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# "INVERNESSIANA:"

CONTRIBUTIONS TOWARD

## A HISTORY OF THE TOWN & PARISH OF INVERNESS,

FROM 1160 TO 1599.

BY

CHARLES "FRASER-MACKINTOSH"

OF DRUMMOND, F.S.A., SCOT.

---

INVERNESS:

MESSRS FORSYTH, "ADVERTISER" OFFICE; JOHN NOBLE,  
CASTLE STREET; J. H. MACKENZIE, HIGHLAND CLUB  
BUILDINGS, HIGH STREET.

---

MDCCLXXV.





ivate

Mrs. Turnbells  
2512 4 North Street  
Edinburgh

Dear Mr. Macdonald

As you will observe by  
above I have come on here. I think  
I mentioned in my last note the likely  
places where the Intrae book might  
be found

It will interest you to know that there  
are some Charters relating to St John  
the Baptist in possession of the Society of  
Antiquaries here so that you can give a  
pretty interesting account of St John Baptist Chapel

Inverness. Instead of Charters I should  
have written presentations of Charters.  
You could give facsimiles of originals  
with seals etc. In possession of the  
University library there are also  
some Inverness Charters in the  
Sains Collection.

The Society of Antiquary Charters are  
calendared in vol 41 of the Proceedings,  
p. 319 — and the other appears in  
Anderson's Calendar of Sains Charters  
Should you not be able to get a note

of these charters let me know and  
I will copy the matter for you.

Can you tell me where I can find the  
record of the legal proceedings by the  
Borough of Inverness ag<sup>t</sup> the Borough  
of Inverness in 1501 and 1508. For the life  
of me I cannot recall the reference  
I think it must be in one of Mr  
James Mackintosh's books

I am yours faithfully

D. M. Ross

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## P R E F A C E.

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I WAS induced to project this Volume, from a desire to do honour to Inverness, for I

Take pleasure in her stones, and favour the dust thereof ; and also from having been favoured with a perusal of many valuable old papers connected with the Burgh—in their original language and caligraphy unintelligible to ordinary readers—and which are nearly all unknown to the public, having never before appeared in print.

Subscribers will judge for themselves of the value of the work, but I may be permitted to say, that though it has been my chief relaxation, during the intervals of arduous occupations, for the last eight years, great pains have been taken to ensure the correctness of the papers.

I have to express my acknowledgments to Mr DALLAS, Town-Clerk of Inverness, for affording facilities in the examination of the Burgh Archives ; and in the translations so graphically rendered, and in the general superintendence of the work, Mr ALEXANDER FRASER, Accountant, Inverness, has rendered most important service. The Chartulary of Moray has been largely drawn upon, and also Mr Innes' Histories of the Families of Cawdor and Kilravock.

Among unpublished papers, I have had permission to make selections from the rich collections of MACKINTOSH OF MACKINTOSH, and ROBERTSON of Inshes.

As Inverness has improved greatly of late years in its buildings, and will doubtless continue to do so, whereby in time all ancient structures must disappear, I desired while there was yet time, to preserve some of these memorials. The illustrations first photographed for this book have been lithographed and engraved to my satisfaction by Mr PATERSON of Edinburgh, and will, I hope, be considered an attraction.

The typography is worthy of the reputation of the *Inverness Advertiser* Office, inaugurated by the late lamented Mr E. FORSYTH, and now sustained by his sons.

C. F.-M.

LONDON, *May* 1875.



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*Specially prepared for this Work. Photographed by*

MR WHYTE, *Inverness, and Engraved by MR PATERSON, Edinburgh.*

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# INVERNESSIANA.

I.

**WILLIAM THE LION'S CHARTERS. 1165-1214.**  
**PART FIRST.**

Seeing that there is no history of Inverness worthy of the name, it is intended from documents examined, and as the results of reading, to give some papers, which may be useful as materials for a proper history of the town and parish of Inverness to the coming and desiderated historian.

No disappointment will, it is hoped, arise from these papers beginning when written testimony is available to substantiate them. At the same time, we have no objection to say that having, at a very early period, been instructed in and giving implicit belief to such authentic local stories as the fairy revels in Tomnahurich, the skeleton finger marks in Beauly Priory, and the sleeping piper of Craighow—

Cursed be the coward that ever he was born,  
Who did not draw the sword before he blew the horn,—

it is very unlikely we should refuse a ready assent to such time-honoured statements as, that Inverness was founded many years before the coming of Christ, that it was a town of importance during the Roman occupation of Britain, that it was the seat of the Pictish Government, that Gaelic was the only language, and tartan the only dress at that Court, and the like.

It is unquestionable that there was a Royal Castle at Inverness prior to the reign of Malcolm Canmore, and it is generally admitted that it was Malcolm who first erected a castle on the present site—former castles having stood on the Crown lands; afterwards known as “Auld Castle Hill.” The oldest Scottish towns are situated in the neighbourhood of such castles—the original inhabitants having congregated

under the walls to secure themselves from reciprocal injuries, and from the oppression of men of power. Such towns were called "Burgs," and the inhabitants "Burgesses," long before their incorporation by charter. These burgesses paid a sum yearly to the King, having in return various protections and privileges.

The first written privilege to the town of Inverness was general, and included the whole of William the Lion's burgesses in the province of Moray; but in the year 1464, it was recognised by James III. as having had special application to the Burgh of Inverness. It is as follows:—

William, by the grace of God, King of Scots, to all Sheriffs and Bailies of his whole land, Greeting—Know ye that I have granted this liberty to my Burgesses of Moray, that none whatever in my realm shall take a pouding for the debt of any one, unless for their own proper debt: Wherefore, I strictly forbid any one in my realm to take a pouding otherwise, upon my plenary prohibition. Witnesses—William de Hay, Philip de Valoniis, Richard my Clerk of the Prebend, at Bonkhill.

The second charter was granted in the year 1180, and for the first time a grant of lands for the support of the Burgh was given—viz., "that land beyond the Burgh called the Burch halev (Burgh Haugh?) namely—what is between the hill and the water," and in James VI.'s charter of 1591, there is added the words *cum silvestri parca* (with the wood park.) The position of this land has been a vexed question. As in the great Pictish controversy both sides agreed in nothing but the authenticity of the word "Benal," so the town's authorities, in their numerous litigations, sometimes with the Duffs of Muirtown, sometimes with the Robertsons of Inshes, and other neighbouring landholders, all admitted that there were such lands, but differed *toto celo* where they lay. It was contended for the town of Inverness in one of their latest lawsuits that the hill referred to was Craig Phadrick, and the lands those betwixt and the river. But on the other side it was argued that the "real Burgh Haugh lies on the east side of the river Ness, and which Haugh extends along that side of the river and is literally situated *inter montem et aquam*, there actually being a range of hills behind it. Moreover, there is a quantity of land in this direction to this day (1812), answering to the *silvestris parca* of the charter, and consisting of property holding of the town of Inverness, bounding the present Haugh, which belongs to the town." Again, ". . . the Burgh Haugh, which was even more accessible than the Merkinch, being very near to the town, and on the same side of the river, and lying close to the Castle Haugh."

The town's contention was found erroneous by the House



of Lords, and the Burgh Haugh, the first land granted to the town, now close on seven hundred years since, was that part of Drummond known as Campfield, lying to the right of the road leading from Inverness by Drummond Brae, lately belonging to the Drummond Park Company. The adjoining lands 'twixt the road to Dores and the river, known as the Island Bank lands, also formed a portion of the Burgh Haugh.

It will be observed that while the King was to make a fosse round the town, the burgh were to enclose with a good paling. "The palissades" existed as a defence in 1689, but we have not observed any notice of them afterwards. King William's fosse came to an inglorious end. The last part of it was to the north-east of the town, along what is now Academy Street. When Inverness was the emporium of the Highlands, and before trade was well nigh extinguished by the taxations following upon the Union, nearly all the land to the east of Church Street was covered with malt-kilns and tanpits, the refuse of which found its way into the fosse. The very word was latterly converted into the "fou" or foul pool, and the ditch finally closed up as a nuisance which had become intolerable. No boundary in burghal titles occurs so often as "the fosse or foul pool."

The names of the witnesses to the charters will be scrutinised with interest. These charters have not, we believe, appeared in English before, and the translations now made have undergone consideration and research. King William's second charter is thus:—

William, by the grace of God King of Scots, to all good men of his whole land, clerical and laical; Greeting: Know all present and to come, that I have for ever discharged all my Burgesses of Inverness from toll and all custom throughout my whole land: Wherefore, I strictly prohibit any one from taking toll or any custom from them of their own Goods and gear, upon my plenary forfeiture. I also prohibit any one from buying or selling in that Burgh, or in that Sheriffdom beyond the Burgh, or exercising any merchandise, unless he shall be a Burgess of the said Burgh, or Stallager (*Stallagarius*), or shall do this by permission of the Burgesses. I have likewise given and granted to the foresaid Burgesses, for the support of the Burgh, that land beyond the Burgh called the Burch halev (Burgh Haugh?)—namely, what is between the hill and the water, so that none shall have wannage\* (*Vannagium*) or pasturage in it unless by their license: Moreover, the whole Burgesses have agreed with me that I shall make a fosse around the foresaid Burgh, that they shall enclose the whole Burgh within the fosse with a good paling, and shall uphold that paling by which it is enclosed, and always keep it good and entire. Witnesses—M —, Bishop of Aberdeen, Earl Duncan, Justiciar, Richard de Moreville, Constable, Walter de Olifer, Philip de Valoniis, Hugh Giffard, Roger de Valoniis, Roberto de Berkelei, Apud Eren.

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\* Fruits of cultivated ground.

## II.

WILLIAM THE LION'S CHARTERS, 1165-1214.  
PART SECOND.

King William's first charter was, it would have been observed in our last, signed at Bonkill, and the second at Eren. This was no doubt Boncle in the shire of Berwick, now united to Preston. The barony of Boncle and Preston at one time belonged to the Stuarts, ancestors of the royal family. The name "Eren," though involved in some obscurity, is generally thought to signify Auldearn.

William the Lion's third charter was signed at Elgin, and by it is preserved the name of the earliest burgess of Inverness, of whom there is account. He was Geoffrey Blund, and from his name no doubt a southerner, having had some connection with the Castle. We would have wished the name of the oldest recorded burgess to have been Highland, but had it been, there would in all probability have been no surname. A considerable time after this period the Provost of Inverness was styled "John, the son of Thomas."

The freedom from combat was a great privilege, as trial by judicial combat or battle was then established over Europe. A difficulty arises as to the privileges—"half the oath and half the forfeiture"—which is a strict interpretation of the original; but it is conjectured that while a certain number of compurgators or witnesses (*vide* Robertson's Charles V.) were anciently required to support a party's oath at the trial of his cause, the burgesses of Inverness were to have the privilege of requiring one-half of the stated number only. Half the forfeiture would seem to mean half the penalty or fine usually imposed.

It will be noted that one of the once powerful family of Comyn is a witness, and the witness described as "Hugh, his son," is not Hugh, son of Freskin, ancestor of the Sutherlands—the true reading being Hugh, son of William, son of Freskin. He was known as Hugo de Moravia, Lord of Duffus, 1203-1226.

King William's third charter is as follows:—

William, by the grace of God King of Scots, &c. ; Greeting: Know ye that we have given, granted, and by this our present charter confirmed to Geoffrey Blund, our burgess of Inverness, and to his heirs, and to all our burgesses of Inverness and their heirs, perpetual liberty that they shall never have combat among them,

nor shall any other burges, or any other man of our whole kingdom, have combat with our said burgeses of Moray or with their heirs, save only on oath. Moreover, I have granted to my said burgeses of Moray and their heirs that they may make half the oath and half the forfeiture which my other burgeses make in my whole kingdom, and they shall be free of toll throughout my whole kingdom for ever. Witnesses—Earl David my brother (Duncan), Earl of Fife, Justiciary of Scotland, Gilbert Earl of Strathern, Hugh, Chancellor, John de Astring, Philip de Valoniis, William Cumyn, Peter de Pollock, William son of Freskin, Hugh his son, and William his son, at Elgin, the second day of May.

One of the first points in William's fourth charter which will attract the reader's attention is the appointment of a market day in Inverness—viz., "the Sabbath day in every week." There are many worthy people who would on no account use the word "Sunday," conscientiously attributing something sacred to the word "Sabbath." Such labour under a delusion, the word signifying "Seventh" day, the day of rest, and they ought to prefix the words "the Christian" Sabbath to express correctly the meaning intended to be conveyed. Even apart from religious obligation, economic necessity demands the observance of a day of rest. Readers must not come to the conclusion that King William was a profane person, for the market day he appointed at Inverness (*diem Sabbati*) was really the seventh day of the week, our Saturday. In ancient writings, especially legal documents, Sunday is universally translated "*dies Solis*" or "*dies Dominica*."

Numerous references will be found in this charter to the assizes of David 1st, the King's grandfather, and some of these will be given in our next, concluding for the present with William's fourth charter:—

William, by the grace of God King of Scots, to the bishops, abbots, earls, barons, justiciaries, sheriffs, provosts, ministers, and all good men of his whole realm, clerical and laical; Greeting: Know all present and to come that I have appointed, a market-day in my burgh of Inverness—viz., the Sabbath-day (*diem Sabbati*) in every week, and have duly granted my sure peace to all who shall come to my market of Inverness; and I strictly forbid that any one shall unjustly presume to cause any injury, molestation, or hindrance to those who shall come to my market, either in coming or returning, upon my plenary forfeiture. I have also granted to my burgeses, who shall inhabit my burgh of Inverness, all laws and righteous customs, which my other burgeses dwelling in my other burghs of Scotland enjoy; and that none within the Bailiary of Inverness shall beyond my burgh, make cloth, dyed or cut, contrary to the assize of King David, my grandfather, and my own; and if any cloth shall be found to have been dyed, cut, or made, contrary to this my prohibition, I charge my Sheriff of Inverness to seize that cloth, and to deal therewith as was the custom and assize in the time of King David, my grandfather, unless it shall happen that I may have given such liberty to any one by my charter. I also strictly forbid any one to buy or sell beyond my burgh anything which is contrary to the assize of King David, my grandfather, and my own. I likewise strictly forbid that any tavern be kept in any country town beyond my burgh, unless in a town where a knight laird of the town may be staying, and then a tavern may be kept there according to the assize of King David, my grandfather, and my own. I therefore strictly charge my bailies of Inverness, as well as my foresaid burgeses of Inverness, to be aiding, and that they compel all to observe properly the aforesaid righteous customs of the burgh; and I forbid any one to presume to oppress unjustly my foresaid burgeses contrary to the foresaid reasonable laws and customs, upon

my plenary forfeiture. Witnesses—Walter, my chaplain; William Cumin, justiciary; William de Boscho and Hugh, my clerks; Ada, parson of Kinghorn; Herbert de Camera; Roger de Mortimer; Richard son of Hugh, at Kintore, the eighteenth day of August.

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### III.

#### WILLIAM THE LION'S CHARTER. 1165-1214. PART THIRD. LAWS OF THE BURGHS.

Besides the four charters already quoted, King William, it would appear, granted the Burgesses of Elgin, Forres, and Inverness certain privileges of pasturing their cattle and cutting fuel in his forests, as is seen by the reservation contained in the following charter:—

William, by the grace of God King of Scots, to the bishops, abbots, earls, barons, justiciars, sheriffs, provosts, ministers, and all good men in all his land, clergy and laity; Greeting: Know now and in all time to come, that I have given granted and by this my charter confirmed, to Richard, Bishop of Moray, that he may build his mill upon my land of Upper Crokas, which is beyond the Lossie, under the Castle of Elgin. I have also granted, and by this my charter confirmed, to the said Bishop Richard and his successors for ever, that of all my wood in Moray which is within my forests about Elgin, Forres, and Inverness, they and their dependants may have the free use for timber and fuel, for their own peculiar uses without trouble or molestation,—also that none of their neighbours take anything thence without their permission. Nor farther shall any of my foresters be allowed to give or sell anything from the foresaid woods unless they will it. Reserving however to my Burgesses of Elgin, Forres, and Inverness, the Easements they used to have in the time of my grandfather King David, or the time of my brother King Malcolm, or my own time. I have also granted to the said Bishop Richard that he may peaceably feed his cattle in the said wood, as also the pasture money for the cattle of his followers. I have also granted to the said Bishop Richard and his successors for ever, that they may have for themselves and their followers pasturage in the foresaid wood as freely and fully as their predecessors had in the time of the King my grandfather, or King Malcolm my brother, or during my own time. Wherefore I firmly prohibit any of my foresters or any other, to inflict any injury, hindrance or molestation on the foresaid Bishop Richard or his successors in any of the things above written which I have granted to them, and by this my charter confirmed, under pain of my high displeasure. Witnesses—Earl David my brother, Hugh my Chancellor, A. Abbot of Dunfermline, Jo.: Archdeacon of Dunkeld, Earl Duncan, Earl Patrick, Earl Gilbert, Gil.: Earl of Mar, Richard of the Prebend, Allan son of Walter the Steward, Robert de Lond, William Comyn, William son of Freskyn, Hugh his son, William de Lascel, Peter de Polloc. At Forres.

That the King possessed some land within the limits of the burgh of Inverness, is evidenced by the following charter in favour of the foresaid Bishop Richard:—

William, by the grace of God King of Scots, to all good men of his whole realm, clerical and laical; Greeting: Know ye that I have given and granted, and by this my charter confirmed, to Richard Bishop of Moray and his successors, in free and perpetual alms, one toft in Banff, one in Cullen, one in Elgin, one in Forres, one in Auldearn, one in Inverness, to be held, said tofts, as quietly fully

and honourably as other Bishops of my realm hold freely quietly fully and honourably their tofts in any of my burghs. Witnesses—Hugh my Chancellor, A. Abbot of Dunfermline, Earl Duncan, Earl Gilbert, Richard my Clerk of the Prebend, William son of Freskin, Peter de Polloc, William de Laceles. At Elgin.

That William visited Inverness is proved by the following curious charter in favour of John the Hermit. Lunnin is believed to be Dunlichity; but though there be a small lake, where is the island?—

William, King of Scots, to the bishops, abbots, earls, barons, justiciars, sheriffs, and all good men in his whole land; Greeting: Know that I have granted, and by this my charter confirmed, to John the Hermit (*Johanni heremite*) the gift which Simon Bishop of Moray at my request gave him, viz.: the island which is in the lake of Lunnin at the East, and half an oxgate of land in Duldauach. Wherefore I will and firmly decree that the foresaid John, so long as he shall live, shall freely quietly and without molestation hold the foresaid lands as the charter of the said Bishop testifies and confirms. Witnesses—Matthew Bishop of Aberdeen, Andrew Bishop of Caithness, Gregory Bishop of Ross, Earl Waltheu, Earl Duncan, Richard de Movevil Constable, William son of Freskyn, Walter de Berkeley, Richard the Clerk. At Inverness.

The Sheriff of Inverness was an important officer as early as the time of David I. (1124-1153), for it is recorded in his laws, that “if he who is challenged, passes and goes for his warrant dwelling in Moray or in Ross, or in any other of the bounds or places pertaining to Moray, and cannot find or apprehend his warrant,—he shall pass to the Sheriff of Inverness, and the Sheriff shall send with him the King’s servants, who shall see that he be righteously treated and handled conform to the law of the land.”

In the time of the same King, Gowrie at Scone, Stormonth at Cluny, Athole at Raitt, Fife at Dalguish, Strathern at Perth, Angus at Forfar, Mar and Buchan at Aberdeen, Ross and Moray at Inverness, are declared the chief and principal places of the countries of Scotland, benorth the Forth, through all the realm.

We now proceed to give some of the laws of the burghs; and

1. *The Courts*.—There were three head courts within the burgh:—1st, after the Feast of Michaelmas; 2d, after the Nativity of our Lord; 3d, after Pasche; and each burgess not present without lawful excuse for his absence had to pay a fine of four pennies.

2. *Pilgrims and Travellers*.—A burgess in pilgrimage, or in countries beyond the seas on his lawful affairs, had the privilege that no legal proceedings were valid against him until his return; and, with regard to the families and property of pilgrims,—“If any burgess is passed in pilgrimage with license of the Kirk and of his neighbours to the Holy Land, or to St James, or to any other holy place, his house and all his haill proper family, shall be in the peace of the

King, and of the Provost and Bailies, until God bring him home again.”

3. *Watching and Warding*.—Furth of each house inhabited, a man should come to watch for fear of peril, who shall pass from door to door, with a staff in his hand, and shall be of man's age. And when curfew is rung in, he shall come forth with two weapons, and shall watch carefully and discreetly till the morning; and if he fails therein, he shall pay an unlaw of four pennies.

4. *Measures and Weights*.—The rood of land within a burgh was 20 feet; within a barony it was 6 elns, or 18 feet. The eln wand regulated measures. The weights were stone and pound; and the eln wand, stone, and pound, were sealed with the standard of the burgh.

We conclude with the mode of dealing with people who had been beaten until they were “black and blue,” a saying of respectable antiquity:—“If a man strikes another, and makes him blae and bloudie, he that is blae and bloudie should be first heard, if he comes first, and makes his complaint, for he should be first heard whose skaith is most notorious. And if they be both blae and bloudie he who accuses first, shall be first heard.”

These old laws are most interesting, and an intimate acquaintance with them will throw much light on points of present importance.

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#### IV.

#### WILLIAM THE LION'S REIGN. 1165-1214.

#### PART LAST.

It is recorded by Lesleus, Bishop of Ross, that “Richard King of England (for Henry died while these things were being done) furnished an expedition to the Holy Land, and demanded from William a subsidy of ten thousand pounds towards the expedition.” Part of this money was contributed by Inverness; and, at the same time, and in honourable consequence, the King granted arms, whereof the supporters are an elephant and camel, to denote their connection with the east, with our Saviour on the cross in the centre. The town's arms were re-matriculated about the end of the seventeenth century.

In the year 1163, the Mackintosh history relates that

Shaw, second son of Duncan, third Earl of Fife, came north with Malcolm IV., “and for his services done against the rebels in that expedition, was in the year 1163 rewarded by the King with the Constabulary of the Castle of Inverness, and the possession and command of the lands and people of Pettie, Bracklie, and the forestry of Strathearn;” and of Shaw the second, son of the above, it is said, “that when Donald of the Isles had invaded the lands of Ross and Moray, with a great power, and had made several assaults against the Castle of Inverness, this Shaw is recorded to have carried himself, so as for his fidelity and manhood in defending the Castle against the enemy, he was not only established in his father’s possessions by a new right, but also he was made Chamberlain of all the King’s revenues in these parts during his lifetime;” also, Shaw’s youngest brother, “Duncan, was killed in the country’s defence against the Islanders, near Inverness; an. 1190.” There is thus no family so long connected with the town and parish of Inverness, as that of Mackintosh.

The earliest reference made to Inverness ecclesiastically occurs in a charter to Aberbrothoc, dated about 1170, where the name of “Thomas, Priest and Parson of Inverness,” occurs (*Thome sacerdoti ejusdem ecclesie parsonæ*). It is, therefore, obvious that there must have been laymen, who had the name and revenue of the parson, but who did not possess the priestly function. The name “Roger de Inuernys” occurs in a charter, dated 1190 by Richard, Bishop of Moray, in favour of William, son of Freskin, of certain lands within the Barony of Duffus. This Roger is also one of the witnesses to a charter of protection by the said Bishop Richard betwixt 1187 and 1203 to the Monastery of Kinloss, of their various lands; and amongst others, of three tofts, one in Elgin, one in Forres, one in Inverness—the gift or donation of King Malcolm—and five shillings of feu farm furth of his three tofts in Elgin, Forres, and Inverness—the gift of Allan Durward. These grants were renewed and confirmed by Alex. II., in 1225.

It may be as well here to classify the tenure of the various lands within the parish of Inverness. 1st. *Church Lands.*—The Bishop of Moray had the barony of Kinmylies in the parish of Inverness, with other lands, conferred upon him by Alexander II. in 1232. This included the whole of the parish of Inverness on the west side of the river Ness to the march with Dunearn, except the lands of Merkinch granted to the burgh, and that small part of the town across the river still burghal, of which Young Street may be taken as

the centre. 2d. *Castle Lands*.—These varied at different periods, but a pretty full enumeration is to be found in a Crown discharge to the Earl of Huntly in 1532, where it is stated that the Earl “has the following lands in fee for keeping of our Castle of Inverness :—Little Hilton, Porterfield, Meikle Hilton, Castletown of Lathir, Culduthel, Knocknagail, Torbreck, Balrobert, Essich, Tordarroch, Bunchton, Duntelchaig, Bochruben, Duneancroy, Duneanmor, Dochgarroch, Dochnalurg, Dochfour, Dochcairn, Dochnacraig, with the fishing under the Castle Hill, &c.” The lands of Aultnaskiach and Easter and Wester Haughs, though Castle lands, are not, it will be observed here, specially enumerated, and some of the lands are in the parishes of Croy and Dores. The whole of the parish of Bona was Castle land, with the exception of Easter and Wester Abriachan, which was included in the grant of Kinmylies. 3d. *Town's Lands*.—These were the lands granted by various monarchs down to the time of James VI., and comprehended what is known as “the territory of the burgh of Inverness.” No doubt the town has lost a deal of its grants, but at same time many unclaimed subjects, within a pretty wide circle, have been taken possession of. The principal lands held in feu of the town are a considerable portion of the estate of Inshes, of Castle Hill, Drakies, Bogbain, Drummond, Burnside, &c. 4th. *Crown Lands*.—These were granted and forfeited so often that it is impossible to give a correct idea, seeing the numerous changes. They consisted of lands held from the Crown direct, conferring the right of freeholders upon the possessors. At one period this class was very numerous in the parish, and the charter to Kinmylies, which will be given on a future occasion, has been quoted in support of the view that the word “thane” was sometimes used in reference to a king's tenant. In the preface to the printed edition of the Chartulary of Moray, it is said—

It would appear that the whole district of Moray having lapsed to the Crown, whether by forfeiture or otherwise, while many portions were granted by Malcolm and William, and their immediate successors in frank tenement or baronage, subject only to the burden of military service;—a large part still remained the property of the Sovereign, who granted it either on lease for a limited period, or in perpetual feu farm, for the payment of a certain money rent. There is sufficient evidence in this chartulary that the feuars or perpetual tenants, even of small portions of these Crown lands, bore the title of Thane. These words are not only used synonymously, but the precise relation is marked in more than one place, which the thane bore to the villain on the one hand, and the *dominus*, or lord of a fief, on the other. There is reason to believe that the administrators or stewards of certain portions of Crown lands, and sometimes even the tenants removable at pleasure, were also designated thanes.

The principal lands held of the Crown in the parish in later years were, the barony of Culcabock, at one time the



property of the Grants, but for a long period part of and incorporated into Inshes, part of Castle Hill, part of Culloden, the part of Holm belonging to the Earl of Moray, &c. When the Church lands and Castle lands in time came to be sold, the new proprietors, getting their charters direct from the Crown, became also freeholders.

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V.

**THE CHURCH IN INVERNESS IN THE REIGNS OF  
WILLIAM THE LION AND ALEXANDER THE SECOND.  
PART FIRST.**

After the introduction of Christianity into Scotland, the services of religion and instruction were administered by pious men, styled the servants of God. The term ‘Culdee’ has been attributed to Gaelic and Latin origin, both languages giving the above meaning. They had no regular stipends, but depended upon voluntary offerings, while their churches and seminaries were established by the piety of their hearers, and in honour of the more celebrated of their saints.

The clergy under the Romish system were of two classes, regular and secular. The former very soon monopolised all the revenues, and the actual parochial work was devolved upon “vicars,” because they acted in vice or place of the parson, prelate, or monastery. The vicar’s appointment was at first temporary, but afterwards became a permanent ecclesiastical appointment, with a cure of souls. The teinds were of two kinds, the greater, viz., of corn, wheat, barley, oats, pease, &c., and the lesser, viz., the produce of animals, such as lamb, wool, milk, flax, cheese, or the like. The greater teinds are also known as parsonage teinds, being due by law to the rector, or parson, serving the cure, and the lesser are known as vicarage teinds appropriable by the vicar.

A learned writer, depicting the state of the Church at and preceding the reign of James I., says:—

Church benefices were only considered as posts of honour, or profit, to which men did aspire by all the basest methods of sinning and servile compliances, and when they were possessed of them, all their thoughts were taken up with intrigues of State, and how to serve and gratify their own ends of pleasure and ambition. It is incredible to what degree corruptions and abuses were carried by resignations, unions, and commendams, dispensing with pluralities, and non-residence, and making bishops and abbots of the ignorant children of noblemen.

Another writer, speaking of the Reformation, says:—  
 “When the storm came, the secular clergy were degraded and powerless, the regulars eating the bread of the parish ministers, themselves idle or secularised, could not be defended.”

These remarks are necessary in order to understand the grant of the Church of Inverness after quoted.

The Bishoprick of Moray was founded in the end of the reign of Alexander I., or beginning of that of David I., the first Bishop found on record being named Gregory; but the first Bishop who received any grant of lands, was Simon 4th in order, who was elected in 1171 and died in 1184.

There were four Deaneries within the diocese, viz., those of Elgin, Inverness, Strathbogie, and Strathspey, which may be held as of the nature of Presbyteries. In Inverness itself there was generally only a vicar, though occasionally the name of Parson of Inverness and Dean of Inverness is to be met with. The comparative value of the vicarages of Inverness with other churches in the north, may be seen from Baiamond's Taxed Roll of Benefices, framed about the year 1275 for the use of the Pope, thus:—Vicaria de Inverness, £5; the Deanery of Moray, £21 6s 8d; Croy, £4; Moy, £3; Vicaria de Elgin, £3 6s 8d; Pettie, £6 13s 4d; Kingussie, £6 13s 4d; the Deanery of Ross, £8; Kintail, 4s 4d; Dingwall, 4s 4d; Tain, £4.

Besides individuals, certain churches were profusely endowed, to the scandal and impoverishment of the Church generally. Thus the monastery of Arbroath, dedicated to the fashionable High Church saint, Thomas a Becket, received in the reign of William the Lion grants of no fewer than 33 parish churches, one of them being Inverness.

So far as we are aware, the first reference made to Inverness ecclesiastically, in any document now extant, is contained in the following charter by William the Lion in favour of the Church of St Mary of Inverness, and must have been granted 'twixt the years 1164-1171. As there are no bounds defined, it is impossible to say where the plough of land then granted, lay. Follows the charter:—

William, by the grace of God King of Scots, to all good men of his whole land; Greeting: Know that I have given and granted to God, and the Church of Saint Mary of Inuirmys, and Thomas, priest, parson of the said church, one plough of land in perpetual mortification. Wherefore I will that the foresaid Thomas hold the foresaid land as freely and peaceably as any other mortification in my dominion is freely and peaceably held. Witnesses—Nicholas, chancellor; Matthew, Archbishop of St Andrews; David Olifard, Richard Comyn. At Elgin.

The grant to Arbroath, after quoted, which was never recalled, and passed with other ecclesiastical property to the

family of Panmure, was in the highest degree improper ; and it is no wonder that after the death of Thomas, who was both parson and priest, the poor vicar Eustachius, who appears to have succeeded, had various questions with St Thomas Church, which well nigh starved him. Its managers were truly—in a graphic, but scarcely elegant expression of a northern ecclesiastic—“stipend-lifters,” and had to answer for their doings before the Pope. It was a constant aim of the Papacy to encourage appeals even on trifling points, in order the more to establish its sway. The following is a translation, from the Ethie MS. and the old register, of the King's gift of the Church of Inverness, and would have been granted 'twixt 1189-1199 :—

William, by the grace of God, to the bishops, abbots, earls, barons, justiciaries, sheriffs, provosts, ministers, and all good men of his whole realm, clergy and laity ; Greeting : Know all present, and to come, that I have given and granted, and by this my charter confirmed to God and the Church of St Thomas of Aberbrothick, and to the monks serving God in that place, the Church of Inverness, with the chaplainry lands, and teinds, and offerings of every kind, and with common pasturage, and other easements, and all the other things justly pertaining to the said Church, to be holden in free, peaceable and perpetual mortification, as freely and peaceably, fully and honourably as any other mortification in all my realm, is freely and peaceably, fully and honourably, held and possessed. Witnesses—Mathew, Bishop of Aberdeen ; Richard, Bishop of Moray ; Hugh, my Chancellor ; Robert and Rudolph, my Chaplains ; Earl Duncan, Earl Gilbert, Robert de Londin, William de Moravia, Constable ; Allan, son of Walter the Steward ; Malcolm, son of Earl Duncan ; William Comyn, William de Hay, Robert de Berkeley, Robert Rufo, Adam de Syreis, Halbert Marischall. At Munrois (St Andrew's.)

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## VI.

### THE CHURCH IN INVERNESS IN THE REIGNS OF WILLIAM THE LION AND ALEXANDER THE SECOND. PART SECOND.

The questions 'twixt the Vicar of Inverness and St Thomas Church of Arbroath, were referred by the Pope to the amicable decision and award of the Bishop of Moray, who, upon the 4th February 1248, not long before the death of Alexander the Second, issued and promulgated the following foundation or endowment of the vicarages of Inverness and Aberchirder :—

Symon, by the grace of God Bishop of Moray, to all who shall see or hear this writing ; Greeting in the Lord Eternal : Know all, that these are the regulations made concerning the vicarages of Inverness and Aberkerder, by our authority, and with the consent and free will of our chapter, and of these venerable men, the Lord Abbot and Monastery of St Thomas the Martyr of Aberbrothock, viz. : That, whoever for the time shall be Vicar of the Church of Inverness, shall have

*Reg. Mor. 276.*

and hold the said vicarage for his life, with all the pertinents of the same—reserving to the foresaid Abbot and Monastery of Aberbrothock an entire tenth of the sheaves of corn as well as of the mills, and three merks yearly from the tithes of confessional offerings, and reserving to the same all lands belonging to the Church of Inverness. Further, the Vicar, whoever he be, shall have the residence adjoining the Church (*juxta ecclesiam*) which the Vicar was recently in possession of, where he shall receive in a becoming manner us and our followers, and the said Abbot and his followers, when going there, and he shall cause service to be decently performed in the said Church of Inverness and its chapels, and he shall respond to all Episcopal orders and calls. And whoever shall be Vicar of the foresaid Church of Aberkerder, shall have and hold the vicarage of the said church for his life, entirely, freely, and honourably, with the land of the said church, and free offerings and all other ecclesiastical rights justly pertaining to the said vicarage. Reserving to the foresaid Lord Abbot and Monastery, all tithes of corn entire, as well of the lands of the church, as of the whole parish of Aberkerder, and reserving 100 shillings to be paid annually to the same from the said lands of the Church of Aberkerder at terms to be appointed by them, and reserving to them all decrees and questions concerning said lands. And whoever shall be Vicar of the Church of Aberkerder shall respond to all Episcopal orders, and he shall receive us and our officials, and the said Abbot and his followers, in a becoming manner when going there, and shall cause service to be decently performed in the said Church of Aberkerder in all things relating to divine worship. In witness whereof, the seal of the chapter, and the signatures of our canons, as well as our own seal, are set to these presents; the following being witnesses:—Radulph, Rector of Elchies; Thomas, the chaplain; William, clergyman of Nairn; John Belaramb; Sir Thomas Wiseman, Sheriff of Elgin; Richard Marischall; Hugh de Braytofts; Robert Black; Hugh Herock, burgess of Elgin, and others. Given in the year of grace 1248, on the 4th day of February. I, Symon, the Bishop, subscribe; I, Archibald, Dean of Moray, subscribe; I, William, Archdeacon of Moray, subscribe; I, John, Precentor of Moray, subscribe; I, Andrew, Chancellor of Moray, subscribe; I, Robert, Treasurer of Moray, subscribe; I, William, sub-Dean of Moray, subscribe; I, John, Chanter of Moray, subscribe; I, William de Dun, canon, subscribe; I, William de Dychton, canon, subscribe.

It will be observed that the Vicar was to have his residence adjoining the church, which the Vicar was recently in possession of, and it is particularly interesting to the writer to know that after the lapse of six hundred years, while endeavouring to preserve some authentic information as to the early history of the church in Inverness, he writes these papers, though not within its walls, still upon the site of the Vicar's Manse.

In the year 1787 a considerable portion of the burgh was sold by the authorities, under the statute relating to ruinous tenements within the burgh, and amongst others an area of ground upon the east side of Church Street, described as “formerly the Second Minister's, or Vicar's Manse.” The authorities perhaps did well to give the subject this alternative designation, because, some years prior, it and the property, now the manse of the minister of the North Church, had been the cause of great litigation in the Supreme Courts. About the time of the usurpation, a second minister in Inverness was settled, who was provided with a manse. The first minister had received the Vicar's Manse after the Reformation from the Magistrates of Inverness, to whom had been granted, *inter alia*, the churches and

other ecclesiastical property in the comprehensive charters of Queen Mary, and in especial of James VI.

These manses having fallen into disrepair, the two ministers, about the year 1775, applied for their being rebuilt, or at least put into a tenantable condition. Mr Robert Rose was then first minister, and possessed the Free North Manse, while Mr Fraser possessed Mr Fraser-Mackintosh's house. The heritors objected, and Mr Fraser being an old man, withdrew his claim; but as Mr Rose persisted, the heritors, among other defences, stated that he was *not in possession* of the original manse, which, if there were any obligation to rebuild, attached to it alone, and not to the second manse, which was originally built by subscription. In vain Mr Rose argued at great length and with much ingenuity that his manse was the Vicar's Manse, and deduced the whole succession of ministers who had occupied it;—the titles did not bear out his contention, and after years of litigation the matter was dropped. Upon looking over the papers, there can be no doubt the heritors were right in their view, and the singular fact of the first minister having come to occupy the second manse, must have arisen in this way, that being a newer building erected in 1648, some second minister promoted to the first charge had not quitted his manse. The effect of the litigation was that both manses were abandoned and afterwards sold as ruinous tenements. It may be here observed that at present, and for a very long time past, the glebes of the two ministers have in like manner been changed.

It will be also observed that the Vicar of Inverness was taken bound to cause service to be decently performed in the said church of Inverness *and its chapels*. A field beyond Rose Street was known formerly as "St Thomas Chapel," no doubt from St Thomas of Aberbrothock. "St Giles' Chapel" was either attached to or very near the church, and from certain papers dated in 1692, it is evident that there were two buildings—churches or aisles—used at that time. In a beautiful view of Inverness in the year 1680, of which copies are in possession of the Rev. Dr Macdonald and Mr Fraser-Mackintosh, the church is a distinct object. The present square tower is precisely as it now is, but the spire is different, and the tower appears not at the end of the church, but rather to its west, or river side. Some interesting particulars of the old High Church—described in 1769 by the magistrates of the day as of such great age that no particulars of its building were known—are furnished by John Maclean, the Inverness centenarian, who had often heard service within it.

The foundation of the vicarages was confirmed by Pope Innocent V., on 4th May 1277, in these terms:—

*Reg. Mor. 280.* Innocent, Bishop, servant of the servants of God, to our dearly beloved sons, the Abbot and Monastery of Aberbrothock, of the order of Saint Benedict, in the diocese of St Andrews; Greeting, and the apostolic benediction. When that is sought of us which is right and proper, as well the force of equity as the order of reason demands, that through the anxious care pertaining to our office it lead to some due result. So when your petition presented to us set forth that our venerable brother, the Bishop of Moray, having carefully weighed the capabilities, and with the consent of his chapter, taxed the perpetual vicarages of Inverness and Aberkerder, and certain other churches of the diocese of Moray (over which you have the right of patronage, and which, by the authority of the apostolic chair, you hold for your own uses), as is said to be more fully contained in the letter of the said Bishop written upon the subject; we, favourably inclining to your supplications, and those of the said Bishop, because the said Bishop has acted prudently in this matter, and in a manner pleasing to us, confirm his deed by our apostolic authority, and fortify it by these presents. Let no man, therefore, dare to infringe or rashly contravene this our writing of confirmation. But if any one shall dare to attempt this, let him know that he will incur the wrath of God, and of the blessed Peter and Paul his apostles.

Given at Lyons, the 4th day of May, in the first year of our Pontificate.

## VII.

### THE CHURCH IN INVERNESS IN THE REIGNS OF WILLIAM THE LION AND ALEXANDER THE SECOND. PART THIRD. THE FRIARS.

*Friars* Of King Alexander, Lord Hailes says—"That he was one of the wisest Princes that ever reigned over Scotland," and in another place that "Alexander had a particular kindness for the mendicant friars of the order of St Dominic, called with us the Black Friars. For them, he founded no fewer than eight monasteries, at Edinburgh, Berwick, Ayr, Perth, Aberdeen, Elgin, Stirling, and Inverness."

Cardonel, in his Picturesque Antiquities of Scotland, says of the order—*Fratres Predicatores*—on account of their frequent preaching, "that according to their rules, the brethren renounced all worldly possessions, abstained from eating flesh from September to Easter. They lay neither in feather-beds nor in sheets, but on a mattress; and every Saturday, in case there fell neither feast nor fast upon that day, they were to say the office of the Virgin Mary. Their habit was a white gown and scapular."

The order was founded at Inverness in 1233, and the monastery must have been a building of importance. It appears to have received a grant of land at an early period from St Thomas of Aberbrothock, which grant cannot now

be traced, and also in the year 1240 a charter from Alexander, which was described in the year 1530 as appearing "from length of time and negligent preservation, wasted and partly spoiled." This interesting charter is in these terms:—

Alexander, by the grace of God King of Scots, to all good men of his whole realm; Greeting: Know ye that we have given, granted, and, by this our present charter, confirmed to our endowed chaplains the preaching Friars of Inverness (*devotis oratoribus nostris fratribus prædicatoribus*) serving and who shall serve God there, that, our Royal Highway, lying in length from the water of Ness as far as that land which the Abbot and convent of Aberbrothock gave to them for ever, and in breadth between the burying-ground of the Parish Church and the wall of the said Friars; and that island of our land lying on the north side of the said Friars, on the south side of the water of Ness, with the whole water and fishing from the foresaid Friars Road as far as Scurry (?) in pure and perpetual elimosina, with all commodities, liberties, and easements; to be enjoyed freely, quietly, honourably, well and in peace for ever, sicklike as any land is given or granted to religious men in our kingdom.—Witnesses, Alexander Comyn, Earl of Buchan, Constable and Justiciar of Scotland; Donald, Earl of Mar; Ingeram de Genis, and Reginald de Scheupatre, Knights. At Berwick, the 20th day of May, in the 26th year of our reign.

gave land  
to  
Friars

The first subject conveyed appears rather strange, the King's Highway. Some light is thrown upon this gift by a somewhat similar gift by Alexander in the year 1230 to the same Friars in Edinburgh, of a street, so well known for ages—Black Friars' Wynd—but in that case, the condition was annexed "that the said Friars may, as it shall seem expedient, construct or erect houses or buildings in the foresaid street or passage, which is called the venelle." Though the words in the charter to Inverness are *nostra via Regia*, yet it may really have been an open piece of waste ground, and either given for the purpose of being shut up to make the monastery more private, or in order to be annexed to their adjoining land.

The vast differences now presented by the grounds from what they were at the period in question, may be to some extent realised from there being a grant of an island to the north of their land, and the only grant whose limits can now be traced with any certainty is that of the fishing. It will be observed that the north boundary is described as "Scurry." This, however, denotes "Cherry," which is well known as the next lowest shot to the Friar's Shot on the river Ness. There was considerable litigation about the year 1774 as to the limits of the various fishings, and arising therefrom a plan was prepared by Mr Home, surveyor, who laid down in a very full manner the course of the river below the old stone bridge, with copious names. Among these names, those of Crea-in-uisk, Martin's Cairn, Don Henry's, Paule, Fortfield (now Dr Monro's Park) and others, are not now commonly used.

Fishing

Subsequent grants were made, and charters given by Robert Bruce, David II., and James V., which will be noted at the proper time. In the meantime, we have only to express our deep regret that a charter by the Prior and Monastery of a slated house in Bridge Street in the year 1517 in favour of an ancestor of Mr Robertson of Inshes, has been mislaid in Edinburgh within the last few years. It would serve to show the constitution of the Monastery, and by a letter dated in 1789 from a gentleman in Kelso, to whom Arthur Robertson of Inshes had lent it, it had then attached the seals of the governing body.

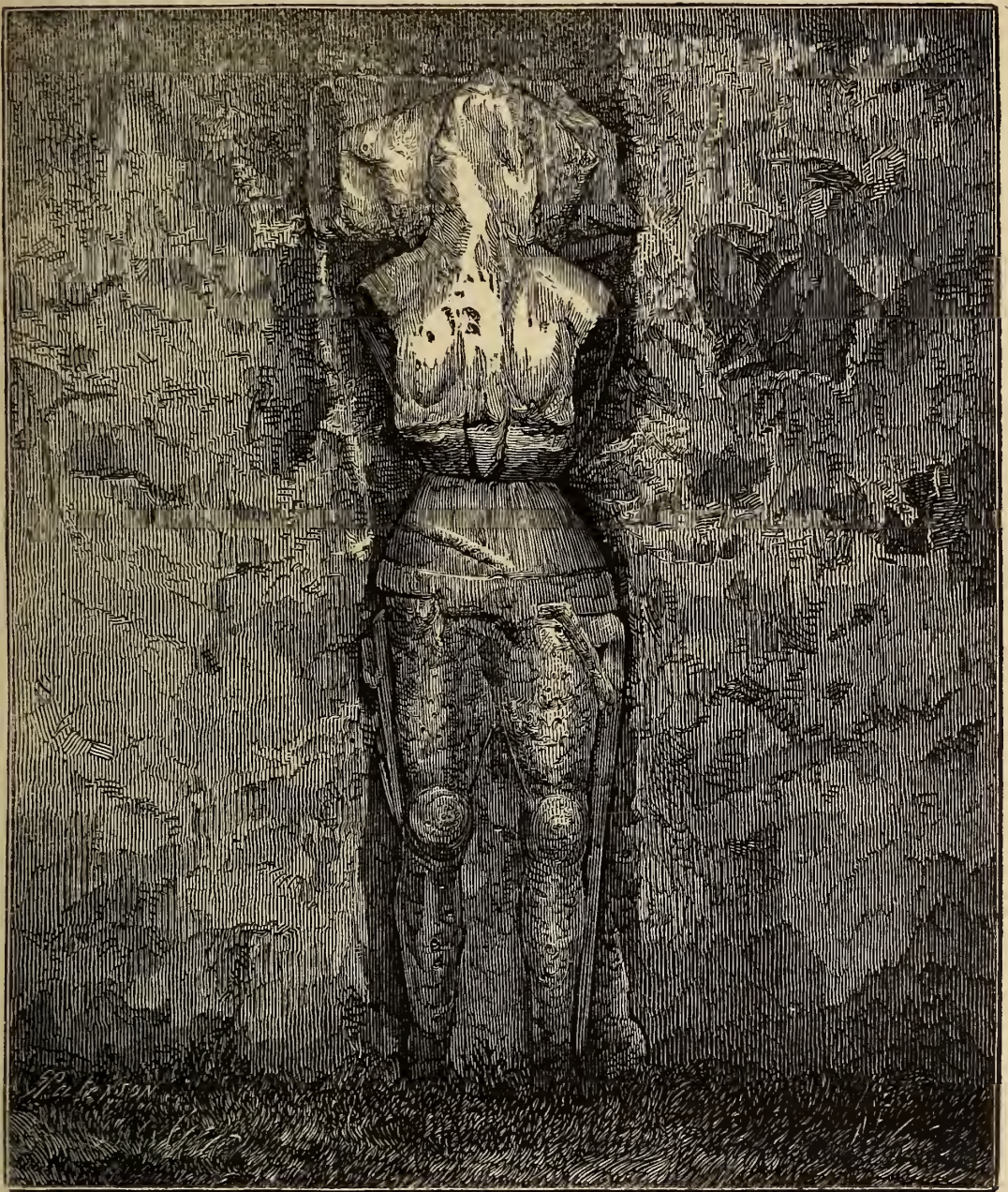
Of the Monastery there now remains but part of a single column. With reference to the mutilated stone figure for some time lying in the Dunain portion of the Grey Friars' Burying-Ground, inserted in the wall a few years ago on the writer's suggestion, John Maclean, the Inverness historian, says—

Near the east end of the building was a splendid monumental effigy of the Regent Moray, the great favourer of the Reformation in Scotland. He held Courts in Inverness in 1570, to which he had obtained the hereditary Sheriffdom, after the defeat of the Earl of Huntly. The sculptured effigy represented the Regent lying on a couch, with his hand reposing on a bible, the book from which history informs us he was wont to have portions daily read in his palace. As the patron of the Scottish Reformation, the memory of the Regent was disliked by the Romanists, and on the arrival of the Pretender at Inverness in 1715 (?) his partizans of that denomination, thinking of course that Romanism would thenceforth be in the ascendant, they gave a very significant sign of their anticipations and hopes by proceeding one night to the Grey Friars', and destroying the monument, which they threw down, breaking the arms and leaving the effigy a headless stump. The body, with the legs of the effigy, however, still remain, and may be seen by the curious.

The above is valuable as showing that tradition connected the figure with the family of Moray; but there was no cause whatever why there should have been a handsome monument erected at Inverness to the Regent, who was buried at St Giles', Edinburgh. As we find that John Stuart, Prior of Coldinghame, the Earl's natural brother, died at Inverness in the year 1563, having come north with his brother to a circuit,—readers will have, we think, no difficulty in coming to the conclusion that this figure denotes the Prior. His son was first Earl of Bothwell, of the line of Stuart, and his, the Earl's grandson, Charles, came to such a low degree as to be a common trooper, and is introduced by Sir Walter Scott in one of the best known of his novels. He is said to have been killed at Bothwell Bridge.

The figure of a cherub, which may have been in the Monastery, and was fished out of the river some years ago in the Castle Shot, some time at Campfield, is in fair preservation.







## VIII.

ALEXANDER THE SECOND'S REIGN: 1214-1249.  
SUPPLEMENTARY.

Communications from Provost Phineas Mackintosh and Provost William Inglis of Inverness, to Captain, afterwards General Hutton, regarding the monastery at Inverness, and other ecclesiastical remains, written towards the close of last century, having recently been discovered in the Advocates' Library, we have thought it right to print Provost Inglis' letters.

The letters were doubtless framed by the Town Clerk, because, though there is a difference in dates of six years, the later communication by Provost Inglis, while it embodies the whole of the first, adds to it. We believe both Provosts were wrong in supposing that the site of the High Church had the former building dedicated to St Michael, as it is generally believed that the parish church dedicated to St Mary stood there. Some other statements also must be received with caution.

A resident in Inverness, the late Mr James Suter, jun., well entitled to write on such points, kindly made some observations upon our seventh article:—1. What is now styled the Friars' Shot is called three hundred years ago the "Freschott," and this word signifies that part of a river which is affected by the tide, sometimes fresh, sometimes salt water. 2. What is now termed the "Cherry Shot" is derived from the Gaelic word "Curach," a small boat, it being at this place that boats were in use to land; and the term "Cherry Dyke" signified the bank whereon these small boats were beached. 3. Further down the river than the "Cherry Flat" was the "Ship Flat," where larger vessels used to lie before the introduction of piers. The name "Shipland" still prevails, and the ancient mansion house of the family of Alves, Lairds of Shipland, with its fine garden, is yet in fair preservation. It is also stated that the Gaelic of Ship Flat is denoted by the word now corrupted into "Longman." The words "Longman's Grave" have been a frequent puzzle. 4. Beyond the Ship Flat was the "Scathegate," or Herring Bay, extending to Fortrose Point. The Road to the sea by Rose Street was of old a well-known locality—the "Scathegate Road." The enormous quantity

of herring taken in former ages is narrated by Bœce in these terms:—

In the mouth of the Nesse standeth a town called Invernesse, where sometime was great abundance of herring taken, but now they be gone, by the secret working of God. The common people put the fault in the rich and men of higher calling, who envying the commodity of the poor inhabitants, will often seem to bereave them of this emolument by force and slaughter, whereupon (as they say) it cometh to pass that the increase soon decayeth, and very small store is taken there by many years after such injury offered.

As we are quoting Bœce, we may give another extract regarding the neighbouring parish of Petty:—

In this portion furthermore is the church of Pette, where the bones of little Johne remain in great estimation. Certes his carcasse hath been fourteen feet long, his members well proportioned according to his stature, and not fully six years before this book was written, he saw his haunch bone, which seemed so great as the whole thigh of a man, and he did thrust his arme into the hollowness thereof, whereby it appeareth that mighty people grew up in our region before they were overcome with gluttony and excess.

Small herring used to be taken in great numbers by the Clachnaharry fishers not far from the shore, and their occupation, though well nigh gone for many years, has of late rather revived.

Follows the communications from Provost Inglis:—

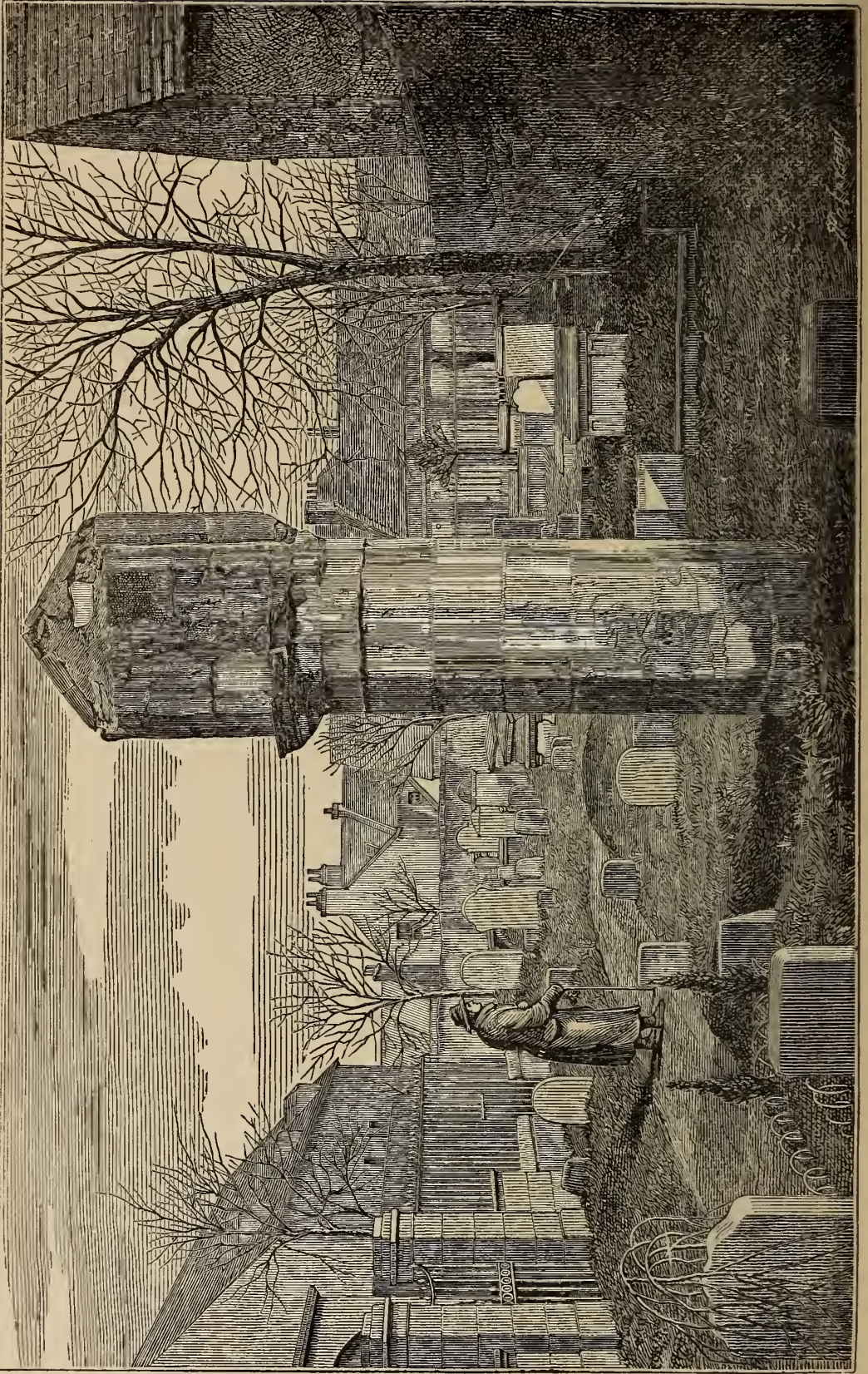
The Monastery at Inverness was situated in a fine plain on the east side of the river. There remains of it now only one pillar, from the great size of which, the building must have been extensive, or the architecture very disproportionate. The ground which it covered is now used as a burying-place by a few families in the parish, of the names of Baillie and Maclean, who, with their connexions, seem to have acquired an exclusive right to it. They have lately enclosed it with a good stone wall. There is no monument in it which has the appearance of great antiquity, except the figure of a woman (?) larger than the life, rudely cut in stone, and much mutilated. This Monastery has been always called by the inhabitants "The Grey Friars," although the only one of which we have an account in history was that founded by King Alexander the Second, anno. 1233, said to have been of the Dominican Order. Adjoining to the Monastery there is a very rich field of about six acres, which was always the Glebe of the first minister of Inverness. There are also a number of small houses in the lane leading to it, from which the minister receives a feu or ground rent.

