vo.

⁴ See the document printed *infra*, p. 251.

marches, and there is a curious record of a violent dispute which arose between him and Sir Henry Stirling of Ardoch, on account of the building of a new dam-dyke across the Earn, and of a new mill on the banks of that stream by Oliphant. In 1709 he purchased from the eighth Lord Oliphant the Oliphant lands in Banffshire, and in 1711 Lord Oliphant also resigned in his favour the "honour, title, and dignity of Lord Oliphant, with the rights, privileges, and precedency due and belonging thereto, and all patents, infestments and other rights and securities whatsoever, given or granted to him and his predecessors," with the lands in Banffshire beforementioned, for a certain sum of money presently advanced by James Oliphant of Gask, stating "that he is our near relation and the only person capable to support and preserve our family." When the rebellion broke out in 1715 Gask's two eldest sons went out with the Earl of Mar, while he himself stayed at home and thus preserved the lands from forfeiture. In 1716 he executed a deed of entail of the lands and baronies of Gask and Cowgask, in favour of his wife in life-rent and James Oliphant his third son, secluding the two elder sons until they were purged of suspicion of being concerned in the late rebellion. In 1719 a dispute arose between him and Lord Oliphant, the latter claiming the surplus of the value of the Banffshire estates (which had been sold to Kinnaid), over the sums formerly advanced to him by Gask. It turned out, however, that Gask was no gainer by the sale. Lord Oliphant died in January, 1720, and Gask was called upon to assert his rights against a claimant of the title who had appeared in London calling himself Lord Oliphant. Gask wrote to the Duke of Athol requesting him to protest against any attempt that might be made by the claimant, Andrew Oliphant, an officer in the army, to vote at the ensuing election of Peers. Gask's letter to the Duke is brief and business-like. He simply requests His Grace to protest against this Andrew Oliphant, or his proxy, "as haveing no right to the Peerage of the Lord Oliphant, in regard I have a resignation from the last Patrick Lord Oliphant of the title, honour, and dignity of the Lord Oliphant, which I believe will be found by the laws and practice of Scotland sufficient to exclude any person else from assuming the said titles or acting by virtue of them." If this resignation should not be sustained, he requested his Grace to take a separate protest in behalf of his uncle, Col. William Oliphant, the second son of Patrick, sixth Lord Oliphant, and uncle to the last Patrick, the eighth Lord Oliphant. Col. Oliphant had been residing at Orleans, since his share in the rising of 1715 had prevented his residence in this country, but on hearing of the death of his nephew he returned to his native country, assumed the title, and lived at Williamstoun as a guest in the house of his sister's great-grandson until his death in 1728. A curious inventory of his

personal possessions at the time of his death is preserved among the papers at Gask.¹ James Oliphant died on 18th April, 1732. His portrait is still at Gask, the earliest of those that remain there. All the succeeding Lairds are represented in the Gask collection of portraits.

LAURENCE OLIPHANT, eldest son of James Oliphant of Williamstoun and Gask, succeeded to his father's estates, with the exception of Cowgask, which was left to his brother Thomas, who had been out with him in 1715. Laurencè Oliphant, the "Jacobite Laird" *par excellence*, was born in 1691, and was thus a youth of twenty-four when he received his commission from King James, as Lieutenant of the Perthshire Regiment of Horse, in October, 1715. In January, 1716, he acted as one of the garrison adjutants during King James' short stay at Scone. He seems to have been much about King James at Perth, and was well remembered by his master fifty years later. He was in hiding for some time after the events of 1715, but after the storm had fairly blown over he returned home, and in 1719 he married Amelia Nairne, second daughter of the second Lord Nairne, one of the staunchest Jacobites of his time.

"Thee, Nairne and Gask, with rapture could I sing,
Still true to God, your country, and your King,
Loyal and just, sincere as honest truth,
The same in manhood as in early youth."²

From the date of his marriage till the events of 1745 called him into the field once more, Laurence Oliphant lived in quietude, first at Williamstoun and then at Gask, after his succession to the family estates on the death of his father in 1732. Some notion of the excitement that prevailed at Gask at this time may be gained from the following letter addressed to Miss Janet Oliphant, Gask's second daughter:—

"Dundee, June 10th, 1745.

"I could not fail to let my Dear Miss Ja: Oliphant know how much I am her Humble Servt. on the 10th of June. I am in a Double Sense longing. I long for what you know we wish and want: I long to be with you to Express my Self fully as to what has hapned since I had last the Pleasure of hearing from you. I thought by this to have sent you our Book of Defence called a Narative and if it comes which we hourly expect I shall send it you by this Ocation, which is the only news worth Miuding in this City. Am Sory our Neighbours att Pearth is like to meet wt. such-lick rough treatment; how-

¹ Printed *infra*, p. 335.

² Towneley MSS. English Jacobite Ballads,

Songs, and Satires. Edited by Rev. A. B. Grosart, p. 69.

ever another 29 of May will heall all our soars and make us forget our Sorrows. This unlucky affair of Sir Hec: M'Lean has Disturbed the Minds of many honest Pearson in this Place. Time must only discover his intention whether it was Rash or otherwise but we are all afraid it will go hard with himself.

“ You see by this I am a publick Spirited woman who minds nothing but Church and State, which in Earnest is the only thing to be minded since they are both oppressed ; but we'll take Courage ; God is Stronger than the Devill ; we'll wait his time, which I wish and hop will be Soon, now that things is come to a crisis. It would charm you Miss Janie to see how this last Madd Action att Fontainoy has Exasprate the Popalous ; you will hear nothing round the streets but Reflections for Misconduck. Such another Masacer was never known, and every one misses their own, but such Curses and Imprecations as his Ma——ty has Dayly Bestowed upon him for sending a Numscull to command such an Airmy would make you laugh. No Doubt but you have seen Mr. Raitt's fine Performance which meets with no great applause here, nor att Edin^f. He has harmed the Cause he took in hand by it. I dont know how the French will Relish it ; it will perhaps go more smooth in their Languadge for their was tow hundred cobby's of it sent to London which was all taken by a French Preeviteer and taken into Dunkirk ; no doubt the Retorik will be admired throw the Earth.

“ You'll say I am scarce off subject that can intertain you with nothing save Ungratefull Subjects on the 10th of June, but I can affoord no other save my Gratefull Acknowledgments for the many and Singular Favours I received from the top to the toe of your Worthy Family ; believe me Miss I mean it no compliment in Professing myself much in your Debt for your Excelent Company and Charming Corispondence, for I clearly see all off you has ranged yourself among that small number of Mankind that Place their Delight rather in Planting Courtesies than Gathering their Fruites.

“ I beseech you Miss, mention me to Gask, and my Lady, and Miss Oliphant, and my Boatman, as I am a Graitfull Resenter of their last Excelent Intertainment and a Desirer to appear so when either they or I can find a fitt Ocation. I beg the continnance of your Corispondance that it may bring me word how kind an Intertainment you allow the memory of D. M.

“ Your most aff. Humble Servant,

“ CHRIS: THRIEPLAND.”

It was not unusual, with a view to the preservation of estates, that either the father or the heir-apparent (but not both) should “go out,” as it was termed in 1715 and 1745. When intelligence reached Gask that Prince Charles had landed in the far north, and was proceeding southwards, the Laird of Gask and his eldest son had long and earnest discussions to determine which of them should join him, the other to remain at home. According to the most aged descendants of the Gask family, now surviving, these conversations took place chiefly as the Oliphants walked to and fro along the upper terrace of the old garden, beneath the shelter of the thick and lofty holly hedge. The result was that both father and son proceeded

at once to Blair-Athole when the Prince arrived there, and entered heartily into his service.¹

“The gallant Perth, who long had wished
This happy day to see, Willy,
And for the cause, not long before,
Had been obliged to flee, Willy.

“He quickly joined the Highland chiefs
His enemies to claw, Willy;
The brave Lord George was not behind,
Wi’ Nairn and Gask an’ a’, Willy.”²

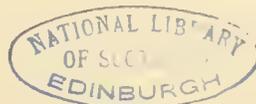
We learn from the younger Oliphant’s journal that he heard the news of the Priuce’s landing on Friday the 9th August, and on September 1st he has the following entry:—“Went up with Lord Nairne to Blair in Athole, where the Prince was with the Highland army, consisting at that time of about 2500 men. I had the honour to kiss his Royal Highness’s hand, kneeling on one knee, and soopt with him afterwards.” Gask made his wife factor over the estate before going out with his heir to fight for the cause he held so dear. Young Laurence received a commission as captain in the Perthshire Squadron, commanded by Viscount Strathallan, and was made aide-de-camp to the Priuce. The father, who held a commission as Lieut-Colonel in the same regiment, was made Joint-Governor of Perth with Lord Strathallan, and he also acted as Treasurer. Many accounts of his disbursements in this capacity are still preserved at Gask.³ The burghers of Perth were not at all so hearty in their Jacobitism as might have been expected under the circumstances, and on the occasion of King George’s birthday, on which day it happened that Gask was in sole command at Perth, Lord Strathallan being absent in the country, the mob arose and disarmed the patrol, and then sent a message to Gask demanding that he should deliver up the arms and ammunition and thus save the effusion of blood. On this Gask, with only nineteen men, went directly to the Council House, where the arms were, and defended it the whole night against the assaults of the mob, who thought themselves so sure of victory that they had a boat lying ready to carry Gask off to the *Fox* man-of-war. The timely arrival of Lord Nairne’s men, however, released the gallant Governor from his dilemma. When Cumberland came north some months afterwards, James Oliphant, Gask’s brother, a merchant in Perth, was denounced to the Investigation Committee for “having instigated his

¹ Letter to T. L. Kington Oliphant of Gask from Miss Steuart, granddaughter of the last Jacobite laird.

² Towneley MSS. English Jacobite Songs. Edited by Rev. A. B. Grosart, p. 57.

³ A copious selection of these is printed in the “Jacobite Lairds of Gask.”

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brother to cause his guard to fire upon his assailants," and for "having aided the rebels in assaulting, wounding, and killing some of the loyal inhabitants when solemnising the king's birthday, 30th October, 1745, and when endeavouring to seize Gask, the rebel Governor, and the arms and ammunition belonging to the Pretender then lying at Perth." Lady Gask and her daughters had their own troubles at Gask with the plundering soldiery. The house was ransacked in February, 1746, and Col. York carried off the tin box containing, among other documents, the much-prized charter of Gask of 1364. The wearing apparel of young Laurence Oliphant was even thought fair game by the Government soldiers. Many years afterwards, when the youth was again settled at Gask, he told the story of the rescue of his Archer's uniform coat from the plunderers by Miss Annie Græme of Inchbrakie,¹ who, "thinking that it would be regretted by me, went out to the court and got it back from a soldier, insisting with him that it was a lady's riding habit, but putting her hand to the briches to take them too, he, with a thundering oath, asked if the lady wore briches." It was fortunate for the ladies that the colours taken from the Government troops at Gladsmuir (which had been sent home to Gask), were not discovered, having been concealed in the pump by one of the servants when the alarm was given that the soldiers were coming. Meantime the two Oliphants, father and son, were steadily following the now failing fortunes of Prince Charlie towards their disastrous end. Both had been engaged in the final struggle at Culloden, and both, unwounded, escaped pursuit and found shelter in the remote fastnesses of the Highlands. Thus they lurked for more than six months, enduring much hardship, and having many hairbreadth escapes. At last a favourable opportunity presented itself, and, along with a number of their compatriots, they both succeeded in getting on board a vessel which took them to Sweden, whence they made their way through Germany into France. There they remained in exile for the long period of seventeen years.² The estates were seized by the Crown and sold, but by the assistance of Laurence Oliphant of Condie and

¹ The letter in which this anecdote is told is dated at Gask, 1777, and addressed to Martin Lindsay, writer in Edinburgh, a friend of Gask's. The occasion was the proposed revival of the Royal Company of Archers, of which, in his younger days, Laurence Oliphant had been a member. He says, "few things could give me greater pleasure than to hear of the revival of the Royall Company of Archers. . . . I lose no time in acquainting you that my archer's coat is still preserved, and shall be sent to you Tuesday

next by the carrier. I desire you will make my compliments with it to whoever is Preses to the Company." The coat thus presented by Gask to the Royal Company of Archers was apparently the only specimen of their old uniform then extant. It is still preserved in the Archers' Hall. *The Jacobite Lairds of Gask*, p. 386.

² Gask kept a Journal of his wanderings in exile. Many extracts are given in the "*Jacobite Lairds of Gask*."

other friends, part of the ancestral lands was bought back for the family. During their long exile the father and son corresponded with their friends at home under the assumed names of John Whytt and John Brown.¹ Gask's faithful attachment to the cause of his Royal Master was acknowledged in 1760 by a patent of the peerage, dated at Rome, 14th July, 1760, but neither he nor his descendants ever reaped any benefit from this empty honour. At length, in 1763, the two exiles ventured home again, but the elder was now far advanced in years, and we find among the reasons "for and against Mr. Whytt's coming home," as written out by his son, an indication of the conviction that the event which happens to all could not now be long delayed, the last reason on the list being thus expressed, "to be near the burying-place of his ancestors." The last four years of his chequered life were spent in retirement at Gask, and he died in 1767, at the ripe age of seventy-six.

LAURENCE OLIPHANT, his son, who had shared his wanderings, succeeded him. His history is so bound up with his father's that there is little to tell of the years of his early manhood beyond what has been previously indicated. His exploits as the young aide-de-camp to Prince Charlie have been told in the "Jacobite Lairds of Gask."² From his exposure during the campaign, and his subsequent wanderings among the hills of Aberdeenshire, he contracted an asthma which troubled him for the rest of his days. His high spirit is shown in the fact that he refused to apply for a pardon, though all the friends of the family "were mighty keen about it." "If his Majesty," he says, "thinks it worth while to write a letter to me testifying his approbation of my making application for a pardon, in that case I shall be very well pleased that my friends use their endeavours for one, but am absolutely against it on any other terms. I shall never apply without my King's desire for that which I should reckon, without his orders, would put me under obligations to his enemys." In 1755 he was married at Versailles to Margaret Robertson, a daughter of Strowan's. In relation to the proposed marriage Strowan wrote, "I don't know any other family on earth to whom I would have given my child without asking some previous questions, as there are but few that have principles to supply the place of bargains." The union was an eminently happy one, and, in spite of their adverse circumstances, the cheery disposition and hopeful spirit of young Laurence is always conspicuous in his letters. Writing to his brother-in-law, he urges him to allow no prudential considerations to prevent his marrying as soon as he has

¹ Several of these letters are given *infra*, pp. 340-344. Others are printed in the work above cited.

² The Jacobite Lairds of Gask, pp. 111-115.

obtained the consent of her whom he has made his choice. "Did any harm ensue," he says, "that I was not a sixpence expense when I brought your dear sister to Corbeil? and did not your father do the same? and neither he nor I, though often low, yet never wanted." His genuine honesty of character, while it preserved him from the temptations incident to a life of enforced idleness in France, eminently unfitted him for playing the part of the diplomatist; and the result of his only essay in this line, when he wrote to Lord Alford, imploring him to do something to preserve the Prince from the abyss of moral and physical degradation into which he was now fast sinking, was not so encouraging as to induce Oliphant to renew his efforts. It speaks volumes for his character, however, that he had the courage and honesty to deal with this subject as he did. His extreme conscientiousness was conspicuous in every relation of life. The following memorandum, written shortly after his return to Scotland, gives a better insight into his character than anything else:—

"Gask, June 10th, 1764, Whitsunday.—Found the enclosed¹ by accident very lately among some old papers where it has lain during my Exile, and now casts up to show me that except in few particulars I'm little mended these one and twenty years. I was then sorry for my Faults, and sensible for Mercy's bestow'd by my Gracious Creator—this at the age of 19. Let me see how much more reason I now have to be so for both.

"Since that period notwithstanding of my pretty regular duty, weekly and yearly examinations, my behaviour to my parents has continued equally faulty, or is rather worse, because of the increas of years on my side and the additional proofs of Paternal affection from them. In particular my Mother's industrious care in providing for my Father and I in our Lurking, and till she joyned us abroad, and his extraordinary concern and care of me during my sickness in the Hills, Swaiden, Journey to France through Germany, then to Avignon and other places, sparing no pains or expense; her coming over to us; returning for supplys a 2nd time, and Recovered the Estate; then my marriage; a 3rd Journey to London to have care of my wife Laying in; and a 4th on the same account to Scotland when Meggy's Distress coast her still more anxiety and fatigue than all the rest; then her good and affectionate Intentions in calling me over to her; Returning to France once more to bring home my Father and collect the family again at their Old Habitation which she by surprising activity, anxious aplication and many great difficultys to surmount had restored them to; then crossed the sea for the 10th time excessively sick every voyage after the fatigue of disposing of her effects at Charleville and brought my Father safe home to Gask where he arrived November 12th, 1763—surprising instances of attachment—a good woman, and a good wife.

"In 1745 and '46 how was my adventrous head covered on the day of Battle and in other dangers! How were my earnest wishes granted in this respect! How calm, how

¹ This paper is marked on the back "Old Examination, &c.," and seems to have been occasioned by the finding of a memorandum of one of his self-

examinations made 21 years before, which he then enclosed in the document now printed.

free from alarms, and how well provided with necessary's during eight months skulking, while many of our fellow-sufferers were the contrary! How small returns of gratitude or even reflection on these things, and for Kind reception and genteel support in foreign Lands. And the paternal estate at home given us back—and all circumstances considered showing Loyalty to cause little loss in Temporals. Bless'd with a very considerable share of health during that long period when not faulty myself."

His asthma having become troublesome in the year after his father's death (1768), he was advised to go abroad again for a time. Accompanied by his wife, he went to Italy, and when in Rome they paid five or six visits to "King Charles." Gask dined with the Prince twice, Mrs. Oliphant making one of the party. They returned over Mont Cenis; and when they arrived in Scotland the budget of news from Rome was considered so important that it was digested in a series of "articles" and carefully committed to writing by Bishop Forbes, Gask's old tutor, who collected most of the Jacobite relics now at Gask. In the beginning of 1773 the following characteristic entry appears in Oliphant's diary:—

"January 29. An anxiety since this year began for our K. Restor" expecting some newes evry post; this wrong, for though its to be wished for our country's good, yet might be bad for me; many chances to one that I would be put in a flutter; company power in, and deprive me of the present retirement which is my happyness; for even without company, attending at present to the management of the Estate, labouring a Garden takes my thoughts from things above; is it not to be supposed the Rest" will do more so when it happens. This not to prevent my constant prayers, and for the other two Bouns I presume to ask—Relief at present to the distressed and Happiness one day to all."

In this year Gask was again obliged to travel for the sake of his health. He and his wife went this time to Spain, and spent the winter at Seville. During their absence Lady Gask died. After her husband's death she had made a settlement of the estate, in which, after reciting the contract with the purchasers of her husband's lands from the Government, and their obligation to convey these lands as she should direct, she expresses her desire that the estate of Gask should be settled upon her grandson Laurence (still a child) and his heirs male, then upon the descendants of James Oliphant, the old laird, and finally upon her granddaughters, whose issue were to bear the name and arms of Oliphant. But, she added, "if it so happen that the attainder of Laurence Oliphant my son shall be taken off, he thereby becoming *personam standi*, the estate of Gask shall go directly to him even in my life-time." Gask and his wife had a stormy voyage returning from Seville, and Mrs. Oliphant's health suffered so severely that she died some months afterwards, and thus he was bereft in one year of both mother and wife. He was

thus left "alone with his six young ones" (as he himself expresses it), "a poor valetudinary person." But the principal feature of his character, his chivalrous attachment to the cause for which he had done and suffered so much, breaks through in every phase and circumstance of his life. Writing to Lady Lude in 1781, seven years after his wife's death, he says:—"Will my dear Aunt do me the very great favour as come to be a Comfort and Companion to me, and a Guardian to them (the six young ones) and keep them Loyall, in which I shall assist you, and we shall drink to the King and his happy Restoration every day till it be over." The following extracts from his journal at this time show the prevailing current of his thoughts:—

"1780. Monday 1st September, Bishop Rose.

"Tuesday—Amy, Caroline,¹ Lawrie, were confirmed.

"October 2nd. Gladsmuir day.

"1781. January 1st. Kept the King's birth.

"7th. Death, Robert Buchan² in Westmuir Park.

"February 18th. An article in the K. Papers from Paris (Jan. 31st) that our Queen (Louisa) had retired into a convent.

"March 13th. Wheept Lawrie as I had threatened for laughing with his Brother at prayers.

"April 1st. The anniversary of my Father's death. How fast 14 years have flown; and how comfortable the hope that even in the course of nature the like space of time will bring me again to be with that dear excellent Parent.

"June 6th. Wednesday. Remember the many thoughtless misbehaviours I committed while serving the King, then Prince; the only way to atone is by much fervour in my prayers for His Majesty's Health and Comfort here and eternal happiness in Heaven.

"June 11th. Monday. Kept the Restoration day (May 29th O.S.).

"June 24th. Nonjurants old and young assembled to dinner. Petition made for me and mine to Heaven, and to repair what I can thoughtless behaviour to the K.

"August 5. Sunday ✓ Mr. Erskine³ gave prayers and preaching; then the Strathallan family; a little confused, forgot Grace by Mr. Erskine, otherwise all went well; 31 Lady's and Gent. dined.

"Sept. 25th. The Queen's birthday; 26 at table to drink Her Majesty's Health.

"Dec. 31st. Monday. The King's Birthday, and last of the year. Several of our neighbours did me the favour to come and drink His Majesty's Health, now 61. All went pretty well and we loyally closed the year.

Gask's loyal heart must have been greatly rejoiced when in 1783 he received, through "Mr. Cowley, Prior of the English Benedictines in Paris," an autograph letter from "the King," in which he says:—"It gives me a sensible pleasure, the

¹ Afterwards Lady Nairne, the Poetess.

³ The Nonjuring clergyman at Muthil, father

² One of the Buchans was Gask's faithful attendant when in hiding in 1746. of Sir Walter Scott's bosom friend.

remembrance of Oliphant of Gask; he is as worthy a subject as I have, and his family never deroged from their principals. Not doubting in the least of the Son being the same, make them both know these my sentiments, with the particular esteem that follows a readiness to prove it, if occasion offered." Gask's loyalty never wavered. It is to him at this time that the following lines apply:—

" Not far removed, though much obscured with wood,
Gask's rural dwelling has for ages stood,
Where honest Oliphant, a cheerful host,
Still cracks his jokes, and drinks his fav'rite toast."¹

Even after the death of Prince Charles, and though the last of the Stuarts was a Cardinal, Gask buoyed himself with the hope, which he thus expressed:—"From the heavy inconveniences the greater part of Europe feel from the celibacy of the clergy, would it be wonderful if they were allowed to marry? Will not our King (Cardinal York) have both influence and inclination in bringing this about?" This forlorn hope that Henry IX. might be loosed from his ecclesiastical bonds and take a wife is more than once referred to by Gask, who was the staunchest of all the Jacobites left, and the unflinching nature of his attachment to the "sacred cause" is amusingly illustrated by the fact that he summarily dismissed his chaplain for falling in with the custom of praying for the House of Hanover, a practice which had begun to become prevalent among the Nonjuring clergy after the death of Prince Charles. Mr. Cruickshank, the minister in question, had written Gask a note saying, that he had begun "nominal prayers" that day, "which I am exceedingly sorry for on your account, but satisfied on my own. Whether you'll desire any more of my ministrations must be left entirely to yourself." Gask's reply was prompt and characteristic. "Mr. Oliphant presents his compliments to Mr. Cruickshank, and as he has incapacitated himself for officiating at Gask, his gown is sent by the carrier and the books he gave the reading of. As Mr. Cruickshank has received his stipend to this Whitsunday, there is no money transactions to settle betwixt him and Mr. Oliphant." Symptoms of defection, as he must have considered them, were shown in the conduct of young Laurence, who had gone to London and hankcred after presentation at Court. His father wrote to him, absolutely forbidding him to be presented. He says:—"However few continued faithful to their Prince I never doubted but my sons and I would be of the number. I was in hopes I had done my part to bring up my family loyal, and it was my joy and comfort to think in so generall a defection that they were so. It gives me real pain to see that I am in some

¹ Lines by Alves, in his "Drummond Castle," 1784.

measure disappointed, for had you consulted the principle that should be within you would have given a proper answer to the proposal yourself. What I mentioned to you of the Electoral family was that you might take a view of them as far as that went, supposing that you perhaps would be they to do so without my mentioning it. I wanted to free you of constraint wherever I could, but when there is homage to be paid, the thing is widely different. I know my very dear cousin Henry will rather approve of my continuing steady and wanting my sons should follow their Father's footsteps than otherwise, and though formerly Jacobites have been presented, and continued Jacobites, yet a two-faced person is not a character worthy of imitation." Again, writing to his son when in London, this time in a different strain, he says:—"Heaven should never go out of our head, and we should constrain our inclinations as far as reason should govern, and keep inclination within due bounds, so that when the happy call comes we may meet it with joy." His own call came soon afterwards. He died on the 1st January, 1792, leaving two sons, Laurence, his heir and successor, and Charles, who died in 1797; and four daughters, Marjory, married to Dr. Alexander Stewart of Bonskied, the representative of the old family of Stewart of Garth; Amelia, married to Charles Steuart of Dalguise; Carolina, the poetess, "the noblest Oliphant of them all," married to William, fourth Lord Nairne; and Margaret, married to Alexander Keith of Ravelston.

LAURENCE OLIPHANT was in Flanders when his father died. In 1794 he joined the Perthshire Light Dragoons, and in the following year received a commission as Captain in the Perthshire Regiment of Fencibles. In the same year (1795) he married Christian Robertson, the heiress of Ardblair, in Perthshire. In 1797 he went with his troop to Westmoreland, and in September, when quartered at Dumfries, he writes, "We were ordered to march at a moment's warning, the Dutch fleet being supposed out at sea, and a landing of the enemy upon some part of our coast apprehended." But the enemy did not land, and he was not called on to draw his sword in defence of his country under the Hanoverian banner. Shortly afterwards he retired from the Regiment and set about improving the property. He pulled down "the Auld House" and the Kirk, which stood a little below it, and made great changes in the course of his improvements. He was blessed with a large family, and in 1807 they removed to Durham for the sake of the education of the children. Subsequently he was obliged to reside much abroad on account of his health. He was at Lisbon in 1814, and spent part of the memorable year of Waterloo in Belgium. The next four years were principally spent at Marseilles

and Hyères, and in 1819 he died in Paris and was buried in Père la Chaise. He left two sons, Laurence, the eldest, who succeeded him, and James Blair, who succeeded on the death of his brother Laurence; also six daughters, the second of whom, Margaret, was married in 1830 to Thomas Kington of Charlton House, Wraxall, Somersetshire.

LAURENCE OLIPHANT, the fourth who bore that name in succession, succeeded his father in 1819. In 1821 the family returned to Gask, after an absence of nearly fourteen years. The winters of 1822 and 1823 were passed in the South of France; and in 1824 Laurence Oliphant died unmarried, and was succeeded by his only brother, James.

JAMES BLAIR OLIPHANT, the tenth Laird of Gask and last heir-male of the House of Oliphant, succeeded his brother Laurence in 1824. In 1839 he was served heir-male to the last Lord Oliphant, but did not push his claim to the Peerage further, and never voted at an election of Scottish Peers, though he was undoubtedly entitled to the honours and dignity of the Eleventh Lord Oliphant. In 1840 he married his cousin, Henrietta Gillespie Graham, the heiress of Orchill. He died without issue in 1847, and the estates passed to the heirs of his sister Margaret, the only one of all the six daughters of Laurence Oliphant who left offspring, her son Thomas L. Kington Oliphant being the present representative.

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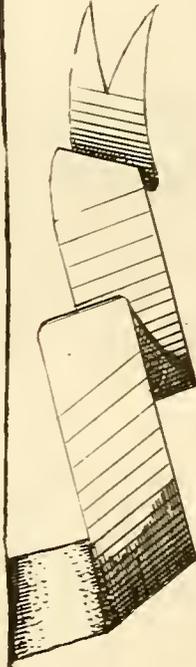
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Subiectas saluis fructibus domel de Bradhera omnibus amicis suis et hominibus hanc litteras usuras vel auditus saltim
Secundum quod dedi et concessi deo et sancto iohanni de incheastre et ponit et canonice ibidem deo seruientibus et seruatis
hanc libertate in panem et pectam elemosina et est aliquid querela que ad curiam meam debet spectare mora
fuerit super aliquo homine manente in terra eorum et hanc eorum ad respondendum alibi et teneantur Libere
placita sua presentibus ponit et canonice in terra sua ubi cumque voluerint et per quoscumque eis placuerint. Preceor eorum
amicos suos et hominibus et bailliuus meus scilicet fenescallo et iudici meo proprio. Quia cum necesse fuerit et res
presentibus ponit et canonice omni occasione et dilata remota in fidelitate quam in debent ueniant ad
presentibus ponit et canonice et teneant placita canonice ubi canonice placuerint sicut in scriptis. Ita ut presentibus
ponit et canonice habeant omnia presentibus salua in et hereditatibus meis et hereditatibus meis et hereditatibus meis
do etiam est licentia capiendi decimas de firmariis meis per decima que eis contingit de dono decime nisi si forte
ad decimas presentibus nisi potuerint. Precepto etiam firmis super presentibus meis seruientibus meis ne quis contra infra
hanc presentibus ponit et canonice molentiam vel disturbancem aliquam faciant. ne aliquid exigant nisi per eorum
uoluntatem et licentiam. Et ut hereditas et decima mea a me et hereditatibus meis et uoluerint habeantur
supplicium presentibus presentibus sigillis meis appositis, roborantur. Suis rebus, domino Willelmo Abbe de Goua. Roberto
ponit eisdem loci. Johanne et Ricardo et eorum capellanis meis. Malisio fenescallo meo. Willelmo etico meo. Henrico
filio tribuni et multis aliis;



ORIGINAL DOCUMENTS

FROM

THE ARCHIVES OF GASK.

- Ch. B. 1353.* 1. CHARTER by WILLIAM THE LION to WALTER DE BERKELY, Chamberlain of Scotland, of the Lands of Neutoun. Circa 1176.

Willelmus Dei gratia Rex Scottorum Episcopis Abbatibus Comitibus Baronibus Justiciis Vicecomitibus Ministris et omnibus probis hominibus totius terre sue Clericis et Laicis salutem. Sciant presentes et futuri me dedisse et concessisse et hac carta mea confirmasse Waltero de Berkely¹ Camerario meo Neutoun per rectas diuisas suas Tenendas sibi et heredibus suis de me et heredibus meis in feudo et hereditate in bosco et plano in terris et aquis in pratis et pascuis in molendinis et stagnis in moris et maresiis et omnibus eiusdem terre justis pertinentiis cum sacca et socca cum tol et tem et infangehethelof libere et quiete plenarie et honorifice per seruicium dimidii militis. Testibus Comite Waldeuo. Comite Dunecano. Comite Gilleberto.² Ricardo de Moreuill Constabulario. Waltero Olifard. Philippo de Valloniis.³ Waltero de Windesouer. Willelmo de Lindesi. Rogero de Walloniis. Willelmo de Haia. Randulfo de Clere. Apud Kingorn. 9

- Ch. B. 1354.* 2. GRANT by GILBERT, Earl of Strathearn, to the PRIOR and CANONS of Inchaffray, of the privilege of Judging in the Disputes of their own Tenants. Circa 1200.

Gilbertus filius Ferchet Comes de Strathern omnibus amicis suis et hominibus has litteras uisuris uel audituris salutem. Sciatis quod dedi et concessi Deo et Sancto Iohanni De Incheaffren et priori et canonicis ibidem deo seruientibus et t/

¹ This Walter de Berkely is the first of the surname on record. He was one of the pledges for King William the Lion to Henry the Second of England, together with Walter Olifard, and most of the witnesses to this document, in 1174.

² Gilbert, Earl of Strathearn, who founded Inchaffray, succeeded his father, Earl Ferquhard, who died in 1171.

³ Philip de Valoniis, also one of the hostages for the King in 1174, obtained the Barony of Panmuir when the ransom was paid, and was made Chamberlain of Scotland, succeeding Walter de Berkely about 1180.—Crawford's Officers of State, p. 257. The grand-daughter of De Valoniis, sole heiress of Panmuir, married in 1224 Sir Peter Maule, ancestor of the Earls of Panmuir.

seruituris hanc libertatem in puram et perpetuam elemosinam vt cum aliqua querela que ad curiam meam debet spectare mota fuerit super aliquem hominem manentem in terris eorum non trabatur de terris eorum ad respondendum alibi set teneant libere placita sua prefatus prior et canonici in terra sua ubicu/que uoluerint et per quoscunque eis placuerit Precor etiam amicos meos et hominibus et bailliuis meis scilicet senescallo et iudici meo precipio quatinus cum necesse fuerit et requisiti fuerint a prefato priore et canonicis omni occasione et dilatione remota in fidelitate quam mihi debent ueniant ad prefatos priorem et canonicos et teneant placita canonicorum ubi canonicis placuerit sicut mea propria Ita ut prefati prior et canonici habeant omnia forisfacta et omnia que ad curiam meam pertinent salua mihi et heredibus meis iusticia corporum Do etiam eis licentiam capiendi namos de firmariis meis pro decima que eis contingit de dono decime mee si forte ad terminos statutos non persoluerint Precipio etiam firmiter super forisfactum meum seruientibus meis ne quis eorum infra terras prefati prioris et canonicorum uiolentiam vel disturbance[m] aliquam faciant nec aliquid exigant nisi per eorum uoluntatem et licenciam Et ut hec libertas et concessio mea a me et heredibus meis rate et inconcusse habeantur in perpetuum presens scriptum sigilli mei appositione roborau. Hiis testibus. Domino Willelmo abbate de Scona. Roberto priore eiusdem loci. Johanne et Ricardo et Cungi capellanis meis. Malisio senescallo meo. Willelmo clerico meo. Henrico filio Tristram et multis aliis.

Ch. B. 1355.

3. CONFIRMATION by THOMAS DE GALWETA, Earl of Atholl, of a Charter by WILLIAM OLIFART, Knight, to the ABBEY of CUPER, of the Lands of Inuervac. Circa 1230.

Sciant omnes tam presentes quam futuri quod ego Thomas de Galweta Comes Atholie¹ concessi et hac mea carta confirmaui Deo et ecclesie beate Marie de Cuper et monachis ibidem deo seruientibus pro salute anime mee antecessorum et successorum meorum Inuervac que est iuxta Tholaw per suas rectas diuisas cum omnibus pertinentiis suis quam eis Willelmus Olifart miles meus in puram et perpetuam elemosinam dedit concessit et carta sua confirmauit Tenendam de predicto Willelmo et heredibus suis in perpetuum libere et quiete plenarie et honorifice sicut ego eam illi pro seruicio suo et heredibus suis in perpetuum possidendam dedi et carta mea confirmaui et sicut carta predicti Willelmi illis data testatur. Hiis testibus. Alexandro de Sethun. Reginaldo Constabulario. Roberto de Croweford. Johanne Le Loereng. Alano clerico Comitum. Constantino Macmalmori. Dufflunch. et multis aliis.

¹ Thomas de Gallovidia or Galloway, brother of Alan, Lord of Galloway, married Isabel, Countess of Atholl, and in her right became Earl of Atholl.—Additional Sutherland Case, chap. v., sect. 2. William Olifart, this Earl of Atholl's "Knight," appears to have been a younger son of Walter

Olifard, one of the hostages for William the Lion in 1174, who together witnessed several charters to the Monastery of Coldingham, between the years 1180 and 1190. Thomas de Galloway, Earl of Atholl, enjoyed the dignity a very short time—probably only a year. He died in 1231.



Sicut omnes tam presencos q̄. huius q̄d ego Thome de Galveta Com
moachis ibide deo seruicibz p salute aie mee antecessoz & successoz
qm eis Willelmo Olivario miles me in pnam & ppetuam elemosina
i ppetuū libe. & gree. plenarie. & honouitice. sic ego eam illi pro se
hanc antea pcedi dicit illis data testat. Hus testibz. Alexam
Alano etico Com. Costantino macmalis. Dufunct. & u

John. concessit & hac mea carta confirmavit Deo & ecclie beate marie de Eup &
neoz. Inversac q est nre Tholax. p suas terras divisas cu omibz pincas suis.
dw. concessit & carta sua confirmavit. Reverendā de pcedo ad. & heredibz suis
cio suo & heredibz suis in pccuū possidudā vdi. & carta mea confirmavit. &
de sechun. Regni Coultabut. Lot & Crossford. John Le Loereng.
& alus.





Ch. B. 1356.

4. CHARTER by ALEXANDER THE SECOND, of Two ^½ Carrucates of Land in the Feu of Great Blair, in Excambion for the Common Muir of Blair, to the MONKS of CUPYR. June 1, 1235.

Alexander Dei Gratia Rex Scottorum omnibus probis hominibus tocius terre sue salutem. Sciant presentes et futuri nos caritatis intuitu dedisse concessisse et hac carta nostra confirmasse deo et beate marie de Cuypr et monachis ibidem deo seruiantibus et in perpetuum seruituris duas carucatas terre et dimidiam mensuratas in feodo de magna Blar in excambium communionis more de Blar qua vsi fuerant Tenendas et habendas eisdem monachis in liberam puram et perpetuam elemosinam per easdem diuisas per quas Walterus filius Alani Senescallus Justiciarius noster Scotie et alij probi homines nostrj dictam terram eis ex parte nostra assignauerunt et tradiderunt et cum omnibus justis pertinentiis suis Ita libere quiete plenarie et honorifice sicut aliqua elemosina in tota terra nostra liberius quietius plenius et honorificentius ab aliquibus nostris religiosis tenetur et possidetur. Testibus. W. Episcopo Glasgouensi Cancellario. C. Episcopo Dunblanensi. P. Comite de Dunbar. W. filio Alani Senescallo Justiciario Scocie. W. Olifard Justiciario Laodonie. Daud Marscallo. Rogero filio Glay. Apud Treuequer primo die Junij Anno regni Domini Regis vicesimo primo.¹

Ch. B. 1357.

5. CONFIRMATION by ALEXANDER THE THIRD of a Gift of the Lands of Leisingiston to BERNARD DE KERGILLE by WILLIAM MUNIFICHETH. July 20, 1283.

SECOND /
1248 /

Alexander Dei gracia Rex Scottorum omnibus probis hominibus totius terre sue Salutem. Sciatis nos concessisse et hac carta nostra confirmasse donationem illam quam Willelmus de Munificheth fecit Bernardo de Kergylle de tota terra sua de Leisingistona per suas rectas diuisas sicut Walterus de Kyrtoch eam de ipso Willelmo tenuit et de vna carucata terre ad Leisingcales quam abbas et conuentus de Schona de ipso Willelmo solebant tenere et de tribus acris terre de Leysingistoun quas ipsi canonici de eodem Willelmo tenere solebant cum tota pastura eiusdem uille et cum omnibus libertatibus et aisiamentis ad dictas terras spectantibus Salua multura molendini dicti Willelmi et salua sibi et heredibus suis medietate omnium eschaetarum dicte terre que dicto Willelmo et heredibus suis remanebunt Ita quod alia medietas omnium eschaetarum eiusdem terre dicto Bernardo et heredibus suis remanebit cum libertate molendi bladum suum et heredum suorum ad molendinum

in /

¹ In the Liber Ecclesie de Scon, p. 42, there is another Charter of Excambion, same day, year, and place, to the Monastery of Scone, of the lands of Great and Little Blair, "exceptis duabus

carucatis terre" above mentioned. The witnesses to this charter are the same as above, except Rogero filio Glay, Willelmo de Lindesay being substituted.

predictum proximo post bladum predicti Willelmi et heredum suorum Tenendis et habendis dicto Bernardo et heredibus suis de predicto Willelmo et heredibus suis cum omnibus terris pastura libertatibus et aisiamentis antedictis adeo integre libere quiete plenarie et honorifice sicut carta predicti Willelmi predicto Bernardo exinde confecta plenius iuste testatur Saluo seruicio nostro et Reddendo inde annuatim dicto Willelmo et heredibus suis vndecim marcas argenti scilicet medietatem ad pentecosten et aliam medietatem ad festum sancti Martini. Testibus, Willelmo abbate de Cupro. Gilberto de Haya. Willelmo de Haya. Ricardo Gyffard. Bernardo de Kyppell et Willelmo Olifard. Thoma de Boscho et Ranulfo de Dundas. Apud Kynclouyn vicesimo die Julii Anno Regni domini Regis xxx^o quarto.

- Ch B 1358. 6. CHARTER of CONFIRMATION by KING ROBERT THE FIRST, Confirming a Grant by MARJORY, Countess of Atholl, to the ABBEY of CUPER, of the Advocation of the Church of Alveth. October 8, 1317. 61

Robertus Dei gracia Rex Scottorum omnibus probis hominibus tocius terre sue Salutem. Sciatis nos concessisse et hac presenti carta nostra confirmasse donacionem illam quam Marioria Comitissa Atholie fecit religiosis viris monachis monasterij de Cupro Deo et beate Marie seruientibus et in perpetuum seruituris de Aduocacione siue iure patronatus Ecclesie de Alueth cum tota terra ad dictam ecclesiam spectante que iacet prope ecclesiam predictam et cum omnibus aliis terris ad eandem ecclesiam pertinentibus Tenendis et habendis predictis monachis et eorum successoribus ac eorum monasterio in perpetuum in liberam puram et perpetuam elemosinam adeo libere quiete plenarie et honorifice cum omnibus libertatibus commoditatibus aisiamentis et iustis pertinenciis suis sicut carta predictae comitisse de donacione et carta Dauid de Strabolgij filij sui de confirmacione exinde dictis religiosis confecte plenius iuste proportant et testantur. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus Bernardo Abbate de Abirbrothoc cancellario nostro. Alexandro Senescalli. Gilberto de Haya. Willelmo Olifaunt et Roberto de Keth militibus. Apud Abirbrothoc. Octauo die Octobris anno regni nostri vndecimo. m/

- Ch B 1359. 7. RESIGNATION by ELENA DE MAXWELL, Lady of Kelly, of the Lands of Kelly, in the hands of the King, for new Infestment in favour of WALTER OLIPHANT. January 30, 1360-61.

Omnibus hoc scriptum visuris vel auditoris Elena de Maxwell domina de Kelly Salutem in Domino. Noueritis me in mea pura viduetate ac legitima potestate concessisse ac in manibus domini mei Domini Dauid Dei gracia regis Scottorum pure et penitus resignasse omnes terras meas de Kelly cum omnibus et singulis pertinenciis libertatibus commoditatibus et aysiamenis ad predictas terras n/

Magister. Deo gratia. Dux Saxonie. omnibus probis hominibus tam terre sue Saxonie. Saxonos nos concessisse. Et hac carta
nostra confirmasse. donationem illam que Willelmo de Brunneburgh fecit. Bernardus de Brunneburgh de tota terra sua de La
singstona. et suas rectas dimissas sicut Willelmus de Brunneburgh eam de ipso Willelmo tenuit. Et de terra sua in terra de La
scales qui abbas et conventus de Eboracia de ipso Willelmo solent tenere et de tunc terre tunc et Levingstona. et de
anomonia de eodem Willelmo tenere solent. cum tota pastura eiusdem ville et cum omnibus libertatibus et assamentis
ad duas terras spectantibus. Salva multaura molendinorum dei Willelmi. et salva sibi et heredibus suis medietate omnium schaccorum
sue terre que dei Willelmo et heredibus suis remanebunt. sicut alia medietas omnium schaccorum eiusdem terre dei Willelmi
nardo et heredibus suis remanebunt. cum libertate molendinorum suorum et heredum suorum ad molendinorum suorum. et post
pladium predicti Willelmi et heredum suorum. Bernardus et heredes sui de predicto Willelmo et heredibus
suis cum omni libertate et assamentis. Et heredes sui de predicto Willelmo et heredibus
suis. sicut terra predicti Willelmi predicti Bernardi vendi concessit. plenius iuste restituit. Salvo sermone suo
et reddendo inde annuatim deo Willelmo et heredibus suis undecim marcas argenti salvis medietate ad
penteosten et alia medietatem ad festum sancti Michaelis. Willelmo abbe de Eboracia. Willelmo de
Baya. Willelmo de Baya. Ricardus Gifford. Bernardus de Brunneburgh de Brunneburgh. Willelmo de Brunneburgh de
Willelmo et Willelmo de Brunneburgh apud Brunneburgh. Cetero die. Anno regni regis Ricardi
222. quarto.

spectantibus seu aliquo modo spectare valentibus in futurum quas de domio meo domino rege predicto in feodo et hereditate teueo ad infeodandum dilectum cousanguineum meum Valterum Olifaunt hereditarie iu predictis terris cum pertineuciis ffaciendo domino meo domino regi predicto predictus Valterus et heredes sui omne seruicium ex inde debitum et consuetum Et hoc omnibus et singulis quorum interest tenore presencium notifico. In cuius rei testimonium presentibus sigillum meum est appensum Datum apud Kelly peultimo die mensis Januarij anno Domini millesimo ccc^{mo} sexagesimo.

Ch. C. 1360. S. CHARTER of the Lands and Barouy of Gask, by DAVID THE SECOND, to SIR WALTER OLIPHANT aud ELIZABETH, his Wife, daughter of ROBERT THE BRUCE. At Edinburgh, the last day of February, 1363-64.

Dauid Dei gratia Rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis Salutem. Sciatis quod cum dilectus et fidelis noster Walterus Olyfaunt in pleuo consilio nostro tento apud Perth vndecimo die Januarij anno gratie millesimo ccc^{mo} sexagesimo quarto in presentia plurium prelatorum et procerum ac aliorum fidelium nostrorum ibidem congregatorum personaliter constitutus non vi aut metu ductus nec errore lapsus Sed mera et spontanea voluntate sua inter ceteras terras quas de nobis tenuit in capite ibidem nobis resignatas et sursum redditas terras de Gask cum pertinentiis infra viccomitatum de Perth per fustum et baculum nobis sursum reddiderit simpliciterque resignauerit atque pure dedimus concessimus et hac presenti carta nostra confirmauimus predicto Waltero dilecto et fideli nostro pro bono seruicio suo nobis impenso et Elizabet spouse sue dilecte sorori nostre totas predictas terras de Gask cum pertinentiis. Tenendas et habendas dictis Waltero et Elizabet spouse sue et alteri diutius viuenti ac heredibus inter ipsos procreatis vel procreandis et suis assignatis ipsorum videlicet liberis masculis seu femellis quibus forsan deficientibus veris et legitimis heredibus predicti Walteri quibuscunque et suis assignatis in vnam integram et liberam baroniam de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et diuisas suas libere quiete plenarie integre et honorifice in boscis et planis viis et semitis moris marresijs et petarijs aquis stagnis et viuarijs pratis pascuis et pasturis cum furca et fossa tholl et theam et infangaudthef cum teuaudijs et seruicijs libereteuentium cum bondis bondagijs natiuis et eorum sequelis cum molendinis et multuris cum fabrilibus et bracinis et alijs officijs quibuscunque cum aucupationibus venationibus et piscationibus et cum speciali libertate piscandi aquam de Erne tribus diebus in septimana tempore prohibito de iure et consuetudine regni nostri et cum omnibus alijs libertatibus commoditatibus aysiamentis et iustis pertinentiis quibuscunque tam sub terra quam supra terram tam procul quam prope tam non nominatis quam nominatis ad dictas terras de Gask spectantibus seu quoquo modo iuste spectare valentibus in futurum sine aliqua reuocatione vel retinemento quocunque. Reddeudo inde nobis et heredibus nostris dicti Walterus et Elizabet sponsa sua et eorum diutius viuens

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et heredes sui vel assignati prenotati annuatim ad manerium de Gask vnum capellum albarum rosarum ad festum Natiuitatis beati Johannis Baptiste nomine albe firme tantum si petatur et faciendo tres sectas curie ad tria placita nostra capitalia annuatim tenenda apud Perth pro warda releuio maritagio et omnibus alijs et singulis seruicijs secularibus consuetudinibus exactionibus et demandis que per Nos heredes nostros aut successores de predictis terris de Gask cum pertinentijs aliquo modo exegi poterunt vel requiri. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus venerabilibus in Christo patribus Willelmo Episcopo Sancti Andree et Patricio Episcopo Brechinensi Cancellario nostro. Roberto Senescallo Scotie Comite de Stratherne Nepote nostro. Willelmo Comite de Douglas. Roberto de Erskyne. Archebaldo de Douglas et Waltero de Haliburtoun militibus. Apud Edynburgh vltimo die mensis februaryi Anno Regni nostri Tricesimo Quinto.¹

9. CHARTER by the Same, in favour of the Same, of the Lands and Barony of Turyns and Dromy. Eodem die.

Dauid Dei gratia Rex Scottorum Omnibus probis hominibus totius terre sue clericis et laicis Salutem. Sciatis quod cum dilectus et fidelis noster Walterus

¹ A curious history attaches to this interesting and valuable document, during the last century. When Crawford was writing his "Scottish Peerage," published in 1716, James Oliphant of Gask showed him this charter, to which he refers, *sub voce* Bruce, Earl of Carrick, as proving the existence of Elizabeth, daughter of Robert the First, and her marriage to Sir Walter Oliphant. In 1746, when the Jacobites were crushed, and the Laird of Gask a fugitive, the Duke of Cumberland sent Sir Joseph York to ransack the House of Gask, which he did, and carried away from the Charter Room what the Laird afterwards described as "a small Japan'd brown Box, with the Coat of Arms on the Lidd, being gules three Crescents argent," containing, among other papers, this charter: and it was not recovered till many years afterwards. In 1779 the second volume of the first edition of Lord Hailes's "Annals of Scotland" appeared, in which he mentioned Elizabeth Bruce, quoting Crawford, but in such a way as to cast great doubt on his statements. Notwithstanding Crawford's assurance, "I must still hesitate," said Lord Hailes. "The silence of Fordnn and his continuator (as to the existence of Elizabeth) is remarkable; every one conversant in ancient deeds knows, that *filius*, *filia*, *frater*, are words which do not necessarily imply legitimate relation. To remove all doubts, the charter itself, *if extant*, ought to be deposited

in the Register House." After seventeen years of banishment, Laurence Oliphant returned to his native land, in September, 1763, and one of his first objects was to find the lost charter and the other papers. "There is nothing," he wrote, "that ever happened to my father that he regretted more than the loss of these old papers." Forty years after they had fallen into the hands of the Duke of Cumberland, Gask is still found in the earnest search after this document, so much prized; and at last, in 1786, he traced it to its hiding-place, and rejoiced in its possession. He was naturally much offended at the observations of Lord Hailes, and soon let him see the charter. It was submitted by Gask the younger and Lord Dunsinnan to the Historian, who said he was glad to see it, and promised to make amends in a future edition of his work, advising also that the charter itself, with an account of its loss and recovery, should be inserted in the "Scots Magazine," which was not done. Lord Hailes died in 1792, and his remarks were left unaltered in subsequent editions of his work.—Annals, 1819 Edition, vol. xi., p. 165, *note*. The charter, however, was registered in the Books of Council and Session as a Probative Writ, May 5, 1795, by Mr. John Pattison, advocate, and Alexander Robertson, writer, Edinburgh. See also "The Jacobite Lairds of Gask," by T. L. Kington Oliphant, Esq., pp. 200, 345, 398, 403.

David Rex Scotorum. Omnibus quibus hoc scriptum fuerit salutem in domino sempiternam. Nos tunc apud Perth in decimo die Januarii Anno regni nostri octavo. Quarto non vi aut metu ductus in errore lapsus. Si metum et spem voluntate sua. in omnia et per omnia infra dicta de Perth et futurum et dictis nobis firmiter addiderit. Simpliciter et sponte sua dilecti Sorori sue et eorum alteri ducis ducem ac heredes meos ipsos procreantes vel procreandos. et sine assignatione dacta quibuscumque et sine assignatione in ducem. integram et liberam baroniam de nobis infangandis. et tenendis et suis liberet. tenentibus ad heredes bonis nativis et comitibus venantibus. et piscantibus et cum sua libertate piscandi. aquam de Curie et modo iuste spectare. Diligentibus in futurum. sine aliqua revocatione vel retinente quocumque. heredes sui vel assignati. dnotati. amantem ad gardum de Galt. una capellam aliam tres Scotas Curie ad terra placita ipsi caputalia. amantem tenentem apud Perth. pro maribus. que per nos heredes nostros aut Successores de partibus eius de Galt cum primis apponimus. Testibus. Regibus in christo. Willmo. Episcopo Sancti Andree et patre et de dno. Robro de Orkyne archidiacono de Douglas et Waltero de Habiburton milite.

iacis. **S**icutus q̄ cu dicitur et fidei m^o Walteri obisanti in pleno consilio
p̄ntia plurimū placitorum et p̄terorum ac aliorū factum in d̄y ibidem congregatorū p̄sonaliter d̄stentū
s quas de nobis tenent in capite ibidem nobis resignatas et sursum redditas d̄ns de gash
et resignavit atq̄ pure. Sedim^o concessim^o et hac p̄nta carta n̄ra confirmavim^o p̄nta Walteri
et tenens p̄ntas suas de gash cū p̄tinentiis. Tenent^o et h̄ndi d̄ns Walteri et Elizabeth sponsa
et ipsorū videlicet liberis masculis seu femellis quibz forsan deficientibz veris et legitimis heredibz
et heredibz n̄ris in feodo et hereditate p̄ omēs rectas metas et divisas suas libere quiete pl̄
et aquis stagnis et vinaris p̄tis pasturis et pasturis cū furca et fossa. toll^o et t̄heny. eo
sequens in molendinis et gutturis in fabulibz et braciis et alijs officijs quibuscunq̄ in du
in septimana tempe p̄hibito de iure et cōsuetudine Regis n̄ri. et cū omnibus alijs libran
tam p̄cul p̄ p̄pe tam nō uoratis. q̄ uoratis ad d̄cas suas de gash p̄tinentibz seu quocunq̄
videlicet n̄ris nobis et heredibz n̄ris d̄ns Walteri et Elizabeth sponsa sua et eorū d̄ncus videns et
p̄nta ad festum Trinitatis s̄i Johis Baptiste n̄re abb̄e ferme tantū. si p̄tact^o et faciendū
p̄nta p̄ntis. maritagio et omnibz alijs et singulis h̄ncis secularibz consuetudinibz p̄tactibz et de
is aliquo modo p̄gi p̄ntis de Regis. In cui^o Reg^o testiorū. p̄nta Carce n̄re Sicilii n̄ri
Willelm^o Cancell^o n̄ri. Robto Cens^o Cens^o Cens^o de Strachin^o et de p̄nta n̄ri Willelmo Cens^o
Agno Dunburgh^o ultimo die m̄s februar^o Anno Regis n̄ri Trecesimo Quinto. —

Olyfaunt in pleno consilio nostro tento apud Perth vndecimo die Januarij Anno gratie millesimo trecentesimo sexagesimo quarto in presencia plurium prelatorum et procerum ac aliorum fidclium nostrorum ibidem congregatorum personaliter constitutus non vi aut metu ductus nec errore lapsus set mera et spontanea voluntate sua inter ceteras terras quas de nobis tenuit in capite ibidem nobis resignatas et sursum redditas Terras de Turynys et de Dromy cum pertinentiis infra vicecomitatum de fforfar per fustum et baculum nobis sursum reddidit simpliciterque resignauerit atque pure dedimus concessimus et hac presenti carta nostra confirmauimus predicto Waltero dilecto et fideli nostro pro bono seruicio suo nobis impenso et Elizabet sponse sue dilecte sorori nostre Totas predictas terras de Turynys et de Dromy cum pertinentiis. Tenendas et habendas eisdem Waltero et Elizabet sponse sue predictae ac eorum alteri diucius viuenti heredibusque inter ipsos procreatis vel procreandis et suis assignatis ipsorum videlicet liberis masculis et femellis quibus forsan deficientibus veris et legitimis heredibus predicti Walteri quibuscunque et suis assignatis in vnam integram et liberam baroniam de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et diuisas suas libere quiete plenarie integre et honorifice in boscis et planis viis et semitis moris maresiis et petariis aquis stagnis et viuariis pratis pascuis et pasturis cum furca et fossa toll et teame et infangandtheff cum tenandiis et seruiciis liberetenencium cum bondis bondagiis natiuis et eorum sequelis cum molendinis et multuris cum fabrilibus et bracinis et aliis officiis quibuscunque cum aucupacionibus venacionibus et piscacionibus et cum omnimodis aliis libertatibus commoditatibus aysiamenis et iustis pertinenciis quibuscunque tam sub terra quam supra terram tam procul quam prope tam non nominatis quam nominatis ad dictas terras de Turynys et de Dromy spectantibus seu quoquo modo iuste spectare valentibus in futurum sine aliqua revocacione vel retinemento quocunque. Reddendo inde nobis et heredibus nostris dicti Walterus et Elizabet sponsa sua et eorum diucius viuens et heredes sui et assignati prenotati annuatim apud Dromy ad festum natalis Domini vnum denarium argenti nomine albe firme tantum si petatur et tres sectas curie ad tria placita nostra capitalia annuatim tenenda apud fforfar pro warda relcuio maritagio et omnibus aliis et singulis seruiciis secularibus consuetudinibus exaccionibus et demandis que per nos heredes nostros aut successores de predictis terris de Turynys et de Dromy cum pertinenciis aliquo modo exigere poterunt aut requiri. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus venerabilibus in Christo patribus Willelmo Episcopo Sancti Andree et Patricio Episcopo Brechinensi. Cancellario nostro. Roberto Scenscallo Scocie Comite de Stratherne nepote nostro. Willelmo Comite de Douglas. Roberto de Erskyne Archebaldo de Douglas et Waltero de Halyburtona militibus Apud Edinburgh vltimo die ffebruarii Anno Regni nostri Tricesimo Quinto.¹

¹ Acta Par. Scot., vol. i., p. 166. The original of this Charter is not at Gask, and another of the same date appears also to have been lost, namely: —“ Ane charter grantit be Dauid King of Scottis

vnder the gryt seill to Waltir Oliphant and Elizabeth his spous, sister to the said King Dauid, of the landis of Aberdage and Dupline, to be haldin in frie barony and frie forrest with the advocatioun

Ch B. 1361

10. CHARTER by KING ROBERT THE SECOND, in favour of WALTER OLIPHANT, of the Lands of the Barony of Kelly and of Petkery, in the Shire of Fife. October 20, 1379.

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Robertus Dei gracia Rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis salutem. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse fidei nostro Waltero Olyfaunt filio omnes et singulas terras baronie de Kelly et de Petkery cum pertinenciis in quarterio de Karale infra vicecomitatum de Fyff que fuerunt Walteri Olifaunt patris sui et quas idem Walterus non vi aut metu ductus nec errore lapsus set mera et spontanea voluntate sua nobis per fustum et baculum sursum reddidit pureque et simpliciter resignavit ac totum jus et clameum que in dictis terris cum pertinenciis habuit vel habere potuit pro se et heredibus suis omnino quietum clamavit in perpetuum. Tenendas et habendas eidem Waltero et heredibus suis de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et diuisas suas cum omnibus et singulis libertatibus commoditatibus aysiamentis et iustis pertinenciis suis quibuscunque ad dictas terras cum pertinenciis spectantibus seu quoquo modo iuste spectare valentibus in futurum adeo libere et quiete plenarie integre et honorifice in omnibus et per omnia sicut dictus Walterus pater dictas terras cum pertinenciis de nobis ante resignacionem suam nobis exinde factam liberius quietius plenius integrius et honorificencius iuste tenuit seu possedit ffaciendo inde seruicia debita et consueta Volumus tamen quod liberetementum dictarum terrarum cum pertinenciis suis vniuersis remaneat pnes dictum Walterum patrem pro toto tempore vite sue. In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum. Testibus venerabilibus in Christo patribus Willelmo et Johanne cancellario nostro Sancti Andree et Dunkeldensis ecclesiarum Episcopis. Johanne primogenito nostro de Carric Senescallo Scoocie. Roberto de Fiffe et de Meueteth filio nostro dilecto. Willelmo de Douglas et de Marrc consanguineo nostro comitibus. Jacobo de Lyndesay nepote nostro carissimo et Alexandro de Lyndesay consanguineo nostro militibus. Apud Sconam vicesimo die Octobris Anno Regni nostri octauo.

ABSTRACT of TEN CHARTERS, under the GREAT SEAL, of LANDS within the STEWARTRY of STRATHEARN and SHERIFFDOM of PERTH.

11. Robertus Dci gratia Rex Scottorum etc. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse, Willelmo Olifavnt militi, dilecto et

of the Kirk of Dupline, with priviledge to fisehe in the Watir of Erne thrie dayis in forbididin tyme. Reddendo annuatim apud Manerium de Aberdalgie ad festum Sancti Petri quod dicitur ad vincula vnam merulam nomine albe firme si petatur tautum, et faciendo tres sectas ad tria placita

capitalia annuatim teneuda apud Perth. And ane priviledge that nane halk nor hunt within the saidis landis vnder the pane of ten pundis. Daitit at Edinburgh the last day of Februar and of his heines regne the 35,—vpouu his awin resignatioun."—Old Inventory of Writs at Gask, B. xix., No. 9.

fideli nostro, totam terram nostram del Murhuse cum pertinentiis, infra vicecomitatum de Edinburgh, in escambium pro quadam pecia terre quam Johannes de Balliolo cepit infra clausuram parci de Kyncardin in le Merenis, et quam terram dicto parco volumus remanere. Circa 1320.¹

12. Robertus Dei gracia Rex Scottorum, omnibus probis hominibus etc. Sciatis nos approbasse etc. donationem illam et concessionem quas de nostro consensu, et assensu et deliberatione consilij nostri Karissimus filius noster David Comes Palatinus de Stratherne et Comes Catanie fecit et concessit dilecto et fideli nostro Johanni Rollo, de terris de Fyndony, cum prato de Dvny; et de terris de Drumcrovbe et de Ledcathy cum pertinentiis in Comitatu de Stratherne infra vicecomitatum de Perth: Tenendis et habendis in vno integro tenemento, predicto Johanni heredibus suis de corpore suo legitime procreatis sui procreandis, quibus forsan deficientibus, Duncano Rollo filio predicti Johannis, et heredibus suis, de corpore suo legitime procreandis, et ipsis forte deficientibus, veris et legitimis heredibus dicti Johannis quibuscunque, in feodo et hereditate, per omnes rectas metas et diuisas suas, cum omnibus et singulis libertatibus etc.: ad predictum integrum tenementum spectantibus seu quoquo modo iuste spectare valentibus in futurum: adeo libere etc. in omnibus et per omnia sicut carta dicti filij nostri eidem Johanni exinde confecta in se plenius iuste continet et proportat, saluo servicio nostro. Apud Methfene, February 14, 1382.²

13. Carta Michaeli Uchyltre decano Dunblanensi suis heredibus et assignatis, De uno integro tenemento, jacente in burgo de Perth, in magno vico eiusdem, ex parte boreali ejusdem vici, inter terram Joannis de Irland, ex parte occidentali, ex parte una, et terram Symmonis Thome ex parte orientali, ex parte altera; Quodquidem tenementum ad Regem spectat ratione fforisfacturae quondam Adam Binry, dicti burgi burgensis: Tenendo de Rege. Reddendo servitia debita et consueta. Apud Perth, March 8, 1424.

14. Carta Davidi Stewart militi, et heredibus suis, de tota et integra baronia Regis de Rossyth, cum pertinentijs, Necnon de omnibus et singulis terris de Cragy, Gerpot, et tertia parte terrarum de Fordale, Culbaky, et de Strabbrin, ac de terris Luchelde et Petravy, cum pertinentijs, jacentibus infra vicecomitatum de Fife, et terris de Crob, Buchendy, et de Ladegreven, cum pertinentiis, jacentibus infra vicecomitatum de Perth: Quaequidem terrae (exceptis terris et baronia de Rossyth) fuerunt dicti Davidis, et per eum legitime resignate fuerunt: Quaequidem terrae ut prefertur resignatae cum suis pertinentijs predictae baronie, unitae annexatae et incorporatae sunt. Tenendis in unam integram et liberam baroniam de Rege etc. Faciendo etc., servitium debitum et consuetum una cum wardis relevijs et maritagijs cum contigerint: Testibus, Joanne Episcopo Glasguensi, Cancellario, Joanne

¹ Registrum Roberti Primi.—Rot. I., No. 57.

² Registrum Roberti Secundi.—Rot. V., No. 79.

Forestarij Camerario, Waltero de Ogilvy, Thesaurario Regni Scotie, militibus, Magistro Willelmo Fowlis, custode privati sigilli. Apud Inuerness, August 24, 1428.

15. Carta Davidi de Murray de Tullibardin, militi, et heredibus suis legitime procreatis et procreandis, de omnibus et singulis terris de Tullibardin, de Gask-Murray, Dalreach, Polgowre, Clone, Dundovan, Borland, Glencoy, Petver, Fynnach, dimidietate terrarum de Kyntochir, et dimidietate terrarum de Ardach, cum pertinentiis, jacentibus in Comitatu de Strathern, infra vicecomitatum de Perth, super resignationem dicti Davidis: quaequidem terrae cum pertinentiis in unam integram et liberam baroniam incorporatae creatae annexatae et unitae sunt Baroniam de Tullibardin nuncupandam: Tenendis de Rege etc. salvis regi et successoribus suis, wardis, relevijs, maritagijs, aliisque juribus et servitijs, de dictis terris cum pertinentijs debitis et consuetis. Apud Striveline, January 20, 1444.

16. Carta Mauricio de Drummonde, filio et heredi Malcolmi de Drummonde de Touchrag [Concraig] ac Mariote de Douglas, sponse sue, et eorum diutius viventi, et heredibus inter eosdem legitime procreandis quibuscunque, De omnibus et singulis terris de Acherich, Kelach et Dalchilia, cum pertinentiis, tam in feodo quam libero tenemento; Ac etiam dicto Mauricio et heredibus suis, de corpore suo legitime procreatis seu procreandis, quibus deficientibus, heredibus dicti Malcolmi quibuscunque, de universis et singulis terris de Drummane, de Touchrage, de Tulliehravin, de Dalquhone, de Fintulich, de Ladintibirl, de Drumsarag, de Drumgouray, de Pethomochir, de Shranore, et le Knok de Creiff, cum pertinentiis; jacentibus in Comitatu de Strathern, infra vicecomitatum de Perth: Tenendis de Comite de Strathern, infra vicecomitatum de Perth, super resignationem dicti Malcolmi: Tenendis de Rege; reservatis Regi, heredibus et successoribus suis, wardis et relevijs, maritagijs, juribusque et servitijs, ante dictam resignationem inde debitis, et consuetis. Apud Striveling, Octobris 31, 1444.

17. Carta Davidi de Loutfuede, fratri Magistri Malcolmi Loutefute, et heredibus suis, de omnibus et singulis terris de Urechilmany, cum pertinentiis, jacentibus in Comitatu de Stratherne, infra vicecomitatum de Perth, super resignationem dicti Magistri Malcolmi: Tenendis de Rege, tanquam Comiti de Strathern: faciendo servitia debita et consueta. Apud Striviling, May 23, 1450.

18. Carta Confirmationis Thome Gray, pro toto tempore vite sue, et post ejus decessum, Roberto Gray filio suo naturali, et heredibus de corpore suo legitime procreandis, quibus deficientibus, veris legitimis et propinquiorebus heredibus dicti Thome quibuscunque, super cartam sibi factam per Patricium Domium le Glammis de data 16 die Augusti 1450,—Testibus, Willelmo Domino Crechton, regni Scocie Cancellario, Andrea Domino le Gray, Jacobo de Crechton, Domino de Frenndracht, Georgio de Crechton de Carnis, Admirallo Scocie, Waltero de Ogilvy de Deskfurde, militibus, Alexandro de Narne de Sandfurde, et Moricio Booy burgense de Perth,—

de decem libratīs terrarum de Uverzards de Monorgund, cum pertinentiis, jacentium in baronia de Langforgun, infra vicecomitatnm de Perth: Tenendis de dicto Domino Glamis: Reddendo nnum denarim argenti monete Scotie, snper solum dictarum terrarum de Uverzardis, nomine albe firme si petatur tantum. Apud Falkland, August 19, 1450.

19. Carta Confirmationis Duncano de Cardny, filio Willelmi Cardny de Fosse, et heredibus suis masculis, de corpore suo legitime procreatis, son procreandis, quibns deficientibus, dicto Willelmo et heredibns, de suo cognomine quibuscunqne, super cartam sibi factam per dictum Willelmum Cardny, de data 12 die Novembris 1447, de omnibus et singulis terris de Clathadre cum pertinentiis, jacentibus in Comitatu de Strathern: Reddendo unnm par albarum cirothecarum, apud dictas terras, in festo nativitatīs beati Joannis Baptiste, nomine albe firme, si petatur tantnm. Apud Falkland, August 25, 1450.

20. Carta Roberto Meinziēs, filio et heredi apparenti Angusii Meinziēs de Cumre, et heredibus suis, de totis et integris terris de Emerereane, et de Croftyn-tarane, cum pertinentiis, jacentibns in Comitatu de Stratherne, infra vicecomitatnm de Perth, super resignationem Mariote Galmolawath. Tenendis de Rege etc. Faciendo etc. servitia debita et consueta. Testibns ut in aliis, et Davide de Murray de Tullibardin, Simone de Glendynivyn de eodem, Willelmo de Cranstoun de Corsby, militibus. Apud Edinburgh, August 21, 1451.

21. ABSTRACT of CHARTER of CONFIRMATION of certain Alienations made by ROBERT MERSAR of Innerpeffray in favonr of THOMAS OLIPHANT of Dron. June 15, 1468.¹

Carta Confirmationis Thome Oliphant de Dron, heredibus suis et assignatis, super illas donationes concessiones et alienationes factas per Robertum Mersar de Innerpeffry, De omnibns et singulis terris de Logan, cum pertinentiis, jacentibus in dominio de Innerpeffry, in Comitatu de Stratherne, infra vicecomitatum de Perth, ac de annuo reddito undecem mercarum monete Scotie annuatim levando et percipiendo de terris de Innerpeffry cum pertinentiis, jacentibus in dictis comitatu et vicecomitatu, et de omnibus et singulis terris de Eistir Dularith, et Wester Dularith, cum pertinentiis, et de omnibus et singulis terris de Scheraliston, cum pertinentiis, jacentibus in dominio de Dunefalle, nec non de omnibus et singulis terris vulgariter nuncupatis lie Myddil Quarter de Dunefalle cum pertinentiis, et de tota et integra quarta parte occidentali omnim terrarum de Dunefally cum pertinentiis, vulgariter nuncupatis Gailmor, infra vicecomitatum de Perth jacentibus, pro ut in sex cartis dicti Roberti Mersar pro se heredibus suis et assignatis, dicto Thome

¹ Book of Great Seal Charters.—MS., Signet Library, B. 8, p. 370, No. 36.

heredibus suis et assignatis, de dictis terris et annuo redditu confectis, continetur. Nec non approbando ratificando et pro perpetuo confirmando illas donationes et concessionones venditiones et alienationes quas fecit Andreas Charters burgensis de Perth, pro se heredibus suis et assignatis, de decem mercis annui redditus annuatim levandi et percipiendi de omnibus et singulis terris et molendino de Dunfally, cum pertinentijs, prout carta ipsius Andree prefato Thome inde confecta proportat, et illas donationem et concessionem quas fecit Joannes de Bute, capellanus, eidem Thome Oliphant, suisque predictis, de omnibus et singulis terris quarte partis orientalis terrarum de Dunfally, unacum Murefald cum pertinentiis, dictis terris adjacentibus ex parte boreali versus occidentalem in merum, purum et liberum excambium, cum dicto Thoma pro certis annuis redditibus ipsius Thome in burgo de Perth per eundem Thomam dicto Joanni de Bute capellano in excambium similiter donatis prout in carta ipsius Joannis inde confecta latius continetur. Apud Edinburgh, June 15, 1468.¹

ca. B. 1920.

22. BOND OF MANRENT by ROBERT MERSAR of Balleif, Burgess of Perth, to LAURENCE LORD OLIPHANT, for Eleven Years. August 6, 1468.

This endentur maid at Perth the vi day off the moneth of August the zer of God a thousand four hundreth sixty and hauch zeris beris witnes that it is apontit and acordit betuex an honorabil and a mychty lord, Laurence Lord Oliphant on the ta pairt and a vorschipful man Robert Mersar of Balleif burges of Perth on the tother pairt in maner form and effec as efter followis: That is to say that the said Robert is becum man to the foresaid Laurence Lord Oliphant for al the termys and dayis of alewyn zer next efter folowand the datt of thir present letrez in contra al maner of man exceppand our

¹The obit of Thomas Oliphant of Dron was celebrated annually in the parish church of Perth on the eleventh day of December. He died, December 11, 1474. The obit in silver amounted to the sum of two pounds, of which one pound six shillings and eight pennies were paid yearly out of the town called Wester Dron, next Kintilloch; and thirteen shillings four pennies out of a land on the east side of the Kirk Street of Perth pertaining to Richard Sad, baker, afterwards to Walter Thruer, alias Anderson, afterwards to Andrew Anderson, and in later times to the heirs of Henry Boig; between the land of John Meilling, afterwards the yard of John Anderson, and in later times the land of Thomas Austin, on the south; the land sometime pertaining to Thomas Robertson, afterwards to Andrew Anderson, and in later times to John White, on the north; the close of the said John White, on

the east; and the said Kirk Street on the west. Each officiating chorister was to receive twelve pennies, and each other founded chaplain who joined in the service eight pennies: from which it has been computed that twenty choristers and thirty chaplains assisted in this annual demonstration. — MS., Advocates' Library, 13-1-7, p. 398-9. Thomas Oliphant of Dron is there stated to have been the second son of Sir John Oliphant of Aberdalgie, and brother of Sir Laurence, first Lord Oliphant; and by an anachronism on the part of the Rev. James Scott (the laborious transcriber and annotator of the Perth Chartularies, and author of several works of local interest and research, including a valuable account of the Gowrie family), he is styled the "Honourable" Thomas Oliphant of Dron. Some notices relative to the Oliphants of Dron and their lineal descendants have already been given.

Soueran Lord the Kyng and is afaldly oblist til abyd at hym and his queralis and til do hym seruice sic lik as efferis til hym til do til his Lord without fraud or gyl for the quhilk the forsaid Laurence Lord Oliphant is oblist to mantcin help supple and defend the forsaid Robert in al his gudly queralis as efferis and as his Lord suld do of reson til hym without fraud or gyl: And attour it is apontit and acordit betuex the forsaid Lord and the said Robert anent the said Robertis fe that gif the said Lord chargis the said Robert in ony gret trawalis quhar throw the said Robert sustenys gret surfat costis in his seruice mayr than the said Lord makis in his gud lordschip doyn throw his travel in helpyn manteinyn suppleyn and defendyn of the said Robert in his queralis that it sal be considerit of the said Robertis fe quhilk sal be gefyn til hym be thir personis vnderwrytyn that is to say, Jamys Heryng son and apperand aer til Daudid Heryng of Lcthinde, John of Chamer of Strathe, and Robert Mersar son til Andro Mersar of Mekyllour. And for the mayr sekyrnes of thir apontmentis forsaid the seil of the said Laurence Lord Oliphant to the pairt remanand with the said Robert is affixt, and the seil of the said Robert to the pairt remanand with the said Lord Oliphant is affixt zer day and place befor expremit.

Ch. B. 1921. 23. ACT OF APPOINTMENT by GEORGE, Abbot of Inchaffray, in favour of LAURENCE LORD OLIPHANT, as Bailie of the Abbey. January 25, 1468-9.

Be it kende till all men be thir present letres Ws George be the grace of God Abbot of Inchaweray to be bundin and oblist and be thir present letres ande in the faith in our body lely ande treuly bindis and oblis is ws til ane ryth honorable lord Laurence Lorde Oliphant that quhat tym We the saide George Abbat beis admittit be our Juge ordinare to the spiritualite ande be our Souerane Lord the King to the temporalite of tho said Abbisse within xxtj days nixt efter the said admisione we sal mak the said Lord Oliphant our full bailze of all landis renttis and possessionis pertenant and for to pertent to the said Abbay vndyr our common Sell with all power ande fredome that may pertent till ony bailze of law or custum within the Realm of Scotlande the said Lord Oliphant optenande the consent of my Lord Boude and of my Lord of Arayn his son We geffand til him ane compitable fee zerly tharfor sic lik as our predecessouris has geffin till other bailzeis of befor And the said Lord Oliphant till jois and bruk the said bailzery for al the dais of his lyff with power and fredome as is forsaid and We the said George abbot neuer to resing the said Abbisse no wirk ony materis pertening til his bailzery or ony other thingis belangin the consaill of ane temporale man without consent and assent of the said Lord Oliphant. The quhilk condicione and ponctment in maner and forme befor vritin but fraude gill or reuocacione to kep and fulfill We binde and oblis is Ws as of befor and in defamate of our person in the

stratest forme and stile of obligacione that can be devisit na remede of law to be proponit in the contrar beande of fors nor effect In vitnes of the quhilk thing We haue set to our Sell with our subscripcione manuale At Edinburgh the xxv day of Januare the zer of God j^m iiij^c lxxvij zeris.



GEORGIUS abbas Insvlemissar.
manu propria etc.

Ch. B. 1922.

24. BOND OF MANRENT by ALEXANDER BLAIR of Balthayock to LAURENCE LORD OLIPHANT for Five Years. May 31, 1469.

Be it kende til al men be thir present lettres me Allexander Blayr of Bathioke til be obligt and bundyn and be thir my present lettres and the fatlt in my body lelely and treuly bindis and obligis me til an vorschipfule lorde Laurens Lord Oliphant my gude brother in law¹ in maner and form as efter folovise that is to say that I the said Alexander sal be man and servande til the saide Laurens Lord Olyphant for al the tym and spase of fywe compleit zeris next and immidiat folovande the dat of thir my present lettres ande sal ryd and gang wihth the saide Lord and do hym seruice ay and quhen that I am chargit as afferis me to do till my Lorde and Master aganise al man endorande ye tym forsaide kepande myn allegians til our Souerande Lorde the Kyng and alsua excepande the Lord Boyde to the quhilk I haf maid promit of before and thir my present lettres of manranschipe til endure without reuocacioun excepcioun vpgifyng or discharging for al the tym and spase of fywo zeris forsaide: In vitnes of the quhilke thing to thir myn present lettres I hafe affixt my Seil at Bathioke the last day of the moneth of May the zer of God a thousande four hundretht sixty and nyne zeris.

Ch B. 1923

25. BOND OF MANRENT by SILVESTER RATTRAY of that Ilk to LORD OLIPHANT for Three Years. June 18, 1469.

This endentur maid at Colaise the xvij day of June the zere of oure Lorde ane thovsande four hundretht sexti and nyne zeris proportis and beris vitnes in the self that it is fullely apuntit and acordit betuex ane Rycht honerabil and mechti lorde Llaurens Lorde Oliphant on the tay part and Siluester of Ratrray of that ilk

¹ Alexander Blair married Isabel, second daughter of Sir John Oliphant of Aberdalgie and Isabel Ogilvy; the bride was the sister of Sir Laurence, afterwards Lord Oliphant.

on the tother partis in forme and maner efter fovlovande: That is to say the said Silvester is cumyng man till the said Lord for all the termis of thre compleit zeris next and immediate fovlovande the date of this present vryeth till ryd and till gane wytht the saide Lorde also oft as he beis chargit aganis all men lufande, excepande our Souerane Lorde the King and the Llorde Bovide his forcessor and the Cuntas Crawford, the saide Lorde payande till the saide Silvester zerly for the termis of the saidis thre zeris twenty pundis of fee of vsualc mone of Scotlande efter the decesse of the Lady of Kalender and the said Lordis Modyr; and quhil the decesse of the saidis Ladeis the saide Silvester sal haff bot tene pundis of fee til be raisit and vpluftyt of the Landis of Ochyrtyr and Nevyile. And all thir condicionis and puntmentis lelely and trevly but fraude or gyile exception or cauillacion to be kipyt and fulfillit the saidis Lorde and Silvester ilkane til othyr haff gyfne ye bodely aith, and for the mar vitnessing hes affixit thar sellis and subscrivit this vrych wyth thar awin handis day zer and place forsaidis befor thir vitnesis,—Alexr. Blare of Bavthiok, James Oliphant brother germane til the said Lorde, Sir Henry Clerk Notar, wytht othyr diuerse.

SELUESTER.

CC. B. 1924.

26. BOND OF MANRENT by DAVID OGILVY of Inchmartin to LAURENCE LORD OLIPHANT for Life. June 18, 1469.

This endentur maid at Bavthiok the xvij day of Juni the zerc of our Lord ane thowsande four hundreth sixty and nyne zeris proportis and berys in the self vitnes that it is fullye a punttit and a cordit betuex ane Rycht honorabil and methy lorde Laurens Lorde Oliphant on the tay partis and Daud Ogyly of Inchmartine on the tother partis in forme and maner efter fovlovande: that is to say the said Lorde is bunding and obligt be the faith in his bodc til mantene supple furthyr and defende the said Daud in all his causis querelis rychtvise and lefull his vorschip his lyffe landis rentis possessiones and gudis at all his gudely power in contra all men lufand excepande oure Souerane Lorde the King And the said Daud is obligt and bovding be the faith in his body til ride and til gane wyth the said Lorde supple and defende his causis querelis rychtvise and lefful vorschip liffe landis rentis possessionis and gudis at all his gudely power in contra all men lufand excepande our Souerane Lorde the King. And all thir condicionis and puntmentis til indur lelely and trevly but fraude or gyile excepcion reuocacione gaynsayng vpgyfyng or dischargeyn for all the days of the liffis of the saidis Lorde and Daud; and for the mar sekyernesse hese affixit thar Seillis and subscrivyt this vrych wytht thar avin handis day zere and place forsaidis befor thir vitnes: Alexr. Blar of Bavthiok, James Oliphant brother germane til the said Lord, Sir Henry Clerk Notar, wytht othyr diuerse.

DAVID OF OGILVY OF YNCHMARTYN.

A. B. 1925.

27. BOND OF MANRENT by TRISTREM GORTHE of that Ilk to LAURENCE LORD OLIPHANT for Two Years. June 3, 1470.

Be it kend till al men be thir present lettrez me Tristrem of Gorte of that Ilk to be obligt and bundyn and be thir my present lettrez and the fath in my body lelely and trewly byndis and obligis me til an honorabil and mychty lord Laurence Lord Oliphant my chef and special Lord in maner and form as efter folowis: that is to say that I the said Tristrem sal be man and seruand til the said Lord Oliphant for al the tym and space off twa zeris next and immediat folowand the datt of thir lettrez and sal ryd and gang witht the said Lord and do hym seruice ay and quhen that I am chargit as efferis me to do til my master and chef Lord endurand the tym forsaid kepannd myne allegance til our Soueran Lord the Kyng and thir my present lettrez of manrentschip til endur without reuocacion excepcion vpgefyn or dischargyng for al the tym and space of twa zeris forsaid: In vitnes of the quhilk thing I haff affext my Seil at Deplyn the thrid day of the moneth of June the zer of God, M, cccc, sexte and x zeris.

a B 1363.

28. CHARTER by the PRIORESS of ELCHO constituting LAURENCE LORD OLIPHANT Bailie of the Lands belonging to the MONASTERY of ELCHO during the whole time of his Life. December 5, 1470.

Vniuersis pateat per presentes nos Margaretam permissione diuina Priorissam Monasterii de Elchquho et eiusdem loci conuentus ordinis sisterciensis Sancti Andree diocesis fecisse constituisse et ordinasse necnon per presentes facere constituere et ordinare nobilem et potentem dominum Laurencium Dominum le Oliphant Ballium nostrum omnium terrarum nostrarum vbicunque infra Regnum Scocie jacencium dando et concedendo eidem Domino Laurencio Balliuo nostro pro toto tempore vite sue nostram plenariam liberam generalem et specialem potestatem ac mandatum speciale et generale predictas terras nostras si opus fuerit ex mandato nostro assedandi firmas earundem tenendrium et pro eisdem si necesse fuerit distringendi curias earundem tenendi sectas conuocandi transgressores puniendi amerciamenta et exitus curiarum leuandi et recipiendi homines nostros dictas terras inhabitantes seruiantes et corum bona coram quibuscunque iudicibus attachiatis ad curias et libertates dictarum terrarum nostrarum replegiandi et ad plegium petendi curiam partibus assignandi Cullirhath inueniendi necnon alium seu alios Ballium seu Balliuos loco sui substituendi qui similem in premissis habeat seu habeant potestatem pro quibus respondebit ac omnia alia et singula faciendi gerendi exercendi et perimplendi que ad officium Balliui de jure seu consuetudine pertinere dinoscuntur ratam et gratam habentes et habeturas pro nobis/successoribus nostris totum et quicquid per

m/

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dictum Ballium nostrum aut eius substitutum seu substitutos in premissis actum dictum gestum factum seu quomodolibet fuerit procuratum Insuper damus et concedimus predicto Domino Laurencio le Oliphant pro suo fideli seruicio decem mercas vsualis monete Seocie de terris nostris de Kynnard jacentibus infra vicecomitatum de Fyf ad duos anni terminos per equales portiones pro toto tempore vite sue. In cuius rei testimonium sigillum commune nostri capituli pro toto tempore vite dicti Domini Laurencii nostri Balliui presentibus est appensum quinto die mensis Decembris anno domini millesimo quadingentesimo septuagesimo.

Cl. B. 1926 29. BOND OF MANRENT by ANDREW ROLLO of Dunerub, and ROBERT and DAVID, his Sons, to LAURENCE LORD OLIPHANT for Life. April 21, 1471.

This parchment, not paper, like all the other Bonds of Manrent, has at some time been very much injured. It appears not only to have suffered from damp, but to have been thoroughly immersed in water, after which an attempt had been made to render it legible by rubbing, with the result that there is scarcely a word in the whole of which some part has not been more or less erased. It is a Notarial Instrument whereby "Andreas Rolhoc Dominus de Duncroub," Robert, his son and apparent heir, and David, also son of the said Andrew, bind themselves to a noble and powerful lord, Laurence Lord Oliphant, for the whole time of their lives, their allegiance to the King excepted, with the usual ceremonies of swearing: Dated at Duplyn, at the chapel in the moat or moor—the words seem to be, "apud capella in mote (vel moir) de Duplyn"—April 21, 1471. The testing clause contains the names of John Moncrieff de eodem, Walter Oliphant of Newton, Master Gilbert (Anderson) Reetor of Duplyn, David Rolhoc, James Rolhoe, and Thomas Sleuthman.—William Laureneson, Notary.

7 mote

Cl. B. 1927. 30. BOND OF MANRENT by HUMPHRY MORAY of Abereairney to LAURENCE LORD OLIPHANT for Ten Years. September 5, 1471.

This endentur mad at Deplyn the fyve dai of the moneth of September the zer of God j^m iiij^c lxxj propertis and beris vitnes in it self that it is appoyntit and acordit betuex an honorabil lord Laurens Lord Oliphant on the ta part and an vorschipful man Vmfra of Morray of Aberearny on the tother part in maner and forme as efter folouyse: that is to say the said Vmfra is beeuin man to the said Laurens Lord Oliphant for al the tym and spas of ten compleit zeris next and immediat folovande the fest of Vitsunday next efter the dat of thir presentis and sal serf lym afauldy in peise and in vayr, for al the tym and spaise befor vrittyn aganise al man that lefis or de may ay and quhen he is chargit be hym exee pand his allegans to our Souerande Lord the King and the

Lord Grame¹ for the fyrst fyve zeris of the forsaid ten zeris to quham he ves bundyn of befor and fra the fyve zeris forsaid by runnyn exceband nan bot alanerly his allegans to the King and thartil the said Vmfray is bundyn and obligt be his gret aith svorn the Haly Ewangelis tvechit ffor the quhilke manrent and servyse as said is the said Laurens Lord Oliphant sal gif to the said Vmfra twenty merkis of feale of vsual mone of Scotlande zerly endurande the forsaid ten zeris at tva vsual termise of the zer Vitsondai and Mertymas be evynly portionis To be rasis and tan be the said Vmfra of the said Laurens Lord Oliphantis landis of Cluthymor at his awin hande zerly as said is to the quhilke landise the said Vmfra be the said Laurens Lord Oliphant is assignit and throwe tenor of thir presentis the said Lord assignyse: In vitnes of the quhilke thing to the part remanande witht the said Vmfra ye seil of the said Laurens Lord Oliphant is to affext and witht the part ramanande witht the said Laurens Lord Oliphant the seil of the said Vmfra is to affext.

CL B. 1928

31. BOND OF MANRENT by JOHN FOTHERINGHAM of Poty (*vel* Powrie) to LAURENCE LORD OLIPHANT for Life. October 23, 1472.

Be it kende til [all] man be thir present lettres me John of Foderingam of Poty to be cumin man and throw tenor of thir my present lettres and the fatht in myn body bindis and oblisit me man and servand til an honorabil lorde Laurene Lorde Oliphant and his aeris quhatsumeuer for al the dayse of my lyf in contrar of al maner of person that lefis or de may excebande alanerly our Souerande Lord the King: To the quhilke Lord and his aeris I the said John oblise me be the fath in myn body the greit ath svorn the Haly Ewangelis tuechit in manranchipe and servic of al the termise of my lyf forsaide withovtyn fraude or gyl for his gude Lordschipe done to me the said John and for to be don. And gif it sal happyn as God forbeid me the said John to breyk or not keipe to the said Lord or to his aeris forsaid ony of thir forsaid punctis leil lavete manrantschipe or servic at commande at al my gudly pover I the said John oblise me myn aeris executouris and assignayise to the forsaid Lord and his aeris forsaid and al my landis rentis possessionis and gudis mouabil and vnmouabil present and for to be had in the some of tva hundretht lib. of vsual mone of Scotlande to be payit to the forsaid Lord or his aeris forsaid quhat tym it may be prouit that the forsaid John falzeise in the keping but fraud or gyl of this his forsaid manrantschipe efter the tenor of this present writ: In vitnes of the quhilke thing to thir myn present lettres of manrantschip I haf affixt

¹Humphry Moray of Abercairney married Catherine, daughter of Patriek Lord Graham and sister of William, first Earl of Montrose. His father, Sir Andrew Moray, wadset certain lands to Lord Graham, which Humphry Moray re-

deemed in 1470, and in 1473 obtained a charter from James the Third erecting his lands into one free Barony, with *exemption* from suit or appearance before the Steward-Court of Strathearn.

myn seil at Deplyn the xxij day of October the year of God j^m iiij^e lxxij zeris before thir vitnes,—Jamese Oliphant, James Hering, Master John Oliphant, Master Gilbert Anderson person of Deplyn.

Cl. B. 1929. 32. BOND OF MANRENT by WILLIAM FERNY of that Ilk to LAURENCE LORD OLIPHANT for Life. February 29, 1472-73.

Be it kend til al men be thir present lettrez me Wilzem of Ferny of that Ilk¹ to be eumin man and throw tenor of thir my present lettrez and the fath in my body byndis and oblise me man and servand til an honorabil lord Laurene Lord Oliphant and his aeris quhatsumeuer for al the dayis of my lyff in contrar of al maner of person that lyffis or de may, excepend alanerly our Souerand Lord the Kyng; to the quhilk Lord and his aeris forsaid I the said Wilzem oblissis me be the fath in my body the gret ath sworn the Haly Euangelistis twechit in manrentschip and seruice for al the termys of my lyf forsaid withoutyn fraud or gyl for his gud Lordschip don to me the said Wilzem and for to be don: In vitnes of the quhilk thing to thir my present lettres of manrentschip be cause I had na seil present propir of my awin I haf procurit with instance the seil [of] John of Fotheringam of Pote to be affext at Duplyn the last day of the moneth of Februar the zer of God, m,eeee, lxxij zeris before thir vitnes Jamys Oliphant, Master Gilbert, Parson of Duplyn, and Sir Wilzem Laurenson public notar.

Cl. B. 1930. 33. BOND OF MANRENT by ROBERT BRUCE of Cultmalundie to LAURENCE LORD OLIPHANT for Life. May 10, 1475.

Be it kende tyll aull men be thir present littris me Robert the Brwyss of Colpmalindy to be eummin man to ane honorabyll lordc Laurens Lorde Olyphant for aull the termys and days of my lyff in contrar of aull manyr of person that luffis

¹ Dated January 14, 1500, there is a Letter "maid to Wilzame Ferny of that Ilk, makand mentioun in the sammyn, that forsamekle as the Kingis hienes gaif of before to Wylzame Scot of Balwery, Kneicht, the mallis profitis and dewiteis of the landis of Westerferny [vel Easter Ferny] with the pertinentis, liand in the Sherifdom of Fiffe, for all the tyme thai haf bene in his handis sen the decess of vmquhile Wilzame Ferny of that Ilk, throw uon entres of the rihtwise are tharto, and throw the reductioun of the rctour and sessing, optenit be the said Wilzame zonggar, of the saidis landis, as the lettres of gift maid be the Kingis hieues to the said Wilzame stat, and his assigna-

tion tharuppoun proportis: And be vertew tharof he has disponit the samyn to the said Wilzame Ferny and Elizabeth Sibbald his moder, and is bundiu to kepe thame skathles tharof at our sonerane lordis handis. And tharfore his hienes has quitelemit and dischargit the said Wilzame Ferny and Elizabeth his moder, thar aeris and excentonris of al malis profitis and dewiteis and seruice of the said landis of Ester Ferny of al termis bigane that thai haf bene in the Kingis handis be resson forsaid sen the decess of the said vmquhile Wilzame, with a discharge to the Seherif of Fiffe herepon." —Privy Seal Records, MS. in General Register House, Edinburgh.

or de may exceband our Souerane Lorde the Kyng and my brodyr the Larde of Clakmanan my Cheff to the quhylk Lorde I oblisc me be the fath of my body in manrandschip and seruyce lely and trewly for aull the termis of my lyff forsaidis quhen and quhar I am chargit be the forsaid Lord be his vurd or be his vryt wythowt fraude or gyll for his gud Lordschip don to me and for to be don: In vitnes of the quhylk thyng because I had not ane sell of myn awn propir present I haff procurit vyth instans the sell of an vyrshipfull man Master Gilbert Anderson Parson of Dyplyng to be put to this present at Dyplyng the x day of May the zer of God a thowsand fowr hundretht sewynty and fyf zeris befor thir vitnes,—James Olyphant Olyphant of Archtzaly [sic] Master James of Phenton Vicar of Tibbyrmur, and Master John Mychtyson notar public; and for the mar verificacioun and approvyne of this present vryt I the said Robert has gyffyn my bodely atlt to the forsaid Lorde the forsaid day zer and plass and befor the forsaidis and nemmit vitnes.

C. B. 1931

34. BOND OF MANRENT by WILLIAM ROLLOK of Fyndone to LAURENCE LORD OLIPHANT for Life. September 26, 1476. 4/

Be it kennit til all men be thir present lettres me Vilzham Rowok of Ffyndone to be cummyn man til ane nobill lorde Llawrens Llorde Oliphant ande be thir my present lettres cummis man and serwande for all the days of my llyff in pece and in veir aganyis al maner of man that dcy or llwyff may excebandc owr Souerane Llorde the Kyng ande that I sall nother hear his scayt nor seit bot I sal lat it at my gudly pover and warn my saide Lorde tharof ande I sal rydc and gang with my saide Lorde ay and quhen I am chargit as saide is And athowr I haff giffyn my bodely hayth to my saide Lorde the Haly Ewangelis twychit: In withnesc of the quhylk thyng because I hade not my propyr seill I haff procuryt with instance the seill of ane wyrshypfll man Walter Oliphant of the Newtown¹ befor thir withnes,—James Oliphant of Arzalze, Master John Oliphant, Master Wilzhan Oliphant Chanown of Dwnkelden, Mathow Grayme, Master James Fenton Vicar of Tibermwr; the ffowr and twenty day of the moneth of September the zcir of Gode ane thowsande ffowr hunder sewente and sax zheris and for the mair sekyrtnese I haff subscriwit this writ with my hawn hande.

WYELLZYEM ROLLOK, Manw Propria.

35. DECREES of the LORDS AUDITORS in the Actions, WALTER LORD INNERMETH and WALTER TYRE, against JOHN OLIPHANT, Brother of LAURENCE LORD OLIPHANT, and Others. March 8 and 20, 1478-79.

In the actioun and cause persewit be Walter Lord Inuermeth on the tapart

¹ The Seal, on placard, is very much destroyed. A fragment of the shield bears two crescents, and a portion of the legend remains, which appears to have been "OLEFANT."

aganis Johnne Dempster of Vchterless Master Johnne Oliphant bruder to Lord Oliphant and Johnne Makeony mare of the schirefdome of Perth anent the wrang-wiss spoliatioun awaytaking and withalding of ix bollis iij pekis atis and v firlothis bere and a pek fra his tennandis furth of the sext pert of the landis of Inuermeth the saidis pertijs beand present be thaim selue and thar procuraturis and thar richtis and allegaciouns in the said mater at lenth herd sene and vnderstandin: The Lordis Auditouris decrettis and deliueris that the said Johnne Makeonny maire has done wrang in the taking of the saidis atis and bere fra the tennandis of the said Lordis and tharfore ordanis him to restore and deliuer again the sammyn or the avale tharof to the said tennandis.—And lettres to be writtin to distrenze him his landis and gudis tharfore.

The Lordis decrettis and deliueris that Johnne Oliphant bruder germain to Lord Oliphant sall devoid and red the landis of Forteviot pertening to Walter Tyry to be brukit and joisit be him and his tennandis in tyme tocum without he optene licence tak and assedacioun of him because thai ware wrangwisly occupijt be him as was pruvit befor the lordis: And ordanis lettres to be writtin hereuppoun. And the said John was ofttymes callit and nocht comperit.

Ch. B. 1932. 36. BOND OF MANRENT by WALTER MURRAY, Son of Sir DAVID MURRAY of Tullibardine, to LAURENCE LORD OLIPHANT for Life. December 2, 1478.

Be it kende till all men be thir present lettrez me Walter of Murray sone vnuquhill till Sir David Murray of Tullybardin Knycht¹ till be bunding and oblist and be the fatht on myn body wythout reuocaeone bindis and oblistis me in leile trev singular and ane falde seruiee and manrent for all the days and termis of myn lyiff till ane nobile and meeht lord Llaurence Llord Olyphant and that I sall neuer her knaw or see the said Lordis skatht hyndir or dampnage bot I sall latt it at all myn gudly pover and warne hym tharoff and salbe reddy till his seruiee ay and quhow oft I be chargit befor ony man luffand for all the termis forsaidis excepande myn allege till our Souerane Lorde the Kyng: And till the fulfilling and kypping off all thir eondiconis abufe writthin I the said Walter hese gyffin till the said Llorde the bodely aitht the Haly Ewangelis twechit all fraude gyile exepeone and cauillaeone excludit and alway put. In vitnese of the quhilk thing till this my present writht myn propir seille is affexit befor thir vitnes,—Alexr. Blar of Bavthiok, Androw Charteris of Cuthillegurdy, and Master Henry Clerk public notar, wytht othiris diuerse, at Perth the secunde day of Deeember the zer off Gode ane thousande four hundretht sevinty and aucht zeris.

¹ Sir David Murray married Isabel, second daughter of Sir John Steuart of Lorn and Innermeith, and relict of Sir William Oliphant of Aberdalgie, the grandfather of Laurence Lord Oliphant. They had six sons, including the above

Walter, ancestors of the local families of Ochtertyre, Dollary, Ardbenie, Petcaithly, Tippermuir, Strowan, Woodend, and others. Walter Murray, the sixth son, is omitted in Douglas' account.—Peerage, Wood's edition, vol. i., p. 144.

Ch. B 1364

37. BOND OF REVERSION by DAVID MERSEER of Innerpeffry, and his five Sons, WILLIAM, VINCENT, ANDREW, GEORGE, and JAMES, to LAURENCE LORD OLIPHANT. May 10, 1483.

Be it kend till all men be thir present letres me Dauid Merseer of Inuerpeffry to be bundin and oblist and be thir present letres and the faith in my body bindis and oblis me Wilzham Merseer, Vincent Merseer, Androw Merseer, Georgh Merseer, and James Merseer my sonnys and thar aieris lauchfully to be gottyn of thar bodeis and falzeand of thaim myn aieris nerrast and lauchfull quhatsumeuer, to ane nobell and mychty lord and my lord¹ Laurens Lord Oliphant his aieris and assignais that thocht the said Laurens Lord Oliphant hais giffyn to me and to my sonnys forsaidis and to thar aieris of thar bodeis lauchfully to be gottyn and falzeand tharoff to myn lauchfull and nerrast aieris quhatsumeuer be charter talze and possessione tharvpone al and haill the landis of Vester Cluthy wyth thar pertinentis liand in the barouny of Gask wythin the shirefdome of Perth for my propyrte richt and interest of the landis of Inuerpeffry the Perth the West Hill the Smythislandis wyth thar pertinentis togidder wyth the donacione and aduocacione of the chapel of Inuerpeffry² as in the said charter talze to me maid

¹ Lord Oliphant was Mercer's "overlord" in the lands of Perth, Westhill, Smithyland, and others, and a Bond of Manrent by the latter to the former was at this date in force. This Bond appears to have been lost within recent times from the Gask collections.

² These lands were the subject of much litigation subsequent to the alienations made by Robert Mercer of Innerpeffray to Thomas Oliphant of Dron—See p. 11, No. 21—of which the following extracts are illustrations:—

March 12, 1478.—In presens of the Lordis of Consale Dauid Mersare nemmit stabilit and ordanit Johne of Culquhoun of the Luse Knycht, Patriek of Honstoun, John of Houstoun, and Johne of Had-ingtoun proenratouris for him coniunctly and seueraly in the actioun debaitable betuix him and Johne Olifant the sone and aire of vmquhile Thomas Oliphant of the Drone anent the warandiss of xj merkis of annuell of the landis of Inuerpeffery.—Acta Dom. And., p. 73.

March 13, 1478.—The Lordis Auditoris decretis and deliueris that John Oliphant sone and aire of vmquhile Thomas Oliphant of Dron sall releif and pay to Dauid Mersare sone and aire to vmquhile Robert Mersare of Inuerpeffery the some of xj merkis zerly of v zeris takin vp be vmquhile the said Thomas after the decess of the said Robert of the landis of Inuerpeffery callit the Perth the

Westhill and Smethyland being in the Kingis handis the space of the said v zeris becauss of the nonentre of the aire: And that the said some zerly of the said v zeris was taken vp and is in the Kingis rycht for the nonentre of the said aire: And ordanis lettres to be written to distrenze the said Johne his laudis and gudis herefore.—Ut supra, p. 75. A similar decision was given by the Lords of Council against the Laird of Lundie, both of which indicate that Robert Mercer had died before David became of age, and that his contemporaries had in consequence indulged in the then not uncommon practice of appropriating the property of nonaged heirs. The next deliverance shows that the Laird of Drou considered his case a good one.

October 14, 1478.—The Lordis assignis to Johne Olyfant the xj day of Januare with contiunacoune of days to schew be charter and confirmaconne and sufficiand document in writ that vmquhile Thomas Olifant his fader had xj merkis of annuel heret-ably of the landis of Inuerpeffry and that the said annuel was haldin be him in chief of the King and in the mene tyme continuis the summondis betuix Dauid Mersar and the said Johne in the samyn forme as it now is but preiudice of pertij.—Acta Dom. Con., p. 10. No sequel to this deliverance seems to have been preserved.

Merser of Inchbreky, Maister James of Fentone person of Dupleyn, Maister Henry Clerk vicar of Abberrowan, and Schir John of Kynmonth chapellan and notaris, with vtheris diuers, at Perth the ten day of the moneth of May the zer of God a thousand four hundreth four scor and three zeris.

Ch. B. 1933.

38. ACQUITTANCE by MARGARET WARDLAW of Torry in favour of her Brother, LAURENCE LORD OLIPHANT, of the sum of Three Hundred Marks. May 22, 1484.

Be it kend til al men be thir present letteris me Margret of Wardlaw lady of Torre¹ to haf quitclomit remityt and forgeffin and be thir present letteris quitclamis remittis and forgiffis ane nobil lord and my derest broder Lawrence Lorde Oliphant the soume of ane hundreth merkis of the last pairt of payment of the sowme of trhe hundreth merkis the quhilk the said lorde is bundyn to me be his letteris and endenturis obligatoris for the merriagis of Margret of Logy,² and for the takkis the quhilk I hed of the landis of Logy the quhilk sowme of ane hundreth merkis for me my ayris excutoris and assignis I quitclame the said Lawrence Lord Oliphant his ayris executouris and assignis for now and euir mair. In witness of the quhilk thing I haf set to my seil to this present quitclame at Edinburch the xxij day of May the zer of God anem^m iijje auchti and four zeris bcfor thir witness,—Master Jamys of Fentoun Viccar of Typirmuir, Walter Ogilwy, Sir Jhone Wilsone notar, and Sir Wilzam of Wardlaw chaiplyanse, with othirris diuerse.

Ch. D. 1934.

39. BOND by ARCHIBALD, EARL OF ANGUS, to LAURENCE LORD OLIPHANT for Payment of Expenses attending the Proposed Marriage between GEORGE, Master of Angus, and MARGARET OLIPHANT. July 20, 1485.

Be it kend till all men be thir present lettres ws Archbald Erle of Anguse and Lord Douglase³ to be bundin and oblist and be thir present lettres lelely and treuly

¹ This Margaret, eldest daughter of Sir John Oliphant of Aberdalgie, and sister, as above, to the first Lord Oliphant, was married to William Wardlaw of Torry in Fifeshire. Their daughter appears to have been married to Lyon de Logie of Logiealmond.

² Daughter of Lyon de Logy, and thus granddaughter of Margaret Oliphant or Wardlaw. She was heiress of Logiealmond; and married in 1493 to Thomas Hay, son of William, third Earl of Errol. Their son, George Hay of Logiealmond, succeeded to the Earldom of Errol as nearest heir of entail,

in 1541. His great-grandson William, ninth Earl of Errol, in 1638 sold Logiealmond to Sir Patrick Murray of Castleton, afterwards Earl of Tullibardine; and his son again sold it to Sir John Drummond of Burnbank in 1668. Many interesting particulars relative to the ancient family of Logie of Logiealmond, descended from Ferquhard, Earl of Strathearn, who died in 1171, have recently been brought to light by the Charters printed in the Red Book of Grantully.

³ The celebrated "Archibald Bell-the-Cat," fifth Earl of Angus. He died in 1514.

be the faith in our body byndis and oblissis ws till a noble lord Lawrence Lord Oliphant that we sall nocht analy gif sell nor wedsett na landis that ar in our handis the day of the makin of thir present wrichtis be resone of fee and hertage to na maner of persone man nor woman; And gif it hapins as God forbeid it do ws to failze tharin we bynd and oblise ws our aieris executuris and assaignais to pay to the said Lord Oliphant his aieris executuris or assignais the sovme of fyve thousand markis of the vsuale money of Scotland in the tovne of Perth apon the hie altar of the Parosch Kirk of the samyn for the sovmes costis and expensis maid be the said Lawrence Lord Oliphant vpon the mariage to be completit with George Master of Anguse our sone and aperand air and failzeand of him our eldest sone and aperand air quhilkis sall happin to be for the tyme with Mergret Oliphant his eldest dochtir and failzeand of hir his eldest dochtir of full bed quhatsumeuer;¹ quhilk costis and expensis that thai sall happin to sustene salbe gevin to the aithe or athis of the said Lord Oliphant or his aieres to be pait within xl days ther efter at the place forsaid for outyn ony langar delay cauillacion fraud or gile: And herto we bynd and oblise ws our aieris executuris and assignais landis rentis possessions and gudis movablis and vnmovablis had and to be had to the saide Lawrence Lord Oliphant his aiers executuris and assignais in the straitest forme and stile of obligacione and as at mar lenth is contenit in certane endenturis maid betwix ws tharapon na remeid of law cannon nor ciuile to be proponit nor allegit in the contrar exceband the fourty pundis worth of land quhilk is reseruit to ws to dispone apon as is contcnit in the said endenturis: In witnes of the quhilk thing to this our present wricht we haue affixt to our seile at Edinburgh the xx day of July the zer of God a thousand four hundreth four skor and fyve zeris befor thir witnes,—Johne of Halden of Glenegase, James Oliphant of Arquhailza, James Hering of Tulybole, and Master Johne Fresell Parsones of Douglase, with vther diuersc; and for the mar sikkernes we haue subscriuit the samyn with our avne hand.

A. ERL OF ANGUSE.

ca. B. 1935

40. LETTERS of OBLIGATION by SILVESTER RATTRAY of that Ilk to LAURENCE LORD OLIPHANT concerning certain Lifrents granted by him to MARGARET OGILVY, his Spouse, and JOHN, THOMAS, and SILVESTER, her Sons. August 9, 1486.

Be it kend til all men be thir present lettres me Siluester of Rettra of that Ilk to be haldin and sikyrli and trewli to be bundin and oblist and be thir my present lettres and the faitht and treuitht in my bode bindis and oblissis me myn aieris executouris and assignais til ane rycht nobil and mychtj lord Laurence Lord

¹ It does not appear that the marriage here alluded to ever took place. George, Master of Angus, who fell in Flodden in 1513, is said to have married Elizabeth, second daughter of John, first Lord Drummond, by whom he had three sons and six daughters.

Oliphant his aieris executouris and assignais that nochtwithstanding that I haf giffin in lifrent to my hartli louit sone and the said lordis tender cosing Thomas of Rettra aud til the sad Thomas assigna for al the dais of the sad assignais liff all and hail my landis of Otterburne and the tak that Watte Bunche inhabitis witht thar pertinentis liand in the baronry of Rettra wythtin the schirefdome of Pertht and tene merkis of annual reut of the Kyrktone of Rettra witht other tene merkis of annual rent of the landis of Inchmertyn lik as at mair lentht is contenit in certan writis maid and intercharget betwix me and the said Thomas tharwpon and also that I haue freli and unrewocabilli giffin ower and assignit to Mergaret of Ogilby my spouse al landis and annual rentis pertening to hir in heritage or that I haue recouerit throw hir richt to be equali deuidit and depairtit and be hir to be giffin betwix hir three sonis John Thomas and Siluester reseruand the frank tenement tharof til hir for hir tym and hir to bruk and peciabilli jois raiss and wplift til hir awin use and profeit al malis profetis and other doeteis of the sad landis and annual renttis pertening to hir heretage for hir tym but ony ple stop or impediment of me and al otheris that I ma lat neuer the les I wil and I grant and be thir my present lettres bindis and oblissis me in maner and furme forsad that gif it sae happin as God forbeid it do that the said Thomas assigna qulhome that he sal mak to the forsad laudis and anuualis giffin be me to him and his assigna in liffrent be wexit pleit inqueratit or distrubelit in the peciabil bruing and josing rasing wplifting of the malis and profetis tharof or zeit the sad Margaret in the rasing and wplifting of hir landis and annual reuttis pertening to hir heretage for hir lif tym be me or be ony otheris of my command hafand power of me throw the quhilkis that the sad Thomas assigna or the sad Margaret ma nocht bruk and peciabilli jois the sammyn In that case I biud and obliss me and myn aieris in maner and furme forsad to content and thaukfully pay to the sad Laureuce Lord Oliphant his aieris or assignais the sovme of twa hundreht pundis of vsual mone of Scotland withtin fourtj dais eftir that it be notourli knawin that the sad Thomas assigna ma not bruk and peciabili jois the forsad laudis and annualis or the sad Margaret the profetis and malis of hir heretage throw me and be me or be ony other persown hafand power of me becaus of a certan pontmeut and contract maid betwix me and the sad Laureuce Lord Oliphant tharwpoun The quhilkis to do I bind and obliss me my aieris executouris and assignais our landis rentis possessiounis and al our gudis mouabil and wnmouabill present and tocum to be pundit distrenzet and away led and gif [need] be to be sald at the will of the sad Laureuce Lord Oliphant his aieris or assignais quhill he or thai be fulleli pait assithit and content also weil of costis skaithis expensis aud interest gif he or thai ony susteinis [de]falt of payment togidder wytht the principail sovme na remeid of law ciuil canon ac of parliament na g couasal in the contra to awail al fraud and geill excludit aud away put. In witness of the quhilk thiug [to thir] my present lettres obligatouris I haf affixit [my seal] at Pertht and subscribit the [same with] my awin hand the nyn day of the monetht of August the zer of God ane thousand four h[undred] fourschor and sex zeris.

41. DECREES by the LORDS AUDITORS of CAUSES and COMPLAINTS in the Actions,—
WILLIAM CLERK and Others against JOHN OLIPHANT, Son and Heir of
LAURENCE LORD OLIPHANT, and Others. October 11, 1488.¹

In the actioun and cause persewit be William Clerk agane Johne Olyphant sone and apperand are to Laurence Lord Olyphant Robert M'Brek Henri Rollok for the wrangwis spoliatioun awaytakin and withaldin frae him out of his plaees of Balgonar and the Quhithill of twolf skore of Ruch scheip thre skore viij lammis sex ky twa zoung oxin a bule foure twa zere ald nolt and out of the Brigland pertening to the said William of sex oxin twa zoung nolt and for the eostis scaithis and expenss sustenit be the said William tharthrow the said Johne Olyphant beand lauchfully and peremptorly summond oft tymmes callit and nocht comperit and the richtis ressonis and allegatiounis of the said William togidder with his productioun of witnes at lenth sene hard and vnderstandin The Lordis Auditowris decrettis and deliueris that the said Johne Olyphant sal restore and deliuer agane to the said William Clerk vj oxin price of the pece xxx s twa zoung nolt price of the pece vj s viij d takin out of Balgonar xij hedis of nolt and of thaim vj ky thre zoung oxin and foure zounger nolt price of the pece of the ky ij merkis price of the pece of the zounger oxin a merk price of the pece of the zoung nolt vj s viij d Nyne skore of Ruch seheip thre skore of lammis price of the pece of the said scheip with the lammis vj s viij d. and thre skore of Ruch seheip thre lese price of the pese v s and xx stane of cheise for the proffitis of the said scheip in the meyntyme quhilkis gudis wes takin be the said Johne Olyphant and his complicis out of the landis of Balgonar Quhithill and Brigland as wes sufficiently preffit before the saidis Lordis And ordanis oure souerane lordis lettrez be direct to distrenze the said Johne his landis and gudis herefor and for xxvj s to the costis of the five witnes that deponit in this actioun Reseruand to the said John Olyphant his actioun agane his complicis for the releuing of him gif it plesse him to call thaim tharfore And for xl s. of his vnlaw eftir the forme of the act of parliament.

January 23, 1488-9.—The Lordis decrettis and deliueris that Johne Olyphant sone and apperand are to L. Lord Olyphant sall content and pay to the Abbot and Convent of Lundoris the soume of x merkis zerly of vij zeris bigane for the malez of thare landis of Bynny taken vp be him as wes sufficiently preffit before the Lordis And ordanis oure souerane lordis lettrez be direct to distrenze the said Johne his landis and gudis therefore and the said Johne wes lauchfully summond to this actioun oft tymmes callit and nocht comperit.

¹The same day, "Iu presens of the Lordis of Murray did in the actioun betwix thaim anent Auditouris comperit Laurence Lord Olyphant and the tak of the mylne of Gorty that it suld turne protestit that quhateuer Peter Merser and Johne him to na preiudice anent his richt to the said tak."

Cl. B. 1936

42. BOND OF MANRENT by NEILL STEWART of Fothergil to LAURENCE LORD OLIPHANT for Life. February 15, 1488-9.

Be it maid kend til al men be thir present lettres me Neille Stewart of Fothergyil til be haldine and sickerly and trewly to be bundyn and oblist and be thir my present lettres and the faith and treutht in my body bindis and oblissis me til ane nobile and mychty lord Laurens Lord Oliphant in manrent and seruice for all the dais of my lyff and [th]at I sal ryd and gang with my said lord and tak leill trew and afald part with hym in al and sindry hyss accionis causis and querrellis lesum and honest with al the men kyn and frendis that I can purchas also oft as I am requerit be my said Lord agannis al maner of man excepad our Souerane Lord the King my Lordis of Huntlie and Athoile and that I sal kep my said Lordis consal secret that he schawis me and gif hym the best consal I can quhen he requeris me and sal nother her nor see his lak schame nor skath bot I sal defend it and let it at al my gudly power: the quhilkis to do kep and fulfil I bind and obliss me to my said Lord for al the dais of my liff in the stratast forme and stil of manrent that is vssyt or maid in the Kynrik of Scotland but fraud or gil. In vitnes of quhilk thing to thir my present lettres for al the dais of my liff til endur I haff affixt my sel and subscriuit the samyn with my hand at Perth the xv dai of Februar the zer of God athousand fourhundretht four scor and aucht zeris befor thir witnes,—James Oliphant of Arquhalzie, Andro Charteris of Cuthilgurdy, and Patrick of Wellis with uther diuerss.

NEILL STEWART, Manu Propria.

Cl. B. 1937.

43. BOND between ARCHIBALD (Second) EARL OF ARGYLL and JOHN OLIPHANT, Son and Heir of LAURENCE LORD OLIPHANT, relative to the Lands of Kyrktoun of Strogeth and Drumquhair. October 10, 1493.¹

This Endentur maid at Pertht the tent day of the monetht of October the zer of God ane thovsande four hundretht nynte and thre zeris betuex ane noble and mychty lorde Harchbald Erle of Argyll and Lord Lorne on the tay pairt and John Olyphant son and apperand ayre to ane noble and mychty lorde Laurence Lord Oliphant on the tother pairt purportis and berris vitnes in the self that it is fullely and finaly appontit and accordit betuex the said perteis for thaim and thar ayeris in maner and forme as eftir folous: That is to say that the said lorde Erle sal gif and infest the said John Oliphant and Elizabeth his spouse with charter and possessioun heretably in all and hail his landis of the Kyrktoun of Strogetht and Drumquhar vitht thar pertinentis lyand in the Stevartry of Strathern and Scherefdome of Pertht to the said John and Elizabeth his spouse and to

¹ Dorso—"The indentur of mariege betuixt the second Lord Oliphant, married Elizabeth Campbell, Erle of Eargyle and the Lord Oliphant." John, daughter of Colin, first Earl of Argyll.

the langer louer of thaim tua and to thar ayeris mail gottyn or to he gottyn betuex thaim and failzeand tharof to return agayn to the said lord Erle and his ayeris quhatsumeuir and to be haldyn of hym and his ayeris for ane penny in hlenchferm and quhat tym that the said landis ar redemitt and quhit out fra the handis of the said John and Elizabetht thar ayeris or assignaiss be John of Strogetht of that Ilk his ayris or assignais he natur of reuercioun that thai sal conqueist and racouer als mekil landis and lay the said some tharvpon that thai rasaif and cause the charter to be maid thairof be hym that the said land hapinse to be conquest fra to the said lord Erle and his aeris and he to hald the sam of the anlear and this to be don vithtin zer and day efter the said landis of the Kyrktoun of Strogetht be rademit fra the handis of the said John and Elizabeth and failzeand tharof the said John and Elizabeth sal deliuer frely the forsaid some to the forsaid Erle and his aeris vithtin forty dais efter that it he knowyn that zer and day be past efter the redempcioun of the said landis and nocht put vpoun als mekyl lands in maner of forsaid And in lik vse the forsaid lorde Erle oblisit hym and his aeris that quhat tym the said John Oliphant and Elizabeth his spous racoueris and gettis als mekle landis he the devulayn of the said mouze and causis the said lorde Erle to be charterit and possessit tharof in maner and form forsaid that he sal vithtin ten dais tharefter that he be raquirit be the said John and Elizabeth gif and infest thaim in the said landis vitht charter and possessioun in detful forme ase efferis in sic lik vse and maner as thai had the said landis of Strogetht¹ and to be haldyn of the said lord Erle in hlenchferm and failzeand that the said lord Erle makis and giffis nocht to thaim the said infestment as said is that he sal content and pay to the said John and Elizabetht and thar aeris dovhelyng the som content in the reuercioun maid to the said John of Strogetht upon the redempcioun of his said landis And to the afald kepyn and fulfilling of al and syndyr thir punetis elaussis and condieionis in maner and form forsaid athir the perteis for thaim and thar aeris ar bundyn and ohlist to vtheris and be thir present leteris byndis and oblisit thaim be the fathis and trevthtis in thar hodeis the gret aitht sworn the Haly Vangelist tuechit. In vitnese of the quhilk thing to the pairt of thir endentoris remanent vitht the said John and Elizabetht the said lorde Erle has affixit his seyll and to the tother pairt heyrof remanent vitht the said lorde Erle the said John and Elizabeth in absens of thar avyn propyr seillis has vitht instans procurit the seil of ane honorable man Patrik of Vellis burgese of Pertht for thaim to be affixit zer day and place forsaid befor thir vitnese,—Vilzam of Drummond, Rob of Murray, Fyllan of Strogetht, Schyr Robert Barbur, and Schyr James Patynson, witht vtheris diuerse.

¹ A correspondent suggests the following explanation of this name. *Stro*, contracted from *strata*; and *getht*, the Scotch *gate*, i.e., a way. Strogetht is thus equivalent to *Strata via*, or "The street road," as the old Roman road here is still called

by the inhabitants. *Strategia*, = *στρατηγία*, indicating the Roman Station or Province, has also been suggested; but the simple "Strathgate," or opening of Strathearn, is perhaps the most descriptive of all.

C. B. 1366

44. NOTARIAL INSTRUMENT, "beiraud that LAURENCE LORD OLIPHANT cassit and annullit the Sasaué givin be WILLIAM LORD RUTHUEN to WILLIAM RUTHUEN his Sone," of the Lauds of Cluthimor, Ross, Wester-Cluthi, and Hyltoun, in the Barony of Fyndogask. November 4, 1494.

In Dei nomine amen. Per hoc presens publicum iustrumentum cunctis pateat euidenter quod anno Incarnationis Dominice millesimo quadriungentesimo nonagesimo quarto mensis vero Nouembris die quarto indictione decima terciâ ac poutificatus sanctissimi in Christo patris et domini nostri Alexandri divina prouidentia pape sexti anno terciio In mei notarii publici et testium subscriptorum presencia personaliter accessit nobilis et potens dominus Laurentius Dominus Oliphant ad terras de Cluthimor Ross Westercluthj et Hyltoun in baronia de Fyndogask et infra vicecomitatum de Perth jaceutes et ibidem prtensam sasinam ut asseruit Willelmo Rothuen filio et heredi apparenti Willelmi domiui de Rothuen de predictis terris datam cassauit reuocauit contradixit ac confregit Et in signum cuius saisie fractionis in vnoquoque predictarum terrarum loco diuisim terram et lapidem manibus deiecit hec verba dicendo hanc pretensam sasinam quam Willelmus dominus de Rothuen Willelmo Rothuen suo filio et heredj apparenti tribuit reuoco casso et amitto protestando suum pretensum statum mihi et heredibus meis in futurum minime preiudiciari ac omnia alia et singula que ad saisine fractionem requiruntur solemniter fecit Et predictarum terrarum sasinam antedictam Laurentius Dominus Oliphant confregit ob has causas subsequentes allegatas ex et pro ea qua predictus Willelmus dominus de Rothuen ipsum Laurentium Dominum Oliphant literis supremi domini nostri Regis pro eisdem terris summoniuit ac ipsum tempore huiusmodi saisine confractionis sub eisdem summonicionibus detinuit quare vero Willelmum Rothuen suum filium minus iuste in prescriptis terris investiuit necnon quod prefatus Willelmus dominus de Rothuen noluit ipsum Laurentium Dominum Oliphant de summa mille librarum ad manus quondam Coleni Comitis Ergadie et suorum heredum et assignatorum ac Willelmi domini Sancti Johannis releuare prout ipse Laurentius Dominus Oliphant pro sepedicto Willelmo domino de Rothuen fidejussor extiterit et quod prenominatus Willelmus dominus de Rothuen noluit suas terras neque mobilia bona si que fuerant destringi ad releuandum antedictum Laurentium de premissa summa Willelmum Rothuen suum filium fraudulenter in predictis terris induxit ut asseritur De super quibus omibus et singulis prescriptus Laurentius Dominus Oliphant a me notario publico subscripto sibi fieri petiit presens publicum instrumentum seu plura publica instrumenta Acta crant hec apud Cluthimor Ross Westercluthy et Hyltoun hora vero decima ante meridiem vel eocirca sub anno mense die indictione et pontificatu quibus supra Presentibus ibidem honestis et magne descretionis viris, Waltero Oliphant de Arquhelle, Malcomo Oliphant, Domino Jhoanne Merschell, curato ecclesie de Fyndogask, Jhoanne Fentoun,

domini/

Roberto Barklay de Strowy, et Jhoanne Duncane, cum multis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego Johannes Denly Dunblanensis diocesis presbyter publicus auctoritatibus imperiali et regali notarius quod premissis omnibus dum sic ut premittitur agerentur dicerentur et fierent vna cum prenominationis testibus presens interfui ea que omnia et singula sic fieri vidi sciui et audiui ac in notam cepi de qua hoc presens publicum instrumentum manu mea scriptum exinde confeci signo que nomine et cognomine meis solitis et consuetis signavi rogatus et requisitus in fidem robor et testimonium veritatis omnium et singulorum premissorum.¹

JOHANNES DENLYE.

a B. 1938 45. BOND OF MANRENT by LUCAS BRUCE² to LAURENCE LORD OLIPHANT for Life. July 7, 1495.

Be it kend till all men be thir present lettres me Lucas Broise of Copillindy till be bundin and oblist and be the faitht in myn body without reuocacione bindis and oblistis me in leill trew singular and auerawde seruice and manrent for all the dais and termys of my lyfe till ane nobill and mychtij lorde Laurens Lord Oliphant and that I sall neuer heir know nor see the said lordis skaitht hynder or dampnagis bot I sall lat it at myn gudlie power and warne him tharof and sall be redde till his seruice ay and quhow oft I be chargeit befor any man lewand for all the termys forsaidis exceppand myn allege till oure Souerane Lord the King And till the fulfilling and keiping of all thir condicions abufe writin I the said Lucas hes gevin till the saide lorde the bodely aitht the Haly Ewangelis twechit all fraud gyill exceptionne and cauillaconne excludit and alway put In witness of the quhilk thing I haf subscriuit this present wryit with my avine hand and set to my seill befor thir witness,—William Oliphant off Dufhouss, Thomas Spens of Kinspindy, Alexander Dundase of Fingask, and Andro Stewart, with othir diuers at Duplyne the vij day of July the zher of Gode ane thowsand fourhundreth nynte and fyiff zheris.

LLWCASS YE BROWSS of Colpmalynde.

a B. 1939 46. BOND OF MANRENT by TRISTRAM GORTHE of that Ilk to LORD OLIPHANT for Life.—Dorso, "The Lard of Gortys Manrantschip." March 28, 1497.

Be it kend till all men be thir present letteris me Trastrame of Gortj of that Ilk to be cuming man and seruand till ane noble and mychtij lord and my

¹ According to the old Inventory of Writs in the Charter Chest at Gask, the sequel to this document was "ane proces of apprysing quhairby the landis of Hiltoun of Gask, and Cluthiemoir and Drumend

wer apprysit fra William Lord Ruthven and assignit to Laurence Lord Oliphant. Daittit at the Hiltoun of Gask 7 of November 1494."

² Dorso—"Lard of Coplindyis."

speciale lord Lord Oliphant for all the days of my lyffe and I sal nowther heyr nor see my said lordis dampnage harme nor scaith bot I sall warne him tharof and lete it and stop it at all my power and I salbe redde to gang and ride with the said my Lorde ay and how oft I salbe chargin tharto befor all man levande exceppand myn allegiance to our Soueran Lord the King and his successouris: And to the keping and fulfilling herof I oblise me be the faith and treuth in my body lelely and treuly without reuocacion In witness of the quhilk thing to this my present wryt I haue affixt my sele at Perth the xxviiij day of Merche the zer of God ane thovsand four hundreth nyntj and sevin befor thir witnes,— Andro Stewart, Andro Oliphant, Alexander Fentom, Thomas Bolar, and Sir Jhone Denlyr chaipleine notor, with vtheris diuers: And for the mayr verifacacion I have subscriuit this writ with myne awin hand.

TRESTREME GORTY.¹

113^o Junii, 1480.—The Lordis [of Council] decretis and deliueris that Vmfra Culquhone of that ilk as are to his fader sall freith and releif Trestrame of Gorty of that ilk of the soume of vj^{xx} a pund of the Responsiounne of the said Trestrams landis aucht to our souerain Lorde the tyme the said landis war in our souerain Lordis handis in defalt of entre of the are hecaus the said Vmfrais fader entermetit the said landis and tuke the malis and profitis thair of the said tyme And attour the said Lordis ordanis George of Muncreife to pay to the said Vmfra vij merc and a half takin vp be him of a termis male of the said landis as he grantit him And ordanis our souerain Lordis lettres to be direct heiruppoun.

22^o Octobris, 1484.—The accioun and cause per-sewit be Maister Robert Houstoun persoun of Lusse and Patric Houstoun executouris to vmquhil Sir Johne of Culquhue of the Lus Knycht on the ta pairt aganis Sir William of Murra of Tulibardin Knycht Johne of Murra his soun and are and Robert Balmaclone on the tother pairt for the wrangwis spoliacion of certane corne out of the landis of Inuerpeffre and Gorte pertening to the said vmquhil Sir Johne Is continewit be the Lordis Auditouris to the xiiij day of Januar nixt tocum with continuation of dais and ordanis the deposi-cious of the witnes was takin to be closit and that the said Maister Robert to gar summond ma witnes and the said Sir William is summond apud acta to here thaim suorne.

24^o Octobris, 1495.—The Lordis of Consale decretis and deliueris that Tristrem Gorty of that ilk dois wrang in the vexaciou and truhling of Fulane Strogeith soun and apperand are to Johne of Strogeith of that ilke in the peceable hroiking and joyning of viij merkis worth of land and a half merkis worth of laud of auld extent of the landis of Overgorty with the pertinendis And

thairfore ordinis him to decist and cese thairfra in tyme tocum to be broikit and manurit be the said Fulane and Elizabeth Gorty his spous efter the forme of the charter and sesing of coniuinctfeftment maid to thaim thairapoun schewin and producit befor the Lordis And also that the said Tristrem sall content and pay to the said Fulane the avalez and profitis of the saidis landis sene the terme of Witsouday last hypast lik as he grantit in presens of the Lordis And also that Johne of Cragane Thomas Quhite Topy Man and Thomas Duly sall decist and cese fra the occupacion of the saidis landis And ordinis our souerane Lordis lettretz be direct herapoun and the saidis Johne Thomas Topy and Thomas wer summond to this actioun oft tymmes callit and nocht com-perit.

Eodem die.—The Lordis of Consale decretis and deliueris that Vmfra Murray of Ogilby dois wrang in the occupacion and manuring of four merkis worth and fourtj penny worth of landis of auld extent callit the Bordland of Ogilby with the pertinendis And thairfore ordinis him to decist and cese thairfra to be broikit and joisit be Tristrem Gorty of that ilke efter the forme of the charter and sesing maid to him thairapoun schewin and producit befor the Lordis And also that he sall content and pay to the said Tristrem the malis and profitis of the saidis landis sen the terme of Witsouday last bipast insafar as he may preif befor the Schiref thai war of avale And ordinis that lettretz be written to the Schiref of Perth and his deputis herapoun and tak the said pref befor him set a day thairto and warne the pairtis thairto And insafar as beis preffit to mak the said Tristrem be pait And the said Vmfrays procuratour wes present at this actioun Reseruand to the said Vmfra his actioun again ony personis he allegiis that suld Releif him in the said mater.

ABSTRACT of FIFTY-SEVEN OLIPHANT and OTHER STRATHEARN CHARTERS under the GREAT SEAL. 1468 to 1541.

47. Carta Confirmationis Laurentio Domino Oliphant, nepoti Walteri Ogilvy de Owriss, heredibus suis et assignatis, super cartam sibi factam per predictum Walterum, de data sexto die Novembris 1468; Testibus Alexandro Blair de Bethyok, Alexandro de Dundas, Barrone de Fingask, Andrea Charters Preposito burgi de Perth, De omnibus et singulis terris barronie de Owriss, cum pertinentiis, jacentibus infra vicecomitatum de Kincardin. Tenendis de Rege. Faciendo servitium debitum et consuetum. Testibus Thoma Episcopo Aberdonensi, secreti sigilli custode, Colino Comite de Ergyle, Magistro hospitij, Roberto Domino Boyd, magno camerario, Willelmo de Edmondstoun de Duntreith, Magistro Archibaldo de Quhitelaw, decano de Dunbar, Adamo Wallace de Craigy, computorum rotulatore. Apud Striviling, November 7, 1468.

48. Carta Georgio de Moncreiff, et heredibus suis, de dimedietate omnium et singularum terrarum de Tibbermellok, jacentium in dominio de Methvin, infra vicecomitatum de Perth. Tenenda de Rege. Reddendo wardam et relevium dictarum terrarum cum contingent. Apud Edinburgh, April 8, 1473.

49. Data fuit litera Thome Oliphant de Drone pro toto tempore vite sue, de uno annuo reddito viginti quinque librarum sex solidorum et octo denariorum, Regi pertinente, annuatim percipiendo de terris de Dunberny, Pettauchly [Pitcaithly,] et le Binzane, cum pertinentiis jacentibus infra vicecomitatum de Perth, de data 15 die Maij, 1473.

50. Carta Confirmationis Jacobo Oliphant, fratri germano Laurentij Domini Oliphant, heredibus suis et assignatis, super cartam sibi factam per Willielmum Quhyte de Ardchille, de data 17 die Julij 1471, De totis et integris terris de Ardchille, cum pertinentiis, jacentibus in baronia de Methvin, infra vicecomitatum de Perth. Tenendis de Rege. Reddendo unum denarium argenti in festo Pentecostes, super solum dictarum terrarum nomine albe firme si petatur tantum. Apud Edinburgh, March 11, 1475.

51. Carta Jacobo Muschet de Tolgart, et Elizabethæ Oliphant sue sponse, et eorum alteri diutius viventi, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, veris legitimis et propinquioribus heredibus dicti Jacobi quibuscunque, De omnibus et singulis terris de Galconath, cum pertinentiis, jacentibus in dominio de Menteith, infra vicecomitatum de Perth, super resignationem dicti Jacobi. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, May 20, 1476.

52. Carta Joanni Combry, filio Joannis Combry de eodem, et heredibus suis, De omnibus et singulis terris de Combry, Kungart, le Eister quarter de Megor, Glenmaey, Keplande, unaeum officio de le Mareship de Stratherne, et una erofita terre in Fowlis dicto officio annexata jacentibus infra seneseallatum de Stratherne, et viceomitatum de Perth, super resignationem dieti Joannis de Combry senioris. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, July 17, 1476.

53. Carta Confirmationis Jacobo Oliphant de Auchhelze, heredibus suis et assignatis, super cartam sibi factam per quondam Andream Munereff, de Eister Munereff, coram hijs testibus, Laurentio Domino Oliphant, Alexandro Blair de Balthiok, et Andrea Charters de Cuthilgurdy, de uno annuo reddito viginti duarum merearum monete Scotie annuatim levando et pereipiendo ad duos anni terminos, Penticostes et Sancti Martini in hieme, per equales portiones, De omnibus et singulis terris de Eister Munereff, cum pertinentiis, jacentibus in Dominio de Methvane, infra viceomitatum de Perth. Tenendo de dicto quondam Andrea. Reddendo unam rosam rubeam super solo dietarum terrarum in festo Sancti Joannis Baptiste nomine albe firme si petatur tantum. Apud Edinburgh, February 9, 1482.

54. Carta Jacobo Oliphant de Achhelze et Jonetæ Ross sponse sue, in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus defeientibus, veris legitimis et propinrioribus heredibus dieti Jacobi quibuscunque, De omnibus et singulis terris de Berelayshauch, eum pertinentiis, jacentibus in baronia de Forgundwyng, infra viceomitatum de Perth, super resignationem dieti Jacobi. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, February 12, 1482.

55. Carta Confirmationis Joanni Edmondstoun de eodem, super unam literam sibi factam per Willelmum Ruthven de eodem, de data 20 die Augusti, 1482, penes redemptionem terrarum de Wallistoun cum pertinentiis, jacentium in baronia de Methven, infra viceomitatum de Perth, pro solutione summe tricentarum merearum in lie Scots ridders auri, quolibet ridder valente viginti quatuor solidorum boni argenti, impignoratarum per dietum Joannem dicto Willelmo; Neenon super aliam literam assignationis per dietum Joannem Edmondstoun, de data 22 die Septembris, 1482, factam Jacobo Oliphant de Achelze, Waltero Oliphant, Joanni Oliphant, et Joanni Oliphant, juniore, et Laurentio Oliphant, filijs dieti Jacobi, ac Laurentio Domino Oliphant, Roberto de Ross de Cragy, et Joanne de Ross suo filio, et heredi apparenti, tanquam specialibus et irrevocabilibus assignatis ad relaxationem dietarum terrarum a dieto Willelmo per reversionem antedietam. Apud Edinburgh, February 9, 1482.

56. Carta Confirmationis Silvestro Retthray, filio Silvestri Rettray de eodem, heredibus suis et assignatis, super cartam sibi factam per dietum Silvestrum

Retray de eodem, de data 10 die Decembris, 1486. Testibus Alexandro Blare de Balthiok, et Andrea Charters de Cuthilgurdy, De omnibus et singulis terris de Balnakerd cum pertinentiis, jacentibus infra vicecomitatum de Perth: Tenendis de Rege. Reddendo unum denarium argenti apud dictas terras in festo Penticostes nomine albe firme si petatur tantum. Apud Edinburgh, January 17, 1487.

57. Carta Georgio, Abbati Monasterij Insulemissarum, et conventui ejusdem, et suis successoribus, Dando et concedendo ijs plenariam licentiam ad faciendum et effodiendum stagnum seu fossam, in prato Regis, ex parte boreali dicti Monasterij jacente, ad partem australem ejusdem [prati] unde sua victualia socialia aliasque res suas quascunque eis pro sua sustentatione et dicti Monasterij reparatione necessarias per naviculas vel cimbas seu aliter quovismodo dicto Monasterio commode semper futuris temporibus importare et adducere possint et valeant. Apud Edinburgh, January 22, 1488.

58. Carta Confirmationis Jacobo Oliphant de Arquhalze, heredibus suis et assignatis, super cartam sibi factam per Dolothiam [vel Dorothiam] Tulloch de Ardarge cum consensu Walteri Wode sponsi sui, de data 20 die Maij, 1487, Testibus Joanne Domino Glanis, Alexandro Blair de Balthiok, Thoma Blair ejus filio et herede apparenti, Willelmo Maxwell de Telline, De omnibus et singulis terris de Ardarge cum pertinentiis, ac de omnibus et singulis terris de Eister Elzok, cum molendino ejusdem, et suis pertinentiis ac de omnibus et singulis terris de Balhabraham, cum pertinentiis, jacentibus infra vicecomitatum de Perth, ac etiam de omnibus et singulis terris de Eister Wemess, cum pertinentiis, jacentibus infra vicecomitatum de Fife. Tenendis de Rege. Reddendo etc. pro dictis terris de Ardarge cum suis pertinentiis, unum denarium argenti in festo Penticostes, super solum dictarum terrarum de Ardarge, nomine albe firme si petatur tantum, ac pro reliquis terris suprascriptis servitium debitum et consuetum. Apud Edinburgh, October 10, 1489.

59. Carta Willelmo Oliphant et Christiane Sutherland sponse sue, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, veris legitimis et propinquioribus heredibus dicte Christiane quibuscunque, De tota et integra illa parte terrarum et barronie de Strabrok, eidem Christiane spectante cum tenentibus etc. cum pertinentiis unacum advocacione et donatione ecclesie de Strabrok, jacente infra vicecomitatum de Linlithgow, super resignationem dicte Christiane. Tenenda de Rege. Faciendo jura et servitia debita et consueta. Apud Striviling, October 21, 1489.

60. Carta Confirmationis Andre Wodde, Blaretoun, Hostiario Camerario Regis, heredibus suis et assignatis, de data 24 die Octobris, 1491, De omnibus et singulis terris de Eist Hill, cum pertinentiis, jacentibus in barronia de Inuerpeffry, infra

vicecomitatum de Perth, super cartam dicto Andree factam per Laurentium Dominum Oliphant, de data ut supra. Tenendis de dicto Domino Oliphant. Reddendo unum denarium argenti monete Scotie in festo Penticostes, super solum dictarum terrarum nomine albe firme si petatur tantum. Apud Linlithgow, October 28, 1491.

61. Carta Johanni Strogeith de eodem, et Margarete Stewart sponse sue, in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquieribus heredibus quibuscunque, De omnibus et singulis terris de Bordland de Strogeith, cum pertinentiis extendentibus ad quinque libratas terrarum antiqui extentus jacentibus in Senescallatu de Stratherne, infra vicecomitatum de Perth, super resignationem dicti Joannis. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Striviling, August 16, 1495.

62. Carta Joanni Cumry, filio et heredi apparenti Joannis Cumry de eodem, et heredibus suis, De omnibus et singulis terris de Cumry cum pertinentiis, terris de Kingarth, Little-Keplandy, Glenmaky, Selonchmonawy, Selongnatoy, et quarta parte terrarum de Megour, unacum officio Marifeodi Senescallatus de Stratherne, cum crofta de Fowlis videlicet le Mariscroft, dicto officio spectante, cum omnibus suis pertinentiis, jacentibus in Senescallatu de Stratherne, infra vicecomitatum de Perth, super resignationem dicti Joannis Cumry senioris. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Linlithgw, December 31, 1495.

63. Carta Georgio Oliphant, filio et apparenti heredi Willelmi Oliphant et Christine Sutherland, domine de Duffous, ejus sponse, et heredibus masculis dicti Georgij Oliphant de corpore suo legitime procreandis, quibus deficientibus, Carolo Oliphant fratri germano dicti Georgij, et heredibus suis de corpore suo legitime procreandis, quibus deficientibus, legitimis heredibus dictorum Willelmi et Christine procreatis seu procreandis, quibus omnibus deficientibus, legitimis et propinquieribus heredibus dicte Christine Sutherland quibuscunque, De omnibus et singulis terris de Duffous, cum pertinentiis, jacentibus in Comitatu Moravie, infra vicecomitatum de Elgin, ac de omnibus et singulis terris de Beredaill et Aldwik, cum pertinentiis, jacentibus in Comitatu de Cathness, infra vicecomitatum de Innernes, nec non de omnibus et singulis terris de Strabrok jacentibus in barronia de Strabrok, infra vicecomitatum de Edinburgh, cum suis pertinentiis dependentijs, annexis, tenentibus etc. earundem, unacum advocacionibus et donationibus ecclesiarum et capellaniarum eisdem pertinentium spectantibus, super resignationem dicte Christine Sutherland, cum consensu dicti Willelmi Oliphant ejus sponsi. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, August 12, 1497.

64. Carta Confirmationis Willelmo Domino Graham, heredibus suis et assig-

natis, super cartam sibi factam per Walterum Ruthven de Lownan, de data primo die Julij, 1496, Testibus Laurentio Domino Oliphant, et Willelmo Domino Ruthven, De omnibus et singulis terris de Strathyboyis et Netherpirny, cum suis pertinentiis, jacentibus in Senescallatu de Stratherne, infra vicecomitatum de Perth, Tenendis de Rege. Reddendo unum denarium monete Scotie in festo Pentecostes super solum dictarum terrarum nomine albe firmi si petatur tantum. Apud Edinburgh, July 16, 1498.

65. Carta Confirmationis Domino Joanni Myretoun, canonico ecclesie cathedralis Dunkeldensis, præbendario de Forgundeviny in eadem, rectori de Duplyn, Dunblanensis diocesis, et suis assignatis, videlicet, Domino Laurentio Oliphant, capellano suo, et suis successoribus, capellanis perpetuis capelle et altaris Sancte Catharine virginis et martiris, in ecclesia parochiali de Forgundeviny, per dictum dominum Joannem fundate super cartam factam per Vmfridum Cuunynghame de Glengarnok, de data 24 die Aprilis, 1494, De tota et integra dimedietate omnium et singularum terrarum de Kildynie, quam dimedietatem Archibaldus Cunynghame patruus dicti Vmfridi habet in assedatione, cum suis pertinentiis, jacente in baronia de Ouchtermachne, infra vicecomitatum de Perth, Tenenda de dicto Vmfrido et heredibus suis; Reddendo unum denarium argenti monete Scotie super solum dictarum terrarum de Kildynie, in festo Pentecostes, nomine albe firme si petatur tantum. Apud Striveling, March 2, 1500.

66. Carta Henrico Strogeith, filio et heredi apparenti Joannis Strogeith de eodem et heredibus suis, de omnibus et singulis terris de Strogeith et Creagane, cum pertinentiis, jacentibus in dominio de Buchquhidder, Senescallia de Strathern, et infra vicecomitatum de Perth, super resignationem dicti Joannis Strogeith de eodem, et Margarete Stewart ejus sponse. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Striveling, May 12, 1500.

67. Carta Waltero Oliphant, fratri germano Jacobi Oliphant de Arquhailze, et heredibus suis, de omnibus et singulis terris de Arquhailze, Banhabram, Elchzok, Ardargy, cum pertinentiis, jacentibus infra vicecomitatum de Perth; ac etiam omnibus et singulis terris de Wemys, cum pertinentiis, jacentibus infra vicecomitatum de Fife, super resignationem dicti Jacobi. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Striveling, July 10, 1500.

68. Carta Confirmationis Andree Abbati Monasterij de Lundoris, Sanctiandree diocesis, et Conventui ejusdem, suisque successoribus, super cartam illis factam per Joannem Oliphant de Dron, ac Dominum de Petcathly, de data nono die Novembris, 1500, De toto et integro dimedio omnium et singularum terrarum de Petcathly, cum universis suis pertinentiis, jacente in baronia de Methven, et infra vicecomitatum de Perth. Tenendo de dicto Joanne Oliphant de Dron, et heredibus suis, in feodo. Reddendo unum denarium monete Scotie apud dictum dimedium

terrarum de Petcathly, cum pertinentiis in festo Pentecostes nomine albe firme si petatur tantum. Apud Edinburgh, November 6, 1500.

69. Carta confirmationis Willelmo Domino Graham, haeredibus suis et assignatis, super cartam sibi factam per Petrum Mersar de Inchebrecky, de data quarto die Decembris, 1501,—De omnibus et singulis terris suis de Inchebrecky, cum pertinentiis, jacentibus in Comitatu de Stratherne, infra vicecomitatum de Perth. Tenendis de Rege. Reddendo unum denarium argenti ad festum Nativitatis Beati Johannis Baptiste, super solum dictarum terrarum nomine albæ firmæ si petatur tantum. Apud Striveling, January 20, 1501.

70. Carta confirmationis Religiosis Sororibus Jonete Blare et Mariote Oliphant, nomine reliquarum sororum religiosarum ordinis Sancti Francisci, super cartam illis factam per Jacobum Fotheringhame, burgensem de Dundee, de data octavo die Martij, 1501: De et super Capella fundata per dictum Jacobum, cum crofta sua eidem adjacente et pertinente, jacente ad occidentalem finem dicti Burgi, versus portam de Ergilsgate, inter terram arabilem Willelmi Blare ad occidentalem, et vias regias tam ad austrum quam ad boream, ac terram communitatis dicti burgi ad orientalem, pro loco perpetuo eisdem sororibus. Tenenda in puram et perpetuam elimosinam. Apud Edinburgh, March 31, 1502.

71. Carta confirmationis Roberto Mersar de Balleif, assignato Roberti Domini Creichtoun de Sanquhare, heredibus suis et assignatis, super cartam sibi factam per Walterum Forrestare de Torwod, militem, de data 12 die Maij, 1502,—Testibus Willelmo Domino Grahame et Georgio Grahame de Kalendar,—De omnibus et singulis terris de Kirkton-Malaris et Hiltoun-Malaris, cum universis et singulis suis pertinentiis, jacentibus infra vicecomitatum de Perth. Tenendis de Rege. Reddendo jura servitia et privilegia solita et consueta. Apud Edinburgh, May 7, 1502.

72. Carta Johanni Domino Drummond, et heredibus suis, de totis et integris terris de Innyrpeffry et Dunfallis, pertinentiis et molendinis earundem, cum tenentibus et tenandrijs, advocacionibus et donationibus ecclesiarum et capellaniarum dictarum terrarum cum pertinentiis, jacentibus in Senescallatu de Stratherne et infra vicecomitatum de Perth: Exceptis terris de Eisthill de Dunfallis cum pertinentiis per quondam Laurentium Dominum Oliphant, Andre Wod de Fothycarne, prius alienatis et per Regem confirmatis; Necnon per Regem de novo dicto Andreae datis. Tenendis de Rege. Reddendo summam octo mercarum monete Scotie apud principale messuagium dictarum terrarum ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, nomine feodi firmæ tantum. Apud Striveling, December 18, 1503.

73. Carta Colino Oliphant, filio et heredi apparenti Joannis Domini Oliphant,

et Elizabethæ Keith ejus sponse, in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis; Quibus deficientibus Joanni Domino Oliphant et heredibus suis quibuscunque—De omnibus et singulis terris et Barronia de Galloraw, cum pertinentiis, jacentibus infra vicecomitatum de Forfare; et de duodecem mercatis terrarum de Ovir-Turring, quas Joannes Kid et Thomas Kid nunc occupant, cum suis pertinentiis, jacentibus in Barronia de Turring, infra vicecomitatum de Forfare; et de quatuor mercatis terrarum nuncupatis le Quhyte-Myre et sex mercatis et quadraginta denariatis terrarum nuncupatis le Windyedge, cum suis pertinentiis, jacentibus in Barronia de Abirdalgie, ex parte solari infra vicecomitatum de Perth: Super resignationem dicti Joannis Domini Oliphant. Tenendis de Rege. Apud Edinburgh, March 1, 1504.

74. Carta Andreae Wod de Fethirkern et Mariote Moncreif ejus sponse in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis sen procreandis: Quibus deficientibus, veris, legitimis et propinquieribus heredibus dicti Andree quibuscunque,—De totis et integris terris de Eisthill de Dunfallis et mollendino occidentali de Dunfallis, cum suis pertinentiis, jacentibus in Senescallia de Strath-erne infra vicecomitatum de Perth, super resignationem dicti Andree. Tenendis de Rege. Reddendo unum denarium argenti super solum dictarum terrarum in festo Sancti Joannis Baptiste, lie Midsummer nuncupato—nomine albe firme si petatur tantum. Apud Edinburgh, June 10, 1504.

75. Carta approbationis Joanni Domino Oliphant et heredibus suis, de omnibus et singulis terris de Binzeane et Dumbemy, et duabus quarterijs partibus sive quarteria terrarum de Petcaitly, cum suis pertinentiis, jacentibus infra vicecomitatum de Perth, quæ appretiatæ fuerunt a Niniano Bonar de Kelty, milite, et Joanne Oliphant de Drone. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, March 5, 1505.

76. Carta Niniano Bonar de Kelty, militi, et heredibus suis, de tota et integra dimedietate terrarum de Dunbarny, dimedietate terrarum de Petcaithly, ac totis et integris terris de Bynzean cum pertinentiis, jacentibus infra vicecomitatum de Perth, super resignationem Joannis Oliphant de Drone. Tenendis de Rege. Reddendo summam viginti mercarum monete Scotie pro dimedietate dictarum terrarum de Dunbarny; et dimedietate dictarum terrarum de Petcaithly cum pertinentiis; et summam octo decem mercarum monete antedictæ pro dictis terris de Bynzean cum pertinentiis, ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, nomine feodi firme tantum. Apud Striveling, September 9, 1505.

77. Carta confirmationis, super cartam admortuos factam per Joannem Dominum Drummond, de data tertio die Februarij 1506, de uno annuo reddito quadraginta

mercaram monete Scotie, annuatim levando, ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, de omnibus et singulis terris suis de Innerpefery et Dunfallis cum pertinentiis, jacentibus in Senescallatu de Strathern infra vicecomitatum de Perth, ad sustentationem quatuor Capellanorum ad quatuor altaria situata in Ecclesia de Innerpeffry divina celebratorum, cum domibus mansionibus et hortis cuique limitandis edificandis et construendis, et quisque eorum Capellanorum facultatem habeat focalia sua necessaria in communi mora de Innerpeffry optinenda et lucranda, cum quatuor summis graminum et unius equi. Tenendo de Rege in puram et perpetuam elemosinam. Apud Edinburgh, February 4, 1506.

78. Carta confirmationis Willelmo Ruthven de Cowgask, militi, filio Willelmi Domini Ruthven, heredibus suis et assignatis, super cartam sibi factam per dictum Willelmum Dominum Ruthven, cum consensu Isabelle Levingstoun sponse sue, de data sexto die Augusti, 1506,—Testibus, Patricio Wellis, Preposito ville de Perth, Waltero Ruthven de Lownan, Joanne Ruthven de Craggingaw, et Domino Jacobo Ruthven,—De omnibus et singulis terris dominij de Cowsland [cum suis pertinentiis quibuscunque, jacentibus infra vicecomitatum de Edinburgh [cum multis aliis infra vicecomitatum de Perth]. Apud Linlithgow, August 15, 1506.

79. Carta Tristrano [Tristramo?] Gorty de eodem, et heredibus suis, de omnibus et singulis terris de Gorty, et molendino earundem, ac de tota et integra dimedietate terrarum de Dalpatrick, cum pertinentiis, jacentibus in Senescallia de Stratherne, infra vicecomitatum de Perth, super resignationem dicti Tristrani, ac unitando, creando, annexando et incorporando omnes et singulas predictas terras cum pertinentiis, in unam meram integram et liberam Barroniam, Barroniam de Gorty nuncupandam. Tenendis de Rege. Reddendo wardam et relevium dictarum terrarum et molendini cum pertinentiis et maritagium cum contigerint. Apud Edinburgh, October 15, 1507.

80. Carta Waltero Oliphant de Orquhailze, et heredibus suis, de omnibus et singulis terris de Orquhailze, cum suis pertinentiis, jacentibus infra vicecomitatum de Perth, que fuerunt dicti Walteri hereditarie, in manibus regis recognite fuerunt ob alienationem earundem. Tenendis de Rege. Reddendo wardam, relevium et maritagium dictarum terrarum tantum. Apud Edinburgh, February 1, 1508.

81. Carta confirmationis Willelmo Oliphant et Beatrici Blacater ejus sponse in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis: Quibus deficientibus, legitimis et propinquioribus heredibus seu assignatis dicti Willelmi quibuscunque; super cartam illis factam per Andream Sandilands filium quondam Joannis Sandilands de Hilhouss, de data 27 die Septembris, 1509,—De totis et integris illis suis quatuor mercatis terrarum de Ester-Hilhouss cum pertinentiis jacentibus infra vicecomitatum de Linlithgw, que appretiate fuerunt

Joanne Sandilands de Hilhouss fratre dicti Andree. Tenendis de Rege. Reddendo servitium debitum et consuetum. Apud Edinburgh, December 28, 1509.

82. Carta Willelmo Murray de Tullibardin, militi, et heredibus suis masculis, quibus deficientibus, seniori heredum suarum fœminarum absque divisione, de omnibus et singulis terris Regis de Gask, Wester Downie, et Pitlandy, cum suis pertinentiis, jacentibus in Dominio de Stratherne, infra Senescallatum ejusdem, et vicecomitatum de Perth. Tenendis de Rege. Reddendo summam viginti quatuor librarum monete Scotie, ad duos anni terminos Pentecostes et Sancta Martini in hieme, per equales portiones, una cum parte martarum debita et consueta pro dictis terris de Gask: Et pro dictis terris de Wester Downie, summam octo librarum monete predictæ, annuatim ad predictos terminos, una cum parte martarum debita et consueta: Et pro dictis terris de Pitlandie cum suis pertinentiis, summam trium librarum sex solidorum et octo denariorum ejusdem monete, annuatim ad terminos antedictos, una cum suo maritagio cum contigerit: Necnon solvendo multuras dictarum terrarum Regis mollendinis prius debitas et consuetas. Apud Striveling, May 24, 1510.

83. Carta Carolo Mertoun¹ in vitali reddito pro toto tempore vitæ suæ, et Willelmo Mertoun in feodo hereditarie, et heredibus suis masculis, quibus deficientibus, seniori heredum suarum feminarum absque divisione, de omnibus et singulis terris Regis de Culcreif cum suis pertinentiis, jacentibus in Dominio de Stratherne, infra Senescallatum ejusdem, et vicecomitatum de Perth. Tenendis de Rege. Reddendo summam duodecim librarum et decem solidorum monete Scotie, ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, unacum martis debitis et consuetis, unacum suo maritagio cum contigerit. Necnon solvendo multuras dictarum terrarum Regis mollendinis debitas et consuetas. Apud Striveling, May 24, 1510.

84. Carta Joanni Oliphant de Kelly, militi, et heredibus suis, de totis et integris terris et Barronia de Kelly, videlicet: Loco et terris dominicalibus de Kelly, Over-Kelly, Kellyside, Baldutho, Bellistoun, Kelly millis, Arncroich, et le Grecnside, cum superioritate terrarum de Petcorthy, cum suis pertinentiis, pendiculis et le outsettis

¹ This is a mistake on the part of the old transcriber. The name is Maxtoun. Charles and William Maxtoun were younger sons of the Laird of Cultoquhey. Three years before the date of this charter there was a "Letter of tak maid to Charles Maxtoun for all the dayis of his lyfe of the landis of Culcreif within the Stewartry of Stratherne within the Shirefdome of Perth quhilk sumtym extendit to v lib a mart or xv s for the sammyn of male yerly and ilk thre yer v lib of gersum and now extendis to x lib a mart or xv s for the sammyu without ony gersum The said

Charles payand thairfor yerly v lih a mart or xv s for the sammyu and ilk thre yer v lib of gersum remittand hym at the instanc of the Qwene to quham he standis of the servnce of the remanent of ony new extent etc. At Edinuhurgh the fifth day of Maij the yer of God j^m v^c vij. yeris."—Regist. Secreti Sigilli. By a Contract dated April 8, 1511, relative to the succession of his brother William, Jauet Buchanan, the wife of Charles Maxtoun, was provided to a life-rent of three-fourths of the lands of Culcreif.—Cultoquhey Charters.

tenentibus etc., super resignationem dicti Joannis: Ac de terris de Petkery cum suis pertinentiis, jacentibus infra vicecomitatum de Fife, quæ fuerunt prius predecessorum dicti Joannis hereditarie, et in manibus Regis devenerunt ratione non introitus heredum ad easdem: Et quas omnes et singulas predictas terras cum pertinentiis, nunc erexatas, creatas, annexatas et incorporatas in unam meram et liberam Barroniam de Kellie nuncupandam. Tenendis de Rege. Reddendo unam libram albe cere, nunc par cirothecarum, in die festi Monani, ac tres sectas ad tria placita capitalia vicecomitis de Fife, nomine albe firme tantum, pro wardis relevijs et maritagijs ac omni alio servitio. Apud Edinbrgh, 1511.

85. Carta approbationis Johanni Domino Oliphant et heredibus suis, de tota et integrâ quarta parte terrarum de Petcathly cum pertinentiis, nuncupata Stewartis-Quarter, jacente infra vicecomitatum de Perth, que per prius pertinebat Joanni Oliphant de Drone hereditarie, per ipsum de Domino de Roseith in capite tenta; et quod proprietas dictarum terrarum appetiata fuit a dicto Johanne Oliphant de Drone et superioritas earundem a Joneta Stewart, Cristina Stewart, et Henrico Admonty [vel Achmouty], heredibus linealibus quondam Henrici Stewart de Roseith, domini superioris predictarum terrarum. Tenenda de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, February 17, 1511.

86. Carta confirmationis Jacobo Creichtoun de Frendracht, militi, heredibus suis et assignatis, super cartam sibi factam per Robertum Dominum Creichtoun de Sauchare, de data 11 die Decembris 1511,—Testibus, Joanne Creichtoun de Innernyte et Joanne Creichtoun de Hertwode,—De omnibus et singulis terris suis de Hiltoun-Malare et Kirkton-Malare, ac terris suis de Wester Fergundeny et Newtoun de Fergundeny, cum mollendinis, piscationibus, tenentibus etc., advocationibus et donationibus ecclesiarum et capellaniarum earundem et suis pertinentiis, jacentibus infra vicecomitatum de Perth (In excambium pro terris de Kirkpatrick-Yrongray et alio in Senescallatu de Kirkcudbright). Tenendis de Rege. Reddendo pro predictis terris de Hiltoun-Malare et Kirkton-Malare, unum denarium monete Scotie in festo Pentecostes, super solum earundem, nomine albe firme si petatur: Et pro predictis terris de Nether Fergundeny et le Newtoun de Fergundeny cum suis pertinentiis, servitium debitum et consuetum. Apud Edinbrgh, December 13, 1511.

87. Carta Joanni Domino Oliphant et Elizabethæ Campbell ejus sponse, in conjuncta infeodatione et feodi firme, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquieribus heredibus dicti Joannis quibuscunque: De tota et integra dimedietate omnium et singularum terrarum de Petcathlie cum pertinentiis, jacente in Dominio de Methven infra vicecomitatum de Perth, super resignationem dicti Joannis. Tenenda de Rege. Reddendo summam decem mercarum monete Scotie, ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, nomine feodi firme tantum. Apud Perth, November 3, 1513.

88. Carta Waltero Oliphant de Arquhalze et Margarete Maxwell ejns sponse, in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquieribus heredibus dicti Walteri quibuscunque: De omnibus et singulis terris de Arquhalze cum suis pertinentiis jacentibus infra vicecomitatum de Perth, super resignationem dicti Walteri. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, July 20, 1516.

89. Carta Jacobo Oliphant de Newtoun et Elene Chesholme sue sponse, in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquieribus heredibus dicti Jacobi quibuscunque, De omnibus et singulis terris vocatis Barclays Landis, cum pomerio earundem, extendentibus ad nonem mercatas terrarum novi extentus, et suis pertinentiis, jacentibus in Barronia de Forgund infra vicecomitatnm de Perth, super resignationem Walteri Oliphant avi dicti Jacobi. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Striveling, December 15, 1523.

90. Carta confirmationis Jacobo Bruce, filio Davidis Bruce de Rait, et heredibus suis de corpore suo legitime procreandis, et suis assignatis, quibus deficientibus, Willelmo Magistro de Ruthven et heredibus suis, Dominis de Ruthven libere revertere, super cartam sibi factam per dictum Willelmum Magistrum de Ruthvende data 12 die Decembris 1525—Testibus, Willelmo Ruthven de Culgask et Joanne Murray—De totis et integris nonem bovatis terrarum de Rait, cum suis pertinentiis, jacentibus infra vicecomitatnm de Perth in Barronia de Rait ex parte orientali torrentis ejusdem. Tenendis de Rege. Reddendo jura et servitia debita et consueta. Apud Edinburgh, January 8, 1526.

91. Carta Laurentio Oliphant et Margarete Sandelands sue sponse, in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquieribus heredibus dicti Lanrentij quibuscunque.—De omnibus et singulis terris de Dunberny, Pitcaithly, et Bynzeane cum omnibus suis pendiculis, partibus, annexis, tenentibus etc. earundem, et suis pertinentiis, jacentibus in Dominio de Meffane infra vicecomitatum de Perth, super resignationem dicti Lanrentij. Tenendis de Rege. Faciendo jura et servitia debita et consueta. Apud Edinburgh, May 25, 1526.

92. Carta approbans, ratificans, et pro perpetuo confirmans, cartas subscriptas, donationes et alienationes in eisdem contentas, nram, videlicet.—Cartam factam per Archibaldum Angusie Comitem, Petro Carmichaell de Drone et Euphamie Wemys sponse sue, in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis; quibus deficientibus, legitimis et propinquieribus heredibus dicti Petri quibuscunque.—De totis et integris terris de Drone cum molendino earundem et suis pertinentiis, jacentibus in Barronia et Regalitate de Abirnethy infra vice-

comitatum de Perth:—Alteram vero cartam, ipsis et heredibus suis subscriptis, per prefatum Archibaldum factam, de totis et integris terris de Ganlowy et Petindy cum pertinentiis, jacentibus in Barronia et vicecomitatu antedictis: Tertiam vero cartam, per dictum Comitem ipsis et ipsorum alteri diutius viventi, in vitali reddito pro toto tempore vite eorum factam, de totis et integris terris de Cragpoty, Erlismuir, cum suis pertinentiis, jacentibus ut supra: Quartam itaque cartam per predictum Comitem suprascripto Petro in vitali reddito pro toto tempore vite sue factam, de totis et integris terris de Culfardy cum pertinentiis, jacentibus in barronia et vicecomitatu predictis: Quintam cartam per Joannem Balmanno de Eodem, dictis Petro et Euphamie ejus sponse in conjuncta infeodatione, et heredibus suis suprascriptis factam, de dimidietate terrarum de Mundy et quarta parte terrarum de Nether Abirargy cum pertinentiis, jacentibus in barronia et vicecomitatu antedictis. Tenendis de dicto Comite et heredibus suis, ac etiam donationem per prefatum Comitem dicto Petro in vitali reddito pro toto tempore vite sue factam, super officiis Balliatūs, Justiciarie, et Camerarie prefatarum Barronie et Regalitatis, prout in prefatis cartis et donatione desuper confectis latius continetur. Apud Edinburgh, July 11, 1528.

93. Carta Alexandro Thane, nepoti Joannis Thane de Edyndonyng, heredibus suis et assignatis, de omnibus et singulis terris de Edyndonyng, Cultis, et Common Donyng, cum suis pertinentiis, jacentibus in Senescallatu de Stratherne et infra vicecomitatum de Perth, extendentibus ad sex mercatas terrarum antiqui extentus, super resignationem dicti Joannis: Insuper unitando, annexando, creando, et incorporando omnes et singulas predictas terras cum pertinentiis, in unam liberam Baroniam nuncupandam Baroniam de Edyndonyng. Tenendis de Rege. Reddendo jura et servitia debita et consueta, reservata rationabili tertia earundem Elizabethhe Schanweill sponse dicti Joannis cum contigerit. Apud Striveling, December 26, 1530.

94. Carta Joanni Drummond de Innerpeffray, et heredibus suis masculis, quibus deficientibus, seniori heredum suarum feminearum absque divisione,—De toto et integro Officio Forrestarie fforreste Regis Glennartnay cum pertinentiis, jacente infra Senescallatum de Stratherne et vicecomitatum de Perth, cum plenaria potestatem eisdem et deputatis sub eis substituendis, Curias Forrestarie super solum dicte fforreste tenendi. Tenendo de Rege. Faciendo servitia dicte fforreste in custodia ferarum et limitum ejusdem ac pro eorum labore et servitio, justa feoda, proficua et pasturas bestialium recipient et habebunt. Apud Striveling, April 2, 1532.

95. Carta Joanni Drummond de Innerpeffray et Domine Margarete Stewart Domine Gordoun ejus conjugii, in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis; quibus deficientibus, legitimis et propinquiorebus heredibus dicti Joannis quibuscunque.—De totis et integris terris de Esthill de Dunfally, cum occidentali molendino earundem et suis pertinentiis, jacentibus in Senescallatu de Stratherne, super resignationem Joannis Wod de Fethercarne,

Tenendis de Rege. Solvendo unum denarium argenti super solo dictarum terrarum in festo Sancti Joannis Baptiste, nomine albe firme si petatur tantum. Apud Striveling, July 28, 1532.

96. Carta confirmationis Joanni Ross de Cragy, heredibus suis et assignatis, super cartam sibi factam per Joannem Oliphant de Barclays-Hauch, de data 17 die May, 1532,—Testibus, Andrea Oliphant de Arquhailze et Joanne Oliphant burgense de Perth,—De omnibus et singulis terris de Barclays-Hauch cum pertinentiis, jacentibus in Baronia de Forgundenny. Tenendis de Rege. Reddendo jura et servitia debita et consueta, insuper unitans, annexans, creans, et incorporans, prefatas terras de Barclays-hauch cum pertinentiis, terris et Baronia de Cragy cum pertinentiis, jacentibus infra vicecomitatum de Perth cum eisdem remanentes tanquam partes et pendicula dicte Baronie de Cragy. Apud Edinburgh, August 8, 1532.

97. Carta confirmationis Joanni Drummond de Innerpeffray et Margarete Domine Gordoun sue sponse, et heredibus [ut supra, No. 95] super cartam illis factam per Georgium Gorthie de Eodem, de data 23 die Martij 1533,—Testibus, Davide Drummond de Cowquhalze, Olivero Maxtoun de Drumgrene, Preposito et Vicecomite Burgi de Perth, et Henrico Malcolm, burgense dicti Burgi,—De tota et integra dimedia parte omnium et singularum terrarum de Dalpatrick, cum pertinentiis, nunc occupata per Joannem Scott et Hugonem Donyng, jacente infra Baroniam de Gorthie et vicecomitatum de Perth: Necnon tota et integra bina parte omnium et singularum terrarum de Over Gorthie cum pertinentiis, jacente in Baronia et vicecomitatu suprascriptis, in liberum warrantium dicte dimedie partis terrarum de Dalpatrick. Tenendis de Rege. Reddendo servitium debitum et consuetum. Apud Striveling, April 1, 1534.

98. Carta Joanni Drummond de Innerpeffray et Margarete Domine Gordoun sue sponse in conjuncta infeodatione et heredibus [ut supra, No. 95].—De omnibus et singulis quatuor mercatis terrarum antiqui extentus de Myddill-Creiffaucher [i.e., Creiffvechter] cum singulis suis pertinentiis, jacentibus in Senescallatu de Stratherne, super resignationem Joannis Comry, junioris, de Eodem. Tenendis de Rege. Solvendo firmas proficua et le mart siluir debita et consueta. Apud Striveling, April 12, 1534.

99. Carta confirmationis Joanni Drummond de Innerpeffray et Margarete Stewart Domine Gordoun sue sponse, in conjuncta infeodatione, et heredibus [ut supra, No. 95], super cartam illis factam per Andream Toscheauch de Monze, de data 20 die Junij, 1535—Testibus, Alexandro Maxtoun de Cultequelay, Joanne Drummond de Bordland, Joanne Drummond de Petcalloun, Joanne Drummond de Cullezaddoth,—De tota et integra quarta parte omnium et singularum terrarum

de Dalpatrik cum pertinentiis, jacente in Senescallatu de Stratherne: Nec non in speciale warrantum predictarum terrarum, de omnibus et singulis terris de Kepnaclonze cum pertinentiis, jacentibus infra Senescallatum de Stratherne. Tenenda de Rege. Reddendo jura et servitia debita et consueta. Apud Striveling, July 7, 1535.¹

100. Carta confirmationis Waltero Oliphant, in vitali reddito pro toto tempore vite sue, et Thome Oliphant suo filio, et Elizabethæ Creichtoun sponse ipsius Thome in conjuncta infeodatione, et heredibus masculis inter ipsos legitime procreatis seu procreandis: Quibus deficientibus, seniori heredum suarum feminearum absque divisione,—Super cartam illis factam per Jacobum modernum Regem Scotorum, de data apud Falkland 24 die Martij et anno regni sui 21. Testibus Gawino, Archiepiscopo Glasguensi, Cancellario, Willclmo Episcopo Aberdonensi, Thesaurario, Henrico Episcopo Candidecase, Regis capelle Regie Strivilingensis, Jacobo Comite Moravie, Archibaldo Comite de Ergile, Magistro Hospitij, Hugone Comite de Eglintoun, Malcolmo Domino Fleming, Magno Camerario, Patricio priore Ecclesie metropolitane Sancti Andree, Davide Abbate Monasterij de Abirbrothok, secreti sigilli custode, Thoma Erskene de Brechin, secretario, Jacobo Colville de Eist Wemys, Regis computorum Rotulatore et Cancellarie Directore, militibus, et Magistro Jacobo Foulis de Colintoun, Regis Rotulorum Registri ac Concilij Clerico,—De toto et integro illo quarterio terrarum Regis de Murdocarny per dictum Walterum occupato cum pertinentiis, jacente in Dominio de Fife. Tenendo de Rege. Solvendo summam duodecim mercarum septem solidorum et octo denariorum monete Scotie, ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, sex capones et sex pultreas ad terminos usitatos et consuetos, nomine feudifirme, cum clausula de Novodamus. Apud Edinburgh, May 23, 1538.

101. Carta Willelmo Moncreif de Eodem, heredibus suis et assignatis, De tertia parte terrarum de Nether Gorthy, unacum manerio pomerio et lie outsettis earundem, jacente in Baronia de Gorthy infra vicecomitatum de Perth, Que appretiata fuit a Georgio Gorthy de Eodem. Tenenda de Rege. Reddendo jura et servitia debita et consueta. Apud Edinburgh, July 3, 1540.

¹ Another charter to the same, "De omnibus et singulis terris Regis de Culquhattak cum suis pertinentiis, jacentibus in Senescallatu de Stratherne, super resignationem Magistri Petri Scott de Monzey," is dated at Stirling, January 15, 1535. In the following year at Falkland, 4th March, they had a Confirmation under the Great Seal, in conjunct fee, and to their heirs male born or to be born, whom failing, to the eldest heir female without division, whom all failing, to the legitimate and nearest heir of the said John Drummond whomsoever, of the King's lands of Culballoth in the Stewardry of Strathearn, the two merk lands

of Candlath, Dow, and Calzengad, in the Lordship of Apnadull, the four merk lands of Myddell Creifachter, and the lands of Culquhattak in Strathearn, and the lands of Carrathcard, Candeloth, Anchnavaid, and Derbreith, in Apnadull; and by another charter at the same time, Innerpeffray and the lands therein contained were re-erected into one whole and free barony called the Barony of Innerpeffray.—Liber 27, Nos. 354, 359; Liber 28, No. 87.—Margaret Stewart, Lady Gordon, in the latter charter is designated "Sorori Regis."

102. Carta confirmationis Magestro Joanni Narne et Margarete Oliphant ejus sponse, in conjuncta infcodatione, et heredibus masculis dicti Magestri Joannis Narne de corpore suo legitime procreatis seu procreandis; quibus deficientibus, Georgio Episcopo Dunkeldensi, et suis successoribus Episcopis Dunkeldensibus reversuris super cartam illis factam per dictum Episcopum cum consensu Decani et Capituli ejusdem, de data septimo die Decembris 1511,—De omnibus et singulis terris de Mukkersy cum piscaria de Mukkersy super aquam de Taya, cum nemore earundem et suis pertinentiis, jacentibus in Barronia de Dunkeld infra vicecomitatum de Perth. Tenendis de prefata Episcopo. Reddendo summam viginti mercas annualis redditus monete Scotie, ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, unacum wardis relevijs quantum ad illas terras, piscariam, super aquam de Taya, et silvam antedictam pertinere poterit tantum. Apud Edinburgh nono die Februarij anno regni Regis 28. [1541.]

103. Carta Thome Oliphant et Elizabethhe Creichtoun ejus conjugii, in conjuncta infeodatione, et heredibus masculis inter ipsos legitime procreatis seu procreandis; quibus deficientibus, seniori heredum suarum feminearum absque divisione,—De tota et integra quarta parte terrarum Regis de Murdocarny, per prefatam Thomam occupata cum pertinentiis, jacente in Dominio de Fife. Tenenda de Rege. Solvendo summam quinque librarum et quinque solidorum monete Scotie, ad festa Pentecostes et Sancti Martini in hieme, per equales portiones, quinque bollas frumenti et sex bollas ordeï, sex capones et sex pultreas ad terminos consuetos nomine feodi firme. Apud Striveling, June 12, 1541.

104. INDENTURE OF MUTUAL MANRENT, between WILLIAM LORD GRAHAM and JOHN LORD OLIPHANT, to endure for Life. April 8, 1500.

This Indentur maid at Incheffray the viij day of Aprile the yer of God a thousand and fyif hundreht zeris [bearis witnes that] It is appoyntit and fullely concordit betwex noble and mychty lordis that ar to say William Lord Graham on the ta pairt and Jhon Lord Oliphant on the tother pairt in maner and form as eftir followis That is to say that ilk ane of the saidis parteis are bundin and oblist till other be the faithis in thar bodeis to stand at ane concord frendship and hartly kyndnes but ony dissimulacioun for all the dayis of thar liffe And [th]at bayth thar acciounis sal be other[is] and ilkane of tham to tak ane afald pairt with other aganis all other excepend thar allegeance till our souerane lord the Kyng alanerly And gyff ony of thar frends men syr vands or allyay hav acciounis aganc othir thai sal on to thair Lordis and schaw thar accioun and caus befor tham that itt may be considerit and senc and thareftir the Lordis to decret and deliuer And gyff it can nocht be decidit be thair said Lordis it salbe leiful to the partj plenzeand ane other to pass to the law and neuer ane of thir Lordis fornemit to tak a pairt tharintill nor to stand ane aganis an other bot euer ilkane off tham to suple

other in all acciounis caussis and querellis authful leifull and honest quhatsumeuer And gyff ony of tham understand or gettis knowlaege off apperand perill or hurt to other or to ony off their kinismen frendis barn or allyay quhilkis depends vpoun ony of the said Lordis and vpoun perteis other ilkane of the said Lordis sall reveill till other athir be tham selfis or be thar syrvandis and sall warn tham thar off in all possible hast and stop and latt the saymin at all thar gudly power and ilkane of tham to kep otheris counsale secret as [becumis] all fraud gile dissait and fals frends exceptiouns away put To the keping observing and fulfilling of all the conditiouns and appointments abouewritin ather of the saidis perties the haly evangelys tuchit has geven thar bodily aitht to other And for the mar sikkerness enterchangiable hav affixt to thar sellis and subscriuit the samyn with thar aun handis yer day and place abouewrittin befor thir witness as efter: James Fentom, Thesaurar of Dunkeld, Mathew Graham off Garwok, Andrew Olyphant, Andrew Steward, Patrick Graham, and Andrew Graham, uicar of Creiff with otheris.

W. L. GHM.¹

Ch B. 1940.

105. WARRANT by JAMES THE FOURTH, against the STEWARD of Strathearn and JOHN LORD OLIPHANT, and in favour of the Tenants of Inuerpeffry. October 20, 1501.

James be the grace of God King of Scottis To oure Louittis Johne Skrimgeour master ormund persewant John Smythe, Richard Wallace, Duncane Riche, messingeris, Thomas Cheshelme, Mechel Dun, and Johne Mathesoun, oure Schireffis in that pairt coniunctlie and seuerallie specialie constitute greting: fforsamekle as it is humlie menit and schewin to Ws be oure liegis the tennentis inhabitantis of Inuerpeffry that quhare oure Stewart of Stratherne was chargit of befor be oure vtheris lettres direct be the deliuerance of the Lordis of oure Counsale to haue restorit and deliuerit agane to the saidis tennentis all thare gudis poyndit and takin be oure said Stewart and his officiaris and deputis for certane vnlawis in the quhilkis oure Cousing Johne Lord Oliphant master and lord to the saidis tennentis wes adiugit in our Justice Air of Perth and Stewartis Courtis of Stratherne for nonentre of ane Sutour to the samyn for his saidis landis of Inuerpeffry and prisit the saidis gudis within the wourth and wil nocht restore the samyn agane Howbeit oure said Cousing has gudis eneuch strenzeable of his avn vppon his said grund for the saidis vnlawis baith corn and catell quhilkis oure said Stewart refusit to do eftir the tenour of oure saidis vtheris lettres and as zet withhaldis a pairt of the said pure tennentis gudis vnrestorit to the novmer of vij oxin to thar hevy dammage and skaith and contrar justice and sa be Our will is herfor and we charge yow stratlie

¹ William Lord Graham, afterwards first Earl of Montrose, was killed at Flodden in 1513, where the eldest son of John Lord Oliphant, Colin Master of Oliphant, was also slain. John Stewart, Esq.,

of Dalguise, who possesses the original of this Indenture, so far away as the Cape of Good Hope, kindly forwarded a transcript, from which the above is printed.

and eommandis that incontinent thir oure lettres sene ye charge oure said Stewart of Stratherne that he restore and deliuer agane to the saidis pure tennentis all thar gudis poyndit and takin be him and his deputis fra thaim for the saidis vulawis and gif the saidis vulawis be vupayit and vndisehargit that oure said Stewart poynd and distrenze oure said Cousingis awin propir gudis for the samyn sen it is vnderstandin to the Lordis of Consale that he has gudis strenzeable of his avin withiu oure said Stewartis bundis vnder the pane of warding of his persowu beeaus he wes chargit of befor aud disobeit The quhilk to do we eommitt to ou coniuuetlie and seueralie our ful pover be thir oure lettres deliuering thaim be ou deulie exeecut and indorsat agane to the berar. Gevin vnder our Signet at Falkland the xx day of October and of our Regne the xiiij yere.

Ex Deliberatione Dominorum Consilij etc.

J. DOUGLACE.

ce. B 1941.

106. BOND OF MANRENT by ROBERT BARCLAY of Strowe, to JOHN LORD OLIPHANT, for Life. July 12, 1502.

Be it kend till all men be thir present lettres me Robert Barklay of Strowe to be cumiu mane and seruand to ane noble and myehtj Lord Jhone Lord Oliphant for all the days and yeris of my lyff befor all vtheris vnder our soueraue Lord the King And I salbe reddy to gang ryde and travell at the command of my said Lord at all my power how oftsyis I salbe chargit tharto And I sall uowther heyr uor see the lak dampnage nor seait of my said Lord bot I sall stop lat and impugne it at all my power And gif I may not uor dar not stop nor impugne the perell or danger of my said Lord I sall warne him tharof be ane myd persone iu all gudly possible haist I eane And I sall keip aue lele trew part to my said Lord in all thingis at my power for all the days of my liff as said is. In witnes of the quhilk thing to this my present lettres of maurentsehip I have affixt my propyr Sele at Duplyne the twelf day of the moneth of July the yer of God aue thowsand fif hundreth aud twa yeris befor thir witnes: Maister Thomas Oliphant, James Spencee, James Oliphant, William Mersar, and Sir Jhone Denly Notar, with vtheris diuerse etc., aud subscriuit with my hand yer day and place abun writtin.

ROBERT BARCLAY Lard of Strowe manu propra.

ce. B. 1942.

107. BOND OF MANRENT by JOHN THANE of Dunning to JOHN LORD OLIPHANT, for Life. January 9, 1507¹

Be it kende til al men be thir preseut lettres me Jhon Than of Dwynyng to be eumyn man and serwande to an nobyl and myehty Lorde Jhon Lord Olyphant for

¹ Dorso—"The Barron Thaneis of Dunneing band of manrent."

al the dayes and yeris of my lyf befor al wderys wnder our Souerand the Kyng And I sal be redy to ryde and gang and trawal at the commande of my saide Lorde at al my power quhow oftschys I scal be chargit than to, And I scal neuer her nor se the lak damnagech nor skaytht to my said Lord bot I scal lat stop ande impung it at al my power ande in pwngyn it [sic] Ande gef I may nocht nor dar nocht stop nor impwng the perol nor damnath of my saide Lorde I sal warn hem thar of be an meid person thar of al gwdly posscopol hast I can and I scal kep an lel trew part to my saide Lorde in al thengis at my power for al the dayse of my lyf ase saide is. In wetnase of the quhelk thyng to thise my present wert of manrandschep I haf affexit my proper sel at Pert swbscriwet wetht my hande the ix day of Jenwar in the yer of Gode athowssande fyf hwdryt ande sewyn yeris befor thir wetnase: Walter Olyphant of Aldquhaze, Jamese Spens, Sir Robart Wardrop, wetht wtheryse sendery.

JHON THAYN, manu propria.

82.2.1, f 4

108. PETITION of the PRIOR and CONVENT of Inchaffray to JOHN LORD OLIPHANT concerning their Annual Rents of Pitcairns, withheld by ANDREW OLIPHANT. June 20, 1510.

To ane Noble and mychty Lord Johne Lord Oliphant Prior and Conuent of Incheafferay hartlie recommendacoun suffrag and prayer fforsamekle as the anualis of Pytkarnis has of lang tyme bene and is assignit to our sustentacoun for the wphaulding of dyvine seruce and has euir gottyne thankfull payment tharof to the entrais of your cousing Andro Oliphant And now our cellerar menys hevilie to ws that he wantis payment of him of diuerse termis bygane and can get na red tharof quharthrow we behufis to lef our dyvine seruce lese na your Lordschip set remed tharfore Quharfor we bescik your Lordschip to cause our forsaid cellerar to be pait be him or ellis to strenzhe the ground and to put sufficient gudis within oure place to the availe that he wantis to the red tharof And this your Lordschip will plese to d[o] for oure daily suffrag and prayer to be done for your Lordschipe quhame God Almychtie haue in keping euerlesting at yhoure awne noble hartis desire Amen In oure chapter of Incheafferay subscriuit with our handis ye twenty day of Junij etc.—Jacobus Balmannach Prior Insulemissarum, Willelmus Chawmer, Adam Loutfut, Georgius Horsbruk, Johannes Gardner, Willelmus Gardner, Robertus Fowlar, Robertus Henrysone, Adam Abell, Edwardus Kow [vel Row], Robertus Sterrat, Antonius Hog, Johannes Scharp, Johannes Manders, Johannes Gray.

Yhour speciale oratouris at command

PRIOR AND CONUENT OF INCHAFFRAY.¹

¹ Dorso—"To ane noble and oure maist special Lord the Lord Oliphant," with the date.



- Ch. B. 1371* 109. DECREE-ARBITRAL by ARCHIBALD EARL OF ARGYLL, WILLIAM EARL OF ERROL, GEORGE LORD SETON, PATRICK LORD LINDESAY of the Byres, and MASTER HENRY WHITE, in the Dispute between JOHN LORD DRUMMOND and JOHN LORD OLIPHANT as to the Lands of Innerpeffray and Dunfallyis. December 7, 1512.

In Dei nomine amen. Per hoc presens publicum Instrumentum cunctis pateat euidenter quod anno Incarnationis Dominice millesimo quingentesimo duodecimo mensis vero Decembris die septimo indictione prima pontificatus sanctissimi in Cristo patris et domini nostri domini Julij diuina prouidentia Pape secundi anno nono in mei notarii publici et testium subscriptorum presentia personaliter constituti nobiles et prepotentes domini, videlicet, Archibaldus Comes Argadie, Willelmus Comes Erolie, Georgeus Dominus Setoun, Patricius Dominus Lyndesay de Byris et Magister Henricus Quhite rector de Fynevin, iudices arbitratore et amicabile compositores vt michi constabat coniuncter electi inter Johannem Dominum Oliphant ex vna et Johannem Dominum Drummond partibus ab altera de et super nonnullis causis et querelis inter prefatas partes dependentibus secundum tenorem compromissi desuper confecti Quiquidem indices arbitratore antedicti eorum decretum et sententiam tulerunt in hunc modum prout sequitur in vulgari. —At Edinburgh the sewint day of the moneth of December the yer of God ane thousand five hundreth and tuelf yeris We Archibald Erle of Ergile, William Erle of Eroll, George Lord Setoun, Patrik Lord Lindesay of the Byris, and Maister Henry Quhite persone of Fynevin, Iugis arbitratouris and amicable compositouris ewinly chosin betuix noble and mighty and potent lordis Johne Lord Oliphant on that ane part and Johne Lord Drummond on that vther part anent the richt and clame maid be the said Johne Lord Oliphant aganis the said Johne Lord Drummond anentis the landis of Innerpeffry and Dunfallyis with thar pertinent with the patronage of the Chapelanry of the samyn clamit be the said Johne Lord Oliphant aganis the said Johne Lord Drummond be ressonne of ane contract allegit be the said Johne Lord Oliphant to be maid betuix thame in the Tolbuth of Edinburgh in presens of the Lordis of Counsale Dauid Betoun beand for the tyme factour and thesaurar to our souerane Lord lik as in the summondis and protestis befor the Lordis maid tharapoun mair fullylly is contenit and apoun all articulis and poyntis contenit in the said summondis and anentis all vther richt and clame that ather of the saidis parteis bes to say to vtheris anent the clame of the said landis batht properte and possessioun and also anentis all debatis contrauersys vnkyndnes wrangis or iniuris depending standing or done betuix thame or be ony of thame to vtheris and apoun the maner of standing betuix thame and thar freyndis in tyme tocum and vther debatis concernyng the premissis baith the saidis parteis beand bundin and sworne to stand till oure deliuerance sentence and ordinance We takand the said mater apon ws the richtis resonis and allegacionis of baith the saidis parteis togidder with the sicht of certane witnes and probationis allegit and pro-

ducit first befor ws seue herd and vnderstandin be way of compromis all in ane voce concordantly pronuncis and deterns for oure finale sentence arbitrale that the said Johne Lord Oliphant nother haiffis nor may haue ony enteres or richt outhir in properte or possessioun in or to the saidis landis of Inuerpeffry or Dunfallyis with thar pertinente nor the patronage of the chapellanry tharof be resone of the said pretendit contract of the law nocht relevant nor yit sufficiently befor ws previt and that the saidis laudis remane heretably but ony pley to be maid be the said Johne Lord Oliphant or his airis or ony vther in his name or be his richt with the said John Lord Drummond and thame that hes the samyn of him heretably be his richt eftir the forme and tenor of oure souerane lordis infestment maid to the said Johne Lord Drummond tharapon And also assolzeis the said Johne Lord Drummond fra the peticioun of the said Johne Lord Oliphant anentis the saidis landis of Innerpeffry aud Dunfallyis with thar pertinente and patronage be resone of the said contract and all vther richt and clame quhatsumeuir movit or may be movit be the said Johne Lord Oliphant or his airis aganis the said Johne Lord Drummond his airis or assignais quhatsumeuir for ony caus or richt bygane And attour for sessing of all debatis contrauersys wrangis or iniuris done in tymes bygane and for finale concorde and peax to be had betuix the said lordis in tyme tocum¹ We pronounce deterns and declaris for certane causes moving ws the said Johne Lord Drummond to content and pay to the said John Lord Oliphant the sovme of five huundredth markys vsuale money of Scotlaud That is to say that the said Lord Drummond sall gife him tueutipundland apou ane reuersioun of the said sovme of the quhill land the said Lord Oliphant sall tak na profite quhill Witsunday cum ane yer and gif it be nocht quyit out or than the said Lord Oliphant to haue that terme and to remane tharwitht quhill it be quit out be reuersioun as said is and the land to be in competeut place at the sicht of ws the saidis Jugis And als pronuncis and ordanis that gif the said Johne Lord Drummond hes ane obligaciou or may get the samyn maid be vmquhile Lowrence Lord Oliphant to the lard of Inchmertyne anentis the landis of Vchtermauchny that he sall deliuer the samyn to Johne Lord Oliphant And gif he hes it nocht or can nocht get it that the said Johne Lord Drummond nor nane in his name nor that he may latt sall move pley be vertu of the said obligacioun aganis the said Lord Oliphant and his airis all fraud and gile beand excludit And gif thar be ony thing misty that it be reseruit to oure interpretacioun.—Et post

¹ An additional illustration of the terms on which these noblemen lived, and proof that they did not always submit their differences to arbitration, is found in the following interesting minute:—Preceptum remissionis Johannis domini Oliphant et duorum aliorum, pro arte et parte oppressionis facte super Johanne domino Drummoud, in destructione et deiectione fossarum inter terras de Drvmane et Balloch; et pro precogitata feloniam per ipsos facta super quodam Johannem Comitem Buchaue, infra burgum de Perth, post interfec-

tionem quondam Jacobi Oliphant de Arquhelze, per dictum Comitem et suos complicis commissam; et pro omnibus aliis oppressionibus, precogitatis felonis, actionibus, et criminibus quibuscunque etc.: prodicione, traditione, murthuro, homicidio, incendio, raptu mulierum, furto, rapina, et mutilacione exceptis etc.: Apud Ediuburgh xij Septembris, anno v^o vij^o et regni Regis xx^o,—gratis eidem domino Oliphant ex proprio mandato domini.—Regist. Secreti Sigilli.

promulgationem et perlectionem dicti decreti prefati iudices arbitratores cum consensu et assensu prefati Johannis Domini Oliphant exonerarunt prout tenore presentis Instrumenti exonerant dictum Johannem Dominum Drummond heredes suos executores et assignatos de solutione summe quinquaginta marcarum vsualis monete Scotie prefata summa quingentarum mercarum in dicto decreto contenta Super quibus omnibus et singulis prefatus Johannes Dominus Oliphant et Johannes Dominus Drummond hinc inde a me notario publico subscripto sibi fieri petierunt publicum seu publica instrumentum seu instrumenta Acta erant hec infra burgum de Edinburgh in camera Magistri Jacobi Henryson hora quasi quinta post meridiem vel eo circa sub anno mense die indictione et pontificatu quibus supra: Presentibus ibidem, honorabilibus viris, videlicet, Johanne Lyndesay filio et herede apparente dicti Patricii Domini Lyndesay, Johanne Drummond filio dicti Domini Drummond, Stephano Tailzefer, Waltero Drummond, Johanne Story, Henrico Martyn et Johanne Martyne, testibus ad premissa vocatis specialiter et rogatis.

Et ego Alexander Young clericus Sanctiandree diocesis publicus sacra apostolica auctoritate notarius Quia premissis omnibus et singulis dum sic vt premittitur, agerentur dicerentur et fierent vna cum pre-nominatis testibus presens personaliter interfui eaque omnia et singula sic fieri dici vidi sciui et audiui ac in notam cepi ideoque hoc presens publicum instrumentum manu mea propria fideliter scriptum exinde confeci signoque et nomine meis solitis et consuetis signaui rogatus et requisitus in fidem et testimonium omnium et singulorum premissorum.

ALEXANDER YOUNG.

Cl. B. 1372 110. GIFT by JAMES THE FIFTH to ELIZABETH CAMPBELL, relict of JOHN LORD OLIPHANT, of the Ward and Marriage of LAURENCE, Son of the deceased COLIN MASTER of OLIPHANT, and Grandson and Heir of the said LORD OLIPHANT. November 18, 1516.

James be the Grace of God King of Scottis To all and sindryoure liegis and subditis quham it efferis quhais knowlege thiroure lettres salcum greting: Wit ye ws with avise and consent ofoure derrerest cousing and tutour Johne Duke of Albany etc. Protectour and Governour of our realme to have gevin and grantit and be thiroure lettres gevis and grantis tooure lout couignes Dame Elizabeth Campbell the relict of vmquhile Johne Lord Olyphant and to hir assignais ane or maa the warde and nonentres of all landis and annuel rentis with the malis of the samyn and thar pertinentis that pertentit to the said vmquhile-Johne Lord Olyphant and now throw his deceis being or sal happin to be inoure handis be resonc of warde or nonentres of the richtuis are tharto with all malis and profitis of the samyn during the tyme of the said warde and ay and quhill the lauchfull entre of the richtuis are or aris tharto with the releif of the samyn quhen it sal happin And als the mariage of Laurence Olyphant son and arc of vmaquhile Coline Maister

of Oliphant and are to the said vmquhile John Lord Oliphant his grantfather and failzeing of the said Laurence be deceise vnmariit the mariage of ony vther are or aris of the said vmquhile Johue Lord Oliphant that sal happin to succede him in his heretage with the proffittis of the said mariage to be haldin and to be had the warde nonentres and releif of all the saidis landis and annuel rentis with the malis and proffittis of the samyn during the tyme foresaid togidder with the said mariage and proffittis tharof to the said Dame Elizabeth Campbell and hir assignais foresaidis with all and sindry commoditeis fredomes proffittis esementis and richtuis pertinentis quhatsumeur perteneng or richtuislie may pertene to the samyn And with power frelie to dispone tharapon and apone the warde releif and nonentres of the saidis landis als wele of blanchferme landis as warde landis as thai think maist expedient witht power of court etc. of court plaint herzald vulawis and eschetis of courtis of all the saidis landis and all vtheris priuilegis fredomes and dewiteis frelie quietlie wele and in pece but ony reuocatioun impediment or aganecalling quhatsumeuer Quharefor we charge stratlie and commandis you all and sindry our liegis and subditis foresaidis that nane of you tak apone hand to mak ony impediment let or distrublance to the said Dame Elizabeth Campbell or assignais foresaidis in the peceable bruing joising intrometuing and disponyng apone the warde nonentres releif and mariage foresaid with the proffittis and pertineutis tharof efter the tenour of this our lettres vnder all pane and charge that efter may follow. Gevin vnder oure Priue Sele at Ediuburgh the xvij day of Nouember the yere of God i^m v^c xvj yeris and of oure regue the ferd yere.

Per Signaturam manus dicti domini gubernatoris
subscriptam etc.

82.2.1, f. 5

111. CONTRACT between WILLIAM SUTHERLAND and Others, and CHRISTIAN Lady of Berriedale, and ANDREW OLIPHANT, her Sou, submitting to the Arbitration of JOHN LORD FORBES and Two Others, auent the Slaughter of CHARLES OLIPHANT, etc. March 17, 1517-18

At Drumnyour the sevintene day of the moneth of March in the yeir of God ane thowsand fif hundreth and xvij yeris it is appontit and finally aggreit betuix thir personis vnder writin That is to say William Suddirlaud of Duffws for hym self and his complicis on that ane part and Cristian of Sudirland Lady of Baredaill and Andro Oliphant hir son and aperand air on that vther part in form as eftir folowis That is to say the saidis parteis for tham kyn and freindis tenentis seruandis and inhabitantis sall stand aud fulfill and vnderly the consaill decreit sentence and ordinans of ane nobill aud mychty Lord Jhone Lord Forbes and vther twa personis to be namit be hym quhilkis he sall tak to deliuer with hym ase jugis arbitratouris and amicabill compositouris chosin betuix the saidis partyis auent the assithment kynbut and amendis to be maid be the said William of Suddirland and his complicis to the saidis Cristian and Andro thar kyn and frendis for the

slachtir of vinqhile Charlis Oliphant sone to the said Cristian and brotber to the said Andro And anent the taking and withalding of the howsis of Baridaill and Alwik fra the said Cristian and Andro and anense the spoliation awaytaking and withalding fra tham of all maner of gudis beand in the said howsis and anense the malis proffitis and dewteis of all and sindri the landis lyand witbin Catnes pertening to the said Cristian and Andro taking wp intromettit with or occupyit be the said William or his complicitis or ony vtheris his seruandis or folkis quhatsumeuir of his cawsing and anense all vther dampnage hurt scaith or offence committit or done be ony of the said partyis to vtheris in ony tyme bygane and anense all vther actionis cawsis or clemis of gudis at ony of tham hase to say aganis vtheris on to the day of ovr deliuerance and also for the making of tender freindschip luf and kyndnes in tyme tocum betuix tbe said partyis thar kyu and frendis The quhilk Lord Forbes and tbe tother twa personis to be chosin be bym sball conuene and meit togidder with the saidis partyis or tbar procuratouris at the Kirk of Kildrummye the xx day of Aprile nixt tocum and sall deliuer and gif furth tbar sentence and deliuerance in the said¹

ca. O. 1374 112. PROCURATORY by LAURENCE LORD OLIPHANT, with consent of his Curator, JOHN CAMPBELL of Lundie, for Resigning the Lands of Dunberny, Pitcaithly, and Bynzan, for Re-infetment of bimself and MARGARET SANDILANDS, bis Spouse. July 10, 1525.

Excellentissimo et serenissimo principi Jacobo Scotorum Regi quinto suus humilis seruitor et tenens Laurentius Dominus Oliphant reuerentias debitas et honores: Ad sursum reddendum pureque et simpliciter resignandum omnes et singulas terras meas de Dunberny terras de Pitcaithly et terras de Bynzam cum omnibus suis pertinentiis pendiculis partibus annexis tenentibus tenendriis et liberetenentium seruciis jacentes in Dominio de Meffane infra vicecomitatum de Perth in manus vestras tanquam in manibus domini mei superioris honorabiles viros Jacobum Sandelandis de Cruvy, William Wod de Bonyntoun, Dominum Alexandrum Sandelandis, Jacobum Akinhed, ac eorum quemlibet coniunctim et diuisim meos veros legitimos et indubitatos procuratores actores factores et negociorum meorum gestores ac nuncios speciales cum consensu et assensu nobilis viri Magistri Jobannis Campbell de Lundy vestre celsitudinis Thesaurarij mei curatoris facio constituo et ordino: Quasquidem terras de Dunberny Pitcaithly et Bynzam cum omnibus suis pertinentiis pendiculis partibus et annexis tenentibus tenendriis et liberetenentium seruciis predictis ego Laurentius Dominus Oliphant non vi aut metu ductus seu errore lapsus dolove fraude circumuentus sed mea mera libera et spontanea voluntate non compulsus aut coactus per fustem et baculum et has literas meas procuratorij cum omni jure et juris clameo cum consensu et assensu

¹ The concluding sentences of this document have been torn away.

dicti mei curatoris sursum reddo pureque et simpliciter resigno imperpetuum pro noua infeodatione de eisdem mihi et Margarete Sandelandis nunc sponse mee in coniuncta infeodatione nostrorum alteri diutius viuenti et heredibus inter nos legitime procreatis seu procreandis quibus deficientibus heredibus meis quibuscunque desuper facienda: Ratum et gratum habens et habiturus cum consensu et assensu prefati mei curatoris totum et quicquid dicti mei procuratores aut eorum alter rite duxerint seu duxerit faciendum in premissis sub hypotheca et obligatione omnium bonorum meorum mobilium presentium et futurorum: In cuius Rei testimonium sigillum meum proprium vnacum subscriptione mea manuali ac subscriptione manuali et sigillo prefati mei curatoris in signum sui consensus et assensus in premissis presentibus sunt appensa Apud Sauctum Audream die decimo mensis Julij anno Domini millesimo quingentesimo vigesimo quinto coram his testibus viz. venerabilo viro Magistro Petro Sandelandis rectore de Caldor, Magistro Thoma Wemis, Domino Thoma Carstaris capellano, et Andrea Oliphaut notario publico, cum diuersis.

Laurence Lord Oliphant
W^t my hand

Andrew Oliphant
Johannes

Ch. B. 1943.

113. OBLIGATION by LAURENCE LORD OLIPHANT to ANDREW OLIPHANT of Berriedale. March 30, 1526.

Be it kend till all men be thir present letteris me Laurence Lord Olyphant to be bundin and oblicit be the faitht and treuitht in my bodi bindis and oblicis me and my aris to my derast Eemm Andro Olyphant of Baridaile for samekile as the said Andro hes analiit to me and myne aris be his chartir and bailzare ondir his propir seile all and haile his landis liand wythin Cathnes aud Schirefdom of Inuernes and all and haile his landis of Strabrok liand wythin the Schirefdom of Linlithgow as is contenit in his said chartir maid to me berand the samyn effect tharfor I bind and oblicis me aud myne aris as saidis that giff it sall happin the said Andro myne Eemm to deces and nocht haue na aris maile to be gottin of his body that I and my aris sall of myne and thar cost and expeuss caus be marieit all the dochteris gottin or to be gottin lauchfullie be the said Andro apon landit men as mony as the said Andro prouidis nocht in his tym And atour sall trait and hald in houshald Laurence Olyphant brothir to the said Andro wytht ane honest seruand man wytht hym and gyff he plecis nocht to remain wytht me I sall giff hym yeirlic twenti li moni efter the said Androis deces he haueaud no aris maile as saidis And gyff sa beis that I mak nocht delegaut lauboris for the Kingis confirmatioun apon the said chartir or that be frustrit tharthrow in that cais I sall deliuer the said chartir and euidentis pertenyng tharto agau to the said Andro made to me be hym and ondir the pain of fife hundreth li mone And for the obseruyng and keping

faithfullie of this my letter obligatour I hauc affixit my ain propir seile to the samyn togidder wytht my subscripcioun manuale at the satte of Sanct Andrews ye penult day of Marche the ycir of God ane thousand fife hundretht xxvi yeiris befor thir witnes: Daue Berkla of Towch, Thomas Berkla of Rynde, John Achlek, and Sir Walter Keir schapellan, wytht otheris diuerss.

LAURENS LORD OLIPHANT.

114. CONFIRMATION under the GREAT SEAL of a Charter by ANDREW OLIPHANT of Berriedale, in favour of LAURENCE LORD OLIPHANT, of the Lands of Berriedale and others. May 20, 1526.

Jacobus Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem: Sciatis nos quandam cartam donationis factam per Andream Oliphant de Berredale consanguineo suo Laurentio Domino Oliphant et heredibus suis de omnibus et singulis terris dicti Andree de Berredale et Auldwik cum partibus pendiculis dependentijs membris tenentibus tenandrijs ac libere tenentium seruitijs earundem et suis pertinentiis jacentibus infra vicecomitatum nostrum de Inuernys necnon de omnibus terris de Strabrok ad prefatum Andream spectantibus cum partibus pendiculis dependentijs membris tenentibus tenandrijs ac libere tenentium seruitijs earundem et suis pertinentiis jacentibus infra vicecomitatum nostrum de Linlithgow vnacum advocacione donatione et jure patronatus ecclesiarum et capellaniarum totarum et integrarum terrarum predictarum de nobis et successoribus nostris tenendarum de mandato nostro visam lectam inspectam et diligenter examinatum sanam integram non rasam non cancellatam nec in aliqua sui parte suspectam ad plenum intellexisse sub hac forma:—Omnibus hanc cartam visuris vel audituris Andreas Oliphant de Berredale salutem in Domino sempiternam: Quia dudum per mortem quondam Alexandri Suthirland de Duffhous vacante maritaggio Cristine Sutherland eius filie et heredis in manibus regis nobilis quondam Dominus Laurentius Dominus Oliphant auus meus cupiens filios suos ad hereditates et honores promouere vt perinde stirps seu parentela sua de cognomine Oliphant ampliaretur ac perpetue in honore et dignitate continuaretur maritagium dicte Cristine a regia maiestate pro magnis pecuniarum summis obtinuit et emebat ac illam Willelmo Oliphant filio suo secundo genito patri meo in matrimonium dedit celebratoque matrimonio cum quondam Willelmo Sutherland de Querrelwod tempore deseruicionis breiuum inquisitionis dicte Cristine Sutherland matris mee contra eam exceptionem bastardie et illegitimationis coram vicecomite proposuerat remissa causa Judici spirituali incepta lite super eadem et causa desuper agitata infra regnum Scotie et diutius in Romana Curia pluribus annis Idem Laurentius Dominus Oliphant auus meus in cause defensione amplissimas expensas sustinebat et interim pendente lite dictam Cristinam matrem meam seruitoresque suos cum dicto Willelmo eius marito in domo sua continue in omnibus necessarijs alebat et seruabat oncraque et cause bastardie expensas omni

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modo portabat vnde domnum suam terras hereditarie alienando enormiter lesit in heredum suorum graue dispendium perditionem et lesionem pensatis etiam et memorie revocatis inimicij iniurijs molestationibus grauaminibus spolijs et dampnis corporalibus per dictum quondam Willelmum Sutherland et per suos successores amicos et fautores dicto quondam Willelmo et Cristine patri et matri meis et Karolo Oliphant fratri meo quem crudeliter occiderunt illatis tendentes illam portionem terre in Cathania per concordiam dictis Willelmo at Cristine et heredibus suis ordinatam ab eorum successoribus perphas ant nephas recuperare sciensque me non posse ipsis terris pacifice gaudere nec in illis partibus absque mortis periculo per inimicorum insultus et insidias quouis pacto residere de amicorum meorum fideli consilio attento presertim quod liberi masculi mihi non sunt sed femelle dumtaxat nec mihi spes procreandi masculos extat in compensationem dampnorum et expensarum per dictum quondam Laurentium Dominum Oliphant animum meum pro hereditate mea facturam terras meas Laurentio Domino Oliphant moderno auunculo et consanguineo meo ut sequitur et pro causis inferius et superius expressatis alienare decreui Noneritis igitur me dedisse concessisse et hac presenti carta mea confirmasse necnon dare concedere et hac presenti carta mea confirmare dicto Laurentio Domino Oliphant moderno et heredibus suis omnes et singulas terras meas de Berredale et Auldwick cum suis pertinentijs dependentijs annexis partibus pendiculis et membris quibuscumque tenentibus tenandrijs et libere tenentium seruitijs jacentes in Cathania infra vicecomitatum de Inuerness ac omnes et singulas terras meas de Strabrok cum suis pertinentiis dependentiis annexis partibus pendiculis et membris quibuscumque tenentibus tenandrijs et libere tenentium seruitijs jacentes infra vicecomitatum de Linlithgow vnicuique advocacionibus donationibus et jure patronatus ecclesiarum et capellaniarum omnium et singularum prefatarum terrarum de Berredale Auldwick et Strabrok pro beneficijs per dictum quondam Laurentium Dominum [Oliphant] patri et matri meis collatis ac pro certis pecuniarum summis per Laurentium Dominum Oliphant modernum ad maritagia filiarum mearum soluendis et alijs supportationibus mihi faciendis secundum formam contractuum inter nos initorum: Tenendas et habendas omnes et singulas predictas terras de Berredale Auldwick et Strabrok cum fructibus: [Here follows description of the pertinents ut supra] Reddendo inde annuatim dictus Laurentius Dominus Oliphant et heredes sui dicto Domino nostro Regi et successoribus suis jura et seruitia de eisdem ante presentis carte confectionem debita et consueta tantum Reservato tamen et retento libero tenemento omnium et singularum predictarum terrarum cum suis pertinentijs partibus pendiculis et membris prenotatis mihi dicto Andree pro toto tempore vite mee: Et ego vero prefatus Andreas et heredes mei totas et integras predictas terras de Berredale Auldwick et Strabrok cum fructibus suis partibus pendiculis dependentijs et membris cum omnibus suis pertinentiis tenentibus tenandrijs et libere tenentium seruitijs vnicuique advocacionibus donationibus et jure patronatus ecclesiarum et capellaniarum predictarum ac meas donationem alienationem dicto Laurentio Domino Oliphant et heredibus suis in omnibus et per omnia forma pariter et effectum ut premissum est contra omnes mortales warrantizabimus acquietabimus et per

presentes bona fide mediante imperpetuum defendemus: In cuius rei testimonium sigillum meum proprium armorum huic presenti carte mee est appensum apud Sanetum Andream die penultimo mensis Martijanno Domini millesimo quingentesimo vigesimo sexto: Coram his testibus honorandis viris Jacobo Sandelandis de Crovy, Magistro Petro Sandelandis rectore de Calder, Thoma Berelay de Rynd, David Berclay de Toueh, Thoma Sandelandis, Alexandro Kirkaldy, Dominis Waltero Keir et Thoma Carstaris eum diuersis alijs:—Quamquidem cartam ac donationem in eadem contentam in omnibus suis punetis et articulis conditionibus et modis ac eireumstantijs suis quibuseunque in omnibus et per omnia forma pariter et effectum vt premissum est eum auisamento eonsilio consensu et auctoritate Dominorum Consilij nostri Secreti per tres regni nostri status in Parlamento electorum approbamus ratificamus ac pro nobis et successoribus nostris pro perpetuo confirmamus saluis nobis et suecessoribus nostris iuribus et seruitijs de dictis terris eum pertinentiis ante presentem nostram confirmationem nobis debitis et consuetis: In cuius rei testimonium huic presenti earte nostre eonfirmationis magnum sigillum nostrum apponi precepimus: Testibus reuerendissimis et reuerendo in Cristo patribus Jaeobo Sanetiandree Arehiepiseopo, Cancellario nostro, Gawino Glasgouensi Arehiepiseopo, Gawino Episcopo Aberdonensi, nostrorum rotulorum registri ac eonsilij elerieo, dilectis eonsanguineis nostris Jaeobo Comite Aranie, Domino Hammiltoun, Colino Comite de Ergile, Domino Campbell et Lorne, hospicij nostri magistro, venerabilibus in Cristo patribus Georgio abbate monasterij nostri Sanete Crucis prope Edinburgh, nostri seereti sigilli eustode, et Alexandro abbate monasterij nostri de Cambuskynneith,—Apud Edinburgh vieesimo die mensis Maij anno Domini millesimo quingentesimo vieesimo sexto et regni nostri decimo tertio.

- Ch. B. 1378 . 115. RESIGNATION by JONET GRAY, Lady of Weems-Wester, with eonsent of PATRICK CHARTERIS of Cuthilgurdy, her Son, of the Lands of Hilton of Gask in fauour of LAURENCE LORD OLIPHANT as Superior. September 11 and 12, 1529.

In Dei nomine Amen. Per hoc presens publicum Instrumentum cunetis pateat euidenter quod anno Incarnationis Dominie millesimo quingentesimo vieesimo nono mensis vero Septembris diebus xj^o et xij^o indictione tercia pontificatus Sanctissimi in Christo patris et domini nostri domini Clementis diuina prouidentia Pape septimi anno septimo in mei notarii publici et testium infrascriptorum presentia personaliter eonstitutus honorabilis mulier Joneta Gray domina de Wemyss Westyr¹

¹ Jonet Gray, second daughter of Andrew, third Lord Gray, by his second wife, Lady Elizabeth Stewart, daughter of John Earl of Atholl (uterine brother of James the Second), was married first to John Charteris of Cuthilgurdy, and secondly to Sir David Wemyss of Wemyss. She had a charter to Jonet Gray Lady Wemyss of Torsoppy, near

Perth, February 24, 1523.—Douglas' Peerage, vol. i., p. 669. Sir David Wemyss was killed at Flodden in 1513. The family of Charteris of Cuthilgurdy, of some note in Perth and its neighbourhood for about a century, descended from Andrew Charteris, an eminent citizen of Perth during the last half of the fifteenth eentury, who, according to

ac domina coniuncte infeodationis terrarum de Hiltowne de Gask jacentium infra vicecomitatum de Perth et Baroniam de Gask cum consensu et assensu expressis Patricii Chartris de Cwthilgwrdy filij et heredis quondam Johannis Chartris de Cwthilgwrdy sui patris omnibus melioribus via forma et jure quibus melius et efficacius potuerunt et debuerunt seu alter eorum respectiue melius potuit aut debuit prout de presenti possunt ac debent seu alter eorum respectiue potest vel debet renunciarunt resignarunt et extradonarunt ac quilibet eorum respectiue renunciauit resignauit et extradonauit omne jus interesse clameum et juris titulum quem vel quod dicti Joneta et Patricius seu alter eorum respectiue habuerunt habent seu habere poterunt in et ad dictas terras de Hiltown de Gask cum suis pertinentiis tam in proprietate quam in possessione in manibus nobilis et potentis domini Laurentii Domini Olyphant tanquam domini superioris earundem ad secum remanenda in proprietate et hereditate imperpetuum tanquam sua hereditas et proprietas et hoc causante solutione summe monete in reuersionum literis per dictum quondam Johannem Chartris et Jonetam eius sponsam quondam Johanni Domino Olyphant et heredibus suis auo dicti Laurentii modernis factis Quasquidem reuersionum literas dicti Joneta et Patricius fatentur et quilibet ipsorum respectiue fatetur impletas et satisfactas in omnibus suis punctis articulis et circumstantiis et easdem terras vigore solutionis dicte summe legitime redemptas de qua vero summa in dictis literis contenta tenent se bene contentos plenarieque persolutos dictumque Laurentium Dominum Olyphant heredes suos executores et assignatos quietos inde clamantes pro se heredibus suis executoribus et assignatis imperpetuum tenore presentium quam vero renunciacionem resignationem et extradonationem huiusmodi terrarum de Hiltowne de Gask in manibus mei notarii publici rite et legitime factas pro perpetua remanentia earundem cum dicto Laurentio Domino Olyphant et heredibus suis in proprietate vt predicatur dicti Joneta et Patricius eius filius heres dicti quondam Johannis Chartris michi notario publico stipulantes fideliter promiserunt ac quilibet eorum respectiue fideliter promisit pro se heredibus suis prout de presenti promittunt ac quilibet eorum respectiue promittit nunquam in contrarium dicte renunciacionis resignationis seu extradonationis directe vel

Cant, had for ancestor the redoubted French pirate and close friend of Sir William Wallace, commonly called Thomas de Longueville, his real name being Charteris. He was also regarded as ancestor of the family of Charteris of Kinfauns; and his large double-handed sword is said to be still preserved in the house of Kinfauns. Andrew Charters, Provost of Perth, and for many years representative of the burgh in Parliament, had a charter of the Barony of Cuthilgurdy, June 18, 1471. He was succeeded by his son John Charteris, who had a charter of the same barony, October 21, 1495, and another of the same to himself and Jonet Gray his spouse, August 6, 1505. Many other charters are extant in the Register of the Great Seal to members of this family, the

last of whom appears to have been John Charteris of Kinclaven, who was retoured heir to his father, John Charteris of Cuthilgurdy, in the lands and Barony of Cuthilgurdy, July 7, 1545. From him the paternal estate passed to Sir Robert Douglas of Lochleven, by a charter of sale and alienation dated at St. Andrews, March 27, 1546. —Reg. Mag. Sig. Lib. 30, No. 183. But some years previously he had acquired considerable properties in and near Kinclaven, by which he was designated. These were afterwards shared by his heiresses: Alison Charteris, married to Thomas Fotheringham of Powrie, and Elizabeth Charteris, married to William Bonar of Rossie. They had each a charter of half the lands of Kinclaven, Ballathie, and others, dated September 2, 1549.

indirecte contrauenire aliquo modo in futurum sub ypotheca et obligatione omnium bonorum suorum mobilium et immobilium presentium et futurorum ac sub pena mille mercarum dicto Laurentio Domino Olyphant et heredibus suis soluendarum pro dampnis et expensis tanquam pro interesse conuento per eundem sustentis et factis quibus eciam terris ac omnibus literis cartis instrumentis et euidencijs quibuscunque inde confectis dicti Joneta et Patricius renunciarunt et extradonarunt ac quilibet ipsorum respectiue pro se renunciauit et extradonauit dicto Laurencio Domino Olyphant et heredibus suis ac de presenti renunciant et extradonant ac quilibet ipsorum respectiue renunciat et extradonat in futurum pro causis prescriptis Ac promiserunt prout de presenti promittunt, ac quilibet ipsorum respectiue promisit prout de presenti promittit huiusmodi literas ipsis desuper factas dicto Laurencio Domino Olyphant deliberare ac restituere realiter et cum effectu Promiserunt insuper dicti Joneta et Patricius prout de presenti fideliter promittunt ac quilibet ipsorum respectiue promittit huiusmodi renunciationem vberiori forma qua poterit per consilia jurisperitorum vt opus fuerit exteudere et emendare totiens quotiens : Super quibus omnibus et singulis sepefactus dominus Laurencius Olyphant in persona propria et Johannes Lee alias Henrisone procuratour et eo nomine dicti Laurencij Domini Oliphant de cuius potestate per literas dicti domini michi liquide constabat a me uotario publico subscripto sibi fieri petierunt Et quilibet nomine quo supra sibi fieri peccit hoc presens publicum iustrumentum seu publica instrumenta tot quot essent necessaria.—Acta erant hec in Baikey et chamera domini Edwardi Gray infra burgum de Pertht successiue diebus quibus supra horis quarta et quinta post meridiem aut cocirca sub anno diebus mense indictione et pontificatu quibus supra: Presentibus ibidem prouidis et discretis viris magistris et dominis Petro Sandelance rectore de Calthar, Symone Zoung decano de Gowry, Johanne Chartris, Patricio Lowik, Willelmo Blaky, et Alexandro Gothray, Capellanis, Johauue Olyphant burgeuse de Pertht, Johanne Weyr, Johanne Baxtar, Willelmo Gray, Thoma Feutowne, et Thoma Keyr, cum multis aliis diuersis testibus ad premissa vocatis pariter et rogatis.

Et ego Walterus Alansone artium magister Sanctiandree diocesis publicus sacra et apostolica auctoritate notarius [etc., in forma communi].

CC. B. 1379 116. ACQUITTANCE of the sum of Five Huudred Merks by JONET GRAY, with consent of PATRICK CHARTERIS, her Son, in favour of LAURENCE LORD OLIPHANT. September 11, 12, and 13, 1529.

We Jonat Gray Lady of Wemis Wester coniunct fear and possessour of the landis of Hiltown of Gask with consent and assent of Patrik Chartris of Cwthilgowdry my sone and ayer of wmqhill Jhone Chartris of Cwthilgwdry grantis ws till haue resaut be the handis of ane noble and mychty lord Laurence Lord

Oliphant the sowme of ffywe hundreth merkis vsuale mony of Scotland in numerat mony for the redemptioun and outquitting of the saidis landis of Hiltown of Gask renunciand and owrgiffing and deliuering of euidentis maid therof aftyr the forme of the lettres of reuersioun maid and promist tharapone of quhilk sowme we and euery of ws grantis ws thankfullie payt and the said lettres of reuersioun fulfillit in all poutis for the pairt of the said Lord tharby and the samiu laudis lowsit and lauchfullye redemit aud quytclemis exoneris and dischargis the said Laurence Lord Oliphant his ayeris executouris and assignais tharof for uow and euer and renuncis al clayme titill or intereis propyrte or possessoun that we or ony of ws had or may haff in and to the said landis or ony part tharof with thair pertinence and leffis the sam in the handis of the said Laurence as superior thair of to remane with hym and his ayeris in heretagis for euer mayr as his propyr heretagis and we to be excludit thairfra allanerlie in tyme cummyng In witnes heirof we hawe to hunging our propyr selis to thiris our dischargis quytclyme renunciatioun lefing and owrgiffing of the said sowme and landis, at Baiky and Pertht the xi, xii, and xiii days of September in the yeir of God j^m v^e twenty nyn yeris, befor thir witues: Jhone Charteris, Jhone Weyr, Jhone Baxtar, Wilzam Gray, Schiris Symon Zowng, Alexauder Gothray, Chaiplauis, Jhone Oliphant, Jhone Fentoun, Thomas Feutoun, Jhone Keyr, Masteris Wilzem Blaiky and Walter Alansoune, notar in the premissis.

Ita est Walterus Alansoune notarius cum signo manualj.

W. ALANSOUNE, Manu Propria.

117. ABSTRACT OF CONFIRMATION and Novo Damus Erection of the Barony of Innerpeffray in favour of JOHN DRUMMOND and MARGARET STEWART LADY GORDON. June 29, 1537.

Carta confirmatiouis Joanni Drummond de Innerpeffrie et Margarete Stewart Domine Gordoun ejus conjugii, sorori moderni Regis, in conjuncta infcodatione et heredibus masculis inter ipsos legitime procreatis seu procreandis; quibus deficientibus seniori heredum suarum feminearum absque divisione; quibus omnibus deficientibus legitimis et propinquioribus heredibus dicti Joannis quibuscunque,—Super cartam illis factam per Jacobum modernum Regem Scotorum de data apud Falkland quarto die Martij, 1535, et Regni sui 23, Testibus—Gawino Glasguensi Archiepiscopo cancellario suo, Georgio Episcopo Dunkeldensi, Henrico Episcopo Candidecase Regieque capelle Strivilengensis, Archibaldo Comite de Ergile, magistro hospitij, Hugone Couite de Eglintoun, Georgio Comite de Rothbes, Malcolmno Domino Fleming, magno camcrario, Patricio priore ecclesie metropolitane Sancti Andree, Davide abbate monasterij de Abirbrothok, secreti sigilli custode, Jacobo Colville de Eistwemis militi, computorum Regis rotulatore et Regis cancellarie direttore, et Magistro Jacobo Foulis de Collingtoun Regis rotulorum registri ac coucilij clerico,—De omuib; et singulis terris subscriptis, uidelicet:

Terris de Innerpeffray et Dounfalliis, cum molendinis et piscarijs super aqua de Erne, cum tenentibus advocationibus et donationibus Ecclesiarum et Capellaniarum earundem: Terris de Eisthill de Dounfalliis, cum occidentali molendino earundem: Terris de Fornocht, Eist Fordoun de Ouchterardour, Dalpatrick, Bordland de Strogeith, Auchinglen, Quilt, Over et Nether Thomquhair et Kirkton de Strogeith, cum molendino earundem, et omnibus suis pertinentiis, jacentibus in Senescallatu de Stratherne et infra vicecomitatum de Perth: Quequidem terre de Innerpeffrie, Dounfalliis, Fornocht, Eist Fordoun de Ouchterardour, Bordland de Strogeith, Auchinglen, Over et Nether Thomquhair et Kirkton de Strogeith, cum ipsarum molendino ac cum molendinis, piscarijs, tenentibus, servitijs, advocationibus et donationibus Ecclesiarum et Capellaniarum earundem, et suis pertinentiis, fuerunt quondam Joannis Domini Drummond perprius hereditarie per ipsum de Rege immediate tente: videlicet, prefate terre de Innerpeffrie et Dounfalliis, pro octo marcis monete Scotie, feudifirme anuatum; et prefate terre de Fornocht, Eist Fordoun de Ouchterardour, Bordland de Strogeith, Auchinglen, Quilt, Over et Nether Thomquhar et Kirkton de Strogeith, cum molendino earundem, pro juribus et servitijs prius debitis et consuetis, et nunc Regi pertinentibus ratione eschaete et forisfacture super ipsum facte rite deducte; et prefate terre de Eisthill de Dounfalliis, et molendinum earundem, et terre de Dalpatrick, antedictae fuerunt prefati Joannis Drummond de Innerpeffray et per ipsum in manibus Regis legitime resiguate fuerunt: Insuper unitando annexando creando et incorporando omnes et singulas prefatas terras et pertinentiis suis suprascriptis in unam integram et liberam baroniam Baroniam de Innerpeffray nuncupandam Teneudam de Rege. Solvendo pro dictis terris de Innerpeffray et Dounfalliis, cum molendinis, piscarijs, tenentibus, advocationibus et donationibus Ecclesiarum et Capellaniarum earundem, cum omnibus suis pertinentiis, summam octo mercarum mouete Scotie, ad duos anni terminos Pentecostes et Sancti Martini in hieme, per equales portiones, nomine feudifirme: Et pro dictis terris de Eisthill de Dounfalliis cum occidentali molendino earundem, unum denarium argenti ad festum Sancti Joannis Baptiste, mydsummer nuncupatum, super solo dictarum terrarum nomine albe firme si petatur tantum: Nec non pro dictis terris de Fornocht, Eist Fordoun de Ouchterardour, Dalpatrick, Bordland de Strogeith, Auchinglen, Quilt, Over et Nether Thomquhar et Kirkton de Strogeith, cum molendino earundem, jura et servitia debita et consueta.—Cum clausula De Novodamus. Testibus ut in alijs. Data apud Edinburgh penultimo die Junij, 1537.

118. CROWN CHARTER OF APPRISING, in favour of ALEXANDER INNES, of parts of the Lands of Hisbister, Berriedale, Auldwick, and others. September 19, 1541.

Jacobus Die Gratia Rex Scottorum omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis quia literas nostras per deliberationem et Dominorum

Consilii nostri decretum dilecto nostro Jacobo Johnstoun clavigero vicecomiti nostro in hac parte de Inuernes specialiter constituto alias direximus mentionem faciendam quod predicti nostri Consilii Domini per eorum decretum vnum actum et decretum per eos de data apud Edinburgh secundo die mensis Decembris anno Domini millesimo quingentesimo vicesimo septimo ad instantiam quondam Alexandri [Innes] de eodem datum contra et aduersus quondam Andream Oliphant de Berridale heredem et successorem quondam Christine Sutherland domine Berridail heredis et successoris quondam Alexandri Sutherlaud de Duffous militis sui proauis transtulerunt decernentes prefatum quondam Andream tanquam heredem et successorem antedictum ad satisfaciendum et persolueudum memorato quondam Alexandro Innes cessionario et assignato quondam consanguinei nostri Willelmi Comitis Erolie de proficuis et valore maritagii dicte quondam Christiue necnon quoddam aliud decretum per dictos Consilii nostri Dominos de data apud Edinburgh sexto die mensis Februarii anno Domini millesimo quingentesimo vicesimo octauo promulgatum decernens predictum quondam Audream tanquam heredem et successorem antedictum ad satisfaciendum et prosolueudum memorato quondam Alexandro Innes de summa quinque mille mercarum monete regni nostri pro valore maritagii dicte quondam Christine prout in huiusmodi decretis latius continetur in Alexandrum Innes nunc de eodem tanquam filium et heredem et executorem dicti quondam Alexandri Innes de eodem sui patris actiue et in Margaretam Katherinam et Helenam Oliphant filias et heredes dicti quondam Andree Oliphant de Berridail ac in tutores et curatores earundem pro eorum interesse passiuæ et alias literas nostras in simili forma ad instantiam prefati Alexandri Innes nunc de eodem decreuerunt et dirigi ordinarunt ad namandum apreciandum et distringendum terras et bona prescriptarum Margarete Katherine et Hellene pro dicta summa quinque mille mercarum in prefatis decretis contenta sicuti decreta fuerunt aut dirigi potuissent ad instantiam prefati quondam Alexandri Innes de eodem contra et aduersus dictum quondam Audream Oliphant secundum formam et tenorem prescriptorum decretorum Ex eo quod Magister Thomas M'Calzeane procurator pro memoratis Margareta Katherina et Hellena allegauit executoriam datiuam per dictum Alexandrum Innes productam vbi ipse Alexander executor datiuus constitutus fuit in et ad omnia et singula bona debita pecuniarum summas victuali firmas et alia bona quecumque que dicto quondam Alexandro Innes pertinerunt falsam fuisse et fictam et id se probare obtulit ac quodam certo die sibi assignato pro improbatione eiusdem nullam in hac parte exhibuit diligentiam vt dicti Consilii nostri Dominis liquide constabat prout in eorum acto et decreto desuper lato pluius continetur veluti huiusmodi alie nostre litere desuper decretum proportant per quas prescriptus noster vicecomes in hac parte oneratus fuit ad namandum et distringendum dictas Margaretam Katherinam et Helenam filias et heredes antedictas earumque tutores et curatores pro eorum interesse terras suas et bona sua et deficientibus suis bonis mobilibus ad apreciandum terras suas secundum tenorem acti nostri Parlamenti ad valorem et quantitatem prefate summe quinque mille mercarum et ad faciendum dictum Alexandrum tanquam filium et heredem

et executorem antedictum de eadem persolui et contentari secundum tenorem memorati decreti prout in huiusmodi nostris literis latius continetur virtute quarum dictus Jacobus Johnstoun clauiger dilectum nostrum Johannem Gourlaw nuncium vnum vicecomitem nostrorum in hac parte in eisdem specificatum accedere causauit et bona mobilia predictis Margarete Katherine et Helene Oliphant spectantia infra bondas seu limites vicecomitatus nostri de Inuernes presentari fecit quibus perquisitis et minime inuentis solum siue fundum terrarum suarum de Hisbister Beridaill et Auldweik cum piscariis firmis custumis et deuoriis earundem et suis pertinentiis jacentium infra vicecomitatum nostrum de Inuernes antedictum coram dicto Jacobo Johnstoun vicecomite nostro in hac parte in memoratis aliis nostris literis specificato in pretorio burgi nostri de Inuernes vltimo die mensis Augusti anno Domini millesimo quingentesimo quadragesimo primo aprecianda fore denunciavit et attachiatus est et predictas Margaretam Katherinam et Helenam Oliphant earumque tutores et curatores et ceteros omnes interesse habendos apud fundum dictarum terrarum et postea per publicam proclamationem apud crucem foralem burgi nostri de Inuernes antedicti super quidecim premunitione dierum ad comparendum coram dicto Jacobo vicecomite nostro in hac parte prescripto prenotatis die et loco hora causarum ad videndum et audiendum memoratas terras secundum tenorem prefatarum literarum nostrarum legitime apreciari summonuit et premuniuit quodquidem vltimo mensis Augusti antedicto adueniente die anno Domini quo supra prefatus Jacobus Johnstoun vicecomes noster in hac parte prescriptus in dicto pretorio burgi nostri de Inuernes antedicti comparuit et ibidem curiam fensauit in qua prefatas Margaretam Katherinam et Helenam Oliphant earumque tutores et curatores ac ceteros interessc habentes ad comparendum coram eo ad videndum et audiendum huiusmodi terras legitime apreciari (prout ad diem prescriptum rite summonite fuissent) secundum tenorem literarum nostrarum predictarum vocari fecit dictoque Alexandro Innes personaliter ab vna comparente et prefatis Margareta Katherina et Helena Oliphant earumque tutoribus et curatoribus ac ceteris omnibus interessc habentibus sepius vocatis et non comparentibus legitimoque diei tempore expectato Inquisitionem personarum subscriptarum elegit quas dictus Johannes Gourlaw ad huiusmodi appretiationem prius legitime citauit quarum personarum nomina subsequuntur videlicet: Willelmus Dunbar de Ortane, Alexander Forbes de Speyside, Willelmus Gaderare de Baithill, Andreas Stewart in Rosile, Thomas Chene de Cruvy, Alexander Suthirland prepositus burgi nostri de Fores, Jacobus Dumbar de Cunze, Jacobus Dumbar de Terbert, Robertus Dunbar de Durris, Patricius Dunbar de Moy, Johannes Keyth de Crag, Henricus Paslay burgensis burgi vostri de Edinburgh, Johannes Keyth de Greneland, Alexander Suthirland de Clyne, Jacobus Farquharson, Johannes Suthirland in Libbister, Willelmus Calder, Malcolmus Mowat de Toftis, et Hugo Nicholoun, quequidem vero persone super predicta appretiatione electe jurate et admissc extra curiam ad inuicem remote et post longum auisiamantum desuper per easdem habitum et iupra eandem in iudicio reintrando omnes vnanimam voce pronunciauerunt delibcrauerunt et appreciarunt terras piscarias

custumas et deuoria subsequenter pro summis et pretiis subscriptis: Videlicet,—
 [here follows description of lands, etc., including two-thirds of fishing in the water
 of Berrisdale, and the sums at which they were appraised]—Quequidem terre
 molendina piscarie custume et deuoria earundem cum suis pertinentiis per ser-
 uicium warde et releui de nobis tenentur in capite Post quamquidem appreciationem
 prescriptarum terrarum molendinorum et piscariarum antedictarum cum suis per-
 tinentiis memoratus Jacobus Johnstoun clauiger vicecomes noster in hac parte
 antedictus prefatum Johannem Gourlaw vicecomitem nostrum in hac parte easdem
 per publicam proclamationem apud dicti nostri pretorii de Inuernes hostium pre-
 fatis Margarete Katherine et Helene Oliphant earundemque tutoribus et curatori-
 bus (si quos habent) pro eorum interesse aut cuiunque persone vel quibuscunque
 personis ipsas pro dictis summis pro quibus appreciate fuerunt vendendas offerre
 causauit Et quia nullam personam easdem pro huiusmodi summis emere volentem
 inuenit predictus noster vicecomes in hac parte vigore sui officii et secundum
 tenorem acti nostri Parlamenti ac de mandato literarum predictarum memoratas
 terras cum molendinis et piscariis earundem cum suis pertinentiis prefato
 Alexandro Innes pro solutione summe trium mille et quingentarum marcarum
 moucte predictae ipsi debitarum et tanquam assignato dicto vicecomiti nostro
 in hac parte suo pro feodo prescripto vendidit et assignauit cum ipso Alex-
 andro heredibus suis et assignatis secundum tenorem acti nostri Parlamenti
 super appreciatione terrarum pro debito confecta hereditarie permansuras per
 ipsos de nobis tenendas in capite per nostras cartam et infeodationem eiis desuper
 conficiendas prout in processu appreciationis per dictum nostrum vicecomitem
 in hac parte antedictum suo sub sigillo vnacum sigillis nonnullarum personarum
 super huiusmodi appreciatione existentium debite desuper confecto coram consilii
 nostri Dominis producto et per ipsos viso et admissio ac approbato latius continetur
 Nos igitur acta Parlamenti nostri perimpleri debiteque executioni demandari
 volentes dedimus et concessimus et hac presenti carta nostra damus et concedimus
 totas et integras predictas terras cum molendinis et piscariis earundem antedictis
 sic appreciatas vt premittitur et per personas suprascriptas et ordine respectiue nunc
 occupatas cum omnibus suis pertinentiis prefato Alexandro Innes heredibus suis et
 assignatis hereditarie ipsos nobis in tenentes hereditarios earundem suscipientes et
 memoratas Margaretam Katherinam et Helenam Oliphant de eiisdem destituentes:
 Tenendas et habendas totas et integras prefatas terras cum molendino et piscariis
 earundem antedictis sic vt premittitur appreciatas et personas suprascriptas ut
 predictus occupatas cum omnibus suis pertinentiis memorato Alexandro Innes
 heredibus suis et assignatis de nobis et heredibus nostris in feodo et hereditate
 imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent
 in longitudine et latitudine—[here follows list of pertinents]—Adco libere
 quiete plenarie integre honorifice bene et in pace in omnibus et per omnia
 sicut dicte Margareta Katherine et Helena Oliphant vel predecessores sui prefatas
 appreciatas terras cum molendino et piscariis earundem et suis pertinentiis de
 nobis vel predecessoribus nostris ante dictam appreciationem desuper deductam

liberius tenuerunt seu possederunt: Faciendo inde annuatim dictus Alexander Innes heredes sui et assignati nobis et successoribus nostris iura et seruitia de dictis appreciatis terris cum molendinis et piscariis earundem antedictis et suis pertinentiis ante predictam appreciationem prius debita et consueta. Et non obstante hac nostra infeodatione volumus et concedimus ac pro nobis et nostris successoribus decernimus et ordinamus quod memorate Margareta Katherina et Helena Oliphant heredes sui et assignati habebunt plenos et liberos regressum et ingressum in et ad prefatas appreciatas terras cum molendinis et piscariis earundem prescriptis et suis pertinentiis quodcumque persolverunt sepedicto Alexandro Innes heredibus suis et assignatis prefatas summas pro quibus appreciate fuerunt dummodo solutione huiusmodi infra septennium diem date presentium proxime et immediate sequentem fecerint firmis tamen et proficuis memoratarum terrarum cum molendinis et piscariis earundem et suis pertinentiis per dictum Alexandrum Innes heredes suos et assignatos interim percipiendis in solutione dictarum summarum et expensarum per ipsos pro hac nostra infeodatione factarum quas etiam solui volumus secundum tenorem acti nostri Parlamenti minime computandis. In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precipimus. Testibus vt in aliis cartis precedentibus consimilis date apud Edinburgh decimo nono die mensis Septembris anno Domini millesimo quingentesimo quadragésimo primo et regni nostri vicesimo octauo.¹

CC. B 1383. 119. CHARTER by GAVIN (Dunbar), Archbishop of Glasgow and Commendator of Inchaffray, to LAURENCE LORD OLIPHANT in Liferent, and LAURENCE, his Son, and heirs-male, of the Office of Bailiary of the Monastery of Inchaffray. March 7, 1544.

Omnibus hanc Cartam visuris vel audituris Gawinus miseratione diuina Glasguensis Archiepiscopus ac Monasterii Insule Missarum ordinis Sancti Augustini Dunblanensis diocesis Commendatarius perpetuus et eiusdem loci conuentus salutem in Domino sempiternam: Attendentes quod non solum vtile verumetiam nobis et nostris successoribus de prouido et legali balliio ac potenti et catholico pro administratione iusticie tenentibus et incolis nostrarum terrarum et possessionum nostrarum et eorum legitima defensione contra quoscunquo nos aut ipsos indebite infestare molientes presertim in hiis turbulentis temporibus vnde non solum contra predones et fures sed eciam contra hereticos hereticęque prauitati deditos qui summopere nos statumque nostre religionis bonaque et possessiones nostras immutare perturbare auferre et diminuere indefesse conantur legitime possimus defendi prouidere necessarium est. Et quia nobilis et potens dominus Laurencius Dominus Oliphant vir summe catholicus et predecessores sui multis annis retroactis nostri Balliui extiterunt et in singulis nostris negociis hucusque se gratissimos exhibuerunt

¹ Registrum Magni Sigilli, Lib. 28, No. 91.

nos nostrosque famulos et terrarum nostrarum ac possessionum incolas et tenentes nostrarque et eorum bona a predouum transgressorum malefactorum furium et raptorum insultibus et incursibus vltra hominum memoriam tam pacis quam guerre temporibus quam optime defenderunt Ac eciam auxilium nobis nostrisque famulis et tenentibus contra quoscunque nos indebite iufestare molientes gratissimum prestiterunt et impenderunt prout in futurum nos conueutum successores nostros et monasterium nostrum nostros tenentes colonos et seruitores nostrasque et eorum terras possessiones vbicunque jacentes a quibuscunque predictis defendent et prestabunt: Noueritis igitur nos vnanimi cousensu et assensu ad hoc capitulariter congregatos vtilitate et commodo nostri nostrorumque successorum et loci uostri antedicti vndique preuisis et consideratis ac longo tractatu maturaque deliberatione desuper prehabitis dedisse concessisse et hac presenti carta nostra confirmasse uecon dare concedere et hac presenti carta nostra confirmare uobili domino antedicto Laurencio domino Oliphant in vitali reddito pro toto tempore vite sue et Laurencio Oliphant eius filio et heredi apparenti et heredibus suis masculis Totum et integrum Balliatus officium omnium et singularum nostrarum terrarum et possessionum fructuum reddituum et emolumentorum quorumcunque dicto nostro monasterio pertinencium aut pertinere iu futurum valencium vbicunque infra regnum Scocie jacentium vna cum summa viginti marcarum vsualis monete regni Scocie annuatim eisdem pro eorum feodis in dicto officio ministraturis per nos et successores uostros dicti monasterii abbates seu commendatarios et conventus nostrosque camerarios vel factores ad duos anni terminos festa videlicet Penthecostes et Sancti Martini in hieme per equales portiones soluenda et per eosdem et eorum heredes antedictos annuatim et terminatim vt predicitur leuanda et percipienda Daudo et coucedendo prefato Laurencio domino Oliphant in vitali reddito pro toto tempore vite sue dictoque Laurencio eius filio et apparenti heredi heredibusque suis masculis antedictis in feodo et hereditate uostram meram puram liberam et omnimodam potestatem mandatumque speciale pro nobis et nomine nostro Balliatus curias super terris et possessionibus nostris antedictis quibuscunque cum pertinentiis teneutibus incolis et earundem inhaeratoribus et aliis quibuscunque quorum interest tocicns quociens opus fuerit seu videbitur expediens per se seu eorum deputatos vnum vel plures affingendi inchoandi affirmandi teneudi ac continuandi presertim cum per nos successoresve uostros abbates vel commeudatarios dicti monasterii eiusve loci granatarios camerarios aut factores fuerint requisiti sectas vocari faciendi absentes amerciandi transgressores puniendi exitus amerciamenta bludewitas et prefatarum balliatus curiarum eschaetas ad vsus duntaxat nostros leuandi et percipiendi Et pro eisdem necnon pro uostris firmis proficuis et deuoriis quociens ad hoc per nos requisiti fuerint namandi et distringendi nostros teuentes incolas et inhaeratorcs terrarum nostrarum et possessionuum coram quibuscunque iudicibus spiritualibus aut temporalibus attachiatis seu arrestatos ad priueligium et libertatem uostrarum balliatus curiarum replegiandi et reduceudi cautionem de colereth pro iusticia partibus conquerentibus infra juris terminum ministranda dandi et prestandi deputatos vnum seu plures sub ipsis respectiue

cum clerico seriando adiudicatore aliisque curiarum incumbis necessariis deputandi creandi et jurari faciendi creatosque remouendi et alios de nouo quocies opus fuerit creandi et constituendi seruicia nostrorum tenentium quocies eii videbitur expediens in vsum negociorum nostrorum sumendi recipiendi et habendi et eosdem ad hoc compellendi/ Preterea volumus et concedimus ac pro nobis et successoribus nostris antedictis decernimus et ordinamus quod vnica sasina nunc per dictos Laurencium et Laurencium eius filium de dicto officio ac per suos heredes et successores omni tempore affuturo apud terras baronie de Maderde capienda stabit et sufficiens erit saisina de predicto officio et feodo pro omnibus et singulis predictis terris possessionibus fructibus prouentibus et emolumentis nostris vbicunque infra regnum jacent licet in simul contigue non jaceant Et generaliter omnia alia et singula faciendi gerendi et exercendi et que ad officium balliatus de jure aut regni consuetudine dinoscuntur pertinere eciamsi mandatum exigant magis speciale quam presentibus est expressum et que nosmet aut successores nostri faceremus seu facere poterimus si presentes personaliter interessemus Ratum et gratum firmum atque stabile habentes et habituri totum et quicquid prefati nostri balliui eorumve deputati aut officarii coniunctim et diuisim nomine nostro in premissis seu premissorum aliquo rite duxerit seu duxerint faciendum sub ypotheca et obligatione omnium bonorum nostrorum mobilium et immobilium presentium et futurorum: Tenendum et habendum totum et integrum prefatum balliatus officium omnium et singularum terrarum nostrarum et possessionum fructuum reddituum et emolumentorum antedictorum cum pertinentiis vnacum prefatâ summa viginti marcarum vsualis monete antedecte annuatim per nos et successores nostros aut eorum camerarios et factores annuatim et terminatim vt predictur soluenda dictis Laurencio domino Oliphant in vitali reddito pro toto tempore vite sue et prefato Laurencio eius filio et heredi apparenti suisque heredibus masculis antedictis de nobis et successoribus nostris in feodo et hereditate imperpetuum cum omnibus et singulis libertatibus proficuis asiamentis ac iustis pertinentiis suis quibuscunque cum plenaria potestate dictis Laurencio Domino Oliphant durante toto tempore vite sue et prefato Laurencio eius filio et heredi apparenti et heredibus suis antedictis casu quo contigerit nos aut successores nostros in solutione prefate summe viginti marcarum annuatim in aliquo terminorum antedictorum vt predictur quouismodo deficere sic quod quadraginta diebus post terminum transactis sepefata summa minime soluta sit tum et in eo casu quascunque terras nostras Baronie de Maderde dumtaxat pro solutione prefate summe terminatim vt predictur ad manus proprias absque quocunque juris processu namandi et distringendi: Reddendo inde annuatim dictus Laurencius Dominus Oliphant durante vita sua et prefatus Laurencius eius filius et heres apparens et heredes sui predicti nobis et successoribus nostris vnum denarium vsualis monete regni Scocie apud dictum nostrum monasterium in die festi Penthecostes nomine albe firme si petatur cum seruiciis nobis et predecessoribus nostris abbatibus seu commendatariis dicti monasterii per dictum Laurencium dominum Oliphant et predecessores suos quouismodo prestari debitis et consuetis: Et nos

vero prefatus Gawinus commendatarius conuentus et successores nostri totum et iutegrum prefatum balliatu officium omnium et singularum terrarum et possessionum nostrarum fructuum reddituum et emolumentorum antedictorum vuacum prefata summa viginti marcarum pro eorum feodis per nos assignata et concessa prefato Laurencio domino Oliphant pro toto tempore vite sue et Laurencio eius filio et heredibus suis antedictis in feodo et hereditate vt predicatur in omnibus et per omnia forma pariter et effectu vt premissum est contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus: In cuius rei testimonium sigillum commune capituli dicti nostri monasterii huic presenti carte nostre est appensum vuacum nostris subscriptionibus manualibus Apud dictum nostrum monasterium septimo die mensis Marcii anuo Domini millesimo quingentesimo quadragesimo quarto.

GAVINUS Commendatarius.

JOHANNES MANERIS, Subprior.

JACOBUS GARDNAR.

JACOBUS RANNALDSON.

VILELMUS PRETT.

JOHANNES NEYLL.

THOMAS GARDENER.

ROBERTUS CRAR.

JOHANNES RAUF.

DOMINUS WILLELMUS OLIPHANT.

PATRICIUS MURRAY.

ANDREAS FARMER.

MAURICIUS HENDERSON.

120. EXCERPT from the RECORDS of the Sheriff-Court of Perth,—WILLIAM OLIPHANT of Newton against JOHN MOIR,—and the Services of MARGARET, CATHERINE, and ELLEN OLIPHANT to their Father, ANDREW OLIPHANT of Berriedale. 1544-5.

November 29, 1544.—The quhilk day Johne Moir being lauchfullie summond be vertu [of ane] precept at the instance of William Oliphant vpon the wrangus def[teution and] withalding fra him of xiiij bollis beir price of the boll xxxvj s and mele price of the boll xxxijs of the xliij yeris crop of the landis [liand on the] west syde of Newtoun occupit be the said Johne like as at mair leuth is contenit in the schirefis precept the said William Oliphant comperand be his procuratour Maister Laurence Oliphant suffiecutlie constitut and the said Johne Moir personalie be hym self and efter ressonis and allegacionis proponit be the said Maister Laurence the said Johne denyit the saide Victualis and the said Maister Laurence desirit pauss and aue time to pruf the same to the quhilk the schiref assignit the xx^v da of December next to cum and the said Maister Laurence aud Johne waruit tharto apud acta and ordanis precept to be direct hereupon as efferis.

December 20, 1544.—The quhilk day Johne Moir is decernit to content and pay to William Oliphant x bollis and ane half boll mele and viij bollis beir price of the boll ourheid xxxs Becauss he confessit [th]e samyn restand awand him of prices forsaidis of the xliij yeris crop of the landis of Newtoun occupeit be hym and preecept ordanit to be direct to poynd and destrenze herfor according to justice.

March 16, 1544.—The quhilk day in the aetioun and eauss persewit be Williame Oliphant be vertu of the schirefis preecept contrar and agains Johne Moir vponne the wrangus detentioun and withhaldin fra him of xvij bollis aittis as deliuerit him in steil-boll pree of the boll xxxijs and of xiiij bollis mele price of the boll xxx s xij pultre price of the peiece xijd of his landis of Newtoun occupiit be him this yeir of God instant xliiij yeris And tharfoir the said Johne to heir and see him be decernit be deereit of the Court to pay and deliuer the samyn to the said Williame of prices forsaidis in safer as he will grant or the said William mycht sufficientlie pruiif like as at mair lenth is contenit in the said preecept bayth the saidis parties personalie comparand be themselves The said Johne Moir grantit him awand to the said William xij bollis aittis and vij bollis mele of the said libell and tharefter the said Williame tuke to preif the remanent of his said lybell and tharto asskit the xxvij da of Apryl nixt and preeceppis ordenit to be direct heirevone of the quhilk the said Williame askit act.

June 23, 1545.—Curia Vicecomitatus de Perth tenta in pretorio eiusdem xxij die mensis Junij anno etc. xl quinto per honorabilem virum Vmfridum Rollok in Fyndony vice deputatum eiusdem sectis vocatis curia legitime affirmata.

ASSISA.

ANDREAM ROLLOK de Duncrub,

JOHANEM GRAHAME de Garok,

DAVID SPENSS de Condy,

ANDREAM RETTRAY de Westhall,

M. JOHANEM MONCREIF de Rynd,

ALEXANDRUM ABIRCROMBY de Murthlie,

JOHANEM STEWART de Stykis,

M. THOMAM ANNAND,

M. WILLELMUM ABIRCROMBY,

THOMAS MERSHELL in Awgony,

ANDREAM OLIPHANT de Archalze,

PATRICIUM DONYNG in Perth,

ANDREAM OLIPHANT in Bynzeane,

JOHANEM BRUSS de Copmalynde,

M. PETRUM STRANG,

WILLELMUM OLIPHANTT de Newtoun,

JOHANEM RETTRAY de Leichill,

Etc.

The quhilk day na pairty eomperit to obieet contrar the brewis purchest at the jnstaneis of Elene Oliphant Margarett Oliphant and Catrine Oliphant dochteris to vmquhile Andro Oliphantt of Beridell. Ete., Ete.

Qui Jurati dicunt quod quondam Andreas Olipliant de Beridelle pat[er Elene] Oliphant latrieis presentium obiit vltimo vestitus et sasitus vt de fe[odo ad paeem] et fidem quondam supremi domini nostri regis Jacobi quinti vltimi de[funeti]

cuius] anime propicietur Deus et quod dicta Elena est vna de legitimis [et propinquioribus] heredibus eiusdem quondam Andree patris sui et quod est legitime etatis.

Qui Jurati dicunt quod quondam Andreas Oliphant de Beridale pater Margarete [Oliphant] latricis presentium obiit vltimo vestitus et sasitus vt de feodo ad pacem [et fidem quondam] supremi domini nostri regis Jacobi quinti vltimi defuncti cuius anime propicietur [Deus et quod] dicta Margareta est vna de legitimis et propinquioribus heredibus eiusdem [quondam Andree] patris sui et quod est legitime etatis.

Qui Jurati dicunt quod quondam Andreas Oliphant de Beridale pater Ca[therine Oliphant] latricis presentium obiit vltimo vestitus et sasitus vt de feodo ad pacem [et fidem] quondam supremi domini nostri regis Jacobi quinti cuius anime propicietur Deus et quod dicta Catherina est vna de legitimis et propinquioribus heredibus [eiusdem quondam Andree] patris sui et quod est legitime etatis.

Ch B 1384.

121. LETTERS by CARDINAL DAVID¹ (BETHUNE), Legate of Pope Paul III., confirming to LAURENCE LORD OLIPHANT and his heirs-male THE OFFICE OF BAILIE OF THE MONASTERY OF INCHAFRAY, etc. May 28, 1545.

Dauid miseracione diuina Sancti Stephani in Celio monte Sancte Romane ecclesie presbyter cardinalis Sanctiandree archiepiscopus totius regni Scotie primas apostolica sedis legatus natus ac per vniuersum regnum predictum eiusdem sedis de latere legatus discretis viris Petro Sandelandis et Simoni Zoung ac Willelmo Barclay Rossensis, Dunkeldensis et Cathanensis ecclesiarum canonicis, salutem in Domino sempiternam: Hiis que pro monasteriorum et aliorum religiosorum locorum comodo et vtilitate prouide facta fuisse noscuntur vt perpetuo firma et illibata persistent Sedes Apostolica cum ab ea petitur libenter apostolicam mandat adiici firmitatem exhibita siquidem nobis nuper pro parte nobilis et potentis domini Laurentii Domini Oliphant Balliui monasterii Insule Missarum Dunblanensis

¹This famous individual, who was murdered in his own palace at St. Andrews exactly twelve months after the date of this document, was the ancestor of not a few families surnamed Bethune or Beaton. Dated at Falkland, November 4, 1539, there is a charter of Ligitimation under the Great Seal in favour of James, Alexander, and John, "Bastardis filijs naturalibus Davidis Sancti Andree Archiepiscopi."—Reg. Mag. Sig. Liher 28, No. 330. For a charter to one of his daughters, vide Liher 29, No. 235., MS. Signet Library. Robert Chambers has preserved "a rhyme, long localized at St. Andrews, which seems to bear reference to this historical personage:—

'Marry, maideus, marry, maidens!
Marry maidens now;
For sticket is your cardinal,
And sauted like a sow!'

The meaning is obvious enough, though it is difficult to conceive of a man of such high ecclesiastical and political rank, even in that age, that he should have been justly liable to one-fourth of the obloquy heaped upon him by popular report, of which our history on this point seems to be little better than a transcript. It is a fact that the body of the Cardinal was preserved in salt by the conspirators during the time they held out the castle against the government forces."

diocesis petitio continebat quod alias reuerendissimus in Christo pater et frater noster dominus Gauinus Dei et apostolice sedis gratia archiepiscopus Glasguensis ac dicti monasterii Insule Missarum commendatarius perpetuus et eiusdem conuentus ordinis canonicorum regularium Sancti Augustini dicte Dunblanensis diocesis attendentes et animo reuoluentes quod non solum vtile ymmouerius eiis et eorum successoribus de prouido et legali balliuo ac potenti et catholico pro administratione justicie tenentibus et incolis terrarum et possessionum suarum et eorundem legitima defensione contra quoscunque ipsos indebite infestare molientes presertim hiis turbulentis temporibus non solum contra predones et fures verum etiam contra hereticos hereticeque prauitati deditos qui ut accepimus summopere eos statumque religionis bonaque et possessiones suas immutare perturbare auferre et diminueri indefesse conantur vnde si iuste possint defendi prouidere per necessarium existit et ea ratione animo tenentes prefatum nobilem dominum Laurentium exponentem virum summe catholicum et progenitores suos multis jam retroactis annis eorum et dicti eorundem monasterii balliuos existere et in singulis eorundem negotiis huiusque si gratissimos exhibuere eosque et eorum famulos et terrarum ac possessionum suarum incolas et tenentes suosque et eorundem bona a predonum transgressorum malefactorum furium et raptorum insultibus et incursibus vltra hominum memoriam tam pacis quam belli temporibus quam optime defenderunt ac eiis suisque famulis et tenentibus contra quoscunque eos indebite et inique infestantes et molestantes gratissimum auxilium pariter et assistentiam prebuerunt et impenderunt pro vt in futurum eos successoresque suos et monasterium predicta et eorundem tenentes et colonos et seruitores suosque et eorundem terras possessiones et predia vbicumque jacentes a quibuscunque personis predictis defendent et eiis admonicula prestabunt vnanimi consensu et assensu ad hoc capitulariter congregati vtilitateque et commodo eorundem ac successorum suorum et monasterii predictorum per eos vndique preuisis consideratis ac longo et diligenti tractatu maturaque deliberatione prehabitis ipsum Laurentium Dominum Oliphant exponentem pro toto tempore vite sue et Laurentium etiam Oliphant eius filium et apparentem heredem et heredes suos masculos in eorundem et successorum suorum ac monasterii predictorum balliuum et balliuos perpetuo et hereditarie constituerunt et deputarunt ac ipsis et eorum quilibet totum et integrum prenommatum balliuatus officium omnium et singularum terrarum possessionum fructuum reddituum et emolumentorum quorumcunque eiis et dicto eorundem monasterio pertinentium aut pertinere in futurum valencium vbicumque infra regnum Scotie jacentium et consistentium pro quo sua seruitia debita in eodem officio balliuatus exercenda et illo fungenda annuatim summa viginti mercharum vsualis monete Scotie eisdem pro eorundem feodis in dicto officio ministraturis per commendatarium et conuentum et successores suos dicti monasterii abbates seu commendatarios et conuentum prefatos eorundemque camerarios et factores pro tempore existentes ad duos anni terminos festa videlicet Penthecostes et Sancti Martini in hyeme in equales portiones integre persoluetur et redditur licebitque Laurentio exponenti quoad uixerit ac Laurentio eius filio et apparenti heredi suisque heredibus masculis antedictis casu quo contingeret

commendatarium et conuentum ac successores prefatos in solutione prefate summe viginti marcharum annuatim in aliquo terminorum predictorum deficere vel negligentes esse sic quod quadraginta diebus post quemlibet terminorum predictorum defluxis et decursis et dicta summa nomine annualis feodi minime persoluta eo in casu quascunque terras baronie de Maderde prefatis commendatario et conuentui legitime spectantes et pertinentes ad manus suas proprias absque quocunque juris processu namare et distringere quodque pro omnibus premissis Laurentius Dominus Oliphant exponens et heredes sui masculi prefati dictis commendatario et conuentui et eorundem successoribus annuatim vnum denarium vsualis monete predictae apud dictum monasterium Insule Missarum in die Sancto Penthecostes nomine albe firme si petatur reddere tenerentur cum seruitiis commendatario et successoribus suis abbatibus seu commendatariis et conuentui dicti monasterii pro tempore existentibus per Laurentium Dominum Oliphant exponentem et predecessores suos prestari debitis et consuetis prestare tenebuntur nomine feudifirme ac forsitan sub certis aliis limitibus facultatibus restrictionibus pactis legibus et conditionibus perpetuo et hereditarie dederunt et concesserunt ac eorundem carta super hoc confecta et suis manualibus subscriptionibus et sigillo communi dicti monasterii roborata eidem Laurentio exponenti et heredibus suis masculis prefatis in feudifirma et hereditate imperpetuum confirmarunt prout in carta seu instrumentis literis et aliis documentis ipsorum dominorum commendarii et conuentus predictorum desuper editis et confectis plenius continetur et licet sicut eadem subiungebat petitio Balliui et Balliuorum predictorum constitutio et deputatio ac datio et concessio prefate aliaque premissa in euidentem dicti monasterii Insule Missarum ac commendarii et conuentus eiusdem modernorum et successorum predictorum vtilitatem cesserint et cedant nichilominus Laurentius exponens prefatus pro illarum firmitate maiori cupit illas ac omnia et singula in dicta carta seu instrumentis literis et aliis documentis desuper confecta seu confectis contenta specificata et expressata pro eorum subsistentia firmiori apostolico munimine roborare Quare supplicarij fecit humiliter dictus Laurentius Dominus Oliphant exponens sibi super hiis per sedem apostolicam de oportuno remedio misericorditer prouideri Nos igitur ad infra scripta sufficienti apostolica facultate muniti balliuatus officii ac terrarum possessionum et prediorum dicti monasterii infra dictum balliuatum consistentium predictorum situationes confines valores qualitates quantitates limites et veriora vocabula ac carte seu instrumentorum predictorum aliorumque hic latius expremendorum continentias et tenores presentibus pro plene et sufficienter expressis habentes Ac attendentes quod in hiis quibus monasteriorum et religiosorum locorum quorumcunque euidentis procuratur vtilitas fauorabiles esse debemus atque benigni auctoritate apostolica nobis concessa et qua fungimur in hac parte discretione vestre aut duobus vestrum coniunctim procedentibus committimus quatenus si vocatis commendatario et conuentu prefatis et aliis qui de iure fuerint euocandi et inquisita per vos super premissis diligentius veritate balliui constitutionem et deputationem ac dationem concessionem et assignationem prefatas et alia premissa in euidentem dicti

monasterii Insule Missarum vtilitatem cedere et cessisse repereritis super quibus vestram conscientiam oneramus balliuatus officii constitutionem et deputationem ac dationem concessionem et assignationem et alia premissa et prout ea concernunt omnia et singula in carta seu instrumento predictis contenta expressata et specificata alias tamen licita et honesta apostolica auctoritate confirmetis et approbetis iisque perpetue firmitatis robur adiiciatis ac illa valida et efficacitiam existere suosque effectus sortiri et perpetuo inuiolabiliter obscurari sicque per quoscunque iudices quauis auctoritate fungentes sublata iis et eorum cuilibet quauis aliter iudicandi et interpretandi facultate et auctoritate iudicari et diffiniri debere ac quicquid secus attemptari contigerit irritum et inane decernatis omnesque et singulos juris et facti defectus si qui forsitan interuenerint in iisdem suppleatis non obstantibus premissis ac felicis recordationis domini Pauli Pape secundi de rebus ecclesiasticis non alienandis et quibusuis aliis apostolicis ac in prouincialibus et synodalibus conciliis generalibus vel specialibus editis constitutionibus et ordinationibus ac monasterii et ordinis predictorum confirmatione apostolica vel quauis firmitate alia roboratis statutis et consuetudinis priuilegio quoque indultis et literis apostolicis monasterio et ordini predictis ac illorum personis sub quibuscunque tenoribus et formis ac cum quibusuis etiam derogatoriis derogatoriis aliisque fortioribus efficacioribus et insolitis clausulis irritantibusque et aliis decretis etiam iteratis vicibus concessis approbatis et innouatis Quibus omnibus tenores illorum ac si de verbo ad verbum nichil penitus omisso et forma in illis tradita obseruata insererentur presentibus pro expressis habentes illis alias in suo robore permansuris hac vice duntaxat specialiter et expresse derogamus ceterisque contrariis quibuscunque: Datum Sancti Andree sub sigillo nostro legationis anno incarnationis Dominice millesimo quingentesimo quadagesimoquinto Kalendas Junij pontificatus sanctissimi in Christo patris et domini nostri domini Pauli diuina prouidentia Pape tertij anno vndecimo.

Ch. B. 1944 122. CONTRACT OF MARRIAGE between CATHERINE OLIPHANT and LORD OLIPHANT on the one part, and JAMES OLIPHANT, Son of ANDREW OLIPHANT of Binzean, and the said ANDREW OLIPHANT on the other part. January 12, 1545^h

At Dwplyng the twelf day of Januer the zeyr of God ane thowsand five hundrecht and fourty-five yeris It is appointtit contrackit and aggreit betwix ane nobill and mychty lord Laurens Lord Oliphant and Katherene Oliphant ane of the lauchfull dochteris of vmquhill Andro Oliphant of Berrydale on that ane part and Andro Oliphant jn Bynzean and James Oliphant his son and appeirand air on that wther part in maner form and effect as efter followis That is to say the said James sall godwilling betwix this and the fest of Candilmes nixttocum contract mariage and solemnyssat the samin jn face of halye kirk with the said Kathrene Oliphant

and the said Andro sall jnfeft vpon his expenss be chartor and sasyng the saidis James and Kathrene the langer lyver of thame tua in coniuinct fe and the airis to be gottin betwix thame quhilkis failzeand the said Androis airis quhatsumever in all and hale the sontht and northt halfis of the commont of Eddyndonyng with the pertinentis lyand within the baronye of Eddyndonyng and schirefdoum of Pertht And in the thrid of the tua pairt of the myln of Inverdonyng with the pertinentis haldand of the superioris tharof fre blensche Sayffand and resservand the liverent to hym and to his wyf Jonet Qnhitt of all and hale the foirsaid sontht half of the foirsaid common of Eddyndonyng and thrid pairt of the tua pairt of the forsaid myln with the pertinentis for all the dayis of thar lives and the langer lyver of thame betwix this and aucht dayis eftir the completing of the said mariage and sall obtene the ovr lordis confirmatioun vpon the jnfeftmentis to be maid heirvponn quhilk sall be maid and gevyn to the said James and Kathren jn the most sikir sort that can be deuisyt Quhilkis forsaidis northt and southt halfis and thrid part of the tua part of the foirsaid myln the said Andro affirmis and oblyssis hym to warrand tham to the saidis lord James and Kathrene that thai ar fre of all annwell lyverent terce or coniuinct fe and ar vnredimabill exceptand in this maner That is to say the said southt half be payment and deliuerance of the sovm of five scoir of merkis and five or sevin yeris takis eftir the lowsyng for payment of tua merkis yeirlie alanerlie and the said northt half be payment and deliuerance of the sovm of sevin scbir of merkis and nyntene yeiris takis eftir the lowsyng payand yeirlie juduryng the saidis takis elykvysse the sovm of tua merkis alanerlie and the said thrid part of the tna part of the myln js alanerlie redemabill be payment of the sovm of twenty merkis Attour the said Andro faithtfullie byndis and oblyssis hym till obtene the saidis James and Kathrene jnfeft in the foirsaidis landis of the sontht and northt halfis abuyff writtyng with thar pertinentis haldand of the qnenis grace als frelye as his superioris haldis the saym of hir grace (reservand to hym and to his wyf the liverent of the forsaid southt half) be his ovr lordis resignatioun of the samyn with tenendis tenendreis jn hir grace handis tharoff or be thar infestment of the samyn haldand of hir grace or wthir wayis as accordis vpon his expenss betwix this and beltane nixt to cum And sall sustene and hald in houssett with hym the saidis James and Kathrene in meit drynk clethyn beddyng hous and all wthir necessaris as accordis for the space of thre yeris nixt eftir the completyng of the said mariage For the quhilkis causs the said nobill Lord jn name and behalf of the said Katherene and as dettour for hir faithfullie byndis and oblyssis hym his aires and executouris to content and pay to the saidis Andro and James thair aires executouris and assignais the sowm of thre hundreth merkis money to be payit as eftir followis Thatt is to say ane hundreth merkis at the completyng of the said mariage or within ane fyftene dayis nixt thareftir and the remanent tua hundreth merkis to be payit betwix this and Michelmes nixt to cum to be waryt upon land annvell rent of money or wictiellis to the behuyff and vitilite of the saidis James and Katherene thair aires and assignais and thai to be infest therein simpliciter and singulary And nochttheles the profeit of the said land or annwell

that beis coft with the said tua hundreht merkis to pertene to the said Andro and be wpliftit be hym jnduryng the space that the saidis James and Kathren ramanis in housset with vpon his expenss And als the said Lord sall provide the said James and Kether[ene to] stedyngis occupyit be ony of his tenendis aschone [as he] can get the kyndnes of the possessoris tharof and thay than to hau[e possessioun] of his Lordschip and his aires for thar livetymis and the langer [lyver]r of thame thay payand and doand tharfor siclyk profeitis and [services] as the possessouris of the samyn payis and dois tharfor now conform to thair takis Item in cace that ony of the foirsaidis landis be redemit [the] saidis Andro and James byndis and oblyssis thame to jnfeft the said Kathren jn siclyk landis quhilk sall be coft be avyss of the s[aid] lord and his aires or executouris Attour it is appunctit amangis the saidis parteis that the forsaid sovm of ane hundreht merkis promittit to be deliuerit to the said Andro at the completyng of the said mariage or within ane fyftene dayis thareftir sal be deliuerit agane and payit to the saidis James and Katherene at the ische of the foirsaidis thre yeiris and thar passyng to thar hous and habitatioun fra hym or schoner give thair pass befor the jsche of the saidis thre yeiris fra hym to thar avin habitatioun within twenty dayis eftir that thair depart fra hym And give thair beis ony jmpediment betwix the saidis James and Katherene quhairthrow thair ma nocht contract mariage nor remane in the band of matrimonye conform to the lawis of haly Kirk the said Lord and James faithfullye byndis and oblyssis thame thair airis executouris and assignais to jmpetrat and obtene ane dispensatioun and powar vpon thar equall expenss that the said matrimonye ma stand and be lauchtfull amangis the saidis James and Katheren and thair to remane tharin conform to the lawis of haly Kirk jn the sickerest form that can be deuysit and sall caus the said dispensatioun and power to be ordourlye vsit as accordis Quhilk sovm of thre hundreht merkis money being payit be the said Lord his airis or executouris jn behalf of the said Katheren as said js Scho with consent of hir [spouse sall] exoner and discharge the said nobill Lord his airis executouris and assignais off all the sovnis of money that scho as ane of the lawchtfull bairnis of hir said father be quhatsumever titill of rycht contract band or obligatioun maid to hir father his bairn or to Hendre Kempt or quhatsumever wthir personis may clame crayf or ask at the said Lord and mak siclyk exoneratioun and discharge to the said Lord anent th and siclyk ratificatioun with consent of hir said spouse of the infestment maid be hir said father [to the] said Lord of the [lan]dis of Auldvik Berridale and half landis of Straythbrok as Margret Oliphant hir sister with hir hisband dd with sicklyk renunciatioun and securiteis as the said Margrett hes with consent of hir spous maid to the said all wayis gif that it sall happyn as God forbeyt the said Kathren to decess within ane yeir eftir the solempnysyng [of the said marriage] without barn that the said thre hundreht merkis sall be refundat and deliuerit agane to the said Lord his [airis etc.] be the saidis Andro and James thair airis executouris or assignais For swir keipyng aud fullfylling of the premiss and every point

[thairof r]espective as concern[is athir of] the saidis parteis the said Lord, Andro, James, and Katheren, faithfullye byndis and oblyss tham thar airis executouris and assignais and ar content that this present contract be registrat in the buikis of the Officiale or his Commyssiaris of Dunkeld and thai to be monyst and ackit to fulfil and keip the samyn in euery poynt as concernis athir of thame for thar avin pairt under the panis of cursyng swmyttand tham to his jurisdiction in this cais and executorialis to be gevin tharvpon For the quhilk Lord and Kathrenis monitioun to be ackit for the keeping of thair pairt of the premiss and present contract thai be the tenour of thir presentis hes maid constitut and ordanit and makis constitutis and ordanis Maisteris Wilam Fairfowle and Thomas Deir and jlkane of thame coniunctlie and seuerlie thair lauchfull procuratouris to consent to the regestrein of this present contract in the forsaidis buikis and to thair mon[ition for] fulfylling of the samyn for thar pairt under the forsaid pane of cursyng and to swmitt thame to the foirs in this cais with executorialis to be rasit as said is promittand to hald ferm and stabill quhat euer dois anent the premyss in thar name In wites of the quhilk the said nobil Lord and Andro hes [subscriuit thir] presentis with thar handis and the saidis James and Katherene with thar handis at the pene led be the notar vn[derwrittin] and jnykvyss the said notar hes subscriuit the samyn for the mair fayt and coroboratioun tharof day yeir [and place] forsaid Befoir thir wites, Maisteris Petir Sandelandis, John Sandelandis, David Bonar, Thomas Oliphant of Freland, Thomas Fentoun, John Murray, and Laurens Myller, with wtheris diuers etc.