The salmon-fishing directly opposite to the Friary, and esteemed the most valuable in the river, did also belong to it, and is to this day called the Friar's Coble or Shot.

It appears by the town's records that the stones of the Friars' Kirk were sold in the year 1653 to Colonel Lilburn, commanding the troops of the Commonwealth, for building a Fort at the river mouth, which was called Oliver's Fort. On a rising ground, separated from the Monastery by the lane only, stood the Parish Church, a very ancient structure, which having become quite ruinous, was pulled down in the year 1769, and the present church built on its site. On the west side of the river opposite to the Friary, stood the chapel of the green, supposed to belong to it. The lands contiguous to the chapel were church lands, and now hold feu of the town. East of the Monastery, and only separated from it by the street, stood St Mary's Chapel, of which no vestige remains. It was situated in the centre of a square field about four acres in extent—now the principal burying-ground of the town, and still called the *Chapel-yard*. Adjacent to it is the Glebe for the second minister. South-east of this Glebe was St Thomase's Chapel, of which there remains nothing.

The tradition is, that when the fort was built out of the ruins of the Monastery, the stones of this Chapel were applied towards building what is called the Old Harbour, in which many stones curiously carved, and which have evidently been in some other building, are yet to be seen. The lands of the Chaplainry of our Lady's High Altar are situated on a rising ground south of St Thomas's





Chapel, and near to the side of MacBeth's Castle, and Saint John's Chapel stood in a field below the old Castlehill. No vestige of the Chapel remains, but the field is to this day called *Dire na Pouchk*, or the Land of the Poor, and is in possession of the Church Session. There was also a Chapel dedicated to Saint Catherine on the west side of the river Ness, but no trace of it, or any of the others remains, nor would their situations have been remembered, but that in some old charters, the lands are described by the directions in which they lye to the Chapels.

There were several religious houses of inferior note in the town :—St Michael's Manse, situated in the East Gate or East Street ; St Peter's Manse, in the street called Kirk Gate, near the Friary. There are some houses in town which have in their Reddendos the payment of a small sum to Saint John and his successors, and on one house there is an iron cross, such as the houses which belonged to the Knights Templars are said to have been distinguished by. I cannot learn that there is even a tradition of a Nunnery having been here, nor can I discover that there was any hospital previous to the reign of Queen Mary.

The lands, fishings, &c., belonging to the Friars were granted to the town of Inverness by Queen Mary, and the grant confirmed by her son, James the Sixth. Of each of these charters copies may be had, if thought worth the trouble. Impressions of the seal of the town are delivered herewith.

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MY DEAR SIR,—I send you enclosed the best account I can give of the Monastery which existed in the town, and which I believe to have been of the Franciscan Order and not the Dominican. At any rate, it is certain we had one of the former order, and although history mentions the establishment of one of the latter by Alexander the Second, yet have we no trace of it in any of our records, nor any tradition respecting it. You know the spot where the shaft of the pillar still remains has been invariably called the Grey Friars, and in the Act of the Town Council which mentions the sale to Colonel Lilburn, it is expressly called *the Grey Friars' Kirk*. The price paid to the town for the stones of that kirk was . . . Both these orders of Friars you know were brought into Scotland in the reign of the second Alexander by William Malvoisin, Bishop of St Andrews ; the Dominicans or Black Friars in the 1230, and the Franciscans or Grey in following year. Now, as the historians of these times were not always accurate in their statements, and as these two orders were introduced into the kingdom nearly together, is it not probable that *Black* has by mistake been inserted for *Grey*?

I remember an old arched gateway which led into the burying-ground called the Chapel Yard, and which you know is separated from the site of the Friars' Kirk only by the street. On this old arch was inscribed "Concordia res parvae crescunt." Now, if this was the motto of either of these Orders, it would clear the matter up pretty much, for if it was the motto of the Black Friars, then they probably had a convent here, and that place which we call the Chapel Yard was the site of it. If, on the contrary, that was the motto of the Franciscans, then a chapel belonging to them must have stood there.

I have written to my friend, the minister of Chanonry or Fortrose, for an account of the Cathedral of that place—a venerable pile—and for copies of seals and any other curiosities he can furnish, and I know I shall soon hear from him with all the information he can give. I expect that the papers belonging to the town, which are in Mr Charles Mackintosh's hands, will soon be returned to us, and if they arrive before your departure, they shall be submitted to your inspection.—I am, my dear sir, yours most sincerely,

(Signed) WILL. INGLIS.

Inverness, 18th March 1795.

I return Captain Hutton's memorandum.

## IX.

THE CHURCH IN INVERNESS IN THE REIGNS OF  
WILLIAM THE LION AND ALEXANDER THE SECOND.  
PART FOURTH. THE PARISH OF BONA.

Mr Buckle has been found much fault with for underrating the so-styled universality of popular feeling in favour of the Reformation, and accounting for the movement rather to the cupidity of the nobility and gentry. That the latter was the mainspring, aided no doubt by the corruption of the Romish clergy, cannot be doubted. The reforming clergy, expecting to share in at least part of the Church endowments, were wofully disappointed; and not until the reign of Charles I. had they any certain stipends. During the reigns of Mary and James VI. the Church patrimony was donated to the laity in the most profuse manner; and from lack of supply, great numbers of coterminous parishes were annexed and incorporated with one another—all to the benefit of the heritors. It is only within the present century that a counter movement has set in, whereby many churches *quoad sacra* have been beneficially formed within the Church.

These observations are not out of place in introducing the parish of Bona, which has been united with Inverness since 1618, and never had much of an ecclesiastical status since the Reformation. As now spelt, the pureness of its Latinity has served to procure for Bona a Roman origin. The very oldest writing extant relative to it (after quoted) in the year 1233 gives the name "Baneth"; the common spelling three and four hundred years ago was "Bonnoche" and "Banache," and about a hundred years ago "Bonath." The Gaelic definition is supposed to be "The white plain or field." In a petition presented by the ministers of Inverness last century for the erection of manses, they founded upon there being two parishes as one reason why each minister was entitled to a manse. With regard to the parish of Bona, so much ignorance appears to have prevailed that they could not condescend upon its bounds, but merely that it was of considerable extent. Fortunately, the limits of the parish can be designated from an old deed granted in favour of John Maclean of Dochgarroch, in the year 1643, by Thomas Fraser of Strichen. It proceeds upon the narrative of a right



acquired to the teinds of the whole parish of Bona by Strichen's father, Thomas Fraser, and his mother, Isobel Forbes, in 1584, from Thomas Innes, who was both parson and vicar of Bona. From this deed the limits of Bona are well defined, and extended from Abriachan at the south-west adjoining Urquhart, to Dochgarroch at the north-east adjoining Inverness; thus including Lord Seafield's lands of Abriachan and Caiploch, Dunain's lands of Dochnacraig or Lochend, the lands of Dochfour, and the lands of Dochgarroch.

The Church of Bona may have been at Abriachan, and the place is still known as *Cill Fhianan*. The present burying-ground is called *Claodh Uradain*, the burial-place of Uradan, or Curidan, and this would infer that there never was a church there. There was a meeting-house in the immediate vicinage, and there has been for some years a neat Free Church. The name of Uradain, which is also found in Corrimony, is synonymous with the Latin Quiretinus and the English Boniface, and is the same saint who is patron of Rosemarkie. Bona also possesses a great stone—the seat of Uradain—on the top of the ridge where the saint used to rest, when crossing to the Caiploch to preach, “The hollow of Ossian\*,” “The grave of Bran,” and “The burn of Tuarie,” supposed to be a Fingalian.

The parish and church of Bona must have been gifted at an early period, as there is no trace of it in the chartulary of Moray, and, indeed, its history is almost a blank. It appears to have been granted, with numerous other possessions, in the year 1592 by James VI. to the first Lord Spynie, but not by name. In the year 1621, Alexander, Lord Spynie, is served heir in special to his father, in *inter alia* the right of patronage of Bona, and in the same year, Bona is expressly granted by King James to his Lordship. Shaw states that in 1623, Lord Spynie disposed his rights to Fraser of Strichen; but it appears that as late as 12th June 1646, George, Lord Spynie, was served heir in special to his father in the church of Bona. On the other hand, it is evident that from the year 1584 the Frasers of Strichen had some interest in it, and in 1657, Thomas Fraser, then of Strichen, had the undoubted right. In the locality of 1756, Dochgarroch's right to his teinds was contested, and his agent, Mr James Fraser, writing from Edinburgh, under date 4th February 1766, thus refers to Lord

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\* A very aged man, named Ferguson, who lived in this hollow or glaick, and died in spring 1867, was all his days commonly called “Ossian.”

Strichen,—“ Strichen was genteel enough to furnish all the materials he could direct to.” The patronage came afterwards by purchase into the family of Lovat, was forfeited in 1746, and again restored. General Fraser had a mind to bestow the right of patronage on the town of Inverness, which it is a pity was not effected. It might have been very well at one time, when the Lovats were principal heritors in the united parish, that the right stood in them, but, as they have now no land, this privilege is to say the least anomalous.

In the year 1567, William Simpson, Reader at Bonach, receives a salary of £20 Scots, due at Candlemas of that year.

The Barony of Bona is frequently alluded to on record, as it was often in the King's hands by forfeitures and otherwise. Some notices of it will be taken in due order. We conclude the present notice by introducing the name of Elias, Vicar of Bona, witness to an agreement betwixt the Chapter of Moray and Sir Allan Durward (*Hostiarius*), regarding lands in the adjoining parish of Urquhart in 1233. The church at “ Aberihacyn ” is described in the chartulary of Moray as one of the common churches of the chapter. Follows the agreement (*compositio*) regarding the lands of the church of Urquhart:—

Andrew, by the grace of God, Bishop of Moray, to all who shall see or hear these presents, Greeting in the Lord Eternal: Know all that by our mediation an amicable settlement has been come to in the question which arose between our chapter on the one part, and that noble person, Sir Allan Durward, on the other part; touching a half davoch of land which the said chapter maintained to belong to the Church of Urquhart, which is a part of the prebend pertaining to the Chancellorship of the Church of the Holy Trinity at Elgin. The arrangement is as follows:—The said chapter, and William at that time Chancellor of the said Church of the Holy Trinity, demanded from the said noble man, Sir Allan Durward, that he should yield his claim and the whole right which he said he had to the said land. And now the said Allan, for the sake of peace, has given to the Church of Urquhart half the land sought, viz., the half of the half davoch—which is called the half davoch of the church foresaid—in pure, free, and perpetual *elimosina*. But he and his heirs will possess the other half of the half davoch in perpetual feu farm. Giving therefor yearly to the Church at Urquhart ten shillings, viz., 5s at Pentecost, and 5s at the feast of St Martin in winter next following. But further, the said Church of Urquhart will have one plenary croft, and one toft of four acres assigned to the said church near it, in a suitable and convenient place, in gift of the said noble person, in pure, free, and perpetual *elimosina*. And in firm and indubitable testimony of the premises, to that part of this writing which shall remain with the said chapter, is placed the seal of the said noble man, Sir Allan Durward, and our own. And to that part which shall remain with the often above-named noble man, is placed the seal of our chapter and our own. Witnesses, H., Lord Abbot of Kinloss; William Comyn, clerk; Elias, Vicar of Bona; Mr R. de Stuteuill; Walter de Moravia; John Byseth; John Cameron; Roger Loren; Gylleroch of Urquhart; Alexander; John of Flanders; Radulph, the chamberlain; Simon, the almoner; Malcungy; Mallesnach; and others. Given in the year of grace, 1233, the 10th day of March.

## X.

THE CHURCH IN INVERNESS IN THE REIGNS OF  
WILLIAM THE LION AND ALEXANDER THE SECOND.  
PART FIFTH. KINMYLIES, 1232.

In these reigns, the Bishops of Moray were very active in enlarging their revenues, and one of the most important of the many grants in their favour was the charter of Kinmylies in 1232. No bounds are given in the charter, but in the rental of the Bishoprick in 1565; the barony of Kinmylies comprehended Achmounie, in Glen-Urquhart, feued to Duncan Mac-Gillies; Easter Kinmylies, Wester Kinmylies, Ballifeary, Easter Obriachan, Wester Obriachan, Kilwhimmen, the Mill of Bught, the fishings of Ness called Freschot, Moniack, Kiltarilty, with the fishings of Ess, feued to Lord Lovat; Boleskine and Foyers, held in feu by the heirs of William Fraser; the lands of Dürriis, the tenement of Helen Flemyng within the burgh of Inverness, possessed by Peter Winchester; and the tenement of Robert Waus, possessed by Jasper Waus.

This fine property would appear to have been possessed prior to the date of the grant by several Kings' tenants or Thanes, to whom several references are made. Reference is also made to the King's milns, which existed at that early period. These milns were afterwards granted to the town, and were so valuable that they were subdivided into five estates, a mode of title we believe still kept up. In a similar manner the original grant of fishings to the town—from Clachnahalig to the sea, or four cobles—was subdivided into eight half cobles—the present state of possession—whereof the town now possesses but one half coble. In respect of this subject, the public has the privilege of a free day's fishing every eighth day during the season.

It is known that there was a church and burying ground at Kinmylies, formerly Kilmylies, and it may have been dedicated to the Virgin Mary, or a female saint, Maillie or Marion. It would appear that some instruction and education were given at the place from the word made use of by the King in describing the lands "*prepositure*." This word, according to the best authorities, signified collegiate church.

The favour of the early Scottish Kings to their burghs, and particularly to Inverness, is seen in this charter, where

their privileges of pasture are reserved, and it will be observed that Alexander also reserves the lands of Merkinch, the grant whereof shall be given in our next.

It may be instructive to contrast the reddendo of this charter, with the present holding of the subjects. The main portion of Kinmylies proper now belongs to Evan Baillie of Dochfour, and at the end of this paper will be found a translation of his obligations, from the Crown charter. There is among other burdens a stipulation to keep in repair the choir of the parish church. When the High Church comes to be rebuilt, it might be well to have a choir, seeing that there is surplus teind from Kinmylies.

The ministers of the first charge have frequently mooted the question of their being entitled to have a grass glebe, but it has hitherto never ended in any decisive step. The grass glebe would fall to be designated primarily out of church lands, of which the old barony of Kinmylies is the most important. The town of Inverness is running a risk by continuing to uplift the seat rents of the High Church, and acting and behaving as if they were owners; and further, are running another risk by non-payment to the first minister of the interest of the proceeds realised by them from the sale of the ruinous manse, which for many years past has not been accounted for. At same time it may be mentioned that the town continues to pay a sum for stipend in name of "common good," undertaken under circumstances which do not now exist. Follows King Alexander's grant of Kinmylies:—

Alexander, by the grace of God, King of Scots, to all good men of all his land, cleric and laic; greeting: Know all present and to come that we have given and by this our charter confirmed to Andrew, Bishop of Moray, and his successors, Bishops of Moray, the whole land of our collegiate Church of Kinmyly (*totam terram prepositure nostre de Kinmyly*) in feu for ever; to be held by the said Bishop and his successors, Bishops of Moray, by their proper boundaries, and with all their just pertinents, excepting the lands of Merkinch, which we have granted to our burgesses of Inverness; and excepting all the tofts and lands, which have been given upon the day of this grant to barons, knights, or other good men of our land, within the boundaries of the foresaid Collegiate Church of Kinmylies; and excepting all our fishings, except one, which on the day of this grant, was let for half a merk, which fishings the farmers or thaynes of our said collegiate church were wont to have. So, however, that our burgesses of Inverness, and people dwelling in the tofts and lands of our barons, knights, and other good men, who are feuars within the boundaries of the foresaid collegiate church of Kinmylies, may have the privilege of pasture, which they were wont to have within the bounds of the said collegiate church—giving, therefor, to us and our heirs, ten pounds yearly, half at Pentecost, and half at the feast of St Martin, in winter, and doing foreign, or out service, in the auxiliary forces and armies, and other services, which pertain to the foresaid land of Kinmylies, except those which belong to the thayne. (*Et faciundo forniscum servitium in auxiliis et aliis que ad predictam terram de Kinmyly pertinent preter ea que at Thaynum pertinent.*) Wherefore, we will that the foresaid Andrew, Bishop of Moray, and his successors, Bishops of Moray, hold the said land of the collegiate church of Kinmylies for ever, freely and quietly as aforesaid, reserving to us all pleas and questions, which can spring from the said land of the collegiate church

of Kinmylies, or the inhabitants of the same, except those which pertain to the thanage. Further, the inhabitants of the said land of the collegiate church of Kinmylies may frequent our mill at Inverness; but the Bishop himself, and his successors, Bishops of Moray, shall be free from paying dues to our mill from their own house at Kinmylies. Further, it shall be lawful to the said Bishops of Moray to grind the corn which they use in their own house of Kinmylies in another mill if they chose. Further, we grant to the said Bishop, and his successors, Bishops of Moray, that from the foresaid ten pounds they retain in their own hands every year four merks for the tithes which pertain to them from the mill at Elgin; and ten shillings, which pertain to them from the lands of Munden and Kelleys, and sixteen shillings, which pertain to them from the tithes of the mills of Delpottie, and twenty shillings, which pertain to them from the lands of Lovat, which belong to John Byseth, and twenty-two shillings and eightpence, which pertain to the Archdeacon of Moray for tithes of the mills built within the parish of Forres, from which twenty-two shillings and eight pence to the Lord Archdeacon of Moray the said Bishops of Moray have relieved us. Witnesses—W. de Bondington, Chancellor; Walter, son of Allan, Justiciar, Stewart of Scotland; David, son of Earl Duncan; John de Vallibus; Walter Byseth; Colin Durward. At Cullen, 5th Oct., in the 18th year of our reign.

Follows reddendo clause in the present crown charter of Kinmylies, dated in 1836:—

Giving therefor,—for the foresaid lands of Easter and Wester Kinmylies, dominical lands, crofts, and pertinents of the same, the sum of twenty pounds Scots money of old feu duty, and three shillings and four pence of the foresaid money as an augmentation; and that at two terms in the year—the feasts of Pentecost and St Martin in winter, by equal portions, and doubling the said feu-duty and augmentation the first year of the entry of each heir, and giving suit and presence at three Head Courts, held at Spynie, and performing the other services and conditions contained in the ancient infeftments. And for the foresaid lands of Balblair, Ballifeary, and Dalneach, crofts and pertinents of the same, also parts of the said barony of Kinmylies, the sum of £18 15s 7d Scots money, as the proportion corresponding to the lands and others above-mentioned of the whole feu-duty of £40 Scots money, payable for the said lands of Balblair, Ballifeary, Dalneich, crofts and pertinents, for the same, and for the lands of Muirtown, the Mill of Bught, and pertinents of the same, also parts of the said barony of Kinmylies, now pertaining to Huntly Duff of Muirtown, and that at two terms in the year—the feasts of Pentecost and St Martin in winter, by equal portions, and in the first year of the entry of each heir to the said lands doubling the said proportion of feu-duty as use is, and performing other services and conditions contained in the ancient infeftments. And for the foresaid tithes, parsonage and vicarage, of the foresaid lands of Easter and Wester Kinmylies and Ballifeary, and the pertinents of the same, the sum of one shilling sterling as the proportion corresponding to the same, determined by the Barons of Exchequer at the sum of £200 Scots, which is the whole feu-duty payable for the tithes above-mentioned, and also for the lordship and barony of Aberbrothock, of which they are parts, and that at two terms in the year—the feasts of Pentecost and St Martin in winter, by equal portions, and a proportional part of the stipend payable to the minister serving the cure of the Parish Church of Inverness, and towards the repairing of the choir of the said Parish Church, and all other taxes, annuities, and other burdens laid or to be laid upon the tithes of the said parish.

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## XI.

**ALEXANDER THE SECOND'S REIGN, 1214-1249.**

**GRANT OF MERKINCH.**

We read that Alexander had been at Inverness in the year 1219 or 1220, from a record of his proceedings at Perth in

the latter year. It bears at the outset these words:—"The Record made at St Johnston of Perth before the King, by all the Dempsters of Scotland, Thursday, in the first hail week of Lentron, the seventh year of his Kynrik, after that the King had been in hosting at Inverness, against Donald Nelson" (of the Isles). He was also in the North, according to Lord Hailes, in the year 1222, in an expedition against the Earl of Caithness, and the years 1228-29, when one Gillescop, besides disturbing the peace of the North, burnt the town of Inverness, and spoiled the Crown lands in the neighbourhood. Alexander came against him in person unsuccessfully, but the next year the Earl of Buchan, Justicar of Scotland, overthrew Gillescop, with his two sons.

It is related in the Mackintosh History that William Mackintosh, brother of Farquhar, the third chief, was one of Alexander's retainers, and accompanied the King when he went to renew the league with Philip VII. of France.

In the year 1464, James III. ratified at Inverness, to the burgh, all the Acts and Charters granted by prior Kings, viz., William, *Alexander*, David, and James the First. When James III. came to Alexander, he says "The tenor of the charter by our most serene predecessor, Alexander, King of Scots, follows in this form," and after quoting it, King James adds, "The tenor of the *second* charter of the *said* King Alexander, follows in this form." It will be observed that it is not stated which Alexander, second or third, but it is said that both charters are by the *same* King.

The curious circumstance has just been elicited that these charters are by *different* Kings, and that James III.'s advisers committed a blunder in attributing them to one monarch. It is needless to narrate the circumstances under which this discovery has been made. Suffice to say that, started by ourselves, it has been tested and confirmed by high authority. Singularly, also, the second charter of Alexander, narrated by James III., is first in date, having been granted in 1236 by Alexander the Second in the 22d year of his reign. The other charter by Alexander the Third was granted in 1250, in the second year of his reign. Alexander the Second's charter, after quoted, grants the lands of Merkinch to the town, but on reference to the charter of Kinmylies in our last, dated 1232, it will be observed that the lands of Merkinch were excluded as having been granted to the burgh. This difficulty between dates can be explained in this way, that in 1232 Alexander had given the corporeal possession of the land to the burgh, though the charter was not actually written until 1236; when the King being then in Inverness,



Ala de Gra de scote. omibz pabiz hominibz tota die sue salutem. Sciant pcurator et frater nos dedisse concessisse  
et hac carta nra confirmasse. Burgenfibz nris de sumis. Etiam de exarchibz nris ad sustentacionem burgen nrorum de  
sumis. Tenent et tunc castro burgenfibz de nob. et de burz nris et pcurator. Libe. o. m. ad firmam  
burgen nrorum de sumis sustinent pcurator deano burgen de archiepiscopo colunt. si voluerint. et modis omnibz  
quibz poterunt. comodis sunt de ea faciant. Reddens annuatim. Gram libram papis ad festum sancti andree  
West. de. fil. aliat. senescall. Justic. soc. et. Com. de ang. et. Com. de h. acum. et. et. de  
Dalt. et. abbat. hysce. Diacer. de pcurator. David. hysce. et. apud sumis. Successum sexco die July  
And. Reg. domini reg. Successum sedo.



his faithful burgesses, aware of the importance of having a writing, may have applied for it, and obtained it then and there.

The lands of Merkinch and its bounds have at various periods been the subject of much litigation.

Follows King Alexander's charter:—

Alexander, by the grace of God, King of Scots. To all good men of his whole land, clerical and laical; greeting: Know all present and to come, that we have given, granted, and by this our present charter confirmed to our burgesses of Inverness, the lands of Merkinch, for the support of the burgh of Inverness, to be held by the said burgesses of us and our heirs for ever, freely and quietly, for sustaining the rent of our burgh of Inverness, so that they may cultivate the said lands of Merkinch if they choose, or deal with it in any other way that may be for their advantage; rendering therefor one pound of pepper at the feast of Saint Michael yearly. Witnesses—Walter, son of Allan, Steward and Justiciar of Scotland: Edward (?) Earl of Angus; Edward (?) Earl of Caithness; Hugh de Vallibus; Walter Wyzett; Walter de Petyn; David Marischall, at Inverness, the twenty-sixth day of July, in the twenty-second year of the reign of the Lord the King.

We conclude by noting the names of people connected with Inverness, or deeds subscribed there during the reign of Alexander the Second, which have come under observation:—

1. In 1224 is found the name of Thomas Durward, vicar of Inverness.
2. In 1226 appear Robert, Dean of Inverness, William Noreys, Vicar of Inverness, and Peter, Burgess of Inverness. In a charter by John Byzett, dated at Inverness 19th June the same year, he, for the soul of William the Lion, and the salvation of the soul of Alexander the Second, and the souls of his (Byzett's) predecessors and successors, grants the church of Kiltarlity, to the church of St Peter, the lepers' house at Rothfan, and the brethren serving God there. Among the witnesses are Andrew the Bishop, Henry, Dean of Ross and Vicar of Dunballoch, Henry his chaplain, W. his brother, and Thomas Durward, Vicar of Inverness.
3. In 1229, in an agreement as to the Teinds of Strathisla, one of the witnesses is "Brother Alexander of Inverness."
4. In 1232 is found Andrew, Vicar of Inverness.
5. In 1234 is found "M. de Monte-Alto," Sheriff of Inverness.
6. In a charter by King Alexander of Kildrummy, dated 1238, reference is made to the Bailliary of Inverness and Drakies, the forest of Inverness, the lands of Cullcuden, and of Essich.
7. In an Act passed in 1244 "of the lawe callyt Clarymaythane," reference is made to the "Sheref of Inverness."
8. In 1245, Sir John Byzett was warded in the Castle of Inverness, on suspicion of being accessory to the murder of the Earl of Athole, three years before.

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## XII.

### ALEXANDER THE THIRD, 1249-1285.

During the reign of Alexander the Third, which lasted for thirty-six years, Scotland upon the whole enjoyed great prosperity. The population has been stated to have numbered

close on two millions, and the records were numerous and regular. Loss of men, wealth, and muniments, to an inconceivable degree, followed the protracted struggle with England, from the death of Margaret of Scotland to the final establishment of Robert Bruce on the throne.

At an early period, Alexander granted a charter to Inverness, of which a copy will be found at the end. That he visited the town is shown by a charter granted by him to the Bishop of Aberdeen, dated Inverness, 10th August, 1260. It was during the first year of his reign, and at the close of Alexander the Second's, that the great ship was built at Inverness for the purpose of carrying soldiers to the Holy Land by that powerful French nobleman, commonly called the Count de St Paul. The circumstance is alluded to in the following terms by the historian Paris, when regretfully chronicling the death of several of the French nobles, who were preparing in 1249 to assist in the crusade:—

There also died on the journey at Avignon, Hugh de Chatelion, Count of St Paul and Blois, who was killed by a stone hurled from a mangonelle at Avignon, in the contest which the King was engaged in with the citizens of that place, before he set sail—a sad presage of the prosecution of the crusade, for there was not in the whole French army a more noble man, or one more powerful in battle. He had in his retinue 50 chosen knights, as his standard-bearers in battle, but when he died all of them were dispersed and left desolate. This Count Hugh had built a handsome ship at Inverness, in the country of Moray, and in the Kingdom of Scotland, in which he might be able to cross the sea with the Bolognese and Flemings, and those commonly called men of Arterre; but all these preparations were cut short before completion, as a weaver cuts his web.

In this King's reign, a valuation of the whole of Scotland was taken by Royal order, which was known as the valuation "of old extent." Fordun states that so numerous and powerful were the family of Comyn at this period, that there were no fewer than thirty-two Knights of the name.

In 1263 Alexander visited the north and came the length of Caithness. By the Chamberlain's accounts, a new fence or palisade was erected around the Castle at an expense of £1 18s 9d, and inside was constructed a wardrobe-room, with a double wooden roof, at a cost of £7 19s. The salary of the chaplain who officiated in the chapel of the Castle was five merks yearly.

In the same year, Lawrence de Grant was Sheriff of Inverness. Tho' the name appears earlier in history, yet it is from this Lawrence, who married the heiress of Glencharnich, whose posterity still retain the lands, the family of Grant date their real establishment in the north.

Follows King Alexander the Third's Charter to the town of Inverness:—

Alexander, by the grace of God, King of Scots. To all good men of his whole realm. Greeting : Know ye that we have granted to our Burgesses of Inverness, that none of them shall be poinded in our Kingdom for any but his own proper debt, forfeit, or pledge. Moreover, we command and charge our Sheriffs and Bailies, constituted on the northern side of Delmoneth\* and all others, or their Bailies, to poind those who owed debts to our Burgesses, which they could reasonably prove, for rendering payment of such debts as may be justly due to them without delay ; nevertheless, we strictly forbid them to presume to detain or oppress any one unjustly with poindings for debts which he owes them, contrary to the foresaid grant which we have made to them upon our plenary forfeiture. Witnesses. David, Bishop elect of Dunkeld ; David, Abbot of Newbothil ; Allan Durward, Justiciar of Scotland ; and Gilbert de Hay. At Scone, the third day of December, in the second year of the reign of the Lord — the King. (3d Dec. 1250.)

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### XIII.

#### ALEXANDER III. 1249-1285. PART SECOND. CHURCH AND LANDS OF ABRIACHAN.

The lands of Abriachan must have been granted to the Bishoprick of Moray at a very early period, perhaps at its foundation. They formed a part of the parish of Bona, now united with Inverness, and are the southernmost portion of the parish. There are no remains of the church, but the locality is indicated by the name of Cill-Fhianan. There are some old grave stones, one of which is sculptured, and evidently of great antiquity. Numerous traditions regarding this stone prevail in the primitive district, and it is matter of regret that the immediate locality, which is picturesquely situated, is not tended and enclosed.

Abriachan has of late come into repute from its red granite, which is susceptible of the finest polish.

Besides an inveterate fondness for distillation, independent of Government control, there were some peculiarities in the appearance and habits of the Abriachan men, which did not escape the notice of their neighbours. A Gaelic rhymer, who perchance had been silenced in an alehouse wrangle,

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\* That is, of the Month, or Mounth. The Grampian hills were so named in early times, and the term *Cairn of Mounth* also sometimes occurs. An anonymous author cited by Camden thus describes these hills :—" Mons, qui *Mounth* vocatur qui a mari occidentali usque ad orientale extenditur ;" and another in the 13th century writes thus :—" Quoddam vastum quod vocatur *le Mounth*, ubi est pessimum passagium sine cibo."

gave vent to his feelings in a famous rhyme, which may thus be clothed in an English dress :—

Abriachan rears but little men,  
Addicted much to liquors strong ;  
They'd speak for ever ; as to sense,  
They only gabble all day long.

The Church lands of Abriachan, though part of Bona parish, did not form part of the barony of Bona, as will be seen by the deed after quoted, which describes them as lying betwixt the barony of Bona at the north and the barony of Urquhart at the south. It is also probable that the present bounds of Abriachan are not identical with their former positions, because the estate of Dunain, comprehending Lochend or Davochnacraig, has a right of salmon fishing in Loch Ness, *ex adverso* of the lands of Abriachan, to a rock called the Black Stone. The old writings refer also to the barony of "Benquhar," a name still known by the Gaelic speaking people, and is described to us as extending from Balnagaick of Dunain, to the Red Burn of Dochnacraig.

The name of Abriachan under the spelling of "Abirihacyn" is first found in the year 1239, though "Urquhart beyond Inverness," and "Gillebride, parson of Abertarff," its neighbours, are met with several years earlier in the great Charter of Bricius, Bishop of Moray, 1208-1215. Andrew, Bishop of Moray, on the 31st December 1239 grants *inter alia* "from a divine regard for piety and for the increase of divine worship, with consent of his clergy, to the Church of the Holy Trinity of Elgin, and to the Canons serving, and who may in future serve God there, in pure and perpetual charity, for the common use of said Canons," under certain reservations therein particularly specified, "the church of Abirihacyn, with all its pertinents, excepting one half davoch of land, belonging to our table and that of our successors." In the *Taxaciones beneficiorum Episcopatus Moraviensis*, the church of Abriachan is only valued at two merks, but probably this included vicarages merely.

We find the lands—which extended to a half davoch—granted by John, Bishop of Moray, to Sir Robert Lauder of Quarrelwood, by the deed after quoted, on the feast of St Nicholas (6th December) 1334. Again, on the 3d February 1376, on the resignation of Sir Robert de Chisholm, son of Sir John de Chisholm, who had married Anne, daughter of Sir Robert Lauder, Alexander, Bishop of Moray, disposes the lands by the deed, also after quoted, to the Wolf of Badenoch. Readers will observe the distinction in the reddendo clauses of the two charters :—

CARTA. J. EPISCOPI ROBERTO DE LAWADYR, MILITI, ABRIACH.

John by divine permission the humble minister of the Church of Moray, to all sons of Holy Mother Church to whom these present letters shall come ; Greeting in the Lord everlasting : Know all, that we by the advice and with the approbation of our Dean and Chapter, having regard to the common advantage of our Church foresaid, and having moreover its more careful management in view, have given, granted, and in feu farm demitted, to the noble person Sir Robert de Lawadyr, Knight, for his manifold services done to our said Church, a half davoch of our land of Aberbreachy, lying between the barony of Bonach on the East on the one side, and the barony of Urchard on the West on the other, together with our land of Auchmunie, lying between the land of Drumbay on the East on the one side, and the land of Cartaly on the West on the other, within the barony of Urchard foresaid, with the pertinents : To be held and had by the said Sir Robert and his heirs of us and our successors for ever, with their right marches and divisions freely, quietly, fully, peacefully, and honourably, in pleas, courts, malt-kilns, mills, and multures, and with all other liberties, commodities, easements, and just pertinents belonging to said lands, or which in future may belong, and which may have or can by right belong to the same, by whatsoever agreements in our times or in those of any of our predecessors : Rendering therefor annually to us and our successors the said Sir Robert and his heirs four merks sterling at the two accustomed terms of the year by equal portions in lieu of every other exaction, service and demand, and giving therefor to us and our successors and to the Church of Moray the said Sir Robert and his heirs fidelity and homage. In testimony whereof we have publicly caused these our letters to be sealed for him with our seal along with the common seal of our chapter aforesaid. Given at Elgyn on the feast of St Nicholas (6th December), Bishop and Confessor, (*Episcopi et Confessoris*) in the year of Grace 1334.

CARTA. A. EPISCOPI SUPER TERRIS DE ABBREACHY.

Alexander by divine permission the humble minister of the church of Moray, to all sons of Holy Mother Church to whom these present letters shall come ; Greeting everlasting : Know all, that we by the advice and with the approbation of the Dean and Chapter of our Church foresaid, having regard to its common advantage and likewise with a view to its more careful treatment, have given, granted, and in feu-farm demitted to that great (*magnifico*) noble and potent lord, Lord Alexander, the Senescal, Earl of Buchan, Lord of Ross and Badenach, Lieutenant (*locum tenenti*) of our Lord the King and Justiciar of the part North of the water of Forth, because of his many serviceable benefits and protection bestowed, and faithfully in future to be bestowed upon us and our said Church, a half davoch of our land of Abireachy lying between the barony of le Bonach on the east side on the one part, and the barony of Urchard on the west on the other, together with our land of Achmunedy with the pertinents, lying between the land of Drumbay on the east on the one part, and the land of Cortaly on the west on the other, within the barony of Urchard foresaid, which lands with the pertinents Sir Robert de Chishelme, Knight, lord of that Ilk, held of us in chief, and he, induced neither by force nor fear, nor deceived by error, but by pure and spontaneous free will, did give up and purely and simply resign into our hands by staff and baton, the foresaid lands with the pertinents, and all right and claim which he the said Knight, or his heirs had or could in future have in the said lands with the pertinents : To be held and had by the said Lord Alexander and his heirs of us and our successors for ever, by all their right divisions and marches freely, quietly, fully, peacefully and honourably in pleas, courts, malt-kilns, mills and multures, and with all other liberties, commodities, easements and just pertinents belonging to said lands, or which in future may belong, and which belonged or could by right belong to the same in our times or those of any of our predecessors by whatsoever agreements : Giving, the said Lord Alexander and his heirs, to us and our successors and Church, fidelity and three attendances at our three Head Courts at Brennach annually : Paying therefor yearly the said Lord Alexander and his heirs to us and our successors four merks sterling, at the two accustomed terms of the year, by equal portions with the foresaid services only, in lieu of every other exaction, service, or demand which could be exacted or extorted by us or our successors for the said lands with the pertinents. In witness whereof we have publicly caused these our letters to be sealed for him with our seal together with the seal of our Chapter aforesaid. Given at Elgyn the third day of the month of February, in the year of the Lord 1386.

At a later period, the lands of Abriachan formed in the Episcopal rentals, a part of the Barony of Kinmylies, and were finally feued out by the Bishop and Chapter to Hugh, Lord Lovat, on 13th May 1544; and are in the charter described as the lands of Easter and Wester Abriachan, lying within the Barony of Kinmylies and Regality of Spynie. Afterwards the lands came into possession of the family of Grant, who wadsetted them to the Frasers of Reelig, who again assigned the right to Evan Baillie, a younger son of Alexander Baillie, second of Dochfour. From the representatives of this Evan Baillie, styled Evan Dhu, a well-known lawyer in Inverness upwards of a century ago and a great ally and doer of Simon, Lord Lovat's;—the late Sir James Grant of Grant redeemed the wadset, and the lands of Abriachan are the only lands belonging to the Grants in the united parish of Inverness and Bona.

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XIV.

**ALEXANDER III—1249-1285. PART THIRD.  
SERVICE TO LAND IN THIS REIGN, HELD AT  
INVERNESS.**

In this reign the commerce of Inverness was extensive, and its annual fairs were attended by foreign merchants. The following connected with the town and the north, are extracts from the accounts of the Sheriff of Inverness in 1263 :—

Received of feus of many lands, &c., £133 13s 4d.

Item, to John de Walchop, by gift of the Lord the King, 6 merks.

Item, for the expenses of 21 hostages or captives (obsidum) from Caithness, a penny per day for each; and for 2 from Scy (Skye),  $\frac{3}{4}$ d per day to each, with the expenses of their keepers, £30 13s 4d.

Received of the same (Alexander de Cumyn, Earl of Buchan) for the fines obtained in the town of Inverness, £95.

Memorandum, that it be enquired into whether Alexander Cuming, Earl of Buchan, or Lawrence le Graunt, Sheriff of Inverness, ought to answer to the Lord the King for the feu of the land of Inuery at the term of Pentecost (Whit-sunday) in the year 1263.

Item, for 200 head of cattle from the land of the men of Caithness 58s, with all expenses.

Item, for 20 lasts of herrings bought for the use of the Lord the King the same year, 20 merks.

Item, for the carriage of said herrings by ship to Leith with the expenses of guarding and carriage to the sea, 107s 3d.

Item, to the Sheriff for his captions in the burgh of Inverness for that year, 100 shillings.

With the deplorable loss of our early records, it is fortunate that a service in the year 1262 has been preserved, and which

is hereafter quoted, in consequence of its having taken place at Inverness, upon the day of the month next before the feast of St Andrew the Apostle (29th November):—

INQUISITION MADE REGARDING THE LAND OF MEFTH, A.D. 1262. ✓

Inquisition made at Invernys on the day of the month next before the feast of St Andrew the Apostle in the year 1262, before the bishop of Ross and Alexander Cumyn justiciar of Scotland and A. de Monte Forti sheriff of Elgyn and A. de Swinetun, by Thomas Wisman [Thomas Wisman was provost of Elgin], William Wisman, Archibald de Doleys, Alexander his brother, James de Brennath, Adam son of Robert, Walter de Alveys, Andrew Wishay, Hendry de Seleltoch [Sallescot], Macbeth de Dych, Hugh Ranald, William son of Turpun, Michael son of Abraham, William de Brennath [Birnie], John de Oggiston [Gordonstown], Gilpatrick Mac Gilbeg and John Faber de Ineys, regarding the land of Mefth with the pertinents, to wit, whether the ancestors of Eugenius Thane of Rathven [Eugenius, thane of Rathven and lord of Mefth] have held the said land of our Lord the King and his ancestors hereditarily, in chief, and if the said E. and his heirs ought to hold the said land of our lord the king by right hereditarily according to the tenor of the breve of the lord the king directed to the said justiciar upon this matter. All being sworn, say that Lord King William gave the said land of Mefth with his house in the castle of Elgyn and with one net upon the water of Spe and with the pertinents, to Yothre Mac Gilhys hereditarily for the service of one serving man and for doing military service at home; and he held the said land with said pertinents throughout his whole life in the same manner, and afterwards Eugenius his son grandfather of the foresaid Eugenius, and Angus his son father of that Eugenius; and that Eugenius similarly thus far have held the foresaid land in the foresaid manner peacefully, hereditarily, in chief of the Lord the King, and they know no reason why the said E. and his heirs ought not to hold the said land otherwise than of the Lord the King hereditarily by right.

The preceding is given not merely because the inquest was held in Inverness. It is interesting as showing the mode of procedure in Scotland under the old form before the loss of the national records and the introduction of the English practice; and illustrative of the state of society and of the country in those early times.

We fear that there is no one now to represent the Thane of Rathven, but if there be any Gillies or Macgillies who can connect himself with the Eugenius referred to, he will be able to substantiate a pedigree equal to that of any subsisting family, not excepting that of Innes, descendants of the Flandrensian Berowald. We have here Eugenius, of lawful age in 1268, and mention made of Angus, his father, of Eugenius, his grandfather, and Yothre Macgilhys, his great-grandfather. As surnames were unknown, we may go a step further back, and arrive at Gillies as the great-great-grandfather and founder, who may have lived in the year 1050, if not earlier, and his name has a good Celtic sound. Mention also is made of a Macbeth of Dyke, no doubt a man of consequence.

The lands of Mefth were for a very long time the property of the family of Innes. They lie in the parish of Urquhart and county of Elgin, and are now the property of the Earl of Fife, whose predecessor acquired them about the year 1760. Their annual value appears to be £448 or thereby.

## XV.

**ALEXANDER III. 1249-1285. PART FOURTH.  
THE ANNUAL OF NORWAY (RATIFIED AT INVERNESS).  
FIRST SECTION.**

The acquisition of the Western Isles had long been an object of importance to the Scottish kings, and the disastrous results to Norway of the battle of Largs paved the way for a settlement, in pecuniary form.

Accordingly, on 2d July 1266, a composition or agreement was come to, which included Man, copy of which is annexed, and is here introduced, not only as a document of great interest never hitherto printed in the English language, but because it is in a measure closely connected with Inverness.

After Bruce was settled on the throne, he thought it desirable to have this agreement styled "The Annual of Norway," ratified and confirmed by Haco V. of Norway. There met in consequence, at Inverness, representatives of both kingdoms—King Robert being personally present—on the Sunday next after the Feast of the Apostles Simon and Jude, as will be seen by the deed after quoted, which is of so great length that it is divided into two sections.

Torfaeus, followed by Buchanan, states that it was "*farther* agreed that the King of Scotland's daughter Margaret, then four years of age, should be married to Haco son to King Magnus, when she arrived at a proper age." But no such stipulation appears in the contract. On the contrary, according to Tytler, it was in consequence of the Queen's death that Alexander III. "*began* to seek alliances for his children. He married his daughter Margaret to *Eric*, King of Norway, then a youth in his fourteenth year." Their marriage contract is dated 25th July 1281. Follows "The Annual of Norway":—

In the name of the Lord, Amen, in the year of the Incarnation of the Lord 1312, on the Sunday next after the Feast of the Apostles Simon and Jude (31st Oct.): Convening at Inuernyss in Scotland the most serene Prince Lord Haquin 5th, by the grace of God noble King of Norway by his solemn ambassadors, the nobleman Lord Bernerus de Berkerey, a Baron, and the discreet man Lord Ivarus, son of Oulauus, a canon of the churches of Bergen and Orkney, having as ample power to do all that is underwritten as the said Lord King of Norway might have if he were personally present, on the one part; And the eminent prince Lord Robert by the like grace noble King of Scots personally on the other part; There were exhibited, recited and harmoniously authenticated by both parties certain muniments regarding a Composition and final Agreement between the eminent and noble Princes of happy memory Lords Magnus Fourth and Alexander Third, Kings of Norway and Scotland and their heirs, executed in



times past in these words: In the name of the Father, and of the Son, and of the Holy Ghost, Amen; That the certainty of these presents may give true and evident witness for ever of the past; Be it known that in the year of Grace 1266 on the Friday next after the Feast of the Apostles Peter and Paul (July 2d) in the Church of the Preaching Friars (Dominicans) at Perth, this Composition and final Agreement was entered into for the quieting of the contentions, complaints, losses, injuries and discords of the Isles of Sodor and Man, and regarding the rights of the same, by the aid of divine Providence, between the noble and eminent Princes Lord Magnus Fourth by the Grace of God illustrious King of Norway by means of solemn ambassadors, Askacinus, his chancellor, and Andrew, son of Nicholaus, his Baron, specially appointed and thereto lawfully constituted compearing there, on the one part; and Lord Alexander Third by the like Grace noble King of Scotland compearing there personally with the clergy and greater nobles of his Kingdom on the other part; in this form, viz. :—That the said Lord Magnus King of Norway, as a friend of peace and supporter of justice, to cherish more diligently reverence for God, and for the observance of mutual love and peace, and to repel danger from friends, and to avoid the more quickly the wiles of men, at the instance and honour of the said Lord Alexander, King of Scotland, gave up, resigned, and quitclaimed as well petitory as possessory for himself and his heirs for ever, Man with the other Southern Isles and all other Isles on the West and South of the Great Haff (The Minch) with all right which he and his progenitors had in these from ancient time, or which he and his heirs may in future have and that by means of the foresaid discreet men, Lords Askacinus, Chancellor of the said Lord Magnus, King of Norway, and Andrew, son of Nicholaus his Baron, who have full authority from the said King to compose and agree regarding these amicably and socially: To be held, had and possessed by the said Lord Alexander Third, King of Scotland and his heirs, with superiorities, homages, rents, services and all rights and pertinents of said islands without restraint, along with the right of patronage of the episcopate of Man; Reserving the right, jurisdiction and liberty of the Church of the Northern Isles, in all things and by all means, if it any had or has in the episcopate of Man; And excepting the Isles of Orkney and Shetland which the said King of Norway has with their superiorities, homages, rents, services, and all rights and pertinents within the same belonging thereto, specially reserved under his own dominion. Wherefore let all men of said isles which have been given up, resigned and quitclaimed to the foresaid Lord King of Scotland, both high and low, be subject to the laws and customs of the Kingdom of Scotland, and be judged and treated according to these from hence forward for ever; And for those forfeitures or injuries and losses which they have done, even until this present day, whilst they adhered to the foresaid King of Norway, let them in nowise be punished or quarrelled with as to their heritages in these isles, but let them peacefully remain in the same under the government of the King of Scotland, like other free men and lieges of the said Lord King who are known to rejoice in more liberal justice, unless they otherwise commit any crime for which they justly ought to be punished according to the approved laws and customs of the kingdom of Scotland, and if they wish to remain in the said isles under the dominion of the said Lord King of Scotland, let them remain in said dominion freely and in peace, and if they wish to depart, let them depart with their goods lawfully, freely, and in full peace; So that they be compelled neither to remain nor depart contrary to the laws and customs of the kingdom of Scotland and their own desire: Therefore, Alexander, foresaid King of Scotland, zealous for the truth and a lover of peace and harmony, and his heirs for ever shall give and pay yearly for ever for this concession, resignation, and quit-claimation, and chiefly for the sake of peace, and that harassments and troubles may be removed, to the foresaid King of Norway and his heirs and their assignees continually, within eight days of the Feast of the Nativity of St John the Baptist (24th June) in Orkney, the land to wit of the Lord King of Norway, within the Church of St Magnus, into the hand of the Bishop of Orkney, or of the Bailie of the said Lord King of Norway, to this end specially deputed, or there shall be deposited in said Church for the use of the said Lord King of Norway, under keeping of the Canons thereof, if the bishop or bailie can not be found there, who will give for them letters of acquit-claimation and discharge, 100 merks of good and legal sterling money, reckoned according to the mode and use of the Court of Rome, and of the kingdoms of France, England, and Scotland; and also 4000 merks sterling, reckoned after the said manner, within the next four years at the place and term foresaid, viz.—1000 merks within eight days of the Feast of the Nativity of St John the Baptist, in the year of grace 1267, and 100 merks of the foresaid payment; and in the year of grace 1268, at the same place

and term, 1000 merks and 100 merks of the foresaid payment ; and in the year of grace 1269, at said place and term, 1000 merks and 100 merks of foresaid payment ; and lastly, in the year of grace 1270, at said place and term, 1000 merks and 100 merks of the foresaid payment : And in future, at said place and term, 100 merks of payment foresaid only, reckoned in manner foresaid annually, for all and for ever : And for observing faithfully and steadily, all and sundry, as above set forth, the said Askacinus, the chancellor, and Andrew, the baron, in behalf of their Lord, Magnus, illustrious King of Norway, and his heirs and assignees, whose wish regarding these matters was fully known to them publicly swore after touching the holy gospels on the soul of the said King and their own souls, in the Church of the Preaching Friars at Perth, and the said Lord Alexander, King of Scotland, by means of the noblemen Adam, Earl of Carryk, and Robert of Meygners, in the same manner swore and caused these to swear on his and their souls solemnly, in behalf of himself and his heirs, in presence of the said Ambassadors : And for the greater security of this matter, both parties have bound themselves in the penalty of 10,000 merks, to be paid simply and without legal quarrel by the party wishing to resile to the party observing this composition and final agreement, the composition and final agreement shall, notwithstanding, endure in full force for ever.

*(To be Continued.)*

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## XVI.

### ALEXANDER III. 1249-1285. PART FIFTH. THE ANNUAL OF NORWAY (RATIFIED AT INVERNESS). SECOND SECTION.

It was this agreement of 1266 which gave the Lordship of the Isles to the Scottish kings, but as they had been previously granted in property to Somerled and his descendants, it is questionable whether for a considerable period this acquisition was not more troublesome than its worth.

Both monarchs it will be observed submitted themselves to the jurisdiction of the Apostolic See.

Randolph appears as Earl of Moray in the month of October 1312, a date earlier than is generally supposed.

By the Chamberlain's rolls and the accounts of the Sheriff of Inverness, it appears that the latter in 1263 disbursed forty-seven shillings and sevenpence "for the expenses of the Preaching Friars (of Inverness) when going on the Lord the King's message to Norway." In the same year there is charged for the expenses of the Chamberlain "while staying at Inverness to feu the lands of the Lord the King," forty-five shillings and fivpence.

The following entries are interesting :—

Item, to Kermac Macmaghan for 20 head of cattle from the territory of the Earl of Ross, given to him by the Earl of Buchan and Alan Hostiarius who had the Lord King's authority by his letters patent, at the time of the arrival of the King of Norway, 100s.

Item, for the expenses of twenty-one captives from Caithness, viz., to each per day one penny, and for 25 weeks, and then they were set at liberty, £15 6s 3d.

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Item, 4 merks deducted for the tenth of the Bishop of Moray, for the territory of the wife of the late John Bysset.

*Memorandum*, that the said Sheriff ought not to be called to account for £45 for the 29 head of cattle from the territory of the Earl of Ross which the Lord King expected from the said Earl, until the Lord King shall have specially commanded him to render an account.

### Follows the remainder of the Annual of Norway—

Moreover, Lord Magnus, King of Norway, by his ambassadors foresaid, and Lord Alexander, King of Scotland, have submitted themselves, their heirs and successors, in this matter, to the jurisdiction of the Apostolic See, that after one admonition has been given by sentence of excommunication against the parties without any exception, and of interdict against the Kingdoms, it compel, without legal quarrel and trial of any kind, the party resiling from foresaid Composition and final Agreement to pay to the party observing said Composition and final Agreement, fully and completely, the said penalty of ten thousand merks. And further for observing the said Composition and final Agreement in all and sundry its articles which are not to be relaxed until said penalty, as said is, shall have been fully paid, the said Composition and final Agreement shall endure in its full strength and be of avail in and by all ways for ever. Accordingly, both parties have renounced in this transaction all exception because of fraud and all action because of stratagem in fact, and privilege of court, and specially restoration in full, and all letters had and obtained twixt the said Kings and their ancestors up to this time, of whatever tenor they may be, and all letters and apostolical indulgences that have been and may be obtained, and all remedy of law, canonical and civil, by means of which said Composition, resignation, quitclamation, and final Agreement can be impeded, disturbed, or destroyed, or in any other way weakened. It has also been added to this Agreement, and ordained by common consent, twixt the Kings and Kingdoms of Norway and Scotland, that all transgressions and offences both civil and religious which have been committed by either party, his ancestors and subjects, upon the other, even up to this present day, are wholly remitted, and no mode of hurt, anger, or vengeance shall await for these; And that the hostages of said islanders captured and detained by either party shall be freely set at liberty and restored; And if a private enemy of said Kings—to wit of Scotland and Norway—flee for refuge to one of them he shall not receive him into his kingdom or dominion to the hurt of him from whom he has fled, unless perchance at the time he obtain pardon, if he has deserved it, and if he shall not be able to obtain the pardon of his offended lord, he (the King) may not delay immediately after a year to remove that person from his presence and his dominion, those being excepted who shall have committed the crime of lese-majesty, and they may in nowise be received by either party. Moreover, if it happen that the subjects of the King of Norway, which God forbid, suffer shipwreck or misfortune in the kingdom or dominion of the King of Scotland, they shall be permitted freely and quietly to collect their shattered or disabled vessels together with all their property either personally or by means of others, and to hold, sell, and alienate the same without any chicanery, as long as they shall not abandon them; And if any one contrary to this Statute of the common agreement shall take away fraudulently or violently anything of any kind from said property or vessels, and for this be convicted as a thief and disturber of the peace, he shall be punished according to his deserts, any law to the contrary notwithstanding; Also, if any one shall be found and convicted as a disturber of the peace of this final Agreement passed and confirmed between the foresaid Kings, their kingdoms and subjects, he shall, because he has presumed to do so, be so severely punished by the King in whose dominion he shall be found, that his punishment may beget fear in others. In testimony of which thing to the part of this, written in mode of chirograph, made to remain in the possession of the Lord the illustrious King of Norway, is appended the seal of the said Lord King of Scotland, together with the seals of the venerable fathers, Gamelinus and John, by the grace of God bishops of St Andrews and Glasgow; and of the noblemen, Alexander Comyn, Earl of Buchan, Patricius de Dunbar, William de Marre, Adam de Carric, Earls; and Robert de Meygners, a baron; And to the other part written in mode of chirograph, made to remain in the possession of the said Lord King of Scotland, is appended the seal of his excellence the said Lord King of Norway, together with the seals of the venerable fathers, Peter and Thorgilf, by the grace of God bishops of Bergen and Stauangren; and of the noblemen, Gunter de Mel Kynsitus, son of John; Fynius, son of Gunter;

Andrew, son of Nicholaus ; and Askatynus, Chancellor of the said Lord King of Norway :—Which composition and final agreement, concession, resignation, and quitclamation, so made amicably and socially for the sake of peace, together with others all and sundry as are above contained, the most serene Prince, Lord Haquin Fifth, King of Norway aforesaid, for himself, his heirs, and kingdom of Norway, by means of his above-named ambassadors, Lords Bernerus and Ivarus, approved, ratified, and in the person of the said great (*magnifici*) Prince, Lord Robert, illustrious king of Scots and of his heirs, renewed, and by the present writing eternally confirmed ; And the said great Prince, Lord Robert, illustrious King of Scotland, approved, ratified, and in the persons of the foresaid most serene Prince, Lord Haquin, illustrious King of Norway and his heirs, renewed, and by the present writing eternally confirmed said composition and final agreement, concession and quit-clamation, so made amicably and socially for the sake of peace, together with others all and sundry, for himself, his heirs, and kingdom, together with the payment of a hundred merks sterling, according to the custom of the Courts of Rome and of the kingdoms of France, England, and Scotland, of annual rent to be made to the Lord King of Norway, his heirs, and to the kingdom of Norway, annually for ever, in the Church of St Magnus the Martyr in Orkney, the territory of the Lord King of Norway, on the Festival of the Nativity of St John the Baptist, as in the original instrument made regarding this matter, is more fully contained : And to observe faithfully the above written ancient composition and final agreement, with all and sundry therein contained and now approved, ratified, renewed, and confirmed by the foresaid Lords Haquin and Robert, Kings of Norway and Scotland, as is above said, the foresaid ambassadors of Norway, in behalf of their Lord, Haquin King of Norway, his heirs and assignees, have publicly sworn on the soul of the said King and their own souls, after touching the holy gospels ;—and the venerable father Ferchard, bishop of Caithness, and Master Roger of Inuernys, chancellor of the Church of Moray, having a special mandate to that effect, swore in a like manner on the soul of their Lord, the said Robert, King of Scotland foresaid, and on their own souls in behalf of their said Lord the King and his heirs, in presence of said ambassadors : In testimony of which thing to the part of this written in mode of chirograph, made to remain in possession of the Lord the illustrious King of Norway, the seal of the said Lord King of Scotland is appended together with the seals of the venerable fathers, by the grace of God, Lords Henry, David, Thomas, and Ferchard, bishops of Aberdeen, Moray, Ross, and Caithness ; and of William, David, and Thomas Randolph, Earls of Ross, Athol, and Moray : And to the other part of the same written to remain in possession of the said Lord King of Scotland, is appended the seal of the Lord King of Norway, together with the seals of the venerable fathers, by the grace of God, Lords the Archbishop of the Northern Isles (Orkney and Shetland), the Bishops of Bergen and Orkney, Lord Magnus, Earl of Orkney, and of said ambassadors.