LAURENS L. OLIPHANT.
ANDRO OLYPHANT.

JAMES OLYPHANT and KATHEREN OLYPHANT with our handis
led at the pen be me SIR JAMES FENTTON notar publict.

JACOBUS FENTON notarius publicus ad retrospectiva requisitus
et rogatus.

CL B. 1945

123. OBLIGATION AND BOND OF MANRENT by DAVID SINCLAIR to LAURENCE LORD OLIPHANT, proceeding upon a previous Contract between them. August 26, 1547.

Be it kend till all men be thir present lettres me Daid Sinclair fforsamekle as ane noble and mychtj lord Laurence Lord Oliphant has gevin sauld and dispoit to me the nonentrese ward and releif of the sevin penny land of Downy with the pertinentis lyand within the Erldome of Cathnes Togidder with the mariage of Margaret Caldell sister and air of vmqhile Williame Caldaill last possessoure of the saidis landis as at mair lenth is contenit in the saidis lettres of gift maid to me tharupon To be bundin and oblist and be the tennour heirof

faithfullie bindis and obliſſis me to the ſaid Lord that I nor the ſaid Margaret ſall not contract nor mary hir with ony man or party haldand land of the queenis grace quharthrow the ſaid Lord or his airis may in ony tymes cuming tyne the mariage of the ſaidis landis And als to do the ſaid Lord and his airis gude trew and thankfull ſervice in all and ſindry his actionis and cauſſis lefull and honeſt aganis all perſonis the auctorite alanerly exceptit And alls ſall tak ane leill trew and afauld parte with the ſaid Lord his freyndis tennentis and ſeruandis in manteinyng fortifying and defending of thair iuſt actionis within Cathneſe alſoft as I ſal be requirit tharto And gif I or ſcho failzeis in the premissis in that caise to content and pay to the ſaid Lord and his airis and assignais the ſovme of ane hunder li alſoft as we ſall failze tharin And heirto I bind and obliſe me in the ſickerreſt forme and ſtrateſt ſtyle of obligtioun that can be diuiſit In witneſe of the quhilk thing to thir preſent lettres obligatouris ſubſcriuit with my hand my ſele is affixt¹ at Starmenclatt the twenty ſax day of Auguſt the yeir of God j^m v^e forty ſevin yeris before thir witneſe, ane vanerabill man Maister James Brady Archdene of Cathaneſe, Allexander Olyphant, Gilbert Brady, and John Wyndezettis.

DAVID SINCLAIR wt my awne hand.

A. B. 2056.

124. DECREET-ARBITRAL by MASTER LAURENCE OLIPHANT, Vicar of Fowlis, and Others, in the Diſpute between LAURENCE LORD OLIPHANT and MARGARET STEWART and COLIN CAMPBELL, her Spouſe, anent the Lands of Dalquhoirquhy. April 16, 1548.

We, Maister Peter Sandelandis perſoun of Calder, Patrik Ogilby of Inche-mertyne, Maister Thomas Makcalzaine burges of Edinburgh, and Maister Laurence Oliphant vicar of Fowlis, Jugis Arbitouris choſin for the pairt of ane nobill and mychty lord Laurence Lord Oliphant, togithir with ane reuerend father in God William Biſchop of Dunblane, ane nobill and mychty lord Henry Lord Methwen, Maister James Magill burges of Edinburgh, and Maister Johne Robesoun citinar of Sanctandros choſin for the pairt of Margaret Stuart and Colyne Campbell hir ſpous for his intereſ with ane nobill and mychty lord William Lord Grahame Erll of Montroſſ, Odman and Owerman in caſſ of diſcord Twiching all queſtiounis claimes and contrauersies proponit or to be proponit betuix the ſaidis partiis and in ſpeciall anent the takkis and aſſedationis of the landis of Dalquhoirquhy liand within the barrony of Cairny and ſchirefdome of Perth as at mair lenth is contenit in the compromitt maid tharupoun Quhilk beand accepit vpoun ws all except vpoun Maister Johne Robesoun and odman forſaidis the ſaid Margaret and hir ſpous allegeand that vmquhill Alexander Commendatour of Incheheffray with conſent

¹ The ſeal, *en placard*, is not the ſubſcriber's, as here ſtated, but that of the Archdean of Caithneſſ, the part of the legend remaining bearing very diſtinctly "Jacobi Brady."

of the convent tharof set in assedatioun to vmquhill Walter Oliphant and Margaret Maxwell his spous and to Margaret Stuart the langar leuair of thame thre the landis of Dalquhorquhy with the miln lands tharof liand within the lordschip of Carny and schirefdome of Perth for yeirlye payment of twenty merkis and that be vertew tharof the saidis vmquhillis Walter and Margaret his spous be thame selfis and vtheris of thair rycht bruikit the samyn peciable during thair lifymis and specially the said vmquhill Margaret quba deceissit in the moneth of Aprill the yeir of God i^m v^c xlvij and eftir hir deceiss scho as thrid persoun aucht and sould brouk the saidis landis and miln be vertew of the said assedatioun and as havand rycht tharto cawsit wairne the occupiaris of the samyn before the feist of Vitsounday last bypast quharof ane part tuk at of hir oblissand thame for payment of malis and dewteis to hir and the remanent war removit tharfra And nochtthelesse the said Lord Oliphant be hym self and vtheris stoppit hir tennandis serwandis and gudis and daylie stoppis sen the last feist of Vitsounday to ansuer and mak hir payment of the mallis proffettis and dewteis that scho sould haue of the forsaidis landis and miln Desiring to be decernit that scho in tyme cuming sould peciable bruk the samyn with the pertinentis conforme to hir assedatioun and the said Lord to desist and ceis fra trubling of hir tennandis and serwandis in tyme cuming induring the dayes of hir lif and till refound to hir the maillis and profettis gif ony war vptakin be hym of the samyn in tymes bigane defalcand twenty merkis auchtfurtht yeirlye for the samyn as at mair lenth is contenit in hir said clame gevin in tharupoun for taking of cognitioun Apon the quhilk claime We being oftymes convenit and diurse writtis being productit for the part of the said Margaret and hir spous and mony sindry ansueris and defenssis vsit and proponit for the part of the said Lord in the forsaid causs quharwith and with all and sindry the allegations and ansueris maid hinc inde for athir of the saidis partiis befor ws We the forsaidis Jugis chosin for the part of the said Lord haiffand God and gud conscience before E decreittis and deliueris in maner following of the deductioun had before ws That the said Margaret aucht nocht to be decernit to peciable bruk and joyes the forsaidis landis miln and miln land with the pertinentis Nor the said Lord to desist and ceiss fra impediment making to hir and hir serwandis to intromett tharwith nor aucht nocht to pay hir ony malis profettis and dewteis of the samyn takin vp be him bot he hes gud rycht to bruik and joyes the forsaidis landis miln and miln land tharof occupy and labor the samyn be hym self his serwandis and gudis at his plesour conforme to his infetment of the sam with possessioun cunle and naturale had tharof of lang tyme bygane continualie of befor the deceiss of the forsaid vmquhill Margaret Maxwell and as yet continewit be laboring and plenising of the sam with his said oxin and gudis in his name And assoilzeis hym simpliciter fra the pointis of the forsaid claime nochtwithstanding the allegit and pretendit rycht clamit be the said Margaret Steuart and hir spous for his interes to the forsaidis landis miln and miln land quhilk thai verifeit nocht sufficientlie befor ws The quhilk this our decretit to all to whom it efferis we mak it knawin be thir presentis pronuncit and subscrivit be ws in the parochie Kirk of Pertht the xvj day of Aprill

at four houris efternone the yeir of God 1^m v^c fourty aucht befor thir witnes Maister Johne Sandelandis persown of Hawik, Thomas Fentoun, Johne Douglas and Robert Howburne, with vtheris diuerss.

PETRUS SANDELANDIS manu propria.

THOMAS MAKCALZANE.

PATRIK OGYLWY off Inchmertyn.

MAGISTER LAURENTIUS OLYPHANT manu propria.

125. CHARTER by QUEEN MARY, in favour of GEORGE OLIPHANT and ELIZABETH CREICHTOUN, his Spouse, of the Lands of Arquhailze and others. July 3, 1553.

Maria Dei gratia Regina Scotorum omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis nos cum auisamento et consensu charissimi consanguinei nostri et tutoris Jacobi ducis de Chettellarault Aranie comitis domini Hammiltoun regni nostri protectoris et gubernatoris dedisse concessisse et hac presenti carta nostra hereditarie confirmasse dilecto nostro Georgio Oliphant filio et heredi apparenti Andree Oliphant de Arquhailze heredibus suis et assignatis totam et integram dimedietatem omnium et singularum terrarum de Arquhailze cum suis pertinentiis jacentem infra vicecomitatum nostrum de Perth Necnon prefato Georgio et Elesabeth Creichtoun eius coniugi eorumque alteri diutius viuenti in coniuncta infeodatione et heredibus suis subscriptis totam et integram alteram dimedietatem dictarum terrarum de Arquhailzie cum pertinentiis Ac totam et integram dimediam partem terrarum de Ardargy Johanni Quhyte et Margarete Balwy eius sponse prius alienatam Ac totam et integram illam partem terrarum nuncupatam Torrens que per dictum Andream Alexandro Chepman alienata erat cum suis pertinentiis jacentem infra vicecomitatum nostrum de Perth antedictum: Quequidem terre suprascripte cum suis pertinentiis fuerunt dicti Andree Oliphant perprius hereditarie et quas idem per fustim et baculum in manibus prefati nostri Tutoris tanquam in manibus nostris apud Perth personaliter sursum reddidit pureque et simpliciter resignauit ac totum jus et clameum que de eisdem habuit aut habere potuit pro se et heredibus suis omnino imperpetuum quieteclamauit: Tenendam et habendam totam et integram predictam dimedietatem terrarum de Arquhailze cum suis pertinentiis prefato Georgio heredibus suis et assignatis Necnou totam et integram alteram dimedietatem terrarum predictarum de Arquhailze cum pertinentiis Totam et integram dimediam partem predictarum terrarum de Ardargy et partem dictarum terrarum nuncupatam Torrens cum omnibus suis pertinentiis prefatis Georgio et Elezabeth eius coniugi et eorum alteri diucius viuenti in coniuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus legitimis et propinquioribus heredibus dicti Georgii quibus-

cumque de nobis et successoribus nostris in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in boscis planis moris marciis viis semitis aquis stagnis riulis 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 herzelidis et mulierum merchetis cum communi pastura liberoque 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 suis pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliqua reuocatione contradictione aut obstaculo quocunque: Reddendo inde annuatim dictus Georgius et heredes sui et assignati ac etiam ipse et dicta Elezabeth eius coniux eorumque alter diutius viuens et heredes sui predicti respectiue nobis et successoribus nostris jura et seruitia de predictis terris cum pertinentiis aute prefatam resignationem nobis debita et consueta Saluo nihilominus et reseruato liberoteneuento trium quarteriorum predictarum terrarum de Arquhailze cum pertinentiis prefato Andree Oliphant pro omnibus diebus vite sue: In cuius rei testimonium huic presenti carte nostre sigillum nostrum magnum apponi precepimus: Testibus reuerendissimo in Christo patre Joanne Archiepiscopo Sanctiandree, etc., thesaurario nostro, dilectis nostris consanguineis Georgio comite de Huntlie ac Morauia, domino Gordoun et Badzenauch, cancellario nostro, Archibaldo comite Ergadie, domino Campbell et Lorne etc., venerabili in Christo patre Georgio commendatario monasterii nostri de Dunfermling, nostri secreti sigilli custode, dilectis nostris familiaribus magistris Thoma Marioribankis de Ratho, nostrorum rotulorum registri ac consilij clerico, Joanne Ballanden de Auchnoull nostro iusticiarie clerico, et Alexandro Leuingstoun de Donypace, nostre cancellarie direttore: Apud Perth tertio die mensis Julij anno Domini millesimo quingentesimo quinquagesimo tertio et regni nostri vndecimo.

CC B. 1946.

126. BOND OF RELIEF by LAURENCE MASTER OF OLIPHANT, in favour of THOMAS FENTON, of his Interest in Four Huded Merks as part of the Tocher of MARGARET OLIPHANT, Sister of the said LAURENCE. January 31, 1554. o/ -5

Be It kend till all men be thir present lettres Me Laurence Maister Oliphant fforsamekill as William Oliphant of Newtoun Thomas Oliphant of Frelands at the request and desire of me the said Laurence Thomas Fentoun and Dame Margaret Sandelandis Lady Oliphant sauld and annaleit to James Cristiesoun burges of Perth his airis and assignais ane annuelrent of xl bollis victual half meil half beir viz xx bollis thairof to be tane vp yeirlie of the west half of the said Williamis landis of Newtoun and vther xx bollis therof to be tane vp of the west half of the west end

of Forgund with the pertinentis ffor the sowme of iiij^o merkis deliuerit be the said James Cristieson to me the said Laurence Maister Oliphant for the pament of ane pairt of Margaret Oliphantis tocquhair my sister And I the said Laurence Maister Oliphant togidder with the said Thomas Fentoun Dame Margaret Sandelandis my mother are bundin coniunctlie and seueralie to warrand and releif the saidis William and Thomas Oliphantis thair airis executouris and assignais of the foirsaid xl bollis victual and pament therof at the handis of the said James Cristiesoun his airis executouris and assignais in all tymes cumming and ther saidis landis respectiue vnto the lauchfull redemptioun of the said victual and to releif thame of the foirsaid sowme of iiij^o merkis and pay the samin for the redemptioun of the said victual as in our obligation maid therupoun at mair lenth is contenit Neuertheless I the said Laurence Maister Oliphant be the tennour heirof bindis and oblissis me my airis executouris and assignais to warrand releif and keip skaithles the said Thomas [Fenton] his airis executouris and assignais at the handis of the saidis William and Thomas Oliphantis thair airis executouris and assignais of the foirsaid victual and yeirle pament therof in all tymes cumming and bipast sen the alienatioun therof maid be the saidis William and Thomas to the saidis James Cristiesoun vnto the redemptioun of the samin and sall releif the said Thomas Fentoun of the foirsaid sowme of four hundreth merkis for the redemptioun of the said victual and of all damage and skaith qubilkis the said Thomas his airis executouris and assignais may incur therthrow be ony maner of way in ony tymes bigane or tocum but ony reuocatioun nochtwithstanding the foirsaid obligatioun maid be me the said Laurence the said Thomas Fentoun and the said Dame Margaret Sandelandis coniunctlie and seueralie as said is and I heirto bindis and oblissis me my airis executouris and assignais for releiving of the said Thomas Fentoun his airis executouris and assignais for eur but ony reuocatioun as said is And for the mair securitie I am content and consentis that this my present obligatioun be actit and registrat in the bukis of Counsale and decernit to haue the strenth of ane decret of the Lordis therof with executorialis to be direct therupon in forme as efferis and the saidis Lordis auctorite and decret interponit therto and to that effect hes namit constitute and ordanit Maisteris Thomas M^cCalzeane, Daud Borthuik, George Gibsoun, Johne Robertsoun, and Johne Spens, my verray lauchfull and irreucable procuratouris to act [for] me in maner foirsaid fferme and stabill haldand and for to hald all and quhatsumeuer think [sic] my saidis procuratouris or ony ane of thame in my name in the premisses lauchfullie leidis to be done vndir the pane and oblissing of all my gudis present and to cum In witnes heirof I haue subscriuit this my present obligatioun with my hand at Edinburgh the penult day of Januar the yeir of God j^m v^o liiij yeiris befor thir witnes, Alexander Archbishop of Athens, Robert Lord Semple, Richard Maitland of Lethingtoun, and Sir Andro Ker of Herside, Knycht, wyth vtheris diuers.

LAURENCE MAISTER OLIPHANT.

cl. B. 1668.

127. PAPAL CONFIRMATION of a Feu Charter grauted by the ABBOT and CONVENT of Inchaffray in favour of DAVID ROLLOK and MARIOT LEVINSTON, his Spouse, of Parts of the Lauds of Dubhead, Souterton, and others. November 13, 1555.

R/

Maynutius miseracione diuina ecclesie Sancti Angeli presbyter Cardinalis discretis viris Precentori Glasguensi et de Roslyng ac Corstorphiu Sancti Andree diocesis ecclesiarum Prepositis salutem in Domino: His que pro monasteriorum et aliorum piorum locorum commodo et vtilitate prouide facta fuisse noscuntur vt perpetuo firma et illibata persistant Sedes apostolica cum ab ea petitur libenter apostolicam mandat adiici firmitatem exhibita siquidem nobis nuper pro parte Daudis Rollok et Mariote Lewinstoun coniugum Dumblanensis vel alterius diocesis petitio continebat Quod alias venerabilis in Christo pater dominus Alexander Dei gratia Archiepiscopus Atheuensis et perpetuus Commendatarius Monasterii Iusule Missarum ordinis Sancti Augustini Dumblanensis diocesis ac conuentus eiusdem vnanimi consensu et assensu ad infrascripta capitulariter cougregati vtilitate et commodo eorum et dicti monasterii ac successorum vndique preuisis et consideratis diligentique tractatu ac matura deliberatione prehabitis necnou ceteris soleunitatibus de iure vel consuetudine requisitis ad plenum obseruatis pro politia in Regno Scotie habenda et eorum rentalis augmeutatione annuatim ad summas iuferscriptas extendentis ac pro certa summa pecunie vsualis dicti Regni premanibus per dictum expouentem eisdem Alexandro Commendatario et Conuentui gratanter et integre persoluta ac iu eorum et eiusdem monasterii vsum ac commodum disposita et totaliter conuersa Necnon pro nonnullis aliis gratitudinibus et benemeritis eis per ipsum exponeutem prestitis et impensis totas et integras quinquaginta tres solidatas quatuor deuariatas terrarum de Vnerdubhedn antiqui exteutus cum suis pertinentiis iu parrochia de Maderdo Baronia de Cardny intra Vicecomitatum de Perth tunc possessas per Hugonem Gray sacellanum Ac etiam totas et integras quinquaginta tres solidatas et quatuor deuariatas terrarum de Soutartoun vulgo the sone half of the Soutartouu nuucupatas cum pertinentiis in eadem parrochia Necnon totas et integras terras ecclesiasticas ecclesie parrochialis de Douyng vulgo de Kyncladye vocatas iuxta suos confines respectiue iacentes ac ad ipsum monasterium legitime spectantes et pertinentes vna cum decimis garbalibus earuudem terrarum de Kyueladye hactenus nunquam a solo separari sed cum ipsis terris locari solitis et consuctis extendentibus annuatim in eorum rentali tunc et retroactis temporibus ad summam decem marcharum monete vsualis ipsius Regni: Teuendas et habendas prefatis exponentibus et eorum alteri diutius viuenti iu coniuncta infeudatione toto tempore vite sue et heredibus suis ac assignatis de Alexandro comendatario et successoribus suis eiusdem monasterii abbatibus seu commendatariis ac coueutu iu feudifirma seu emphiteosi et hereditate in perpetuum per omnes rectas metas suas antiquas et diuisas prout iacebant in longitudine et latitudine in domibus edificiis hortis boschis planis molis maresiis viis semitis aquis stagnis riuolis pratis pascuis et pasturis molendinis multuris ac eorum sequellis

aucupationibus venationibus piscationibus petariis turbariis carbouibus carbonariis
 columbis columbariis cuniculis cuniculariis pomiferis pomariis siluis nemoribus
 virgultis lignis tiguis lapicidiis lapide et calce fabrilibus brasinis brueriis genestis
 hereeldis cum curiis et earum exitibus amerciauentis bluduetis et placitis mulierum
 marchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et
 singulis libertatibus commoditatibus proficuis et asiamentis ac iustis suis perti-
 nentiis quibuscunque tam non nominatis quam nominatis tam supra terram quam
 subtus terra procul et prope ad predictas terras vna cum eisdem decimis garbalibus
 et pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum
 libere quiete plenarie integre honorifice bene et in pace sine aliquo impedimento
 reuocatione contradictione aut obstaculo quocuuque sub annuo canone reddito siue
 censu terrarum de Vnerdubhedys videlicet quinquaginta trium solidorum et quatuor
 denariorum tanquam firmam solui solitam pro eisdem necnon tresdecim solidorum
 et quatuor denariorum pro gressimis et augmentatione rentalis eorundem Terrarum
 autem de Sone half de Soutartonen quinquaginta trium solidorum et quatuor
 denariorum tanquam firmam solui solitam pro eisdem ac tresdecim solidorum et
 quatuor denariorum pro gressimis et augmentatione rentalis earundem Terrarum
 vero de Kyncladye predictarum vna cum decimis garbalibus predictis decem
 marcharum tanquam firmam solui solitam pro eisdem ac triginta trium solidorum
 et quatuor denariorum eiusdem monete pro gressimis et augmentatione rentalis
 earundem terrarum et iurium Necnon quatuor solidorum pro capouibus et pultriis
 de Soutarton et viginti quatuor solidorum pro auenis et straminibus iumentorum
 eorum ad currus ipsorum pro quotidianis cariagiis et seruitiis non specificatis pro
 terris de Vnerdulhedys Sonehalf de Soutartoun et Kyncladye extendentium in
 totum ad summam sexdecim librarum et octo solidorum similis monete valorem
 duarum librarum sterliogorum cum dimidia similis libre secundum communem
 extimationem non excedentium pro vna videlicet in Penthecostes et pro alia medie-
 tatibus annui census huiusmodi in Sancti Martini hiemalis festiuitatibus per equales
 medias portiones vna cum multuris et seruitiis molendini eorum solitis et consuetis
 pro terris Vnerdulhedys de Soutarton predictis Alexandro commendatario et suis
 successoribus dicti monasterii abbatibus seu commendatariis et conventui prefatis
 per expouentes et eorum alterum diutius viuentem ac heredes et assignatos
 predictos soluendo his tamen conditionibus adiectis quod exponentes ac heredes et
 assignati predicti etiam officiaro et vectori vulgo cartour and officiar corn argentum
 et stramina solita et consueta necnon quadraginta solidos eiusdem monete pro
 herezelda cum per mortem seu obitum contigerit soluere ac etiam annuatim ad
 ipsum monasterium centum et decem vernacule fywe scoyr and ten meterelis
 petarum octo onera vulgo Horsladis cementi et octo onera similia tegularum fenum
 autem in modum solitum et consuetum vehere brasium vulgo malt ad eorum
 molendinum quatuor equos cum trahea vulgo slaid ad vecturam decimarum garba-
 lium eorum in ipsorum horrea et alia loca necessaria eorum sumptibus solitis et
 consuetis horreum etiam et molendinum ad modum solitum et consuetum reparare
 et sustinere pro terris de Vnerdulhedys et Sonehalf de Soutarton prout ad cariagia

et seruitia prefata requisiti fuerint Insuper bellorum seu guerrarum tempore seruitia et cariagia solita ministrare et pacis tempore ac alias ad eorum successorum et monasterii defensionem illorum sumptibus parere et inseruire Necnon tres sectas ad eorum tria placita capitalia et alias illorum curias prout requisiti fuerint apud idem monasterium tenendas prestare Ipsamque integram feudifirmam vna cum augmentatione vnus anni in eorum primo introitu ad prefatas terras vna cum iuribus de Kyncladye predictis duplicare prout mos et vsus est feudifirme tantum pro omni alio onere exactione questione demanda seu seruitio seculari que de predictis terris vnacum eisdem decimis cum pertinentiis iuste exigere possent quomodolibet vel requiri Et si contigerit prefatos exponentes heredesque et assignatos dicti Daudis deficere in solutione dicte feudifirme vna cum augmentatione per quinquaginta dies post vnum quemque terminum tunc pro qualibet marcha viginti solidos soluere sin autem sic deficere vt duo termini continui in tertium concurrant presentem infeudationem cum pertinentiis amittere debeant presensque locatio in se expuet ac nullius roboris vel momenti aut efficacie deinceps esse censeatur prouiso quod non liceat ipsi Daudi heredibus et assignatis predictis vendere alienare terras predictas et earum aliquam partem cuique persone que ipsis maioris status gradus vel conditionis existat aut alias quouismodo in eis disponere Reseruata nichilominus Alexandro Commendatorio et successoribus suis predictis facultate et limina [licencia?] fodiendi et lucrandi glebas emfocalia in lie Moss de Soutartone ad vsum dicti monasterii duntaxat volentes et ordinantes ipsi Alexander Commendatarius et Conuentus pro seipsis et eorum successoribus tunc et pro omnibus futuris temporibus quod vnica tantum saisina per exponentes heredesque et assignatos eiusdem Daudis predictos super fundo seu solo dictarum terrarum de Kyncladye capienda sit sufficiens et valida saisina pro omnibus et singulis predictis terris de Vnerdubhedys Soutortonen et Kyncladye vnacum decimis predictis Kyncladye et suis pertinentiis absque aliqua alia speciali seu particulari saisina de eisdem aut aliqua parte earundem desuper amplius in futurum capienda non obstante quod terre supra dicte non contigue iaceant Necnon promittentes totas et integras terras prefatas vnacum decimis de Kyncladye ac omnibus et singulis earundem pertinentiis prefatis exponentibus ac heredibus et assignatis ipsius Daudis adeo libere et quiete in omnibus et per omnia forma pariter et effectu vt premissum est contra omnes mortales varantizare acquietare et in perpetuum defendere ac forsam cum certis aliis pactis legibus et conditionibus declarationibus et limitationibus tunc expressis dederunt concesserunt arrendauerunt locauerunt ac ad feudifirmam seu emphiteosim hereditarie dimiserunt prout in carta seu scripturis aut aliis literis auctenticis prefatis plenius dicitur contineri Cum autem sicut eadem subiungebat petitio datio concessio arrendatio locatio et dimissio huiusmodi in euidentem dicti monasterii vtilitatem cesserint et cedant cupiantque propterea exponentes prefati illas pro earum subsistentia firmiori apostolice confirmationis munimine roborari supplicari fecerunt humiliter iidem exponentes eis super his per Sedem apostolicam de opportuno remedio nunc prouideri Nos igitur terrarum cum pertinentiis veriores situs confines veros annuos valores qualitates quantitates

denominationes et circumstantias ac veriora vocabula necnon carte seu scripturarum aut literarum predictarum ac aliorum hic forsan de necessitate exprimentorum tenores presentibus pro plene et sufficienter expressis habentes ac attendentes quod in his in quibus monasteriorum evidens procuratur vtilitas fauorabiles esse debemus atque benigni auctoritate domini pape cuius primarie curam gerimus et de eius speciali mandato super hoc viue vocis oraculo nobis facto discretioni vestre committimus et mandamus quatenus vos vel duo vestrum coniunctim precedentibus vocatis Alexandro Commendatario et conuentu et illo a dicto Regno absente conuentu tantum prefato de datione concessione arrendatione locatione et dimissione premissis diligenter vos informetis Et si per informationem eandem quod ille in euidentem dicti monasterii vtilitatem cesserint et cedant repereritis super quibus vestram conscientiam oneramus easdem dationem concessionem arrendationem locationem et dimissionem prout illas concernunt omnia et singula in carta seu scripturis aut aliis literis predictis contenta et inde secuta quecunque licita tamen et honesta apostolica auctoritate confirmetis et approbetis eisque perpetue firmitatis robor adiciatis ac ea valida et efficacia existere suosque effectus sortiri et perpetuo inuiolabiliter obseruari sicque per quoscunque iudices quauis auctoritate fungenda sublata eis et eorum cuilibet quauis aliter iudicandi et interpretandi facultate et auctoritate iudicari et interpretari debere et quicquid secus attemptari contigerit irritum et inane decernatis omnesque et singulos tam iuris quam facti defectus si qui forsan interuenerint in eisdem suppleatis non obstantibus premissis ac felicis recordationis Pauli pape iij etiam de rebus ecclesie non alienandis et quibusuis aliis apostolicis ac in prouincialibus et sinodalibus conciliis editis generalibus vel specialibus constitutionibus et ordinationibus necnon monasterii et ordinis predictorum statutis et consuetudinibus etiam iuramento confirmatione apostolica vel quauis firmitate alia roboratis priuilegiis quoque indultis et literis apostolicis eisdem monasterio et ordini illorumque superioribus et personis necnon nuncio Sedis apostolice etiam forsan cum potestate legati de latere in eodem Regno Scotie deputato sub quibuscunque tenoribus et formis ac cum quibusuis etiam derogatoriis derogatoriis aliisque fortioribus efficacioribus et in solitis clausis irritantibusque et aliis decretis etiam iteratis viribus concessis approbatis et innouatis Quibus omnibus illorum tenores ac si de verbo ad verbum nichil penitus omisso et forma in illis tradita obseruata insererentur presentibus pro plene et sufficienter expressis insertis et obseruatis habentes illis alias in suo robore permansuris hac vice duntaxat specialiter et expresse derogamus ceterisque contrariis quibuscunque: Datum Rome apud Sanctum Petrum sub sigillo officii primarii xvij kalendas Decembris pontificatus domini Pauli pape iij anno primo.

A. GAIL DECEMT. LART.
PLU. RUIS.¹

¹ This document, besides somewhat unintelligible and fortuitous-looking signatures, contains several curious verbal inaccuracies. It is indorsed

F. Brattiolinus. A. Gaillart. M. Alunima. Leo d'Itali. etc.

82.2.1, f 6

128. DISCHARGE by ROBERT KAR, Cellarist of Inchaffray, to LAURENCE LORD OLIPHANT. August 29, 1556.

Me Robert Kar Sellarar of Incheffray grantis me to heff resaut fra ane noble and mychty lord Laurens Lord Oliphant in compleit payment of this last Witson-day term in anno etc l sexto for the fewmaile of Dalquhorowy the sovme of thrie schillyngis four pen[nis by] thir presentis subscriuit with my hand at Perth the xxix day of August 1556.

ROBERTUS KAR Scellarar.

129. CONFIRMATION under the GREAT SEAL of a CHARTER by JOHN DRUMMOND of Innerpeffray, in favour of JAMES CHISHOLM of Cromlix, of the Lands and Barony of Innerpeffray, and others. March 10, 1558.

Franciscus et Maria Dei gratia Rex et Regina Scotorum, Delphinus et Delphina Vionensis, omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis nos quandam cartam et infeofamentum alienationis et venditionis factam per Johannem Drummond equitem auratum cum consensu consanguinee nostre domine Margarete domine Gordoun sponse dicti Joannis dilectis nostris Jacobo Cheisholme de Cromlix et Jonete Drummond sue coniugi eorum alteri diutius viuenti ac heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus dicti Jacobi Cheisholme quibuscunque De totis et integris terris et baronia de Innerpeffray et Dunfallis terris de Eisthill de Dunfallis cum molendino occidentali eiusdem piscaria super aqua de Erne cumque donatione ecclesiarum earundem terris de Fordoun Auchnavade dimedietate terrarum de Colquhalze terris de Criefachter terris de Fornoeh Brodland de Creif et Dalpatrik cum molendinis maneribus tenentibus tenandriis liberetenentium seruiciis earundem et suis pertinentiis jacentibus in Senescallatu nostro de Straitherne et infra vicecomitatum de Perth de nobis et successoribus nostris in libera alba firma feudifirma ac warda respectiue tenendis de mandato nostro visam lectam inspectam et diligenter examinatum sanam integram non rasam non cancellatam nec in aliqua sua parte suspectam ad plenum intellexisse sub hac forma:— Omnibus hanc cartam visuris vel audituris Joannes Drummond de Innerpeffray dominus hereditarie proprietatis et Margareta domina Gordoun mea coniux domina coniuncte infeodationis terrarum subscriptarum salutem in Domino sempiternam: Noueritis nos vnanimi consensu et assensu dedisse et concessisse vendidisse tituloque pure venditionis alienasse et hac presenti carta nostra confirmasse necnon dare concedere vendere tituloque pure venditionis alienare et hac presenti carta nostra confirmare dilectis nostris Jacobo Cheisholme de Cromlix et Jonete Drummond sue sponse ac eorum alteri diutius viuenti in

coniuncta infeodatione heredibus suis et assignatis subscriptis omnes et singulas terras et baroniam de Innerpeffray et Dunfallis cum molendino fortalicio manerio tenentibus tenandriis liberetenentium seruiciis aduocatione ecclesie eiusdem ac piscaria in aqua de Erne terras de Eisthill de Dnnfallis cum occidentali molendino earundem terras de Fordoun Auchnavaid dimedietatem terrarum de Cowqhalze terras de Creifacher Fernocht Bordland de Creif et Dalpatrik cum omnibus et singulis snis lie outsettis tenentibus tenandriis et suis pertinentiis quibuscunqne iacentes infra Senescallatum de Straitherne et infra vicecomitatum de Perth pro quadem certa summa pecunie nobis in nostra magna cognita et vrgenti necessitate pre manibus per dictum Jacobum et Jonetam gratanter et integre persoluta in pecunia numerata et in nostros vsus totaliter conuersa de quaquidem summa pecunie tenemus nos bene contentos ac plenarie et integre persolutos dictosque Jacobum et Jonetam eius sponsam suosqne heredes executores et assignatos pro nobis nostris heredibus executoribus et assignatis de eadem quietos inde clamamus et exoneramus imperpetuum: Tenendas et habendas omnes et singulas prenominatas terras et baroniam de Innerpeffray et Dunfallis cum molendino et fortalicio manerio tenentibus tenandriis et liberetenentium seruiciis aduocatione ecclesie eiusdem ac piscaria aque de Erne terras de Eisthill de Dunfallis cum occidentali molendino earundem terras de Fordoun Auchnavaid dimedietatem terrarum de Cowquhalze terras de Creifaichter Fernocht Brodland de Creif et Dalpatrik cum omnibus et singulis suis lie outsettis tenentibus tenandriis cum suis pertinentiis quibuscunqne dictis Jacobo Cheisholme et Jonete Drummond sue sponse ac eorum alteri diutius vinenti in coniuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus legitimis et propinquioribus heredibus dicti Jacobi seu assignatis quibuscunqne a me dicto Joanne et heredibus meis de supremo domino nostro rege et regina et suis successoribus in feodo et hereditate imperpetuum per omnes rectas metas snas antiquas et diuisas prout jacent in longitudine et latitudine in boscis planis domibus edificiis moris maresiis viis semitis aquis stagnis riunlis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis lignis tignis lapicidiis lapide et calce fabrilibus brasinis brueriis et genestis siluis nemoribus et virgultis cum curiis et earum exitibus herezeldis bluidwitis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac instis suis pertinentiis quibuscunqne tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras cum molendinis piscaria fortalicio manerio tenentibus tenandriis liberetenentium seruiciis cum omnibus et singulis snis lie ontsettis et pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliqua reuocatione contradictione impedimento aut obstaculo aliquali: Reddendo inde annuatim dicti Jacobus et Joanna [sic] ac eorum alter diutius viuens in coniuncta infeodatione heredes sui et assignati prescripti dicto supremo domino nostro regi et regine et suis snccessoribus regibus et reginis

Scotie Pro dictis terris de Innerpeffray et Dunfallis cum molendino fortalicio manerio tenentibus tenandriis et liberetenentium seruiciis aduocatione ecclesie eiusdem ac piscaria aque de Erne et omnibus suis pertinentiis summam octo mercarum monete Scotie Ac pro dictis terris de Auchnavaid capellanis capelle supremi domini nostri regis et regine Striulingensis summam decem mercarum dicte monete Ac pro terris de Creifaichter summam decem mercarum cum parte vnius marte Necnon pro terris de Brodlaud de Creif summam quatuor librarum eiusdem monete ad duos anni terminos festa videlicet Penthecosten et Sancti Martini in hieme per equales portiones nomine feudifirme Necnon heredes dicti Jacobi et Joanne predicti duplicando dictam feudifirmam primo anno eorum introitus ad predictas terras molendina piscariam cum tenentibus tenandriis et liberetenentium seruiciis earundem et suis pertinentiis prout vsus est feudifirme ac etiam prefatus Jacobus et Joanna et eorum heredes suprascripti edificando et sustentando super prefatis terris sufficientes mansiones cum aulis coquinis cameris horreis boscaribus hortis pomeriis et aliis policiis necessariis solo correspondentibus Et pro dictis terris de Fernocht Fordoun et Dalpatrik iura et seruicia dicto supremo domino regi et regine et suis successoribus debita et consueta Et pro dictis terris de Eisthillis de Dunfallis cum occidentali molendino earundem ac pro dimedietate dictarum terrarum de Cowquhalze vnum denarium argenti ad festum Sancti Johannis Baptiste mydsummer nuncupatum super solo dictarum terrarum nomine albefirme si petatur tantum pro omni alio onere exactione questione demanda seu seruicio seculari que de predictis terris cum molendinis piscaria fortalicio manerio teuentibus tenandriis liberetenentium seruiciis cum omnibus et singulis suis lie outsettis et pertinentiis per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et ego uero dictus Johannes Drummond et heredes mei omnes et singulas preuominatas terras et baroniam de Innerpeffray et Dunfallis cum molendino fortalicio manerio tenentibus tenandriis et liberetenentium seruiciis aduocatione ecclesie eiusdem ac piscaria aque de Erne terris de Eisthill de Dunfallis cum occidentali molendino earundem terras de Fordoun Auchnavaid dimedietatem terrarum de Cowquhalze terras de Creifaichir Fernocht Brodland de Creif et Dalpatrik cum omnibus et singulis suis lie outsettis et suis pertinentiis dicto Jacobo Cheisholme et Joanne Drummond sue sponse ac eorum alteri diutius viuenti in coniuncta infeodatione heredibus suis et assignatis predictis adeo libere et quiete in omnibus et per omnia forma pariter et effectum vt premissum est contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus saluis nihilominus et reseruatis mihi dicto Joanni et Margarete domine Gordoun mee sponse ac nostrorum alteri diutius viuenti liberis tenementibus seu vitalibus redditibus omnium et singularum prefatarum terrarum molendinorum piscariarum cum tenentibus tenandriis liberetenentium seruiciis earundem ac suis pertinentiis pro omnibus nostrorum vite diebus Insuper dilectis nostris Jacobo Grahame Patricio Moresoun et eorum cuilibet coniunctim et diuisim balliuis nostris in hac parte terrarum prescriptarum specialiter constitutis uobis precipimus et mandamus quatenus statum sasinam hereditariam pariter et possessionem corporalem actualem et realem omnium et singularum pre-

nominatarum terrarum et baronie de Innerpeffray et Dunfallis cum molendino fortalicio manerio tenentibus tenandriis et liberetentium seruiciis aduocatione ecclesie eiusdem ac piscaria aque de Erne terrarum de Eisthillis de Dunfallis cum occidentali molendino earundem terrarum de Fordoun Auchnavaid dime-dietarum terrarum de Cowquhalze terrarum de Creifaichtir Fernocht Brodland de Creif et Dalpatrik cum omnibus et singulis suis lie outsettis et pertinentiis quibuscunque prefato Jacobo Cheisholme et Joanne Drummond sue spouse ac eorum alteri diutius viuenti in coniuncta infeodatione vel suis certis actornatis lato-ribus presentium secundum formam et tenorem prescripte carte nostre iuste haberi faciatis et deliberetis sine dilatione saluo jure cuiuslibet et hoc nullo modo omittatis. Ac quod faciendum vobis et vestrum cuilibet coniunctim et diuisim balliuis nostris antedictis nostram plenariam et irreuocabilem tenore preseu-tium committimus potestatem: In cuius rei testimonium huic preseuti carte nostre preceptum sasine in se continenti manibus nostris suprascripte sigilla nostra sunt appensa: Apud Innerpeffray decimo die mensis Februarij anno Domini millesimo quingentesimo quinquagesimo octauo coram hiis testibus, Andrea Toschok de Monze, Patricio Maxtoun de Dymmedowis, domino Andrea Straithenrie, prebendario de Monze, et Willelmo Scott, cum diuersis aliis:— Quamquidem cartam et infeofamentum ac alienationem et venditionem in eadem contentas in omniibus suis punctis et articulis conditionibus et modis ac circum-stantiis suis quibuscunque in omnibus et per omnia forma pariter et effectu vt premissum est approbamus ratificamus ac pro nobis et nostris successoribus pro perpetuo confirmamus: Reddendo inde annuatim dictus Jacobus et Joneta eius coniux eorum alter diutius viuens et heredes sui prescripti nobis et successoribus nostris Pro prenominatis terris et baronia de Innerpeffray summam octo mercarum nomine annualis redditus vsualis monete regni nostri ad duos anni terminos consuetos videlicet Penthecostes et Sancti Martini in hicine per equales portiones tantum Pro terris de Brodland de Creif antedictis summam quatuor librarum nomine feudifirme tres solidos et quatuor denarios pro parte vnus lie mart siluer earundem ad terminos preuotatos per equales portiones nomine feudifirme tantum Necnon heredes dictorum Jacobi et Jonete duplicando dictam feudi-firmam primo anno eorum introitus ad dictas terras prout vsus est feudifirme Ac pro dictis terris de Eisthillis de Dunfallis cum occidentali molendino earundem vnum denarium in festo Joannis Beati Baptiste nuncupato mydsomer super solum dictarum terrarum nomine albe firme si petatur tantum Necnon pro dictis terris de Fordoun dime-dietate terrarum de Culquhalze ac pro dictis terris de Fernocht et Dalpatrik cum pertinentiis jura et seruicia nobis ante dictam alienationem debita et consueta Ac etiam pro dictis terris de Creifaichtir cum pertinentiis summam decem mercarum nomine feudifirme cum earundem parte vnus lie mart siluer Pro dictis terris de Auchnavaid capellanis capelle nostre regalis Striullingensis summam decem mercarum nomine feudifirme tantum ad terminos prescriptos per equales portiones nomine feudifirme tantum vt predicatur ac etiam heredes dictorum Jacobi et Jonete duplicando dictam feudifirmam primo

anno eorum introitus ad prenominate terras prout vsus est feudifirme tantum: Reseruato nihilominus libero tenemento et vitali reddito omnium et singularum prefatarum terrarum et baronie piscationis molendinorum fortaliorum maneriorum cum omnibus et singulis suis pertinentiis respectiue suprascriptis dictis Joanni Drummond et domine Margarete domine Gordoun pro omnibus eorum vite diebus: In cuius rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus: Testibus reuerendissimo in Christo patre Joanne Archiepiscopo Sanctiandree, dilectis nostris consanguineis Georgio comite de Huntlie domino Gordoun etc., cancellario nostro, Archibaldo Ergadie comite domino Campbell et Lorne et justiciario nostro, venerabili in Christo patre Donaldo abbate monasterij nostri de Cupro nostri secreti sigilli custode, dilectis nostris familiaribus magistris Jacobo M'Gill de Rankelour-nether, nostrorum rotulorum registri ac consillij clerico, Joanne Bellenden de Auchmoule nostre justicie clerico, et Alexandro Livingstoun de Donypace nostre cancellarie clerico: Apud Edinburgh decimo die mensis Marcij anno Domini millesimo quingentesimo quinquagesimo octauo et regnorum nostrorum annis primo et decimo septimo.

a. B. 1390.

130. FEU CHARTER by the DEAN and CHAPTER of DUMBLANE, in favour of JOHN MURRAY, Brother of PATRICK MURRAY of Tibbermuir, of the Lands of Cluthiebeg. October 7, 1560.

Omnibus hanc cartam visuris vel auditoris Rogerus Gordoun ecclesie cathedralis Dumblanensis decanus et capellanus eiusdem salutem in eo qui est vera salus Cum non solum ex vtriusque iuris sanctione verum etiam serenissimorum Scotie principum statutorum cautum sit terras tenementa ac possessiones in feudifirma et emphiteosi perpetua locandas esse et concedendas ut prudentum virorum industria et sedulitate ad vberiore fertilitatem cultum redigantur: Noueritis nos vnanimi consensu et assensu ad hoc capitulariter congregatos vtilitate et commodo nostris et successorum nostrorum per longos tractatus et maturas deliberationes prehabitas visis et consideratis ac in augmentationem rentalis nostri ad summam subscriptam necnon ad politiam rei publice regni et contemplationem statutorum parliamenti desuper editorum cum expresso consensu et assensu reucrendi patris Willelmi Dumblanensis episcopi ac capellanorum chori ecclesie cathedralis antedictae dedisse concessisse arrendasse locasse et ad feudifirmam siue emphiteosim hereditarie dimisisse et hac presenti carta confirmasse tenoreque eiusdem dare concedere arrendare locare et ad feudifirmam siue emphiteosim hereditarie dimittere et hac presenti carta nostra perpetuo confirmare prouido viro Johanni Murray fratri germano Patricii Murray de Tibbirmure et heredibus suis de corpore suo legitime procreandis quibus deficientibus dicto Patricio heredibus et assignatis suis quibuscunque Omnes et singulas terras nostras de Cluthybeg cum annexis connexis pendiculis et pertinentiis iacentes in parochia de Findogask et infra vicecomitatum de Perth: Tenendas et habendas omnes et singulas dictas terras nostras de Cluthe-

beg cum annexis connexis partibus pendiculis et pertinentiis earundem prefato Joanni Murray et heredibus suis de corpore suo legitime procreandis quibus deficientibus dicto Patricio Murray heredibus suis et assignatis quibuscunque De nobis et successoribus nostris in feudifirma seu emphiteosi et hereditate imperpetuum per omnes rectas metas suas antiquas novas et diuisas prout jacent in longitudine et latitudine in domibus edificiis ortis boscis planis moris marriiis viis semitis aquis stagnis riuolis pratis pascuis pasturis aucupationibus ventionibus piscationibus petariis turbariis carbonibus carbonariis columbis columbariis cuniculis cuniculariis fabrilibus brasinis brueriis genestis siluis nemoribus virgultis lignis tignis lapicidiis lapide seu plumbo calce cum curiis et earum exitibus amercia-mentis herezeldis bludewetis mulierum merchetis cum communi pastura liberoque introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscunque tam non nomi-natis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine retinemento reuocatione aut obstaculo quocunque: Reddendo inde annuatim dictus Joannes Murray et heredes sui de corpore suo legitime pro-creandi quibus deficientibus prefatus Patricius Murray heredes et assignati sui quicunque nobis et successoribus nostris quibuscunque summam decem librarum tresdecim solidorum et quatuor denariorum vsualis monete regni Scotie tanquam pro firma antiqua vnacum summa tresdecim solidorum et quatuor denariorum pro duobus duodenis pulteriarum absque aliquibus aliis areagis careagis aut deuoriis de dictis terris prius debitis ac solui solitis et consuetis ac cum summa tresdecim solidorum et quatuor denariorum monete predicte plusquam vnquam dicte terre nobis aut predicesoribus nostris prius persoluerunt exten-dentes in integro ad summam octodecim mercarum monete predicte ad duos anni terminos consuetos festa videlicet Penthicoestes et Sancti Martini in hieme per equales dimedias portiones nomine feudifirme tantum pro omni alio onere seruitio seculari exactione questione seu demanda que de predictis terris cum pertinentiis per quoscunque iuste exigi poterunt quomodolibet vel requiri Ac etiam duplicabunt prefatam feudifirmam in primo anno introitus cuiuslibet heredis ad prelibatas terras cum augmentatione antedicta et prestabunt tres sectas curie aut comparebunt ad tria nostra placita capitalia ad ciuitatem Dunblanensem annuatim teneuda et ad alias curias nostras cum premoniti fuerunt per se vel procuratores suos Et si con-tingat dictos Joannem et Patricium heredes et assignatos suos suprascriptos deficere in solutione dicte feudifirme cum augmentatione pro spacio quadraginta dierum post vnunquemque terminum ipso facto cadent a jure huiusmodi infeoda-tionis: Et nos vero Rogerus Gordoun decanus et capellanus antedictus cum consensu et assensu reuerendi patris et capellanorum ecclesie cathedralis antedicte et successores nostri quicunque omnes et singulas predictas terras de Cluthybeg cum annexis connexis partibus pendiculis et pertinentiis earundem prefato Joanni Murray fratri germano dicti Patricii Murray de Tibberinure et heredibus suis de

corpore suo legitime procreandis quibus deficientibus dicto Patricio heredibus suis et assignatis quibuscunque adeo libere et quiete in omnibus et per omnia forma pariter et effectum ut premissum est contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus: Vobis igitur Willelmo Murray

Balliis nostris et vestrum cuilibet coniunctim et diuisim specialiter constitutis in hac parte firmiter precipimus et mandamus quatenus visis presentibus indilate statum sasinam et possessionem hereditariam omnium et singularum dictarum terrarum de Cluthybeg cum annexis connexis partibus pendiculis et pertinentiis earundem prefato Joanni Murray vel suo certo attorney latori presentium per terre et lapidis traditionem tradatis et quilibet vestrum requisitus tradat iuste haberi faciat et hoc nullo modo omittat iuxta et secundum vim formam et continentiam presentis carte nostre feudifirme desuper confecte Ad quod faciendum vobis balliis nostris antedictis et vestrum cuilibet coniunctim et diuisim nostram liberam et omnimodam potestatem damus et committimus per presentes sine reuocatione duraturas: In cuius rei testimonium sigillum commune dicti nostri capituli ac sigillum rotundum prefati reuerendi patris et capellanorum in choro suprascripto in signum eorum consensus vnacum nostris et eorum subscriptionibus manualibus presentibus sunt appensa: Apud ciuitatem Dunblanensem die septimo mensis Octobris anno Domini millesimo quingentesimo sexagesimo coram his testibus, Magistro Malcolmo Cheisholme canonico Dunkeldensi, domino Willelmo Blaikwod vicario de Dudingstoun, Andrea Blaikwod, Roberto Porterfeld, Mauricio Keir, et Georgio Melros, Johanne Moresone.

W. Episcopus Dunblanensis.

M. ROGERUS GORDOUN decanus Dunblanensis.

M. JACOBUS KENNEDY cancellarius Dunblanensis.

M. WILLELMUS MURRAY thesaurarius Dunblanensis.

EDMUNDUS CHESHOLMN subdecanus Dunblanensis.

Magister GUILLERMUS SCHAW prepositus de Abirnythy.

Dominus JACOBUS FORSYTH, manu propria.

Ita est dominus ANDREAS EWYNSON, capellanus, manu propria.

Ita est dominus THOMAS ROB, manu propria.

Ita [est] dominus ROBERTUS HENDERSTON.

Ita [est] ALEXANDER CRISTIE manu propria.

Ita est dominus ALEXANDER ANDERSON, manu propria.

Ita est dominus ROBERTUS SINCLAR, manu propria.

Apud Edinburgh xvj^{to} Aprilis anno j^m v^c lxx^{to} productum
coram dominis commissionariis. J. HEWATT.¹

¹ Dorso—Apud Edinburgh 18 Decembris 1598: Produceit, and the minut heirof extractit and rentallit according to the act and proclamatioun maid thairanent—A. YOUNG.—At Edinburgh the

30th March 1656: Produced by the party concerned and conform to the act and proclamatioun is minuted and recorded in the Bookes of Exchequer, by me, J. PURVES, Cls.

82.2.1, f. 7
131. DISCHARGE by WILLIAM RUTHVEN, Chamberlain of Inchaffray, to LAURENCE LORD OLIPHANT. February 22, 1562.¹⁻³

I William Ruthuen chalmerland of Inchchaffray grantis me resaut fra ane nobill and potent lord Laurence Lord Oliphant the sowm of fourty sex schillingis aucht peuneis vsuale monye for the Whitsonday and Mertimes termis of the malis of the Woidland of Cardnye and augmentatioun of Dalquhoroquhye in the yeir of God i^m v^e threscore twa yeris Of the quhilk sowm I grant me weill content and payit quitclamis and dischargis the said noble lord and all wtheris quhom it efferis be this acquittance subscriuit wyth my hand at Inchchaffray the xxij of Februar in the yeir of God etc lxij yeris Befor thir witnes Peter Derympill Johne Smyth with wtheris diuerse.

WILLIAME RUTHUEN.

Ca. B. 1893.
132. SASINE of DAVID LORD DRUMMOND, aud LILIAS RUTHVEN, his Spouse, in Seven Acres of Land of the Mains of Inchaffray. February 26, 1564.⁻⁵

In Dei nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno Incarnationis Dominice millesimo quingentesimo sexagesimo quarto meusis vero Februarii die vigesimo sexto annoque regni supreme domine nostre Regine [vigesimo secuudo] In mei notarii publici et testium subscriptorum presentia personaliter constitutus prouidus vir Jacobus Drummond in Douery balliuus in hac parte reuerendi in Christo patris Alexandri miseratione diuina Candidecace episcopi commendatarii perpetui monasterii Insule Missarum et eiusdem loci conuentus accessit ad fundum illarum septem acrarum terrarum cum dimedia acre et lie rude terrarum de lie manis de Inchecheffray que designantur et ordinantur pro sasina capienda nunc per nobilem et potentem dominum Dauidem dominum Drummond et Liliam Ruthuen eius spousam ac per heredes dicti nobilis Domini omnibus temporibus affuturis omnium et singularum dictarum acrarum ac etiam domorum et hortorum nunc per Jacobum Gray et Petrum Dalrympill occupatarum ac etiam insule vulgariter lie Braid Inche ex occidentali boreali partibus sylue de Inchecheviot bondate ex parte orientali iuste et linialiter ex occidentali parte de lie mekle Inchenalay iuste ascendendo ad lie Braid Gait dicte sylue que ducitur ad terras de Wodend ex parte australi et etiam lie dyk terrarum de Wodend descendendo ad lie Poll ex occidentali et dictam lie Poll ex boreali partibus necnon quatuor pratorum vulgariter eistir et wastir Cammagis litill et mekle Inchenalais ac etiam morarum et marresiarum vocatarum Abbatis Mos de Souttartoun ac etiam Sanct Annis Mos necnon horrei torralis bostaris et vstrini cum domibus eorundem vulgariter maltbarn kilhous

¹ Dorso—The Acquittance of Dene Williame Ruthuen grauntar of Incheffra.

couble and housis pertaiuing to the samin ac etiam hortorum subscriptorum videlicet horti communis olim occupati per Finlaum Baxtar horti olim occupati per Johannem Toddy horti occupati per Paulum Cunyughame horti occupati per Alexandrum Murray hortorum occupatorum per Thomam Gardner Willelmum Kelt Jacobum Rannaldsoun Patricium Murray Johannem Home Robertum Kerr Willelmum Ruthuen Georgium Spens ac horti vocati Abbatis Zaird et lie Hors ward cum graminibus totius loci de Inchecheffray vulgariter the gers of the place cum domibus et edificiis eiusdem loci cum lie Poll et stagnis eiusdem Neenon totarum et integrarum triginta solidarum terrarum prope finem sylue de Iuchecheviot cum pertinentiis ac totius et integre illius pecie terre vocate lie Rone vna cum decimis garbalibus omuium et singularum predictarum terrarum que nunquam a trunco seperari solebant iacentium infra dominium de Maderdy baroniam de Cardny et vicecomitatum de Perth Et ibidem Hercules Lindsay actor natus et eo nomine dicti nobilis domini et domine de cuius litere actor nati potestate mihi notario publico subscripto luculeter constabat presentauit et deliberauit dicto Jacobo Drummoud balliuo antedicto quaudam cartam preceptum sasine in se continentem dicti commendatarii et conuentus de omnibus et singulis prenomiatis terris aliisque in ordine prescripto pergameno scriptam sigillo communi dicti loci ac subscriptionibus manualibus dicti commendatarii et conuentus sigillatam et subscriptam humiliter requirens dictum balliuum pro executione eiusdem fienda Qui vero balliuus dictam cartam preceptum sasine in se continentem a dicto Hercule actor nato antedicto recepit et mihi notario publico subscripto tradidit vt huiusmodi preceptum legerem et in vulgari exponerem cuius tenor sub hac verborum sequitur forma: Vobis igitur Jacobo Drummond in Douery

nostris in hac parte coniunctim

et diuisim balliuus precipimus et firmiter mandamus quatenus visis presentibus indilate statum sasinam et possessionem hereditariam omnium predictarum terrarum nostrarum cum decimis garbalibus earundem domorum hortorum insule vulgo lie Braid Inche pratorum marresiarum et morarum horrei borealis bostaris vstrini domorum earundem ac aliorum hortorum cum arboribus in eisdem crescentibus ac terrarum prope finem sylue nostre de Inchecheviot vulgo Wodend ac pecie terre nostre vocate lie Ron cum decimis garbalibus eiusdem cum arboribus in eadem crescentibus nominatim et singillatim in ordine prescripto cum omnibus et singulis suis priuilegiis seruiciis areagiis careagiis deuoriis et singulis pertinentiis quibuscuque prenomiatis Dauidi domino Drummond et Lilie Ruthucu eius sponse ac eorum alteri diuitius viuenti in coniuncta infeodatione vel suis certis actor natis presentium latoribus seu latori per terre et lapidis traditionem super fundum earundem tradatis deliberctis et iuste haberi faciatis et hoc nullo modo onittatis iuxta et secundum formam viui tenorem et continueutiam presentis carte nostre ad quod faciendum vobis balliuus nostris antedictis et vestrum cuilibet coniunctim et diuisim nostram puram liberam et omnimodam tenore presentium committimus potestatem Insuper volumus et ordinamus pro nobis et successoribus nostris nunc ac pro omnibus temporibus futuris quod vnica sasina tantum per dictum Dauidem dominum

Drummond et Liliam Ruthuen eius sponsam super fundo siue solo dictarum septem acrarum terrarum cum dimedia acre et lie rude terre capienda erit sufficiens et valida sasina pro omnibus et singulis suprascriptis acris terris cum decimis garbalibus earundem Insula vulgo Braid Inche pratis marresiiis moris horreo bostari vstrino domibus corundem hortis cum arboribus in eisdem crescentibus Terris vulgo vocatis Wodeud et lie Petie terre vulgo Rou [vel Ron] cum decimis garbalibus eiusdem et arboribus in eadem crescentibus singulisque suis seruitiis areagiis careagiis et priuelegiis nominatim et singillatim in ordine vt prescribitur respectiue cum pertinentiis absque alia aliqua speciali seu particulari sasiua de eisdem aut aliqua parte earundem desuper amplius infuturum capicuda non obstante quod nou contigue adiacent simul: In cuius rei testimonium huic presenti carte nostre preceptum sasine in se continenti manibus nostris subscripte sigillum commune capituli uostri est appensum apud idem nostrum monasterium Insule missarum decimo octauo die mensis Februarii anno Domini millesimo quingentesimo sexagesimo quarto coram his testibus Patricio Bischope, Hercule Lindsay, Patricio Murray de Newraw, Roberto Rollok, et Francisco Home notariis: Post cuiusquidem precepti sasine perlecturam publicationem et expositionem prefatus Jacobus Drummond balliuus antedictus virtute et vigore eiusdem statum sasinarum coniunctam et possessionem hereditariam realem actualem et corporalem dictarum septem acrarum terrarum cum dimedia acre et lie rude terre cum decimis garbalibus earundem Insule vulgo Braid Iuche pratorum marresiarum morarum horrei bostaris vstrini domorum eorundem hortorum cum arboribus in eisdem crescentibus terrarum vulgo vocatarum Wodend et lie Petie terre vulgo lie Rou cum decimis garbalibus eiusdem et arboribus in eadem crescentibus singulis suis seruitiis areagiis careagiis et priuelegiis nominatim et singillatim in ordine vt prescribitur respectiue cum pertiuentiis dicto Herculi Lindsay actornato dicti Dauidis Domini Drummond et Lilie Ruthuen eius sponse et eorum nomiibus per traditiouem et deliberatiouem terre et lapidis fundi earundem terrarum vt moris est secundum formam et tenorem prefati sasine precepti sibi balliuo desuper directi exhibuit tradidit contulit douauit pariter et deliberauit: Super quibus omnibus et singulis prefatus Hercules actornatus antedictus nominibus dictorum Dauidis domini Drummond et Lilie Ruthuen eius sponse a me notario publico subscripto sibi fieri petiit vnum seu plura publicum seu publica instrumentum siue instrumenta: Acta erant hec super fundo dictarum septem acrarum terrarum horam circiter decimam ante meridiem sub anno die mense et regno quibus supra presentibus ibidem discretis viris Thoma Olyphaut de Freland, Patricio Murray de New Raw, Patricio Bisschope, Thoma Brown, Georgio Drummond ganitore et Johanne Burn seruis dicti nobilis domini testibus ad premissa vocatis et requisitis.

Et ego vero Franciscus Home clericus Sancti Andree diocesis publicus auctoritate apostolica notarius Quia [etc., in forma communi.]

cl. B. 1393.

133. PROCEEDINGS IN ARBITRATION relative to the disputed Moss and Marches of Gask and Arquhailze—LAURENCE MASTER OF OLIPHANT against GEORGE OLIPHANT of Arquhailze. July 10, 1564.

Williame Quhyte in the Crofte of Corivachter svorne admittit deponis that he neuer knew in tymis bypaste ony propertie of mertchis and meithis betuix the Landis of the Barrony of Gask and Arquhailze bot allanerlie the same ves wsit in comwntie anent the pastnring of thair beastis and gudeis without pointing of ony of the saidis landis maid be ony of the perteis tennentis And als knew the tennentis of Clottimoor nocht farrar castand thaire peittis nor thay cast instantlie And sicklyk sawe the tennentis of Arquhailze castand thair petis fra the merche of Mekffene one the east to the vest nwik of the said mosse as the auld peit pottis ar instantlie at the alioun syde.

Matthew Quhytok in Mckvene ætatis iii^{xx} yeiris admittit deponis he knew nener ony propertie betuix the landis of Arquhailze nor the landis of Gask bot the samin wsit be the tennentis in pastnring of thair gnddis comwntie nor neuer saw the tenentis of Gask forthar castand nor thay do instantlie and the samine moss was callit the moss of Arquhailzie the Lang Latche and kennis na farthar thing.

James Cuthbarde deponit tninging the pasturing aboue specifeit the same vas wsit as the comwntie as to the peittis casting he knawis nocht nor na vther thing.

Jhone Selcrar deponis he kennis na farthar of the moss and merchis aboue specifeit except he hard the tennentis of Arquhailze say that the moss betuix the saidis landis perteinis to the tennentis of Arquhailze to the Blak Latche And als quhene the tennentis guids of Clettimore come ouire the bog the hirdis of Arquhailze vold chasse thame away.

Williame Merteine in Kowgask of iii^{xx} yeiris with the mair deponis in all thingis conforme to Villiame Quhyte.

Robert Black l yeiris deponis that the bog of Arquhailze and the moss is callit of Arquhailze and neuer impedymnt maid to thame in wsing thairof.

Androwe Cuthbart xl yeiris deponis conforme in omnibus to Villiame Quhyt the first vitnes.

William Harwie of liii yeiris deponis that the bog and the moss perteinis to Arquhailze and saw oft thair the guddis of Cletthiemoore poindit and chasit furth of the bog to the Blak Latche and na vther thing knawis.

Thomas Cuthbard annornm lx and xiii yeiris deponis to William Quhyt in omnibus.

Patrik Donaldsone of l yeiris deponis that the bog and the moss as he knawis is propertie to Arquhailze to the Blak Latche and als that the gudis of Ross vald emme owire to the said bog and the tennentis vald call thame away.

William Donaldsone of l yeiris deponis in omnibus conforme to Villiam Quhyt the first vitnes.

James Boyis annorum ætatis l deponis that he knawis the tennentis of

134. EXCERPTS from LETTERS of FOUR FORMS in favour of JOHN (SINCLAIR)
BISHOP OF BRECHIN, and against his TENANTS. January 13, 1566.

Henrie and Marie be the grace of God kyng and queue of Scottis To our
louittis Alexauder Oliphant Albany herauld Alexander Jamesoun

Messingeris our Schireffis in that pairt coniunctlie and
seueralie specialie constitut greting Forsamekill as yt is hwmelie merit and
schawiu to ws be aue reuerend faither and traist counsalour Johne Bischope of
Brechin president and ane of the senatouris off our college of Justice¹ That quhair
it plesit ws the Queuis Maiestie the tyme we war iu France to dispone to the said
reuerend father the said bischoprik of Brechiu than beand vacand and to that
effect directit our lettres suplicatoris to the Court of Rome in faworis of him our
elect and nominat to the said bischoprik for deu provisioun thair of to be maid be
the Papis halines to him And now the said reuerend father hes obtenit the samyn
provisioun apostolic of the said bischoprik at our instance and supplicatioun quhilke
alsua is dewlie jntinat to ws admittit and apprevit be ws with speciall command to
ony thre or four of the lordis of our counsaile to gif our lettres in the four formes
to the said reuerand father vpoun his said provisioun as our vtheris lettres thair-
upone schawin to the saidis lordis of our counsaile mair fullelie proportis Quhairfoir
necessar it is to the said reuerend father to haiff lettres and executoriales of the
saidis lordis of our counsaile to caus him to be answerit off the said bischoprik in
spiritualite and temporalite aud of all and syudrie thiugis belanging and apper-
tenyng thairto in cais ony persone wald preswue to mak jnmpediment or obstakill
to the samyn Our will is heirfoir and we charge yow straitlie aud commandis that
jncontinent thir our lettres sene ye pas in our name and autorite coummand aud
charge all aud syudrie fewaris fermoraris tennantis takismen cottaris occupiaris
haifaris withhaldaris and jutromettoris quhatsumevir with landis towris howsis
mansioues mylnis mwlturis fischings kirkis teindis alsweill of parsonagis as vicaragis
frutis reutis males fermes emolumentis proffeitis and dewteis quhatsumeuir alsweill
off the temporalite as spiritualite pertenyug or conceruyng the said bischoprik and
vtheris quhatsumeuir addettit for payment thair off and obeyiug to the said
reuerend father of all and syndrie the premissis euerie ane for thair awin partis
respective in generall and als be thair uames in speciall as thai sal be requirit that
thai aud jlk aue of tham reddilie aussuer intend and obey to the said reuerend
father as Bischope forsaid his chalmerlouis granataris factoris procuratoris aud
seruandis iu his name jnduring his lyftyme aud to nane vtheris of all aud syndrie
the premissis and that thai nor uave of thaim oppinlie uor priuatlie directlie nor
indirectlie be tham selffis or vtheris be quhatsumeuir colour procure or caus be

¹ It was this dignitary who, a few months pre-
viously, July 29, 1565, performed the marriage
ceremony of Queen Mary and Henry Darnley, in

the royal chapel of Holyrood. He died in the
month of April, 1566.—Keith.

maid ony stop trubill or impediment to the said reuerend father his chalmerlanis factoris or seruandis in his name in the peceabill bruking joising and posseding of the said bischoprik towris mansiones dwelling places thairof jntrometing or vptaking of the mailes fermes teindis frutis rentis deweteis and proffeitis perteneng to the samyn alsweill throw the temporalitie as spiritualitie thairof and alluterlie decist and ceiss thairfra Quhairthrow the said reuerend father his chalmerlanis factoris and seruandis in his name may peceabilie jntromett jois and bruke the said bischoprik with all and syndrie the premissis conforme to his provisioun forsaid and to justice within xlvij houris nixt eftir thai be chargit to yow thairto vndir all hieast pane and charge that eftir may follow The quhilkis xlvij houris being bypast and the foirsaidis fewaris fermoraris tennantis takismen cottaris occupiaris haiffaris withhaldaris intrometoris and vtheris aboue specifeit or ony of thaim disobeyand That ye charge thaim [here follows warrant to charge in other three forms]. The quhilk to do we committ to yow coniunctlie and seueralie our full power be thir our lettres deliuering thaim be yow dewlie execut and jndorsat agane to the berar Gevin vndir Signett at Edinburgh the xiiij day off Januar and off our Regnes the first and xxiiij yeiris. Ex deliberatione Dominorum Consilii etc.¹

135. WARRANTS by the KING and QUEEN in COUNCIL concerning the Transportation of Timber for Purposes of War, from Kincardine, Aberruthven, Aberdady, and Moncrieff. April 12 and July 24, 1566.

The king and quenis maiesteis considdering how honorabill and commodious it is to haif thair strenthis castellis and forteressis garnischit and weill furneist with Artailzearie and necessar mvnitioun quhilk seruis to na vse gif it be nocht montit and dewlie acowterit and put in gude ordour This movit thair maiesteis to vesie and considdir thair hienesses ordinance of the quhilk ane large part wanting convenient furniteur thair hienesses for reparatioun of that elest be avyise of thair Counsall commandit all thing quhilk wes fallin in decay to be amendit and bet And for the tyme na tymmer meit for that purpois being within the realme thair graces wrait to diuerse nobillmen and vtheris quhilkis had greit tymmer in thair woddis and orchardis to answer thair seruitour Johnne Cheischolme Comptrollar of the Artailzearie of sic pairt of the samyn tymmer as he sould think ganand for the effect abone writtin According to the quhilk thair maiesties plesour this last winter certane tymmer wes cuttit at Kincardin Abiruthuen Abirdagy and Moncreif quhilk is now reddie to be put in werk and necessarlie mon be careit and transportit fra the places quhair the samyn presentlie lye to the mowth of the wattir of Erne quhilk mon be performit be the gentilmen and inhabitantis of the cuntre of

¹ Haigh Hall, Earl of Crawford's, Muniment Room. Dorso—Copie of the Bischop of Brechin's 4 formes against dam Kath Campbel anent Fairwel. On the 19th January, 1566, other Letters

of Four Forms in the same terms occur, and indorsed thus—Copie of the Bischop of Brechin's lettris of horning againis my Lady Crauford for delyuering of the place of Farnwell.



Stratherne and the vtheris partis of the scherefdom of Perth nixt adiacent according to the quantitie and distance of the cariage and the extent of the landis For the quhilk purpos thair maiesteis hes directit thair said Comptrollar of Artailzearie to se the said tymmer careit and schippit and hes willit him be the avyse of Williame Erle of Montroise and Daudid Lord Drummond or ayther of thame to devyde the cariage of the said tymmer amangis the hail cuntre at their discretioun And albeit thair hienesses doubtis nocht bot euerie nobillman gentilman and yeman will voluntary and with glaid will obey safar as in this ressonabill desire thair salbe demandit yit to the effect that all men (as resson wald) beir equall burding in sic a commoun caus thair maiesteis ordanis lettres to be direct to officiaris of armes chargeing thame to pas and in thair hienesses name and autoritie command and charge all and sindry erlis lordis baronis frehaldaris landit men gentilmen tenentis and occupiaris of landis quhatsumeuir within the saidis boundis or ony pairt thair of quhais names togiddir with the quantitie of oxin tyme and place salbe appointit and gevin in bill subscriuit be the said Comptrollar of Artailzearie to convene and send thair saidis oxin with sowmes cheittis and all vtheris necessaris to the places particularie to be nominit at the dayis assignat thairto ressaue and carie the tymmer watter of Erne vnder the pane for ilk ox that sall nocht be send at the tyme and place appointit xx s And gif thair failze thairin that incontinent thaireftir the officiaris executowris heirof poind and distrenze the dissobeyaris for the said pane and thairwitht that the said Comptrollar hyre oxin or hors with all gudelie diligence swa that alwayis the tymmer be cariit and na delay vsit thairin as he will ansuer vpoun his charge and perrell.

July 24, 1566.—This last winter certane tymer wes cutit at Kincardin Abiruthwen Abirdagy and Moncreiff quhilk is alreddic transportit thairfra to the watter of Tay be the gentilmen and inhabitantis of the cuntre and frathyne is carriit to the hevin and port of Leyth at the coistis and expense of the Burrowis of Perth and Dundee And now the samyn tymmer restis to be carriit fra Leyth to the Castell of Ediuburgh quhair it mon be labourit and put in werk ffor the quhilk purpos thair Maiesteis hes commandit thair said Comptrollar to mak the said tymmer be haistelic cariit and that thair traist cousing and counsalour James Erle Bothwell Lord Halis Creychtoun scherriff principall of Edinburgh and his deputtis devyde the cariage of the said tymmer amangis the inhabitantis of the scherrifdoms of Edinburgh principall within the constabularie of Hadingtoun and Linlythgow at thair discretion And albeit thair hienesses doubtis nocht bot euerie nobill man gentilman and yeman will voluntarie and with glaid will obey safer as thair salbe demandit in this sa neidfull a caus yit neuirtheles to the effect that all men as resson wald beir equall burding Thairfoir ordanis lettres to be direct chargeing all and sindry erlis lordis baronis frehaldaris landitmen gentilmen tenentis and occupiaris of landis quhatsumeuir within the saidis boundis or ony part thair of quhais names togiddir with the quantitie of oxin tyme and place salbe appointit and gevin in bill subscriuit be the said Comptrollar of Artailzearie to convene

and send thair saidis oxin with sowmis cheittis and all vther necessaris to the toun and schoir of Leyth at the dayis assignit thair to ressaue and carie the tymmer quhilk for thair part salbe deliuerit to thame frathyne to the Castell of Edinburgh vndir the pane for ilk ox that sall nocht be send at the tyme and place appointit of xx s And gif they failze thairin that the officiaris incontinent thaireftir point and distrenze the dissobeyaris for the said payne and thairwith that the said Comptrollar hyre oxin or hors with all gudlie diligence swa that always the tymmer be carriit and na delay vsit thairin as he will answer vpoun his charge and perrell.¹

Ch. B. 1395.

136. COMMISSION under the GREAT SEAL in favour of LAURENCE LORD OLIPHANT, of the office of Justiciary within the bounds of the Abbey of Inchaffray and his own Lands. May 8, 1566.²

Henricus et Maria Dei gracia rex et regina Scotorum omnibus probis hominibus suis ad quos presentes litere peruenerint salutem: Noueritis quod informamur quod diuerse sunt persone commorantes frequentantes et reparantes intra bondas terrarum spaciorem et possessionum que quondam consanguineo nostro Laurentio Domino Oliphant pertinuerunt et jam quondam consanguineo nostro Laurentio nunc Domino Oliphant tanquam filio et heredi dicto quondam consanguineo nostro pertinentium iacentium infra vicecomitatum nostrum de Perth ac etiam infra terras bondas et possessiones Abbacie Monasterii nostri Insule Missarum vulgo Inchecheffray appellati pertinentes cuius dictus noster consanguineus hereditarius balliuis existit que commune furtum furti receptionem extrapositionem et furtorum ac furum furtiuo more importationem commiserunt et indies committunt oppressionem vulgo dictam sornying et oppressorum receptionem etiam committunt et absque punitione per acutum ordinem iusticie ad huiusmodi abstrahi nequeunt Fecimus igitur constituimus et ordinamus facimusque constituimus et ordinamus per presentes dictum nostrum consanguineum Laurentium Dominum Oliphant nostrum iusticiarium in hac parte ad effectum subscriptum dantes et concedentes ac committentes illi nostram plenam potestatem speciale mandatum expressum preceptum atque onerationem Andream Murray Johannem Murfay fratrem dicti Andree Gildone et M^cKintoische in manibus captos pro furto receptione furti et oppressione vt premittitur vulgariter dictis sornyng cum omnibus et singulis personis intra bondas terrarum bondarum et possessionum supra specificatarum aut ullam partem earundem commorantibus frequentantibus et reparantibus de criminibus supra expressatis seu quocunque illorum dilatis vel suspectis siue dilatari suspectosve fore contigerint [sic] capiendi apprehendendi in captiuitate ponendi et detinendi ac quousque iusticia super ipsis pro iisdem

¹ Registrum Secreti Consilii.

² Dorso—Commissione to the l. Oliphant for taking and punishing theines.

ministrari poterit incarcerandi curiam siue curias nostre iusticiarie ad hunc effectum necessarias infra bondas predictas apud quascunque partes et loca quotiesque ipsi expediens visum fuerit statuendi inchoandi affirmandi tenendi ac quotiescunque opus fuerit continuandi sectas vocari faciendi absentes americiandi exitus americiamenta et eschaetas dictarum curiarum petendi leuandi et excitandi ac pro iisdem si necesse fuerit namandi et distringendi suoque proprio vsui suis pro laboribus applicandi personas prenominate omnesque et singulas personas dilatas seu dilatari aut suspectas de predictis criminibus vel ullo eorum esse contigerint coram prelibato iusticiario nostro in hac parte in iisdem curiis vocandi et per indictamentum accusandi necnon eas ad cognitionem assize siue assizarum pro iisdem ponendi et prout culpabiles seu innocentes de criminibus predictis inuenti fuerint iusticiam super iis legibus et consuetudini huius nostri regni conformiter ministrandi aut ministrari causandi assisas necessarias quotiens dicto nostro iusticiario in hac parte expedire videbitur de melioribus et probis personis infra bondas prescriptas et vicecomitatum nostrum de Perth commorantibus ac quatuor vicecomitatuum eidem propinquius adjacentium ad sufficientem numerum personarum minime suspectarum veritatem clarius cognoscendam ad comparandum coram prefato nostro iusticiario seu eius deputatis quibuscunque diebus vel locis ipsis assignandis per eos ad accedendum super assisa predicta sub pena quadraginta librarum de qualibet persona non comparente summonendi premuniendi eligendi et curari causandi deputatos sub eo in dicto officio cum clericis seriandis iudicatoribus omnibusque aliis officiariis et membris dictarum curiarum necessariis faciendi creandi substituendi et ordinandi ac similiter iurari causandi pro quibus respondere tenebitur et casu quo quicunque lie sornaris oppressoresve crimina oppressiones lie sornyng vel manufortium rapinarum imposterum committere intra bondas suprascriptas contigerint atque post eorum commissionem extra bondas prescriptas ad alias bondas fugerint cum potestate dicto nostro iusticiario in hac parte et suis deputatis dictos lie sornaris et oppressores vlllo tempore infra viginti quatuor horas proxime post commissionem huiusmodi vbicunque ipsi apprehendi poterint consurgendi insequendi et persequendi capiendique et reportandi intra suam iurisdictionem supradictam et si opus fuerit conuocationem et congregationem nostrorum ligeorum ad hunc effectum faciendi et generaliter omnia alia et singula faciendi exercendi et vtendi que in premissis et circa ea necessaria fuerint seu quouismodo opportuna: Ratum et gratum habentes et habituri totum et quicquid prenominati nostri iusticiarius in hac parte sui deputati officarii et ministri in premissis rite duxerit seu duxerint faciendum Quare vniuersis et singulis quorum interest vel interesse poterit stricte precipimus et mandamus quatenus prenominato nostro iusticiario in hac parte suisque deputatis officiariis et ministris in omnibus et singulis premissa tangentibus prompte respondeant pareant et intendant sub omni pena que competere poterit in hac parte presentibus pro spacio vnus anni proximo futuri post datam presentium et vltorius durantibus nostris voluntate et beneplacito ac semper et quousque huiusmodi per nos in speciale exonerate fuerint duraturis: Datum

sub testimonio nostri magni sigilli apud Edinburgh octauo die mensis Maii anno Domini millesimo quingentesimo sexagesimo sexto et regnorum nostrorum annis primo et vicesimo quarto.

Per signaturam manibus S. D. N. Regis et
Regine, subscriptam.¹

137. CONTRACT between LAURENCE LORD OLIPHANT and THOMAS LYNE of Pitmady, relative to the Lands of Blaeberriehill and Fernieknows, in the Parish of Dunning. July 21, 1566.

At Duplin the xxj day of Julij the yeir of God j^m v^c lx sax yeiris It is finallie appointtit and aggreit betuix ane honourabill and nichtie lord Lawrence Lord Oliphant on that ane parte and Thomas Lyne of Petmady on that vther parte in this maner as followis That is to say ffor samekill as the said Thomas confessis him to haue sauld and annaleit to the said Lawrence Lord Oliphant his airis and assignas all^e and hail his landis callit the Bleberriehill and Ferneknowis and thair pertinentis lyand within the parochin of Doning and shirrefdome of Perth to be haldin of him self blenche for ane penny gif it be askit and ane vther chairtour to be haldin of our souerane lord and lady and thair successouris for seruice vsit and wount lyk as at mair lenth is contenit in the evidentis maid therypone and that for the sowme of aucht hundereth merkis money pcyit and deliuerit be the said Lawrence Lord Oliphant to the said Thomas Lyne at the making of thir presentis Heirfoir the said Thomas Lyne hes bundin and oblist him his airis executoris assignais and successouris to warrand the saidis landis with thair pertinentis frie to the said Lawrence Lord Oliphant his airis and assignais fra all ward releif nonenteres coniuncties afoir seisingis lyferentis reecognitiones lang takis assedationes purpursiones or ony vther actiones that may happen vpone the saidis landis or ony parte therof for ony caus by gane or to cum conforme to the charteris and vther infestmentis and nochtwithstanding the saidis infestmentis sua maid the said Lawrence Lord Oliphant hes bundin and oblist him his airis and assignais to content and pey yeirlie to the said Thomas Lyne his airis or assignais the sowme of

¹ On the back of this charter there is the following minute:—Curia Iusticiarie S. D. N. regis et regine tentain pretorio de Edinburgh decimo quinto die mensis Maii anno Domini millesimo quingentesimo sexagesimo sexto per nobilem et potentem dominum Archihaldum Comitem Ergadie dominum Campbell et Lorne Justiciarium Generalem dictorum S. D. N. regis et regine totius regni eorundem vtilibet constitutum curia affirmata.—The quhill day comperit in presens of the said Justice principale Laurence Lord Oliphant and incoutinent eftir the presentatioun of this Commission to him be the said Justice he acceptit the samin and

office of Justiciarie contenit thairin and he his grit aytht the Halie Ewangelis tuicheit said and promittit that he suld lelelie and trewlie minister in the said office in the accionis and caussis within specifeit conforme to the feouour of this Commission in all poyntis during the tyme thairof as he will anser to God and onre Souerannis Lord and Ladye thairupoun: And vpoun the said acceptatioun and aytht geving the said Lord Oliphant askit ane Aner and Instrement of me notar publick and scrihe of the said court.—Ita est Jacobus Bannatyne notarius publicus et scriha dicte curie.

fourtie shillings at tua termes in the yeir Witsounday and Mertymes in winter be equall portiones for the saidis landis of Ferneknowis ay and quhill the lauchfull redemption of the samyn be vertew of the reversioun to be maid thairvpone be the said lord with nyntene yeiris takis efter the redemption for the yeirlye peyment of tuentie pundis bayth for the landis of Ferneknowis and Bleberrihill nochtwithstanding the samyne be no infest in the said infestment Attour it salbe lesum to the said Thomas his airis and successouris to win ane awytene furth of the saidis landis of Bleberrihill yeirlye quhill the lauchfull redemption and thereafter during the said space of nyntene yeiris of the assedatioun during efter the lauchfull redemption of the samyne landis tuentie ane dargis of pettis and twruis for his awin hous and his cottaris allanerlie That is to say tuelf dargis of pettis and nyne darkis of turves in the maist competent place bayth for peittis and turvis nocht hortable to the grwnd nor pasturing therof and the saidis to be win and cassin vpone ane forrett for the weill of the grund quhair thai may be wyn Attour the said noble Lord in cais he obtene confirmatioun of our souerane and lady vpone the saidis landis he his airis or assignais sall obtene ane sufficient letre of regres to the said Thomas Lyne his airis or assignais in competent forme And for fulfilling of all and sindrie the premissis bayth the saidis parteis hes bundin and oblist thame faythfullie for thame thair airis and assignais and are content and consentis that thir presentis be insert and registrat in the buikis of our souerane lord and ladeis counsale and the same to haue the effect of ane act and decreit of the saidis Lordis with letteris to raise thairvpone in forme as efferis at the will of the partie desyrand And to that effect hes namit and constitute Mr. Robert Crychtoun, Thomas McAlzeane, Edmond Hay, and Richard Strang, thair procuraturis coniunctlie and seuerallie and also consentis thir presentis be registrat in the Shireffis buikis of Perth And to that effect thai haue nemmit and constitute Thomas Burrell, William Ramsay, Alexander Blair, in lyk maner ther procuraturis coniunctlie and seueralie obliissand thame to hald ferme and stable quhat thai or ony of thame lauchfullie dois in the premissis to be extendit in vberiori forma be the noter vnderwrittin gif mister be In witness heirof bayth the parteis hes subscrivit thir presentis yeir day and place foirsaidis befoir thir witness, James Herring of Ballindonen, Petir Cochran in Inchira, Alexander Trumpat, Robert Scrimgeour servand to the said Petir Cochran, and Richard Blancrag in Petmady, with vtheris dyuerse.

LAURENCE LORD OLIPHANT.

THOMAS LYNE of Petmady with my hand at
the pen led be Walter Ramsay noter.

Ita est WALTERUS RAMSAY notarius publicus de speciali mandato dicti nobilis domini Lawrencii et Thome manu propria.

138. REDUCTION of an ARRESTMENT procured by LAURENCE BRUCE of Colpmalindie and his TENANTS against LAURENCE MASTER OF OLIPHANT and Others. January 26, 1566.

Henrie and Marie be the graice of God king and quene of Scottis To oure louittis Robert Symsons alias Gleok, Alexander Oliphant albany herauld, Messingairs, oure Schireffis in that part coniunctlie and seueralie specialie constitut greting Forsamekle as it is humlie menit and schewin to ws be oure louitt Laurence Maister of Oliphant, Peter Oliphant, Williame Oliphant elder, Williame Oliphant younger, Jhone Myllar in the eister Manss of Abirdagie, Thomas Keir thair, Thomas thair, Walter Keir, Alexander Myllar, Alexander Mertyne Officiar, Andro Freiskyn in Plwthymoir [sic] and Williame Young thair, that quhair Laurence Bruce of Colpmalindie and his tennentis of the landis of Wester Colpmalindie allegeand that thai vpoun the xxij day of September lastlypast came to the saidis landis of Wester Colpmalindie liand withein oure schirefdome of Perth and thair eitt and destroyitt certane cornis allegitt pertening to thame quhairvpoun thai rasitt summondis of recent spoilzie and that the saidis complineris intenditt to sell and dispone thair landis and guddis in defraud of thame quhilk is nocht of veretie hes obtenitt vtheris oure letteris be deliuerance of the Lordis of oure Consale and tharwith hes causitt seis and arreist all and siudrie thair cornis cattell and guddis to remane vudir arreistment at thair instance ay and quhill sufficient cautioun and souertie be fundin that the samyn salbe furth cumand to thame as accordis vpoun the law and albeitt the saidis complineris ar reddy to find the said cautioun Nochttheles the saidis persouis will nocht cousent the said arreistment be lowsitt thairvpoun to the saidis complineris greitt skaithe Oure Will is thairfore and we charge you straitlie and commandis that incontinent thir oure letteris seine ye pas and iu oure name and auctorate command and charge the said Officiar makar of the said arreistment vpoun the saidis complineris cornis cattell and guddis in maner forsaid to lowiss the samiu agane thai findand sufficient cautiouu and souertie to him that the samin salbe furthcumand to the saidis persones as accordis vpoun the law Quhilk gif he refusis to do or can nocht be apprehenditt to be chagitt that ye in our saidis name and auctoritie lowiss the said arreistment takand cautioun of the said complineris thairfore as saidis Aud howoft ony sik arreistment beis maid tharvpoun in tyme cuming that ye lowiss the samin alss oft cautioun being anis fundin be the saidis complineris tharfore as saidis sua that this arreistment be nocht maid be vertew of ane decreitt and iustice as ye will ansuer to ws thairvpoun The quhilk to do we committ to yow coniunctlie and seueralie oure full powar be thir our letteris deliuering thame to yow dewlie execut and indorsatt agane to the berare Gevin vudir oure Signett at Ediuburcht the xxvj day of Januar and of oure regnes the first and xxiiij yeir.

C B 2059 A

139. LETTERS OF PROTECTION by JAMES THE SIXTH, in favour of WILLIAM OLIPHANT of Newton, and against WILLIAM LORD RUTHVEN, PATRICK MURRAY of Tibbermure, and Others. July 27, 1567.

James be the grace of God king of Scottis to oure louittis Alexander Oliphant albanye herauld oure Schiriffis in that pairt coniunctie and seueralie specialie constitute greting Forsamekill as it is hummie meinit and sehewin to ws be our louit Williame Oliphant of Newtown that quhair oure eousing Williame Lord Ruthven, Patrik Murray of Tibbermure, Thomas Monypenny, Williame Flemyng, and Walter Pyper, burgessis of oure burght of Peirt and certane vthiris personis in cumpanye with thame upoun the xxj day of Julij instant spulzeit and tuke fra the said William Oliphant¹ furth of ane foir sellare pertening to James Brusoun within oure said burgh of Peirt certane vittal with gold siluer and vthir geir pertening to the said Williame Oliphant being for the tyme in the said sellare and thai knawand perfittie that the said complener will persew thame thairfoir and obtene decrete aganis thame thairupoun thai dailie sellis annaleis disponis and puttis away thair landis heretagis cornes cattale and guidis in defraude of the said complener thair craditour tending thairthrow to frustrate him alluterlie anent the fulfilling of the said decrete efter the reovering thairof be him vpoun thaim to his grete hurt and skayth and expres aganis iustice gif sua be Oure Will is heirfoir and we charge yow straitlie and commandis that incontinent thir oure lettres sene ye pas and in oure name and auctoritie inhibit and discharge the saidis personis be oppin proclamatoun at the Mercat Croce of oure saide burght

¹ Not long after this the Oliphant possessions underwent the happiest kind of forfeiture that could be wished, William Oliphant being the unhappy cause. The Record hears,—Ane lettre maid with awise of my lord regent to Laurence Oliphant sone and appeirand air to Laurence Lord Oliphant his airis and assignais ane or maa off the gift of the eschete of all guidis movabill and vnmovabill dettis takis steidingis rowmes possessionis actis contractis obligationis decrectis sentences sowmes of money jewellis gold silner cunzeit and vncunzeit coirnis cattell insicht plennessing and vtbiris guidis and geir quhatsumeur quhilk pertent to the said Laurence Lord Oliphant and now pertening or ony wyis salhappin or may pertene to our souerane lord he ressoun of eschete throw being of the said Laurence Lord Oliphant denuncit rebell and put to the horne ffor nou compeirance before my lord regent and lordis of secrete counsale at ane certane day bipast to hane ansuerit to sic thingis as suld hane bene lait to his charge at his cumming

as the lettres direct thairupoun and executioun thairof at lenth beiris or throw heing of the said Lord denuncit rebell and put to the horne for non consigning and deponing of the sowme of foure hundretht pundis money at the instance and to the heluif of William Oliphant as the lettres and executioun thairof direct thairupoun at lenth proportis or throw quhatsumeur vthir caus or occasionis bigane With power etc Providand all wayis that this present gift and dispositioun be nocht hurtfull nor preiudiciall to the gift and dispositioun gevin and grantit of befoir to William Moncreiff appeirand of that ilk of the teindis fruitis and emolumentis of the parroche kirk of Dunbarry and takis thairof fallin in our soueranes handis throu the occasionis aboue expremit and that the samin formar gift remaue in the awin strenth and nature according to the tennour thairof nochtwithstanding this present gift aboue writtin etc. At Striuling the sextene day of Februar the yeir of God j^m v^c lxxvij yeiris.—Registrum Secreti Sigilli, vol. xxxiv. fol. 28.

of Peirt and vthiris places neidfull that thai in na wyse sell annalie wodset dispone nor put away ony of thair landis heretage cornes cattall guidis or geir nor yit mak previc nor publict assignation resignatioun nor dispositioun thairof or of ony pairt of the same to ony of thair bairnis freindis or vthir persone or personis in defraud of the said complener thair craditour And als that ye in oure name and auctoritie command and charge all oure liegis that nane of thame tak vpoun hand to by tak in wodset for lang takis be resignatioun assignatioun or vthir dispositioun fra ony of the saidis personis ony of thair saidis landis heretage cornes cattall or guidis in defraud of the said complener as said is certifeing thame and thai do in the contrare the samin salbe of nane avale according to the law as ye will ansuer to ws thairupoun The quhilk to do we commit to yow coniunctlie aud seueralie oure full power be thir oure lettres deliuering thame be yow dewlie execute and indorsate agane to the berare Gevin vnder oure Signet at Edinburcht the xxvij day of Julij and of oure regnne the first yeir.¹

Ex Deliberatione Dominorum Consilij etc.

140. EXTRACT INSTRUMENT of CONTRACT between LAURENCE LORD OLIPHANT and THOMAS LYNE of Pitmady. June 27, 1571.

In Dei nomine amen: Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno incarnationis Dominice millesimo quingentesimo septuagesimo primo mensis vero Junii die vigesimo septimo anno regni supreni domini nostri regis quarto In mei notarii publici et testium subscriptorum presentia concordatur finaliter inter nobilem dominum Lawrencium Dominum Oliphant ex vna et Thomam Lyne de Petmady ex altera partibus prout sequitur in sequenti contractu eorumdem manibus subscripto cuius contractus tenor sequitur de verbo in verbum:—At Dupling the xxvii day of Junii the yeir of God j^m v^o threscoir ellevin yeiris It is appointit contractit and fuallie aggreit betuix ane nobill and nichtie lord Lawrence Lord Oliphant on that ane parte and Thomas Lyne of Petmady ou the vther parte in mauer and effect as efter follows That is to say that nochtwithstanding the said noble Lord hes in wedsett of the said Thomas Lyne of Petmady all and haill the lands of Bleberrihoill with the pertinentis vnder reuersioun of aucht hundereth merkis money of this realme as at mair leuth is contenit in the evidentis maid thervpone to the said noble Lord be the said Thomas Lyue of Petmady of the dait at Dupling the xxi day of Julij the yeir of God j^m v^o threscoirnyne yeiris Neuertheles it is of new betuix the saidis parteis contractit that the said noble Lord sall gif and presentlie

¹ This is, therefore, one of the earliest documents extant relating to the domestic government of the country in the reign of James the Sixth. He was only a year old, and three days a king. Queen Mary, his unfortunate mother, was a captive, and the whole kingdom in commotion.

deliuer to the said Thomas Lyne of Petmady sall mak gif and deliuer to the said noble Lord [sic] ane sufficient quyttance and discharge of the sowme of xl shillings money as for the males of Ferniknowis with ane sufficient charter and precept of seising of the landis of Bleberrihoill and Ferneknowis with the pertinentis vnder reuersioun to be gevin be the said noble Lord to the said Thomas of the said sowme of ane thousand merkis to be delyuerit be the said Thomas Lyne to the said noble Lord or his Lordship's procuratouris in his name altogidder in ane day and efter the lauchfull redemption heirof ane sufficient Letter of Tak of nyntene yeris to be maid be the said Thomas his airis and assignais to the said noble Lord his airis successouris and assignais for the yeirlye peyment of fourtie merkis money be the said noble Lord his airis successouris or assignais to the said Thomas his airis or assignais allanerlie And als it sall nocht be lesum to the said Thomas to quyt and redeme the foirsaidis landis fra the said noble Lord his airis or assignais hot with his sonnes mariage and tocher allennerlie and that to be within yeir and day eftir the dait heirof and nocht vthirwayis And gif in caice the said Thomas redemis the saidis landis with the pertinentis within yeir and day heireftir in that caice the said noble Lord his airis and assignais to pay to the said Thomas his airis and assignais yeirlye eftir the redemptioun of the samyne the sowme of xiiii merkis money foirsaid at twa termis in the yeir Witsonday and Martimes in winter be equall portiones and this present contract to be extendit in the maist ample forme of contract and instrument that can best be devysit he advyse of men of law And for observing and fulfilling of all and sindrie the premisses bayth the saidis parties hes bund and ohleist thame faythfullie for thame thair airis successouris and assignais and ar content and consentis that thir presentis be insert and registrat in the buikis of our soucrane Lordis counsale and the samyne to haue the effect and strenth of ane act and decret of the Lordis therof to be raisit therupone in forme as effeiris and the saidis Lordis decret to be interponit therto at the will of the partie desyrand and to that effect hes maid constitute and ordanit Maisteris David Borthuik, Richard Strang, Johnne Scherp, Henry Balfour, and Edmond Hay, thair procuratouris coniunctlie and severallie and als consentis thir presentis be insert and registrat in the Shireffis buikis of Perth and to that effect makis constitutis and ordancs Maisteris Richard Strang and Edmond Hey in lyk maner thair procuratouris coniunctlie and seucrallie haldand and for to hald all and quhatsomeuer thingis quhat thai or ony of thame dois in the premisses to be extendit in vberiori forma be the noter vnderwrittin gif mister be with avyse of men of law as is foirsaid concernyng the premisses In wites of the quhilkis bayth the saidis parteis hes subscrivit thir presentis yeir day and place foirsaidis befor thir witnesses Williame Oliphant of Newtoun Sir James Fentoun Dene George Spens portioner of Ballacclone Johnne Masoun burges of Perth Johnne Forret masoun thair William Cuik in Dupling and Andro Mwdy with vtheris dyuersse Sequantur subscriptiones in fine dicti contractus et sunt tales Lawrence Lord Oliphant Thomas Lyne with my hand at the pen led be Walter Ramsay noter George Spens portioner of Tilliclanc with my hand wites in the premisses James Fentoun noter puhlict wites

in the premisses Andro Mwdy with my hand witnes in the premisses Williame Oliphant of Newtoun with my hand Williame Cuik with my hand witnes:— Superquibus omnibus et singulis prenominati nobilis Dominus et Thomas Lyne a me notario publico subscripto petierunt instrumentum seu instrumenta vnum seuplura publicum seu publica Acta erant hec apud Dupling horam circiter tertiam post meridiem presentibus ibidem testibus prescriptis ad premissa vocatis atque requisitis.

Et ego Walterus Ramsay Sancti Andree diocesis publicus auctoritate apostolica notarius ac per Dominos consilij vigore acti parliamenti admissus Quia premissis omnibus et singulis dum sic vt pre-mittitur agerentur [etc., in forma communi].

141. NOTARIAL INSTRUMENT OF ASSIGNATION, by THOMAS LYNE of Pitmady, in favour of LAURENCE LORD OLIPHANT. July 16, 1571.

In Dei nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnationis Dominice millesimo quingentesimo septuagesimo primo mensis vero Julij die decimo sexto Indictione decima quarta regni supremi Domini tui Jacobi sexti regis Scotorum anno quarto In mei notarij publici et testium subscriptorum presentia comperit personalie Thomas Lyne of Pitmady in presens of nottar and witnesses vnderwrittin vncoactit or seducit of his awin fre proper motive will for gud deidis to him be ane noble and mychtie lord Laurence Lord Oliphant and for certen gret sowmes of money peyit and deliuerit to him be the said noble Lord to his vtilitie and profet at this dait present as he confessit and vtheris resonable causes moveing him for the tyme to have maid constitute ordanit and be the tennour heirof makis constitutis and ordanes the said noble lord Lawrence Lord Oliphant his airis and assignais his very lauchfull and vndouttit irrevocabill donatouris sessionaris and assignais in and to the letters of reversioun redemptioun relaxing and outquiting contenit thairintill of the fyve bollis victuall of yeirlye anuelrent sawld and annaleit of befoir be the said Thomas Lyne to David Brachty in Balquhendise yeirlye furthcumand of his landis of Pitmady with the pertinentis lyand within the Steuartrie of Stratherne and Schirrefdome of Perth and that fra the handis of the said David Brachty his airis and assignais in wedset to him be the said Thomas contenand the sowme of ane hunderethe merkis money of this realme as the same reversioun at lenthe beiris turneand and transferand all rycht tittle of rycht quhilkis the said Thomas had hes or ony wayis may have in and to the saidis letteris of reuersion redemptioun and outquiting of the said anuelrent be vertew thairof in the persone of the said noble Lord his airis and assignais with full power to the said Lord his airis and assignais to mak premonitioun and warning to the said David Brachtie or vtheris possessour of the said anuelrent of fyve bollis victuall conforme to the said reversioun ferme and stable hauldand and for to hauld all and quhatsumeuer thing the said noble

Lord leidis to be done tuiching the premisses as the said Thomas mycht have done him self befor the dait of this present assignatioun And attour the said Thomas Lyne hes bnnd and oblissit and be the tennour heirof bindis and oblissis him his airis sccessouris and assignais to deliuer to the said noble Lord his airis sccessouris and assignais the said reuersioun in effect snfficient vnrennceit or dischargeit sa that the said redemptioun may follow thairvpoun be the said noble Lord his airis or assignais with all vtheris writtis or securities neidfull for lauchfull redemptioun quhen and qnhat tyme it sall happen the said noble Lord his airis sccessouris assignais or vtheris procuratouris in thair names requiris the samyn reuersioun fra the said Thomas his airis sccessouris or assignais he bindis and oblissis to deliuer the samyn to thame in effect foirsaid And also the said Thomas Lyne of Pitmady for the caussis foirsaidis and haveand respect to his awin weil vtilitie and profit of his house his airis and sccessouris hes bundin and oblist and be the tennour heirof bindis and oblissis him his airis and sccessouris that he sall nocht sell annalie or dispone or ony vtherways for quhatsumener caussis put away or set in lang takis ony of his saidis landis of Pytmady with the pertinentis or ony part thairof to ony persone or personis bot allanerlie to the said noble Lord his airis and sccessouris nor sall mak nane vthir assignais for redemptioun and outquytting of ony of his saidis landis or victuales thairon or ellis wodset bot to the said noble Lord his airis sccessouris and assignais allanerlie Moirouer the said Thomas hes bundin and oblist him his airis and sccessouris or assignais that it sall nocht be lesum to him nor thame to redeme or ontquit be vertew of ony reuersioun fra the said noble Lord his airis sccessouris or assignais of ony wedsettis or victuale of his saidis lands of Pitmady and that ay and quhill the byrun victuales mailes fermes and borrowit money quhilkis he hes borrowit or hapnis to borrow be contentit delynerit and payit to the said noble Lord his airis sccessouris and assignais and thairof hes snspondit and suspendis him simpliciter in that cause thairfra be thir presentis And for observing keping and fulfilling of the present contract to the said noble Lord the said Thomas Lync of Pitmady is content and consentis that the samyne be insert and registrat in the buikis of our soverane Lordis counsale and decernit be decretit of the Lordis thairof to haif the strenthe of thair act and decretit with executoriales of horning pointing or suspensioun to be direct thairvpoun aganes him in forme as effciris and to that effect hes namet constitute and ordanit Maisteris Richert Strang, David Berthuik, John Sharp, Henrie Balfour, John Abererumbie, Robert Cryclitoun, Edmond Hay, and ilkane of thame coniunctlie and seueralie his procuratouris to compeir befor the saidis Lordis quhatsomeuir day or days and ther to consent to the registering of thir presentis ferme and stabill handling all quhatsomeuir his saidis procuratouris coniunctlie and seueralie dois in the premissis as he wer present himself.—Super quibus omnibus et singulis prenomatis dictns Laurentins Dominns Oliphant a me notario publico subscripto sibi fieri pctijt instrumentum seu instrumenta vnum seu plura publicum sen publica: Acta erant hec infra locnm sen maneriam de Duplin horam circiter vndecimam ante meridiem snb anno mense die indictione regnoque quibus supra Presentibus

ibidem Gulielmo Oliphant de Newtoun, Alexandro Oliphant albaine herald, Andrea Gotray in Dalquhoraqwhy et Laurentio Oliphant apparenti herede dieti Gulielmi Oliphant de Newtowne, testibus admissis vocatis et requisitis.

Et ego Thomas Michelsoun alias Few presbyter Sancti Andree dioecesis
[etc., in forma communi].

Ch. B. 1635.

142. CHARTER by WILLIAM LORD RUTHVEN, in favour of HELEN BRUCE, Countess of Erroll, of an Annual Rent of Two Hundred Merks out of the Barony of Cowgask. November 6, 1571.

Omnibus hanc cartam visuris vel audituris Willelmus dominus Ruthuen et Dirriltoun et vicecomes vicecomitatus de Perth salutem in Domino sempiternam: Noueritis me non vi aut metu ductum errore lapsum dolo fraudeue circumuentum sed meis commodo et vtilitate in hac parte visis pensatis et mature consideratis libere vendidisse ac pure venditionis titulo a me et heredibus meis alienasse et hac presenti carta mea confirmasse tenoreque eiusdem vendere alicnare et hac presenti carta mea confirmare dilecte mee Helene Bruce comitisse de Erroll et heredibus suis de corpore suo legitime procreatis seu procreandis quibus deficientibus legitimis et propinquioribus heredibus et assignatis diete Helene quibuscunque vnum annualem redditum ducentarum mercarum vsualis monete regni Scotie annuatim leuandum et percipiendum ad duos anni terminos consuetos festa videlicet Penthicoestes et Sancti Martini in hyeme per equales portiones de totis et integris terris meis barronie mee de Cowgask cum singulis suis pendieulis siluis lie outseitits annexis et pertinentiis suis quibuscunque aut de aliqua parte earundem iacentibus in baronia de eodem infra vicecomitatum de Perth deliberandum annuatim et persoluendum infra burgum eiusdem ad terminos prenotatos pro quadam pecunie summa quam dicta Helena michi pre manibus ad meum singulare commodum integre in pecunia numerata persoluit et in pecunia numerata deliberavit de qua summa pecuniaria teneo me bene contentum et persolutum dictamque Helenam heredes suos executores et assignatos pro me heredibus executoribus et assignatis meis presentis carte mee per tenorem inperpetuum inde quieteclamo et exonero: Tenendum et habendum prefatum annuum redditum ducentarum marcarum monete prediete annuatim vt predictur de predictis terris meis barronie mee de Cowgask cum pertinentiis aut de aliqua parte earundem leuandum et percipiendum diete Helene Bruce et heredibus suis de corpore suo legitime procreatis seu procreandis quibus deficientibus legitimis et propinquioribus heredibus et assignatis diete Helene quibuscunque de me heredibus meis ac successoribus in feodo et hereditate inperpetuum cum libero introitu et exitu plenariaque potestate namandi et distringendi dictas terras et baroniam integram de Cowgask cum pertinentiis seu quascunque alias terras et baronias meas infra hoc regnum seu earundem aliquas partes tam non nominatas quam nominatas tacite vel expresse vt principales

in hac carta contentas absque iudici strepitu bonaque in eisdem respectiue pro tempore existentia abducendi et compreciari faciendi per eorum proprios officarios absque iudici strepitu defectu solutionis et deliberationis dicti annualis redditus ducentarum marcarum monete annuatim et terminatim toties quoties opus fuerit ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ad huiusmodi terras spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre bene et in pace sine retinemento reuocatione contradictione aut obstaculo aliquali et adeo libere in omnibus sicuti aliquis annualis redditus monete infra hoc regnum alicui per aliquem datur venditur seu titulo oneroso alienatur: Reddendo inde annuatim dicta Helena Bruce heredes sui et assignati predicti michi et heredibus meis vnum denarium monete regni Scotie super solo dictarum terrarum in festo Penthicoestes nomine albe firme si petatur tantum pro omni alio onere seruicio seculari exactione questione seu demanda que de dicto annuali reddito siue terris per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et ego vero dictus Willelmus dominus Ruithuen heredesque mei successores et assignati quicunque prefatum annualem redditum ducentarum marcarum monete predictae annuatim leuandum et percipiendum ut prefertur dicte Helene Bruce heredibus suis et assignatis antedictis quibuscunque ab omnibus wardis releuiis heredum nonintroitibus dominarum terciis conjunctis infeodationibus vitalibus redditibus prioribus alienationibus priuatis sasinis disasinis assedationibus assignationibus resignationibus recognitionibus eschaetis et forisfacturis namatione compretiatione actione periculo et dampno preterito et futuro in omnibus et per omnia ut premissum contra omnes mortales sub hypothea et obligatione omnium bonorum et terrarum nostrarum mobilium et immobilium presentium et futurorum warrantizabimus acquietabimus et imperpetuum sine fraude et dolo defendemus: Insuper dilectis meis Patricio Murray de Ochirtyre aut eorum cuilibet coniunctim et diuisim bailluis meis in hac parte specialiter constitutis salutem Vobis igitur et vestrum cuilibet balliuis meis antedictis precipio et firmiter mando quatenus visis presentibus indilate statum sasinam et possessionem hereditariam actualem realem et corporalem prefati annualis redditus ducentarum marcarum monete predictae annuatim leuandi et percipiendi ut prefertur dicte Helene Bruce vel suo certo actornato aut procuratori presentium latori per denarii terreque et lapidis fundi earundem terrarum barronie et messuagii traditionem secundum tenorem presentis carte mee desuper confecte nemine impediante tradatis deliberetis et iuste haberi faciatis et hoc nullo modo omittatis et quilibet vestrum requisitus tradat deliberet et hoc nullo modo omittat ad quod faciendum vobis et vestrum cuilibet balliuis meis antedictis meam plenariam et irreuocabilem tenore presentium committo potestatem sine reuocatione pro perpetuo duraturam: In cuius rei testimonium sigillum meum proprium huic presenti carte mee preceptum sasine in se continentis manu mea propria subscripte est appensum vna cum subscriptione notarii subscripti de meo mandato in premisorum attestationem apud burgum de Perth die sexto mensis Nouembris anno Domini millesimo quingentesimo septuagesimo primo coram hiis testibus, Willelmo

Ruithuen de Ballindene, Patricio Murray de Tibbermuir, Patricio Moray de Ochirtyre, et Johanne Ruithuen cubiculario.

Ita est Andreas Bowie notarius
in premissis requisitus de
speciali mandato dicti nobilis
domini Willelmi domini de
Ruithuen manu sua.

Wm Murray



[Dorso.]

Apud Perth in hospicio domini Willelmi domini Ruithuen tercio Januarii
anno Domini millesimo quingentesimo septuagesimo primo coram Patricio
Murray de Ochirtyre et Johanne Ruithuen cubiculario dicti nobilis domini:—

Quhilk day ane nobill Lady dame Dorathie Stewart Lady of Ruithuen spouse to ane noble and mychty lord Williame Lord Ruithuen and Dirriltoun shireff principall of Perth ratifeit and appreivit lyke as the said noble lady ratifeis and appreivis the alienatioun of the annuell rent of tua hundreth merkis money sald and alienat be the said nobill Williame Lord Ruithuen to Dame Helenor Bruce Lady of Erroll and to hir airis etc. And siclyke hes consentit aud for hir hir airis executouris assignais conseutis to the said alienatioun of the forsaid tua hundreth merkis money sald and alienat to the said dame Helcnor Bruce and hir airis etc. yeirlie to be tane and ressaute at Witsonday and Mertimes furth of the said noble lordis Barrony of Cowgask with the pertinentis lyand within the said shirefdome of Perth conforme to this within wrytin charter in all punctis And the said Dame Dorathie Stewart hes bundin and obliissit hir airis executoris and assignais that scho nor yit ony vtheris in hir name or be hir rycht sall neuir cum in the contrar heirop or contrauene the withiu wrytin charter in all or in part concerning the said tua hundreth merkis of yeirlie annuell rent as said is but ony reuocacioun or contradic-tioun quhatsumeuir.

Ita est Andreas Bowie notarius in premissis requisitus in attestacione premis-sorum antedictorum manu sua.

143. PROCEEDINGS in SECRET COUNCIL against LAURENCE LORD OLIPHANT, anent the Escape of WILLIAM GRAHAM from Imprisonment in Duppliu Castle. November 15, and December 1, 1571.

Apud Leith xv die mensis Nouembris 1571. Scderuut, Joannes comes de Mar dominus Regens, Jacobus comes de Mortoun Caucellarius, Robertus comes de Buchaue, Willielmus dominus Ruthven Thesaurarius, Patricius dominus Lindsay, Adam Episcopus Orchadensis, Joauues Bellendeu de Auchuoule miles, Clericus Justiciarie.

The quhilk day aneut the supplicatioun presentit be Johnne Jarden of Apilgirth makand mentioun That quhair vpoun the thrid day of Nouember instant Johnne Grahame callit the Priouris Johnne and his baruis with certane owtlawis and broken men baith of England and Scotlaud come to his laudis of Apilgirth and thair briut twa thousaud threiffis of corne four scoir ky and oxin and twa seruandis to the death as alsua careit away and tuke with thame Alexander Jarden brother to the said Johnne quhome thay deteane as yit presoner like as thay haue com-mittit diuerse and sindrie heirschippis vpoun the said Johnne of befoir Albeit it is of veritie that ane sone of the said Johnne Grahames being enterit to vmquhile James Erle of Murray that is with God regent of this realme as plege for gude rewle of him and his gang wes deliuerit be the said Regent agaue in the handis

and keping of Laurence Lord Olyphant¹ quha notwithstanding hes lettin him to fredome and libertie without ony command gevin to him thairto and thairfoir according to equitie and gude conscience the said Lord aucht to answer for all attemptatis done sen the said plegis libertie seing nathing had bene attemptit gif he had bene kepit At leist he suld be detenit and deliuerit to the said Johnne Jarden for his releif as at mair lenth is contenit in the said complent And anent the charge gevin to the said Laurence Lord Oliphant to compeir befor my Lord Regentis grace and Lordis Secrete Counsale to answer to the said complent The said Lord comperand be Thomas Olyphant of Williamstoun allegit that the said plege wes lettin to libertie and fredome out of the handes of the said Lord Olyphant vpoun sufficient warrand Thairfoir my Lord Regentis grace with auise of the Lordes of Secreit Counsale assignis to the said Lord Olyphant the last day of Nouember instant to present the said plege or sufficient warrand and discharge for his releif and libertie vnder the pane of rebelloun and putting of the said Lord to the horne with certificatioun and he failze he salbe denunceit rebell and put to the horne and all his movable guidis eschetit and imbrocht to our Souerane Lordis vse for his contemptioun.

December 1.—Anent the terme assignit to Laurence Lord Olyphaat to present the plege of Johnne Grahame in Canaby callit the Priouris Johnne or sufficient warrand or discharge for his releif and libertie comperit Thomas Olyphant of Williamstoun declaring that for satisfioun of the terme he awaittit all ysterday and wes not callit and thairfoir this day producit ane autcutik act of the secrete counsale bering that Johnne Grahame thrid sone to the said Priouris Johnne presentit and enterit befor vmquhile our Souerane Lordis dearest guidschir and Regent of this realme for the tyme in place of William Grahame his eldest brother to remane as plege for the said Johnne his brother barnis branche and servandis according to the ordour contenit in the buke of plegis wes deliucrit and committit in keping to Andro Commendater of Jedburgh vnder the commoun panis and conditioun of quhome the said Commendater acceptit the keping In respect quhair of the said Lord Regent for the tyme with auise of the Lordis of secreit counsale dischargit the said Lord Olyphant of the said Williames entrie and band maid be the said Lord thairvpoun as being admittit in his custody of befor In consideratioun of quhilk act my Lord Regentis grace with auise of the Lordis of secreit counsale present dischargit and assoilzcit the said Laurence Lord Oliphant of the said Johnne Jardenis complent simpliciter and ordanis lettres to be direct to charge the said Commendater of Jedburgh to enter and present the said Johnne Grahame thrid sonè to the said Priouris Johnne befor my Lord Regentis grace and

¹ Under the date November 6, 1569, the Record bears—The names of the Pledges quhair they are placed and by quhom they sall be interchanged and in quhat Castles they are to be warded. . . In Dupline, —Willie Grahame son to Pryouris

John, George Grahame his brother, His next brother: Christe Armstrang of Brumholme, Robby Armstrang callit the Lairds Robby, John Armstrang son to Johnes Cristie, Ninian Armstrang of Wauchopdaill.

Lordis of the privie counsale vponn the xv day nixt eftir he be chargit thairto vnder the pane of rebelloun and putting of him to the horne and gif he failzeis thairin to denunce him rebell and put him to the horne and to escheit etc. without preindice of sic vther pane and interest of party as be the law he may be adingit to haue incurrit.

144. EXTRACT DECREET OF REMOVING, at the instance of LAURENCE LORD OLIPHANT, against JAMES SWORD and Others, his Tenants. April 2, 1574.

Anent our Souerane Lordis letres purchest at the instance of Laurence Lord Oliphant baroun of the barounis of Aberdalgy Duplyn Gask Danbarnie Petkaithlie Cairdnie and Benzane with the pertinentis aganis all and sundry the persones following Makand mentioun that quhair the said Lord had the tyme of the warning vnderwrittin diuers yeiris immediatlie of befor continewalie sensyne and yit hes the landis vndermentonat with the pertinentis respectiue liand within the Shirefdome of Perth pertening to him in heretage as his infestment therupon beris and befor the fest and terme of Whitsunday the yeir of God j^m v^e and lxxij yeiris the said Lord cansit lauchfullie wairne James Suordy occupiar of ane auchtane part of his landis of Cleuthmoir, Matho Smetoun occupiar of his landis of the Haltoun of Gask, Laurence Grahame occupiar of the mylne and mylne landis of Bendzeane, Alexander Oliphant occupiar of his landis in the eist end of Lammerkinwod, Donald M^cClaren occupiar of the west end of his landis of Lammerkinwod, Johne M^cClarane occupiar of the mid part of Lammerkinwod, Laurence Miller occupiar of his landis of Wodheid and Quhytiuze, with all ther pertinentis pretendit tenentis and occupiaris of the said Lordis landis respectiue foirsaidis to flitt and remoif thame selfis ther sernandis families gudis and geir fra the foirsaidis landis ilkane of thame for ther awin partis sa far as thai occupy leif the samin void and red and desist and ceis therfra in tyme cuming at the foirsaid fest of Witsunday to the effect that the said Lord his tenentis seruandis and cottaris and hyndis in his name mycht enter therto peciabilie bronke jois and occupie sett vse and dispone therupon at his plesour in tyme cuming as his heretage and vsit the ordour of wairning vpon thame conforme to the act of parliament Nochttheles the saidis persones be thame selfis ther seruandis complices and vtheris in ther names of ther causing command assistance and ratihabitoun hes continewalie sen the said terme of Witsunday violentlie occupeit and withhaldin the said Laurence Lord Oliphantis landis respectiue foirsaidis occupeit be thame and ilkane of thame as saidis and will nocht desist and ces therfra in tyme cuming to the effect foirsaid without thai be compellit And anent the charge gevin to the saidis persones defendaris to haue comperit befor the Lordis of counsale at ane certane day bygane to haue hard and sein thame decernit in maner vnder writtin or ellis to haue allegit ane ressonabill caus quhy the samin suld nocht haue bene done as at mair lenth is contenit in the saidis letres the said Laurence Lord Oliphant being personallie present and the saidis

hail persones defendaris being lauchfullie summond to this actioun oftymes callit and nocht comperit The Lordis of counsale decernis and ordanis letres to be direct simpliciter chargeing the saidis hail persones abouewrittin and ilkane of thame to flitt remouif devoid and red thame selffis ther seruandis famulie gudis and geir fra the said Laurence Lord Oliphantis landis foirsaidis ilkane of thame for ther awin parts safar as thai occupie therof desist and ces therfra in tyme cuming to the effect above writtin conforme to his infestment therof wairning and act of parliament foirsaidis becaus thai wer lauchfullie summond to haue comperit befor the saidis Lordis at ane certane day bigane to haue hard and sene thame decernit in maner abouewrittin or ellis to haue allegit ane ressonabill caus quhy the samin suld nocht haue bene done with certificatioun to thame and thai failzeit the saidis Lordis wald decerne in maner foirsaid And thai being lauchfullie summond as said is comperit nocht to schaw ony ressonabill caus in the contrair lyke as wes clerlie vnderstand to the saidis Lordis.

145. OBLIGATION to DIONEIS CONQUEROR, Burgess of Perth, of an Annual Rent from the Kirklands of Forteviot and One Hundred Merks in Money, by LAURENCE OLIPHANT of Newton. March 10, 1574.¹

Laurence Oliphant of Newton as principall and with him Walter Elston in Forteviot and Johnne Smyth thair actitatis and as cautionaris souerteis and full dettouris for the said Laurence bindis and oblissis and actitatis thame coniunctlie and severalie thair airis executouris assignais and introuettouris with thair gudis and geir in the Schiref bukis of Perth thankfullie to content pay and deliuer to Dioneis Conqueror burges of Perth his airis and assignais an annuall rent of fyve bollis victuall half beir half mele gude and sufficient mesur within the burgh of Perth betwix Yule and Candilmes vpoun the said Laurence and his cautionaris awin expenss yeirlye and ilk yer in tyme cuming to the lafull redemptioun thairof Quhilk annuall rent the said Laurence grantis him to haue sauld and aneicit to the said Dioneis yeirlye to be liftit and vptane furth of all and hail his Kirklandis of Forteviot or ony pairt thairof liand within the Schirefdome of Perth vnder reuersion contenand the sowme of ane hundreth merkis in money as at mair lenth is contenit in the infestment and reuersion confessit maid be the saidis personis respectie thairupoun the first yeiris payment of the samin beginand betwix Yule and Candilmes last bypast of the crop lxxiiij yeiris be ressonne of pactioun and conventioun betwix the said Laurence and Dioneis And for the mair securitie heirop the saidis Laurence and his cautionaris foresaid ar contentit and consentis that thir presentis be registrat and insert in the burrow bukis of Perth and the act to be maid thairupoun to haue the strenth of ane decret with poynding and werding to follow heirupoun in forme as efferis alswell for costis skaithtis and

¹ Perth Sheriff Court Records—Deeds.

expenss as the principall and to that effect constitutis Thomas Burrell [and] William Ramsay thair procuratouris coniunctlie and generalie to the effect foresaid ratum et gratum promittens etc: Befor thir witnes, Johne Oliphant in Perth, James Fleming and Thomas Gaid notaris And also the said cautionaris actitatis thame coniunctlie and severalie as said is And the foirsaidis to deliuer to the said Dioneis or his foirsaidis twa bollis and half ane boll beir and half ane boll beir [sic] for the compleit payment of all byrdinis of the said annuall rent preceding the said crop lxxiiij within the burght of Perth betwix this and Witsunday nixtocum befor the witnes aboue writtin.

146. EXTRACT DECREET IN ACTION,—JOHN OLIPHANT and LAURENCE LORD OLIPHANT his Father, against WILLIAM MONCREIFF of that Ilk and Others, Tenants and Parishioners in Dunbarny, Pottie, and Moncreiff. March 17, 1575.

Anent our Souerane Lordis lettres purchest at the instance of Johne Oliphant sone lafull to Laurence Lord Oliphant and the said Lord as lafull administratour tutour guyder and gouernar to him for his enterest aganis William Moncreif of that ilk, James Edisone, Robert Moncreif, James Smyth, Neill Smyth, Daud Gibsoun, Andro Smyth, Daud Forret, Hwgoun, Alexander Moncreif, Johne Thomsonsone, Thomas Forret, Grissell Lyell, William Blyth, Johne Ferrar, Gilbert Forrett, Andro Mertene, Daud Dik, William Gidell, Andro Gibsoun, Johne Lambert, Archibald Raa, Thomas Bowrt, Thomas Cragie, Robert Brewhouse, Robert Raa, Gilbert Bonar eldar, Gilbert Bonar youngar, Patrik Bonar, Robert Moncreif, Alexander Lennox, Johne Da, Johne Moncreif, Henry Johnesoun, Agnes Da, Daud Law, Andro Forret, William Clerk, William Fischear, Johne Cunynghame, Patrik Murray, Daud Tullie, Walter Ferriar, Andro Cluny, William Blak, Robert Moncreif, Agnes Scott, Ritchart Every, and Thomas Grintoun parochinaris of the parochinis vnderwrittin and all vtberis hawand enters thairto Makand mentioun that quhair the said Johne Oliphant hes had thir dyuers yeris lyk as he hes yit for dyuers yeris to ryn tak and assedatioun sett be the prouest president and prebendares of the Colledge Kirk of Sanct Geill of the burgh of Edinburgh to the said Johne his airis executouris and assignais all and sindrie the teyndschawes of the kirk of Dumberny with the pertinentis thairof Thai ar to say the kirkis of Pottie and Moncreif with the Kirkland of the samin and thair pertinentis lyand within the shirefdome of Perth¹ as the said tak and assedatioun maid to the said

¹ The following interesting document relative to these properties occurs in the Register of St. Giles', Edinburgh:—The decret of the preistes of Sanct Geillis Kirk. —At Edinburgh the xxii day of Januar the yheir of God i^m v^e and lxxi yheiris the Lordis of Cousale vnderwrittin that is to say ane

nobill and mychtie Lord George erle of Huntlie Lord Gordoun and Baidynoch, chancellor, reuerend faderis in God Adame bischope of Orkney, Alexander bischope of Galloway, Johnne bischope of Ros, Maister Williame Baillie Lord Provand, president, Maister Alexander Dunbar, subchantowre

Johne thairvpoun at mair lenth *proportis* Notwithstauding the quhilk ane part of the parochinaris and vtheris personis addettit in payment restis awand to the said Johne the teyndschawes fruttis rentis thair of of the crope and yeir of God *j^m v^e lxxiiij* yeris and in na wyis will ansuer and obey to him therof nor yit in tyme cuming during the yeris of his said tak to ryn without thai be compellit And anent the charge gewin to the foirsaidis speciall personis abouewrittin and all

of Murray, Maister Robert Maitland, dene of Abirdene, Maister Daud Chalmer chancellor of Ros, Maister Archibald Craufurde person of Eglisshame, Schirris James Balfoure of Pettindrech clark of register, Richart Maitlaud of Lethingtoun, Johne Ballenden of Auchnowle instice clark, knychtis, Maister Henrie Balnaves of Halhill, Maister Johnne Spens of Condie, aduocat to our Souerane Lady, Maister Johnne Glaidstanis, and Maister Edwart Henrysonn, licentiatis in the lawis Anent our Souerane Ladyis letteris purchest at the instance of Lawrance Lord Oliphaut aganis Schir William Murray of Tulybardin knycht comptrollar to our Soueranis Lord and Lady, Maister James Clephaue prouest of the college kirk of Sanct Geill, Schir James Johnnstoun vicar portionar thair of, Niniane Hammiltoun, Schir James Abercrumby, Patrik Dowglas, Johnne Beir, Thomas Gray, William Halyburton, Harie Loiche, Edward Hendirsoun, Niniane Borthuik, James Craufurde, and George Mauderstoun, prebendaris of the said college kirk Allegeing that thai sett to the said Lord Oliphaut in tak and assedatioun all and syndrie the teynd schaves of the kirk of Dumbarnye with the pendiclis thair of videlicet the kirkis of Potty and Moncreif with the kirklandis and thair pertinētis for the space of xix yheiris nixt following the said Lordis interes quhilk wes vpone the xxvij day of Junii the yheir of God *i^m v^e li* yheiris for yheirlye payment thair for of the sowme of nynescoir pundis and that George Towris of Innerleith and Maister Johnne Skrymgeour of the Myris as cautioneris and sonerties for the said Lord wer moneist commettit and severalie vnder the pane of cursing for observing of the said tak and payment to thame yheirlye of the foirsaid sowme contentit thairintill and that the said Lord and his saidis cautioneris hes maid na payment thair of of certane yheiris of lait bypast hes vpone ane allegit act and monitioun ohtenit vtheris letteris be the saidis lordis deliuerance and thairthrow hes causit charge the said Lord and his cantioneris foirsaidis to mak payment to thame of the foirsaid sowme contentit in the said tak within xl dayis nixt eftir thay be chargeit thairto and gif thay failyhe thair-

intill to poyud and distreinyhe thairlandis reddiest gudis and geir thairfoir tending to do the samyn on that ane parte. And siclyke Schir William Murray of Tulybardin knycht allegcing the foirsaid college kirk of Sanct Geill to be ane commoun kirk and that all commoun kirkis within this realme ar assumit to our said Soueranis and the fructis thair of ordanit healalie to be brocht and applyit to thair vse according to the ordinance maid thairanent hes inlykwyis ohtenit vtheris letteris and thairwith hes causit charge the said Lord as intromettour with the fructis of the saidis kirkis to mak payment and deliuerance to him of the samyn within certane [tyme] vnder the pane of rebelloun and failyheing thair of to put the said Lord to the horne and swa he is and wilbe dowble poyndit and put to the horne for the fructis of the saidis kirkis he being onlie astrictit in single payment thair of And anent the charge gewin to the saidis prouest and prebendaris of the said kirk and the said comptrollar on the ane and vther partis to compeir hefoir the Lordis of Counsale at ane certane day hypast bringing with thame ather of thair rychtis tytlis and letteris quhairby thay clame the dcwettie contenit in the said tak and fructis of the saidis kirkis to pertene to thame to he seue and cousiderit be the saidis lordis quhilk of thame hes maist rycht thairto swa that the saidis lordis may ordane the said complener to mak payment thair of to ane of the saidis parties havand maist rycht thairto and discharge the said partie of all poyuding and horning of the said complener in tyme cuming for the caussis foirsaidis lyk as at mair lyuth is contenit in the saidis letteris The said complener comperand be Maister Thomas McCalyleane his procuratour and the saidis prouest and prebendaris of the said college kirk comperand be Maister Alexander Skene thair procuratour and the said Schir William Murray of Tulyhardin comperand he Maister Robert Creychtoun his procuratour thair rychtis ressonis and allegationis hard sene and vnderstand and thairwith being ryplie auisit the Lordis of Consale decernis and ordanis the said Lawrance Lord Oliphaut to ansuer obey and mak payment to the saidis prouest and prebendaris of the said college kirk of Sanct Geill

vtheris hawand enteres to haif comperit befor the Lordis of consale at ane certane day bygane to haif hard and sene letres direct vpoun thame charging the saidis parochinaris and ilkane of thame to ansuer obey and mak payment of all and sindry the teindschawes of the saidis parochinis respectiue and of the sadis Kirklandis mailles fermes and dewiteis thair of of the said lxxiiij yeris crope and siclyk yerlie and termelie in tyme cuming during the yeris of the said Johnis tak to ryn to him his factoris and chalmerlanes in his name and to nane vtheris or ellis tō haif allegit ane ressonabill caus quhy the samin suld not haf bene done as at mair lenth is contenit in the sadis letres The said Johne Oliphant sone to the said Lord and his said father for his enteres comperand be Mr Henry Kinros thair procuratour The said Mr Daud Wemis minister at Dumbernie for his enteres in the said mater comperand be Mr Richard Strang his procuratour quha producit ane provisioun grantit to him of the saidis kirkis of Dumberny Pottie and Moncreif vnder the privie seill be our Souerane Lord and be aduyse of his Regent for the tyme of the dait the xxiiij day of July j^m v^c lxxiiij yeris and conforme thairto desyrit to be admittit for his enteres in the said mater quhom the Lordis admittit And the provest and bailleis of Edinburgh for thair enteres in the said mater comperand be Mr Johne Scharp thair procuratour quha desyrit to be admittit for thair enteres in the said mater quhom the Lordis in lyk wyse admittit conform to ane gift grantit to thame of the haill prebendares dewiteis And the haill parochinaris of the saidis parochines being all lawfully summond to this actioun oftymes callit and not comperit except the said William Moncreif eldar of that ilk quha comperit be Mr M^cGill his procuratour quha producit thir tua acquittances underwrittin ane gewin be William Moncreif apperand of that ilk grantand him to haif ressauit fra the said William Eldar his subtenent of the teynd schawes of the sadis kirkis the sowme of j^c fourscoir pundis money of this realme and that for the fruttis and dewiteis of the saidis kirkis of the crope and yeir of God j^m v^c lxxiiij yeris as at mair lenth is

of the said sowme of nynescoir pundis as for the dewettie contenit in the said tak and fructis of the saidis kirkis of Dumbarny Potty and Moncreif with the kirklandis and thair pertinentis as partie fundin be the saidis Lordis havand maist rycht to the samyn and dischargis the said comptrollar of all poynding and hornung of the said complener in tyme cuming for the said sowme of nynescoir pundis yheirle abone writtin becaus it wes allegeit be Maister Alexander Skene procuratour for the saidis prouest and prebendaris that the said kirk of Dumbarny with the pertinentis of the samyn wes of auld gevin to the prouest and prebendaris of the said college kirk of Sanct Geill as propirtie to thame and thair and thair predecessouris of auld hes bene in continewall possessioun of vptaking of the profetis thair of as propirtie of the foirsaid prouestrie and prebendarie ilkane of thame for thair awin partis of the samyn as ane parte of

thair benefice and propir fealis and nocht as common distributionis ordanit for thair residence and hes been in vse of setting of the said kirk to the said Lord Oliphant and ressauing of the dewetties thair of fra him as anc parte of thair propir fealis as said is and offerit thame to preif the samyn And the said allegatioun being referit to the aithis of the saidis Maisteris Thomas M^cCalyheane and Robert Creichtoun procuratoris for the said Lord Oliphant and thair requerit to gif the samyn quha refusit to gif thair aithis vpon the said allegeance lyk as wes clcirle vnderstand to the saidis Lordis for the caussis foirsaidis And ordanis letteris to be direct heirupone gif neid be in forme as effeiris.—Extractum de libro actorum per me dominum Jacobum Balfoure de Pettindreich militem clericum rotulorum registri ac consilii S. D. N. regine sub meis signo et subscriptione manualibus.—JACOBUS BALFOUR.

contentit in the said acquittance of the dait the secund day of Januar j^m v^c lxxiiij yeris the vther acquittance gewin be the said William Moncreif youngar to the said William Eldar of the ressait of the sowme of j^c iiij^{xx} pundis and that for the fruttis and dewiteis of the saidis kirkis of the crope lxxv as at mair lenth is contenit in the samin of the dait the saxt day of Januar j^m v^c lxxv yeris and eonform therto desyrit ane terme for calling of his warrand or he enterit in proees be ressoun he wes in vse of payment of his saidis dewiteis to the said William youngar and his father dyuers yeris of hefoir And the said Mr Henry Kinros proeuratour for the said Johne Oliphant and his said father seand the saidis acquittanees producit in lyk wyss producit his said lettre of tak maid to him of the teind sehawes of the saidis kirkis be the prouest president and prebendares of the Colledge Kirk of Sanct Geill for the spae of xix yeris nixt efter his enterie thairto quhilk wes at the feist of Witsonday in the yeir of God j^m v^c lxix yeris for payment of eertane yerlie dewitie thairfoir as at mair lenth is contenit in the said lettre of tak eontenand warrandice of the daitt the xxvij day of July j^m v^c lxix yeris and conform therto desyrit in lykwyse ane terme ffor ealling of his warrand in the said mater Tharfoir the Lordis of Consale hes assignit and assignis to the said William Moncreiff of that ilk on that ane part and to the said John Oliphant and his said tutor on that vther part the last day of Apryll nixtocum with eontinuatioun of dayes for ealling of thair warrandis respectiue in the said mater And to that effect ordanis ather of thame to haif summondis as thai pleis libell thairanentis and in the menetyme continewis the said mater etc. And the parteis eomperand as said is ar warnit heiroy apud aeta.