When it is considered, that besides the King there were present with him, at least four Bishops and three Earls ; and for the King of Norway, one Archbishop, two Bishops, one Earl, and two Barons, it may be held that no other such influential meeting ever took place at Inverness for a peaceful object.

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## XVII.

### MARGARET, MAIDEN OF NORWAY. 1286-1290.

At the time of Alexander the Third's death in 1286, there was no living descendant of William the Lion in the direct line, save Alexander's grandchild Margaret, then but three

years old. She was only child of Eric King of Norway, by Margaret daughter of King Alexander.

Fordun in his complaint for the untimely death of Alexander III. quotes the prophecy of Thomas the Rhymer regarding the sad event, and introduces it in the following quaint and dramatic manner:—

Do you not remember what that prophet, your countryman, viz. ; Thomas of Ersildon, obscurely prophesying, on the night preceding the death of King Alexander, in the Castle of Dunbar, had said of his death to the Earl of March, who, as was his wont, enquired of him, as if by way of joke, what strange event the following day would disclose? Thomas fetching from the bottom of his heart a sigh full of sobbing, is reported to have clearly revealed to the Earl in presence of his courtiers (what would happen), in this manner:—"Alas! to-morrow! day of calamity and misery! for ere the twelfth hour is fully completed, here will be heard throughout Scotland so violent a blast, that the like was not known of in times past. Its breath shall astound the nations, amaze the hearers, bring down the lofty, and level to the ground the immoveable." The Earl with his attendants was, because of this serious address, observant on the morrow, and kept watch ever until noon, and perceiving no trace in the clouds of heaven, nor signs of wind, thinking Thomas a madman they hurried off to luncheon, where, while the Earl was scarcely seated at table, and the hand of the clock almost approached the hour of mid-day, a messenger came in haste to the gate, disturbed with impatient knocks the ears of the Earl and entreated to be allowed speedy entrance. The stranger was accordingly admitted and asked for his tidings. Tidings, said he, I have, but disastrous and to be deplored by the whole Kingdom of Scotland, since alas, the renowned King reached the end of his present life, last night at Kinghorn, and I am come to tell thee this. The Earl at this recital, as if awakened from heavy sleep along with his companions struck their breasts, and found that the prophecies of Thomas were become more than probable.

Shortly after Alexander's death, six guardians were appointed, whereof the three for the part benorth the Forth were the Bishop of St Andrews, the Earl of Fife, and the Earl of Buchan, who for a time conducted affairs successfully.

By and bye it was agreed, with the unanimous consent of England, Scotland, and Norway, that Margaret the Maiden should marry, when she attained the age of fifteen, the King of England's son. Edward attempted almost immediately to interfere in Scottish affairs, but he had no reasonable excuse for doing so.

Meantime Queen Margaret, who had never been strong, was, on her journey to Scotland, taken ill, and landing in Orkney, died there in the month of September 1290, in the eighth year of her age.

No provision having been made for regulating the succession, the country was instantly divided into factions, the two strongest being the supporters of Baliol and Bruce. The death of Margaret, *de facto*, had put Edward I. out of the field altogether, but unfortunately an opportunity was given him of interfering in the affairs of Scotland, which he instantly took advantage of, and one step leading to another, he at length determined on the complete subjugation of the

country, and almost succeeded. As this first opportunity for interference arose in part from the men of Moray, we have in those papers introduced the matter as not irrelevant to the general design. The Bishop of St Andrews and John Comyn of Badenoch, two of the guardians of Scotland, having usurped the whole authority, allowed, it would appear, a system of robbery and slaughter to be carried on against the men of Moray. In consequence of this, and early in the year 1291, an appeal in name of Donald, Earl of Mar, one of the seven Earls of Scotland, and of the men of Moray, was lodged with Edward, which is hereafter given.

There were three appeals or protests taken in the presence of the two Regents, and were recorded together, viz. :—

1. An appeal for the seven Earls of Scotland, of whom Duncan, son of the late Earl of Fife, was one.

2. The appeal for the Earl of Mar and all the King of Scotland's freemen of Moray, and

3. An appeal for Bruce, that his claims to the Crown were in danger of being disregarded in favour of Baliol.

It is unnecessary to detail the various usurping acts of Edward, but it is intended in subsequent chapters to give some extracts connected with Inverness while under English yoke.

Follows the copy appeal and protest, the blanks being in the principal illegible :—

SINCE YE Lord William, Bishop of St Andrews, and Lord John Cumyn, who conduct and regard yourselves, as guardians of the Kingdom of Scotland, for upholding and defending its approved laws, liberties, and customs have made and of your own authority substituted others as your deputies, for whose substitution no authority or power was given you by the nobles, magnates, and community of the Kingdom of Scotland; And since these deputies your substitutes came to the territory of Moray, which is under the immediate government of the King of Scotland, and with the authority and power committed them by you, have there destroyed and plundered the lands and towns of the free men of the Lord the King of Scotland, (burnt the said towns and their barns full of corn, carried away with them all the property of the said men of Moray, and cruelly killed as many men, women, and little children as they could come at: and as for these losses, injuries and sore troubles no amends have been made by you or by your deputies : WHEREFORE, because of your failure (to make amends), and the injury inflicted upon the foresaid men of Moray by your deputies, I, in your presence, as (Procurator) appointed in room and name of Lord Donald Earl of Mar, one of the seven Earls of Scotland and also in name of the foresaid free men of Moray, their kinsmen, relations and connections, and other friends, and of those of the foresaid Lord the Earl of Mar, who have suffered said injuries, losses, and conflagrations, in order to obtain relief and procure reparation from you Lord William, Bishop of St Andrews, and John Cumyn, and from all your adherents on account of your failure, AND BECAUSE ye permitted foresaid losses, injuries, and conflagrations to pass with impunity and uncorrected, SUMMON you in this writing to the presence of Lord Edward, King of England, and to the royal Crown of England, and APPEAL to the presence of the said Lord King of England: PLACING the foresaid Lord Donald, Earl of Mar, all his kinsmen, relations, friends, and adherents, and also the Lord King's foresaid men of Moray, and all their property, moveable and immoveable, wheresoever they shall be found, under the special peace, protection, and defence of the foresaid Lord King of England and his royal crown, that ye may not do

or in any way presume to do them or any of them any further loss, or injury damage. Lord William, Bishop of St Andrews, and Lord John Cumyn, who regard yourselves as guardians of the Kingdom of Scotland, since for all the losses, injuries and troubles done to the foresaid Earl of Mar, and to his adherents, his foresaid friends of Moray, from the time of the death of Lord Alex. of happy memory King of Scotland, even to the present time by you and your bailies and because of your remissness ye have not taken care to make amends or give satisfaction (for all these things done) by you Lord William, Bishop of St Andrews, and Lord John Cumyn, and by all your adherents, I again in this writing summon you, to the presence of the foresaid Lord King of England, and to his royal Crown.

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## XVIII.

### DURING THE TROUBLES FROM 1290 to 1306.

#### PART FIRST.

For this period information must be obtained from English sources. These are by no means exhausted, and it is probable that many of the older Scottish muniments are yet in existence.

In 1293, among the numerous documents handed over by Edward I. to Baliol, being extent rolls of the Royal demesnes, accounts of the Sheriffs north of the Forth, &c., are *Littera burgens de Inuirnis*, that is—letters quitclaiming all debts due by the burgh.

Upon the 11th June 1291, the executive government and royal fortresses were delivered over to Edward, and of the twenty-three fortresses so delivered, that of Inverness was one. In the month of July commissioners were appointed for swearing in Crown officers, and receiving fealty and allegiance from the people. The castellan of Inverness and the Earl of Sutherland were appointed to administer oaths at Inverness.

Upon 26th October 1291 the Bishop of Caithness has an order for oaks in these terms:—

The King and Lord Superior of the kingdom of Scotland, to his beloved and faithful Alexander Comyn, keeper of the wood of Ternway in Moray, greeting—Since for the souls of Alexander, of happy memory, late King of Scotland, lately deceased, and of Margaret, late Queen of the said Kingdom of Scotland, his consort and our sister, we have given to the venerable father A—, Bishop of Caithness, Chancellor of Scotland, 40 oaks suitable for the building of his Cathedral Church of Caithness, we command you that you cause give to the foresaid Bishop, for the building of the above-mentioned Church, 40 oaks of the kind required, from foresaid wood.

In January 1292, Nicholas de Colle, merchant of Lucca, receives an assignment of the arrears of revenue in Scotland. The amount due by the Burgesses of Inverness being £23 6s 8d

was to be paid to the said Nicholas eight days before the feast of the purification of St Mary next to come (2d Feb.) In the same year, William de Braytoft was governor of the Castles of Inverness and Dingwall, and on the 18th November is commanded to deliver these Castles to Baliol. On the 16th December 1292, Reginald le Chen, junior, and Sir Robert de Cameron, are each awarded 50 merks of pension in these terms :—

The King and Lord Superior of the Kingdom of Scotland to his beloved burgesses of Inernish ; Greeting : Know that of the twenty-four pounds in which ye are held in arrears to us of your account for the rents of the foresaid town, we have assigned to our beloved Reginald le Chen the younger, and Robert de Chaumbroun de Balgligernaucht (Baligarny, near Scone), 100 merks, viz. :—To each of them 50 merks, to be paid by your hands on the day which will be agreed upon betwixt you and them for their feu for the two years and a half last past, which feu the said Reginald and Robert were wont to be paid yearly according to the concession of Alexander of happy memory, late King of Scotland now deceased ; And therefore we command you that ye cause payment to be made in foresaid form, to the said Reginald and Robert of the said 100 merks ; And we will that these be credited to you in foresaid arrears, for we have commanded our beloved and faithful John, illustrious King of Scotland, to allow you to levy and collect, freely and without hindrance, your foresaid arrears of rents with which ye are charged in your foresaid account.

In 1296 William de la Haye, said to be ancestor of Loch Loy, was Sheriff of Inverness, and to him as such William de Mohault on 21st December submits to Edward I. Being done at Inverness, and as a specimen of numerous other submissions, it is here given :—

William de Monte Alto, Greeting, in the Lord : To all the faithful of the Lord who shall see or hear of these letters : Know that we for ourselves, our followers and goods have come on the Tuesday next before the feast of the translation of St Thomas, Bishop and Martyr (21 Dec.) in the year of the Lord 1296, at Inverness, under the peace and pleasure of our Lord Edward, King of England, to the Lord W. de Haye, acting in his name ; In testimony of which matter, we have given these our letters patent to the said Lord W. Given day, place, and year foresaid.

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## XIX.

### DURING THE TROUBLES FROM 1290 TO 1306. PART SECOND.

Baliol having pronounced judgment against Macduff, grand-uncle of Duncan, Earl of Fife, then a minor, in a matter of some importance—Macduff appealed to Edward, who issued the following protection 7th June 1292 :—

The King to his beloved Stephen de Glynwhym ; Greeting : Since Macduff, son of Malcolm, late Earl of Fife, who from the hearing of the Court of our beloved and faithful John, illustrious King of Scotland, has appealed to us, from lack of justice and unjust judgment, and has urgently begged, that being



in consequence of foresaid appeal under our care, we should grant him our special protection ; and as it is just that appellants pending their appeals be defended in their right, we command you to guard and protect the foresaid Macduff with his household, gear, and property, from injuries and violence of every kind, as he is, pending said appeal before us, released as to all things from the jurisdiction of said King and his people. Moreover, we command all our subjects to obey and observe you in the premises and matters belonging thereto.

Step by step this was followed up until Edward took possession of Scotland by force. In 1296, with great policy, he ordered that their lands be restored to abbots, priors, and other churchmen. Letters patent were accordingly directed to the different Sheriffs. Amongst others—

(1) Master Henricus de Banff, Chancellor of the Church of Moray, has letters to the Sheriff of Inverness.

(2) The Master of the Knights Templars obtains letters to various Sheriffs, including those of Inverness, Cromarty Dingwall, and Nairn.

(3) The Master of the Hospital of St John of Jerusalem in Scotland, obtains letters upon the towns of Inverness, Dingwall, and others.

(4) The Abbot of Scone obtains letters to the Sheriff of Inverness ; and

(5) William de Kinghorn, Parson of the Church of Kiltearn, obtains letters to the said Sheriff.

Ordinances were passed in favour of the wives of captives, and for the restoration of lands held by sub-tenants and others, thus :—Eva, wife of Alexander Comyn, of Badenoch, is allowed the sum of 30 merks yearly from the proceeds of her own and her husband's lands, of the King's "special favour for her support and that of her children." The Countess of Ross in like manner is allowed £100. These grants are dated 4th September 1296.

Upon the 8th of September, on the application of Patrick Earl of March and others for the restoration to said lords of the lands of their immediate tenants, Sheriffs are commanded to restore the lands and possessions of the immediate tenants of certain lords and others who had come under the peace of Edward, and to retain the possessions of such as were still in captivity. Ingelramus de Gaynes has letters patent to this purport to the Sheriff of Inverness, &c.

Upon the 10th of September 1296 the following was issued :—

It is commanded to all and sundry the men of John Comyn of Badenoch and Lochaber, by the faith and love in which they are firmly bound to the King ; that to the said Earl (the Earl of Surrey, Guardian of Scotland) as Guardian of the King's Castles, fortalices, islands, lands, and tenements foresaid, in all things which pertain to that Guardianship, with galleys and all means of navigation in their power—they be obedient, submissive, advising, and helping, as often and whenever they shall be required by the said Earl on the part of the King for that purpose, and that they so demean themselves in the premises that he can deservedly commend their diligent fidelity to the King.

Upon the 7th March 1297 the payment of the pensions of the Friars of Inverness are included in the following order :—

The King to his beloved and faithful John de Warenne, Earl of Surrey, his Guardian of the Kingdom and territory of Scotland ; Greeting : We command you that ye search in the Rolls of Accounts of the times of Alexander and John, late Kings of Scotland, for the rents of the towns of Berwick, Edinburgh, Stirling, Glasgow, Ayr, Wigton, Perth, Aberdeen, Montrose, Elgir, and Inverness, to give to our beloved brethren in Christ of the order of *Predicatores* dwelling in these towns, such sums of the rents of said towns for this year, of our charity and special favour, as they by the rolls of said accounts from the time of the foresaid John, appear to you yearly to have received, and to have been allowed in the rendering of the accounts of the rents of the said towns by the favour and charity of Alexander, late King of Scotland, and of the foresaid John.

In 1305 in an ordinance for the stability of Scotland, the following are nominated Justices for the land beyond the Mountains (*les terres de la les montes*):—Reginald le Chien; Johan de Vaux, Earl of Northumberland; and Johan de Estrivelyn is nominated Sheriff of Inverness. In the same year, from Breviates of the Petitions or Requests presented to the King for lands or preferment in Scotland, the following two are selected—Oliver Avenel petitions for the lands of John de la Haye, in the County of Inverness, which lands the King had given him at the late war. Cristyn del Arde, wife of Hugh de Ross, petitions for the lands of Sir Lawrence de Strathbolgy in Sutherland and Caithness, as also the lands of Alisandre Pilche, Burgess of Inverness.

Upon this name, which is frequently referred to in the older titles belonging to the Burgh, some remarks will be made in our next.

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## XX.

### DURING THE TROUBLES FROM 1290 TO 1306.

#### PART THIRD.

Patricius Pylche is one of the inquest regarding the death of the ancestor of Patricius de Blanthyre in 1263.

During the reign of Robert Bruce, and immediately preceding years, Alexander Pylche was one of the principal men of Inverness, and the first of the name found on record in the north. From the Chamberlain's Rolls, the following extract is made :—

Account of Alexander Pylche, Sheriff of Inverness, rendered at Scone the 7th day of June, in the year of grace 1328, of the contribution imposed for the preservation of peace. First, he charges himself with £95 12s 6½d for foresaid contribution levied from all lands within his jurisdiction, except that levied

from the Earl of Moray and his tenants ; and with £90 12s 6½d for the contribution levied from the lands of the said Earl and his tenants within said jurisdiction for the same period. The amount of his receipts are £186 5s 1d. From which there are allocated of the account in part for the collecting of foresaid contribution 32s. And so he owes £184 13s 1d.

Again, in 1342, William Ballock, the Chamberlain of Scotland, charges himself with 32s received from the Provost of the burgh of Inverness, for the account of William de Ross, and with £6 13s 4d from the Provost of said burgh, for the account of Alexander Pylche.

Alanus de Pylche, probably Alexander's son, appears as Sheriff-Substitute of Inverness in 1328.

The property of Alexander Pylche would appear to have been considerable. He had lands at Direbught, in Church Street, in Bridge Street, and in the East Gate. The name of another of the family occurs frequently in old charters—viz., that of Sir William Pylche, who was living in 1360, and may also have been son of Alexander. By a deed of 1443, a feu of 2s is referred to, as payable from a particate of land on the east side of Church Street, to the heirs of William Pylche, Lord of Gartly. In another of 1453, the granter is Mariota, daughter of the late Alexander Pylche, burghess of Inverness, with consent of John Pratt, her husband, the subjects conveyed being a part of Castle Hill. In 1455 Agnes, also a daughter of Alexander Pylche, conveys subjects in the East Gate of Inverness. The position of the property in Bridge Street of Sir William Pylche, on the south side thereof, may be inferred with precision, for the one adjoining to it is described as to the west, stretching to the river Ness. Lastly, in 1458, a deed is granted by a lady styling herself Elizabeth Pylche, daughter and one of the heiresses of William Pylche, *dominus de Culcabock*. The name is found still later.

The family of Comyn became very powerful in the reign of Alexander III. and subsequent years. In the North nothing escaped their grasp, and among other families who for the time succumbed to their encroachments, was that of Mackintosh. The Mackintoshes continued keepers of the Castle of Inverness until 1271, when Ferchard, fifth chief, died, leaving an only child, Angus, of tender years. Ferchard's father, Shaw, had obtained Rothiemurchus, as also the lands of Meikle Geddes and Rate ; and until Shaw's death Ferchard lived in Badenoch, and was styled sometimes Ferchard, son of Shaw, sometimes Ferchard, Seneschall of Badenoch. Supported by the English faction, the Comyns, in the minority of Angus Mackintosh, not only took possession of Geddes and Rate, but also of the Castle of Inverness,

and the connection of the Mackintoshes with the locality was for a time thus broken. This apparent ill-fortune ultimately tended to the establishment of the family of Mackintosh on an enduring basis; for Angus Mackintosh, being brought up with his maternal grandfather, Macdonald of the Isles, was thrown into the society of Eva, heiress of Clan Chattan. They were married in 1292, she bringing to her husband the great estate of Glen Lui and Loch Arkaig. They lived for many years at Tor Castle, the principal residence of the chiefs of the ancient Clan Chattan. Tor Castle erected by Gillicattan Mor in the eleventh century, is a picturesque ruin, strongly placed on a high rock overhanging the river Lochy, where in its course it abruptly forms an angle.\*

The Mackintoshes now hold in their Crown charters the title of Seneschall of Lochaber, and as showing the antiquity of the office there is here quoted a deed, dated in 1234, wherein one of the witnesses is Edward, Seneschall of Lochaber. Though partly dislodged from their original estate, the family of Mackintosh have still a considerable stake in Brae Lochaber. Follows the agreement:—

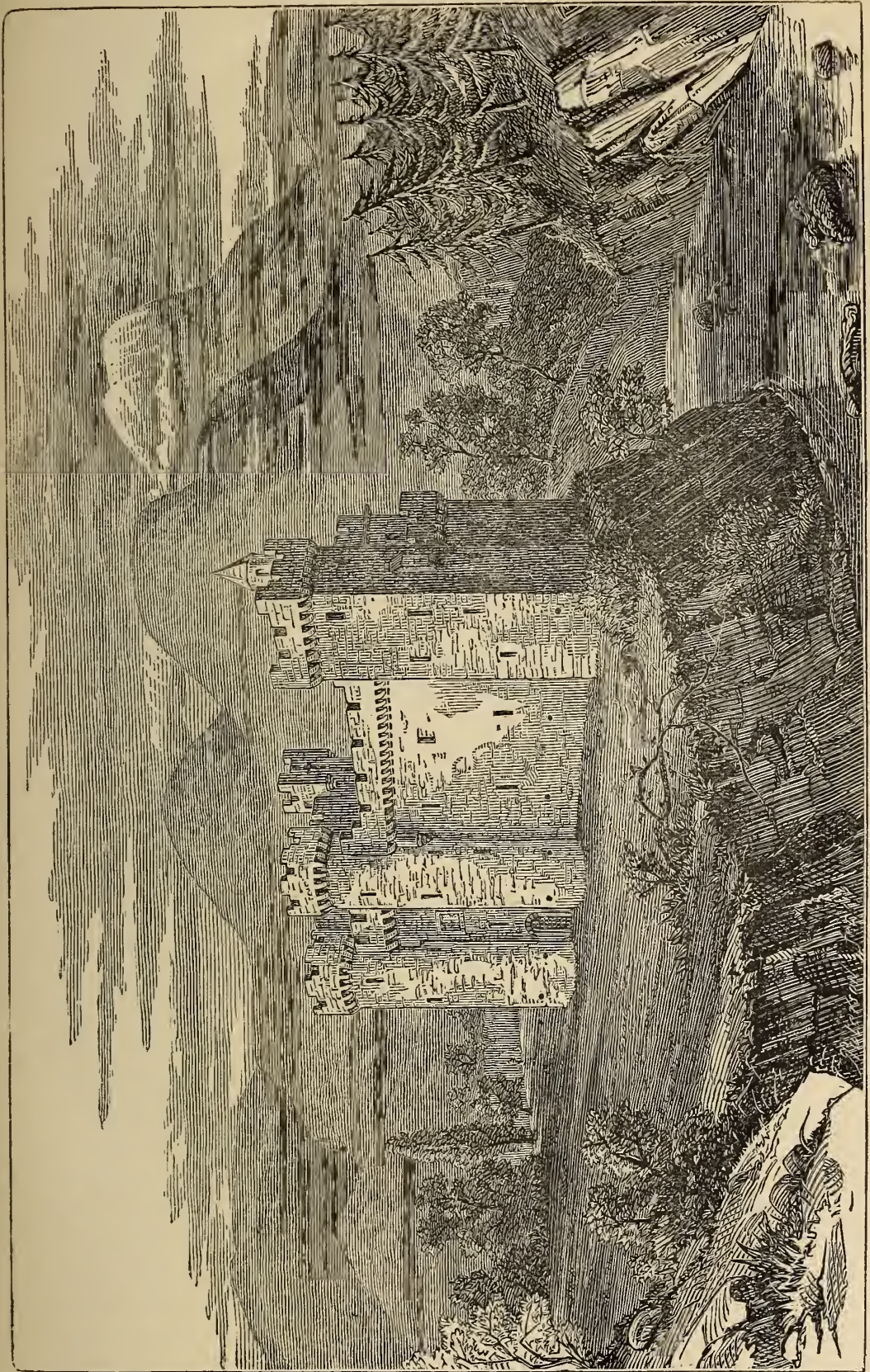
AGREEMENT BETWEEN THE CHAPTER OF THE CHURCH OF MORAY, AND ALEXANDER DE STRYVELINE, REGARDING A HALF DAVOCH LAND OF DEVETH (DAVIOT).

This is the agreement made between the Chapter of the Church of Moray of the one part, and the noble person Alexander de Stryveline of the other, viz., That the foresaid Alexander and his heirs if he any have, by his wife, viz., the daughter of that noble person Freskyn de Kerdal of happy memory, shall hold in feu farm of the foresaid chapter, the half davoch of land which they have at Deveth, and which belongs to the Church at the same place. Giving therefor to the foresaid Chapter for its common table yearly two merks for every service, and demand pertaining to foresaid Chapter, viz., the one-half at Pentecost and the other half at the feast of St Martin in winter next following, and performing the military service attached to foresaid lands. And as often as either shall contravene foresaid agreement he shall in name of penalty give for the use of the fabric of the Cathedral Church 20s, the agreement, however, shall continue and be observed for ever. And for the stable and undoubted testimony of the premises to that part of this writing done in mode of Chirograph, which will remain in the possession of the foresaid noble person Alexander, is affixed the Seal of the Chapter of Moray, along with the Seal of Lord Andrew, Bishop of Moray, with the subscription of the Canons. And to that part which will remain in the possession of the Chapter of Moray, is appended the Seal of the before named noble person Alexander de Stryveline, along with the Seal of the nobleman, Lord Walter Comyn, Earl of Menteach, with the testimony of those who were engaged, viz., Lord F. Earl of Ross, and Lord M. de Alto Monte, Sheriff of Inverness; William Prath, Alexander Ruffi, Merlesweyn, barons; Fercard, Seneschall of Badenoch, Edward, Seneschall of Lochaber, John and John, clerics of the Bishop, and others. Done in the year of Grace 1234."

This deed is closely connected with the Mackintoshes. The present chief is the direct descendant of Ferchard, the

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\* In consequence of its old connection with the family of Mackintosh, three of whose chiefs selected as their title that of "Mackintosh of Tor Castle," and to gratify a whim of the writer, Mr Rhind of Inverness, who visited the spot with him in the summer of 1871, took measurements of, and projecting the ruins, framed the accompanying sketch, indicating Tor Castle as in 1292.





Seneschall of Badenoch, one of the witnesses ; he holds the title of Edward, Seneschall of Lochaber, another of the witnesses ; and is owner of the lands referred to in the deed. Though long incorporated with a large farm, there are people living who can point out Ach-na-heglash or Kirktown of Daviot.

Angus Mackintosh, who materially assisted Bruce, was not restored to his paternal estate—indeed it is said that Bruce demolished the Castle of Inverness—but he was recompensed by other lands. The feud with the Comyns was not settled until 1442, and then, so far as regarded them and the lands of Geddes and Rate, in a highly tragic way. The family of Huntly were then rising into power in the north, and Alexander, Lord Gordon, granted to Mackintosh a charter of these lands, still extant, on the 5th of October 1442. Going, as the Mackintoshes supposed, to take peaceable possession in virtue of this right, and accepting the Comyns' invitation to the banquet, the feud was terminated in the manner narrated in the Statistical Account of the parish of Croy and Dalcross. The stone to which one of the Comyns affected to address himself ; behind which one of the Mackintoshes listened, and received the warning which turned the tables, and proved fatal to the would-be murderers, has ever since this period, and is up to the present day, regarded with interest by the house of Mackintosh.

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## XXI.

### ROBERT BRUCE. 1306-1329. PART FIRST.

So soon as fairly established on the throne, Bruce turned his attention to the settlement of all differences and questions with Norway. As formerly noticed, the agreement made by Alexander III. was ratified ; and at Inverness in November 1312, the adjustment was made between the kings of Scotland and Norway after quoted, of the mischief caused by “evil doers,” as they are styled. Master Roger, of Inverness, Chancellor of Moray, appears to have been engaged in all northern affairs of importance. King Robert, it will be observed, agreed to pay 600 merks in full of all claims for the Orkney affairs. On the other hand, satisfaction was given, *inter alia*, to the unhappy burgesses of St Andrews, whose goods, amounting to £600 value, were

seized, their persons imprisoned, and who, in the pathetic language of the deed, "had, after long imprisonment, and many other difficulties, returned home empty." This last word though simple is full of significance.

Follows the memorandum between the kings of Scotland and Norway, dated at Inverness, November 1312 :—

Memorandum that in the year of the Lord 1312, on the Sunday next after the feast of All Saints (Nov. 1.) at Inverness in Scotland. The Most Serene Prince Lord Haquin Fifth, by the Grace of God King of Norway, by his procurators and special ambassadors, Lord Bernerus de Berkerey his baron, and Ivarus son of Olaus, Canon of the Churches of Bergen and Orkney on the one part; and Robert by the like Grace, King of Scots, personally on the other part, met to treat harmoniously regarding certain injuries and matters of discords between said Kings, the kingdoms and inhabitants of their kingdoms, which had arisen and were committed, and to allay, remove, reform, and correct the same mutually. At which day and place the procurators and Ambassadors of the Lord King of Norway foresaid in name of the said King and his subjects whose interest it concerned, sought that amends be made amicably, and obtained for certain injuries, losses, and troubles inflicted and perpetrated upon the subjects of the said Lord King of Norway, and their possessions within their own lands of Orkney and Zetland, by certain evil doers from the said kingdom of Scotland, both by invasion of the said lands of Orkney, and by the capture of the nobleman Lord Bernerus Peff, Knight, Seneschall depute of the said Lord King of Norway in those parts, who, though his own property was taken and carried off by them, had of necessity to redeem his life out of the hands of the evil doers, with the rents of the said Lord King, which after collecting and levying in the foresaid parts at the time, he had in his possession. The said Lord King of Scotland though he knew himself to be ignorant of the crime perpetrated after this manner, and of the losses inflicted, and to be entirely free of it, yet after having heard the ambassadors, from reverence for the said Lord King of Norway, he declared that the matter was clearly worthy of belief, nor did they hear anything else by report in the foresaid parts. Wherefore, for the sake of the peace entered into between the kingdoms of Norway and Scotland in times past, and to cherish in future a greater love, he agreed to give to the said ambassadors, in name of the said Lord King of Norway, for the losses inflicted in Orkney by the foresaid evil doers, six hundred merks sterling, to be paid to them in reckoned money in the Church of St Magnus in Orkney— which sum of money, so promised for said losses, the said procurators and ambassadors, in name of their said Lord, and their own, freely with consent, and unanimously, agreed to receive in payment, freeing the said Lord King of Scotland, his kingdom, and subjects for ever of all obligation and action because of any kind or hurt done to the said king of Norway, his kingdom, or subjects, —so that if the losses incurred shall in any way extend beyond the sum of six hundred merks, they acknowledge by these presents that they have wholly conceded that, leaving the punishment of said malefactors and their deserts entirely to the pleasure of the foresaid King of Scotland;—the amends to be made for the losses sustained in Zetland, by consent of said ambassadors, remain in suspense until it shall clearly appear what the extent is, after faithful investigation be made by said ambassadors, and when the foresaid Lord King of Scotland shall be sufficiently informed concerning said losses, he will cause reasonable amends to be made for the same. Also, on the part of the said Lord King of Scotland and his subjects, satisfaction was sought and granted in his presence for the imprisonment of his burgesses and merchants of the city of St Andrews in Scotland, who in no way committed offence against the said Lord King of Norway or his subjects, and for the capture of their goods in the kingdom of Norway by the officers and servants of the said Lord King of Norway while they were in his kingdom, which property amounts to the sum of six hundred pounds sterling, and of which property the foresaid merchants were not able to obtain restoration, but, after long imprisonment, and many other difficulties, they returned home empty. Likewise there was sought satisfaction and amends for the capture, punishment, and binding in fetters of Patricius de Monte Alto, Knight of the said King of Scotland, and for the spoliation of his goods in the land of Orkney, by the Bailie of the Lord King of Norway, and the said Patricius, so detained in chains, was obliged to release



himself from chains and save his life by payment of forty merks sterling. And said ambassadors, considering the friendly reply of the said Lord King of Scotland, and the reasonable satisfaction made to their petitions as was proper, assembled, and delivered up, in name of their Lord the King of Norway aforesaid, the goods of the foresaid merchants, taken in the kingdom of Norway, (by the bailies of the King as said is and detained there to this time) to be restored and fully surrendered to said merchants or their attorneys. Accordingly, in any case which occurred before the day of the making of these presents, said goods, in like case, shall not be captured again, just as if said merchants, with their goods, while passing over from the kingdom of Norway were turned back, as if repulsed by tempest. Also, they made amends and restoration for the injuries inflicted upon, and the losses incurred by Patricius de Monte aforesaid, since the truth has been discovered by faithful enquiry, in presence of the subjects of the said Lord King of Scotland to that end deputed. To observe which all and sundry faithfully, the foresaid Bernerus de Berkereye, and Ivarus, son of Olaus, procurators and ambassadors of the Lord King of Norway aforesaid, publicly swore on the soul of the said King and their own; and the said Lord King of Scotland, by the venerable father, Lord Ferchard, by the Grace of God Bishop of Caithness, the nobleman, Lord Magnus, Earl of Caithness, and the discreet man, Master Roger, of Inverness, Chancellor of the Church of Moray, having a special mandate to this effect, swore publicly on his and their souls. In testimony of all which the present memorandum made in mode of indented chirograph, one part of which, remaining in possession of the Lord King of Norway, is signed with the seal of the said Lord King of Scotland; and the other part, remaining in possession of the said Lord King of Scotland, is signed, for the sake of truth and steadfastness of good faith, with the seals of the said ambassadors, in the name of their Lord, along with the seals of the venerable father, Lord William, by the Grace of God Bishop of Orkney, and of the nobleman, Lord Magnus, Earl of Caithness and Orkney.

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## XXII.

### ROBERT BRUCE. 1306-1329. PART SECOND.

In the great Charter by Bruce to his nephew of the Earldom of Moray, from which parts are hereafter quoted, it may be observed that the King granted full lieutenancy and regality—in fact, as much as it was possible to grant. Randolph thus became not only Earl, but in effect King of Moray, with full, complete, and sole jurisdiction within the limits of the province. It is to be noted that the ancient burghs of Elgin, Forres, and Nairn, which formerly held of the King, were to some extent deprived of their former privileges, being ruled in future to hold of the Earl of Moray and his heirs, thereby undoubtedly lowering their status. Inverness is, however, excepted.\* From it Randolph is only to draw certain emoluments, the town's

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\* The following translation of part of the Charter, given in the Second Edition of Shaw's Moray, is unique:—*Salvo etiam nobis, et heredibus nostris, in hac donatione nostra, burgo Nostro de Inverness, cum loco Castellii, et terris ad dictum burgum pertinentibus, cum piscatione aquae de Ness, &c., &c.* Thus translated—Reserving also from this our donation, to ourselves and to our heirs, our *Citadel* of Inverness, with the ground of the Castle, and the lands pertaining to the said *Citadel*, with the fishery of the river Ness, &c., &c.

liberties and privileges remaining unaltered. The site of the Castle is also reserved, which would infer that the building had been demolished during the preceding troubles, but that it was intended to re-establish a stronghold.

EXTRACTS FROM BRUCE'S CHARTER TO RANDOLPH.

After granting full lieutenancy throughout the Province of Moray, the Charter proceeds :—

Together with our great custom of the burgh of Inverness and with the cocket therof, with their liberties in all things, excepting only the small custom of said burgh, with full power of attaching, accusing and in all administering and judging all of said Sheriffdom who shall do skaith, hurt, or loss unduly to foresaid custom, as freely in all things as we or any of our officials might in the premises attach, accuse, administer or judge said transgressors; and that the said Earl and his heirs may in future as freely and quietly hold and possess the fines, escheats, and forfeitures thereto belonging as we or any of our predecessors have at any time held said fines, escheats, or forfeitures: Wherefore we strictly charge and command our Sheriff of Inverness and his officers, and the Provosts and officers of said burgh who may for the time be, and others whom it concerns that they be attending and succouring, advising and assisting in the premises the foresaid Earl and his heirs foresaid and their officers, our royal power being invoked in this matter, if it be necessary without any other special mandate of ours intervening. We will also and grant that the said Thomas and his heirs foresaid have, hold, and possess said Earldom with the Manor-house of Elgin, which we also wish to be held and called as the chief Mansion-house of the Earldom of Moray, with all other Manor-houses, burghs, towns, thanages, and all our royal lands, rents, and exits contained within foresaid marches, with advocations of churches, &c. We also will and grant from us and our heirs that all barons and free tenants of said Earldom who hold of us and our predecessors in chief (*in capite*) and their heirs, shall perform to the said Thomas and his heirs foresaid, homage, fealty, suit, court, and all other services, and shall also hold their baronies and tenements of him and his heirs foresaid, reserving, however, the barons and free tenants foresaid and their heirs, and the rights and liberties of their courts in so far as rightly used. We also will and grant that the burghs and their burgesses of Elgin, Forres, and Invernarne (Nairn) have and exercise the same liberties which they had in the time of Lord Alexander King of Scots foresaid and in ours, reserving only this that they held of us without mediate (*Sine medio*), and now they hold of the said Earl with said liberties: Reserving also to us and our heirs in this our donation our burgh of Inverness with the site (*loco*) of the Castle and the lands pertaining to said burgh with the fishing of the Water of Ness, and with the mills of said burgh with the sequel of said burgh and of the lands belonging to said burgh only.

At page 26 of Robertson's Index, reference is thus made to Thomas Randolph:—"Carta to Thomas Ranulph, Earl of Murray, the isle of Man, 100 merks sterling, at Inverness." He also obtained a charter of the new customs and coquet of Inverness, to which the foregoing doubtless refers.

The King in 1313 granted a charter to the friars of Inverness of a yearly gift of £10 sterling in these terms:—

Robert by the Grace of God King of Scots,—To all good men of his whole realm; Greeting: Know all present and future, that for the honour of God, and of the glorious Virgin Mary His mother, and of the blessed Bartholomew, we have given, granted, and by this our present Charter confirmed to the Preaching Friars of Inverness, in gift to their Church, £10 sterling yearly, to be paid by the hands of our Provosts who may for the time be from the rents of our burgh of Inverness: To be had and held by the said Friars serving, and who in future may serve God for ever, of us and our heirs in free, pure, and perpetual charity; and to be paid yearly by the hands of said Provosts in the Town of Inverness, from our rents of the Town as is aforesaid, at two terms of the year,

viz.—the one half at the feast of St Martin in the winter, and the other half at the feast of Pentecost. In testimony of which matter we command our seal to be appended to this our present Charter. Witnesses—our beloved brother Edward de Bruss, Earl of Carrick ; our nephew Thomas Randolph, Earl of Moray ; John de Menteith, Robert de Keith, our Mareschall of Scotland, Gilbert de Haya, and Henry de Saint Clair, Knights : At Dundee, the twenty-first day of the month of October, in the eighth year of our reign (1313.)

Churchmen did not always agree among themselves, and amongst others the house of Pluscarden seem to have disowned the authority of the Bishop of Moray. They were, however, brought to confess their errors. For, on the 20th October 1345, there met in the chapter-house of the Cathedral Church of Moray, Lords John and Richard, Bishops of Moray and Dunkeld, the Dean and Chapter of Moray, and others, before whom William of Inverness and Adam Young, monks of the house of the vale of St Andrew of Pluscardy, of their own accord confessed under pain of excommunication ; and acknowledged that the Bishops of Moray had, have, hold, and exercised visitation and correction as often as it seemed expedient to them, and that they also have power to appoint and remove priors and friars in said house. The witnesses to the document, which is entitled “ Regarding the Visitation of the House of Pluscardyn,” are the above reverend fathers, and among others John of Inverness, Chancellor and official of Moray. Thomas John Boner, of the diocese of Ross, acts as notary, by virtue of apostolic and imperial authority.

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### XXIII.

#### ROBERT BRUCE. 1306-1329. PART THIRD.

In the year 1325, Robert directs a precept to the Sheriff of Inverness, to do full and speedy justice at the suit of the burgesses of Inverness, against all invading their privileges, by buying and selling in prejudice of them and the liberties of the burgh. Mr Roger of Inverness, clericus, in this reign, receives a charter of the lands of Fintray and Balmaly, in Buchan. There is also a memorandum of complaint lodged against the Sheriff of Inverness, by Simon Fraser and Margaret his wife.

It was observed in the preceding chapter that Randolph had plenary power in the province of Moray. It is mentioned in the Scoti-chronicon “ that he (Randolph) continued

on in his course dispensing justice even to Inverness, where it was told the Judge that a certain person lately returned from the Court of Rome, had been found by chance in the court of justice, who was arrested for the slaughter of a priest, and accused of spilling the blood of a loyal subject. Although it was sufficiently shown he was absolved from the crime, yet it was necessary that he should be punished for the offence, and by a punishment so much the more severe, as he was not afraid to have laid sacrilegious hands upon the anointed (priest) of the Lord. The murderer of the priest is accordingly destroyed, his blood is returned upon his own hand, and the justice of the just judge is extolled on all hands."

The historian adds—"And neither is it a wonderful matter if a secular judge avenges the murder of a priest, since even an ecclesiastical judge punishes this crime. For we read that in the diocese of Moray, a certain knight slew a priest, and immediately sought to be absolved by his ordinary, John, Bishop de Molendinis. The Bishop, however, knowing that a case of this kind should be reserved for his Apostolic superior, sent him to the Court of Rome, where he obtained absolution; and on his return he brought a letter to the Bishop, setting forth that he had been absolved, and nothing remained but that the Bishop should enjoin him a salutary penance. He (the Bishop) gave him permission to die in prison, testifying in this way, before God and men, that he inflicted a salutary penance upon him for his crime."

Prior to this period, there were but few charters, and the answer of the barons to the King, that their swords were their rights, was doubly true. In the reign of David II., however, and especially after his return from captivity, the charters and records become so numerous, that in place of painfully searching for any documents whatever, in a reign, it will now be necessary to make selections. Very many writs, dating from 1365 to 1500 remain, which illustrate in a great measure the holding of property within the burgh and its territory.

In the reign of Robert Bruce, in all probability, lived the last in the male line of the proprietors of Auld Castlehill, but his surname is, so far as we are aware, unknown. Where the names of the burgesses of Inverness are given, prior to David II., it is only their Christian names, for instance—in an agreement between the Bishop of Ross and John Byzett regarding the church and lands of Kiltarlity, one of the witnesses is Peter, burgess of Inverness. This deed is

dated in 1226. The two sisters, heiresses of the Auld Castle, appear in the reign of David II., and were named Susanna and Edua. That one of these married a Cuthbert, through whom that family acquired Castlehill about 1368, has hitherto been generally considered correct. If, however, this were so, the male line again failed about a century later, for we find betwixt the years 1440 and 1456 frequent mention made of Donald of the Auld Castle, who is witness to many deeds. No surname is given to him, and in 1458 a deed is found bearing to be granted by Elena Guys (Gray?), lady of Auld Castle, with consent of Thomas Gray, her husband, wherein she refers to her predecessor and *uncle*, Donald of the Auld Castle.

In the brieve granted by James VII., in the year 1686, to satisfy the descent from gentle blood of the French Minister, Colbert, the latter traces himself thus :—Edward, his seventh progenitor, in a right line, settled in France ; being a son of Edward, younger son of Castlehill, his mother being Margaret Lindsay of Edzell. The grandfather of Edward who settled in France was George Cuthbert of Castlehill, married to Marjory Rose of Kilravock. George was son of James of Castlehill by Joan Fraser of Foyers. James was son of George of Castlehill by Catherine Dunbar of Tarbat. George was son of James Cuthbert, baron of Castlehill, and Lady Elizabeth Lyon of Glammis, a descendant of the Lord Glammis, son-in-law of Robert II.

With this James the pedigree commences abruptly, and it is matter of regret that it cannot be cleared up satisfactorily how or when the Cuthberts acquired Castlehill. That they had an extraordinary hold in the burgh and neighbourhood betwixt the years 1550 and 1700 is undoubted, and we conclude this chapter by giving the declaration of the burgh of Inverness against the Covenanters, which all public bodies emitted upon the restoration of 1660, in illustration of their number and position in the Council at that period—

We do sincerely affirm and declare that we judge it unlawful to subjects upon pretence of reformation or other pretence whatsoever, to enter into leagues and covenants, or take up arms against the King or those commissioned by him. And that all these gatherings, convocations, petitions, protestations, and erecting and keeping of council tables, that were used in the beginning and for the carrying on of the late troubles were unlawful and seditious ; and particularly that these oaths whereof the one was commonly called the National Covenant (as it was sworn and explained in the year One Thousand Six Hundred and Thirty-Eight and thereafter), and the other intituled A Solemn League and Covenant, were and are in themselves unlawful oaths, and were taken by and imposed upon the subjects in this kingdom against the fundamental laws and liberties of the same. And that there lyeth no obligation upon me or any of the subjects from the said oaths or either of them to endeavour any change or alteration of the Govern-

ment, either in Church or State, as it is now established by the laws of the Kingdom.

Signed—Al. Cuthbert, Provost of Inverness; John Lockhart, bailie; John Hepburne, bailie; A. Fraser, bailie; Jo. Cuthbert, bailie; Robert Bailzie, Dean of Guild; William Baillie, treasurer; Jo. Cuthbert, Counsellor; John Polson, Counsellor; William Robertson, Counsellor; Alex. Grant, Counsellor; Jo. Cowy, Counsellor; Robert Chapman, Counsellor; James Cuthbert, Counsellor; R. Rose, Counsellor; A. Rose, Counsellor; Jas. Cuthbert, clerk.

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## XXIV.

### DAVID II. 1329-1370. PART FIRST.

One of the first deeds in this reign, connected with Inverness and its neighbourhood, is a charter dated at the Castle of Urquhart, on the 4th of July 1342, granted by William, Earl of Ross, in favour of Reginald, son of Roderick of the Isles, of ten davochs of land in Kennetal, lying, it is said, in the county of Argyle. The gathering in the Castle was important, as the following are described as witnesses:—The Venerable Fathers in Christ Lords John and Roger, by the grace of God, Bishops of Moray and Ross; Robert de Lauder, James de Kerdale, and William de Mowbray, Knights; Sir Thomas de Lichton, Canon of Moray, John de Barclay, Adam de Urcharde, John Young de Dyngwall, and many others, cleric and laic. This charter is confirmed by King David in the year 1344.

William, last of the Earls of Ross of the original line, granted two charters of two davochs of land—viz., South Kinrara and Dalnavert, in Badenoch, in favour of Malmoran of Glencharny. The first is without date, but the above William de Mowbray, and John de Barclay, are witnesses. The second charter is dated at Nairn the 22d day of November 1338. Nearly a century later these charters are for some object confirmed by Alexander de Yla, Earl of Ross, great grandson of William, whose confirmation is dated at Kessock, before these witnesses:—Celestine of the Isles, his son, John Macleod of Glenelg, Torquil Macleod of the Lews, John Ross of Balnagown, George Munro of Fowlis, Nigel Macleod, his Seneschal, Nigel Flemyng, his Secretary, with many others. There is no date, but it was probably between 1428 and 1448. In 1497 these lands, which had meantime been attached to the Barony of Dunachton, passed on the marriage of the heiress of the Barons Macniven, to the family of Mackintosh. This Kinrara was styled of old

Kinrara-na-choille, Kinrara of the woods, a title which it merits to this day, because of the fine timber which grows there naturally.

Upon the 31st December 1344, King David grants a letter in favour of the Burgesses of Inverness, which we think has never hitherto been noticed. It has neither date nor witnesses. The letter is in these terms:—

David by the Grace of God, King of Scots, to all good men, his subjects, to whom these present letters shall come; Greeting: Know that we have granted to our Burgesses of Inverness, and their heirs, that no Justiciar, or any other servant of ours, except our Chamberlain, to whom it pertains by office (*ex officio*) shall sit in judgment or investigate as to the correction or punishment of the measures or weights of our said Burgesses of Inverness—the investigation, correction, and punishment of which we commit for ever to our Chamberlain only by these presents; Therefore let all, whose interest it is, know that we command and order that no one presume to harass or annoy our said Burgesses of Inverness in any way in face of this our grant, under the pain of losing all that according to our royal laws (*regiam majestatem nostram*) he might lose: In testimony of which matter our seal is appended to these presents. Given at Netherdale the last day of December in the year of our reign the sixteenth.

There can now be little doubt that the Parochial Church of Inverness, dedicated to St Mary, stood within the Chapel Yard Burial-ground, or that the High Church stands on the site of the church dedicated to St Michael. During the reign of David II. frequent donations and sales were made to the churches and altarages in Inverness, and amongst the earliest now extant is the following sale by Nicholas, of the burgh of Forres, to the Altar of the Holy Cross, in the Parochial Church of St Mary's, dated at Inverness on the 4th day of February 1363:—

To all who shall see or hear of this charter Nicholaus de fforays, grandson and heir of Thomas Gryme, late burgess of Inverness; Greeting in the Lord: Know that I for the increase of divine worship in lieu of 40s. in reckoned money, paid by Master Eustachius, now Vicar of Inverness and burgess thereof, and by me fully received, have sold, given, granted, and by this my present charter, confirmed to God and to the Altar of the Holy Cross, in the Parochial Church of Inverness, and for the maintenance of a chaplain there, to worship for ever, one acre of my arable land lying in the upper plain of the old Castle of Inverness, called the Mill-flat, extending in breadth 'twixt the land of the said Holy Cross at the west on the one part, and the land of John Scott, burgess of the said burgh of Inverness, at the east on the other, and in length from the highway of the mill called the King's, on the south at the head, stretching towards *le Bromybane* to the north at the end: To be held and had the said acre of land with the pertinents by God, and the Altar of the Holy Cross foresaid, and the chaplain worshipping there, of me and my heirs for ever, freely, quietly, wholly, and honourably: And I, Nicholaus de fforays aforesaid, and my heirs, shall warrant, acquit, and for ever defend the said acre of land, with the pertinents to the foresaid Altar of the Holy Cross, and to the chaplain there who shall for the time be celebrating divine worship against all men and women: And if it happens, which God forbid, that I, my heirs, assignees, and others who shall succeed us by whatsoever title, go against, or impugn this my pious sale, donation, and concession, I oblige me, and my heirs, assignees, and all others our successors by whatsoever title, in one hundred shillings sterling, to be paid in name of penalty before any legal steps, towards the fabric of the Cathedral Church of Elgin; Renouncing hereby all remedy of law, canonical or civil,—this present Charter, however, to remain for ever in its own strength; In witness of which thing my seal is appended to this present Charter, and for the greater security and evidence of this transaction, I have procured and caused to be appended

to the present Charter the common seal of the Burgh of Inverness, together with the seal of the foresaid Master Eustachius, vicar thereof. Given at Inverness, the fourth day of the month of February, in the year of the incarnation of the Lord 1363. Witnesses—John Scott, John de Coule, Welande de Scykklaw (Chisholm), Thomas le Grant, William the Doomster, Thomas Dyll, Briseus Pyot, Symon, son of Henry, Andrew Chepman, burgess of the said place of Inverness, and many others.

The acre in question would appear to form part of the lands of Milnfield, and the deed shows the antiquity of the name of Kingsmills.

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## XXV.

### DAVID II. 1329-1370. PART SECOND.

John Scot, burgess of Inverness, was a liberal benefactor of the Church at Inverness in this reign. The following deed is entitled, though not quite correctly, "The Foundation of the Chapel, and also of the Chaplaincy of the Blessed Virgin Mary of Inverness." The two roods in question, with the house to be built thereon for the chaplain, no doubt lay at the back of the present wall of the Chapel-yard, and now form part of the glebe of the second minister of Inverness:—

To all who shall see or hear of this writ, John Scot, burgess of Inverness, wishes salvation in the Lord: Let all know that I am bound and by good faith am more firmly obliged to Sir Ade (Adam) de Narryn, chaplain, and to the chaplains his successors who may, for the time, be in the chapel of the Blessed Virgin Mary of Inverness, for the purpose of continually performing their divine functions, in the sum of a hundred shillings of sterling money, to be received annually from me and my heirs for ever, at two terms in the year, to wit, the one half at the feast of Pentecost (Whitsunday), and the other half at the feast of St Martin in the winter (Martinmas). I also confess that I and my heirs are bound to build for the said Sir Ade and the chaplains his successors in time to come, in the first year of the said Sir Ade's entrance on his duties, a sufficient dwelling-house upon the two roods of land lying contiguous to the wall of the burying-ground of the foresaid chapel on the eastern side thereof, one of which roods Matilda Deefe (Dyll?) presented to the foresaid chapel; but the second I and my heirs hold of the Vicar of Inverness who may for the time be, and also to build a sufficient fence round about the said dwelling-house and a passage leading to the same, at the term of the entrance upon office of the said Sir Ade, beginning at the feast of the apostles Philip and James (1st May), of the year of grace 1362: To be held and possessed, the foresaid two roods of land, with the dwelling-house, passage, and pertinents whatsoever, by the said Sir Ade and the chaplains his successors for ever of me and my heirs, freely, quietly, and peaceably; which two roods of land with the dwelling-house, passage, and their pertinents as said is, I and my heirs shall warrant and defend to the foresaid Sir Ade and the chaplains his successors for ever against all mortals: And if it happen that I or my heirs, which God forbid, fail in the payment of the said sum of money within the twentieth day after the lapse of any of the above said terms, or resile in any way whatever from any of the foresaid obligations to the hurt of the foresaid Sir Ade, or of his successors, I and they shall give, for every week during which we shall abstain from making payment of the said sum of money, two shillings sterling in name of penalty, to be devoted



to the lighting of the Holy Cross of the Cathedral Church of Elgin: And I, John Scot foresaid, and my heirs, shall give, we being induced thereto by special affection, every year to the said Sir Ade, for all the term of his life only, a fit and suitable robe (adorned) with fur, at the feast of St Andrew's (November 30th) in the winter, to be worn by himself. I have also given up for me and my heirs to the said Sir Ade, for the term of his life only, one acre of my land, lying in the Shypplat (Ship lands), between the land of William, surnamed Walkere, at the south on the one side, and my own land on the other in breadth, and in length between the highway, which is called Scathegat, and the water of Ness; And for the observing of the premises, all and each faithfully, I bind me and my heirs, and all the lands and possessions which we have, or in time to come may have, within and without the burgh of Inverness: And, if it happen, which God forbid, that I or any one of my heirs contravene the premises, or any of the premises, or say them nay in any way, we shall give in name of penalty to the edifice of the Cathedral Church of Elgin, before the beginning of any lawsuit, one hundred pounds sterling, notwithstanding the present obligation, which shall endure perpetually in its own strength, and we submit ourselves to the jurisdiction of the Bishop of Moray, and of his official who may for the time be, that it may be lawful to them or one of them to compel us more strictly to observe all the premises by every manner of ecclesiastical censure. In testimony of all which my seal is to these presents appended; and for the greater security, I have procured to be appended to these presents the seal of the venerable father in Christ, Lord John, by the Grace of God, Bishop of Moray, along with the seal of a discreet man, Master Eustachius, now vicar of Inverness. Given at Inverness, the 8th day of the month of August, in the year of the incarnation of our Lord, 1361.