147. EXTRACT DECREET at the instanee of LAURENCE OLIPHANT of Newton, against the Tenants of Forteviot. April 11, 1576.

Anent our Souerane Lordis letres purehest at the instance of Lawrenee Olyphant of Newtoun aganis Alexander Watstone, Jhone Dowgall ther, Walter Oilstone ther, Jhone Dall ther, Andro Smyth elder ther, Andro Smyth youngar ther, Jhone Smyth ther, Jhone Chapman, Andro Gudell ther, Jhone Gudell ther, Patrik Oilstone ther, Lawrenee Chapman of Cobilhaueh, Thomas Chapman at the myln of Forteviot, Walter Chapman in Chingillis, Andro Gothra in Dalquhanquhy, William Wodderspone in the Nether Cardny, Andro Huntar in the Wodheid of Cardny, Thomas Olyphant in Ovir Cardny, Andro Gothray ther, Walter Fingask ther, William Moreis ther, Jhone Glook ther, Thomas Lowsone ther, William Forester ther, Thomas Forester ther, William Wodderspone ther, William Carnstone in Burnesyde, Daid Smyth ther, Alexander Mertene ther, Alexander Gothray ther, William Stalker ther, Jhone Mvdy ther, Jhone Cuik ther, Jhone Gothray ther, Arthour Chapman ther, William Elder in the Chapell mvre, Petir Olyphant in the Mainis of Maler, Alexander Monceis [Monereif?] in the Kirkton of Maler, Daid Ouchrie ther, Thomas Browne ther, Hew Moneeis in the Kirkton of Maler,

William Browne ther, Margaret Barclay relict of vnquhile Lawrence Monceis ther, Barelay of Stroway, William Robertstone in Quhythill, Lawrence Quhyt ther, Jhone Levin ther, Walter Levin ther, William Kirk in the Baik, Jhone Meane ther, William Hendersonn in Fernyhollis, Jhone Levin ther, Levin his sone ther, Jhone Watsone ther, Helene Ros Lady Stroway in Barnhill, Walter Lokart in Stroway mylne, William Dik in Pitquhenertie, Alexander Dik ther, George Nevyng ther, Jhone Galt ther, Jhone Watsone ther, James Chapman in Kildendy, Thomas Chapman ther, Niniane Moir ther, Jhone Hutsone ther, Johne Wilsone ther, Jhone Hendersone ther, Henry Gardner ther, Jhone Persone ther, Jhone Watsone ther, Jhone Cors ther, Niniane Moir ther, Jhone Philp ther, Jhone Quhytheid ther, and James Quhyteok ther Makand mentioun that quhair Mr Jhone Levin vicar of Forteviot hes be his letres of tak and assedatione sett to the said Lawrence his airis assignais and subtennentis ane or ma of nae hier degrie nor himself all and haill his said viearage of Forteviot with the teyndis frunitis rentis emolumentis manis gleib profitis and pertinentis quhatsumevir pertenyng to the said vicarage vsit and wont lyand within the dioeie of Sanet Androis for all the spae yeris and termes of fyve yeris nixt and immediatlle following the said Lawrence his airis assignais and subtennentis foirsaidis entrie therto quhilk entres suld be and begin at the feist of Beltane nixtoeum and fra thynfurtht to indure and to be peceable bruikit josit intromettit with collectit gadderit sett vsit and dispoit be the said Lawrence his airis assignais and subtennentis foirsaidis vnto the ische of the saidis fyve yeris and eftir the ische of tha fyve yeris for the space of vther fyve yeris and sua furtht fra fyve yeris in fyve yeris duryng all the dayis of the said Mr Jhonis lyftyme for payment yerlie to him of certane maill and dewtic therfor as the letres of tak and assedatioun maid to the said Lawrence thernpoun mair largelie beris Noeht the les the parochineris of the said parochin of Forteviot and vtheris addettit in payment of the teyndis fruetis rentis emolumentis manis gleib and pertinentis therof foirsaidis on nawayis will ansner obey and mak payment to the said Lawrence Olyphant of the teyndis fruetis rentis emolumentis manis gleib Kirkland and pertinentis of the said vicarage of Forteviot of the erope and yeir of God j^m v^c lxxv yeris nor yit sielyk yeirlie and termlic in tyme euming duryng the yeris contenit in his said tak and conforme therto without thay be compellit And anent the echarge gevin to the saidis personis and remanent parochinaris of the said parochin to haue comperit befor the Lordis of counsale at ane eertane day bipast to haue hard and sene letres bene gevin vpoun thame in maner vnderwrytin or ellis to haue allegit ane ressonabill caus quhy the same suld noeht be done lyk as at mair lenth is contenit in the saidis letres the said Lawrence Olyphant comperand be Mr Edmond Hay his procrator and all and sindry the personis and vtheris proeuratouris aboue wrytin being lanchfully summond to this actioun oftymes eallit and noeht comperand The Lordis of counsale deccernis and ordanis letres to be direct in all the four formes and ilk forme to be exeete within thrie dayis eftir vther and the wardyng to be in the Castell of Blaknes in caiee of dissobeyanee chargeing all and sindry the personis and parochineris abonewrytin in generall and

be ther names in speciall as thai salbe requyrit to reddely ansuer obey and mak payment to the said Lawrence Olyphant taxman of the said vicarage of the crope and yeir of God j^m v^c lxxvj yeris off all and sindry teyudis fructis rentis emolumentis manis gleib Kirkland and pertinentis therof of the said crope and yeir of God and siklyik yeirlie in tyme cuming duryng the yeiris contenit in the said tak quhilk is of the dait the xx day of March the yeir of God j^m v^c lxxv yeris schawin and produced befor the saidis Lordis becaus all and sindry the foirsaidis personis and parochineris wer lauchfully summond to haue comperit befor the saidis Lordis at ane certane day bipast to haue hard and sene letres bene gevin vpone thame in maner foirsaid or ellis to haue allegit ane ressonabill caus quhy the same suld nocht be done with certificatioun to thame and thay falzeit the saidis Lordis wald decerne letres vpone thame in maner aboue-wrytin And thay beand lauchfully sumond to that effect comperit nocht to schaw onyh ressonabill caus in the contrair bot falzeit therintill lyik as wes cleirlie vnderstand to the saidis Lordis.

Ch. B. 1748

148. FEU CHARTER by the COMMENDATOR and CONVENT of INCHEFFRAY, in favour of PATRICK MURRAY of Newraw, of the Eighth Part of the Lands of Soutarton. January 17, 1576.

Omnibus hanc cartam visuris vel auditoris Jacobus miseratione diuina commendatarius perpetuus monasterii de Incheffray et eiusdem loci conuentus salutem in Domino sempiternam: Noueritis nos vnanimi consensu et assensu ad hoc capitulariter congregatos vtilitateque et commodo nostris ac successorum nostrorum ac dicti nostri loci in hac parte preuisis et intellectis Considerantes scientesque et perfecte intelligentes quod predecessores nostri dicti monasterii prius ad feudifirmam hereditarie dimiserunt quondam Jacobo George octauam partem terrarum de Soutartoun subscriptam per ipsum dum vixit occupatam Et quod dcinde per ipsius et aliarum personarum dispositionem resignationem assignationem donationem et alienationem dicte octaue partis terrarum quibus dictus quondam Jacobus in vita sua titulum partium eiusdem fecit Et post easdem partes ipsis alienauit vt per auctentica documenta nobis desuper ostensa visa et desuper habita et per nos recepta constat Imprimis inde duas tertias partes per eundem Jacobum Andree Haldane et quondam Johanni Harlaw suis generis donauit et alienauit hereditarie Et reliquam tertiam partem ejusdem idem Georgius et Isobella Gillespye eius neptis Daudi Murray in Carsheid hereditarie per contractum etiam alienauerunt Et per ipsius Daudis assignationem sui iuris dicte octaue partis nobili domine Lilie Ruthuen domine Drummond nostre matri factam de sua parte eiusdem octaue partis eadem similiter dicte nobili domine spectat Et sic jus hereditarium proprietatis totius et integre dicte octaue partis dicte Lilie nostre matri pleno jure spectat vt nobis literatorie constat Et quam octauam partem terrarum prefate persone respectiue diuersis temporum intersticiis in manibus nostris tanquam in manibus dominorum suorum superiorum eiusdem in fauorem dicte Lilie Ruthuen

nostre matris et suorum assignatorum simpliciter resignauerunt Et post dictarum personarum resignationem assignationem et renunciationem dicte octaue partis terrarum in fauorem dicte nostre matris factam Tunc dicta nostra mater plenum jus hereditatis dicte integre octaue partis terrarum de Sowtartoun nunc respectu premissorum eandem possidens ob singularem beneuolentiam et filialem dilectionem nostri quam ipsa penes nos geret Totam et integram dictam octauam partem terrarum de Sowtartoun cum pertinentiis tanquam in manibus dictorum dominorum suorum superiorum eiusdem personaliter per se ipsam resignatam nobiscum quoad perpetuam remanentiam resignatam remanendam imperpetuum resignauit secundum tenorem acti parlamenti desuper editi Igitur causantibus premissis et ex statutis dictorum acterum parlamenti cautum extat quod terre ecclesiastice et seculares ad feudifirmam concedende sint in quantum terre prefate per predecessores nostros dicti monasterii prius in emphiteosim dicto Jacobo George locatè et arrendate fuerunt Nos simili occasione moti opinantes consimilem tenentem saltem non peiorem aut deteriozem recepturos vt certi sumus hunc meliorem et longo tractatu decreuimus dictas terras prius locatas similiter assedandas et locandas fore Necnon pro quadam pecunie summa nobis tempore confectionis presentium in pecunia numerata per dilectum nostrum a consiliis Patricium Murray de Newraw nostrum seruitorem et consiliarium pro presente locatione persoluta de qua tenemus nos solutos eundemque Patricium de eadem quieteclamantes imperpetuum Exigentibus quoque aliis benemeritis seruitiis et auxiliis nobis per ipsum multifariam prestitis et impensis dedisse concessisse assedasse arrendasse locasse et ad feudifirmam hereditarie dimisisse et hac presente carta nostra confirmasse tenoreque eiusdem dare concedere assedare et ad feudifirmam hereditarie dimittere et hac presente carta nostra confirmare imperpetuum dicto Patricio Murray de Newraw et heredibus suis ac assignatis quibuscunque qui ipsis maiores non existant Totam et integram dictam octauam partem omnium et singularum prefatarum terrarum de Sowtartoun cum suis pertinentiis nunc nobis et dicto nostro monasterio incumbentem olim per dictum Jacobum George et dictam nostram matrem occupatam iacentem in baronia nostra de Cairdnye infra vicecomitatum de Perth: Tenendam et habendam totam et integram prefatam octauam partem terrarumstrarum de Sowtartoun cum suis pertinentiis antedictis prefato Patricio Murray et heredibus suis ac assignatis antedictis de nobis et successoribus nostris dicti monasterii abbatibus seu commendatariis et conuentu eiusdem pro tempore in feudifirma emphiteosi et hereditate imperpetuum Per omnes rectas metas suas antiquas nonas et diuisas prout iacent in longitudine et latitudine in domibus edificiis et ortis boscis planis moris marresiis viis semitis aquis stagnis riuolis pratis pascuis pasturis aucupacionibus venacionibus piscationibus petariis turbariis carbonibus carbonariis columbis columbariis cuniculis cuniculariis pomis pomeriis fabrilibus brasinis brueriis et genestis siluis nemoribus virgultis lignis tignis lapicidiis lapide et calce herezeldis et mulierum merchetis cum communi pastura liberoque introitu et exitu Ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac iustis suis pertinenciis quibuscunque tam

non nominatis quam nominatis tam supra terram quam subtus terra procul et prope ad predictas terras cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliquo impedimento reuocacione contradictione aut obstaculo quocunque: Reddendo inde annuatim dictus Patricius et heredes sui ac assignati prefati nobis et successoribus nostris dicti monasterii abbatibus seu commendatariis et conventui eiusdem nostrisque et illorum camerariis seu factoribus pro tempore Summam tredecim solidorum et quatuor denariorum vsualis monete regni Scotie ad duos anni terminos consuetos festa videlicet pentecostes et Sancti Martini in hyeme per equales medias porciones capones et pultreas ac multuras molendinis nostris solitas et consuetas tanquam firmam ante presentis infeodationis confectionem prefatis terris debitam et consuetam et in nostro reutali contentam Necnon pro gressumis et augmentatione eiusdem rentalis summam trium solidorum et quatuor denariorum monete prefate ad terminos prescriptos plusquam eedem terre nobis aut predicesoribus nostris vndeque persoluerunt aut dederunt Preterea dictus Patricius heredes et assignati sui prescripti tenebuntur annuatim inuehere in locum nostrum antedictum decem lie mett creillis petarum vnum onus vulgo leid cementi siue calcis vnum onus simile tegularum fennum autem in modum solitum et consuetum brasium vulgo malt ad molendinum ministrare vnum equum cum trahea vulgo sled ad vecturam decimarum garbaliu nostrarum in horrea nostra et alia loca necessaria horreum etiam et molendinum nostrum reparare et sustentare sicuti ceteri tenentes nostri pro rata sua cum ad vecturas et seruicia prefata requisiti fuerint Soluere etiam vectoris et officiarum vernacule catour et officiar corne argentum et stramina solita et consueta cum vna firlota et vna lie thraif straminum in pabulum et sustentationem iumentorum nostrorum ad currus pro quibus auenis et straminibus omnibus quotidianis careagiis et seruiciis in presente carta non specificatis exonerabuntur Soluere preterea herezeldum siue sex solidos et octo denarios pro illa cum per mortem contigerit ad sustentationem dictorum iumentorum nostrorum ad currus. Iusuper bellorum siue guerrorum tempore seruicia et careagias solitas ministrare Necnon tempore pacis et alias prout requisiti fuerint ad nostri et successorum nostrorum defensionem prompte parere et inseruire vnacum presentia personali in tribus placitis capitalibus et aliis curiis apud locum nostrum tenendis heredes quoque et assignati dicti Patricii duplicabunt integram antedictam feudifirmam cum augmentatione primo anno sui introitus ad prefatam octauam partem de Sowtartoun cum pertinentiis prout mos et consuetudo est feudifirme Et si contigerit prefatum Patricium heredes et assignatos suos prescriptos deficere in solutione dicte feudifirme cum augmentatione per quinquaginta dies post vnumquemque terminum tuoc et in eo casu pro qualibet merca soluent viginti solidos sin autem deficere sic ut duo termini continuo in tercium concurrant ipso facto presentem feudifirmam cum augmentatione amittent Prouiso nihilominus quod non licebit dicto Patricio heredibusque suis et assignatis prescriptis vendere alienare aut alio quouis modo disponere cuiquam persone que ipsis maioris status gradus aut conditionis existat prefatam octauam partem de Sowtartoun cum pertinentiis sub pena

forisfacture eiusdem tantum pro omni alio onere exactione questione seu demanda seruicio seculari que de predictis terris cum pertuenciis iuste exigi poterunt quomodolibet vel requiri: Et nos vero dicti Jacobus commendatarius et conuentus prefati obligamus nos et successores nostros prefatos prescriptam octauam partem terrarum nostrarum de Sowntartoun cum pertinenciis prefato Patricio et heredibus suis ac assignatis antedictis adeo libere et quiete integre honorifice forma pariter et effectu vt premissum est contra omnes mortales warrantizare acquictare et imperpetuum defendere Insuper dilectis nostris

ant eorum alicui coninnetim et dinisim balliuis nostris in hac parte specialiter constitutis salutem Vobis igitur et vestrum cuilibet balliuis nostris antedictis precipimus et firmiter mandamus quatenus visis presentibus indilate statum sasinam et possessionem hereditariam realem et corporalem totius et integre dicte octaue partis prefatarum terrarum nostrarum de Sowntartoun cum pertinenciis dicto Patricio vel suo certo actornato presentium lateri per terre et lapidis fundi eiusdem octaue partis terrarum traditionem secundum tenorem presentis carte nostre feudifirme desuper confecte tradatis deliberetis et iuste haberi faciatis et quilibet vestrum requisitus tradat et hoc nullo modo omittat Ad quod faciendum vobis et vestrum cuilibet balliuis nostris antedictis nostram irreuocabilem tenore presentium committimus potestatem sine reuocatione pro perpetuo duraturam: In cuius rei testimonium presentibus carte et precepto manibus nostris subscriptis sigillam commune capituli nostri est appensum Apud burgum de Perth die decimo septimo mensis Januarij anno Domini millesimo quingentesimo septuagesimo sexto Coram his testibus Alexandro Wode fratre germano Patricij Wode de Bonytoun Willelmo Olipher in Laistoun Willelmo Drummond et Joanne Davidsonne notario.

JACOBUS Commendatar.

WILLIAME RUTHUEN.
ALEX^R. MURRAY.
PAWLUS CVNYGHAME.

Ch. B. 1399

149. FEU CHARTER by the ARCHDEACON of DUMBLANE in favour of LAURENCE LORD OLIPHANT, of the Lands of Cur and others in the Parish of Findogask. April 10, 1576.

Omnibus hanc cartam visuris vel auditoris Magister Jacobus Chisholme Archidiaconus Dumblanensis salutem in omnium saluatore: Quum ex vtriusque iuris sanctione et serenissimorum Scotie principum statutis in rei publice et regni commodum editis cautum existit et terras et possessiones tam ecclesiasticorum quam secularium ejusdem in emphiteosim seu feudifirmam assedandas et locandas fore quo per prudentum virorum curam sedulitatem laborem colantur molierentur et ad vberiore fertilitatis cultum producantur: Noueritis me non solum in considera-

tione legum et statutorum prescriptorum pro policia regni confectorum verumetiam pro diuersis pecuniarum summis mihi per nobilem Dominum Laurentium Dominum Oliphant gratanter et integre persolutis ac in vsum meum totaliter conuersis de quibus teneo me bene contentum ac plenarie et integre persolutum dictumque nobilem dominum suosque heredes executores et assignatos de eisdem quietos clamo et exonero tenore presentis carte mee imperpetuum Cum expressis consensu et assensu decani canonicorum et capituli ecclesie cathedralis Dumblanensis dedisse concessisse assedasse arrendasse locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse et hac presenti carta mea confirmasse Necnon dare concedere assedare arrendare locare et ad feudifirmam seu emphiteosim hereditarie dimittere et hac presenti carta mea confirmare prefato nobili domino Laurentio Domino Oliphant suisque heredibus et assignatis Totas et integras terras meas de Cur cum decimis earundem inclusis et suis pertinentiis necnon terras ecclesiasticas mansionem et glebam ecclesie de Fyndogask vnacum crofta vulgo the Viccaris Croft nuncupata ad tergum dicte ecclesie iacente cum decimis earundem inclusis Mihi tanquam vnam partem et proprietatem dicti mei archidiaconatus spectantes cum pertinentiis iacentes in parochia de Fyndogask infra vicecomitatum de Perth: Tenendas et habendas totas et integras prefatas terras meas de Cur cum decimis earundem inclusis et suis pertinentiis Necnon prefatas terras ecclesiasticas mansionem et glebam ecclesie de Fyndogask vnacum dicta crofta vulgo lie Viccaris Croft nuncupata ad tergum dicte ecclesie iacente cum decimis earundem inclusis et suis pertinentiis prefato nobili domino suisque heredibus et assignatis de me et successoribus meis in feudifirma seu emphiteosi et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout iacent in longitudine et latitudine in domibus edificiis boscis planis moris marresiis viis scmitis aquis stagnis riolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis pomis pomeriis fabrilibus brasinis brueriis et genestis siluis nemoribus et virgultis lignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis blodwetis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac iustis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras cum decimis earundem inclusis et suis pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliquo impedimento reuocatione contradictione aut obstaculo aliquali: Reddendo inde annuatim dictus nobilis dominus sui que heredes et assignati mihi et successoribus meis archidiaconis dicti archidiaconatus summam duodecim mercarum vsualis monete regni Scotie ad duos anni terminos consuetos festa videlicet Penthecostes et Sancti Martini in hyeme per equales portiones nomine feudifirme Necnon heredes dicti domini duplicando dictam feudifirmam primo anno eorum introitus ad predictas terras cum decimis et suis pertinentiis prout vsus est feudifirme tantum pro omni alio onere exactione questione demanda seu seruitio seculari

que de predictis terris cum decimis et suis pertinentiis per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et ego vero prefatus Magister Jacobus et successores mei totas et integras prefatas terras meas de Cur cum decimis earundem inclusis et suis pertinentiis necnon prefatas terras ecclesiasticas mansionem et glebam ecclesie de Fyndogask vna cum dicta crofta vulgo lie Viccaris Croft nuncupata ad tergum dicte ecclesie iacente cum decimis earundem inclusis et suis pertinentiis prefato nobili domino suisque heredibus et assignatis in omnibus et per omnia forma pariter et effectu vt premissum contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus: Insuper dilectis meis Laurencio Oliphant filio et apparenti heredi Thome Oliphant portionarii de Williamstoun et eorum cuilibet coniunctim et diuisim balliuis meis in hac parte specialiter constitutis salutem vobis precipio et mando quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum prefatarum terrarum mearum de Cur cum decimis earundem inclusis et suis pertinentiis Necnon prefatarum terrarum ecclesiasticarum mansionem et glebam ecclesie de Fyndogask vna cum dicta crofta vulgo lie Viccaris Croft nuncupata ad tergum dicte ecclesie iacente cum decimis earundem inclusis et suis pertinentiis Prefato nobili domino vel suo certo actornato latori presentium secundum tenorem antescrite mee carte Juste haberi faciatis et deliberetis Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim meam plenariam et irreuocabilem tenore presentium committo potestatem Reseruata tamen mansione et gleba ministris ecclesie secundum tenorem acti parliamenti: In cuius rei testimonium sigillum meum vna cum mea subscriptione manuali necnon sigillo capituli communi dicte ecclesie vna cum subscriptionibus manualibus prefatorum decani et canonicorum ejusdem presentibus est appensum apud Dumblanensem decimo die mensis Aprilis anno Domini millesimo quingentesimo septuagesimo sexto.

M^r. JACOBUS CHEISCHOLME, archidiaconus Dumblanensis.

M^r. STEPHANUS WILSON, rector de Glendowen.

M^r. GUILIELMUS MURRAY, thesaurarius Dumblanensis.

SIR EDMUND CHEISHOLMN, subden of Dumblane.

ALEXANDER FORGY, chancellor of Dumblane.

ROBERTUS SETOUN, prebendarius de Logy.

JOHNE WEEMIS, prebendar off Abirnetly.

M^r. ALEX^r. CHEISHOLME, rector de Coutry.

A. D. 1404-5
150. LETTERS OF TACK by JAMES CHISHOLM, Archdean of Dunblane, to LAURENCE LORD OLIPHANT, of the Teinds of Findogask. April 10, 1576. Ratification and Sasine thereof indorsed November 17, 1576.

Be it kend till all men be thir present letres Me Maister James Chisholme archidene of Dumblane with expres consent and assent of ane reuerend father

Andro bischeop of Dumblane and of the sait and channonis of the cheptour and cathedrall kirk thairof the vtiletie and proffeit of me and my successouris alwayis preuidit and considerit and mature deliberatioun had thairvpoun To haif sett and for male lattin and be the tennour heirof settis and for maill lettis to ane noble lord Laurence Lord Oliphant his airis and assignais ane or ma all and syndrie the teynd schaves and vtheris teindis fructis rentis proventis and emolumentis quhatsumeuir off the tounis and landis respectiue vnderwrittin alsueill pertening to the personage and vicarage of the kirk of Findogask pertening to me as auc pairt of the patrimony and propertie of my said archidenerie That is to say of the toun and landis of Hiltoun of Gask, the myln landis of Gask, the Hall of Gask, the vuirtoun alias the Kirktoun of Gask, the fre croft alias Dame Oiswallis croft, the pensiou croft, Carnevathis landis, the smiddie land, the toun and landis of Cluthemoir, the toun and landis of Wester Cluthie, the toun and landis of Cluthybeg, the toun and landis of Ross, the toun and landis of Newmyln, and toun and landis of Keirwod and Keirvodheid with the vicarage and all small teindis of Keirprone with the outsettis pendiclis and pertinentis thairof with all and quhatsumeuir partis annexis connexis pendiclis and pertinentis of the samin respectiue lyand within the parochin of Findogask within the shirefdome of Perth ffor all the dayis yeris and termis of nyntene yeris nixt and immediatlie following the said nobill Lord his airis and assignais forsaidis entres thairto quhilk salbe and begin at the feist of Beltane nixtoeum efter the dait heirof and thaireftir to indure and to be pecciable bruikit joisit intromettit with teindit led vsit and disponit be thame ay and quhill the saidis nyntene yeris be full and togidder compleit and outrwn with fre isehc and entrie and with all and syndre vtheris commoditeis fredomis asiamentis and richteous pertinentis quhatsumeuir pertening or that richteouslie salbe knawin to pertene thairto during the said space frelie quietlie weill and in peax but ony reuocatioun obstacle impediment or agane calling quhatsumeuir The said nobill lord his airis and assignais foirsaidis payand thairfoir yerelie during the saidis nyntene yeris to me and my successouris our chalmerlanis and factouris the sowme of ane hundreth fourescoir and aucht merkis vsuall money of Seotland at twa termis in the yeir videlicet Lambmes and Candilmes be equale portionis of male allanerlie begynnand the first termis payment at Lambes nixtocum efter the dait heirof and sua furth yeirlic and termlic during all the spae and yeris abonewrittin to indure And I forsuith the said Mr James and my successouris in the said Archidenerie sall warrand acquiet and defend this present tak and assedatioun off all and syndre the teynd schaves and vtheris teindis fruetis rentis and emolumentis of the tounis and landis respectiue forsaidis alsueill of the personage as vicarage and small teindis of the said kirk to the said nobill Lord his airis and assignais foirsaidis during the said space in all and be all thingis as is abone expremitt aganis all deidlie as law will but fraude or gyle Provyding alwayis that incas it salheppin the said noble Lord his airis or assignais forsaidis to failze in payment of the said yeirlic male be the space of thre termis togidder sua that twa termis rin in the thrid vnpayit that than and in that cais this present tak and assedatioun sall expire

in the self and becum and remane frathinefurth of nane awaill force nor effect and it to be lesum to me and my successouris to sett rais vse and dispone vpoun the saidis teindis and fructis but ony proccs of law or declaratour to follow thairvpone siclike as gif this present assedatioun had neuer bene maid In witnes of the quhilk thing to thir my letres of assedatioun subseryuit with my hand my seill is hungin togidder with the commoun seill of the cheptour of the said cathedrall kirk and subscriptionis of saidis bischeop dene and channonis thairof in signe of thair consent and assent to the premisses at Dunblane the tent day of Apprile the yeir of God i^m v^c threscoir and sextene yeris befor thir witnesses

ANDREAS DOMBLANEN.

M^r. JAMES CHEISHOLME, archiden off Dunblane.

SIR EDMUND CHEISHOLMN, subden of Dunblane.

ALEXANDER FARGY, chancellor of Dunblane.

M^r. WILLIAME MURRAY, thesaurar of Dunblane.

M^r. STEVIN WILSON, person of Glendowan.

WILLIAM SCOTT, prebender off Monze.

ROBERT SEYTOUN, prebender of Logy.

JOHNE WEMIS, prebender of Abirnethy.

M^r. ALEX^r. CHEISHOLME, persone of Comry.

[DORSO.]

In Dei nomine Amen: Per hoc presens publicum Instrumentum cunctis pateat euidenter quod anno Incarnacionis Dominice millesimo quingentesimo septuagesimo sexto mensis vero Nouembris die decimo septimo annoque regni S. D. N. regis Scotorum Jacobi sexti decimo In mei notarii publici et testium infrascriptorum presentia personalie constitute Maister James Cheisholme Archden of Dunblane ratifeit and appreuit and be the tenour heirof the said M^r James for him and his successouris ratificis and appreuis the within writin assedatioun in all punctis thairin contenit sett be him with consent and assent of ane reuerend father Andro bischope of Dunblane and of the channonis of the cheptour and cathedrall kirk thairof to ane nobill and mychty lord Laurence Lord Oliphant his airis and assignais of all and syndry the teynd schaffis and all vtheris fructis rentis fructis teyndis proventis and emolumentis quhatsumcuir off the tounis and landis respectiue within nominat alsweill pertening to the personage as vicarage of the parochie kirk of Findogask pertening to the said M^r James as ane pairt of the patrimoun of his said Archdenrie lyand within the parochin of Findogask and shirefdome of Perth ffor all the dayis yeris and termes of nyntene yeris nixt eftir the said nobill Lordis interis thairto quhilk wes and began at Beltan last yeir of God forsaid And the said M^r James bindis and oblisses him and his forsaidis successouris to warrand the same tak and assedatioun of the saidis haill teyndis during the said space but ony interwall to the said nobill Lord and his forsaidis without reuocatioun or impediment:

And forther for the mair corroboratioun of the premisses and that this present within expremitt assedatioun sall tak effect in tyme cuming the said M^r James personalie past with the said noble Lord to the said paroch kirk of Findogask and thair the said M^r James with his awin proper handis gaiff sasine and possessioun of the forsaidis hailt teynd schaffis and teyndis fructis rentis prouentis and emolumentis alsweill pertening to the personage as vicarage forsaidis to the said nobill Lord personalie acceptand the samyn for him his airis and assignais be delyuerance of certane of the beir and aittis of the teynd cornis thair of conforme to this within wryttin assedatioun in all punctis and thairby induceit and pat the said nobill Lord for him and his forsaidis in reale actuale and corporall possessioun of the samyn: Super quibus omnibus et singulis dictus nobilis dominus a me notario publico subscripto sibi fieri petiit vnum seu plura Instrumentum siue Instrumenta Acta erant hcc apud ecclesiam parochialem de Findogask horam circiter terciam post meridiem sub anno mense die ac anno regni suprascriptis: Presentibus ibidem Waltero Balquhannan alias Leny in Dunblane, Johanne Makgregor seruitore dicti Magistri Jacobi, Patricio Thomesone in Gask, testibus ad premissa vocatis atque requisitis.

Et ego Andreas Bowie clericus Sanctiandree Diocesis auctoritate apostolica notarius publicus et per Dominos consilii secundum tenorem Acti Parliamenti admissus Quia [etc., in forma communi].

A. B. 1402-3 151. LETTERS OF TACK by JAMES CHISHOLM, Archdean of Dunblane, to LAURENCE LORD OLIPHANT and his Heirs for Three Lifetimes, and Ninetcen Years of the Teinds of Findogask, etc. April 10, 1576.

Be it kend till all men be thir present letres me Maister James Chisholme archidene of Dumblane with expres consent and assent of ane reuerend father Andro bischeop of Dumblane and of the seit and channonis of the chaptour and cathedrall kirk thair of the vtiletie and proffeit of me and my successouris alwayis preuidit and considerit and mature deliberatioun had thairvpone To haif sett and for male lattin and be the tennour hei of settis and for male lattis to ane noble lord Laurence Lord Oliphant in lyverent for all the dayis of his lyve and efter his deceis to the nerrest air that salbe seruit and enterit to hym for all the dayis space and termis of that his airis lyvetyme and efter the deceis of that the said Lordis air to the nixt nerrest and lauchfull air that salbe seruit and enterit to the said Lordis immediat air foirsaid for all the dayis and termis of the said secund airis lyvetyme And efter the said secund airis deceis to his the said secund airis nerrest and lauchfull air and to the airis and assignais of the said secund airis air for all the yeris and termis of nyntene yeris nixt and immediatlie following the said secund airis lyverent and deceis All and syndrie the teynd schaves and vtheris teindis fructis rentis

proventis and emolimentis quhatsumeuir of the towneis and landis respectiue vnderwrittin alsuele pertening to the personage as vicarage of the kyrk of Fyndogask pertening to me as ane pairt of the patrimony and propertie of my said archidenerie That is to say the toun and landis of Hiltoun of Gask, the myln landis of Gask, the Hall of Gask, the vuirtoun alias the Kirketoun of Gask, the fre croft alias Dame Oiswaldis croft, the pensioun croft, Carnewathis landis, the Smyddie land, the toun and landis of Cluthymoir, the toun and landis of Wester Cluthie, the toun and landis of Cluthybeg, the toun and landis of Rois, the toun and landis of Newmyln, and toun and landis of Keirwod and Keirvodheid with the vicarage and all small teindis of Keirpron with the outsettis pendiclis and pertinentis thairof with all and quhatsumeuir pairtis annexis connexis pendiclis and pertinentis of the samin respectiue lyand within the parochin of Fyndogask within the shirefdome of Perth The entrie of the said nobill Lord and his airis respectiue and successiue forsaidis in and to the saidis teyndschaves to be and begin with hym and thame in his persone at the feist and terme of Beltane nixtocum efter the day and dait of thir presentis and thereafter for thair lyvetymis yeris and spaceis respectiue abouewrittin to indure And the saidis teind schaves and vtheris teindis fructis and emolumentis of the townis and landis respectiue forsaidis pairtis pendiclis and pertinentis alsueill pertening to the personage as vicarage to be peciabile brukit joisit intromettit with teindit led vsit and disponit be the said Lorde and his airis respectiue and succssiue forsaidis with fre ische and entrie with all and syndre vtheris commodeis fredomis asiamentis and rychteous pertinentis quhatsumeuir pertening or that richteouslie salbe knawin to pertene thairto during the lyvetymis and spaceis respectiue abouewrittin frelie quietlie weill and in peax but ony reuocatioun obstacle impediment or agane calling quhatsumeuir The said nobill Lorde and his airis respectiue and successiue forsaidis payand thairfoir yeirlie during the lyvetymis yeris and spaceis respectiue abouewrittin to me and my successouris our chalmerlanis and factouris the sowme of ane hundreth fourescoir and aucht merkis vsuale money of Scotland at twa termis in the yeir vidlicet Lambmes and Candilmcs be equale portionis of male allanerlie begynnand the first termis payment at Lambes nixtocum efter the dait heirof and sua furth yeirlie and termie during all the space and yeris abouewrittin to indure And I forsuith the said M^r James and my successouris in the said archidenerie sall warrand acquiet and defend this present tak and assedatioun of all and syndre teynd schaves and vtheris teindis fructis and emolumentis of the landis and townis respectiue forsaidis alsueill pertening to the personage as vicarage of the said kirk to the said nobill Lord induring his lyvetyme and efter him to the saidis airis respectiue and successiue during thair lyvetymis and yeris of nyntene yeris thairefter in all and be all thingis as is abone expremitt aganis all deidlic as law will but fraude or gyle Provyding always that incas it salheppin the said nobill Lord or his airis respectiue and successiue forsaidis to failze in payment of the said yeirlie malc be the space of thre termis togidder sua that twa termis rin in the thrid vnpayit and than and in that cas this present tak and assedatioun sall expyre in the self and becum and remane frathinefurth of nane

awail force nor effect and it to be lesum to me and my successouris to sett rais vse and dispone thairvpone the saidis teiudis and fructis but ony proces of law or declaratour to follow thairvpoun siclike as gif this present assedatioun had neur bene maid: In witness of the quhilk thing to thir my letres of assedatioun sub-scryuit with my haud my seill is hungin togidder with the commoun seill of the cheptour of the said cathedrall kirk and subscriptionis of the saidis bischeop deaue and chaunonis thairof in sync of thair consent and assent to the premissis at Dunblane the tenth day of Aprill the yeir of God i^m v^c threscoir sextene yeris befor thir witnes [signatures ut supra p. 132].

152. LETTERS OF REMISSION by JAMES THE SIXTH, in favour of PETER OLIPHANT of Turingis, WILLIAM OLIPHANT of Newtou, and Others, for the Slaughter of JAMES ROSS. May 5, 1576.

Jacobus Dei gratia Rex Scotorum omnibus probis hominibus suis ad quos presentes litere peruenierint salutem: Sciatis quia ex nostris gratia et fauore specialibus cum auisamento et cousensu charissimj nostrj consanguinej Jacobj de Mortoune comitis dominj de Dalkeith etc. nostri regni et liegiorum uostrorum regentis Remisimus ac presentium teuore remittimus omnem rancorem auinaj sectam regiam et actionem regalem quem seu quas erga Petrum Oliphant de Turingis, Wilelmum Oliphant de Newtone, Wilelmum Oliphant fratrem germanum Laurentij dominj Oliphant, Laurentium Oliphant filium et heredem apparentem Thome Oliphant de Williamstouc, Joannem Oliphant filium quoudam Magistrj Laurentij Oliphant, Robertum Strachane, Joanuem Andersoun, et Joannem Tailzeour, concepimus habuimus habemus seu quouismodo in futurum habere vel clamare poterimus Pro arte et parte crudelis interfectionis quoudam Jacobj Ross filij quoudam Thome Ross in Magdalenis [vel Maitlands] in mense Septembris aut eocirca anno Domini millesimo quiugentesimo septuagesimo primo¹ commisse Et pro omnibus actione et crimine que desuper sequj aut prefatis personis aut alicui ipsarum imputarj poterint dummodo prefate persoue amicis et consanguineis dictj quoudam Jacobi Ross et alijs interesse habentibus prout juri congruit satisfaciant ita vt nulla justa querimonia inde exurgat Et supradictas personas sub firma pace

¹ By the Court of Justiciary held within the Tolbooth of Leith, November 12, 1571, Laurence Lord Oliphant, as cautioner for the entry of Peter Oliphant of Turingis, Johnne Oliphant, notary public, Laurence Oliphant, son of Thomas Oliphant portioner of Williamstouc, James Oliphant servant of the said Peter Oliphant, Johnne Menteyth and six others, servants to Lord Oliphant, to appear before the Justice or his deputies this day, to vnderly the law for the cruel slaughter of

vmqhile James Roisc, lawful son of vmqhile Thomas Roisc of Maitlandis, committed upon the 20 day of September last; is fined in the sum of i^c lib., vj^s markis, and viij^{ss} lib., for their non-appearance: And the Justice adjudged the pannels to be denounced rebels, and all their moveable goods to be confiscated to the Kingis use, as fugitives from the law.—Pitcairn's Criminal Trials, vol. i., p. 27.

et protectione nostra iusta suscipientes firmiter inlibemus ne quis eis aut earum alicui occasione dicte crudelis interfectionis malum molestiam iniuriam aut grauumen aliquod inferre presumat iniuste super nostram plenariam forisfacturam aut mortem eis inferat sub pena amissionis vite et membrorum: In cuius rei testimonium has literas nostras remissionis pro toto tempore vite prefatarum personarum duraturas sub nostro magno sigillo ipsis fieri fecimus patentes apud Halieruidhous quinto die mensis Maij anno Domino millesimo quingentesimo septuagesimo sexto et regnj nostrj nono.

153. BOND OF SECURITY by LAURENCE LORD OLIPHANT to JAMES THE SIXTH, for Captain JAMES OLIPHANT and his Regiment. October 20, 1577.

Be it kend till all men be thir present lettres Me Laurence Lord Oliphant to be bundin and obleist and be the tennour heirof bindis and obleis me and my airis to our Souerane Lord and his rycht truist cousing James Erll of Mortoun Lord of Dalkeyth regent to his hienes his realme and leigis as cautionar and souirtie for Capitane James Oliphant to quhome licence is grantit to levy and tak vp twa hundreth wageit men of war and to depart with thame to the seruice of the estaittis and commoun welth of the law cuntreis in Flanderis freindis and confederattis of this realme that the said Capitane sall caus the men he listis leif vpoun thair awin chairgeis without ony maner of oppressioun to be done be thame quhill thay be transportit And that he nor thay salbe na partakaris with ony subject of this realme of Scotland aganis ane vther as alsua that he nor nane to be listit be him as said is in thair passing to the saidis cuntreis sall not troubill pilze nor tak geir fra ony subiect of this realme nor na freindis and confiderattis thairof That he sall not conuene nor hald his men togidder within sextein mylis to the Castell of Striueling That thay sall na wayis serue with papistis aganis protestantis professors of the evangell of Jesus Chryst And attour that he sall not transport in his cumpany ony landit men prohibit to depart be act of parliament without speciall licence gevin to thame vnder the payne of fyve thowsand merkis and to be ansuerabill for the full redres of sic gudis as salbe spuulzeit fra the freindis and confederattis of this realme quhilk iustice may be cravit of the King and realme of Scotland in the away passing of the saidis men of weir or remaning vnder the said Capitane charge to the awnaris thairof And for mair securitie I am content and consentis that thir presentis be actit and registrat in the buikis of secreit counsale and haif the strenth of ane act and decreit of the lordis thairof and thair autoritie to be interponit thairto and that lettres and executorialis be direct thairupone in forme as effeiris And to that effect makis constitutis and ordanis Maister Williame Oliphant my procuratouris coniunctlie and seueralie to compeir befor the regentis grace and Lordis of secreit counsale and in my name consent to the registering heirof in vberiori forma promittandum de rato In witnes quhairof I haue subscriuit thir presentis with my hands as followis,

at Kelly the xx day of October, the yeir of God j^m v^c lxxvii yeiris, befoir these witnesses Maister Johnne Sandelandis parsoun of Kilearnie, Patrik Guthrie, Johnne Buehane scruandis to the said Lord, with vtheris diucrs.

OLIPHANT.¹

154. CHARTER by WILLIAM ROBERTSON, Portioner of Argilzean, with consent of CATHERINE SHARP, his Spouse, to ANDREW BANERMAN and EUPHEMIA CHALMER, his Spouse, of an Annual Rent of £16, forth of the Third Part of Argilzean. June 2, 1578.

Omnibus hanc eartam visuris vel audituris Willelmus Robertsonsone portionarius de Argilzean salutem in Domino sempiternam: Noueritis me cum expressis consensu et assensu Katherine Scharpe mee [sponse] huiusmodi terrarum domine coniuncte infeodacionis pro suis iure et interesse in perimptionem vnius mee partis eiusdem contractus inter me pro meipso onusque super me pro dicta mea sponsa ab vna et Andream alias Dand Banerman in Balhaglis pro se ipso onusque super se pro Eufamia Chalmer sua coniuge acceptantes partibus ab altera initi et confecti prout idem de data apud burgum de Perth die secundo mensis Junii anni Domini millesimi quingentesimi septuagesimi octauo latius in se gerit libere vendidisse ac titulo pure venditionis et oneroso a me et heredibus meis alienasse et hac presenti carta mea confirmasse tenoreque presentium vendere alienare et hac presenti carta mea perpetuo confirmare dictis Andree Banerman et Eufamie Chalmer sue coniugi in coniuncta infeodatione ac eorum alteri diutius viuenti heredibusque inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis prefati Andree quibuscunque hereditarie vnum annum redditum sedecim librarum monetę currentis huius regni Scotie annuatim ad duos anni terminos Penthecostes et diui Martini in hyeme per equalcs portiones proueniendum leuandum et pereipiendum de tota et integra mea terea parte ville et terrarum de Argilzean siue de aliqua parte huiusmodi eum suis pertinentiis mihi et diete mee sponse in coniuncta infeodatione ad feodifirmam iure hereditario spectante iacente in dominio et regalitate de Seona infra vicecomitatum de Perth pro summa ducentarum mererarum monetę antediete Quam dictus Andreas Banerman mihi pre manibus ad meum singulare commodum tempore dieti contractus ac intuitu confectiois presentium gratanter et integre persoluit et in pecunia numerata realiter et in effectu deliberavit de quaquidem summa fateor me bene contentum ac plenarie persolutum dictumque Andream Banerman ac Eufamiam suam coniugem heredes suos executores et assignatos pro me heredibus meis executoribus et assignatis

¹ A Captain Oliphant was murdered in 1594. Sir James Johnstone and one hundred and sixty others, chiefly of the same surname, obtained a respite for the slaughter of John Lord Maxwell in

that year, and also for burning the Kirk of Lochmaben and slaughter of "vanquhill Captain Oliphant" and others.—Registrum Secreti Sigilli, vol. lxxvii., p. 43.

quietos inde clamo et presentium tenore imperpetuum exonero Redimabilem tamen sub reuersione dictam summam ducentarum mercarum monete in se continente cuius tenor suspendetur semper a redemptione aliqua quousque biennium proficuum antedicti annui redditus et omnia huiusmodi existantia debentia deinceps aut redemptionem plenarie sint persoluta quadraginta dierum premunitioe legitima precedente: Tenendum et habendum predictum annuum redditum sedecim librarum mouete annuatim ut dictum est ad duos anni terminos Penthicoses et diui Martini in hyeme per equales portiones proueniendum leuandum et percipiendum de tota et integra antedicta mea tercia parte ville et terrarum de Argilzean siue de aliqua parte huiusmodi cum suis pertinentiis prenominatis Andree Banerun et Eufamie Chalmer sue coniugi in coniuncta infeodatione ac eorum alteri diutius uiuenti eorumque heredibus et assignatis prescriptis de me heredibus meis successoribus et assignatis in feodo et hereditate imperpetuum cum libero introitu et exitu plenariaque potestate namandi et distringendi dictam terciam partem meam ville antedictae aut aliquam partem eiusdem Bonaque in eadem quecunque pro tempore existantia et eandem occupantia abducendi et compreciari faciendi per seipsos eorumve proprios officarios absque uocatione juris strepitu aut impedimento defectu solutionis dicti annui redditus aut alicuius partis huiusmodi annuatim et terminatim in terminis annotatis toties quoties opus fuerit ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ad huiusmodi spectantibus seu iuste spectare ualentibus quomodolibet in futurum libere quiete plenarie integre honorifice beue et in pace siue retinemento reuocatione aut obstaculo quocunque: Reddendo inde annuatim dicti Andreas Bauerman et Eufamia sua coniux ac eorum alter diutius uiuens eorumque heredes et assignati prescripti mihi heredibus successoribus et assignatis vnum denarium monete antedictae in festo Penthicoses apud pefatam terciam partem ville nomine albe firme si petatur tantum pro omni alio onere exactione questione seruitio seculari aut demanda que de eodem per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et ego uero prenominatus Willelmus Robertsone heredes mei successores et assignati pefatum annuum redditum sedecim librarum monete ut dictum est de annotata mea tercia parte ville et terrarum siue de aliqua parte eiusmodi cum pertinentiis proueniendum leuandum et percipiendum ad anni terminos prescriptos memoratis Andree Banerman et Eufamie Chalmer sue coniugi in coniuncta infeodatione ac eorum alteri diutius uiuenti heredibusque inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Andree quibuscunque hereditarie in omnibus et per omnia forma pariter et effectu ut premissum est liberum et pacificum ab omni heredum nouintroitu domiuarum tercia coniuncta infeodatione priore alienatione sasiua dissasina assedatione assignatione resignatione recognitione vitali et annuali redditibus namatione compreciatione feudifirma decimis decimarum minutis inhibitione euietione reductione interdictione forisfactura et ab omni alia impositione clameo onere facto et periculo que ratione quauis preterita vel futura desuper contingere ualentibus seu pendentibus ad manus omnium interesse habentium seu pretendendum ac contra omnes mortales vsque ad

eiusdem legitimam redemptionem tenore litere reuersionis supraspecificate secundum tenorem dieti contractus super quo presens oritur warrantizabimus acquietabimus et imperpetuum defendemus: In cuius rei testimonium huic presenti earte mee manu mea propria ac manu dicte mee sponse prout sequitur subscripte in signum sui ad premissa consensus pro suisque iure et interesse sigillum meum proprium pro me ipso et per ipsam cum instantia procuratum est appensum: Apud Perthum et Argilzean die secundo mensis Junii anno Domini millesimo quingentesimo septuagesimo octauo coram his testibus Willelmo Chalmer de Lytill Seggyden, Andrea Robertstone in Newtoun, Thoma Muge in Carnebady, Dauide Chalmer, et Malcolmmo Bower notario publico.

WILLIAM ROBERTSSOUN with my hand.

CATHERINE SCHARPE with my hand on the pen led be the notar abone writin at my command becaus I can noucht subseriue.

Ita est MALCOMUS BOWER notarius premissa subscribere de mandato dicte CATHERINE in fidem requisitus teste manu propria.

[DORSO.]

Die decimo quarto mensis Nouembris anno lxxxvj^o.

Quhilk day Ewfame Chalmer relict of vmqubile Andro alias Dand Banerman in Balhaglis lyverenter and Thomas Banerman sone and air of the said vmqubile Andro fear of the annuallerent vnderwritin grantis thame satisfeit and payit be Patrik Matho litstar burges of Perth. assignay lauffullie constitute be William Robertstone in Argilzean in and to the redemptioun therof and richt of the euidentis maid thairupoun presentlie and of befoir be Thomas Mog in Carnebody in name of the said William constituent all and haill the sowme of twa hundredth merkis money and that for redemptioun of the annuallerent of xvjⁱⁱ money within specifeit and siclyke grantis thame satisfeit and payit of befoir be the said William Robertstone constituent of all byrun profeittis of the said annuallerent and thairof and principall sowme foirsaid the saidis Ewfame and Thomas for thame thair airis exeeutouris and assignais dischairgis exoneris and quitclamis the said Patrik Matho William Robertstone his constituent and the said Thomas Mog thair airis exeeutouris assignais and all vtheris quhome it efferis simpliciter and thairfor thai grant the said annuallerent lauffully redemit and the reuersioun thairof fulfillit in all punetis resignis renuncis dischairges and ourgiwis the said rent with all richt and title thairof to the said Patrik Matho assignay foirsaid and in fauouris of him his spous present thair airis and assignais to remane with thame semblablie as it mycht haif done with the said William Robertstone befoir the alienatioun thairof and making of the said assignatioun dispensand with the tyme and place of redemptioun specifeit in the said reuersioun and oblissis thame thair airis and assignais coniunctly and seueraly to mak this present redemptioun lauffull and valiable to the

redemar and to warrand the samin fra thame the said vniuersite Andro Banerman Ewfame aud Thomas and thair forsaidis all in propir faetis and deidis secludand also thame and thair successouris fra the said rent and all riht and titill thair of to the effect forsaid for evir And in signe and tokin.¹

ca B 1412

155. NOTARIAL INSTRUMENT OF VALUATION,—indorsed “The Instrumentt of the Rydding of the Teindis off Gaisk.” August 31, 1579.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnationis dominice millesimo quingentesimo septuagesimo nono mensis vero Augusti die ultimo regnicque illustrissimi principis Jacobi Sexti Scottorum Regis anno decimo tertio in mei notarii publici et testium infrascriptorum presentia personaliter constituti: James Cheipman iu Kildinnie, Niniane Moir thair, James Quhettatt thair, Robert Moir thair, Thomas Cheipman thair, personis vnsuspct nominat and chosinn be aue noble and miehtie lord Laurenee Lord Oliphant allegitt takismau to the teind schaves vnderwrittin ffor Rydding and estimatioun of the teind schaves of the parochin of Gaisk liand within the Scherefdomme of Perth off this iustant crope and yeir of God j^m v^o lx nynetene yeiris the quhilkis persouis respectiue foirsaidis beand suorne vpoune thair conseieuce to Ryid and estime the samin the quantatie and valour of ilk boll and corne thair of And eftir that thai haid Riddin sene and consideritt and als haid estimat the samin teind schaves vpoun the ground aud laudis respectiue quhair the samin grewe quha best knew the veritie immediatlie eftir and at thair hame returnyng to the plaece and Castell of Duplin the saidis personis Ryadderis and estimaris respectiue of the cornes and teind schaves aboue speeifeitt past to the personall preseus of the said noble Lord and thair all in ane voce butt discrepanee deponitt and declaritt as ffallowis That is to say the manes aud landis of Gaisk with the myln and smyth land pendielis and pertinentis thair of to be worth tuentie fywe bollis twa firlottis Beir thre ehaldre alevin bollis aitis estimat to ffyftie ane bollis mele Hiltoun of Gaisk aueht bollis twa firlottis twa pekkis twa lippeis and third pairt lippie Beir twentie ane bollis anc pek twa lippeis aittis estimatt to nynetene bollis ane firlott ane pek ane lippie and twa pairt lippie mele Westereluthy thre bollis Beir twentie bollis aittis estimatt to fyftene bollis mele Cluthybeg twa bollis beir saxtene bollis aittis estimatt to tuelf bollis mele Ross ffour bollis beir threttene bollis anc firlott twa pekkis and half pek aittis estimatt to ten bollis mele Super quibus omnibus et singulis dictis uobilis dominus a me notario publico subnotato fieri petiit instrumentum seu instrumenta vnum seu plura publicum siue publica Acta fuerunt hec vt supra horas circiter uonam decimam vndecimam ante meridiem et secundam post meridiem diuersis temporum interstitiis Presentibus ibidem Duucauo Gibb lapidario, Alexandro Daudsoun, Johanne Stewin, Johanne Hettoun, et Johanne Ffoirbrand, lapidariis,

¹ The remainder of this document is illegible.

modo construentibus et laborantibus in dicto loco de Duplin, testibus ad premissa vocatis atque requisitis etc.

Et ego ANDREAS MUDIE Clericus Sancti Andree diocesis auctoritateque regali notarius publicus ac per dominos consilii secundum tenorem acti Parliamenti admissus et approbatus Quia [etc. in forma communi].

153. PETITION to QUEEN ELIZABETH by ROBERT OLIPHANT, for Assistance in Recovering the Masters of Oliphant and Morton, detained in Slavery by the Turks.¹

Unto hir most excellent most potent and most graciuss Magesty
Wisseth from God mony yeiris to live and to rigne in good
health with dayly increas of his blessings baith spirituall and
temporall

Hir Magestis most humble and most affectioned seruant Mr Robert
Olyphant

Quho in this last yeir heiring at dyuers tymes of sindry Scottis men cuming out of Denmark and Pol[and] the rappid made to tham be som few Hungariens Bohemiens Germaines and Poloniens put to ranson and delyuerit from the Turquiche bondage and now laitly in October last he haifing hard the samyn bruit of Richard Preston agent touarts hir most excellent Magesty for the King of Scotland that Laurens Maister of Olyphant and Robert Dowglas Maister of Mortoun with a feu uthers Scottis men hes been thir sixtein yeiris by past and presently ar as yit reteanit and haldin sklaiues be the Turquis subiects in the town of Algier upon the coste of Barbarie respecting first the glory of God nixt the luf he bearis to his kin and blood and last to his natiue cuntry hes interprysit with the help and assistance of God to hazard his lyf and helth and spend all the moyens he may conquis in trying of the trewth of the foirsaid brut be going (if it sall pleis God) to thayis cuntryis and pairts that thay are esteimit. to be into And for this effect hes travaillit with the rest of the gentil men of the nam of Olyphant in Scotland that thay wald forder him in this his wayage quha all in one consent hes giffin him thair advys counsel and comandement to com heir to hir Magesty and randre in all thair names most humble and most hairtly thankis for the graciouss faorable and liberal help and assistance that hir most excellent Magesty did offre unto the said Richard Preston for the delyurance of the said noble men chairging him to submit himself vnto hir Magestis good will and most excellent wisdome and to tak upon him to fulfill and perform (with the help of God) quhatsumeuer thing hir Magesty pleasis

¹ State Papers—Scotland: Elizabeth, 1582, vol. xxx., p. 431, No. 93.

to command and charge him to do in that pourpos. Thay beleifing seurlly (as it is trew) that thair is no Prince in Europe quho may nor will more easily and mor glaidly nor hir Magesty will bring that pourpos to good effect houping that hir Magesty will not suffre to ovirpas suche on occasion quhairby it salbe cleirly knawin befor the eysis of all the warld that hir Magesty is the only fontain and spring from quhich floweth to all thayis that are in aduersite all kynd of liberalite humanity and clemency. The delyurance of thayis noble men be hir Magestyis moyens salbe the euerlasting trompet quhairwith the glory and praise of all hir Magestyis godly and princely actionis salbe soundit throch all the earth quhen hir Magestyis liberalite humanity and clemency salbe employit in supplying the indy-gence releifing the paines and restoring from death and thraldome to lyf and liberty thayis noble and frie men borne quha never offendit no King nor Prince of the warld bot was and ar as yit weill lykit and weil spokin of be all thayis that ever did know tham at home in thair cuntry. Quhairfoir hir Magestyis most humble and most obedient seruant aboute namit being no less desirous to aduance and spred abrod hir Magestyis most famous honour and princely vertus sa far as his smal moyens can extend and reiche vnto nor he is willing to cearche find and relieue his derrest Kinnisman and principal head of his race. With all reuerence and all humility supplyis (saifing the respect and honour dew unto hir Magestyis most excellent wisdom) if it pleis hir Magesty to consider quhat is most expedient to be don for the fordering of his vayage to the most seur and most saif effecting of the pourpos foirsaid. If this

First. To cause delyuer to the said Mr Robert Olyphant hir Magestyis commission maid in such forme as is accoustamit and directit to all Inglis men hir Magestyis subiects embassadeurs agents admirals captains of warre pylats or maisters of schipps messagers mariners soiours and merchants and all uthers that remaines or traunails be land or be sic ather within hir Magestyis dominion or without the samyn in quhat sumeuer part of the warld thay salbe into chairging and commanding tham and ichon of tham straitly and vpon all hiest pains if it chance that the said Mr Robert Olyphant and such vthers Scottis men that salbe with him com quhair thay ar that thay feal nocht to help and assist tham in thair vayage and suffre glaidly tham to pas in thair companie without stop let empediment and skaith or hurt of thair lyfis persons seruants horssis bagage and geir and that thay fournis to tham on thair awin chairges at reasonable prycis all things that thay sall haif neid of.

Nixt hir Magestyis general pasport for the said Mr Robert Olyphant and such vthers Scottis men that salbe in his companie conteining requeast to all Kingis Princis admirals gounernours headis captains conductours and wardains of kingdomis prouinces arneis flots or naueis castellis towns forteressis heavins reauers and bridges and generally to all Magistrats of quhatsumeuer nam thay be callit haifing commandement vnder the great Monark of the Turkis ather be land or be sie within his dominions and to ichon of tham in particular if it sall chance that the said Mr Robert with vthers Scottis men of his companie and thair seruants enter

and com ather be chance or of set pourpos within tbair empyris kingdoms prouinces lordschips landis tous seyis reauers or heuains that thay wald receaue tham enter-tein tham and lat tham go with suche humanity fauour and courtesie as hir Magestis recommendation may obtien to them at thair bands Morouir quhither it be that thay remain within or depairt out of thair landis that thay suffer tham to be fournissit vpon thair awin expensis of equippage vivres and all tbings neces-sairs for thair jorney and wayage.

Thirdly hir Magestis special letters directit to the King of Algier or to such vther Priuces as hir Magestis wisdome knawis to be the most expedient schawing tham tbe occasion off the said suppliants vayage and requyring thair aide and assistance to cearche fiud set at liberte and send thais noble men vnto hir Magesty to quhois most excellent wisdome and princely liberality the supplyant with all reuerence remittis himself and with all humility and obedience submittis himself to execut (with the help of God) hir Magestis most honorable comandements in all things belanging to hir Magestis royale praise for the cearcbing finding and setting at liberty the foirsaidis noble men.

157. LEGITIMATION by JAMES THE SIXTH, in favour of PATRICK OLIPHANT in Arquhalie, Natural Son of MASTER LAURENCE OLIPHANT. April 18, 1583.¹

Jacobus Dei gratia Rex Scottorum omnibus probis hominibus suis ad quos presentes litere peruenerint salutem: Sciatis quia ex nostris gratia et fauore specialibus dedimus concessimus et commissimus tenoreque presentium damus concedimus et committimus dilecto nostro Patricio Oliphant in Arquhalie bastardo filio naturalj Magistri Laurencij Oliphant nostras plcnariam potestatem liberam facultatem et specialem licentiam vt ipse in toto tempore vite sue sanus eger siue tempore mortis sue libere disponere valeat super omibus et singulis terris suis annuis redditibus tenementis hereditatibus et possessionibus quibuscunque vbicunque infra regnum nostrum jacentibus: Ac super omnibus et singulis bonis suis mobilibus et immobilibus habitis et habendis cuicunque persone vel personis prout sibi videbitur expediens non obstante bastardia in qua genitus est et priuilegio juris nobis super escaetis bastardorum concesso et adeo legitimum ad omnimodos actus legitimos in iudicio et extra exercendum ac officijs honoribus hereditatibus beneficijs priuilegijs et possessionibus iu omnibus et per omnia gaudendum ac si de legitimo thoro procreatus fuisset: Et si contigerit ipsum absque legitimis heredibus de corpore suo procreatis vel dispositioue legitima per ipsum de dictis suis terris annuis redditibus tenementis bereditatibus possessionibus et bonis predictis in sua vita facta in fata decedere Nos volumus et concedimus ac pro nobis et successoribus nostris determinamus et ordinamus quod propinquior agnatus seu cognatus eius ex parte patris vel matris sibi in eisdem succedet et ad eadem per breuia capelle

¹ Reg. Mag. Sig., B. 35, No. 782.

nostre introibit simili modo et adeo libere ac si de legitimo thoro procreatus fuisset absque aliquibus reuocatione obstaculo contradictione clameo vel questione per nos aut successores nostros dicto Patricio seu persone vel personis quibus ipsum dictas suas terras hereditates et alia predicta disponere contigerit eorum heredibus et assignatis Qui deficientes legitimis heredibus de corpore suo procreatis vel dispositione legitima per ipsum de dictis suis terris bonis et alijs predictis in vita sua facta sibi in eisdem succedent quouismodo facienda in futurum non obstante dicti juris priuilegio nobis super escaetis bastardorum concessio vel aliquibus legibus canonicis ciuilibus seu municipalibus consuetudinibus parliamentorum actis statutis et questionibus quibuscunque in contrarium factis seu fiendis renunciando eisdem pro nobis et successoribus nostris imperpetum Strictius inhibentes ne quis in contrarium harum nostrarum donationis et concessionis aliquo modo diuiniere presumat sub omni pena quam erga nostram regiam in hac parte incurrere poterit maiestatem: In cuius rei testimonium presentibus magnum sigillum nostrum apponi precepimus apud Halyrudehous decimo octauo die mensis Aprilis Anno Domini millesimo quingentesimo octuagesimo tertio et regni nostri decimo sexto.

Ch B. 1642.

158. LETTERS OF TACK by JAMES, Commendator of Inchaffray, in favour of JOHN MASTER OF GRAHAME, of the Teinds of Cowgask. April 12, 1585.

Be it kend till all men be thir present letres Ws James commendatar of the abbay of Inchaffray as commendatar and for quhatsumeuir vther richt or tittill competent to ws vtherways with expres consent and assent of the convent of Inchaffray and als with expres consent and assent of Thomas Chisholme sone lauchfull to James Chisholme of Cromlix for all richt and tittill of richt competent in his persoun gif ony be in and to the teyndschevis vnder writtin the vtilitie and proffeit of ws and oure said abbay alwayis foirsone and considerit eftir mature deliberatioun had thairvpoun ffor certane gratitudes guid deidis plesouris and sowmes of money done and payit to ws be ane nobill and nichtie lord Johnne Erl of Montrose Lord Grahame thesaurer to oure souerane Lord in name and behalf of Johnne Maister of Grahame his sone and appeirand air and sister sone to ws the said commendatar and for the singular luif and fauour borne be ws to oure said sister sone willing that he be continewit in the possessioun of all and quhatsumeuir teyndis and teyndschevis off all and haill the baroneis and landis pertenyng to the said Johnne Maister of Grahame or quhairvnto he is apperand to succeid in sa far as we may: Thairfoir to haif sett in tak and assedatioun and for male lattin and be the tennour heirof settis in tak and assedatioun and for male lattis to the said Johnne Maister of Grahame in liferent for all the dayis of his lyfytyme And eftir his deceis to ane air male that salhappin to be seruit and retourit as narrest and lauchfull air male to him ffor all the dayis spacc and termes of that his immediate airis lyfytyme And eftir the deceis of the said immediate air male to the narrest and lauchfull air male that salhappin to be enterit and retourit as air male to the said Maisteris

immediate air forsaid ffor all the space yeris and termes of the said secuud airis lyfytyme And eftir the deceis of the said secund air to the airis male and assignais of the said secnnd airis air ffor all the space yeris and termes of nynetene yeris nixt and immediatlie following the deceis of the said secund air All and syndrie the teyndschevis off all and hail the landis and baronye of Cowgask with pairtis pendicles outsettis cottages and pertinentis thairof quhatsumeuir liand within the shirefdome of Perth pertenynng to ws as ane pairt of the patrimonye of oure said abbacie . The enterie of the said Johnne Maister of Grahame and his foirsaidis respectiue and successiue as said is in and to the foirnamet teyndschevis of the said laudis and baronie of Cowgask with pairtis pendicles outsettis cottages and pertinentis thairof quhatsumeuir to be and begyn with him and iu his persouu at the day and daít heirof and thaireftir for all the lyftymes spaces and yeris respectiue and successiue abonereheirsit to indure And all and sindrye the teyndschevis of the said landis and baronie of Cowgask with pairtis peudicles and vtheris abonespecifeit to be peceable bruikit isoit intromettit with teiudit led collectit gadderit set vsit and disponit be the said Johnne Maister of Grahame and his foirsaidis during all the lyftymes spaces and yeris respectiue and successiue befoir specifeit with frie ische and enterie and with all and sindrye vthcris commoditeis fredomes asiamentis and priuclegis quhatsumeuir pertnyng thairto ffielie quietlie weill aud in peax but ony reuocatioun obstacle impediment or agane calling quhatsumeuir: Payand thairfoir yeirlye the said Johnne Maister of Grahame during all the dayis of his lyfytyme and eftir his deceis his airis and assignais respectiue and successiue during the lyftymes spaces and yeris respectiue abonewrittin to ws and oure successouris abbottis of Inchaiffray oure factouris and chalmerlanes in oure name the sowme of xviiij^{li} xiiij^s iiij^d guid and vsuale money of this realme at tua terunes in the yeir Candilmes and Beltaue be eqnale portiones of male allanerlie: Aud we forsuiith the said James Commendatar of Inchaiffray with consent aud assent of oure said convent for ws and oure successouris and als we the said James Commendatar of Inchaiffray for quhatsumeuir wther tittill or richt competent in oure persoun and for all richt proceeding fra ws as commendatar or vtherwayis Sall warrand acquiet and defend this present letre of tak and assedatioun off all and sindrye the teyndschevis of the foirnamet landis and baronie of Cowgask with pairtis pendicles outsettis cottages and pertineutis thairof quhatsumeuir to the said Johnue Maister of Grahame and his foirsaidis during the lyftymes spaces and yeris respectiue and successiue abonereheirsit in all and be all thingis as is abone expremit aganis all deidlie as law will but fraude or gyle And to the effect that all and sindrye the saidis teyndschevis of the foirnamet landis and baronie and vtheris abonespecifeit may remane perpetuallie with the said Johnne Maister of Grahame oure sister sone his airis and successouris to him in the said landis and baronie of Cowgask quhairvnto the said Johnne Maister of Grahame is appeirand to succed Thairfoir we the said Commendatar with consent of our convent bindis and oblissis ws and oure successouris to the said abbacie of Inchaiffray immediatlie efter the expyryng of the nynetene yeir tak mentionat in thir presentis to mak scill subscriue

and deliuer to the airis and successouris of the said Johnne Maister of Grahame in the foirsaidis landis and baronie of Cowgask new takkis in quhat forme and sa oft as thay pleis conforme to thir presentis in all poyntis thay payand to our successouris abbottis of Inchaiffray in name of gresum sa oft as thay salhappin to renew the saidis takkis the sowme of fourtie poundis vsuale money of this realme: In Witness quhairof we the saidis James Commendatar and oure convent and the said Thomas Chisholme in takin of his consent allanerlie to the said premissis as said is hes subscriuit thir presentis with oure handis and appendit the propir seallis of ws the saidis commendatar and Thomas Chisholme and the commoun seale of oure said abbay heirto at Innerpeffrie the tuelt day of Apryle the yeir of God i^m v^c ffoure scoir and fyve yeiris Befoir thir witness, Robert Grahame off Heddirweik, Maister Alexxander Cheisholme persone off Comry, and Andro Grahame, with wtheris dyuers.

JAMES Commendatar of Incheffray.

PAWLL CVNYGHAM.

PATRIK MURRAY.

GEORGE SPENS.

THOMAS CHEISHOLME with my hand.



159. BOND OF RELIEF by SIR ROBERT DRUMMOND of Carnock in favour of
JAMES DRUMMOND, Commendator of Inchaffray. August 13, 1586.

Be it kend till all men be thir present lettres me Schir Robert Drummond of Carnok Knycht Forsamekle as James Drummond commendator of Incheffrey hes becum actit bundin and oblist in the buikis of secrete counsall for me the said Robert vndir the pane of ane thousand pundis and for Robert my sone vndir the pane of fyve hundreth markis money of this realme That Duncan Forestar of Quenishauch salbe harmles and skaithles of me and Robert Drummond my lauchfull sone oure men tennentis and seruandis and all that we may latt vtbirwayes then be ordour of law and iustice in his landis his body guidis and geir takkis stedingis rowmis possessionis as the said act of secreit counsall maid vpoun the xij day of August instant at lenth beiris And thairfoir to be bundin and oblist and be the tennour heirop bindis and oblistis me my airis executouris and assignayis landis body and guidis to freith releue warrande and keip skaithles the said James commendator of Incheffray his airis and assignayis of his said becuming caution for me and the said Robert my sone at the instance of the said Duncane Foriestar and of all actioun and executioun that may follow thairvpoun foreuir And heirto I bind and oblist me my airis and assignayis in the maist sure maner of oblisment that can be deuysit and for the mair securitie I am content and consentis that thir presentis be actit and registrat in the buikis of secreit counsall and to haue the strenth of ane act and decrete of the Lordis thairof interponit thairto with executoriallis to be direct thairupoun in forme as effeiris And for registring heirop makis constitutis and ordanis Johnne Robertson

and ilk ane of thame coniunctlie and seueralie my lauchfull procuratouris to compeir befor the saidis Lordis of secreit counsall quhatsumeuir dayis and placeis neidfull and consent to the registratioun heirop promittens de rato In witness heirop thir presentis subscriuit with my hand at Bannockburne the xij day of August the yeir of God j^m v^e lxxxvj yeiris befor thir witness, Johnne Drummond my sone, Johnne Robertson my seruand, with vtheris diuerss.

ROBERT DRUMMOND of Carnok Knycht.

J. DRUMMOND Witness.

J. ROBERTSON Witness.

Ch. B. 1416. 160. CONTRACT between WILLIAM OLIPHANT of Newton and LAURENCE and
JOHN OLIPHANT, his Sons. December 19, 1586.¹

At Perth the nyntene day of December the yeir of God j^m v^e and fourscoir

¹ Recorded in the Books of Council and Session, January 2, 1586-7.

sex yearis It is contractit finallie endit and aggreit betwix William Olyphant of Newtoun on that ane pairt and Laurence Olyphant his sone and appeirand air ou the vther pairt in maner subsequent To witt the said William sall dewlie and sufficientlie infest and seass the said Laurence and the airis maill lauffullie gottin or to be gottin of his body quhilkis failzeing Johnne Olyphant his lawfull brother germane his narrest lauffull airis maill and assignayis quhatsumeuir beirand the surname and airmis of Olyphant heretable but ony reversioun or regress in all and hail the west pairt of the landis of Newtoun with pairtis pendicles and pertinentis tharof manor place fortalice houssis yeardis orcheyeardis fischeiug of the same in the watter of Iyrne and all thair pertinentis presentlie occupyit be the said William and his tennentis pertening to him in heretable fewferme lyand within the barronie of Fergundeny and schirefdom of Perth and that be twa severall Chartouris and Infestmentis the aue Chartor thairof to be hauldin of the said William kis airis assignais and successoris in frie blanche ferme ffor yeirlie payment to thame thairfoir of ane penny currand money of this realme vpoun the grund of any pairt of the saidis landis at the feist of Whitsunday in name of blenche ferme gif it beis askit allendarlie and to the said Williamis superioris thairof the few meallis rychtis and dewties specifiet and contenit in his infestment of few ferme tharof allendarlie the vther Chartoris to be hauldin of the said Williamis superioris of the foirnemmit halff landis conforme to his haulding of the samin and that be confirmatioun and resignatioun or ather thairof as best sall pleiss the said Laurence and his foirsaidis and ather of the saidis infestmentis to contene sufficient claussis of warrandice and vtheris claussis necessar as effeiris nanelie to be warrandit fra all wardis releiffis nonenteress of airis ladyis terces couiunct feis foirpast alienatiounes and dispositiounes seasingis privat and publict dissaseasiugis lyfrentis annualrentis assedatioun resignatioun assignatioun recognitioun interdictioun iuhibitioun evictiounis reductiounis poyndiug aprysing foirfaltre eschaet taxatiouuis disclamatioun and generallie fra all vther burding clag clame impositiounis deid danger and inconvenienc quhatsumeuir quhilkis may happin or fall vpoun the foirnemmit halff landis fischeing and pertinentis thairof or ony pairt of the samin for quhatsumeuir causis bygane present or tocum titulo oneroso againes all deidlie And sall mak all forther vther securitie neidful to the said Laurence and his foirsaidis thairupoun ay and quhill thai sall fiud thame selffis dewlie and suffiecutlie infest thairintill in maner foirsaid be an act sicker and suir thairof do and renew the samin sa oft as neid beis and deliver to thame the infestmentis obtieit and had to the said William of the saidis landis with the pertinentis at the leist sa meny thairof as the said Laurence hes nocht presentlie in his awiu handis of the samin to be vsit be him and his foirsaidis as his awin proper heretage and euidentis vpoun the effectual remaining thairof with thame in all tymes to cum Siclyk the said William constitutis the said Laurence and his airis maill foirsaidis quhilkis failzeing the said Johnne and his airis maill and assignayis aboue writtin assignayis heritable in and to the relaxing and outquytting fra Dionisius Conquereour burges of Perth of ane annuallrent of eleven bollis victuall allienate and in

and to the relaxing and outquitting fra Alexander Olyphant Albany Herauld and Collene Oliphant his sone and ather of thame of ane annualrent of sex bollis thrie firloittis alienate to thame furth of the saidis landis vnder twa severall reuersionis contenand amongis thame thrie hundretht and fyftie merkis money delyvert as the reuersionis thairof couteins and in and to the rychtis of the reuersionis of the samin with power to his said assignais to vse the haille ordour of redemptioun theranent as mycht the coustituent haue done befor the making of thir presentis with full translatioun of his rychtis thairof in thair persones to that effect and the said William grantit him to haue deliuerit the said reuersionis to the said Laurence to be visit be him and his foirsaidis for that effect and the expenssis of the enteress of the said superior of the saidis landis to be maid to the said Laurence and his foirsaidis For the quhilkis caussis the said Laurence oblissis him and his foirsaidis to dewlie infest and sease the said William in lyfreet for all the dayis of his lyfetime iu all and haille the quarter of the said west halfe of the landis of Newtoun presentlie occupyit be Alexander Dik with the fortalice maner place houssis yairdis thairof with thair pertinentis as alswa in all and haille ane annualrent of twenty pundis money foirsaid yeirlie to be furth cum and upliftit and tane vpe at twa vsuall termes iu the yeir Witsunday aud Mertimes in winter be halff equall portionis of all and haille the said Laurence vther quartar of the saidis landis occupyit and possessit be him presentlie and sall mak gif and deliuer to him thairvpoun sufficient chartour and seasing with all vther securitie neidful contenand sufficient warrandice and all vther claussis necessar as effeirs and the said William to bruik and joys the said quarter laudis maner place fortalice aud pertinentis thairof with the said twentie pundis annualrent during his lyfetime alsweill nocht infest as infest to be hauldin of the said Laurence and his foirsaidis in frie blenche ferme for only payment to thame thairfoir of ane penny Scottis money at the terme of Witsunday vpon the ground thairof gif it be requyrit allanerlie to be warrandit fra all deid done or to be done be the said Laurence or his foirsaidis quhilk may hurt or preiudge the said William in bruiking and joying thairof during his lyfetime allanerlie And this contract to haue the strentht and effect of ane Chartour of the samin as it wer extendit seuerallie iu dew forme during the space with seasing to follow thairvpoun in form as effeirs The first termes payment of the saidis twentie pundis annualrent foirsaid extending to ten puudis ex re conuenta beginand at the feist and terme of Witsunday nixt to cum in this nixt yeir of God j^m v^c and ffourscoir seven yeiris and fra thyne furt the said Laurence and his foirsaidis to pay and deliuer to the said William during his said lyfetime allauerlie the saidis xx li at the saidis termes efter the forme and tenuor heirof alsweill nocht infest as infest as saidis in respect the said Laurence standis oblist thairto in maner as said is all law practick aud exceptionis secludit And further the said Laurence to pay and delyuer to the said Johne Oliphant his brother his airis executouris or assignayis at the present command of the said William the haille sowme of sex hundretht merkis vsuall money of this realme betwix this dait present and aucht dayis preceeding the nixt terme of Witsunday anno lxxxvij

yeiris bot forther delay And bayth the saidis pairteis obleiss thame the airis executouris or assignais successors and intromittoris with thair landis rentis guidis and geir qwhatsumeuir to obserue keipe and fulfill this present contract in all poynttis ilk ane to vtheris concernyng thair awin pairts and to refound and pay the ane to the vther all coistis skaythis and expenss quhilk ony of thame sall happin to mak and deburss throw vtheris defaultis in non fulfilling of the premiss according to the debursers awin modificationis but forther process of law. And safare as the said sex hundreth merkis remains vnpait attour the said terme of Witsunday the said Laurence sall infest the said Johnne Oliphant his brother and his foirsaidis thairfoir in ane annualrent of ane hundreth merkis money foirsaid yeirlie at Witsunday and Mertimes be equale portiones furtht cwmand of all and hail that quarter of the said halfe landis of Newtown presentlie occupyit be the said Laurence or ony pairt thairof with the pertinentis and he to mak to them sufficient infestment and securitie neidfull thairvpoun with sufficient warrandice as effeires vnder ane reuersioun contenand the said soume of six hundreth merkis and to pay the said Johnne and his foirsaidis the said hundreth merkis of yeirlie rent als weill nocht infest as infest and that it sall stand in thair optiounis ather to craue the said sowme or infestment for the said sex hundreth merkis the terme of payment thairof foirsaid being bypast but impediment And heirfoir the said Johnne by thir presentis renunncis discharges and simpliciter owrgeives fra him and his to the said Laurence and in favouris of him and his foirsaidis all infestmentis rycht and securitie maid to him be the said William of the said landis of Newtown ony pairt or portiounis thairof propertie of the samyn or annualrent thairout of less or mair quhatsumeuir general or speciall preceeding this present and at the ressait be the said Johnne of the said sowme or infestment thairfoir as said is he sall thame deliuer the samyn infestmentis rychtis and securities aboue writtin to the said Laurence but fraud or gyle And for fulfilling of the premissis baytht the saidis pairteis and Johnne are content thir presentis be registrat in the boukis of our souerane Lordis Counsale and Sessioun and to haue the strenght of ane decretit of the lordis thairof withe executoreales of hornying poynding and warding the anc but preiudice of the vther to follow thairvpoun in forme as effeirs and the horning to pass vpoun ane simple charge of thrie dayis allanerlie And forther the said Johnne sall nocht onlye delywer the rychtis and securities aboue written in maner foirsaid but also sall mak renunciationis thairof de novo in dew forme as effeirs but preiudice of the said sex hundreth merkis rent thairfoir and infestment of the samyn as said is allanerlie and na vtherwayis And for acting and registering heirof in maner aboue written constitutis maisteris William Oliphant

thame and ilk ane of thame procuratouris coniunctlie and seuerallie with power etc. generallie etc. ferme and stable etc. in vberiori constitutionis forma In vitnes heirof the saideis pairteis contractoureis and Johnne Oliphant respectaive hes subscriuit thir presentis with thair hand as followis and be the notaris wnderwrittin at thair commandis place day and yeir foirsaid befor thir witnes, David Cowper in

Perth, John Cuthbert wrycht, James Dawson Cowper burges of Perth, Patriek Flemyng vrytar, Arehibauld Broun and James Flemyng nottaris.

VILLIAME OLYPHANT of Newtoun.

LAURENCE OLYPHANT appeirand of Newtoun
wyth my hand.

JOHN OLYPHANT wyth my hand.

Ita est Arehibaldus Brown notarius publicus admissus in premissis requisitus et ad mandatum dictarum personarum contrahentium et subseribentium manu sua.

Ita est Jacobus Flemyng notarius publicus admissus in premissis testis requisitus ac de mandato dictarum partium contrahentium et subseribentium manu propria.

161. CHARTER by JAMES THE SIXTH in favour of GEORGE OLIPHANT of Ardquhailzie, and GEORGE OLIPHANT, his Son, of the Lands of Bachilton. November 22, 1587.

Jacobus Dei gratia Rex Scotorum omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis nos post nostram legitimam et perfectam etatem viginti vnus annorum completam et generalem reuoocationem in Parlamento nostro factam et declaratam cum ausamento dilecti nostri consiliarij domini Joannis Seytoun de Barnis militis nostrorum computorum rotulatoris dedisse concessisse et hac presenti carta nostra confirmasse dilecto nostro Georgio Oliphant de Ardquhailzie nunc presenti possessori et veteri antiquo tenenti vulgo lie auld Kyndlie tennent terrarum subscriptarum in vitali reddito pro omnibus vite sue diebus ac Georgio Oliphant eius filio et heredi apparenti hereditarie suisque heredibus et assignatis Totas et integras terras de Bauchiltoun cum partibus pendiculis et pertinentiis earundem jacentes in Dominio de Methven infra vicecomitatum nostrum de Perth: Quequidem terre de Bauchiltoun eum partibus pendiculis et pertinentiis earundem in presenti per dietum Georgium possesse sunt sicuti per eius predicesores tanquam veteres natiuos tenentes earundem vulgo lie auld Kyndlie tenentis vltra memoriam hominum possidebantur ac Magistro Gilberto Moncreif nostro medico perprius hereditarie pertinuerunt et quas ipse pro certis pecunie summis sibj in pecunia numerata per dictum Georgium et Georgium realiter et cum effectu persolutis et deliberatis sicuti in instrumento resignationis desuper leuato continetur in manibus nostris tanquam in manibus domini sui superioris earundem apud Halyrudhous sursum reddidit pureque et simpliciter per fustum et baculum resignavit ac totum jus et clameum proprietatem et possessionem que et quas in et ad easdem habuit habet seu quouismodo habere poterit omnino quieteclamavit imperpetuum in favorem dictorum Georgij et Georgij Oliphantis pro nostris carta et infeofamento

prefato Georgio seniori in vitalj redditu pro omuibus sue vite diebus ac dicto Georgio juniori suis heredibus et assignatis hereditarie nostro sub magno sigillo in debita forma desuper daudis et conficieudis: Teuendas et habendas totas et integras prefatas terras de Bauchiltoun cum partibus pendiculis et pertinentiis earudem prefato Georgio Oliphant seniorj in vitalj redditu pro omnibus vite sue diebus ac dicto Georgio eius filio et heredi apparenti suisque heredibus et assignatis hereditarie de nobis et successoribus nostris in feudifirma seu emphiteosi et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in domibus edificijs boscis planis maresijs vijs semitis aquis staguis riuolis pratis pascuis et pasturis moleudinis multuris et eorum sequelis aucupacionibus venacionibus piscacionibus petarijs turbarijs carbonibus carbonarijs columbis columbarijs cuuculis cunicularijs fabrilibus brasuijs bruerijs et genestis siluis nemoribus et virgultis lignis tignis lapicidijs lapide et calce cum curijs et earum exitibus herezeldis bluduitis et mulierum merchetis cum comunj pastura libero introitu et exitu ac cum omuibus alijs et singulis libertatibus comunoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nomiatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum adeo libere quiete in omnibus et per omnia sicuti dictus Magister Gilbertus easdem de nobis ante dictam resignationem tenuit seu possedit absque aliqua reuocatione contradictione impedimento aut obstaculo quocunque: Solvendo inde annuatim dictus Georgius senior durante vita sua et post eius decessum dictus Georgius junior sui que heredes et assignati nobis et successoribus nostris nostrisque rotulorum computatoribus camerarijs assignatis seu alijs ad huiusmodi jus habentibus summam quinque librarum vsualis monete regni nostri tanquam antiquam firmam et deuoriam per prefatum Georgium et suos predicesores veteres natiuos tenentes earundem perprius solui solitam ac etiam summam quindecim librarum monete predicte in augmentationem per dictum Magistrum Gilbertum concessam et in suo infeofamento contentam plusquam prius pro eisdem persoluta fuit ad duos anni terminos consuetos festa Penthecostes et Saucti Martini in hyeme per equales portiones nomine feudifirme Necnon heredes dicti Georgij junioris duplicando dictam feudifirmam primo anno eorum introitus ad prefatas terras cum pertinentiis prout vsus est feudifirme tantum: In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precipimus: Testibus, predilectis nostris consanguineis et consiliariis Joanne domino Hamiltoun ac commendatario monasterij nostri de Abirbrothock, Archibaldo Angusie comite domiuo Douglas Dalkeith et Abernethie, domiuo Joanne Maitland de Thirlestau milite nostro cancellario, reuerendissimo ac venerabili in Cristo patribus, Patricio Saucti Audree Archiepiscopo, Waltero commendatario monasterij nostri de Blantyre nostri secreti sigilli custode, dilectis nostris familiaribus et consiliarijs Alexandro Hay de Eister Keunet nostrorum rotulorum registri ac consilij clerico, Lodovico Ballenden de Auchnoule milite nostre justiciarie clerico, et Magistro Roberto Scott nostre cancellarie

directore: Apud Halyrudhous vicesimo secundo die mensis Nouembris anno Dominij millesimo quingentesimo octuagesimo septimo et regni nostri vicesimo primo.

162. REGISTERED BOND OF CAUTION for WILLIAM SANDELANDS of St. Monans, by LAURENCE LORD OLIPHANT. May 16, 1590.¹

I Laurence Lord Oliphant be the tennour heirof actis bindis and obliss me my airis assignais and successoris as cautionaris and souirtie for Williame Sandelandis of Sanct Monanis that Mr Andro Sandielandis his tennentis and seruandis salbe harmeles and skaithles in thair bodyis landis takkis possessionis guidis and geir and on nawise to be molestit nor troublit thairin be the said Williame Sandielandis of Sanct Monanis nor na vthiris of his causing sending houndingoute command ressett assistance and ratihabitoun quhome he may latt directlie nor indirectlie in tyme cwming vthirwise nor be ordour of law and iustice vndir the pane of twa thowsand pundis conforme to the tennour of our Souerane Lordis letteris diréct be deliuerance of the Lordis of secreit counsaill quhairwith the said Williame Sandelandis of Sanct Monanis chargeit this day at the said Mr Androis instance to the effect foirsaid And the said Williame Sandelandis of Sanct Monanis actis bindis and oblissis him his airis assignais and successoris to warrand releve keip harmeles and skaithles me the said Laurence Lord Oliphant his cautionair of the payment of the said pane of twa thowsand pundis money at all handis quhome it effeiris and of all that may follow thairvpoun in tyme cwming be vertew of the saidis lettres and charge thairvpoun conforme thairto as the samin lettres of the date at Edinburgh the first day of Aprile and of oure Souerane Lordis reignne the xxiiij yeir 1590 at lenth beiris And we ar content and consentis that thir presentis alsweill releiff as principall be actit registrat and insert in the buikis of secreit counsaill be Johnne Andro clerk thairof conforme to the will and command of the saidis lettres of the date foirsaid in all pointis In witnes quhairof I the said Laurence Lord Oliphant and Williame Sandelandis of Sanctmonanis in taikin of his oblissing for my releiff haue subscriuit thir presentis with oure awne handis as followis att Kelly the xvj day of May the yeir of God j^m v^e lxxx ten yeiris befor witnessis, Johnne Oliphant my sone, Laurence Oliphant of Williamstoun, Henry Adamesoun burges of Perth, Robert Bonar, and David Rollok notar. Sic

¹ May 18, 1590.—The quhilk day in presens of the Lordis of secreit counsaill comperit Mr Williame Oliphant aduocat as procuratour for Laurence Lord Oliphant and Williame Sandielandis of Sanct Monanis and gaif in the band and obligatioun undirwrittin desiring the same to be actit and registrat in the buikis of secreit counsaill to haue the strenth of ane act and decrete of the Lordis thairof with executoriallis to pas thair-

vpoun in forme as effeiris Quhilk desire the saidis Lordis finding ressonable thay hane ordanit and ordanis the said obligatioun to be actit and registrat in the saidis buikis and hes interponit and interponis thair auctoritie thairto and ordanis lettres and executoriallis to be direct thairvpoun in maner specifeit thairintill off the quhilk the tennour followis [ut supra].—Régistrum Secreti Concilii, 1589-1591, p. 336.

subscribitur, Laurence L. Oliphant. Willianne Sandielandis of Sanctmonanis. Johnne Oliphant witnes. Laurence Oliphant witnes. Henry Adamesoun witnes. Robert Bonair witnes. Dauid Rollok notar witnes.

163. REGISTERED BOND OF CAUTION for NINIAN BONAR of Keltie, by LAURENCE LORD OLIPHANT. May 16, 1590.¹

I Willianne [sic] Lord Oliphant be the tennour heirof bindis and obliss me my airis assignais and successouris as cautionair and souirtie for Niniane Bonair of Kelty That Mr Andro Sandielandis his tenmentis and seruandis salbe harmeles and skaithles in thair bodyis landis takkis possessionis guidis and geir and on nawise to be molestit nor troublit thairin be the said Niniane Bonair of Kelty nor na vthiris of his causing sending houndingoute command ressett assistance and ratihabitoun quhome he may stop or latt directlie or indirectlie in tyme cwming vthirwise nor be ordour of law and iustice vndir the pane of ane thousand pundis money conforme to the tennour of oure Souerane Lordis lettres direct be deliuerance of the Lordis of secreit counsaill quhairwith the said Niniane is chargeit this day at the said Mr Androis instance to the effect foirsaid And the said Niniane Bonair of Kelty bindis and oblissis him his airis assignayis and successouris to warrand releve keip harmeles and skaithles me the said Lawrence Lord Oliphant his cautionair of the payment of the said sowme of ane thousand pundis at all handis quhome it effeiris and of all that sall follow heirupoun in tyme cwming be vertew of the saidis lettres and charge gevin conforme thairto as the samin lettres of the date at Edinburgh the xvij day of March and of oure said Souerane Lordis regnne the xxij yeir 1589 at lenth beiris And we ar content and consentis that thir presentis alsweill for releiff as principall be actit registrat and insert in the buikis of secreit counsaill be Johnne Andro clerk thairof conforme to the will and command of the saidis lettres of the date foirsaid in all points In witnes quhairof the said Lord Oliphant and the said Niniane Bonair of Kelty in taikin of his oblissing for my releiff haue subscriuit thir presentis with oure awne handis as followis at Kelty the xvj day of May the yeir of God j^m v^c lxxx ten yeiris befor thir witness, Johnne Oliphant my sone, Laurence Oliphant of Williamestoun, Henry Adamesoun burges of Perth, Robert Bonair, and Robert (?) Rollok notair. Sic subscribitur, Laurence L. Oliphant. Johnne Oliphant witnes. Laurence Oliphant witnes. Henry Adamesoun witnes. Robert Bonair witnes. Dauid Rollok notair witnes.

¹ Maij 18, 1590.—The quhilk day in presence of the Lordis of secreit counsaill comperit Mr Willianne Oliphant aduocat as [procuratour] for Laurence Lord Oliphant and Niniane Bonair of Keltie and gair in the band and obligatioun vndir writtin desiring the same to be actit and registrat

in the buikis of secreit counsaill to haue the strenth of ane act and decrete of the Lordis thairof with executoriallis to pas thairvponn in forme as effeiris Quhilk desire the saidis Lordis finding ressonable, etc.

Ch. B. 1772. 164. BACK BOND by ALEXANDER BRUCE, Younger of Cultmalundie, and JEAN OLIPHANT, his Spouse, in favour of EDWARD MURRAY, Portioner of Williamstoun. May 17, 1591.

To all and sindrie quhais knowledge thir present letres saltoeum Alexander Bruce fear of Cultmalindeis and Maistres Jeane Oliphant my spous greting in God euerlesting Wit your vniuerseteis that albeit Eduard Murray portionar of Williamstoun be his charter of pure alienatyoun with expres consent and assent of Bessie Bonar his spous for hir riht and interes hes sauld and anleit to me and my said spous in coniuinet fie the langar levar of ws tua and to the airis lauehfullie gottin or to be gottin betuix ws quhilkis failzeing to myne the said Alexanderis airis and assignayis quhatsumeuer heretable ane annuall rent of tuentie merkis money vsuall of this realme yeirlie to be furtheumand liftit and vptane at tua termes in the yeir Witsunday and Mertymes in wiuter be equal portiones ffurth of all and haill that his auehtan pairt landis of Williamstoun with the pertinentis quhilk wes sumtyme oceupeit be Johnne Murray and now be the said Eduard and his cottaris or furth of ony part of the samin lyand in the baronie of Cardine and sehiredome of Perth as at mair lenth is contentit in the charter and euidentis maid to ws thairupoun Neuertheles we will and grantis aud als bindis and oblissis ws the langar levar of ws tua our airis and assignayis foirsaidis possessouris of the said annuall rent for the tyme to the said Eduard Murray his airis and assignayis in maner and to the effect followiug To wit that quhat tyme and how soun it salhappin him or thame thankfullie to content pay and delyuer to ws the langar levar of ws tua or our foirsaidis altogidder vpoun ane day betuix the sone rying and down passing of the samin within the paroehe kirk of the burgh of Perth the haill sowme of tua hundreth merkis in numerat guid and vsuall money of this realme haiffand passage aud eours of payment thairintill for the tyme (all layit money eunzeit and eurrand for the tyme vnder the awaill of tuelf penneis the pee in payment thairof seeludit and execeptit) sua that to the ressait of the said sowme we the langar levar of ws tua or our foirsaidis be lauehfullie warnit be the said Eduard or his foirsaidis vpoun the prenonitioun of fourtie dayes of befoir ather in our proper persounes or at our duelling plaece for the tyme or in our paroehe kirk vpoun aue Sounday befoir none in tyme of preehing or prayeris and audienee of pepill Quhilk warning sua being maid opinlie befoir aue notar and witness as efferis and the said haill sowme of tua hundreth merkis money foirsaid being numerat and tauld and altogidder payit and delyuerit as said is that than and ineontinent thairefter we the langar levar of ws tua and our foirsaidis ressaifaris thairof sall frielie purelie and simple resign renunee dimit quit elame discharge aud simplieiter ouergif the said annuallrent of tuentie merkis money agane to the said Eduard Murray and his foirsaidis payaris and delyueraris of the said sowme and to the said Bessie Bonar his spous for hir riht and interes foirsaid and sall than delyuer to thame thairwith all euidentis maid to ws thairupou and frathynefurth we nor our foirsaidis sall

neuer mak forder clame questioun nor demand in and to the said annuallrent in all nor in part bot alluterlie fra all richt clame and titill of richt actioun interes propertie and possessioun thair of for euer to be secludit and amovit And gif it sal happin ws the langar levar of ws tua or our foirsaidis fraudefullie or wilfullie to absent ws fra the ressait of the said sowme the warning being maid as said is in that cais it sallbe lesum to the said Eduard and his foirsaidis to put and consign the samin sowme of tua hundreth merkis money foirsaid in sure keping in the handis of the thesaurar or dene of gild of the said burgh of Perth being for the tyme vpoun the perrell of the consigar to be kept and maid furthcumand to the vtilitie and proffoit of ws the langar levar of ws tua and our foirsaidis and thairefter the said Eduard Murray and his foirsaidis payaris delyueraris puttaris or consignaris of the said sowme and the said Bessie Bonar his spous for hir richt and interes to haif full and haill regres and ingres in and to the said annuall rent of tuentie merkis money siclyk as thai hed befor the alienatioun of the samin abonewritin but stop pley contradictioun or impediment and but fraude or gyle Provyding alwayes lyk as be thir presentis it is expreslie provydit that it sall nocht be lesum to the said Eduard Murray nor his foirsaidis to redeme nor outquyte fra ws the langar levar of ws tua nor our foirsaidis the said annuall rent of tuentie merkis money ffor the space of foure yeiris nixt and immediatlie following the day and dait heirof nor yit thairefter quhill we the langar levar of ws tua and our foirsaidis be first satisfeit and payit of all byrun proffeitis of the said annualrent that salbe restand awand the tyme of the redemptioun thair of bot in the meantyme thairvnto this present reuersioun effect and strenth heirof to stand suspendit and na vtherwayes In witnes of the quhilk thing I and my said spous haif subscriyvit thir presentis with our handis as followis at Cultmalunde the sewyntene day of Majj the yeir of God i^m v^c fourescoir ellewyn yeiris Befoir thir witnessis, Williame Bruce of Mylntoun of Gorthie, James Spens portionar of Balmaclone, Walter Ruthuen seruitour to the said Williame Bruce, James Watsoun my seruitour, and Thomas Nycoll notar.

A. BRUCE of Cultemalynduy yowngar.

JEANE OLIPHANT vith my hand.

THOMAS NYCOLL notarius testis in premissis
requisitus manu sua.

JAMES SPENS vitnes with my hand.

JAMES VATSONE vitnes vith my hand.

Ch. B. 1421

165. LETTERS OF GIFT by JAMES THE SIXTH in favour of WILLIAM OLIPHANT, Advocate, of the Ward and Marriage of LAURENCE LORD OLIPHANT, Grandson of the deceased LAURENCE LORD OLIPHANT. February 2, 1592.

James be the grace of God King of Scottis to all and sindrieoure liegis and subdittis quhome it effeiris quhais knowlege thiroure lettres sall cum gretin. Wit ye ws to have gevin and grantit and be thiroure lettres gevis and grantis tooure

louit Maister Williame Oliphant aduocat his airis and assignais ane or maa the waird nonentres maillis feirmes proffeittis and dewteis of all and sindrie landis lordschippis baroneis annuelrentis castellis towris fortaliceis maner placeis houssis biggingis yeardis ortheardis mylnis woddis fischeingis aduocatioun donatioun and richt of patronages of Kirkis beneficeis chaplanreis and alteragis with thair pairtis pendiclis annexis connexis dependencis tennentis tennandreis seruice of frie tennentis thairof and all thair pertinentis quharever the samin lvis within oure realme quhilkis pertentit to vmquhile oure cousingne Lawrence Lord Oliphant haldin be him immediatlie of us and that of all yeiris and teirmes by past that the samin hes bene in onre or oure predicessouris handis be reassoun of waird or nonentres or ather of thame sen the deceis of the said vmquhile oure cousigne or ony vtheris his predicessouris or sen the deceis of quhatsumever vther persoun or persounes last lawchfull and immediat tennentis to ws or oure predicessouris of the samin or be quhatsumever vther maner of way And siclyke of all yeiris and teirmes to cum ay and quhill the lawchfull entrie of the richteous air or airis thairto being of lawchfull age with the releif thairof quhen it sal happin Togidder with the mariage of Lawrence now Lord Oliphant oy and apperand air to the said vmquhile Lawrence Lord Oliphant and falzeing of him be deceis vnmareit the mariage of ony vther air or airis maill or famaill quhilkis sal happin to succed in the foirsaidis landis and heretage with all proffeittis of the said mariage To be haldin and to be had the waird nonentres releif and mariage abouewreittin and proffeittis thairof during the space foirsaid to [by] the said Maister Williame Oliphant aduocat his airis and assignayis ane or maa with all and sindrie commodeteis fredomes proffeittis and richteous pertinentis quhatsumever pertening or that richteouslie may pertene thairto With power to the said Maister William his airis and assignayis foirsaidis to intromet with vptak ask crave and ressave all and sindrie the saidis maillis feirmes proffeittis and dewteis of all and hail the foirsaidis landis lordschippis baroneis annuelrentis and vtheris aboue rehersit tennentis tennandreis seruice of frie tennentis thairof and all thair pertinentis of all yeiris and termes bypast and to cum during the space foirsaid at thair awin handis and to dispone thairvpone and vpone the said mariage and proffeittis thairof at thair plesour and gif neid beis to call and persew thairfor as accordis and to vse and occupie the saidis landis lordschippis barroneis and vtheris respectiue foirsaidis with thair awin gudis or to set the samin to tennentis as thay sall think maist expedient and to gif and confer the saidis kirkis and beneficeis als oft as neid beis during all the space foirsaid with court plaint herezeld bludeweit and mercheit onlawis amerchiamentis and escheitis of the saidis courtis and with all vtheris commodeteis and fredomes frelie queyetlie weill and in peace bnt ony reuocatioun or aganecalling quhatsumever Quhairfore we charge straitlie and commandis yow all and sindrie oure leigis and subdittis foirsaidis that nane of yow tak vpone hand to mak ony lat stop or distribulance to the said Maister Williame Oliphant his airis and assignayis in the peceabill bruiking joising intrometting with and disponing vpone the waird nonentres releif and mariage abouewreittin and proffeittis thairof dnrng the space foirsaid efter the forme and tennour of thir

oure lettres vnder all lieast pane and charge that efter may follow Gevin vnder
oure privie seill at Edinburgh the secund day of Februar the yeir of God·j^m v^c four-
scoir twelf yeiris and of oure regune the twentie sax yeir.

Per signaturam manu S. D. N. regis subscriptam.

166. EXTRACT DECREET against MARGARET WEDDELL or M'LAURANE and her
Sons, Pretended Possessors of Woodlands of Easter Lammerkin. January
16, 1593.

In the actioun and caus persewit at the instance of Mr Daid Makgill of
Cranstoun-Riddell and Johnne Skene advocattis to our Souerane Lord for his hienes
interes and Laurence Oliphant seruitour to Mr Williame Oliphant aduocat taxman
of the landis vnderwritten and thairthrow haifand gude richt and sufficient interes
to persew the actioun of improbatioun efterspecifeit aganis Margaret Weddell relict
of vmquhile Thomas M'Laurane Walter and Thomas M'Laurans ther sonniss and the
tutouris and curatouris of the said Thomas gif he ony hes for thair interesse
Makand mentioun that quhair the said persewer hes in tak and assedatioun of
Johnne Maister of Oliphant lafull tutor [to] Lawrence now Lord Oliphant to the said
persewer his airis assignais and subtennentis ane or ma all and hail the wodlandis
of Eister Lammerkin with thair pertinentis sumtyme possess be Alexander Oliphant
in Lammerkin and Jonet Oliphant his spous and now presentlie possess be the said
Margaret Weddell relict foirsaid and hir subtennentis lyand within the baronie of
Abirdalgie and shirefdome of Perth ffor ane lang space and mony yeris to rin as
the tak and assedatioun maid to him thairvpou at lenth beris be vertew of the
quhilk he hes gude and vndoutit richt to the saidis landis with the pertinentis and
to the meallis proffites and deweties therof and aucht and sould be ansuerit and
obeyit of the same Neuirtheles the said Margaret Weddell Walter and Thomas
M'Lauranes hir sonniss pretendand thame to haif tak and assedatioun allegit maid
be vmquhile Laurence Lord Oliphant to the said Margaret and hir said spous thair
airis and assignais specifeit thairin of all and hail the landis foirsaidis with the
pertinentis for the space of _____ vnder cullour
and pretense thairof bruikis joissis and possessis the samin landis with the perti-
nentis intromitis with and vptakis the proffites thairof and detenis and withaldis
the samin fra the said persewer Albeit it be of veritie that ther was neuir sic ane
pretendit tak or vther title maid be the said vmquhile Laurence Lord Oliphant or
ony of his predicessouris to thame or ony of thame And gif ony sic pretendit tak or
vther title may be schawin and producit the samin ar false and fenzeit in thame
selffis foirgeit simulat and devysit be the said Margaret Weddell and hir said sonniss
or sum vther thair associattis and our said Souerane Lordis aduocattis offeris thame
to impreve the samin civile and lauchfullie per testes insertos et omni alio modo
quo de iure And anent the charge gevin to the saidis defendaris to haif comperit
befoir the Lordis of counsall at ane certane day bigane bringand produceand and

exhibitand with thame the foirsaid pretendit tak and assedatiouu allegit maid to thame or ather of thame be the said vmquhile Lawrence Lord Oliphaut or ony of his predicessouris of the landis abouespecifeit with the pertinentis or ony part thairof togidder with all vtheris takis and titles quhatsumeuer allegit maid to thame or ther foirsaidis thairof in ony tyme bigane of quhatsumeuer tenuour dait or contentis the samin be of To haif bene sene and considerit be the saidis Lordis of counsall and to haif hard and sene the samin as false and fenzeit in thame selfis forget simulat and devysit in maner aboue writtin bene ciuilie and lauchfullie improvin per testes insertos et omni alio modo quo de iure And the samin beung improvin the saidis personis as forgearis and fenzearis thairof at the leist vsaris of the samin as ane trew eudent decernit to be punist in ther personis and gudis in example of vtheris conforme to the lawes and practique of this realme as at mair leuth is contenit iu the principall sumondis raisit iu the said mater actis and letres maid thairupon of befor The saidis Maisteris David Makgill of Craustouue-Riddell and Johnne Skene aduocattis to our Souerane Lord being persouallie present and the said Lawrence Oliphant compeirand be Mr William Oliphant his procuratour and the foirsaidis personis defendaris being all lauchfullie summond to this actioun diuerse tymes of befor oftymes callit and nocht compeirit The Lordis of counsall decernis and declairis the foirsaid pretendit tak and assedatiouu allegit maid to the saidis defendaris or ather of thame be the said vmquhile Lawrence Lord Oliphant or ony of his predicessouris of the landis aboue specifeit with the pertinentis or ony part thairof togidder with all vther takis richtis or titles quhatsumever allegit maid to thame or ther foirsaidis thairof iu ony tyme bigane to mak na faith in iudgment nor outwith the same in tyme to cum becaus the saidis defendaris war lauchfullie sumond dyuerse tymes of befor to haif broucht with thame exhibit and producit in presence of the saidis Lordis the foirsaid pretendit tak and assedatioun togidder with all vther takis richtis and titles maid to thame or thair foirsaidis of the landis abouespecifeit or ony part thairof to bene sene and considerit be the saidis Lordis to the effect abouementiouat and last of all with certificatioun to thame and they fealzeit the saidis Lordis wald decerue and declair in maner foirsaid and they being lauffullie summond to that effect diuerse tymes of befor as said is ffealzeit in production thairof as was cleirlye wnderstand to the saidis Lordis and thairfore they decernit and declairit in maner aboue specifeit And ordanis letres to be direct heirvpon in forme as effeiris.

167. EXTRACT DECREET of Privy Council against JOHN MASTER OF OLIPHANT.
March 18, 1594.

Apud Ediuburgh decimo octauo Marcii anno etc. lxxxiii. Sederunt, Cancellarius, Liudsay, Neubottle, Thesaurarius, Secretarius, Clericus Justiciarie, Computorum, Rotulator Tracquair, Clericus Registri. Anent oure Souerane Lordis letteris rased at the instance of Lawrence Lord Oliphant and Williame Erll of Mortoun Lord

Dalkeith his tutour datue for his interesse makand mentioun that quhair Johnne Oliphant sone to vmquhile Laurenee Lord Oliphant forzeitfull of his naturall behaviour and dewitie quhilk he aucht to the said Lord his cheiff and mynding now in his minoritie to tak his advantage of the saidis Lordis rentis and living he for this effect dalie molestis troublis and oppresses his tennentis violentlie revis and intromettis with his mailles fermes and dewiteis thrcatining and minassing the saidis tennentis with all kynd of violence and iniurie giff thay refuse to deliuer the saidis mailles and dewiteis to him and be mony vthiris his actionis commitis maist shamefull and manifest aggressioun vponn the said Lord in hie and proude contemptioun of his hienes autorite and lawis And anent the echarge gevin to the said Johnne Oliphant to haue compeirit personalie befor the Kingis Maiestie and lordis of secreit counsalc at ane eertane day bigane to haue ansuerit to this complaint and to haue hard and sene ordour tane thairanent as appertenit vnder the pane of rebellious etc. with certifiatioun etc. like as at mair lenth is contenit in the saidis letteris excecutionis and indorsationis thairof the said Lord compeirand personalie and the said Johnne Oliphant being oftymes callit and not compeirand The Lordis of seereit counsalc thairfoir ordanis letteris to be direct to denunee him and to esheit.

168. DECREE by the SHERIFF-DEPUTE of Perth in favour of WILLIAM OLIPHANT of Gask, authenticating a Protocol Instrument of Reversion of the Lands of Wester Cluthie by ROSINA MURRAY and Others to the deceased LAURENCE LORD OLIPHANT. August 16, 1595.

Quhilk day compeirit in judgement William Oliphant of Gask sone lafull to vmquhill ane noble lord Laurence Lord Oliphant heretable proprietor of the landis undervrittin and producit ane precept in forme of edict resitt at his instance aganis Patrick Brusoun sone and apirand air of vmquhile Adam Brusoun haifar of the prothogall buik efter speeefit Rosina Murray Johnne Fentoun and aganis the tutoris and curatoris of the said Patrik gif he ony hes and aganis all vtheris haifand or pretendand to haif entres in the mater vnder mentionat be virtu of the same proportand in effect that quhair thair is ane prothogall buik of vmquhile Adam Brusoun notar publiet in the quhilk instrument umquhile Thomas Fentoun Rosina Murray reliet of vmquhile William Fentoun hir spous and Johnne Fentonn thair son with consent of vmquhile Patrik Murray of Tibbermour his curatour grantit them to haif ressaut fra Mr William Oliphant procuratour lafullie constitut for the said vmquhile noble Lord the soume of five hundreth lib with ane lettre of tak for the space of nyntein yeiris eftir the redemptionn thairof And thairfoir the said vmquhile Thomas Fentoun Rosina Murray reliet of the said vmquhile William the said Johnne Fentoun thair sone with consent of his curatouris fairsaidis grantit the said reversionn maid by them to the said vmquhile noble Lord satisfit and fulfillit to them in all poyntis and thairfoir renuncit all rycht titill of riecht actioun entres and propertie that thai haid in and to the landis of Vester Cluthie with the perti-

nentis sympliciter except the said nyntein yeiris tak allendarlie as the said instrument maid thairupoun contenit in the said vmquhile Adamis prothogall buik subscriuit with his hand of the dait the nynt day of Junij the yeir of God j^m v^c and j^m vj^c yeiris Quhilk prothogall of instrument now properlie concernis the said William in sa far as the said William is heretable infest be the said vmquhile Laurence Lord Oliphant his father in the sam landis as his seasing thair of proportis and thairfoir necessar it is to him to have the samin transumt now in dew form with edict prociding heirfoir chargeing the said Patrik Brusoun sone and apirand air of the said vmquhile Adam Brusoun haifar of the said prothogall buik the said Rosina Murray and Johne Fentoun hir sone personalie or at thair dwelling placcs and the tutouris and curatouris of the said Patrik gif he ony hes and all vtheris haifand or pretendand to haif entres in the said mater be oppin proclamatioun at the merkit crocc of the burght of Perth and vtheris placcs neidfull to haif compirit befor the Schireff of Perth or his deputt ane or ma the day abovevrittin to ansuer at the instancce of the said William Oliphant That is to say the said persones Patrik and his saidis curatoris to produce and exhibit the said prothogall contining the said instrument judicallie and the sam being producit the recht persones to haif hard and sein the instrument foirsaid thairin contenit be transumit in dew forme and deliuerit to the said William Oliphant and to be als valable lauffull and sufficient to him as gif the sam haid bein autentiklie extractit drawin furtht and subscriuit be the said vmquhile Adam in his lyfytyme as said is according to iustice or ellis to schaw ane ressonabill caus in the contrar quhy the sam suld nocht bein done making intimatioun as efferit as at mair lenth is continit in the said precept in forme of the edict of the dait the fyft day of Agust the yeir of God j^m v^c and lxxxv yeiris Compcirit the said Patrick and his saidis curatoris be Hendric thair procuratour quha producit the prothogall buik and the said Rosina Murray John Fentoun and all vtheris haifand or pretendand to haif entres being oftymes callit at the Tolbuith vindo as vse and lauffull tyme of day biddin and nother compirand be themselfis thair procuratouris nor nain vtheris in thair names The Schiref Deput foirsaid being weill and ryplie advysit at the said prothogall buik of the said vmquhile Adam Brusoun continand thairin the said instrument schawin and producit in judgement togidder with the depositiones of diuerss famous vnsuspect witnessis lauffullie summond ressauit suorne and admittit for recognoscing of the said prothogall Findis and Declairis that the said prothogall buik is the prothogall buik of the said vmquhile Adam Brusoun and that the instrument thairin contenit is halelie vrittin and subscriuit with his awin hand and thairfoir decernis and ordanis the instrument foirsaid continit in the said prothogall buik transumit in dew forme and to be deliverit to the said William Oliphant to be als valable lauffull and sufficient to him as gif the sam had bein autentiklie extractit and drawin furth and subscriuit be the said vmquhile Adam in his awin lyfytyme as properlie concerning him be ressoun foirsaidis and to haif als grit faith in all tyme heirefter as gif the sam hed bein auteutiklie extractit be the said vmquhile Adam in his awin lyfytyme as said is becaus the said Rosina Murray Johne Fentoun nor

nain vtheris haifand entres compyrand be themselves thair procuratouris nor nain vtheris in thair names to schaw or allege ony ressounable caus in the contrar quhy the saim suld nocht bein done.¹

169. CHARTER by JAMES THE SIXTH in favour of JOHN OLIPHANT of the Lands of Heuchfield. July 29, 1596.

Jacobus Dei gratia Rex Scotorum omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis nos post annexationem terrarum ecclesiarum huius regni ad coronam nostram cum auisamento nostrorum commissionariorum ac dominorum nostri scaccarij dedisse concessisse assedasse arrendasse locasse et ad feudifirmam seu emphiteosim hereditarie dimississe et hac presenti carta nostra confirmasse tenoreque presentis carte nostre dare concedere assedare arrendare locare et ad feudifirmam seu emphiteosim hereditarie dimittere et hac presenti carta nostra confirmare predilecto nostro Joanni Oliphant filio legitimo natu tertio quondam Petri Oliphant de Turingis suisque heredibus et assignatis quibuscunque hereditarie totas et integras terras de Heuchfield cum domibus edificijs hortis toftis croftis lie outsettis partibus pendiculis annexis connexis dependentiis et omnibus suis pertinentiis jacentes infra vicecomitatum de Perth per prius ad abbaciam de Culros tanquam vnam partem temporalitatis et patrimonij et proprietatis eiusdem spectantes et nunc nobis pertinentes virtute acti annexationis annexandi integras terras ecclesiasticas huius regni ad coronam nostram: Insuper nos pro bono fideli et gratuito seruicio nobis per dictum Joannem prestito et impenso ac pro diuersis alijs magnis respectibus et bonis considerationibus nos mouentibus cum auisamento antedicto dedimus concessimus et disposuimus tenoreque presentis carte nostre damus concedimus et disponimus prefato Joanni Oliphant suisque heredibus et assignatis predictis hereditarie totum jus titulum interesse jurisclameum tam petitorium quam possessorium que seu quos in et ad predictas terras cum pertinentiis seu ad aliquam earundem partem vel ad census firmas proficua aut deuorias earundem de quibuscunque annis seu terminis preteritis habuimus habemus seu quouismodo habere vel clamare poterimus aut poterint virtute dicti acti annexationis aut

¹ Then follows a copy of the Instrument in question, dated June 9, 1576, "within the Paroche Kirk of Perth in the place quhair the hie alter standis," and concluding thus:—"Super quibus omnibus et singulis prenomiatus Magister Willelmus Oliphant procurator et eo nomine dicti Laurentii Domini Oliphant a me notario publico subscripto sibi fieri petiit instrumentum sine instrumeta vnum aut plura publicum seu publica acta erant hec in ecclesia parochie de Perth horam circiter quintam post meridiem sub anno die mense et anno regni

supra scriptis presentibus ibidem honestis viris Andrea Donaldsone, Johanne Elder burgensibus de Perth, Alexandro Oliphant in Lamberkyne, Laurencio Oliphant filio et apparente herede Thome Oliphant portionarii de Williamstoune et Thoma Burrell notario ibidem testibus ad premissa vocatis atque requisitis Sic subscribitur Ita est Adamus Brusoun notarius publicus in premissis rogatus ac scriba deputatus comitatus burgi de Perth manu sua."—Recorded in the Sheriff Court Books of Perth.

virtute quorumcunque actorum nostri parlamenti aliorum actorum legum seu constitutionum nostri regni vel ob quamcunque aliam causam actionem seu occasionem preteritam diem date presentium precedentem: Renunciando exonerando eisdem cum omnibus actione et instantia earundem pro nobis et successoribus nostris prefato Joanni suisque heredibus et assignatis predictis pro nunc et imperpetuum cum pacto de non petendo ac cum supplimento omnium defectuum tam non nominatorum quam nominatorum quos tanquam pro expressis in hac presenti carta nostra haberi volumus: Tenendas et habendas totas et integras predictas terras de Heuchfield cum domibus edificijs hortis toftis croftis lie outsettis partibus pendiculis annexis connexis partibus dependentijs et omnibus suis pertinentiis prefato Joanni suisque heredibus et assignatis quibuscunque predictis de nobis et successoribus nostris in feudifirma seu emphiteosi et hereditate imperpetuum per omnes rectas metas suas antiquas prout jacent in longitudine et latitudine in domibus edificijs boscis planis moris merresijs vijs semitis aquis stagnis riuolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus piscarijs turbarijs carbonibus carbonarijs cuniculis cunicularijs columbis columbarijs fabrilibus brasinis bruerijs et genestis siluis nemoribus et virgultis lignis tignis lapidicij lapide et calce cum curijs et earum exitibus herezeldis bluidwittis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus alijs et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quicte plenarie integre honorifice bene et in pace absque vlla reuocatione contradictione impedimento aut obstaculo aliquo: Reddendo inde annuatim dictus Joannes sui que heredes et assignati nobis et successoribus nostris summam triginta duorum solidorum vsualis monete regni nostri tanquam antiquam diuoriam pro predictis terris per prius solui solitam et consuetam vnacum summa quadraginta denariorum annuatim in augmentationem nostri rentalis ad duos anni terminos consuetos festo videlicet Penthecostes et Sancti Martini in hieme per cquales portiones nomine feudifirme Nec non heredes dicti Joannis duplicando dictam feudifirmam primo anno eorum introitus ad predictas terras cum pertinentiis prout vsus est feudifirme tantum: In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus: Testibus ut in alijs cartis consimilis date presentibus: Apud Dunfermling vigesimo nono die mensis Julij anno Domini millesimo quingentesimo nonagesimo sexto et regni nostri anno tricesimo.

Ch. B. 1643.

170. CHARTER by LADY HELENOR BRUCE, to PETER HAY of Petculane, of an Annual Rent of Sixty Bolls of Wheat out of the Lands and Barony of Cowgask. October 14, 1597.

Omnibus hanc cartam visuris vel auditoris Domina Helena Bruce relicta

quondam honorabilis viri Patricii Chene de Esilmont ac possessor hereditarius annui redditus farrine subscripti salutem in Domino sempiternam: Noueritis me pro perimptione vnius mee partis cuiusdam contractus matrimonialis inter me et Elizabeth Chene meam filiam inter dictum quondam Patricium Chene et me legitime procreatam ac honorabilem virum Patricium Hay de Petculane et Petrum Hay eius filium et apparentem heredem partibus ab altera initi et confecti necnon in partem solutionis summe pecunie per me dicto Patricio Hay nomine dotis cum dicta Elizabeth mea filia persoluede prout in eodem contractu de data apud Esilmont vigesimo quarto die mensis Octobris et anno Domini millesimo quingentesimo nonagesimo sexto latius continetur: Igitur dedisse concessisse vendidisse ac pure venditionis titulo a me heredibus et assignatis meis alienasse et hac presenti carta mea confirmasse tenoreque eiusdem dare concedere vendere alienare et hac presenti carta mea confirmare predilecto meo Patricio Hay heredibus et assignatis suis quibuscunque hereditarie totum et integrum illum annum redditum sexaginta bollarum farrine auenatice sufficientis boni feralis et mercimonij michi jure hereditario incumbentem ex pura venditione quondam nobilis domini Willelmi Domini Ruithuene et Dirltoun vicecomitis de Perth annuatim proueniendum leuandum et percipiendum inter festum natiuitatis Domini et purificationis Marie Virginis de totis et integris terris suis et barronia de Cowgask aut de aliqua parte earundem cum lie outseittis pendiculis annexis connexis et pertineutiis suis quibuscunque jacentibus in barronia de eodem et vicecomitatu de Perth: Redimendum per heredes et assignatos dicti quondam nobilis domini Willelmi domini de Ruithueue etc. Sub vna litera reversionis summam

vsualis monete regni Scotie in se continente prout in litera reuersionis per me dicto nobili domino desuper confecta plenius continetur: Tenendum et habendum totum et integrum dictum annualem redditum sexaginta bollarum farrine auenatice annuatim vt predicatur proueniendum leuandum et percipiendum ac in terminis predictis infra burgum de Perth libere deliberandum et cum mensura forali eiusdem burgi mensurandum predicto Patricio Hay heredibus suis et assignatis suis quibuscunque hereditarie redimendum et sub reuersione vt prescribitur de me heredibus et successoribus meis necnon a me incisque suprascriptis de superiore dicti annui redditus farrine et suis successoribus superioribus huiusmodi pro tempore existentibus in libera alba firma in feodo et hereditate imperpetuum cum libero introitu et exitu plenariaque [potestate] namandi et distringendi dictas terras et baroniam de Cowgask aut aliquam partem huiusmodi seu quascunque alias terras dicti quondam nobilis domini infra hoc regnum seu earundem aliquas partes tam non nominatas quam nominatas tacite vel expresse bonaque in eisdem pro tempore existentia per eorum proprios officarios abducendi et comprehendi faciendi defectu solutionis dicti annui redditus annuatim et terminatim toties quoties opus fuerit ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiammentis ac justis suis pertinentiis quibuscunque ad huiusmodi spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre bene et in pace sine retinemento reuocatione aut obstaculo aliquali: Reddendo

inde annuatim dictus Patricius Hay heredes sui et assignati quicumque dicto superiori huiusmodi annui redditus et suis successoribus duos denarios vsualis monete prefate annuatim super fundum terrarum dicte barronie de Cowgask in festo Penthecostis nomine duplicis albe firme si petantur tantum pro omni alio onere etc.: Et ego vero dicta domina Helena heredes mei successores et assignati quicumque totum et integrum dictum annum redditum sexaginta bollarum farrine auenatice vt dictum est de totis et integris predictis terris et barronia de Cowgask aut de aliqua parte earundem cum pertinentiis et lie manis huiusmodi proueniendum leuandum et percipiendum prenominato Patricio Hay heredibus et assignatis suis quibuscunque hereditarie in omnibus et per omnia forma pariter et effectum vt premissum est redimendum et sub reuersione vt prefertur warrantizabimus acquietabimus et imperpetuum defendemus: Insuper dilectis meis Marco Hynd in Brigend de Tayn

et vestrum cuiilibet coniunctim et diuisim balliuis meis in hac parte specialiter constitutis salutem: Vobis precipio et firmiter mando quatenus visis presentibus indilate statum sasinam et possessionem hereditariam totius et integri prescripti annui redditus sexaginta bollarum farrine auenatice annuatim vt predicatur de totis et integris prefatis terris et baronia de Cowgask aut de aliqua parte earundem cum suis pendiculis annexis connexis et pertinentiis quibuscunque proueniendi leuandi et percipiendi memorato Patricio Hay vel suo certo attornato latori presentium per terre et lapidis fundi earundem ac per truncule farrine [traditionem] vt moris est in talibus tradatis deliberetis ac iuste haberi faciatis ad quod faciendum vobis balliuis meis antedictis coniunctim et diuisim meam liberam omnimodam et irreuocabilem tenore presentium redimendi sub reuersione vt prescribitur do et committo potestatem sine reuocatione duraturam: In cuius rei testimonium huic presenti carte mee manu mea subscripte vnacum subscriptione notarii subscripti in maiore premissorum antedictorum attestacione sigillum meum proprium est appensum apud Abirdein decimo quarto die mensis Octobris anno Domini millesimo quingentesimo nonagesimo septimo coram his testibus Alexandro Dickson in Kirktown de Erroll, Joanne Bruce filio quondam Guilielmi Bruce de Fingask, Petro Hay scruitore dicti Patricii Hay, et Magistro Joanne Leyth notario publico.

Helena Bruce

JOHNE BRUCE wittnes.

ALEX^a DICKSSON with my hand wittnes.

PETER HAY wittnes.

Ita est Magister Joannes Leyth notarius publicus testis in premissis.

A. B. 1423-4

171. DISPOSITION by SIR JAMES SCOTT of Balwerie in favour of LAURENCE OLIPHANT of Thrumbuster of an Annual Rent forth of the West Brig of Kirkcaldy. August 15, 1598.

At Balwerie the fyvetene day of August the yeir of God j^m v^o and foure scoir and aughttene yeiris It is appoyntit contractit and fynallie aggregit betuix the Rycht Honorable Sir James Scott of Balwery Knycht vpoun the ane pairt and Laurence Oliphant of Thrumster in Cathenes on the vther pairt in maner forme and effect as eftir followis That is to say fforsamekle as the said Sir James Scott of Balwery Knycht hes instantlie at the making heirof and at sindrie tymes of befoir borrowit and receyuit reallie and with effect in numerat money fra the said Laurence Oliphant the sowme of sevin hundreth merkis gude and vsuale money of this realme for performyng of certane his necessarie cffairis and bissines quhairoff the said Sir James haldis him weill content satisfeit and payit and for him his aires executouris and assignais exoneris and dischairgis the said Laurence his aires executouris assignais and all vtheris quhome it effeiris of the same for euer be thir presentis Thairfoire the said Sir James Scott of Balwery Knycht hes sauld and annaleit and be the tennour heirof sellis annaleis and disponis to the said Laurence Oliphant his aires and assignais quhatsumeuer heretable all and haille ane annualrent of sevintene bollis gude and sufficient beir rynnand mett and mercheand ware to be yeirly vpliftit and tane betuix Yule and Candilmes vsit and wont with the commoun stand of Kirkcaldie ffurth of all and haille the aikeris of land perteing to the said Sir James lyand about or besyde the west brig of Kirkcaldy and occupyit be certane persones inducllaris in the said West brig To wit, be Johnne Meluile alias Smyth, Alexander Mitchelson, Williame Meluile alias Smyth, James Blak, Alexander Scharpe, Williame Stokis, Elspeth Glen and certane vtheris thair And thairvpoun sall mak seill subscriue and deliuer to the said Laurence and his foirsaidis sufficient chartir of alienatioun maid for sowmes of money titulo oneroso in competent and dew forme conteining precept of saising thairin To be haldin of the said Sir James his aires or assignais or his immediat superiouris in frie blenche for payment of ane penny at the feist of Witsonday if it be askit allanerlie Quhilk infetment sall contene expres and speciall clauss of warrandice lyke as the said Sir James Scot of Balwerie Knycht now as gif the said infetment were alreddy maid and than as now bindis and oblisces him and his foirsaidis to warrand acquyet and defend to the said Laurence and his foirsaidis all and haille the said annualrent of sevintene bollis beir stuffe foirspokin and landis foirsaid furth quherof the samyn is to be vpliftit to be frie and saiff fra all wardis relevis nonentress coniunct feis lyfrentis ladyis tercis vtheris annualrentis privat or publict saisingis lang or schort takis formar alienatiounis giftis and donatiounis purprestouris foirfaltouris recognitiounis disclanationis bastardreis inhibitiounis interdictionis fewmailles reductionis taxatiounis and fra all vtheris dangeris perrellis and inconvenientis alsweill

nocht namit as namit bygane present as to cum quhilkis may stope or impede the said Laurence in the peaceablie bruiking and vplifting of the said annualrent and quhilk annualrent the said Sir James Scott of Balwery Knycht bindis and oblisses him and his foirsaidis to content pay and thankfullie delyuer to the said Laurence and his foirsaidis yeirlie betuix Yule and Candilmes as said is and that alsweill the said Laurence and his foirsaidis nocht being infest as sufficiently infest and saisit thairintill begynnand the first yeiris payment thairof betuix Yule and Candilmes nixt cumes eftir the dait herof and sua furth to continew quhill the lauchful redemptioun thairof be payment of the said sowme of sevin hundreth merkis money foirsaid be vertew of the lettres of reuersioun efter specefiet And the said Laurence being infest and saisit in the foirnamit annualrent than and incontinent thairefter he sall mak seill subscryue and delyuer to the said Sir James Scott of Balwery Knycht ane sufficient letter of reuersioun in competent and dew forme contenand the said sowme of sevin hundreth merkis to be delyuerit in the parochie of Kirkcaldy vpoun the premonitioun and warning of forty dayis of befoir ony of the termes of Witsouday or Martimes to be maid to the said Laurence personallie or at the said parochie Kirk vpoun ane Sonday befoir none iu tyme of diuynie seruice and in presence of ane notar and witnesses as effeiris with all vtheris commoun clausses of reuersiouu neidful provyding that it sall nocht be lesum to the said Sir James nor his succesouris to redeme the said annualrent quhill all byrunes thairof restand awand the tyme of the redemptioun be first payit or els consignit with the said principall sowme otherwayis na redemptioun to be repute lauchfull and the consignatioun gif ony sall happin to be maid to be in the handis of ane of the Baillies of Kirkcaldy responsall for the tyme and thir presentis if neid beis sall be als sufficient for redemptioun of the said annualrent in maner aboue writtin as if the said reuersioun wer alreddy maid and perfytit to that effect quhairwith ather of the saidis parteis ar content be thir presentis Attoure it is expresly aggreit vpoun be conditioun of this present contract that nochtwithstanding of the infestment aboue writtin yf it sall please the said Laurence or his foirsaidis at ony tyme heirefter rather to haif agane the said principall sowme of sevin hundreth merkis nor to retene the comditie of the said annualrent than and in that caice the said Sir James bindis and oblisses him and his foirsaidis to redeme and outquyte the said annualrent be payment making to the said Laurence and his foirsaidis of the said principall sowme of sevin hundreth merkis with all byrun annuellis restand awand for the tyme vpoun the premonitioun and warning of thre scoir dayis befoir ony of the termes foirsaidis to be maid be the said Laurence or his foirsaidis to the said Sir James or his foirsaidis ather personallie or at their duelling places in presence of ane notar and witnesses as effeiris or vtherwayis be vertew of lettres of homing to be raisit here vpoun att the will and optioun of the said Laurence and his foirsaidis requisitioune alwayis being maid thre scoir dayis befoir ane terme and befoir the raising of the saidis lettres of homing And sic like in caice it sall happin the said Sir James to faillzie in fulfilling of this present contract in ony heid clause or conditioun thairof for his pairt to

the said Laurence or his foirsaidis quhairthrow he sall be constrayned to register this present contract and suite executioun thairvpoun In that caice the said Sir James bindis and oblissis him and his foirsaidis to refund content and pay to the said Laurence and his foirsaidis the sowme of ffourty poundis as for expensses dampnage and interes now modifeit betuix thame and to be payit toties quoties for ilk charge and faillzie to be committit in the said James or his foirsaidis default renunceing all remeid that can be allegit in the contrair And for the better observing keiping and fulfilling of this present contract in all and sindrie heidis clausses and conditiounis for the pairt of the said Sir James Scott of Balwery Knycht he hes fundin the saidis Johnne Meluile alias Smyth and the said Alexander Michelsoun in the said brig as cautioneris souerteis and full debitouris for him quha be thir presentis becumis cautioneris souerteis and principall debitouris for the said Sir James sua that in caice of nocht thankfull payment and delyuerance yeirly and ilk yeir in maner foirsaid of the said victuall as annualrent or ony pairt of the same in that caice the saidis persones bayth principalls and cautioneris faythfullie bindis and oblissis thame coniunctlie and seueralie thair aires executouris and assignais to thankfullie content pay and delyuer to the said Laurence and his foirsaidis ffor ilk boll of the said victual beis vndelyuerit yeirly the sowme of ffoure poundis money foirsaid as pryce presently convenit and aggreit vpoun betuix the saidis pairties and cautioneris ex conventu and heirto all the saidis parteis als weill principall as cautioneris faythfullie bindis and oblissis thame coniunctlie and seuerallie as saidis thair aires executouris successouris and assignais and to obserue keip and fulfill this present contract in the hail heidis claussis and conditiounis thairof as is aboue writtin for thair awin parteis and to iterat reforme and renew this present contract with all heidis niedfull and vsit for the said Laurence and his foirsaidis securitie anent the warrandice of the said annualrent and principall sowme toties quoties sa oft as neid sall requyre quheneuer the said principall and cautioneris or ony of thame sall be requyrit thairto be the said Laurence or his foirsaidis And the said Sir James Scott of Balwery Knycht bindis and obliss him his aires successouris and assignais to warrand releve and keip skaythles his saidis cautioneris and ilk ane of thame thair airis executouris and assignays of the said souertieschip aboue writtin and all that may follow thairvpoun at the handis of the said Laurence and his foirsaidis And for the mair securitie bayth the saidis parteis and cautioneris are content and consentis that thir presentis be insert and registrat in the bulkis of counsale to haif the strenth of ane decreit interponit thairto be the Lordis of counsale and executoriallis of poynding warding and horning vpoun ane simple charge of sex dayis allanerlie to be direct thairvpoun and to that effect thai with anc consent constitutis Mr Patrik Murray aduocat

thair executouris

coniunctlie and seuerallie promittens de rato In witnes of the quhilk thing writtin be Henry Young notar in Kirkcaldy bayth the saidis parteis hes subscriyvit thir presentis and cautioneris in talking of thair consentis with thair handis day yeir and place foirsaidis befor thir witnesses, Robert Scott of Bal-

bartane my brother germane, Williame Scott burges of Kirkcaldy, and Henry Young notar.

JAMES SCOTT of Baluery.
LAURENCE OLIPHANT of Thrwmeester.

ROBERT SCOTT witness.
WILLIAM SCOTT witness.

JOHNNE MELUILE alias SMYTH and ALEXANDER
MICHELSOUN with our handis at the Notaris pen vnderwrittin at our commandis becaus we can nocht writt nor subscriyue our selffis.

Ita est ut premittitur Henricus Young notarius publicus admissus in premissis de speciali mandato prefatorum Joannis Meluile alias Smyth et Alexandri Mitchelsoun scribere nescientium vt asseruerunt testante manu mea propria.

Ita est Alexander Cok connotarius in nomine et de mandato dictarum personarum nescientium scribere teste manu mea in premissis rogatus et requisitus.

172. EXTRACT DECREET of PRIVY COUNCIL against DAVID GRAY, THOMAS M'GIBBON, and Others, for Besieging the House of Newtyle. June 7, 1599.

Apud Edinburgh septimo Junij anno etc. lxxxxix. Sederunt—Cancellarius, Angus, Ochiltrie, Fyvie, Thesaurarius, Secretarius, Murdocairny, Aduocatus, Clericus Justiciarie, Clericus Registri, Collector.

Anent oure Souirane Lordis letteris rased at the instance of Laurence Lord Oliphant and Williame Erll of Mortoun Johnne Erll of Mar Alexander Lord Home and Williame Oliphant of Gask tutour and curatour to the said Lord Oliphant for thair interesse makand mentioun that quhair vpoun the last day of March lastbipast Daid Gray soue to Gray of Scheilhill Thomas M'Gibbun seruitour to Johnne Master of Oliphant Williame Miller alsua his seruand Williame Flouris [vel Touris] in Drumkilbo Hew Hammiltoun seruand to Capitane Gray Robert Gray bruther to Gray of Queith and Robert Ramsay in Foullis with conuocatioun of his Maiesties lieges to the nowmer of personis all bodin in feir of weir with hacquebutis and pistollettis prohibite to be worne be the lawis of this realme and actis of Parliament and come to the said Lord Oliphantis house of Newtyll and violentlie brak vp the yettis of the said house surprisit and tuke the samin fortifeit and stuffit the said house with men victuall and armour and keipit and detenit the said house as ane house of weir ane lang space thaireftir Quhair-upoun complaint being maid to his Maiestie his heynes directit letteris with ane

Herauld for chargeing of the saidis personis to rander the said house Quhilkis letteris being execute be the said Herauld with his displayit coitt of armis that thairby the forther reverence sould haue bene caryit to his message The saidis personis notwithstanding in plane contempt of his heynes schoit and dischargeit ane greite nowmer of hacquebutis and pistollettis furth of the said house at the said Herauld vpoun sett purpose to haue slane him thairwith lyke as thay treasonable refusit to rander the said house bot keipit and detenit the same gairdit and prouidit as ane house of weir in maner abouewrittin ay and quhill thay vndirstude that the Shirreff of the schyre accompanyit with the hail forceis of the shirrefdome wer comeand fordwart be his heynes directioun to persew the said house and sua for feir of that persute and not for ony regaird reuerence or obedience to his Maiestie thay left the said house committing thairthrow ane maist heinous and proude contempt and indignitie aganis his heynes to the encouragement of vthiris to commit the lyke gif thir be sufferrit to pas ouer vnpvnaist And anent the charge gevin to the saidis Dauid Gray Thomas M^cGibbwe Williame Miller Williame Flouris and Robert Ramsay to haue compcirit personalie befor the Kingis Maiestie and Lordis of secreit counsaill the xth day to wit the sevint day of Junij instant to hane ansuerit to this complaint and to haue hard and sene ordour tane thairanent as appertenit vndir the pane of rebellioun etc. with testificatioun etc. lyke as at mair lenth is contenit in the saidis letteris executionis and indorsationis thairof The saidis personis comperand be Andro Kneland his procuratour and the personis foirsaidis chargeit in maner abouewrittin being oftymes callit and not comperand The Lordis of secreit counsaill ordanis letteris to be direct to denunce tham etc.