Members of congregations who delight in presenting their favourite ministers with Geneva gowns, may take a hint from the worthy John Scot, who gave the chaplain, at the beginning of each winter, a robe adorned with fur, which enabled him not only to make a creditable appearance, but also protected him against the blasts of winter.

The following by John of Inverness, Chancellor of Moray, is curious, in respect of its minute directions as to the keeping up of prayers for the dead, and the avoidance, as it is termed, of the souls "being long without the wonted aids of intercession." A time was coming when the wishes of this devout John, who prayed that God Omnipotent might visit and protect the conservors of his ordination, but divine justice strike the violators, were to be set at nought. In Inverness all the churches, church-yards, manses, and salaries, were granted to the burgh, burdened with certain meagre allowances for eleemosynary purposes. Follows John's bequest:—

John of Inverness, Chancellor of the Church of Moray, to all who shall inspect the present letters; Greeting, eternal in the Lord: Know all, that since my Lord John de Moravia, Pantler of Scotland and his heirs, are held obliged to pay at Elgin yearly for ever to me and my assignees, eight merks sterling as in his charter made to this effect is more fully contained, I, the foresaid John, ordain and assign six merks of the foresaid eight merks to be paid yearly for ever at two terms of the year; to wit one-half within 15 days after the feast of Pentecost, and the other half within 15 days after the feast of St Martin in winter, to a chaplain to worship for ever in behalf of my soul, the souls of my father and mother, the soul of Lord Andrew de Moravia, of good memory, father of the foresaid John, and the souls of all the faithful dead, at the Altar of the Holy Cross in the Church of the Holy Trinity of Elgin, which chaplain shall wear a habit in the Church and at all divine hours both day and night, as shall be held to be that of a chaplain founded in the church for the

first time: Item—I ordain and assign two shillings and eight pence of annual rent to be paid yearly into the treasury for providing bread, wine, and wax for the foresaid chaplain; And I desire that when the foresaid chaplain goes away, another be appointed in his place as quickly as possible, that the souls foresaid may not long be without the wonted aids of intercession. Item—I ordain and assign ten shillings of annual rent together with other ten shillings elsewhere assigned, to be distributed yearly on the day of my anniversary in the same manner as distribution is made on the anniversary of Master John de Spaldyng. Item—I ordain and assign ten shillings of annual rent, to be distributed yearly on the day of the anniversary of Lord Andrew de Moravia among the chaplains and vicars who with distinction are personally engaged in performing the duties of his funeral rites—the absent and unpunctual are totally excluded. Item—I ordain two shillings to be paid yearly for ever for the lighting of the Holy Cross, and two shillings sterling for the lighting of the Blessed Virgin Mary, so that the church and the holders of said lights may be able yearly on the day of the anniversary of the foresaid Lord Andrew, when they are performing the offices of the dead for him, to serve four wax lights burning round his tomb. May the Grace of God Omnipotent now visit and protect the conservors of this my present ordination, but let divine justice strike the violators. Amen! In testimony of which matter my seal together with the common seal of the chapter is appended to these presents. Given at the Chanonry of Elgin in the year of the Lord 1351, the 20th day of the month of April.

John de Moravia, Panetarius (Pantler)\* of Scotland, founded a chaplaincy from the rents of Altirlies and Croy, under the following circumstances:—Master John of Inverness, before-mentioned, wishing to found and endow a chaplainship within the Church of Moray, for the good of his soul, and that of Andrew de Moravia, gave John de Moravia the sum of 100 merks, so as to provide an annual rent of eight merks. This shows that the rate then current was eight per cent. Accordingly John de Moravia acknowledged the money, and granted an obligation as above. The foregoing deed is the order by Master John of Inverness for its distribution. The foundation is confirmed two years afterwards, in 1353, by Thomas de Moravia, younger brother of John.

From the *Taxaciones beneficiorum Episcopatus Moraviensis*, compiled in 1350, it would appear that the Deanery of Inverness consisted of the twenty-four heads after quoted. The total stipend of the Dean would only amount to about £80 calculated as of present value:—

	Merks.
1. STIPEND of the DEAN ... ..	120
2. CROY ... ..	23
3. STIPEND of PETTY ... ..	38
4. VICARAGES of the same ... ..	4
5. VICARAGES of BRACHELI ... ..	4
6. CHURCH of ABERTARFF ... ..	4
7. VICARAGES of the same ... ..	6
8. CHURCH of DUNLICHITY ... ..	15
9. DAVIOT ... ..	10
10. ABRIACHAN ... ..	2
11. DALCROSS ... ..	18
12. VICARAGES of the same ... ..	2
13. Do. of WARDLAW (Kirkhill) ... ..	3

\* Panetarius (Pantler) the officer of the King's Household who takes charge of the provisions.

	Merks.
14. KILTARLITY ... ..	3
15. CHURCH of INVERNESS ... ..	40
16. VICARAGES of the same ... ..	20
17. CHURCH of EVEN (Bareven, Cawdor?) ... ..	13
18. VICARAGES of the same ... ..	4
19. DALAROSSIE ... ..	3
20. FARNAWAY (Kirkhill) ... ..	3
21. CHURCH of DORES ... ..	24
22. VICARAGES of the same ... ..	8
23. CHURCH of CONWAY ... ..	24
24. VICARAGES of the same ... ..	4

*Summa*—273 pounds, hence tenths £27 6s 4d.

In 1364 the name of John de Hay of Tullybothil appears as Sheriff of Inverness.

XXVI.

DAVID II. 1329-1370. PART THIRD.

As many writings connected with Inverness at this period refer to pious donations, it is proper to give explanations of some of the offices and duties performed, in order to enable the reader the better to understand the objects of the deeds. The following extract from Shaw contains these explanations, perhaps in as distinct and popular a form as can be desired:—

Chaplains were those clergy who officiated in chapels; and these chapels were of different kinds.

In parishes of great extent, Chapels of Ease were erected in distant corners for the conveniency of the aged and infirm, and the rector of the parish maintained a curate there to read prayers and sing masses. Vestiges of such chapels are to be seen in many parishes.

Some chapels were called Free Chapels, which were not dependent on any parish, but had proper endowments for their own ministers, whose charge was called “a chaplainry,” and the minister “a parochial chaplain.”

Generally such chapels as had churches, church-yards, and glebes were, I think, either Chapels of Ease or Free Chapels.

Besides these, there were domestic chapels or oratories built near the residence of great men, in which the domestic chaplain or priest officiated.

Such chapels were at Calder, Kilravock, Boharm, &c.

And almost in every parish there were private chapels, one or more, built by private persons, that masses might be said or sung there for their own souls and that of the souls of their friends.

Some small salary was mortified for that end, and usually granted to the priest of the parish.

In the College of Elgin, I find the private Chapels of St John, St Thomas, St Colin, and the Holy Cross.

The office of saying mass in such chapels was called chantry or chanting masses. The salary for the priests’ officiating, or saying mass at an altar, was called altarage.

The service performed for the dead, how soon they expired, was the Obit, and the register of the dead was called obituary.

In the first antiphone of the office of Obit are the words *Dirige nos Domine*, and hence came the Dirge.

Sir Robert de Chisholm's deed to the Holy Rood is after quoted. It is in beautiful preservation with Sir Robert's seal fresh and entire. The proceedings of a court held by Sir Robert are also given.

There appear to have been two Sir Roberts—father and son. The second Sir Robert Chisholm's issue in male descent shortly failed. The present family of Chisholm are descended of Alexander Chisholm, second son of the first Sir Robert, who married Margaret of the Ard, and as portioner of the Ard does homage to the Bishop of Moray in 1368.

The lands contained in Sir Robert's deed, form those known as Direbught, mortified to, and now in possession of, the kirk-session; and thus, though indirectly, the revenues go as directed by Queen Mary's charter, when gifting the Church revenues within the territory of the burgh of Inverness after the Reformation.

Sir Robert's deed is endorsed, "A charter of six acres pertenant to ye Rud," and is as follows:—

To all who shall see or hear of this charter, Sir Robert de Chesolme, Lord of the same, wishes eternal salvation in the Lord: Since it is known to all that all flesh returns into dust, and that there is nothing after death except He who is the true safety and who redeemed the human race on the cross; Hence I make it known to all by these presents that I have given, granted, and by this my present charter confirmed for the salvation of my soul, and of the souls of my successors and predecessors, and of all the faithful, six acres of arable land lying within the territory of the old castle in the lower plain thereof, between the land of Edua of the said old castle, in breadth at the east on the one side, and the land which is called *le Burrofelde* at the west on the other, and in length stretching from the common highway of our Lord the King at the south, and the land which is called *Hevydland* at the north, for making an increase of divine worship for ever to the altar of the Holy Rood of Inverness. To be held and had the said six acres of land by the said altar of the Holy Rood of the said Church for making perpetual increase there, from me and my heirs and assignees, freely, quietly, fully and honourably, and according as I, the said Lord, gave, or could give, within the kingdom of Scotland, all and sundry, or particular lands for the increase of chapel, church, or of any other, by all right possible, canonical or civil, the said six acres of land. I acknowledge by these presents that I have given and granted them freely, quietly, clearly and honourably, for ever, and I, the foresaid Robert, my heirs, successors, and assignees, whomsoever shall warrant, and acquit, and for ever, defend the said six acres to the foresaid altar of the Holy Rood of the foresaid Church of Inverness, for the subsistence of one chaplain there, performing (divine worship); and if it happen that I, my heirs, successors, or assignees whomsoever, contravene this my pious donation and grant, which God forbid, I will and grant, as also by these presents oblige my person, the persons of my heirs, successors, and assignees whomsoever, and the lands of myself, my heirs, successors, and assignees, for ever, as far as by law I shall be able in any manner, to be excommunicated, interdicted, and bound by every manner of ecclesiastical censure, by means of the Bishop of Moray, who for the time shall be, or of his chapter; under penalty of forty pounds of good sterling money, to be paid to the building of the Cathedral Church of Moray before any step of law, without any remission; this present charter, nevertheless, enduring by its own strength. In witness of which thing my seal is appended to these presents; and for the greater security and evidence of this matter, I have procured and caused the seals of the chapter of the Church of Moray and of the official of the same, along with the seal of the community of the burgh of Inverness, to be appended to this present charter: Given at Inverness on the feast of the exaltation of the

Holy Rood (14th September), in the year of the Lord, one thousand three hundred and sixty-second: These, with many others, being witnesses, the discreet man, Master Eustachius, vicar of Inverness, Thomas de Fentoun, alderman of the same, John Scott, Thomas Grant, John de Coule, Weland Shislach, and Symon, son of Henry, burgesses.

The proceedings of the Court, held at Balloch Hill, are as follows:—

In the progress of the Justiciary Court of the Regality of Moray, held by me, Robert de Cheshelme, Lord of that Ilk, Justiciary of the said Regality of Moray, at Le Balloch Hill near Inverness, the 26th day of January in the year of Grace 1376, and in presence of the noble and powerful Lord John de Dunbarre, Earl of Moray: Compeared at the bar, James, son of Stephen, burgess of Inverness, cited by William Lambe, Sheriff of said Regality, in the Sheriffdom of Inverness, to answer and show in what manner and in what way he held and possessed those six acres of land lying on the west side of the land of Deyrbowchte (Direbought), between the land of the nobleman Sir William Pylche on the one side, on the one part and the Highland Road (*viam Scoticanam*) by which we go to Drekechys (Drakies) towards the south, on the other, in breadth. The said James mentioned that he occupied and held the said six acres of land of the sisters Eufamia and Edua, once owners of the old Castle, in feu and heritage, and he likewise produced the charters of the said ladies of the old Castle. Patricius de Crawfordde, as mandatory of said noble and powerful Lord John de Dunbarre, Earl of Moray, asserted in name and on behalf of said noble Earl that any one holding any land in feu and heritage cannot sell or alienate the same without permission of and confirmation by his Lord Superior, specially procured or obtained for that purpose. But the same James alleges in his own behalf that he had a good and clear confirmation of said six acres of land by the grandfather of the said noble Lord John de Dunbar, Earl of Moray, viz.—by Lord Thomas Kanulphi's father, late Earl of Moray. The said Patricius de Crawfordde thereupon sought sight of said confirmation: Whereupon the said James protested and clearly showed that the said confirmation had been in safe keeping along with his very many other evidents in the custody of a late particular friend in the house of the Preaching Friars of Inverness, and had been burnt there and completely destroyed, at the time of the burning of said house. Upon this, the said Patricius asked for caution. The said James asked permission from the judge to go to advise and consult with his friends about the finding of said caution. The said James was allowed, and went away under sure caution for a little while out of court in company with his advisers. So when James had taken counsel, he returned and presented himself in court, declaring and finding the said caution that the said confirmation was completely burnt as aforesaid, and upon this he placed himself at the disposal and determination of an assize of the good men of his country. Whereupon Patricius de Crawfordde, by express command of said noble Lord the Earl of Moray, collected and raised for the disposal and determination of the premises, the better, the more ancient, and more faithful of those then in attendance at said court, a great oath being administered to them, viz., those under-written noblemen—Sirs Robert de Innes and William Pylchee, Knights; Alexander de Moray, Lord of Coulbyn; Hugh de Rose, Lord of Kilravock; Adam Flemyng, Ingeramus de Wenton, Eugenius de Berkeley, Thomas de Brothy, Gilbert de —on, Thomas de Wenton, John de la Cow—, William Lambe, Henry de Doles, and Lawrence Blac, with many others: Which assize thus carefully sworn to speak concerning the truth and certainty of the premises pronounce clearly, and boldly declare, that they very often saw and heard such a confirmation read in many Courts of the Sheriffs of the Regality of Inverness, held by Galfridus de Munbeyn, and also by Alan de Wenton, the Sheriffs of the Regality of the Sheriffdom of Inverness: And this I, Robert de Cheshelme, lord of that Ilk, as Justiciar, by virtue of my office, testify by means of these presents: In testimony of which thing my seal, along with the seals of those who were engaged from among those present at said assize, is appended in witness of the premises: Given and done, day, place, and year foresaid.

## XXVII.

## DAVID II. 1329-1370. PART FOURTH.

King David granted in 1359 to the chaplain of the Church of the Blessed Mary certain lands at the Carse. This deed has been printed in "Antiquarian Notes." It was followed by an Instrument of Resignation of the lands by the community of Inverness, dated 4th March of the same year, and is as follows :—

*Resignation of a Piece of Land by the Community of the Burgh of Inverness.*

The burgesses and community of the burgh of Inverness, to all who shall see or hear of these letters ; Greeting eternal in the Lord : Know all that since the pious sincerity of devotion has just induced the inclination of the most serene prince our Lord David, by the grace of God illustrious King of Scots, to increase, for the support of each chaplain performing divine worship in the Chapel of St Mary's, of the foresaid burgh, the possessions of said chapel by an equal revenue, —We, from reverence of the excellent King, and at the special instance of our fellow burgher, John called Scot, on the day of March next after the Feast of the Assumption of the Blessed Virgin Mary (26th), in the churchyard of foresaid chapel, in the year of the Lord 1359, with unanimous consent and assent of all of us, have by staff and baton given up and for us and our successors or heirs purely and simply for ever resigned to our Lord the King foresaid all right and claim which we have had or could have, or which our heirs or successors at any time hereafter could have by any title in the said piece of land of the *Cras*, with the pertinents, containing 18 acres of land, lying next to the land of St Mary's Parochial Church of said burgh, at the south on the one part, looking beyond *le Scathgate* at the east, and extending itself in length equally lengthwise with the land of St Mary aforesaid, and twixt the *Cras* at the north on the other part ; in which piece of land, with the pertinents, our Lord the King foresaid has infest the foresaid chapel in pure and perpetual charity by his Charter, as in said Charter is more clearly contained : Renouncing for us, our heirs and successors, for ever, and also by these presents, all right, claim, and action therein which we had, have, or may hereafter have, and which our heirs or successors shall or can hereafter have in the piece of land aforesaid. And in case it happen that we, our heirs, or successors, do or attempt anything against the premises or any of the premises, we oblige us and our said heirs and successors as strictly as we are able by these presents, in one hundred pounds stg. in name of penalty to be paid to the fabric of the Cathedral Church of Moray as often as it shall happen, which God forbid, in future ; the foresaid royal Charter and these present letters nevertheless to endure by their own strength ; submitting us and them, in this event, to the coercion of the Lord Bishop of Moray, who shall for the time be, and of his ministers without licence of any other judge or power, and without allegation or pretext of any right or privilege. In witness of which matter we have appended to these presents the common seal of our burgh foresaid. Done and given at Inverness, the 4th day of the month of March, and year foresaid.

Two of the deeds granted by Edoua, one of the heiresses of Castlehill, one having her seal entire, are yet extant, and are here given. The emblem on the seal is a dove :—

To all who shall see or hear of this charter, Edoua of the old castle, daughter and heir of Thomas, late of said old castle of Inverness ; Greeting eternal in the Lord : Since it is known to all men that all flesh returns to dust, and that there is nothing after death unless He is found who is the true salvation, and who on the Cross redeemed the human race, hence it is that by these presents I make it known to all that I, in my free and lawful widowhood, have given, granted,

and by this my present charter have confirmed for the salvation of my soul, and of the souls of my ancestors and successors, and of all the faithful, two acres of my land, called the Old Castle, lying in the mill-flat, 'twixt the land of the heirs of Thomas, called Gryme, in breadth at the south on the one part, and the land of the Chapel of St Mary's of Inverness at the north on the other; and in length stretching from the way of the mill of the Lord the King (from the King's Mill's Road) at the west, and the Bromneback at the east, to the altar of the Holy Cross in the Parochial Church of Inverness, for effecting an increase of divine worship there for ever: To be had and held, the said two acres of land by the said altar of the Holy Cross of said Church, for encouraging continual increase (of divine worship) there, of me and my heirs and assignees, freely, quietly, fully, and honourably, according as any lord or lady within the Kingdom of Scotland has given, or will give all and sundry, or particular lands, for the increase of church, chapel, or altar, whatsoever, by all possible right canonical or civil, I confess by these presents to have given and granted for ever said two acres more freely, quietly, clearly, and honourably, and I, Edoua of the Old Castle aforesaid, my heirs, successors, and assignees, whomsoever, shall warrant, acquit, and for ever defend said two acres of land to the foresaid altar of the Holy Cross of the aforesaid Church of Inverness: And if it happen, which God forbid, that I, my heirs, successors, or assignees, whomsoever, come against this my pious donation and grant, I will and grant, and also bind, by these presents, my person and the persons of my heirs, successors, and assignees, whomsoever, and my lands and those of my heirs, successors, and assignees, for ever, to such extent as by law of any kind I shall be able to be excommunicated, interdicted, and by all manner of ecclesiastical censure restrained by the Bishop of Moray, who shall for the time be, and his chapter under penalty of 100s sterling, to be applied without remission of any kind to the fabric of the Cathedral Church of Moray: In testimony of which thing my seal is appended to these presents: And for the greater security and evidence of the matter, I have procured and caused to be appended to the present charter the seal of the reverend father in Christ, Lord John, by the grace of God, Bishop of Moray, together with the seals of the chapter of the Church of Moray, and of the community of the burgh of Inverness. Given at Inverness, the 4th day of the month of March, in the year of the incarnation of the Lord 1361. These being witnesses—The discreet man, Master Eustachius, vicar of Inverness, Thomas le Grant, John Scot, Thomas Kauer, Weland de Scykklaw (Chisholm), John de Coule, Brisius Pyot, Symon Henry, burgesses of said place, and many others.

*Charter of four acres of the Holy Cross of Inverness lying in the Upper Plain of the Old Castle.*

To all who shall see or hear of this charter, Edoua of the Old Castle, lady of the same; Greeting eternal in the Lord: Let all know, that I in my free widowhood and urgent and very great poverty for support of my old age, with consent and assent of Avok\* my daughter and heiress, have sold for ever to the burgesses and community of the burgh of Inverness, for the altar of the Holy Cross of said place in the Parochial Church towards the augmentation and supplementing of the service of the chaplains who shall for ever worship there, four acres of my arable land lying in the upper plain of said Old Castle, of which two acres lie together in breadth 'twixt my own land which Thomas De l'Ard now holds of me, at the south on the one part, and the land which John Passe holds of me at the north on the other, the third acre lies in said plain in breadth 'twixt the land which William son of Adam holds of me at the north on the one part, and the land of St Mary's Chapel at the south on the other, and in length extending from the highway of the mill towards the west and to the Bromybank in the east, and the fourth acre lies in foresaid plain in breadth 'twixt the land of St Mary's Chapel at the south on the one part, and the land of the heirs of Walter called Man, at the north on the other, in length extending from the way of the mill of our Lord the King at the west, and towards Knokyntynol at the east: To be held and had the foresaid four acres of land for the altar of the Holy Cross aforesaid in augmentation and addition for the service of the chaplain as is said who for the time shall be performing divine worship there, as freely, quietly, fully, entirely, honourably, well, and in peace, with the pertinents as shall be possible for any one whomsoever to bestow, sell, or alienate by whatsoever title or under whatsoever condition there may hereafter be, for true value in good money given and reckoned, both for the great relief of my poverty and

\* Presumed to be a diminutive from Gaelic for Eva.

maintenance of my life, and by me wholly received : But paying therefor no annual return for said acres to me or my heirs, or to those succeeding us by whatsoever title for ever : And if it happen, which God forbid, that I, my heirs, or our successors, by whatsoever title, go against my sale of the foresaid acres with the pertinents, I oblige me, my heirs and successors whatsoever, before any proceedings in law in the penalty of ten pounds sterling to be paid toward the fabric of the Cathedral Church of Elgin, renouncing here, I, and my heirs and our successors, by whatsoever title, all exception and privilege of law, canonical or civil, and that it may be lawful to the Bishop of Moray, his successors and their officers who shall for the time be, and also the chapter in the case of vacancy of the bishoprick, by all possible manner of ecclesiastical censure strictly to restrain me, my heirs and our successors, by whatsoever title, in the event in which we shall presume rashly to attempt anything against the present charter, the present charter, however, to endure for ever in its own strength : In testimony of which thing, my seal, along with the seal of the foresaid Avok, my daughter and heiress, is appended to the present charter : And for the greater security of this transaction, I have procured and caused the common seal of the chapter of the Cathedral Church of Moray, together with the common seal of the foresaid burgh of Inverness, to be appended to these presents. Given at Inverness the day after St Martin the Bishop's (12th Nov.) in the year of the Lord 1361.

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Upon the 4th of August 1361, John, bishop of Moray, grants certain lands in feu for securing a hundred shillings to the chaplain of the blessed Virgin Mary. This deed, which was confirmed by Alexander, bishop of Moray, on the 20th February 1365, enumerates donations made by King David, Allan Freskin, Susanna and Edda of Auld Castle Hill, Marjory Dyll, Stephen Skinner, Alexander Irynpurs, William Turner, William, Earl of Ross, and Matilda Defe, and is as follows :—

To all who shall see or here of this writ, John, by divine permission, the humble minister of the Church of Moray ; Greeting eternal in the Lord : Let all know that we, with the common consent of our Dean and Chapter, and also of Master Eustacius, perpetual vicar of Inverness, have granted and feued to John Scot, burgess of Inverness, all the lands and possessions after-mentioned belonging to the Chapel of St Mary's of Inverness—namely, one piece of the land of the *Crasse*, with its pertinents, of the gift of our gracious Prince, Lord David, illustrious King of Scots, containing 18 acres of land, lying next to the land of St Mary's Parochial Church of Inverness, on the south, on the one part, stretching beyond the *Scathgate*, at the east, and extending in length equally with the land of St Mary's aforesaid, and between the *Crasse*, on the north, on the other : *Item*—Four acres of the gift of Alan Freskyne, two acres of which, with three roods, lie in the *Schipflat* (shiplands), between the land of Alan Vayrement, on the north, on the one part, and the land of William Walker, on the south, on the other, in breadth : in length, between the way which is called *Scathgat* and the water of Ness—but one rood lies in the same plain between the land of Friar John of Inverness on the south, on the one part, and the land of Walter, called Man, on the north, on the other, in breadth ; in length, as aforesaid : A fourth acre lies beyond Markhynch, in the *Churryflat*, extending towards the water of Ness, in length ; but in breadth, between the land of Andrew Scot, on the south, on the one part, and the land of Andrew Sankys, on the north, on the other : *Item*—Six acres of land of the gift of the sisters and heiresses, Susanna and Eda of the Old Castle, three acres of which lie in the *Halc* (Haugh), extending in length to the road which is called *Scatisgat*, towards Knokyntynole, on the north, on the one part, and towards the Mill, on the south, on the other ; two acres lie in the plain of the Old Castle, extending in length towards the road by which we go to Kingsmills, on the south, on the one part, and towards Brunybanc, on the north, on the other ; the sixth acre lies in the same plain towards the east, extending in the same manner as the two preceding in length, between the south and north : *Item*—One rood of land of the gift of Marjory, called Dyll, lying on the western side of the water of Ness, below the *Croftys*, between the land of Sir Thomas, called Weyt, chaplain, on the north, on the one part, and the land of one called *Coki* on the south, on the other, in breadth ;



but in length, extending from the water of Ness towards the east, to the land of Kynmyly, towards the west : *Item*—One rood of land of the gift of Stephen Skynnar, lying in the same plain between the land of one called John Rossach, at the south, on the one part, and the land of the heir of John Qhwelwrycht, at the north, on the other : *Item*—One rood of land of the gift of Alexander Irynpurs, lying in the same plain between the land which John, son of Hugh de Cristinus de Ard, held on the south, on the one part, and the land of William Pylche, on the north, on the other : *Item*—Two acres and a half of the gift of William Tauernere, lying together in the Damysdale, between the land of the Lord Abbot of Kinloss, on the east, on the one part, and the land of John, called Pedoc, at the west, on the other, in breadth ; but in length, extending from the High Street (*via regia*), under the rock (the Castle Hill) towards the south to the headland on the north : *Item*—Four merks of annual rent of the gift of the nobleman William, Earl of Ross, to be paid annually out of the land of Culclochy : *Item*—One rood of the land of the gift of Matilda, called Defe, lying on the east side of the foresaid Chapel, between the Churchyard of the same, on the west, on the one part, and the land of St Katherine the Virgin, on the east, on the other ; and one rood of the land which is called the land of St Katherine aforesaid, lying on the east side of the foresaid Chapel, next the land of the Abbot of Aberbrothok, for which rood the said John and his heirs shall pay yearly, at the feast of St Martin in winter, twelve pence sterling for the illuminating of St Katherine's aforesaid, to the Vicar who shall for the time be in the Parochial Church of Inverness : To be held and had by him and his heirs for ever of us and our successors, freely, quietly, and honourably, with all their pertinents, in pure and perpetual charity : Paying therefor, he and his heirs yearly to one chaplain performing divine worship for ever in said Church, one hundred shillings sterling at two terms in the year—namely, one half at the Feast of Pentecost, and the other half at the Feast of St Martin, in the winter : But if it happens, which God forbid, that the said John Scot or his heirs fail in payment of said money within twenty days after the lapse of any of the above written terms, he and they shall give for every week during which they shall refrain from payment of said money, two shillings sterling, in name of penalty to be converted to the use of lighting the Holy Cross of the Cathedral Church of the Holy Trinity of Elgin : And to faithfully observe all and sundry the premises the foresaid John has obliged himself, his heirs, and all the lands and possessions which they possess or shall in future possess, both within and without the burgh of Inverness : And if it happen, which God forbid, that the said John or any of his heirs go against said agreement in any way, they shall give in name of penalty to the fabric of the Cathedral Church of Elgin one hundred pounds sterling before any step of law, the present agreement, however, shall endure continually by its own strength, and they have submitted themselves to the jurisdiction of the Bishop of Moray and his official who may for the time be that they or any of them may strictly compel them to observe all the premises by all manner of ecclesiastical censure : And we of our special favour have granted to the foresaid John and his heirs, from us and our successors, that as often as it shall happen that the foresaid Church is vacant, they may present a fit chaplain to us and our successors for said Chapel : In testimony of all which we have caused our authentic seal, together with the common seal of the Chapter aforesaid, and of Master Eustacius, perpetual vicar of Inverness, above named, to be appended to these presents. At Spyni, on the Wednesday next after the Feast of St Peter *ad vincula* (1st August) in the year of grace 1361.

## XXVIII.

## DAVID II. 1329-1370. PART FIFTH.

In the Parliament held at Scone on 20th July 1366, it is, *inter alia*, ordained “that those rebels, viz., of Athol, Argyle, Badenoch, Lochaber and others, if there are any, in the northern parts or elsewhere, be arrested by means of the King and his authority to undergo common justice and specially to pay the contribution,\* and be otherwise corrected as shall be more advantageous for the peace and utility of the community and kingdom.”

In the same Parliament, the old and new values of the bishopricks are stated, and that of Moray for old taxation is £1418 10s, and true value £559 8s 8d. The sheriffdom of Inverness for old extent is £3164 11s 8d, and true value, £1080 11s 11d. In January 1367, from the proceedings of the Court of Exchequer, the following sums were due within the sheriffdom of Inverness:—

In the hand of Lord William de Keth, who holds the ward of the heir of William de Sancto-Claro, the revenue of the assize of the Earldom of Caithness, £10.

In the hand of the Earl of Sutherland, the revenue of the assize of his Earldom, £15.

In the hand of the Earl of March, all rents and revenues of the Earldom and lands of Moray within the sheriffdoms of Inverness, Forres, and Elgin.

In the hand of the Senescall of Scotland, the lands of Badenoch, of old £120.

In the hand of John of the Isles, the lands of Lewis.

In the hand of the same, the lands of Lochaber, of old £200.

In the hand of the same, the lands of Garmornore, of old £200.

Those in the hand of the said John, besides the lands of Kyntir and of Vnghys, within the sheriffdom of Argyle, whose Sheriff has not compeared.

In the hand of the Bishop of Moray of the tithe penny which he claims of the proceeds of one justice aire held within the time, &c., until he shall instruct what is owing to him, £4.

King David granted the following charter of the forest of Lochindorb with a singular reddendo. As the arrows were deliverable at Inverness, the deed, which is dated 16th November 1367, is here quoted:—

David, by the Grace of God, King of Scots, to all good men of his whole realm; Greeting: Know, that we have given, granted, and by this our present charter confirmed to our beloved and faithful Symon Reed, constable of our Castle of Edinburgh, for his faithful service paid to us and to be paid, the whole forest of Lochyndorbe, with the pertinents within the sheriffdom of Inverness, which belongs to us by reason of the forfeiture of the late John Comyne, Knight: To be held and had by the said Symon and the heirs of his body, of us and our heirs in feu and heritage, in free forest with all and sundry liberties, commodities, easements, and their just pertinents whatsoever belonging to said forest, or which in future can in any way justly belong: Giving therefor yearly to us and

\* Their share of the contribution appointed to be levied for payment of the King's ransom and expenses while in England.

our heirs, the said Symon and his heirs foresaid three arrows, to be carried (or delivered) at Inverness at the feast of St John the Baptist, in name of blench farm only, in lieu of every other burden, service, custom, exaction or demand. At Edinburgh, the 16th day of November, in the year of our reign, the 38th.

Upon the 20th of April 1368, the King confirms the grant formerly quoted, made by Robert Bruce to the Preaching Friars of Inverness, of £10 sterling.

Upon the 3d March 1369, David grants the following charter to the Burgh of Inverness of the lands of Drakies and others, with valuable rights and privileges:—

David, by the Grace of God, King of Scots, to all good men of his whole realm; Greeting: Know, that we have set, and in feu-farm let and granted for ever, to our faithful burgesses and the community of our burgh of Inverness, our whole burgh of Inverness, with the land of *Drekeis*, with the pertinents within the Sheriffdom of Inverness: To be had and held by the said community and burgesses and their heirs and successors for ever, in feu and heritage by all right marches and divisions within all the territory adjacent to said burgh, with fishings, mills, multures, and their sequels, with the toll and small custom of said burgh: Also with all other and sundry liberties, commodities, and easements, right customs, and just pertinents whatsoever, as well not named as named, belonging to foresaid burgh and foresaid lands, or which in future may in any way justly belong freely, quietly, fully, wholly, well, and in peace: Giving therefor to us and our heirs annually at the terms of Pentecost and St Martin in winter, by equal portions, eighty merks sterling; In testimony of which matter, to our present charter we command our Seal to be appended: Witnesses, the venerable fathers in Christ, William, Bishop of St Andrews, and Patrick, Bishop of Brechin, our Chancellor; Robert, Senescall of Scotland, our nephew; William, Earl of Douglas, Robert de Erskine, Archibald de Douglas, and William de Dishingtoun, knights. At Perth, the third day of March, in the year of our reign the fortieth.

Alexander, Bishop of Moray, by a deed dated at Elgin on the 3d of June 1373, bears testimony that he has inspected and diligently examined the foregoing charter, and in proof thereof recites it therein at full length. The document is endorsed, “a charter of ye Biscop of Murrew berand witnes of ye feftment of ye burch.”

In a parliament held at Perth, 18th February 1369, it is recommended that the King and his Court go occasionally into the Highlands and burden them with the expenses of sustenance, and so relieve to some extent the Lowlands, already heavily burdened. The lands specially mentioned are—“Kynthir, Knapdale, Arayne, the dominions of John of the Isles, John of Lorne, and Gillaspic Cambel.” The Lord of the Isles proving very troublesome, the king came in person to Inverness, and his expedition was successful, inasmuch as John, Lord of the Isles, made a complete sub-mission. The instrument taken on the occasion is here given, dated on the 15th of November 1369:—

To all who may see the present letters,—John de Yle, Lord of the Isles, wishes salvation in the Saviour of all: Since my most serene prince and master, the revered lord David, by the grace of God, illustrious King of Scots, has been stirred up against my person because of certain faults committed by me, for which reason, coming humbly to the presence of my said lord, at the Town of Inverness, on the 15th day of the month of November, in the year of grace

1369, in the presence of the prelates, and of very many of the nobles of his kingdom, I offered and submitted myself to the pleasure and favour of my said master, by suppliantly entreating for favour and for the remission of my late faults, and since my said lord, at the instance of his council, has graciously admitted me to his goodwill and favour, granting besides that I may remain in (all) my possessions whatsoever and not be removed, except according to the process and demand of law : Let it be clearly patent to you all, by the tenor of these presents, that I, John de Yle, foresaid, promise and covenant, in good faith, that I shall give and make reparation to all good men of this kingdom whatsoever for such injuries, losses, and troubles as have been wrought by me, my sons, or others whose names are more fully set forth in the royal letters of remission granted to me, and to whomsoever of the kingdom as are faithful I shall thus far make the satisfaction concluded for, and I shall justly note purchased lands and superiorities, and I shall govern them according to my ability ; I shall promptly cause my sons and my subjects, and others my adherents, to be in peaceable subjection, and that due justice shall be done to our lord the King, and to the laws and customs of his kingdom, and that they shall be obedient to, and shall appear before the justiciars, sheriffs, coroners, and other royal servants, in each sheriffdom, even better and more obediently than in the time of Robert of good memory the predecessor of my lord the King, and as the inhabitants of the said lands and superiorities have been accustomed to do. They shall answer both promptly and dutifully to the royal servants what is imposed regarding contributions and other burdens and services due, and also for the time past, and in the event that within the said lands or superiorities any person or persons shall offend against the King, or one or more of his faithful servants, and if he or they shall despise to obey the law, or if he or they shall be unwilling to obey in the premises, and in any one of the premises, I shall immediately, entirely laying aside stratagem and deceit, pursue that person or those persons as enemies, and as rebels of the King and Kingdom, with all my ability, until he or they shall be expelled from the limits of the lands and superiorities, or I shall make him or them obey the common law ; And for performing, implementing, and faithfully observing these things, all and each, I personally have taken the oath in presence of the foresaid prelates and nobles, and besides I have given and surrendered the under written hostages, viz., Donald my son, begotten of the daughter of the Lord Seneschal of Scotland, Angus, son of my late son John, and one Donald, another and natural son of mine, whom, because at the time of the completion of this present deed, I have not, at present, ready and prepared, I shall cause them to go into, or to be given up at the Castle of Dumbarton, at the feast of our Lord's birth now next to come, if I shall be able otherwise on this side, or at the feast of the purification of the Blessed Virgin (or Candlemas, 2d February) next following thereafter, under pain of the breach of the oath given, and under pain of the loss of all things which with regard to the lord our King, I shall be liable to lose, in whatever manner ; And for securing the entrance of these hostages as promised, I have found my Lord Seneschal of Scotland, Earl of Strathern, security, whose seal for the purpose of the present security, and also for the greater evidence of the matter is appended, along with my own proper seal, to these presents in testimony of the premises. Acted and given, year, day, and place foresaid.

While at Inverness the King on the 16th of November gave to his beloved and faithful cousin John de Inverpeffer, the office of Sheriff of Banff.

At Inverness on the 8th of November a charter was granted by Walter Leslie, Lord of Filorth, to John de Urquhart, son of Adam de Urquhart, Sheriff of Cromarty.

## XXIX.

## ROBERT II. 1370-1390. PART FIRST.

The first of the Stuart Kings succeeded to a difficult and anxious position. The state of the Highlands, and particularly the Islands, was as regards the throne chronically critical. When the power of the Lords of the Isles was at length extinguished, another family, crafty, subtle, insidious, ever hypocritically clothed with the cloak of religion as a mask to hide their real objects of aggrandisement, arose, the cause of misery to their neighbours, of discontent between Crown and subject, and of civil warfare within the kingdom. "Fause as a Campbell" has been for centuries proverbial, and it has been mischievously said in explanation of this alleged peculiarity that it was derived from their ancestor, the knight with the crooked or wry mouth, who was unable to *speak straight or on the square*. The knight having in consequence, and by the circumventing of his neighbours, prospered greatly, his descendants followed his example.

The King appears to have come to Inverness early in his reign, for in a petition by William Earl of Ross, dated 24th June 1371, he says "then when my Lord the King came to the town of Inverness, he found me without any land or Lordship, my whole Earldom of Ross seized and recognosed in his hands," &c.

Reference was formerly made to the questions between the Church of Aberbrothoc which had received a grant of the Church of Inverness from William the Lion, and the vicar, regarding the tithes of Inverness. We now give Appeal to the Apostolic See for the Abbot against the Bishop of Moray. The document though verbose is interesting, and brings up vividly the procedure in Ecclesiastical Courts five hundred years ago. The document is entitled "Appeal to the Pope on the part of the Abbot of Aberbrothoc, against the process before the Bishop regarding the tithes of the Church of Inverness"—and is as follows:—

In the name of God, Amen. By this present public instrument let it be clearly known to all men that in the year of the Lord one thousand three hundred and seventy-one, at the hour of three on the 12th day of the month of August, in the ninth indiction, and the first year of the pontificate of the most holy father in Christ and our Lord, Lord Gregory, by divine providence Pope ~~11th~~: In presence of me notary public, and of the subscribed witnesses, the discreet man Andrew Ox, rector of the Church of Inverarity, in the diocese of St Andrews, personally appointed procurator of the reverend men the Lords

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Abbot and Convent, of the Monastery of Aberbrothoc in the diocese of St Andrews, held in his hand a paper schedule, written apparently wholly on the one side, and read it word for word, of which schedule the tenor follows in this form:— In the name of God, Amen, since the remedy of appeal or challenge is advantageously found to be the refuge of the oppressed, or in truth of those who fear that they are by law oppressed, hence it is that as you Reverend Father and Lord, Lord Alexander by the Grace of God Bishop of Moray, lately at the Monastery of Scone in the diocese of St Andrews, at the Coronation of our Lord King Robert now reigning, did verbally intimate to the venerable father in Christ Lord John, Abbot of Aberbrothoc, in said diocese of St Andrews, that at the instance of Master Eustachius, vicar of Inverness, in your diocese you ordered a process against him regarding certain tithes of said Church, and when the said Abbot demanded of you with instance a copy of it, and said he had not heard of this before, you replied that he should go down himself or by a procurator to the parts of your diocese of Moray, where you had sent the process, and that you would give him there without difficulty the copy he sought: Whereupon the said Abbot being quite satisfied, and while engaged with other matters connected with his monastery, sent specially to your presence in Moray, the discreet men Lord James Fraser, Knight, and Alexander Skirmechour, as procurators for himself and his Convent, with full power to obtain said copy for the purpose of considering said process, whether it would do him good or harm; and the said James and Alexander then frequently and urgently sought the premises to be delivered to them by you, or that a day and place be assigned them for the exhibition of that process, in order that they might get an opportunity of copying and transcribing it: You expressly answered that you then had no time to implement the premises sought, and knew not of another day or place to assign: Whereupon Lord James and Alexander, perceiving the foresaid abbot and convent to be oppressed in this matter contrary to justice, protested by appealing, and worn out with weariness by you during many diets, and after heavy labour and expense, they returned to their distant Lord with the business unaccomplished: Whence the abbot, wishing to guard against loss to his monastery, and thinking to engage your benevolence by many fervent requests, has sent me, Andrew Ox, as his procurator, with full power to seek and receive a copy of foresaid process, and to do the other things that may be needful or suitable for the indemnity of foresaid monastery; and though I have often and diligently asked for the copy, you, however, have been unwilling to give it: Wherefore, for these and other reasons to be set forth at fit time and place, I, Andrew, procurator foresaid, of the abbot and convent, and in my procuratorial character, carefully bearing in mind that you favour too much the opposite party, and strive to suppress the right of the abbot and convent, as you refuse to give a copy of foresaid process, which you ought to give, and do not grant an opportunity for transcribing it, appeal in this writ from you, Lord Alexander, Bishop of Moray, and from your foresaid process, which is, as I suspect, irregular and inept unless it be framed of new, since you dare not bring it to light, and summon you to the Holy Apostolic See, and thereafter demand most urgently of the apostles that it be exhibited to me: And I place the abbot, convent, and monastery foresaid, and all their followers, or those who desire to adhere to them, and their whole goods moveable and unmoveable, under the care, defence, and protection of the aforesaid Apostolic See: And do not you, Alexander, Lord Bishop, and let no one deputed by you, in anywise proceed against said abbot and convent by means of suspension, excommunication, sequestration of fruits, or by sentences of interdict, since you are the open enemy of said monastery and monks, by your having otherwise rashly deprived them of thirty-five pounds sterling of the fruits of their church of Abirkerthor contrary to God and justice and the apostolic favours granted to the monastery, which they intend to prove where above set forth: For this injury I personally also summon you in their name to the said Apostolic See: Protesting in name as above to improve, correct, amend this appeal, and add to and take from the same according as to my foresaid lords and their council shall seem expedient: Let not therefore your process, in this manner hid under a bushel, do hurt to the foresaid abbot and convent or their monastery: If by means of it you shall perchance proceed justly or unjustly to enter into possession of goods moveable or unmoveable, which, however, you ought not to do against those not lawfully cited, I offer you caution in my character of procurator both for the recovery of said possession and the interrupting of the annual prescription, and I am ready by waiting, to abide the law and to do those things which have to be done by law in such case for the recovery of like possession: If, however, you shall perchance proceed to a definite sentence, which to hear of would be

sufficiently absurd, as you will not be able to decide anything against a party unheard, and a sentence by the law itself does not hold, when the edict of citation comes not to the knowledge of the party. Though the sentence may by the very law be entirely null, however, I appeal from it and summon you in this writ seeking the Apostles most urgently as above, whom if you deny I again appeal and summon as above, protesting by the powerful name of said Abbot and Convent that they do not intend, because of this appeal, to depart from other appeals previously interponed by them, but using the same they also purpose, as occasion shall demand, to assist themselves by means of the former. After the reading of this appeal, I was urgently required by the said Lord Andrew, procurator foresaid to furnish him with a public instrument on the above written appeal and to reduce the same as interponed, into a public form and sign it with my usual sign, he, however, paying all outlays and expenses. This appeal was acted, read, interponed, and published in the Cathedral Church of Elgin in Moray on the above named year, day, month, indiction and pontificate, there being present the venerable and discreet men Master William de Chesholme, Treasurer of Moray, Lord John Bell, Rector of the Church of Kyngorn in the diocese of St Andrews, Lords John de Flandris, John de Tarres, chaplains; Andrew de Feltoun, Thomas Glaswrycht, John Aurifabro,\* laymen, and many other witnesses to the premises specially called and required in presence of me the foresaid Lord.

And I, William Leweryke, clerk of the diocese of Brechin, by apostolic and imperial authority, notary public in the premises, was present and engaged at the reading of said schedule, and also at the interposition and publication of the present appeal, together with the before-named witnesses, and by reducing, I have written said appeal into this public form with my hand, and on foresaid appeal and its contents, I have by the special request of the said Lord Andrew as procurator, made this public instrument, and being required and asked, I have signed it with my usual sign to the faith and testimony of the premises.

The Bishop's reply will be given in our next. It is of great length, very amusing, and shows Bishop Alexander to have been an adept with the pen.

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### XXX.

#### ROBERT II. 1370-1390. PART SECOND

The Bishop's letter or answer to the appeal of the Abbot of Aberbrothock is now given. He had more scope than the Abbot, who was obliged to confine himself to a dry narrative, and took full advantage of the liberty, just as showy lawyers were wont to do in the irreclaiming petitions and answers, when such were permitted. The Bishop incisively declares "that the churches of said monks, their necessary manor places and houses are desolate, in ruins and destroyed. The churches themselves even are without their necessary ornaments, divine offices and sacraments, and, as it were, quite destitute. The vicars are complaining, the parishioners grumbling, not without grave scandal and strong cry, and

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\* The terms Glaswrycht and Aurifabro point to the occupations of these individuals, the former being a glazier and the latter a goldsmith.

the danger of souls, and many heavy and enormous daily open sins which cannot be set forth shortly with the pen."

The Bishop also complains of the violent proceedings taken in name of the Abbot against the church and town of Inverness, "by powerful laymen whose power and ferocity could not in any way be resisted—as, for instance, the noble and a man of great power—W. de F.," probably William de Fentoun, or William de Foderingham, who broke into the Vicar's house, threatened his life, &c., as graphically detailed in the answer.

The town and churches of Inverness must have suffered greatly, for the Bishop goes on to relate piteously, "As in the foresaid Church of Inverness, which also is a noble, strong, and distinguished place, abounds in fruits, and has a concourse of many noble Knights and other powerful men, is evidently patent, so that a single garment fit for the Abbot or a part of him, and so that a small missal which may be worth two pence will not be found therein, let alone for me when performing my yearly visitations to reform foresaid defects, and for the covering and protecting of it, whose roof does not in any degree shelter either the greater altar, or the wardrobe from being befouled, nay rather jumbled together by the rains as often as they fall."

The above clearly shows the importance both in strength and residency of Inverness at this period. The monastery suffered probably at the same time, for it will be recollected that in the Court held by Sir Robert de Chisholm in 1376 reference was made to the destruction by fire previously of a charter which lay for presumed greater safety in the house of the Preaching Friars of Inverness.

Follows the Bishop's Letter to Pope Gregory :—

*Thy. m. v. 175-*

To the most Holy Father in Christ, Lord Gregory, by divine providence, chief pontiff of the Sacred Roman and Universal Church, his humble and devout suppliant, Alexander, Bishop of Moray, in Scotland, with recommendation of the petitioner's kisses for the feet of the blessed: Most holy Father and Lord, not only from clear indications, but also from experience of the matter itself, it evidently appears and can be gathered that monks dead to the world by reason of their vow, serve the world at the present time more frequently and with an abject show both of obedience and poverty, over-abounding in wealth, they wantonly busy themselves in provoking revolts against their superiors. The churches of said monks, their necessary manor places and houses are desolate, in ruins and destroyed. The churches themselves even are without their necessary ornaments, divine offices and sacraments, and as it were quite destitute. The vicars are complaining, the parishioners grumbling, not without grave scandal, and strong cry, and the danger of souls, and many heavy and enormous daily open sins which cannot be set forth shortly with the pen. When the ordinaries of the places, as they are bound, proceed to the reformation of these defects, and come desiring to fulfil the usual duty of visitation, immediately these monks presume arrogantly, and impudently, and busy themselves against said ordinaries by flocking together for their dispersion by appeal, so that it happens once and again that defects of this nature, destruction and heavy losses are passed over and remain uncorrected through the malicious impudence of the monks themselves. There came lately to me one Andrew Ox, presbyter of the



diocese of St Andrews, as procurator, as he asserted, and with procuratorial functions on behalf of the abbot and convent of the monastery of Aberbrothoc, of the order of St Benedict, in the foresaid diocese of St Andrews, who hold in my diocese of Moray two parish churches, viz., of Inverness and Aberkerdor, and the rectors or parsons of these churches are invoked. He exhibited to me in the Cathedral Church of Moray a certain writ of appeal, if so it may or can be termed, very contemptuously and irreverently, as is clear in said writ, in name and on the part of said Abbot and monks, and in it he has appealed from me and summoned me to the Apostolic See, pretending and alleging the following frivolous and groundless reasons :—First, for instance, he says in many confused words that I have oppressed the foresaid Abbot and monks, inasmuch as that I denied to said Abbot or his procurators a copy of a certain process in a certain case of tithes that had been moved 'twixt the abbot and the vicar of Inverness, and is now pending and held before me, for which hardship he appeals, &c., which assuredly is not true. The truth is, however, that while the Abbot's procurators were asking a copy of the process to be given them, I replied that I had not the process lying beside me, but they should come to the place where the cause was being pled, and where there were writers who had written the process or other judicial acts, if there were any, and they would there obtain the copy they were seeking. Now the copy of notaries is not given in every place to those who ask for it, and there is not everywhere notaries of court or sworn scribes, who write judicial transactions, and in whose keeping these remain, inasmuch as they are kept elsewhere, but at one time one, and at another another, who may be had with most readiness, write such transactions ; and so, because of the want of notaries, when such judicial proceedings perish, it is not from any fault on the part of the judge, and I am not obliged, as I think, to preserve that process, if there was any, always and everywhere in readiness in a bag, to be exhibited on every occasion. . . . And, further, they contumaciously and with contempt spurned and refused to consider the matter, or even to listen. The truth itself, however, is my witness, that I never of my own accord, or from design or through malice, was silent or denied to said abbot or his procurators the process, or a copy of it, or in any way proceeded against him, in as far as I was able, to injure or hurt in any manner his right or cause. In addition, however, he inserts that he appeals from me and my irregular process, and in conclusion, subjoins that the edict of citation did not come to the knowledge of the party. This is utterly void of effect and without the shadow of truth. Especially since—at the beginning of this lawsuit, when the cause was moved—there compeared at the first edict of citation the venerable men—viz., Master William de Spiny and John de Bothuyll, canons of Moray, together with others, joint procurators of said Abbot, who exhibited sufficient power of procuratory, and at divers times and seasons proceeded with the cause and lawsuit. Thereafter, no citation had been made in the continuation of the process, since in the church of Inverness regarding whose fruits there was litigation, it had been made public, and proclamations were then made publicly before the people where the Abbot had and has his procurators always who might and could defend him if they wished, and also inform him regarding a process of law of whatsoever kind, or of a cause of strife. Citations and proclamations of this kind were not wont to be made suddenly or hastily, but open and publicly, and between the solemnities of the services ; even in the greater Church or Cathedral where the cause was being handled they were made public during the space of forty days and thereafter of eight weeks. And I am not, the Most High willing, bound to transmit to another diocese mandates, edicts, or citations. His duty it was who was informed, or ought to be, not to desert the cause when initiated or begun in mockery of law, the judge and the party, but to continue it even unto the end. From these it is clearly gathered that he is and has not been ignorant that this process or any particle of it was instituted and held, nor can he say with a safe conscience that the party was not cited and that it came not under his notice. Nay, rather does it seem more likely that by appealing, since he has maliciously and knowingly neglected to observe the term of appeal appointed by law, he does not and by law will not be able to preserve the force and form of appeal by a pretext of this sort. In the second place, he goes on to call me the open enemy of said Abbot, monks, and monastery, attaching and specifying a cause—to wit, that I have spoiled them of thirty-five shillings sterling from their Church of Aberkerdor. But, assuredly, it is more certain than truth, and clearer than light, that this statement is altogether destitute of truth, and expressly contains a lie. I disavow, deny, and repel that spoliation, and the crime of spoliation, and all undue receipt of any money whatsoever, as such is no part of a priest's duty. And granted that some trifling sum of money

from said Church of Aberkerdor; regarding which said Abbot complains and murmurs, has come in my name to some one or other of my officers, which I, however, do not admit, nor believe to be true, it, however, had never been held or received with the intention, purpose, or form of spoiling, or otherwise doing injury in any measure whatever, which God forbid. And even if anything has been received in my name, by reason and form of ordinary justice, and in the accustomed mode and order, I have always offered and offer that I shall answer for the debt in the presence of any good man whatsoever, within or without the diocese. Thus, I altogether deny, repel, and entirely exclude spoliation, and all action or pretended case of spoliation. But since the Abbot fictitiously, maliciously, and falsely treats of and opposes against me an accusation or crime of spoliation, certainly it can deservedly and really be objected against him as opponent, and I object what he accuses me of, both of the crime of spoliation in this affair, and the express and violent invasion of ecclesiastical freedom and immunity, and it can be well and effectively argued, and notably and with probability reprehended, especially since said Abbot is aglow with the flame of spite and the desire of revenge, and not inspired with zeal for justice. After the cause 'twixt himself and the foresaid vicar of Inverness had been moved and begun, spurning, omitting, and even altogether contemning the path of ordinary law, in contempt, disobedience, and irreverence of my ordinary jurisdiction—nay, rather more truly for the Apostolic See, under whose special protection my foresaid Church of Moray lives—with sure knowledge, malicious design, and with intention of obtaining a worthless revenge, he placed, appointed, and caused to be placed and appointed at said Church and town of Inverness, powerful laymen, whose power and ferocity could not in any way be resisted, as, for instance, the noble and a man of great power, W. de F., who in name and on the part of said Abbot, with an armed and great host, violently entered the houses of the foresaid vicar, broke and caused to be broken lockfast places and doors, destroying, plundering, and even carrying away with him into his den the victuals and various other things found there, and in divers ways doing injury to the person and friends of said vicar. He also threatened the vicar himself with death, so that he durst not enter his own house or appear anywhere in the town, but was compelled to lie hid within the Church until security through the pressing instance and intervention or intercession of many good men had been accepted by the foresaid potentate in his behalf. And the foresaid nobleman was wont to say publicly, openly, and unreservedly, that he on the part, authority, and with the consent and by the bidding of said Abbot, had altogether so acted and not otherwise. Experience and the series of transactions argue the express and infallible truth of the fact—nay, rather they expressly and efficaciously prove it. For it is evident that it was not before the commencement of that case or lawsuit, but after, and before the commission of that violence, and also from the time thereof, since and after, and even continuously up to the present time, the foresaid noble and powerful procurator of said Abbot had been appointed, and by name specially included, in whatsoever his letters or procuratories for the administration of all the fruits of the foresaid Church of Inverness solely by reason of this case, and wholly to obtain and dispose thereof according to the pleasure of his will. From which it may be clearly concluded that not only had he been appointed to commit the foresaid violence, yea, rather to make use of the same for absorbing and taking away the right of the party and of the ordinary jurisdiction, but also gratuitously with the most malignant and wanton design on the part of foresaid Abbot. And he is not content with that malice or wickedness of his, for over all his churches or quasi churches he has also appointed powerful laymen who spoil and deprive his poor vicars of the pensions due them, or of some particles thereof, and henceforth they can but spend a wretched life. These also oppress the common people. They deprive churches and souls of the accustomed services to such a degree that because of the power of such seculars the ordinaries are not able, even with the common ornaments, to do in their churches as is provided for, as in the foresaid Church of Inverness, which also is a noble, strong, and distinguished place, and abounds in fruits, and has a concourse of many noble knights and other powerful men, is evidently patent, so that a single garment fit for the Abbot, or a part of him, and so that a small missal which may be worth twopence will not be found therein, let alone for me when performing my yearly visitations to foresaid church, for the reforming of foresaid defects, and for covering and protecting it, whose roof does not in any degree shelter either the greater altar or the wardrobe from being befouled or rather jumbled together by the rains as often as they fall. For this foresaid violent and foolish deed of spoliation and invasion, if sentence of excommunication had been passed

both by canonical statute and by that of the Provincial Assembly, there is no doubt it has fallen upon said Abbot who commanded and authorised, and after the fact ratified it: And I have pronounced that sentence of excommunication against him and declare him unloosed therefrom. However, as lawsuits may be everlasting, and should be put an end to, and I always would desire to embrace those things which pertain to peace, and let it be my good fortune to fear a fault where there is none, though I do not believe that the foresaid Abbot has injured me in any way, however, incontinent after this appeal was issued and intimated, I fixed a certain term for the said Abbot in writs signed with my seal, and openly and publicly affixed upon the doors of the Church, to wit the last day of the month of August in the Cathedral of Moray, to instruct regarding the alleged grievance if he should please, and to hear the revocation of said grievance, if I have done anything or if aught has been done on my behalf, and to consider then what had been done. At which day and place the Abbot though long expected, and being often and publicly summoned, came not, either comparing by himself or by a procurator, I caused revocation of this grievance, if perchance I have inflicted any, to be made by word and in writing, and I revoked and do revoke it with effect. Accordingly, certain letters of citation of said process being exhibited and there read, set forth and published, which casually and not without diligence I had found with the writers, I have given command publicly that wherever they had found or knew where to find this process or any part thereof, greater or less which can belong by right thereto, they should give up and exhibit to said Abbot or his procurator a copy without show of difficulty under pain of excommunication as in a certain public instrument made regarding this is more clearly and specifically contained. And it was because of my having denied, as he falsely asserted, a copy of this process that he at first and principally appealed. By this revocation, so efficaciously and lawfully made, it is evident that jurisdiction has been reserved to me to proceed in said cause, just as if this appeal had not been interposed. Since, therefore, an appeal may not be a chain of injustice, but rather a protection for the innocent and oppressed, men should not have recourse from justice and judge to frivolous appeal. As for this frivolous, malicious, and fictitious appeal, which as it is clearer than light, however that the term thereof appointed by law had completely elapsed, it contains not nor can contain the force, form, or effect of an appeal. I have not, nor do I wish to accuse it, nor have I caused it to be accused, because of the feigned, malicious, untruthful, and unavailing reasons therein inserted, as the accusation of it, if so made, would redound beyond doubt to the great loss and prejudice of churches, the cure of souls, and even the persons of men, which cannot be tolerated, as we must not indulge in evils, both justice and the order of law persuading otherwise. After having also had in this matter the frequent and attentive advice of skilled persons, I have repelled and refused, do repel and refuse the reasons of appeal, as contrary to law and reason, and as informal, useless, and unavailing, and I have caused and decreed them to be repelled and refused, reserving this matter and business as before in all things to my authority and ordinary jurisdiction, saving always the reverence due to the Holy Apostolic See. And I have caused to be given, and give these my letters patent, annexed to said frivolous appeal, under my seal to said Abbot or his procurator in behalf of the apostles refutatory, and in room thereof if they ought so to be styled, and I transmit it and said letters to be presented to your Holiness. In testimony whereof to these presents for the apostles' refutatory, as is above set forth, my seal is appended, together with the subscription and sign of the within written Notary.

## XXXI.

## ROBERT II. 1370-1390. PART THIRD.

Katharine de Spencer, daughter and heiress of the late Henry de Spencer, with consent of John Fulirwith, her husband, grants to John, called Bosse, burgess of Inverness, a yearly rent of two shillings upliftable furth of the tene-ment on the east side of the Church Street of Inverness, belonging to the heirs of the late Alexander de Marre. The seal of Gilbert Waus, burgess of Inverness, and that of the community of the burgh of Inverness, are attached as "she had at present no proper seal of her own." The witnesses are John de Kynkarne, Provost; Thomas son of Henry, Thomas son of Donald, and Thomas Pollock, bailies; Bartholomew son of William, John Scott, Symon Pistor, John Ruary, Gillespic, Richard son of David, William Waus, Ralph de Chapman, Michael Rechy, Walter son of William, Michael Reid, Thomas son of John, Thomas son of Patrick, Thomas Cuthbert, at that time clerk of the community, with many others. It will be noticed how very common the name Thomas was, and that all the names with one or two exceptions are Lowland.

In 1379, the King granted to his son, the Wolf of Badenoch, certain lands within the Sheriffdom of Inverness on which the feu was payable at Inverness. The name of Minigaig is now hardly known, but it included a section of the Grampian range, watered to the north by the numerous sources of the river Tromie. The person forfeited was obviously a Comyn, and that connection is five hundred years after still retained, for we find that the pass leading into Athole by Gaick river, and its feeder the water of Gairbh Gaick, is still known as Rathaid nan-Cuimeinach. The other names Rene and Cragy were probably portions of Minigaig. The Charter is as follows:—

Robert by the Grace of God, &c., to all good men of his whole realm, cleric and laic; Greeting: Know that we have given, granted, and by this our present charter confirmed, to our beloved son Alexander Senescall, knight, Lord of Badenoch, the lands of Minigge (Minigaig), Rene, and Cragy, with the pertinents within the Sheriffdom of Inverness, which belong to us by reason of the escheat of William son of Walter: To be held and had by the said Alexander and his heirs and assignees of us and our heirs in feu and heritage, by all their right marches and divisions, with all and sundry liberties, commodities, easements, and their just pertinents whatsoever belonging to said lands, or which in future can in any way justly belong, freely, quietly, fully, wholly, and honourably: Giving therefor to us and our heirs, the said Alexander and his heirs and assignees annually, one penny silver in name of feu farm at Inverness if asked only, in lieu of all other secular service, exaction, or demand: In testimony of

which thing, to this our present charter we have commanded our seal to be appended : These being witnesses—the venerable fathers in Christ, William and John, our chancellor, Bishops of the Churches of St Andrews and Dunkeld ; John de Carric, our first-born Senescall of Scotland ; Robert de Fyff and de Menteth, our son ; our beloved cousin William de Douglas and de Marr, Earls ; our beloved nephew James de Lyndesay, and our cousin Alexander de Lyndesay. At Methven, the 18th day of the month of October, the 9th year of our reign.—1379.

Upon the 20th of March 1379, the King granted the following charter of subjects in Church Street and Gordon Terrace, Inverness, to Robert de Appleton :—

Robert, by the Grace of God, King of Scots, to all the good men of all his realm, cleric and laic ; Greeting : Know that we have given, granted, and by this our present charter confirmed, to our beloved and faithful Robert de Appylton, a certain passage within our Burgh of Invirnyss, lying in the street which is called *le Kyrkgate* (Church Street), on the south side of said street, 'twixt the land of said Robert on the east side on the one part, and the land of Stephen de Camera on the west on the other, together with a certain part of our Castle-hill of Invirnyss, extending in length from the edifice of William Pilche, Knight, even to the water of Nyss, and in breadth from the end of the edifice of the said Robert up to the wall of our foresaid Castle : To be held and had by the said Robert and his heirs, of us and our heirs, in feu and heritage, throughout all their right meiths and marches, with all and sundry liberties, commodities, easements, and just pertinents whatsoever belonging to said passage, with the portion of Castle-hill foresaid, or which may in any way in future belong, freely, quietly, and in peace ; Giving therefor yearly to us and our heirs, the said Robert and his heirs three silver pennies : In witness of which thing, &c. At Dundee, the 20th day of March, in the year of our reign the 8th.

For the witnesses we are referred to a previous entry. Unfortunately, we know not which to select, as the entries are not always according to date.

The name “ Robert de Appleton ” appears in several deeds about this time, which circumstance indicates that he was evidently a man of some position in Inverness or its neighbourhood.

In 1380 the King was at Inverness, and on the 11th of August confirmed a charter by Adam Pingile, burgess of Aberdeen, in favour of God, the blessed Virgin Mary, all the holy angels, and to a chaplain to perform divine worship for ever in the Cathedral Church of Aberdeen, of the lands of Folethrowle, in the barony of Kynedward, and sheriffdom of Aberdeen.

The feuds between the Wolf of Badenoch and the See of Moray are well known, but the following declaration under the hands of a notary, dated 11th October 1380, gives a minute account of certain disputes which for the time were settled amicably. The subject of dispute appears to have come in part before the king when he was at Inverness in August, and while dispensing justice in the church of St Mary's, before a numerous and influential assemblage. The declaration to the effect that “ the lands of the Bishop of Moray in Badenoch are not held of the Lord of Badenoch ” is as follows :—

In the name of God, Amen : Let all present as well as future know that in the year of the Lord 1380, in the third indiction, on the 11th day of the month of October, in the second year of the pontificate of Lord Clement, by divine providence Pope, the seventh of that name, and in the tenth year of the reign of the excellent prince, Lord Robert the Seneschall, by the like providence King of Scots, second of the name reigning in Scotland, while the illustrious man, Lord Alexander the Seneschall, Lord of Badenoch, son of our said Lord Robert, and his lieutenant in the northern parts of the kingdom was holding his court at "the Standing Stones" of Easter Kingussie, in Badenoch, in the diocese of Moray, and while he was sitting as Lord, amid his vassals and subjects, for the distribution of justice as was reported, and there were standing by his tribunal the noblemen William de Camera, justiciary clerk of our Lord the King, and secretary and seal-bearer of the said Lord Alexander, the Lords Alexander Man, and Martin de Caldor, archdeacon and chancellor of the Church of Ross, Robert de Apyltoun, burgess of Inverness, and other free-tenants of Badenoch, and others who owed suit, following, compearance, or the service attached to the Court of the Regality of Badenoch, and who were cited by John Gray, a layman, mair of Badenoch, for said day and place by command, by means of the letters of the said Lord Alexander, whereof the tenor word for word follows, and is to this effect:—Alexander Seneschall, Lord of Badenoch to our beloved John Gray; Greeting: Know that we have granted you full power to cite all and sundry tenants who hold any land within the marches of our Regality of Badenoch, by giving you special mandate by these presents in the premises, and by having regard to whatsoever you shall cause to be lawfully done as to the foresaids: Wherefore, for your strictly understanding, we command you to cite the reverend father in Christ, Lord Alexander, by the grace of God, Bishop of Moray at Logachnacheny,\* in a lawful place, and distinctly by himself at Ardinche,† also at the Church land of Kingussie, at the land of the Chapel of Rate,‡ at the land of the Chapel of Nachtan,§ at the land of the Bishop of Kyncardyn, and at any and every place, and by divers witnesses; also at the land of Gartinenagally¶ holding of him, at Kyncardyn holding of him: that they compare before us at the *Standand Stanys* of Rathe of Kyngucy Easter, on the 10th day of the month of October next to come, to show us by what evidents they claim to hold said lands within the bounds of our Regality foresaid, there to do what the order of law shall demand, and be thou there, having with thee these our letters and the testimony of thy citation, according to the tenor of this our command: In testimony of which matter, to these presents we have commanded our seal to be appended at the Castle of Ruthven, the 14th day of the month of July, in the year of the Lord 1380:—The foresaids thereafter compearing, suits are then called, and according to custom the court is fenced. The reverend father in Christ, Alexander, by the grace of God, Bishop of Moray, accompanied by a becoming retinue, directed his steps to the Court, and standing without the Court, after silence had been obtained, modestly offered what follows, speaking thus—Protestation being premised that because of this compearance or any other things we shall say or do here, we do not mean to acknowledge you illustrious man, Lord Alexander Seneschall, Lord of Badenoch, as Lord Superior of the lands which our Church of Moray and we hold in Badenoch, but since it has come to our knowledge that you, as it pleased you, caused us to be cited in our said lands to this day and place, to show you how we hold those lands, therefore we set forth for the information of all here present, that we lately in the month of August last past, in the Church of St Mary of Inverness before our Lord the King and the illustrious men the Lords, the Earls of Carryk and Fyfe, sons of our Lord the King, the Lord the Earl of Moray, the reverend father in Christ, Lord John, by the Grace of God, Bishop

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\* Logachnacheny. The Bishop's lands in the Parish of Laggan, which Parish being dedicated to St Kenneth, is frequently termed Laggan Kenneth.

† Ardinche. The lands belonging to the Bishop near Loch Insh. The height on which the Church stands is Ardinche.

‡ Chapel park, in the Parish of Alvie, a part of the estate of Raitts, the Chapel being dedicated to St Molochus. The Bishop of Brechin in his valuable "Kalendar of Scottish Saints" says the "original name is Lugaidh, pronounced Lua, with the endearing suffix *oc* and the honorific *mo*"—hence Moluoc; but he omits in his enumeration of churches dedicated to the Saint, upwards of a dozen, this Chapel at Raitts. Shaw in noting the Chapel, very incorrectly terms it *Maluac*. St Molochus' day occurred on 25th June.

§ St Drostan's Chapel, Dunachton.

¶ Garten in Abernethy.

of Dunkeld, Chancellor of Scotland, John Lyoune, Chamberlain of Scotland, Thomas de Erskin, Robert de Cheshelm, Knights, and many others, disclaimed you Lord Alexander and your court, and acknowledged our Lord the King, and now here again we say and show that we and our Church of Moray hold said lands—viz., of Ratmorcus, Logykeny, Kingucey, Inche, Ardinche, and of the chapels of Rate and Nachtan, and the land of Kyncardyn, and of whichsoever of these, of our Lord the King of Scotland; and we deny we hold these lands or any of them of you; and so disclaim you and your court, and invoke and acknowledge our Lord the King and his court, and as regards these we seek as witnesses you Lord Alexander and all here standing, and thee notary that hereon thou give us a public document. The said Lord Alexander replied that since he was requested he would accordingly willingly afford testimony to these matters as they did not stand in the way. Lord Alexander then caused the said Lord Bishop to be called in his court to answer for said lands, the Bishop then returned into court from which he had not gone far, and when silence was obtained, gave pledge in the hand of the said Lord Alexander, not as Lord of Badenoch, but as Sheriff of Inverness, that by the force of the disclamation made, he was bound to refrain from further process against him and his Church, and from sentence, judgment, decret, recognition of said lands, poiding, or any other mode of distraining. The said Lord Alexander refused to accept of said pledge. The Lord Bishop then carried said pledge in defect of the Sheriff of Inverness, and offered it to the said William de Camera, justiciary clerk of our Lord the King as King's minister, and the said William also refused to accept it, and as there was no other royal minister present, the said Lord Bishop extended said pledge to, and found caution in the hands of Robert de Galbrath, macer of our Lord the King, there present, who accepted the pledge, and thereupon the said Lord Bishop withdrew a short space from the court. As Lord Alexander still continued the process against him, he again returned to the court and reiterated the disclamation formerly made with the preceding protestation and extension of the pledges offered by him, and which were likewise repelled by the said Lord Alexander the Seneschall, as Sheriff of Inverness, and by the said justiciary clerk of our Lord the King in face of the court, and of Patricius de Crauford, Sheriff of Banff, who recently had entered the court, as he said, after the foresaid grievances had been inflicted upon the said Lord Bishop, and offered, and produced caution in his hand as a minister of the King though of another territory. Patricius also refused to receive said pledge. And as afterward in said court there was passed a certain judgment or decret against said Lord Bishop, for taking sasine of foresaid lands, with the exception of the land of Rathmorcus, in the hand of the said Lord Alexander, the Bishop returned to the court and thrice warned and inhibited any servant of the said Lord Alexander from going to said lands to seize, recognosce, or attempt any other thing to the prejudice of the royal crown and regal dignity and jurisdiction, or to the hurt of his privilege, and that of the Church of Moray, under pain of all which, as against our Lord the King he could lose, and under the threat that he would proceed as severely as possible by law and custom against any such invaders of ecclesiastical matters and sacrilegious, and as plunderers and violators of the royal and apostolic protection, by every mode of church censure and by all other ways. Upon all which matters the said Lord Bishop sought of me notary within written a public instrument to be made for him, and for this called as witnesses the said Lord Alexander and all the forementioned persons and the whole court itself, and thereupon retired. Now on the morrow, to wit, the 12th day of the month and year foresaid, before noon, there were assembled together, in the Castle of Ruthven, in Badenoch, in the diocese of Moray, in the first instance in the chapel, and afterward in the great chamber behind the hall, the said reverend father in Christ, Lord Alexander, by the Grace of God, Bishop of Moray, and the said Lord Alexander the Seneschall, Lord of Badenoch: and while they were talking together regarding said process transacted on the day previous against said Lord Bishop, and of the judgment or decret given in the court then held, and the Bishop was accusing Lord Alexander and his assessors and advisers of the iniquity, nay rather of the nullity of that process and judgment or decret, and while many things were being said on both sides, Lord Alexander at length fully informed after having previously had a consultation with his council, of whom there were present at the time, Patricius de Crauford, William de Camera, Alexander Man, Martin de Caldor, and Robert de Apylton above written, and Lord William de Fodryngham, knight, who had just lately come to Lord Alexander, by the unanimous advice of these revoked and annulled his whole process, and said judgment, or decret passed, or issued in court, as incautiously passed and issued, so far as they had proceeded from fact, and held it and

desired it to be held for himself and his successors, the future Lords of Badenoch, as revoked and annulled, nay rather as none of his and not done by his judge : In token of which the said Lord Alexander caused the whole process with the decreet to be torn from the roll of that day's court by the said William de Camera, his secretary and seal-bearer, and to be given to me the within written notary to be burnt ; which process with the decreet, I the within written notary, in presence of said Lords, the Bishop and Alexander, and of the others next after named, by command of Alexander himself, and in presence of Lords Robert de Sancto Claro, the Dean, and Alexander of Urchard, a canon of Moray, John Grey, vicar of Artildol ; Gilbert, Patricius, and Donald, perpetual vicars of Kingussie, Logykeny, and Kyncardyn ; Richard, son of William, a chaplain ; Gilbert de Glencharny, Lord of that Ilk, Andrew Faucounere of Lethinvar, and Hugh de Ros of Kylrawoc, Barons ; Malcolm le Graunt, David Reede, John de Brothy, Thomelinus Herys, Ferchinus, and many others, cleric and laic, placed with my own hands in a large fire kindled in said chamber to be burnt, by special command of both parties, and together with all the foresaid persons, saw devoured and consumed by fire in token and continual memorial that the Lords of Badenoch cannot demand, or in future ask for anything of the Bishop, or Church of Moray in respect of foresaid lands. Upon all which the Lord Bishop sought of me notary within written a public instrument, or public instruments to be made for him. In stable and undoubted testimony of all which to the present letters reduced into the form of a public instrument, the said Lord Alexander Seneschall caused his seal to be appended : Given and done as above in presence of the witnesses named. And I, William de Spyneto, a cleric of the diocese of Moray, notary public by imperial authority, was engaged, together with the foresaid witnesses in all and sundry the premises, while as is before set forth they were being acted and done, and so I saw and heard these things done, and from another writ I have reduced them into this form and have signed in testimony of all the premises with my sign and usual subscription.

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## XXXII.

### ROBERT II. 1370-1390. PART FOURTH.

The King appears to have been at Inverness for several days during the month of July 1382, and to have granted various charters connected with the affairs of his son, Alexander, the Seneschal (Wolf of Badenoch), who had married the widowed Countess of Ross. The first of these relates to the Barony of Kinedward, and is as follows, being dated 22d July :—

Robert, &c. : Know that we have given, granted, and by this our present charter, confirmed to our beloved son Alexander, the Seneschall, Lord of Badenoch, all and whole the barony of Kynnedward, with the pertinents, within the Sheriffdom of Aberdeen, which barony, with the pertinents, our beloved cousin Eufamia, Countess of Ross, induced neither by force nor fear, nor having fallen in error, but of her own pure and free will, by staff and baton, did freely give up, and purely and simply resigned to us, &c. : To be held and had by the said Alexander and Eufamia, and the longest liver of them, and the heirs lawfully procreated 'twixt them, whom failing, to the heirs lawful of the said Eufamia whomsoever, of us and our heirs in feu and heritage, by all their right marches and divisions, &c., with tenandries and services of free-tenants, and advocations of Churches, &c. : Doing therefor to us the services used and wont : In testimony of which thing, &c. At Inverness, the 22d day of July, in the 12 year of our reign, 1382.



The King, at Inverness on the 24th day of July 1382, granted to the same parties the Thanage and Castle of Dingwall in these terms :—

Robert, by the grace of God King of Scots, to all good men of his whole realm, cleric and laic ; Greeting : Know that we have given, granted, and by this our present charter, confirmed to our beloved son Alexander Senescall, Earl of Buchan, and Eufamia, Countess of Ross, the thanage of Dyngvalt (Dingwall), with the castle and pertinents, which thanage with the castle, the said Eufamia induced neither by force nor fear, nor led by error, but of her own pure and free will, by staff and baton, gave up, and purely and simply resigned to us, &c. : To be held and had by the said Alexander and Eufamia, and the longest liver of them, and also to the heirs lawfully procreated 'twixt them, whom failing, to the heirs lawful whomsoever, of the said Eufamia, of us and our heirs in feu and heritage, &c., with tenandries and services of free-tenants, and with all and sundry liberties, commodities, easements, and just pertinents whatsoever belonging to said thanage and castle, with the pertinents, or which in future may in any way belong : Doing therefor the services used and wont : In witness of which thing, &c. At Inverness, the 24th day of July, in the 12th year of our reign, 1382.

Upon the following day, also at Inverness, the King granted to his son and daughter-in-law the following charter :—

Robert, &c.—Know that we have given, granted, and by this our present charter confirmed to our beloved son, Alexander Senescall, Earl of Buchan, and Eufamia, Countess of Ross, the baronies or Lordships of Skye and Lewes, all the lands in Caitliness and Sutherland, all the lands within the Sheriffdoms of Nairn and Inverness, all the lands within the bounds of Athole and Sheriffdom of Perth, the barony of Fythkill with the pertinents, within the Sheriffdom of Fife, all lands within Galloway, the lands of Forgrundtheny and Kinfawny, within the Sheriffdom of Perth and the thanage of Glendorachy, and the lands of Deskford within the Sheriffdom of Banff, which belonged to said Eufamia by heritable right, and which she, neither induced by force nor fear, nor led astray by error, but of her pure and free will, by staff and baton, gave up and purely and simply resigned to us and all right, and claim, &c., and has in every way quitclaimed for ever : To be held and had by the said Alexander and Eufamia, and the longest liver of them, and the heirs lawfully procreated 'twixt them, whom failing to the lawful heirs of the said Eufamia, of us and our heirs in feu and heritage, by all their marches and divisions, &c., with tenandries and services of free-tenants, and advocations of Churches ; also with all and sundry liberties, commodities, easements, and their just pertinents whatsoever, belonging to said lands, or which may in future belong thereto, &c., Doing therefor the services used and wont. In testimony of which thing, &c. At Inverness, 25th July in the 12th year of our reign, 1382.

He also confirmed at Inverness on the same day the resignation by the Countess of Ross to her husband, of the earldom of Ross, in these terms :—

Robert, &c., to all good men of his whole realm ; Greeting : Know that we have approved, ratified, and by this our present charter confirmed that donation and grant which our beloved cousin, Eufamia, Countess of Ross, made and granted to Alexander, the Senescall, Earl of Buchan, our beloved son, of the Earldom of Ross, with the pertinents : To be held and had by him for the whole term of his life, in and by all, as the charter of our said cousin made to him thereanent in itself justly contains, and proports : Reserving our service : In testimony of which thing, &c. At Inverness the 25th day of July, in the 12th year of our reign, 1382.

The following charter by the King of lands in Urquhart and Glenmoriston to his son is without date, but was probably granted at the same time as the preceding charters. The Reddendo is payable within the Castle of Urquhart :—

Robert, by the grace of God King of Scots, to all good men of his whole realm; Greeting: Know that we have given, granted, and by this our present charter confirmed to our beloved son, Alexander, Earl of Buchan, a half davoch of the land of Invirmorsyn (Invermoriston), with the fishing and park, a fourth part of Blary, three-fourth parts of Inchebrenys, with a fourth part of Lochlettre, and one-fourth part of Dalshanghy, with the pertinents within the Sheriffdom of Inverness, and which lands, with the fishing and pertinents foresaid, belonged to Robert de Chisholm, knight; and which said Robert gave up and resigned to us; To be held and had by our said son, his heirs and assignees, of us and our heirs in feu and heritage, by all right marches and divisions, freely, quietly, and wholly, with all liberties, commodities, easements, and just pertinents whatsoever: Paying therefor, the said Alexander our son, and his heirs, to us and our heirs, annually one penny silver, in name of blench-farm, at the Castle of Urquhart, if asked.

The Bishop of Moray, who had a troubled see, harassed on the one hand with powerful barons, and on the other by grasping titulars, feeling aggrieved at being summoned to, and thereby held as a subject of the Sheriff Court of Inverness, promulgated the following appeal, entitled:—

*Appeal from the Judgment of the Sheriff Court.*

Be it known to all, that we, Alexander, by the grace of God, Bishop of Moray, appeal from the judgment given against us as said is, in the Court of the Sheriff of our most excellent Prince, Lord Robert, by the grace of God, illustrious King of Scots, held at Inverness on the 6th day of the month of October, in the year of the Lord 1383, last past, to the Court of the Justiciar of our said Lord King, in the matter regarding our giving suit at the said Court of the Sheriff, and pronounce the judgment null; And if the judgment ought to be pronounced, it is in itself *rotten* and corrupt, for this reason, because from the time of the beginning of which men have no remembrance and to the present, the continuous Bishops of Moray, our predecessors, have been and were, and we, during our time, have been, and are now, (saving the present controversy), in full and peaceful possession of the privilege of not giving such suits, with the knowledge and toleration of the late Catholic Princes our Lords, Kings of Scotland, and of our present Lord King, and of the Sheriffs of Inverness, who have for the time been, and if anything was ordained regarding this matter, by the non-use, and through contrary acts, with the permission and tolerance of the Prince, and of his servants, and the lapse of time, it is, and has been removed; and for other reasons to be urged at time and place; for which we protest: In testimony of which appeal our seal is appended to these presents, which are to be handed to the Lord Sheriff of Inverness or his Depute. Given at Spyny, the 5th day of November, in the year of the Lord, 1383.

He also issues the following procuratory for serving his appeal. From the procurators being directed “to go to the chief house of our said Lord the King at Inverness, and there publish our said appeal,” &c., it is obvious that by this time the Castle had been rebuilt, and then occupied in the King’s name. The procuratory letter is as follows:—

Know all, that we Alexander, by the grace of God Bishop of Moray, make and appoint our beloved and discreet men Lords John de Sancto-Clare (Sinclair) prebendary of Croy, Eustachius of Inverness, canons of our Church, Adam Wyff and Thomas de Marr, our servants, and each of them in whole, so that the condition of the occupant be not better, but what one of them shall begin, the other may pursue and accomplish, our procurators and attorneys for presentation and publication to Lord William de Fodryghame, acting in room of the Sheriff of Inverness, or his depute, of our appeal interponed by us against the judgment given against us, as said is, in his Court held at Inverness the sixth day of the month of October last past, regarding the suit to be made by us to said Court, and to find pledge in the hand of said Sheriff, his depute or mair, and also in the hand of the Justiciar of our Lord the King, or of any other of his servants, which said judgment given against us on said day and place,

and regarding said suit, was and is bad and false : And in absence of the foresaids to go to the chief house of our said Lord the King at Inverness, and there publish our said appeal, before witnesses, and to protest that our right shall in no way suffer through their absence, and to do all other and sundry which shall be proper regarding the premises, and we promise that we hold valid and stable everything that shall be done in the premises by them, or one of them. Given under our seal at Spynie, the 5th day of November, in the year of the Lord, 1333.

How the Bishop compounded differences with Lovat will be seen in our next.

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### XXXIII.

#### ROBERT II. 1370-1390: PART FIFTH.

Bishop Alexander, at Inverness, upon the 30th of Nov. 1384, made the following agreement with Hugh Fraser, Lord of Loveth, with regard to the lands of the latter held of the Bishop, in the Aird. By this agreement Lovat bound himself, and gave his word of honour that he would be a good friend and faithful to the Bishop, and his subjects, particularly to those of Kinmylies. Probably at this early period the Lovats had an eye to Kinmylies, though they do not appear to have got any charter to it for two hundred years after.

The agreement is as follows :—

*Aug. Nov. 194*

Be it clearly known by this authentic writing, that in the year of the Lord 1384, and on the last day of the month of November, it was agreed upon between the reverend father, Lord Alexander, by the Grace of God, Bishop of Moray, on the one part, and the noble man, Hugh Fresel, Lord of Loveth, on the other, viz. :—that the said Hugh without any further delay, or allegation of any kind of danger, whether of war or of any other event whatsoever, from the day of the contingent completion of these presents, shall pay to the foresaid Lord Bishop twenty pounds sterling of usual money, at the Feasts of Pentecost and St Martin next to come, by equal portions, and over and above that sum, fifty shillings at the Feast of St Martin foresaid : Surrendering altogether all the debts both of the annual rents of Kyntallirty, Ess, and Munichok (Moniack), and of the teind-sheaves of Vardlau due by the said Hugh for the terms and seasons bypast, with this addition, that he shall offer no impediment from that time because of any contingent danger, whether of war, or of any other event whatever, but from that time he, freely and fully satisfy for the annual rent due by him for Kyntallirty, Ess, and Munichok, and also that for the rest no impediment shall avail, either for himself or his, whereby the said Lord Bishop may not freely, according to the pleasure of his free will, dispose of his tithes of Vardlau : And moreover the foresaid Hugh has granted and obliged himself, having given his word of honour, that he will be a good and faithful friend to the foresaid Lord Bishop, to all his subjects and possessions, and chiefly to the two towns of Kynmylies, and shall not offer molestation, or hurt, either to them or to any other of his whole lands wherever situated, nor permit as much as he conveniently can, any to be offered by his own subjects or others, and he shall faithfully and efficiently give his assistance to obtain redress for the losses that have been, or may be inflicted, on said subjects : And if it happen that he fail in payment of said sum of money, and of the annual rent at fore-said terms, or offer an impediment, at any time, to the levying of the tithes

of Vardlau, the whole sum now due and remitted shall revive and be of avail in the state in which it now is, as if there had been no remission granted: The foresaid Hugh has also obliged himself that he will give all due diligence to recover that portion of the annual rent of Kyntallirty and of *le Ess* which pertains to the part of the foresaid lands of Kyntallirty belonging to the noble man William de Fenton: And for the faithfully observing of these things the foresaid parties have to the present writing each appended his seal, and have confirmed the same with holy oath. Given at Inverness, day and year aforesaid.

In April 1385, at a General Council, David, Earl of Strathern, son of King Robert, complains of his brother, Alexander the Senescall, Earl of Buchan, that he occupies the Barony and Castle of Urquhart to his prejudice. The matter is referred to amicable arrangement, failing which, it is to be taken up at the next meeting of Council, with continuation of days.

Among other matters before the Council, the Earl of Carric is to go to the northern parts to see justice done, “because there is heavy and frequent complaint by prelates, nobles, and very many of the community of the kingdom of the want of justice in the upper and northern parts, that many evil-doers and Ketherans (broken men) wander about, congregate and shelter there, who by killing, plundering, and burning, lay waste and cruelly consume clergy and laity.”

This same year a tragic event occurred at Inverness, which is thus narrated in the “Red Book” of Clanranald:—“It was Donald the son of Angus, that was killed at Inverness (by his own harper, Mac-i-Cairbe), son of John of the Isles, son of Alexander, son of Donald, son of John, son of Angus Og.”

Upon the 2d day of February 1386, the Bishop of Moray and Alexander the Seneschal, met within the house of Thomas, son of John, burgess of Inverness, and entered into the following agreement regarding the lands of Rothiemurchus and others. It is entitled computation made between Lord Alexander the Seneschal, and Lord Alexander Bishop of Moray—and is as follows:—

Memorandum that on the second day of the month of February, in the house of Thomas son of John, burgess of Inverness, in the year 1386, a reckoning being made between the Great Lord, Alexander the Senescall, Lord of Badenoch, on the one part, and Lord Alexander, Bishop of Moray, on the other, regarding the rent of Ratmurchus and the annual of Culnacavil (Coulmakyle) within the barony of Abernethy: All things being reckoned and allocated, the foresaid Lord Alexander remained debtor to the foresaid Lord Bishop in 11 merks, of which five merks were gifted and remitted, and for the six merks satisfaction had been made to the foresaid Lord Bishop. Concerning other things pending ’twixt them nothing was then done, as for instance regarding the tithes of the justiciary and sheriff-courts held in his time, nor regarding the sixty shillings due for the tithes of the three Fynlarigs which John Gray, Constable of Ruthven, received. Item memorandum that from the time of the death of Christin M’Crath till the time in which Lord Alexander entered to the Barony of Abernethy, nothing has been allocated.

✓ The Countess of Ross, being ill-treated by her second

husband, separated herself from him. By sentence of the Bishops of Moray and Ross pronounced within the church of the Preaching Friars of Inverness, on 2d November 1389, she was ordained to return under certain safe-guards, the Wolf finding as his securities, Robert Earl of Sutherland, Alexander de Moravia of Culbin, and Thomas de Chisholm. The sentence is as follows :—

In the name of Christ, we, Alexander and Alexander by the grace of God, Bishops of the Churches of Moray and Ross, diocesans and judges ordinary of the parts underwritten, sitting in the judgment seat, and having God alone before our eyes, by the advice of skilled men with whom we have been in communication as to all these matters, having heard and understood what each party wished to offer against the other, and having considered the mode of procedure, pronounce, decern, and declare by this writ, that Lady Eufamia, Countess of Ross, must be restored to Lord Alexander, Senescall, Earl of Buchan and Lord of Ross, as her husband and spouse, together with her possessions : And we have restored her as far as by law we can, to be treated honourably with matrimonial affection at bed and board, in food and raiment, and all others according to what becomes her station ; and that Mariota (Marion) daughter of Athyn must be sent away ; and we do send her away as far as by law we are able ; and that he shall not hereafter dismiss her (the Countess) : And since the foresaid Lady Eufamia, the Countess, alleges fear of death and . . . . . of his men, slaves, nobles and others, the said Earl shall find and deliver to us by way of surety, the security of great and notable persons, and that under penalty of two hundred pounds, that he shall treat the said lady becomingly as is above said, without the fear of death, and shall not in any way surround her with his followers, slaves, nobles, and others contrary to common law ; In testimony of which our seals are appended to these presents : This our sentence was read, published, and pronounced in this writ in the church of the Preaching Friars of Inverness the 2d day of the month of November in the year of the Lord 1389 : Present the great (*magnifico*) man, Robert, Earl of Sutherland, and the religious man, Adam, abbot of Kinloss, Masters William de Spyni and William de Dyngwale, deans of the churches of Aberdeen and Ross ; William de Chesholme, treasurer of Moray, Maurice de Stratheryn, archdeacon of Dumblane, John de Sancto Claro, a squire, and many other witnesses specially called to the premises : And the said Lord Alexander then personally constituted, promised, and faithfully undertook to perform and fulfil the premises all and sundry enjoined on him by us, under the penalty foresaid, and to this end gave us as sureties the said lord, Earl of Sutherland, Alexander de Moravia, Lord of Culbyn, and Thomas de Chesholm, then present, and consenting to pay to us foresaid penalty when and how often he, which God forbid, would come or do anything against the premises or any of them : Given and done as above and before the above-named witnesses.

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XXXIV.

ROBERT II. 1370-1390. PART SIXTH AND LAST.

In this reign, and in the year 1386, was fought the battle of Invernahaun, in the county of Inverness, still an important theme among Gaelic-speaking people, and regarding which so many anecdotes are current. The burn where, at its affluence with the Eileach, the Mackintoshes encamped after the first day's combat, in Strath-an-Eileach of Kingussie, is known to this day as Ault-Reidh-an-Toiseaich.

Where the leader of the Camerons fell on the following day is the well known Clach-Thearlaich, by the water, and in the corry of the same name. The section which fled by Loch Errochtside, hotly followed by the Clan Vurich, forming a sudden rally, cut off the head of one of the Macphersons, a man either of dark complexion, or so designed by his residence. This occurred at a little streamlet near Dalinlongart, termed Ault-a-ceannndhu. He was the last who fell, the pursuit having there ended.

Besides his troubles with the Wolf of Badenoch, the Bishop of Moray had many and serious differences with the Earl of Moray. These formed the subject of reference to the Earl of Fife, guardian of the kingdom, afterwards the noted Duke of Albany. His decision was pronounced within the Church of the Preaching Friars of Inverness, on the 28th of October 1389. In the pages of our great novelist, two men, one in Scottish and the other in English history, stand out prominently as villains without a redeeming feature, viz., Ramorney in "The Fair Maid of Perth," and Varney in "Kenilworth." In the deed after quoted, Ramorney, then an esquire, is found in the train of the Lord Guardian.

Among the complaints of the Bishop against the Earl of Moray, was that of encouraging robbers to enter and waste his lands. This was a mean, but far from uncommon device on the part of great Lords, such as Huntly, Montrose, and Argyle. They were themselves too close to the seat of Government, and so within reach of the law, that it would have been dangerous to act openly. It was in this odious form that nigh three hundred years after this period, so late as 1634, the Gordons revenged the "burning of Fren-draught," so that, as related in a manuscript of 1720, "the Crichtons of Fren-draught which once possessed three parishes, Fergue, Inverkeithing, and Aberchirder, were by these inroads of their enemies reduced to poverty, and in seventy years were stripped of all and extinguished."

Follows the arrangement betwixt the Bishop and the Earl of Moray:—

*Arrangements for amending the complaints of the Bishop of Moray against the Earl of Moray, and of the Earl against the Bishop by the Lord Guardian of the Kingdom with advice of his Council.*

This indenture testifieth that on the vigil of the Apostles Simon and Jude, (28th October), in the year of the Lord 1389, in the Church of the Preaching Friars of Inverness, it is ordained and determined by the illustrious man, Lord Robert, Earl of Fyff and Meneteth, guardian of the Kingdom of Scotland and his council, both in virtue of his office and by reason of the submission of the Lords, the Bishop of Moray on the one part, and the Earl of Moray on the other, in the form which follows, concerning all and sundry accusations, actions, complaints, lawsuits, and controversies, real and personal, moved or arisen betwixt

them even unto this day : First, that the kiss of peace being exchanged, they on both sides for the rest, be and continue true, firm, and cordial friends, and that none of them by himself, or his, voluntarily do injury to the other, and if this happen by chance, he who has suffered injury shall require the party injuring to make amends, and though the latter may not be willing to atone, the former shall not take vengeance, but refer the matter to the said Lord Guardian, or to our Lord the King, who shall cause this to be atoned for : *Item*—That the order of certain arbiters between the said Bishop and Earl, the order of which arbiters hereafter follows, be strictly and faithfully observed in all its points and articles : And as to the case of Lossy, it is ordained that if time permit, an assize be chosen from the lands of the Realty and Regality, together with others trust-worthy, in presence of the Lord Guardian, which assize shall determine who last was true and lawful possessor, and he shall possess ; and if because of occupation, the said Lord Guardian shall not be able to cause a vacancy, he himself shall give another judge capable of executing his own order : As to the case of the indignities offered to the Bishop by the Earl, by order of the Guardian, the Bishop has purged himself therefrom, and he has held the Bishop excused that he made complaints for the injuries inflicted upon him : As to the case of following the Earl's standard, as it touches in part our Lord the King, it is ordained that both parties ought to compear at the next general council, or in Parliament, to undergo the determination of the general council of our Lord the King : As to the Kethrans (broken men), it is enjoined the Earl, that he purge himself for their introduction, to the loss of the Bishop ; and because they (the Kethrans) have not indemnified him according to his command, and he has purged himself therefor, he is commanded to appoint officers, wise and just men, to execute justice upon the evil doers : *Item*—The servants of the Earl are not to take fish from the Bishop's fishers against their will, nor compel them to sell to themselves for less than to others, and they are to give satisfaction for what has been, and may be bought : *Item*—The Earl is not to interfere with cases belonging to the church court, nor usurp nor hinder the jurisdiction of the Bishop in wills or others : *Item*—That all the annual rents due to the Bishop from the lands of the Earl, for the terms and years bypast, be paid him at that feast of St Martin in winter that shall now next come, and that he satisfy him and his for all losses before the feast of the purification of St Mary next following thereafter. *Follows the order of arbiters as to the complaints of the Earl against the Bishop* : First as to the town of Cuthilfeld, let a perambulation be made with common consent of the Lords : For this, that the Bishop caused the men of the Earl to swear before Lord Alexander, the Senescall, &c : Since he has done this for the better he shall not be punished : And, for this, that it is said that he excommunicated the squires of the Earl on account of a robe : The Bishop denies, but let him refrain from such things in future ; Regarding the process against those who captured the lord treasurer, &c. : The Bishop has not done enough by excommunicating, but he ought also to have imposed an interdict : As to the sustentation of the manors in the canoinry, and the non-resident, let the Earl make provision as before, and let him chiefly demand it for the repair of the church and non-residence, when the Bishop and the chapter (do) this : As to those coming to the water of Petgavny, if it can be proved let the Bishop atone and cease for the future : For the slaughter of David de Berclay, let the Bishop purge himself, and he in presence of the said Lord Guardian and his Council, with the Lords Bishops of Ross, Caithness, and Abbot of Kinloss, and many others, for this (made) solemn purgation : *Item*—The Bishop may compel those who defile the Church of St Egidius to give satisfaction by reconciliation, and let the Bishop restore to the burgesses the money received from them for this purpose : Regarding the boy of Peter Grame, the Bishop is without fault. *Follows the order of the arbiters regarding the complaints of the Bishop against the Earl* : First, Let the Earl cause all those, whom he says and approves to be his, to answer and abide the law to the Bishop and his, for the losses inflicted by them, or let the Earl himself give satisfaction for them : *Item*—Let the servants of the Bishop distrain and poind the lands of the Earl for the annual rent, and let them take the poinds to the lands of the Bishop ; as the arbiters have seen the evidents of King Alexander for this course, and let the annual rents of the time bypast be restored to the Bishop : For the annual rent of Muthes satisfaction is made by the Earl to Lord Alexander, the Senescall, and let the Bishop seek from him : Regarding the corn of Dolesbracti, let the Earl satisfy the Bishop, if he has not satisfied Lord Alexander, for said corn : Regarding the rents of the tithes of the Churches of Elgin, Dyk, and all other tithes, let the receivers and debtors be compelled by the Bishop to pay : As to John de Pylmur, let him

satisfy the Bishop for the malt taken away from the Mill of Grange: Let the Earl compel Alexander de Greenlau to satisfy the burgesses for the tithes of Levynyshalch, and let the burgesses satisfy the Lord Bishop: Let Haugand Schaw and William Cocus give satisfaction for the losses of Auchonkeny, for which the Lord Treasurer will be responsible: As to the Friars of *Mala Villa*, let the Earl commit the cause to some good man who shall do justice to the Bishop and others complaining of them: The same course is to be pursued with regard to Henry Grame, Alexander Grenlau, Slorach, John Bard, and Robert Craufurd. *Item*—That the immurity and decency (*honestas*) of the cloister and chanonry must be observed, and neither the Earl, his friends, nor guests may stable horses, nor seize the houses, nor break open nor burn the gardens of the Canons. *Item*—That the Earl's chaplain may not hereafter receive the excommunicated to the Sacraments in his Chapel, nor others to the prejudice of mother Church, and that he restore all offerings to the parish Church: James de Jonystoun must satisfy the wounded William Swan: As to John Fraser, the friend of Hugh Fraser, let the Earl cause him to make amends to Thomas of Kirkton: Regarding the horses of the Earl, let them not hereafter be sent into the lands of the Bishop: The oxen, horses, and other property of the Bishop's men, taken at the time of the fair of St Egidius, are to be restored: Noblemen in quest of corn or other goods are not hereafter to beg for it, nor labour to this end; or let them send among the husbandmen: As to the 40s received by Symon Faber, let the Earl cause him to restore them: Ysaac de Forp must be given up to the Bishop, and let him execute justice upon him: As to Alexander M'Caneny, if he can be found within the Regality, let a pledge be found, and let the Earl do justice: As to the tithes of the Canons and clerics, the Earl must henceforth leave them, and neither intromit with them himself nor by his: Moreover, these things above written, all and sundry, the foresaid Lord Earl with his Council, commanded and ordered to be fulfilled and faithfully observed by the said Bishop and Earl and theirs, under the pain of £200 of usual money, to be applied without remission to the fabric of the Church of Moray, when and as often as anything should be done contrary to any of the premises: In testimony of all which, to the part of this indenture to remain with the Bishop is affixed the seal of the said Lord Guardian, together with the seal of the said Lord Earl of Moray; and to the part to remain with the said Lord Earl is affixed the seal of the said Lord Guardian, together with the seal of the Lord Bishop foresaid: These things are done as above said; present the reverend fathers, Lords Alexander and Alexander, by the grace of God Bishops of the Churches of Ross and Caithness; Adam, Abbot of Kinloss; the noble Lords, Lord John de Swintoun, Lord of Marr; David de Lyndesay, James Fraser, Alexander de Lyndesay, Alan de Herskyne, John de Haya, George de Lesly, Thomas Sybald, Robert de Levynyston, John de Lyndesay of Walhope, and John Brune, knights; John de Ranmorgeny, Walter de Tulach, William de Camera of Abyrden, squires; and many other witnesses to the premises.

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### XXXV.

#### ROBERT III. 1390-1406. PART FIRST.

Robert III. had hardly succeeded to the throne, when his brother, the Wolf of Badenoch, capped all previous evils done to the Bishop of Moray, by the destruction of the Cathedral. The Wolf is known to this day among Gaelic-speaking people as *Alasdair Mor*.

This event occurred in June 1390, and is briefly noted in the Chartulary of Moray, under the head of "Quedam Memorabilia," in these terms:—



In that year, before said Coronation [that of Robert III.], the followers of Lord Alexander, the Senescall, son of the deceased King, in the end of the month of May burnt the town of Forres, and the choir of the Church of St Lawrence, and the manor of the Archdeacon within the town, and in the month of June following, on the feast of St Botolph the Abbot, in the presence of the said Lord Alexander, they burnt the whole town of Elgin and the Church of St Egidius therein, the House of God near Elgin, eighteen noble and beautiful mansions belonging to the canons and chaplains, and which must be more bitterly deplored, the noble and beautiful Church of Moray, the mirror of our native country and the honour of the kingdom, with all the books, charters, and other valuable things of the country therein kept for security.

The loss of the books and charters is irreparable, but it is fortunate that the Chartulary, afterwards compiled, which has been printed by the Bannatyne Club, and to which we are so much indebted, is so full. The Wolf before this had received a charter of the Castle Hill of the town of Inverness, with ane taillie without date. This charter, unfortunately, does not appear to be extant, though of local interest, but as it is noted in a roll of charters, before a charter to John Earl of Moray of *inter alia* of £20 sterling out of the great custom of the burgh of Inverness, dated, Edinburgh, 5th April, 1390, it is evident it was granted prior to that date.

The celebrated fight on the North Inch of St Johnston, occurred on the 28th of September 1396. As the question of the identity of the respective combatants is not likely ever to be authoritatively ascertained and laid at rest, we content ourselves with the brief *notandum* in the Chartulary of Moray, under the head before referred to of "Quedam Memorabilia":—

Memorandum that in the year of the Lord 1396, on the 28th day of the month of September, at Perth, before Lord Robert King of Scotland and the nobles of the kingdom, there assembled for the purpose, since a firm peace could not be made 'twixt the two clans, to wit of Clanhay and Clanqwhwle, but slaughters and plunders were being committed daily on both sides, thirty of each side without armour of iron (mail) with axes, swords, and small knives (dirks), however, met by agreement, that one party might sweep away and destroy the other, and they engaged in conflict. The whole party of Clanhay, except one, succumbed and died on the field, and of the other party ten were left surviving.

Alexander, Bishop of Moray, was dead by 1398, but his successor, William, finds himself in collision with civil jurisdiction. The reasons after given are against a judgment pronounced by William de Fodryngham, the Depute-Sheriff of Inverness, at Inverness on 1st October 1398. The document is dated on the anniversary of the 11,000 Virgins. It is not a little singular that this day is one of four feasts in all recorded for October in the "Kalendarium Quoddam Celticum" (Celtic Calendar), viz.—3d October, St Francis; 18th, Luke the Evangelist; 21st, Eleven Thousand Virgins—*aen mile deg banogh (sic)*—and 28th, Feast of Simon and Jude:—

*Reasons against the Judgment of the Court of the Sheriff.*

Reg. Moray. 208  
 Inquisition?

The reasons of William, Bishop of Moray, against the judgment given against him at Inverness, in the Court of the Sheriff, on the first day of the month of October, in the year of the Lord 1398: First, since from the time of whose beginning the memory of men has no recollection, and to this time continuously the Bishops of Moray, his predecessors, have been, and were, and he himself during his time has been, and is, to-day, saving the present controversy, in full and peaceful possession of the liberty of not giving suits at the Courts of the Sheriff of Inverness. The deceased Catholic Princes, the Lords Kings of Scotland, and our present Lord King, and the Sheriffs of Inverness, who for the time have been, knew, and allowed this, and if any thing has been ordained regarding this from want of practice, and through contrary acts with the indulgence of the Prince and the permission of his servants, and the lapse of time, it has been and is removed: *Item*—That the Church of Moray and the Bishop have been for many years immediately and continuously preceding in peaceful possession of the liberty of not giving suits at said Court of the Sheriff, and according to the statutes of King Robert, ought not to be deprived of the possession of that liberty, which they have held for a year and more without a legal writ: *Item*—Because the Court in which the judgment was given was no Court, for in such Court there ought to be a Sheriff or his lieutenant, three or four suitors, a clerk of feu and judge of feu; now in that Court there was only one suitor, viz.:—John, son of Michael, suitor of Avoch; nor was there a clerk of feu nor judge, but said John Michael, who was only a suitor in Court, and was assumed as a judge, and gave that judgment, and so performed the office of Court and judge: *Item*—Because all the lands of the Church of Moray were given in pure and perpetual charity, and so for these such suit is not due: *Item*—All suit is due for a certain fixed place, but the Bishop of Moray has no such place for which he ought to give such suit: *Item*—Because there ought not to be suspected and inimical judges, and Lord William de Fodryngam, Knight, lieutenant of the Lord Sheriff of Inverness, says publicly in presence of many that he never will be a friend to Lord William, Bishop of Moray: *Item*—Because the said John Michael, who passed sentence, had no power to pronounce such a sentence, as he is not a man of free estate: *Item*—Because the sentence was not engrossed in writing: *Item*—Because the members of Court were not sufficient for determining such a cause: *Item*—Because the Bishop was not lawfully cited to proceed in the cause nor to hear sentence. The Bishop therefore seeks all innovations after interposition of appeal from said judgment to be completely recalled, and first of all by the judge of appeal—viz., the Lord Justiciar, and also those things which in the meantime between the sentence and the appeal which was afterward interposed from it by means of the triers, be recalled as if they had been renewed after appeal, and that the judgment given had been bad and inconsiderate, and that said Bishop had appealed properly, and ye will so pronounce, if the Lord be in your heart. These reasons were presented to Lord William de Camera, Clerk of Justiciary at Elgin, on the anniversary of the martyrdom of the 11,000 holy virgins (21st Oct.), in the year foresaid, and there were present the discreet men Lord Robert Cantor (chanter), canon of Ross, Stephen Wode, and Galfridus de Rainfrew, burgesses of Aberdeen; and Robert de Moravia, burges of Elgin; and many other witnesses to the premises, closed by said Lord Bishop under his seal.

The letter of sist, by Murdoch the seneschall, following upon the foregoing reasons, is now given:—

*Letter of Justiciary regarding the Judgment and Appeal.*

Reg. Moray. 210

Murthacus, Seneschall, Lord of Kynclvyne, justiciar of the part north of the water of Forth, to the sheriff and his bailies of Inverness; Greeting: Since it appears to us, by our clerk of justiciary, that the venerable father in Christ, Lord William, by the grace of God Bishop of Moray, has appealed from a certain judgment given against him, if it may be called a judgment, pronounced in your court at Inverness, on the 1st day of the month of October last past, at our justice-aire court last held within your sheriffship, and as he declares that said judgment, if judgment it may be called, is null in itself and badly given, and he contradicts said judgment by his letters patent, and by reasons therein contained, showing by said reasons that he is not bound to give suit at your court foresaid, and asking of the authority of our office, and in virtue of his appeal, such remedy that you may not do any further prejudice to himself or

his church of Moray in their liberties : We command and order you, by the authority of our office, that as soon as ye see these presents ye stop progress in said process, and see ye take care to meddle no further in said judgment or in any other process touching that cause by petition of suit or by receiving of fine, or anything thereto appertaining until at our justice aire next to be held within your jurisdiction it shall be determined whether said judgment, so given and contradicted by said Bishop, and so by him appealed against, was well or ill given. Moreover, warn all suitors of your court foresaid, who were consenting at the pronouncing of said judgment, that they compear before us at our next justice aire to hear the determination of said judgment in form of law. And see that ye or they do not omit these in any way, under every pain which may follow such omission. Seeing that the said Lord Bishop has found in the hand of our justiciary clerk in our room a pledge that the judgment is none, and if it may be called a judgment, it is in itself naught and corrupt. In testimony of which thing we have caused the seal of our office to be appended to these presents at Perth, the 21st day of said month of October, in the year of the Lord 1398.

*"putridum et corruptum"*

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XXXVI.

ROBERT III. 1390-1406. PART SECOND.

William, Bishop of Moray, was much troubled by Alexander of the Isles, third son of John, Lord of the Isles, best known in the Highlands as *Alasdair Carrach*, first of the house of Keppoch. By the document after quoted, Alasdair in the year 1398 took it on himself to partition the Bishop's lands of Kinmylies, originally granted by Alexander II., in the following manner:—Upper or Wester Kinmylies to one Reginald Macalyshander, Lower or Easter Kinmylies, now Muirtown, to John de Chisholm, and the fishings on the Ness to John Qwhyte, burgess of Inverness. From this period down to the close of the 17th century, or for three hundred years, the family of Keppoch, as opportunities arose, continued their attentions towards Inverness, which were by no means valued or appreciated by the burgh. On the contrary, an outpost was erected where watchers, to give notice of the dreaded approach of the Macdonalds and other western tribes, constantly lay. This was at Ballifeary, the town or place of watching.

Clachnaharry has the same signification, being the stone behind which watchers regarded the opposite and hostile coasts of Ross. The ill-feeling and jealousy entertained by Inverness to Dingwall, Tain, and other northern burghs will be abundantly illustrated by-and-bye.

At this early period water must have overflowed much of what has now been reclaimed. The line of rocks at Clachnaharry ran into the sea, and communication from the Aird

was alone practicable by the broad road, still remaining in part, which crept up the slope of the Leachkin, having, as the traveller went northward, the Craig Phadric range to the right.

It is certain the inner Moray Firth, and notably the Beaully Firth, are both receding; and the quantity of land reclaimed betwixt Clachnaharry on the one side, and Millburn on the other, within the last one hundred and fifty years is incredible. It is to be hoped that much of the foreshore from the Longman's Grave to Alturlies, *ex adverso* of the lands of Raigmore and Culloden, and others, will soon be reclaimed. Not only would a great eyesore, when the tide is at its ebb, be removed, but the reclaimed land would form a sure and valuable wintering, and better bathing waters, much needed at Inverness, could be had.

Follows the warning against those occupying the lands of Kinmylies:—

*Reg. Mor. 211.*

William, by divine mercy Bishop of Moray, to Lord Donald, dean of the Christianity of Inverness (the Deanry of Inverness), and to the parish chaplain of the church of Inverness, and to any of them; Greeting in the Lord, and to diligently attend to and perform the within-written: We have lately heard with displeasure that the illustrious man and potent, Alexander of the Isles, Lord of Lochaber, led astray by the advice of certain parties, though he could not by right and fact (*de jure de facto*) however, gave in donation the land of Upper Kinmylies to Raynald Mac Alyschandir, and the land of Lower Kinmylies to John de Cheshelm of the Aird, and the fishing of Lower Kinmylies or the keeping of it to John Qwhyte, burgess of Inverness, which lands and towns were and are with the fishing foresaid and other pertinents the property of the church of Moray, and belonged to it from the time of whose beginning mankind has no recollection, by the gift of Alexander, King of Scotland, and in possession of which our predecessors the Bishops of Moray have been and we have been during our time, and now are peacefully and quietly with the exception of the present controversy: That therefore such hurt may not turn to the damage and prejudice of our church and the prejudice of us and the gift of the King, we enjoin and command you and each of you, under pain of canon law, that ye and each of you inhibit the foresaid Raynald and John, and their procurators and attorneys, if they any have, under pain of excommunication, from meddling with said lands or their fruits or with said fishing, but allow us and the church of Moray as peacefully enjoy said lands as our predecessors peacefully possessed them. Therefore publicly proclaim and cause to be proclaimed these warnings, both in the church on Sundays and feasts, and at the cross in public on market days and at the market place, to the end it may possibly reach their knowledge: Also warn the saids Raynald, John, and John, and their attorneys, when they meet you or ye can find them, to refrain from committing the injuries aforesaid: And preserve one of these our letters to be made public to the eyes of all by being fixed to the doors of the church, and the other faithfully beside you for making execution thereof: In testimony of this our mandate we have caused our authentic seal to be appended to these presents. Given in our church of Moray the 20th day November in the year of the Lord 1398.