Ch. B. 1425

173. OBLIGATION by GEORGE EARL OF CAITHNESS to Remove the Tenants of Thrumbuster, belonging to LAURENCE LORD OLIPHANT. March 12, 1601.

Be it kend till all men be thir present lettres Ws George Erle of Caithnes Lord Sinclair etc. Vnderstanding that vmqle Williame Oliphant of Newtoun was takisman kyndlie tenent and possessour of all and hail the landis of Thrumbuster Suartigill Raggras Rurras with the pendicle callit four riggis and tuahcadriggis and hail medowe of the samyne with thair hail partis pendicles outsettis and pertinentis thairof within the hail boundis meithis and merches of the samyne pertening now heretable to Laurence now Lord Oliphant lyand within the boundis of Caithnes and schireffdome of Innes and vnderstanding that Laurence Oliphant oy to the said vmqle Williame Oliphant of Newtoun is lyikwayis kyndlie takisman of the foirsaidis hail landis of Thrumbuster and vthairis abouewrittin hail pendicles and pertinentis thairof within the boundis of the samyn as wes brukit and possesst at ony tyme of befor be the said vmqle Williame his guideschir Thairfoir and for the love and faour quhilke we haue and beiris to the said Laurence Oliphant to be bundin and obleist lyik as we for sindrie caussis moving ws bindis and obleissis

ws our airis and successouris to mak all and hail the town and landis of Thrumbuster hail pairtis pendicles and pertinentis of the samyn houssis and biggingis thairof as wes occupeit be the said vmqle Williame Oliphant to be woid and rede and sall remove quhatsumeuir tenentis and possessouris of the samyn landis or ony pendicles and pertinentis of the same and enter the said Laurence or ony vthairis in his name to the reall possessioun thairof And als sall enter the said Laurence or ony vthairis in his name to the actuall and reall possessioun of samekle of the saidis pendicles as lvis ley betuix the dait heirof and the last of Aprile nextocum the said Laurence obtenand decret of removing aganis the saidis tenentis to that effect to be bruikit vsit and disposit in all tyme cuming as wes bruikit and possess be his said vmqle guidschir yeiris befor the deceis of vmqle George Erle of Caithnes our guidschir And sall nevir truble nor molest the said Laurence directlie nor indirectlie his tenentis seruandis nor na vthairis in thair names in the peaceable bruiking and manuring of the foirsaidis hail landis abouewrittin pairtis pendicles and pertinentis thairof nor na pairt of the samyn And bindis and obleissis ws and our foirsaidis to mainteine and defend the said Laurence and his foirsaidis in the peaceable possessioun as said is and syclyik to enter him to the peaceable possessioun how soone he sall obtene decret of removing as saidis And for the mair securitie heirof we ar content that thir presentis be registrat in the buikis of Counsall and Sessioun and decernis the same to haue the strenthe of ane decret of the Lordis thairof with executorialis to pas thairvpon vppone ane simple chairge of ten dayis alanerlie and to that effect makis and constitutis

and ilk ane of thame coniunctlie and seueralie our lafull procuratouris to compeir and in our name consent to the registering heirof quhairanent thir presentis salbe your vairand In witnes qubairof we haue subscriuit with our hand thir presentis wrettin be Laurence Keir servitour to Mr Thomas Rollok aduocat at Edinburghe the xij of Merche 1601 befor thir witnessis, James Sinclair of Murkle, and William Grahame.

We oblis vs to reposes the said Lourens or his facturis in his name quhat sumeuer apertinis Thrumister sen the disses of my guidscher and to mantine fortifi and assist him in all we may lauffulli be the Law and that ve be no forder oblist and he to continow ouris as he sall be imployit vpon our auin resnabill expensis.

G. CAITHNES.¹

Ch. B. 1426 174. DISPOSITION by JAMES EDMONSTONE of Newtown and his Spouse, to LAURENCE LORD OLIPHANT, of an Annual Rent forth of the Lands of Cluthiemoir. May 12, 1601.

Be it kend till all men be thir present lettres me James Edmonstoun of Newtown and Margaret Bissat my spous fforsamekill as vmquhill ane nobill and

¹ The concluding clause, from "We oblis vs," is in the subscriber's own hand.

mychtie lord Laurence Lord Oliphant gudeschir to Laurence now Lord Oliphant be his charteris and instrumentis of sasing sauld and analeit to ws in coniunctfie the laugar levar of ws tua aud to the airis lauchfullie gottin or to have bene gottin betuix ws quhilkis failzeing to myne the said James airis and assignais quhatsumevir heretable aue auallrent of thrie hundreth sex pundis threttene schillingis four penneis money vsuall of this realme yeirlie at tua termes in the yeir Witsunday and Martimes iu winter be equall portionis to be furthcumand liftit and vptane fforth of all and haill the toun and landis of Cluthiemoir or furth of ony part thairof with the pertinentis quhilk is part and pertinent of the barony of Duplyne or furth of ony vtheris landis milne milnelandis partis pendiclis and pertinentis of the said barony alsweill discontigue as contigue quietit as expressit or furth of ony part of the samiu pertenyng to the said vmquhill nobill Lord be rycht heretabill lyand within the schirefdome of Perth vnder reuersioun to him his airis and assignais contenand thairin the sowme of four thousand and sex hundreth markis money foresaid lyk as the said vmquhill nobill Lord be his letteris obligatouris assignit and dispoit to ws aud our foirsaidis ffor the said yeirlie rent of thrie hundreth sex pundis threttene schillingis four penneis and in satisfacioun thairof all and haill sevin chalderis victuall tua part mele and thrid part bere sufficient mercat stuf as ane part of the fermes of the said toun and landis of Cluthiemoir thairout of or furth of ony part of the landis of the said barony to be liftit and vptane be ws and our foirsaidis yeirlie betuix the feistis of Sanct Martyne in winter and the purificatioun of the Virgin Marie during non redemptioun of the foirnamit annuallrent of thrie huudreth sex puudis threttene schilliugis four penneis and for yeirlie payment of the samyne sevin chalderis victuall the said vmquhill nobill Lord and with him the tennentis and occupiaris of the said toun and landis of Cluthiemoir as cautionaris and souerties for him became bundin and oblist to ws and our foirsaidis as at mair leuth is contenit in the contract letteris obligatouris foirsaidis charteris sasingis writis and euidentis maid to ws vpone the premissis And becaus we haif of before this present dait to the intent of the making heirof resauit realie and in effect in numerat money ffra Mr Johne Lindsay seruitour to the said nobill Lord Laurence now Lord Oliphant and in his L. name and behalff as oy and air of the said vmquhill Laurence Lord Oliphant his gudeschir and in name and behalff of the said nobill Lordis curatouris for thair intrasse and as procuratour for him and thame to the effect following sufficientlie constitute all and haill the said principall sowme of four thousand and sex hundreth markis money foirsaid specifit in the said reuersioun And siclyk becaus we haif before the making heirof resauit fra the tennentis and occupiaris of the saidis landis of Cluthiemoir cautionaris abouewritin ffull and compleit payment of the haill byrunes of the said sevin chalderis victuall assignit and dispoit to ws for the said siluer rent as said is off all yeiris croppis and termes bygane preceding the dait heirof and that for the lauchfull redemptioun of the samyne rentis Off the quhilk principall sowme of four thousand and sex hundreth markis money foirsaid and of the haill byrunes of the said sevin chalderis victuall as said is We with ane consent haldis ws satisfeit and expreslie

renunciand the exceptioun of non numerat money and all vtheris preuilegis and exceptionis ffor ws our airis executouris and assignais dischargis quitclames and exoneris the said Laurence now Lord Oliphant oy and air abouewritin and all and sindrie cautiounaris quhatsumevir fundin be the said vmquhill nobill Lord his gudeschir ffor yeirlie payment of the saidis rentis or ony of thame and for redeliuerance of the said principall sowme thair and ilk ane of thair airis executouris assignais and all vtheris quhome it effeiris of the samyne for evir Thairfore to haif grantit and confessit and be the tenour heiroy we of ane mynd consent and assent grantis and confessis the said annuallrent of thrie hundreth sex pundis thretene schillingis four penneis money foirsaid and the said seven chalderis victuall assignit and disponit in sure payment of the samyne siluer rent as said is to be lauchfullie redemit and out quyte be the said Laurence now Lord Oliphant oy and air foirsaid fra ws and our foirsaidis and fra all vtheris haiffing intres thairto conforme to the said reuersioun and the samyne to be satisfeit and fulfillit be him to ws in all pointis according thairto dispensand with all premonitioun tyme and place of redemptioun thairin mentionat Lykas we for ws and our foirsaidis be the tennour heiroy resignis renuncis quitclames dischargis and simpliciter owrgevis the said annuallrent of thrie hundreth sex pundis thretene schillingis four penneis money foirsaid with the said sevin chalderis victuall assignit and disponit in sure payment thairof as said is togidder with all rycht titill of rycht intres clame propirtie and possessioun quhatsumevir that we or our foirsaidis hed hes or in ouy wayis may haif or acclame in and to the saidis rentis respectiue or ony of thame or to ony part thairof or byrun profeitis of the samyne and with the speciall contract maid anent the alienatioun to ws of the said annuallrent of money and decreit of the Lordis of Counsall interponit thairto and also with the saidis letteris obligatouris maid anent the assignatioun and dispositioun of the saidis sevin chalderis victuall in satisfioun of the said siluer rent And with the decreit of the Commissar of Dumblane iuterponit thairto togidder with all and quhatsumevir vtheris contractis bandis obligatiounis charteris preceptis instrumentis of sasing writis eidentis and securiteis maid to ws vpoun the saidis annuallrentis respectiue in fauouris of the said Laurence now Lord Oliphant oy and air foirsaid his airis and assignais And for thair better securitie heiroy we bind and obleiss ws and our foirsaidis to resigne the said annuallrent in the handis off the said Laurence now Lord Oliphant as oy and air abouewritin and our superiour of the said annuallrent ad perpetuam remanentiam And also bindis and oblissis ws and our foirsaidis to reforme iterat do and renew thir presentis als oft as neid beis ay and quhill the samin be fundin sure and sufficient to the effect abouementionat And in signe and tokin of the premissis we haif deliuerit to the said Mr Johne Lindsay in name and behalff foirsaid all contractis bandis obligatiounis charteris instrumentis of sasing and vtheris writis and eidentis maid to ws vpone the saidis annuallrentis to be cuttit cancellat and destroyit or vtherwayis to be vsit be the said nobill Lord and his foirsaidis at thair plesour in tyme cuming And for the mair securitie heiroy we ar contentit and consentis that thir presentis be registrat and insert in the buikis of our Souerane Lordis Counsall

Schireff buikis of Perth and Commissaris buikis of Dumblane respectiue ad futuram rei memoriam and for registering heirof as said is constitutis

our procuraturis

coniunctlie and seueralie promittentes de rato etc. In Witnes heirof to thir presentis writin in the bodie be Johne Henrie writar seruitour to Thomas Gaw notar burges of Perth subscriuit be me and my said spous, with our handis as followis the propir sele of me the said James ffor my self and my said spous is appendit at Striuling the twelv day of May the yeir of God i^m sex hundreth ane yeiris before thir witnessis, Johne Edmonstoun appeirand of Newton, James Vilsoun armorar burges in Stirling, Alexander Grahame, seruitour to Mr James Chisholme Archdene of Dumblane, Duncane Buchannan citinar in Dumblane, James Aysoune merchand burges in Stirling.

JOHNE EDMONSTOUNE, witnes.

DUNCANE BUCHANNANE, witnes.

JAMES VILSONE, vitnes.

ALEXANDER GRAHAME, witnes.

JAMES EDMONSTONE of Newtone.

MARGARET BISSAT abouewritin with my hand tweching the notaris penne vndirwreittin becaus I can nocht wreit.

Ita est JOHANNES HOG et JOHANNES SCHAW [etc. in forma communi.]

Ch B. 1949

175. PROCURATORY by LAURENCE LORD OLIPHANT for Redemption of the Lands of Overtoun of Gask and others, wadset to WILLIAM OLIPHANT of Gask. May 15, 1605.

Be it kend till all men be thir present letteris Me Laurence Lord Oliphant nevoy air and successour to vmquhill Laurence Lord Oliphant my gudschir to haue maid constitut and ordanit and be the tenour heirof makis constitutis and ordanis my weil belouittis Laurence Oliphant my seruitour

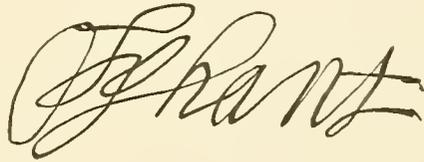
and ilk ane of them coniunctlie

and seuerallie my verrie lauchfull indoubtit and irreuocable procuraturis actouris factouris and speciall erand beraris geveand grantand and committand to my saidis procuraturis and ilk ane of thame coniunctlie and seuerallie as said is my full frie and plane power ffor me and in my name to compeir within Sanct Gelis Kirk of Edinburgh the aughtene day of Maij instant quhilk is Witsunday ewin nixt and thair to number and tell the sowme of sex thowsand merkis money of Scotland and eftir the numeratioun thair of to offir the samin to William Oliphant sone and air at the leist appeirand air of vmquhill Williame Oliphant of Gask Kathrine Broun his relict and Petir Oliphant of Turingis his allegit tutour for his intress and that for thair lauchfull grant of redemptioun and renunciatioun of all and hail the landis of Overtoun of Gask Wester Cluthie Drumend and Murehead with all thair pairttis pendiclis and pertinentis quhatsumeuir liand within the scherifdome of Perth alienat be my said vmquhille gudschir to the said vmquhille Williame

Oliphant his lauchfull sone vnder prouisioun and condition of reuersioun and redemptioun of the said sowme of sex thousand merkis money forsaid With power to tham or ony of tham as said is to vse the haill ordour of redemptioun prescriuit be the said reuersioun and thairvpone actis and instrumentis ane or ma in my name to tak ask lift and raiss and to protest as effeiris and generallie all and syndrie vther thingis to do exerce hant and vse that to the office of procuratoris in sic caissis is knawin to appertene and as I mycht haue done my self gif I wer personallie present firme and stable haldand and for to hald without reuocatioun etc. In witness quhairof thir presentis writtin be Dauid Rollok notar I haue subscriuit the samin with my hand at Kellie the fyftene day of Maii the yeir of God j^m vj^e and fyve yeiris befor thir witnessis, George Oliphant of Bachiltoun, Petir Murray, Dauid Broun, and the said Dauid Rollok notar.

*George Oliphant
of Bachiltoun notaris*

DAVID BROUN, witness.



52.2.1.f.18

176. ASSIGNATION by LAURENCE OLIPHANT of Condie, in favour of PATRICK GRAHAME of Inchbrakie, of the Escheat of LAURENCE OLIPHANT. March 28, 1606.

I Laurence Oliphant of Condie be thir presentis makis and constitutis Patrik Grahame of Inchbrakie my lauchfull cessioner and assignay in and to the gift of eschait of all guidis mowabill and vnmowabill cornis cattell guidis and geir quhilkis pertenet to Laurence Oliphant sone lauchfull to Laurence Oliphant sumtyme of Newtown and now pertening to me as donatour thairto as the gift and dispositioun maid to me thairvpoun of the dait at Edinburgh the day of Marche instant in the self at mair lenthe beris With full power to the said Patrik Grahame of Inchbrakie to call follow and persew for the said eschait haill proffeit and commodie that may resoult thairvpoun vse and dispone thairvpoun at his plesour And I the said Laurence Oliphant bindis and oblissis me to verand this present assignatioun fra my awin proper fact and deid alanerlie to wit that I haue done nor sall do na deid in preiudice thairto be thir presentis vrittin and subscriuit with my hand at Dupling the xxvij of Marche the yeir of God j^m vj^e and sex yeris befor thir witnes, Andro M Gill in Lammerkyn, William Tailzeour in Condie, and William Oliphant, seruitour to the said Laurence Oliphant.

LAURENCE OLIPHANT with my hand.

Ch B 1952.

177. EXTRACT DISCHARGE by LILIAS GRAHAM and LAURENCE OLIPHANT, her Spouse, to LAURENCE OLIPHANT of Condie. June 10, 1606.

At Edinurgh the penult day of March the yeir of God j^m vj^e and threttieane yeiris In presens of the Lordis of Counsall compeirit Maister Johnne Gilmor procurator for Lilius Grahame relict of vmquhill William Coluill of Condie Laurence Oliphant sone lawfull to vmquhill Laurence Oliphant sumtyme of Newtown, now hir spous for his entres Patrick Grahame of Inchbrakie and Maister George Grahame minister at Scone and gave in the dischaige vnderwreattin subscriuit with their handis desyreing the same to be registrat in the buikis of Counsall to have the strenth of ane decreit of the Lordis thairof with letteris and executoriallis to be direct thairvpoun in manner thairinspecefeit The quhilk desyre the saidis Lordis thocht ressounabill and thairfoir hes ordanit and ordanes the said dischaige to be registrat in the buikis of Counsall decernis the same to have the strenth of their decreit and ordanis letteris and executoriallis to be direct thairvpoun in manner thairin contcinit quhairof the tennour followis.—Be it kend till all men be thir present lettres me Lilius Grahame relict of vmquhill William Coluill of Condie with advyse and consent of Laurence Oliphant sone lawfull to vmquhill Laurence Oliphant sumtyme of Newtown now my spous for his entres and I the said Laurence takand the burding in and vpoun me for the said Lilius And als we the saidis Laurence and Lilius baith with ane mutuall consent and assent with express advyss consent and assent of Patrick Grahame of Inchbraikie for his entres in sua far as his entres is requireit in the mater efterspecefeit And als the said Patrick as cautiounar and souertie for ws the saidis Lilius and Laurence in maner and to the effect following fforsamckill as he vertew of ane contract and appoyntment maid hetuix the said vmquhill William Coluill and me the said Lilius his spous on the ane pairt and Laurence Oliphant seruitour to Mr Williame Oliphant aduocat now of Condie on the vther pairt tuiching the alienatioun and dispositioun maid by the said vmquhill Williame Coluill and me the said Lilius to the said Laurence Oliphant his airis maill and assignayis heritable and irredimable off all and hail the landis of Condie maner place housses biggings yairdis myln mylnlandis woodis fischings annexis connexis pairtis pendicles and pertinentis thairof lyand within the barronie of Forgundenie and schireffdome of Perth The said Laurence Oliphant and Niniane Oliphant of Coleuquhar as cautiounar and souertie for him by and attour sindrie vther sowmes of money specefeit in the said contract payit be thame to my said vmquhill spous and me and vtheris in our names for the said alienation hes bund and obleist thame thair airis and executouris coniunctlie and seuerallie to thankfullie content pay and delyuer to the said vmquhill Williame Coluill and to me the said Lilius our airis executoris or assignayis the soume of thrie thowsand thriescoir ten markis money of this realme at the terme of Mertimes in anno j^m vj^e and tua yeiris and failzieing thairof to infest and saise ws and the langest leiuar of ws tua in conjunctie and the airis lawfullie gottin or to have hene

gottin betuix ws quhilk failzieing the said vmquhill Williame his nearest and lawfull airis and assignayis quhatsumeuir in all and haill ane annualrent of thrie hundereth and sewin markis yeirlie to be vpliftit at tua termes in the yeir Witsunday and Mertimes in winter be equall mid portiounes ffurth of all and haill the saidis landis of Condie and vtheris abouespecifeit or ony pairt thairof ay and quhill the lawfull redemptioun as the said contract and appoyntment of the date the tuentie sax day of May anno j^m vj^e and ane yeiris in the selff at mair lenth proportis And now sieing that the said Laurence Oliphant of Condie hes instantlie at the making of thir presentis contentit payit and delyuerit reallie and in effect to me the said Liliias and to the said Laurence now my spous the soume of tua thousand fyve hundereth and thriescoir ten markis as ane pairt of the soume of thrie thousand thriescoir ten markis as for the principall as lykways hes payit to ws the said annualrent of thriescoir sewin markis off all yeiris and termes bygane sen the dait foirsaid of the said contract And sieing also that vpoun the aucht day of Februar anno j^m vj^e tua yeiris the said vmquhill Williame Coluill and I the said Liliias than his spous as principall and the said Laurence Oliphant now of Condie our cautionar oblist ws conjunctlie and seuerallie to pay to Maister George Grahame minister at Scone the soume of fyve hundereth markis money of this realme betuix that and Mertimes nixt thaireftir with prouisioun contenit in the said obligatioun beirand that if it sall happin the said Laurence Oliphant cautionar foirsaid to pay as cautionar for ws the saidis vmquhill Williame Coluill and the said Liliias the said soume of ffyve hundereth markis in that cais we wes content that the payment thairof sould be allowit to him in the first end of the said sowme of thrie thousand merkis appoyntit to be payit be him to ws in maner and conforme to the said contract Quhilk sowme of ffyve hunderethe markis money foirsaid I the said Maister George Grahame be thir presentis grantis and confessis was payit and satisfeit to me be the said Laurence Oliphant now of Condie as cautionar for the said vmquhill Williame Coluill and his said spous now his relict quhilk in that respect aucht to be allowit in pairt of the payment of the said sowme of thrie thousand thriescoir ten markis money foirsaid conforme to the prouisioun contenit in the said obligatioun And we the said Liliias Grahame and the said Laurence Oliphant now my spous for his entres with consent foirsaid for ws our airis executoris and assignayis dischairgis the said Laurence Oliphant now of Condie as principall and the said Niniane Oliphant his cautionar thair airis executoris and assignayis and all vtheris quhome it effeiris simpliciter of the said sowme of tua thousand ffyve hundereth thriescoir ten merkis as ane pairt of the said soume of thrie thousand thriescoir ten merkis money foirsaid as principall and of the said annualrent of thrie hundereth and sewine merkis of all yeiris and termes bygane preceding the dait heiroy And I the said Maister George Grahame for me my airis executoris and assignayis dischairgis the said Laurence Oliphant now of Condie and the said Niniane Oliphant his cautionar and thair foirsaidis of the said sowme of ffyve hundereth markis payit be the said Laurence to me as cautionnar foirsaid in pairt of payment of the said sowme of thrie thousand thriescoir ten markis moncy conteinit in the

said contract And we the saidis Lilius Grahame and Laurence Oliphant now my spous for his entres and I the said Patrick Grahame of Inchbraickie and [] my lawfull sone bindis and obleisses ws our airis and successoris conjunctlie and seuerallie to warrand this present dischaige to be guid and sufficient to the said Laurence and his said cautiounar and thair foirsaidis and sall warrand thame of all actioun compitent or that may be compitent aganes thame at the instance of the airis and executoris of the said vmquhill William Coluill and consentis thir presentis be registrat in the buikis of counsale and sessioun commissaris buikis of St Androes respectiue to have the strenth of ane act and decret indiciall with lettres of poynding horneing and wairding to pas on ane simpill chaarge of sax dayis onlie and to that effect constitutis Maister Johnne Gilmour aduocat

conjunctlie and seuerallie our lawfull procuratoris to consent heirtill In witnes quhairof thir presentis wreittin be Gilbert Robertsoun notar in Perth we have subscriuit the samene as followis at Perth the tent day of Junij the yeir of God j^m vj^e and sax yeiris befor thir witnesses, Niniane Bonar of Keltie, Johnne Grahame eldar and youngar of Balgowne, Niniane Grahame of Garvock Subscriuit be the said Mr George Grahame at Scone the ellewint of Junij the yeir of God foirsaid befor thir witnesses, Harie Forgiesoun, William Stanhous, and Thomas Stanhous and Andrew M^cGill. Sic subscribitur, Lilius Grahame. Laurence Oliphant with my hand. Patrik Grahame off Inchebreke. Mr Grahame minister at Scone. J. Bonar of Keltie witnes. J. Grahame of Balgowne witnes. W. Grahame of Garvock witnes. Johnne Grahame witnes. Hary Fergusine vitnes. William Stannouss witnes. Thomas Stannouss witnes. Extractum de libro actorum per me dominum Joannem Hamiltoun de Magdalenes militem clericum rotulorum registri ac consilij S. D. N. regis sub meis signo et subscriptione manualibus.

J. HAMILTON, Cls.-Regri.

Cl. B 1446.

178. CHARTER by JOHN MURRAY of Tibbermure, in favour of PATRICK MURRAY, his eldest Son, of the Lands of Cluthybeg. June 4, 1610.

Omnibus hanc cartam visuris vel auditoris Joannes Murray de Tibbermwre salutem in Domino sempiternam: Noveritis me pro certis pecuniarum summis alijs gratitudinibus et benemeritis solutis ac mihi impensis per Patricium Murray meum filium legitimum natuque maximum inter me et Helenam Skrymgeour meam conjugem legitime procreatum de quibus teneo me bene contentum et plenarie persolutum dictumque Patricium heredes suos executores et assignatos pro me heredibus meis et assignatis inde quietos clamo et exonero imperpetuum Et quia consensus et subscriptio dicti Patricij mei filij habetur et adhibetur provisionibus et securitatibus quorundam annuorum reddituum ac magnarum summarum principalium per me cum consensu dictæ meæ conjugis ac cum consensu

dicti Patricij quibusdam meis liberis fratribus ac sororibus germanis ejusdem Patricij factis vt literæ obligatoriæ hujusmodi provisiones in se eontinentes de data apud Williamstoun sexto die mensis Februarij anno Domini millesimo sexcentesimo decimo plenius proportant Dedissee concessisse vendidisse alienasse et hac presentj carta mea confirmasse neenon tenore presencium dare concedere vendere alienare tituloque pure venditionis confirmare prefato Patricio Murray meo filio ac heredibus suis masculis quibus deficientibus heredibus meis masculis et assignatis quibuscunque hereditarie et irredimabiliter sine regressu reversione conditione reversionis aut redemptionis qualicunque sub provisionibus tamen subscriptis omnes et singulas terras meas de Cluthybeg cum annexis connexis pendiculis et pertinentiis jacentes in parochia de Findogask infra vicecomitatum de Perth: Tenendas et habendas omnes et singulas dietas terras meas de Cluthybeg eum annexis connexis partibus pendiculis et pertinentiis earundem prefato Patricio Murray ac heredibus suis masculis quibuscunque quibus deficientibus heredibus meis masculis et assignatis quibuscunque a me heredibus meis masculis et assignatis de decano ecclesie cathedralis Dunblanensis et successoribus suis dominis superioribus meis dictarum terrarum de Cluthybeg in feudifirma et hereditate imperpetuum per omnes rectas metas suas antiquas novas et divisas prout jacent in longitudine et latitudine in domibus edificijs hortis boscis planis moris maresijs vijs semitis aquis stagnis rivulis pratis paseuis pasturis aucupationibus venationibus piscationibus petarijs turbarijs carbonibus carbonarijs columbis columbarijs cunienlis cunicularijs fabrilibus brasinijs bruerijs genestis silvis nemoribus virgultis lignis tignis lapicidijs lapide seu plumbo calce cum curijs et earum exitibus amerciamentis herezeldis bludwitis mulierum merchetis cum communi pastura liberoque introitu et exitu ac cum omnibus alijs et singulis libertatibus commoditatibus proficuis et aisiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus quam supra terram procul et prope ad predictas terras eum pertinentiis speetantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pæe sine retinemento revocatione aut obstaculo quocunque: Reddendo inde annuatim dictus Patrieius ac heredes sui masculj quibus deficientibus heredes mej masculj et assignatj quicunque dieto decano ecclesie cathedralis Dunblanensis et suis successoribus firmas feudifirmarias aliaque in originalibus infeofamentis earundem terrarum de Cluthybeg mihi et predicesoribus meis desuper confectis contenta sub provisionibus et restrictionibus in eisdem specificatis Reservato tamen mihi ac dictæ Helenæ Skrymgeour meæ conjugj nostro libero tenemento seu vitalj reddito omnium et singularum predictarum terrarum de Cluthybeg eum pertinentiis pro toto tempore vitæ nostræ nostrumque alterj diutius viventium tantum Proviso prout expresse providitur quod non licebit dicto Patricio Murray sui aut mej antedictis vendere alienare aut aliquo modo impignorare predictas terras de Cluthybeg aut aliquam earundem partem aut aliquem annum redditum de eisdem alicui persone vel aliquibus personis durante tempore vitæ meæ et dictæ meæ conjugis alteriusque nostrum diutius viventis sine speciali consensu et assensu nostro evidenter ad hæc olento et adhibito sub provisione quoque quod

non licebit dicto Patricio aliquo tempore durante vita nostra alteriusque nostrum diutius viventis in matrimonium conjungj sine consensu meo et dictæ meæ conjugis et quod matrimonialis contractus dictj Patricij per nos alterumque nostrum diutius viventem subscriptus fuerit in signum nostri ad eundem consensus sub provisionibus quoque alijs in literis obligatorijs meis super quibus presens infeofamentum oritur specificatis vt eadem literæ obligatoriæ de data die presentium plenius proportant Quod si dictus Patricius sui aut mei antedicti prefatas provisiones non observaverint sed in eis omnibus vel earum aliquibus defecerint tunc et eo casu cadent a jure hujusmodj infeodationis ipsamque infeodationem ipso facto amittent: Et Ego vero prefatus Joannes Murray de Tibbermwre heredes mej masculj et assignatj ac successores quicumque omnes et singulas predictas terras de Cluthybeg cum annexis connexis partibus pendiculis et pertinentiis earundem prefato Patricio Murray heredibusque suis masculis quibus deficientibus heredibus meis masculis et assignatis quibuscunque adeo libere et quiete in ómnibus et per omnia forma pariter ut effectum ut premissum est cum expressis consensu et assensu dictæ Helenæ Skrymgeour meæ conjugis contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus: Insuper dilectis Edwardo Grahame in Thornehill

et vestrum cuilibet conjunctim et divisim balivis meis in hac parte specialiter constitutis salutem Vobis precipio et firmiter mando quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem realem actualem et corporalem totarum et integrarum predictarum terrarum de Cluthybeg cum annexis connexis partibus pendiculis et pertinentiis earundem jacentium ut supra prefato Patricio Murray meo filio vel suo certo actornato presentium latoj per terræ et lapidis fundj earundem terrarum ut moris est traditionem tradatis et deliberetis aut vestrum quilibet tradat ac deliberet et juste haberj faciat secundum formam et tenorem presentis cartæ meæ et literarum obligatarum dictarum super quibus oritur ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim balivis meis antedictis meam plenariam et irrevocabilem tenore presentium cum consensu predictæ meæ conjugis committo potestatem Reservato ut prius reservatum et sub provisionibus annotatis alijsque in dictis literis obligatorijs super quibus presens infeofamentum oritur specificatis: In cuius rej testimonium presentibus scriptis per Magistrum Gulielmum Danskinum notarium in Methven manu mea manumque dictæ meæ conjugis in signum ejus ad premissa consensus subscriptis sigillum meum proprium est appensum apud Williamstoun quarto die mensis Junij anno Domini millesimo sexcentesimo decimo coram his testibus, Magistro Gulielmo Buchanane preposito de Methven, Georgio Moncreiff ejus seruitore, Roberto Murray meo filio legitimo, et dicto Gulielmo Danskino notario publico.

W. BUCHANANE, witnes.

GEORG MONCREIFF, witnes.

W. DANSKINUS, notarius testis.

M. ROBERT MURRAY, vitnes.

JHONNE MWRRAY off Tibbermwre.

HELLINE SCRIMGEOUR.

Ch. B. 1448.

179. CHARTER by LAURENCE LORD OLIPHANT, in favour of LAURENCE OLIPHANT in Ross and LILIAS GRAHAME, his Spouse, of the Town and Lands of Ross. November 29, 1610.

Omnibus hanc cartam visuris vel audituris Laurentius Dominus Oliphant salutem in Domino sempiternam: Noueritis me cum expresso consensu et assensu dominæ Leliæ Drummond meæ sponsæ ac nobilis et potentis domini Jacobi domini de Madertie et Patricii Oliphant pro omni nostro titulo et interesse que ipsi aut eorum quilibet habet habuit seu quouismodo habere seu pretendere poterit in et ad villam et terras infrascriptas pro perimptione vnus mee partis cuiusdam contractus ex data presenti initi et confecti inter me cum consensu et assensu dicte mee sponse dicti Jacobi domini de Madertie et Patricii

Oliphant pro eorum in re et interesse predictis ab vna Laurentinum Oliphant in Ros et Leliam Grahame eius sponsam ab altera partibus necnon pro mille et ducentarum mercarum summa vsualis monete regni Scotiæ in dicto contractu specialiter specificata mihi per dictum Laurentium et eius sponsam antedictam in pecunia numerata gratanter et integre persoluta et in meum vsu totaliter conuersa de quaquidem summa fateor me bene contentum et plenarie persolutum dictosque Laurentium Oliphant et Leliam Grahame eius sponsam eorum heredes et executores pro me heredibus meis et successoribus de eadem quietos inde clamo et tenore presentium inperpetuum exonero rennunciando exceptioni pecuniæ non numeratæ aliisque juris exceptionibus que in contrarium proponi possunt Igitur cum speciali avisamento consensu et assensu meæ dicte sponse Jacobi domini de Madertie et Patricii Oliphant pro eorum omni iure titulo et interesse prescriptis vendidisse tituloque pure venditionis et oneroso a me et heredibus meis alienasse et hac presenti carta mea confirmasse tenoreque presentium vendere alienare et hac presenti carta mea confirmare prefatis Laurentio Oliphant et Leliæ Grahame ipsius sponse eorumque alteri diutius viventi in conjuncta infeodatione heredibusque masculis inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus masculis et assignatis dicti Laurentii quibuscunque hereditarie Totas et integras terras meas et villam de Ros cum domibus edificiis hortis bosciscroftis annexis connexis partibus pendiculis et pertinentiis quibuscunque de presenti per dictum Laurentinum et eius sponsam eorum tenentes et cottarios occupatas jacentes in baronia mea de Gask et parochia de Findogask: Tenendas et habendas totas et integras predictas terras et villam de Ross cum domibus edificiis hortis bosciscroftis annexis connexis partibus pendiculis et pertinentiis suis quibuscunque jacentes et occupatas vt supra prefato Laurentio Oliphant et Lelie Grahame sine sponse heredibusque masculis inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus masculis et assignatis dicti Laurentii quibuscunque a me heredibus meis et successoribus de summo domino nostro rege et successoribus suis meis immediatis superioribus dicte ville et terrarum in feodo hereditate ac

libera alba firma in perpetuum per omnes rectas metas suas antiquas novas et divisas prout jacent in longitudine et latitudine limitibus et bondis ex omni parte in domibus edificiis boscis planis moris marresiis fossis lie boggis viis semitis aquis stagnis rivulis pratis pascuis et pasturis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis pomis pomariis sylvis nemoribus et virgultis fabrilibus brasinis brueriis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis bluidewitis et mulierum merchetis cum communi pastura liberoque introitu et exitu ac cum omnibus aliis et singulis commoditatibus libertatibus proficuis asiamentis et iustis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam sub terra quam supra terram procul et prope ad predictam villam et terras spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliquo retinemento revocatione contradictione aut obstaculo quocunque: Reddendo inde annuatim memorati Laurentius Oliphant Lelia Grahame eius sponsa eorumque alter diutius vivens heredesque masculi inter ipsos legitime procreati seu procreandi quibus deficientibus heredes masculi et assignati dicti Laurentii quicunque prefato supremo domino nostro Regi et suis successoribus antiquam albam firmam de mea dicta baronia de Gask solvi solitam et consuetam ac in meo originali infeofamento specificatam proportionaliter et pro rata si petatur tantum pro omni alio onere exactione questione seu servitio seculari que de predictis villa et terris de Ros cum pertinentiis per quoscunque iuste exigi poterint quomodolibet vel requiri: Et ego vero dictus Dominus Oliphant heredes mei tam masculi tallie conquestus provisionis quam linee et successores quicunque totas et integras prescriptas terras et villam de Ros cum domibus edificiis hortis toftis croftis annexis connexis partibus pendiculis et omnibus suis pertinenciis suprascriptis prefatis Laurentio Oliphant et Lelie Grahame eius sponse eorumque heredibus et assignatis respectiue supraspecificatis in omnibus et per omnia forma pariter et effectum vt premissum est necnon ab omni warda relevio heredum nonintroitu dominarum tertia coniuncta infeodatione priore alienatione sasina privata et publica dissasina assedatione longa et brevi assignatione resignatione renunciatione inhibitione interdictione evictione reductione forisfactura namatione compretiatione taxatione et generaliter ab omni alio onere exactione questione seu servitio seculari periculo damno et inconvenientia quibuscunque tam non nominatis quam nominatis presentibus preteritis et futuris ad manus omnium interesse habentium seu pretendendum ac contra omnes mortales vsque ad legitimam eiusmodi redemptionem cum consensu prescripto warrantizabimus acquietabimus et in perpetuum defendemus: Insuper dilectis meis

et vestrum cuilibet coniunctim et divisim ballivis meis in hac parte specialiter constitutis salutem Vobis precipio et cum consensu antedicto firmiter mando quatenus visis presentibus indilate statum et sasinam hereditariam pariter et possessionem actualem realem et corporalem totius et integre predictae ville et terrarum de Ros cum domibus edificiis hortis boscis croftis annexis connexis partibus pendiculis et omnibus suis pertinenciis antedictis

memorato Laurentio Oliphant et Lelie Grahame ipsius sponse eorumque heredibus masculis et assignatis respectiue suprascriptis per terre et lapidis fundi dictarum terrarum vt moris est traditionem secundum presentis carte mee et contractus antedicti ex quo oritur tenores tradatis deliberetis et iuste haberi faciatis ad quod faciendum vobis et vestrum cuilibet conjunctim et diuisim ballivis meis in hac parte antedicta meam plenariam irreuocabilem tenore presentium committo potestatem: In cuius rei testimonium presentibus per Dauidem Rollok notarium publicum in Donyng scriptis ac manu mea manibusque dicte mee sponse, Jacobi domini de Madertie et Patricii Oliphant in signum eorum consensus subscriptis sigilla nostra sunt appensa: Apud Dnpline penultimo Nouembris et die Domini millesimo sexcentesimo decimo coram his testibus, Jacobo Oliphant filio quondam Petri Oliphant de Thringis, Willielmo Oliphant filio Georgii Oliphant de Bachiltoun, Patricio Drmmond meo seruitore, Dauide Rollok notario in Dupline.

OLIPHANT.

LILIAS LADY OLIPHANT.

JAMES OLYPHANT, witness.

WILLIAME OLIPHANT, witness.

DAUID ROLLOK elder, noter, witness.

Ch. B. 1450
180. CONTRACT between LAURENCE LORD OLIPHANT and GEORGE OLIPHANT of Bachiltoun anent the Marches of the Red Moss. March 25, 1611.

It is appoyntit concordit and finalie aggreit betuix ane noble lord Laurence Lord Oliphant heretable proprietar of the landis of Cluthymoir Ross and Newmylne on the ane pairt and George Oliphant of Bachiltoun heretable proprietar of the landis of Archailzie on the vther pairt To wit fforsamekill as for eschewing of all contrauersie questioun and debait that in any tyme cuming may arise betuix the saidis perteis thair airis and successouris concerning the meithis and merchis of the Moss callit the Reid Moss liand betuix the saidis landis of Cluthymoir Ross Newmylne and the landis of Archailzie baith the saidis perteis of mutuall consent hes ordanit that the said Moss be meithit and merchit as followis That is to say begynand at the eist at the merche of Mekven deuydeand the landis of Cultmalindeis and Mekven being myd month and thairfra west myd month linialie langis the myd month quhill it cum to the head of the pow bog and landis on the north pairt of the Ross moss and thairffra west wart as the pow rynis to the merche of Ross and Williamstoun and Balgonn callit Oliphantis Well And the samen to stand perpetuale in all tyme cuming as propir meithis and merchis and ane stank to be cassin throw the samen on the saidis perteis equall expensis At Bachiltoun the xxv day of Marche the yeir of God i^m vi^c ellevin yeris, befoir thir witnessis, Laurence Oliphant of Forgundeny, Mr William Buchannan,

Prouest of Methuen, Johnne Andersone at the mylne of Newtyle, Peter Murray at the mylne of Mure, and Dauid Rollok notar wreitar heirop.

OLIPHANT.

GEORGE OLYPHANT of Bachiltoun.

W. BUCHANANE witness.

LAURENCE OLIPHANT witness.

JHONNE ANDERSONE witness.

PETER MURRAY witness.

DAUID ROLLOK witness.

cl. B. 1451

181. BOND by LAURENCE LORD OLIPHANT to LAURENCE OLIPHANT and LILIAS GRAHAM, his Spouse, upon the Lands of Lamberkin. July 12, 1614.

At Newtyld place the Tuelft day of Julij the yeir of God j^m vj^e and fourteine yeiris It is appoyntit contractit and finalie aggreit betuix ane noble lord Laurence Lord Oliphant heretable proprietar of the landis vnderwritin on the ane pairt and Laurence Oliphant in Lamberkin and Lilius Grahame his spous on the vthair pairt in maner following That is to say fforsamekle as the saidis Laurence and his said spous the tyme and to the intent of the making heirop and for the alienatioune infestment and vthiris caussis eftir specifeit, hes payit and deliuerit realie and in effect to the said noble Lord all and hail the sowme of sex thousand and seyn hundreth merkis money gude and vsuale of this realme of Scotland of the quhilk sowme of sex thousand and seyn hundreth merkis money foirsaid the said noble Lord haldis him weill contentit satisfeit and payit, and expreslie renunceand the exceptioun of non numerat money and all vtheris preuilegis and exceptionis, for him his airis executoris successoris and assigneyis dischargis quitclames and exoneris the saidis Laurence Oliphant and his said spous thair airis executoris and assignais of the samin sowme for euir Thairfore the said noble Lord be the tenour heirop bindis and obleissis him and his airis alsweill of maill taillie and prouision as of lyne and successoris quhatsumeuir immediatlie heireftir with all convenient deligence deulie and sufficientlie to infest and sais the saidis Laurence Oliphant and Lilius Grahame his spous in coniunct fee the langest levar of thame tua and the airis lauchfullie gottin or to be gottin betuix thame quhilk failzeing the said Laurence his neirast and lauchfull airis and assigneyis quhatsumeuir heretable in all and sindrie the landis respectiue following To wit in all and hail the landis of Lamberkin sumtyme occupeit be Jonet Oliphant and now presentlie occupeit be Andro and Johne Bennattis and als in all and hail the landis callit the Eist Wode of Lamberkin and Lamberkinley sumtyme occupeit be Johnne Oliphant and presentlie occupeit be the saidis Andro and Johne Bennattis and in all and hail the landis callit the Westwode of Lamberkin vtherwis callit Forestar seat presentlie

occupeit be Johne Dow and siclike in all and haill that pendiele or peece of land of the landis off Lamberkin callit the west syde of Lamberkin vtherwis callit Stobbeis landis presentlie occupeit be Katherine Reeche and James Stobbie hir soue with houssis biggingis yairdis toftis croftis pairtis pendielis and pertinentis of the landis respectiue abouewritin all liand within the baronie of Abirdalgie and schirrefdome of Perth and that be tua seuerall ehartoris and infestmentis titulo oneroso for the sowmes of money abouespeeifeit the ane thairof to be haldin of the said noble Lord his airis and successouris in frie blenshe ferme ffor payment yeirle of ane penny Seottis money vpone the ground of any pairt of the saidis landis respectiue at the feist of Witsonday gif the same beis requirit alanerlie and the vthair infestment to be haldin fra the said noble Lord and his foirsaidis of oure Souerane Lord and his hienes successoris thair immediat superioris of the saidis landis als frelie and in semblable maner as the said noble Lord haldis the samin him self ffor paymeut of ane pairt of the blenshe dewetie addebtit be the said noble Lord for his haill landis and baronie of Abirdalgie proportionalie et pro rata and that athir be confirmatioune or resignatioune as the saidis Laureuce and his said spous and thair foirsaidis pleiss devise and baith the saidis infestmentis to contene sufficeint elaussis of warrandiee and all vtheris elaussis uecessar as efferis lyke as the said noble lord Laurence Lord Oliphant now as gif the samyne ehartoris and infestmentis wer maid and past and then as now be the tenour heirof bindis and obleissis him and his foirsaidis to warrand acquit and defend to the saidis Laurence Oliphant his said spous the langest levar of thame tua and thair foirsaidis all and sindric the saidis landis of Lamberkin and landis of the Eastwode of Lamberkin and Lamberkinley and landis callit the Westwode of Lamberkin vthirwise callit Forestar seat with that pendiele or peece of land of the saidis landis of Lamberkin callit the west syde of Lamberkin vthirwise callit Stobbeis landis with houssis biggingis yairdis toftis croftis pairtis pendielis and pertinentis of the samyne landis respectiue abouewritin lyand and occupeit as said is frie saif and sure fra all wardis releveis nonentress of airis laideis tercis coniuettefeis lyverentis anuellrentis fairpast alienationis and dispositionis sasingis priuat and publiet dissasingis assedationis assignationis resignationis recognitionis interdictionis inhibitionis evietionis reductionis foirfaltouris diselamationis purpresturis poyndiugis conprisingis teynd shaveis and taxationis quhatsumeuir and fra all vthair deidis dangeris perrellis incovenientis and impedimentis quhatsumeuir als weill noecht namit as namit bygane present as tocum at all handis and contrare all dedlie And for the saidis Laurence Oliphant his said spous and thair foirsaidis bettir securitie of the premissis the said noble lord Laurence Lord Oliphant be thir presentis bindis aud obleissis him and his foirsaidis noecht to ly out in nonintrie of the saidis landis in defraude of the saidis Laurence his said spous the langest levar of thame tua thair airis and assignais foirsaidis be the quhilk thai may be hinderit or preiudgeit in bruking and josing of the samin or in vplifting and reccaving of the malis fermes eanis proffettis and deweteis thairof conforme to thair said infestment thairof bot sua oft as it sallhappin the said noble Lord or his foirsaidis successiue to deeeiss

befor the redemptione vnderwritin that his and thair air or airis immediatlie eftir thair deceiss successiue sall als oft entir to the superioritie of the saidis landis in dew forme and siclike the said noble Lord bindis and obleissis him and his foirsaidis frelie to receave entir and saiss the airis or apperand airis and assignais of the said Laurence Oliphant successiue or any vthair persone or personis to quhome thair salhappin to mak alienatione or dispositione of the saidis landis respectiue in all or in pairt and that in immediat tennentis to the said noble Lord and his foirsaidis of the samin sa oft as the said Laurence Oliphant his said spous or thair foirsaidis sall require thame to that effect befor the redemptione vnderspecificit And to the effect the saidis Laurence Oliphant his said spous and thair foirsaidis may the mair commodeouslie aud frelie bruke and possess all and sindrie the foirnamit landis with thair pertinentis the said uoble lord Laurence Lord Oliphant be the teuour heirof makis and constitutis the saidis Laurence Oliphant Lilius Grahame his spous and thair foirsaidis his verray lauchfull indoubtit and irreuocable cessionaris and assignais in and to all and sindrie the teynd schaveis of all and sindrie the laudis respectiue aboue rehersit and in and to all rycht titil entres takis and possessione quhatsumeuir that he haid hes or any wayis may haue or pretend in aud to the teynd schaveis of all and sindrie the landis particularlie aboue specificit with all thair pertiueutis sua that this present contract and infeftment to follow heirapone salbe ane gude and sufficient richt and titill to the said Laurence Oliphant his said spous and thair foirsaidis to bruke and possess all and siudrie the foirsaidis landis with the teind schaveis thairof yeirlie in all tyme cuming vnto the lauchfull redemptione thairof be vertew of the reuersione or requisitione vuderwritin frelie without payment of teind shaveis or any vthair maner of dewetis thairfoir be yeir And the said noble Lord and his foirsaidis sall warrand releiff and keip harmeles and skaythles the saidis Laurence Oliphant his said spous and thair foirsaidis of all yeirlie dewetie exactione impost and taxatiouis quhatsumeuir may be socht or accraueit of thame furth of all and sindrie the foirsaidis landis and teynd schaveis thairof or any pairt of the samin be quhatsumeuir persone or persones in tyme cuming during the said space of the nou redemptione of the samen Aud als for the said Laurence Oliphant his said spous and thair foirsaidis bettir securitie of the foirsaidis teynd schaveis the said noble Lord bindis and obleissis him and his foirsaidis to deulie and sufficientlie infeft and saiss the saidis Laurence Oliphant his said spous and thair foirsaidis heretable in all and haill ane annuell reut of tua chalderis victuale tua pairt mele and thrid pairt bear gude and sufficient stuff yeirlie betuix the festis of Yule and Candilmes to be furthcumand liftit and vptane fforth of all and haill the said noble Lord his landis callit the Myd wode of Lamberkiu with thair pertinentis presentlie occupit be Alexander Maklauren liand withiu the baronie of Abirdalgie and schirrefdome of Perth or furth of any pairt of the samen landis and that be seuerall infeftmentis and warrandice as is abouementionat And that in speciall warrandice and securitie of the teynd schaveis of all aud siudrie the landis abou rehersit during the non redemptione thairof And the said noble Lord bindis and obleisses him aud his

foirsaidis in cais of eviccion one maner of way of the saidis teynd schaveis fra the saidis Laurence his said spous and thair foirsaidis to mak gude thankfull payment and deleurance yeirly to thame of the said annuell rent in warrandice as said is als weil nocht infest as infest thairinto and frie of all nonentris nochtwithstanding of the lying furth in nonentrie of quhatsumeir airis during the non redemptioun of the foirsaidis landis and teyndis be vertew of the reuersione vnder mentionat And thairupone and haill vtheris premissis the said noble Lord bindis and obleissis him and his foirsaidis to mak seale subscriue and deliuer to the said Laurence Oliphant his said spous and thair foirsaidis all chartouris infestmentis preceptis of sasing procuratories of resignatione writis and vther euidentis neidfull for thair securitie of all and sindrie the landis and teynd schaveis thair of particularlie aboue writin with all thair pertinentis and to ratefie approve iterat do and renew the samin als oft as neid beis vpon the said Laurence expenss and his foirsaidis in sic sure lairge and ampill forme as thair pleis devise keipand the substance abouementionat And becaus the said Laurence Oliphant aduancit payit and deliuerit to the said noble Lord the foirsaid haill sowme of sex thousand and sevin hundreth merkis money foirsaid lang befor the feist and terme of Witsunday last bypast thairfor it is specialie prouidit and aggreit vpon be baith the saidis pairteis that the haill fermes malis teynd schaveis canes customes and deweties of all and sindrie the foirsaidis landis with all thair pertinentis of this present instant yeir and crop on the ground j^m vj^c and fourtene yeiris sall belang and appertene to the said Laurence Oliphant Lilius Grahame his spous and thair foirsaidis and be intromettit with be thame sauld vsit and disponit vpon as thair awin propir fermes teynd schaveis gudis and geir at thair plesour as gif this present contract and infestment to follow thairupone haid bene maid befor the said feist and terme of Witsunday last bypast nochtwithstanding of the making thair of eftir the samin terme with the quhilk the said noble Lord dispensis be thir presentis And nochtwithstanding of the foirmait infestment of all and sindrie the saidis landis or of any vthair claus abouewritin it is expreslie prouidit and aggreit on be bayth the saidis pairteis be the tenour heirof that gif it salhappin the said Laurence Oliphant Lilius Grahame his spous the langest leuar of thame tua thair airis or assignais aboue rehersit at any tyme eftir the feist and terme of Witsunday nixtocum in the yeir of God j^m vj^c and fyftene yeiris to mak lauchfull requisitioun to the said noble lord Laurence Lord Oliphant or his foirsaidis personalie or at thair duelling place for the tyme in presens of ane notar and tua witnessis as efferis vpon the premonitioun of thre scoir dayis preceeding any vther terme of Witsunday ffor redemptioun of all and sindrie the landis and teynd schaveis of the samin aboue rehersit with thair pertinentis in that cais the said noble lord Laurence Lord Oliphant be thir presentis bindis and obleissis him and his foirsaidis befor that ilk terme of Witsunday agane the quhilk the said requisitioun happynes to be maid as saidis lauchfullie and conforme thairto to redeme and outquit all and syndrie the landis particularlie befor mentionat and teynd schaveis thair of with all thair pertinentis fra the saidis Laurence his said spous and thair foirsaidis be payment making to thame of

the said principall sowme of sex thowsand and seyn hundreth merkis money foirsaid Quhilk sowme being payit and deliuerit to thaim the langer levar off thaim tua or thair foirsaidis as said is thai sall then be haldin to grant all and sindrie the foirsaidis landis and teynd schaveis of the samen with houssis biggingis yairdis toftis croftis and pertinentis thairof to be lauchfullie redemit and outquite fra thame and to mak renunciatione thairof with all richt and euidentis maid to thame thairupone to and in faouris of the saidis noble lord Laurence Lord Oliphant his airis maill and successouris to him in the saidis landis and in thair handis ad perpetuam remanentiam For the quhilkis caussis abouewritin the said Laurence Oliphant Liliis Grahame his spous be the tenour heirof bindis and obleissis thame and thair foirsaidis baith of ane mynd consent and assent and the said Laurence takand full burding in and vpon him and his airis for his said spous immediatlie eftir that thai be infest and sasit in all and sindrie the landis respectiue befoirwritin ffor redemptione of the samen with the teynd schaveis thairof to mak sele subscriue and deliuer to the said noble lord Laurence Lord Oliphant his airis maill and successouris to him in the saidis landis ane sufficient letter of reuersioun contenand thairinto the said sowme of sex thousand and sevin hundreth merkis money foirsaid to be payit befoir ane terme of Witsunday alanerlie the place of redemptione to be within the paroch Kirk of the burgh of Perth and the consignatione of the said sowme in cais of absence or refusal to be in the handis of the thesaurar or dene of gild of the said burgh being for the tyme or in the handis of any vthair responsall man vpon the perrell alwis of the consigar the premonitioun of fourtie davis ordourlie preceeding ane terme of Witsunday as said is in commone forme of reuersioun with speciall prouisioun to be contenit thairinto that the said nobill lord Laurence Lord Oliphant and his foirsaidis salbe haldin and astrictit lyke as he be thir presentis bindis and obleissis him and his foirsaidis to mak the said principall sowme of sex thousand and seyn hundreth merkis money foirsaid in caiss of consignatione thairof to be furthcumand to the vtilitie and profit of the said Laurence Oliphant his said spous and thair foirsaidis and to mak payment and deliuerance to thame of the samen sa sone eftir the said consignatione as thai sall pleis to charge and persew thairfoir And the said requisitione being maid in maner abouewritin and the said haill sowme of sex thousand and seyn hundreth merkis money foirsaid nocht being payit and deliuerit and na redemptioun maid be vertew thairof quhairby the saidis Laurence Oliphant his said spous or thair foirsaidis salbe moveit to registrat thir presentis in the bukis vnderwritin in the said noble Lord or his foirsaidis defaultur In that cais the said noble Lord bindis and obleissis him and his foirsaidis to content pay and deliuer to the saidis Laurence his said spous or thair foirsaidis requiraris the sowme of ane thousand merkis money foirsaid for dampnage intres costis skaithis and expenssis presentlie modefeit and liquidat be baith the saidis parteis renunceand all vthair liquidatione of any juge ordinar thairaneut Attour the said noble Lord for him and his foirsaidis be the tenour heirof hes gevin grantit and committit like as he be thir presentis gevis grantis and committis full power and priuilege to the saidis Laurence Oliphant

Lilias Grahame his spous the langest leuar of thame tua thair airis and assignais abouespecifeit to cast wyn and lead away yeirlie to thair awin vse tua day werkis peattis furth of the Moss of Cardeuy togidder with tua day werkis turvis yeirlie furth of the Mure of Abirdalgye during the non redemptione of the saidis landis and teynd schaveis aboue mentionat And heirto and to the obserueing keiping and fulfilling of all and sindrie the premissis baith the saidis parteis for thame and thair foirsaidis bindis and obleissis thame ilkane to vtheris for thair awin partis and for the mair securitie ar content and consentis this present contract be insert and registrat in the bukis of our souerane lordis couusall and sessione til haue the strenth of thair decreit with lettres and executoriellis of horning vpon ane simpill charge of sex dayis warning alanerlie pyvnding and warding to be direct heirupone in forme as effeiris the executione of the ane nocht to hurt the vthair and to that effect constitutis

thair procuraturis couiunctlie and seueralie to the effect foirsaid promittentes de rato in vberiori constitutionis forma In witnes quhair of baith the saidis parteis hes subscriuit this present contract with thair handis as followis writtin be Dauid Rollok notar iu Dupling ycir day and place foirsaid befoir thir witnessis, George Oliphant of Bachiltoun, Johne Andersone at Newtild myln, Laurence Andersone his sone, and the said Dauid Rollok notar.

OLIPHANT.

LAURENCE OLIPHANT.

GEORGE OLIPHANT of Bachiltoun, witnis.

JOHNE ANDERSONE, vitnes.

L. ANDERSONE, witnes.

DAUID ROLLOK, witness.

u.B. 2072 . 182. CHARGE FOR LAWBURROWS against LAURENCE LORD OLIPHANT, PATRICK MASTER OF OLIPHANT, WILLIAM OLIPHANT of Gask, and Others. December 2, 1617.

James be the grace of God King of Greit Britane France and Irland Defendar of the Faithe to our louittis Johne Gray messinger messingeris our Schireffis in that pairt coniunctlie and seweralie speciallie constitut greting forsamekill as it is humelie meanit and complenit to ws be our louitis Patrik Gray of Bandirrane Gilbert Gray and Johne Gray his brether vpoun Lawrence Lord Oliphant Patrick Maister of Oliphant William Tyrie off Drumkilbo William Oliphant off Gask Laurence Oliphant his brother thair Laurence Bruce younger off Cowpmalindie James and William Bruces his brether Laurence Oliphant of Condie Ninane Oliphant off Pitcathlie and Johne Oliphant off Forgund that quhair the saidis persones hawing consavit ane deidlie hetred euill will and enmitie againes the saidis complennaris causles daylie be thame selffis complices and vtheris in thair names off thair causing command asistance and rathabitoun molestis trublis

and oppressis the saidis complenaris thair men tennentis and servandis in the peциable possessioun of thair landis heritages guidis and geir and will on na vayis suffer and permit thame bruik and joise the samin peceable without hazard and danger of thair lyffis Lykas the saidis persounes contineally lyis at avait to do the saidis complenaris sum harme or iniurie and avowis to put violent hand in thair bodies swa that thai may not guidlie pas throw the cuntrie for doing thair lauchfull effairis and bussines without danger of thair lyves as saidis albeit the saidis complenaris be our frie liegis in heiche prowde and manifest contempt off vs our auctoritie and lawes and thairby geving euill example to vtheris to commit the lyk oppressioun without the Lordis off our Counsall provyd remeid thairto as is allegit Ourc will is heirfoir and we charge you straitlie and commandis that incontinent thir our lettres seine ye pas and takis the saidis complenaris aithis that thai dreid the foirnamit persounis aboue compleit truble and oppressioun and being ressauit that ye in our name and auctoritie charge thame to cum and find sufficient caution sowertie and laborous actit in the buikis of our Counsall and Sessioun that thai the saidis complenaris thair vyffis bairnes fameleis subtennentis cottarris guidis and geir salbe harmles skaithles in thair bodies landis heretagis tenementis takis steadingis rowmes and possessiounnis and navayis to be trublit nor molestit be thame nor na vtheris of thair causing sending hownding out command reseate assistance nor ratihabitoun nor na vtheris quhome thai may stope or let directlie nor indirectlie vnder quhatsumewir collouris or pretext fra the day of the charge to be gevin to thame nor in tyme cuming vthervayis nor be ordour of lawe or justice vnder the paines following viz. off the Lord and Maister off Oliphantis compleit vpoun vnder the paines off thrie thowsand merkis and off ilk ane of the lairdis and landit men within specefeit vnder the paine of ane thowsand merkis and off ilk ane off the remanent persounes aboue specefeit vnder the paines off four hundrethe merkis And that ye in our name and auctoritie foirsaid charge the hail foirnamit persounes personallie giff thai cane be apprehendit and failzeing thairof at thair duelling placies and be oppin proclamatioun at the Mercat Cros of the heid burghe of the schyre quhair thai duell to cum and find the said caution and sowertie actit in maner foirsaid within sex dayis nixt eftir thai be chargit be yow thairto vnder the paine off rebelloun and putting of thame to our horne and giff thai failzie thairin the saidis sex dayis being bypast that ye incontinent thaireftir denunce the dissobeyaris our rebellis and put thame to our horne and escheit and imbring all thair moveabill guidis to our vse for thair contemptioun and immediatlie eftir your said denunceatioun that ye immediatlie vse the hail remanent ordour prescryvit in our Actis of Parliament maid thair anent according to justice as ye will ansuer to ws thairvpoun The quhilk to do we commit to yow coniunctlie and seueralie our full power be thir our lettres delyvering thame be you dewlie execut and indorsat agane to the berar Gevin vnder our Signet at Edinburgh the secund day off December and off our reignes the fyftie and fyftene yeris.

Ex deliberatione dominorum consilij.

JOHNE GRAY Messinger.

- Ch. B. 2073.
 183. DISCHARGE by PATRICK GRAY and Others to LAURENCE LORD OLIPHANT and LAURENCE OLIPHANT of Lammerkiu, for the Slaughter of their Father. December 15 and 24, 1617.

To all and sundrie quhame it effeiris to quhais knowledge thir present lettres Ws Patrik and Gilbert Grayis lauchfull sonnes to wmqle Gilbert Gray in Eister Bandirran Barbara and Euphame Grayis his lauchfull dochteris with aduyse and consent of Andro Brown burges of Perth spous to me the said Barbara and Thomas Fergusson wretter burges thairof spous to me the said Euphame for thair entresse greitting in God euerlasting Wit ye ws for oure selffis and takand the burding on ws for Johne Gray also lauchfull sone to the said wmqle Gilbert Gray and Helene Rettray his relict oure mother in law and for the haill remanent kin and freindis of the said wmqle Gilbert Gray and his haill foure brancheis baith the fatheris syde and motheris syde for certane sowmes of money payit and delyucrit to ws instantlie at the making heirof be ane nobill lord Laurence Lord Olyphant and Laurence Olyphant of Lammerkin Quhair of we hald ws weill content satisfeit and payit and for ws oure airis executouris and assignais exoneris quyteclames and simpliciter dischairgis thame thair airis executouris and assignais thairof euer to haue remittit and forgewin and be thir present lettres remittis and forgewis with oure heartis to the saidis Laurence Lord Olyphaut and Lawrence Olyphant of Lammerkin thair kiu freindis allyais assistaris and pairtaikeris quhatsumeuer all maner of offence cryme and iniuries committit and done be thame throw the slauchter of the said wmqle Gilbert Gray committit be thame and certane wtheris thair complices in the moneth of September the yeir of God j^m vj^c and fyve yeiris with all malice haitret greiff of oure hairtis feid and inimitie quhilkis we or onye of oure kin and freindis hes contractit had consaueit [against th]ame or hes or may consaue and beir agauis theme or onye of theme for the said slauchter or onye thing depending thairupon or that may depend follow or result thairupon and for oure selffis and takand the burding wpone ws in maner foirsaid reuunceis and dischairgeis all actioun and caus criminall and ciuil quhilkis we or onye the said wmqle Gilbert Gray his kin and freindis foirsaidis had hes or may haue or intent aganes the said Lawrence Lord Olyphant and Lawrence Olyphant of Lammerkin or onye of thair kin freindis allya assisteris and pairtakeris for the said slauchter with all feid and innimitie that may be had or borne aganes theme thairfor in onye tymes cwming and promittis be thir presentis neuer to persew mowe actioun or querrell aganeis theme or onye of thame thair airis or successoris be way of deid or wtherways iu the law or by the law for the samyn assureand thame that thay may peceable hant and frequent to and fra quhair they pleise rest and remane at thair plesour in tyme cwming without onye forder innimitie to be borne be ws or onye of ws against theme or onye of thame or onye of thair foirsaidis inuasioun iniurie or troubill to be maid be ws or onye of ws to thame for the cause and cryme foirsaid in onye tyme heireftir And be thir presentis

we faithfullie promit to keip onviolat or broken in onye wayis in the sicht and presence of the omnipotent God and befoir the warld wnder the payne of periurie and defamatioun and tinsell of honestie honour and credat and neuer to be repute honest honorabill nor credabill in cause we or onye of ws or onye foirsaidis happin to failzie heirintill as God forbid And for the mair securetie we ar content that thir presentis be registrat in the buikis of Counsale for conseruatioune thairof ad futuram rei memoriam and for registrating thairof constitutis

oure procuratouris for ws and in oure names to consent thairto promittentes de rato etc. In witnes quhairof (wreittin be Alexander Harwey seruitour to Robert Alschunder Wreitter) we haue subscriyubit thir preseutis with oure handis at Edinburgh and Perth the fyftene and tuentye fourt dayis of December the yeir of God j^m vj^c and sewintene yeiris befoir thir witnessis, the saidis Robert Alschunder, Alexander Harwey, Alexander Craig notar publict, and Mr Gawin Justice sone to Gawin [vel William] Justice merchant burges of Edinburgh, William Crombie seruitour to Schir William Olyphant of Newtoun, Knycht, Aduocat to our Souerane Lord, witnessis to the subscriptionnes of ws the saidis Patrik, Gilbert, and Euphame Grayis, and Andro Brown, and witnessis to the subscriptionis of the said Barbara Gray, Andro Scott in Rome besyde Scone, Henry Crie in Perth, Robert Anguse thair, and John Layng younger thair. Sic subscribitur,—Patrik Gray with my hand. Gilbert Gray with my hand. Andro Brown with my hand. Euphame Gray abouenamit with my hand on the pen led be the notaris wnder subscriyued at my command becaus I cannot wreitt my self. Ita est Robertus Alschender notarius publicus de speciali mandato dicte Euphame Gray scribere nescientis ut asseruit teste manu sua. Ita est Alexander Harwey connotarius in premissis requisitus teste manu propria. Barbara Gray foirsaid with my hand on the pen led be wreittin at my command becaus I can nocht wreitt. Ita est Joannes Daidstone notarius publicus premissa scribere de mandato dicte Barbare Gray scribere nescientis ut asseruit teste manu propria. W. Crombie witnes. A. Hairuie witnes. Mr Gawin Justice witnes. Andro Scott witnes. Henrie Crie witnes. R^t Anguse witnes. Johne Layng witnes.

Concordat hec copia cum suo originali in omnibus de verbo in verbum nec variando nec omittendo quod rei substantiam mutare poterit recte scripta et collationata per me Johannem Daidstone notarium publicum testante hoc meo chirographo.

Cl. B. 1960.

184. BOND by LAURENCE LORD OLIPHANT to LAURENCE OLIPHANT in Ross, upon the Lands of Cluthiemore. February 5, 1618.

Be it kend till all men be thir present letteris me Laurence Lord Oliphant to have receavit in borrowing reallie and with effect at the making heiroy fra Laurence

Oliphant in Ross the haill sowme of ane thousand merkis gude and vsuale money of Scotland quhairof I hald me weill satisfeit and payit and renunceand the exceptioun of nocht numerat money and all vther exceptioun of the law that in the contrar heirof can be proponit exoneris and dischairgeis the said Laurence his airis executouris and assignais of the samyne sowme simpliciter Quhilk sowme of ane thowsand merkis money foirsaid I bind and obliss me my airis als weill male of tailzie conquest provisioun as of lyne successouris and intromettouris with my landis rentis guidis and geir quhatsumeir to thankfullie rcfound pay and deliuer aganc to the said Laurence Oliphant his airis executouris or assignais befor the feist of Witsonday nixtocum in this instant sex hundreth and aughtcin yeir of God And failzeing then of payment of the said sowme of ane thowsand merkis money foirsaid I bind and obleis me my airis and successouris quhatsumcuer dewlie and sufficientlie to infest and saise the said Laurence Oliphant his airis and assignais immediatlie efter the said terme of Witsonday nixtocum in ane annuallrent of ane hundreth merkis money abouewrettin yeirlie to be furthcummand liftit and vptanc at tua termis in the yeir Witsonday and Mertimes in winter be equall portiounis ffurthe of all and sindrie my landis of Cluthiemoir and Newmyle pairtis pendicles and pertinentis thairof or ony pairt of the samyne lyand within the scherifdom of Perth To be haldin of me and my foirsaidis in frie blenche for yeirlie payment of ane penny money Scottis vpoun any pairt of the ground of the saidis landis at the feist of Witsonday gif it beis askit allanerlie with all claussis of warrandicc als weill generall as spcciall and all vther claussis necessar as effeiris to be contenit in the said infestment Lyk as I bind and obleiss me and my foirsaidis now as gif the said infestment wer past and then as now to warrand acquiet and defend to the said Laurence Oliphant and his aboucnamit all and haill the foirnamit annuallrent and landis quhairout of the same sould be vpliftit to be frie saiff and sure fra all wairdis relevis nonentressis ladyis tercis coniunct and holl feis lyfrentis vther annuallrentis former alienatiounis sasines privat and publict dissasines assedatiounis lang and short assignatiounis resignatiounis renunciatiounis inhibitiounis interdictiounis evictiounis reductiounis poindingis comprysingis taxatiounis and generallic fra all clag clamc deid danger and inconvenienc quhatsumeuer als weill nocht namit as namit bygane present and tocum at all handis And heirvpoun to mak subscribe and deliuer to the said Laurence and his foirsaidis ane sufficient charter contening ane precept of sasine thairintill and all vther securitie ncidfull anent the premissis to iterat and renew the same and thir presentis to the said Laurence and his abouenamit ay and quhill they find themselvis made perfytlie sure of the said annuellrent of ane hundreth merkis money abouewrettin Off the quhilk annuellrent of ane hundreth merkis money befor specefeit I bind and obleis me and my foirsaidis to mak gude thankfull and tymous payment to the said Laurence and his abouenamit yeirlie and termelie at the termis aboue designit together with ten merkis yeirlie for the profit of ilk hundreth merkis thairof that sall happin to be restand onpayit efter the saidis termis they als weill nocht being infest as gif they wer dewlic infest in the same beginnand the first termis payment of

the said annuellrent of ane hundreth merkis money befor specefeit iu cace of failzie foirsaid at the said terme of Witsunday nixtocum and sua yeirlie and termie thairefter ay and quhill the lauchfull redemptioun thairof be vertew of ane reuersioun quhilk the said Laurence and his abouenamit sallbe haldin to mak subscriye and deliuer to me and my foirsaidis at the passing of the said infeftunent contening thairintill the foirnamit principall sowme of ane thowsand merkis money abouespecefeit the place of redemptioun to be in the Paroche Kirk of the brughe of Perth and consignatioun in cace of absens or refusall to be iu the handis of the Thesaurer or Dean of Gild of the said brughe being responsall for the tyme to be furthecummand to the weill and vtilitie of the said Laurence and his foirsaidis vpou the consigners perrell the premonitioun of ffourtie dayis warning ordourlie preceeding ony terme of Witsunday or Mertimes in comone forme of reuersiouu the tenour quhairof sall stand suspendit fra all redemptioun quhill all the byrun profettis of the said auuellrent be first compleitlie payit to the said Laurence and his abouenamit vtherwayis na redemptioun to be reput lauchfull And nochtwithstanding of the conditioun of the said infeftment I bind and obleis [me] and my foirsaidis to contout and pay to the said Laurence aud his abouenamit the foirnamit principall sowme of ane thousaud merkis money befoirspecefeit and byrunnes of the said annuellrent with the yeirlie profettis thairof as it cumis to ten merkis for ilk hundreth in maner abouedesignit together with the liquidat expensis eftir mentionat at ony terme heireftir it sall happin me or my foirsaidis to be chairgit to that effect be vertew of our Souerane Lordis letteres to be raisit heirvpoun and that but ony requisitioun to be made for the samyne Mairower I be thir presentis do mak and constitute Andro Dow in Drumend and ilk ane of them coniuuetlie and seuerallie my bailzeis in that pairt gevand grantaud and committand to them or any ane of them my full power to pas and aud give state and sasine heretable reall actuall and corporall possessioun to the said Laurence or his actornayis aue or ma in his name of all and hail the abouewrettii annuellrent of ane hundreth merkis money foirsaid yeirly furthecummand as said is be deliuerance of earth and stane of the ground of the landis befoirspecefeit clap of the said mylne and of aue pennie as vse is conforme to the tenour of thir presentis in all pointis Finallie it is expreslie provydit be conditioun of thir my present letteris obligatouris that it sall nocht be leisswm to me ouy maner of way at na tyme heirefter to relaxe redeme and outquit fra the said Laurence or his abouenamit the touuis and landis of Keirprone and Ross or ony vtheris landis sauld and wodset be me to him nor na pairt thairof be vertew of quhatsumeur reuersioun grauntit be him to me for redemptioun thairof nor yit to mak any premonitioun to that effect wntill the tyme that he and his foirsaidis be compleitlie satisfait and payit of the abonewrettin principall sowme of ane thousand merkis money befoirspecefeit with all the byrun profettis of the said annuellrent aud vther profettis abouementionat bot in the meau tyme all aud sindrie the reuersiounis grauntit to me be the said Laurence for redemptioun of the foirnamit landis or vtheris quhatsumcuir wodset be me to him to stand

suspendit fra all redemptioun ay and quhill thir my present letteris obligaturis be fulfillit to him and his foirsaidis in all pointis And gif the same sall happin to be registrat in ony of the buikis vnderwrettin and executiounis rasis heirvpon in that cace I obleis me and my foirsaidis to content and pay to the said Laurence and his abouenamit the sowme of tua hundreht pundis of liquidat expensis for damage and interest to be sustenit thairanent And for the mair securitie I am content and consentis thir presentis be registrat in the buikis of counsell and sessioun to haue the strenth of ane decret sua that executouriallis of horning pointing and warding the ane but preiudice of the vther may follow thairvpon and the horning to be direct vpon ane simple chairge of sex dayis only and to that effect constitutis

procuraturis coniunctic and seuerallie promittens de rato etc. In Witness heirof thir presentis wreittin be Dauid Rollok notar in Donning ar subscriyvit with my hand as followis at Edinbrought the fyft day of ffebruar the yeir of God j^m vj^e and aughtein yeiris befor thir witnessis, William Dowglas, Johne New my seruitouris, W^m. Oliphant sonne to George Oliphant of Bachaltoun, and the said Dauid Rollok, and Johne Oliphant of ffgundenie.

J. OLYPHANT of Forgondeny witness.

OLIPHANT.

WILLIAM DOUGLAS witness.

J. NEW witness.

DAVID ROLLOK notar witness.

Ch. B 1466

185. DECRET by the COMMISSIONERS of TEINDS anent the Teinds of Findogask.
February 27, 1618.

At Edinburgh the penult day of Februar the yeir of God j^m vj^e and aughteine yeires the Comissionaris of Parliament undirwreittin appoyntit be oure Soverane Lord and estaitis of Parliament for provisioun of Kirkis thay ar to say ane noble and potent erle Alexander Erle of Dumfermling Chancellor of Scotland, Johne Archbischof of Santandros, Alexander Bischof of Dunkell, Alexander Bischof of Murray, Patrik Bischof of Ros, William Bischof of Galloway, Andro Bischof of Brechine, Johne Erle of Mar etc., heich thesaurer of Scotland, Williame Erle off Tullibardine, Robert Erle of Roxburghe, Johne Vicount of Lauderdaill, Thomas Lord Byning, David Lord Carnegie, Sir Andro Murray of Balvaird, Sir Walter Dundas of that ilk, Sir Johne Hamiltoun of Lattirik, Sir Johne Vaus of Barnbarroch, Sir George Auchinleck of Balmounie, James Arnot burgis of Edinburgh, Maister Alexander Widderburne clerk of Dundie, Sir Thomas Menzeis Provost of Abirdeine, Johne Mackesone clerk of Carrail, Johne Sherar burgis of Stirling and Andro Mylne burgis of Linlithgow.—The quhilk day ffor samekill as the saidis Comissionaris having respect and consideratioun that in provisioun of the Kirk of Findogask lyand within the diocie of Dumblane with ane constant and

locall stipend to the minister serving the cuir at the samene Kirk yeirlie out of the teindis of the parochine thairof of the quantatie of ffyve hundreth merkis yeirlie they be the decret of modificatioun gevin and pronuncit be thame theiranent of the dait heirop have decernit and ordainit the forsaid stipend of ffyve hundreth merkis to be locallie payit to the minister serving the cure at Findogask yeirlie out of the teindis personage and wiccarage of the parochine thairof be Lanrence Lord Oliphant takisman of the samene teindis and to whom the present tackis thairof efterspecificit is grantit and now pertaines for himself and as air to wmqubill Laurence Lord Oliphant his guidshir and be his aires and wtheris successouris in his tack and right of the saidis teindis and that notwithstanding of the tackis and assedatiounes eftermentonat productit befor the saidis Comissionaris of the teindis of the said parochin be Laurence Lord Oliphant personallie present viz. Ane tak maid and grantit be Adam Bischop of Dumblane with consent of the Deane and Chapil thairof to the said Laurence Lord Oliphant his aires mail and assigneyis off all and sundrie the teind scheavis of the tonne and landis of Keirprone with pairtis pendiclis and pertinentis thairof lyand within the said parochine of Findogask and schireffdom of Perth pertaining to the Bischoprik of Dumblane as ane part of the patrimonie thairof dnring the space of nynteine yeires efter Lambmes j^m vj^o and aughteine yeires for the yeirlie payment of the soume of ffourtie pundis money at tua termes in the yeir Candalmes and Midsumeir be equall portionnes quhilk tak is daittit the nynteine day of Januar j^m vj^o aughteine yeires and the samene dewlie subscrivit be the Bischop of Dumblaine and Chapil thairof having the Bischopis proper seall with the commone seall of the Chapil thairto appendit mair fullie proportis and bearis And wther tna tackis grantit be Mr James Chisholme Archdeane of Dumblaine with consent of the Bischop and Chapil of the Cathedrall Kirk thairof to wmqubill Lanrence Lord Oliphant during all the dayis of his lyftyme and efter his deceas to his nearest air dnring the said aires lyftyme and efter the deceis of the samen air to the said air his nearest and lawfull air dnring his forsaid aires lyftyme and efter the deceas of the samyne forsaid air to his aires and assigneyis during the space of nynteine yeires off all and sundrie the teind scheavis and wtheris teindis of the tounis and landis of Hiltoune of Gask the mylne landis of Gask the Hall of Gask the Overtoun alias the Kirktonne of Gask the frie croft alias Dame Oswallis croft the Pensiones croft Caruwathies lands the smidie landis the toune and landis of Cluthimoir the toune and landis of Westir Clnthie the toune and landis of Cluthibeg the toune and landis of Ross the toune and landis of Newmylne and the toune and landis of Keirwood and Keirwoodheid with the wiccarage and small teindis of the landis of Keirprone with the pendiclis and pertinentis thairof and all quhatsumevir pairtis pertinentis and pendiclis respectiue of the saidis landis and teindis lyand within the said parochine of Findogask pertaining to the patrimonie of the Archdeanerie of Dumblaine ffor the yeirlie payment of the sonne of ane hundreth ffourscoir aught merkis at tna termes Lambmes and Candlemes be eqnall portiounes quhilk tack is daittit the tent day of Maij j^m v^o.thriescoir sexteine yeires as the samene subscrivit be the said Maister

James Chisholme and be eight personis of the Chapil of Dumblaine haveing the proper seall with the common seall of the Chapil thairto appendit lykwayis beares And the wther of the samene tua takis daittit the tent day of Apryll j^m v^c thriescoir sexteine yeiris also subscriyvit be the said Maister James Chisholme and be Andro Bishope of Dumblaine and be aught persones of the said Chapil togidder with wther tua takis lykwayis grantit be the said Maister James Chisholme with consent forsaid to the said wmqubill Laurence Lord Oliphant during his lyftyme and efter his deceis to his nearest air during that airis lyftyme and efter the deceis of the samene air to his nearest and lawfull air and to the aires and assigneyis of that aire during the space of nynteine yeiris off the forsaidis teindis specifeit in the wther tua takis immediatlie aboue mentionat for payment of the dewtie aboue-wreittine at the termes forsaidis the ane of the saidis takis subscriyvit be the said Maister James Chisholme and be aught persones of the Chapil of Dumblane and the wther also subscriyvit be him and be the said Andro Bishop of Dumblane and aught persones of the Chapil thairof baith daittit the tent day of Apryll j^m v^c thriescoir sexteine yeiris as the samyne takis haveing the setteris proper seall with the commoun seall of the said Chapil thairto appendit lykwayis mair fullie proportis Sua that be the forsaid decret of modificatioun aboue mentionat thair is great burdin imposit vpon the teindis abouespecifeit contened in the saidis fyve tackis producit and vpon the said Laurence Lord Oliphant to quhom the samene takis ar grantit and now perteines in maner forsaid and vpon his aires and wtheris succedding to him in the right of the saidis takis then that quhilk is appoyntit to be payit be the samene takis for the teindis thairin specifeit during the spaces and yeires respectiue befor rehearsit thairin conteinit yit to rine in sua far as be the forsaidis takis producit thair is onlie thairby appoyntit to be payit yeirlie for the haille teindis baith personage and wicarage of the said parochine of Findogask thairin specifeit the forsaidis soumes and present tak dewties respectiue befor rehearsit extending in the haille to the soume of tuo hundreth fourtie aught merkis conform to the forsaidis present takis producit And now be the forsaid decret of modificatioun the said Laurence Lord Oliphant and his aires and wtheris haveand right fra him to the forsaidis takis producit ar and wilbe subject and astricted in payment yeirlie for the saidis teindis thairin specifeit to the minister having the cure at Findogask present and to cum of the forsaid sowme and stipend of ffyve hundreth merkis money notwithstanding of the spaces and yeiris respectiue befor rehearsit yit to rine of the saidis present takis producit as the forsaid decret of modificatioun beand the compeirance of the parties haveand interes in the provisioun of the said Kirk and thair citatioun of the dait heirop mair fullie proportis Thairfor the saidis Commissionaris of Parliament abouementionat efter consideratioun haid be them of the spaces and yeires respectiue yit to rin of the forsaidis present takis producit and ilk ane of them and of the forsaid burding and augmentatioun imposit vpon the saidis teindis thairin specifeit notwithstanding of the spaces and yeires yit to rine of the saidis present takis hes of consent of the said Adam Bishop of Dumblane personallie present in maner

contained in the forsaid decret of modificatioun in recompence and for requittail of the forsaid burding and augmentatioun abouespecifeit and be wertew of the power and warrand given to thame and conteinit in the Act of Parliament beaird thair commissioun additt wnto the spaces and yeires yit to rine of the forsaid fyve present takis productit the farder yeires of prorogatioun thair of respective eftermentionat Viz. They have additt and addis to the spaces and yeires yit to rine of the forsaid tak productit grantit be the said Adame Bishop of Dumblane to the said Laurence Lord Oliphant daittit the nynt day of January j^m vj^c and aughteine yeires the space of thrie nynteine yeires successive efter wtheris farder of the forsaidis teind scheavis of the landis of Keirprone thairin conteinit with the pertinentis to begin at the ische and expyryng of the said tak And also hes addit and eikis vnto the spaces and yeires respectiue aboue specifeit yit to rin of the forsaidis tua takis productit daittit the tent day of Apryll j^m v^c thrieseoir sexteine yeires the lyke space of thrie nynteine yeiris succesive efter wtheris farder of the forsaidis teindis abouementionat conteinit in the samene tua takis to begin at the expyryng thair of or aither of thame And in lyke maner hes addit and eikis vnto the spaces and yeires respectiue yit to rin of the forsaidis tua wther takis productit quhair of the ane is daittit the tent of Maij j^m v^c thrieseoir sexteine yeiris and the wther daittit the tent day of Apryll the samene yeir the space of four nynteine yeiris successive efter wtheris farder of the saidis teindis abouespecifeit thairin conteinit to begin at the expyryng of the samene tua takis or aither of thame when the samene sall happin And thairfor the saidis Commissionaris all in ane voice with consent of the said Adam Bishop of Dumblane hes sett and according to the power and warrand forsaid settis and in tak and assedatioun lettis to that persoun or persones wha sall happine heirafter aither to succed to the right of the forsaidis present takis productit now standing in the persone of the said Laurence Lord Oliphant or wther wayis to have right of the samene present takis lawfullie assignit or establishit thair personis the tyme of the expyryng thair of or aither of thame as said is And to the samene persone or persones swa succeding or having right thairto thair aires and assigneyis quhatsumever during all the dayis space yeiris and termes of the saidis thrie nynteine yeiris and four nynteine yeires respectiue aboue mentionat successive efter wtheris efter the ische and expyryng of the spaces and yeires respectiue befor rehearsit of the forsaidis present takis abouementionat quhairvnto the samene eikit yeiris of prorogatioun ar now addit in maner respectiue befor rehearsit when the samene sall happine all and sundrie the teind scheavis of the toune and landis of Keirprone with pairtis pendiclis and pertinentis thair of lyand as said is perteing to the Bishoprik of Dumblane as ane part of the patrimonie thair of And also all and sundrie the saidis teind scheavis and wtheris teindis fruitis rentis proventis and emolumentis quhatsumever of the forsaidis teindis and landis respectiue aboue and wndirwreittin alsweill perteing to the personage as viccarage of the said Kirk of Findogask and belonging to the said Archdeanrie of Dumblane as ane part of the patrimonie and propertie thair of That is to say of the toune and landis of the Hiltoune of Gask, the mylne landis of

Gask, the Hall of Gask, the Overtoune alias Kirktoune of Gask, the frie Croft alias Dame Oswallis Croft, the Pensiounes Croft, Carnwathies landis, the Smiddie landis, the toune and landis of Cluthimoir, the toune and landis of Westir Cluthie, the toune and landis [of] Cluthibeg, the toune and landis of Ros, the toune and [lands of] Newmylne and the toune and landis of Keirwood and Keirwoodheid with the wiccarage and small teindis of Keirprone togidder with the outsettis pendiclis and pertinentis thair of with all and sundric quhatsumever pairtis annexis connexis pendiclis and pertinentis of the samyne respectiue all lyand within the parochine of Findogask and schireffdom of Perth beginnand the entrie of this present eikit Tak and eikit yeiris of prorogatioun thair of respectiue abovementionat immediatlie efter the ische and expyring of the forsaidis present takis productit or aither of thame quhairvnto the forsaidis yeires of prorogatioun ar addit in maner respectiue befor rehearsit And fra thyne furth to continew and endure ay and quhill the saidis yeiris of prorogatioun be fullie and compleitlie outrun successiue efter wtheris but interval efter the compleit ische and expyring of the saidis spaces and yeires yit to rine of the forsaidis fyve present takis productit of the time quhairvnto the saidis yeiris of prorogatioun are now eikit in maner respectiue befor declairit Payand thairfor yeirlie at the termes abouewreittin conteinit in the present takis productit be the minister serving the cure at the said Kirk of Findogask the forsaid soume and stipend of ffyve hundreth merkis money abouementionat comprehending alwayis in the samenc as ane pairt thair of the forsaidis present dewties of the saidis present takis productit And also the saidis Comissionaris declairis that the suspensioun of the entrie of this present eikit tak and eikit yeires of prorogatioun thair of respectiue abouespecifeit during the forsaidis spaces and yeires yit to rine of the saidis present takis productit quhairvnto the samene yeires of prorogatioun ar eikit as said is salbe no derogatioun to the validitie of the saidis takis of prorogatioun bot the samene salbe also sufficient as giff the entrie thairat war confirmit and appoyntit to be and begine at the day and dait heirof Quhairvpon the [said Lau]rence Lord Oliphant personallie present in maner forsaid askit instr[uments]. Extractum de libris actorum parlamentj per me dominum Alexandrum Gibsone juniorem de Durie militem clericum rotulorum registri ac consilij S. D. N. regis sub meis signo et subscriptione manualibus.

ALEX. GIBSONE, Clericus Registrj.

CL. B. 1961.

186. CONTRACT OF MARRIAGE between MR JOHN MURRAY, Minister at Kinkell, and CATHERINE COLVILLE, Daughter of WILLIAM COLVILLE of Condie. February 9, 1621.

At Ross the nynt day of Februar the yeir of God j^m vj^s twenty ane yeiris It is appoyntit contractit finalie endit and aggreit betuix Maister John Murray minister at Kinkell on the ane pairt and Laurence Oliphant in Ross Liliars

Grahame relict of vniqulile Williame Coluill of Condie now spous to the said Laurence for thame selffis and takand burdiug iu and vpone thame for Katherine Coluill dochtir to the said vniqulile Williame procreat betuix him and the said Lilius Grahame and the said Katherine Coluill for hir selff on the vthair part in maner following That is to say fforsamekill as the said Mr Johne Murray and Katherine Coluill sall God willing marie aud tak vtheris to lauchfull spoussis compleit and solempnizat the band of matrimonye in face of halie Kirk and Cristis congregatiōe as Godis worde dois prescriue betuix the dait heirof and the tent day of the moneth of Aprile nixt without langer delay ffor performing of the quhilk mareage the said Laurence Oliphant and Lilius Grahame his spous bindis and obleissis thame the langest lebar of thame tua thair airis executouris aud intro-mettoris with thair gudis and geir thankfullie to content pay and deliuer to the said Mr Johne Murray his airis executouris or assignais in name of tochir with the said Katherine Coluill the hail sōwme of ane thowsand merkis money of this realme of Scotland betuix the day and dait heirof and the elleuint day of Nouember nixtocum iu this instant yeir of God j^m vj^c twenty ane yeiris without langer delay and that in full compleit payment contentatiōe and satisfactiōe to the said Katherine Coluill and hir said future spous of all priucipall sōwmes of money and annuell rentis thairof quhatsumeuir quhairto sche was prouydit at any tyme befor the date heirof athir in lyverent or heretablie be the said vniqulile Williame Coluill or be the said Lilius Grahame or be auy vtheris in thair names be thair or any of thair deidis moyen or procurement be infestment assignatiōe or vthair-wise be quhatsumeuir vthair titill of richt and als in full compleit payment contentatiōe and satisfactiōe of all bairnis pairt gudis geir and portione naturall that the said Katherine Coluill and the said Maister Johne Murray hir future spous in any tyme heireftir may ask sute crave or acclame of the said Laurence Oliphant or his foirsaidis throw the deceis of the said vniqulile Williame Coluill hir father or throw the deceis of the said Lilius Grahame hir moder quhen it salhappin At the payment and deliuerie of the quhilk sōwme of ane thousand merkis of tochir gude at the terme abouewrittin the said Katherine Coluill and hir said future spous for thame and thair foirsaidis salbe haldin obleist and astrictit be thir presentis to mak subscriue gif and deliuer to the said Laurence Oliphant and his said spous and thair foirsaidis suffitiet acquittances and dischargis theirwpone according to the meanyng of this present Contract in all poyntis And als the said Maister Johne Murray bindis and obleissis him and his foirsaidis to provyde and furneis agane the said terme of Mertymes nixtocum of his awin propir mouey the sōwme of ane thowsand merkis money quhilk will extend with the said sōwme of tochir gude to the sōwme of tua thowsand merkis money and sall bestow and lay the samen vpone sufficient responsall and weill haldin landis for annuell rent athir of money or victuale as maist commodeouslie may be haid and sall deulie infest and saiss the said Katherine Coluill his future spous with him self in coniuuct fee thairintill during all the dayis of hir lifytyme and the airis lauchfullie to be gottin betuix thame quhilkis failzeing to the said Mr Johne his airis and assigneis

quhatsumeuir And sa oft as the said annuell rent salbe redemit in the lifyme of the said Mr Johne and Katherine the said Mr Johne bindis and obleissis him and his foirsaidis to lay the samen sowme of tua thowsand merkis money agane als oft vpon sufficient weil haldin landis for annuell rent and to infest the said Katherine with him selff in coniuinct fee thairintill and thair foirsaidis as said is be aduis of the said Laurence Oliphant and Patrik Grahame of Inchbrakie or any ane off thame And for the bettir performing of the premissis baith the saidis parteis ar content and consentis thir presentis be registrat and insert in the bukis of our Souerane Lordis Counsall and Sessione til haue the strenth of thair decret with letteris and executoriellis of pyunding warding and horning in simpill forme of sex dayes warning alanerlie the execucione of the ane nocht to hurt the vthair and to that effect constitutis

thair procuratouris coniuinctlie and seueralie to the effect foirsaid promittentes de rato etc. In witness quhairof baith the saidis parteis hes subscriuit this present Contract with thair handis as followis yeir day and place foirsaidis befor thir witnessis Johne Murray of Kinkell, Antone Murray of Carshead, Patrik Murray portioner of Arbanye, Robert Chaip in Cowgask, Alexander Oliphant sone naturall to the said Laurence, and Dauid Rollok writar heiroff.

JHONE MURRAY vitnes.

PATRIK MURRAY vitnes.

DAUID ROLLOK writar heirof vitnes.

MR: JHONE MURRAY,

Minister at Kinkell.

KATARENE COLUIN.

LAURENCE OLIPHANT.

LILIAS GRAHAME.

ROBERT CHAIP vitnes.

ALEXANDER OLYPHANT vitnes.

82.2.1, f. 42 187. RECEIPT by ALEXANDER LORD FENTOUN to LAURENCE LORD OLIPHANT for Writs belonging to the Barony of Kellie. February 7, 1624.

I Alexander Lord Fentoun grantis me to haue resauit from the handis of Laurence Lord Oliphant the particular wreittis and evidentis of the landis and Barronie of Kellie vnderwrittin quhilkis the said noble Lord is obleist be vertev of the contract of alienatioun of the Barronie of Kellie maid be him to Thomas Erle of Kellie to delyuer and all wther writtis concerning the said landis.

Item. Ane Resignatioun of the landis of Kellie grantit be Heleinc Meldrum Lady Kellie in the Kingis handis in fauours of hir cousinge Walter Oliphant daitt penult Januar 1360. [Sec No. 7.]

Item. Anc Chartour grantit to Walter Oliphant and Elizabeth [Bruce] his spous be Dauid King of Scotland of the landis of Pitkerrie daitt last Februar and of the Kingis reigne 35 [1364].

Item. Ane Chartour of the Barronie of Kellie and Pitkerrie grantit be Robert King of Scotland to Walter Oliphant proceeding vpoun Walter his fatheris resignatioun daitt 20 Oetober and 8 of his reigne [1379, see No. 10].

Item. Ane Chairtour the iust dubill of the forsaid.

Item. Ane Deereit of the Lordis quhairby thay deeernit ane Instrument productit be the laird of Kellie of the merehis betuixt Kellie and Carnbie to be suffieient and trewe daitt 28 Apryll 1477.

Item. Ane Perambulation betuixt Kellie and Carnbie daitt 12 Februar 1494.

Item. Ane Instrument of Seasing of John Oliphant of the landis of Kellie proeceeding vpoun his awin resignatioun daitt 4 August 1511.

Item. Ane Instrument of Renunciatioun of tuentie aikeris of land of Mureflat grantit be Patrik Maisoun to John Oliphant of Kellie daitt last Apryll 1516.

Item. Ane Seasing of the Barronie of Kellie grantit to Alexander Oliphant of Kellie proceeding vpoun his retour as air to his father daitt 2 May 1537.

Item. Ane iust copie of ane Chartour of the Barronie of Kellie grantit be King James to Alexander Oliphant extractit vnder the handis of James M^cGill clerk of Register daitt 2 Oetober 1542.

Item. Ane Instrument quhair Alexander Gourlay of Kingeraig Renuncit thair [sie] Infeftment of the maynis of Kellie daitt 12 Julij 1551.

Item. Ane Seasing of the Barronie of Kellie grantit be Alexander Oliphant of Kellie to Laurence Lord Oliphant daitt 20 Oetober 1552.

Item. Ane Retour of Petir Oliphant as nearest and lawfull air of vmquhill Sir Alexander Oliphant his eusinge of the lands of Kellie daitt last Oetober 1560.

Item. Ane Decreit befor the Lordis qnhairbuy Margarit Jeane and Janet and Peter Oliphantis are deeernit to haue lossit the superioritie of Kellie daitt 19 Mareh 1562.

Item. Ane Preept of Seasing vudir the quartir seill proeceeding vpoun the forsaid decreit grantit be Quein Marie 26 Apryll 1563.

Item. Ane Seasing of the lands of Kellie grantit be Laurence Lord Oliphant to Laurence Maister of Oliphant daitt 18 November 1564.

Item. Ane Retoure of Laurenee Lord Oliphant as air to his father Laurenee Lord Oliphant daitt 2 May 1566.

Item. Ane Seasinge to Laurence Lord Oliphant as air to his father proceeding vpoun his retoure daitt 25 May 1566.

Item. Ane Retoure of Jeane Oliphant as lawfull and nearrist air of vmquhill Margarit Oliphant hir ant daitt 17 November 1570.

Item. Ane Retonre of Margarit Oliphant as ane of the narrist and lawfull airis of vmquhill Margarit Oliphant hir ant daitt 17 November 1570.

Item. Ane Deereit of Redemptioun of the lands of Mureflat in favouris of Lanrence Lord Oliphant daitt at Edinburgh 7 Mareh 1572.

Item. Ane Instrument of Resignatioun of the mylne of Kellie grantit be Andro Clepane of Piteorthie and Kathereine Meffan his spous in the handis of Pcter Oliphant of Kellie daittit 2 November 1572.

Item. Ane Instrument of Renunciatioun ad perpetuam remanentiam of fyftein aikeris of land in Ouer Kellie maid be James Sandilandis of Sanctmonens in the hands of the Lord Oliphant daitt 11 December 1574.

Off the quilkis writtis particullearie abouewrittin I the said Alexander Lord Fentoun dischairgis the said Lord Oliphant for now and euir And siclyk I Laurence Lord Oliphant grantis me to haue delyuirit no moir evidentis at the daitt of thir presentis nor is speciallie aboue exprest be thir presentis subscryuit with baith our handis. At Leith the sevint day of Februar j^m vj^e and tuentie foure yeeris, befoir thir witnessis, Laurence Oliphant seruitour to the said Lord Oliphant, and Mr George Fletcher aduocat.

ALEXR. ARESKYN.
OLIPHANT.

G. FLETCHER, witness.
LAURENCE OLIPHANT, witness.

Ch. B. 1485 188. CHARTER OF CONFIRMATION and NOVO-DAMUS under the Great Seal, in favour of LAURENCE OLIPHANT of Ross, of the Lands and Barony of Gask and the Office of Bailiary of Inchaffray. December 6, 1625.

Carolus Dei gratia Magne Britannie Francie et Hibernie Rex fideique defensor omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis nos cum auisamento et consensu predilecti nostri consanguinei et consiliarii Johannis comitis de Mar domini Erskene et Gareoch magni nostri thesaurarii computorum nostrorum rotulatoris collectoris ac thesaurarii novarum nostrarum augmentationum regni nostri Scotie necnon cum auisamento et consensu predilecti nostri familiaris consiliarij domini Archibaldi Napeir de Merchingstoun militis nostri deputati thesaurarij computorum nostrorum rotulatoris collectoris ac thesaurarij novarum nostrarum augmentationum dicti regni nostri Scotie ac etiam cum auisamento et consensu ceterorum dominorum nostri secreti consilij dicti regni nostri Scotie nostrorum commissionerum dedisse concessisse disposuisse et hac presenti carta nostra confirmasse tenoreque ejusdem dare concedere disponere ac pro nobis et successoribus nostris pro perpetuo confirmare dilecto nostro Laurentio Oliphant de Ros heredibus suis masculis et assignatis quibuscunque hereditarie totas et integras terras et baroniam de Gask cum molendino siluis piscariis ac presertim cum speciali libertate piscandi in aqua de Erne tribus diebus in hebdomade tempore prohibito de jure et consuetudine dicti regni nostri Scotie et similiter cum speciali libertate et licentia locandi imponendi edificandi reparandi et sustentandi lie cruves super dictam aquam de Erne et in omnibus partibus ejusdem juxta terras et bondas dictarum terrarum et baronie de Gask ac cum partibus pendiculistenentibus tenandriis et libere tenentium seruitiis omnium et singularum predictarum terrarum et baronie cum pertinentiis jacentium infra vicecomitatum nostrum de Perth Totum et integrum officium balliatus omnium et singularum terrarum possessionum fructuum

reddituum emolumentorum quorumcunque pertinentium que per prius pertinuerunt aut infuturum pertinere poterint ad Abbaciam de Incheffray vbicunque eadem jacent infra dictum regnum nostrum Scotie (exceptis duntaxat terrarum aliorumque subscriptorum videlicet terrarum de Over Cardny cum mora et marresio earundem terrarum super quibus silua crevit nuncupata lie Wodlandis terrarum de Chapell nuncupatarum lie Chapelland de Mure terrarum de Dalquhoroghby cum molendino earundem et terris molendinariis dicto molendino annexatis partibus pendiculis et pertinentiis earundem jacentium infra dictum vicecomitatum nostrum de Perth) vna cum integris feodis dicti officij ac etiam omnibus alijs casualitatibus libertatibus immunitatibus proficuis et deuoriis ad dictum officium infra bondas omnium et singularum dictarum terrarum (exceptis vt prius excipitur) pertinentibus et spectantibus Quequidem integra feoda dicti officij ad dictum Laurentium Oliphant suosque prescriptos pertinebant et per ipsum et ipsos levanda de quibuscunque terris seu possessionibus ad dictam Abbaciam de Incheffray pertinentibus vbicunque eodem jacent secundum vsum et consuetudinem ac de quibus predilectus noster consanguineus Laurentius Dominus Oliphant aut predicessores sui in possessione fuerunt sive per levationem earundem a quibusuis hereditariis tenentibus seu possessoribus quarumcunque terrarum dicte Abbacie de Incheffray aut per retentionem in ipsorum manibus tantidem quarumcunque diuoriarum abbatibus de Incheffray debitarum de quibusuis terris ad prefatum predilectum nostrum consanguineum Laurentium Dominum Oliphant aut predicessores suos pertinentibus quanti correspondebit deuorie pro feodo dicti officij balliatus persolute que pro eodem feodo dicti officij balliatus retenta fuit Reseruatis tamen prefato predilecto nostro consanguineo Laurentio Domino Oliphant et Domine Lilie Drummond sue conjugii eorumque alteri diutius viventi durantibus omnibus ipsorum vite diebus suis liberis tenementis seu vitalibus redditibus terrarum aliorumque subscriptorum videlicet ville et terrarum de Ovir Gask cum partibus pendiculis et pertinentiis earundem et presertim illis pendiculis hujusmodi per Laurentium Mertine et Gilbertum Tailliour possessis et occupatis ville et terrarum de Nather Gask cum molendino de Gask terris molendinariis multuris et sequelis ejusdem partibus pendiculis et pertinentiis earundem terrarum omnes existentes proprie partes et pertinentia dictarum terrarum et baronie de Gask terrarum de Cur cum decimis earundem inclusis et suis pertinentiis terrarum ecclesiasticarum mansi et glebe ecclesie de Findogask cum crofta vulgo nuncupata lie vicaris croft jacente a tergo dicte ecclesie cum decimis earundem inclusis (sub reseruatione ministro cure apud dictam ecclesiam inseruienti mansi et glebe acto parlamenti conformiter) cum manerei loco de Gask domibus edificiis hortis pomariis et suis pertinentiis et omnibus aliis domibus edificiis hortis piscariis salmonum aliorumque piscium eisdem terris spectantibus tam tempore prohibito quam omnibus aliis temporibus anni secundum tenorem infeofamentorum prefato predilecto nostro consanguineo Laurentio Domino Oliphant et suis prediessoribus desuper confectorum partibus pendiculis canis custumis seruiciis et pertinentiis terrarum aliorumque immediate prescriptorum Quequidem terre baronia officium

balliatus aliaque prescripta cum pertinentiis ad prefatum predilectum nostrum consanguineum Willielmum comitem de Mortoun dominum de Dalkeithe et prefatum predilectum nostrum consanguineum Laurentium Dominum Oliphant et Magistram Annam Oliphant suam filiam vel eorum aliquem per prius hereditarie pertinuerunt per ipsos vel eorum aliquem de nobis immediate tenta et quas prefatus predilectus noster consanguineus et consiliarius Willielmus comes de Mortoun et predictus predilectus noster consanguineus Laurentius Dominus Oliphant pro seipso ac onus super se acceptans pro dictis Domina Lilia Drummond et Magistra Anna Oliphant prefateque Domina Lilia Drummond et Magistra Anna Oliphant pro seipsis cum auisamento et consensu prefati predilecti nostri consanguinei Laurentij Domini Oliphant tanquam sponsi prefate Domine Lilie Drummond et tanquam tutoris gubernatoris et legitimi administratoris prefate Magistre Anne Oliphant pro suo interesse et ipsi omnes vnanimi consensu et assensu per ipsorum legitimos procuratores suorum nominibus ad hunc effectum specialiter constitutos et patentes literas in manibus dictorum dominorum nostri secreti consilij dicti regni nostri Scotie nostram plenariam potestatem et commissionem resignationes nostro nomine recipiendi habentium tanquam in manibus nostris ipsorum immediati legitimeque superioris earundem pure et simpliciter per fustim et baculum vt moris est resignauerunt apud Edinburgum vna cum omnibus iure titulo interesse et iuriscleameo que prenominate persone resignantes eorumve aliquis heredes ipsorum seu assignati habuerunt habent seu quouis modo habere vel clamare potuerunt in et ad terras aliaque predicta cum pertinentiis aut aliquam earundem partem in futurum in fauorem proque hoc nostro nouo infeofamento earundem per nos nostro sub magno sigillo prefato Laurentio Oliphant de Ros heredibus suis masculis et assignatis predictis hereditarie in debita et competenti forma desuper dando et concedendo (sub reseruacione suprascripta) Et Similiter Ratificauimus approbauimus et hac presenti carta nostra confirmauimus tenoreque ejusdem ratificamus approbamus ac pro nobis et successoribus nostris pro perpetuo confirmamus cartam alienationis venditionem et dispositionem in eadem contentas cum precepto sasine inibi inserto factam datam et concessam per predictos predilectos nostros consanguineos Willielmum comitem de Mortoun Laurentium Dominum Oliphant et Dominam Liliam Drummond prefato Laurentio Oliphant de Ros heredibus suis masculis et assignatis predictis de terris baronia officio balliatus aliisque prescriptis cum pertinentiis (sub reseruacione prescripta) tenendis de nobis et successoribus nostris in libera alba firma modo postea mentionato de data vigesimo sexto et diebus mensium Novembris et anno Domini millesimo sexcentesimo vigesimo quinto et in omnibus et singulis punctis pasisis [sic] capitibus articulis et clausulis inibi specificatis secundum formam et tenorem ejusdem Saluis tamen nobis et successoribus nostris albefirme firmis et deuoriis terrarum aliorumque prescriptorum cum pertinentiis nobis et predicesoribus nostris ante presentem hanc nostram confirmationem debitis et consuetis Preterea nos cum auisamento et consensu predicto voluimus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod hec presens nostra

confirmatio sit et erit tanti valoris roboris efficacie et effectus in omnibus respectibus ac si predicta carta alienationis ad longum et verbatim in hac presenti carta nostra confirmationis insereretur non obstante quod dicta carta alienationis in hac presenti carta nostra confirmationis minime inseratur penes non insertionem dicte carte alienationis in hac presenti carta nostra confirmationis omniaque inde sequuta vel que desuper sequi poterint nos cum auisamento prescripto dispensauimus tenoreque presentis carte nostre dispensamus imperpetuum. Insuper nos cum auisamento et consensu prescripto ex nostra certa scientia proprioque motu autoritate regali regiaque potestate fecimus vniuimus creauimus et incorporauimus tenoreque presentis carte nostre facimus vnimus creamus et incorporamus totas et integras predictas terras et baroniam de Gask cum molendinis syluis piscariis ac presertim predicta speciali libertate piscandi in dicta aqua de Erne tribus diebus in hebdomade tempore prohibito de jure et consuetudine hujus regni nostri Scotie et similiter cum speciali libertate et licentia locandi imponendi edificandi reparandi et sustentandi lie cruves super dictam aquam de Ern ac in omnibus partibus ejusdem juxta bondas et terras dictarum terrarum et baronie de Gask ac cum partibus pendiculis tenentibus tenandriis libere tenentium seruiciis omnium et singularum predictarum terrarum et baronie cum pertinentiis jacentium infra predictum vicecomitatum nostrum de Perth totum et integrum predictum officium balliatus omnium et singularum terrarum possessionum fructuum reddituum et emolumentorum quorumcunque pertinentium que per prius pertinuerunt aut in futurum pertinere poterint ad dictam Abbaciam de Inchaffray vbicunque eedem jacent infra dictum regnum nostrum Scotie (exceptis duntaxat terrarum aliorumque supra et subscriptorum videlicet predictarum terrarum de Ovir Cardny cum predictis mora et marresio earundem predictarum terrarum super quibus sylvia crevit nuncupata lie Wodlandis predictarum terrarum de Chapell nuncupatarum lie Chapelland de Mure predictarum terrarum de Dalquhorquhy cum predicto molendino earundem et terris molendinariis dicto molendino annexatis partibus pendiculis et pertinentiis earundem vt dictum est jacentium) vna cum integris feodis dicti officij ac etiam omnibus aliis casualitatibus libertatibus immunitatibus proficuis et deuoriis ad dictum officium infra bondas omnium et singularum predictarum terrarum (excepto vt prius excipitur) pertinentibus et spectantibus Quequidem integra feoda dicti officij ad prefatum Laurentium Oliphant suosque predictos pertinebunt per ipsos modo supra scripto levanda in vniam integram et liberam baroniam Baroniam de Gask nunc et omni tempore futuro nuncupandam ordinantes maneriei locum de Gask fore principale messuagium dicte baronie ac volumus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod vnica sasina nunc per prefatum Laurentium Oliphant perque heredes suos masculos et assignatos predictos omni tempore affuturo apud dictum maneriei locum de Gask seu super solo alicujus partis dictarum terrarum et baronie de Gask capienda stabit et sufficiens erit sasina pro omnibus et singulis terris baronia officio balliatus aliisque prescriptis cum omnibus suis partibus pendiculis privilegiis et pertinentiis prescriptis absque vlla alia speciali

seu particulari sasina per ipsum vel ipsos de eisdem suscipienda non obstante quod eodem contigue minime jaceant penes quam sasinam omniaque inde sequuta vel que desuper sequi poterint nos cum auisamento et consensu predicto dispensauimus tenoreque presentis carte nostre dispensamus imperpetuum: Tenendas et habendas totas et integras predictas terras et baroniam de Gask cum molendino syluis piscariis ac presertim cum predicta speciali libertate piscandi in dicta aqua de Erne tribus diebus in hebdomade tempore prohibito de jure et consuetudine hujus regni nostri Scotie et similiter cum predicta speciali libertate et licentia locandi imponendi edificandi reparandi et sustentandi lie cruves super dictam aquam de Erne ac in omnibus partibus ejusdem juxta terras et bondas dictarum terrarum et baronie de Gask ac cum partibus pendiculis tenentibus tenandriis libere tenentium seruiciis omnium et singularum predictarum terrarum et baronie cum pertinentiis jacentium infra predictum vicecomitatum nostrum de Perth totum et integrum predictum officium balliatus omnium et singularum terrarum possessionum fructuum reddituum et emolumentorum quorumcunque pertinentium que per prius pertinuerunt aut in futurum pertinere poterint ad dictam Abbaciam de Incheffray vbicunque eodem jacent infra dictum regnum nostrum Scotie (exceptis duntaxat terrarum aliorumque supra et subscriptorum videlicet predictarum terrarum de Ouir Cairdny cum predictis mora et marresio earundem predictarum terrarum super quibus silua crevit nuncupata lie Wodlandis predictarum terrarum de Chapell nuncupatarum lie Chapelland de Mure predictarum terrarum de Dalquhorquhy cum predicto molendino earundem et terris molendinariis dicto molendino annexatis partibus pendiculis et pertinentiis earundem vt dictum est jacentium) vna cum integris feodis dicti officij ac etiam omnibus aliis casualitatibus libertatibus immunitatibus proficuis et deuoriis ad dictum officium infra bondas omnium et singularum predictarum terrarum (exceptis vt prius excipitur) pertinentibus et spectantibus Quequidem integra feoda dicti officij ad prefatum Laurentium Oliphant suosque predictos pertinebunt per ipsos modo supra scripto levanda omnes nunc vnitas creatas et incorporatas in vniam integram et liberam baroniam nunc et omni tempore affuturo Baroniam de Gask nuncupandam memorato Laurentio Oliphant heredibus suis masculis et assignatis predictis (sub reseruacione prescripta) De nobis et successoribus nostris in libera alba firma feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in domibus edificiis boscis planis moris marresiis viis semitis aquis stagnis riolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis fabrilibus brasinis brueriis et genestis syluis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis bludeuitis et mulierum merchetis cum communi pastura liberoque introitu et exitu cumque furca fossa sok sak thole theme infangtheiff outfangtheiff pitt et gallous wrak wair weth wert et vennisone ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis aisiamentis ac justis suis pertinentiis quibuscunque tam non

nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras baroniam aliaque predicta cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque vlla reuocatione contradictione impedimento aut obstaculo quocunque: Reddendo annuatim prefatus Laurentius Oliphant heredes sui masculi et assignati predicti nobis et successoribus nostris pro predictis terris et baronia de Gask cum privilegiis et pertinentiis earundem prescriptis vnum capellum albarum rosarum ad festum natiuitatis sancti Johannis Baptiste apud maneriem de Gask nomine albefirme si petatur tantum et faciendo tres sectas ad tria placita capitalia annuatim apud Perth tenenda Ac pro predicto officio balliatus cum feodis proficuis casualitatibus libertatibus immunitatibus et deuoriis eidem officio spectantibus et incumbentibus vnum denarium vsualis monete dicti regni nostri Scotie apud dictam Abbaciam in die festo Pentecostes nomine albefirme si petatur vna cum seruicio in dicto officio per prefatos predilectos nostros consanguineos Willielmum comitem de Mortoun et Laurentium Dominum Oliphant suosque predicesores et authores prestari debito et consueto tantum: In cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus: Testibus predilectis nostris consanguineis et consiliariis Jacobo Marchione de Hammiltoun, comite Arranie, Cantabrigie, domino Aven et Innerdail etc., Willielmo Mariscalli comite, domino Keyth etc., regni nostri mariscallo, predilecto nostro consiliario domino Georgio Hay de Kinfawnis milite, dicti regni nostri Scotie Cancellario, predilecto nostro consanguineo et consiliario Thoma comite de Melros domino Binning et Byris etc., nostro Secretario, dilectis nostris familiaribus consiliariis dominis Ricardo Cockburne de Clerkingtoun, nostri secreti sigilli custode, Johanne Hammiltoun de Magdalenis, nostrorum rotulorum registri ac consilii clerico, Georgio Elphingstoun de Blythiswode, nostre justicie clerico, et Johanne Scott de Scottistarvet, nostre Cancellarie direttore militibus: Apud Edinburgum sexto die mensis Decembris anno Domini millesimo sexcentesimo vigesimo quinto et anno regni nostri primo.

Ch B. 1487.
 189. JUDICIAL RATIFICATION by LILIAS DRUMMOND LADY OLIPHANT, in favour of LAURENCE OLIPHANT of Ross, of the Lands of Overgask, Nethergask, and others. December 22, 1625.

Curia vicecomitatus de Perth tenta apud castrum et fortalicium de Duplyn vigesimo secundo die mensis Decembris anno Domini millesimo sexcentesimo vigesimo quinto per dominum Joannem Moncreiff de Kinmonth militem vicecomitem deputatum nobilis et potentis comitis Villelmi Comitis Tullibardin vicecomitis principalis dicti vicecomitatus sectis vocatis curia legitima affirmata etc. :—

The quhilk day compeirit in judgment Dame Liliast Drummond Lady Oliphant spous to ane nobill and potent lord Laurence Lord Oliphant and thair for obedience and fullfilling of that pairt of ane contract and appoyntment maid

endit and perfytit betuix ane nobill and nichtie Erle William Erle of Mortoun Lord Dalkeith etc. with expres consent and assent of the said nobill lord Laurence Lord Oliphant and the said Dame Lilius Drummond Lady Oliphant his spous and certaine vtheris persones thairin mentionat on the ane pairt and Laurence Oliphant of Ros on the vther pairt Anent the dispositioun and alienatioun maid be the said nobill erll William Erle of Mortoun To and in favouris of the said Laurence Oliphant of Ros of all and sindrie the landis of Ouergask with pairtis pendickellis and pertinentis thairof and speciallie thes pairtis and pendickillis possest and occupcit be Laurence Merteine and Gilbert Tailzeour the tounes and landis of Nether Gask, Hoilltoun of Gask, the mylne of Gask, mylne landis multuris and sequellis thairof the tounes and landis of Keir-Woodhead, Clathiemoir, Ros, Newmylne, with the mylne thairof mylne landis multuris and sequellis thairof and pertinentis of the samyn, Wester Claithie, Mureheid and Drumend, with houss biggingis fishings of salmond als weill in forbiddin tyme as in vther tymes in the yeir as the said contract of the daittis respectine at Edinburgh the tuentie saxt day of November and at Duplyn the tuentie tua day of December instant in the selfe at mair lenth bearis The said Dame Lilius Drummond Laidy Oliphant ratifeis and approves the said contract dispositioun and alienatioun thairin mentionat in the hail headis articles claussis and provisionnes thairin conteinit except the toun and landis of Overgask with the twa pendickles thairof occupeit be the saidis Laurence Merteine and Gilbert Tailzeour the toun and landis of Nethergask with the mylne and mylne landis thairof the landis of Curr and Wicaris Croft with the mancr plaice houss biggings yeardis of Gask conforme to the foirsaid contract And that in respect that the said Dame Lilius grantit and confessit hir to be compleitlie fullie and sufficientlie satisfeit and compensit thairfoir extra presentiam mariti and maid faith sho was nowayes compellit nor coactit thairto bot did the samyn of hir awin frie motive will and for hir proper weill and vtilitie conforme to the said contract in all poyntis Quhairvpoun the said Laurence Oliphant of Ros askit actis: Extractum de libro actorum curiarum vicecomitis de Perth per me Alexandrum Inglis notarium publicum ac subscribam dicti vicecomitis sub his meis signo et subscriptione in talibus vsitatis.

A. INGLIS: notarius ac subscriba
vicecomitis de Perth.

Ch. B. 1488, 190. INSTRUMENT OF SASINE in favour of LAURENCE OLIPHANT of Ross, in the Lands and Barony of Gask. December 2, 1625, and February 1, 1626.

In Dei Nomine Amen: Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno Incarnationis Dominicæ millesimo sexccentesimo

vigesimo quinto mensis vero Decembris die vigesimo tertio annoque regni S. D. N. Caroli Dei gratia Magnæ Britanniae Franciæ et Hyberniæ Regis fideique defensoris primo In mei notarij publici et testium infrascriptorum presentia personaliter accessit Dominus Jacobus Murray de Tippermwre miles ballivus in hac parte nobilis et potentis comitis Willielmi Comitis de Mortoun Domini de Dalkeith etc., per preceptum sasinae subinsertum specialiter constitutus, vna cum Laurentio Oliphant de Ros, ad fundum terrarum infrascriptarum Et ibidem dictus Laurentius Oliphant presentavit prefato balliuo duas cartas alienationis duo precepta sasinae in se continentes ex vna et eadem data subspecificata sibi dicto Laurentio heredibus suis masculis et assignatis quibuscunque hereditarie per prefatum nobilem comitem cum expressis consensu et assensu Laurentii Domini Oliphant et Dominae Leliae Drummond suæ coniugis factas et subscriptas de totis et integris terris et baronia de Gask cum molendinis sylvis et piscariis tenentibus tenandriis et libere tenentium seruitiis earundem jacentibus infra vicecomitatum de Perth necnon de toto et integro officio balliatus omnium et singularum terrarum aliorumque ad Abbaciam de Incheffray spectantium (reservando prout in dictis cartis reservatur) Quarum cartarum vna de dicto S. D. N. rege et successoribus suis altera vero de prefato nobili comite heredibus suis et successoribus tenetur prefatum ballivum requirendo quatenus dicta precepta in cartis antedictis respectue inserta secundum eorundem tenores debite executioni demandaret Quiquidem ballivus prescriptas cartas precepta sasinae in se continentes manibus accepit mihiq; notario publico subscripto perlegendas et adstantibus interpretandas tradidit quorum preceptorum tenor sub vna et eadem forma existens et vniiformiter currens verbatim sequitur sub hac forma: Insuper dilectis nostris Domino Jacobo Murray de Tippermwre, militi, et vestrum cuilibet coniunctim et divisim ballivis nostris in hac parte specialiter constitutis salutem Uobis precipimus et firmiter mandamus quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum predictarum terrarum et Baroniae de Gask cum molendinis sylvis piscariis ac presertim predicta speciali libertate piscandi in dicta aqua de Earne tribus diebus in heptomade tempore prohibito de iure et consuetudine huius regni Scotiæ Et similiter cum predicta speciali libertate et licentia imponendi edificandi reparandi et sustentandi lie cruves super dictam aquam de Earne ac in omnibus partibus eiusdem iuxta terras et bondas dictarum terrarum et Baroniae de Gask ac cum partibus pendiculis tenentibus tenandriis libere tenentium seruitiis omnium et singularum predictarum terrarum et baroniae cum pertinentiis vt dictum est jacentium Totius et integri predicti officii balliatus omnium et singularum terrarum possessionum fructuum reddituum emolumentorum quorumcunque pertinentium quæ perprius pertinuerunt aut in futurum pertinere poterint ad dictam Abbaciam de Incheffray vbicunque eodem jacent infra dictum regnum Scotiæ (excepto duntaxat terrarum aliarumque supra et subscriptarum) videlicet predictarum terrarum de Overcairnie cum predictis mora et marresia earundem

predictarum terrarum super quibus sylva crevit nuncupatarum lie Wodlandis predictarum terrarum de Chaipell nuncupatarum lie Chaipell Land de Mwre predictarum terrarum de Dalquhorroquhy cum predicto molendino earundem et terris molendinariis dicto molendino anexatis partibus pendiculis et pertinentiis earundem vt dictum est jacentium vna cum integris feodis dicti officii ac etiam omnibus aliis casualitatibus libertatibus immunitatibus proficiis et divoriis ad dictum officium infra bondas omnium et singularum predictarum terrarum (excepto vt prius excipitur) pertinentibus et spectantibus Quæquidem integra feoda dicti officii ad prefatum Laurentium Oliphant suosque predictos pertinebunt per ipsos modo supra specificato levanda prefato Laurentio Oliphant (sub reservatione subscripta duntaxat et non aliter) vel suo certo actornato latori presentium per terræ et lapidis fundi dictarum terrarum et virgæ vt moris est traditionem et deliberationem secundum tenorem antedictæ cartæ quam de nobis inde habet iuste haberi faciatis tradatis et deliberetis sine dilatione et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et divisim ballivis nostris in hac parte antedictis nostram plenariam et irreuocabilem tenore presentium committimus potestatem: Reseruatis tamen nobis prefato domino Laurentio Domino Oliphant et Dominæ Leliæ Drummond nostræ coniugi nostrorumque alteri diutius viventi durantibus omnibus nostræ vitæ diebus nostris liberis tenementis seu vitalibus redditibus terrarum aliarumque subscriptarum videlicet villæ et terrarum de Overgask cum partibus pendiculis et pertinentiis earundem et presertim illis pendiculis huiusmodi per Laurentium Mertine et Gilbertum Taillour possessis et occupatis villæ et terrarum de Nether Gask cum molendino de Gask terris molendinariis multuris et sequelis eiusdem partibus pendiculis et pertinentiis dictarum terrarum omnes existentes propriæ partes et pertinentia dictarum terrarum et baroniæ de Gask terrarum de Cur cum decimis earundem inclusis et suis pertinentiis terrarum ecclesiasticarum mansi et glebæ ecclesiæ de Findogask cum predicta crofta vulgo nuncupata lie viccaris croft jacenti a tergo dictæ ecclesiæ cum decimis earundem inclusis sub reservatione Ministro curam apud dictam ecclesiam inservienti mansi et glebæ acto parlamenti conformiter cum manerie loco de Gask cum domibus edificiis hortis pomariis et suis pertinentiis et omnibus aliis domibus edificiis hortis piscariis salmonum aliorumque piscium eisdem terris spectantibus tam tempore prohibito quam omnibus aliis temporibus anni secundum tenorem infeofamentorum mihi prefato Laurentio Domino Oliphant et meis predicessoribus desuper confectorum partibus pendiculis canis custumis seruitiis et pertinentiis terrarum aliorumque immediate prescriptorum dicto contractui conformiter in omnibus: In cuius rei testimonium presentibus ex chirographo Magistri Joannis Kynneir scrutoris Magistri Francisci Hay scribæ signeto regio scriptis manibus nostris subscriptis sigilla nostrorum Willimi Comitis de Mortoun et Laurentii Domini Oliphant sunt appensa apud Edinburgh et Dupline vigesimo sexto et vigesimo secundo die mensis Nouembris et Decembris respectiue Anno Domini millesimo sexcentesimo vigesimo quinto Coram his testibus respectiue videlicet subscrip-

tionibus nostrorum Willimi Comitis de Mortoun et Laurentii Domini Oliphant per nos apud Edinburgh dicto vigesimo sexto die mensis Nouembris anno predicto: Domino Andrea Fletcher de Innerpeffer milite, Magistro Andrea Aytoun de Logie, advocato, dictis Magistro Francisco Hay et Magistro Joanne Kynneir et Magistro Joanne Rollok seruitore dicti Magistri Andree Aytoun, necnon per me dictam Dominam Leliam Drumond subscriptis apud Dupline dicto vigesimo secundo die mensis Decembris anno predicto Coram Domino Joanne Moncreiff de Kynmonth milite, Jacobo Oliphant filio legitimo quondam Petri Oliphant de Turingis, Georgio Oliphant filio legitimo quondam Georgii Oliphant de Bachiltoun, et Dauide Rollok notario publico in Donyng.—Sic subscribitur, Morton. Oliphant. Lilies Lady Oliphant. Fletcher witnes. Mr Aytoun witness. Mr Francis Hay witnes. Mr Johne Rollok witnes. Mr Jo: Kynneir witnes. S. J. Moncreif witnes to my Ladyis subscription. James Oliphant witnes. G. Olyphant witnes. D. Rollok, notarius, testis: Post quarum cartarum et preceptorum sasinæ in eisdem respectiue insertorum perlecturam et expositionem memoratus Dominus Jacobus Murray ballivus in hac parte antedicta vigore eorundum preceptorum et officii sui balliuatus sibi in hac parte commissi statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum predictarum terrarum et baroniæ de Gask cum molendino sylvis piscariis ac presertim dicta speciali libertate piscandi in dicta aqua de Earne tribus diebus in hepdomade tempore prohibito de jure et consuetudine huius regni Scotiæ Et similiter cum predicta speciali libertate et licentia locandi imponendi edificandi reparandi et sustentandi lie cruves super dictam aquam de Earne ac in omnibus partibus eiusdem iuxta terras et bondas dictarum terrarum et Baroniæ de Gask ac cum partibus pendiculis tenentibus tenandriis libere tenentium seruitiis omnium et singularum predictarum terrarum et baroniæ cum pertinentiis vt supra jacentium Totius et integri predicti officii balliuatus omnium et singularum terrarum possessionum fructuum reddituum emolumentorum quorumcunque pertinentium quæ perprius pertinuerunt aut in futurum pertinere poterint ad dictam Abbaciam de Incheffray vbicunque cedem jacent infra dictum regnum Scotiæ (excepto vt prius excipitur) vna cum integris feodis dicti officii ac omnibus aliis casualitatibus libertatibus immunitatibus proficuis et dioriis ad dictum officium infra bondas omnium et singularum predictarum terrarum (excepto vt prius excipitur) pertinentibus et spectantibus Prefato Laurentio Oliphant personaliter presenti et acceptanti per terræ et lapidis fundi dictarum terrarum et vnus virgæ vt moris est traditionem secundum tenorem antedictarum cartarum in omnibus contulit tradidit et realiter cum effectu deliberavit Reseruatis tamen prefatis Laurentio Domino Oliphant et Dominæ Leliæ Drumond ipsius coniugi eorumque alteri diutius viventi durantibus omnibus eorum vitæ diebus liberis tenementis seu vitalibus redditibus terrarum omnium aliorumque particulariter suprascriptorum sub reservatione vt ante reseruatur: Super quibus omnibus et singulis memoratus Laurentius Oliphant a me notario publico subscripto sibi fieri petiit Instrumentum publicum vnum seu plura Acta erant hæc super solo dictarum

terrarum et baroniæ de Gask hora vndecima ante meridem: presentibus, ibidem Willielmo Oliphant appaunte de Bachiltoun, Joanne Grahame de Reidfuird, Henrico Douglas fratre germano Roberti Douglas de Drumgarland, Patricio Drumond filio legitimo Willielmi Drumond de Ardwnie; Item apud monasterium de Incheffray et Craigmair respectiue horas duodecimam et primam pomeridianam, Presentibus ibidem dictis Willielmo Oliphant, Joanne Grahame, et Henrico Douglas, Patricio Murray de Williamstoun, Georgio Murray portionario de Arbenie, et Georgio Loutfute de Dishaker, testibus ad premissa requisitis.

Et Ego vero Daud Rollok diocesis Dūmblanensis notarius publicus ac per dominos consilii secundum tenorem acti parliamenti admissus et approbatus Quia [etc., in forma communi].

191. INSTRUMENT OF SASINE in favour of LAURENCE OLIPHANT of Ross in the Lands of Cur and others. Eadem data.

In Dei Nomine Amen: Per hoc presens publicum Instrumentum cunctis pateat euidenter quod anno Incarnationis Dominicæ millesimo sexcentesimo vigesimo quinto mensis vero Decembris die vigesimo tertio annoque regni S. D. N. Caroli Dei gratia magnæ Britannicæ Franciæ et Hyberniæ Regis fideique defensoris primo In mei notarii publici et testium infrascriptorum presentia personaliter accessit Dominus Jacobus Murray de Tippermwre, milcs, ballivus in hac parte, nobilis et potentis comitis Willielmi Comitis de Mortoun Domini de Dalkeith etc., per precepta sasina subinserta specialiter constitutus vna cum Laurentio Oliphant de Ros ad fundum terrarum respectiue infrascriptarum Et ibidem dictus Laurentius Oliphant presentavit prefato ballivo duas cartas alienationis duo precepta sasina in se continentes ex vna et eadem data subsequencia sibi dicto Laurentio heredibus suis masculis et assignatis quibuscunque hereditarie per dictum nobilem comitem cum expressis consensu et assensu Laurentii Domini Oliphant et Domine Leliæ Drumond suæ conjugis factas et subscriptas de totis et integris terris de Cur cum decimis earundem inclusis et suis pertinentiis terris ecclesiasticis manso et gleba ecclesiæ de Findogask cum crofta vulgo nuncupata lie vicaris croft jacente a tergo dictæ ecclesiæ cum decimis earundem inclusis jacentibus infra dictam parochiam de Findogask et vicecomitatum de Perth Quarum cartarum vna de dicto nobili comite heredibus suis et successoribus altera vero de Archidiacono Dunblanensi et suis successoribus Dunblanensibus Archidiaconis tenetur prefatum ballivum requirendo quatenus dicta precepta in cartis respective antedictis inserta secundum eorundem tenores debitæ executioni demandaret Quiquidem ballivus prescriptas cartas precepta sasina in se continentes manibus accepit mihique notario publico subscripto perlegendas et adstantibus interpre-

a. B. 1489

tandas tradidit Quorum preceptorum tenor sub vna et eadem forma existentium et vniformiter currentium verbatim sequitur sub hac forma: Insuper dilectis nostris Domino Jacobo Murray de Tippermwre, militi, et vestrum cuiuslibet coniunctim et divisim ballivis nostris in hac parte specialiter constitutis salutem Vobis precipimus et firmiter mandamus quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum predictarum terrarum de Cur cum predictis decimis earundem inclusis et suis pertinentiis predictarum terrarum ecclesiasticarum mansi et glebæ dictæ ecclesiæ de Findogask cum predicta crofta vulgo nuncupata lie viccaris croft jacente a tergo dictæ ecclesiæ cum predictis decimis earundem inclusis vt dictum est jacentium sub reservatione dicto ministro curam apud dictam ecclesiam inservienti mansi et glebæ dicto acto parlamenti conformiter prefato Laurentio Oliphant sub reservatione subscripta duntaxat et non aliter vcl suo certo actornato latori presentium per terræ et lapidis fundi dictarum terrarum necnon vnus manipuli spicarum vt moris est traditionem et deliberationem secundum tenorem antedictæ cartæ nostræ quam de nobis inde habet iuste haberi faciatis tradatis et deliberetis sine dilatione Et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuiuslibet coniunctim et divisim ballivis nostris in hac parte antedictis nostram plenariam et irrevocabilem tenore presentium committimus potestatem: Reseruatis tamen nobis prefatis Laurentio Domino Oliphant et Dominæ Leliæ Drumond nostræ coniugi nostrorumque alteri diutius viventi durantibus omnibus nostræ vitæ diebus nostris liberis tenementis seu vitalibus redditibus terrarum aliarumque prescriptarum cum pertinentiis: In cuius rei testimonium presentibus ex chirographo Magistri Joannis Kynneir, seruitoris Magistri Francisci Hay, scribæ signeto regio scriptis manibus nostris subscriptis sigilla nostrorum Willimi Comitis de Mortoun et Laurentii Domini Oliphant sunt appensa apud Edinburgh et Dupline vigesimo sexto et vigesimo secundo die mensis Nouembris et Decembris respectiue Anno Domini millesimo sexcentesimo vigesimo quinto Coram his testibus respectiue videlicet subscriptionibus nostrorum dictorum Willimi Comitis de Mortoun et Laurentii Domini Oliphant per nos apud Edinburgh dicto vigesimo sexto die mensis Nouembris anno predicto subscriptis, Domino Andrea Fletcher de Innerpeffer milite, Magistro Andrea Aytoun de Logie advoco, dictis Magistro Francisco Hay, et Magistro Joanne Kynneir, et Magistro Joanne Rollok, seruitore dicti Magistri Andree Aytoun, necnon per me dictam Dominam Leliam Drummond subscriptis apud Dupline dicto vigesimo secundo die mensis Decembris anno predicto coram his testibus, Domino Joanne Moncreiff de Kynmonth milite, Jacobo Oliphant filio legitimo quondam Petri Oliphant de Turingis, Georgio Oliphant filio quondam Georgii Oliphant de Bachiltoun, et Dauide Rollok notario publico in Donyng.—Sic subscribitur,—Morton. Oliphant. Liliis Lady Olyphant. S. A. Fletcher witness. Mr A. Aytoun witness. Mr Frances Hay witness. Mr John Rollok witness. Mr Jo: Kynneir witness. S. J. Moncreif witness to my Ladyis subscription. G. Olyphant witness. James Oliphant witness. D. Rollok notarius testis: Post

quarum cartarum et preceptorum sasinæ in eisdem respectiue insertorum perlecturam et expositionem memoratus Dominus Jacobus Murray ballivus in hac parte antedictus vigore eiusmodi precepti et officii sui balliuatus sibi in hac parte commissi statum sasinam hereditariam pariter et possessionem corporalem actualem et realem Totarum et integrarum predictarum terrarum de Cur cum predictis decimis earundem inclusis et suis pertinentiis predictarum terrarum ecclesiasticarum mansi et glebæ dictæ ecclesiæ de Findogask et predictæ croftæ vulgo nuncupatæ lie vicaris croft jacentis a tergo dictæ ecclesiæ cum predictis decimis earundem inclusis vt dictum est jacentium sub reservatione dicto ministro curam apud dictam ecclesiam inservienti mansi et glebæ dicto acto parlamenti conformiter prefato Laurentio Oliphant personaliter presenti et acceptanti per terræ et lapidis fundi dictarum terrarum respectiue ac vnus manipuli spicarum vt moris est traditionem secundum tenores antedictarum cartarum in omnibus contulit tradidit et realiter cum effectu deliberavit: Reseruatis tamen prefatis Laurentio Domino Oliphant et Dominæ Leliæ Drumond suæ coniugi eorumque alteri diutius viventi durantibus omnibus eorum vitæ diebus suis liberis tenementis seu vitalibus redditibus terrarum aliarumque prescriptarum cum pertinentiis: Super quibus omnibus et singulis sepefatus Laurentius Oliphant a me notario publico subscripto sibi fieri petiit instrumentum publicum vnum seu plura Acta erant hæc super solo dictarum terrarum hora vndecima ante meridiem presentibus ibidem Willielmo Oliphant apparenti de Bachiltoun, Joanne Grahame de Reidfuird, Henrico Douglas fratre germano Roberti Douglas de Drumgarland, et Patricio Drumond filio legitimo Willielmi Drumond de Adwnie, testibus ad premissa requisitis.

Et ego vero Daudid Rollok diocesis Dunblanensis notarius publicus ac per dominos consilii secundum tenorem acti parlamenti admissus et approbatus Quia [etc. in forma communi].

192. EXTRACT RENUNCIATION by COLIN OLIPHANT, Son of ALEXANDER OLIPHANT, Albany Herald, in favour of SIR WILLIAM OLIPHANT of Newton. January 28, 1628.

Be it kend till all men be thir present lettres me Coleine Oliphant eldest lawfull sone and appeirand air of umquhill Alexander Oliphant sumtym in Lammerkyn and now duelland in Castorben within the Kingdome of Pöll That fforsameikell as alienatioun being maid be umquhill William Oliphant than styllit of Newtoun to me my aires and assigneys quhatsumever off all and hail ane yeirlic annuelrent of sax bollis and thrie firlottis victuall tua pairt aitt meall and thrie pairt bear gude and sufficient stuff to be liftit raisit and uptane yeirlic betwixt the feasts of Zuill and Candlemas ffurth of all and hail the said William

Oliphant his saids lands of Newtoun with the pertinents on ony pairt of the samen lyand within the parochin and baronie of Forgandeny and schireffidome of Perth Quhilk annualrent was reservit to umquhill Janet Oliphant spous to the said umquhill Alexandr and my mother for her lyfrent use thairof efter the deceas of her said umquhill spous redeimabill always and under reversioun containing the soume of ane hundreth pundis money usuall of Scotland conforme to the Charter maid thairwpoun of the daitt at Kellie the nyntene day of December the yeir of God j^m v^c thriescoir nyntene yeiris and instrument of seasing following wpoun the samen of the daitt at Newtoun of Forgandenie the tuentie day of the said moneth of December anno foirsaid as the samen in thame selffis at mair lenth proportis quhilkis lands of Newtoun of Forgandenie perteines now heritable to the Rycht Honorabill Sir William Olyphant of Newtoun Knicht Advocat to his Majestie within the Kingdome of Scotland and treu it is and of veritie that the said Sir William and wtheris in his name haifing his power hes presentlie at the daitt heirof readie and in effect contentit payit and delyuerit to me the said Coline Olyphant the said soume of ane hundreth pundis money abouewritten quhairwpoun the said annuallrent was impignorat togider with the haill byrun annuallis thairof restand awand vnpayit seu the first time of the alienatioun of the samen to the day and daitt heirof Quhairof I hauld me weill contentit satisfieit and compleitlie payit and thairfoir for me my aires executors and assigneys I exoner quytcلاime and simpliciter dischaige the said Sir William his aires executors and all wtheris quhom it effeiris of the samen for now and euer be thir presentis thairfoir to haif grantit and confessit and be the tenor heirof I grant and confes the foirsaid annuallrent of sax bollis and thrie firlottis victuall to be wptane yeirlie furth of the saids lands of Newtoun in maner befoir mentionat to be dewlie and lawfullie redeimit lowsit and quytout be the said Sir William Olyphant now heritable proprietar of the samen lands efter the forme and tenor of the reuersion band promeis and conditioun of reversioun maid to the said wmquhill William Oliphant his aires and assigneys thairwpoun first anaillzear thairof and grantis the samen reversioun to be dewlie satisfieit and fullfillit be the said Sir William Oliphant now of Newtoun to me in all heads and points thairof in swa far as the said wmquhile William Olyphant and his foirsaidis are onywayes astrictit and obleist be wertew of the samen and thairfoir witt ye me to haif renouneit resignit quhyt-claimit dimittit dischaigeit and ouergiwen and be the tenor heirof renounces resignes quytcلاimis dimittis dischaiges and for now and euir simpliciter owergiffes fra me my aires and assigneys to and in fawouris of the said Sir William Oliphant his aires and assigneys all and haill the foirnameit annuallrent with all rycht and title propertie and possessioun quhilk I my said wmquhill mother and my foirsaidis had hes or onywayes may haif claim or pretend thairto or to the saids lands of Newtoun with the pertinents or any pairt thairof fforth of the quhilk the samen is appointed yeirlie to be uplifted as said is togider with all contractis infestments chartors preceptis instrumentis of seasing and all wtheris evidentis and wreattis maid subsryuit and delyuerit be the said

wmqhill William to me thairwpoun with all rycht title intres and claime of rycht that I or my foirsaidis and mother had hes or onywayes may claim thairto sua that the saids lands with the pertinents are and salbe as frie and fred of the burding of the said annuallrent and of all wodsett clagg or claime that may be imputt or layd thairwpoun as giff the said alienatioun had never bein maid nor grantit Quhilk renounceatioun and grant of redemptioun I bind and obleis me and my foirsaidis to warrand to the said Sir William Olyphant and his foirsaidis to be gude valeid effectuall and sufficient in the selff at all hands and agains all deadlie as law will and that I nor my foirsaidis sall neuir cum in the contrair heirof querrell nor impugne thir presentis directlie nor indirectlie in judgement nor outwith in na tyme coming And for the mair securitie I am content and consentis that thir presentis be insert and registrat in the buikis of Counsell and Sessioun within the said Kingdome of Scotland to haif the strenth of anc Decreet Judiciall that lettres of horning be ane simpill chairge of sax dayes warning and wtheris as effeiris be direct heirwpoun onlie and constituts

my procurators promittentes de rato etc: In witnes quhairof, wreattin be David Ray nottar in Kilgirstoun, I haif subscriuit thir presentis with my hand at Qweinsbrig the tuentie aucht day of Januar j^m vj^o and tuentie aucht yeiris befor thir witnesses, James Reid, Androw Inglis, William Leirmond, and Gilbert Blair. Sic subscribitur. Colyne Olyphant with my hand. James Reid witnes. Androw Inglis witnes. William Leirmonth witnes. Gilbert Blair witnes.

Ch. B. 1496. 193. INSTRUMENT OF SASINE in favour of LAURENCE LORD OLIPHANT, in the Lands of Cur and others. May 10, 1630.

In Dei nomine Amen: Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Incarnacionis Dominice millesimo sexcentesimo trigesimo mensis vero Maii die decimo Regnique S. D. N. Caroli Dei gratia Magne Britannie Gallie Hybernieque illustrissimi regis protectoris fidei anno sexto In mei notarii publici et testium subscriptorum presentia personaliter constitutus honorabilis vir Dominus Jacobus Drummond de Machanic miles balliuus in hac parte eruditi viri Magistri Joannis Fyffe Archidiaconi Dumblanensis superioris terrarum aliorumque subscriptorum ad effectum subsequentem accessit cum nobili et potenti Domino Laurentio Domino Oliphant etcetera ad fundum totarum et integrarum terrarum de Cur necnon ad terras ecclesiasticas subscriptas mansionem et glebam ac adcroftam inframentionatam respectiue et successiue cum suis pertinentiis jacentes vt sequitur Et ibidem dictus nobilis dominus Laurentius Dominus Oliphant quoddam preceptum sasine per dictum Magistrum Joannem Fyffe sibi dicto nobili et potenti domino

Laurentio Domino Oliphant tanquam nepoti et heredi quondam Laurentii Domini Oliphant etcetera sui avi factum subscriptum et sigillatum manu sua deferens produxit ac dicto Domino Jacobo Drummond balliuo antedicto presentavit eundem requirendo ut dictum balliuatus officium sibi in hac parte commissum debite executioni demandaret. Qui vero balliuus dictum sasine preceptum ad manus recepit mihiq[ue] notario publico subscripto perlegendum publicandum et astantibus in vulgari exponendum tradidit: Cuius precepti Tenor verbatim sequitur et est talis.—Magister Joannes Fyffe archidiaconus Dumblanensis superior terrarum aliorumq[ue] subscriptorum dilectis meis Domino Jacobo Drummond de Machany militi et vestrum cuilibet coniunctim et divisim balliuis meis in hac parte specialiter constitutis salutem: Quia per autentica documenta et instrumenta coram me producta et ostensa Clare constat et est notum quod quondam Laurentius Dominus Oliphant avus nobilis domini Laurentii nunc Domini Oliphant latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem quondam Jacobi Dei gratia Magne Britannie Francie et Hybernie regis fideique defensoris patris S. D. N. moderni regis de totis et integris terris de Cur cum decimis earundem inclusis et suis pertinentiis necnon terris ecclesiasticis mansione et gleba ecclesie de Fyndogask vna cum crofta vulgo ye Viccaris Croft nuncupata ad tergum dicte ecclesie jacente cum decimis earundem inclusis ad dictum meum archidiaconatum tanquam vnam partem patrimonii et proprietatis ejusdem spectantibus cum pertinentiis jacentibus in parochia de Fyndogask et infra vicecomitatum de Perth: Reservata tamen mansione et gleba ministris dicte ecclesie secundum tenorem acti parlamenti. Et quod dictus nobilis dominus Laurentius nunc Dominus Oliphant est legitimus et propinquior heres prefati quondam Laurentii Domini Oliphant sui avi de terris aliisque prescriptis cum pertinentiis (reservata ut supra reservatur) et quod est legitime etatis et quod eadem terre aliaque prescripte cum pertinentiis (reservata ut supra reservatur) de me et successoribus meis Dumblanensibus archidiaconis in feudifirma immediate tenentur in capite pro annua solutione summe duodecim mercarum vsualis monete regni Scotie ad duos anni terminos consuetos festa videlicet Penthecostes et Sancti Martini in hyeme per equales portiones nomine feudifirme. Necnon heredes dicti nobilis domini duplicando dictam feudifirmam primo anno eorum introitus ad predictas terras cum decimis et suis pertinentiis prout vsus est feudifirme tantum prout in dictis authenticis documentis et instrumentis coram me productis et ostensis latius continetur. Vobis igitur precipio et firmiter mando quatenus visis presentibus indilate statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum prefatarum terrarum de Cur cum decimis earundem inclusis et suis pertinentiis necnon prefatarum terrarum ecclesiasticarum mansionis et glebae dicte ecclesie de Fyndogask vna cum dicta crofta vulgo lie viccaris croft nuncupata ad tergum dicte ecclesie jacente cum decimis earundem inclusis et suis pertinentiis ut dictum est jacentium (reservata ut supra reservatur) prefato nobili domino Laurentio Domino Oliphant tanquam nepoti et heredi antedicto vel suo certo actornato latori presentium per terre et

lapidis fundi dictarum terrarum ac manipuli spicarum vt moris est traditionem et deliberationem secundum tenorem antiqui infeofamenti dicto quondam suo avo desuper concessi ac presentis precepti quod de me inde habet juste haberi faciatis tradatis et deliberetis siue dilatione salvo iure cuiuslibet Et hoc nullo modo ommittatis ad quod faciendum vobis et vestrum cuiuslibet coniunctim et diuisim balliuis meis in hac parte antedictis meam plenariam et irrevocabilem tenore presentium committo potestatem: Preterea tenore presentium pro me et successoribus meis renuncio et extradono in favorem prefati nobilis domini heredum suorum et assignatorum totum jus titulum interesse jurisclameum que ego aut successores me habemus aut quovismodo habere aut clamare poterimus vel potcrint in et ad terras aliaque prescripta vel ad census firmas proficua et devorias huiusmodi quorumcunque annorum vel terminorum præteritorum seu futurorum ratione eschacte ob quoscunque processus cornuacionis contra dictum nobilem dominum ob quascunque causas deductos aut deducendos aut alio quocunque iure aut titulo tam non expressis quam expressis: In cuius rei testimonium presentibus ex chyrographo Thome Mairtine scribe in Perth manu mea subscriptis sigillum meum proprium est appensum apud Perth sexto die mensis Maii anno Domini millesimo sexcentesimo trigesimo coram his testibus, Magistro Francisco Hay de Balhoussie, Alexandro Inglis clerico deputato registri Sasinarum etc., infra vicecomitatum de Perth, Patricio Ros scriba in Perth, et dicto Thoma Mairtyne. Sic subscribitur. Mr Johne Fyffe, Archdane of Dunblane. Mr Francis Hay, witnes. A. Inglis, witnes. Patrick Ros, witnes. T. Mairtine, witnes: Quoquidem sasine precepto sic producto et a me notario publico subscripto lecto publicato et astantibus in vulgari exposito dictus dominus Jacobus Drummond balliuus in hac parte antedictus vigore supra inserti precepti sasine ac virtute sui officii balliuatus sibi in hac parte antedicta commissi statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum antedictarum terrarum de Cur cum decimis earundem inclusis et suis pertinentiis necnon prefatarum terrarum ecclesiasticarum mansionis et glebæ dicte ecclesie de Fyndogask vnacum dicta crofta vulgo lie Viccaris Croft nuncupata ad tergum dicte ecclesie jacente cum decimis earundem inclusis et suis pertinentiis jacentium vt supra (reservata vt supra reservatur) prenominato nobili domino Laurentio Domino Oliphant tanquam nepoti et heredi antedicto personaliter presenti et huiusmodi sasinam acceptanti per terre et lapidis fundi dictarum terrarum ac manipuli spicarum vt moris est traditionem et deliberationem in forma iuris solita secundum tenorem dicti antiqui infeofamenti et prescripti precepti sasine desuper confecti nemine impediante seu contradicente contulit tradidit et deliberavit Salvo iure cuiuslibet: Super quibus omnibus et singulis premissis dictus nobilis et potens dominus Laurentius Dominus Oliphant a me notario publico subscripto sibi fieri petiit instrumentum publicum vnum seu plura Acta erant hec super fundis dictarum terrarum respectiue et successiue horam circiter vndecimam ante meridiem aut eo circa sub anno etc. quibus supra: Presentibus ibidem Laurentio Oliphant de Gask, Joanne Drummond de

Pitzellony, Jacobo Robertstone, et Joanne Elder, seruatoribus dicti nobilis Domini, et Joanne Reid in Fordoun, testibus ad premissa vocatis pariterque rogatis.

Et ego vero Alexander Inglis clericus Sancte Andree diocesis notarius publicus auctoritate regali per dominos consilii admissus ac vicecomitis de Perth scriba substitutus Quia [etc., in forma communi].¹

Cl B. 1497

194. SUBMISSION by PATRICK EARL OF TULLIBARDIN and LAURENCE OLIPHANT of Gask to JOHN OLIPHANT of Bachilton and others as Arbiters for settling the Marches between their Lands. 1630.

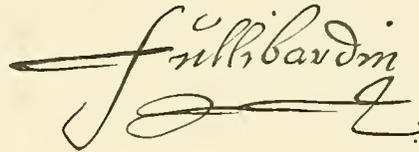
The yeir of God j^m vj^c and threttie yeiris Patrik Erle of Tullibardin Lord Murray etc. on the ane pairt and Lawrence Oliphant of Gask on the vther pairt hes submittit and referrit and be thir presentis submittis and referris them to the judgement declaratioun and arbitrement of Mr William Murray of Ochtertyre and William Murray of Pitmannie as Judges Arbiters and amicable compositoris chosen for the said noble Erle his pairt Mr George Grahame fear of Inchbrakie and Johne Oliphant of Bachiltoun as Judges Arbiters and amicable compositoris chosen for the pairt of the said Lawrence Oliphant Anent the decisioun of materis questionable standing presentlie betuix them and in special anent the cognoscing declaring and setting doun of the proper meithis and merchis of the said noble Erle his landis of Fermtoun of Gask and Dalriochie betuix the saidis landis and the said Laurence Oliphant his landis of Over and Nether Gaskis and Holtoun of Gask all lyand within the shirefdome of Perth Quhilkis materis questionable setting doun of the proper meithis and merchis betuix the abone-namit landis and decisioun thair of the saidis Judges haue acceptit and be thir presentis acceptis in and vpon them (they alwayis haveing power to chuisse ane odman and owerman in cace of variance) and bindis and obleissis them to decerne and pronunce thair finall sentence theirintill betuix and the day of nixtocum with prorogatioun sua lang as may stand be law Quhais decreit and appointment to be pronuncit be the saidis four Judges or ony thrie of them and in cace of variance be ony tua of the saidis four Judges the saidis tua Judges alwayis nocht bicing on ane of the sydis with the said ower man baithe the saidis pairteis bindis and obleissis them thair airis successouris and assignais to obtemper fulfill and obey in all poyntis bute reclamatioun appellatioun or agane calling quhatsumeuir And baithe the saidis pairteis and

¹ Dorso—Apud Perth vigesimo die mensis Junii anno Domini millesimo sexcentesimo trigesimo: Producit be Thomas Mairtine wreatter in Perth and registrat on the 471 and 472 leaves of the fourt volume of the publict register appointit for

registratioun of seasingis etc. within the Shirefdome of Perth conforme to the Act of Parliament maid thairanent be me Alexander Inglis clerk deputt thairto and keipar of the said Register.—ALEXANDER INGLIS.

Judges ar content and consentis thir presentis and decreit appointit to follow heervpon be insert and registrat in the buikis of counsell and sessioun to haue the strenthe of ane decreit that executoriales of warding pointing and horning of sex dayis charge onlie may follow thairvpon And to that effect constitutis procuratouris coniunctlie and seuerallie promittentes de rato etc.: In witnes heirof thir presentis writtin be Daid Rollok notar in Donyng ar subscriuit with thair handis as followis Befoir thir witnesses.

RICHARD MURRAY, vitnes.
J. NASMYTH, vitnes.
WILLIAM MURRAY, wittnes.



L. OLIPHANT of Gask.
J. OLIPHANT of Bachiltone acceptis.
G. GRÆME acceptis.
WILLIAME MURRAY acceptis.

Ch. B. 1965
195. OBLIGATION by LADY OLIPHANT to procure for LAURENCE OLIPHANT of Gask the Escheat of the deceased LAURENCE LORD OLIPHANT. November 10, 1630.

Be it kend till all men be thir present lettres me Dame Lylia Drummond Lady Oliphant as principall and as cautiouneris and sowerteis for me to be bundin and obleist lyk as we be the tenour heirof bindis and obleissis ws our aires executouris successouris and intromeittouris withe our guidis and geir quhatsumevir coniunctlie and sewerallie to Lawrence Oliphant of Gask that we sall purches and procur to the said Lawrence Oliphant ane band and obligatioun grantit be him to Johne Erle of Mar etc. anent the escheit and lyfrent of vmquhile Laurence Lord Oliphant Lykas also we bind and obleis ws and our foirsaidis coniunctlie and sewerallie as said is to purches and procure the consent of ane nobill and nichtie erle William Erle of Mortoun Lord Dalkeithe etc. now thesaurer principall or any othir nixt succeeding thesaurar principall to him and of the said Johne Erle of Mar etc. lait thesaurer to the declaratioun maid be the said Laurence to me quhairby he declaires that he sall nawayis trubill nor molest me for any guidis or geir quhilk appertent to the said vmquhile Laurence Lord Oliphant and wes in his possessioun the tyme of his deceis quhilk declaratioun is of the dait of thir presentis and that betuixt the dait heirof and the first day of Merche nixt to cum And in cais of failzie in purchessing the said band and consent of the saidis nobill lordis to the foirsaid declaratioun in that caice or ather of them the foirsaid declaratioun grantit be the

said Laurence in favoures of me to be null and of naue awaill force strenthe nor effect fra thane furthe and for ewir siclyk as giff the samen had newir bein maid nor grantit be him to me and that without ony declaratour or proces of law quhatsunevir to follow heirvpoun consentiug for the mair securetie principall and cautiouneris abouewrittin thir presentis be insert and registrat in the buikis of Counsall and Sessioun and ane decret of the Lordis thair of may be interponit thairto that lettres and executourallis of horning and vtheris necessar may be direct thairvpoun in forme as effeiris And to that effect constituitis

our laifull procuratouris promittentes de rato etc .In witnes quhair of (written be Mr Andro Aytoun writtir) we have subscriyvit thir preseutis with the our handis at Innerpeffer the tent day of Novembir the yeir of God j vj and threttie yeiris befor thir witnessis, Sir Andro Rollok of Duncrub, Knycht, Sir James Drummound of Macheny, Knycht, Patrik Graham of Inshbrakie, Jon Drummound, fear of Pitzellouyie.

LILIAS LADY OLIPHANT.

S. DUNCRUB vitnes.

S. J. DRUMMOND of Machanie.

PATRIK GRAEME of Inchebrekie vitnes.

JOHNE DRUMOND vitnes.

CL. B. 1503

196. INSTRUMENT OF SASINE in favour of LAURENCE OLIPHANT, as Heir of LAURENCE OLIPHANT of Gask, his Father, in the Lands and Barony of Gask and Office of Baily of the Abbey of Inchaffray. October 5, 1632.

In Dei nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno incarnationis Dominicæ millesimo sexcentesimo trigesimo secundo mensis vero Octobris die quiuto aunoque regni illustrissimi ac poteutissimi principis Caroli Dei gratia Magnæ Britannicæ Gallicæ et Hybernicæ regis fideique defensoris octavo In mei notarii publici et testium subscriptorum presentia personaliter comparuit honorabilis vir Laurentius Oliphant nuuc de Gask filius et heres debite deservitus et retornatus quondam Laurentii Oliphant de Gask sui patris unacum Jacobo Dwneis vno marorum vicecomitatus de Perth vicecomite et balliuo eiusdem vicecomitatus per vicecomitis preceptum subinsertum debite constituto accesseruntque ad fundum terrarum et baroniæ de Gask apud maueriei locum eiusdem tanquam locum decretum et ordinatum pro sasina capienda totarum et integrarum dictarum terrarum et baroniæ de Gask cum molendino syluis piscariis priuilegiis libertatibus licentiis partibus pendiculis tenentibus tenandriis et libere tenentium seruitiis earundem et singulis suis pertinentiis ac totius et integri officii balliatus subtus specificati cum integris feodis casualitatibus proficuis divoriis aliisque eiusdem respectiue et particulariter subscriptis virtute viuonis iupra mentionate jacentium vt sequitur et ibidem dictus

Laurentius Oliphant nunc de Gask quoddam preceptum sasine dicti supremi domini nostri regis e sua cancellaria emanatum vicecomiti et balliuis suis de Perth ad instantiam et desiderium dicti Laurentii Oliphant directum produxit ac dicto maro vicecomiti et balliuo antedieto presentavit eundem requirens quatenus officium huiusmodi sibi desuper commissum debite executioni demandaret Quiquidem Jacobus Dwneis vicecomes et balliuus antedietus dicta sasine precepta in suis manibus (reverentia qua decuit) recipiens mihi notario publico subscripto perlegenda publicanda et astantibus in vulgari exponenda et insinuanda tradidit quorum preceptorum tenor in his verbis sequitur et est talis: Sir James Campbell of Laweris Knicht shereff prineipall of Perth to James Dwneis

maires of the
said shereffdome coniunctie and seuerallie speciallie constitut greiting forsamekle as thair is ane precept of seasing direct furth of our Soverane Lordis chancellerie to me and my deputtis purchest at the instance of Laurence Oliphant now of Gask quhair of the tenor followis: Carolus Dei gratia Magne Britannie Francie et Hybernie rex fideique defensor vicecomiti et balliuis suis de Perth salutem: Quia per inquisitionem de mandato nostro per vos factam et ad capellam nostram retornatam compertum est quod quondam Laurentius Oliphant de Gask pater Laurentii Oliphant nunc de Gask latoris presentium obiit ultimo vestitus et sasitus vt de feodo ad pacem et fidem nostram in totis et integris terris et baronia de Gask cum molendino syluis piscariis ac presertim cum speciali libertate piscandi in aqua de Erne tribus diebus in hepdomade tempore prohibito de iure et consuetudine huius regni nostri Scotie et similiter eum speciali libertate locandi imponendi edificandi reparandi et sustentandi lie crooves super dictam aquam de Erne et in omnibus partibus eiusdem iuxta terras et bondas dictarum terrarum et baronie de Gask ac cum partibus pendieulis tenentibus tenandriis et libere tenentium servitiis omnium et singularum predietarum terrarum et baronie cum pertinentiis jacentibus iupra balliam vestram et in toto et integro officio balliatus omnium et singularum terrarum possessionum fructuum reddituum emolumentorum quorum-eunque pertinentium que perprius pertinuerunt aut in futurum pertinere poterint ad abbatiam de Inchaiffay vbicunque eadem jacent infra dictum regnum nostrum Scotie exceptis duntaxat terrarum aliorumque subscriptorum videlicet terrarum de Over Cairnie cum mora et marresio earundem terrarum super quibus sylva crevit nuncupata lie Wodlandis terrarum de Chappell nuneupatarum lie Chappellland de Mure terrarum de Dalquhorquhy cum molendino earundem et terris molendinariis dicto molendino annexatis partibus pendiculis et pertinentiis earundem jacentium infra dictam balliam vestram vna cum integris feodis dicti officii ac etiam omnibus aliis casualitatibus libertatibus immunitatibus proficuis et divoriis ad dictum officium infra bondas omnium et singularum dictarum terrarum (exceptis ut prius exeipitur) pertinentibus et spectantibus Quequidem integra feoda dicti officii ad dictum quondam Laurentium Oliphant suosque predicesores pertinebant et per ipsum et ipsos levanda de quibuscunque terris seu possessionibus ad dictam abbatiam de Inchaiffay pertinentia vbicunque eodem jacent secundum vsum et

consuetudinem ac de quibus quondam Laurentius Dominus Oliphant aut predicesores sui in possessione fuerunt sive per levationem earundem a quibusdam hereditariis tenentibus seu possessoribus quarumcunque terrarum dicte abbacie aut per retentionem in ipsorum manibus tantidem quarumcunque divoriarum abbatibus de Inchaifray debitarum de quibusdam terris ad prefatum quondam Laurentium Dominum Oliphant aut predicesores suos pertinentibus quanti correspondent divorie pro feodo dicti officii ballivatus persolute que pro eodem feodo dicti officii ballivatus retenta fuit omnes unite create et incorporate in unam integram et liberam baroniam de Gask nunc et omni tempore futuro nuncupande ordinando manerici locum de Gask fore principale messuagium dicte baronie et quod unica sasina per prefatum quondam Laurentium Oliphant de Gask perque heredes suos masculos et assignatos omni tempore futuro, apud manerici locum de Gask seu super solo alicujus partis dictarum terrarum et baronie de Gask capienda stabit et sufficiens erit sasina pro omnibus et singulis terris baronia officio ballivatus aliisque prescriptis cum omnibus suis partibus pendiculis privilegiis et pertinentiis suprascriptis absque vlla alia speciali seu particulari sasina de eisdem suscipienda non obstante quod eadem contigue minime jacent Et quod dictus Laurentius Oliphant nunc de Gask est legitimus et propinquior heres masculus dicti Laurentii Oliphant de Gask sui patris de totis et integris antedictis terris et baronia de Gask cum molendino sylvis piscariis privilegiis libertatibus licentiis partibus pendiculis tenentibus tenandriis et libere tenentium servitiis earundem et singulis suis pertinentiis respectiue et particulariter suprascriptis vt supra jacentibus Et de toto et integro antedicto officio ballivatus omnium et singularum terrarum possessionum aliorumque suprascriptorum ad dictam abbatiam de Inchaifray pertinentium (exceptis vt supra excipitur) unicum integris feodis casualitatibus libertatibus immunitatibus proficuis et divoriis ad dictum officium infra bondas antedictarum terrarum (excepto de terris supra exceptis) pertinentibus et spectantibus jacentibus unitis annexatis creatis et incorporatis vt dictum est Et quod est legitime etatis et quod de nobis tenentur in capite: Vobis precipimus et mandamus quatenus prefato Laurentio Oliphant nunc de Gask vel suo certo actornato latori presencium sasinam totarum et integrarum dictarum terrarum et baronie de Gask cum molendino sylvis piscariis privilegiis libertatibus licentiis partibus pendiculis tenentibus teuandriis libere tenentium servitiis earundem et singulis suis pertinentiis respectiue et particulariter suprascriptis vt supra jacentibus et totius et integri antedicti officii ballivatus omnium et singularum terrarum possessionum aliorumque suprascriptorum ad dictam abbatiam de Inchaifray pertinentium (exceptis vt supra excipitur) unicum integris feodis casualitatibus libertatibus immunitatibus proficuis et devoriis ad dictum officium infra bondas infrascriptas antedictarum terrarum (exceptis de terris suprascriptis) pertinentibus et spectantibus jacentibus unitis annexatis creatis et incorporatis vt dictum est juste haberi faciatis siue dilatione salvo iure cuiuslibet ac capiendo securitatem de ii capellis albarum rosarum per duplicationem albe firme dictarum terrarum et baronie de Gask et de ii denariis vsualis monete regni nostri Scotie per

duplicationem albe firme dicti officii balliatus cum feodis proficuis aliisque prescriptis nobis debitis et hoc nullo modo omittatis presentibus post proximum terminum minime valituris teste meipso apud Edinburgum sexto die mensis Septembris et anno regni nostri octauo 1632 Vicecomiti et balliuis suis de Perth pro Laurentio Oliphant nunc de Gask: Qubairfor I command and charge you that incontinent this my precept sein ye pas in our Souerane Lordis name and myne and give seasing to the said Laurence Oliphant of Gask as sone and air foirsaid or to his certaine actornay berar heirof in his name off all and hail the abouewrittin landis and barony of Gask with the mylne woodis fyschingis priuiledges liberties licences partits pendicles and service of frie tennentis tennentis tennandries and all and sindrie the pertinentis respectiue and particularlie aboue insert lyand as said is and of all and hail the forsaid office of bailliarie of all and sindrie the landis possessiouns frutes rentis and emolumentis quahatsomeuer perteinig quhilk hes pertein of befoir or quhilk may perteine in tyme coming to the said abbacie off Inchaiffray quhere euer the samen ly within the kingdome of Scotland (except allenarie the landis and wtheris particularlie aboue exceptit) togider with the hail fles of the said office and with all wtheris casualities liberties immunities proffeittis and dewties perteinig and belonging to the said office within the boundis of all and sindrie the foirsaidis landis (except as is befoir exceptit) all lyand vnit annexat creat and incorporatt as said is and that without delay saiffand all mens richtis and that ye tak securitie of the soumes of money and wtheris blench dewties abouewrettin conteinit in the said precept Given vnder my signet at Perth the third day of October j^m vj^o threttie tua yeiris 1632 Quibusquidem sasine preceptis sic vt premittitur a me notario publico subscripto lectis publicatis et astantibus in vulgari expositis et insinuatis prefatus Jacobus Dwneis vicecomes et balliuus antedictus dictum officium balliuatus libenter in ac super se suscipiens ac idem debite execucioni volens prosequi virtuteque et mandato dicte sasine preceptorum et vigore sui officii sibi desuper commissi sasinam totarum et integrarum antedictarum terrarum et baronie de Gask cum molendino syluis piscariis ac presertim cum speciali libertate piscandi in aqua de Erne tribus diebus in hepdomade tempore prohibito de iure et consuetudine huius regni Scotie et similiter cum speciali libertate et licentia levandi imponendi edificandi reparandi et sustentandi lie crooves super dictam aquam de Erne et in omnibus partibus eiusdem iuxta terras et bondas dictarum terrarum et baronie de Gask ac cum partibus pendiculis tenentibus tenandriis et libere tenentium seruitiis earundem cum pertinentiis jacentibus vt supra ac totius et integri antedicti officii balliatus omnium et singularum terrarum possessionum fructuum reddituum et emolumentorum quorumcunque pertinentium que perprius pertinuerunt aut in futurum pertinere poterint ad dictam abbatiam de Inchaiffray vbicunque eadem jacent infra hoc regnum (exceptis duntaxat de terris aliisque particulariter supra exceptis) vnacum integris feodis dicti officii ac etiam omnium aliorum casualitatum libertatum immunitatum proficuorum diuoriarumque et aliorum suprascriptorum ad dictum officium infra bondas omnium et singularum predictarum terrarum

pertinentium et spectantium (exceptis vt supra excipitur) omnes jacentes vnite annexate create et incorporate vt dictum est prenominato Laurentio Oliphant nunc de Gask personaliter presenti et dictam sasinam acceptanti per terre et lapidis fundi dictarum terrarum et baronie de Gask apud maneriei locum eiusdem in eius manibus traditionem et deliberationem vt moris est in forma iuris solita virtute vnionis suprascripte secundum formam et tenorem antedictae sasine preceptorum in omnibus punctis dedit tradidit contulit et realiter cum effectu nemine impediante seu contradicente exhibuit et deliberavit saluo iure cuiuslibet Super quibus omnibus et singulis premissis memoratus Laurentius Oliphant nunc de Gask a me notario publico subscripto sibi fieri petiit instrumentum publicum vnum seu plura acta erant hec super solo dictarum terrarum et baronie de Gask apud maneriei locum eiusdem hora decima ante meridiem eiusdem diei aut eo circa sub anno Domini mensis die regisque regno respectiue prescriptis. Presentibus ibidem Andrea Wood olim de Largo, Dauide Rollok notario in Donyng, Wilelmo Oliphant apud molendinum de Gask, Andrea Dow in Drumend et Henrico Douglas in Gask testibus ad premissa vocatis atque rogatis.

Et ego vero Alexander Inglis clericus Sancti Andree diocesis notarius publicus auctoritate regali per Dominos Consilii admissus ac vicecomitis de Perth scriba substitutus quia (etc. in forma communi).¹

Ch. B. 1504,

197. PRECEPT OF SASINE AND CLARE-CONSTAT by JAMES EARL OF MONTROSE, with consent of his Curators, for infefting LAURENCE OLIPHANT, as Heir to his Father, in the Barony of Cowgask. October 24 and November 15 and 22, 1632.

Jacobus Comes de Montrois Dominus Grahame et Mukdok ac dominus superior terrarum aliorumque subscriptorum cum avisamento et consensu Joannis Comitis de Wigtoun, Domini Roberti Grahame de Morphie militis, Domini Willielmi Grahame de Claverhous militis, Davidis Grahame de Fyntrie, Joannis Grahame de Orchill, et Joannis Grahame de Balgowne nostrorum curatorum pro eorum interesse dilectis nostris Roberto Grahame in Aberruthven et vestrum cuilibet coniunctim et divisim ballivis nostris in hac parte specialiter constitutis salutem: Quia per autentica documenta et instrumenta coram nobis producta et ostensa clare constat et est notum quod quondam Lawrentius Oliphant de Gask pater Laurentii Oliphant nunc de Gask latoris presentium obiit vltimo vestitus et sasitus

¹ Dorso—Apud Perth primo die mensis Novembris anno Domini 1632: Producit be Thomas Mairtine wreattar in Perth and registrat on the 154, 155 and 156 leaves of the sext volume of the publict register appointit for registratioun of

seasingis within the shereffdome of Perth conforme to the Act of Parliament be me Alexander Inglis clerik deput thairto and keipar of the said Register.—ALEXANDER INGLIS.

vt de feodo ad pacem et fidem S. D. N. Regis in totis et integris terris et baronia ex antiquo terris et baronia de Culgask nuncupatis Comprehendentibus terras aliaque subscripta videlicet totas et integras terras dominicales vulgo lie Maynes de Culgask lie Drum de Culgask tam orientalem quam occidentalem finem earundem Chepelhill siluan et prata de Culgask lie Fosteris land et lie ward infra dictam silnam iacentes cum earundem respectine domibus edificiis hortis toftis croftis partibus pendiculis et omnibus suis pertinentiis quibuscunque totum et integrum molendinum de Culgask terras molendinarias eiusdem cum astrictis multuris domibus edificiis hortis partibus pendiculis et pertinentiis suis quibuscunque totas et integras duas illas partes et portiones terrarum vulgo vocatas Preistis croft et Scheaveing Bnssis cum pertinentiis totas et integras terras de Peil cum earundem domibus edificiis hortis toftis croftis partibus pendiculis et pertinentiis suis quibuscunque jacentes in baronia de Culgask infra senascallatus de Stratherne et Huntingtour respectiue et vicecomitatum de Pearth tanquam pro principali Nec non in speciale warrantum et securitatem earundem in toto et integro vno annuo redditu duarum millium et sexaginta mercarum vsualis monete regni Scotie annuatim levando et percipiendo ad duos anni terminos consuetos festa videlicet Pentecostes et Sancti Martini in hieme per equales portiones de totis et integris nostris terris et baroniis de Kincardin et Aberruthven Cowle Foswallis et Bairdrellis seu aliqua earundem parte modo et forma in contractu et infeofamento dicto quondam Lawrentio Oliphant desuper concessis specificatis et expressis Et quod dictus Lawrentius Oliphant est legitimus et propinquior heres dicti quondam Lawrentii Oliphant de Gask sui patris de terris annuo redditu aliisque predictis cum pertinentiis et quod est legitime etatis et quod terre aliaque predicta de nobis in libera alba firma pro annua solutione vnius denarii monete predictae super solo alicuius partis dictarum principalium terrarum ac alterius denarii monete predictae super solo alicuius partis terrarum aliorumque prescriptorum de quibus predictus annuus redditus levandus alienatus fuit in die festo Pentecostes nomine albe firme si peterentur tantum immediate tenentur in capite Prout in dictis documentis et instrumentis coram nobis productis et ostensis latius continentur Vobis igitur cum consensu predicto precipimus et firmiter mandamus quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum terrarum aliorumque prescriptorum principaliter vt prefertur dispositorum nec non predicti annui redditus in warrantum earundem vt dictum est depositi per terre et lapidis fundi dictarum terrarum nec non lie clap dicti molendini ac vnius denarii vt moris est traditionem et deliberationem prefato Lawrentio Oliphant nunc de Gask vel suo certo attorney latori presentium secundum tenorem antiqui infeofamenti dicto quondam suo patri desuper confecti et presntis precepti nostri quod de nobis inde habet inste haberi faciatis tradatis et deliberetis sine dilatione (Saluo iure cuiuslibet) Et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuiuslibet coniunctim et divisim ballivis nostris in hac parte antedictis nostram plenariam et irrevocabilem cum consensu predicto tenore presentium committimus

potestatem: In cuius rei testimonium presentibus (ex chirographo Colini Hay servitoris Magistri Francisci Hay de Balhoussie scribe signeto regio) manu nostra subscriptis nec non manibus meorum curatorum prenominatorum in signum eorum consensuum ad premissa subscriptis sigillum nostrum proprium est appensum: Apud Edinburgh, Cumbernauld, et Fintrie diebus vigesimo quarto decimo quinto et vigesimo secundo diebus mensium Octobris et Novembris anno Domini millesimo sexcentesimo trigesimo secundo coram his testibus respectiue, prefato Magistro Francisco Hay, Magistro Joanne Rollok advocato, Magistro

Oliphant, fratre germano dicti Lawrentii Oliphant, Joanne Grahame cammerario de Kincairdine, Alexandro Leitche eius servitore, et Jacobo Haliburtoun servitore dicti Magistri Francisci Hay.

*Montrose
J. Rollok*

*Grahame of clameshous
Grahame of Hentow*

*Grahame of orchill
Graham of Balgater Grome of morphe*

Mr FRANCIS HAY witness.

Mr JOHN ROLLOK witness.

JAMES HALYBURTOUN witness.

Penultimo Januari 1633 Robert Grahame bailie James Oliphant attorney witness at ye Peill James Bennet William Grahame notar Allexander Gibson Patrik Chalmer at xii houris witness at Culgask John Grahame Reidfuird Allexander Oliphant James Reid in Drumend and David Reid ther at 2 houris efternone.

ca. B. 1510. 198. EXTRACT RETOUR of the General Service of PATRICK OLIPHANT as Heir to his Grandfather, LAURENCE LORD OLIPHANT. May 7, 1633.

Hec Inquisitio facta fuit apud Burgum de Perth et in pretorio eiusdem septimo die mensis Maij anno Domini millesimo sexcentesimo tricesimo tertio coram Domino Joanne Moncreiff de Kynmonth milite et Magistro Andrea Moncreiff vicecomitibus deputatis honorabilis viri Domini Jacobi Campbell de Lawers militis vicecomitis principalis dicti vicecomitis per hos honorabiles viros subscriptos videlicet Dominum Joannem Moncreiff de eodem militem barronettum, Dominum Patricium Ogilvy de Inchmairtine militem, Dominum Robertum Bruce de Clackmanane militem, Thomam Blair de Balthyok, Patricium Kynnaird de Inchsture, Alexandrum Erskin de Dun, Dominum Joannem Blair de Bagillo militem, Patricium Buttar de Garmok, Jacobum Creichtoun de Ruthven, Laurentium Mersar de Meikillour, Jacobum Monorgun de eodem, Gilbertum Ramsay de Bamff, Wilielmum Bruce de Fyngask, Andream Moncur de eodem, Wilielmum Kinman de Hill, Davidem Lyndsay de Pitskandle, et Andream Wentoun de Strickmairtine: Qui iurati dicunt quod quondam Laurentius Dominus Olyphant avus Patricii Olyphant filii legitimi quondam Joannis Magistri de Olyphant latoris presentium obiit ad pacem et fidem quondam S. D. N. Regis Jacobi Sexti Dei gratia dignissime memorie Et quod dictus Patricius Olyphant lator presentium est legitimus et propinquior hæres masculus eiusdem quondam Laurentii Domini Olyphant sui avi et quod est legitime etatis: In cuius rei testimonium presentibus manu Magistri Henrici Kynros scribe principalis dicti vicecomitis subscripti sigilla quorundam qui dicte inquisitioni intererant apponuntur et hoc breve incluso clausisque sub sigillo officii dicti vicecomitis loco die mensis annoque superscriptis. Sic subscribitur M. Hery Kynros.

Hec est vera copia principalis Retornatus super premissis in cancellaria S. D. N. Regine remanentis Extracta copiata et collata per me Rogerum Aytoun ejusdem cancellarie directorem sub hac mea subscriptione.—ROGER AYTOUN.

ca. B. 1511. 199. PATENT by KING CHARLES THE FIRST conferring the title of LORD OLIPHANT on PATRICK, Son of JOHN MASTER OF OLIPHANT. June 2, 1633.

Carolus Dei gratia Magne Britannie Francie et Hybernie rex fideique defensor Omnibus probis hominibus suis ad quos presentes littere pervenerint salutem: Sciatis quia nos perfecte intelligentes cognomen de Oliphant antiquum et honorabile fuisse quodque pro eorum bono servitio nostris predecessoribus prestito honor et dignitas domini in eos collatus fuit quoquidem stilo et honore gavisus sunt et possederunt per multa retroacta secula nunc vero in manibus nostris

devenit et in nostra est dispositione per decessum quondam Laurentii vltimi Domini Oliphant, et nos animo nostro revolventes bona et fidelia servitia per predilectum nostrum Patricium Oliphant filium legitimum quondam Joannis Magistri de Oliphant prestita et volentes aliquam nostri favoris tesseram huius generis in eum conferre Igitur nos ex nostro regali iudicio et ex speciali respectu erga dictum Patricium Oliphant ex regia nostra autoritate et potestate regali de novo creavimus fecimus et inauguravimus tenoreque presentium de novo creamus facimus et inauguramus dictum Patricium Oliphant suosque heredes masculos de corpore suo legitime procreatos vel procreandos Dominos Oliphant post datam presentium tantum Daudo et concedendo dicto Patricio Oliphant suisque heredibus masculis supra specificatis dictum titulum honorem gradum et dignitatem domini prout tenore presentium investimus predictum Patricium Oliphant suosque heredes masculos prescriptos in dicto titulo honore et dignitate vt indigentur omni tempore futuro post datam presentium Domini Oliphant: Tenendum et habendum de data presentium dictum titulum honorem gradum et dignitatem Domini Oliphant cum suffragiis in parliamentis generalibus consiliis et conventibus cumque omnibus aliis prerogativis preeminentiis privilegiis libertatibus et immunitatibus quibuscunque cuivis domino parlamenti infra regnum nostrum Scotie spectantibus et pertinentibus vel spectare et pertinere valentibus prefato Patricio Oliphant suisque heredibus masculis predictis in omnibus nostris nostrorumque successorum parliamentis publicis et privatis conventibus et consiliis statuum dicti regni nostri quodque dictus Patricius suique prescripti libere frucentur post datam presentium tantummodo potestate loco et jure suffragia in eisdem ferendi cum omnibus dignitatibus et prerogativis quibuscunque in omnibus et singulis quibus aliquis alius dominus quovis tempore preterito possedit vel gavisus est infra dictum nostrum regnum aut nunc possidere aut gaudere possunt: Ac etiam prefatus Patricius Oliphant suique heredes masculi antedicti et eorum vnusquisque successive omni tempore affuturo indigitabuntur appellabuntur et honorabuntur cum omni dignitate et respectu domino parlamenti infra dictum regnum nostrum competentibus: mandantes etiam Leoni nostro regi ab armis suisque fratribus fccialibus quatenus additionem signorum et insignium presentibus insignibus dicti Patricii Oliphant dent et prescribant sicuti in talibus casibus vsitatum est Preterea nos ex certa nostra scientia proprio motu autoritate regali et potestate regia volumus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod prescutes he littere sunt et erunt tam valide effectuales et sufficientes in omuibz respectibus prefato Patricio Oliphant suisque predictis pro fruitione et gavisione predicti tituli honoris gradus et dignitatis Domini Oliphant cum omnibus et singulis prerogativis preeminentiis libertatibus et immunitatibus ad eundem pertinentibus et spectantibus vel pertinere et spectare valentibus omni tempore affuturo ac si dictus Patricius Oliphant in eodem solemnii ritu et ceremonia inauguraretur et investiretur. Quocirca et cum omnibus defectibus et impedimentis que contra dictum Patricium Oliphant suosque predictos obiici vel allegari poterint in pacifica fruitione et gavisione dicti tituli

honoris et dignitatis Domini Oliphant cum omnibus privilegiis preeminentiis prerogativis libertatibus et immunitatibus eidem spectantibus vel spectare valentibus nos pro nobis et successoribus nostris dispensavimus tenoreque presentium dispensamus in perpetuum: In cuius rei testimonium presentibus magnum sigillum nostrum apponi precipimus apud Durrhame secundo die mensis Junii anno Domini millesimo sexcentesimo trigesimo tertio et anno regni nostri nono.

28 Junii 1633
19 Junij 1633
Scott of Harden

Cl. B. 1968

200. CONTRACT OF MARRIAGE between LAURENCE OLIPHANT of Gask and LILLIAS OLIPHANT, Daughter of PATRICK LORD OLIPHANT. February 19, 1634.

At Perth the nyntein daye of Februar the yeir of God j^m vj^e threttie four yeiris It is appointit contractit and finallie agried betuix the honorabill pairties following They are to say Laurence Oliphant of Gask on the ane pairt and ane noble lord Partik Lord Oliphant ffor himselff and taking burding on him for Maistries Lillias Oliphant only lafull dochter to the said noble Lord and the said Maistries Lillias for hir selff with the speciall advys and consent of hir said father on the wther pairt In maner following That is to say fforsamkill as the said Laurence Oliphant of Gask sall be willing to marie and tak to his lafull spous the said Maistries Lillias Oliphant she with the speciall advyse and consent of the said noble Lord hir father sall accept and receive as hir lafull husband the said Laurence Oliphant: And aither of them sall accomplishe and solemnizat the band of mariage with wtheris dewlie and ordourlie as effeiris betuix the dait heirof and the [blank in MS.] day of [blank in MS.] nixtocum or sooner as the saidis pairties sall think expedient To the intent and performance quherof the said Laurence Oliphant of Gask bindis and obleisses him his aires successoris and assigneyes be his chartour of pure donatioun and vendition titulo oneroso conteining thairintill preceptis of seasing with seasing and possessioun to follow thairwpon to dewlie and sufficientlie infest and sease the said Maistries Lillias Oliphant befor the compleiting of the said mariage in hir pure virginite in lyfrent dureing all the dayes of hir lyfytyme in all and haill the landis mylnis woodis and wtheris respectiue vndirvrettin videlicet In all and haill the toun and landis of Cluthiemoir the landis of Rosse the landis of Wester Cluthie with the mylne callit the New Mylne mylne landis multuris sequellis and pertinentis the landis of Cluthiebeg with the haill mures moisses pasturage commountie pertein- ing to the saidis haill landis hous biggings yeardis toftis croftis outseattis cottages

pairtis pendicles and pertinentis of the samen lyand within the barony of Gask and schireffdome of Perth togider with the teindscheawes and wtheris teindis alsweill personage as vicarage of all and syndrie the foirnamed landis with the pertinentis And that be doubill and seural infeftmentis ane quhair of to be haldin of the said Laurence Oliphant of Gask his aires and successoris in frie blench ffor payment yeirlie to him and his foirsaidis off ane penny money Scottis vpon the ground of ony part of the saidis landis at the feast of Witsunday gif the samen beis askit allendarlie and to oure Souerane Lord and his graces successoris ffor the saidis lands of Cluthie-moir Rosse Newmylne and Wester Cluthie off ane quhytt rose at the feast of the natiuitie of Sanct Johne Baptist at the maner place of Gask in name of blench ferme gif the samen beis askit allenarly And for payment ffor the saidis landis of Cluthiebeg to Mr James Peirsoun Deane of Dumblane and his successoris deanes thairof off the few mailles teands duties and dew seruce mentionat and sett down in the said Laurence his infeftmentis of few ferme maid to him his authoris and predicessoris of the samen with the observatioun of the provisiounes conditiones and restrictiounes mentionat and conteinit thairintill And for the saidis teind sheaves and wtheris teinds personage and vicarage to the minister serving the cure at the Kirk of Gask present and to come and wtheris persounis quahatsomevir haveing richt thairto of the yeirlie proportiounall deutie astrictit to be payit thairfoir mentionat and conteinit in the said Laurence Oliphant his richtis and securities of the saidis teinds according to the rate and quantitie of the saids lands allendarlie And the wther of the saids infeftmentis bearand the saidis landis of Cluthiemoir Rosse Newmylne and Wester Cluthie teindis and pertinentis to be haldin fra the said Laurence Oliphant and his foirsaidis off our said Souerane Lord and his grace successouris in frie blench siclyk in semblable maner and als frielie in all respectis as he or his foirsaidis haldis or held the samen themselffis in all respectis for yeirlie payment of ane quhytt rose foirsaid at the feast of the natiuitie of Sanct Johne the Baptist at the said maner place of Gask gif the samen beis askit allendarlie And ane wther of the saids infeftmentis bearand the saidis landis of Cluthiebeg with the pertinentis to be haldin of the said Mr James Peirsoun Deane of Dumblane and his successoris deanes thairof in few ferme dureing all the dayes of the lyfytyme of the said Maistries Lillias ffor yeirlie payment of the few maillis keanes duties and dew seruce astrictit to be payit thairfoir mentionat and sett down in the said Laurence Oliphant his originall infeftmentis and securities maid and grantit to him his authoris and predicessouris thairwpoun with observationis of the provisiounes restrictiounes and conditionis specifeit and contenit thairintill And both the saids infeftmentis appointit to be haldin of the said Laurence his imediat superior bearand payment to the Ministeris at the said Kirk of Gask present and to come thair successoris and wtheris persounes halveing richt thairto of the yeirlie proportiounall deutie astrictit to be payit for the saids teands personage and vicarage mentionat and sett down in his richtis and securities of the samen according to the rate and quantitie of the saids lands allendarlie and that be confirmatiounes only Quhilkis confirmatiounis of the laful and imediat superior the said Laurence

Oliphant binds and obleiss him and his foirsaidis to pnrehes proeure and obtaine vpon his awin proper moyen eharges and expenss And becans that Lillias Grahame mother to the said Lanrence Oliphant standis provydit and infeft in lyfrent dnreing all the dayes of hir lyfytyme in all and haill the saidis landis of Cluthiemoir Newmylne and Rosse with the pertinentis Thairfoir the said Laurence Oliphant binds and obleisses him and his foirsaidis to dewlie and sufficientlie infeft and sease the said Maistres Lillias Oliphant his future spous in lyfrent for all the dayes of hir lyfytyme in all and haill the landis and barony of Culgask comprehending all and haill the landis commonnlie callit the Maines of Culgask—the Drum off Culgask als weill the west end as the east end, Chappellhillwood and medow off Culgask the Forrester land and ward lyand within the said wood houssis biggingis yeardis toftis croftis pairtis pendiclis and pertinentis quhatsomeuer with the Mylne of Culgask mylne landis thairof multoris and sequellis of the samen all and haill these tna pairtis or portiounes of land callit Preistis croft and Scheavingbusses with thair pertinentis lyand within the barony of Culgask Stewartries of Stratherne and Huntingtonr and schireffdomc of Perth and that be seuerall infeftmentis ane thairof to be haldin of the said Laurence Oliphant his aires and successoris in frie blench ffor yeirlie payment of ane pennymoney Seottis at the feast of Witsunday in name of blench ferme gif it beis askit allenarly and the wther of the saidis infeftmentis to be haldin of the said Laurence his lafull and immediat superior of the samen landis siclyk in semblable maner and als frielie in all respectis as he his authoris and predicessoris held or haldis the samen themselffis and that be confirmatioun lykewayes to be purchest and acqnyred be the said Lanrence and his foirsaidis vpon thair awin proper moyen chargis and expenss and that in speciall warrandice and securitie of the saidis landis of Cluthiemoir Rosse and Newmylne dureing all the dayes of the said Lillias Grahame her lyfytyme sua that it sall be lesome to the said Maistres Lillias Oliphant efter the deceasse of the said Laurence Oliphant in ease it please God sho sall happin to surviue him to bruik joyse and possesse all and haill the saidis landis and barony of Culgask comprehending the particual landis mylne wood and wtheris abonewrettin intromett with wplift and receawe the mealles fermes keanes eustomes easualities and duties thairof dureing all the dayes of the said Lillias Graham her lyfytyme att the least sa meikill thairof as sall extende and be equivalent to the haill mealles fermes keanes eustomes casualities and duties of the saidis haill landis of Cluthiemoir Rosse Newmylne multoris and sequellis of the samen provydit to the said Maistres Lillias in lyfrent as said is Quhilkis infeftmentis and either of them sall conteine speciall clauses of warrandice and all wtheris clauses necessar as effeires Lykeas the said Laurence Oliphant of Gask bindis and obleisses his aires alsweill maill taillie and provisioun as of lyne successoris and assigneyis quhatsomeuer to warrand acqnyett and defend all and haill the foirnamed landis mylnes woodis and wtheris respectiue abouespecifeit both principall and warrandice in maner abouementionat to be frie saiff and sure to the said Maistres Lillias Oliphant in lyfrent dureing all the dayes of hir lyfytyme att all handis haveing or pretending

to have cntress thairto and againes all deadlie (exceptand alwayes the said Lillias Grahame hir infeftment of lyfrent of the saidis landis of Cluthiemoir Rosse and Newmylne and pertinentis ffor the quhilkis the saidis landis and barony of Culgask is given in warrandice in manere foirsaid With this expresse provisioun and declaratioun alwayes that immediatlie efter the deceas of the said Lillias Grahame or hir lafull renunciatioun and ouergiveing of hir lyfrent richt of all and hail the saidis landis of Cluthiemoir Rosse and Newmylne multoris sequellis and pertinentis then and in that caise the foirsaid prouisioun and infeftment off all and hail the saidis landis and barony of Culgask with the pertinentis foirsaidis grantit to the said Maistres Lillias Oliphant in warrandice as said is to expyre and ceasse remaine extinct and ineffectuall in all tyme tbairefter And the said Maistres Lillias Oliphant to have acces and ingres in and to the saidis hail landis of Cluthiemoir Rosse and Newmylne provydit principallie to hir in lyfrent to be brouikit joysit and possest be hir with the saidis landis of Wester Cluthie and Cluthiebeg and thair pertinentis dureing all the dayes of hir lyftyme And theirvpon the said Laurence Oliphant bindis and obleiss him and his foirsaidis to mak seall subscriue and delyuer to the said Maistres Lillias Oliphant the foirsaidis infeftmentis and all and sindrie wtheris wrettis evidentis and securities neidfull for hir securitie iterate doe and renew the samen in sic sure large ampill forme as can be devysit ay and quhill the said Maistres Lillias Oliphant be dewlie and sufficientlie infest in lyfrent in all and hail the saids landis and wtheris abouewrettin principall and warrandice and be maid perfytlie sicker and sure thairof And for the said Maistres Lillias hir better securitie of the premisses the said Laurence Oliphant of Gask binds and obleisses him and his foirsaidis to purches procure and obtaine himselff dewlie infest entrit and seasit in all and sindrie the foirnamed landis mylnes woodis and wtheris respectiue abouewretin and to delyuer to the said Maistres Lillias autentik doubillis and transumptis of his seasingis of the samen to be keipit be hir with hir awin infeftmentis of lyfrent grantit to hir thairvpoun Quhilkis infeftmentis and provisioun of lyfrent of the saidis landis of Cluthiemoir Rosse Newmylne Wester Cluthie and Cluthiebeg with the pertinentis sall stand and be in full contentatioun and satisfacioun off all terce and wther lyfrent richt competent to the said Maistres Lillias Oliphant or quhilk she may ask sute or acclaim of any wther landis tenementis or annuallrentis perteining to the said Laurence Oliphant of Gask the tyme of his deceasse (incase it sall happin hir to surviue him) quhatsomeuer maner of day For the quhilkis causes the said noble lord Patrick Lord Oliphant as principall and with him Sir Patrik Douglas of Kilspindie Knycht and Thomas Tyrie of Drumkilbo as cautioneris souerties full and principall debtouris for him bindis and obleisses them thair aires alsweill maill taille provisioun as of lyue successoris assigneyis and intromettaris with thair landis rentis gudes and gear coniunctlie and seuerally to content pay and delyuer to the said Laurence Oliphant of Gask his aires executouris or assigneyis the hail soume of aucht thousand markis gude and vsuall money of Scotland in maner and at the termes following That is to say

the soume of tua thousand markis money thairof at the feist and terme of Witsunday nixtcome in this instant yeir of God j^m vj^e threttie four yeiris the soume of wther tua thousand markis money thairof att the feast and terme of Mertimes nixt thairefter the soume of wther tua thousand markis money of the samen att the feast and terme of Witsunday nixt thairefter in the yeir of God j^m vj^e threttie fyve yeiris and the remanent soume off tua thousand markis in full and compleit payment of the said haill soume of aucht thousand markis money at the feast and terme of Mertimes nixt thairefter in the samen yeir but longer delay and that in name of tocher with the said Maistres Lillias and in full and compleit payment contentatioune and satisfacioun off all guids gear debtis soumes of money insicht plenishing and wtheris quhatsomeuer fallin and perteing to the said Maistres Lillias or quhilk sche may ask sute or acclaim be and throw the deceasse of vmquhill Dame Elizabeth Cheyne sometyme spous to the said noble Lord hir mother. as executrix datiuie confermit to hir or be ony testat legacie or latter will or quhatsomeuer wther maner of way And siclyke in full and compleit contentatioun and satisfacioun off all wtheris landis soumes of money annuallrentis and wtheris prouisiouns quhatsomeuer quhairto the said Maistres Lillias is provydit alreadie be quhatsomeuer infeftment wreatt prouisioun or conditioun quhatsomeuer maner of way Quhairvpon the said Maistres Lillias and the said Laurence Oliphant of Gask hir future spous for his entres thair aires and successoris sall be haldin and astrictit to grant sufficient renunceatiounes and discharges as they sall be requyrit to that effect in favouris of the said noble Lord and his foirsaidis in dew and competent forme With this expresse provisioun and declaratioun alwayes that notwithstanding of the former clause and conditioun beand the foirsaid soume of aucht thousand markis of tocher abouewrettin to be in full contentatioun and satisfacioun of the haill premisses as is abouespecifeit It is heirby expreslie provydit and declairit that incase it sall happin the said Patrik Lord Oliphant to deceas without aires maill lafullie procreat of his awin bodie that the said Maistres Lillias sall succeid as air and executrix portionar with the haill remanent bairnes female that sall happin to be lafully procreat be the said noble Lord to all and quhatsomeuer landis annuallrentis debtis soumes of money gudes gear and wtheris quhatsomeuer that sall happin to perteine to the said noble Lord the tyme of his deceas Nather yit sall it be preiudiciall to ony legacie or latterwill to be maid by the said noble Lord in favouris of the said Maistres Lillias and hir said future spous and thair foirsaidis And sic lyk it is expreslie provydit that incase it sall happin the said Laurence Oliphant of Gask to deceasse without aires maill lafully procreat of his bodie betuix him and the said Maistres Lillias his future spous then and in that case the aires maill and successoris quhatsomeuer succeding to him in his landis and heritages sall be haldin and astrictit to content and pay to the aires female that sall happin to be procreat betuix them gif thair be ane the haill soume of tuelff thousand markis money of Scotland and gif thair be ma to the haill remanent equallie amongis thame the soume of wther twelff thousand markis money foirsaid ffor thair better

support to honorabill mariages And heirto both the saidis pairties binds and obleisses them and thair foirsaidis to obserue keip and fullfill this present contract in all pointis ilkane to wtheris hinc inde and the ane pairtie in quhais default it sall happin the samen to be registrat sall content and pay to the wther pairtie the soume of ffyve hundreth markis money foirsaid off liquidat expenses modefeit be them of thair awin consentis Renunceand all wther modificatioun thairanent to be socht Lykeas the said noble Lord binds and obleisses him and his foirsaidis to warrand releive and skaithles keip the saidis landis for him and thair foirsaidis of thair former cautiounrie and of all actioun paine and danger that may follow thairvpon And for the mair securitie baith the saidis pairties are content and consentis that thir presentis be insert and registrat in the buikis of counsell and session or Schireff buikis of Perth to have the strenth of aither of thair decreitis interponit thairto that lettres and executouriallis of horning pointing and warding the ane butt preiudice of the wther may be direct thairon and the horning to pas vpon ane simple charge of sex dayes only and to that effect they mak and constitut thair procuraturis promittentes de rato etc. In witnes quhairof wrettin be Thomas Mairtine wrettar in Perth both the saidis pairties and cautiounaris foirsaidis haif subscriuit thir presentis with thair handis as followis day yeir and place respectiue foirsaidis befor thir witness, Maister George Grahame fear of Inchbrakie, George Bruce of Cultmalindie, Andro Tyrie brother germane to the said Thomas Tyrie cautiounour, Alexander Inglis Schireff deputt of Perth, William Many notar publict, and the said Thomas Mairtine.

G. GRÆME wittnes.
G. BRUCE wittnes.
A. TYRIE wittnes.
A. INGLIS wittnes.
W. MANY notar witness.
T. MAIRTINE wittnes.

L. OLIPHANTT of Gask.
OLIPHANT.
S^r PATRIK DOUGLAS.
T. TYRIE cationer.

82.2.1, f. 76

201. NOTE of CERTAIN ACCOUNTS of the LAIRD and LADY of GASK in 1645 and 1646.

August 11, 1647. Compt of the Laird and Lady Gask thair mantainance the monethis of December 1645, Januar, Februar, Marche, Aprile, Maij, June, and Julij, 1646, payable furthe of the Landis within the paroches vnderwrettin.

Laird of Gask his mantainance in the paroch of Findowgask the said aught monethis is

¹The interest attaching to these "items" warrants an expression of regret that the sums belonging to each, especially in the Discharge,

were not inserted in the original paper, which, though carefully written, seems to have been only a private memorandum.

The Lady Gask her mantainance in that paroehe the said space is
 The Laird of Gask his mantainance in the paroehe of Trinite Gask is
 Summa charge is

Discharge.

Imprimis. To Patrik Ros for the mantainance of December as his tiekit of receipt thairon dated the 6th of Aprile 1646 bearis

Item. Mair to him anc billet for the moneth of Januar as his tiekit of receipt thairon bears

There is of superplus in this billet

Item. To four Trowpes of Dalhousies Regiment fra the 5 of Marche to the 14th thair of 17 bollis Aittis 2 bollis Peas with 40 threave of Stray at the boll is

As James Daniestoun Regiment Scriver his billet dated 18 of Marche 1646 bearis being lying at the seige of Kincairdin for the tyme

Item. To Lietennant Colonell Innes at that tyme Midletoun lay at the house of Kinkairdin aucht bollis Aittis with twa Ky and ane halfe as his billet bearis dated at Ochterardour in Marche 1646 pryce of the boll aittis with the stray and of the Kowis inde

Item. For quartering of 120 horse of Kirkudbrightis Regiment for the space of 24 houris as Rmt. Mr Gray his billet dated 19 of Marche bearis is

Item. For the quarteris of 50 horse and men of Lanerkis Regiment thrie dayes as W^m. Wilsoun quarter master his billet dated 25 of Maij bearis

Item. For the quarteris of 60 horse with thair Ryden of my Lord Lanerkis owne Trowpe the space of thrie dayes as qr Mr Robert Loehart his billet dated the 25 of Maij 1646

Item. For assisting quarteris to the Trowpe of the Marques Argyles Lievegaird in the moneth of Maij 1646 conforme to the billet subscribit be Cap: Mure

Ch. B. 2085. 202. REGISTERED OBLIGATION by LILLIAS GRAHAME, relict of LAURENCE OLIPHANT of Gask, to JAMES DRUMMOND of Kildcis. July 25, 1648.

Att Pearthe the sexteine day of Junj j^m vj^e fyftie ane yeires in presens of the Lordis of Counsell compeired personallie Alexander Miller advocat procuratour for Lillias Grahame relete of v^mquhill Lawrence Oliphant of Gaske and geaue in the band vnderwrittin desyreing the samyne to be insert and registrat in the buikes of counsell and seassione to heaue the strengthe of their decretit that lettres of horneing may pas theirvpon on ane simpill charge of sex dayes in mainer thairin conteneid The quhilk desyre the saidis Lordis thought ressonable and theirfoir hes ordeined and ordeines the said band to be insert and registrat in thair saidis buikis of counsell and sessione decernes the samyne to heaue the strength of thair decretit and ordeines letteris to be directit heirvpon one ane simpill charge of sex dayes in maner thairin conteneid quhairof the tennour followes:—I Lillias Grahame relict of

vmquhill Lawrance Oliphant of Gaske grantes me to be justly adebtit and restand awaend to Maister James Drommond of Kildeis the sowme of six hundreth merkes mony of this realme of quhilk sowme I faithfullie binde and obleise me my aires executouris assignayes successors and intrometoris with my goods and geire quhatsumevere or aney pairte thairoff to thankfullie contente pay and delyvere to the said Maister James Drommond his aires executouris or assignayes betuixt the day and dait heirof and the feaste and terme of Witsunday in the yeire of God j^m vj^e and fourtie nyne ycires but longer delay togidder with the sowme of ffourtie pundis mony abouevertin as for expencess incaice of failzie and also annual rente theirfoire efter the terme of payment foirsaid conforme to the act of parliament but prejudice of executione heireof at the said terme but requisitione And for secretie I ame content that thir presents be registrat in the buikes of counsell and sessione to heaue the strength of ane decreit of the Lordis theirtoff interponit thairto that lettres and executoriallis of poyndeing warding and horneinge vpon sex dayes may be directit theirvpon as effeires and to that effecte constitutes Alexander Miller my procuratour promittens de ratorj. In wittnes quhairoff theis presents are written be John Kaine wrytter to his maiesteis signet and subscriyvit with my hand att Clithie twentie fyve day of Jullie j^m vj^e fourtie eicht yeires befoire thir wittnessis, Alexander Oliphant in Cleithie, and David Drommond servitor to the said Mr James Drommond, and Gavene Drommond brother germene to the said Maister James inserter of the dait and witnessis. Sic subcribitur, Lilius Grame, G. Dromond wittnes. Dauid Dromond wittnes.

Extractum,—M. DAVID HAY for Ja. Balfour.

203. EXTRACT MINUTE subscribed by the PRESBYTERY OF AUCHTERARDER exonerating LAURENCE OLIPHANT of Gask.

KINKELL, December 20, 1648.

The which day compeired before the brethren of the Presbiterie Laurence Olyphant of Gask who did most humble confes and acknowledge before God that he wes sorrowfull and griued at his soull for subscriyving that wnlawfull band¹ for mantenance the iniust Acts of Parliamcnt which he conceaued then (becaus ther

¹ This, it will be understood, was the Treaty between the Scottish Commissioners and the unfortunate Charles, which occasioned great division in Scotland. In connection with the above document, it is a curious fact that nearly all the divines who subscribe it were themselves under process for having "subscriyved the said unlawfull engadgment." George Muschet, John Graham, John Murray, James Govan, James Graham, and

Archibald Drummond were actually deposed, and had humbly on their knees to confess the justice of their sentence, and sorrow and repentance, before readmission to their official position.

The Moderator was minister at Madderty, and Mr Friebairn of Gask was his son. The minister at Muckart was the son of Mr James Govan of Blackford.

wes no publict Act of the Kirk emitted in the contrair) not to be preiudiciall to the Covenant or his former profession quhairin he had kythed faithfull and suffired thairfore As lykwayes he gaued in a declaratioune written and subscrueid with his owen hand to this sense that howsoeuer in the day of temptatioune heeng threatned with loss of lyfe and fortune he did put his hand to that band yit he did then protest before the Committie of the Shyre that he did it only in so farre as it agried with the Couenant and yit notwithstanding of this his protestatioune which he iudged then sould haue bene ane exoneratioune of any wnlaufullness contained thairin or intendit thairby which throw weaknes he could not then perceaue he wes sorrie at his heart for his rashnes and did ingenuously confes and repent the sinfullnes thair of promising be Gods grace neuer to fall in the lyke error againe and desyring most earnestly that the Presbiterie wold suffer him to renew his Covenant with God at the doing quhair of he sould publictly quhair he had given offence declare his repentance for it Which the brethren taking to ther consideratioune wer fullie satisfied thairwt becaus as they knew him to be one who had faithfully adhered to the caus and Covenant befor that and that so soone as he knew his error by the Kirkis declaratioune he did oppose both be word and deid the wnlaufull ingadgement in so far as he could they ordeined him to be admitted to the Covenant and this to be insert in the Presbiterie bookis and that he sould haue the extract thair of subscrut by the brethren.

Mr RO. FRIBAIRNE Mr at Gask.	Mr FRIEBAIRNE Moderator.
Mr GEORGE MORAY Minister at Fowles.	Mr GEORGE MUSCHETT Mr at Donyng.
Mr JO. GOUENE Minister at Muckart.	Mr J. GRAHAME Minr at Aughterardore.
Mr A. DRUMMOND Minr att Muthill.	Mr JOHNE MURRY M at Kinkell.
Mr W. WEMYSS Mr at Monivaird.	Mr J. GOVANE Mr at Blakfoord.
Mr A. KIRK Mr at Glendovene.	Mr J. GRAHAME Mr at Comrie.
	Mr A. DRUMMOND Minister at Creiff.

204. DECRET OF THE COMMISSIONERS OF TEINDS anent Stipend for the Kirk of Findogask. February 28, 1650.

At Edinburgh the twentie eight day off February the yeare of God j^m vj^e and fiftie yearis The quhilk day in presence of his Maiesties Commissiouneris of parliament appoyntit for the valuatioune of Teindis and plantatioune of Kirkis vndirwrittin, They are to say, John Earle of Lowdoune, Heigh Chancellor of Scotland, Archihald Marqueis of Argyle, Alexander Earle of Eglintoun, John Earle of Cassills, William Earle of Lowthiane, Robert Viscount of Arnhuthnit, Archbald Lord Angous, John Lord Borthwick, Rohert Lord Burlie, James Lord Cowpar, Alexander Lord Balcaras, Sir Archbald Johnstoune of Waristoune knycht, clerk of Register, Sir Adam Hepburne of Humbie, Sir James Hope of

Hoptoune, Alexander Brodie of that ilk, Mr John Winrahame of Libbertoune, John Dicksoune of Hartrie senatoris off the colledg off Justice, Arthour Erskine of Scottiscraig, Sir Charles Erskine of Alveth, knycht, Sir Thomas Ruthven of Frieland, Sir Hew Campbell of Cesnock, Sir Thomas Ker of Cavers, Sir William Cunnyngname of Cunnyngname, Sir David Home of Weddirburne, Sir John Wauchope off Niddrie, George Dundas of Dudingstoune, John Schaw of Greinock, Androw Agnew Schireff of Galloway, Sir John Cheishie of Kerswall, knycht, Mr John Dicksoune of Busbie, Sir James Stewart, proveist of Edinburgh, Robert Lockhart burges of Edinburgh, Mr James Campbell burges of Dumbartane and Gideon Jack burges of Lanark Anent the sumondis raisit att the instance of Mr Robert Fribairne minister at Findowgask within the prèsbetrie of Aughterairdour againes Lawrence Oliphant off Gask and Mr Frances Hay of Balhousie makand mention that quhair the said persewar is bot meanlie provydeit for his service of the cure att the said Kirk and his present stipend being far within the quantitie and proportioun of the severall actis of parliament conceavit in favoris of ministeris it is thairfore necessar and expedient that ane competent augmentatioun be modifiet and grantit to the said persewar and his successoris ministeris serving the cure att the said Kirk according to the greatnes of his chairge and sufficiencie of frie teind within the said parochie with ane sufficient modificatioun for furnishing the communioun elementis and ane constant localitie beine designit be the saidis Commissiouneris and that this may be the bettir done it is requisite that trew tryell be takin of the worth of the teindis within the said parochie ffor the more speedie tryell quhair of and for eschewing of longsome and tedious proces the said persewar is content to make the titullarie takismen and heretoris of the said parochie thair awin judgis by referring the worth both of stock and teind of thair haill landis to thair aithes of veritie simpliciter And anent the chairge givin to the saidis persounes defendaris to haue compeirit before the saidis Commissiouneris att ane certaine day bygane to haue deponit and givin thair aithes of veritie vpon the just and trew worth and constant rent of the haill landis within the said parochie in stock and teindis and to haue heard and seine ane competent augmentatioun modifiet and grantit to the said persewar and his successoris ministeris serving the cure att the said [Kirk] of his present stipend with ane sufficient modificatioun for furnishing the communioun elementis and ane constant localitie beine setlit and designit thair of and als to haue heard and seine the benefite of the lait act of parliament grantit in favoris of ministeris in the yeare of God j^m vj^c fourtie nyne yearis lastbypast lykewayis grantit to the said persewar and his forsaidis or els to haue schawin ane reassonnable caus quhy the samyne sould not haue beine done with certificatioun to thaim gif they failziet the saidis Commissiouneris wald hald thaim as confest vpon ane rentall to haue beine givin in be the said persewar and wald modifie and grant augmentatioun modifiet for the elementis and setle the localitie and grant the benefite of the said lait act in maner forsaid as the said summondis dewlie execute and indorsit att maire lenth bearis Quhilk being callit this day and the

said persewar compeirand be Mr Patrick and Johne Pitcairnes and the saidis defendaris compeirand be Mr Petir Weddirburne advocat thair procuratour the rightis reassounes and allegatiounes of all pairties being heard and considerit be the saidis Commissiouneris and they being thairwith weill and rypelie advyseit and finding competencie of frie teind within the said parochine with consent of pairties they haue modifiet lykeas be thir presentis they modifie thrie chalderis victuall twa pairt meall and thrid pairt beare of the mett and mesur of Linlithgow ffyve hundereth merkis of money and twentie pundis for the communioune elementis allowing his old stipend in pairt of payment thairof to be now and in all tyme comming the constant stipend and provisioune of the said Kirk off Findowgask in full contentatioune and satisfactiounes of all farder stipend and augmentatioune the said persewar can ask or crave furth of the teindis of the landis within the said parochine but prejudice of any farder augmentatioune out of vther landis that sall happin to be annexed to the said parochine off Findowgask the forsaid silver to be yeirlie payit at the feist and terme of Mertymes and the victuall betwixt Yuile and Candillmes eftir the seperatioune of the cropt from the ground and his entrie thairto to be and begin with the cropt and yeare of God j^m vj^c fourtie nyne yeiris but prejudice of the by runis of his old stipend restand awchtand vnpayit becaus the saidis Commissiouneris fand competencie of frie teind within the said parochine and that the said Mr Piter Weddirburne procuratour forsaid for the saidis Lawrence Oliphant of Gask and Mr Francis Hay of Balhoussie consentit to the foirsaid stipend and augmentatioune And in respect of the powar and commissiounes grantit to the saidis Commissiouneris be the lait act of parliament for modifieing of ministeris stipendis thairfore the saidis Commissiouneris modifiet in maner forsaid and ordaines lettres to be direct heirvpon ane simple charge of fyfteine dayis allenarlie charging the heretoris fewaris lyfrentaris titularis takismen possessvris and intromettoris with the teindis of the landis within the said parochine and thair successoris in the right thairof to redilie ansuer obey and make gude and tymous payment of the soumes of money and quantities of victuall of the qualitie mesur and att the termis respectiue forsaidis out of the first and rediest of the teindis of the landis within the said parochine ay and quhill the localitie thairof be setlit and establishit. Extractum de libris actorum commissiounes per me.—Mr THO: MURRAY.

82.2.1, f90 205. RECEIPT OF FEES for the title of Knight to SIR LAURENCE OLIPHANT of Gask. January 10, 1651.

I Sir James Balfour of Kinnaird Knycht Lyoun King of Armes for my self and in name of the remanent Heraldis and Pursevantis granttis me be the tennour heirot to haue resaut frone the handis of Sir Lowrance Oliphant of Gask Knycht the sowme of ane hundrethe merkis money Scottis and that for his feis dew to

me and the saidis Heraldis and Pursevantis for his honour and titill of Knycht conferid vpon him be the Kingis Maiestie exoneris and dischairges him and all wtheris thairoff quhom it efferis be thir presentis wrettin be Andro Lytilcoline Ross Herauld I haue subscriuit the samen with my hand att Perth the tent day of Januar 1651 yeiris.

S^r JA. BALFOUR Lyone.

cl. B. 1977.

206. OBLIGATION by PATRICK LORD OLIPHANT to refund the Expenses of Evicting the Lands of Pitnappie. July 7, 1652.

I Patrik Lord Oliphant be the tenor heiroff bindis and oblissis me my airis executouris and assignayis to refund to such chairges and expenssis as he sall happin to wair and depurse in persuit at my instanc for ewicting of the lands of Pitnapie lyand within the parochin of Newtyle and schirefdom of Forfar fra the airis and assignayis of vmquhill Archbald Scrymgeour of Milhoill or any vther persoun quhatsumevir in possessioun of the saidis landis pretending entrese thairto In witnese quhairof I haue subscriuit thir presentis with my hand at Fordey the sevint of Julij 1652 yeiris befor thir witnessis, Mr David Falconer of Glenfarg, and Johne Innes of Knokorth.

OLIPHANT

M. D. FALCONAR witness.
JOHNN INNES witness and wrytter heirof.

82.2.1, f. 100

207. INSTRUMENT OF REQUISITION by SIR LAURENCE OLIPHANT of Gask to WILLIAM BLAIR of Kinfauns, for Relief from Action at the instance of the Schoolmaster of Madderty. November 29, 1655.

At Perth the tuentie nynt day November j^m vj^c and ffyftie ffyve yeires Quhilk day in presence of me notar publict and witnessis wnderwrittin compeirit personally Sir Lawrence Oliphant of Gask Knycht and past to the personall presence of Williame Blair of Kinfaunes whair he was walking in the eist end of the Kirk of Perth And thair the said Sir Lawrence requyrit and desyrit the said Williame Blair to ffree releive and defend him of ane actione intentit and depending att the instance of M^r James Grahame minister conjunct with his father in law and schoollmaster att Madertie for his fies as schooll master thair And quhilk the said William was obleidgit to doe conforme to ane contract of aljenatioune maid and past betuixt them of the daitt the day of Junij j^m vj^c and ffyftie tua yeires To the quhilk the said William Blair ansuerit he would free and releive

him of all he was obleidgit to doe in the samyn contract Whairwpon and wpon the hail premissis the said Sir Laurence askit and tuik instrumentes and mad in the handes of me nottar publict wadersubscryvand Thir thinges was doone yeir day and place foirsaid befor thir witnessis, Patrik Grahame of Inchbreakie, James Oliphant of Souttartoune, and Williame Oliphant, brother germane to Lawrence Oliphant att the Mylne of Gask, withe diveres wthires.

I Williame Robertsons nottar publict affirme the premissis to be of veretie becaus I was callit and requyrit thairto and tuik ane not thairof.—

W. ROBERTSON.

Ch. B. 1533
208. CHARTER by PATRICK LORD OLIPHANT to SIR LAURENCE OLIPHANT of Gask of the Lands of Pitneppie. August 5, 1658.

To all and sindrie who hearis or sies this present chartor Patrik Lord Oliphant sone and air lawfullie served and retoured to the deceast Johne Maister of Oliphant my father heretabill proprietar of the landis and wtheres vnderwretting greeting in God everlasting Wit ye me ffor impleament and fulfilling of that my ane pairt anent the granting of this present chartor of the letteris of alienatione and dispositione maid and grauted be me to Sir Laurence Oliphant of Gask Knight my sone in law of the dait of thir presentis and for ane certane sowme of money payed and delyvered be him to me quherof I grant the receipt and discharges him therof to have sauld annalized and disponed and be this my present chartor confirmed and be the tenor heirof sellis annalizes and disponis and be this my present chartor confirmis to the said Sir Laurence Oliphant his aires and assigneyes whatsumever heretabill and irredimabill but any maner of reversione redemptione or regres All and hail the toun and landis of Pitneppie with houssis biginges yeardis toftis croftis pairtis pendicles moissis mwires meddowes and pertinentis of the samyn whatsumever lyand within the parochine of Newtyle and schireffdome of Forfar To be hauldine and to be had all and heall the said toun and landis of Pitneppie with houssis biginges yeardis pairtis pendicles and pertinentis of the samyn lyand as said is to the said Sir Laurence Oliphant his aires and assigneyes forsaides ffra me my aires and successors of my imediat lawfull superiors of the saidis landis and ther successors in fie and heretage perpetuallie be all richt meithes and merches thereof and devydit as the samen lyeth in lenthe and breid in houssis biginges yeardis toftis croftis howis planes mwires moissis marresis wayes passages watteris stankis riveris meddowes pasturages mylnis multeris and ther sequelis halkeing hounting fisching turves peattis coallis coalheuchis cunings cuninghars dows dowkottis smyddies aillhouss brewseattis broomes voodis fforrestis busches schawes tymbre quarrellis stean and lyme with courtis vnlawes therof and ther herelzelds bloodiweettis and amerchiamentes thairof with common pasturage frie ischa and enterie and with all and sindrie wther liberties commodities proffittes

easmentis and richteous pertinents whatsumever alsweill not named as named alsweill vnder the earth as above the samyn ffar and nar to the saidis landis with the pertinentis belonging or that is knowen justlie to appertinc and belong thairto howsoever in tym comcing ffreilie quyetlie weell and in peace but any revocatione contradictione impediment or obstacle whatsumever. Givand therfoir yeirlie the said Sir Laurence Oliphant his aires and assigneyes forsaides to my said imediat lawfull superiores of the saidis landis and ther successors the deweties and services contined in the originall Infestmentis of the saidis landis and relivand me and my forsaides thairof ffor all wther burdcing exactione question or demande whilkis may be askit or creavit be whomsoever furthe of the saidis landis or any pairt therof in tym cumeing And I fforsuith the said Patrik Lord Oliphant bind and obleis me my aires and successors to warrand accquyet and defend all and heall the said toun and landis of Pitneppie with pairtis pendicles and pertinentis thairof lyand as said is to the said Sir Laurence Oliphant and his forsaides ffra my awine proper fact and deed allenerlie Attour to my lovittes and ilk ane of yow conjunctlie and severallie my baillies in that pairt speciallic constitut greeting It is my will and I command and charge yow that incontinent this my precept sein ye pas without delay and give state and seasine heretabill with actuall reall and corporall possessione off all and heall the said toun and landis of Pitneppie with pairtis pendicles and pertinents thairof lyand as said is to the said Sir Laurence Oliphant or to his certane actorney or actorneyes berares heiroy in his name be delyverance to them of earth and stean of the saidis landis as vse is in forme of law efter the forme and tenor of this my chartor maid to him thairon in all poyntes and this on nawaycs ye ommit or leave vndone as ye will ansuer to me therupon The whilk to doe I commit to yow my saidis baillies in that pairt conjunctlie and severallie as said is my full and irrevocabill power In witnes wherof to this present charter (wrettin be David Duncan wrytir in Perth) I have subscriyved the samyn with my hand my proper seall is heirto appendit att Perth the ffyft day of August the yeir of God j^m vi^e ffyftie eight yeires Befor thir witness John Innes of Knokorth, Archibald Arnot, William Robertson notars in Perth, and the said David Duncan.

OLIPHANT.

JOHN INNES, witnes.

A. ARNOTT, witnes.

DA: DUNCAN, witnes.

W. ROBERTSONE, witnes.

82.2.1, f.110 209. DISCHARGE by MARGARET BISSET in Perth to SIR LAURENCE OLIPHANT of Gask, of the Apprentice-fee of WILLIAM OLIPHANT his nephew. July 3, 1660.

I Margarett Bisset, relict of the deceist Androw Reid merchant burges of Perth be thir presentis grant aud consed me to have receavit from Sir Lowrence Oliphant of Gaske all and hail the soume of thrie huudreth merkis Scots money as the prentisefie agriet vpon betuixt the said Sir Lourens and me with William Oliphant sone lawfull to the deceist William Oliphant brother germaue to the said Sir Laurens conforme to the indenter subscriuit with our handes of the dait the tuentie fourth of Maij j^m vj^e and sixtie yeirs. And therfor I for me my aires and successores exoner quytclame and simpliciter discharge the said Sir Laurence Oliphant and the said William Oliphant my said prentise ther aires executores and assignes and all wther whom it effeirs of the said soume of thrie huudreth merkis money foresaid as the said prentise fie conforme to the said indenter for now and ever. In wites quhair of writtin be Alexander Nairne uotar in Perth and subscriuit be me att Perth the thrid day of Julie j^m vj^e and sixtie yeirs beffor thir witneissis, John Row merchant burges of Perth, and the said Alexander Nairne.

Jo: Row wites.

MARGARET BISSET.

ALEXR: NAIRNE witness.

Cl. B. 1989-9. 210. CONTRACT OF MARRIAGE between LAURENCE OLIPHANT, Younger of Gask, and ANNA PRESTON, Daughter of SIR GEORGE PRESTON of Valleyfield, July 19, 1661.

Att Edinburgh the nyntein day of July the yere of God j^m vj^e and sixtie ane yeirs It is appoyntit aggried and finallie contractit betwixt the pairties following They ar to say Mr Lawrence Oliphant secund lawfull sone to Sir Lawrence Oliphant of Gask Knicht to whom and in whais favoures the lands and others wuderwrittin and certane other lands ar disponit in fie be the said Sir Lawrence Oliphant with advyce aud consent of Patrik Oliphant his eldest lawfull soue conforme to the contract of alienatioun past betwixt the saids pairties one the aue and other pairts of the dait the sext and tuentie dayes of Maij and saxt day of January j^m vj^e and fiftie sevine yeirs with [the] speciall advyce and consent of the said Sir Lawrence Oliphant his father and of Dame Lillias Oliphant his spous and the said Sir Lawrence takand burding in and wpou him for his said spous and soue and they all with ane mutuall consent and assent one the ane part And Anna Prestou secund lauffull daughter to Sir George Prestoun of Vallyfeild Knicht for hir self and with the speciall advyce and consent of Sir George Preston hir father

and of Dame Marion Sempill his spous hir mother and the said Sir George for himself and takand burding in and wpon him for the said Anna Prestoun his daughter and they all with ane mutuall consent and assent one the other pairt in mainer forme and effect as efter followis That is to say the saids Mr Lawrence Oliphant and Anna Preston ar (God willing) to solemnizat and compleat the holy band of mariage ather of them with others conforme to the ordor of the Kirk of Scotland and that betwixt the dait heirop and the [blank in MS.] day of [blank in MS.] In contemplation of the quhilk marriage for the pairt of the said Mr Lawrence Oliphant the said Sir Lawrence and he binds and obleissis them with all convenient diligence to procurc the said Mr Lawrence to be dewlie and lauffullie infest and seasit in all and hail the lands and others underwritten be vertew and wpon the procuratorie of resignatioun contenid in the foirnamit contract of alienatioun to be haldin in mainer thairin specifeit And thairwith also to procure and obtien the said Anna Prestoun future spous to the said Mr Lawrence in hir pairt virginitie infest and seasit in conjunctie and lyfrent with the said Mr Lawrence during all the dayes of hir lyfytyme and the airs male lauffullie to be procreat betwixt them quibilkis failzeing to the said Mr Lawrence his nariest and lauffull airs male and assignayis quahatsomever In all and hail the lands and barronie of Coulgask comprehending thairin the maynes of Coulgask all and hail the touns and lands of Drum of Coulgask with the mylne of Coulgask astrict multers and sequils thairof Chaipelhill Woodend callit Fosters laud Priests Croft and Sheaving Busses with houssis biggings yeards orchyeards midowes woods parks pairts pendicles and pertinents of the same quahatsomever lyand within the paroshine of Trinitiegask and shirrefdome of Pearth as for the principall and in speciall claus of warrandice and securitie thairof in all and hail the lands and barronie of Abruthven with the mylne mylne lands and sequils thairof and multers with the salmond fishing wpon the water of Earne woods pairts pendicles and pertinents of the same lyand within the shirrefdome foirsaid reservand alwayes to the said Sir Lawrence for his lyfytyme and the said Mr Lawrence and his airs male foirsaid the growing woods wpon the saids lands Togidder with the Russie waird in the west end of the bog of Williamstoun. And sicklyk in all and hail the lands of Wester Dubheids somtyme perteining to wmqhill Mr Walter Neish with houssis biggings yeards ariages cariages kayne foulls tofts crofts outsets insets pairts pendicles and hail pertinents thairof lyand within the paroshine of Madertie and shirrefdome foirsaid And to the effect the said Anna Prestoun may be the better infest in conjunct fie or lyfrent with hir said future spous in the foirnamit lands and others abovewrittin with the pertinents to be haldin of the immediat lauffull superiors thairof the said Mr Lawrence now as if he war already infest and scasit in the foirsaid lands and others abovewrittin with the pertinents now as then and then as now the said Mr Lawrence with advyce and consent of the said Sir Lawrence his father and of the said Dame Lillias Oliphant his mother and they all with ane mutuall consent and assent have maid constitute and ordained and be thir presents maik constitutes and ordaines

And ilk ane of them conjunctlie and severallie thair verie lanfull indoubtit and irrevocable procurators actors factors messengers and speciall erandbearers to the effect wnderwrittin giveand grantand committand to them and ilk ane of them conjunctlie and severallie thair full frie plain power expres bidding mandiment and charge for them in thair name and wpon thair behalfe to compeir personallie before the imediat lauffull superiors of the foirsaidis lands respectiuelie abovewrittin with the pertinents or before thair commissioners appoyntit be them for receaving of resignatiouns in thair names at quhatsomever tyme and place convenient and thair with sick dew reverence and humilitie as becnmes to resigne renunce surrender and simpliciter wpgive overgive and delyver puirlye and simple be staf and baston as use is Lykas be the tennour heirof the said Mr Lawrence Oliphant with consent of his said father and mother and they all with ane consent and assent instantlie resignes surranders and simpliciter wpgives overgives and delyvers all and haill his lands and barronie of Coulgask with the mylne of Coulgask comprehending theirin the saids maynes of Coulgask all and haill the said toun and lands of Drum of Congask with the said mylne of Congask astrict multers and seqnils thairof Chaipelhill Woodend callit the Fosters lands Priests Croft and Sheaving Busses with honssis biggings yairds pairts pendicles and pertinents thairof lyand as said is as for the principall and all and haill the saids lands of Abruthven with the mylne mylne lands and seqnils thairof with the said salmond fishing wpon the said water of Earne pairts pendicles and pertinents thairof also lyand as said is disponed in warrandice of the saids lands and barronie of Gask and pertinents thairof foirsaid comprehending thairin as said is and all and haill the saids lands of Wester Dubheids with houssis biggings yeards ariages cariages keyne foulls tofts crofts outsets insets pairts pendicles and haill pertinents thairof lyand as said is in the hands of the immediat lauffull superiors thairof thair aris and sccessors or in the hands of thair commissioners foirsaidis having power to receive resignations in thair names in favoures and for new conjunct and lyfrent infeftment thairof to be made and grantit to the said Mr Lawrence Oliphant and to the said Anna Preston his future spon in sick dew and competent forme as effeirs acts instruments and documents neidfull thairwpon to tak lift ask and raise and generallie all and sundrie other things to doe exerce and vse anent the premissis that the said Mr Lawrence Oliphant his father and mother nicht doe them selves if they wer personallie present and that to the office of procnratorie in sick caiss of the law and consuetude of this realme is known to pertain promitten to hold firme and stable The which conjunct fie or lyfrent infeftment abovewrittin the said Mr Lawrence Oliphant with consent of his said father and mother and they all with ane mutnall consent and assent binds and obleiss them and thair foirsaidis to warrand to the said Anna Preston for hir conjunct fie and lyfrent vse and that the foirnamit lands and others respective abovewrittin heirby provydit to hir for hir joyntor as said is sall be frie saiff and suir to hir dnring hir lyf tyme frae all former bands alienations dispositions privat or pnblic infeftments seasinges wadsets annualrents inhibitions apprysings

lyfrents taks and frae all other incumbrances actions evictions clags clames burdings perrills dangers and inconvenients quhatsomever quhilkis may any wayes stop trwble hinder or impede the said Anna Prestoun frae the peaceable possession bruiking and joyising of the foirnamit lands and others abovewritiu with the pertinents heirby provydit to hir in mainer foirsaidis or wplifting of the maills fermes proffeits and dewties thairof during hir lyftyme efter hir said future spous if the samen sall happin at all hands and aganis all deidlie as law will And for the said Anna Preston hir better securitie of the foirnamit lands abovewrittin provydit to hir as said is the said Sir Lawrence Oliphant binds and obleissis him and his foirsaidis to enter and posses the said Mr Lawrence Oliphant his sone and the said Anna Prestoun his future spous in and to the actuall reall and peaceable possession of all and haill the foirnamit lands and others respective abovewrittin with the pertinents at the terme of Witsunday nixtocum in the yeir of God j^m vj^e and sixtie two yeirs and to the wplifting of the mailles fermes rent proffeits and dewties thairof for the cropt and yeir of God foirsaid and to continew in the peacable possession of the same for both thair provissions and mantinance during the lyftyme of the said Sir Lawrence And farder it is heirby specialie provydit and declarit with consent of both parties that incaice the said Mr Lawrence Oliphant sall depairt this lyf before the said Anna Prestoun and shee thairefter sall happin to be maried to a secund husband that then and in that caice and immediatlie thairefter the said Anna Preston sall have no richt in lyfrent or otherwayes to the saids lands of Wester Dubheids and shoe frae then furth to be altogidder secludit thairfrae sicklyk and as shoe had never bein provydit thairto be vertew of this present contract And sicklyk incaice it sall happin the said Anna Preston to survive hir said future spous reasone and equitie wald that shoe could be provydit to ane duelling hous to live in during hir widowitie Thairfor and in consideration thairof the said Sir Lawrence and Mr Lawrence Oliphant obleiss them to give to hir during widowitie allenarly the vse and possession of the hous of Williamstoun or els they bind and obleidge them and thair foirsaidis to mak good and thankfull peyment to hir during the said tyme of the sowme of ane hundreth merkis Scots money foirsaid for ane hous maill to hir in any place shoe pleases And that in the option of the airs maill of the said Mr Lawrence which lands and others foirsaidis The said Anna Prestoun with consent foirsaid accepts in full satisfaction and contentation to hir of all terss of lands thrid of moveables or others quhatsomever quhilk shoe micht ask or clame throw the deceis of the said Mr Lawrence hir said futur husband And incaice it sall happin at the pleasoir of God that thair sall be na male procreat in the said mariage betwixt the said Mr Lawrence and his said future spous but only daughters and that thair sall happin to be only on doughter then and in that caice the said Mr Lawrence with consent of his said father and they both with ane mutuall consent and assent bind and obleidges them and thair foirsaidis to content and pey to the said only on doughter hir airs executors or assignayis the sowme of aughtein thowsand merks money foirsaid And incaice thair be tuo doughters procreat in the said mariage

then and in that caice the said Mr Lawrence and his said father binds and obleiss them to content and pey to the saids tuo daughters the sowme of tuentie four thowsand merks thairof fyftein thowsand merks to the eldest and nyne thowsand merks to the youngest And if thair be thrie daughters or mare procreat in the said mariage in that caice the said Mr Lawrence Oliphant and his said father and they baith with ane consent as said is binds and obleiss them and thair foirsaidis to content and pey to the saids thrie or mae daughters the sowme of tuentie four thowsand merks money foirsaid amongst them quhairof ten thowsand merks to the eldest of them and the superplus of the said sowme of tuentie four thowsand merks to be equallie devydit amongst the remanent of the saids daughters Quhilkis sowmes respective abovewrittin the said Sir Lawrence and his said sone binds and obleiss them to content and pey to the saids daughters respective above mentionat at the first terme of Witsunday or Mertimes immediatlie efter thair being of the aige of fyftein yeirs compleit and in the meanetyme quhill they and ilk ane of them be of the said aige the said Sir Lawrence and his said sone binds and obleiss them and thair foirsaidis to educat bring wp mantein and intertanne the said daughters in all necessars accordiug to thair rank and qualitie And one the other pairt for the said Ann Preston the said Sir George Prestoun hir father binds and obleisses him his airs exeutors successors and intromettars with his lands rents guidis and geir quhatsomever thankfullie to content pey and delyver to the said Sir Lawrence Oliphant his airis exeutors or assignayis all and hail the sowme of ten thowsand merks Scots money foirsaid in name of toehergood with the said Anna Prestoun in mainer and at the terms following to wit the sowme of tuo thowsand fyve hundreth merks thairof at the feist and terme of Witsunday j^m vj^o and sixtie tua yeirs and the sowme of tua thowsand fyve hundreth merks money foirsaid thairof at the terme of Mertimes thairefter the said yeir and the sowme of tua thowsand fyve hundreth merks money foirsaid thairof at Witsunday thairefter j^m vj^o and thriscoir thrie yeirs and the sowme of tua thowsand fyve hundreth merkis money foirsaid in compleit payment of the said hail sowme at the feist and terme of Mertimes thairefter in the said yeir j^m vj^o and thriscoir thrie Togidder also with the dew and ordinar annualrent of the said principall sowme efter the foirsaidis respective termes of peyment thairof abovewrittin during the not peyment of the same And finallie it is heirby expreslie provydit and declarit that exeutioun sall pas heirwpon if neid beis at the instance of the said Sir George, Robert Lord Sempill, and Williame Preston of Valyfeild younger, or any of them against the said Sir Lawrence and Mr Lawrence Oliphants for fulfilling of thair pairt of this present contract if neid beis And for the mair securitie both the saids pairties ar content and consents thir presents be inseré and registrat in the books of counsell and session or in any other Judges books within this realme to have the strenth of any of thair decreits that letteris of horniug on ane simple charge of ten dayes and others necessar may pas heirwpon And to that effect constitutes

thair procurators promittens de rato etc. In witnes quhairof both the saids pairties

have subscrivit with thair hands thir presents (writtin be James Meikcljon servitor to James Kynneir wrytter to his majesties signet) day yeir moneth and place foirsaid befor thir witnes, Williame Lord Mordingtoun, Robert Lord Sempill, David Lord Cardros, [James] Lord Rollo, Alexander Bruce brother to the Erle of Kincairne, Sir James Lamond of that ilk, Sir George Kinaird of Rossie, Mr Alexander Colvine of Blair Justice-deput, Sir William Thomsone tomn clerk of Edinburgh, Mr Robert Preston of that ilk, etc.

D. LILIAS OLIPHANT.
T. BRUCE, witnes.
J. LUMSDAINE, witnes.
W. BRUCE, witnes.
A. BRUCE, witnes.
BRUCE, witnes.
W. PRESTON, witnes.
R. PRESTON, witnes.
W. THOMSONE, witnes.
A. KOLUINE, witness.
M. FLEMING, witnes.

LAU. OLIPHANT.
ANNA PRESTONE.
S. L. OLIPHANT.
PRESTON.
W. MORDINTON, witnes.
R. SEMPILL, witnes.
MARION SEMPILL.
CARDROSSE, witnes.
ROLLO, witnes.
S. J. LAMOND, witnes.
GO. KINAIRD, wittns.
W. BELLINDEN, witnes.

82.2.1, f. 120

211. DECLARATION by ROBERT GRAHAME of Cairney anent his rights in the Muir of Gask. May 20, 1666.

I Robert Grahame of Cairney doe by the tenor heirof for me and my successouris acknowledge and declair that any privalidge or libertie of casting of turves and diviots within the Muir of Gask and diviot ground thair of I or my mother haid in the saidis Muires and diviot ground thes yeires past was only by the speciall tolleratioun and permissioun of Sir Lanrence Oliphant of Gask Knight and his ancestoris heretable proprietaris and possessouris of the saidis Muiris and diviot ground And doc heirby in lyk maner declair that any precepts and warrands granted by them or any of them to me or my said mother for casting of turves or diviots as said is sall never infer any servitnd vpon the said Sir Laurence Oliphant or his successouris in any tyme cuming but am content to receave yeirlie precepts from the said Sir Laurence and his successouris to his landis and barronie of Gask to which the said Muir and diviot ground doeth onlie belong indnring your owin pleasur allanirlie without any pretext of right or privaledge quhatsumever In witnes qnhaif of I have subseriuit thir presentis wreittin be Williame Whytt notar in Clathie) att Neathercairnie the tuentie day of Maij j^m vj^e thriescoir sex yeires befor thir witnessis, George Mowat, Reader at Gask, and the said William Whytt.

WILL: WHYTT witnes.
GEORGE MOWATT witnes.

R. GREME.

ca. B. 2097. 212. PRINCIPAL CLAUSES of the SUBMISSION and DECREET ARBITRAL anment
the Pow of Inchaffray.¹ April, 1666 and 1672.

DAVID LORD MADERTIE,
SIR ROBERT MURRAY of Abercardny,
SIR LAURENCE OLIPHANT of Gask,
MUNGO GRAHAME of Gorthy,
JOHN GRAHAME of Balgouen,
LAURENCE OLIPHANT of Bachiltoun,
WILLIAM MURRAY fiar of Octirtyre,
MR ANTHONY MURRAY of Woodend,
JAMES OLIPHANT of Soutertoun,
MR JAMES MURRAY minister at Logierate,
PATRICK DRUMMOND of Dubheads,
DAVID MURRAY of Raith,

Submitt to the Determination of

SIR JOHN DRUMMOND of Machany,
WILLIAM BLAIR of Kinfauns,
WILLIAM MURRAY of Keilor,
MR JAMES MURRAY brother to Indermay,

All things in reference to the current of the Pow, proportioning the expenses of the casting and what shall be the satisfaction to be made by any party receiveing ane otheris landis what shall be the manner and expence for keeping of the same voyde and redd in time comeing and also the Burnis and Strandis that runis into the said Pow what shall be the most convenient and facil way of their running thereto and that shall least prejudice the current thereof and generally obligeing themselves their heiris and successoris to fullfill and obtemper from time to time the Sentence and Determination of the said Judgeis under the penalty of tuo hunder pundis Scotis by and attowr performance. Subscribed by the partyis and arbiteris in Aprile j^m vj^e and sixty six. Anno 1666. N.B.—Oliphant of Bachilton, the Minister of Logyrate, Drummond of Dubheads, and Murray of Raith, doe not signe the submission: at least they are not marked as signers in the extract which must bear faith till the principal is found to be otherways.

The Arbiteris forsaid gave their Decreet as follows:—Article j. That the present Draught and current of the said Pow of Inchaffray as it is now casten shall be in all time comeing the constant meith and march betwixt the said Heritors their several lands lying on the south and north sides of the said Pow.

¹ This is the title attached to the paper, which is in the handwriting of Sir Laurence Oliphant of Gask.

2. Any Heritor haveing landis cutt off him by the now Draught of the Pow shall receive from the Heritor that gettis them payment in money against Whitsunday 1672 for them at the proportion of three hunder and twenty merkis for each aiker of meadow ground, and tua hunder and fifty merkis for each aiker of carss Which money to bear annualrent till payd.

3. The Heritors on both sides are discerned and ordaind that they nor any of them impd not the current therof in time comeing either by Bridges or Damms or casting of faill or diviottis theirin or any other wayis whatsoever which may stop or impd the current therof in all time heirafter.

4. That ilk Heritor shall in all time comeing keep the said Pow sufficiently voyd and redd fornaint his own landis and if any happin to be remiss in performing his own part or refuse to doe the samen the Heritor or Heritors haveing landis opposite to him may require him to doe the same and in case of refuseall the Heritor makeing the requisition if impoured and authorized within the space of eight days after the requisition to cast and redd the said Pow in so far as the same runis fornaint his own landis, and the Heritor required is diserned to make payment to the said Heritor requireing and casting the sum of tuo merkis Scotis for ilk rude therof with forty pundis money of liquidate penalty by and attour.

5. The Pow is descerned to be casten and redd be West Achlone Easter betwixt and the last of August 1672 of the same dimentionis with the Pow already fasten and in case any of the Heritoris shall be remiss in casting the same he shall pay to the Heritor requireing and casting five hunder merkis of penalty for the first refusing to cast and the Heritor or Heritoris requireing are impoured after the expireing of the said last of August to cast and redd the same and to exact from the Heritoris refusing the sum of tuo merkis for each rood besides the bounty meal after specified and the above written penalty of five hunder merkis.

6. The Arbiters haveing vewed the said Pow of Incheffray in sua far as the same is already casten by James Hutton be East Achlone and haveing caused exactly measure what roodis of work is casten and payable by ilk several Heritor or their proportional partis Decern the Heritoris after specified to pay to James Hutton and his heiris tuo merkis for ilk rood of new work with half a boll meal of bounty to ilk score of roodis. The Roods payable by every Heritor are—

Rudis payable by Heritoris on the South side of the Pow.

Sum of Rudis of Rudis part. Her.		Bolls. f. p. Pundis. Sh. d.
	David Lord Madertie ane Hunder and thirty Roodis at tuo merkis the rood and tuo firlots meal to	
j30.	the score	3 : 1 : 0 j73 : 06 : 00
	j70. Mr Murray of Woodend, a hunder	
j70.	and seventy roodis	4 : 1 : 0 226 : 13 : 4
<hr/>		
300		

Sum of Roods of Roods, part. Her.		Bolls.	f.	p.	Pundis.	Sh.	d.
300	Brought forward.						
j63.	Sir Laurence Oliphant of Gask a hunder and sixty three Roods	4	0	1	217	06	00
60.	Sir Laurence for that part of the Pow foranent Bachiltoun three score Roods at the half of the above written price	0	3	0	040	00	00
87.	Sir Laurence for the casting of the march stank foranent Balgouen four score seven Roods at the half of the price above written	j	0	2	058	00	00
310.							
610.							

Rudes payable by Heritors on the North side of the Pow.

Roods.		Boll.	f.	p.	Pund.	Sh.	d.
j30.	Sir Robert Murray of Abircardny ane Hunder and thirty Roods	3	1	0	j73	06	08
j02.	William Murray of Octirtyre ane hunder and tua rudes	2	2	0	j36	00	00
65.	Mungo Graeme of Gorthy and his tutoris Three score and five Roods	j	2	2	06	13	4
77.	John Graeme of Balgouen Three score and seventeen roodis	2	0	0	j02	13	04
87.	John Graeme foreanent the march stank beside Williamstoun four score and seven Roods at the half of the said price... ..	j	0	2	j58	00	00
j64.	Patrick Oliphant of Bachiltoun and his tutoris Thirty five Roods	0	3	2	006	13	4
60.	Said Patrick for his Landis lying foranent the said Sir Laurence Oliphant his Landis Three score Rudes at the half of the price above written	0	3	0	040	00	0
95.							
556.							

And Finallie the Arbiters considering that the forsaid Pow cannot have a current course unless it be continued be West Achlone towardis the Water of Earn for the length of Twelve score of Roods they decern it to be casten for the said length of the same dimention with the Pow on the east side of Achlone for the which the hail Heritoris be east Achlone are obliged to pay to James Hutton twenty shillingis for each rood and tuo firlois meal for each score roodis The price of which twelve score of roodis is calculated to amount to a thousand three hunder and fifty eight pundis and a merk and six bollis of meal which beeing proportionate upon the said Heritoris be East Achlone will be found to amount to twelve pundis for ilk hunder merkis payable by them for casting the said Pow be East Achlone and three peckis three lippies of meal on the boll of meal. Also the said Pow be West Achlon is decerned to be meithed and marched before casting with

the consent of David Lord Madertie and Mr James Murray of Dullarie Heritoris proprietoris of the landis through which it is to pass and the party receiveing land from the othir shall pay at the rate of tuo hunder and forty merkis for the aiker.

The premisses are decerned to be punctually and inviolably perform'd and observed by the Heritoris their Heiris and Successoris and the party faillier to pay to the observer or willing to observe the sum of tuo hunder pundis Scotis of penalty containd in the Submission by and attour fulfilling the present Decreet and the particular penalties respective aboue written. The Decreet Arbitral signed j vj^c and seventy tuo.

REMARKS upon the SUBMISSION anent the Pow of Inchaffray anno 1666, and the DECREET ARBITRAL thereupon anno 1672.

AS TO BACHILTOUN—1. It appearing by the Extract of the Submission and Decreet Arbitral that Laurence Oliphant of Bachiltoun did not signe the Submission and he therefore not beeing obliged to obtemper any part of the Decreet Arbitral it is contrary to reason that the Pow (whatever it is) should be the march as to him, because he is not bound by the Decreet to consent on his part to its being the march.

2. He can lay no claim to the pece of ground lying immediatly west from the mouth of Gilly burn and on the south side of the march stank betwixt Williamstoun and Balgouen as cast into him by the south Ditch if supposed the Pow because if he suppose a case exactly contrary to the present that any ground had been cutt off him by the Pow he could not have been obliged by the Decreet Arbitral to part with it Likeways if the contraverted ground were Bachilton he would have been decernd to pay the south half of the march stank betwixt Balgouen and Williamstoun and not Sir Laurence Oliphant.

3. Likeways he cannot object against the throwing down of the late bulwark as contrary (if it were so) to the Decreet-Arbitrall or that Gelly burn does therby impeded or fill up the current of the Pow but most prove Damnages by Gelly burn running through the late Breach otherways he can have nothing to alledge against its continowing to run in that course.

4. All this proves still the more reasonable in respect that Bachiltoun did never obtemper any part of the Decreet-Arbitral but all the part of the Pow which he was Decerned to pay was pay'd by Gask.

5. Bachiltoun did never possess that pece of Ground lying betwixt the march Stank and that Stank be south it Therefore it may be fairly concluded that he has no claim to it either by a right of property or from possession.

6. If the pece of contraverted ground lying betwixt the tuo forenamed Ditches shall be determin'd to belong to Bachilton Gask claims from him rightly six pundis and a merk Scottis and a boll tuo firlois and tuo peckis meal with annualrent from the year 1672 which he payd out for Bachiltounis share of chargeis of the said Pow.

The only objection that can possibly be made by Bachiltoun is this that he is decern'd by the Decreet-Arbitral Article 6th to pay the casting of thirty five roodis besides sixty rood fornaint Gask landis and he may suppose it was a part of the whole of that Ditch on the south side of contraverted ground. But this is against reason because he and not Gask in that case would have been decern'd to cast the half of the march Stank of Balgouen if his landis (viz. the contraverted ground) were immediatly south of it. So he has thirty five roodis alloted him to pay the north side the Pow tho' in no definite place because he had no land be west Gelly burn and yet had great benefite by casting of the Pow perhapps of any. This is further confirm'd by the south side of the Pow beeing by Article 8th fifty four roodis longer than the north side, the only way of accounting for which is that Sir Laurence Oliphant did cast that Ditch on the south side of the contraverted ground all through his own landis which will bring the Roodis to be exactly equal on both sides the Pow. But if it should be allowed, which inferrs a contradiction, that it was that verry south Ditch that Bachiltoun was decern'd to pay it cannot be inferred it was on this account because it was his Property or he would also have been decern'd to have casten the south side of Balgouenis march. Therefore these 39 roodis (if casten by him in the said south Ditch) were casten on account of the above named reason.

AS TO BALGOUEN.—1st. Altho' the Pow as casten betwixt the yearis 1666 and 1672 is declared by the Decreet-Arbitral to be the march off the different Heritoris landis in all time comeing, and tho' the Ditch on the south side of the contraverted ground were supposed to be the continuation of the Pow, yet with respect to Balgouen the Pow can be the march no farther east than the west end of what is called by Decreet-Arbitral Article 8th the march Stank forenaint Balgouen and in the after part of that Article the march Stank beside Williamstoun, or where the said Stank does begin. Because east ward betwixt that place and the mouth of the Burn of Bachiltoun (or Gelly burn) the said Stank is by the Decreet-Arbitral term'd the march Stank, and accordingly the casting of the one side of the said march was decerned to be payed by Sir Laurence Oliphant and the other by John Græme.

2. By the said Article 8th Balgouen is Decerned first to pay twenty seven roodis of Pow, immediatly after eighty seven roodis fornaint the march Stank beside Williamstoun and there is no mention of his beeing to pay any part of the Ditch (or Pow) on the south side of the contraverted ground, but on the contrary Gask is decern'd to pay the half of the said march Ditch which clearly proves that the ground on the south side of the said march Ditch did then and was always desined by the Arbiters to belong to Sir Laurence Oliphant. For if the contraverted ground had been Balgouenis he would have been decerned to pay the whole march Ditch and likewas the half of the south Ditch (or Pow).

3. As it has been observed in the case with Bachiltoun so now it may be thought highly reasonable that since there are fifty four roodis decern'd to be payd

by the Heritoris on the south side of the Pow more than the Heritoris on the north side altho' the tract of ground casten is commune to both and by consequence exactly the same length That Sir Laurence Oliphant has been decern'd to cast wholly that part of the Pow which runs on the south side of the contraverted ground which if it comes to fifty four roodis as haveing the land on both side by which means the number of roodis on both sides the Pow will come to be exactly equal.

4. If that Ditch on the south side of the contraverted ground shall now be declared to be the march betwixt Gask and Balgouenis landis and not the march Ditch named in the Decreet-Arbitral Then Gask does demand from Balgouen payment of fifty eight pundis and a boll and tuo peckis meal which he was decern'd to pay by the Arbiters for the south half of the said march Ditch together with the annualrent of the same since the year 1672.

5. If what is called the march Stank betwixt Balgouen and Williamstoun is not the Pow and a continuation of it, then Gask cannot be obliged by virtue of the Decreet-Arbitral to cast and clean the south side of the said Ditch but will allow the same to grow up haveing no other use for it but to have as much water running there as will preserve the north bound of his landis, and if Gask doe so (as he cannot be forced to doe otherways the march beeing already streightened) the harm will be considerable both to Balgouen and Bachiltoun.

6. The plain state of the whole case is this That by the 1st Article of the Decreet-Arbitral the Pow as casten is determin'd to be the march betwixt the Heritors on the north and south sides in all time comeing, That Pow or march is, by the natural meaning of the Decreet-Arbitral, near the east end thereof branched into tuo different Ditches, one of the branches is the march Stank betwixt Williamstoun and Balgouen landis terminateing in the mouth of the Gilly burn (or burn of Bachiltoun) and the other the Ditch which runs on the south side of the contraverted ground, which when it goes as far east as the mouth of Gilly burn does begin to be the march betwixt Gask and Bachiltounis landis and was carry'd sixty rood farther east by the Decreet. These tuo branches are both parts of the Pow by the Decreet, were both casten and decern'd to be paid at the same time and by the forsaid Decreet, The said branching was made for this purpose That the Gelly burn running to the north branch might be kept separate from the water that came west from the Ross moss and the Red moss and run in the south branch and that both might be carryed separatly so far west before they should joyne that they might not regorge each other or occasion a restagnation of the low landis at the mouth of Gilly burn if they should have been joynd there, and this branching of the Pow can be proven to have been done at the instance of Sir Laurence Oliphant of Gask who would have suffer'd great harm if they had mett at the foot of Gelly burn. It could not have been done for fear of any loss to Balgouen because his lands lay so high that they could not be harm'd thereby neither on Bachiltonis account because he did not sign the submission tho' he might have pretended damnages.

It plainly appears likewise from the Decreet that the northmost branch call'd the march Stank betwixt Balgouen and Williamstoun is the present Pound of these landis and that all land on the south side of the same did belong to Sir Laurence Oliphant and continues to belong to his successors; both because it is term'd the march Stank (in the Decreet-Arbitral) betwixt the landis of Balgouen and Williamstoun, and because Sir Laurence is decerned to pay the casting of the south half of the said march Stank.

He also did pay for casting the whole south branch of the said Pow (lying on the south side of the contraverted ground) because this is the only way of solving the inconsistency That there are fifty four roodis of ground more on the south side the Pow than on the north side But fifty four rood (casten intearly by Sir Laurence besides all he cast fornaist the other Heritoris on the north side) deduced from six hunder and ten rood which is the sum of all the casting on the south side makes five hunder and fifty six roodis to remain which is exactly the number of roodis on the north side.

1. As to Balgouenis claim of a Road for milstones, etc. There never was a Road (that is to say a Cart Road or commune passage) through Williamstoun or Gask landis and through the Pow, at or near the mouth of Gelly burn.

2. A foot Road that has been sometimes made therabout has been alter'd on the north side the Pow from the east side of Gelly burn to the west side, and on the south side (where on the landis of Williamstoun) is interrupted every four years the out feild fold through which it passes beeing four years under corn and four under grass alternatly.

3. There is no vestige of a high Road there which will be taken as a sufficient proof that there is no road since men and horse doe not pass from place to place without leveing some vestige of them on the ground, there is indeed a sufficient path road as far east as the people of Williamstoun have occasion to goe to lead peatis and divotis and to drive the cattle but no farther.

4. There never was nor can be a High-way there since all High-ways doe lead either to a Parioch church or a Mercat Town and this does not lead to either.

5. From miln stones haveing passed sometimes at that place it cannot be concluded that it is a High-way neither can any servitude for their passing in the future be inferr'd because it is knowen to every body that mill stones are taken through any ground at sometimes by the permission of proprietors yca even through standing cornis (as has been often seen practised without consent of proprietoris) which cannot be brought into a precedent, neither can a proprietor of landis be hinder'd to inclose or improve them from such a practice whether it proceed from a tolerance or ane act of plain force.

6. Altho' Balgouen should be able to prove ane uninterrupted use for many years past of carrying milstones through the landis nam'd and through the Pow, yet there cannot be a road for millstones or any other road introduced there in regard by the 3d Article of the Decreet-Arbitrall it is decernd and ordain'd that

none of the Heritoris impede the current of the Pow in time comeing by Bridges or Dammis or any other ways whatsoever. Now a millstone cannot pass the channel of the Pow if it is redd out and clean'd of that deepness that it ought to be, which no Heritor himself but his neighbour on the opposite side is Judge of by Article 4th which makes it plain that mill stones, horses with carts or men on horseback cannot pass there, for it must be either by filling up the channel of the Pow to make it almost levell with the banks on each side or by a Bridge which is also discharged by Article 3d.

What is asserted from Article 4th That no Heritor himself but the Heritor on the opposite side is Judge whether he redd out and clean the Pow of that deepness that it ought, is clear from this that ane Heritor who hes pouer by that Article to redd and clean his opposite Heritors part of the Pow (in case of his refusing) and to exact tuo merkis for each rood after redding is certainly Judge of his neighbouring Heritors right cleaning and redding; otherways this part of the Decreet-Arbitral would be entirely elided, for no Heritor would bring himself under the hardship of paying his neighbour so great a price for each rood if it were in his own power to make a sham cleaning that was of no use which behoved however to be accepted of by his neighbour on the opposite side. From all which it is plain that Gask is to see to Balgouens cleaning and redding the Pow opposite to him by which it will and ought to be impracticable for Balgouen to bring millstones horse and carts or people on horseback through that channel.

Articles demanded by Gask to be insert in the 2d Decreet-Arbitrall upon the Submission depending by virtue of the first Submission and Decreet-Arbitrall.

1. That the property of that pece of ground lying immediatly west from the south mouth of the burn of Bachiltoun (or Gilly burn) and bounded on the north by the branch of the Pow call'd the march Ditch betwixt Williamstoun and Balgouen, on the south by the other branch of the Pow which carrys the waters from the Ross and Red mosses and is terminate on the west by the joyning of these tuo branches, shall be declared to belong to the lands of Williamstoun in all time comeing.

2. That if Bachilton prove any present damage he sustains Mr Oliphant as proprietor of the said spott of ground shall be obliged to build up that neck of ground at the south mouth of Gilly burn which kiepis the water running in the said burn separate from the water running west from the mosses; and that he shall from time to time keep up the said neck ay and till he think fitt to build a rampart and fix a clouse in that place which he is hereby empoured to build, which clouse he shall be obliged to keep in yearly from the time Bachilton or Balgouenis corns on the low lands are sowen till the leading of them and the hay off the low lands forsaid off the grounds.

3. That both the branches of the Pow he kept clean and redd and sufficiently deep viz. five foot at least in all time comeing by the respective partys concern'd as followis: That is that Balgouen clean the north side of the Pow from his west march with Gask east till it joyn to the south mouth of the Gilly burn (or burn of

Bachiltoun) and that Mr Oliphant clean the south side of the said Ditch as far as Balgouen cleans it on the north side. That Gask clean and redd the south branch of the Pow (viz. the Ditch on the south side the contraverted ground) east till it reaches to the middle of the Gilly burn on both sides and also clean the south side of the Pow east from the said middle of Gelly burn to the east end of his march with Bachiltoun, and that Bachiltoun clean the north side of the said Pow from the middle of Gelly burn as far east as his landis goe. That the said Ditches above named be reade and kept for ever after four ellis wide and tuo ellis deep under the penaltyes containd in the 4th Article of the 1st Decreet-Arbitral.

4. That the current of the said Ditches be in no time comeing any way stoped or hinder'd by building of damms or bridges over them or any other ways whatever; and that there be no passage allowed over them for millstones horse and carts or men and horse hereafter.

Ch.B 1556. 213. INSTRUMENT OF SASINE in favour of ANNA OLIPHANT, Daughter of SIR LAURENCE OLIPHANT of Gask, of Liferent Right in part of the Lands of Monzie. April 8, 1672.

In Dei uoimine amen: Per hoc presens publicum instrumeutum cunctis pateat euidenter et notum sit quod anno incarnationis dominice millesimo sexcentesimo septuagesimo secundo meusis vero Aprilis die octauo regnique supremi domini Caroli secundi ejusdem uominis Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris anuo vigesimo quarto in mei uotarii publici et testium subscriptorum presentiiis personaliter accessit honorabilis vir Colinus Campbell de Monzie pro seipso cum discreto viro Jacobo Oliphaut de Sowtartoune tanquam actornato ac in nomine Anue Oliphant filie legitime Domini Laurentii Oliphant de Gask militis ad fundum terrarum subscriptarum et ibidem dictus Jacobus Oliphant habens et in manibus suis tenens cujusdam contractus matrimonialis initi et confecti inter dictum Colinum Campbell de Monzie ab una et dictam Annam Oliphant cum consensu sui patris ab altera partibus preceptum sasine subscriptum in se continens cuius tenor sequitur Moroever to the effect the said Anna Oliphant may be presentlie infest and seisit in the landis and vthairis abovewritten the said Coline Campbell of Monzie hes maid and constitut and heirby makis and constitutis
and ilk ane of yow his baliffis
in that pairt conjunctlie and severallie speciallie constitut greiting It is his will and he requires yow and ilk ane of you conjunctlie and severallie as said is incontinent efter seight heirof ye pas to the ground of all and syndrie the landis and wthers above and wuderwrittin and give and delyver lyferent stait and seising with actuall reall and corporall possessione off all and hail the landis of Laghinschothe and pendicles therof, third part of the Eist Milne of Monzie multuris and

sequellis of the samyne All and hail the landis of Jybertkepnaclyne, Dunathragane Dunatoyne Dunlanrith and Cromgall with the milne and milne landis thairof multures and sequellis of the samyne hail houssis bigingis yairdis toftis croftis pairtis pendicles and pertinentis of the saidis hail landis all lying as said is for the principall, and in speciall warrandice and securitie thairof dureing the lyfe tyme of the said Anna Moray mother to the said Coline, off all and hail his wther landis of Dallgrith maner place thairof, Achanrame, Wagintor, Boreland [Cult Keppithe and the twa pairt of the Eist Milne of Monzie] with the multures sequellis and pertinentis thairof, with the hail houssis bigingis yairdis pairtis pendicles and pertinentis of the samyne warrandice landis lying as said is To the said Anna Oliphant or to hir said actorney in hir name bearer heirof be delyverie of earth and stane of the said landis and clapteris of the saidis milne as vse is eftyr the forme and tenor of thir presentis in all pointis And this on nae wayes ye leave wndone as ye will ansuer thairvpone The quhilk to doe we be thir presentis conuinctlie to yow his saidis balzies in that pairt his full and irrevocabill power promittendo de rato In witnes whairof thir presentis (wryttine be Malcolm McCleish servitor to John Mitchell stewart-clerk of Stratherne) the saming is subscrivit be both pairties with ther handis, place day moneth and yeir of God abovewryttin Befoir thes witnessis Maister Patrick Murray of Ochertyre Mr James Muray minister of Logyrait, Maister Patrick Campbell minister at Kendmoir James Oliphant of Soutartoun Mr James Muray sone lawfull to the deceist Mr Jon Muray minister at Kingkell the saidis Jon Mitchell and Malcolm McCleishe Mr Laurence Oliphant younger of Gask and James Graham of Orchill Sic subscribitur Co. Campbell, Anna Oliphant L. Oliphant J. Grahame, P. Muray of Ochertyre witnes, Law. Oliphant witnes Mr Ja. Moray witnes, Mr Pa. Campbell witnes James Oliphant witnes James Muray witnes J. Mitchell witness. Post cujusquidem precepti sasine publicationem et astantibus publicationem idem Colinus Campbell cum suis propriis manibus statum et sasinam in vitalem redditum tum actualem realem et corporalem possessionem totarum et integrarum prefatarum terrarum de Lagpinchwth cum pendiculis earundem tertia parte dicta orientale molendino de Monzie multuris et sequelis hujusmodi et de terris de Jybertkepnaclyne Dunathragane Dunatoyne Dunlanrig et Cromgall cum molendino terris molendinariis multuris et sequelis earundem domibus edificiis hortis toftis croftis ac singulis suis pertinenciis ut supra jacentium tanquam pro principale ac in speciale warrante et securitate earundem durante vita dicte Anne Murray totarum et integrarum prefatarum terrarum de Dallarith manerie loci ejusdem Achinrame Wagintor Boreland Cult Keppiche et de le twa pairt dictis le Eist Milne de Monzie cum multuris sequelis et pertinenciis earundem jacentium ut supra prenominato Jacobo Oliphant tanquam actornato ac in nomine dicte Anne Oliphant per terre et lapidis fundi dictarum terrarum ac lie clapters dictorum molendinorum ut moris est deliberationem secundum formam et tenorem dicti contractus matrimonialis preceptique sasine superscripti dedit tradidit contulit exhibuit pariterque dcliberavit nemine impediante se aut contradicente: Super

quibus omnibus et singulis premissis dictus Jacobus Oliphant actornatus ac in nomine prescripto instrumentum unum seu plura fieri petiit et requisivit Acta erant hec super solo fundo dictarum terrarum post meridiem inter horas tertiam et quartam coram Magistro Patricio Muray de Ochertyre Magistro Jacobo Muray præfato apud Logyrait Magistro Patricio Campbell præfato apud Kendmore et Patricio Campbell in Cromgall testibus in premissis mihi notario publico subscripto specialiter vocatis et requisitis.

Et ego vero Joannes Mitchell clericus Dunblanensis diocesis autoritate regali notarius publicus secundum tenorem acti parlamenti admissus, quia premissis [etc. in forma communi.]¹

82.2.1.f.160 214. BOND by SIR LAURENCE OLIPHANT of Gask in favour of DAVID MORRAY, Litster, Burges of Perth. March 20, 1675.

I Schir Laurence Olyphant of Gask Knight be the tenour heirof grantis mee to be justlie adepted restand and owine to David Morray litster Burghes of Perth all and hail the sume of three hundreth markis good and vsuall money of Scotland wherof I hold my selfe satisfied renuciand all exceptions of the law that can be proponed in the contrair Quhilk sume of three hundreth markis Scots money forsaid I bind and oblidge mee my aires executors and successors to mee in my landis and heritages and intromitters with my goodis and gear or any part therof whatsomever to content pay and deliver to the said David Morray his aires executouris and assignies and that at and aganis the twentie fourth day of June nixt to come j^m sex hundreth seventie five yeers (being Midsummer day) but longer delay Together with the sume of threttie pound money forsaid of liquidate expenses in caice of failzie or necessarie registratioune heirof together also with the ordinare annuall rent of the said principall sume conforme to the Act of Parliament so long as the samin shall happin to remaine wnpayed efter the terme of payment above written And for the mair securitie I am content and consentis their presentis be registrate and insert in the books of counsell and session, schireffe or borrow court bookis of Perth respectiue to have the strength of an decret that letteris of horning on sex dayes poynding and otheris neidfull, may pas theirwpon in forme as effeires And therto constituts my procurators

In witnes wherof their presentis (written be Mr George Strachane present recidenter at Gask) I have subscribed their presentis with my hand at Perth the twentie day of March j^m sex hundreth seventie five yeers befor their witnesses, Mr

¹ Dorso—At Perth the penult day of Apryle j^m vj^e sevintie twa yeirs Quhilk day the within-writtin Instrument of Seasing is insert and registrat in the publict register appoyntit for

registratioune of Seasings etc. within the schyref-dome of Perth in the 226 leife of the fyft wolume of the new register be me,—J. ARNOTT.

George Strachan writter heirof, and James Oliphant servitour to Johne Davidsonsone notar in Perth.¹

Ch B. 1559.