Four years afterwards, on the 3d of July 1402, Alasdair Carrach did much mischief at Elgin by robbing the canonry and burning the town. He made amends, however, on the 6th of October following, all as detailed under the heading in the chartulary of Moray already referred to in these words:—

Memorandum that when Alexander of the Isles, third son of the Lord of the Isles, had violently entered the Canonry of Elgin with his captains, on the third day of the month of July, in the year of the Lord 1402, and had completely plundered it of all goods found therein, and had burnt in great part the town of Elgin, and returned to his own people with the spoil, then he came back with a great army to the Canonry of Elgin on the 6th day of the month of October following, and being informed that the canonry enjoyed from of old immunity and privilege of refuge, and that he and his because of the infringement and violation of the immunity had incurred the sentence of excommunication, he and his upon reflection humbly entreated to be absolved: And the reverend in Christ, Lord William of Spyny, Bishop of Moray, first before the doors of the church and afterwards before the great altar, being pontifically arrayed, absolved them: And Alexander himself offered a great cross with gold inlaid, and the rest of the captains in suitable manner each a small image, and he commanded the cross to be raised along with a bell where the immunity begins in the direction of the town.

Before parting with Alasdair Carrach, it is just to say that in the ancient and fine Gaelic poem of "The Owl," he is thus referred to:—

Chunnaic mi Alasdair Carrach,  
An duin' is allaile bha 'n Albainn,  
'Sminig a bha mi gd 'eisteachd,  
'Se aig reiteach nan tom sealga.

(Alasdair Carrach\* have I seen,  
The most illustrious man in Scotland,  
Oft have I listened to him,  
While coursing o'er the hunting knolls.)

Upon the 20th of August 1400, William, Bishop of Moray, demands payment of four merks from the Abbey of Arbroath's churches of Aberchirder and Inverness, in name of the subsidy imposed on all benefices within the diocese of Moray, for the rebuilding of the Cathedral.

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XXXVII.

**ROBERT III, 1390-1406. PART THIRD AND LAST.**

The agreement after referred to, betwixt Alasdair Carrach and the Earl of Moray, might have given some countenance to the proceedings of the former regarding Kinmylies, referred to in the preceding chapter. At Caldor, in the Sheriffdom of Nairn, on the 25th of September 1394, an agreement is come to 'twixt Thomas de Dunbar, Earl of Moray, and Alexander of the Isles, Lord of Lochaber. Alexander shall have under his guardianship, defence, and protection, all lands and possessions of the regality of Moray, and all church lands, for a term of seven years from the

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\* This word is generally spelt so, and signifies cross tempered. Probably it ought to be "Carach," which signifies cunning, wily, or sagacious.

date of signing the deed, and he shall adhere to and stand by said Earl, against all, save the King, the Earl of Fife, and the Lord of the Isles. The excepted lands are those of Hugh Fraser, Thomas de Chesholme, and Lord William de Fodrynham, regarding whom there is an agreement betwixt them. The Earl for said term shall give to Alexander yearly 80 merks of lands—viz., le Bonacht for £20, the lands of Essy for £20, and 20 merks to be paid, ten merks at the Feast of Pentecost next to come, and the other ten merks at the Feast of St Martin next thereafter following, and so on yearly until it shall have been settled by the advice of the Lord the Earl of Fife, regarding the lands of twenty merks, which Malcolm de Grant has, that they belong to the Earl of Moray. After this has been settled, Alexander shall receive according to the old taxation, &c.

The document is signed in duplicate by the parties. There are no witnesses.

In this reign occurred the fight in the neighbourhood, of Inverness, which gave rise, as is generally credited, to the name of Loban. The following account is that given by David Carey, the first editor of the *Inverness Journal*, who appears to have taken much interest in Highland Traditions during his stay in the north, 1807-1812. This, however, did not make him an authentic writer, for in his novel, "Lochiel, or the Field of Culloden," history is travestied in a singular manner:—

*Druim-deur*, i.e., Ridge of Tears, now called Drumderfuit, is a mountainous ridge on the north side of Kessock, which tradition reports to have been the scene of a most sanguinary event, from which it no doubt derived its name. The circumstances are said to have been as follows: About the year 1400, Donald Lord of the Isles, who, it would seem, treading in the footsteps of his ancestors, was anxious to rival the exploits of the Vikings of yore, having collected a powerful army, made a descent on the coast of Ross, and encamped on this ridge of rocks facing the town of Inverness, which he threatened with fire and sword, if not ransomed at a most exorbitant rate. Luckily for the town, the Provost, whose name was Junor, was a man of great penetration and address. Aware of the situation of Donald's army, which had been greatly fatigued, and was in the utmost want of provisions, Provost Junor, who, by temporising, had obtained a short delay, contrived to smuggle into Donald's camp a vast quantity of strong liquors, which were eagerly consumed by the besiegers, who soon owned the power of the potent beverage by sinking into the most profound slumber. In the meantime, the Provost collected a number of resolute adherents, and landing with his *arma blanca* at dead of night, in the midst of Donald's camp, massacred every man who was found within it, except one single individual, who escaped by hiding himself beneath a *loban*, a species of basket, which is dragged upon two parallel pieces of wood, with the ends laid upon an axle, and serves instead of a cart in various parts of the Highlands. This islander, who was so providentially permitted to survive his less fortunate countrymen, unwilling, it may be supposed, to be the bearer of such melancholy tidings to his friends at home, afterwards took up his residence on the very spot where this tragedy was acted, and his descendants have to this day followed his example, by residing upon and cultivating the same portion of ground, which they have occupied as labourers or tenants for these four hundred years, and have been known by the name of Logan, or more properly *Loban*, from the vehicle which saved the life of the founder of the family.

About the year 1398, Charles Macgilleane of the very ancient house of Maclean settled in the North under the protection of Donald, Lord of the Isles. He had lands in Urquhart and was Constable of the Castle. From him sprung all the Macleans in the North, known as Clan Thearlaich. From their long connection with Inverness and its neighbourhood, first in Urquhart, afterwards at Bona and Dochgarroch, it is intended in next chapter to give some particulars of this family, the second in continuous standing connected with the parish of Inverness. The families third and fourth in this position, are Robertson of Inshes, and Baillie of Dochfour and Dunean.

In 1405, payment in lieu of the coquet of Inverness is made of new by command of the Duke of Albany, within the time of the account of 10s, by William de Camera, to William Modena the King's Claviger (key-bearer).

1406. Account of Michael Rede, *custumarius* of Inverness, rendered since the death of the last *custumarius* at Perth on 25th March, of all his receipts and expenses for the custom of said burgh from the anniversary of St Peter-ad-vincula (Lammas) in the year 1405 to the date of this account. He charges himself first with £65 14s 8d, yielded by the custom of 24 lasts 13 dakirs\* of skins conveyed in two vessels to the port of Inverness during the time of the account. The sum of charge is patent. Of which there is allocated to the accountant, for his fee off the sum of foresaid charge, 22s: And to the said Michael in consideration of his labour by the favour of the auditors, 18s; and for payment made to the Lord the Duke of Albany, the Chamberlain, as is apparent by his receipt upon the account, £32 14s 8d, for which he shall answer, and by receipt of the late Lord Alexander Senescall Earl of Buchan in the presence of Alexander Senescall, his son, Earl of Mar, £32 14s 8d. Sum of expense is £67 9s 4d, and so there is over expended 34s 8d.

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\* A dakir consisted of 10 hides, and a last of 20 dakirs.

## XXXVIII.

## JAMES I. 1406-1437. PART FIRST.

Although James I. began to reign nominally in 1406, yet from his long captivity in England, the supreme power lay with the Dukes of Albany, the Regents. More immediately connected with the north at this epoch, the unjust setting aside by the first Regent of the claims of Donald, Lord of the Isles, to the Earldom of Ross, gave rise to the battle of Harlaw, and numerous disturbances in the Highlands, which were only, and then but for a time, settled by King James when he came to Inverness in 1427.

It is stated in the M.S. History of the Frasers that "in the march of Donald of the Isles, before this fight, he burnt the greatest part of Inverness, and the oak bridge, one of the finest in the kingdom. One John Cumine, a burgess, son of Cumine of Earnside, in Moray, arrayed in his head-piece, and armed with a two-handed sword, offered so stout a resistance at the west end of the bridge, as would have compelled the assailants, had there been ten such men (says the chronicler) in the town, to have retired in dismay." In a curious and in many respects highly incorrect fragment of a manuscript history of the Macdonalds, written in the reign of Charles II., and published by the Iona Club, the following references are made to the part taken by the Mackintoshes:—"He (Macdonald) ordered the rest to the wings, the right commanded by Hector Roy Maclean, and the left by Callum beg Mackintosh, who had that day received from Macdonald a right of the lands of Glengarry in Lochaber, by way of pleasing him for yielding the right wing to Maclean, and to prevent any quarrel between him and Maclean. Mackintosh said he would take the lands, and *make the left behave as well as the right.*" A little further on the writer proceeds, "Now it happened this same Callum beg Mackintosh was with King James I. after his release from his captivity in England, in the same place where the battle was fought. The King asked him how far they followed the chase. Mackintosh replied that they followed it farther than His Majesty thought. So the King riding on a pretty pace, asked Mackintosh if they came that length. He answering, said that in his opinion there was a heap of stones before them, and that he left there a mark to show that he followed the chase that length, and with that



he brought a man's arm with its gauntlet out of the heap. The King beholding it, desired him to be with him that night at Aberdeen. The King upon his arrival there going to his lodgings, Mackintosh said in presence of the bystanders, that he had performed his word to the King, and now he would betake himself to his own lodgings; whereupon he immediately left the town, for he dreaded that the King would apprehend him."

The M.S. History of the Mackintoshes records with reference to Harlaw:—"In this war he (Malcolm) lost many of his friends, particularly James Mackintosh (Shaw) of Rothiemurchus. Many of the tribe of Clan Veau were afterwards missed." The Mackintoshes' spirited and prudent conduct at Harlaw might have been advantageously followed by the Macdonalds when they were unfortunately transferred by the Commander-in-Chief, to the left wing at Culloden.

The famous poem "The War Song, by Lachlan Mor Macvurich, of Albin, to Donald of Isla, King of the Isles, and Earl of Ross, on the Day of the Field of Harlaw," composed to excite the enthusiasm of the followers of Donald of the Isles, should be studied by those who assert that the Gaelic language is of limited compass. There are in alphabetical order, lines for almost every letter in the Gaelic alphabet, together consisting of three hundred and thirty-eight, each letter being first exhausted, some having upwards of forty alliteratives, the whole forming a chain of epithets so copious, but pointed and incisive, as to excite astonishment and admiration. The battle of Harlaw was fought on 24th July 1411.

In 1412, we find from "the accounts of the great chamberlains of Scotland," &c., that "payment is made to Lord Alexander, Earl of Mar, for various labours and expenses incurred in the war against the Lord of the Isles, for the utility of the whole kingdom, of £122 7s 4d; and also to him for the construction of a fortalice at Inverness, for the utility of the kingdom, against said Lord of the Isles, of £100; and for lime to Inverness for the construction of said fortalice, and for food and the carriage of wood, £32 10s 3d. In 1414, payment is made to Lord Alexander, Earl of Mar, in consideration of his divers labours and expenses about the Castle of Inverness, of £52 11s 3d."

In 1414, Donald Thane of Cawdor is served heir to his father Andrew, in the lands of Dunmaglass. The inquest was held at the Castle Hill of Inverness, and a copy from the Cawdor papers is given as it contains several names connected with the town. Dunmaglass, which is still held

in feu of the Earl of Cawdor, has thus been long in the Cawdor titles. The lands were feued to the head of the tribe Macgillivray in 1626, whose descendant now possesses them. Follows the "Retoured Inquest of Donald Thane of Cawdor:"—

This inquest was made at the Castle Hill of Inverness, the 20th day of the month of June, in the year of the Lord 1414, before Nicholissa de Kerdale, and William de Grame, lords and portioners of the barony of Kerdale, in the earldom of Moray, within the sheriffdom of Inverness, and lords superior of the lands of Doymeglass (Dunmaglass), and Lord Thomas Senescall, their bailie in that part, by those within written, viz. :—John son of Thomas, Provost of the burgh of Inverness, William le Ross, Hugh Symson, John Pollock, William son of Thomas, Donald son of Farchard, William de Altrilly, John son of Walter, Gilbrede M'Michy, Gillemore M'Phale, Paul Duff, Donald son of Rotheric, John son of Rotheric, John Bridison, Fergusius M'Lucas, Martin M'Fery, and Brydas son of Cristin, who, being faithfully sworn, declare that the late Andrew de Caldor, father of Donald Thane of Caldor, bearer of these presents, died vest and seised, as of feu, at the faith and peace of our Lord the King of Scotland, of the lands of Dunmaglass, with the pertinents; and that the said Donald of Caldor is lawful and nearest heir of the said late Andrew, his father, of said lands with the pertinents, and is of lawful age: And that the said lands of Dunmaglass, with the pertinents, are held of the barony of Kerdale, and that they are held blench-farm: Paying one silver penny at the Feast of Pentecost if asked only: And that the said Donald failed in nothing with regard to the Lord King, or the Lords his superiors, for which he ought not by law to recover his heritage: In testimony of which Inquest, the seal of the said Lord Thomas Senescall, bailie of said lords of Kerdale, is appended to these presents, together with the seals of those who were engaged on said Inquest: Year, day, month, and place foresaid.

As followers of the Lords of the Isles, whose power in the eastern portion of Inverness and Ross became important when the Earldom of Ross opened to them, Macleans and Macleods of insular derivation began to establish a footing in these places.

The first of the Macleans who settled in the north was Charles Maclean, a descendant of the ancient house of Maclean, which first divided into two great branches, those of Duart and Lochbuy. This Charles Maclean had some post in the Castle of Urquhart, with various lands, and by him was erected, as is matter of tradition, Castle Spioridail of Bona. Charles Maclean was the founder of the Clan Thearlaich, and not having a sufficient following of his own, enrolled himself with the Clan Chattan. This occurred in the time of the before-mentioned Malcolm beg Mackintosh, who succeeded in 1409 and died about 1457, and the event is recorded in the M.S. History in these terms—"To this Malcolm,—Tearlaich, vic-Eachin, vic-Volan, (*sic*) from whom the family of Clan Tearlaich sprung, subscribed himself and his successors, followers for ever."

The name of Charles, with that of Hector his son, is found as witnesses in the deed after referred to, granted by Alexander Earl of Ross, in 1439.

At Inverness, on the 24th of October in the year 1439,

Alexander, Earl of Ross, grants obligation in favour of Alexander Sutherland and his spouse, Marion of the "Ilys," sister of said Earl, and their heirs, to the effect that he will be upright with them in the defence of the castle and lands of Dunbeth, and the lands of Ra, with the pertinents "agane all tha that leffis ore dee may." In the event of the loss of said lands, the Earl obliges himself to give to said parties as much lands heritably as shall be an equivalent from those of his own, "betwxe the bryg of Alnes and the gyrth of Tayne, within the Erldowm of Ross." The witnesses are Lauchlayne Maklan of Dowart, John Makloyde of Dunvegane, Carlich Mackachyn, Alexander Maccullauch, and Aychyn Carlichsonn, with sundry others.

The above Hector, designed in the MS. "Hector M'Tearlach, chief of that family," married Margaret, third daughter of the above named Malcolm Mackintosh. His descendant, Alexander, vic-Coil, vic-Farquhar, vic-Eachen, on 4th April 1609, subscribed for himself and his race of Clan Tearlach a new bond of unity with the Clan Chattan, and there have been several intermarriages in later times betwixt the Mackintoshes and Macleans.

Hector Maclean, with several of his sons, was killed at Castle Spioridail, about the year 1480, some say at an earlier period, leaving in life, but one son, Farquhar, a child. From this circumstance, and from want of powerful friends, the Macleans were unable to maintain their hold in Urquhart, which was possessed by the Grants. The Macleans, however, held certain rights in the district as late as 1680. The ancient title-deeds of Dochgarroch are not now extant, but it is understood that the above Farquhar Maclean was the first who possessed Dochgarroch, and his son Donald, styled Donald Farquhar's son, is found there in the year 1557, as appears from the record of an inquest held in Inverness on the 31st July 1557.

Both Farquhar and Donald had a title to the island of Raasay flowing from the Bishops of the Isles, but it is very doubtful if they derived any benefit, for Archdeacon Munro, writing in 1549, speaks of it and of the island of Rona, "as pertaining to Macgilliecallum of Raasay be the sword, and to ye Bishope of ye Isles be heritage."

So late as 1630 Alexander, before-named in 1609, son of Donald Maclean, son of Farquhar, son of Hector, is served heir to his predecessors in the lands of Raasay and others, but these were never given up by the Macleods.

In the time of this Alexander Maclean, the family was at its strongest. He was thrice married, first to a daughter of

Kilravock, second to a daughter of Glenmoriston, through whom the family was carried on, and third to a daughter of Munro of Daan, in the county of Ross.

Alexander acquired the easter half of Dochgarroch in feu from the Gordons, the wester half from William Baillie of Dunean, and from his time the Macleans of Dochgarroch have in peace and war had an honourable position. John Maclean, the head of the family, was out with Dundee in 1689, and fought at Killiecrankie. His son, Lachlan, was an officer in Borlum's battalion in 1715. John, eldest son of the proprietor at the time, was killed at Culloden. Every generation since that time has sent out as soldiers some members of the family, who have always acquitted themselves with credit. Allan Maclean, Esq., Drummond, formerly one of the Magistrates of Inverness, is tenth in direct descent from Charles, who first settled in the north, and according to the late Colonel Maclean of Woodside, in his history of Clan Tearlaich, 22d in direct descent from Gillean-na-Tuaidh, the hero of Mingarry Muir fight in 1178.

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### XXXIX.

#### JAMES I. 1406-1437. PART SECOND.

King James returned from captivity in April 1424, and shortly took vigorous steps to consolidate the supreme power.

In the Parliament held at Perth 30th September 1426:—

It is ordanit be the King ande the Parliament that everilk lorde hafande landis bezonde the mownthe (the Grampians) in the quhilk landis in aulde tymes thare was castellis, fortalyces, and maner-plaicis, big reparell and reforme thair castellis and maneris, and duell in thame, be thameself or be ane of thare frendis for the graciouss gouernall of thar landis, begude polising, and to expende ye fruyt of thai landis in the cuntree quhare thai landis lye.

When the King came to Inverness in 1427 to repress the turbulence of the Highland chiefs, he, according to Fordun, composed the well-known distich:—

Ad turrim fortem ducamus caute cohortem ;  
Per Christi sortem, mernerunt hi quia mortem.

(Let us cautiously lead an army to the strong citadel ;  
By the fate of Christ these have merited death.)

According to Fordun, the King at this time—

Caused to be arrested Alexander of the Isles, and his mother, Countess of Ross, daughter and heiress of Sir Walter Lesly, as well as the more notable men of the north, each of whom he wisely invited singly to the Castle, and caused to be put in strict confinement apart. There he also arrested Angus Duff, with his

four sons, the leader of four thousand men of Strathnarvern, Keneth More, with his son-in-law, leader of two thousand, John Ross, William Lesly, Angus de Moravia, and Mackmaken (Matheson) leaders of two thousand; and also other lawless caterans and great captains in proportion, to the number of about fifty. Alexander Makgorrie of Garmoran (son of Godfrey Macdonald, Lord of Uist), leader of a thousand men, and John MacArthur (of the family of Campbell), a great chief among his own clan, and the leader of a thousand and more, were convicted, and being adjudged to death were beheaded. There James Cambel was hung, being accused and convicted of the slaughter of John of the Isles (John Mor, first of the Macdonalds of Isla.) The rest were sent here and there to the different castles of the noblemen throughout the kingdom, and were afterwards condemned to different kinds of death, and some were set at liberty.

From the Rolls of the Great Chamberlains of Scotland we obtain the following glimpses of this period, 1425-1429:—

Account of Walter Androuson of Inverness, custumarius of the same, rendered at Stirling 15th May 1425, of all his receipts and expenses for the custom of said burgh, from the 28th July 1424 to the date of the account. He charges himself with £50 12s 9d, yielded by the custom of 18 lasts, 19 dakirs, and eight hides, conveyed in two vessels to the port of Inverness during the time of the account. The sum of the charge is clear, of which there is allowed to the accountant for his fee off the sum of foresaid charge, 16s 10d. Sum of allowance is clear. And so there remain £49 15s 11d.

Account of Walter Androuson and Andrew Rede, custumarii of the burgh of Inverness, rendered at Perth by them 13th March 1429, of all their receipts and expenses for the custom of said burgh, from 6th May 1428 to the date of this account. They charge themselves first with £24 18s 5d, yielded by the custom of 9 lasts, 6 dakirs, and 9 hides, conveyed to the port of Inverness in the first year of this account. And with 11s 3d by the custom of 22 dozen skins of foxes and otters, conveyed as above in said year, and with 6s 6d by the custom of 13 skins of martins in said year, and with 15s 8d by the custom of woollen cloth bought in said burgh, and carried from the kingdom in said year. Sum of this charge, £26 11s 10d.

And memorandum they do not charge themselves with the custom of the second year, as they say they had as yet no vessel to convey their goods to Flanders.

Their expenses;—in the first place there is allowed to said accountants for their fee off the sum of foresaid charge, 18s 10d, and there is allowed them for the carriage of a ship of lime by one Andrew Baxter to the town of Inverness, and for the storing of said lime in a house within the Castle, 26s 10d. And for delivery made to Master John Wryth, by command of the King, Master John Wyncester witnessing the command upon the account, and as is evident by the indentures of the foresaid Master John, exhibited therein,

£6 10s. And for delivery made to John de Spesa, the comptroller, who gives receipt upon the account, 10s, for which he shall answer. And for delivery made to Master John Wyncester, acknowledging receipt upon the account for the fabric of the Castle of Urquhart, 40s, for which he shall answer. And for five bolls of salt delivered to said Master John for the larder of the King, 20s. Sum of expenses, £11 15s 8d. And so there is owing, £14 16s 2d.

Account of the bailies of the burgh of Inverness, rendered at Perth, by Walter Androuson and Andrew Adeson, in name of said bailies—13th March 1429, of all their receipts and expenses for the rents and exits of said burgh from the Feast of Pentecost, in the year 1427, to the day of this account, and for the two years within this account. They charge themselves first with £106 13s 4d for the rents and exits of said burgh of said two years for the assedation of the king, made to the community of said burgh, made in feu from of old. The sum of charge is clear, of which there is computed in payment made to the Preaching Friars of Inverness, receiving annually £10 of the king's charity of old, in full payment of said two years, as is clear by the letters of receipt of said Friars shown upon the account, £20. And to a certain chaplain of the king's worshipping in the Church of Moray, receiving annually 8s 8d of the rents of said burgh by the king's charity of old, in full payment of said two years, as is clear by the letters of said chaplain of the receipt of the charge in the account, 17s 4d.

The sum of allowance and expenses is £20 17s 4d. And so there rests, £85 16s.

King James was again at Inverness in the month of August 1428, as is seen from his having granted to the town the following charter, dated at Inverness, the 28th day of August 1428:—

James, by the grace of God, King of Scots, to the Provost and Bailies of our Burgh of Inverness; Greeting: Whereas on the part of the burgesses of our Burgh of Inverness, it has reached our ears by way of common complaint, that some persons dwelling within the bounds and liberty of said burgh usurp and infringe its liberty and privilege, by buying and selling merchandise or other saleable goods, beyond the said burgh, to the no small loss and prejudice of our said burgh: Therefore, we strictly command and charge you, that in the accustomed places of the said burgh and liberties thereof, ye cause to be publicly proclaimed, by our authority, that those inhabiting all and singular the bounds of the said burgh and liberty thereof, who have any merchandise or goods whatsoever to be sold, shall assemble at the market place of our said burgh for selling them, and shall actually present themselves there as in our other burghs and their liberties, as the custom is and as is observed within our kingdom: That if they shall not obey our commands in the premises, we will and ordain that all merchandise and goods of the foresaid description thus afterwards bought and sold beyond our burgh, be fully escheated, confiscated, and specially retained by you, under our authority, for our use and benefit: Whereupon we, by these presents, commit to you and each of you, conjunctly and severally, our power and authority: Given under the testimonial of our great seal at Inverness, the 28th day of August, in the twenty-third year of our reign (1428).

## XL.

## JAMES I. 1406-1437. PART THIRD AND LAST.

It is probable that Fordun was in error in fixing the King's visit to Inverness in 1427. The MS. History of the Mackintoshes makes it 1428, and relates the same events thus—“ In 1428 the King came to Inverness to administer justice and suppress such depredations. Most of the leaders of these robbers were taken into custody, some of them gave sureties and were dismissed home, some were retained in confinement, and the rest suffered the stroke of justice. When the power and fidelity of Malcolm Mackintosh became famous among his neighbours, the garrison of Inverness was committed to his charge, an office his predecessors had long held.” The historian goes on to state, “ At that time, Alexander of the Isles, Earl of Ross (son of Donald of Harlaw), for many atrocities and cruelties which he perpetrated, was seized at Inverness and conveyed to Perth. His friends, however, prevailed upon the King to grant him his liberty. But as soon as he was home, he collected a band of men accustomed to live by rapine, fell upon Inverness, pillaged and burnt the houses, and then besieged the fort itself. But in vain, for it was gallantly defended by the bravery and vigour of the Governor, and Alexander, understanding that an assault was meditated upon him, retired precipitately towards Lochaber. These events fell out in 1429.”

What occurred in Lochaber is thus narrated by Fordun : —“ Accordingly, though the Lord King was informed that the Lord of the Isles when set before him had pursued courses that were not proper while he was his own master, he warned him, however, frequently and wisely to change his conduct to better, and to refrain from licentious proceedings, and so behave for the future towards the King and his lieges as to merit therefor to obtain his greater favour, and be reckoned among his special retinue. As he promised to behave well in future the King gave him his liberty, calling to mind one of the memorable words of Valerius, who said, —‘ If it is glorious to overcome an enemy, it is not less praiseworthy to know to compassionate the unhappy ; because though warlike valour merits infinite glory, yet clemency great love.’ Thereafter the said Lord of the Isles having returned home, followed the advice of the baser sort, and in

contempt burnt the royal town of Inverness. The King was greatly incensed because of this, gathered an army in the year of the Lord 1429, and on a certain moor in Lochaber on the vigil of the Nativity of St John the Baptist, routed the said Alexander, who had with him upwards of 10,000 men of Ross and the Isles, where, when the King's standard was unfurled, two tribes forsook him—viz., those of Clan Katan and Clan Cameron, and arrayed themselves under the King's command. On the Feast of Palms following, the tribe of Clan Katan killed in a certain church nearly the whole race of Clan Cameron."

The latter occurrence is thus referred to in the Mackintosh History :—" In the following year 1430, a keen dispute arose between the tribes (Clan Chattan and Clan Cameron) at the celebration of a festival. Their minds were highly inflamed, a violent engagement followed. Many of the Clan Chattan fell, and the Camerons were almost extirpated."

The Mackintosh History proceeds to relate, " On the day following our Lord's resurrection the before-mentioned Alexander Earl of Ross threw himself in the power and implored mercy of the King, while he was in the Temple of the Holy Cross celebrating the sacred worship. The Queen and other nobles that were present entreated the King on his behalf. He was sent to the Prison of Tantallon, where he was confined till October of that year. In that month James II. was born, and during the public rejoicing Alexander was pardoned, along with some others of the nobility who had incurred the Sovereign's displeasure."

On the day preceding his granting the charter to the Town of Inverness quoted in last chapter, the King granted the following remission to several of the Clan Chattan. This remission has been already published in the Kilravock papers, but as it is dated at Inverness and contains several local names, it is here given :—

*Remission for Dominic Grogich and 25 with him.*

James, by the Grace of God, King of Scots, to all his good men to whom the present letters shall come ; Greeting : Know that we have remitted to Dominic Grogich, Dominic John, Martin Colin, John M'Crouglis, Dominic Augustus, Duncan M'Cougil, Duncan Yvar, Donald Ruff, Gillace Ferchard, John M'Soyare, John Clerk, Machabeus M'Rake, Ferchard Bean, Murchard Sorleti, Duncan Fowere, Duncan M'Gilleglas, Morice M'Gillanie, Kennac brother of the said Morice M'Gillanie, Patrick son of Gilleanie, Patrick Stalcare, Gillespik son of Cristin, Eugene brother of said Gillaspik, Nicholaus Faber, Duncan Ferchard, Dominic Rewhe, and Finlay Carpenter, bearers of these presents, the rancour of our mind, royal suit and all action which toward them or any of them we conceived, have or shall have, for their departure from the town of Inverness without and contrary to our permission, and the assembly held there, contrary to the statutes of our Parliament ; and also for all and sundry homicides, thefts, rapines, burnings, shelterings, and acts whatsoever committed or wheresoever perpetrated by them or any of them even to the day of the making of these



presents, with the exception of open treason only, provided however they give such amends and satisfaction to the parties complaining of them, and who have suffered losses that we hear of no other just complaint as to this ; and we duly receive the saids Dominic, Dominic, Martin, John, Dominic, Duncan, Duncan, Donald, Gillace, John, John, Machabeus, Ferchard, Murchard, Duncan, Duncan, Morice, Kennac, Patrick, Patrick, Gillespik, Eugene, Nicholas, Duncan, Dominic, and Finlay, and each of them, under our firm peace and protection ; and strictly inhibit any one from unjustly presuming under our plenary forfeiture to inflict upon them or any of them, because of said departure or of whatsoever homicides, rapines, thefts, burnings, or other transgressions of whatsoever kind foresaid, any hurt, molestation, injury, or loss, or from visiting them or any of them with death, under the pain of loss of life and limbs : In testimony of which matter, we have caused these present letters to endure for all time, to be made patent under our great seal for foresaid persons. At Inverness, the 27th day of the month of August, in the year of our reign the 23d. This remission to continue, provided the forewritten persons are of the true alliance and following of Angus and Malcolm M'Intosche, and are not under our arrest.

From the conflagrations and destructions the town underwent betwixt the years 1400 and 1430, it is little wonder that but few documents of the period remain. The following presentation by the burgesses and community to the chaplaincy of the Holy Cross is, however, still extant :—

To the reverend father in Christ and our Lord, Lord Andrew, by the Grace of God, and of the Apostolic See, Bishop of Moray, we, the burgesses and community of the burgh of Inverness, give the reverence and honour due : For the chaplaincy of the Holy Cross, belonging of clear right to our presentation, and your fatherly collation, now in our hands, by the resignation of Lord Henry Dyngvale, chaplain thereof, by the tenor of these presents, we present our discreet and distinguished cleric, Thomas Levynsthon, to your fatherhood for foresaid chaplaincy, and we humbly beg and entreat that said chaplaincy of the Holy Cross, resigned as is aforesaid, be conferred by your ordinary authority upon the said Master Thomas, the presentee, or on his procurator, and that you provide him or his procurator in his name with the same, and induct and invest him with the real, actual, and corporal possession of the rights and pertinents of the same, and when inducted and invested, that you defend him, and do all other things that are proper and which it belongs to you and your ordinary and pastoral office to do : In testimony of which matter, we have caused our common seal to be appended to these presents. At said burgh, on the 9th day of the month of December, in the year of the Lord 1429.

Upon 11th February 1431, an inquest is held at Inverness as to the tenure by which the lands of Kilravock are held.

The following entries appear in the chamberlain rolls of 1434 and 1435 :— Account of Walter Androusone and Andrew Rede, customarii of the burgh of Inverness, rendered at Linlithgow 8th June 1434, of all their receipts and expenses for the custom of said burgh from 8th April 1431 to the date of this account, and likewise for the three years included in this account. They charge themselves first with £5 7s 5d for arrears of their last account, as is clear from the end thereof. The sum of arrears is clear. Item, they charge themselves with £34 13s 5d, for the custom of all the customable goods of the burgh of Inverness for the year 1431. And with £83 0s 3½d yielded by the custom on 30 lasts, 4 dakirs, and 8 hides ; 12 dozen and 11 skins of foxes and others ; and 31 skins of wild animals, to wit, martens,

for two years, viz., 1432 and 1433. Sum of this charge without arrears is £117 13s 8½d; do. with arrears, £123 0s 13d.

In 1434, there is owing £25, which is for the fine imposed upon the burgesses of Aberdeen because they did not cause victuals to be conveyed to Inverness, which fine depends upon the king's pleasure.

This year (1435) the chamberlain charges himself with the exits of various burghs in connection with "Iter Camerarii." Forres, £3 0s 8d; Elgin, £3 6s 8d; Nairn, 26s 8d; Inverness, £5.

By deed dated at Inverness on 8th January 1436, Hugh, Lord Lovat, grants to Alexander of the Isles, Earl of Ross, the third part of Glenelg.

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## XLI.

### JAMES II. 1437-1460. PART FIRST.

Upon the 6th of November 1436, Christiana Makferry sold to the community of Inverness the piece of ground at the corner of Bridge Street and Church Street, whereon the Tolbooth stood, by the following charter which is endorsed "Ye Charter of ye Tolbuth :"—

To all who shall see or hear of this charter, Cristiana, daughter of the late Duncan Makfery, burges of Inverness; Greeting eternal: Know that I in my urgent necessity, for the sustentation of my life, not led by force nor having fallen into error, but of my pure and spontaneous pleasure, have given, granted, and by title of sale have given, and by pure and simple resignation made by me in the hands of the bailies of said burgh, have gifted, and by this my present charter confirmed to the burgesses and community of foresaid burgh, one particate of my land lying in Bridge Street, on the north side of the said street, between my land at the north on the one side, and the King's common highway at the south on the other, whose front extends beyond Church Street at the east, and the back to the land of Donald Sutor towards the west, for true value to me in reckoned money given and entirely paid; which land, with the pertinents my said late father in his legitimate power (*liege poustie*) of his own conquest publicly in face of court, by resignation made of his own accord, bestowed upon and invested me with, by sasine obtained: To be had and held, the said particate of land with the pertinents, by the foresaid burgesses and community of the said burgh and their successors, who for the time shall be, of me, my heirs and assignees for ever in feu and heritage, and free burgage, with all commodities, liberties, and easements, and their just pertinents whatsoever, both named, and not named, belonging to said land, or which may in future justly belong, as freely, wholly, fully, honourably, well, and in peace, as any land in the kingdom of Scotland is given and granted: Giving therefor, the foresaid burgesses and community and their successors, who for the time shall be, annually to me, my heirs and assignees, two pence of usual money, in name of blench-farm if asked, and to our Lord the King five pence annually at the appointed terms within the burgh, in lieu of every other burden, secular service, exaction, or demand, which for said land with the pertinents can be exacted or required; and if it happen, which God forbid, that I, my heirs, or assignees, in any way go, or attempt to go, against this sale or grant, I oblige

me, my heirs, and assignees, and those who shall succeed us by whatsoever title, in a hundred pounds of usual money of Scotland for the fabric of the bridge of the water of Ness, to be fully paid before any step of law, the present charter, however, to endure for ever in the stability of its own strength : And I, the foresaid Cristiana, and my heirs and assignees, shall warrant, acquit, and for ever defend, the foresaid particate of land, with the pertinents in, and by all ways as aforesaid, to the foresaid burgesses and community and their successors : In testimony of which matter because I have no seal of my own, I have with instance procured the common seal of the prior and convent of the preaching Friars of said burgh, together with the seal of Walter Andrew, and caused them to be appended to this writ at said burgh, the 6th day of the month of November, in the year of the Lord 1436. The witnesses being Lords, John perpetual vicar of said burgh, John de Munroo, John Walter, chaplains, with many others, to the premises specially called and requested.

Upon the 4th of September 1437, Alexander de Yle, who claimed the earldom of Ross through his mother, made the following donation to the Prior and Friars of Inverness. This annual was with others transferred at the Reformation to the magistrates of Inverness, and, we understand, it still forms part of the revenues of the burgh :—

To all the faithful to whose knowledge the present letters shall come, Alexander de Ile, Earl of Ross, and Lord of the Isles ; Greeting eternal in the Lord : Know, that we, for the salvation of our soul, and for the salvation of the souls of our father, ancestors, and successors, have given, granted, and by this present writ confirmed to the religious men, the prior and friars of the Dominican Preachers of Inverness, twenty shillings of annual rent, of the usual money of the kingdom of Scotland, to be paid annually at two terms in the year, viz., of Pentecost and St Martin's, by equal portions of our land and ferry of Easter Kessock,\* with the pertinents in pure and perpetual charity, as freely as any annual rent is given and granted to any other religious men in the kingdom of Scotland : In testimony of which matter we have caused our seal to be appended at Inverness the 4th day of the month of September, in the year of the Lord 1437. These, with many others, being witnesses, viz., Torquil M'Loyde, Lord of Leyvhus (Lewis), George Munro of Foulis, Alexander M'Cullach, and Lord Beane.

On 17th July 1439, Agnes, daughter of Nicolaus Peddock, late burgess of Inverness, with consent and assent of Michael Thomson, her spouse, and also of her nearest heirs and their friends, sells to Andrew Rede, burgess of said burgh of Inverness, that annual rent of three shillings, due to her from a certain particate of land lying in said burgh in the Church Street thereof, on the east side of the same, between the land of the late Bartholomew, son of William, at the north on the one side, and the common vennel of our lord the king at the south on the other ; also that annual rent of 12d, belonging to her, from a certain acre of land lying in the Damysdale, between the land of Andrew of Kinloss at the west on the one side, and the land of the said Andrew on the east on the other, for true value, &c. “ In testimony of which thing, as I had no seal of my own, I and my husband have procured with instance and caused to be appended to this writ the seals of Donald Faber and Hugh

\* By the Roll of Rents, Feus, and Maills, it appears that a sum of twenty shillings sterling is payable by the Estate of Redcastle to the burgh for lands at Kessock.

Clerk, two of the bailies of said burgh, and also the seal of Nicolaus Man, and for the greater security of this matter we have with instance procured the common seal of said burgh, also to be appended. At said burgh, the 17th day of the month of July 1439. Witnesses—John Grant, Provost of said burgh; Walter Andrew, Laurance Carrane, Andrew Grame, John Michison, John Blak, Thomas Cuthbert, Patrick Ferguson, Thomas Tailzeour, John Nale, burgesses of said burgh, and many others.”

In a convention held this year at Stirling at the instance of Sir Alexander Livingston of Callander, to cover his illegal acts, there appeared representatives of the clergy and nobility, and according to Tytler that there might at least be an appearance of the presence of a third estate, James of Parcle, commissary of Linlithgow, William Cranston, kurgess and commissary of Edinburgh, and Andrew Reid, burgess and commissary of Inverness, were present as representatives of the burghs, and sanctioned by their seals the transaction which took place. This is the first time, it is understood, so far as the records are known to exist, of a representative from Inverness attending Parliament, but that they did so on prior occasions can hardly admit of doubt.

In 1440 the name of Waus, so long and honourably connected with Inverness, appears for the first time in a deed by John Bathane, heir of the late Thomas Bathane, burgess of Inverness, who sells to his cousin Alexander Waus, and Janet, his spouse, and their heirs and assignees, an annual rent of 3s of the usual money of Scotland, of one particate of land lying in the Dymisdale Street, on the west side thereof, which lies between the land of the late Magnus Sartor at the south on the one part, and the common vennel at the north on the other, whose front extends to the King's common highway towards the east, and the back to the ridge of the Castle Hill towards the west, &c. “In testimony of which, since I have not my own seal present, I have, with instance, procured and caused to be appended to these presents the seals of the provident men, Andrew Reide, Provost of said burgh, and Hugh Clerk, one of the bailies, and for the greater evidence of the matter, the common seal of said burgh. At foresaid burgh of Inverness, the 17th day of the month of April 1440. Present—Thomas Cuthbert, John Blak, Donald Ker, and Morice M'Colon, burgesses of said burgh; with many other witnesses.”

The Earl of Ross by deed, dated at Inverness, 20th July 1440, grants a charter to the Laird of Kilravock, of the barony thereof. It proceeds upon the personal resignation

of "John de Roos." There is no reddendo. The witnesses are Thomas Fraser, Lord of Lovat; Lord Walter Ogilvy, knight; William Lesly, Sheriff of Inverness; Donald de Calder, William de Urcharde, William de Calder, George de Munroo, Alexander Macculloch, Robert Cheshelme, John Graunt, and John William de Arde, and many others.

The precept of sasine thereon follows:—

Alexander de Yle, Earl of Ross, to our beloved Donald de Calder, Sheriff of Nairn, and his bailies; Greeting: . . . We command and order you that without delay you give the foresaid Hugh . . . hereditary state . . . and reserving to John de Roos, father of the said Hugh, the frank tenement of said lands, for the term of his life; and to the wife of said John, the third part due to her, after the death of the said John. . . . And in sign of said sasine given by you, append your seal on the second tail after ours: Given under our seal at Inverness, the 20th day of the month of July, in the year of the Lord 1440.

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XLII.

**JAMES II. 1437-1460. PART SECOND.**

Alexander de Ile had the earldom of Ross formally conferred upon him by James I., and in the minority of his son the second James, the Estates of Scotland appointed Alexander justiciar of the Kingdom benorth the Forth. Upon the 17th August 1442, Alexander grants at Inverness the following precept of sasine in favour of William Thane of Cawdor:—

Alexander de Ile, Earl of Ross, Lord of the Isles, and Justiciar of the part north of the water of Forth, to John Grant, Sheriff-Depute of Inverness, our baillie in this part; Greeting: Since, by inquest made by our command and retoured to our chapel, it is found that the late Donald of Caldor, father of William of Caldor, bearer of these presents, died last vest and seized as of feu at the peace and faith of our Lord the King, of the lands of the Thanage of Caldor with the pertinents, and the offices of Sheriff of Nairn and constabulary thereof, with the tax of beer and fish, together with the annual rent of six merks of Balmakath, and of the lands of Both and Banchre with pertinents, and of the lands of the half of Rate, together with the mill thereof, with pertinents lying in the Earldom of Moray, within the Sheriffdom of Nairn: And that the said William is lawful and nearest heir of his said late father, of said lands, annual rent and mill with the pertinents, and is of lawful age, and that the lands are held of us in chief: Therefore, we command and charge you, upon having seen these presents, to give without delay to the foresaid William, or his certain attorney, bearer of these presents, hereditary state and sasine of said lands, annual rent and mill with the pertinents, reserving the rights of parties as is the manner, for the doing of which we commit to you, in this part, by these presents, our plenary power and special mandate: And in testimony of said sasine, given by you, append your seal on the second tail after ours. Given under our seal at the burgh of Inverness, the 17th day of the month of August, in the year of the Lord 1442.

At Inverness on the 5th of October of the same year, Alexander Ile granted a letter or charter to Alexander, Lord

Gordon, styled as early as 1421, Alexander de Seton, Lord of Gordon, who was created Earl of Huntly in 1449, regarding the lands of Kynedward, as appears from the register of Aberdeen.

Alexander, Earl of Ross, married Elizabeth, only daughter of Sir Alexander Seton, by his wife, heiress of Gordon. The Countess of Ross was sister of the above mentioned Alexander, first Earl of Huntly, and had two daughters, Margaret, married to John, Earl of Sutherland; and Florence, married to Mackintosh. As the power of the Earls of Ross and Lords of the Isles waned and sunk, that of the Gordons from this period rose rapidly. George, second Earl of Huntly, through whom the line was continued, was only a younger son of Earl Alexander, having succeeded by special destination in his father's patent.

The following charter in favour of Andrew Reid, referred to in a previous chapter of subjects in Church Street, Inverness, is dated 17th August 1443:—

To all who shall see or hear of this charter, Maurice Kerde and Donald Moray, tutors of Catherine, daughter of Duncan Goldsmyt, late burghess in Inverness; Greeting eternal in the Lord: Know that we, with consent and assent of Evote Stewart, husband of the said Catherine, and of the other relatives of the parents, both on the father's side and the mother's, have given, granted, alienated, and by title of sale sold, and by this our present charter confirmed to our beloved Andrew Rede, burghess of said burgh, all that particate of land, with the pertinents lying within the burgh of Inverness, in the Church Street thereof, on the east side of said street, as it extends itself in length from the King's common highway of said Church Street towards the west, to the old ditch towards the east, between the land of the foresaid Andrew, on the south on the one part, and the land of Morice Stewart, at the north on the other, for a certain sum of money, &c., &c: Giving therefor yearly, to our lord the King, the service used and wont, and to the heirs of William Pilche, late Lord of Garty, or his assignees, 2s at two terms in the year, &c: In testimony of which thing, because we had no seals of our own, we, Maurice and Donald, in name of the said Catherine, have with instance, procured the seals of Ronald Clerk and Thomas Tailzeour, two of the bailies of said burgh, to be appended to these presents, and for the greater evidence of the matter and knowledge of the premises, the foresaid Evote Stewart, husband of the said Catherine, for himself and the other family relatives, as he had no seal of his own, with instance, procured to be appended to this charter the seal of Donald Faber, burghess of said burgh, and likewise we, both with one assent, have procured the common seal of said burgh to be appended to this charter. At said burgh, the 17th day of August 1443: Witnesses—John Grant, Laurence Carrane, John Mechison, Andrew Grame, Patrick Ferguson, James Aludes, John Nale, John Blak, Nicolas Man, John Gray, John Pilche, Donald Johnson, Walter Thomson, Thomas Cuthbert, Hugh Clerk, James Johnson, Robert Nicolson, Sandy Waus, and William Buthe, and divers others.

In the foregoing deed the name of William de Bught appears as a witness, and in the following he is the grantee. This William appears to have possessed a great deal of land. His surname is doubtful. It is curious to find such a lowland term as Bught, by old people called "The Bught," in the north at so early a period. In the Scottish language it is perfectly descriptive of the locality. The Gaelic name is

Kill-a-vean, synonymous with Tor-a-vean. The Saint here indicated is probably Baitan or Baothin, cousin and successor of Coluim Cille—

Baetini ard Aingleach  
Coluim Cille Caindleach.

Their anniversary was the same, the 9th June. Archibald, Earl of Moray, referred to was brother to the Earl of Douglas, killed by James II., who was himself forfeited in the year 1452.

Follows the charter in favour of William de Buyche:—

To all who shall see or hear of this charter, Donald of the Old Castle, Lord of that Ilk; Greeting eternal in the Lord: Know that I, with consent and assent of the great and potent Lord Archibald de Douglas, Earl of Moray, have given, granted, and by deed of sale, have given, and alienated from me and my heirs for ever, to my beloved William de Buyche (Bught), burgess of Inverness, five acres of my land lying in the lordship of the old Castle, four of which lie together near the Bradstane twixt the land of the Blessed Virgin Mary on both sides, both on the south and north, and the fifth acre of land lies near the stream of Scourburn, as foresaid burn runs towards the south, and my own land towards the north on the other, for a certain sum of money given and fully paid to me in my pressing necessity: To be held and had, the foresaid five acres of land, with the pertinents, by the foresaid William, his heirs and assignees of me, my heirs and assignees, in feu and heritage for ever, by all their old and right marches and divisions, with all their commodities, liberties, and easements, and just pertinents whatsoever, as well not named as named, belonging to said acres of land, with the pertinents, or which, in future can in any way belong, freely, quietly, wholly, fully, and honourably, well and in peace, without revocation for ever: Giving therefor yearly the foresaid William, his heirs and assignees, to me and my heirs, two pence of the usual money of Scotland, in name of blench farm if asked, in lieu of all other burden, secular service, exaction, or demand, which can be exacted, or required, by me or my heirs: And I, the foresaid Donald, and my heirs, shall warrant, acquit, and for ever defend foresaid five acres of land with the pertinents in, and by all ways as is foresaid to the foresaid William, his heirs and assignees; of which five acres, with the pertinents, I have given to the foresaid William, sasine and hereditary state with effect, reserving all rights as the custom is: In testimony of which thing I have caused my seal to be appended to this my present charter: At the burgh of Inverness, on the 14th day of the month of April, in the year of the Lord 1447: The witnesses being—John Grant, Thomas Cuthbert, Alex. Waus, Hugh Andrew, and Henry M'Lelan; with many others called and specially asked.

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### XLIII.

#### JAMES II. 1437-1460. PART THIRD.

In a deed signed at Inverness on the 20th July 1440, the following are witnesses—Thomas Fraser, Lord of Lovat; Sir Walter Ogilvie, knight; William Leslie, Sheriff of Inverness.

In 1442 is found the name of John Grant, Sheriff-Depute of Inverness.

In the year 1448, the name is first recorded of Robertson of Inshes, so long and closely connected with the town of Inverness. The deed is granted by John Robertson, the first in the north who took that surname, probably following the example of his relative, the first Baron of Strowan, who in 1437 was called Robert Reoch Duncan son.

The Robertsons are called Clan Donachy, from their ancestor, Duncan de Atholia, and it seems obvious that the granter of the deed was a grandson of the founder, and uncle of the first Baron of Strowan.

The well-known poet and fighting man, the prototype of the Baron of Bradwardine, was Alexander Robertson of Strowan, who figured in the risings of 1688, 1715, and 1745. If poets are generally scribblers, Strowan must have used up much paper, for his writing is not smaller than what is termed half-text. In a curious letter to John Robertson of Inshes, in the year 1734, he thus expresses himself:—

Hermitage, November 2d, 1734.