215. RETOUR of GEORGE OLIPHANT as Heir of LAURENCE OLIPHANT in the Barony of Gask, &c. 6 June, 1677.

Hee Inquisitio facta fuit in curia vicecomitis de Pearth tenta in pretorio burgi de Pearth sexto die mensis Junii anno Domini millesimo sexcentesimo septuagesimo septimo coram honorabili viro Magistro Henrico Murray de Dunnimanne vicecomite deputato dicti vicecomitatus ac senescallatus de Stratherne in hac parte per commissionem supremi domini nostri regis sub testimonio magni sigilli ad effectum subscriptum directam specialiter constituto virtute brevium e capella dicti supremi domini nostri regis desuper directorum per hos honorabiles probos et fideles homines patrie subscriptos videlicet, Joannem Murray de Bine Patricium Smith de Methven Magistrum Joannem Blaire de Balmyle Patricium Hay nuper prepositum dicti burgi de Pearth Thomam Grahame juniorem de Balgowan, Magistrum Georgium Oliphant de Newtoun Magistram Jacobum Murray in Williamstoun Davidem Monteith decanum gilde dicti burgi de Pearth Jacobum Shioch et Jacobum Young duos balivorum dicti burgi Davidem Oliphant mercatorem ibidem Laurentium Oliphant de Orchyeadmilne Magistrum Archibaldum Gullione ludimagistram in dicto burgo de Pearth Magistrum Andream Playfair et Walterum Bonnar incolas ibidem Qui jurati dicunt quod quondam Magister Laurentius Oliphant feoditarius de Gask pater Georgii Oliphant latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad fidem et pacem supremi domini nostri moderni regis in omnibus et singulis terris baroniis decimis aliisque respective subscriptis videlicet, In totis et integris terris et baronia de Gask cum manerie loco domibus edificiis hortis pomariis partibus pendiculis et pertinentiis comprehendentibus in se villas et terras de Over et Neather Gasks Keirwoodhead Holtoun de Gask cum molendino de Gask terris molendinariis astrictis multuris et sequelis ejusdem Clathiemore ros et novum molendinum terras molendinarias astrictas multuras et sequelas ejusdem Wester Clathie Murehead Drumend et Carneathie Clathiebeig cum cura et terris ecclesiasticis de Findogask silvis parcis piscariis salmonum aliorumque piscium in aqua de Erne tribus diebus in hepdomade tempore prohibito de jure et consuetudine regni Scotie et similiter cum speciale libertate et licentia locandi imponendi edificandi reparandi et sustentandi he cruves super dicta aqua de Erne et in omnibus partibus ejusdem juxta terras et bondas dictarum terrarum et baronie de Gask aliorumque prescriptorum, omnes jacentes in parochia de Fingask et vicecomitatu de Pearth Et in toto et integro officio ballivatus omnium et singularum terrarum perprius pertinentium aut que in futurum pertinere poterint ad abbatiam de Inschefrey cum omnibus et singulis

¹ The signatures to this document have been carefully torn away.

feodis casualitatibus libertatibus privilegiis commoditatibus proficiis et devoriis quibuscunque ad dictum officium pertinentibus et spectantibus Et similiter in totis et integris terris et baronia de Coulgask cum molendinis multuris silvis piscationibus pratis partibus pendiculis et pertinentiis quibuscunque comprehendentibus terras aliaque subscripta tanquam proprias partes et pertinentia hujusmodi videlicet lie Maynes de Coulgask totas et integras villam et terras de lie Drum de Coulgask orientali et occidentali finem hujusmodi cum molendino de Coulgask terris molendinariis astrictis multuris et sequelis ejusdem Terras de Chappelhill de Coulgask cum silvis et pratis de Coulgask Woodend vocata lie Fosterland et wardam lie waird infra dictam silvam et illas duas partes et portiones dictarum terrarum communiter nuncupatarum Priestecrofte Sheivingbushes cum domibus edificiiis hortis toftis croftis pratis silvis parcis privilegiis partibus pendiculis et pertinentiis quibuscunque terrarum molendiui aliorumque suprascriptorum omnes jacentes infra baroniam de Coulgask senescallatum de Stratherne et vicecomitatum de Pearth predictum tanquam pro principali Et in speciale warrantum et securitatem ejusdem in totis et integris terris et baronia de Abervthven cum molendino terris molenduariis multuris sequelis tenentibus tenandriis libereque tenentium servitiis hujusmodi cum salmonum piscaria super dicta aqua de Erne silvis partibus pendiculis et pertinentiis earundem cum potestate lic cruves super dicta aqua erigendi omnia jacentia infra dictum vicecomitatum de Pearth. Ac etiam in omnibus et singulis decimis garbalibus aliisque decimis tam rectoriis quam vicariis omnium et singularum villarum terrarum baroniarum aliorumque suprascriptorum cum omnibus partibus pendiculis et pertinentiis earundem Reservando tamen Domino Laurentio Oliphant patri dicti quondam Magistri Laurentii Oliphant ejus vitali reddito omnium et singularum terrarum villarum baroniarum molendinorum silvarum pisciarum decimarum aliorumque suprascriptorum cum omnibus suis partibus pendiculis et pertinentiis durautibus omnibus sue vite diebus Et cum et sub provisione reversionis specificate et contente in contractu inito et confecto inter Dominum Laurentium Oliphant de Gask militem cum aviso et consensu Patricii Oliphant ejus filii legitimi natu maximi ab vna et dictum quondam Magistrum Laurentium Oliphant patrem dicti Georgii Oliphant latoris presentium inibi designatum filium legitimum secundo genitum dicti Domini Laurentii ab altera partibus de data apud Gask vigesimo sexto die mensis Maii et sexto die et mensis Junii anno Domini millesimo sexcentesimo quinquagesimo septimo in favorem dicti quondam Magistri Laurentii Oliphant concesse pro redemptioe dictarum terrarum cum pertinentiis ullo tempore durante sua vita super solutione summarum pecunie inibi specificato modo in dicto contractu mentionatarum Quequidem terre decime aliaque particulariter suprascripta cum earundem pertinentiis perprie hereditarie pertinuerunt ad prefatum Dominum Laurentium Oliphant de Gask militem per illum de supremo domino nostro rege tente immediate et que per illum ejusque procuratores suo nomine ad hunc effectum specialiter constitutos literas que patentes pure et simpliciter per fustim et baculum ut moris est debite et legitime resignate et

sursum reddite et extradonate fuerunt in manibus dominorum et aliorum dicti supremi domini nostri regis scaccarii commissionariorum potestatem et commissionem a illo habentium resignationes terrarum aliorumque de dicto supremo domino nostro rege tentorum recipiendi et nova infeofamenta desuper concedendi tanquam in manibus dicti supremi domini nostri regis immediati superioris earundem in favorem proque [novo infeofamento predictarum terrarum cum pertinentiis prefato quondam Magistro Laurentio Oliphant patri dicti Georgii Oliphant latoris presentium ejusque heredibus masculis et assignatis quibuscunque hereditarie cum et sub reversione et conditione reversionis supramentionate in dicto contractu expresse in debita et competenti forma ut congruit desuper dandi et concedendi prout authenticis instrumentis super dicta resignatione in manibus Joannis Cuninghame scribe signeto regio notarii publici subscripti latius continetur Super quibus prefatus quondam Magister Laurentius pater dicti Georgii Oliphant latoris presentium obtinuit cartam sub magno sigillo dicti supremi domini nostri regis in favorem suum heredes suos masculos et assignatos antedictos hereditarie cum et sub reservatione et conditione reversionis supra specificate de data secundo die mensis Februarii anno Domini millesimo sexcentesimo sexagesimo tertio per quamquidem cartam dictus supremus dominus noster rex decernit et ordinat quod vnica sasina per dictum quondam Magistrum Laurentium Oliphant perque heredes suos masculos et assignatos antedictos omni tempore affuturo apud dicte maneriei locum de Gask vel super solo cujusvis partis terrarum antedictarum suscipienda stabit et sufficiens et valida erit sasina pro omnibus et singulis terris decimis aliisque supra specificatis cum pertinentiis et pro qualibet earundem parte et portione absque ulla alia particulari aut diversa sasina apud ulla alias partes aut locos alibi capienda non obstantibus dictarum terrarum diversis denominationibus quod eodem simul et contigue minime jacent sed separatim et in diversis partibus et locis penes que supremus dominus noster Rex per dictam cartam dispensat in perpetuum prout in eadem carta de data prescripta cum prefato quondam Magistro Laurentio Oliphant patri dicti Georgii Oliphant latoris presentium suo instrumento sasine (super precepto sasine sub testimonio magni sigilli super dicta carta directe sequenti) de data tertio die mensis Aprilis anno Domini millesimo sexcentesimo sexagesimo tertio predicta sub subscriptione Georgii Moncreef notarii publici debite registrato apud Pearth secundum actum parlamenti in seipsis latius proportant Necnon quod dictus quondam Laurentius Oliphant pater dicti Georgii Oliphant latoris presentium obiit vltimo vestitus et sasitus ut de feodo ad fidem et pacem dicti supremi domini nostri regis ut dictum est in omnibus et singulis terris aliisque subscriptis videlicet In toto et integra illa quarteria ville et terrarum de Wiliamstoune cum domibus edificiis hortis toftis croftis partibus pendiculis et suis pertinentiis quibuscunque olim occupatis per quondam Thomam Oliphant et postea et Joannem Drummond ac sacellum et terris de Sacello vulgo vocatis St. Annis Land cum mora ejusdem communiter St. Annis Moss jacentibus in baronia de Cairnie et vicecomitatu de Pearth predicto Et similiter in tota et integra illa octava parte

dicte ville et terrarum de Williamstoune cum pertinentiis olim occupata per quondam Jonetam Gray Joannem Bennet et Marjoriam Smith postea vero per Joannem Whyte Necnon in totis et integris illis octo mercatis terrarum de Williamstoune cum domibus edificiis hortis toftis croftis partibus pendiculis et pertinentiis olim per quondam Issobellam Tod ejusque subtenentes postmodum autem per Patricium Murray de Williamstoune et Davidem Dow occupatis cum maneriei loco de Williamstoune domibus edificiis hortis pomariis partibus pendiculis et omnibus earundem pertinentiis jacentibus in baronia et vicecomitatu prescriptis Ac etiam in tota et integra quarteria seu quarta parte ville et terrarum de Soutertoune cum domibus hortis partibus pendiculis et suis pertinentiis olim per dictum quondam Thomam Oliphant deinde per Carolum Murray occupata jacente in baronia et vicecomitatu predictis Et similiter in toto et integro illo pendiculo terrarum de Easter Dubheads vulgo nuncupato Southsyde perprius per Hugonem Mitchell occupato bondato et limitato prout sequitur in vulgare videlicet begining at the south-east at that pairt of the burne of Cowgask quhair the same fals and enters in the brig of Williamstoune and quhair the lands of Williamstoune marches with the sayd pendicle of land called Southsyde and therefrae directly up and wast the said burne of Cowgask whill it come to the south end of the dyke whilk at that parte divydes the arable land of Soutertoune frae the said pendicle of land called Southsyde, and therefrac direct north the said dyke whill it come to the south wast end of the fauld of the lands of Wester Dubhead called Reid Fauld, of old perteining to omquhile Walter Neish, and therefrae east the south dyke of the fauld whill it come to the east end thereof and therefrae east to the Comon Gait and direct north the said gate whill it come to the burne of Cossoquhie and therefrae doun the said burne whill the same enter the boig of Williamstoune, jacente in baronia et vicecomitatu predictis Preterea in totis et integris terris de Wester Dubheads cum omnibus edificiis partibus pendiculis et pertinentiis earundem jacentibus in dicta baronia de Cairney et infra vicecomitatum de Pearth Necnon in totis et integris terris de Over Dubheads Midle Dubheads et Dubheadlone dimidietate terrarum de Sutortoun et octava parte de Williamstoune cum integris partibus pendiculis et pertinentiis jacentibus in dicta baronia de Cairnie et vicecomitatu predicto vltterius in tota et integra illa octava parte terrarum de Soutertoune ad Jeannam Murray nepotem et heredem quondam Jacobi Maistertoun mercatoris burgensis burgi de Edinburgh hereditarie perprius spectante et per quondam Alexandrum Murray et quondam Elizabetham Oliphant ejus sponsam olim occupata Et similiter in toto et integro illo tenemento terre et crofta vocato lie Welcroft ad dictam Jeannam Murray aliquando pertinentibus cum domibus edificiis ejusdem ac cum pastura quatuor summarum vnus equi et auce et matrici et singulis aliis pertinentiis dictis toftis et croftis temporibus retroactis consuetis et vsitatis olim per dictum quondam Alexandrum Murray et ejus sponsam occupatis jacentibus in dicta baronia de Cairnie et vicecomitatu de Pearth antedicto. Ac etiam in tota et integra illa octava parte dicte ville et terrarum de Soutertoune que ad quondam Robertum

Andersone tunc portionarium de Soutertoune avum Margarete Alisone nepotis et heredis dicti quondam Roberti olim pertinebat Et que per eundem quondam Robertum et quondam Catharinam Norie ejus sponsam perprius possidebatur et occupabatur cum domibus edificiis hortis toftis croftis et pertinentiis quibuscunque ad predictam octavam partem spectantibus jacente in baronia et infra vicecomitatu predictis Reservando omnimodo predicto Domino Laurentio Oliphant de Gask militi ejus vitalem redditum omnium et singularum villarum terrarum aliorumque predictorum cum suis pertinentiis Exceptis tamen dictis terris de Wester Dubheads et earundem pertinentiis durantibus omnibus sue vite diebus et sub hac provisione quod eedem et singule predictae ville et terre aliaque predicta cum suis pertinentiis (exceptis dictis terris de Wester Dubheads cum suis pertinentiis) redimabiles erint a prefato quondam Magistro Laurentio Oliphant ejus predictis per dictum Dominum Laurentium Oliphant ejus patrem quovis tempore durante sua vita solummodo Solvendo summam duarum millium mercarum monete regni Scotie vel concedendo dicto quondam Magistro Laurentio Oliphant obligationem pro dicta summa annuum redditum et expensas omnesque alias clausulas necessarias continentem forma et modo expressis in quoddam contractu inter dictum Dominum Laurentium Oliphant ejusque filium eatenus confecto de data sexto die mensis Augusti anno Domini millesimo sexcentesimo sexagesimo primo Quequidem terre aliaque prescripta cum suis pertinentiis ad Wilielmum Blair aliquando de Williamstoune Davidem Dominum de Mathertie tunc Magistrum de Mathertie et Joannem Gray portiouarium de Soutertoune secundum diversa sua infeofamenta et jura earundem per illos de dicto supremo domino nostri rege immediate tente perprius hereditarie pertinuerunt ac per illos vnumquemque eorum pro sua parte respectiue per procuratores suos nominibus suis ad hunc effectum specialiter constitutos virtute literarum suarum procuratorialium in diversis respectiue dispositionibus et juribus suis per illos desuper concessis comprehensarum pure et simpliciter per fustem et baculum ut moris est debite et legitime resignate sursum reddite et extradonate fuerunt in manibus dictorum dominorum aliorumque dicti supremi domini nostri Regis commissionariorum scaccarii regni Scotie potestatem et commissionem habentium resignationes terrarum aliorumque de eo tentorum recipiendi et nova infeofamenta desuper concedendi tanquam in manibus dicti supremi domini regis immediati superioris earundem in favorem proque novo infeofamento earundem terrarum aliorumque predictorum cum pertinentiis dando et concedendo prefato quondam Magistro Laurentio Oliphant patri dicti Georgii Oliphant latoris presentium ejusque antedictorum tanquam jus habentium ad dictas dispositiones per dictum Gulielmum Blair Davidem Dominum Mathertie tunc Magistrum de Mathertie et Joannem Gray concessas et ad dictas procuratorias resignationis inibi contentas virtute dispositionis translationis et juris a dicto Domino Laurentio Oliphant de Gask patri suo in dicto contractu contentae inter illum et dictum Dominum Laurentium de data predicta confecto et in contractu matrimoniali inito et confecto inter dictum Dominum Laurentium Oliphant et dictum quondam Magistrum Laurentium

ejus filium ab vna et Dominum Georgium Prestonne de valyfeild et

Prestoune ejus filiam partibus ab altera de data

die mensis

anno Domino millesimo sexcentesimo

Reservando omnimodo dicto Domino Laurentio Oliphant ejns vitalem redditum omnium et singularum villarum terrarum aliorumque prescriptorum cum snis pertinentiis exceptis tamen dictis terris de Wester Dubhcads et eamdem pertinentiis dnrate omnibus suc vite dicbns et sub provisione reversionis snpra expresse Quiquidem dictus Laurentius ad dictas dispositiones et procuratorias resignationis predictas inibi mentionatas jus habet per quandam dispositionem assignationis et jus de data vndecimo die mensis Junii anno Domini millesimo sexcentesimo quinquagesimo secundo illi concessam per dictum Gnlielmum Blair pro se ipso et tanquam jns habentem a prefatis Davide Domino de Mathertie inibi designato Magistro de Mathertie et Joanne Gray vtroque eorum pro sua parte respective secundum diversas dispositiones et jura illi per illos concessas et procuratorias resignationis inibi mentionatas prout instrumenta super dictas resignationes in manibus Joannis Cuninghame scribe signeto notarii publici suscepta latius proportant Snper quibus ctiam prefatus quondam Magister Laurentius Oliphant pater dicti Georgii Oliphant latoris presentium obtinuit cartam sub magno sigillo dicti supremi domini nostri regis in favorem suum heredes suos masculos et assignatos antedictos de data ultimo die mensis Julii anno Domini millesimo sexcentesimo sexagesimo tertio per quamquidem cartam dictus supremus dominus noster Rex decernit et ordinat quod vnica sasina tunc per dictnm quondam Magistrum Laurentium Oliphant ejnsque predictos omni tempore futuro apnd turrin fortalicium et mancriei locum de Williamstoune vel snper solo cujusvis partis terrarum aliorumque prescriptorum suscipienda stabit et snfficiens erit sasina pro omnibus et singulis terris aliisque predictis cum integris suis partibus pendiculis et pertinentiis jacentibus ut prefertur et modo snpra expresso dispositis ac pro qualibet parte et portione eamdem absque nlla alia diversa seu particulari sasina apud ullas alias partes sen loca alibi capienda non obstantibus diversis dictarum terrarum denominationibus et quod eodem siml et contigue minime jacent penes que dictus supremus dominus noster Rex per dictam cartam pro perpetno dispensavit prout in dicta carta sub magno sigillo de data prescripta cum dicto quondam Magistro Laurentio Oliphant suo instrumento sasine super precepto sasine sub testimonio magni sigilli super dicta carta directe sqnente sub snscriptione manuali Georgii Moncreif notarii publici de data trigesimo die mensis Maii anno Domini millesimo sexcentesimo sexagesimo quarto debite registrato secundum actum parlamenti in seipsis respective latius proportant Et quod dictus Georgius Oliphant lator presentium est legitimus et propinqnior heres masculus prefati Magistri Laurentii Oliphant feoditarii de Gask sui patris in terris baroniis decimis aliisque respective supraspecificatis cum eornm partibus pendiculis privilegiis et pertinentiis supra mentionatis jacentibus nt dictnm est In quibus obiit nltimo vestitus et sasitus ut de feodo modo respective prescripto cum et sub reservationibus et conditionibus reversionum respective snpra

expressarum Et quod est legitime etatis et quod tote et integre predicte terre et baronia de Gask comprehendentes in se terras aliasque supra expressas nunc valent per annum summam vnus centum librarum monete Scotie et tempore pacis valuerunt summam quadraginta librarum ejusdem monete Et quod tote et integre predicte terre et baronia de Coulgask comprehendentes in se particulares villas terras aliasque respective supramentionatas nunc valent per annum summam quadraginta librarum usualis monete antedictae et tempore pacis valuerunt summam decem librarum ejusdem monete Et quod predictum officium ballivatus omnium et singularum terrarum propriis pertinentium aut que in futurum pertinere poterunt ad predictam abbatiam de Inchefray cum feodis casualitatibus privilegiis aliisque superscriptis ad dictum officium pertinentibus nunc valet per annum summam quatuor denariorum monete antedictae et tempore pacis valuit summam vnus denarii ejusdem monete Et quod eadem terre et baronie de Gask et Coulgask comprehendentes terras aliasque supra expressas principaliter ut dictum est disposite nec ulla huiusmodi pars minime adhuc evicte sunt a dicto quondam Magistro Laurentio Oliphant vel a dicto Georgio latore presentium suo filio legitimo Et quod dicte terre et baronia de Aberuthven cum molendino piscationibus et pertinentiis earundem supraspecificatis in warrantum ejusdem disposite valent nunc per annum summam viginti librarum tanquam taxatam divoriam et valuerunt tempore pacis summam

Et quod tote et integre relique terre aliaque supra recitata cum domibus edificiis hortis toftis croftis partibus pendiculis et pertinentiis huiusmodi supramentionatis jacentes in baronia de Cairne antedicta nunc valent per annum feudifirme divorie aliasque superscriptas et tempore pacis tantum valere Et quod tote et integre predictae baronie de Gask et Coulgask comprehendentes terras aliasque supramentionatas de dicto supremo domino nostro Rege suisque successoribus in feodo et hereditate immediate tenentur in capite Reddendo annuatim prefatus quondam Magister Laurentius Oliphant pater dicti Georgii Oliphant latoris presentium heredes sui masculi et assignati antedicti dicto supremo domino nostro Regi suisque successoribus pro omnibus et singulis dictis terris et baronia de Gask cum maneriei loco domibus edificiis hortis pomariis partibus pendiculis et pertinentiis earundem comprehendentibus in se omnes et singulas terras aliasque particulariter superscriptas vnam albam rosam ad festum

nomine albe firme si petatur duntaxat Et pro toto et integro dicto officio ballivatus dicte abbacie de Inchefray cum omnibus et singulis feodis casualitatibus libertatibus privilegiis commoditatibus proficiis et divoriis quibuscunque eo pertinentibus et spectantibus vnum denarium usualis monete dicti regni Scotie ad festum Pentecostes nomine albe firme si petatur tantum Et similiter pro totis et integris terris de Coulgask cum molendinis multuris silvis piscariis pratis partibus pendiculis et pertinentiis huiusmodi comprehendentibus terras aliaque prescripta ut dictum est dispositas vnum denarium usualis monete dicti regni Scotie super solo dictarum terrarum ad festum Pentecostes nomine albe firme si petatur tantum Necnon pro totis et integris dictis decimis terris aliisque respective superscriptis in

warrantum et securitatem ut dictum est dispositis post dictam evictionem quando contigerit jura et servitia dicto supremo domino nostro Regi et predicesoribus suis pro eisdem perprius debita et consueta tantum Et hoc pro omni alio onere exactione questione demanda seu servitio seculari que de predictis terris cum pertinentiis vel ulla earundem parte per quoscumque juste exigi poterint quomodo libet vel requiri Et quod tote et integre relique terre aliaque supramentionata jacentes in dicta baronia de Gask cum pertinentiis earundem suprascriptis de dicto supremo domino nostro Rege et successoribus suis tanquam immediatis superioribus ejusmodi in feudifirma feodo et hereditate immediate tenentur in capite Reddendo annuatim prefatus quondam Magister Laurentius Oliphant pater dicti Georgii Oliphant latoris presentium sui que predicti dicto supremo domino nostro Regi et suis successoribus ac eorum camerariis pro dicta quarta parte dictarum terrarum de Williamstoune cum Sacello et terris de Sacello vulgo vocatis St Annes Land et suis pertinentiis summam quatuor mercarum et tredecim solidorum monete predictæ sex capones et decem pultreas Necnon pro grassumis et augmentatione rentalis quindecim solidos et decem denarios pro dicta mora nuncupata St Annes Moss ad dictum Sacellum et terras de Sacello spectante summam duorum solidorum monete predictæ pro predicta octava parte dicte ville et terrarum de Williamstoune cum pertinentiis annuatim viginti sex solidos et octo denarios monete antedictæ ad duos anni terminos festa videlicet Penticostes et Sancti Martini in hieme per equales medias portiones sex capones et octo pultreas vna cum multuris molendinis solitis et consuetis tanquam antiquam firmam dicte octave partis terrarum Et pro grassumis et augmentatione rentalis sex solidos et octo denarios ad terminos suprascriptos vna cum annua invectura ad locum monasterii de Inchchaffray triginta lie mett creills petarum sex onerum vulgo horselais cementsi sive calcis duorum onerum tegularum feni autem in modum solitum et consuetum brasii vulgo malt ad molendinum cum administratione vnius equi ad vecturam decimarum garbalium in horrea et alia loca necessaria horreum dicti monasterii et molendini reparando et in morem solitum sustentando terrasque dominicales vulgo maynes de Inshchaffray annuatim colendo et laborando prout usus est et consuetudo pro rata prefata sicuti ceteri tenentes cum ad vecturas et servitia prefata sive eorum aliquod requisiti fuerint Solvendo etiam dicto supremo domino nostro Regi suisque successoribus et eorum camerariis gramen stramina et argentum lie casture et officariis solvi solita et consueta vna cum duabus firlotis avenarum et duabus lie thraves straminis in pabulum ceterorum jumentorum dicti monasterii ad currus pro quibus avenis et straminibus omnibus quotidianis servitiis et areagiis in carta predicta exonerabuntur Proviso quod bellorum sive guerrarum tempore dicto supremo domino nostro Regi suisque successoribus cariagia et servitia solita ministrabunt et cum premoniti fuerint more solito inservient suis sumptibus cum herezelda etiam cum contigerit aut solvendo duas mercas pro eadem vna cum presentia in tribus placitis capitalibus atque aliis premonitione precedenti apud dictum monasterium tenendis quovis tempore preterea heredes dicti quondam Magistri Laurentii Oliphant tenebuntur duplicare

dictam feudifirmam et augmentatiouem extendentes ad summam triginta trium solidorum et quatuor deuariorum monete predictae primo anno eorum introitus ad dictam partem octavam terrarum de Williamstoune. Et si contigerit dictum quondam Magistrum Laurentium Oliphant ejusve predictos deficere in solutione dictarum feudifirme et augmentationis per quinquaginta dies post vnumquemque terminum tunc et in eo casu pro vnaquaque merca viginti solidos solvent siu autem deficiat sic ut duo termini in tertium continuo curraut solutione minime facta tunc dictam infeodationem amittent ipso facto et locatio earundem in se expirabit Proviso nihilominus quod non licebit dicto quondam Laurentio Oliphant suisve predictis dictam octavam partem terrarum vendere alienare aut quovismodo disponere cuicumque persone que ipsis unajoris gradus aut dignitatis existat Et similiter pro dictis octo mercatis terrarum de Wiliamstoune cum pertinentiis summam octo mercarum monete predictae et summam octo solidorum cum duodecem caponibus et decem solidis pro viginti pultreis ad terminos prescriptos vna cum multuris molendinis dicti monasterii solitis et consuetis Necnon pro grassumis et augmentatione rentalis summam viginti sex solidorum et octo denariorum monete predictae ac etiam molendinum dicti monasterii lie miluelead in morem solitum sustentando ac prestando tres sectas ad tria placita capitalia ut moris est Necnon duplicando feudifirmam predictam videlicet summam vndecem mercarum quatuor solidorum et octo denariorum primo anno eorum introitus Et si contigerit dictum quondam Magistrum Laurentium Oliphant deficere in solutione dictarum feudifirme et augmentationis per quinquaginta dies post quemlibet terminum tunc et in eo casu pro vnaquaque merca solvendo viginti solidos Sin autem deficient sic quod duo termini continuo in tertium curraut dictam infeodationem predictarum octo mercatarum terrarum amittent Reddendo similiter annuatim pro dicta quarta parte terrarum de Soutertoune cum pertinentiis summam viginti sex solidorum et octo denariorum monete predictae vnam capouen et dimidium duas pultreas et dimidium et pro grassumis et augmentatione rentalis summam sex solidorum et octo denariorum extendentem in toto ad summam triginti trium solidorum et sex denariorum monete predictae ad duos anni terminos prescriptos per equales portiones Invehendo etiam annuatim in dictum locum de Inchaffray octuaginta lie mett creills petarum sex onera vulgo horselais calcis et sex onera tegularum fenum autem in modum solitum et consuetum brasinam vulgo malt ad molendinum de Inshchaffray Necnon administraudo tres equos cum tracheis ad vecturam decimarum garbaliu in horrea dicti mouasterii et alia loca necessaria horreum etiam et molendinum dicto more solito reparando et sustentando et eidem molendino debita et consueta solvendo, et dictas lie Maines colendo et laborando pro rata dicte quarte partis terrarum de Sutortoune prout usus est cum requisiti fuerint Solvendo etiam argentum et stramina lie caiter et officar solvi solita et consueta Necnon herezeldam vel quadraginta solidos pro illa cum per mortem contigerit et etiam sex firloas avenarum et sex lie thraves straminum et sustentationem jumentorum dicti mouasterii ad currus pro quotidianis cariagiis Insuper bellorum tempore cariagia et servitia solita ministrando et tempore pacis

apud dictum locum defensionem sumptibus dicti supremi domini nostri Regis sumptibusque aliorum jus habentium prompte inserviando Prestando etiam tres sectas in tribus placitis capitalibus dicti monasterii et aliis curiis ibidem tenendis sicuti premoniti fuerint pro dicto pendiculo terrarum de Easter Dubheads vocato South syde justam tertiam partem firmarum feudifirmarum et aliarum divoriarum in originali infeofamento dictarum terrarum de Easter Dubheads contento facto et concesso quondam Joanni Mitchell burgensi de Pearth aliisque inibi expressis extendentium ad decem solidos monete predictae Ac etiam perimplendo et observando provisiones et restrictiones in eodem originali infeofamento contentas quantum astringi vel requiri potuerit pro dicto pendiculo terre vocato South syde pro rata veluti tertia parte dictarum integrarum terrarum de Easter Dubheads proviso omnimodo quod non licebit dicto quondam Magistro Laurentio Oliphant ejusque predictis vendere alienare seu disponere dictam quartam partem terrarum de Williamstoune dictam Sacellum seu terras de Sacello moram ejusdem et quartam partem terrarum de Sutortoune cuicumque persone que ipsis majoris status aut gradus existat Reservata licentia glebas et focalia in lie Moss de Sutortoune ad usum dicti monasterii duntaxat solita et consueta pro totis et integris predictis terris de Wester Dubhead cum domibus edificiis et pertinentiis summam quadraginta solidorum monete predictae ad duos anni terminos Pentecostes et Sancti Martini in hieme per equales portiones quatuor pultreas duas capones Necnon invehendo quadraginta quinque lie mett creils petarum et etiam fenum dicti monasterii ad locum ejusdem tanquam veterem firmam de dictis terris debitam Ac etiam pro grassumis et augmentatione rentalis dictarum terrarum summam decem solidorum vna cum avenis et sexaginta duodecim lie thraves straminum Et similiter solvendo herezeldam pecunie viginti sex solidorum et octo denariorum cum per mortem dicti quondam Magistri Laurentii Oliphant ejusve predictorum contigerit bellorum et guerrarum tempore cariagia et servitia solita ministrando multuras molendini dicti monasterii solvendo molendinum et horrea ejusdem monasterii sustentando ferendo pro qualibet mercata terrarum vnum onus calcis et aliud lapidum prout requisiti fuerint Cum summa duodecim denariorum in novam augmentationem rentalis dictarum terrarum de Wester Dubheads plusquam vnquam eodem prius persolverint Necnon heredes et assignati dicti quondam Magistri Laurentii Oliphant duplicando dictam integram feudifirmam et augmentationem primo anno introitus cujuslibet heredis ad dictas terras prout usus est feudifirme Et si contigerit dictum quondam magistrum Laurentium Oliphant ejusve predictos deficere in solutione dictarum feudifirme et augmentationis per quinquaginta dies post quemlibet terminum tunc et in eo casu pro vnoquoque solido solvendo sedecem nummos et si ita defecerint ut duo termini in tertium continuo currant tunc et in eo casu dictum infeofamentum amittent et locatio feudifirme in se expirabit ac nullius valoris vel roboris deinceps censebitur Proviso etiam quod non licebit dicto Magistro Laurentio nec ejus predictis vendere alienare aut alio quovis modo disponere dictas terras cuicumque persone ipsis majoris status gradus aut

conditiouis existenti Ac etiam dictus quondam Magister Laurentius Oliphant ejusque predicti solvendo omnes alias divorias ac perimplendo et observando omnes alias clausulas et conditiones si que suut iu antiquo infeofamento seu rentalibus dictarum terrarum contentas que tanquam pro expressis in predicta carta habeatur pro dictis terris de Over Dubheads summam quinquaginta trium solidorum et quatuor denariorum tanquam antiquam feudifirme divoriam ejusdem cum summa tredecem solidorum et quatuor deuariorum pro antiqua augmentatione rentalis ejusdem pro dictis terris de Midlc Dubheads et Dubheadloue summam sedecem solidorum tanquam antiquam feudifirme divoriam ejusdem cum summa tredecem solidorum ejusdem monete tanquam antiquam augmentationem rentalis ejusdem cum duobus caponibus duabus pultreis quinque peccis avenarum equestrium lie horsecorne et viginti novem garbalibus straminum lie sheaves of straw ad terminos solitos et consuetos pro dictis dimidiatis terrarum de Sutortoune summam quinquaginta trium solidorum quatuor denariorum tanquam antiquam feudifirme divoriam ejusdem cum summa septemdecem solidorum et quatuor deuariorum pro antiqua augmentatione ejusdem Pro dicta octava parte terrarum de Williamstoune summam triginta trium solidorum et quatuor deuariorum pro antiqua feudifirme divoria et augmentatione ejusdem cum tribus capouibus annuatim quinque pultreis duabus firlois avenarum equestrium lie horsecoruc et duabus lie thraves straminum annuatim ad terminos solutionis solitos et consuetos Necun reddendo prestando et observando dicto supremo domino nostro Regi suisque successoribus omnes et singulas alias divorias et servitia de predictis terris immediate suprascriptis solvi debitis et consuetis cum omnibus aliis clausulis provisionibus et conditionibus si que sint in antiquis infeofamentis dictarum terrarum immediate predictarum contentis que tanquam pro expressis in dicta carta habeatur Pro dicta octava parte ville et terrarum de Sutortoune per dictum quondam Alexandrum Murray et quondam Elizabetham Oliphant suam sponsam aliquando occupata summam tredecem solidorum et quatuor denariorum ad duos anni terminos Pentecostes et Sancti Martini in hieme per equales portiones capoues pultreas et multuras molendino monasterii de Inshchaffray usitatas et consuetas tanquam feudifirma pro dictis terris ab antiquo solvi solitis ac in reotali dictarum terrarum contentas et pro grassumis et augmentatione dicti rentalis summam trium solidorum et quatuor denariorum ad terminos solutionis predictos plusquam dicte terre ante locationem earundum in feudifirma persolverunt aut dederunt Necun dictus quondam Magister Laurentius Oliphant ejusque predicti invehendo ad locum de Inchchaffray decem onera lie mett circils petarum vnum ouus calcis et vnum onus tegularum feni secudum usum solitum et consuetum et brasinum molendino Ac miustrando vnum equum cum tracheo ad vehendum decimas garbales ad horrea aliaque loca necessaria ac reparando et sustentando horreum et molendinum de Inscheffray ut reliqui tenentes secundum ratam cum ad dicta cariagia et servitia requisiti fuerint Necnou solveudo corue argentum et stramina lie catour et officer solvi perprius solita et consueta cum vna firlois et vna lie thrave avenarum et straminum in pabulum et sustentatiouem

jumentorum dicti monasterii ad currus pro quibus avenis et straminibus omnibus quotidianis caragiis et serviitiis in originali carta feudifirme contentis exonerabuntur solveudo preterea herezeldam sive sex solidos et octo denarios pro illa cum per mortem contigerit Insuper bellorum seu guerrarum tempore servitia et carragias solitas ministrando uecnon tempore pacis et alias prout requisiti fuerint dicto supremo domino nostro Regi et successoribus suis prompte parere et inservire tenebuntur vna cum personali presentia in tribus placitis capitalibus et aliis curiis apud locum de Iushcheffray tenendis Heredes quoque et assignati dicti quondam Magistri Laurentii Oliphant duplicando integram feudifirmam autedictam cum augmentatione primo anno eorum introitus ad dictam octavam partem de Soutertoune cum pertinentiis prout usus est feudifirme Et si contigerit dictum quondam Magistrum Laurentium heredes suos et assignatos prescriptos deficere in solutione dicta dicte feudifirme cum augmentatione per quinquaginta dies post vnumquemque terminum tunc et in eo casu pro qualibet merca solvent viginti solidos Sin autem deficere sic ut duo termini continuo in tertium concurrant ipso facto dictam feudifirmam cum augmentatione amittent proviso nihilominus quod non licebit dicto quondam Magistro Laurentio Oliphant ejusve predictis vendere alienare aut quovis alio modo disponere cuicumque persone que ipsis majoris status gradus aut conditionis existat prefatam octavam partem terrarum de Soutertoune cum pertinentiis sub pena forisfacture ejusdem: Prcterea dictus quondam Magister Laurentius Oliphant ejusque predicti Reddendo annuatim pro toto et integro tenemento etcrofta suprascripta nuncupata Wel Croft cum domibus edificiis et pasturagiis predictarum terrarum quinque solidorum monete predictae ad terminos suprascriptos ac multuris dictis molendiis solitis et consuetis vna cum presentia personali in tribus placitis capitalibus et in aliis curiis ad dictum locum tenendis Necnon heredes dicti quondam Magistri Laurentii Oliphant duplicabunt feudifirmam et augmentationem antedictas primo anno eorum introitus addictum tenementum etcroftam cum pertinentiis prout usus est feudifirme tantum Et si contigerit dictum quondam Magistrum Laurentium ejusve predictos deficere in solutione dicte feudifirme per quinquaginta dies post vnumquemque terminum tunc et in eo casu pro sex solidis et octo denariis Sin autem deficere sic ut duo termini in tertium continuo concurrant ipso facto predictam feudifirmam amittent et non licebit dicto quondam Magistro Laurentio Oliphant suisve antedictis vendere alienare aut quovismodo disponere prenominatum tenementum autcroftam cuicumque persone aut personis ipsis majoris status gradus aut conditionis existat sub pena forisfacture huiusmodi Reddendo etiam annuatim prefatus quondam Magister Laurentius Oliphant ejusque predicti dicto supremo domino nostro Regi suisque successoribus collectoribus camerariis seu factoribus eorum pro tota et integra prenominata altera octava parte dicte ville et terrarum de Soutertoune que per dictum quondam Robertum Ramsay et quondam Catharinam More suam sponsam possessa et occupata fuit cum domibus edificiis hortis toftis croftis et suis pertinentiis summam tredecem solidorum et quatuor denariorum monete antedictae ad terminos suprascriptos per equales portiones capones pultreas et multuras dicti

molendinis monasterii antedicti vsitatas et consuetas tanquam antiquam feudifirmam predictis terris solvi solitis et consuetis ac in rentali earundem contentas Necnon pro grassumis et augmentatione predicti rentalis summam trium solidorum et quatuor denariorum monete antedictae ad terminos suprascriptos plusquam dicte terre vnquam ante locationem earundem in feudifirma persoluerunt et dederunt Insuper predictus quondam Magister Laurentius Oliphant ejusque antedicti tenebuntur invehere annuatim ad locum de Inshchefray decem lie mett creils petarum vnum onus lie horse laid calcis vnum simile onus tegularum feni in modum solitum et consuetum brasinum lie malt ad molendinum ministrare vnum equum cum tracheo lie slade et vecturam decimarum garbaliū ad horrea et alia loca necessaria horreum etiam et molendinum in modum solitum et consuetum reparare et sustinere pro rata sicuti ceteri tenentes cum ad vecturas et seruitia prefata requisiti fuerunt Solvere etiam corne argentum et straminis lie cature et officer perprius solvi solitis et consuetis cum vna firlota avenarum et vna lie thrave straminum in pabulum et sustentationem jumentorum ad currus pro quibus arenis et straminibus omnibus quotidianis carriagiis et seruitiis in originali carta non specificatis exonerabuntur Solvere etiam herezeldam sive sex solidos et octo denarios pro illa cum per mortem contigerit ac ministrando seruitia cum cariagiis tempore belli vsitata et consueta ac dicti supremo domino nostro Regi et successoribus ad illius et eorum defensionem prompte parere et inservire prout requisiti fuerint vna cum presentia personali in tribus curiis capitalibus aliisque curiis apud dictam monasterium tenendis cum requisiti fuerint ac etiam heredes dicti quondam Magistri Laurentii Oliphant duplicando integram feudifirmam antedictam cum augmentatione primo anno eorum introitus prout usus est feudifirme. Et si contigerit dictum quondam Magistrum Laurentium vel suos prescriptos deficere in solutione dicte feudifirme cum augmentatione per quinquaginta dies post vnumquemque terminum tunc et in eo casu pro qualibet merca solvent viginti solidos Sin autem deficere sic ut duo termini continuo tertium concurrant ipso facto predictam infeodationem amittent et locatio in se expirabit ac nullius valoris roboris vel momenti deinceps censebitur. Proviso nihilominus quod non licebit dicto quondam Magistro Laurentio Oliphant eiusve predictis vendere alicnare seu quovismodo disponere prefatam octavam partem cuicunque persone vel quibuscunque personis ipsis majoris status gradus aut conditionis existat subpena forisfacture earundem tantum pro omni alio onere exactione questione demanda seu seruitio seculari que de predictis terris vel ulla earundem parte exigī poterit quomodolibet vel requiri Et quod tote et integre predictae terre baronia decime piscationes molendina aliaque supraspecificata cum partibus pendiculis privilegiis et pertinentiis earundem supramentionatis Exceptis prefatis terris de Wester Dubheads et pertinentiis ejusmodi minime adhuc elapse sunt in nonintroitu a decessu dicti quondam Magistri Laurentii Oliphant patris dicti Georgii Oliphant latoris presentium Quia dictus Dominus Laurentius Oliphant de Gask miles ejus pater ac avus dicti Georgii latoris presentium tanquam jus habens predicti vitalis redditus advivit. Et quod dicte terre de Wester Dubheads cum pertinentiis

nunc existunt prout extiterunt in manibus dicti supremi domini nostri Regis tanquam superioris earundem continuo a decessu dicti quondam Magistri Laurentii Oliphant qui obiit in mense Augusti anno Domini millesimo sexcentesimo septuagesimo secundo et ita per spatium quatuor annorum et novem mensium aut eo circa vltimo elapsorum in defectu dicti Georgii Oliphant sui filii legitimi ac propinquioris heredis masculi jus suum huc usque minime prosequentis: In cuius rei testimonium presentibus (ex chirographo Thome Buttar servitoris Joannis Williamsone scribe dicti vicecomitis de Pearth) manu dicti Joannis Williamsone scribe prescripti in vnaquaque pagina sex paginarum presentis retornatus subscriptis sigilla quorundam et majoris partis eorum qui dicte inquisitioni intererant presentibus sunt appensa vna cum sigillo officii dicti vicecomitis de Pearth appenso ligamino dicte pergamine ligantur vna etiam cum dictis brevibus inclusis anno die mensis et loco respective quibus supra Sic subscribitur Joannes Williamsone.

Hec est vera copia principalis retornatus super premissis in cancellaria supremi domini nostri regis remanentis extracta copiata et collationata per me Dominum Wilielmum Ker equitem auratum ac ejusdem cancellarie directore. Testantibus his meis signe et subscriptione manualibus.

WILL. KERR.

82.2.1, f. 185
216. LAST WILL and TESTAMENT of SIR LAWRENCE OLIPHANT of Gask. June 5, 1679.

I Sir Lawrence Oliphant of Gask Knight being weak and infirm in bodie bot perfect in mynd and of good remembrance knowing nothing more certain then death and nothing more vncertan then the time when place where or maner how doc make my lettre will and testament as followes ffirst I recomend my soule to God hoping to be saved through the merits of Jesus Christ my alone Savior and Redeemir and ordaines my bodie to be honestlie and decentlie buried in my own buriall place at the Kirk of ffindowgask bcside my antecessors and freinds And for my worldc affaires I be thir presents make nominat and appoint Patrick Oliphant my eldest lawfull sone my sole executer and vniversall intrometter with my haill goods and geir and debts and that for payment of my laufull debts and legacies with full power to him to give vpe inventar and confirm testament and to doe everie thing necessar quhilk becomith the office of ane executour Item I leave to the poore of the said paroch of ffindowgask the soume of thrie hundreth merkis Scots money Item I leave in legacie to my oyes afternamed the soumcs of money following ilk ane of them for their own pairts as is after divydit viz. To Lawrence Oliphant laufull sone to the deceist Mr Lawrence Oliphant my sone the

soume of ane thowsand merkis money foresaid Iteu to James Grahame lafulj sone to James Grahame of Orchle ane vther thowsand merkis money foresaid, and to Duncan Campbell lafull sone to Coliue Campbell of Monzie procreat betuixt him and Anna Oliphaut my daughter ane vther thowsaud merkis money foresaid Quhilk soumes sua left be me in legacie to them I ordaine to be employed to helpe to defray thair charges or preutis-fies if they goe to the Wreater craft to any weill qualified Wreater to the Siguet when they become capable for the same. Aud this I continow to be my lettre will aud testament in all time comeing In testimonie quheroff I subscribe thir presents at Gask the ffyft day of Juuij j^m vj^c seventie nine yeiris before the witnesses David Oliphaut my sone aud James Wilsoue Notar Publick and Wreater heirof.



D. OLIPHANT witness.

J. WILSONE, witness.

Ch. B. 1563

217. RETOUR of the SERVICE of CATHERINE, JONETA and ELIZABETH MOREISS as Nearest Heirs Portioners of MARGARET MOREISS their Sister in an Annual Rent of Forty Pounds Scots from the Barony of Gask. January 30, 1680.

Hec Inquisitio facta fuit in curia vicecomitatus de Perth tenta in Pretorio burgi de Perth trigesimo die mensis Jauuarii anno Domino millesimo sexcentesimo octuagesimo coram Jacobo Butter portionario de Lethindie vicecomite deputato dicti vicecomitatus virtute brevis e capella supremi domiui uostri regis ad effectum subscriptum emanati per hos probos et fideles viros patrie subscriptos videlicet Robertum Layng in Gloverland Joannem Gairdner in lie Holl de Ruthven Joanuem Craigie chirothecarium in Perth Quintigernum Moreis in Newbigging of Tippermuir Joannem Blyth in Bankhead Joanuem Balvaird de Ballomylie Jacobum Oliphant sartorem in Perth Patricium Cuthbert in Erlesdykes Malcolmum Balmean in Hiltoun de Maler Willielmum Moncreiff in Kirkton Thomam Harlow in Cairny Andream Croon in Eister Cultmalindie Alexandrum Reutoull in Overcairny Andream Clerk in Dumbairny et Robertum Baine in Cultmalindie Qui jurati dicunt quod quondam Margareta Moreis filia legitima quondam Joannis Moreis in Bankhead soror Katherine Jonete et Elizabethae Mores laticium presentium obiit ultimo vestita et sasita ut de feodo ad fidem et pacem supremi domini nostri moderni regis (sub reversione modo subtus specificato) In toto et integro vno annuo reddito quadraginta librarum monetæ

Scotie annuatim levando et precipiendo ad duos anni terminos festa videlicet penthecostes et Sancti Martini in hieme per equales portiones de totis et integris terris et baronia de Gask aut de aliqua earundem parte cum pertinentiis jacentibus in parochia de Gask et infra vicecomitatum de Perth quondam Magistro Laurentio Oliphant feoditario de Gask aliquando hereditarie spectantibus Quiquidem annuus redditus quadraginta librarum monete annuatim levandus et precipiendus ut supra specificatum per dictum quondam Magistrum Laurentium Oliphant feoditarium de Gask tunc hereditarium proprietarium predictarum terrarum et baronie de Gask predicto quondam Joanni Moreis in vitali reddito durante omnibus sue vite diebus et post ejus discessum dicte quondam Margarete Moreis ejus filie prioris matrimonii feoditarie huiusmodi in feodo hereditarie alieutuus fuit sub reversione tamen continente in se principalem summam unius mille mercarum monete antedicte secundum tenorem hereditarie obligationis per predictum quondam Magistrum Laurentium Oliphant dictis quondam Joanni et Margarete Moreis modo supra mentionato facte et concesse de data decimo die mensis Novembris anno Domini millesimo sexcentesimo septuagesimo prout in dicta hereditaria obligatione de data prescripta continente in se diversas alias clausulas articulos et conditiones cum precepto sasine pro infeodando dictum quondam Joannem et Margaretam Moreis in dicto annuo reddito super reversione supra mentionata unacum eorum instrumento sasine desuper suscepto sub signo et subscriptione manuali Willielmi Lesles notarii publici de data ultimo die mensis Julii anno Domini millesimo sexcentesimo septuagesimo secundo debite registrato secundum tenorem acti parliamenti latius continetur Et quod dicte Katharina Joneta et Elizabetha Moreis latrices presentium sunt legitime et propinquiores heredes portionarie dicte quondam Margarete Moreis suarum sororis in predicto annuo reddito in quo obiit ultimo vestita et sasita ut de feodo ut predictur Et quod sunt legitime etatis Et quod totus et integer predictus annuus redditus annaliendus et levandus ut dictum est nunc valet per annum seipsum et tempore tantum valuit Et quod de successoribus dicti quondam Magistri Laurentii Oliphant in jure proprietatis dictarum terrarum a quibus dictus annuus redditus alienatus fuit levandus modo prescripto in libera alba firma immediate tenentur in capite Reddendo inde annuatim unum denarium monete predictae super solo et fundo dictarum terrarum in die festi penthecostes nomine albe firme si petatur tantum Et quod totus et integer predictus annuus redditus in quo dicto quondam Margareta Moreis obiit ultimo vestita et sasita ut de feodo ut prefertur nunc existit prout existit in manibus heredum et successorum dicti quondam Magistri Laurentii Oliphant superiorum annui redditus supra specificati continuo a decessu dicte quondam Margarete Moreis que obiit in mense Februario anno Domini millesimo sexcentesimo septuagesimo nono et ita per spatium vudecim mensium et dierum aut eo circa ultimo elapsorum ratione nou introitus in defectu dictarum Katherine, Joncte et Elizabethhe Moreis sue verarum legitimarum et propinquiorum heredum portionarium jura sua huc usque minime prosequuntur. In cujus rei testimonium sigilla quorundam et majoris partis

eorum qui dicte inquisitioni intererant presentibus sunt appensa ac dictum breve inclusum sub inclusione sigilli officii dicti vicecomitis ac manu Joannis Williamsone ejusdem vicecomitis scribe subscriptis subque anno die mensis regni que regis anno respectiue quibus supra.

JO. WILLIAMSONE Cls.

CAROLUS Dei gratia Magne Britannie Francie et Hibernie rex fideique defensor vicecomiti et ballivis suis de Perth salutem Mandamus vobis et precipimus quatenus per probos et fideles homines patrie per quos rei veritas melius fieri poterit magno sacramento interveniente diligentem et fidelem inquisitionem fieri faciatis de quibus terris et annuis redditibus cum pertinentiis quondam Margarete Mores filia Joannis Mories in Bankhead soror germana Catharine Jauete ac Elspete Mories latricium presentium obiit ultimo vestita et sasita ut de feodo ad fidem et pacem nostram infra balliam vestram Et si dicte Catherina, Janeta et Elspeta Mores sint vltime et propinquiores heredes portionarie dicte quondam Margarete Mores suarum sororis de dictis terris et annuis redditibus cum pertinentiis, et si sint 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 servitium tenentur in cuius manibus nunc existunt qualiter per quem ob quam causam et a quo tempore et quod per dictam inquisitionem diligenter et fideliter factam esse iueneritis sub sigillo vestro dicto vicecomite et sigillis eorum qui dicte inquisitioni intererint faciende ad capellam nostram mittatis et hoc breue Teste meipso apud Ediuburghum secundo Januarii 1680.

Ch. B. 1564.

218. ASSIGNATION by CATHERINE and ELSPETH MOREISS, of their Interest in an Annualrent out of the Lands and Barony of Gask, in favour of JANET MOREISS and LAURENCE RINTOUL, her Husband. March 15, 1681.

Be it kend till all men be thir present lettres ws Catherin and Elspeth Morieses tuo of the lafull sistars airs portionars diwlie served to the deceist Margaret Moreis lafull daughter of the first mariage to wmqubile John Moreis in Baukhead our father and Thomas Johnston in Hiltoune of Maller spous to me the [said] Elspeth Mories for himself and as takeing burding in and wpon him for me and we boath of on mynd consent and assent: fforsameikle as wmqhill Master Laurence Oliphant fiar of Gask be his band (conceaved in heretabill forme) subscriuit with his hand of the dait the tent day of November j^m vj^e and seventie yeirs band and oblist him his airs and successouris whatsumever with all convenient diligence diwlie and sufficientlie to have infest and saisied be chartor and saisine titulo oneroso in diw and competent form the said wmqhill John Mories in lyfrent and the said wmqhill Margaret Mories his daughter hir airs and assigneys in fie heretablie wnder

reversione allwayes in maner aftermentonat, In all and hail ane annualrent of fourtie pounds Scots money les or more aggrieable to the principall soume of ane Thousand markis money foirsaid (then borrowed and received be him from the said defunct for himselff and in name and behalff of the said wmquhill Margaret Mories his said daughter) conforme to the Act of Parliament as the samen shall happen to rule for the tyme yeirly to be furthcoming liftit and wptaken att tuo termes in the yeir Witsunday and Mertiemes in winter be equall portiones, ffurth of all and hail the said Mr Laurence Oliphant his lands and barronie of Gask or any pairt thairof or furth of any other the said wmquhill Mr Laurence his lands and heritages whatsumever within this Kingdom most poyndable at the said wmquhill John Mories and his foirsaid option and selection as the said band of the dait abouewritten containing ane precept of saisine with ane claus of reversione wherby the foirsaid annualrent is redeimable be payment making of the foirsaid principal soume and bygoue annwillis thairof resting the tyme of the redemptiou with divers other claussis and oblisements thairin in it selff at more lenth properts: Conforme to the whilk heretabill band and precept of saisine thairin contained the said wmquhill John Mories and the said wmquhill Margaret Mories his said daughter wes wpon the threttie ane day of July j^m vj^c and seventie tuo yeiris diwlie and lafullie infest and saised in lyfrent and fie respective in maner abouespecifeit In all and hail the foirsaid yeirly annualrent of ffourtie pounds money foirsaid les or more conform to the Act of Parliament yeirly to be furthcoming liftit and wptaken at the saids tuo termes in the yeir Witsunday and Mertiemes in winter be equall portiones furth out of all and hail the saids lands and barronie of Gask or any pairt thairof with the pertinents layand within the parochiu thairof and schireffdom of Pearth during the not redemption thairoff allways in maner abouementonat, as ane infestment of saisine extendit thairvpon wuder the haud and subscription manuell of wmquhill William Leseles notor publict and diwly registrat conform to the Act of Parliament in the publict register of saisins within the schireffdom of Perth wpon the secund day of Agust j^m vj^c seventie tuo yeiris foirsaid be John Arnott present Keiper thairof in it selff at more lenth bears: Wherwpon and breive drect furth of our Soverane Lord's Chancellarie to the Schireff of Pearth and his deputs we the saids Catherine and Elespeth Moriessis and with ws Janet Mories our other lafull sistar wes wpon the threttie day of Januarij j^m vj^c and eightie yeiris diwlie and lafullie served airs portionaris befor the said Schireff of Pearth and his deputs in speciall to the said wmquhill Margaret Mories our said sistar In all and hail the said yeirly annualrent of fourtie pundis money foirsaid yeirly to be furthcoming liftit and wptaken furth of all and hail the saids lands and barronie of Gask with the pertinents foirsaid in maner and att the termes abouementonat as the extract of the said service of the dait foirsaid in it selff more fullie coutaines: And now seeyng the said Jauet Mories, our said sistar—and Laurence Rintoull in southsyd of Williams-toune hir husband for his intrass, hath (for our making and granting of the assignation and disposition eftermentonat) wpon the day and dait of thir presents advanced payed and delivered to ws the saids Catharine and Elespeth Moriessis and

the said Thomas Johnstoune spous to me the said Elespeth Mories for his intress certaine considerable soumes of money in satisfaction to ws of our tuo seuerall tuo pairts of the foirsaid yeirly annualrent of fourtie pounds of all yeiris and termes resting wnpayed and proportionall pairtis of the foirsaid soume of ane Thousand markis respective abouewrittin specifeit aud contained in the foirsaid heretabill band and for which the said annualrent is redemable wherwith we hold our selvs satisfied renunceing the exception of not numerat money oath of pairtie and all other exceptions or objections of the Law proponable in the contrair: Theirfoir and to the effect that our saids tuo seuerall tuo pairts of the foirsaid yeirly annualrent and principall soume for which the same is redeimable may be consolidat in the persone and favouris of the said Janet Mories and hir said husband for his intress with hir oune thrid pairt thairof Witt ye ws the saids Catharin and Elspeth Moriessis tuo of the airs portionars foirsaid uow as if we wer retoured entered infeft and saised in the said annualrent and then as now and I the said Elspeth for myselff with the speciall advyce and consent of the said Thomas Johnstoune my said husbaud and I the said Thomas for myselff and as takeing the full burding in and wpon me for hir and ws boath of on myud consent and assent to have sold annalzied and disponed and he the tennour heirof (ffor the onerous caussis abouementionat) we for ws our airs and all otheris our assigneyis all of on mynd consent and assent sells annalzies and frielie dispones to and in favouris of the said Laurence Rintoull and Janet Mories his said spous and the longest leiver of them tuo and for the said Janet hir lyfrent wse of the annualrent thairof allanerly and to the airs whatsumever lafullie procreat or to be procreat hetuixt them ther airs or assigneyis whatsumever in fie whilks faylieing to the said Laurence Rintoull his airs or assigneyis whatsumever All and haill our said tuo seuerall tuo pairts of all and haill the said yeirly annualrent of fourtie pounds extending to the soume of Tuentie six pund threttin shilling four pennes Scots money or such ane annualrent les or more conforme to the Act of Parliament ansuerable and agrieable to the said principall soume of ane thousand markis yeirly to be furthcoming liftit and wptakeu at the foirsaid tuo termes in the yeir Witsunday and Mertimes in winter be equall portiones furth out of all and haill the saids lands and barronie of Gask or any pairt thairof with the pertinents lyand in maner foirsaid Together with all right intrest clame of right boath petititor and possessor whilks we or our forsaid had hes or heirafter may or can pretend to the samen annualrent and principall soume for which the same is redemable or any pairt thairof in tyme comeing And thairin we the said Catharin and Elspeth Moriessis and the said Thomas Johnstoune spous to me the said Elspeth be thir presentis binds and obliss ws all of ane mynd consent and assent in maner foirsaid our airs and successouris to diwly and sufficiently infeft and saise the said Laurence Rintoull his said spous and thair foirsaid in mauer abouementionat (wpon thair oune proper moyan charges and expeussis) and that be tuo seuerall chartouris and infeftments ane thairof to be holdin of ws and our foirsaid in frie blench ferme for yeirly payment of ane pennie money Scots wpon the ground of any pairt of the saids lauds at the terme of Witsunday if the samen

beis askit allanerly and the other of the saidis chartouris and infestments to be holdin fra ws and our foirsaidis of our imeadiat superiouris of the said annualrent in such maner as we our authoris held or might have holdin the samen our selvs befor the makeiug heirof and that aither be resignatiou or confirmation as best shall please the said Laurence Rintoull and his said spous and thair foirsaidis which resiguation or confirmatione is to be purchased past and expead wpon the proper meins moyane and expenssis of the said Laurence Rintoull his said spous and thair foirsaidis: And farder for the said Laurence Rintoull his said spous and thair foirsaidis ther better securitie to have mad constitut and ordained as be thir presents we all of ane mynd consent and assent (now as if we wer retoured entered infest and saised in the foirsaid annualrent and then as now) for ws and our foirsaidis makis constituts and ordains the saids Laurence Rintoull his said spous and thair foirsaidis in maner respective abouewritiu ther airis and donators our verie lauffull wndoutit and irrevockable cessiuaris assigneyis in and to our saids tuo seuerall tuo pairts of the foirsaid yeirly annualrent of fourtie pounds of all yeirs and termes bygone resting wnpayed since the deceis of the said wmqhill Margaret Mories who deceist in the moneth of February j^m vj^c and seventie nyne yeirs and yeirly and termly in tyme comeing dureing the not redemption thairof in maner above-mentioinat And in and to our saids tuo seuerall tuo pairts of the foirsaid principall soume of ane Thousand markis for which the samen is redeimable in maner and conforme to the foirsaid heretabill band respective abouementioinat And iu and to our tuo seuerall tuo pairtis of the soume of aue hundreth pounds money foirsaid of liquidat expenssis respective particularlie meutioned in the samen band And in aud to the samen band it selff instrument of saisine following thairvpon haill circumstances claussis aud oblismets thairin contained with all that hes followed or may follow thairwpon in sua far as concerns or may be extendit to our rights and pairts of the samen And in and to all actiouc instance and persuit competent or that may be competent att our instance thairfoir turning and transferring the samen with our haill right and title thairto in the persone and favouris of the said Laurence Rintoull his said spous and thair foirsaidis in maner abouementioinat whom we be thir presents surrogate and substituts in our full right vice and place of the premissis cum potestate transferrendi And with full pouer to the said Laurence Rintoull his said spous aud thair foirsaidis be vertew of thair oune right and thir presents to midle intromitt with and wplift the foirsaid yeirly annualreut of fourtie pundis of all yeirs aud termes resting wnpayed since the deceis of the said wmqhill Margaret Mories and yeirly and termly in tyme coming during the not redemptione thairof in maner abovespecifeit And the said principall of ane thousand marks it selff for which the samen annualrent is redeimable, from George Oliphant now of Gask as air served entered infest and saised to the said wmqhill Mr Laurence Oliphant fiar of Gask his father and if neid beis to call and persew thairfoir decreits ane or mae to obtaine and recover and the samen to all executione cause be put compone transact and aggrie thairanent acquitances and discharges with grant of redemptions to grant subscrivye and deliver and generallie all and

sundrie other things necessar and expedient anent the premissis to doe exerce and vse sicklyke and alsfrielie in all respects as we might have done our selvs befor the makeing heirop: Whilk assignatione and dispositione abouewrittin in all and be all things as is abouementionat we bind and oblise ws and our foirsaidis to warrand to the said Laurence Rintoull his said spous and thair foirsaidis from our oune propper fact and deid allanerly That is to say we have not mad nor done nor shall not make nor doe no other right nor deid in prejudice heirop And for the mair securitie consents thir presents be registrat in the bookis of counsell and session or any other judges buikis competent to have the strenth of ane decreit that lettres of horning on six days poynding and otheris neidfull may pass heirwpon and thairto constituts our procuraturis etc.: Moreover to the effect the said Laurence Rintoull his said spous and thair foirsaidis may be the more conveniently infeft and saised in our tuo seuerall tuo pairts of the foirsaid yeirly annualrent witt ye ws to have mad and constitut as be thir presents we the saids Catharin and Elspeth Moriessis now as if we wer retoured entered infeft and saised in the samen annualrent and then as now maks constituts and ordains with consent foirsaid

And ilkane of yow coniunctlie and seuerallie our baylies in that pairt speciallie constitut greitting that incontinent thir presents seeing ye pass to the ground of the saids lands and barronie of Gask or any pairt thairof with the pertinents lyand within the parochin of Gask and schireffdome of Pearth foirsaid and thair to give and deliver heretabill stait and saisine reall actuall and corporall possession of all and hail our saids tuo seuerall tuo pairts of the foirsaid yeirly annualrent of fourtie pounds extending to the foirsaid soume of tuentie six pounds threttein shilling four pennes money foirsaid or such ane annualrent les or more conforme to the Act of Parliament ansuerable and agrieable to the foirsaid principall soume of ane Thousand markis yeirly to be furthcuming liftit and wptaken be the said Laurence Rintoull and Janet Mories his said spous the langest leivar of them tuo and for the said Janet hir lyfrent vse of the said annualrent allanerly and to the airis lafullie procreat or to be procreat betuixt them ther airis or assigneyis whatsumever in fie whilks fayleing to the said Laurence his airis or assigneyis whatsumever at tuo terms in the yeir Witsunday and Mertiemes in winter be equall portiones during the not redemptione thairof in maner above and efterspecifeit furth out of all and hail the saids lands and barronie of Gask or any pairt thairof with the pertinents or to thair certaine actorney bearer heirop in thair name be deliverance of earth and stone of the ground of the saids lands and of ane pennie money Scots as vse is prescryved be the law in the lyke promiseing to hold firme and stable etc. and this on noways ye leave wdone the whilk to doe we committ to yow coniunctlie and seuerallie our full pouer as said is redemable allways and wnder reversion in maner particularlie mentioned in the foirsaid heretabil obligation: In witnes whereof (wrettin be Robert Grahame servitur to James Oliphant nottar in Perth) we and the said Thomas Johnstoune in testimonie of his consent have subscriuit

thir presents att Pearth the fyftein day of March j^m vj^c and ffourscoir ane yeiris befoir thir witnessis Donald Andersone and John Stewart servituris to Henrie Broune nottar in Pearth, Charles Robertsonsone wretter thair, and the said Robert Grahame wrettér heirof.

DONALD ANDERSONE, witness.

THOMAS JOHNSTON.

JOHN STEWART, witness.

De mandato dictæ Catharinæ et Elspetæ Moriessis scribere nescientium (ut asseruerunt) ego Jacobus Oliphant notarius publicus pro illis subscribi.—J: OLIPHANT, N. P.

C. ROBERTSONE, witness.

RO: GRAHAME, witness.

Similiter de mandato dictæ Catharinæ et Elspetæ Moreissis scribere nescientium (ut asseruerunt) ego Henricus Broun notarius publicus pro illis subscribi.—H. BROUN.

Ch. B. 1565. 219. INSTRUMENT of SASINE in favour of JONET, CATHARINE, and ELIZABETH MORRIS, in an annual rent of Forty Pounds payable from the Barony of Gask. December 21, 1681.

In Dei nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod vigesimo primo die mensis Decembris anno Domini millesimo sexcentesimo octuagesimo primo regni que supremi domini nostri Caroli Secundi Dei gratia Magne Britannie Francie et Hibernie Regis fideique defensoris anno trigesimo tertio In mei notarii publici et testium subscriptorum presentibus personaliter comparuit Joneta Moreis pro seipsa et tanquam acturnata et eo nomine Cathrine et Elizabethæ Morcis suarum sororum habens et in manibus suis tenens quoddam preceptum sasine subscriptum vulgo vocatum preceptum de Clare Constat factum datum et concessum per honorabilem virum Georgium Oliphant de Gask superiorem annui redditus subscripti cum speciali avisamento consensu et assensu suorum curatorum vel quorum eorum subscribentium prefate Jonete Kathrine et Elizabethæ Moreises tanquam sororibus et heredibus portionariis dicte quodam Margarete Moreis suarum sororis de toto et integro vno annuo redditu quadraginta librarum monete Scotie annuatim leuando et percipiendo ad duos anni terminos festa videlicet pentecostes et Sancti Martini in hieme per equales portiones ex totis et integris terris et baronia de Gask aut de aliqua parte earundem jacentibus infra parochiam de Gask et vicecomitatum de Perth prout in dicto precepto latius continetur Quodquidem preceptum prefata Joneta Morcis pro seipsa et tanquam acturnata et eo nomine dictarum Cathrine et Elizabethæ Moreises sue sororum

honesti viro Thomae Talzeour in Overgask ballivo iu hac parte per prefatum preceptum specialiter constituto presentavit et deliberavit eumque requisivit quatenus que in eodem continebantur debite executioni demandaret Qui vero ballivus dictam requisitioucm obedire volens prefatum preceptum in maibus suis recepit mibique notario publico subscripto perlegendum publicandum et in vulgari adstantibus exponendum tradidit Cuius vero precepti tenor scquitur et est talis: GEORGIUS OLIPHANT de Gask superior annui redditus subscripti cum speciali avisamento consensu et assensu meorum curatorum vel quorum eorum subscribentium dilectis meis Thome Talzeor in Overgask et vestrum cuilibet conjunctim et diuisim ballivis ueis in hac parte specialiter constitutis salutem quia per auteutica documenta et instrumenta coram me producta et ostensa clare constat et est notum quod quondam Margareta Moreis filia legitima prioris matrimonii quondam Joannis Moreis in Bankhead soror Cathrine Jonete et Elizabethae Moreises latricium presentium obiit vltimo vestita et sasita ut de feodo ad fidem et pacem supremi douini uostri regis sub reversione modo subtus specificato in toto et integro vno annuo reddito quadraginta librarum monete Scotie annuatim levando et percipiendo ad duos anni terminos festum videlicet pentecostes et Sancti Martiui in hieme per equales portiones de totis et integris terris meis et baronia de Gask aut de aliqua parte earundem cum pertinentiis jacentibus in parochia de Gask et infra vicecomitatum de Perth quondam Magistro Lawrentio Oliphant feoditario de Gask meo patri aliquando hereditarie spectantibus Quiquidem annuus redditus quadraginta librarum monete predicte aunuatim levandus et percipiendus ut supra specificatus per predictum quondam Magistrum Lawrentium Oliphant feoditarium de Gask meum patrem tunc hereditarium proprietarium predictarum baronie et terrarum de Gask predicto quondam Joanni Moreis iu vitali reddito durantibus omnibus sue vite diebus et post eius decessum dicte quondam Margarete Moreis filie dicti prioris matrimonii feoditarie huiusmodi in feodo hereditarie alienatus fuit sub reversione tamen continente in se principalem summam vnius mille mercarum monete antedecte secundum tenorem hereditarie obligationis per predictum quondam Magistrum Oliphant meum patrem dictis quondam Joanni et Margarete Moreises modo supramentionato facte et concesse de data decimo die mensis Novembris anno Domini millesimo sexcentesimo septuagesimo prout in dicta hereditaria obligatione de data prescripta et iustrumento Sasine desuper suscepto latius continetur Et quod dicta Cathrina Joneta et Elizabetha Moreises suut legitime et propinquiores heredes portionarie dicte quondam Margarete Moreis suarum sororis in predicto annuo reddito in quo obiit vltimo vestita et sasita ut de feodo ut predicitur Et quod sunt legitime etatis Et quod de me tanquam filio et herede dicti quondam Lawrentii Oliphant mei patris in jure proprietario dictarum terrarum a quibus dictus annuus redditus alienatus fuit levandus modo prescripto in libera alba firma immediate tenetur in capite prout in dictis documentis et iustrumentis coram me productis et ostensis latius exprimitur Vobis igitur cum consensu prescripto precipio et firmiter mando quatenus visis presentibus indilate statum et sasinam hereditariam pariter et pos-

sessionem realem actualem et corporalem dicti anni redditus annuatim levandi et percipiendi ut preferitur sub reversione prescripta prenominatis Cathrine Jonete et Elizabethae Moreises tanquam sororibus et heredibus antedictis vel suis certis acturnatis latoribus seu latricibus presentium per terre et lapidis fundi dictarum terrarum ac vnius denarii traditionem et deliberationem ut moris est secundum formam et tenorem antiqui infeofamenti dicte quondam suarum sororis confecti et presentis precepti quod de me inde habet juste haberi faciatis tradatis et deliberetis sine dilatione (saluo jure cuiuslibet) Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte antedictis meam plenariam et irrevocabilem tenore presentium committo potestatem In cuius rei testimonium presentibus ex chirographo Roberti Grahame servitoris Jacobi Oliphant scribe in Perth scriptis manu mea et manibus meorum curatorum testimonio eorum consensus subscriptis sigilla nostra sunt appensa apud Creiff vigesimo die mensis Decembris anno Domini millesimo sexcentesimo octuagesimo primo coram his testibus Roberto Drumond incola apud molendinum de Ogilbie Magistro Alexandro Donyng juniore de Wester Creiff Magistro Donaldo M'Cara incola in Foulis Davide Lindsay notario in Foulis et Jacobo Wilsono notario publico in Gask insertore date et testium: Sic subscribitur Geo. Oliphant, Ja. Grahame consents Geo. Campbell consents, Ga. Drummond consents; Rob. Drummond witness, Al. Duning witness, Js. Lindsay witness, Mr. D. M'Cara witness, Js. Wilsono witness. POST CUIUSQUIDEM PRECEPTI SASINE suprascripte perlecturam publicationem et in vulgari adstantibus expositionem prefatus Thomas Talzeor ballivus in hac parte antedictus virtute sui officii ac de mandato dicti precepti indilate statum sasinam hereditariam pariter et possessionem realem actualem et corporalem totius et integri prefati anni redditus quadraginta librarum monete prescripte annuatim levandi et percipiendi ut preferitur sub reversione prescripta prenominatis Jonete Moreis pro seipsa necnon tanquam acturnata et eo nomine quo ut supra dicte Cathrine Moreis et Elizabethae Moreis suarum sororum per terre et lapidis fundi dictarum terrarum traditionem et deliberationem ut moris est secundum tenorem dicti precepti in omnibus juste dedit tradidit pariter et deliberavit salvo jure cuiuslibet Super quibus omnibus et singulis premissis prefata Joneta Moreis pro seipsa necnon tanquam acturnata et eo nomine quo ut supra dictarum suarum sororum a me notario publico subscripto hoc presens publicum instrumentum vnum seu plura sibi fieri petiit et requisivit Acta erant hec super solo dictarum terrarum et baronie de Gask horas inter primam et secundam post meridiem aut eo circa die mense et annis respective prenotatis presentibus ibidem Thoma Firsken filio Walteri Firsken in Clathiemoir Joanne Talzeor in Overgask Willielmo Hallie ibidem Willielmo Stalker ibidem et Jacobo Wilsono filio mei notarii publici subscribentis cum diversis aliis testibus ad premissa specialiter rogatis et requisitis.

Et ego vero Jacobus Wilsono clericus Edinburgensis diocesis notarius publicus auctoritate regali et per dominos consilii et sessionis admissus secundum tenorem acti Parlamenti Quia premissis [etc. in forma communi.]

At Perth the twentie nyinth day of December j^m vi^c four scoir ane yeirs: The within writine instrument of sasine produced be James Wilsone notar therto is insert and registrat in the publict register appoyntit for registratiōne of Sasines &c. within the shyrefdome of Perth conforme to the Act of Parliament made theranent in June 1617 in the tua hundreth threttie eight and twa hundreth threttie nyne leaves of the eight volume of the new Register be me John Arnott present keiper therof.

J. ARNOTT.

82.2.2, ff 20-6

220. ACCOUNTS of DISBURSEMENTS for LAURENCE OLIPHANT. February 21, 1684.

I.

Accompt to the Laird of Gask. february 13, 1684. the accompt of depursments for Laurence Oliphant be the Land Lady.

	lib.	af.	den.
Item for mielk and eall to his posets	00	05	00
Item for a fouel to his broth	00	08	00
Item for wine and suger and mes and bread to his beries ..	00	05	00
Item for two Leads of Coles brout from Wadensday to Seterday...	01	00	00
Item for eight pound of Candel	01	10	08
Item for a boult of broad knittings to row about him in his Cheircloath ...	01	01	00
Item for two pecks of brand to put in ye Cofing	00	05	00
Item for four gallens and four pints of eall from Wadinsday to Seterday at neight	03	12	00
	S:	08	06 : 08

II.

1684 Accompt Laurence Oliphant to Heugh Cunninghame the 15 febr^r.

	lib.	af.	den.
Imp ^r : 6 ells hollan at 46 s:	13	16	00
It: 7 ells of black ribens at 5 s:	01	15	00
It: 1 ell and a half quarter for Groat att 6 s. per ell	00	06	10
	Swmma	15	17 : 10

III.

Debt 15 January Laurence Oliphant brother German to the Laird of Gask, to James Loch.

	lib.	af.	den.
Im: 3 elles $\frac{1}{8}$ of black Cloath at 9 th : 12 ^s : per ell is	30	00	0
It: 4 elles $\frac{1}{4}$ of Serge att 22 ^s : p: ell is	04	13	6
It: 2 ell of twill at 9 ^s : p: ell is	00	18	0
Item 12 dusson of wilke buttones is... ..	03	12	0
Item Ane ounce of Silke is	01	00	10
Item $\frac{1}{2}$ ell of bucram and Stentoun is	00	05	00
Item 2 ell $\frac{1}{2}$ of Creape att 18 ^s : p: ell is	02	05	00
Item ane paire of black stokings is	01	16	00
Item ane dusson of justicoat buttons	00	02	00
Item one Skin for pocketes is	00	08	00
Item one Cantbeck hatt is	05	08	00
Item $\frac{1}{2}$ ell of rib: is	00	02	00
	S:	50	09 : 6

IV.

Mr. Laurence Oliphant his Accompt the febr^y.
15, 1684

To Agnas Whyt

	lib.	af.	den.
Imp ^r 7 ells of holland att 56 s. pr ell	19	12	00
Itt for making of the dead Lineins	03	00	00
	Summa	22	12 : 00
Itt: for a pair of Shivreins	00	14	00
		23	06 : 00

V.

Accompt of Articles furnished for the funeral of Lau: Oliphant brother to Gask.

21 of febr 1684. Laurence Oliphant his Accompt
To Pat: Steill.

	lib.	af.	den.
for 2 puttages	06	00	00
for a large dish of tonge and Louer	02	08	00
for boyld beif and turneips	01	10	00
for a leg of weill and cutletts	03	12	00
for Salmond	01	04	00
for a dish of benes	03	06	08
Carry forward,	18	00	08

									lib.	af.	den.
	Brought forward,	...	...	...	...	...	...	...	18	: 00	: 08
for a dish of wild foull	...	...	...	...	...	...	...	...	04	: 16	: 00
for aigs	...	...	...	...	...	...	...	...	00	: 03	: 00
for bread and Alle and tost in the morning and at dener	...	...	...	...	...	...	...	...	01	: 16	: 00
for wync and seck in the morning and at dener and ye afternon	...	...	...	...	...	...	...	...	23	: 00	: 00
for renets	...	...	...	...	...	...	...	...	01	: 16	: 00
for pyps and tobaccko	...	...	...	...	...	...	...	...	00	: 10	: 00
for Servants	...	...	...	...	...	...	...	...	01	: 08	: 00
Itt for wyne that came to the Lodging at severall times	...	...	...	...	...	...	...	...	28	: 05	: 00
									79	: 14	: 08

VI.

Laurence Oliphant Son to the Laird of Gask his Accompt To John Jonssie Apothecarie. 13 february 1684.

									lib.	af.	den.
13 feb:	Imp. of ane Cordiall Julap four unces	...	...	...	...	...	...	...	01	: 06	: 0
	It. Thrie mutchkins of ane ptisan	...	...	...	...	...	...	...	01	: 10	: 0
	It. materialls for broth	...	...	...	...	...	...	...	00	: 14	: 0
14 feb:	It. ane Clister	...	...	...	...	...	...	...	01	: 10	: 0
	It. eight doses of Cordiall pouders	...	...	...	...	...	...	...	01	: 16	: 0
	It. materialls for broth renewed	...	...	...	...	...	...	...	00	: 14	: 0
16	It. fyve vesicatory plaisters	...	...	...	...	...	...	...	01	: 00	: 00
	It. Twelve pound of pouders for embalming	...	...	...	...	...	...	...	12	: 00	: 00
	It. Ane large Cere Cloath	...	...	...	...	...	...	...	66	: 08	: 00
	It. four ounces of oills for the Coffine	...	...	...	...	...	...	...	01	: 04	: 00
21	It. for sweet oills	...	...	...	...	...	...	...	02	: 10	: 00
									Summa is	90	: 12 : 00

Accompt of the dirigee bread.

									lib.	af.	den.
febr 16	Imp. for two pecks and two Syds. of Short bread	...	...	...	...	...	...	...	02	: 16	: 0
1684	It. for a peck of Candid penkies	...	...	...	...	...	...	...	09	: 00	: 0
	It. for a quart Aill to Lads	...	...	...	...	...	...	...	00	: 04	: 0
									Summa is	12	: 00 : 0

15 february 1684.

ffor four dusson of	at Thrie shilling sterling per dusson and six										
peuter comes	...	...	...	...	...	...	...	...	08	: 08	: 00

Sic Subscriberur JON: M^cCLAREN.

VII.

Aecompt of the money debursed to Lawrence Oliphant Writer to the Signet
ffor and vpon the funerall of Lawrence Oliphant brother to the Laird of Gask.

13 ffeb: 84.	Imp: given of Consultatioun to doctor Steivensone elder	...	14 : 10 : 0
	It. to his Servant a dollor inde	... ..	02 : 18 : 0
15 ffeb : 84.	It. payed for tobaco and pyps to the lequack [<i>i.e.</i> lyke-wake]		02 : 02 : 0
	It. payed for lineks, 4 duson conforme to accompt	... ..	-08 : 08 : 0
	It. payed to Capt. Greins Sodgers ther Corporall	... ..	17 : 06 : 0
	It. payed the Kirk Thesaurer for the liberty of the tron Kirk		13 : 06 : 8
	It. given to the poore that night of the transportatioun	3,	
	14 s	... ..	02 : 02 : 0
	It. payed for a large Turff 1 lib 1 s, and grave maker	In all	03 : 06 : 0
	It. payed to the Kirk Thesaurer for his warrand to the grave-		
	men	... ..	05 : 16 : 0
	It. given to the poor in the tolbuith 2 doll:	... ..	05 : 16 : 0
	It. payed to the bedells in the tron Church for six nights	...	05 : 16 : 0
21 ffeb :	It. payed to the poor at lifteing the Corps and at the Gray		
	freirs	... ..	04 : 07 : 0
	It. payed to the Grave makers 2 dollors	... ..	05 : 16 : 0
	It. payed to the bell men for yr paynes fra	till	
	Thursday	... ..	21 : 06 : 0
	It. to treads officers for warneing of the Calleings and treads		02 : 14 : 0
	It. payed to the wright for a fyne Coffin lyned with base and		
	frenzies	... ..	56 : 00 : 0
	It. payed for a pynt of brandic and vinigar to Wash the Corps		02 : 12 : 0
	It. payed for the mortcloth fra Saturday till Thursday	5	
	dollars	... ..	14 : 10 : 0
	It. payed to the bedell in the tron Kirk for towes to the		
	Coffin	... ..	04 : 07 : 0
			182 : 09 : 0
	Summa is		182 : 09 : 0
	Ja : Loches merch ^t his accompt is	... ..	050 : 09 : 0
	Pat : Steill's accompt is	... ..	079 : 14 : 8
	Land Ladyes accompt is	... ..	008 : 06 : 8
	Item for dead Clothes	... ..	038 : 09 : 0
	John Jonssie Apothicory his accompt	... ..	090 : 12 : 0
	Item for bread conforme to accompts	... ..	012 : 08 : 0
			462 : 08 : 6
	Summa totalis		462 : 08 : 6

Thir aecompts is besyd drink money must be given to the women quho attendit
the Land Ladyes trouble bloodletteing the appothiqories Servants drink money and
other eontingent expensis given, and to be given.

Cc B. 1570.

221. RETOUR of the GENERAL SERVICE of WILLIAM OLIPHANT of Gask as heir of his Brother GEORGE OLIPHANT of Gask. May 4, 1687.

Hæc inquisitio facta fuit in curia vicecomitis de Perth quarto die mensis Maii millesimo sexcentesimo octogesimo septimo coram Magistro Nathanicle Fiffe advocato vicecomite deputato dicti vicecomitiatus ac senescallo senescallatus de Stratherne in hac parte per commissionem S. D. N. regis sub testimonio magni sigilli ad effectum subscriptum directam specialiter constituto per hos honorabiles probos et fideles viros patriæ subscriptos, videlicet, Andream dominum Rollo, Jacobum Grahame de Orchill, Thomam Grahame juniorem de Balgouan, David Drummond de Cultmalundie, dominum Jacobum McGill de Rankillor, militem, Patricium Oliphant de Bachiltoun, dominum Gulielmum Blair de Kinfaunes, militem, Jacobum Hay de Pitfoure, Joannem Drummond de Colquhollil, Patricium Hay de Kirkland, Colinum Campbell de Monzie, Joannem Glasse, nuper præpositum burgensem burgi nostri de Perth, Laurentium Oliphant apud Orchyrdmilne, Jacobum Butter, nuper scribam dicti vicecomitatus de Perth, et Alexandrum Blair juniorem de Inehyra: Qui jurati dicunt quod quondam Georgius Oliphant de Gaske frater germanus Gulielmi Oliphant nunc de Gaske latoris presentium obijt ad fidem et pacem dicti S. D. N. regis: Et quod dictus Gulielmus Oliphant lator presentium est legitimus et propinquior hæres masculus dicti quondam Georgij Oliphant sui fratris: Et quod est legitimæ ætatis.—In cujus rei testimonium sigilla majoris partis eorum qui dictæ inquisitioni intererant presentibus sunt appensa ac dicto brevi incluso sub qua inclusione sigillum officij dicti vicecomitis ac manu Gulielmi Mortimer ejusdem vicecomitatus deputatus scribæ subscripto subque anno die mensis et loco respective quibus supra. Sic subscribitur. Will. Mortimer.

Hæc est vera copia principalis retornatus super premissis in cancellaria S. D. N. regis remanentis extracta copiata et collationata per me Joannem Grahame deputatum honorabilium virorum domini Caroli Stewart de Pettindreich militis baronetti et domini Gulielmi Kerr equitis aurati ejusdem cancellariæ directorum sub hac mea subscriptione manuali.

JO: GRAHAM, DPT.

Cc B. 1573.

222. SUBMISSION to ARBITRATION by the LAIRDS OF ABERCAIRNEY, GASK, DOLLARIE, WILLIAMSTONE, and WOODEND, anent Cleaning and Maintaining the course of the Pow. July 8, 1687.

Be it knowen to all men by these present letters ws under subscrivers [Sir Robert Moray of Abercairney, William Oliphant of Gask, James Murray of Dollarie, James Oliphant of Williamstone, and Anthony Murray of Woodend] heretors of the seuerall lands lying in and about the Pow of Inshcheffra Forsomeikle ther was ane decreit arbitrall given and pronounced be Sir James Drummond of Machanie, William Blair of Kinfauns, William Murray of Keillor and Mr. James Drummond

of Coultmalindie judges arbitrators and amicable compositors elected and choysen be the heretors vpon the said Pow therein mentioned of the daite the elevinth, twelfth, and thirtein dayes of j^m vj^c sevintie two yeirs. Wherby the saids judges arbitrators haveing taken to thair mature deliberation the state and condition of the said Pow and inspection therof and of the maner of easting and stanking therof and what was necessar to be casten of the samen and what should be the pryce of the casting of ilk ruid. And haveing considered the best and easiest way for the current and all the places where the samen should be casten throw or betwixt ws the saids heritors our lands for the better current of the passage and keiping the samen from overflowing the saids judges arbitrators decerned, determined, and deeyded in maner att lenth spccifeit and contained in the said deereit arbitrall. And now sieing the said deereit arbitrall hes not as yett taken its full effect nor is the samen as yet accomplisht and fulfilled in all the poynts claussis and conditions thereof so that the said work of easting and stanking the said Pow is not as yett brought to a full period and conclusion tharfor and to the effect the samen may be brought to a full close, period, and perfection witt ye ws the fornamed persons heritors vpon the said Pow of new againe to have submitted our selves lyk as by the tenor heirof wee all with one mind consent and assent submitt our selves to the finall sentence decreit and determinatione of John Halden of Gleneigies, Sir John Drummond of Machanie, James Grahame of Vrchill, John Drummond of Pitkellancy and Colline Campbell of Monzie, and Henry Murray of Lochlane or any thrie of them judges arbitrators and amicable compositors mutuallie elected and choysen by ws and either of ws with one advise consent and assent as said is. Anent what shall be done and performed be ws or either of ws to vtheris in relation to the casting stanking ditching and drying of the said Pow, and the severall prejudices wee or any of our lands may sustaine therthrow and als the benefite which may aceresce to ws or either of ws be or throw the samen, and for the full effectuating and accomplishing of the said work of casting and stanking of the said Pow and keiping of the samen void and red in tyme comeing. And anent the charges and expenssis for doeing and effectuating therof. And anent what shall be done and performed be ws or either of ws to vthers in relation to the said haill work and vpon the whole matter and speiiallie anent what shall be done performed and payed be the heritors vpon the east syde of Auchloan to the heritors vpon the west syde of Auchloan, or any damnadge prejudicc coast or intrress they or their lands may any wayes sustaine or ineurr throw casting stanking ditching and drying of the said Pow in tyme comeing any maner of way. As also with power to the saids arbitrators to rectifie and amend any faults or errors in the first draught of the stank ditch or current and all vther faults or errors therein whatsoever. And that als weill be east Auchloan as by west the same and generallie all and sundry vther things anent the premissis and the said haill matter to doe decerne and deeyde as the saids judges arbitrators shall find requisite and necessar vpon the place and matter to doc and determine. And whatever the saids judges arbitrators or any thrie of them agrieing together in one voice but variance or

discrepance shall decerne determine and decyde anent the said haill matter and the putting the forsaid decret arbitrall to ane close and farder excutione whill the said haill work be fully accomplisht and perfytted Wee the saids parties submitters doe bind and obleidge ws, our heirs and successors to stand and abyde therat underlyc and fulfill ilk ane of ws hinc inde to vthers and the partie or parties failziers bind and obleidge them and ther forsaid to content and pay to the partie or parties observers or willing to observe the decret arbitrall to follow heirvpon the soume of money of this realme of liquidat expenssis presently modified and agried vpon by and attour the fulfilling therof The descision of which abovewrittin matters the saids judges arbitrators have accepted and heirby accepts in and vpon them and faithfully promitts and obleidges them to meitt and convey theranent to determine thairin till betwixt and the day And for the mor security wee the saids parties submitters and als the saids judges arbitralles are content and consent thir presents and the decret arbitrall to follow heirvpon be insert and registrat in the books of counsell and session or any vther judicatory compitent to have the strenth of a decret interponed thairto that lettres of horning and vthers neidfull may pass heiron in forme as effiers and for that effect constituts

their procuratours In witnes quhairof (writtin be John Grahame servitor to Henry Grahame writer to his Maicsties Signet) Wee the saids parties submitters and all the saids judges arbitrators have subscribed thir presentts att Edinburgh the eight day of July j^m vj^c four scoir sevine yeiris befor thir wittness, the said Henry Grame and George Stalker, wittness to the subscriptiones of Abircarny, Gaske, Dollarit, and Williamstoun; and Thomas Bowie in Edinburgh, Mr Matheu Moncreif of Collfergie, and Mr Alexander Craford, wittnes to Mr Anton Murray of Woodends subscriptione.

GEORGE STALKER wittness.
HEN. GRAHAME wittnes.
THOMAS BOWIE wittnes.
MATT: MONCREIFE wittnes.

S. R. MORAY.
WM: OLIPHANT.
JS. MURRAY.
JA: OLIPHANT.
A. MURRAY.

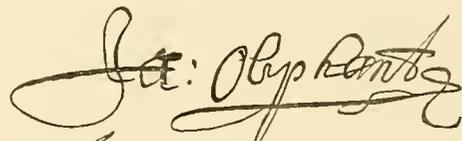
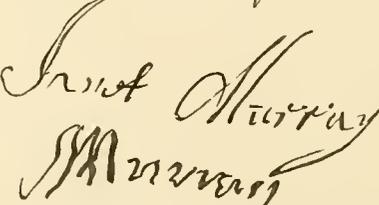
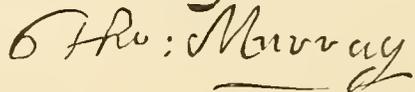
CL B. 2017

223. CONTRACT OF MARRIAGE between JAMES OLIPHANT of Williamstone and JANET MURRAY, eldest Daughter of Mr ANTHONY MURRAY of Woodend. July 16, 1689.

Att Pasley the sixtein day of Julie j^m vj^c ffourscore nine yeares It is appointed contracted and agried betuixt the parties followeing they are to say James Olyphant of Williamstone on the ane part and Jonat Murray eldest lafull daughter to Mr Anthony Murray of Woodend Minister of the Gospell with advyce and consent of her said father and he as takeing the burden in and upon him for his said daughter on the wther part The saidis parties designes to accept of wtheris for their lafull spoussis and to solemnyat and compleat the lafull band of matrimonie with wtheris

in maner and to the effect as efter followes In consideratione of the whilk marriage and for the tocher efter speifeit the said James Olyphant of Williamstone be thir presentis contracts provides and dispones to the said Jonat Murray his future spouse in liferent for her liferent use allenerly All and hail the Landis of Overdubheads Midledubheads Westdubheads Craig of Madertie belonging to the said James Olyphant of Williamstone and tua bollis out of that part of Souttartoune presently possess be John Crafuird And the said James Olyphant of Williamstone be thir presentis binds and obliedges him and his aires etferspeefet that the saids lands payed yearly these many yeares bygone the number of eight ehaldre of victuall and that the samyne doth now presently pay and may and should pay yearly the said eight ehaldre of victuall meall and bere Whilk liferent Landis sua provydit to the said Jonat Murray in liferent in maner abovespecefet the said James Olyphant of Williamstone obliedges him and his aires etferspeefet to infet and sease the said Jonat Murray thairintill to be holden alternative to be frie to her of all Ministeris stipends she allwayes payeing the wther publick burdens dew and payable furth thairof And the said Jonat Murray heirby accepts of the saids liferent lands in full contentatione and satisfatione to her of all wther provisione tearee conqueist and all wther whatsomever whilk may fall to her be or throw the deeces of the said James Olyphant her future husband And the said James Olyphant of Williamstone heirby obliedges him to contract entail and provide his hail wther lands and estate of Williamstone to the aires-maill of the said marriage whilks failzieing to his aire maill of any wther marriage whilks failzieing to his wther aires conforme to his oune rights and infetments of the samyne And in caice ther be no aires maill of the said marriage suo that the aires female of this marriage shall be debarred from successione in the saids lands and estate of Williamstone he the said James Olyphant heirby binds and obliedges him and his saids aires maill to content pay and deliver to the daughters of this present marriage the soumes of money etferspecefet in name of tocher with them viz. If ther be but one daughter then to her the soume of six thousand merks and if ther be tuo the soume of eight thousand merks and if ther be thrie or mor daughters to them the soume of Ten thousand merkes to be dividit among them according to the discretione of thair said father or in caice of his deeces before the same become payable att the discretione of four of their nerrest freinds wherof tuo on the fathers and tuo on the mothers side And the said James Olyphant heirby obliedges him and his saids aires maill to content and pay to hes saids daughters their respective portiones att their respective ages of eightein yeares compleat or marriages as the samyne shall happen first to fall out with annualrent of the samen respective thereafter And the saids daughters shall accept of their saids portiones in full contentatione and satisfatione to them of all portione naturall exeecutre legacie or wther provisione whatsomever whilk may fall or belong to them be or throw the deeces of ther said father or mother or any wther maner of way whatsomever ffor the whilks eaussis the said Mr Anthony Murray with advyce and consent of Thomas Murray his eldest laful son and they both with one advyce consent and assent be thir presentis binds and obliedges them coniuuetlie and seuerallie

their aires executoures and successoures to content pay and deliver to the said James Olyphant of Williamstone All and haill the soume of six thousand merkes in name of tocher with the said Jonat Murray his daughter and that at the first terme of Martimes or Whitsonday nixt efter their marriage with six hundreth Pounds Scots mony forsaid in name of penaltie in caice of failzie Together also with the dew and ordinar annualrent of the said principal soume yearly termly and proportionallie dureing the not payment therof efter the terme of payment of the samyne above-specefiet But prejudice of executione to passe heirwpon for payment of the said tocher at the said terme of payment or any wther term or time thereafter without any preceiding requisitione to be made for that effect And the said Jonat Murray with consent of the said James Olyphant her future husband and he for himself and takeing the burden in and wpon him for his said affidat spouse and they both with one advyce consent and assent be thir presentis accepts of the said six thousand merkes mony forsaid in name of tocher And that in full contentatione and satisfactione to them of all portione naturall executre legacie whilk may any wayes fall accesse pertaine or belong to the said Jonat Murray be or throw the deceis of the said Mr Anthony Murray her father or Helen Linzay her mother and of any provisione conceived in her favouris be vertew of the contract of marriage made and past betuixt her said father and mother or any wther maner of way whatsomever except good will allenerly And for the mair securetie both the saids parties are content and consents thir presentis be insert and registrat in the bookes of Counsell and Sessione or any wther Judicatorie within this Kingdome competent to have the strenth of ane decret of the Lords and wther judges respective therof interponed therto that Letters of horning and wther executorialis necessar may passe heirwpon in forme as effeires And for that effect constitutts their procuratouris In wittnesses whereof thir presentis written be William Greinlees Wrytter in Edinburgh both the saids parties have subscribit the samyne with their hands place day moneth and year of God abovewritten Befor thir Wittnessis Gaven Drummond of Belleclone Claud Alexander of Newtone William Murray in Thornhill and the said Wm Greinlees wrytter heirof.

GA: DRUMMOND wtnes.
 C. ALLEXANDER wtnes.
 WILL. MURRAY wtnes.
 W GREINLEES wtnes.

82.11, f. 27
 224. LETTER from COL. WILLIAM (afterwards LORD OLIPHANT) at Rotterdam, to his Nephew, JAMES OLIPHANT of Newton. April 20, 1695.

Roterdame, 20 Aprile 1695.

DEAR NEPHEU

Having the good occasione of the bearer my very good frind going to your Cuntry I wold not feale to salut your good Lady and all your familie. When the Bass was surrendered the last year the gentlmen belonged to it came over hier amongst the which was my old Servant James Mackdonald who told mee that hee hade been with you and Gask and that you told him to show mee if I wanted for some mony that I should draw a bill upon you or Gask for what mony I wanted and that upon sight it shoud be ansuered. So accordingly I drew a bill on Gask for thertie pounds starling and sent it to Edinburgh to George Clerk the Englishe factor ther, who after four munts returned back the sds billes unpayed which dous very much trouble mee since I did certainly expect the mony and wants it extremely to pay some dets I have contracted hier and to by mee a sout of cloaths which I want lykwayes. The bearer hierof my good frind cann informe you sufficiently of my present circumstances, which are harder then you cann imagine, therfor I earnestly desir that Gask Orchell and my other frinds about you will get mee about four hundreth punds Scots and give it to my frind the bearer hierof he knows how to gett it saifly conveyed to mee wher I ame and it shall be the last trouble of this nature you shall have from mee and I hopp in a short tym to requit this and all the former civilites of this nature I have gott from you all during my aboad amongst you three years bygon. Give credit to my frind the bearer hierof who cann informe you sufficiently of my present circumstances and all other particulars at this place. I expect that you will not only contribute in this afaire but bee my agent amongst the rest. Four hundreth punds will dou much to put mee fric out of debt at this place and by me a sout of cloaths, and I hopp it shall bee the last trouble of this nature you shall have from mee. I referr all other particulars to the bearer hierof Mr Drummond my good frind. My kind respects to your good Lady to whom I hold myselfe extremely oblidge and assure yourselfe I shall never bee ungrait when I ame in a condition which I hopp will bee or long. When you have occasione to wreat to the north to my brother show him I expect hee will mynd my present circumstances and assur him I will mynd thos mynds mee now when I ame in better circumstances. When you sec young Rankillor my cussing giv him my kynd respect and to his father and to all my other frinds in general of my aquantense. My wife saluts you and your Lady kyndly and all my relations. I salut all your family in general. God send us a mirrie meitting. I am in all deutie dear Nephew

Your most affectionat Wncle and
 humble S^t

WILL: OLIPHANT.

225. CONTRACT OF MARRIAGE between THOMAS IRELAND of Parkhead and ELIZABETH BLAIR, youngest Daughter of JOHN BLAIR of Ardblair. August 3, 1696.

At Blair the thrid day of August the yeer of God j^m vj^c nyntie six yeeris It is appointit contractit and matrimoniallie aggreit betuixt the pairties following To witt Thomas Irland of Parkhead on the ane pairt and Elizabeth Blair youngest lauchfull dochter to Jhone Blair of Ardblair with consent of the said Jhone her father and of James Blair fiar of Ardblair her brother germane and they takeand burding on thame for her on the wther pairt in maner forme and effect as eftir followes that is to say fforsameikle as the said Thomas Irland and the said Elizabeth Blair with consent of the said Jhone and James Blairis her father and brother are of resolute purpose and intentione lyk as they be thir presentis faithefullie promittis bindis and oblissis thame to solemptayse and compleit the honorable band of mariage the wther of thame with the wther conforme to the order of the church within this kingdome betuix and the day of nixtocome. In contemplatione of the quhilk mariage and for the sowme of tocher underwrittin and wther caussis eftir specefeit the said Thomas Irland be thir presentis bindis and oblissis him and his airis, also weill male tallie provisiōne and conqueis as of lyne, and his successoris quhatsumevir Renouncing the benefit of the order of the disceissing of the saidis airis, to dewlie and sufficientlie infest and sais be charter and saisine titulo oneroso in dew and compitent forme the said Elizabeth Blair in lyfrent in her pure virginitie during all the dayes of her lyftyme In-all and hail the sunny halff off all and hail the toune and landis of Parkhead with the chahner situated and standing behind the hall presentlie be David Donald occupeit with the just eaquall halff of the hail remanent houssis biggingis (except the principall hall and dwelling) yeards tofts crofts pairts pendicles and pertinentis quhatsumevir pertaining thairto And siclyk in all and sundrie the teindsheaves and wther teinds both great and small also weill personage as vicarage of the said sunny halff of the said toune and landis of Parkhead with the pertinentis lyand in the Lordshipe of Scoone within the Shrefdome of Perth. And siclyke in all and hail the just and eaquall sunny halff of the landis of Leycox being a pairt and pendicle of the baronie of Rattray lyand within the said baronie of Rattray and Shrefdome of Perth foirsaid, and that also lang be in all respectis as the said suny halff lands of Parkhead, and Leycoxwod sumtyme be the deceist David Spalding occupeit and possest. And sicklyk in all and hail ane yearlie annualrent of thriescoir poundis mony scottis yeirlye to be wpliftit at two termes in the yeir Witsonday and Mertimes in winter be eiquall portiones ffoorth of the shaddow halff landis of Parkhead and Leycox with the teindis and pertinentis of the samyne, or furth of any part of the mealles and dewties of the samen, or any pairt thairof: And that be two severall charters and infestments titulo oneroso with precepts of saisine therintill and saisine following thairvpon, ane thairof to be holdine of the said Thomas Irland his airis and assignais in frie blenshe for yeirlye payment of ane penny money Scottis vpon the

gronnd of any pairt of the saidis landis at the feast of in name of
 blenshe ferme, if the samen beis askit allanerlic: And the
 half landis of Parkhead and Leycox with the teindis and pertinentis off
 the few dewties vicaradge dewties ministers stipend
 and blensh dewties fourth thairof yeirlie to the persones haveing
 richt proportionallie effeirand to the said sunny half landis of Parkhead and Leycox
 with the teinds and pertinents, with observacione yeirlie dnring her lyftyme of the
 haill remanent provisiones condicionis and restrictiones specifiet in the infetments
 of fewirme maid and grantit to the deceist David Irland of Parkhead his predi-
 cessor and anthor thairvpone effeirand to the said sunny
 half of the saidis landis of Parkhead and Leycox with the teindis and pertinentis
 of the samen. And the wther of the saidis infetments to be holdine from the said
 Thomas Irland and his airis of his maist lauchfull wndoubtit and immediat snperiors
 respectiue of the saidis landis of Parkhead and Leycox with the teinds and perti-
 nents sielyk and also frielie in all respects as the said Thomas Irland his predi-
 ccessors and anthors held, holdis, or nicht hold the samen themselfs; and that ather
 be resignacione or confirmacione as best sall please the said Elizabeth Blair, her
 said father or brother and thair airis, provyding the said superiors consent to the
 receaving of the said resignacione or granting of the said confirmacione be alwayes
 pnrehest past and exped be the said Thomas Irland and his foirsaidis their owen
 moyane and vpone their owen proper chairges and expensis: And to the effect the
 said Elizabeth Blair may be infet and saisit in the foirsaid sunny half of the saidis
 lands of Parkhead and Leycox with the teinds and pertinents, and in the foirsaid
 annualrent of thriescoir pounds money foirsaid yeirlie to be wpliftit dnring hir lyftyme
 fourth of the said shaddow half of the saidis landis of Parkhead and Leycox with
 the teinds and pertinentis thairof, ather to be holdine of the said Thomas Irland and
 his airis, or from him and his airis of the saidis superiors respectine abovewrittin,
 the said Thomas Irland hes given grantit and comittit, and be thir presentis gives
 grantis and comitts to and ilk ane of thame
 coninnetlic and seuerallie his baillies in that pairt his full powar and comission to
 pass to the grounds of the lands respectiue abovewrittin, and thare give lyfrent
 stait and saisine reall, actual, and corporall possessione of all and haill the said
 half landis of Parkhead and Leycox callit the sunny half, with the chalmer at the
 baek of the hall, with the just and eiquall half of the haill remanent houssis,
 biggingis (the principall hall exceptit), yeardis tofts croftis pairtes pendicles and
 pertinentis thairof qnhatsumevir ocnpeit and lyand as said is: And sielyk of all
 and snndrie the teindsheavis and wther teinds both great and small personage and
 viareedge of the said sunny half of the landis of Parkhead, lykwaeyis ocnpeit and
 lyand as said is: And sielyk of the foirsaid yeirlie annalrent of thriescoir
 poundis money foirsaid yeirlie to be wplftit fourth of the said shaddow half lands of
 Parkhead and Leycox with the teinds and pertinents of the samen to the said
 Elizabeth Blair in Lyfrent dnring all the dayis of hir lyftyme or to hir certane
 actorney in hir name bearar heirof be delyverie of eird and stane of the saidis lands

respectiue, and of ane haudfull of corne and strae for the saids teinds, and of ane pennie money foirsaid for the said annualrent on the ground thair of as vse is, conforme to the tennour of this present contract and infestment abouewrittin appointit to follow heirvpone; and therauent the samen sall serve for thair warrand, provyding alwayes lyk as be thir presentis it is expreslie provydit and salbe provydit be the infestment to follow heirvpone that in cais ther salbe bairnes lauchfullie procreat betuixt the said Thomas Irland and the said Elizabeth Blair his promiseist spous in the foirsaid mariage that then and in that cais the said Elizabeth Blair salbe holdine heirby to renunce dimitt and simpliciter over give, lyk as shoe be thir presentis with consent of hir said father and brother now as then and then as now reuuncis dimitts and simpliciter over gives to and in favour of the bairnes lauchfullie to be procreat betuixt hir said promiseist husband and hir in the foirsaid mariage, hir lyfrent richt of the foirsaid annualrent and proffeit of thriescoir poundis quhairto shoe is provydit yeirlie to be wpliftit be hir foorth of the said shaddow halff landis of Parkhead and Leycox with the teindis and pertinentis of the sameu, with all richt and title shoe may have thairto, and that in favour of hir saidis bairnes of the said mariage allanerlie and the ishie of thair owen bodeis secluding all wther thairfra Lykeas the said Thomas Irland be thir presentis biudis and oblissis him and his foirsaidis to make all securitie neidfull heirvpoue to the said Elizabeth Blair his promiseist spous in lyfrent during all the dayis of hir lyftyme with warrandice at all haudis and against all deidlie, and with the lyk warrandice to doe, iterat, aud renew the samen sua oft as neid beis ay aud quhill the said Elizabeth and hir said father and brother and thair foirsaidis find hir perfythie secured in hir said lyfrent provisioe during all the dayis of hir lyftyme; and for the said Elizabeth Blair aud the airis male lauchfullie to be procreat betuixt the said Thomas Irland hir promiseist husband aud hir in the foirsaid mariage thair bettar securitie, the said Thomas Irland be thir presentis bindis and oblissis him and his foirsaidis airis alsweill male tallie provisione and conqueis as of lyne and his successouris quhatsumevir renuncing the benefitt of the order of disciessing the saids airis, to make dew and lauchfull resignatioue of all and hail the foirsaid sunny halff of the saidis landis of Parkhead with the chalmer behind the hall, with the just and equall halff (the priucipall hall exceptit) of the hail remaneut houssis yeardis tofts croftis pairtis peudicles and pertinentis quhatsumevir perteining thairto, and of all and sundrie the teindsheavis and wther teindis great and small persouage and vicaredge of the said sunny halff landis of Parkhead, And siclyk of all and hail the said sunny halff lands of Leycox all lyand as said is, aud siclyk of the foirsaid anuualrent of thriescoir poundis money foirsaid yeirlie to be wpliftit be the said Elizabeth during all the dayis of hir lyftyme foorth of the shaddow halff of the saidis landis of Parkhead and Leycox with the teindis aud pertinentis of the samen with the provisione and conditioue alwayes foirsaid that shoe renunce hir lyfrent richt of the foirsaid yeirlie annualrent of thriescoir poundis money foirsaid in favour of the bairnes lauchfullie to be procreat betuixt hir and hir said promiseist husband in the said mariage and the ishie of thair owen bodeis secluding all wtheris

thairfra, in the handis of the said Thomas Irland his maist lauchfull wudoubtit and imediat superouris thairof respectiue present or quhilk sall happine to be for the tyme in favour and for new infestment of the samen to be maid aud grantit back agane thairof to the said Thomas Irlaud himselff aul to the said Elizabeth Blair his proumest spous and to the langest livar of thame tuo in conjunctie and lyfrent, and to the airis male lauchfullie to be procreat betuixt thame in the foirsaid mariage, quhilkis failzeing to his wtheris airis male lauchfullie to be procreat of his owen bodie, quhilkis also failzeing to his airis and assignais quhatsumevir heretable and but redemptione: And siclyk the said Thomas Irland bindis and oblissis him and his foirsaidis to make dew aud lauchfull resignatione off all and hail the said shaddow halff of the saidis landis of Parkhead, and of all and hail the said shaddow halff of the saidis landis of Leycox with the teindis and pertinentis of the sameu all lyand as said is, with the burden alwayes of the foirsaid anuualrent, in the handis of the said Thomas Irland his maist lauchfull wudoubtit and imediat superiouris thairof respective present or quhilk shall happine to be for the tyme or of thair commissionars ane or mae haveing thair full powar and comissione to receave resignatione in thair names and grant infestments accordingle, in favour of and for new infestments of the samen to be maid and grantit back agane thairof to the said Thomas Irland and to the airis male lauchfullie to be procreat betuixt him and the said Elizabeth Blair his proumest spous in the said mariage, quhilkis failzeing to the said Thomas Irland his wther airis male to be procreat of his owen bodie, quhilkis also failzeing to his airis and assignais quhatsumevir heretable and but redemptione: And for effectuating of the said resignatiou the said Thomas Irland hes maid constitute and ordained, and be the tennour heirof makes constitutis and ordaines

and ilkane of thame conjunctie and seuerallie his wery lauchfull wudoubtit and irrevocable procuraturis actouris factouris speciall and generall messengeris earand bearars and doers to the effect wndirwrittin, giveand grautand and comittand to thame and ilk ane of thame conjunctie and seuerallie as said is, his werry full frie plaine powar speciall maudament exprese bidding and charge for him and in his name aud vpone his behalff to compeir befor his saidis imediat wudoubtit lauchfull superiouris quhatsumevir respectiue present or quhilk shall happine to be for the tyme of the landis and wthers respectiue abovewrittin, or befor thair commissiouris ane or mae haveing thair full powar to receave resignatione in their names and graut infestments accordingle, at quhatsumevir tyme and plaice convenient and thair with all humilitie and condigne reverance as becomes, be staff and bastoune as vse is, to resigne surrander wp give and ovir give, lykas the said Thomas Irland be the tennour heirof resignes surranderis wpgives aud ovirgives all and hail the foirsaid sunny halff of the saidis landis of Parkhead with the chalmer behind the hall, with the just and eiquall halff (the principall hall exceptit) of the hail remanent houssis yeardis tofts croftis pairtes pendicles aud pertiuents quhatsumevir perteing thairto, and of all and sundrie the teindsheaves and wtheris teindis both great and small personage and vicarege of the said sunny halff laudis of Parkhead,

and siclyk the foirsaid annualrent of thriescoir poundis money foirsaid yeirlic to be wplifitit be the said Elizabeth Blair during all the dayis of hir lyfytyme ffoorth of the shaddow halff of the saidis landis of Parkhead and Leycox with the teindis and pertinentis of the samen wpone the provisiene and conditione alwayes foirsaid that shoe renunce hir lyfrent richt of the foirsaid yeirly annualrent of thriescoir poundis money foirsaid in favour of the bairnes lauchfullie to be procreat betuixt hir and hir said promiseist husband in the foirsaid mariage and the ishie of thair owen bodcis secluding all wtheris thairfra, in the handis of the said Thomas Ireland his maist lauchfull wndoubtit and imediat superiouris thairof respectiue present or quhilk shall happine to be for the tyme, in favour and for new infestment of the samen to be maid and grantit back agane thairof to the said Thomas Irland himself and to the said Elizabeth Blair his promiseist spous and to the langest livar of thame tuo in conjunct fie and lyfrent, and to the airis male lauchfullie to be procreat betuixt thame in the said mariage, whilkes failzieing to his wther airis male lauchfullie to be procreat of his own bodie, quhilkis also failzieing to his airis and assignais quhatsumevir heretable and but redemptionc: And siclyk the said Thomas Irland be thir presentis resignes surranderis vpgives and overgives all and haill the said shaddow halff of the saidis landis of Parkhead and of all and haill the said shaddow halff of the saidis landis of Leycox with the teindis and pertinentis of the samen all lying as said is, with the burden alwayes of the foirsaid annual rent in the handis of the said Thomas Irland his maist lauchfull undoubtit and imediat superioris thairof respectiue present or quhilk shall happine to be for the tyme, or of the commissioneris ane or mae haveing thair full powar and comissione to receive resignationc in thair names and grant infestments accordingle, in favour and for new infestment of the samen to be maid and grantit back agane thairof to the said Thomas Irland and to the airis male lauchfullie to be procreat betwixt him and the said Elizabeth Blair his promiseist spous in the said mariage, quhilkis failzieing to the said Thomas Ireland his wther airis male to be procreat of his owen bodie, whilkes also failzieing to his airis and assignais quhatsumevir heretable and but redemptione Actis instrumentis and documentis neidfull thairvpon to take ask lift and raise and generallie all and sundrie wther thingis in the premisses that to the office of procuratour in sic caissis of the law and consevetude of this realme is necessarlie knawin to pertain and belong to doe vse haue and exerce siclyk and also frielie in all respectis as the said Thomas Irland may doe thairin himself if he wer personallie present promittand to hold firme and stable all and quhatsumevir thingis his said procuratoris or any of thame in the premissis lauchfullie does: Whilkes infestmentis of lyfrent foirsaid and procuratoris of resignatione immediatlie abovewrittin the said Thomas Irland bindis and oblissis him and his foirsaidis to warrand and to warrand all and haill the landis teindis and wtheris abovewrittin contained in the saidis infestmentis and procuratorie of resignatione in maner as the samen are appointed to be provydit thairby frie saiff and sure to the said Elizabeth Blair in liferent during all the dayis of her lifetyme, and to the airis male of the foirsaid mariage, in all and be all things as is abovewrittin, fra all perrillis dangers

accidentis impedimentis and inconveniences quhatsumevir, all handis and against all deadlie as law will. Whilk provisione foirsaid of the said sunny halff landis of Parkhead and Leycox with the teindis and pertinentis and annualrent foirsaid of thriescoir poundis provydit to the said Elizabeth during her lyftyme to be wpliftit fourth of the said shaddow halff landis, is declaired be thir presentis to be given and provydit be the said Thomas Irland to the said Elizabeth Blair his promiseist spouss, lyk as shoe with consent of hir said father and brother acceptis the samen in full contentatione and satisfacione of all teirce or third part of quhatsumevir landis herctages annualrentis goods gear soumes of money and debtis quhatsumevir quhilk shoe can ask or crave be or throw the deceis of the said Thomas Irland hir promiseist husband if shoe survive, except the just eiquall halff of the husehold plenishing, quhairto shoe is declaired heirby to have richt, and the said Thomas be thir presentis dispones to the said Elizabeth his futur spous the foirsaid just eiquall halff of his said hushold plenishing frie, but any confirmatione with power to her to medle and intromett thairwith sell and dispone thairvpone at hir pleasour; as also the said Thomas be thir presentis sells and dispones to the said Elizabeth his promiseist spous in cais shoe survive him his best horse except the airshipe horse, two kyne, ten head of sheip of the best, and six bolles of corne with fodder, quhilk shoe is to have richt to at hir said promiseist husbandis death if shoe survive him, with powar to hir to medle and intromett thairwith, sell vse and dispone thairvpone at hir pleasour as hir awin goods and gear notwithstanding of any burden of debt: And in cais ther be no airis male of the said mariage betuixt the said Thomas Irland and his said promiseist spous that shall succed the said Thomas in and to the saidis landis and teindis but only dochteris, then, and in that cais the said Thomas Irland be thir presentis bindis and oblissis him and his foirsaidis to content and pay to the said dochter or dochteris sua to be procreat betwixt thame in the said mariage, the sowmes of money following viz. if ther be but on to pay to her the sowme of thrie thowsand merkis money foirsaid; and if ther be two, thrie, or mae, to pay to thame ciquallie and proportionallie amongst thame the sowme of ffour thousand merkis money foirsaid, and that at hir or ather of thair perfytt aigeis of eightein yeiris compleit; and in the meantyme whill the saidis dochteris attaine to the said aig, to sustein intirtein and educat the saidis dochteris in meatt, drink, bed, boord, and abulziement, and at the schooles according to thair rank and qualitie, ay and quhill they attaine to the aig abovewrittin. For the quhillkis causiss abovewrittin, and wtheris following, and in contemplatione of the said mariage, the said James Blair be thir presentis bindis and oblissis him his airis and execentouris, to content pay and delyver in name of tocher with the said Elizabeth Blair his sister to the said Thomas Irland his airis executouris or assignais, the soume of ane thowsand poundis money foirsaid at termes and in maner following, to wit, the sowme of ane thowsand merkis money foirsaid therof with ane yeiris annualrent therof within the spaice of thrie yeiris nixt eftir the solempnizatione of the said mariage In cais the said Elizabeth or the bairne or bairnes of hir bodie procreat in the said mariage outlive the said thrie yeiris; and

the remanent of the said tocher extending to the sowme of ffyve hundreth merkis money foirsaid, the said James Blair be thir presentis bindis and oblissis him and his foirsaidis to pay to the said Thomas Irland and his foirsaidis at the deceis of the said Jhone Blair of Airdblair, the said Elizabeth Blair or the bairnes lauchfullie to be procreat betuixt the said Thomas Irland and hir in the said mariage alwayes outliveing the saidis thrie yeiris: With this provisiōe alwayes as it is heirby expresslie provydit that in cais the said Elizabeth Blair or the bairne or bairnes lauchfullie to be procreat betuixt hir and hir said promiseist husband doe not outlive thrie yeiris eftir the solempnizatiōe of the said mariage, that then and in that cais, the said James Blair nor his foirsaidis sall nowayes be obleidged for payment of the said tocher nor any pairt thairof to the said Thomas Irland with his foirsaidis; and the foirsaid obleishment for payment of the samen is to be void and null as if the samen hed nevir bein maid nor grantit,—except only it salbe lesome and lauchfull to the said Elizabeth, and heirby shee shall have richt to leave and in legacie dispone to any persone or persones he [sic] pleases the sowme of fyve hundreth poundis money foirsaid of the said tocher in cais shoe die within the saidis thrie yeiris of repetiōe without bairnes lauchfully to be procreat betuixt her said promiseist husband and her in the foirsaid mariage,¹—And the said James Blair be thir presentis bindis and oblissis him and his foirsaidis to pay to the said Thomas Irland and his abovewrittin, ordinar annualrent for the said [hail] sowme of ane thowsand poundis tocher yeirlie and termlye and proportionallie ay and swa lang as it remaines in thair handis wnpayit eftir the respectiue termes of payment of the samen abovewrittin in cais the said Elizabeth Blair or the bairnes of the said mariage or other of thame outlive the saidis thrie yeiris nixt eftir the solempnizatiōe of the said mariage: Whilk sowme of ane thousand poundis money foirsaid tocher is declaired be thir presentis to be given and grantit be the said James Blair with the said Elizabeth Blair his sister; lykas shoe with consent of the said Thomas Irland his [her?] promiseist husband acceptis the samen in contentatiōe and satisfactiōe of all patri- monie, portione, naturall bairnes part of gear, bandis, provisiōes, and wther goods and gear, sowmes of money, and debtis quhatsumevir quhilk the said Thomas Irland or the said Elizabeth Blair his future spous can crave throw the deceis of the said Jhone Blair her father, or the death of the deceist Stewart her mother, or quhilk she can crave of her said brother any wther maner of way except goodwill: And in cais it sall happine the said Elizabeth Blair depairt this lyf befor the said Thomas Irland her promiseist husband eftir the ishie of the saidis thrie yeiris for repitiōe of the said tocher without bairnes lauchfullie to be procreat betuixt thame in the said mariage, then and in that cais it salbe leisum and lauchfull to the said Elizabeth Blair to leave and in legacie dispone to any persone or persones shoe pleases the sowme of fyve hundreth poundis money foirsaid, quhilk the said Thomas Irland salbe holdine bund and obleist and his foirsaidis to pay to any persone or persones shoe shall leave the samen to, and that within the spaice of one yeir next

¹ This exception is written on the margin of the document, and specially indorsed by the contracting parties.

eftir hir death, with ordinar annualrent therfor thaireftir, and quhilk sall stand and be in contentation to the airis executouris or legatouris of the said Elizabeth of all they can crave of the said Thomas his movables be or throw her deceis: Lykas the said Jhone and James Blairis be thir presentis exoneris and dischairges the said Elizabeth and hir said promiseist husband of all aliment, boord, clothes, expense of education, or any wther thing quhatsumevir that they can crave or ley to hir chairge any maner of way preceeding the dait heirof: And heirto both the saidis pairties bindis and obliassis thame and thair forsaidis ilkane to wtheris in maner as said is, and the pairtie failzie to pay to the pairtie observar the sowme of ane hundreth poundis money foirsaid of liquidat expenssis in cais of failzie by and attour fulfilling of the premissis, all remeid of law secludit; and for the mair securitie both the saidis pairties are content and consent that this present contract be incert and registrat in the bookes of Counsell and Sessione or in the bookes of any wther compitent judicatorie within Scotland to receive all executione neidfull on six dayes chairge only, and therto constitutis

thair procuratouris; in witnes quharof they have subscriuit this present contract written be Thomas Whilsons notar publict, the wther double being written be William Whilsons wreittar at Rattray, day, moneth, yeir, and plaice foir-said, befor thir witnessis—William Stewart of Balleid, Jhone Sowtar in Eistir-toune of Airdblair, and the saidis Thomas and William Whilsons.

W. STEUART, witnes.

JOHN SOUTAR, witnes.

THO. WHILSONE, witnes.

WM. WHILSONE, witnes.

THO: IRLAND.

J. BLAIR.

JA: BLAIR.

ELISABETH BLAIR.

[A slip of paper rolled within the document bears the following memorandum:—
Upon the day of Febyr 1710 yearis was assigned by William Irland of Parkhead to Mr James Blair merchant in Edinburgh, ane contract of marriage past betwixt the deceast Thomas Irland of Parkhead and Elizabeth Blair his father and mother, by which contract the said deceast Thomas Irland was to have 1000 libs off tocher with the said deceast Elizabeth Blair cautioners for the said William Irland that he shall ratifie the same when major are Patrick Meik of Mudhall, Thomas Crichtoun in Balharrie, and John Gairdner in Kirtoun of Cargill.]

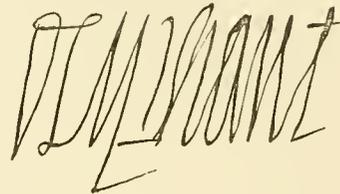
82.1.1, f. 31 226. LETTER from CHARLES LORD OLIPHANT to his Nephew, JAMES OLIPHANT of Williamstone, at Milton of Keith, March 2, 1697.

HONOURED NEPHEW

I have received yours, and am heartily glade to heare of your good health and families, the which I wishe the continuance of, and I give you thanks

for the caire ye have hadc of my affairs, and for that of Condies, I refere it to your oune manigement, and since he is at so great a distance [from] me, I hop ye will acquaint me what he is to do therine, when your convenience can serve. I will be glade to hearc from you att all occasions, my wife, my sone and I gives our Lovc and respectes to your selfe your lady and children, to Gaske and all other friends, and I continue

Honoured Nephew
Your very affectionat uncle
to serve you



Miltoune of Keith
2 March 1697.

Dorso—The Laird of Williamstoune Woodend. These.

[On the blank leaf of the foregoing]

MUCH HONOURED

I had certainlie sent your papers with the Laird of Gorthie had it not been that Allan Bain assures me he will give you reasone without Law. But I acknowledge I have bein too long in giveing ane full accompt of it which was occasioned by my many diversions and I am reallic shamed that I have not put it to some period but if ye chuse rather to have your papers than your money acquaint me by the post and I shall send them up to you if I should send an express. Meantyme I am

Your affectionat Cousing and most
humble Servt
Sic Sub^r

ALEXR INNES.

Cockstoun Octr 14th 1698.

For The Laird of Williamstoun.

CB 2125

227. ACTUM BURGALIE pro CAROLO DOMINO OLIPHANT. December 18, 1700.

Apud Banff decimo octavo die mensis vero Decembris anno domini Millesimo septingentesimo Presentibus Roberto Sander preposito Joanne Mark Roberto Stewart et Patricio Ogilvie ballivis Joanne Anderson ædile et Hendrico Lousone quaestore.

Quo die Honorabilis vir Carolus dominus de Oliphant debite et legitime creatus et admissus est Liber burgensis et frater gildae dicti burgi regalis de Banff cum omnibus et singulis privilegiis et immunitatibus ad dictum burgum spectantibus qui praestitit juramentum burgale more solito.

Extractum per me

Ja: Keth.

- CC. B. 1548. 228. EXTRACT REGISTERED DISPOSITION by PATRICK LORD OLIPHANT to CHARLES MASTER OF OLIPHANT and his Heirs-male of the Lands of Pittendreich and others in the Parishes of Aberchirder and Inverkeithney, Barony of Oliphant and Sheriffdom of Banff, dated 16th June, 1668, and Registered at Banff, 3rd July, 1702.

At Banff, the third day of July 1^m vii^c and two yeirs In presence of Nicolas Dumbar of Castelfield Shirref Deput of Banffshire speciallic constitute by ane Noble Earle James Earle of Seafield Lord Ogilvie of Deskfoord and Cullen and Shireff principal of the said Sheire Compeared James Cook Toune Clerk of Banff as procurator for Patrick Lord Oliphant and gave in the dispositione underwritten desyring the same might be insert and regrat in the Shirref Court Books of Banff conform to the Act of Parliament the threttie day of May 1^m vi^c and nynie three that all executione necessare might pass thereupon conforme to the clause of registratione therein contained whilk desyre the Shirref deput forsaide thought resonable and therefore ordained and hereby ordains the said Dispositione to be insert and regrat in the said books in maner and to the effect forsaide wherof the tenor follows: Be it kend to all men be thir presents me Patrick Lord Oliphant heritable propriator of the lands and baronie underwritten and pertinents of the samen that forasmeikle as for the singular love and respect whilk I truelie bear towards Charles Master of Oliphant my eldest lawfull sone and appeirand air and for payment and relife of my debts and burdens and for the fatherlie cair I have to my remanent children particularlie underwritten and for their several provisions to be payed to them and ilk ane of them after named at the terms after specifeit be the said Charles Master of Oliphant my eldest lawfull sone as said is whereupon this present dispositione and infestment to follow thereupon is granted and no otherways. Therefore witt yee me the said Patrick Lord Oliphant with the advice consent and assent of Dame Marie Crichtoune my spouse for her right and interest reserving to us and ilk ane of us the longest liver of us two our liferent right of the lands and others after sett doune for all the days of our lifetimes to have sold annallied and disponed leikas wee by the tenor hereof sell annalie and dispone to the said Charles Master of Oliphant his airs maill lawfullie procreat of his own bodie whilk failing to Laurence Oliphant his brother germane his airs maill lawfullie begotten of his own bodie whilks failing to William Oliphant his third

brother germane his airs maill lawfullie begotten of his own bodie whilks failling to ffrancis Oliphant his fourth brother germane whilks all failing to the said Patrick Lord Oliphant and Dame Marie Crichtoune my said spouse our nearest airs quhat-somever and their successors All and haill the tounes and lands and tenondrie of Pittendriech viz the tounes and lands of Ower and Nather Pittendrigh Craignathertie and Brokenfold with the Milne and lands thereof called the Milne of Meagie multures and sequels of the samen with salmon fishing thereof upon the water of Divorne with houses bigings yeards comonties comonc pasturage and all other pairts pendicles and pertinents of the samen together with the teynd sheives included with the stock and sicklyke All and haill the tounes and lands of Ardfour Achminnan Longshaw and Longcroft with the Milne and Milne lands therof called the Milne of Ardfour multures and Salmone fishing and ferrie boat thereof upon the water of Divorne with houses bigings yeards comontes or comon pasturage and all others the pairts pendicles and pertinents of the samen together with the privaladge of casting loading transporting and away taking of peatts fewal feal and divott in and fra the Moss of Meurifield Hairmoss and Longshaw for serving of the said Master of Oliphant and his foresaids their tennants servants and possessors of the saids lands for their own use in all time coming according to use and wont all lying within the parochine of Aberchirdcr and Inverkeithnie respectively and Baronie of Oliphant and Shirref-dome of Banff conforme to the said Lord Oliphant his infeftment under the Kingis Majesties great Seal of the samen In the whilks tounes lands teynd shaves fishings ferrieboat and others the said Patrick Lord Oliphant with consent of his said spouse binds and obleidges them to infest invest and sase and sufficientlie secure the said Charles Master of Oliphant and others forsaids as are set doune be two several charters and infestments containing precepts of sasine and procuratories of resignatione the one thereof to be holden of the said Lord Oliphant in free blensh ferme for payment of ane pennie Scots monie upon the grounds of the saids lands at the terme of Whytsunday yeirlie if the samen beis required allenerlie and the other of the saids infestments to be holden of the King's Majestie and his successors his immediate superiors thereof sicklike and als frelie in all respects as I hold the samen myself and that ather by resignation and confirmatione as the said Charles Master of Oliphant and his foresaids shall think expedient the said Master of Oliphant and his foresaids being always burdened hereby and obleidged to pay the provisiones after specified to the children after namit leikas the said Charles Master of Oliphant is obleidged by the tenor herof and his forsaids to pay and deliver to Laurence Oliphant his second lawfull brother all and haill the soume of ane thousand merks Scots monie at the first terme of Whytsunday and Martimes nixt and immediatelie following my deccase and my said spouse the longest liver of us two and failling of payment thereof at ather of the saids termes the soume of three hundreth merks as liquidate expenss in caice of faillie together also with the ordinarie annual rent and profite of the said principal soume yeirlie termlic ay and swa long as the samine shall happen to be owing and unpaid after the terme of payment as specified and to the said William Oliphant his third lawfull brother

germane his aires executors or assigneys the soume of one thousand merks monie forsaid at the termes of payment obleidged to his brother germane Laurence under the faille as specified with the ordinarie annual rent after the termes of payment forsaid and to ffrancis Oliphant his third brother germane his aires executors and assigneys the soume of one thousand merks monie forsaid at the termes of payment obleidged to his two brethren aforenamed and that under the faille forsaid with the ordinarie annual rent after the termes of payment above mentioned and to Mistress Anna Oliphant his lawfull sister hir aires executors and assigneys all and hail the soume of two thousand merks monie forsaid at the termes of payment obleidged to her brethren and that under the faille of six hundreth merks monie forsaid together with the ordinarie annual rent and profite thereof after the termes of payment above rehearsed provyding always as it is herby specialle provyded that if anie of the saids Laurence William ffrancis and Anna Oliphants shall depart this life befor ther lawfull maradges then and in that caice the forsaid provisions to the said children or anie of them that shall departe this life as said is before ther lawfull maradges shall fall and appertein to the said Charles Master of Oliphant and his forsaid and to the effect the said Charles Master of Oliphant may be herellie infest upon the conditiones above-mentioned and observing the forsaid heal premiss and implement thereof for which onerous causes this dispositione resignation and infestment to follow therupon is granted and no otherways as said is the said Patrick Lord Oliphant with consent forsaid to have made constitute and ordained and be the tenor hereof makes constitutes and ordains

and ilk ane of them conjointlie and severallie my baillies in that part specialle constitute greeting it is our will and desyre and command that you and ather of you incontinent after sight herof that yee pass to the ground of the saids lands milnes and others afore mentioned and giue heritable state sasine actuall reall and corporal possessione of all and hail the tounes and lands milnes and others forsaid of Pittendriech and teynd shaves of the samyn and all and hail the tounes and lands of Ardfour Achninnand Longshaw and Longeroft milne and lands therof multures and sequels of the salmond fishings ferrie boat with all and sundrie the hail pairts pendicles and pertinents of the saids heal lands and others as above written to the said Charles Master of Oliphant and his forsaid as above provyded or his certain acturneys or procurators bearers hereof by deliverance of earth and stone on the ground of the saids lands respective coble and neat of the saids fishings ferrie boat oars and grains of corne for the saids teynd shaves in his or their hands as use is in such caices conforme to the tenor of the said dispositione in all poynts and this you leave in no ways undone The quhilk to doe I commit to you conjunctlie and severallie my baillies forsaid in that point my full power mandament and charge as ye will be answerable be thir presents promising to hold firme and stable and that but anie reversione or redemtione quhatsoever reserving always to me the said Patrick Lord Oliphant and Dame Marie Crichtoune my said spouse or the longest liver of us two our liferents of the forsaid heal tounes and lands and others as specifeit and reserving sicklyke the forsaid provisions to the saids children

as above nominate and other conditions to them as mentioned and to the effect the said Charles Master of Oliphant and his forsaid may be infest in the forsaid lands and others to be holden of the King's Majestic The said Lord Oliphant with consent forsaid of the tenor hereof makes constitutcs and ordains and ilk ane of them conjunctlie and severallie his verie lawfull undoubted and irrevocable actors factors and special errand-bearers to the effect under-written giving granting and committing to them his full power and charge upon anie day or days or places convenient to compeir before our Soverainge Lord the King's Majestic or his Commissioners appoynted be him for receiving of resignatione and giveing of infestment and ther with all humilitie and reverence as becomes with staff and bastoune as use is to resigne surrender renounce up and overgive and deliver pure and simple all and haill the saids tounes lands teynd-shaves milnes multures fishings and ferrie-boat and all others particularly as nominate by and as said is in the hands of our said Soverainge Lord and his successors and commissioners forsaid in favors for new heritable irredeemable infestments thereof to be made given or granted to the said Charles Master of Oliphant and his forsaid in forme and maner as is particularlie sett doune and that to be erected in ane free baronie of the baronie of Oliphant in all time coming conforme to the said Lord his infestment thereof under the great seall acts instruments and documents to ask lift and raise quhilks to the effect of ane procuratory is known to appertain promising to hold firme and stable quhatsoever they shal doe rightlie theranent and sickleyk to the said Patrick Lord Oliphant be thir presents assigneys transfers and dispones with consent forsaid to the said Charles Master of Oliphant and his forsaid such right and title as he hes to the teynd-shaves of the forsaid tounes and lands of Ardfour Achminnand Longshaw and Longcroft lying within the parochine of Inverkeithne Moreover the said Lord Oliphant with consent forsaid assigneys to his said sone Charles Master of Oliphant and his forsaid the reversione of such of the saids lands and others forsaid as are impignorate and woodsett with full power to the said Master of Oliphant and his forsaid to redeem the same conform to the reversions therof lyk as it is herby declared that the said Charles Master of Oliphant and his forsaid shal be obleidged to warand free relive and skaithles keep the said Patrick Lord Oliphant and his said spouse of al stents taxationes impositionnes and ministers stipends whensoever the said Charles Master of Oliphant and his forsaid shall enter to the forsaid haill lands milnes and others as nominate or to anie pairt or portion thereof proportionallie and farder the saids Patrick Lord Oliphant with consent forsaid obleidges them to warand the saids lands milnes and others forsaid to the said Charles Master of Oliphant and his forsaid conforme to ther right granted to us thereon and that we have not done nor shal doe anie thing prejudicial hereto nor make anie other right to the said Charles and his forsaid of the saids lands and others forsaid hereafter but the same otherways to be null and of none awaill as if the samen had never been made or granted and to have no faith in Judgement nor outwith except the Iteratione hereof if it be needfull quhilks the said Lord Oliphant and his forsaid spouse oblidge them to doe be advice of men of

law and Judgement keepaid always the substance and meaning as herein written reserving ther liferents in manner forsaid and childrens provisions and other conditions conceived in ther favor as exprest and for the more securitie thereof they arc content and consents thir presents be insert and regrat in the books of Counsell and Sessione Shirref Court Books of Aberdein or Banff or Commissioun-books of Aberdein or Murray that lets and executions of poynding and horning may pass herone upone ane single charge of ten days, and constitutes James Cook Town Clerk of Banff their lawfull procurator and In Witness wherof as herein written be John Innes of Knockorthe The same is subscriyved at Longshaw the sixteenth day of June i^m vi^c and sixtie eight yeirs before these witnesses James Gordon of Monelie Peter Leith servitor to the said Lord Oliphant and Alex^r Leslie of Overtulloch and the said John Innes Sic subscribitur OLIPHANT. MARIE CRICHTOUNE. James Gordon witness. John Innes witness. Patrick Leith witness.

Extracted from the Register of Deeds of the Sheriff Court Books of Banffshire by me present keeper of said Register. PAT. ROSE.

ca. B. 1593. 229. EXTRACT RETOUR of the General Service of JAMES OLIPHANT of Williamstoune as Heir of tailzie to WILLIAM OLIPHANT of Gask. February 16th, 1705.

Haec Inquisitio facta fuit in pretorio seu uova sessionis domo burgi de Edinburgh decimo sexto die mensis Februarii anno Domini millesimo septingentesimo quinto coram Gulielmo Maxwell et Joanne Adam duobus ex quatuor Clavigeris ordinariis coram dominis concilii et sessionis tanquam legitimis iudicibus vice et loco Balivorum vice canonicorum in hac parte specialiter constitutis virtute literarum advocacionis ad instantiam Annae et Catharinae Oliphants sororum legitimarum et haeredum apparentium lineae quondam Gulielmi Oliphant de Gask et Patricii Hay mariti dictae Annae pro suo interesse et Joannis Lumsdean scribae signeto unius creditorum dicti quondam Gulielmi Oliphant obtent. advocan. breve e cancellaria S. D. N. Regine ad dictos Balivos vice canonicorum directos ad instantiam Jacobi Oliphant de Williamstoune latoris presentium legitime execute pro diserviando eum tanquam haerem taliae dictae quondam Gulielmo Oliphant ejus consanguinogermano (cum beneficio inventarii) a dictis Balivis ad dictos Clavigeros vel eorum duos et hec secundum decretum arbitrale inter illos pronunciatum de data septimo die mensis Aprilis anno Domini millesimo sexcentesimo nonagesimo octavo et registratum in libris vicecomitatis de Perth vigesimo nono die mensis Februarii anno Domini millesimo septingentesimo quarto Et quae literae datae sunt vigesimo quinto die mensis Januarii ultimo elapso super quasque dicti domini pronuntiauerunt eorum decretum et speciale warrantum concesserunt super dorsum supplicationis iis per dictum Jacobum Oliphant porrecte ordinantes dictos quatuor Clavigeros vel quoscunque eorum duos conjunctos immediate procedere super dictam inquisitionem secundum eorum deliberationem de data decimo sexto die mensis februarii instautis et per hos probos et fideles homines patriae subscripti, viz. :—Dominum Joannem

Murray de Balmanno Magistrum Georgium Drummond de Callender Magistrum Alexandrum Aytoun de Inshdairnie Magistrum Waltherum Murray mercatorem in Edinburgo Magistrum Welschis clericum vicis de Edinburgh Gulielmum Murray Magistrum Antonium Murray Magistrum Davidem Home et Magistrum Jacobum Cheyne scribas in Edinburgo Alexandrum Swintoun Clericum vicecanonicorum Magistrum Jacobum Graham Joannes Gibsones juniorem et seniore scribas in Edinburgo Thomam Voses scribam signeto et Robertum Stark juniorem scribam in Edinburgo Qui Jurati Dicunt magno sacramento interveniente quod quondam Gulielmus Oliphant de Gask consanguineus germanus dicti Jacobi Oliphant nunc de Gask latoris presentium obiit ad fidem et pacem S.D.N. Reginae Et Quod dictus Jacobus Oliphant est propinquior et legitimus haeres talziae et provisionis dicti quondam Gulielmi Oliphant secundum dictum decretum arbitrale et qui decessit sine haeredibus masculis de ejus corpore legitime procreatis Et Quod est legitimae aetatis In Cujus Rei Testimonium sigilla quorundem eorum qui dicto Inquisitioni intererant presentibus brevi regis debito executis sub sigillis dictis Clavigerorum antedictorum unacum subscriptione Alexandri Alisone notarii publici scribae signeto et in praemissis Clerici sunt appensa sub anno die mensis et loco suprascriptis sic subscribitur

ALEXR. ALISONE, N.P.