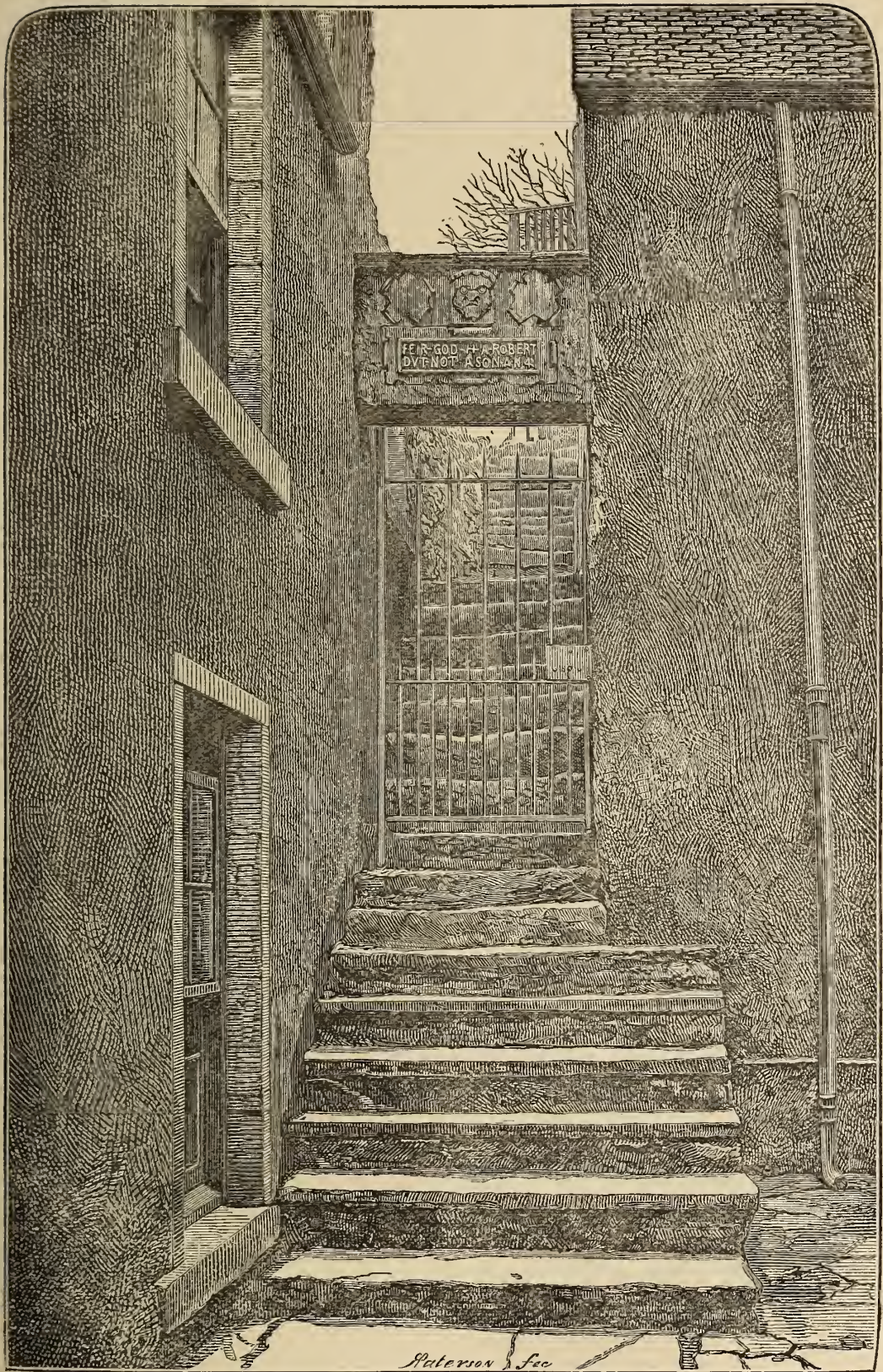
DEAR SIR,—You certainly have heard how I am opposed by some very little fellows of my name: All the considerable part of my family have declared their abhorrence to the recreants of their chief: They have done me that honour, and I should be at a great loss if Inches's subscription did not corroborate their friendly and just sentiments. I have sent their declaration with my good friend John Robertson of Balnagard, not doubting but you'll join with so honourable a crowd, which, till I have the joy of seeing you, will give me the greatest satisfaction. If your son will do me the same honour I shall be glad, and will defer further explanations till I have the pleasure of embracing you, as being with a true heart,—Dear Sir, your affectionate cousin and servant,

A. ROBERTSON OF STROWAN.

In the deed after quoted, John Robertson grants on the 20th April 1448, a particate of his land on the east side of Castle Street, to William Michael. The locality is known, as a very ancient gateway still remains on that other half of Inshes property in the same neighbourhood which remained with them until last century:—

To all who shall see or hear of this charter, John Robertson, son and heir of the late Robert, son of Duncan, burges of Inverness; Greeting eternal in the Lord: Know that I have given, granted, and by title of sale, delivered and set in feu farm, and also by my present charter, confirmed to my beloved William Michael, burges of Inverness, one particate of my land and burgage, lying within said burgh, in the Dymingisdale on the eastern side thereof, between my land at the south on the one side, and the land of Alexander Man at the north on the other; whose front extends to the King's common highway towards the west, and the back to the land of Thomas Cuthbert at the east: To be held and had, said whole particate of land, with the pertinents, by the said William, his heirs, and assignees, of me, my heirs, and assignees, for ever, freely, quietly, wholly, honourably, well and in peace, with all commodities, liberties, and easements, and their just pertinents whatsoever belonging to said lands, with the pertinents as well named as not named, or which in future may justly belong in any way whatsoever: Giving therefor annually the said William, his heirs, and assignees, to me, my heirs, and assignees, a white or red rose in the season of the flowering of roses, in the name of blench farm if asked, and eighteen pence of usual Scots money of annual rent to Alexander Man, his heirs, and assignees, annually, viz.:—The one half at the feast of Pentecost, and the other half at the feast of St Martin in winter, by equal portions;

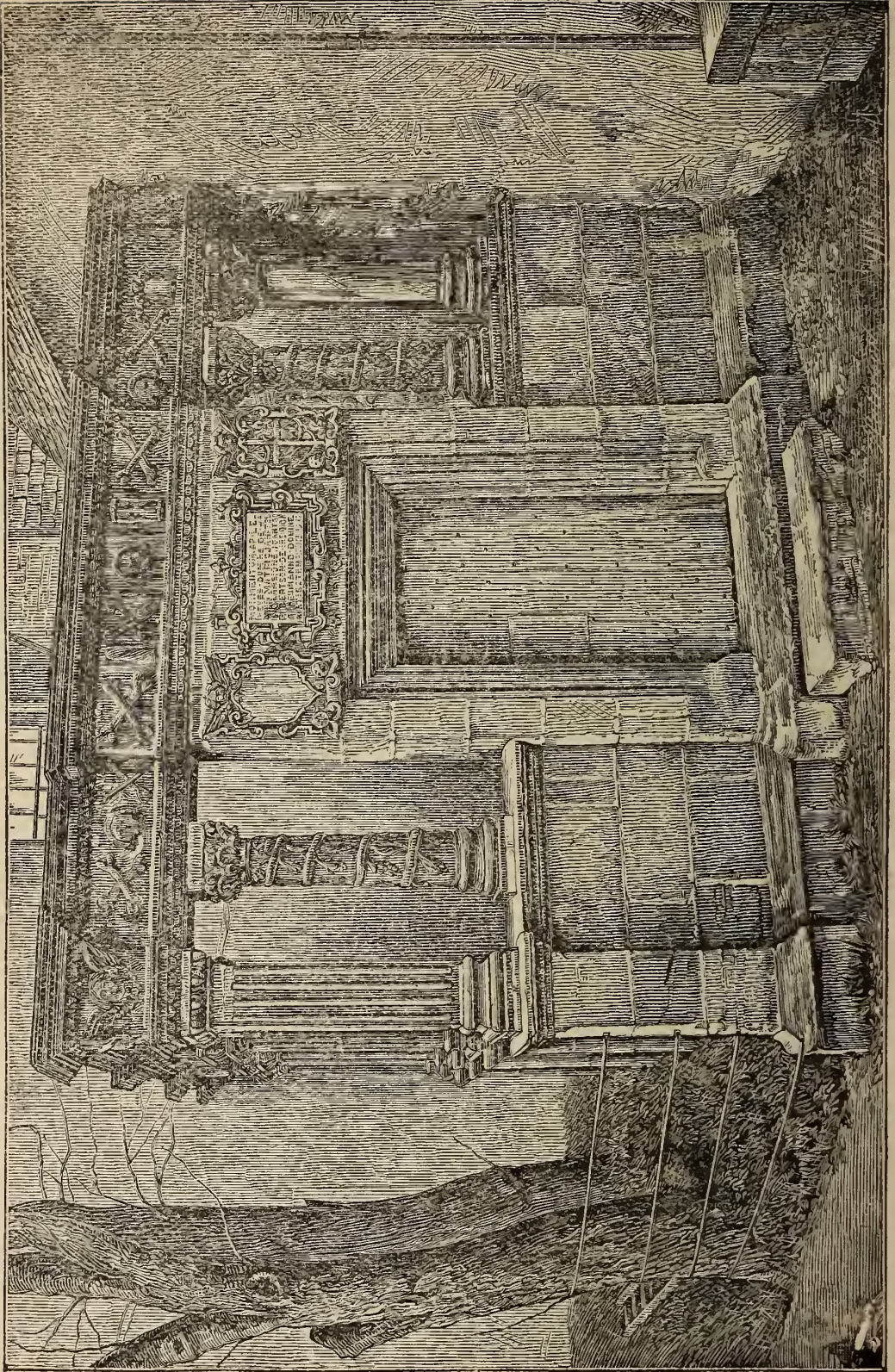


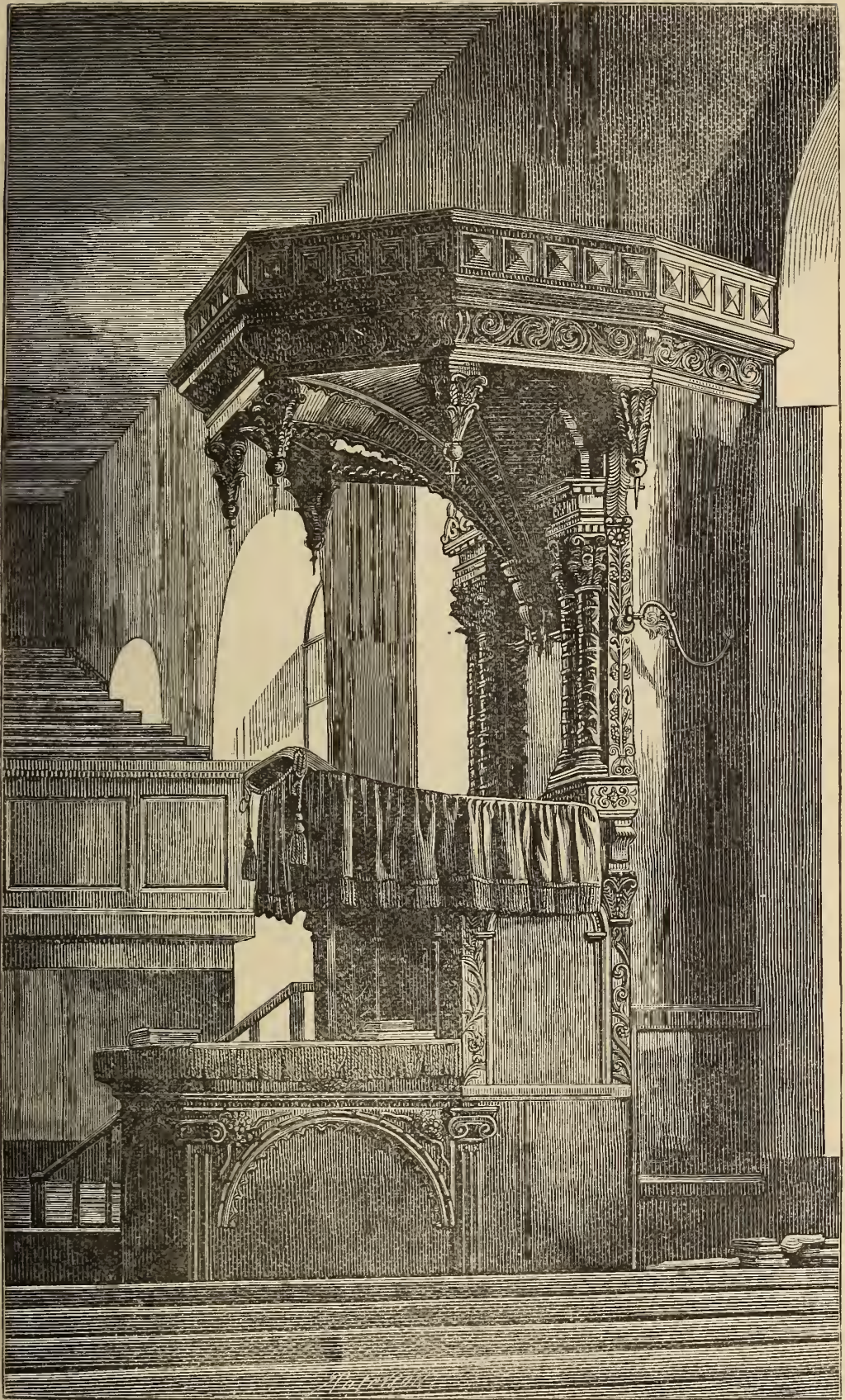


*Platenon fec*











and to our Lord the King five pence, to be paid at the terms appointed within said burgh: And I, the said John, my heirs, and assignees, shall warrant, acquit, and for ever defend, said particate of land, with the pertinents, to the foresaid William Michael, his heirs, and assignees, in and by all means as is fore-said, and against all mortal men and women: And if it happen that I, my heirs, or assignees, contravene this my assedation, or revoke it in any way, I oblige me, my heirs, and assignees, in ten pounds of usual Scots money, to be fully paid toward the fabric of the Parish Church of Inverness before any step in law, the present charter, however, to endure for ever by its own strength: In testimony of which thing, as I had no seal of my own, I have with great instance procured and caused to be appended to my present charter, the seals of the prudent men Thomas Cuthbert and Alexander Man, burgesses of said burgh: And for the greater security of this matter, I have with instance procured and caused to be appended to this my charter, the seal of the discreet man Andrew Grame, one of the bailies of said burgh, who for me gave sasine of said land: At said burgh, the 20th day of the month of April, in the year of the Lord 1448: Witnesses—Patrick Fergusane, Walter Johnson, Richard Hoge, John Thomson, jun., John Gray, and John Williamson, with many others.

We shall hereafter have cause again to refer to the family of Inshes and to trace their descent, but meantime conclude by an extract from the Session records as to the pulpit in the Gaelic Church, which, coming to the Robertsons through intermarriage with the families of Vaus of Easter Inshes\* and Sinclair of Rattar, was gifted to the church. It is termed a "little desk," and came from Holland. It will be observed that Inshes was to have two pews in return in heritage for ever. Inshes' mother, described as the possessor of the desk, was Janet Sinclair, and it was she who erected the singularly handsome burial place of the family of Inshes near the Church-yard gate:—

At Inverness, the first day of August, one thousand six hundred and seventy-six years—The said day there was a supplication presented by Mr William Robertson of Inches, making his humble address to the session of Inverness, regretting his inconvenience for himself and family in the High Church of the said burgh, for the reverend and incumbent attention of the said ordinances, desiring he might be licensed and impowered to cause build and erect two sufficient pews next to the Guildry's desk, whereupon which supplication, after ripe and grave advisement, was found very reasonable, and knowing him to be a deserving person; The whole members of the session did unanimously grant the said two pews and thereby, to inherit and enjoy them peaceably and quietly in all times coming, without any controlling, questioning, or backcalling thereof: But to remain in his possession as an undoubted heritage: For which two pews the said Mr William did give the little desk belonging some time to his mother, and to be given to Hugh Robertson, treasurer, and James Cuthbert, late bailie; Ordaining these presents to be insert and registered in the principal Session Register of the said burgh, therein to remain for the future security and preservation thereof. Extracted by me,

(Signed) JOHN INNES, Clerk to the Session.

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\* There are three Vasses and one Cuthbert, very respectable people, genuine old residents, now living in Inverness, but being all females, there is every prospect of these surnames, once so common and influential in Inverness, becoming extinct.

## XLIV.

## JAMES II. 1437-1460. PART FOURTH.

Upon the 22d of January 1449, in a Parliament held at Edinburgh, King James confirms his Queen's dowry and sets forth whence derived. Among other sources of income she has "The Lordships of Brechin, Badenoch, and Abernethy, the great custom of the burgh of Perth with the rents of the same, the Castle of Inverness with the great custom and rents of the burgh of Inverness."

Upon the 13th of August 1449, John de Yle, who had in this year succeeded his father Alexander, Earl of Ross, granted at Inverness a charter to the Master of Sutherland, of which the essentials are now quoted:—

To all who shall see or hear of this charter, John de Yle, Earl of Ross and Lord of the Isles; Greeting eternal in the Lord: Know all that we have given, granted, and by this our present charter confirmed to our beloved cousin, Alexander de Sutherland of Dunbeth, all and sundry the lands of Easter Kindeace, with the pertinents lying in our Earldom of Ross, within the Sheriffdom of Inverness, for his homage and faithful service: Which lands belonged to the late Thomas de Fentoune of Ogil, and which said Thomas . . . . resigned . . . . To be had and held the said lands of Easter Kindeace, with the pertinents, by the foresaid Alexander de Sutherland, his heirs and assignees, of us and our successors, Earls of Ross, in feu and heritage for ever, by all right marches, ancient and devised, in woods and plains . . . . hunting, hawking, fishing, and fowling . . . . In testimony of which thing we have caused our seal to be appended to our present charter, at Inverness the 13th day of the month of August, in the year of the Lord 1449, there being present, John Stewart, Lord of Lorn; Lachlan M'Gilleoin of Dowarde; John Murchardi M'Gilleoin of Fynschenys; John Lachlan M'Gilleoin of Colla; William, Thane of Cawdor; Master Thomas Lochmalony, chancellor of the church of Ross; Andrew Reede, Provost of the burgh of Inverness; and Alexander Flemmyng of Perth, with divers others called in testimony.

In 1449, for the first time, is found any charter or deed connected with Inverness, written in the language of the country. All deeds prior to this date, referred to in these papers, are written either in the Latin or Norman-French languages. Exact copies of two deeds are here given, so that the language and spelling then used may be noted.

The first is a charter of alienation by Andrew Graham, burgess of Inverness, with consent of Elizabeth, his wife, daughter of Donald, and Donald his son and heir, in favour of William of Bught, of an acre of land in the Gairbread, dated 20th July 1449. The lands of Gairbread are to the north-east of the town beyond Rose Street:—

To all this charter sall here or see, Androw Grame, burges off Inuernys, sends gretyng in godde ay lestande, wit ze me, with ye consent of Eby, Donald's dochter, and Donale, his son and ayre, to haff gyffen, gravntide, and be tityll off sellyng to haff latyn, ande als be yis my present charter, to haff confirmyt to



my traist and lele neichbour, Wilzame off Buch, burges of ye saide burch, ane akir off arabill lande lyande in ye Garbreide off ye saide burch, betwix ye lande off vmquhyle Scher Patrick off ye Warlaw, to ye est on ye ta part, and ye lande off ye rude anterior off ye Paroche Kirk off Inuernys, to ye west on ye toyer part, ye ta ende extendande to ye lande off quhylum Wilzame Pilche to ye south, and ye Seagate to ye north for a certane soume off mone beforhande to me thancfully nowmeryt ande pait, of ye quhilk, I halde me fully content and in myne eyse convertide : To be haldyn and hade ye saide akir off feilde lande with ye pertenants, to ye forsaide Wilzame, his ayrs and assigneis, fra me, myne ayrs, ande assigneis for euir, be all yair richt merkis, aulde ande devisit, frely, quytly, halely, honorabilly, wele, ande in pece, with all commoditeis, fredomys, aysiaments, ande rychtwis pertenants, quhatsomeuir yai be, yat to ye forsaide akir off felde lande with ye pertenants, als wele nocht nemnyt as nemnyt, pertenys or rychtwisly may pertene ony manner of ways tyme to cum : Ande I, forsuth, ye said Androw, myne ayrs ande assigneis, ye forsaide akir off lande with pertenants in all, and be all things as is forsaide to ye saide Wilzame, his ayrs ande assigneis, we sall warande, acquyt, ande defende foreuir : Ande giff it happyns me ye saide Androw, Eby, or Donalde, coniunctly or seuerauly, ye forsaide sellng ande analyzing off ye saide lande with ye pertenants, to revoke or gayncall, I oblis me or vs quhasa euir it dois myne or ours ayrs, executours, ande assigneis, in ten pondes off vsuale mone off Scotlande to pay fullylly to ye Paroche Kirk werk off Inuernys befor ony entra yeroff in plede : Neuiryeless, yis, my present charter, in ye propir strynth perpetually till endur : In witness off ye quhilk thing, my sele to yis present charter is hungyn, ande for ye mare sekerness off ye quhilk thing, ye saide. Eby ande Donalde, as for yair pairt, has procurit ye sele off a discret man, Thome Cuthbert, yat tyme ane off ye bailzeis off ye said burch, ye quhilk be me gaff state and saeing off ye saide akir off lande to ye forsaide Wilzame, ande to yis present has gert be hungyn at Inuernys ye twenty day off July, ye zer off Godde a thovsande four hundreth fourty ande nyne zers : Witnes discret men—Huchon Clerk, Alexander Vaus, James Makison, Mechel Becy (Bety), Donalde of ye Auld Castele, Cristi Tailzour, and Huchon Donaldson, with oyers syndri yerto callit and specialy prayt.

The other is a mortgage by John Campsy, burgess of Inverness, in favour of John Young, Thomas' son, also burgess of Inverness, of a rood of arable land in the Ship-Flat, dated 20th September 1449. There is some doubt as to where this rood lay. The Ship-Flat is generally understood to have lain on the east side of the river banks. The Chapel of the Green, one of the bounds, lay on the Green of Muirtown, or "Muckle Green," on the west side of the river. At the present time Mr Matheson, M.P., pays a feu of 12s 7d for the following lands, viz., those of the Chaplainry of the Green, part of Merkinch and Planefield.

The explanation may be that at this early period, as most of the waters of the Ness found their way to the sea by the Abban, the Ship-Flat extended to both sides of the then estuary :—

Be it made kende till all men be yir present Lres, me Ione Campsy, burges off Inuernys, to be haldyn ande straytly be yir present Lres to be oblest to a discret man Ione Zonge Thomson, burges off yat ilk burch, in a somme of threttene schelings and four penys off vsuale mone off Scotlande to me thancfully lent in my strenzande mysere, and in myne eyse conuertide, ffor ye quhilk somme I haf put in plege, ande als be yir my present Lres putts in plege a feilde rude of my lande arabill, lyande in ye schep flat ner by est ye chapell off ye gren, betwix ye landes off Ione Goffrasonys, als wele to ye est on ye ta part, as to ye west on ye toyer part, of ye quhilk ye ta ende extends to ye scay-gate fornent ye south, ande ye toyer ende to ye dyke of ye gren fornent ye north : To be haldyn ande hade ye saide feilde rude of lande arabill to ye forsaide Ione Zong Thomson, his ayrs, and assigneis, fra me myne ayrs and assigneis, with

all freedomys, commoditeis, aysiaments and rychtious pertenant, to sec, rayse, dispone ande occupy at his awyn will euir : Quhill be me myne ayrs or assigneis ye saide some of threttene schelings four penys to ye forsaide Ione Zong Thomson his ayrs or assigneis, berers of yis letter to be fully content, asseichit and pait, betwix ye son rysing and setting off a day, in ye saide burch off Inuernys, but fraude ande gyle : Ande quhat profits and aythers, ye saide Ione Zong Thomson, his ayrs and assigneis, recouers of ye said lande in ye meyn tyme be na manner off way sal be covntide, reknyt, na alowit in ye forsaide somme bot alvais, I for me myne ayrs and assigneis remitts and forgiffs it foreuir, and quhat tyme ye forsaide lande be frede and lovsit be ye saide soume off mone, ye forsaide Ione his ayrs or assigneis sal occupy, joys and rayse ye profits and froyts (fruits) and hale zere next yairefftir of ye saide lande. Ande I forsuth ye said Ione Campsy, myne ayrs and assigneis, ye forsaide wedsettyne, to ye saide Ione, his ayrs and assigneis, sal warande, acquit, and defende foreuir, with forme and effec forwretyn. In witnes off ye quhilk, for quhy I had no sele propir, ye sele of a discret man, Jamys Jonson, yat tyme ane off ye bailzeis of ye saide burch off Inuernys, ye quhilk be my resignacioun, gaff state, and saysing, of ye saide lande, to ye forsaide Ione Thomson Zong, with instance I haf procurit and to yis present Lres gert be hungyn, at Inuernys, ye foure and twenty day off September, ye zere of Godde, a thovsande four hundreth fourty ande nyne zeres : Witnes Jamys Makyson, Jone Ceras, ande Daud Clark, with others syndri.

The following entry appears in the account rendered in Exchequer by the Bailies of Inverness from 10th September 1448 to 15th July 1450 :—

And for payment made to William Caldor of that Ilk, for two chalders of corn, bought from him and delivered to Thomas de Ogilvy (captain of the castles of Inverness and Urquhart), for the King's use, by command of the King, and of Robert de Levingstoun, formerly keeper of the accounts of our Lord the King, as is clear by their letters of command, and by the letters of receipt upon the account of the said William Caldor xiiij. li. viij. s, for which corn the said Thomas de Ogilvy shall answer.

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## XLV.

### JAMES II. 1437-1460. PART FIFTH.

The following charter of half an acre of land in Domesdale, was granted by John Thomas Foyre, burgess of Inverness, to Andrew Reid, so frequently named, and is dated 3d August 1450 :—

To all who shall see or hear of this Charter, John Thome Foyre, burgess of Inverness ; Greeting eternal in the Lord : Know that I have given, granted, and by title of sale delivered, and also by my present Charter confirmed, to the honourable man Andrew Rede, burgess of said burgh, one half acre of arable land, lying within the eastern part of the plain, " lie Damysdale " of said burgh, between the land of Donald Tailzour on the east side on the one part, and the land of Alexander Man on the west on the other, whose front extends to the King's common highway towards the south, and the back to the land of the Altar of the Holy Cross towards the north, for a certain sum of money fully counted and paid into my hands : To be held and had the said whole half acre of land with the pertinents by the foresaid Andrew, his heirs and assignees, of me my heirs and assignees, for ever, freely, quietly, wholly, honourably, well, and in peace, with all commodities, liberties, and easements, and their just pertinents whatsoever, as well not named as named, belonging to said land with the pertinents or which may in future in any way justly belong : And I the said John,

my heirs and assignees, shall warrant, acquit, and for ever defend said half acre of land with the pertinents to the foresaid Andrew, his heirs and assignees, in and by all means as is foresaid against all mortal men and women: And if it happen that I, my heirs, executors or assignees, contravene this my sale or revoke it in any way, I oblige me, my heirs, executors, and assignees, in £10 of the usual money of Scotland, to be fully paid toward the work of the Parish Church of Inverness, before any step whatsoever of law, the present charter, however, shall endure for ever by its own strength. In testimony of which matter my seal is appended to the present charter, and for the greater security of this matter I have with great instance procured and caused to be appended to my present charter the seal of the discreet man William Tawson, one of the bailies of said burgh, who for me gave sasine of said land to the foresaid Andrew, reserving, however, the rights of parties, together with the common seal of the foresaid burgh. At said burgh, the 3d day of the month of August, in the year of the Lord 1450. Witnesses— Hugh Clerk, John Gravnt, Walter Thome, John Pilche, Thomas Angusson, and John Vaus, with many others called and specially requested.

Tytler, quoting the Auckinleck Chronicle, narrates under the date of 1451:—

The Earl of Ross, who died in 1449, had transmitted to his eldest son John, his treason along with his title; and the new earl, who was connected by marriage with the Livingstons, broke out into rebellion, and seized the royal castles of Inverness, Urquhart, and Ruthven in Badenoch. This last place he immediately demolished; Urquhart was committed to Sir James Livingstone, who, on the first news of Ross's rebellion, had escaped from the King's court to the Highlands; whilst Inverness castle was supplied with military stores and strongly garrisoned.

The Mackintosh MS. History on this point states, "In the year 1451, when Malcolm Mackintosh was worn out with age, and John Earl of Ross, his friend, in a state of rebellion, James II. gave the command of the garrison of Inverness to one called Crichton, whom the same Earl of Ross afterwards threw out of it by stratagem." Tytler further records under date 1452:—

James promoted to the office of Lieutenant-General of the Kingdom the Earl of Huntly, committing to his assured loyalty and experience in war the task of putting down the rebellion of Crawford and Ross, and empowering him to promise to all who came forward to join the royal standard an ample indemnity for past offences, as well as to those who continued firm in their original loyalty the most substantial marks of the favour of the Crown. Huntly, in the execution of his new office, instantly raised a large force in the northern counties; and having displayed the royal banner, encountered the Earl of Crawford, surnamed "The Tiger," on a level moor beside the town of Brechin and gave him a total defeat. The action was fought with determined bravery on both sides, and, although Huntly far outnumbered his opponents, for a long time proved doubtful.

Huntly's two brothers, Sir William and Sir Henry Seton, fell at Brechin.

Upon the forfeiture of the Earl of Douglas, his brother the Earl of Moray, and of John Earl of Ross shortly after, the following lands were annexed to the Crown:—

The castles and lordships of Inverness and Urquhart, with the water-mails or rents due for the fishings of Inverness; the lordships of Abernethy, and the several baronies of Urquhart, Glen-orchane, Bonnechen, Bonochar, Annache, Edderdail, otherwise called Ardmanache, Petty, Brachly, and Strathern; and, lastly, the Redcastle with the lordships in the county of Ross which are attached to it.

On the 20th May 1451, Andrew Reid, Burgess of Inverness, whose name appears in so many deeds, and who had filled the offices of Provost and Commissary of Inverness, with consent of his spouse, Marjory Grant, presents a discreet man, Lord Thomas de Tavn, to the perpetual chaplainry of the altar of St Catherine, within the Parish Church of Inverness, and humbly entreats John, Bishop of Moray, to admit the presentee to foresaid presentation by delivery to him of his ring, and that he command the rural dean to induct and invest the presentee in corporal and real possession of said chaplainry, with the pertinents. Given under his seal, at Inverness, on the day on which he made his will, viz., 20th day of May 1451. Whereupon the Bishop of Moray issued the following order and precept:—

To all and sundry sons of Holy Mother Church, to whose knowledge these present letters shall come, John, by the grace of God, and of the Apostolic See, Bishop of Moray; Greeting, in him who is the true salvation of all: Know, that we for the praise and glory of God omnipotent, the Holy Mother Mary, St Catherine the Virgin, and of all saints, have created, and by pontifical authority of new have erected a perpetual chaplainry in the Parish Church of Inverness, to the altar of St Catherine in the same, for one chaplain to perform there for ever divine worship for the souls of the most serene prince and our lord, Lord James, by divine clemency King of Scots, and of Queen Mary, his spouse, and for the souls of the late Andrew Reid, burgess of Inverness, and Marjory Grant, his spouse, and for the souls of their predecessors and successors, and of all the faithful dead, to which chaplainry we attach by said authority and for ever unite all and sundry lands, tenements, acres, crofts, and annual rents acquired by their own conquest by the said late Andrew and Marjory and assigned to said chaplainry, both lying within and without said burgh, according as in our other letters made thereupon, and specially expressed, and also contained in the register of our Church is more fully contained, which chaplainry, with all its rights and pertinents, on the request and devout supplication of the said Marjory, and from a sense of love, we bestow upon the discreet man, Lord Thomas of Tavn, presbyter, and with the same also provide him, and have inducted and presently invested him therewith by delivery of our ring, and by committing specially to him the cure and administration thereof in things spiritual and temporal, which chaplain and all chaplains his successors for ever in said chaplainry, we will and appoint to be bound with the other perpetual chaplains of said church similarly engaged, and bound, to perform the service of the blessed Virgin Mary every Saturday in ecclesiastical garb, with note in said church, and also at vespers on Sundays, and at the greater mass and second vespers on all Sundays and festivals, and the six holidays at the altar of the Holy Cross in foresaid Church: We therefore commit to you, the dean of our Christianity of Inverness, in virtue of your sacred obedience by the tenor of these presents, and command that you induct and appoint the foresaid Lord Thomas, or his procurator in his name, in and to real, actual, and corporal possession of said chaplainry, and of all the rights and pertinents thereof; and when inducted and appointed canonically, you defend him by strictly restraining contradictors and rebels, if there be any, by ecclesiastical censure by our ordinary authority, and in sign of your appointment and of delivery of possession to him, append your seal on the second tail after ours, to remain for ever with said appointment. Given under our round seal, at our Palace of Spiny, the 6th day of the month of March, in the year of the Lord 1451, according to the course and computation of the Scottish Church and of our consecration the 15th.

In the Parliament held at Stirling on 25th October 1451, it is ordained: “Item, the pennies that were struck by the King’s coiners, that is to say, Robert Gray and John of Dalrymple’s father, himself, Alexander Tode, and John

Spethy, shall have course as they now have on to the time of the said new strike,\* and of these pennies shall be taken but 12d to the pound; and all other pennies struck by Henry Goldesmyth, and by all other false coiners, either struck in Inverness, Dysart, Forfar, or in any other place, shall have no course from this day furth, nor be received in payment."

Among the Crown receipts for 1457 we have £16 received from the Custumarii of the great custom of the burgh of Inverness—and 20s received from the bailies of the burgh of Inverness, of the King's rents of said burgh.

Among expenses, there is paid to John Schethow for riding from Inverness to the Lord, the Earl of Ross, on the King's affairs, for his expenses, 20s.

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## XLVI.

### JAMES II. 1437-1460. PART SIXTH.

Upon the 8th of November 1451 the King granted a charter of erection of some of the lands belonging to the Church of Moray, into the Barony of Spynie, and as it includes several lands in the neighbourhood of Inverness, and the reddendo was the giving of one suit or attendance yearly at Inverness in the King's Chief Court held there next after Easter, it is here given—

James by the grace of God King of Scots, to all good men of his whole realm, cleric and laic; Greeting: Know that we to the praise and glory of the Holy Trinity, and because of thankful homage by the reverend father in Christ, John Bishop of Moray, our beloved Chancellor, frequently paid in his time to our progenitor of happymemory and to be continued by him faithfully to us, gave, granted, and by this our present charter confirmed to the said reverend father in Christ, John Bishop of Moray and his successors, bishops of the Church of Moray, all and sundry the lands of the Barony of Spiny with their pertinents, dependencies and annexes, also all and whole the baronies and lands within written, viz:—the baronies of Kynnedor, Byrneth, Rothenet or Roffert, Fotherues, and Keyth, and all and whole the lands and tenements, glebes, acres, and crofts belonging to said Church of Moray, canonics, and chaplains thereof and rectors and the vicars of said diocese lying within the Sheriffdoms of Inverness and Banff, viz:—the lands of the two Kinmylies, the two Abriachans, Abertarf, Boleskin, Forthir, and the lands of the Marsh of Strathspey, the lands of Rothymurchus, the davochof Ynche, the davochof Lagankenzee, with the lakes and fishings of said lands, with the tower of said lake of Lagankenzee, the half davochof Colnakewill, the lands of Auchmony and Kirkmichel, the lands of Kyncardy and Kyncardin, the town of the Church of Dolesmichel, the towns of the churches of Eskyll and Duppill, Rothes, Altyre with the Ord thereof now commonly called the Bishop's Ord, the town of the Church of Kynnore, and the crofts and acres of the churches of Kingussie and Inuerelzem, Warlaw, Dyik, Dultargusy

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\* The strike or coinage referred to is provided for in the previous proceedings of this same Parliament.

and Chapel of Rait, and the port and fishing of the water of Lossie, and the tenandries and town of the Church of Deveth, Artralze, Croy, Moy, Duldawauch, Ewan, Undist, Lochlin or Innerin now of Abbirlour, Butruthyn, Arthilldoill, and of Core of Kynnermouth, Avachy, Kyntallargyne with ly Esse and fishing on the water of Forne, Dumbennan, Ruthven, Botary, Drumdelgie, Ryne, Innerkeithny, and the lands of Rothymay, and the lands of *Domus Dei*, near Elgin, the tenandry of Drumreoch, with all and sundry pertinents thereof, into one pure, entire, and free barony, to be called henceforth the Barony of Spiny, which we will to be called and be, in time to come for ever the head of said Church, which all and sundry baronies and lands foresaid, with all and sundry the pertinents and annexes, we attach to, incorporate and for ever unite to said Barony of Spiny by the tenor of the present charter: To be held and had, all and sundry the foresaid lands with the pertinents, in one pure and entire barony, to be called that of Spiny for ever in time to come, by the foresaid John Bishop of Moray, and his successors Bishops of Moray, in feu and heritage for ever, by all their right marches and divisions, in woods, plains, moors, marshes, ways, byways, waters, pools, rivulets, meadows, pastures, and pasturages, with mills, multures and their sequels, with hawkings, huntings, fishings, rights of casting peats, turfs, collieries, stone-quarries, stone and lime, smithies, breweries, heaths, brooms, with courts and their exits, herzelds, bludwitis and merchet of women, with tenandries and services of free tenants, with doves and dovecots, with ancient customs, with pit and gallows, sok, sak, tholl, theme, infangtheif, outfangtheif, and with all other and sundry liberties, commodities, and easements, and their just pertinents whatsoever, as well not named as named, which belong to foresaid lands with the pertinents, or which may in future in any way just belong, as freely, quietly, fully, completely, honourably, well, and in peace, as any barony within our kingdom, is freely granted or bestowed by us or our predecessors in times past, whatsoever: Doing therefor to us and our heirs, the said John and his successors, Bishops of Moray, one suit at Inverness yearly in the chief court thereof, held there next after the Feast of Pasche (Easter), only, in lieu of every other burden, exaction, question, demand or secular service, which of said barony with the pertinents shall justly be exacted by whomsoever, or required in whatsoever manner: In testimony of which matter we have commanded our seal to be appended to our present charter; the witnesses being the reverend fathers in Christ, William and Thomas, Bishops of the Churches of Glasgow and Galloway, our dearest cousin, William Earl of Douglas and Avondale, Lord Galloway, William Lord of Crichtoun, our chancellor and very beloved cousin; our beloved cousins, William Lord Sommerville, Patrick Lord Glamis, Master John Arrous, Archdeacon of Glasgow, and George de Schoriswode, rector of Cultre. At Stirling the 8th day of the month of November, in the year of the Lord 1451, and of our reign the 15th.

As a good specimen of the mortgage of real estate at this time, written in the Scottish language, there is now quoted a deed by Finlay Murchison, burgess of Inverness, with consent of Ellen Anderson, his spouse, and of John Hay and Janet Anderson, his wife, to William de Bught, dated 6th March 1452:—

Be it maide kende till all men be thir present letters, me Fowill Morthoisson, burges of Innuernys, with ye consent of Elyne, my spouse, dochter of vmquhile Walter Anderson, burges of ye saide burch, Johnne Hage and his wiff Jonate, dochter and ayre to quhilum Alexander Anderson, burges of ye saide burch, to be haldyn, ande stractly be thir my present letters to be oblist to ane discreit man Wilzame of Buth, burges of yat ilk burch, in a somme of foure ponds ten schelings of vsuale mone of Scotland to me thancfully lent in my strenzeande myschery lauchfully provit, and in myne oyse convertit, ffor ye quhilk somme of mone I haf put in plege, ande als be thir my present letters, putts in plege thre schelings of annuell rent of ane rude of lande lyande in ye saide burch, in the estgat, on ye north pairt of yat ilk, be twix ye lande of Donalde Cristison to ye est on ye ta pairt, and ye lande of Walter Thomson to ye west on ye tother pairt, of ye quhilk ye forfront extends to ye King's gate fornent ye south, and ye tayle to ye common venale fornent ye north: Alsua thre schelings of annuell rent of ane rude of lande lyande in ye saide gate on ye south side of yat ilk gate, betwix ye lande of Patrik Genour to ye est on ye ta

pairt, ande ye lande of Thome Cuthbert to ye west on ye tother pairt, of ye quhilik ye forfront extends to ye common gate fornent ye north, and ye taile to ye common venale fornent ye south: To be haldyn and hade, ye saide sex schelings of annuell rent to ye forsaid Wilzame, his ayrs and assigneis, fra me, myne ayrs and assigneis, with all law ande rycht yat I haf, hade, or may haf tyme cummyng, perpetually in ya lands, frely, qytly, fully, honorabilly, weile and in pece, as ony burges within ye saide toon of Inuernys, yair annuell rents of yair lands to feferme of yar haldyn, sall halde or posseide euir: Quhill me or Elyne, Jone or Jonat, oure ayrs or assigneis, ye forsaide somme of four ponds ten schelings to ye saide Wilzame, his ayrs or assigneis, betwix ye son rying ande setting, of a day within ye saide burch of Inuernys, but fraude, gile, caullacioun, or exception, it be fully contentit, peit ande asseichit; Ande giff it happynis vs ye saide Foule, Elyne, Jone or Jonat, oure ayrs, executours or assigneis, to gayn call yes forsaide wedsetyne, or it in ony manner off way to reuok, we obliiss vs conjunctly and severally, our ayrs, executours, and assigneis in ten ponds of vsuale mone of Scotlande, to pay to ye paroch kirk werk of Inuernys, before or we be herde in plede, neueryeless yis present evident to remayne in ye propir strenth. In witnes of ye quhilik my seile to yis present is hungyn; Ande for ye mare sekernes of ye quhilik thing ye seile of ane honorabill man, John Thomson Skyner, yat tyme ane of ye bailzeis of ye saide burch, ye quhilik be me gaf saying as of weidsetyne of ye saide annuell rent to ye forsaide Wilzame, with instance I haf procurit, and to yis present has gert be hungyn at Inuernys, ye sex day of Marche, ye zer of Lord a thousande four hundreth fyfftie and twa zers: Witnes, Alexander Vauss, Donalde of Auld Casteile, John Gray Skyner, and Davi Clerk, with others syndri.

On the margin we have—

*Item.*—To Fowill, hys dochter, and to John Cezar and his wyffe, Jonat Ross, to mak ye V. ponde heyll.

And on the back—

*Mem.*—Yt Jonat, ye dochter of ye saide quhilum Alx. Anderson, has resauyt of ye forwretyn soume thre schelings and sixpenys.

At Edinburgh, on 15th August 1452, King James grants a charter of regality of Spynie to John, Bishop of Moray, for the same reasons that he had the year before erected the lands into a barony. The reddendo is a red rose to be delivered to the King, his heirs, and successors, at the burgh of Inverness, on the Feast of the Nativity of St John the Baptist, and the intercessions of devout prayers. The witnesses are, with one or two exceptions, the same as those in the charter regarding the barony, first above quoted. At Aberdeen, on the 16th April 1488, James III. confirms this charter.

At Inverness, on the 19th October 1452, Mariota (Marion) Scot, wife of John Reoch, burgess of Inverness, with his consent, and that of Adam Reoch, her son, sells to William de Buthe, burgess of said burgh, an annual rent of three shillings, furth of a particate of land which belonged to the late David Genor, lying in said burgh, in the Estgate on the south side thereof, twixt the land and stone house of the late John Scot, at the east on the one part, and the land of the late Donald Tailzeour at the west on the other, extending in front to the King's highway towards the north, and behind to the vennel of the said King towards the south, for a

✓ Stone  
house

certain sum of money, &c. No red.:—"In witness of which matter, since I have no seal of my own, I have with instance procured the seal of my beloved cousin, Alexander Waus, to be appended before the underwritten witnesses, and for the greater security of this matter, the seal of the prudent man, Hugh Clerk, one of the bailies of said burgh, who gave sasine to the said William of said annual rents to these presents. At said burgh, the 19th day of October 1452. Witnesses—John Grant, and the discreet men Lord Patrick Flegear, chaplain of the Holy Cross of the Parochial Church of Inverness; Friar Alexander, Andrew de Brechy, Maurice Reoch, Donald de Auldecastell, John Grey, and Cristin Skynnar, and many others."

At Inverness, on the 13th November 1452, John Thome, called Foyr burgess of Inverness, sells to his beloved neighbour, Alexander Hesow, burgess of said burgh, one piece of a particate of his land, lying on the west side of Church Street of said burgh, between the land of the heirs of the late William Skynnar at the south on the one part, and the land of John Pilche at the north on the other, whose front extends to the King's common highway towards the east, and the back to the other part of said particate which he sold to Finlay Sutor by sasine and charter at the west on the other, so that the piece of land belonging to the said Alexander extends itself to the house built by the said Finlay; for a certain sum of money, &c. Paying therefor yearly to the altar of St Katherine of the Parish Church and to the chaplain who shall be there performing divine service 3s of usual Scots money, at two terms, by equal portions, and to our lord the King 3d yearly, in lieu of every other burden, &c. "In testimony of which thing, in the absence of my own seal, I have with instance procured the seal of Ranald Clerk, burgess of said burgh, and caused it to be appended to the present charter. And for the greater security of this matter I have procured to be appended to the present charter the seal of John Thome, one of the bailies of said burgh, who gave sasine to the foresaid Alexander of said piece of land with the pertinents. At said burgh, 13th November 1452." The witnesses are—James Johnson, Provost; Hugh Clerk and John Thome's son, Skynnar, two of the bailies; William Macyin, Thomas Cuthbert, Donald Andrew, John Daltoun, Lord Thomas de Dingvale, and many others.

Marjory, one of the daughters and heiresses of the late David Pickart, burgess of Inverness, with consent and assent of Jonet and Dowat, her sisters, sells to her beloved Ayde Carran, relict of the late John Thomson, burgess of Inver-



ness 12d of annual rent of one particate of land lying in the burgh of Inverness in the Bridge Street, on the north side of that street, between the land of John Donaldson at the east on the one part, and the land of Hugh Thomson at the west on the other, for a certain sum of money, &c. “In testimony of which thing, as I had no seal of my own, I have procured with great instance, and caused to be appended to my present charter, the seal of the discreet man Alexander Vaus, burghess of Inverness, together with the seal of Hugh Clerk, one of the bailies of said burgh, who for me gave hereditary state and sasine as the manner is to the foresaid Ayde Carran. At said burgh, 3d April 1453. Witnesses—the discreet men Lord Patrick Flegear, Lord Andrew Blaic, Lord Hugh Michael, chaplains; John Thomson Skynar, one of the bailies of said burgh; and David, parish clerk of Inverness, with many others called and specially requested.”

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 XLVII.

## JAMES II. 1437-1460. PART SEVENTH.

John Reide, son and heir to the late John Nevinson, burghess of Inverness, for the sum of 40s lent by Master Thomas Gollan, burghess of said burgh, gives him in pledge a rood of his land with the buildings thereupon built, lying in said burgh, and in the gate of Dymisdaile on the east side thereof, betwixt the land of the late Robert Hog to the south on the one part, and the land of Andrew Waus to the north on the other part: To be held and had, &c. “In witness of the which, for why I had no proper seal present, the seal of an honourable man, Alexander Waus, bailie, who by me gave sasine of wadsetting of the said land, as the manner is, to the said Thomas, with instance I have procured, and to these presents have caused be hung at the said burgh the 20th day of January 1454: Witnesses—the venerable and discreet men Sir Isaac of Moray, John Gray Skinner, Finlay Johnson, and Andrew Mylne, with others sundry thereto called and specially prayed.”

Hugh Angus, son and heir of the late Angus Peter, burghess of Inverness, sells to Alexander Vaus, burghess of said burgh, 2s of annual rent of one particate of land, lying in the burgh of Inverness, in the street le Estgate on the

south side thereof, between the land of Eugenius Faber at the east on the one part, and the land of Mychael Betun at the west on the other, whose front extends to the King's common highway towards the north, and the back to the old fosse of the Bernhill towards the south, for a certain sum of money, &c. "In testimony of which thing my seal is appended to the present charter, and for the greater security of this matter I have procured and caused to be appended to my present charter the seal of the discreet man John Thomson, one of the bailies of said burgh, who for me gave hereditary state and sasine, as the manner is, of said 2s of annual rent to the foresaid Alexander, at said burgh, 2d April 1454: Witnesses—the discreet men Donald Johnson, William de Buyth, Donald of the Old Castle, and John Gray, with many others called and specially required."

The said Hugh Angus, son and heir of the late Angus Peter, burgess of Inverness, sells to his beloved friend, William Tawesson, burgess of said burgh, two particates of his land burgage, lying together within said burgh, in the Estgat Street on the south side thereof, between the land of John Donald at the east on the one side, and the land of the late David Genour at the west on the other, whose front extends to the King's common highway towards the north, and the backs to the common vennel towards the south, for a certain sum of money, &c. : Giving therefor yearly to the heirs of the late William de Pilche 5s of annual rent, of the usual money of Scotland, at two terms in the year—viz., one-half at Whitsunday, and the other half at Martinmas, by equal portions, and to our Lord the King ten pence at the terms appointed within said burgh, &c. :—"In testimony of which thing my seal is appended to the present charter, and for the greater security of this matter I have with effect and with great instance procured and caused to be appended to my present charter the seal of the discreet man John le Gravnt, burgess of said burgh, together with the seal of Alexander Vaus, one of the bailies of said burgh, who for me gave hereditary state and sasine, as the manner is, of the said land to the foresaid William: At said burgh, 10th May 1454: Witnesses—these men and discreet lords Patrick Flegear, chaplain, Thomas Cuthbert, Donald Tailzour, William de Bothe, Alexander Man, Donald Johnson, Donald Symonson, John Williamson, and Alexander Dugallson, with many others called and specially required."

In the year 1454 occurred the fight betwixt a section of the Clan Chattan and Munros, at Clachnaharry. The circumstances have been frequently narrated, but never correctly,

nor is it known that the principal actors were not only reconciled but became brothers-in-law. The following account, written about 200 years after by Mackintosh of Kinrara, bears every mark of being an unbiassed account, and he treats of the event as one to be deplored:—

In 1454, a sudden and unexpected contest sprung up between Malcolm Mackintosh, commonly called Gillicallum Oig, Mac-Mic-Gillicallum Beg, grandson of the afore-mentioned Malcolm Mackintosh (of Mackintosh), and John Munro, tutor of Fowlis. A very keen contention followed. The origin of it was this:—John Munro was second son of Hugh Munro of Fowlis, and acted as tutor to John Munro, his nephew, by his brother George Munro of Fowlis. Returning from a tour to the south for despatching his pupil's business, a dissension took place between him and the inhabitants of Strathardle. He was contemptuously treated and loaded with great abuse. Intent upon revenge, he comes home, informing his friends and relations of the injury he has sustained, and implores their assistance. At the head of two hundred chosen men he advances with all possible speed, and before his approach is observed enters Strathardle, ravages the country, and carries off the herds of cattle. At the river Findhorn on his return, the afore-mentioned Malcolm Oig, meets him by accident, and understanding the matter, is urged by the young men that follow him to demand a part of the plunder. John offers him twenty-four cows and a bull, which Malcolm Oig proudly and rashly rejects, insisting on no less than one-third part. John treats his demand with scorn, and proceeds on his way determined to give none. Malcolm Oig incensed, instantly communicates this to his friends, and immediately commands the inhabitants of Petty and Lochardill to follow John and obstruct his progress until he, with the men of Strathnairn, shall have come up. His commands are obeyed. They pursue John beyond the water of Ness, and overtake him at a lake called Clachnaharry. He (John) sends off forty men with the booty, and encourages the rest to fight. A fierce conflict ensues. A few fall on each side. John, almost slain, is left among the dead, but Lord Lovat upon better information takes care of his recovery. John was afterwards called "Baichlich," *i.e.* maimed, because he lost his hand in that engagement. From him descended the family of Milltown. Malcolm Oig was not present in that battle which arose from his temerity, for the conflict took place before he came up.

The same Malcolm Oig afterwards married Janet Munro, sister of John.

A commemorative monument was erected several years ago by the late Hugh Robert Duff of Muirtown, on a site amid the rocks where the fight took place.

On the 4th August 1455, the King granted the following letter to the burgh of Inverness, which still exists and is endorsed in the handwriting of the period, partly in Latin and partly in the Scottish language. "Letters in favour of the burgh of Inverness that Chanonri, called Forte la Rose and Rosmarkin, that their gift shall not be prejudicial to the gift of the burgh of Inverness of their liberty granted of old before."

James, by the grace of God, King of Scots, to all good men of his whole realm, cleric and laic; Greeting: Though we have otherwise annexed, united, and incorporated the town of Fortrose, now called the Canonry, in which is situated the Church of Ross, with the burgh of Lower Rosemarky, together with the liberties, commodities, and essements thereof, and with the other privileges and customs—according as the foresaid burgh of Lower Rosemarky is more freely infeted—it was not, nor is it our intention by this that prejudice should arise in any way to us, our burgesses, or our burgh of Inverness in our great customs, or to the former liberties or privileges granted to our said burgesses or to our burgh of Inverness aforesaid at a time of which there is no recollection thereof by our predecessors, kings of Scotland; but rather to preserve and confirm, and by

these presents we do confirm, unhurt and unweakened, the rights, liberties, and privileges of our said burgh and burgesses thereof, in and by all as they were infest: and we do not wish by this union or annexation granted to the Bishop or Church of Ross to derogate in any way from said privileges and liberties of our foresaid burgh. In testimony of which matter to our present charter we have commanded our great seal to be appended. Witnesses—the reverend fathers in Christ, James, our dearest cousin; John and George, Bishops of the Churches of St Andrews, Moray, and Brechin; William, Earl of Orkney; Lord de Sancto Claro, our Chancellor and very dear cousin; our beloved cousins, Thomas, Lord Erskyn, William, Lord Somervele, George, Lord Setoune, Patricius, Lord Glamys, William, Lord Borthwic, and William Bonare, our comptroller. At Edinburgh, the 4th day of the month of August, in the year of the Lord 1455, and of our reign the nineteenth.

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### XLVIII.

#### JAMES II. 1437-1460. PART EIGHTH.

The battle of Brechin fought in 1452 by the Earl of Huntly, on the part of the King, opposed to the tiger Earl of Crauford, and the other nobles in rebellion, consolidated the power of the family of Huntly in the north, whence no subsequent attempts at dislodgment were successful. By the beginning of the 16th century, they were hereditary keepers of the Castle of Inverness, and all powerful in the neighbourhood, supplanting the old Earls of Ross and Moray.

Amongst those who rendered service to the Earl of Huntly at the battle of Brechin was Alexander, son of Sir William Baillie of Lamington, by his wife Marion Seton.

The Baillies claim, and probably with justice, to be descended from Alexander de Baliol, brother of John de Baliol, who founded Baliol College, Oxford, which Alexander was grand-uncle of King John Baliol.

The tradition undoubtedly is that the above Alexander Baillie was the first of the name who settled in the north at Dunean.

The ancient titles of Dunean do not exist, and it is thus difficult to determine what the original right granted was. The oldest document extant is an infestment dated 17th September 1554, in favour of David Baillie, the fourth proprietor in the half of the lands of Sheuglie.

In the MS. history of the Baillies of Dunean, it is stated that Alexander married Catherine, only daughter of Sir Duncan Grant of Freuchie, by whom he had two sons, Alexander, who predeceased, and William, who succeeded his father, and was constable of the Castle of Inverness, an

office long retained in the family. To whom William was married is unknown, but his successor's name was Alexander, who is found acting as Sheriff-Depute of Inverness in 1534, as constable in 1546, and as a juryman the same year. His wife's name is also unknown, but it is stated that he had two sons, David and Thomas. David, the eldest son, and above referred to as infest in the lands of Sheuglie, is found on record holding a Court as Sheriff-Depute on 24th April 1553. He is generally styled Constable of the Castle of Inverness, and married Margaret, daughter of Hugh Rose of Kilravock by his wife Margaret Urquhart of Cromarty. It is stated that he was infest in Dunain, Torbreck, Balrobert, &c., on 17th February 1554, but we have not seen the deed, and that he died in April 1558. He is referred to by the Earl of Huntly, in the following letter printed among the Kilravock papers :—

Traist cousin, after hearty commendation ; you shall know I have got a relaxation of the horning to the M'Farsoneis, and another to your brother and his accomplices, which you shall receive, and keep the same until I advertise you of new. You need not to proclaim them, because they are already relaxed by my letters afore, which is sufficient thereanent ; therefore, let the men know that you have them lying beside you, but use them not, and proclaim them not, until I advertise you of new, and let no more of your brother's accomplices know of the same, but so many as I caused relax afore, until I advertise you of new. You shall receive this copy of the book of respond for the Sheriff compts, and cause David Baillie and Culloden provide for their letters of bond to be for my defence. And God have you in keeping. At Finletter the xxv. of December.—Yours,  
(Signed) HUNTLY.

Endorsed “To our traist cousing Huchon Ros of Kilravok.”

David had two sons, Alexander and William. The eldest Alexander, got a charter under the hands of the Regent of his lands of Dunain in 1564. In 1567 he is noticed as witness to a charter. In 1566-8, he is found acting as Sheriff-Depute. On 15th August 1571, he received a charter from George Earl of Huntly of the lands of Balrobert, and dying unmarried in 1576, was succeeded by his brother William, who was called “William Mor Duneancroy.” He married Catherine, third daughter of Robert Munro of Fowlis, by his wife Margaret Ogilvie of Findlater. In 1583 William was Provost of Inverness, and in 1591 he is met with as one of the witnesses to a charter. He died prior to 1600—leaving three sons—Alexander, James, and John. Alexander, the eldest son, married Catherine Munro of the family of Milltown, descended of the tutor of Fowlis, who was wounded at Clachnaharry, and acted as Bailie for the family of Huntly. He left at least two sons—William, his successor, 8th of Dunain, and David Baillie, first of Dochfour. His daughter, Catherine, married one of the younger sons of Fraser of Kilbokie.

We shall refer on a future occasion to the further descent of the Baillies of Dunain, as also to the Baillies of Dochfour, whose descendant, the present Evan Baillie of Dochfour, is one of the principal landowners in the Highlands.

In the year 1455, according to Lesley—"He (the King) made such arrangements with the principal Captains of the Isles and Highlands, that the same were as peaceable as any part of the Lowlands, and obedient as well in paying of all duties of their lands to the King, as ready to serve in war with great companies; and specially Donald, Lord of the Isles and Earl of Ross, who oft before had made bands with the Earls of Douglas and Crawford against the King, and intromitted with the King's house of Inverness, and called himself King of the Isles; yet he came to the King and obtained remission, and gave pledges for good rule, and brought a company of 3000 men to the King at the siege of Roxburgh." Donald above referred to was not Earl of Ross, but Donald Balloch.

In a Parliament held at Edinburgh on 4th August and following days in 1455, it is ordained by reason of the poverty of the Crown, which is often the cause of the poverty of the realm, by advice and full council of Parliament that certain lordships and castles be annexed to the Crown in each part of the realm for the residence of the King, and that such lordships shall not be given away in fee or frank tenement to any of whatever estate or degree: Among others so disposed of we have—"Item, ye houss of Inuerness and Urcharde, and ye lordschipe of Thaine, and ye lordschipe of Albernethy, with ye watter malys of Inuerness, togidder with ye baronyis of Urcharde, Glenmorschyne, Soupynche,\* Boriouchane (Banchor), Anache (Bona), Edderdaill, callyt Ardmanache, Pettbrachly (Petty, Brackly), Stratherne, with ye pertinence. Item, ye Red Castell, with ye lordschippis in Ross pertenyng tharto, ande ye annexatione of yir lordschippis and castellis to ye Crovne mak na prejudice till our souerane lady, ye quhenys conjunct feftment yat now is anent ye lordschippis and castellijs assignit till her dovry be our souerane lord with ye consent of ye thre estatis."

The following grant, dated 10th July 1455, by Hugh son of Michael, vicar of Daviot, to the altar of St Michael, the Archangel, within the parish church of Inverness, is interesting:—

\* This is the great possession of nearly 40,000 acres of land in the Braes of Strathdearn, received from the family of Huntly in 1557, by that of Mackintosh, in part of the assythment for the murder of William Mackintosh of Mackintosh in 1550. The name has been also written "Saffine," "Schevin," &c., and is termed in Gaelic "An Coigan," or "The Coigs," viz., Coignafearn, Coignascallan, Coignashie, Coignafeunternach.

To all the faithful in Christ who shall see or hear of these letters Hugh Michael, Vicar of Deveth, son and heir of the late Michael Rurison, burgess of Inverness; Greeting eternal in the Lord: Know all that I, with consent and assent of Agnes my sister, have given, granted, and by this my present charter have confirmed and also alienated from me and my heirs for ever, by my assignation made, to the altar of St Michael the Archangel lying in the Parish Church of Inverness, and to the chaplain who shall be performing divine worship there for ever, for the increase of the divine service, 3s of annual rent of one particate of my land lying in said burgh in the Estgat Street on the north side thereof, between the land of Symon Moricius at the east on the one side and the land of Bricius Tailzour at the west in the other, whose front extends to the King's common highway towards the south, and the back to the common vennel towards the north: To be held and had the said 3s of annual rent by the foresaid altar of St Michael, the Archangel, and the Chaplain there performing divine service for ever, and his successors, of me, my heirs and assignees, with all right which I have in said land, or shall in future have, as freely, quietly, wholly, fully, honourably, well, and in peace as any other ecclesiastic in the burgh of Inverness can have, hold, or possess, his rents of the lands held in feu of him, freely, quietly, fully, honourably: And I the said Hugh, my heirs and assignees shall warrant, acquit and for ever defend said 3s of annual rent to the foresaid altar and to the chaplain there for ever performing divine service, and his successors, in and by all means, as is foresaid, and against all mortal men and women: And if it happen, which God forbid, that I, my heirs, or executors, contravene this my donation or in any way revoke it, I oblige me, my heirs, and assignees, in £10 of the usual money of Scotland to be fully paid to William de Botha, burgess of said burgh, his heirs, and assignees, as patrons of the said altar before any steps in law, the present charter, however, to endure for ever in its own strength: In testimony of which thing, as I had no seal of my own present; I have procured with great instance and caused to be appended to my present charter, the seal of the honourable man Hugh Clerk, one of the bailies of said burgh, who for me gave hereditary state and sasine with effect, as the manner is, of the said 3s of annual rent, to the foresaid William de Botha, in name and on the part of the said St Michael the Archangel; at said burgh, the 10th day of the month of July in the year of the Lord 1455. Witnesses the venerable and discreet men—Lord Andrew Blak, Chaplain; John le Gravnt, Donald Johnson, bailie; Henry Finlayson, John Campse, John Thome, Donald of the Old Castle, and John Gray, with many others.