Haec est vera copia principalis Retornatus super praemissis in Cancellaria S D N Regine remanentis Extracta copiata et collationata per me Ronaldum Campbell scribam signeto Regio et deputatum honorabilis viri domini Caroli Kerr ejusdem Cancellariae Directoris sub hac mea subscriptione manuali

RON. CAMPBELL.

82. 2. 2, f. 121

230. AGREEMENT between PATRICK MASTER OF OLIPHANT and JAMES MITCHELL of Achanocie to run a Horse-race between Speymouth and Buckie. January 3rd, 1706.

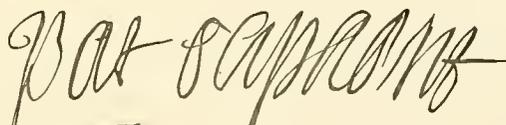
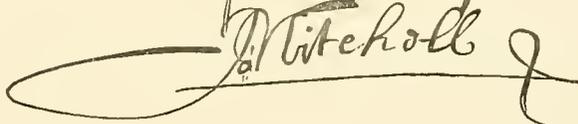
Att Keith the third day of January 1^m vii^e and sex years. It is condescended and agreed upon betwixt the pairties following viz. Patrick Master of Oliphant on the one part and James Mitchell of Achanocie on the other part in manner following to wit: That upon the first tuesday of Apryle next to come they are to run one horse Race betwixt Speymouth and Buckie for seven Guineas Gold The horse to be run for the Master is the Mear belonging to Walter Montgomerie in Milne of Ruthven which was run att King Charles fair and that of Achanocies is his own sorall whyte faced who had the Course with the Mear the said day The Ryders are to weight seven stone and one half merchant weight with this provision allwayes. That the said Walter Montgomerie allow the Master the use of his Mear and lastly the loscr oblidges himself instantly to pay to the Gainer the said seven Guineas and both pairties oblidge themselves to perform the premises hinc inde to

others under the penaltie of two Guineas to be payed by the pairtie failzier to the pairtie observer or willing to observe by and attour performance consenting to the registratione hereof in the books of Councell and Sessione or any others competent that letters of horning on sex dayes and others necessary may pass hereon as effeirs and thereto constitutes

their procurators In wites qrof (written be Patrick Gordon brother German to Hary Gordon of Avackie) both pairties have subscribed thir presents place day moneth and year of God abovewritten before these wites Robt Cummin of Relettach and the said Patrick Gordon.

RO^t CUMMYN Wites.

PAT: GORDON wites.

ca. B. 1595.

231. SETTLEMENT of Marches by JAMES GRAHAM of Orchell and GEORGE DRUMMOND of Callander as Arbiters, in virtue of a remit to them from JOHN HALDANE of Gleneagles and JAMES OLIPHANT of Gask. 3 April, 1706.

At the watter of earn syde and on the marches betuixt John Haldon of Gleneagles and James Oliphant of Gask beginning at the west end of the Holtoun Haugh and from that to the lands of Delite belonging to Nether Gask the thrid day of Aprile j^m vij^e and six yeirs as follows: Whilk day wpon the saids lands and marches compeared James Grahame of Orchell and Mr. George Drummond of Callander be vertue of ane referance made to them by the said Laird of Gleneagles and Laird of Gask for settling of marches. The saidis arbitrators took the oathes and advyse of severall famous old men as witnessis thereupon who meithed and marched the saids lands as follows, videlicet, a meith sett on the Brahead at the southwest neuk of the Holtoun Haugh be-west the watter and from that east over the said watter of Earn to ane oak stoup sett in the sand with stons and colls about it from that to the nixt stoupt east is forty four passes or thairby then to a ston on the north syd of a broad willivy bush is sixteen passes, then to the nixt ston is twenty eight passes then to the ston on the water bra eight passes quhair the march runs over the watter to the Blind Walls then down the watter till the march balk betuixt orchardmiln and the Iyll of Dalrioch which is from the east neuk of the said Blind Walls to the north east neuk of Strathie Haugh and then south six riggs breedyth and then east the old Green March Balk betuixt the Haugh of Dalrioch and Orchardmiln Haugh till it come to the east end of Alvans on the north syde

of the watter and then the watter till it come to the old Green March Balk be-east the Boatmanis Hous quhair thair is march stons of old sett streght suth in a lyn till the march ston at the south west nenk of the land of Louphhead then east a Green March Balk and north be Little Butts quhair thair is stons sett all the way going east at the north end of the Little Butts streght to the watter qnhair thair is ane stone sett with colls within six passes to the watter or thairby, and then north over the watter till the south syde of the sands of Nether Gask where there is ane stoupt of oak sett with colls and stons about it Then streght east in a lyn to a high coped ston, then to ane oak stoupt sett with collis and stonis and then streght east crossing the watter to the end of a Green March Balk quhair thair is tuo stons of old sett betnixt the haugh of Nether Gask called Delite and the Longhauch or Kininger Hangh of Dalrioth which meithes and marcheis as is particularly above sett down Wee the said John Haldane of Glenegles and James Oliphant of Gask for ws our airs and snccessors does heirby declare the samen to be the Marchies of the saidis lands in all tyme comeing. In witnes qnhairoff (wreten be John Dick nottar publict) wee have subscrivit thir presents with our hands as follows. That is to say the saids judges in toaken of thair determinatioun and the saids heritors in toaken of thair adherance beffor thir witnesses John Drummond of Colquhallie William Cuninghame portioner of Ochterarder, and the said John Dick writer heirof.

J. HALDANE.
 JA. OLIPHANT.
 J. GRAHAME.

J. DRUMMOND witness.
 WM. CONINGHAM witness.

Cl. B. 1596.

232. INSTRUMENT on the legal interruption by Sir HENRY STIRLING of Ardoch of the building of a Dam-dyke on the Earn by JAMES OLIPHANT of Gask, and the Protest of the latter against the interruption. 30 July, 1706.

Att the water of Earnside and upon the south end of the new Dammdyke presently building by James Oliphant of Gask thorough the water of Earn frae gainst Orchard miln of Gask the thirty day of July j^m vij^e and six years and of her Majesties reign the fyfth year: The whilk day in presence of me notar publick and witnesses after insert and undersubscribing compeared personally Walter Greme att the miln of Gask for and in name off Sir Henry Stirling of Ardoch and his curators and als having warrand from them did make legal interruption against the said James Oliphant off Gask for his building of the said Damdyk in prejudice of the said Sir Henry his lands and his fishing upon the water of Earn conform to his right thairto and that by the said Walter his casting down of severall stons of the said Damdyk Protesting alwayis that the said James Oliphant of Gask might not only be lyable to the said Sir Henry his heirs and successors of all coast skaith damage interest and expences that the said Sir Henry either hath sustained or may

sustaine in time comiug in and through the building of the said Damdyk fixing and setting croves therin in prejudice of the said Sir Henry and his forsaides there lands and fishings upon the said water of Earn But also that the said James Oliphant of Gask should be lyable in ane riot as accords of the law and desired and required him to desist and cease from building of the said Damdyk and fixing of the said croves thairin in all time coming: To which it was answered by the said James Oliphant of Gask that he had comitted no riot in building of the said Damdyk and fixing the said croves therin, but on the contrary was only exercing his uundoubted right of property couform to the rights and evidents of his authors and predecessors which were produced and openly read in preseuce of the said Walter Greme as procurator for the said Sir Henry Stirling of Ardoch and of the witnesses after insert and undersubscribing whercin the said James Oliphant of Gask his authors and predecessors are all particularly and specially infest in salmoud fishing and all other kind of fishing on the water of Earn with liberty of fishing three dayes of the week in the forbidden time and likewayes with a speciall liberty and licence of placing inputting building repairiug and upholding croves upon the said water of Earn and in every part therof opposit to the lands of the barony of Gask as the said rights and evidents at more lenth bears and the saids rights and priviledges accessing to the said James Oliphant. Thereupon the said James Oliphant protested that he was not only [not] lyable for a riot neither for coast skaith and dammage might hercafter be sustained by the said Sir Henry Stirling and protested that the said Sir Henry his tutors and curators are guilty of ane riot and should be lyable for all cost skaith and dammage interest and expence he the said James Oliphant might sustain through thair interrupting impeding and molesting him in the exercing of his just right of property in his building the said Damdyk and fixing croves therein (he having right of land steall on both sides) and furder the said James Oliphant protested it was evident no persones lands were dannified but rather bettered by the said work. Wherupou and all and sundry the premisses both parties asked and took instruments ane or mae in the hands of me notar publick undersubscribing. Thir things were all acted and doue place day moneth year of God and queens reigne respectivlie abovewritten betuixt the hours of twelve in the forenoon and ane of the clock in the afternone or therby Befor and in presence of Mr. James Robertsons governour to the said James Oliphant of Gask his children, David Maxton servitor to the said Gask, John Henderson boatman in Dalreoch, John Henderson his sone in law Alexr. Philp smith in Broom of Dalreoch and Joseph Dougall at the miln of Gask with severall others witnesses specially called and required to the premisses.

Ita esse ut premittitur ego Joannes Dick notarius publicus iu premissa requisitus teste his meo manualem assers.

JO. DICK, No.P.

J. ROBERTSON witness.

DA. MAXTON witness.

Cl B 1597.

233. EXTRACT RETOUR of the General Service of PATRICK LORD OLIPHANT as heir to CHARLES LORD OLIPHANT. March 22nd, 1707.

Haec Inquisitio facta fuit in Nova Domo Concilii Burgi de Edinburgh coram honorabili viro Jacobo Nairn nno Balivorum ejusdem Burgi vigesimo secundo die mensis Martii Anno Domini millesimo septingentesimo septimo per hos probos et fideles viros &c.

Qui Jurati dicunt quod quondam Carolus Dominus Oliphant pater Patricii nunc Domini Oliphant latoris praesentium obiit ad fidem et pacem S.D.N. Reginae. Et quod dictus Patricius nunc Dominus Oliphant est legitimus et propinquior Haeres dicti quondam Caroli Oliphant sui patris. Et quod est legitimae aetatis. In cujus rei testimonium &c.

I hereby certify that the above are true excerpts,

ARCH. EWART,
Conj. Dep. Clerk of Chancery.

Cl B 1598.

234. EXTRACT INSTRUMENT OF PROTEST AND INTERRUPTION at the instance of Sir HENRY STIRLING of Ardoch against JAMES OLIPHANT of Gask for building a new mill on the water of Earn. April 15th, 1707.

At the west side of the Watter of Earne, that plase thereof be-east the Orchardmilne, where James Oliphant of Gask hes workmen casting the pott or foundation for building of ane newmiln, the fyftain day of Ap: i^m vii^c and seven years, and of hir Majestie's Reigne the sixth year Whilk day in presence of me Nottar and witness undersubscribeing compeared Walter Grame ffactor to Sir Hindrie Stirling of Ardoch and so, and in presence of the said James Oliphant of Gask, his wrights, measons, and other workmen ther working at the ffundation of the said milne, in order for building thereof and ther produced, proclamat, and cansed read ane act of Counsell, dated the twenty eight day of March last, and conforme thereto desyred and required the said James Oliphant of Gask and his workmen, conforme to the said Act to cease and desist from all furdur procedor of the said work wherin if they failzied that they should not only be holden as contemnors of hir Majesties autoritie, but also should be lyable for ane riot aud all coast, skeith, damage and expenss that the said Sir Hindry or his airs aud successors might sustain therby, and that ay and whill pairties beis heard on the subject of the matter of the petition given in to the Lords of his Majesties privy Counsell and ther act theron of the deat forsaid as the samen more fully bears. To which it was answered by the said James Oliphant that his dam-dyke was finished the last year, and only ane slap broke on the land at the north end thereof run away be the impetuness of the watter, and inadver-tancie of the workmen, which if the said James think fitt to adjoin to the damn for fortifeing himselfe against the watter its running away his ground and the stance and profite of his milne without which be done all will be infallibly ruined,

his doing thereof therefor is no contempt of authority nor disobedience to the Counsell's Act which only discharges him from building his dam-dyk till pairties be heard. Which the said James makes appear to the witness that the building thereof is intire as it was nor can his building of a milne be any wayes constructed as contempt of authoritie or disobedience to the counsell's Act, he being thereby no manner of way discharged therefrom, the said James Oliphant alwayes adhering to his former instruments taken when building the damn the last yeir as the samen of the deat the thretty of July i^m vii^c and six more fully propones, but nevertheless the work is desisted, but protests as above that he may enter them when he thinks convenient conforme to his above protest. Whereupon and all and sindrie the premisses both parties asked and tooke instruments in the hands of me Nottar Publick undersubscribeing. Thir things were all acted and done, plase, day, moneth, yeir of God and Queen's Reigne above written betwixt the hours of ten and eleven in the fornoon or therby Befor and in presence of James Taylor in Thornbank, Joseph Dugall at the Miln of Gask, Robert Maxtoun at the Orchard miln, James Rankin servant to the said James Oliphant witnesses severally called and required to the premisses.

Ita esse ut premittitur &c.

Jo: DICK N.P.

235. JUDICIAL RENTAL of GASK and COWGASK confessed by the Tennents there.
Aprile 6, 1708.

Newmill. {

- Ja: Ronaldson fourtie eight pundis
- Wm. Ronaldson fourtie eight pundis
- David Gray fourtie eight pundis
- Wm. Ore fourtie eight pundis
- Jo: Martin fourtie eight pundis
- David Bennet fourtie eight pundis
- Eight aeres in the Lairds' hands and crop (1707) standing in Clathymore the putry is to be determined by Ro: Maxton and Pat: Oliphant.

Clathymore. {

- Tho: Firsken six bolls bear, six bolls meal, fourty pundis, two reek hens, twelve putry, six chick, six loads coals, two firlots multure bear, six peck two lippies officer corn
- Janet Haly, similiter.
- Wm. Sim, similiter.
- John Firsken, similiter.
- And. Firsken, similiter.
- Jean Hutten, similiter.
- Item for the brewseal pendicle eleven pundis 16s.
- Walter Firsken
- Pat: Allan Smith, twenty merks, six putry, a reek hen

Ch. B. 2137

- Westmuir. { Wm, Tailor, three bolls one firloft bear, three bolls meal, twenty £, one reek hen, six putry, three chickens, three loads coals, three peeks $\frac{1}{4}$ officer corn.
John Young, one boll two firlots two peeks bear, one boll two firlots meal, ten £, one reek hen, three putrie, one chicken, $\frac{1}{2}$ load coals, $\frac{1}{2}$ six lippies, $\frac{1}{2}$ officer corn.
Wm. Young, similitur.
- Ross. { James Huiton, ten bolls bear, ten bolls meal, one hunder £, 4 £ or stone butter, three reek hens, easting and winning six score loads peats.
John Kippon, eight bolls bear, one hunder pounds money, one stone butter or 4 £, three reek hens, twelve putry, six loads coals, six peck two lyp. officer corn.
- Carnwathie. { In the laird's hand 1707, one hunder merks, one reek hen, six putry, three loads coals, three peeks $\frac{1}{4}$ officer corn. (It is set now 1708.)
- Clathy. { Patrick Firsken twenty five merks, two firlots oats, six putry, one reek hen, three £ 10 sh. for ane rig of Parnies pendicle.
James Mores pays two firlots oats, twenty five merks money, one reek hen.
Ro: Dugal, similitur and six putry more.
Ja: Ramsay, similitur to Dugal.
Al: Lindsay, elder, similitur.
Cha: Miller, similitur.
Gilbert Firsken, similitur.
Tho: Guthry, yor., similitur.
Jo: Martin, two firlots oats, twenty £, one reek hen, six putry.
All: Lindsay yor. similitur.
Tho: Guthry elder one firloft oats twelve £, one reek hen, three putry.
And: Sharp similitur
All: Parny seventeen £ 10 sh, two firlots oats, six putry, a reek hen.
- NOTE. That the oats in Clathy is at five merks per boll.
- Clathiebeg. In the Lairds hands, two hunder pounds.
- Drumend. { Nin: Wedderspoon, one hunder £, two bolls oats, one boll malt or 5 £, ane reek hen, twelve putry, twelve loads coals. Nota, The oats at 5 merks p. boll.

Overgask. { Pat: Oliphant, twelve bolls three fir. bear, twelve bolls meal, five bolls two firlots seed oats, five reek hens, eighteen putry, six loads coals, two firlots officer oats.
 Geo: Tailor, similiter except that he pays one boll bear more because that his corns are not laboured at the new mill and that he pays only foure reek hens.
 Gilbert Young pays five bolls bear, twenty £, one reek hen, six putry, two loads coals, two pecks officer corn deducing one firlot two pecks multure bear and for freedom.
 Kirkstyle pendicle yard, Jo: Dick's house in the Laird's hands twenty five merks.
 John Robertson's house & yard twelve putry, one reek hen.
 The Lays, Glebe, park and yard in the Lairds hand foure bolls two firlots meal, fourty merks.

Nether Gask. { John Oliphant fourteen bolls, two firlots two pecks, three lps. bear, twenty bolls meal, sixty three £ 16 sh. 8 d., five reek hens, twenty six putry, twelve loads coals, two firlots three pecks two lps. officer corn.
 John Bennet, similiter.
 Ro: Ewan, similiter.
 Wm. Glass one hunder merks, one reek hen, six putry.
 Richard Steel, five bolls bear, sixteen £, one reek hen, six putry.

Orchard Mill. { Robert Maxton ten bolls bear, twelve bolls meal, fourty £, twelve capons, one reek hen.

Holtoun. { John Andrew ten bolls two firlots bear, ten bolls meal, one hunder merks, two reek hens, one dozen putry, six loads coals, six pecks two lps. corn.
 Jo: Barnet similiter.

Westbank. { Wm Oliphant seven bolls one firlot bear, cleven bolls three firlots meal, ten £, one reek hen, six loads coals.
 James Sinclair, similiter.

Da: Mores six bolls bear, twelve bolls meal, thretty six £ 2sh 4d twenty six putry, four loads coals, one firlot two lps. corn.

John Steel, similiter.

Wm Mores and John Low equally 'twixt them similiter.

Ro: Mores six bolls bear, foureteen bolls meal, two dozen putry, foure loads coals, and foure pecks officer corn.

Duncan Philp eight bolls bear, twelve bolls meal, one boll oats, two dozen putry, four loads coals, foure pecks officer corn.

Jo: Bennet & his spouse ten bolls bear, sixteen bolls meal, thretty putry, fyve pecks corn, & fyve loads coals.

Ja: Mores twenty merks, three putry.

Jo: Oliphant, similiter.

Al: Smith, similiter.

Ja: Red foure bolls bear, three bolls meal, six putry, one load coals, one peck officer corn.

Tho: Steel three hunder merks, two loads coals, two pecks corn for grass 1707 and cropt 1708, and for cropt 1707 thretty seven £ 13sh. 4d. money, twelve capons, two lambs.

Jo: Red twelve bolls bear, twenty bolls meal, two dozen capons, six loads coals, six pecks officer corn. Nota the grass 1707 is in the Laird's hand.

Tho: Steel for chap. fourteen bolls meal, fourteen bolls bear, threttie nyn £ 13sh. 4d. three dozen putry five loads coals, six pecks two lps. corn.

Jane Buchan fifty £ one stone butter or foure £.

New Mill of
Gask.

Pat: Oliphant & John Henderson three chalder victual qrof ten bolls bear, three hunder merks, ane mill swine two dozen capons.

Nota. That the new mill of Clathymore has not been rented nor the officer straw divided and the new mill pays ane hunder loads peats.

J. ROBERTSON Bailie.

82 2.2, f 139

236. WARRANT by PATRICK LORD OLIPHANT to JAMES OLIPHANT of Gask. June 9th, 1709.

We Patrick Lord Oliphant hereby impouers James Oliphant of Gask to give up and deliver to Mr. Patrick Leith of Craighall ane discharge granted by us to the said Mr Patrick of the date hereof of ane back bond granted by the said Mr Patrick to us relative to ane disposition of our estate of Pitendreich &c. which disposition is dated the twenty seventh day of May i^m vii^c and seven years and that upon the said Mr Patrick his delivery up of the said disposition and infestment thereupon to the said James Oliphant of Gask. In witness whereof (written by Laurance Oliphant of Condie) we have subseryved thir presents att Edinburgh the nyynth day of June ^m vii^c and nyne years before these witnesses Mr Aeneas Oliphant of Balgonie writter to the Signet and the said Laurance Oliphant.

OLIPHANT.

AENEAS OLIPHANT, witness.

LAU: OLIPHANT, witness.

82.1.1.f.77
237. LETTER from the DUKE OF PERTH to COL. OLIPHANT dated at St. Germain, January 3rd, 1711.

For Collonell Oliphant at Orleans.

Sir,—I have Delay'd until now to tell yow the contentment The marriage of your Daughter gave me it was not want of kindness, nor anything of that nature that occasioned it. I now give yow and all your family the assurance of my Good wishes that all of yow may have much joy of so hapie a settlement for hir All the world speak well of hir and I hope in the state she now is in she will do nothing that is unsuitable to hir birth and the Good Name hir virtue and merite have Gain'd to hir Give my service to your Lady to the young Good-wife and hir husband. And belive I am

Sir

Your most humble Servant and Cousen

Perth

St G^s: 3 Jan 1711.

My Lady Perth gives her service to yow to your Lady and the lately marry'd Cuple.

cc. B. 1601.
238. EXTRACT REGISTERED DISPOSITION AND RESIGNATION of PATRICK LORD OLIPHANT to JAMES OLIPHANT of Gask. July 14th, 1711.

At Edinburgh the fourteenth day of July i^m vj^c and eleven years In presence of the Lords of Councill and Sessione Compeared Mr Mathew Mikell advocat as procurator for Patrick Lord Oliphant and gave in the Dispositione underwritten desireing the same to be registrat in thair Lops. books to the effect therin mentioned which desire the said Lords found reasonable and ordan the same to be registrat in thair said books to the effect forsaid quherof the tener followes Be It Known to all men by thir presents Us Patrick Lord Oliphant etc. for a certain sum of money presently advanced payed and delivered to us by James Oliphant of Gask and that he is our near relation and the only person capable to support and preserve our family Therefor and for certain others onerous causes and good considerations moving us To have Sold annailzied and disponed Lykeas we by thir presents Sell annailzie and Dispone to and in favours of the said James Oliphant and his airs male which failzeing his airs and assigneys quhatsumever All and Hail our Lands and Barrony of upper and nether Pittendreich Craignetherty and Brockenfald and wood beloning to Pittendreich the miln of Magie miln lands thair of multurs sucken and sequells belonging thairto All and Hail the Lands of Ardfour Auchinay Leogcroft miln of Ardfour miln lands and multurs

belonging thairto and Lands of Langshaw with the manour place housses biggings
 yeards outsetts mosses muirs grassings sheallings priviledges liberties pairts pen-
 dicles and universal pertinents belonging or that is justly known to appertain
 and belong thairto with the salmond fishing and oyerfishings in the watter of Diverein
 as also the ferry boat and priviledges of ferreing and passage on the said watter
 with the duties and emoluments thairof used and wont all lying within the
 parishes of Aberhirder and Innerkctone respective and Sherifdome of Banff And
 in lyke maner all other lands tenements housses biggings and yeards with the
 pertinents thairof pertaining and belonging to us aither in propertie or superiority
 quherever the samen ly within that part of the United Kingdome of Great
 Brittain called Scotland as the samen are specefeit in our rights and infetments
 thairof and specially to be disponed in the resignatione and infetments to follow
 hercupon with all right title interest claim of right property and possessione also
 well petitor as possessor that we have or can pretend to the said Lands Barrony
 and others or any other part or portone thairof above disponed or to any annual-
 rent annuitie or other dutie upliftable furth thairof in time comeing And farder
 for the causes and considerations abovementioned to have sold annailzed and
 disponed Lykeas failzeing of heirs male of our own body we by thir presents
 sell annailzie and dispone to and in favours of the said James Oliphant his airs
 male which failzeing his other airs and assigneys forsaid The honor title and
 dignity of the Lord Oliphant with the rights priviledge and precedency due and
 belonging thairto and all patents infetments and other rights and securitie quhat-
 somever given granted and conceived in favours of us and our predecessors of upon
 and concerning the samen And we oblige us our airs and successors duly valedly
 and sufficiently to infet and sease the said James Oliphant and his forsaid in
 maner underwritten viz In the said Lands Barrony milns miln lands housses
 biggings and others above disponed with the pertinents thairof and that by double
 infetments and maner of Holdings the ane thairof to be halden of us our airs and
 successors in free blench for payment of two pennies Scots money yearly at the
 terme of Whitsunday upon the ground of the said Lands in name of blench ferme if
 the same beis asked allennerly and Rclieving us and our forsaid of the few blench
 and other duties (if any be contained in our rights and infetments of the said
 Lands) and the other of the said Infetments to be Holden from us and our forsaid of
 our immediat lawfull superiors of the said Lands Barrony and others forsaid sicklyke
 and as freely in all respects as we or our predecessors and authors hold held or
 might have holden the samen and that aither by resignatione or confirmatione
 or both or aither of thame The ane thairof being alwayes without prejudice of the
 other And the said honor title and dignity be resignation thairof in maner under-
 written and we oblige us and our forsaid to make grant subscribe and deliver to
 the said James Oliphant and his forsaid all wrytes and evidents quhatsoever that
 they shall think neidfull for thair security anent the premisses with the warrandice
 always underwritten and for expeding of the said infetment be resignatione and
 but prejudice of the other infetment abovementioned To have made constitute and

ordained as by these presents we make constitute and ordain

conjuuctly and severallie our lawfull undoubted and irrevocable procurators actors factors and speciall errand bearers to whom we hereby give graut and comitt our full power warrand and commissione for us in our name and upon our behalf to compear before our immediat lawfull superiors of the said Lands Barrony and others with the pertinents above disponed or thair Commissioners in thair names having thair power to receive resignationes of Lands and thairupon to Grant new infeftments at quhatsoever day and place lawfull and convenient and then and there with all due reverence and humility as becomes peurly and simply by staff and bastoun as use is To Resigne Surrender upgive overgive and deliver Lykeas we by thir presents Resigne Surrender upgive overgive and deliver All and Hail the said Lands and Barrony of upper and nether Pittendreich Craignetherty and Brokenfald and wood belonging to Pittendreich the milne of of Magie miln lands thairof nuultures sucken and sequells belonging thairto All and Hail the Lands of Ardfoure Auchinay Leogcroft miln of Ardfoure miln lands and nuultures belonging thairto aud Lands of Longshaw with the mauer places housses biggings yeards outsetts mosses muirs woods grassings shealliugs priviledges liberties pairts pendicles and universall pertinents belonging or that may be kuown to pertaiu and belong thairto with the Salmond fishing and other fishings ferryboat and passage upon the Watter of Diveren lying in manner forsaid and all other lands tenements housses biggings yeards and pertinents pertaining and belonging to us aither in propertie or superiority quherver the samen ly as the samen are specefiet in our rights and infeftments thairof and specially to be designed iu the resignatione and infeftment to follow hereupon with all right title interest claim of right property and possessione also well petitor as possessor that we have or can pretend iuto the samen or to any annualrent annuity or other duty upliftable furth thairof in time comeing In the hands of our said Superiors or their Commissioners afsaid In favors and for new infeftment of the samen to be made given and granted to the said James Oliphant his airs and assigneys forsaid As also to compear befor Her Sacred Majesty and her Royal successors at any day aud place lafull and convenient and then and there to resigne as by these presents failzeing airs male of our own body we resigne overgive and deliver the honor title and dignity of Lord Oliphant with the rights priviledges and precedency due and belonging thairto and all patents infeftments aud other rights and securities quhatsoever given grauted or conceived in favors of us and our predecessors of upon and concerning the samen In the hands of Hir said Majestie and her successors forsaid Iu favors and for right thairof to be given and granted to the said James Oliphant and his airs male quhilk failzeing his other airs and assigneys forsaid in such due aud competeut forme as accords Acts instruments and documents ane or moe as nced bcis thairupon to take and all other things thairanent to doe that we could doe our self if personally present promittens dc rato Which Disposition Resignatione and infcftments to follow upon the samen with the Lands Barrony and others above disponed we oblige us our airs and successors forsaid to warrand to the said James Oliphant and his

forsaidis att all hands Excepting from the warrandice forsaid any tacks granted by us of the said Lands for the years and termes thair of yet to run To the which tacks and all oblidgments thair of in our favors we have assigned and hereby assigne to the said James Oliphant and his forsaidis But prejudice alwayes to them to quarrell and impugne the said tacks upon any ground competent to them of the law not inferring warrandice against us or our forsaidis And Sicklyke to have assigned transferred and disponed as by these presents we assigne transferr and dispone in favors of the said James Oliphant and his forsaidis all wrytes evidents reversiones titles and securities both old and new granted to or conceived in favours of us our predecessors cedents and authors of upon and concerning the said Lands Barrony and others above disponed with the teinds parsonage and vicarage thair of with all precepts of seasing procuratories of Resignatione and all clausses oblidgments and conditiones contained in all or aither of the said wrytes of quhatsoever date tenor or contents the samen be And Sicklyke to have assigned and Disponed as we hereby assigne and dispone in favours of the said James Oliphant and his forsaidis the rents few duties and other duties and casualties of the said Lands Barrony and others above disponed Not Only of and for the current crop and year of God i^m vii^c and nyne and haill termes thair of and sicklyke yearly and termly in all time comeing But also the rents and rests of tenents and others of all years and termes thair of bygone resting impayed and oblidge us and our forsaidis to free and releive the said James Oliphant and his forsaidis of and from all few blench teind and other duties ministers and schoolmasters steepends cesses reparatione of kirks and manses and all other burdens and impositions payable for or furth of the said Lands and Barrony preceeding the terme of Whitsunday last bypast which is hereby declared to have been the time of the said James Oliphant his entry to the said Lands notwithstanding of the date hereof He and his forsaidis being alwayes oblidge to free and releive us and our forsaidis of the like in time comeing And we hereby dispone to the said James Oliphant and his forsaidis our Buriall place and Seats in the Kirk of Abercherder and Innorcatney and ground quherupon the samen stand to be used and disposed on by them at their pleasure and we oblidge our selves and our forsaidis to deliver up to the said James Oliphant and his above written the whole wrytes and evidents that we have of and concerning the Lands Barrony and others above disponed with the pertinents or teinds parsonage and vicarage of the samen and with power to them nevertheless to call the havers and abstracters thair of for productione and delivery to them of the samen And for the more Security we consent that thir presents be insert and Registrat in the books of Councill and Sessione or others competent to have the strenth of a decreit interponed thairto that Letters of Horning on six dayes charge and all other executoriells neidfull in form as effeirs may pass thairupon and for that effect Constitutes Mr Mathew M'Kell advocat our procurator etc. Attour to the effect the said James Oliphant may be lauffully infest and seased in the Lands Barrony and others above disponed with the pertinents to be halden of us and our forsaidis or from us of our immediat lauffull

superiors as said is or both of the said maner of Holdings the one but prejudice of the other as above to have made and constitute as by thir presents we make and constitute

conjunctly and severally our Baillies in that pairt And it is our will and we require you that incontinent thir presents seen ye pass to the said Lands Barrony and others abovementioned and thair give and deliver heretable state and seasine actuall reall and corporall possessione Of All and Hail the said Lands and Barrony of upper and nether Pittendreich Craignetherty and Brokenfauld and wood belonging to Pittendreich the miln of Magie miln lands thair of multures sucken and sequells belonging thair to All and Hail the Lands of Ardfoure Auchinay Leogcroft miln of Ardfoure miln lands and multures belonging thair to and Lands of Longshaw with the manour places housses biggings yeards outsetts mosses muirs woods grassings sheallings priviledges liberties pairts pendicles and universall pertinents belonging or that may be known to pertain and belong thair to with the Salmond fishing and other fishings ferry boat and passage upon the watter of Diverene lying in maner forsaid and of all other Lands tenements housses biggings yeards and pertinents pertaining and belonging to us aither in propertie or superiority where ever the samen lye as the samen are specifeit in our rights and infestments thair of and specially to be designed in the instrument of seasine to follow hereupon. And that to the said James Oliphant by deliverance to him or his certain actorny in his name bearer hereof of Earth and Stone of the ground of the said Lands and Barroney Claps of the said milns a net for the said fishings and other symbolls necessar after the forme and tenor of these presents in all poynts and this on no wayes ye leave undone as ye will ansuer to us thair upon the which to doe we comitt to you conjunctly and severally our Baillies in that pairt forsaid our full and irrevocable power by this our precept of seasine direct for that effect. In witness quherof (written by David Carmichaell Wryter att Perth) we have subscribed these presents att Innermay the Last day of May i^m vii^c and nyne years Befor David Drummond of Innermay David Drummond younger thair of James Richardson wryter att Perth and the said David Carmichaell wryter hereof witnesses. Sic Subscibitur OILPHANT Da: Drummond witnes Ja: Richardson witnes Da: Carmichaell witnes.

Extracted By

JO ALEXANDER.

82.11, f 103

239. LETTER from COL. WILLIAM, afterwards LORD OLIPHANT, to JAMES OLIPHANT of Gask. November 10th, 1713.

To the Laird of Gask at Gask.

[Sent a Giney in return of this.*]

Dear Nepheu,—Necessite obliges mee to give you the trouble of this to send mee a Cuple of guines to furnish mee with some linnings I want at present very much, being I have not bought any this tuo years bypast, so that at present I am

* Memorandum in different hand.

in want of some shirts and cravats having the help of none to mend my old ones so that all my linnings are torne and not fit to be seen by any honest bodye. I am ashamed to give you so much trouble, but having no other resource but yourself at present obliges mee to rely altogether on your goodnesse, but I hope a short tyme now will put mee out of my difficulties, being by all probability our affairs are now at a Crisis so consequently must take another shape. I shall keep an account of all I have got from you and God willing shall be so just as to pay you so soon as I am in a condition which I doubt not will be ere long: I will be obliged to wait on the Marquess of Drummond the next weeke to Taymouth to see my Lord Broadalbin as lykways to make some other visits before I can see you.

My Lord Drummond and Lord John gives you their respects and I can assure you wishes your family very well. You will be so kind as to give the money to my servant Louis the bearer hereof and your other commands to mee. My kindest respects to my dear Niece and all your pretty family to whom I wish all prosperity, and you may assure yourselfe whenever I am able I will do them all the pleasures in my power as in gratitude I am bound. This being at present what offers dear Nephew from

Your most affectionat

Uncle and humble servant

Wm. Oliphant

Drummond Castel,
10 November, 1713.

CB 1605.

240. DEED OF ENTAIL by JAMES OLIPHANT of Gask of the lands and Baronies of Gask and Cowgask, the baillery of the Abbacy of Inehaffray &c. in favour of JANET MURRAY his spouse in liferent and JAMES OLIPHANT his third son and his heirs male in fee secluding the two elder sons until they were purged of suspieion of being concerned in the late Rebellion. 5th September 1716.

Be it known to all men by these present letters me James Oliphant of Gask heritable proprietor of the Lands Baronies Teinds and others underwritten. Forasmuch as Mr Laurence Oliphant my eldest lawfull son and Mr Thomas Oliphant my second lawfull son are at present under suspicion of being concerned in the late Rebellion I am therefore resolved to debar them and either of them from all benefite of succession to me untill first they be purged of the said suspieion and in a legal capacity to enjoy and possess my estate, and for that effect to dispo, and convey my lands and estate to Jannet Murray my well beloved spouse in liferent during all the days of her lifetime in case she shall survive me and to establish and settle the fee thereof in the person of James Oliphant my third lawfull son and the other heirs of taillie and provision aftermentioned under the reservations provisions

conditions limitations and irritations underwritten Therefore witt ye me to have given granted annallied and dispoued likeas I by the tenor hereof for the reasons and causes foresaid give grant annallie and dispone from me my heirs and all others my assignies to and in favour of the said Jannet Murray my well beloved spouse in liferent during all the days of her lifetime after my decease and to and in favours of the said James Oliphant my third lawfull son and the heirs male lawfully to be procreated of his body in fie which failleing to Patrick Oliphant my fifth lawfull son and the heirs male lawfully to be procreated of his body which failleing to Ebenezer Oliphant my sixth lawfull son and the heirs male lawfully to be procreated of his body which all failleing to the said last heir male his nearest and lawfull heirs and assignies whatsoever who by the laws of the realm for the time being shall be in capacity to succeed All and hail the Lands and Barony of Gask with manor place houses biggings yairds orchards parts pendicles and pertinents comprehending therein the Townes and Lands of Over and Nether Gasks Keirwoodhead Haltoun of Gask with the miln of Gask miln lands astricted multures and sequels of the same Clathiemuir Rosses and Newmiln miln lands astricted multures and sequels thereof Wester Clathie Muirhead Drumend and Carnewathie Clathiebeg with Courts and Church lands of Findogask woods meadows fishings of Salmond and other fishes upon the water of Erne and particularly with the speciall liberty of fishing in the said water of Erne three days of the week in forbidden time by the law and custom of Scotland As also with the special liberty and licence of placing putting building repairing and upholding of cruives upon the said water of Erne and in all parts of the same foregainst the saids lands and Barony of Gask and others above-written all lying within the parochin of Findogask and sherifdom of Perth. And all and hail the Office of Bailliary of all and sundry the lauds formerly pertaining or that in times coming may pertain to the Abbacie of Inchaffry with all and sundry fees casualities liberties priviledges commodities profites and duties whatsoever pertaining and belonging to the said office And siclike all and hail the Lands and Barony of Cowgask with the milne multures woods fishings meadows pendicles and pertinents whatsoever comprehending the lands and others under written as proper parts and pertinents of the same viz. the Maines of Cowgask all and hail the towne and lands of Drum of Cowgask east and west ends of the same with the miln of Cowgask miln lands astricted multures and sequels thereof the lands of Chappelhill of Cowgask with the woods and meadows of Cowgask called Woodend The Fosterland and Ward within the said wood and these two parts and portions of the saids lands commonly called Priestcroft and Shavenbushes with houses biggings yairds tofts crofts meadows woods parks priviledges parts pendicles and pertinents of the saids lauds with the milne miln lands and others abovementioned all lying within the Barony of Cowgask Stewartry of Stratherne and Sherifdom aforesaid as for the principal and in special warrandice and security thereof All and hail the Lands and Barony of Aberuthven with the miln miln lands multures sequels tennents tennendries and service of free tennents of the same with fishing of salmond upon the said water of Erne woods parts

pendicles and pertinents thereof with power of setting up cruives upon the said water all lying within the Sherifdom of Perth As also all and sundry the teind sheaves and other teinds as well parsonage as vicarage of the townies lands Baronies and others above written with the hail parts pendicles and pertinents of the same And also all and sundry the lands and others underwritten viz. all and hail that part of the lands of Williamstoun sometime pertaining to Patrick Murray of Williams-toun author to Sir William Blair of Kinfauns sometime of Williamstoun extending to three-quarters or three-fourth parts and one eighth part of the said town and lands of Williamstoun with houses biggings yairds tofts crofts pairts pendicles and pertinents of the same whatsoever of old possesst by Thomas Oliphant and thereafter by John Drummond together with that part and portion of land commonly called St. Ann's Lands and muir of the same commonly called St. Ann's Moss lying in the Barony of Cairney and Sherifdom of Perth. All and hail that eight part of the said towne and lands of Williamstoun with the pertineuts sometime possesst by umquhill Jannet Gray umquhill Jannet Bennet and umquhill Marion Smith and thereafter by umquhill Jean White and also all and hail these eight merk lands of Williamstoun with houses biggings yairds tofts crofts pairts pendicles and pertinents of the same sometime possesst by umquhill Isabell Tod and her subtennants and thereafter by Patrick Murray of Williamstoun and David Dow with the manor place of Williamstoun with houses biggings yairds orchards parts pndicles and pertinents of the same lying within the parochine of Madertie and Barony and Sherifdom aforesaid As also all and hail that quarter or fourth part of the Townc and Lauds of Souttertoun with houses yairds parts pendicles and pertinents of the same sometime possesst by the said Thomas Oliphant and thereafter by Charles Murray lying within the Barony and Sherifdom aforesaid

And siclike all and hail that pendicle of the lands of Easter Dubhead commonly called Southside formerly possesst by umquhill Hugh Mitchell bounded and marched as follows viz. beginning at the southeast at that part of the burn of Cowgask where the samen falls and enters in the Bog of Williamstoun and where the lands of Williamstoun marches with the said pendicle of land called Southside and therefrae directly up and west the said burn of Cowgask where it runs to the South end of the dike which at that part divides the arable lands of Souttertoun frae the said pendicle of land called Southside and therefrae directly north the said dike till it come to the southwest end of the fauld of the lands of Westerdubheads called the Redfauld of old pertaining to umquhill Walter Neish and therefrae east the southside of the said fauld till it come to the east end thereof and therefrae east to the common gate and direct north the said gate while it come to the Burn of Cassoquhey and therefrae down the said burn till the same enter thc Boig of Williamstoun lying in the Barony and Sheriffdom aforesaid. Moreover all and hail the lands of Wester Dubheads with houses biggings parts pendicles and pertinents thereof lying in the said Barony and Sherifdom aforesaid. All and hail the lands of Overdubheads Midledubheads and Dubheads loane the half of the lands

of Souttertoun and eight part of Williamstoun with the hail parts and pertinents lying within the Barony and Sherifdom aforesaid. All and hail that eight part of the hail lands of Souttertoun formerly belonging to John Murray nephew and heir of umquhill James Mastertoun merchant burgess of Edinburgh and sometime possesst by Alexander Murray and Elizabeth Oliphant his spouse. As also all and hail that tenement and croft called Coolcroft sometime belonging to the said John Murray with houses and biggings of the same and with the pasturage of four souns one horse and one brood goose and with all other pertinents of the said tofts and crofts in bypast times used and wont possesst by the said umquhill Alexander Murray and his said spouse lying within the said Barony of Cairdney and Sherifdom of Perth.

And siclike all and hail that eight part of the said towne and lands of Souttertoun which sometime pertained to umquhill Robert Ramsay portioner of Souttertoun grandfather of Margaret Alison his granddaughter and heir and which was sometime possesst by the said umquhill Robert Ramsay and Catharine Moir his spouse with houses biggings yairds tofts crofts and pertinents whatsoever pertaining to the said eight part lying within the Barony and Sherifdom aforesaid.

And also all and hail the towne and lands of Nether Beliairn with houses biggings yairds parts pendicles and pertinents thereof as they are presently possesst by John Robertson lying in the parochin of Kinloch and Sherifdom of Perth and that with and under the reservation provisions conditions limitations and irritancies particularly exprest and sett down in the procuratory of Resignation underwritten in the which lands baronies teinds office milns woods fishings and others particularly abovementioned with and under the reservation provisions conditions limitations and irritancies contained in the said procuratory of resignatione underwritten I by the tenor hereof bind and oblige me and my heirs as well male of taillie conquest and provision as of line and successors whatsoever duly validly and sufficiently to infest and sease the said Jannet Murray my well-beloved spouse in liferent and the said James Oliphant my third lawfull son and the heirs of taillie and provision abovementioned in fie heritably and that by two distinct infestments and manners of holding the one thereof to be holden of me my heirs and successors in free blench for payment of one penny scots money upon any part of the ground of the saids lands and baronies at the feast and term of Whitsunday yearly in name of blench ferm if the samen be asked allenary and freeing and relieving me and my forsaid of the duties and services due and payable to the superiors forth thereof and the others of the saids infestments to be holden from me, and my foresaid of our immediate lawfull superiors of the same sicklike and as fully and freely in all respects as I my predecessors and authors held hold or might have holden the same and for that effect to make grant subscribe and deliver to them all charters procuratories dispositions and precepts and other writs and securities whatsoever requisite and necessar for securing them therein And for expeding of the said infestment by resignation witt ye me to have made and constituted Likeas I by the tenor hereof make constitute and appoint

and each of them conjunctly and severally my lawfull undoubted and irrevocable procurators and commissioners to the effect underwritten giving granting and hereby committing to them and each of them conjunctly and severally as said is my full power warrand mandate and charge for me under my name and behalf to compear before my immediate lawfull superiors of the lands and others above and underwritten or their lawfull commissioners having power from them to receive resignations of lands and others holden of them and to grant new infestments conform thereunto whatsoever time or times and place or places convenient and then and there with all due humility and condign reverence as becomes purely and simply by staff and baton as use is to resign surrender upgive overgive and deliver likeas now as then and then as now I by these presents resign surrender upgive overgive and deliver all and haill the lands baronies and others particularly abovementioned With and under the reservations provisions conditions limitations and irritancies underwritten viz. with and under the reservation to me of the full and free liferent right and frank tenement of the haill lands baronies jurisdiction teinds and others as specified during all the days of my lifetime and further reserving to me full power and faculty at any time in my life et etiam in articulo mortis to sell dispone or wadsett the haill lands baronies teinds jurisdiction and others abovementioned or any part or portion thereof or to grant infestments of annual rent forth of the same and to sett tacks for what rent or duty I shall think fit and to contract debts and burden the same with provisions to my children and with such other debts and sums of money as to me shall seem proper and convenient and to revoke annull or discharge the present taillie or to alter and innovate the same and the conditions provisions and irritancies thereof and that without advice and consent of my said spouse (in so far allenary as concerns the additional liferent hereby provided to her) or of the heirs of taillie and provision aforesaid siclike and in the same manner as if these presents had never been made nor granted all which deeds so to be made and granted by me the said James Oliphant and the other heirs of taillie and provision above written are holden and obliged by the acceptation hereof to implement and fulfill in the same way and manner as if they were personally bound to the performance thereof It is always hereby provided and declared that in case the said Jannet Murray my spouse shall marrie after my decease or if the said Mr Lanrence Oliphant my eldest lawfull son or failling of him by decease the said Mr Thomas Oliphant my second lawfull son or failling of him by decease if any other my appearand heir for the time being shall succeed to me in my saids lands and estates. Then and in either of these cases my said spouse is hereby limited and restricted to her former liferent provision and infestment in the lands and barony of Cowgask and is holden and obliged to renounce and discharge the foresaid liferent right and disposition in either of the foresaid cases bnt prejudice of her said former liferent right. And further my said spouse is hereby bound and obliged so long as she shall liferent and possess my said haill lands and estate by virtue hereof to satisfie and pay the annual rents of all my just and lawfull debts and children's

provisions or aliments educat and entertain them conform to their several bonds of provision granted or to be granted by me to them. And also to satisfie and pay the few and other duties due and payable to the superiors of the said lands the ministers and schoolmasters stipends and fees with the cess stents taxations outreeks and all other public burdens and duties whatever. Providing also and declaring likeas it is hereby expressly provided and declared that in case at any time hereafter the said Mr Laurence Oliphant and Mr Thomas Olipbant my eldest and second sons shall either upon tryall be acquitt of the suspicion they now lye under or otherways rehabilitated and putt in a capacity to possess and enjoy my saids lands and estate, then and in tbat case the said James Olipbant my third son and the heirs of provision abovementioned shall be bound and oblidge as by the acceptation bereof they bind and oblidge them to denude themselves omni habili modo of the right of tbe saids lands and estate in favours of the said Mr Laurence Olipbant and the heirs male of his body which faillieing to his other heirs male which faillieing to his heirs and assigneys whatsoever purely and simply free from all burdens provisions limitations and irritancies whatsoever Excepting only my just and lawful debts aforesaid and provisions formerly made in favours of my said spouse and made or to be made in favours of my younger children and in the case aforesaid it shall be leisom and lawfull to the said Mr. Laurence Olipbant or his heirs male which faillieing the said Mr. Thomas Olipbant or his heirs male which faillieing my appearand heir for the time being to obtain themselves served retoured infest and seased as heirs male and of line to me and my predecessors free of the provisions conditions limitations restrictions and irritancies herein mentioned (excepting as is above excepted) sicklike and as freely in all respects as if this present destination and taillie had never been made nor granted and in case the said Mr. Laurence shall not be rehabilitated and in a capacity to succeed and possess as aforesaid but the said Mr. Thomas shall be in a capacity to succeed then and in that case tbe said James Oliphant and the other beirs of taillie aforesaid are holdcn and oblidge as by the acceptance hereof they bind and oblidge them to denude of this present right in favours of the said Mr. Thomas and his heirs the said Mr. Thomas and his foresaids being always bound and obliged tbat whenever the said Mr. Laurence or his heirs shall be in a capacity to succeed to denude in their favours free of the burdens provisions limitations and irritancies therein contained (excepting as is above excepted.) But in case of the said Mr. Thomas and his heirs their succession to tbe said estate by virtuc of this present taillie allenarly it is hereby provided and declared that they shall be subject and lyable to the conditions provisions limitations and irritancies herein contained but prejudice to their being free thereof as aforesaid in case of their succeeding as heir in manner above mentioned. And in regard that it is my design and intention in case the said Mr Laurence or Mr Thomas Olipbants shall be in a capacity to succeed to me that they and their foresaids should enjoy and bruik the saids lands and estate free of any burden except the debts already contracted or to be contracted by me and the provisions in favour of my said spouse

and of my other children and that it should not be in the power of the said James Oliphant my third son or the heirs of taillie and provision abovementioned by burdening dilapidation or annullieing of the said estate to dissappoint the foresaid event in case of the existence thereof by the said Mr Lawrence or Mr Thomas their being in a capacity to succeed thereto It is hereby expressly provided conditioned and declared that it shall not be leisome nor lawfull to the said James Oliphant nor to any of the heirs of taillie and provision foresaid to infringe alter or loose the foresaid taillie or destination and order and course of succession abovewritten nor give grant wadsett sell annallie or dispone either under reversion or irredeemably any of the lands or others aforesaid or any part or portion thereof nor burden the same with infeftments of annual rent or other duties whatsoever to be uplifted forth thereof nor to grant any rights of feu nor tacks or assedations at a diminution of the rental otherways than by public roup nor for any longer space than during the lifetime of the granter or his legal possession of the foresaid estate. nor to contract debts or sums of money nor give or grant bonds or oblidgements or other rights or securities therefore which may or can affect the said estate nor do or commit any other fact or deed criminal or civil by which the saids lands and estate or any part or portion thereof may be apprised adjudged forfeited or any other ways evicted from them or any of them or whereby the order of succession in the terms of the foresaid taillie and provision may be anyways hindered diverted frustrated or interrupted.

And if it shall happen the said James Oliphant or any of the heirs of taillie and provision aforesaid to do or commit any such deeds or contract any such debts the same are hereby expressly declared to be void and null by way of exception or reply and of no validity strength or effect to burden or affect the lands and others above disposed in prejudice of the said Mr Laurence Oliphant or the said Mr Thomas Oliphant or their heirs aforesaid in case they or either of them shall be acquitted or restored and capacitated to succeed to me and possess and enjoy the saids lands as said is or in prejudice of the subsequent heirs of taillie in case this present right shall subsist and continue and the persons so contravening shall amit and loss all right and title to the said lands and estate and the same shall fall accresce and devolve upon the next heir who should succeed if the contravener were naturally dead and the contravener shall be obliged to denude in his or her favours omni habili modo and to make and grant all writs and securities necessar for that effect. Otherways the whole rights and infeftments in the contravenars name and person shall from thenceforth become void extinct and null by way of exception or reply without the necessity of any declarator to follow thereupon and the said next heir may serve heir to the last infeft preceding the contraveener or may pursue such declarators as may be found necessary or use any other habile method for establishing the right in his or her person the one but prejudice of the other. Reserving nevertheless to the spouse of the contraveener the liferent provision as the same is hereby limited and restricted and with power to the said James Oliphant and the whole substitute heirs of taillie and provision as specified to provide and secure their spouses and children with provisions to be made payable forth of the

lands and estate hereby disposed. The provision or yearly liferent in favours of a husband or wife during the possibility of the succession of the said Mr Laurence Oliphant and Mr Thomas Oliphant and their heirs in manner abovementioned not exceeding the sum of five hundred merks scots money yearly the courtesy of Scotland or the liferent of the whole estate in favours of the husbands being hereby expressly secluded and debarred and the portions to the younger children during the possibility foresaid not exceeding the sum of ten thousand merks money foresaid. But providing always and declaring that the foresaid liferent provision hereby allowed to be made in favours of a husband or wife shall noways burden the saids lands and estate nor the succeeding heir of taillie after the decease of the person so provided but the same shall be yearly uplifted by the liferenters by way of locality forth of particular lands to be allotted for that effect nor shall the portions allowed to be granted to younger children burden or affect the saids lands and others aforesaid nor the subsequent heirs of taillie for longer time than the space of seven years after the decease of him or her who granted the said provisions Declaring that if the said provisions shall not be recovered out of the rents of the said lands or from the heir of taillie in possession within the space aforesaid that the bonds or other writs granted for that effect and the diligence that shall happen to be done thereon shall be thereafter void extinct and null in so far as the same might have affected the said taillied lands and estate but prejudice to their subsisting and being in full force to affect the granter and immediate subsequent heir of taillie their persons or any other estate that shall happen to pertain and belong to them.

And further it is hereby provided and declared that the heirs of taillie and provision aforesaid incurring any of the saids irritancies shall only lose time and amitt their right during their own lifetime but that the heirs and descendants of their bodies shall not lose or forfeit their right of succession but it shall be free and lawful to them as well as the other heirs of taillie to serve heir to the person last infest before the person incurring the irritancy and that all the heirs of taillie above mentioned shall only forfeit their right of succession during their own lifetime for the deeds and contraventions committed by themselves. It is further hereby specially provided and declared that the next heir of taillie existing the time of the devolution of the succession shall have right to succeed and if afterwards there shall a nearer heir exist who by the provision and destination of this taillie would have had right to the succession if he had been existing the time of the devolution thereof that then and in that case the heir of taillie who shall happen to enter and succeed because of their existence the time foresaid the said remoter heir so succeeding and his or her heirs are and shall be obliged to denude of their right and possession to and in favours of the said nearer heir of taillie who shall thereafter exist omni habili modo and shall only have right to the rents of the taillied lands and estate of the current years from the time of their succession until the existence of the said nearer heir. Furthermore it is hereby provided and declared that the oldest heir female succeeding to the said lands and estate by virtue of this destination and taillie shall succeed without division and her husband

and the descendants of her body and also all descendants of heirs female succeeding by virtue of this present destination and taillie shall be obliged to assume and bear the surname of Oliphant and the proper coat of arms of the family of Gask and in case they faille therein they shall be deemed as contraveeners hereof, and loss tme and amit all right title and possession of the said lands and the benefit of this present taillie and destination and the same shall fall accresce and belong and devolve upon the next heir of taillie who may enter and possess in the same way and manner as is above directed.

And lastly it is hereby provided and declared that the said James Oliphant and the other heirs of taillie and provision abovewritten and also the said Mr Laurence and Mr Thomas Oliphants in case of their succeeding to me in manners forcsaid shall be holden and oblidge to satisfie and pay all my just and lawful debts and sums of money which I presently am resting or shall happen to be resting to any my lawful creditors as also such portions and provisions to my children as I have or shall destinat and appoint either by bond latter will or any other manner of way whatsoever and to pay all legacies and donations which I may happen to leave and give to any person or persons in case my executorie and moveables shall not be sufficient to pay the same &c.

In witness whereof I have subscribed these presents written by David Maule writer in Edinburgh at Edinburgh the fifth day of September one thousand seven hundred and sixteen years before these witnesses Mr Harie Maule writcr to the signet and the said David Maule.

JA: OLIPHANT.

HARIE MAULE witness.

DA: MAULE witness.

82.1.1, f. 129

241. LETTER from the Hon. ISABEL CRICHTON (Daughter of JAMES CRICHTON of Frendraught) to her Nephew Colonel WILLIAM OLIPHANT. September 28th, 1716.

A Monsicur. Monsieur Doliphant
 Chez Monsieur de Cournow rue de
 Colombiens a Orleans. A Orlcans.

Paris, Sept. 28, 1716.

My Deare Nephew,—I was truly over ioyed when I hard you wase ariued to paris: after the many emenent daingers you had bin in: and could I a known when you would abin heare I would not agon to Roucn till I had sean you: which I hartely long for: I likewise thought you retained so much kindnes for me that has a sencare tender hart for you; that you would afoorded me won linc at yo'r return upon your own account and the frends you left be hind: which you may belve I expected your return and I mus needs tell you my deare Nephew I deserve it considering the affection I have for you: I was really ashamed that you came not to se my frends at the conuent who all ways had grate respect for you and

your familie: and shoud grat sevilitie to Madam de Cornoue when she was in paris: they also writt me woord to Rouen of your being heare and sed they knew that you would see them: whare you should be very wellcum: Makamtosh and many moor which ware intier strangers came to visit them whare thay ware very handsomly entertained: but now laying all quarills aside I desicr my deare Nephew youl lett me know how you are: and how you left our poor frends in that poor unfortunate cuntry of ours whare I have long langisht to goe to: which I now feare I shall neuer se moar I had a letter lately from my sister who is in grate pain for you: not knowing of your being heare nor of your sauety: but I shall shortly write to her and lett her know you are well: I am tould that your cusen the Vicount of Frendranght: by rcon he is not well in his afaiers: that he dus not take his title which surpriseth and much mortefies me: that he should not consider his Aintiant noble familie: and that he is cheafe of his name: so a very grate folly in him to neglect his birth right: his father was but in hard surcumstance for his qualitie yett he kep up his Title: that fine Maridg which Lord Lewis made did the familie very grate predgedis howeuer thayr qualitie is still the same and the time may yett cum that afaiers may be in astate that they may persne for thayr right and intrest: but I hope this indiscretion that I heare is not trne but if [it] be and that my deare husband his vnkle ware aliue he would be redy to tare him in peasis: I know not if my letters went safe to him but I neuer had any return of the tow I writt to him I intreate you make my complements most hartely ahundred times over to Monsieur decornou and Madam espetially to him for she dus not deserue the tender concern I have for her being ither unkind or laesy in writeing like you: but for Monsieur: I love esteame and honours him with all my hart no Man can be better breed and in reallithey he is trnly Master of all the good qualifecations that a man of qualetie and honour ought to haue: and crouns them all by the grate kindnes to his Lady notwithstanding the litle likelyhood at present of any fortin with her: and now aboue all to you in the surcumstanc you are in: all which I admier him for. I intreate you correct this fault of your silance and if you retaine any frendship for me: you will giue me the satisfaction to heare frequently from you and in the meane time to gine a kuick return to this if you will oblidge

My Dear Nephew

Your most sincare affectionat

Aunt and humble Seruant

pray kis the Mother and all the litle deare angels for [me] who I long al my hart to see.

82.1.1, f. 131

242. LETTER from JAMES MENZIES of Culdares to JAMES OLIPHANT of Gask.
December 15th 1716.

Newgate 15 Decbr 1716.

Dear Gask,—I ordered my creditors to goe and secure themselves, but I gott some complaints upon some of my friends, that they are doing very litle for my intrest, if any of them goe a step, to doe any ungenerous act, they will be exposed, more than I will say at this tyme.

I am fuly perswaded, that you and Balgowan will be very friendly, and I hope ye will not forgett to enquire in my afaire when ther is any neid for the same.

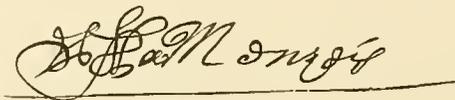
I hope when the parliment will sit, that we may have the oportunitie to Look to our afaire, our selves, and gett to your country. This world will discover Mens friendship and honesty, and if any act otherways then what is Gentlemanly, it will be Nothing to ther advantadge att last.

The unexpected news of my Lo: Tounsend, being put of, was as suprising to himself as to others, its thought Sunderland, and Stannope, has wrought it. There is a great deal of alterations, and more to be, Roxburgh being Secretar, and Montrose privy Seal, and Polward register is what ye have Gott already ane account of: but there is more to be turned out yett. We doe not expect, to be out of this till the parliment sitt, every man heir of a Scotsman that was not condemned, is Sett at Liberty. The English says, that the Scots gott all the favours that was Granted, exclaiming against ther Great friends, and says, that the Scots stands to one another.

Ther is some of your aquaintance heir this night, Incognito, and d: Grahme, Balgowans son, who is very weil, the Mr of Nairn was to be out the nixt day after my Lo: Tounsend was out, hade it not been for the change of Ministry, I believe ther will not Goe many out till we goe all, I pray give my dutiful respects to your Kind Lady and family, and my dear Laury Oliphant whom I have a particular respect and kindness for, wishing us a hapy meiting, I remain

dr sir

Your most oblidge humble
Servant



Pray give my dutifull respects to my mother, and tell hir I am very weil and that it never entered in my head, any worldly Losses.

Give my service to Balgowan, and Belliclone, tell Balgowan that I shall wreat nixt to him. Wishing yow a hapy Christmas, and a Good new year—it has neid to prove to some beter then the Last.

82.1.2, f. 26

243. LETTER from ALEXANDER DRUMMOND of Drummond to LORD OLIPHANT.
October 17, 1728.

My Lord,

I am heartily sorry for your circumstances, but living much in the same manner myself, I can only help you with my good wishes. I heard last week that Mr Carnegy is yet in England, and so is Mr Thomas Innes. And till one of them is in France I cannot expect any word of your Lordship's Business; and by what Mr Innes told me, and I suppose your Lordship also, all the pensions are withdrawn. So till better news come, your Lordship will be obliged to rely upon your friends, and to tell them your circumstances plainly. Meanwhile I pray God to comfort and support your Lordship, and to strengthen you to bear the crosses of this life, with the lively hopes of the next. I am ever my Lord,

Your Lordships most obedient humble Servant,

A. DRUMMOND.

Dr: Oct. 17, 1728.

82.23, f. 30

244. VALUATION of the Effects of the late WILLIAM LORD OLIPHANT, that were found at Gask and Williamstoun the time of his decease, December 27, 1728.

Valuation of the Effects belonging to the late William Lord Oliphant, that were lying in his room of Gask the time of his decease, the 27th of December, 1728.¹

	Scots.		
	Lib:	Sh:	d:
A pair pistolls made at Abaville worth	30:	—:	—:
a scarlet silk scarf worth three pd. ster:	36:	—:	—:
a black lether writeing box worth 10 sh: st:	6:	—:	—:
a chagarin case with three Razors and a lether strap at half a crown each	4:	10:	—:
a Leather powder bag worth	—:	12:	—:
a black Leather Letter case worth	—:	18:	—:
another Letter case worth	—:	12:	—:
a St. German mill and stick for grinding snuff	—:	12:	—:
a black pace-board ink holder with a penner	—:	12:	—:
Two woven Trott-cosees worth 12d. each	1:	04:	—:
a timber soap ball box	—:	06:	—:
[Carry forward,]	81:	6:	—:

¹ This Document is in the handwriting of Laurence Oliphant of Gask, the first Jacobite Laird.

	<i>Lib:</i>	<i>Sh:</i>	<i>d:</i>
[Brought forward,]	81:	6:	—:
a powder horn	—:	18:	—:
a horn comb and timber one	—:	9:	—:
a pece castile soap about a pd. weight	—:	12:	—:
two old black lether trunks worth 7½ sh: st:	4:	10:	—:
Item the books following in ye French Language,			
Reflections on ye means and hindrances of Salvation	—:	18:	—:
The Saints desire for the dead Paris 1692	—:	12:	—:
Politicks drawn from ye word of ye Saints writings Paris 1709	—:	18:	—:
New theatre of the world in 2 vol: Paris 1671	1:	16:	—:
King James ye 2ds Life abridged, Paris 1703	1:	04:	—:
Instruct: in ye historys of france and Italy, Paris 1718	—:	18:	—:
General list of posts and places in france	—:	6:	—:
Treatise of Publick Prayers, Paris 1707	—:	12:	—:
Speeches drawn out of ye writings of Saints, Paris 1704	—:	12:	—:
Hist: of Confessing and Rightly communicating,	—:	12:	—:
French Almaneck or Callender for Saints days	—:	06:	—:
Christian Reflections for every day of ye moneth	—:	12:	—:
Ane Italian book by Cardinal Bentivoglio	—:	18:	—:
affectus ante, sub, et post diviniss: Missie Sacrif:	—:	12:	—:
Sir James Stuarts Abridgem: of ye Scots acts of parl:	1:	04:	—:
	99:	15:	—:

Valuation of the Effects belonging to the late William Lord Oliphant that were found in the room of Williamstoun where he dyed on the 27th of December j^m vii^c and twenty eight.

	<i>Lib:</i>	<i>sh:</i>	<i>d:</i>
A Silver Watch with a silver Chain and Peast seal sett in Silver of Massies make worth £4 ster:	48:	—:	—:
A small walking sword with a gilded steel hilt and silver wear handle with a plain lether belt; sword worth 15 sh: and the belt one sh: st:	9:	12:	—:
A small walking cane worth	3:	—:	—:
A silver seal with three sides and a lether case worth only its weight in silver about	3:	—:	—:
A gold ring with a Cornelian Ston worth	12:	12:	—:
A silver pick-tooth case with the Coat of Arms on the one End and a sypher on the other	6:	—:	—:
[Carry forward,]	82:	4:	—:

	<i>Lib:</i>	<i>Sh:</i>	<i>d:</i>
[Brought forward,]	82:	4:	—:
A pair Specticles sett in tortoise with a case	1:	16:	—:
Ane old horn snuff box	—:	12:	—:
A Chagarin pocket book with a silver clasp	9:	—:	—:
A Silk purse with two old fourteen pieces in it, purse and silver worth	2:	08:	—:
A pair buckles all of silver	9:	—:	—:
A timber pick-tooth case	—:	3:	—:
Thomas a Kempis in French	—:	18:	—:
Quinque puncta exercitii Matut: & Vespert:	—:	12:	—:
A Leather wieg box	1:	16:	—:
Ane old red clock bag	1:	04:	—:
Sum of the preceeding page ¹	99:	15:	—:
	<hr/>		
	209:	08:	—:
	<hr/>		

82.1.2, f 35 245. LETTER from ALEX. DRUMMOND to Mr OLIPHANT, Younger of Gask, after LORD OLIPHANT'S death. January 8, 1729.

Sir,

My Lord Oliphants servant has given me such accounts of your great care of his Lordship and of your generosity to him as will be doubtless very agreeable to his friends abroad; and I shall take care to get the news of it conveyed to them. It would have been usefull had it been possible to have got a line subscribed by himself relating to his business to his correspondant at Paris. But all that can be done now is to send word what he owed at his Death, all things enclused; and if you will send me word of it, I shall get it carefully conveyed to his friend Mr Carnegy; who, I know, will do all that in him lyes, to get as much of his pension as will clear it. I cannot precisely tell what he got since he came home, but I fancy 50 lib. will be the hight of it. I am glad he had so honest and carefull a servant to wait on him at his Last. I presume to offer my most humble duty to your Lady, and am

Sir

Your most humble and obedient servant

A. DRUMMOND.

Drummond Jan 8th
1729.

(¹) The original is on two pages: Effects at Gask on one: do. at Williamston on another.

82.12, f. 66

246. LETTER from FRANCIS LORD OLIPHANT to JAMES OLIPHANT of Gask. October 3, 1729.

To the Honourable the Laird of Gask
To the care of the Postmaster of Perth

Dear Cusin.—I doubt not but that you may take it as a Surprise that I have used the freedom to write you unacquainted,—But the worthy character you and your family have bore for some hundreds of years, and also considering the old Relation between the Family of Oliphant and yours will I hope attone for this time.

I do acknowledge it as a great part of my unhappyness that I have never seen you or any of your family, of which I should be most ambitious.

I had a designe to have come over to Gask and had the satisfaction to have seen you, your good Lady, family and friends, I being intended very shortly to go for London to try what kind providence will order for me.—But my present circumstances with the many hardships I have been left under and obliged to suffer by the Early loss of my parents, and otherwise since I was a child, makes me very unprepared for either a Long or Short Journey.

And that which adds to my affliction is the Loss of the Dear Countess of Mairshall who took care of me and my Education for about three years before her decease.

But after all before I proceed to any Journey I desire your assistance and good advice in whatever terms you may please to signify it to me in writing by the first conveniency, and in the meantime I remain

Dear Sir,

Your most affectionat Cusin and
hearty well wisher

Edinburgh 3d October
1729.

If you please to write Direct for me at Mrs Kirkwoods the first stair above the foot of Peebles wynd.

82.23, f. 58

247. DECLARATION by PATRICK CAMPBELL of Monzie, LAURENCE OLIPHANT of Gask, and THOMAS OLIPHANT, concerning the succession of FRANCIS OLIPHANT to the Peerage. December 20, 1731.

We, Mr Patrick Campbell of Monzie one of the Senators of the College of Justice, Laurence Oliphant of Gask Younger, and Mr. Thomas Oliphant att Ross,

Under subscribing, the near Relations of William Late Lord Oliphant Do certify and declare that Francis the Son of Captain Francis Oliphant is the Nephew and Heir Male to the said William Lord Oliphant.

The said William Lord Oliphant and his Issue Male being all dead In witness whereof We have Subscribed these presents att Gask the twentieth, and at Edinburgh the twentieth and third days of December One Thousand Seven hundred and thirty one years.

LAU: OLIPHANT. (1)

A. B. 1615.

248. EXTRACT RETOUR of the General Service of FRANCIS LORD OLIPHANT as Heir to the deceased PATRICK LORD OLIPHANT, his Cousin. March 6, 1733.

Haec Inquisitio facta fuit in Pretorio Burgi vici canonicorum coram Adamo Muir Balivo dicti Burgi sexto die mensis Martii anno millesimo septingentesimo trigesimo tertio per hos probos et fideles homines patriae &c &c. Qui Jurati dicunt quod quondam Patricius Dominus de Oliphant filius patrum Francisco Domini Oliphant latoris praesentium obiit ad fidem et pacem S.D.N. Regis Et quod dictus Franciscus Dominus Oliphant est legitimus et propinquior haeres dicti quondam Patricii Domini Oliphant filii patrum sui Et quod est legitimæ aetatis In cujus rei testimonium &c

I hereby certify that the above are true excerpts

ARCH. EWART

Conjt. Dep. Clk. of Chancery.

A. B. 2159

249. COMMISSION by PRINCE CHARLES EDWARD to LAURENCE OLIPHANT Younger of Gask as a Captain in the Perthshire Squadron commanded by VISCOUNT STRATHALLAN. October 2, 1745.

Charles Prince of Wales &c., Regent of Scotland England and Ireland and the Dominions thereunto belonging to Laurence Oliphant younger of Gask Esquire Greeting We reposing especial Trust and Confidence in your Courage Loyalty and Good Conduct Do hereby Constitute and Appoint you to be a Captain of His Majesty's Forces in the Perthshire Squadron commanded by our Right Trusty and Well-beloved Cousin and Counsellor William Viscount of Strathallan and to take your rank in the army as such from the date hereof You are therefore carefully and diligently to discharge the Duty and Trust of a Captain aforesaid by doing and performing everything which belongs thereto And we hereby require all and every the officers and soldiers of our Forces to observe and obey you as a Captain and yourself to observe and follow all such orders directions and commands as you shall from time to time receive from us Our Commander in Chief for the time being or

(1) This appears to have been L. Oliphant's own copy of the Declaration, and bears his autograph only.

any other your Superior Officer according to the Rules and Discipline of War in pursuance of the Trust hereby reposed in You Given at our Palace of Holy-rood-house the second day of October 1745.

C. P. R.

82.1.13, f. 20

250. LETTER from JOHN WHYTT (LAURENCE OLIPHANT of Gask) to LAURENCE OLIPHANT of Condie concerning the purchase of his forfeited estates. July 10, 1752.

“To Mr Oliphant of Condie
to the care of Mr Richardson
Baiker in Perth, North Britain”

Dr Sir,

Mrs Brown has had several Letters from her Daughter desireing her over upon the necessity of her affairs, but she is not so particular as to let her know of what use she could be; It was hard yours which gave the reasons should never have reached the mother and she has been racking her thoughts to know them. If the sale of her effects was to be last month or this she could not arrive in time for want of money and if it is not to be till November she'll have full time if her presence is judged absolutely necessary; Its thought she can do nothing with her Creditors as the price of her goods is to be lodged with the Judges and distributed by them to the Creditors; The only thing that occurs that can be done for her is that some fit person should be found who would purchase the whole of her effects and allow her to continue the possession of the part she has at present, for the rent she now pays, and that he should be obliged to give her back the whole whenever she shall be in a condition to pay him the price he gave at the sale. This would be doing her a most singular obligation that could never be fully requitted, at the same time I cannot see what hazard that person would run when he is in possession of her effects for the Interest of the sum he pays. I beg you may soon write her all your thoughts on this affair, and in plain words that she may take her measures from them.—I am

Dr Sir

Your most obliged and
Affectionate humble Servant

JOHN WHYTT.

July 10th o.s.
1752.

52.1.13, f. 51

251. LETTER from JOHN WHYTT (LAURENCE OLIPHANT of Gask) to LAURENCE OLIPHANT of Condie from Versailles. November 16, 1753.

Dear Sir.—Having wrote to Mrs. Brown upon the Buying of her Estate to offer my most sincere and hearty thanks to all the gentlemen who acted so kind and honourable a part. I did not then write to any of them in particular, but be

assured it was not for the want of a real sense of the favor done me which I shall make appear on all occasions that may be in my power. I'm very sensible that it will be difficult to make the rents of the Estate answer to the time of paying the first years annual rent of the sum borrowed for its purchase and till the excrescence of the rents be known what shall become of Mrs. Brown and her family for present subsistence in a strange Land; She returned with very little more than answered the charges of her journey and her son for most part of the time of her absence had been in Flanders Holland and Germany improveing himself by seeing these countreys which could not be without considerable expense tho' at the same time it was hard that a young man when abroad should not have the advantages of that situation Mrs Brown will be soon in want of money and I know not how she will be supplied but by Mu: getting payment of the bills she left with him or that the produce of her labourings last crop be sold for ready money and remitted, after deducting the rent that used to be payed to the G. Factor, or that the price of the wood be applyed for her subsistance for she finds it absolutely needful for her to have a hundred pounds remitted against or before Candlemas; If you could get up the price of Cr. S. and the rents that have been uplifted it would make her perfectly easie and the other subjects might be delayed till her after wants should require them. Mrs Brown has taken some measures to try if she can get payment of that money, and hopes you will also use your endeavours with the persons you think may have most weight, so that by application from different people the Debitor may be brought to agree to make payment; the princ: sum is three thousand merks, and five hunder more for a house built and the yearly rent that has been uplifted will be easily known.

Dear Friend I add this additional Load to all the other Burdens you have upon you on Mrs Brown and her son's account, and if you are not repayed for them here you will be hereafter. I shall say no more to enlarge this long letter but this that it would be the greatest pleasure to hear of your being happily settled in a married state which if you make a right choice, studying the good sense and agreeable temper of the woman, will make your felicity complete (so far as mortals can expect) beyond what you can imagine, and I therefore demand you will set about it with all diligence, and indulge myself in thinking that you will give strict orders in takeing particular care of Mrs Brown's planting, hedges, Park-dikes and Ditches which have first and last cost her so dear. Offer my best compliments to all your Brethren of the P. when you have occasion to see them, and be sure to offer all our Dutys to honest Aunty and services to Mue. Write me soon that I may know you have got this. I am

Dr Sir

Your most obliged and most
Affectionate humble Servant

Vers. Nov. 16th
1753.

JOHN WHYTT.

Pray be sure Aunty doe not want plenty of fireing in this eold weather, please tell John Lawson when you see him that I will not forgett his sending me four gineys by Mrs Brown.

82.1.13, f. 49

252. LETTER from JOHN BROWN (LAURENCE OLIPHANT younger of Gask) to LAURENCE OLIPHANT of Condie, from Versailles. September 30, 1753.

Dr Sir,

Its very like this may find you where you should be, on the hairs'd rig, or leading in the victuel, it is not very disereet to interrupt you, but even stop the plugh to slea a mouse. I have heard of the pains Symon took, the trouble he was at, and walkfull nights he got striving to through a job for his friend Petty, and by what I can judge of that ladd he will never be unthankfull nor forget so kind a neighbour lift when his baek was at the wall. He does not forget either what the twa Peters and douse David did for him—patience; he'll come hame, and we'll be merry aw!

I must now ask for honest Aunty and old Faithfull her eompanion and all our friends on the Pow side, we pardon, she sent siller to put in Petty's pouteh & sarks to elead him, my blessing light upon her; poor Glawd and all his family I hope are well. How does all your neighbours do, worthy Ld Rollo & family, honest Kelty and all about you, and the good family east the geat that had their house burnt, I sympathes'd heartily with them and heard of the help you gave them, it was well done and the rest will thrive the better. Our brother Nut and *Custos Rotolorum* has got a son; I wish him joy with all my heart, and think long to see him and my little nephew who I hear is a fine bairny. Will you heast you and get a wife man and let me see one like them and I'll try and be our at the ehristning. All your friends here are hearty and well and think long to hear from you. If its convenient I wish you would write me once in the two months at least enelosed to Mr Robert Drummond at London and I shall answer you punetually; we will always find conversation to hear what kind of season you have, if the crops is good, how the meall and bear sell, what cattle are giving, how auld friends and neighbours are, how the park-dikes are kept up & if the planting is well fenced & thriving, if the Pow was east, if your new tennants please you, and a hundred things more; every eircumstance is agreeable. Tell Lady Baharry's friend that his namesake & family are all perfectly well and are come to live here for sometime. I hope all friends were well in Edin^r when you heard from them. Pray remember me to your Helen, honest woman. Newes I have none to give you, but no Newes is good Ncwes.

My very dear Friend

Fairwell

JO: BROWN.

Ver. September 30th
1753.

82.1.13, f 55 253. LETTER from JOHN WHYTT (LAURENCE OLIPHANT of Gask) to PETER CAMPBELL of Monzie from Versailles. June 29, 1754.

Dear Sir

I on this occasion renew my sincere thanks for the very singular kindness you in particular and the other gentlemen did me in purchasing Mrs. Brown's Estate. The year is now elapsed during which I desired a delay of selling any part and I must succumb in case you are resolved to break bulk though I am persuaded none of you can ever suffer in any part of the sum you advanced whatever she may be a looser by delays. My Lady writes of June 29th that a neighbouring gentlemen had offered you a slump sum of £9000 st. for two Baronys, which price I'm positive (as he said he offered at the rate of 25 years' purchase) would bring the yearly rent much lower than what it is. The £10,000 st. which her La^y writes you are of opinion should be accepted, will I believe bring out a yearly rent pritty near to what they were though I cannot remember it exactly, and there was no settled rent ever fixed upon the twenty aikers of meadows of W^{mst.}, the hay of which gave £35, £30, or £25 st. yearly when carried by the Tennants of that Bar. to Perth which coast no charge. Its part of misfortunes to sell when the price of Lands has fallen, I cannot think but they must rise again soon and you'll be surprised when I tell you that the Bar. of W^{mst.} was bought by your great grandfather at thirty years purchase when annual rent was at ten per cent. If you Gentlemen are resolved to sell these two Baronys I hereby give my full consent to dispose of them together or separately or in parcells as you shall find proper. A publick Roup in my opinion would be the way to raise the price to the highest, and a certain person who gave you all great uneasiness at the purchase might happen to be a bidder as the Bar. are of a pritty good extent, and he cannot expect to find lands contingent for so large a sum as his constituents have to employ: I cannot think of any reasons for not selling them in that way, except this, that it might do harm to such whose estates are not yet sold, by giving a handle for raising their price at the first buying, but it would be hard if Mrs. Brown should suffer on that account when a short delay might prevent it. I have given my thoughts freely which I hope none of the gentlemen will take amiss, and I leave it wholly to their conduct being persuaded they will do to the outmost of their power for her advantage. I am

Dr Sir

Your ever obliged & most
Obedient humble Servant,

JOHN WHYTT.

Vers. 29th June
1754.

Please remember if the Bar. of Cow: shall be sold to except the land or pices of ground that are included within the Park of Morehead which were before the year 1719 a part of that Barony.

82.1.13, f 91

254. LETTER from JOHN WHYTT (LAURENCE OLIPHANT of Gask) regarding the Sale of the Baronies of Williamstone and Cowgask. October 11, 1756.

Dear Sir

I had yours of September 14th and its my opinion that your Friend should not undertake a journey to Scotland this season when it is so far advanced that she would be obliged to travel with her young folks in the most rigorous time of the year or be forced to stay there all winter, neither of which I can think of agreeing to. It is indeed hard that the bargain about the two Baronys should have been left so open that the purchaser has a pretence of retaining any part of the price stipulated and still worse that he should have been allowed to possess before everything was adjusted; as to both these we are faultless. I must assert that I think the whole price agreed upon is but very moderate for these two Baronys for the reasons I mentioned to Orchill in my letter of July 21st 1755 and that to you of Sept 12th said year. As I wrote then I'll never agree that any part of the remaining barony shall be given off or that it shall be subjected to any servitude; for many years the Bar. of Cowg: payed for the peats in the moss, and its but of late that W^{mst}. Bar. was allowed to cast there some peats to dry their corns; neither will I goe into the thirleing that part of Morehead Park which was taken of Cowg: thirty seven years ago to any mill but my own. There is a Disposition to the Teinds of W^{mst}. by Gen: Drummond Vicecount of Strathallan, and a Tack of the Teinds of Cowg: Bar. of which several Nineteen years are yet to run. As to the seeking that the price of Cowg: ground that was enclosed in Moreh^d Park should pay a share of Min^{rs} Stipend Schoolmaster's Sallary and Cess, if that spot is excepted in the sale, which I demanded it should, there can in reason be no demand of these upon it.

I cannot allow myself to think that the gentleman you have contracted with will take the advantage of a distressed family, and seeing you are not like to agree about the articles I have named, I persuade myself he will go into the making a Publick Roup of these two Baronys by which the Friends of the Family can give such Articles of Roup as they think proper and the Purchaser will offer no higher a price than he pleases. I desire you will show this to the other four gentlemen, who have my hearty and sincere good wishes. I hope they will not weary in well-doing, and they will not fail of getting their reward. I am

Dr Sir

Your most affectionate & obedient

humble Servant

JOHN WHYTT.

Oct. 11th 1776.

255. STATEMENT of the CASE for JAMES OLIPHANT of Gask, claiming the title of Lord Oliphant, as heir-male of the Lords Oliphant and heir-of-line of Francis, the tenth Lord. August 17th, 1839.

Sir LAURENCE OLIPHANT of Dupplin and Aberdalgie was a Lord of Parliament, by the title of Lord Oliphant, in the year 1458, and it can be proved that he sat in Parliament under that title on 14th October, 1467. Evidence will be given in the case that he bore that dignity in 1468. The title of Lord Oliphant has continued to be borne by the descendants of this Laurence, first Lord Oliphant, until the death of Francis, tenth Lord Oliphant, in 1748; and the Claimant now submits that the male representation of the Lords Oliphant has devolved upon him. In addition to this *status*, he also represents Francis, the last Lord Oliphant, in the character of heir-of-line and heir-general.

In stating his case, the Claimant submits his evidence under three heads.

FIRST HEAD OF EVIDENCE, instructing the descent of Francis, tenth and last Lord Oliphant, from Colin, Master of Oliphant, the Common Ancestor.

Proposition First.—That Colin, Master of Oliphant, the common ancestor, predeceased his father, John, second Lord Oliphant, who was eldest son and heir of Laurence, first Lord Oliphant; and that Laurence, the eldest son of Colin, Master of Oliphant, succeeded his grandfather, John, *second* Lord Oliphant, and became *third* Lord.

1. Obligation by George, Abbot of Inchaffray, dated 25th January, 1468, binding and obliging himself 'til ane ryth honorable Lorde, Laurence, Lord Olyphant, that quhat tyme
 ' we the saide George Abbat beis admittit be ony Judgis Ordinare to the spiritualitie and be
 ' our Soverane Lord the King to the temporalite of the saide Abbisse within xx days nixt
 ' efter the said admisione we sal mak the said Lord Olyphant our full bailye of all lands,
 ' rentts, and possessionis pertenant and for to pertan to the said Abbay.'

Gask Charter
Chest.

2. Indenture of Marriage, dated 10th October, 1493, between Archibald, Earl of Argyll, and 'John Olyphant, son and apperand ayre to ane noble and mychty Lorde,
 ' Laurence, Lord Oliphant, on the toyer part, propertis and berris witness in the self that it
 ' is fully and finally appontit and accordit betwixt the saids pairties for thaim and thar ayres
 ' in maner and form as efter folous that is to say that the said lord erle sal gif and infest the
 ' said John Oliphant and Elizabeth his spouse, with charter and possession, heritably, all
 ' and hail his lands of the Kirkton of Strogetht and Drumquhar,' &c.

Gask Charter
Chest.

3. Notarial Instrument, dated 7th Dec., 1512, narrating decreet-arbitral of same date in favour of John, Lord Oliphant, upon a submission 'betwixt noble, michty, and potent
 ' Lordis, Johne, Lord Olyphant on that ane part, and John, Lord Drummond on that uther
 ' part, anent the richt and claime maid be the said Johne, Lord Oliphant, agains the said John
 ' Lord Drummond anents the lands of Innerpeffrey,' &c.

Gask Charter
Chest.

4. Gift by James, King of Scots, under the Privy Seal, dated 18th Nov., 1516, 'to
 ' our lovit cousingne Dame Elizabeth Campbell, the relict of umquhile Johne, Lord
 ' Olyphant, and to her assignais ane or maa, the warde and nonentries of all landis and

Gask Charter
Chest.

‘annuall-rentis, with the malis of the samyn, and thair pertinents that pertemit to the said umquhile *Johne, Lord Olyphant*, and now throw *his deceas*, being, or sal happen to be in our hands, be resone of warde or non-entries of the richtius are thairto with all malis and proffittis of the samyn, during the tyme of the said warde, and ay and quhile the lauchfull entre of the richtius are or aris thairto with the relief of the samen quhen it sal happen and als the marriage of Laurence Olyphant, sone and ayr of umquhile Colin, Master of Oliphant, and aire to the said umquhile John, Lord Oliphant, his Grantschir,’ &c.

Gask Charter Chest.

5. Instrument of sasine, dated 27th Feby., 1516:—‘Nobili domino Laurentio domino Oliphant,’ proceeding upon a Special Retour, ‘quod dictus Laurentius est legitimus et propinquior heres ejusdem quondam Johannis avi sui, in the lands and baronies of Aberdalgie, Gask,’ &c.

Gask Charter Chest.

6. Obligation, dated March, 1526, by ‘Laurence, Lord Olyphant,’ in favour of Andrew Olyphant of Berydaile, and which is thus subscribed, ‘Laurens Lord Oliphant.’

Proposition Second.—That the said Laurence, third Lord Oliphant, died between the years 1562 and 1566, and was succeeded by his eldest son, Laurence, fourth Lord Oliphant.

Gask Charter Chest.

7. Charter, dated 21st September, 1562, in these terms,—‘Laurentius Dominus Oliphant salutem in Domino sempiternam Noveritis me pro specialibus amore et favore quod habeo et gero erga predilectum meum filium et heredem apparentem Laurentium Magistrum de Oliphant, dedisse concessisse et hac presenta carta mea confirmasse necnon tenore presentium dare concedere et hac presenta carta mea confirmare dicto Laurentio Magistro de Oliphant et heredibus suis et assignatis quibuscunque omnes et singulas meas terras et Baronias,’ &c.

Gask Charter Chest.

8. Instrument of sasine, dated Castle of Duplin, 21st May, 1566. ‘Nobili et potenti domino Laurentio domino Oliphant,’ of the lands and barony of Gask, proceeding upon a Retour of a Special Service, narrating ‘quod quondam consanguineus noster Laurentius dominus Oliphant pater consanguinei nostri Laurentii domini Oliphant latoris presentium obiit,’ &c., ‘et quod dictus Laurentius nunc dominus Oliphant est legitimus et propinquior heres dicti quondam sui patris.’

Gask Charter Chest.

9. Commission by Henry and Mary, King and Queen of Scotland, dated 8th May, 1566, narrating ‘quod diverse sunt persone commorantes frequentantes et reparantes intra bondas terrarum spaciaram et possessionum que quondam consanguineo nostro Laurentio domino Oliphant pertinuerunt et jam consanguineo nostro Laurentio nunc domino Oliphant tanquam filio et heredi dicto quondam consanguineo nostro pertinentium,’ &c., and granting Commission to Laurence Lord Oliphant to apprehend thieves, &c.

Proposition Third.—That the said Laurence, fourth Lord, was succeeded in 1604 by his grandson, Laurence, fifth Lord Oliphant, whose father, Laurence, had predeceased his father, the fourth Lord, and that Laurence, fifth Lord Oliphant, died, leaving an only child, Anna, married to Sir James Douglas of Mordington.

Gask Charter Chest.

10. Instrument of sasine, dated 16th July, 1604, proceeding upon a Retour of a Special Service, which bears ‘quod quondam predilectus noster consanguineus et consiliarius Laurentius dominus Oliphant avus predicti nostri consanguinei et consiliarii

‘ Laurentii nunc domini Olyphant latoris presentium obiit,’ &c., ‘ et quod predictus pre-
 ‘ dilectus noster consanguineus Laurentius nunc dominus Olyphant est legitimus et
 ‘ propinquior heres ejusdem quondam Laurentii Olyphant sui avi.’

11. Decreet, dated 27th March, 1619, in which mention is made of ‘ Laurence, now
 ‘ Lord Oliphant, Laurence, Maister of Oliphant, his father, umquhile Laurence, Lord
 ‘ Oliphant, his guidschir, umquhile Laurence, Lord Oliphant, his grandschir, umquhile
 ‘ Colene, Maister of Oliphant his fore-grandschir, or ony utheris thair predecessoris to
 ‘ quhoue they may succeed, jure sanguinis.’ This document not only proves Laurence,
 Master of Oliphant, sou of Laurence, fourth Lord Oliphant, and father of Laurence, fifth
 Lord Oliphant, but fully corroborates the various steps of the descent of the latter Lord
 from Colin, Master of Oliphant, the common ancestor.

Register Acts of
 Supreme Civil
 Court, vol. 332,
 fol. 102.

12. Renunciation, dated 11th July, 1633, by ‘ Maistres Anua Oliphant lawful daugh-
 ‘ ter to Laurence Lord Oliphant, with consent and assent of James Douglas, brother
 ‘ german to William Erle of Angus, Lord Douglas and Abernethie, now my spous, for his
 ‘ interest.’

Gask Charter
 Chest.

13. General Retour, dated 18th Jan., 1631, of ‘ Domina Anna Oliphant, sponsa
 ‘ Domini Jacobi Douglas de Mordington militis’ as ‘ hæres Laurentii domini Oliphant
 ‘ proavi.’

Register Retours,
 No. 1787.

14. Report of the case ‘ Oliphant contra Oliphant, July 11th, 1633,’ by Lord Durie,
 presiding Judge, where it is stated that ‘ Sir James Douglas having married the only
 ‘ bairne and daughter of umquhile the last Lord Oliphant, and she being served heir
 ‘ general to her immediate predecessor, who died before her said father, pursues, *hoc titulo*
 ‘ as heir to her predecessor, Patrick Oliphant nearest heir male in blood to her said father
 ‘ for annulling a contract made betwixt him and her father, whereby he disposes all his
 ‘ lands, together with the title and dignity of the Lordship of Oliphant to the said Patrick
 ‘ and his heirs male.’

Durie's Decisions

Proposition Fourth.—That Patrick, sixth Lord Oliphant, was the son and heir of
 John Oliphant, called Master of Oliphant, who was son of Laurence, fourth
 Lord Oliphant; and that he had four sons, Charles, Master of Oliphant,
 Laurence, William, and Francis.

15. Extract Decreet, dated 22d Jan., 1576, at the instaunce of ‘ John Oliphant sone
 ‘ lawful to Laurence Lord Oliphant, and his said fader as lauchful administratour, guidor
 ‘ and governor to him for his interest,’ &c.

Register Acts of
 Supreme Civil
 Court, vol. 67, fol.
 131.

16. Charter, dated 5th August, 1658, by ‘ Patrick Lord Oliphant sone and air law-
 ‘ fullie served and retoured to the deceast John Master of Oliphant, my father,’ in favour
 of Sir Laurence Oliphant of Gask.

Gask Charter
 Chest.

17. General service, dated — March, 1633, ‘ Patricius filius legitimus quondam
 ‘ Joannis Magistri de Oliphant, as hæres masculus Laurentii Domini Oliphant avi,’ viz.,
 to Laurence, fourth Lord Oliphant above mentioned.

Register Retours,
 No. 2016.

18. Extract Disposition, dated 16th June, 1668, by ‘ Patrick Lord Oliphant, heretable
 ‘ propriator of the lands and baronie underwritten, and pertinents of the samen, that forswa-
 ‘ meikle as for the singulare love and respect qlk I truilie bear towards Charles, Master of
 ‘ Oliphant, my eldest lawfull sone and appeirand air,’ &c., disposing his lands of Ardfour,
 ‘ &c., to the said Charles, Master of Oliphant, his airs maill, lawfullie procreat of his own

Sheriff Court
 Books of Banff.

' bodie, qlk failling, to Lanrence Oliphant his brother germane, his airs maill lawfullie begotten of his own bodie, qlk failling, to William Oliphant his third brother germane, his ' airs maill lawfullie begotten of his own bodie, qlks failling, to Francis Oliphant, his ' fourth brother germane,' qlks all failling to the said Patrick, Lord Oliphant and Dame ' Maria Crichtoune, my said spouse, our nearest airs quhatsomever,' &c. Recorded at Banff, 3d July, 1702.

Proposition Fifth.—That Charles, Master of Oliphant, having succeeded his father, and become seventh Lord, died in 1707, and was succeeded by his son Patrick : That Patrick, eighth Lord, died without issue in 1720, and was succeeded by William, ninth Lord, his uncle, who also dying without issue male in 1728, was succeeded by Francis, tenth Lord, the son of his brother Francis, who died without issue in 1748.

- Produced. 19. Authentic list of the nobility of Scotland, by Sir William Dugdale, Knight Garter King at Arms, published in 1682, where ' Charles Oliphant, Lord Oliphant,' is mentioned among the Barons.
- Gask Charter Chest. 20. Burgess Ticket, dated 18th Decceber, 1700, of the Burgh of Banff, bearing ' quo ' die Honorabilis vir Carolus Dominus de Oliphant debite et legitime creatus et admissus ' est liber burgensis,' &c.
- Gask Charter Chest. 21. Renunciation, dated 12th March, 1703, by George Leslie, of North Leslie, in favour of ' Charles, Lord Oliphant and Patrick, Master of Oliphant, his sone.'
- Register Retour, lib. 52, p. 430. 22. General Service, dated 2d March, 1707, which bears—' quod quondam Carolus ' Dominus Oliphant, Pater Patricii nunc domini Oliphant latoris presentium Obiit ad fidem ' et pacem S. D. N. Reginae. Et quod dictus Patricius nunc dominus Oliphant est legiti- ' mus et propinquior Hæres dicti quondam Caroli domini Oliphant sui patris.'
- Gask Charter Chest. 23. Original Letter, dated 30th January, 1720, from Mrs. Isabella Harrison, of Berry Street, St. James's, addressed to Monsieur le ' Brigadier Oliphant, presentamen a Orliions,' acquainting him with the death of ' his nephew,' therein ' styled My Lord,' at her house, 14th January, 1720, and addressing him ' Much Honoured Sir, but I believe you are now ' the Right Honourable Lord Oliphant.' This individual will be seen by the subsequent evidence to be Colonel William Oliphant.
- Gask Charter Chest. 24. Declaration, dated 23d Decceber, 1731, in which ' Patrick Campbell of Monzie, ' one of the senators of the College of Justice, Lanrence Oliphant of Gask, younger, and ' Mr. Thomas Oliphant, at Ross, under-snscribing, the near relations of William, late ' Lord Oliphant, do certify and declare that Francis, the son of Captain Francis Oliphant, ' is the nephew and heir-male to the said William Lord Oliphant.'
- Register Retour, lib. 62, f. 88. 25. General Service, dated 6th March, 1733, bearing ' quod quondam Patricius ' Dominus de Oliphant Filius Patru (son of the uncle of) Francisci Domini Oliphant latoris ' presentium obiit ad fidem et pacem S. D. N. Regis et quod dictus Franciscus Dominus ' Oliphant est legitimus et propinquior Hæres dicti quondam Patricii Domini Oliphant ' filii patru sui.'—It has been already proved that Francis, the father of the said Lord Francis, was the youngest brother of the previous Lords Charles and William, while this service proves that Laurence, second brother, died without issue, and as Francis serves in the character of heir-*general*, that there were no descendants whatever of the other brothers in existence.

26. Original Letter, dated 15th December, 1736, from Lord Oliphant to Laurence Oliphant of Gask, mentions 'my uncle, William Lord Oliphant, who dyed at your father's house.'—This Lord Oliphant must have been the person served in 1733. Gask Charter Chest.

27. Extract from the Register of Burials in the parish of Islington, in the county of Middlesex, in the year one thousand seven hundred and forty-eight :—Oliphant—Lord Francis, April 23, 1748. Produced.

28. Letters of Administratiou, granted 1st Aug., 1748, bearing that 'Administration of the Goods, Chattels, and Credits of the Right Honorable Francis Lord Oliphant, Baron Oliphant, deceased, was granted to the Right Honorable Mary Lady Oliphant, Baroness-Dowager Oliphant, Widow, the relict of the said deceased.' Produced.

This proves that Francis, tenth Lord Oliphant, left no issue, as it is notorious that, by English practice, both the relict and the children are admitted to the administration of the effects of persons dying intestate; and in the above document, the absence of any mention of children implies their non-existence.

SECOND HEAD OF EVIDENCE,—instructing the Descent of the Claimant from William Oliphant of Newton, the younger son of Colin, Master of Oliphant, the common ancestor, and his representation of William Oliphant of Newton, as heir-male of the body.

Proposition First.—That William Oliphant of Newton was younger son of Colin, Master of Oliphant, the common ancestor, was proprietor of the lands of Newton, in Perthshire, and tacksman or tenant of the lands of Thrumbuster or Thrumster, in Caithness.

29. Extract Decree, dated 30th July, 1558, 'at the instance of William Oliphant, Brothir Germane to Laurence, Lord Oliphant, cessionar and assignay lawfullie constitute be Thomas Marshall, John Marshall, and Thomas Hutchesone fewaris and tenants of the town and landis of Newton, with the pertinents lyand within the Sheriffdome of Perth, in and to the actioun, guidis, maillis, fermes, proffitis, and dewtis of certaine meil, beir, petis, horsys, ky, and uthiris guidis, and proffitis theroff spulziet, and taiken away be umqll. Robert Mercer of Daggate, at sundry times, as at mair length is conteuit in the letters of assignatioun maid to the said William therupon agains James Mercer, now of Daggate,' &c. This decree, along with a subsequent judgment in the same year, in which Marshall, the opposite party, is ordered to deliver to the said William Oliphant his infetment of the lands of Newton, proves that William Oliphant was brother-german of Laurence, third Lord Oliphant, who was Lord Oliphant from 1516 to 1562—(see First Head of Evidence, Prop. 2d.)—and that he was proprietor of Newton. Register of Acts and Decrees of the Supreme Civil Courts. Vol. 18, folio 228.

30. Extract-Obligation by Laurence, Master of Oliphant, dated at Edinburgh, 31st January, 1554, narrating 'Forsamekill as William Oliphant of Newton, Thomas Oliphant of Freeland, at the request and desire of me the said Lawrence, Thomas Fenton, and Dame Margaret Sandilands, Lady Oliphant, sauld and annaleit, to James Christieseoyn, burgess of Perth, his airis and assignais ane annual rent, of 40 bollis victual, half meil, half beir, viz. 20 bollis thairoff to be tane up yeirlye of the west half of the said Williamis lands of Newton, and other 20 bollis thairoff to be tane up the west half of the west end of Forgund, Register of Deeds in Supreme Civil Courts. Vol. 1, folio 55.

‘ wt. the pertenents for the soume of 400 merks deliverit be the said James Christiesoun
 ‘ to me the said Laurence, Maister Oliphant, for the payment of aine pairt of Margaret
 ‘ Oliphant’s tocquhair, my sister,’ &c., proves William Oliphant was designed “of Newton”
 prior to previous document.

Privy Council
 Record.

31. Extract Decreet, dated 21st Nov., 1587, ‘at the instance of Laurence, Lord
 ‘ Oliphant, makand mentioun that quhair he hes all and hail the lands and Baroneis of
 ‘ Berrydail, Altwick, Thrumbuster, Tubuster, towre, fortalice, and maner-place of Tubuster
 ‘ and thair pertinentis lyand wthin the scherifdome of Inuerness, pertaining to him here-
 ‘ tablie like as the same hes pertenit to him and his predicessors fra quhome his rycht
 ‘ thairof procedis, past memoir of man, and he and they respective be thamselffis, thair
 ‘ tementis and utheris in thair names has peacablie broukit and josit the same be setting
 ‘ and raising of tenentis, uplifting and resaving of the males, fermes, customes, and utheris
 ‘ dewities thairof, and labouring of ane part of the same with his aunc pleuch, but ony
 ‘ interruption quhill David Sinclair, bruther naturall to George, Erll of Caithness, off his
 ‘ special cawsing, command assistance and rehabilitation in the moneth of July, the yeir of
 ‘ God, 1583 yeirs, under silence of night, perforce, and violence, ejectit, and pnt furth
 ‘ William Oliphant of Newton, fader Bruther (that is paternal uncle) to the said Laurence
 ‘ Lord Oliphant, his servandis, and hyndis, furth of all and hail the town and landis of
 ‘ Thrumbuster, then possesst be the said William Oliphant, as tennent to the said Lord
 ‘ Oliphant.’—This authority proves that William of Newton was brother to the father of
 Laurence, fourth Lord, who was Lord Oliphant 1566—1604. (See First Head of Evidence,
 Prop. 3d).

Gask Charter
 Chest.

32. Bond by John, Earl of Caithness, dated at Edinburgh, 12th March, 1601, bearing
 ‘ that Umqle. William Oliphant of Newton was takesman, kyndlie tenent and possessor of
 ‘ all and hail the landis of Thrumbuster, Snaartigill, Raggras, Yarras, with the pendicle
 ‘ callit four riggis, and twa head riggis and hail meadow of the samyne with thair hail pairtes,
 ‘ pendicles, outsettis, and pertinentis thairof wthin the hail boundis, meithis and merches of
 ‘ the samyne pertening now heritable to Laurence, now Lord Oliphant, lyand wthin the
 ‘ boundis of Caithnes, and scherifdome of Inverness, and understanding that Laurence
 ‘ Oliphant, OY (that is grandson) to the said umqle. William Oliphant of Newton, is
 ‘ lykways kyndlie takesman of the forsaidis hail landis of Thrumbuster, and uthairis above-
 ‘ written, haill pendicles and pertenentis thairof wthin the boundis of the samyn, as they
 ‘ were bruikit and possest at ony time of before be the said umqle. William his Guidsyrr,
 ‘ &c. The following holograph obligation is annexed to the above bond:—‘ We oblis us to
 ‘ reposest the said Laurence, or his facturis in his name, quabatsunever apertinis, Thrumister,
 ‘ sen the disses of my guidsher, and to mantine, fortifi, and assist him, in all we may
 ‘ lauffnli, be the law, and that we be no forder oblist, and he to continou ouris as he sall be
 ‘ imployit upon our awin resnabill expensis.’

(Signed) ‘CAITHNESS.’

This, along with the previous authority, proves that William Oliphant of Newton was
 tacksman of Thrumster, &c., in Caithness.

Gask Charter
 Chest.

33. Writ of Reversion by Henry Adamson and his wife, to Lord Oliphant, dated at
 Kelly, 15th July, 1588.—‘ William Oliphant of Newton’ is a witness.

Proposition Second.—That Laurence Oliphant of Newton was eldest son and heir of William Oliphant of Newton, and succeeded his father both in Newton and Thrumbuster.

34. Extract Contract, dated at Perth, 19th December, 1586, 'betwixt William Oliphant of Newton, on that ane part, and Laurence Oliphant his sone and appeirand air on the uther part, in maner subsequent, to wit, the said William sall dewlie and sufficiently infest and seas the said Laurence, and the airis mail lauffullie gottin or to be gottin of his bodie, but ony reversione or regress, in all and hail the west part of the landis of Newton, lyand within the Barronie of Forgaudenny, and Schrefdome of Perth,' &c. Recorded at Edinburgh, 2d January, 1586. Register of Deeds of the Supreme Civil Court, vol. 26.

35. Discharge, dated May, 1588,—'I, Laurence Oliphant, sone and apperand air to William Oliphant of Newton, grants me ressavit, satisfest, content, and payit, be the handis of ane nobill and myctie Lord, Laurence Lord Oliphant, the hail soume of sevenene hundret merks money usuale of this realme,' &c.—Dated May, 1588. Gask Charter Chest.

(Subscribed) 'LAURENCE OLIPHANT OF NEWTON,
'wit my hand.'

36. Extract Decreet, dated 10th November, 1575, advocating 'the action and caus persewit of befoir be Henry Ogilvy, sone to Johne Ogilvy of Balinsho, agains Lawrence Oliphant, sone to William Oliphant of Newton, befor the Shref of Perth and his deputis.' Register Acts of the Supreme Civil Court, vol. lxi., folio 343.

37. Extract Contract, dated at Balwerie, 15th August, 1598, 'betwixt the ryt honorable Sr James Scott of Balwery, knyrt, upon the ane part, and Laurence Oliphant of Thrumbuster, in Cathnes, on the other part,'—in which the said Sir James Scott, in respect of 700 merks advanced by the said Laurence Oliphant, dispones to him an annual rent of 17 bolls of bear out of his lands near Kirkaldy.—Recorded at Edinburgh, 1st June, 1599. Register of Deeds of the Supreme Civil Court, vol. 67.

38. Ratification by Margaret Sinclair, Lady Westraw, dated at Dysart, 10th June, 1605, 'ratifeis, and apprevis, all and sindrie bandis, obligationes, contractis, infestmentis, and utlris ryts, and securiteis quhatsumevir maid and grantit be Sir James Scott of Balwerie, knyrt, and his cautioneris quhatsumevir, to and in favour of umquhile Laurence Oliphant, styllit of Newton, and of Laurence Oliphant, his sone,' &c. Gask Charter Chest.

Proposition Third.—That Laurence Oliphant, eldest son and heir of the said Laurence Oliphant of Newton, succeeded his father in Thrumbuster, and became first of Gask.

39. Instrument of Requisition, dated 6th April, 1605, by 'Laurence Oliphant, eldest lawful sone of umquhile Laurence Oliphant of Thrumestar, assignay lawfullie constitutt be the said umquhile Laurence to the soume of ane thousand merks money and annual rent therof,' &c., against Sir James Scot of Balwerie. Gask Charter Chest.

In reference to this transaction, the ratification (No. 38) mentions Laurence 'styllit of Newton,' and 'Laurence Oliphant, his sone,' &c.

That Laurence was eldest son also appears from the bond already quoted (No. 32), which implies that he succeeded William Oliphant of Newton, his grandfather, in the lands of Thrumster, &c., as heir-at-law.

- Gask Charter Chest. 40. Discharge, dated 2d April, 1605, by Laurence Lord Oliphant, to 'Laurence Oliphant, sone to umqle. Laurence Oliphant of Newton,' &c.
- Gask Charter Chest. 41. Assignation, dated at Duplin, 28th March, 1606,—'I, Laurence Oliphant of Condie, be thir prtis, makis and constitutes Patrick Graham of Inchbrackie my lawfull cessioner and assignay in and to the gift of escheit of all gudis movabill and unnovabill, cornis, cattill, gudes, and geirs, quilks pertent to Laurence Oliphant, son lawfull to Laurence Oliphant, sometyne of Newton,' &c.
- Gask Charter Chest. 42. Relaxation, dated 24th July, 1606, of 'Laurence Oliphant, sone to lang Laurence Oliphant, smetyne of Newton, of our soverane Lord's horne,' &c.

(Subscribed) 'WM. RANKEILOUR.'

This, with the other authorities, proves that the father of Laurence Oliphant was designed of Newton as well as of Thrumster.

- Gask Charter Chest. 43. Extract Discharge, dated at Perth, 10th June, 1606.—'Be it kend till all men be this pnt. letters, me Lilius Graham, relict of umquhill William Colvill of Condie, with advyse and consent of Laurence Oliphant, son lawfull to umquhill Laurence Oliphant, sumtyme of Newton, now my spouse,' &c. Recorded at Edinburgh, 30th March, 1631.

This extract is titled on the back, and in the same handwriting, 'discharge maid be Lilius Graham, relict of umqll. William Colvill, and Laurence Oliphant, now of Gask, her spouse,' and is dated 29th April, 1631.

- Gask Charter Chest. 44. Charter, dated 29th Nov., 1610, by Laurence, Lord Oliphant, to 'Laurentium Oliphant, in Ross, et Leliam Graham ipsius sponsam,' of the lands of Ross, lying in the Barony of Gask, and parish of Findo Gask.

- Gask Charter Chest. 45. Charter, dated at the tower of Newtyle, 12th July, 1614, by Laurence, Lord Oliphant, to 'Laurentium Oliphant in Lamberkin et Liliam Graham ejus sponsam,' of the lands of Lamberkin, laying in the Barony of Aberdalgie, and county of Perth.

- Gask Charter Chest. 46. Discharge, dated Edinburgh, 18th January, 1616, by Archibald Primrose, writer in Edinburgh, to 'Laurence Oliphant of Lamberkin,' 'for himself and for relief of Lilius Graham, relict of the said umqll. William Colvill, and now spouse to the said Laurence Oliphant.'

- Gask Charter Chest. 47. Charter, dated at Duplin, 6th December, 1617, by Laurence, Lord Oliphant, to 'Laurentium Oliphant in Ross, et Liliam Graham ejus sponsam,' for the lands of Ross laying in Barony of Gask, and parish of Findo Gask.

- Gask Charter Chest. 48. Inhibition, dated 18th of January, 1617.—'Forasmeikle as it is humblie meinit and shown to us be our lovittis, Laurence Oliphant, somtyme in Lamberkin, and now in Ross, and Lilius Graham his spouse,' against Laurence Lord Oliphant.

- Gask Charter Chest. 49. Contract of Marriage, dated at Ross, 9th February, 1621, 'betwixt Maister John Murray, minister at Kinkell on the ane pairt, and Laurence Oliphant in Ross, Lilius Graham, relict of umqll. William Colvill of Condie, now spouse to the said Laurence for yourselfis and takand burden in and upon thame for Katherine Colvill, dochtor to the said umqll. William procreat betwixt him and the said Lilius Graham,' &c. Proves Laurence Oliphant in Ross the same person as Laurence Oliphant, son of Laurence Oliphant of Newton. See No. 43.

50. Charter under the Great Seal, dated 6th December, 1625. 'Laurentio Oliphant de Ross, heredibus suis masculis et assignatis quibuscunque hereditarie,' of the lands and Barony of Gask. Gask Charter
Chest.

51. Seisin, dated 23d December, 1625. 'Laurentio Oliphant de Ross de totis et integris terris et baronia de Gask,' &c. Gask Charter
Chest.

Proposition Fourth.—That Laurence, afterwards Sir Laurence Oliphant of Gask, was eldest Son and Heir of the said Laurence Oliphant of Gask, and succeeded him in the lands and Barony of Gask.

52. Instrument of Seisin, dated 5th October, 1632, in favour of 'Honorabilis vir Laurentius Oliphant nunc de Gask filius et heres debite deservitus et retornatus quondam Laurentii Oliphant de Gask sui patris,' &c., for the lands and Barony of Gask. Gask Charter
Chest.

53. 'The testament testamentar, and Inventar of the gudes, geir, and dettis of umqll. Laurence Oliphant of Gask, the tyme of his deceis, quha deceisit within the burgh of Perth, within the parochin and shrefdome thair of upon the twentie day of July, yeir of God, j^m sex hundreth threttie twa years, faithfullie maid and givin up be Liliias Graham, his relict, and Laurence Oliphant, thair eldest lawfull sone, executoris testamentaris,' &c. Recorded at St. Andrews, 16th Dec. 1632. Gask Charter
Chest.

54. Extract Bond, dated 25th July, 1648, of 'I, Liliias Graham, relict of umqle. Laurence Oliphant of Gask,' &c., to James Drummond of Kildeis.—Recorded in the Books of Council and Session, 16th June, 1651. Gask Charter
Chest.

Proposition Fifth.—That Sir Laurence Oliphant of Gask had two sons—1st. Patrick, his eldest son, who obtained from his father the lands of Williamston, (but whose eldest son, James, succeeded to the estate of Gask);—2d. Laurence, the second son, who obtained from his father the lands of Gask; and had two sons,—1st. George, who succeeded his father, but died without issue; 2d. William, who succeeded his brother, but died without male issue.

55. Bond, dated 2d Sept., 1672, bearing 'wit ye me the said Sr. Laurence Oliphant as principal and Patrick Oliphant of Williamstoun, my eldest lawful sone,' &c., being for the maintenance of the children of the said Laurence, the second son of Sir Laurence Oliphant of Gask. Gask Charter
Chest.

56. Commission, dated 11th Dec., 1679, bearing 'I, Sir Laurence Oliphant of Gask, Knight, be thir presentis grants full power, warrand, and Commission to Patrick Oliphant of Williamston, my eldest lawful sone,' &c. Gask Charter
Chest.

57. The last will and testament of Sir Laurence Oliphant of Gask, dated 1st June, 1679, bearing 'I be thir presents make, nominat, and appoint Patrick Oliphant, my eldest lawful sone, my sole executor and universal intromettor,' &c. Gask Charter
Chest.

58. Disposition by Sir Laurence Oliphant of Gask, dated at Gask, 20th May, 1657, to 'Maister Laurence Oliphant, second lawfull sone to the said Sir Laurence Oliphant, and his heirs-male,' &c., of the lands of Gask. Gask Charter
Chest.

59. Charter under the great seal, dated 2d Feb., 1663, confirming 'Magistro Laurentio Oliphant filio legitimo secundo genito Domini Laurentii Oliphant de Gask militis,' &c., the right conveyed to him by his father of the lands of Gask. Gask Charter
Chest.

Gask Charter
Chest.

60. Instrument of Seisin, dated 26th October, 1678, in favour of George Oliphant in the Barony of Gask, proceeding upon a special retour which bears 'quod quondam Magister 'Laurentius Oliphant fioditarius de Gask pater Georgii Oliphant latoris presentium obiit,' &c., 'et quod dictus Georgius Oliphant lator presentium est legitimus et propinquior heres 'masculus prefati quondam Magistri Laurentii Oliphant feoditarii de Gask sui patris,' &c.

Gask Charter
Chest.

61. Instrument of Seisin, dated 13th May, 1687, of William Oliphant in the Barony of Gask, proceeding upon a special retour which bears—'Quod quondam Georgius Oliphant 'de Gask frater germanus Gulielmi Oliphant nunc de Gask latoris presentium obiit,' &c., 'et quod prefatus Gulielmus Oliphant est legitimus et propinquior heres masculus prefati 'quondam Georgii Oliphant de Gask sui fratris,' &c.

Proposition Sixth.—That James Oliphant was eldest son and heir to the said Patrick Oliphant of Williamston, and succeeded his cousin-german, William Oliphant, in the lands and Barony of Gask.

Gask Charter
Chest.

62. Instrument of Seisin, dated 14th Feb., 1689, in favour of 'Jacobus Oliphant filius 'legitimus Patricii Oliphant de Williamston,' &c., in the lands of Williamston.

Gask Charter
Chest.

63. Instrument of Seisin, dated 21st August, 1710, in favour of 'Jacobi Oliphant 'nuper de Williamstown nunc de Gask,' &c., proceeding upon a crown charter confirming 'dicto Jacobo Oliphant heredi talliæ et provisionis deservito et retornato de mortuo 'Gulielmo Oliphant nonnunquam de Gask ejus cousanguineo germano,' &c., of the lands and Barony of Gask.

This deed also proves James Oliphant of Williamston eldest son of his father.

Proposition Seventh.—That Laurence Oliphant of Gask was eldest son and heir of the said James Oliphant of Williamston and of Gask, and by his wife, the Honorable Amelia Nairne, had an only son and heir, Laurence Oliphant of Gask, the claimant's grandfather, who by his wife, Margaret Robertsou, had issue, Laurence Oliphant of Gask, his eldest son and heir.

Gask Charter
Chest.

64. Registered contract of marriage, dated 26th and 28th Sept., 1719, between 'Mr. 'Laurence Oliphant of Gask, younger, eldest lawful son, procreate betwixt James Oliphant 'of Gask, and Janet Murray, his spouse,' and the Honourable Amelia Nairne, second daughter of William Lord Nairne.—Recorded at Edinburgh, 4th February, 1748.

Gask Charter
Chest.

65. Disposition and assignation of her moveable effects, dated Gask, 28th June, 1771, by 'Mrs. Emilia Nairne, otherwise Oliphant, widow of the deceased Laurence Oliphant, 'late of Gask, for the love and favour I have and bear to Mrs. Margaret Robertson, 'otherwise Oliphant, wife of Laurence Oliphant, late the younger of Gask, my only 'son,' &c.

Gask Charter
Chest.

66. Holograph codicil to the last will and testament of Laurence Oliphant of Gask, dated Gask, July 17, 1777, and duly subscribed by him in these terms,—'I do order and 'confirm that, according to the destination of the late Margaret Robertson, otherways 'Oliphant, my wife, all my executory shall go to Laurence Oliphant, my eldest son,' &c.

67. Two original letters of the said Laurence Oliphant of Gask, proving the above codicil to be holograph. Dated at Gask, January 14, 1786, and 22d February, 1786.

68. Parole evidence.

Proposition Eighth.—That the last named Laurence Oliphant of Gask, by his wife, Christian Robertson, had, first Laurence, his eldest son, who died without issue; second, James, the claimant, his heir and successor.

69. Excerpts from the original Register of the parish of Gask, in these terms:—
‘Laurence Oliphant of Gask, Esq., and Christian Robertson, his spouse, desired me to
‘registrate their children as follows, viz.—

‘Laurence, born 6th May, 1798.

‘Laurence Oliphant of Gask, Esquire, and Christian Robertson, his spouse, had a child
‘born the 3d March, 1804, baptised James.’

70. Parole evidence.

THIRD HEAD OF EVIDENCE,—instructing that the Claimant is the Heir-of-Line of Francis, Tenth Lord Oliphant, through Lillas, only Daughter of Patrick, Sixth Lord Oliphant, and Wife of Sir Laurence Oliphant of Gask.

Proposition First.—That Charles, seventh Lord Oliphant, Laurence Oliphant, William, ninth Lord Oliphant, and Francis Oliphant, the father of the said Francis, tenth Lord Oliphant, all sons of the said Patrick, sixth Lord Oliphant, have been proved to have died without issue.

See First Head of Evidence, Propositions Fourth and Fifth, Nos. 15 to 28 inclusive.

Proposition Second.—That Lillas Oliphant, the only sister of the preceding four brothers, and only daughter of the said Patrick, sixth Lord Oliphant, married Sir Laurence Oliphant of Gask, and that the Claimant is the direct descendant and Heir-of-Line of the said Marriage.

1. Contract of Marriage, dated 19th February, 1634, between ‘Laurence Oliphant of Gask on the one part, and one noble Lord, Patrick Lord Oliphant for himself, and taking
‘burden on him for Maistres Lillas Oliphant, only lawful dochter to the said noble lord,
‘and the said Maistres Lillias for herself, with the special advys and consent of her said
‘father, on the other part, in maner as follows—that is to say, forswamekill as the said
‘Laurence Oliphant of Gask sall (God willing) marie and tak to his lawful spouse the said
‘Maistres Lillas,’ &c.

2. Sasine, dated 4th April, 1634,—‘Domine Lillias Oliphant, filie legitimæ nobilis
‘domini Patricii domini Oliphant ac sponsæ futuræ honorabilis viri Laurentii Oliphant de
‘Gask.’

3. Charter, dated 5th August, 1658, by Patrick, sixth Lord Oliphant, ‘to Sir Laurence
‘Oliphant of Gask, knight, my sone-in-law.’ Gask Charter Chest.

4. Original Letter, 20th April, 1695, from William Oliphant, afterwards ninth Lord
‘Oliphant, to James Oliphant of Williamston, grandson of Sir Laurence Oliphant of Gask,
‘in’ which he addresses him ‘Dear Nephew.’ Gask Charter Chest.

5. Original Letter, 2d March, 1697, from Charles Lord Oliphant to the same, address-
‘ing him ‘Honoured Nephew.’ Gask Charter Chest.

6. For proof of the claimant's descent from Sir Laurence Oliphant of Gask, see Second Head of Evidence, Propositions Fifth, Sixth, Seventh, and Eighth, Nos. 55 to 70 inclusive.

The claimant, on the whole, submits that he has, *in the first place*, proved the direct descent of Francis, tenth Lord Oliphant, from Laurence, third Lord Oliphant, eldest son of Colin, Master of Oliphant, the common ancestor; and, *in the second place*, that he has instructed his own direct descent as the heir-male of the body of William Oliphant of Newton, the only younger son of Colin, Master of Oliphant, the common ancestor; and as, by the law of Scotland, it is not necessary to do more than prove the propinquity of the claimant, without establishing that there can be no nearer heirs-male, the claimant submits that he has established his character of heir-male of Francis, last Lord Oliphant, in terms of the first two Brieves. This doctrine is laid down by Stair (Institutes, B. III., tit. V., Sec. 35), who says, '*any degree being proved, is presumed to be the nearest degree, unless a nearer degree be instructed,*' and is fully recognized in the subsequent authorities and decisions of the Court.

The claimant, however, for the satisfaction of the Jury, will add a few presumptive evidences that there are no nearer heirs-male in existence.

1. Douglas in his Peerage, published in 1764, states that Francis, tenth Lord Oliphant, 'dying without issue, anno 1748, the honors were then claimed by William, son of Charles Oliphant, Esquire, one of the Clerks of Session, who thereby became the eleventh Lord Oliphant, but he died also without issue, anno 1751.'

British Compendium, p. 423.

2. It is stated in the account of the Scottish Peerage for 1756, under the head of the Lords Oliphant, that 'this Francis, Lord Oliphant, in 1746, married Miss Linly of York, 'but dying without issue in 1748, the title descended to (10th Lord) William Oliphant of Gravesend, by Holyrood House, son of Charles Oliphant, one of the principal Clerks of Session, which William dying in June, 1751, the title is dormant,' &c.

See Stair and Erskine.

Lord Francis is thus again extinguished by contemporary evidence, instructing that he died without issue, which is relevant and admissible by the law of Scotland, and as in terms of the brieves Francis has been proved the tenth Lord, the William Oliphant, his alleged successor, whose descent is uncertain, and who assuredly never ventured to establish his right to the dignity, could not be so also; but as the authority which thus goes to indicate his existence also extinguishes him, that, according to the law laid down in the Belhaven peerage claim, in a precisely similar case, is conclusive upon the question, and supersedes the necessity of further remark.

3. The Gentleman's Magazine for the year 1751 states among the deaths, 'William Oliphant, Esquire, who being old, and without male issue, would not assume the title of Lord Oliphant, which descended to him by the death of Francis, Lord Oliphant.'

Gask Charter Chest.

4. Resignation of the honors of Oliphant by Patrick, eighth Lord Oliphant, in favour of James Oliphant of Gask, 'as his near relative, and the only person capable to support 'and preserve our family,' dated 31st May, 1709.

Gask Charter Chest.

5. Scroll procuratory of resignation by William, ninth Lord Oliphant, in favour of James Oliphant of Gask,—'Considering that James Oliphant of Gask, our grandnephew,

' is the nearest male in blood to the family of Oliphant, who is capable to support and
' maintaine the dignity thereof, and being desirous that the dignity and splendour of the
' family be preserved, as well as the honours thereof be continued in the present blood,' &c.

This deed, though not probative, is in the handwriting of the period, and is further authenticated by a docquet in the handwriting of Laurence Oliphant of Gask, the claimant's great-grandfather, and being derived from the Charter Chest of the party is, according to practice in peerage law, admissible as an adminicle of evidence.

LASTLY,—After every possible inquiry and investigation, the claimant has been unable to discover the slightest evidence of any competitor claiming a nearer descent, and the right has, ever since the death of the last Lord Oliphant, been reputed to belong to his family; but at the same time, as it is indisputable and familiar to every lawyer, a degree of propinquity in the case of a pedigree being once proved, is presumed to be the nearest, unless the contrary be shewn.

With reference to *the third claim*, the claimant submits that his character as heir-general or heir-of-line to Francis, tenth Lord Oliphant, is also clearly *established*.

JOHN RIDDELL.
WILLIAM F. SKENE.

GASK, 17th August, 1839.

A P P E N D I X.

1. CHARTER by ROBERT I. to WILLIAM OLIFAUNT, Knight, of the lands of Newtyle and Kinprony, in Forfarshire. Newbottle, December 26th, 1317.¹

Robertus dei gratia Rex Scottorum Omnibus probis hominibus totius terre sue salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Willelmo Olifaunt militi dilecto ac fideli nostro pro homagio et servicio suo totam terram de Newtyle et de Kylprony cum pertinenciis suis infra vicecomitatum de fforfar Tenendam et habendam eidem Willelmo et heredibus suis de nobis et heredibus nostris in feodo et hereditate ut liberam baroniam per omnes rectas metas et divisas suas consuetas libere quiete plenarie et honorifice cum omnibus ligeis ac nativis hominibus dicte terre et cum omnibus aliis libertatibus commoditatibus aisiamenis et justis pertinenciis suis Faciendo inde nobis et heredibus nostris predictus Willelmus et heredes sui quartam partem servicii unius militis in exercitu nostro. In cujus rei testimonium presenti carte nostre sigillum nostrum precepimus apponi Testibus Bernardo Abbate de Aberbrothoc Cancellario nostro Willelmo de Lyndesay Camerario nostro Waltero Senescallo Scotie Gilberto de Haya Constabulario nostro et Roberto de Keth Marescallo nostro militibus. Apud Neubotyll vicesimo sexto die Decembris Anno Regni nostro duodecimo.

2. CHARTER by ROBERT I. to WILLIAM OLIFAUNT of the lands of Ochertyre on the resignation of Nigel of Carrick. Scone, March 20th, 1326.

Robertus dei gratia Rex Scottorum Omnibus probis hominibus totius terre sue salutem cum Nigellus de Carrick in manus nostras per fustum et baculum sursum reddiderit et resignaverit terram de Uchtirtyre cum pertinenciis que fuit quondam Johannis Cumyn de Brethertoun in vicecomitatu de fforfar ac totum jus et clamationem quas in dicta terra habuit seu in futurum qualitercunque habere potuit nobis omnino quietas clamavit pro se et heredibus suis in perpetuum. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Willelmo Olifant militi dilecto et fideli nostro pro homagio et servicio suo totam predictam terram de Uchtertyre cum pertinenciis Tenendam et habendam eidem Willelmo et heredibus suis de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et divisas suas libere quiete plenarie et honorifice cum omnimodis libertatibus commoditatibus aisiamenis et justis pertinenciis ad predictam terram spectantibus seu de jure spectare valentibus in futurum quoque modo Faciendo inde nobis et heredibus nostris dictus Willelmus et heredes sui servicia trium architenendorum in exercitu nostro et Scoticum servcium de predicta terra cum pertinenciis debitum et consuetum. In cujus rei testimonium presenti carte nostre sigillum nostrum precepimus apponi Testibus

¹ This and the following Charters, which are now among the Writs at Belmont, belonging to Lord Wharnccliffe, were discovered by the late Dr. John Stuart while the last sheets of the previous part of this volume were passing through

the press, and are described by him in the Fifth Report of the Royal Commission on Historical Manuscripts, p. 622. As they have not been previously printed, they are now given in this Appendix, by permission of Lord Wharnccliffe.

venerabilibus in Christo patre Willelmo Sancti Andree dei gratia episcopo Bernardo Abbate de Abirbroth Cancellario nostro Duncano Comite de ffyf Malisio Comite de Stratheryn Waltero Senescallo Scocie et Gilberto de Haya Constabulario nostro militibus Apud Seonam vicesimo die Martii Anno Regni nostro vicesimo.

3. CHARTER by DAVID II. to WALTER OLYFAUNT and ELISABETH, his Spouse, the King's sister, of the lands of Ochertyre and Balcrag. At Edinburgh the last day of February, 1364.

David Dei gratia Rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis Salutem Sciatis quod cum dilectus et fidelis noster Walterus Olyfaunt in pleno consilio nostro tento apud Perth undecimo die Januarij anno gratie millesimo ccc^{mo} sexagesimo quarto in presentia plurium prelatorum et procerum ac aliorum fidelium nostrorum ibidem congregatorum personaliter constitutus non vi aut metu ductus nec errore lapsus sed mera et spontanea voluntate sua inter ceteras terras quas de nobis tenuit in capite ibidem nobis resignatas et sursum redditas terras de Ochertyre et de Balcrag cum pertinentiis infra vicecomitatum de fforfar nobis per fustem et baculum sursum reddiderit simpliciterque resignauerit atque pure dedimus concessimus et hac presenti carta nostra confirmauimus predicto Waltero dilecto et fideli nostro pro bono servicio suo nobis impenso et Elisabet sponse sue dilecte sorori nostre totas predictas terras cum pertinentiis. Tenendas et habendas dictis Waltero et Elisabet sponse sue et eorum alteri diutius viventi ac heredibus inter ipsos procreatis vel procreandis et suis assignatis ipsorum videlicet liberis masculis seu femellis quibus forsan deficientibus veris et legitimis heredibus predicti Walteri quibuscunque et suis assignatis in unam integram et liberam baroniam de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et divisas suas libere quiete plenarie integre et honorifice in boscis et planis viis et semitis moris maresiis et petariis aquis stagnis et vivariis pratis pascuis et pasturis cum furca et fossa tholl et theam et infangandthef cum tenandriis et serviciis liberetenentium cum bondis bondagiis nativis et eorum sequelis cum molendinis et multuris cum fabrilibus et bracinis et aliis officiis quibuscunque cum aucupationibus venationibus et piscationibus ac cum omnibus aliis libertatibus commoditatibus aysiamenis et justis pertinentiis quibuscunque tam sub terra quam supra terram tam procul quam prope tam non nominatis quam nominatis ad dictas terras de Ochertyre et de Balcrag spectantibus seu quoque modo juste spectare valeutibus in futurum sine aliqua revocatione vel retinemento quocunque Reddendo inde vobis et heredibus nostris dicti Walterus et Elisabet sponsa sua et eorum diutius vivens et heredes sui ac assignati prenotati annuatim apud Ochertyre ad festum Sancti Martini in hyeme tres sagittas latas nomine albe firme tantum si petatur et tres sectas curie ad tria placita nostra capitalia annuatim tenenda apud fforfar pro warda releuio maritagio et omnibus aliis singulis serviciis secularibus consuetudinibus exactionibus et demandis que per nos heredes nostros aut successores de predictis terris de Ochertyre et de Balcrag cum pertinentiis aliquo modo exegi poterunt vel requiri. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus venerabilibus in Christo patribus Willelmo Episcopo Sancti Andree et Patricio Episcopo Brechinensi Cancellario nostro Roberto Senescallo Scotie Comite de Stratherne nepote nostro Willelmo Comite de Douglas Roberto de Erskyne Archebaldo de Douglas et Waltero de Haliburtoun militibus Apud Edynburgh vltimo die mensis february Anno Regni nostri Tricesimo Quinto.

4. CHARTER by DAVID II. to WALTER OLYFAUNT and ELIZABETH, his Spouse, the King's sister, of the lands of Newtyle and Kylprony. At Edinburgh, the last day of February, 1364.

David Dei gratia Rex Scottorum Omnibus probis hominibus tocius terre sue clericis et laicis Salutem Sciatis quod cum dilectus et fidelis noster Walterus Olyfaunt in pleno consilio nostro tento apud Perth undecimo die meisis Januarij Anno gratie millesimo trecentesimo sexagesimo quarto in presencia plurium prelatorum et procerum ac aliorum fidelium nostrorum ibidem congregatorum personaliter constitutus non vi aut metu ductus nec errore lapsus sed mera et spontanea voluntate sua inter ceteras terras quas de nobis tenuit in capite ibidem nobis resignatas et sursum redditas terras de Newtyle et de Kylprony cum pertinentiis infra vicecomitatum de fforfar nobis per fustem et baculum sursum reddiderit simpliciterque resignaverit atque pure dedimus concessimus et hac preseuti carta nostra confirmavimus predicto Waltero dilecto et fideli nostro pro bono servicio suo uobis impenso et Elizabet sponse sue dilecte sorori nostre Totas predictas terras de Newtyle et de Kylprony cum pertinentiis Teuendas et habendas prefatis Waltero et Elizabet sponse sue ac eorum alteri diucius viventi ac heredibus inter ipsos procreatis vel procreandis et suis assignatis ipsorum videlicet liberis masculis et femellis quibus forsan deficientibus veris et legitimis heredibus predicti Walteri quibuscunque et suis assignatis in unam integram et liberam baroniam ac liberam forestam de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et divisas suas libere quiete pleuarie integre et honorifice in boscis et planis viis et semitis moris maresiis et petariis aquis stagnis et vivariis pratis pascuis et pasturis cum furca et fossa tholl et theame et infangandtheff cum tenandriis et serviciis liberetenencium cum boudis bondagiis nativis et eorum sequelis cum molendinis et multuris cum fabrilibus et bracinis et aliis officiis quibuscunque cum aucupacionibus venacionibus et piscacionibus ac cum omnimodis aliis libertatibus commoditatibus aysiamentis et justis pertinenciis quibuscunque tam sub terra quam supra terram tam procul quam prope tam non nominatis quam nominatis ad dictas terras de Newtyle et de Kylprony spectantibus seu quoque modo juste spectare valeutibus in futurum sine aliqua revocacione vel retinemento quocunque Reddendo inde nobis et heredibus uostris dicti Walterus et Elizabet sponsa sua et eorum diucius viveus et heredes sui ac assignati prenotati annuatim apud le Halton de Newtyle ad festum Omnium Sanctorum unum par calcarium alborum nomine albe firme tantum si petatur et Faciendo tres sectas curie ad tria placita nostra capitalia annuatim tenenda apud fforfar pro warda relevio maritagio et omnibus aliis et singulis serviciis secularibus consuetudinibus exactionibus et demandis que per nos heredes nostros aut successores de predictis terris de Newtyle et Kylprony cum pertinenciis aliquo modo exigi poterunt vel requiri Et prohibemus ne quis infra predictas terras de Newtyle et de Kylprony cum pertinenciis sine licencia predictorum Walteri et Elizabet sponse sue vel eorum alterum diucius viventis heredum seu assignatorum suorum predictorum scilicet aucupet aut venetur supra nostram plenariam forisfacturam decem librarum In cujus rei testimonium presenti carte nostre sigillum nostrum precepimus apponi Testibus venerabilibus in Christo patribus Willelmo Episcopo Sancti Andree et Patricio Episcopo Brechinensi Cancellario nostro Roberto Senescallo Scocie Comite de Stratherne nepote nostro Willelmo Comite de Douglas Roberto de Erskyne Archebaldo de Douglas et Waltero de Halyburtoun militibus Apud Edinburgh ultimo die mensis ffebruarii Anno Regni nostri Tricesimo Quinto.

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