The obligation after quoted by Thomas Cuthbert, burgess of Inverness, though apparently dated in 1405, must have been granted in 1455, for the first Earl of Errol was only created such in the year 1452:—

*Obligation from Thomas Cuthbert, dwelling in the Constable Land in Inverness, to William, first Earl of Erroll, 23d August 1455.*

Be it made kend till all men, be thir present letters, me, Thomas Cuthbert, burges of Inverness, to be obliged, and be thir my letters oblige me, to an high and mighty lord William, Earl of Erroll and Constable of Scotland, That for his Constable lands given to me in fee and heritage, after the tenor of the charter made therupon, I, my heirs, and my assignees shall find yeirly to the said lord William, his heirs, a sufficient stable upon the said ground for the number of twelve horses for all the tym of their residence in the burgh of Inverness, togidder with sex pennies Scots yearly, if it be askit be the said lord or his heirs: In witness wherof my seal to these letters is to endure perpetually. At Inverness, the xxij day of August, the year of our Lord 1m—CCCC. and fyve years.

## XLIX.

## JAMES II. 1437-1460. PART NINTH.

From the Chamberlain's accounts for the year 1456, we find that he charges himself with rents of the lands round Inverness, lying "within the Barony of Leffaris\* and Regality of Ballockhill which are of the property of Moray."

"Item he charges himself with £144 of the rents of the lands of Ard, Strathglass, Abertarf, and Strathardok, which are in the hands of the Lord King, through the death of the late Thomas Fraser of Lovat, in ward of the earldom of Moray from the said term with the tenandries thereof." The sum of this charge is evident.

"Item he charges himself with £50 of rents of the lands of Urquhart and Glenmoriston for said term, which are the property of the Lord King, and are granted to the Lord Earl of Ross for his life, together with the Castle thereof, and with £10 of rents of the lands of Bonoch and Bannachar for the said term, which are the property of the Lord King, and were worth of old 100 merks, except the fishings."

At Inverness on the 8th August 1456, Hugh Angus, son and heir of the late Angus Peter, burgess of Inverness, sells to his beloved William Buyth 8s 9d of annual rent, from six particates of land lying within said burgh, in the street of Dymigisdaile on the west side thereof, whereof five particates lie contiguous between the common vennel at the south on the one part, and the land of John William at the north on the other; Whereof the front extends to the King's common highway towards the east, and the back to the land of Ranald Clerk towards the west, to wit of two particates of land between the said common vennel, which were Alexander Gollan's, 3s of annual rent: Item 7d of annual rent of the particate of land which was the late John Duncan's: Item 2s 4d of annual rent of the particate of land of Donald Johnston: Item 2s 4d of annual rent of the particate of land of Ranald Clerk: Item 6d of the annual rent of the particate of land which was that of the late Andrew Reide, in the same street (via) in the west part to the cross of the burgh (market) on which a stone house was built, and between the land of John Reide at the south on the other side and the King's common highway at the north on the other, whose front extends to the King's common highway towards

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\* Castle Leather, at this time apparently a Barony.



the east, and the back to the land of Ranald Clerk towards the west: And all, &c. “In testimony of which thing my seal is appended to the present charter, and for the greater security of this matter the seal of the honourable man Hugh Clerk, bailie, who for me gave heritable state and sasine, as the manner is, of the said annual rents to the foresaid William, &c. At said burgh the 8th day of the month of August 1456. Witnesses—the discreet men Alexander Vaus, John Ceras, Robert Ceras, Donald Skynnar, with many others.”

Andrew Black, chaplain, on the 20th of October 1456, as son of the late John Blaik, burgess of Inverness, sells to his beloved Alexander Vaus, burgess of said burgh, 6s of annual rent of two particates of land lying within said burgh, one of which lies in Church Street on the east side thereof, between the land of the late James Johnson at the south on the one part, and the land of John Thome Junior at the north on the other; whose front extends to the King's common highway towards the west, and the back to the Old Fosse towards the east—to wit, of that particate of land 3s of annual rent. Item—3s of annual rent of one particate of land lying in the same highway on the west side of said street, between the land of Thomas Cuthbert at the south on the one side, and the land of Matilda Beichan at the north on the other part; whose front extends to the King's common highway towards the east, and the back to the Water of Ness towards the west, for a certain sum, &c. “In testimony of which thing, as I had no seal of my own, I have, with instance, procured and caused to be appended to my present charter the seal of the discreet man, William Michael, one of the bailies of said burgh, at said burgh, the 20th October in the year 1456. Witnesses—John Junior, John Thome, bailie (who for me gave with effect hereditary state and sasine, as the manner is, of said 6s of annual rent to the foresaid Alexander), William de Botha, Donald of the Old Castle, John Coupillande, and John Gray Skynar, with many others.”

In a Parliament held at Edinburgh on 6th March 1457, it seems speedful to the King and the three estates, as to the Article of Session, that it be continued until next Parliament, in manner following—“That is to say, the Lords of Session shall sit thrice in the year, each time forty days, in these three places, Edinburgh, Perth, and Aberdeen; the number of persons shall be nine, three from each estate, and the clerk of the register. The next session to be held in Aberdeen on 15th June, &c.,” and among those appointed

to this session we have Walter Thomsone, of Inverness, as one of the three appointed for the burghs.

From the Chamberlain Accounts for 1457, we find there is disbursed to "Alexander Flemyng, burgess of Perth, Keeper of the Castle of Inverness for the fabric and repair of the houses in said Castle, and the enclosure round the walls thereof by command of the Lord King." No sum is mentioned.

1457. The Chamberlain charges himself with, among others, £50 for "the whole rents of the Lordship of Urquhart and Glenmoriston for said term, and with £10 for the whole rents of the Barony of Bona and Bannachar for said term."

From the discharge we have "to Lord John Oggilby of Luntrethyn on the part of his spouse for the terce due to her of the rents of the lands of the property of Moray, near Inverness, belonging to the Court of Ballokhill, for the said term, &c., £16 12s 9d; and allocated to those accounting for the rents of the lands of Urquhart and Glenmoriston granted by the Lord King to the Earl of Ross along with the Castle thereof for the term of his life for said term, £50; and to the Mair, near Inverness for said term, 13s 4d."

To Celestine of the Isles at the time when the Lord King was last at Inverness, for his fee for said term, £13 6s 8d.

For the expenses of the Lords the Bishop of Moray and Lord Glamis for feuing of lands near Elgin and Inverness, 44s.

Deductions allowed the Chamberlains—"and allowed them of the rents of the water of the burgh of Inverness for which the bailies of said burgh have rendered an account, which rents extend for the year to 80 merks, £17 15s 7d of said term, but the rest of said term of the rents of said water of Ness, viz., £8 17s 9d, are allowed above, and negligently, in terce due to the wife of Lord John de Oggilby of the rents, of the property of the lands of Ballochill in the Earldom of Moray, because the rents of said water of Ness are the property of the Crown of which it is known, that nothing pertains to the Earls of Moray."

Upon the 8th February 1457, the before-mentioned Hugh Angusson, burgess of Inverness, sells to his beloved and special cousin, Alexander Waus, burgess of said burgh, those annual rents of the lands under written with the intention and to the end of the assignation thereof being made to the altar of St Michael within the Parish Church of Inverness, for the augmentation of divine worship there and to a chaplain to perform divine service for ever. 1st, 18d of

the particate of land of John Faber, which lies next the vennel of the Lord the King at the east, and 2s of the land of Andrew Grame, lying adjoining to the foresaid particate towards the west, and 2s of the land of the late Henry M'Lilan, adjoining the particate immediately foresaid, and towards the west, and 2s of the land of Hugh Donaldson, lying on the west side of the land of Andrew late of Henry M'Lilan, according as these four particates annexed lie in the Estgat on the west side thereof, and 3s of the land of the late Richard Johnson, which lies in the Church Street, on the west side thereof between the land of John Thomasson at the south on the one part, and the land of the said late Richard Johnson at the north on the other, and all, &c. "In witness of which thing I have caused my seal to be appended to my present charter, and for the greater evidence and security of the matter, I have procured with instance to be appended to this present charter, the seal of the prudent man Hugh Clerk, one of the bailies of said burgh, who gave sasine of said annual rents to the foresaid Alexander, before these witnesses Andrew Grame, Donald of the Old Castle, John Gray, Andrew Gardin, and William Grame, at said burgh, 8th February 1457."

King James was at Inverness in the month of October 1457, as appears by the following charter to the burgh of Tain and St Duthus:—

James, by the grace of God, King of Scots, to all good men of his whole realm, cleric and laic; Greeting: Know that we, for the praise and honour of God Omnipotent, and of St Duthac, have approved, ratified, and by this our present charter have confirmed the infestments, donations, and concessions made and granted in times past by our predecessors, kings of Scots, to the said St Duthac, and to his collegiate church of Tain, and to the chaplains and clerics thereof, and to the town of Tain, and those inhabiting the town itself, with the immunity granted them within the four angular crosses placed around the limits of the bounds of Tain, and all liberties and privileges whatsoever, hitherto granted them by our said predecessors, as freely, quietly, fully, wholly, honourably, well, and in peace, as the chaplains, clerics, and inhabitants possessed and enjoyed said immunity, liberties, and privileges heretofore, together with the first foundations of said immunity, and liberties, and privileges foresaid, so, however, that our present confirmation does not turn out in future to the prejudice of our burgesses of Inverness, with the infestments and others made and granted to the said burgh of Inverness by our predecessors: In testimony of which matter, to our present charter of confirmation we command our great seal to be appended: Witnesses—The reverend father in Christ, George, Bishop of Brechin, our chancellor; our beloved cousins, Alexander, Lord Montgomery, Patricius, Lord Glamis, Robert, Lord Boyd, James de Levingstoun, our great chamberlain, William de Moravia of Tulibardin, and Ninian Spott, keeper of our rolls. At Inverness, the 12th day of the month of October, in the year of the Lord 1457, and of our reign the twenty-first.

This is a true copy of the principal charter above written, produced before the lords of Council, and by their decret passed on the 6th day of the month of February, in the year of the Lord 1564; copied, collated, and made to agree in all with the original, nothing being added or removed which might change the substance or vary the meaning, by me, Master James Makgill of Rankelore, register clerk of the rolls of the Registry, and of the Council of our supreme lord the king. Under my manual sign and subscription. (Signed) JACOBUS MAKGILL.

Although the privileges of the burgh of Inverness were expressly reserved by the foregoing charter, the town would appear to have taken alarm, and in consequence, at Edinburgh on the 22d October, ten days after, the King granted the following letter:—

James by the grace of God King of Scots, to all good men of his whole realm, cleric and laic; Greeting: Know that we have approved, ratified, and confirmed the infeftments and concessions made by our predecessors, Kings of Scots, to the collegiate church of St Duthac and the chaplains and clerics thereof, and to others inhabiting the town of Tain, with the immunity granted them within the four angular crosses around the limits and bounds of the said town, and the liberties and privileges also granted them by our said ancestors: It never was, nor is it, our intention by this to create any prejudice to ourselves or our burgh of Inverness, or our burgesses, thereof in our great or small customs, liberties, or privileges, granted to our said burgesses or our burgh of Inverness by our predecessors Kings of Scots beyond the recollection of memory; nay, rather but to preserve unencumbered and unimpaired the rights, liberties, privileges, and infeftments of said burgh of Inverness, and of our burgesses thereof, according as they were infefted free and unhurt in and by all means, and we have and do confirm them by these presents: Wherefore we straitly command and charge all and sundry our lieges and subjects, that no one in contravention of the liberty of said burgh of Inverness, and of the burgesses thereof, sell, exercise, merchandize, or infringe their privileges, or presume to attempt any thing in contravention of their infeftments in future times, under all the pain which they shall incur towards our royal laws. Given under our great seal at Edinburgh the 22d day of the month of October, in the year of the Lord 1457, and of our reign the 21st.

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L.

**JAMES II. 1437-1460. PART TENTH.**

Upon the 6th October 1458, Janet Anderson, with consent of her husband, John Fullon, grants the following charter to William de Bught:—

To all who shall see or hear of this charter, Janet, daughter of Alexander Anderson, grandson of the late Walter Anderson, burghess of Inverness; Greeting eternal in the Lord: Know that I, neither induced by force, nor fear, nor having fallen into error, but of my own pure and free will, for the payment of my debts, and for the relief of my urgent necessity, with consent and assent of my dear spouse, John Fullon, have given, granted, and assigned, and wholly sold and alienated, and also by my present charter for ever confirmed, to a prudent man, William de Botha, burghess of said burgh, two pecks of my land, which are held to be the fourth part of an acre, lying in the upper plain of the Old Castle, on the south side of the ditch of the wonted bounds, between the lands of the heirs of the late Helen, daughter of Walter Anderson, my portioner, at the north on the one side, and the land of Ranald Clark at the south on the other, extending in front from the road which leads towards Drekerly at the west, and at the back to the capital (head) land towards the east, as the other lands in the same plain extend themselves: To be held and had said pecks of land with the pertinents by the foresaid William de Botha, his heirs and assignees, of me, my heirs and assignees, in feu and heritage for ever, throughout all their right marches, ancient and devised, with all commodities, liberties, and easements, and their just pertinents whatsoever, freely, quietly, wholly, fully, honourably, well, and in peace, without retention or revocation, for ever: Giving therefor annually, the foresaid William and his heirs and assignees, to

the lord of the Old Castle, who may for the time be, the fourth part of a firloft of oats, at the Feast of St Martin, in name of blench-farm, if asked, in lieu of every other burden, secular service, exaction, or demand, which can be exacted or required by me, my heirs or assignees, for said lands with the pertinents: And I, Janet foresaid, my heirs and assignees, shall warrant, acquit, and for ever defend said pecks of land, with the pertinents, in and by all, as is foresaid, to the foresaid William, his heirs and assignees, against all mortals, by means of all our lauds and possessions whatsoever, and all and sundry our goods, wherever they may be placed, or found to be poynded, taken, and distrained publicly, by any of them without any officer. In testimony of which matter, since I and my foresaid spouse had no seals, and in sign of sasine by my said spouse, by delivery of earth and stone, I have, with wonted instance, procured to be appended to this my charter the seal of the prudent man, Alexander Waus, upon the soil of said land, the 6th day of the month of October, in the year of the Lord 1458, these witnesses being present—John Coupland, Donald Keloch, John Gray, Dovan Tailzeour, and James Forsison, burgess of said burgh, and many others.

From the Chamberlain Rolls the following items have been extracted in connection with Inverness in the year 1458:—

And to them (the Chamberlains) of the rents of one half part of the lands of Bonoch and Bannacher, granted to Janet Stewart, spouse of Lachlan Macgillane, by the Lord King under his great seal, for the lifetime of the said Janet, according to the evidence shown upon the account of the last term of this account, £5. . . . And allowed them for two bolls of malt, price of the boll 6s 0d; eight dozen plates, and wooden discs (trenchers), and for salt for the improvement of the larder of Elgin, brought to Inverness and Elgin for the time when the Lord King was last there, and not entered in the dietary books, 29s; and for payment made to the Lord Bishop of Moray for the fabric of the Castle of Inverness, he confessing receipt upon the account, £20: And allowed them for barrels for herring, viz., 30 barrels of Hamburgh (measure), for said herring, viz., 63,000 of the assize fish of Inverness, and for expenses incurred by them, and for the carriage of 12 chalders, 5 bolls, 1 firloft, rent of Ardmannoch in barley and corn, and the placing of the same and storing it in the granary of the Lord King at Inverness, particularly examined in the account, as is clear in a certain little book of Alexander Flemyng, constable of Inverness, left with the clerk of register, £4 5s: Paid to the said constable by the accountants, and allowed them for the repair of the houses of the Castle of Inverness in beams, oak planks, iron, wages of workmen, carpenters, roof of lead, lime, seven locks, and other necessary repairs of said Castle made by said constable, and paid to him by the accountants as these likewise appear in said little book remaining as above, and particularly examined in the account, £6 13s 4d. . . . And allowed them for payment made to Master David Pety, chaplain of the Chapel of St Mary of Inverness, to be paid annually out of the rents of the lands of Culclachy, within said Lordship of Strathnairn, in supplement of his salary at said term of Pentecost, in the year last mentioned, 11s 10½d. . . . And to them for payment made to William Tawsoun, burgess of Inverness, for certain skins which are called “Martrikkis” (Martins), bought by him for the use of the Lord King, by command of the said Lord King, by letter under his signet, and William acknowledges by his letters receipt on the account, £5 18s.

After all expenses are paid, the Lord Bishop of Moray and the Thane of Cawdor obtaining 26s 4d for their expenses in feuing of lands at the Feast of Pentecost, there remains a balance of £82 13s 2d, “which sum they paid for the fabric of the Castle of Inverness to the Master thereof, he acknowledging receipt on the account, and so equal (eque), for which said Master of the Fabric shall be answerable.”

The receipts of rents paid in kind—

Item—They charge themselves with 8 heriolds, &c., “one

mart whereof, with the hide, they reckon to have been entered in the book of diet as extra, to the expenses of the Lord the King at Inverness last."

Expenses—In the first place they allow to the accountants as part of their expenses incurred in leasing of the lands of Moray at Elgin and Inverness by the reverend father in Christ the Bishop of Moray, Lord Glamis, the Thane of Calder, and Master Thomas de Carmichael, for 5 dozen, 3 bolls of corn, and for payment made to Lord Ninian Spot, keeper of the accounts, he acknowledging receipt on the account, and entered in the books of diet, in addition to the expenses of the Lord King, incurred last at Inverness, Spiny, and Elgin, 3 chalders of corn, for which he shall answer.

Expenses in malt—In the first place there is allowed to the accountants for expenses incurred at Elgin and Inverness by foresaid setters for feuing of the lands of Moray for 5 dozen, 10 bolls of malt in the year 1457, and they are allowed for the expenses of the Lord King incurred at Inverness, Spiny, and Elgin, while he had been there last, and these are entered in the books of diet to the extent of 10 chalders, 2 bolls, 2 firlots of malt, for which Lord Ninian Spot, keeper of the accounts, shall answer.

Expenses in meal—There are allowed for the expenses of the King at Inverness, Spiny, and Elgin, while he had been there last, and there are entered in said books, 3 chalders, 12 bolls of meal, for which said keeper shall answer.

Expenses in oats—There are allowed for the expenses of the Lord King's horses, incurred at Inverness and Elgin, &c., 6 chalders, 11 bolls, 2 firlots of oats.

Payment is made to Alexander Flemyng, keeper of the Castle of Inverness, for the work and repair of houses in said Castle and for a fort round the walls thereof by command of the Lord King, &c., £18 9s.

Payment is made for 6 chalders of oats received by Thomas Wardrop from the husbandmen of Petty, and fodder for the horses of the Lord King when he was last in Inverness, &c., £12, and for 20 bolls of oats bought from Alexander Fraser and delivered to said Thomas Wardrop, for the foresaid horses of the Lord King together with fodder, £3, and to Alexander Flemyng, for the keeping of the Castle of Inverness, for 7 chalders of white salt bought for the King and stored at Inverness, £12, and to the said Alexander Flemyng for repairing the walls of the hall and chamber of the Castle of Inverness with lime 40s.

Payment is made for 60 marts with their skins received from Malcolm Mackintosh, when the King was last at

Inverness, and for the keeping and expenses for the marts received from Malcolm Mackintosh at divers times.

Payment is made for the rent of 2 cellars in Inverness on two occasions for the preservation of salt and oats for the King to Hugh Ostelare, 23s 4d.

The King was present at the last Justice aire held at Inverness and Elgin, when 229 persons received remissions. Malcolm Mackintosh pays for 40 remissions to himself, and his followers, 60 marts at Elgin. He also pays, in part payment of said remissions, a horse.

The Bishop of Moray on the 7th of January 1459, issues the following presentation in favour of Thomas de Moravia, junior, to the Chaplaincy of St Catherine within the Parish Church of Inverness :—

John, by divine mercy, Bishop of Moray, to his beloved son Lord Patrick Flegear, vicar of the Parish Church of Fernaway ; Greeting, with divine benediction : Since the perpetual chaplaincy of St Catherine the virgin founded by our authority in the Parish Church of Inverness, with certain lands and rents as is contained in our register, is vacant by the death of the late Lord Thomas Tayn, last chaplain and possessor thereof, which, of full right belongs to the presentation of the Provost, Bailies, and community of said burgh, and to our collation, we confer and bestow by these presents said chaplaincy upon the discreet man, Lord Thomas de Moravia, junior, duly presented from a sense of love to us by the foresaid Provost, &c., of the aforesaid burgh by their letters patent under their common seal, and induct and invest him presently therewith by delivery to him of our ring, and by specially committing to him the cure and administration thereof, in things spiritual and temporal : We therefore commit to you and command you by virtue of your sacred obedience and by the tenor hereof, that you invest and induct the foresaid Lord Thomas de Moravia, junior, or his procurator in his name, in and to real, actual, and corporal possession of said perpetual chaplaincy, and to all the rights and pertinents thereof, and when canonically inducted and instituted, that you defend him therein by causing him, or his said procurator in his name, to be completely presented with the fruits, rents, produce, rights, and whole revenues thereof, and by strictly restraining contradictors and rebels, if by chance there be any, by ecclesiastical censure. And in sign of this your appointment, and of the possession given by you, append your seal on the second tail after ours to these presents to remain for ever with foresaid appointment. Given under our round seal at our Cathedral Church of Moray, the 7th day of the month of January, in the year of the Lord 1459, according to the course and computation of the Scottish Church, and of our consecration the twenty third.

Upon the 18th February 1460, at Inverness, John Earl of Ross, Lord of the Isles, gave the following permission to the Baron of Kilravock, to build a tower of defence. The document has been printed in the Kilravock papers :—

Johne of Yle, Erle of Ross ande Lord of the Ilis, to all ande sundry to quhais knowlage thir our present letteris sall come ; Greeting : Witte vs to have gevyn ande grantit, and be thir present letteris gevis ande grantis, our full power ande licence till our luffid cosing, man ande tennand, Huchone de Roos, baron of Kylravok, to fund, big, ande upmak a toure of fens, with barmkin ande bataling, wpon quhat place of strynth him best likis, within the barony of Kylrawok, without ony contradiccionn or demavnd, questionn, or ony obiECTION to put in contrar of him or his ayris, be vs or our ayris, for the said toure ande barmkyn making, with the bataling, now or in tyme to cum : In witness hereof, ve haf gert our sele to ther letteris be affixt at Inuernys, the achtend day of Februar, the yer of Godd a thousand four hundredt sixte yer.

Upon the 3d of August 1460, King James the Second

was unfortunately killed at the siege of Roxburgh. During his reign many important and beneficial laws were enacted, of which some are yet in force.

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LI.

**JAMES III. 1460-1488. PART FIRST.**

James, Bishop of Moray, upon the 25th of February 1461, grants the following charter, erection, and presentation, for a chaplaincy to St Michael, the Archangel, within the Parochial Church of Inverness :—

James, by the grace of God and of the Apostolic See, Bishop of Moray, to all and sundry the sons of Holy Mother Church, to whose notice the present letters shall come ; Greeting in him who is the true salvation of all : Know that we, for the praise and glory of God omnipotent, the Blessed Mother Mary, St Michael the Archangel, and all saints, have created, and by Pontifical authority, of new have erected a perpetual chaplaincy in the Parochial Church of Inverness, to the altar of St Michael the Archangel in the same, for one chaplain to perform divine worship there for ever, for the souls of the most serene Prince and Lord, our Lord James Second, by the divine clemency of God, King of Scots, and Queen Mary, his spouse, and for the souls of William Buthe, burgess of Inverness, and Marion Muren, his spouse, and of Alexander Vaus, burgess of said burgh, and of Janet Buthe, his spouse, and for the souls of their predecessors and successors, and of all the faithful dead, to which chaplainship we have attached, and by the same authority have also united for ever, all and sundry lands, tenements, acres, crofts, and annual rents, acquired by the saids William, Marion, Alexander, and Janet, of their own conquest, and assigned to said chaplainship as well, lying within, as without said burgh, according as is contained more fully, and specially expressed, in other letters made thereupon : Which chaplainship, with all its rights and pertinents, by the request and devout supplication of the saids William Buthe, and Marion his spouse, and from a consideration of love to John Genour, bearer of these presents, of the constituted order of acolytes, with respect to whom by our foresaid authority, by the tenor of these presents we dispense in the premises according to our mercy, with the holy orders not undertaken at the time by right, and having regard for his time only to the presentation of the said William Buthe, and to our collation, we confer upon him, and by the same also provide for him, and by delivery of our ring, we have inducted and invested him partially with the same by committing to him specially the cure and administration thereof : Which John, and all chaplains, his successors, for ever in foresaid chaplainship, we will, and appoint, to be engaged in the celebration of the office of the Blessed Virgin Mary, on all Sabbath days in ecclesiastical garb with note, in said Church, and also at vespers on said days, and in the celebration of the offices of the greater and second vespers on all days, both Sundays and festivals, and on the six holidays, at the altar of the Holy Cross in foresaid Church, with the other chaplains of said Church therein engaged, and also bound : Wherefore, we commit to, and command you, Lord Patrick Flegear, dean of our Christianity of Inverness, from regard to holy obedience, and by the tenor of these presents, that you induct and invest the foresaid John Genour, or his procurator in his name, in, and to real, actual and corporeal possession of said chaplainship, and of all the rights and pertinents thereof, and being canonically invested and inducted that you defend him by curbing contradictors and rebels, if by chance there shall be any, sharply, by ecclesiastical censure, and in sign of your investiture and giving of possession to him, append your seal on the second tail after ours to these presents to remain for ever with foresaid investiture. Given under our round seal at our Canonry



of Elgin, the 25th day of the month of February, in the year of the Lord 1461. Present—these Lords, Thomas Boile and David Andrew, perpetual vicars of the Churches of Duffus and Kynore; Adam Fores and John Layng, chaplains; James Stewart and Andrew Mure, squires and our friends, with many witnesses required to the premises.

Upon the 15th January 1462, Angus Macculloch with consent of his spouse Euphemia, and his son Alexander grants to William de Bught the charter after quoted:—

To all who shall see or hear of this charter, Angus Makculloch; Greeting eternal in the Lord: Know that I, with consent and assent of Eufamia, my spouse, and also of Alexander, my heir, have given, granted, and by title of sale for ever alienated, and also by my present charter confirmed to my beloved and special friend William de Botha, burgess of Inverness, 4s of annual rent due to me, to be obtained and levied from one particate of building land which is now built upon, and from one acre of arable land, said particate pertaining thereto, however, to serve as a guide in the obtaining and levying of said 4s of annual rent, that is to say, if it happen that the buildings erected and to be erected upon said particate of land, whether by means of incursions of enemies, fire, or any other unexpected chance whatever be destroyed, burnt, or demolished, then certainly the said particate shall not, which God forbid, be bound for said 4s, then thereafter and not before, said 4s of annual rent shall be asked, obtained, and levied always from foresaid acre of arable land until the time that new buildings be restored, repaired, and efficiently constructed on said particate, which lies in Church Street, in the west part of said burgh of Inverness, between the land of Duncan the Pedlar, at the south on the one part, and the land of John Donaldson at the north on the other, whose front extends to the King's common highway, and the back to the River Ness towards the west, and the acre of arable land lies in divers places by divided riggs, whereof three small riggs lie on the south side of the Chapel of St Thomas, between the land of the Altar of St Michael of the Parish Church of said burgh which once belonged to John Gaufride on both sides towards the south, and north, stretching to the rigg called the chief rigg in the Gairbrade towards the east, and the back to the land which is commonly called "le rycht Wendyng" towards the west. Item—other two small riggs of said acre lie on the north side of said chapel eastward between the land of the heirs of the late John Michaelson at the south on the one side, and the land of the altar of St Catherine the Virgin towards the north, whose fronts extend to said chief rigg in the Gairbrade towards the east, and the backs to said chapel towards the west, for a certain sum of money, &c. Sealed with the seal of John Thomson, provost, and of John Scheves, one of the bailies, who gave sasine. At said burgh, 15th January 1462. Witnesses—Alexander Waus, Alexander Duff, Donald Scissor, Bricius Scissor, Thomas Magness, burgesses, and many others.

John Gaufride, burgess of Inverness, sells to his beloved cousin and neighbour Robert Donaldson, his co-burgess, all and sundry the within written annual rents—viz., 2s of annual rent of the particate of the heirs of the late Michael the weaver (Textor), lying on the west side of the river Ness, between the land of Finlay Hughson at the south on the one side, and the land of the vicar of said burgh at the north on the other: Item—2s of said land of said vicar, at the north of which lies the land of Duncan Makingzood, of which lands the fronts extend to the river Ness towards the east, and the backs to the arable lands towards the west: Item—3s of the tenement of Donald Richardson, lying in Church Street of said burgh, between the land of the said Donald at the south on the one side, and the land of Thomas Michaelson at the north on the other, whose front extends to the

King's common highway towards the east, and the back to the said river of Ness towards the west, for a certain, &c. "In testimony of which things, in the absence of my own seal, I have procured and caused to be appended to my present charter the seal of the honourable and discreet man Hugh Clerk, one of the bailies of said burgh, before these witnesses—viz., Donald Jonson Makinclerych, John Graunt, Maurice Donaldson, burgesses of said burgh, and many others. At said burgh of Inverness, in the year of the Lord 1462, and the 17th day of the month of July."

The following charter by the above John Gaufride to William de Bught, though somewhat lengthy, is interesting, in respect of the full description of the bounds of the several subjects contained. The charter is dated at Inverness 15th November 1462, and the surname of Barbour appears for the first time connected with Inverness as one of the witnesses :—

To all who shall see or hear of this charter, John Gaufride, burges of Inverness; Greeting eternal in the Lord: Know that I, in my urgent necessity, have given, granted, and by title of sale delivered, and for ever alienated, and also by my present charter confirmed to my beloved neighbour, William de Botha, burgess of said burgh, all and sundry my within written arable lands—viz., two particates of land lying between the material (the structure) of the cemetery of the Chapel of St Mary the Virgin of the Green at the west on the one part, and the land of John Thome, burgess of said burgh, at the east on the other: Item, one particate of land lying between the said land of John Thome at the west on the one side, and the land of the vicar of said burgh at the east on the other, whose fronts (heads) extend themselves to the King's common highway, which commonly is called "ye Scathgate," towards the south, and the backs (tails) to the ditch near the River Ness towards the north on the other: Item—the particate of land lying between said King's highway of the Scathgate at the north on the one side, and the land of the prior and convent of the preaching friars of said burgh at the south on the other, whose front extends to the land of the heirs of the late Ronald Clark towards the west, and the back to the land which is commonly called "le Gairbrade" towards the east: Item—one particate of land lying in said land of the Gairbrade, between the land of the heirs of the late Beane William at the west on the one part, and the land of the altar of the Holy Cross of the Parish Church of said burgh at the east on the other, whose front extends to the Scathgate towards the north, and the back to the Dammysdaile towards the south: Item—one acre of land, commonly called "Evac's Akir" (or Evat's), lying between the land of the heirs of the late John Alexander at the south on the one part, and the land of Adam Carrane at the north on the other, whose front extends to the Gairbrade towards the east, and the back to "le rycht vendyng" towards the west: Item—half-an-acre commonly called "Eva's half akir," lying between the land of the heirs of the said late John Alexander at the north on the one side, and the land of the heirs of the late John Michaelson at the south on the other, which extends in length as the acre preceding: Item—one particate of land commonly called "ye Slack" lying between the land of Alexander Man at the south on the one side, and the land of Patrick Ferguson at the north on the other, whose front extends to the Gairbrade towards the east, and the back to the land of the heirs of the late William Pilche towards the west: Item—one particate of land lying in front of St Thomas' Chapel, lying between the land of St Catherine at the north on the one side, and the land of John Thome at the south on the other, whose front extends to the old ditch called "ye foule poule" towards the west, and the back to "le rycht vendyng" on the east side of said Chapel of St Thomas towards the east. Item—one particate of land lying between the land of the heirs of the late John Michaelson, at the north on the one side, and the land of the heirs of the late James Johnson, at the south on the other,

whose front extends to the particate immediately aforesaid towards the west, and the back to the Gairbrade towards the east. Item—three particates of land lying between the land of St Catherine at the south on the one side, and the land of the heirs of the late Walter Andrew at the north on the other, whose fronts extend to the said old ditch towards the west, and the backs to “le Vendyng” above said towards the east, for a certain sum of money delivered and paid to me, given by hand in numbered pence. To be held and had, all and sundry, the above written lands by the said William, his heirs and assignees, of me, my heirs and assignees, in feu and heritage, with all commodities, liberties, and easements, and their just pertinents whatsoever, as well named as not named, belonging to said lands with the pertinents, or which in future can in any way justly belong, freely, quietly, fully, honourably, well and in peace, without revocation, contradiction, vexation, or reclamation forever. And I, John Gaufride foresaid, my heirs and assignees shall warrant, acquit, and for ever defend foresaid lands, with the pertinents, to the foresaid William, his heirs and assignees, against all mortal men and women, by means of all our goods, moveable and unmoveable, wherever they shall be found, and that these may be publicly poynded, seized and pledged: And if it happen, which God forbid, that I, my heirs or any others in our name, contravene or resile from the tenor of this my sale, or this charter of confirmation, at any time, we oblige us conjointly and severally, in name of penalty, in ten pounds of the usual money of Scotland, to be paid toward the repair of the altar of St Michael the Archangel, in the Parish Church of said burgh, to be enforced without judicial strife by the official of Moray, who, for the time may be, by means of ecclesiastical censure, and to be levied without impediment, the present charter nevertheless to endure irrevocably in the stability of its own strength: In testimony of which thing, in the absence of my own seal, I have procured the seal of the honourable man John Thome, Provost of Inverness, by means of my instant procuration, and before the underwritten witnesses to be appended to my present charter: And for the greater security of this matter I have procured to be appended to this charter the seal of John Scheves, one of the bailies of said burgh, who gave sasine to the foresaid William, of said lands with the pertinents: At said burgh, the 15th day of the month of November, in the year of the Lord 1462. Witnesses there, Hugh Clerk, Hugh Cuthbert, Michael Johnson, Alexander Duff, John Hude, John Barbour, burgesses of said burgh; Finlay Johnson, Thomas Gray, and many others.

King James the Third visited the burgh of Inverness in August 1464, for on the 16th of that month he, on the supplication of the Provost, bailies, burgesses, and community of said burgh, approves, ratifies, and confirms to the burgh certain charters, letters, and evidents, made and granted by his illustrious progenitors William, Alexander, David, and James the First, his grandfather, Kings of Scots. These documents have already been given. The witnesses to this charter of confirmation are the reverend fathers in Christ James Bishop of St Andrews, David Bishop of Moray, the King's uncle, Henry Bishop of Ross, William Bishop of Caithness, Andrew Lord Avondale, Chancellor, John Earl of Ross and Lord of the Isles, David Earl of Craufurd, Colin Earl of Argyle, Gilbert Lord Kennedy, John Lord De Rule, John de Culquone of that Ilk, Knight, Comptroller of Accounts, Mr Archibald de Quhitlaw, Archdeacon of Moray, secretary, and Mr David Guthery of Kincaldron, treasurer.

## LII.

## JAMES III. 1460-1488. PART SECOND.

Most of the deeds extant refer to lands and acres within what is known as the territory of the burgh of Inverness, and to those who care about tracing localities illustrated by the charters now being published, it will be useful to give here a document containing a pretty full enumeration of the contents of the parish of Inverness and Bona, framed in the year 1634. It is in the main correct, and its omissions and errors are brought out by the objections stated for the landward heritors, who appear with justice to have complained of the stenters dealing so leniently with the town's territory. The paper is in the handwriting of Lachlan Mackintosh of Kinrara, second son of Sir Lachlan Mackintosh of that Ilk, and is entitled "Coppie of the Stent Roll of the par: of Inverness, with the reasons of reduction thereof."

Lachlan Mackintosh was a man of varied accomplishments, a scholar, lawyer, genealogist, and withal a good soldier. He it was who wrote, in elegant Latin, the history of the family, which appears by the title page to have been finished in 1677 :—

At Inverness the last day of March 1634 years, for obedience to the charge given to the haill parishioners of Inverness, and to the heritors, liferenters, owners, and possessors of the lands within the said parish of Inverness and parish of Bona, now united and annexed thereto, conform to the letters of horning raised at the instance of the minister, elders, and deacons of the Session of Inverness, dated at Edinburgh the 13th day of February last, bypast, charging them to convene and choose stenters, who, by advice of masons, wrights, slaters, glass-wrights, and other craftsmen requisite, shall modify and set down what sum shall sufficiently repair the said kirk of Inverness in the side walls, gables, thatch-roof, doors, windows, slates, pillars, steeple, and aisles thereof: Compeared, of the said parishioners, Mr Wm. Clogie, minister, James Cuthbert of Drakies; Alex. Baillie of Dunean; James Fraser of Culduthel; Duncan Forbes, Provost; David Baillie, one of the bailies; Wm. Macpherson, elder; Wm. Baillie, elder; Alex. Baillie, merchant; and Thomas Schivez, burgess of Inverness; who, after the remnant parishioners, heritors, liferenters, owners, and possessors of the lands within the parish of Inverness (whereunto the parish of Bona is united), were called upon, and not compearing (lawful time of day bidden), elected, nominated, and chose the persons following, viz. :—the said James Cuthbert of Drakies, James Fraser of Culduthel, Wm. Baillie, elder, and Thomas Schivez, to be stenters, for setting down a stent roll; and after consideration had by them with masons, wrights, and other craftsmen, of the sum of money that will sufficiently repair the kirk of Inverness in the side walls, gables, and doors, windows, thatch, slate, pillars, steeple, and aisles thereof, what every one of the said parishioners and burgesses of the said burgh should be stented to, for payment of the said sum: Which haill stenters above-named being present, accepted in and upon them, the said office, and made faith as use is; and finding after mature deliberation and consultation had with masons, wrights, and other craftsmen, to the reparation of the said kirk in the side walls, gables, thatch, and others above written, will extend to no less than 3000 merks money usual of this realm: Therefore, after deliberation, all parties being removed, the said stenters all in one voice have ordained each plough of land

within the said parish of Inverness, whereunto the parish of Bona is united and annexed, to be stented and taxed to twenty-five merks the plough, extending in the hail to ploughs, and in money to 2000 merks, and the burgh of Inverness to the sum of one thousand merks, and the same to be paid by the heritors, owners, life renters of the lands of the said parish of Inverness, each one of them for his own part, as after is particularly divided, extending to the sum of 2000 merks, and by the Provost and Bailies of Inverness for the burghesses and inhabitants of the said burgh the sum of one thousand merks, and that because the said Provost and Bailies have promised to stent their neighbours to the effect foresaid, conform to use and wont, and being stented, every person of the parish of Inverness and Bona, life-renters, owners and possessors of the saids lands, to be charged conform to the stent roll for payment of their parts, conform to the division foresaid: The said stenters have set down the stent roll in manner following, viz. :—William Mackintosh of Dunachton for each plough of the twelve ploughs of Culloden, 25 merks, extending to 300 merks money; by John Grant of Glenmorison for each plough of the eight ploughs of Culcabock and Knockintennel and Hilton, to 25 merks, extending to 200 merks money; James Fraser of Culduthel for his lands of Culduthel and Castle Leathers, for each plough of four ploughs, 25 merks, *inde* one hundred merks money; Angus Macbean for his lands of Knocknagael extending to ———, for each plough thereof, 25 merks, *inde* ———; William Baillie, apparent of Dunean, for each plough of two ploughs of Torbreck, 25 merks money, *inde* 50 merks; John Baillie, possessor of Balrobert, for the plough thereof, 25 merks; Effie nien Bean for ilk plough of two ploughs of Essich, 25 merks, *inde* 50 merks; William Mackintosh of Holme for ilk plough of two ploughs thereof, 25 merks, *inde* 50 merks; James Robertson, burghess of Inverness, for his lands of Haugh estimated to a plough, *inde* 25 merks; Hugh Lord Lovat for the barony of Kinmylies, Bridgend and Aberiachan, being 12 ploughs, each plough 25 merks, *inde* 300 merks money; Alexander Baillie of Dunean for seven ploughs of Dunean, Davochnacraig, and Davochcairne, each plough 25 merks, *inde* 175 merks money; Alexander Maclean for each plough of his two ploughs of Davochgarioch, 25 merks, *inde* 50 merks; John Maclean for his plough of Davochnalurgin, 25 merks; Alexander and William Baillie, his son for each plough of their two ploughs of Davochfure, 25 merks, *inde* 50 merks. The whole immunity, common tacks, and acres of the town of Inverness, estimated to 24 ploughs each, each *pro rata* for its own parts, at 25 merks each plough, *inde* 500 merks money, to be paid by the Provost, Bailies, and inhabitants of Inverness, one thousand merks money.

The said parishioners and stenters convening have nominated ——— to be collector of the sums of money above written in general, and of each person *pro rata*, and to the effect that the heritors of the acres in particular be specially nominated, therefore special mention is made, as after follows, of the acres and to whom they appertain, to the effect that the collector may have just inventory and way to uplift and receive every person's part of the said stent, and each acre estimated and ordained to pay in stent 13s 4d for each acre, viz. :—

The number of the acres both old and new with the heritor of the same.

*Imprimus*—The number of three score acres appertaining to John Cuthbert, of Old Castle-hill, stented each acre of old acres to 13s 4d—60 acres.

*Item*—Mr John Rose—27 acres stented conform.

John Cuthbert of Little Drakies, has 28 acres.

William Paterson, younger, has 39 acres.

Alexander Abraham has a croft of old estimated to 5 acres.

Robert Sinclair has 6 acres.

James Robertson has of old acres 31 acres.

And the said James has of the Carse lands the number of 24 acres.

George Dunbar has 21 acres.

James Cuthbert, elder, has the number of 14 old acres.

The said James has in the Carse the number of 9 acres.

James Cuthbert, younger, has 15 acres; whereof William Cuthbert Alexander has in wadset 10 acres.

And the said James has in his possession five acres.

William Paterson, merchant, of the lands of the Carse, has 9½ acres.

John Robertson, Lawrenceson, has of the Carse lands 7½ acres, and behind the town 2 acres; whereof Mr William takes teind.

Thomas Robertson has of Carse land 7½ acres.

Thomas Waus has of old acres of the Carse 5 acres.

Robert Waus has of the Carse 4 acres.

Robert Neilson has of old acres the number of 8 acres.

John Polson has 4 acres of the Carse.

William Robertson and his son Gilbert of old acres  $3\frac{1}{2}$  acres.

James Merchant has of old acres  $5\frac{1}{2}$  acres.

*Sic subscribiter* :—

JAMES CUTHBERT, one of the stenters.

THOMAS SCHIVES, one of the stenters.

JAMES FRASER, one of the stenters.

WILLIAM BAILLIE, one of the stenters.

Sum of the acres above written is  $335\frac{1}{2}$  acres.

*Reasons proving that the forewritten stent (being most unequally proportioned, and in law reducible), cannot be a rule for future stents within the Parish of Inverness.*

The reasons of reduction :—

First, the pretended stent roll is reducible because the heritors and others of the landward of the Parish of Inverness (outwith the territory of the town) supposed and ordained to pay the just half of the foresaid stent were never summoned, nor present at the stenting, for of 15 heritors and others of that part of the landward who were stented, there were none present but two, viz. :—Alexander Baillie and James Fraser, and all the rest were burgesses of Inverness; and further, they who were nominated to be stenters, were all of the town and territory of Inverness, except the forenamed James Fraser, who disclaims that ever he was one of the stenters of that stent. This reason is verified by the pretended stent roll itself.

Secondly, the pretended stent roll is reducible because the pretended stenters were never warranted nor authorised by the kirk-session of Inverness to stent the parish, else there had been an Act of the kirk-session for that effect, but there is no such Act to be produced, and therefore,

Thirdly, the pretended stent roll is reducible because by it the stent is equally proportioned on every plough of the parish, and it cannot be denied but several ploughs in that parish are twice better than others, and in all equity every plough should be stented according to the just value thereof, as well as every burgh is taxed according to its value.

Fourthly, the stent roll is reducible because several lands and rents of the parish are totally left out and not stented at all, viz., first there are 4 ploughs of the common tacks and acres of the town lands omitted, for the immunity, common tacks and acres of the town are estimated by the stent roll itself to 24 ploughs, and every plough is stented in 25 merks, and so should bear 600 merks, and yet are not stented but in 500 merks, and so 100 merks of the stent, being the proportion of 4 ploughs, are omitted, and but 20 ploughs only stented; secondly, of the foresaid 20 ploughs of the town lands that bear stent, the acres alone by the pretended stenters' own confession in the stent roll make 14 ploughs, for each acre is stented in a merk, and the pretended stent roll bears the number of  $335\frac{1}{2}$  acres, estimated to 14 ploughs, allowing 25 merks to each plough, and it cannot be denied but the common tacks of Inverness, by and over the acres are 18 ploughs, which, with the number of 14 aforesaid, makes 32 ploughs, so that 20 ploughs only being stented there are 12 ploughs of the town lands omitted and not stented at all; thirdly, the plough of little Hilton is totally omitted; fourthly, the two ploughs of Castlehill are altogether omitted; fifthly, the whole burgh roods, mill rents, mill crofts, and rent of the water of Ness, which are estimated to be worth 24 chalders of victual or 24 ploughs of old extent, are omitted, so that in effect there are 39 or 40 ploughs of the town's lands omitted and not stented at all; and this fourth reason also is clear by the stent roll.

Fifthly, the stent roll is reducible because some lands of the landward are stented above their just proportion, suppose the proportions by ploughs were right, as it is not—for first, the lands of Culloden are stented in 12 ploughs, there being but xi. within the parish of Inverness, for the twelfth plough thereof, viz., Culchunnick, lies within the parish of Daviot; second, the lands of Culcabock, Meikle Hilton, and Knockintinnel are stented for 8 ploughs, being in effect but 6 of old extent.

Sixthly, the stent is reducible because the stenters were so gross as to even the burgh of Inverness, but with the third part of any stent imposed on that parish.

*Note.*—The 2d, 4th, 5th, and 6th reasons above written might reduce a stent of 200,000 pounds.

It is to be remembered that the most part of this pretended stent, being so unequally proportioned, was never paid as yet, nor the kirk and steeple restored, as was projected at the time of imposing that stent.

The first reason of the reduction is that of the 15 heritors of the landward, there were but 2 present, and all the rest of the stenters were burgesses of the town.

2. Of the 4 stenters there was but one only of the landward who disclaimed his being on it.

3. The proportioning the ploughs is unequal, some ploughs being twice better than others.

4. Some lands, to the quantity of 40 or 50 chalders, of the town lands and other rents, are omitted altogether, and others, viz., those of the landward wronged and estimated above their avail.

5. The town and landward of the parish have not been equally valued in said stent.

6. This pretended stent-roll differs from that which is the ground of the charge whereby Drakies was charged.

7. There is no Act of the Kirk-Session authorising the stenters.

8. Two of the stenters disclaim under their hand their being on that stent.

9. Drakies, in the writ of his suspension, confesses that stent was imposed in time of the wadset, and should not be charged on Mackintosh.

10. There is no lawful probation in the decret.

11. The decret is null as to the annual rent.

12. It is null because it makes Mr James Baird compear for Mackintosh, he not being in the suspension as a party.

13. It is null because the first sheet is added after the subscribing and the margin not subscribed.

14. It makes no mention of the writer, and therefore Jas. 6, 13p., cap. 175 (is incompetent).

## LIII.

## JAMES III. 1460-1488. PART THIRD.

William Graym, son of Andrew Graym, late burgess of Inverness, sells to the discreet man Lord John Genour, Chaplain of the Altar of St Michael the Archangel lying within the parish Church of said burgh for the perpetual use and advantage of said Chaplaincy, 2s of annual rent of one particate of land lying in said burgh, in the street which is called the Estgate, at the south between the land of John Duff, carpenter, at the east on the one side, and the land of Robert Henryson at the west on the other, extending in front and backwards as the other particates of said street extend, to be had and held, &c. "In testimony of which thing, since I have no seal of my own at present I have with instance procured the seal of the discreet man Hugh Clark, one of the bailies, who gave sasine of said annual rent as the manner is to said Chaplain, and caused it to be appended to this my charter At said burgh 8th July 1467." The witnesses are Alexander Waus, Gilbert Waus, Maurice Donald, John Smith, Walter and Adam Johnsons, burgesses of said burgh with divers others.

The following deed is entitled “Carta of the annual rent of the land of George Ferchard.” The name of Hugh Blont is mentioned, and it is probable he was a descendant of that Geoffrey Blund referred to in the third charter of William the Lion :—

To all the faithful in Christ, who shall see or hear of these letters Christiana M’Fery, daughter and heir of Duncan M’Fery, late burghess of the burgh of Inverness ; Greeting eternal in the Lord : Know all, that I, in my extreme necessity and proved legality, have sold, granted, and by this, my present charter, confirmed to the discreet man Lord John Genour, Chaplain of the Altar of St Michael, the Archangel, lying within the Parish Church of said burgh, for the perpetual use and advantage of said chaplaincy, two shillings of annual rent of one particate of land lying in said burgh, in Bridge Street thereof, on the south side of said street, between the land of Hugh Blont, at the east on the one part, and the land of Alexander Johnson, at the west on the other, whose front extends to the King’s common highway at the north, and the back to the Castle Hill, as the other particates of said street extend : To be held and had, said 2s of annual rent by the said chaplain, and the chaplains, his successors, in foresaid chaplaincy, for ever of me, my heirs, and assignees, with all right which I have, or can in future possess, in said land or annual rent, and as freely, quietly, fully, honourably, well, and in peace, as any burghess in the town of Inverness has, holds, or possesses, his annual rents of the lands held, freely, quietly, fully, and honourably, in feu of him : In testimony of which thing, as I had no seal present of my own, I have procured with instance, and caused to be appended, to this, my charter, the seal of the discreet man Hugh Clerk, one of the bailies, who conferred hereditary sasine of said annual rent, as the manner is. At said burgh of Inverness, the 8th day of the month of July, in the year 1467, these being witnesses — Alexander Waus, Hugh Blont, Andrew Cuthbert, Henry Finlay, and Alexander Johnson, and divers other burghesses of said burgh by me called and specially requested.

At Inverness, upon the 5th of August 1470, George Earl of Huntly issues a precept for infesting James Ogilvie of Deskfurd, in lands in the Forest of Boyne.

Upon 4th December of same year Kenneth Johnson sells to his beloved Lord Thomas Moravia, Chaplain of St Catherine the Virgin, a particate of land built upon in Church Street of said burgh, on the east side thereof, which lies between the common vennel at the north on the one side, and the land which is called “le Tayt Hyll,” at the south on the other, whose front and back extend to the King’s common highway both at the east and west, &c. : Giving therefor yearly to our Lord the King, 5d, &c. “In testimony of which thing as I have no proper seal of my own present I have with great instance procured and caused to be appended to this present charter the seal of the honourable man Henry Finlay. At said burgh 4th December 1470. Witnesses—Hugh Angusson, Alexander Donaldson, and Walter Johnson, with many others called and specially required.”

At Inverness, on 4th March 1472, David Rede, burghess of Inverness, grants, and freely gives, and by his present charter confirms, one particate of land, of his own conquest, to his beloved daughter, Evote Rede, which particate of



land lies in said burgh, in the street which is called Demyinsdaile, on the eastern side thereof, between the land of Alexander Flemyng, at the south on the one side, and the land of Alexander Thailzor, at the north on the other, whose front extends to the King's common highway at the west, and the back to the old ditch at the east, &c. : Giving therefor, annually to the chaplain of St John the Baptist, in the Parish Church of Inverness, who may for the time be, 12d Scots and 5d, to our lord the king, at two terms in the year, &c. " In testimony of which matter, since I have at present no seal of my own, I have with instance procured and caused to be appended to this charter the seal of the prudent man John Patrickson, one of the bailies of said burgh, along with the seal of Henry Fynlay, another of the bailies of said burgh, who for me gave state and sasine of said particate of land to the said Evote, my daughter. At said burgh, 4th March 1472 ; present there—John Rede, William Mycall, Hugh Clerk, Thomas Betty, and Robert More, with divers others."

The king's miln at the Haugh having been found destructive of young fish, and the preservation of fish and of game at this period anxiously cared for, King James ordains the removal of the miln, and grants to the burgh the multures of the lands thirled to the miln, by the following deed, which is modernised from the original in the Scottish language, dated 16th May 1474 :—

James, by the grace of God, King of Scots, to all and sundry our lieges and subjects whom it effeirs, to whose knowledge these our letters shall come ; Greeting : For as much as we are truly informed by our commissioners that passed into the north parts of our realm for the setting of our lands and revenues, that our miln, built upon the water of Ness, on the west side of our Castle of Inverness, has done, and daily does, great scaith and damage to our true lieges inhabiting the said burgh, through the destruction of young fry of fish, to the great hurt of them and scaith to us, in the custom of our said burgh : We, therefore, considering the scaiths beforewritten, founded of verity, with advice of our said commissioners, have given, and granted, and by these, our letters, give and grant to the Alderman, Bailies, Council, and community of our burgh of Inverness, our said miln to be destroyed and cast down for evermore, for the eschewing of the scaiths before said, the said Alderman, Bailies, Council and community, paying yearly to us for the said miln the sum of six merks of annual of the usual money of our realm at the terms of Whitsunday and Martinmas, by even portions for evermore, only, for all other manner of duties that, we may ask or require for the said miln ; and besides we have granted, and by these our letters grant to the said community and burgh, the thirled multure of the lands pertaining to us, which were thirled to our said miln of before, to come to the milns of Inverness, aye and until it be thought expedient to us or our successors to build a miln in another competent place that might do no scaith to our said lieges in their fishings for the said annual : Wherefore, we charge straitly, and command all and sundry our lieges and subjects foresaid, that none of you take upon hand to vex, inquiet, or disturb the saids Alderman, Bailies, and Council, with the community of our said burgh, in the destruction and downcasting of the said miln and brooking of the said thirled multure during the time foresaid, under all the highest pain and charge, you and each one of you, commit and incur against our majesty in that part : Given under our privy seal at Edinburgh, the 16th day of May, the year of our Lord 1474 years, and of our reign the 14th year.

The exactions of the clergy on the occasion of births, marriages, and deaths were so offensive, and the dissolute lives of many of their number made the ecclesiastical system so odious, that in course of time it fell almost without a struggle.

It is well that those of the present day should know what their predecessors and the then inhabitants of Inverness suffered ecclesiastically, while the charity, kindness, and peaceful example set, must not be overlooked.

These observations occur with relation to the composition into a money payment, made by David, Bishop of Moray, and Master Alexander Sutherland, perpetual Vicar of Inverness on the one part, and the Alderman, Bailies, and community of the burgh of Inverness on the other part, dated 20th July 1474.

It may be mentioned that the "corpse present" was a tax exacted by the vicar on the death of a parishioner, usually the deceased's best cow. The "upmast claith" also claimable by the vicar was the deceased's uppermost bed covering. These scandalous exactions were sharply denounced by Sir David Lindsay in his satire of the three estates :—

The vicar tuik the best cow be the heid  
Incontinent when my father was deid.

\* \* \* \* \*  
Their upmaist claes, that was of raploch grey,  
The vicar gart his clerk bear them away.

Follows the memorandum of agreement :—

Memorandum that it is appointed, concorded, and decreed by us, David, by the grace of God, Bishop of Moray, and our chapter, chapterly gathered therefor in the consistorial place of our said kirk, the 20th day of the month of July, the year of God 1474, in these causes and matters after-following, proponed and furthshown before us, the foresaids David, Bishop, and canons of our chapter, by those parties after written—that is to say, Master Alexander Sutherland, vicar perpetual of the said burgh of Inverness, and the alderman, bailies, and community of the said burgh, in the first, anent the debate betwixt the said parties of the taking of the corpse-present and the uppermost cloth to be taken within the same burgh, and the freedom of the same, off free burgesses, or off their servants, it is provided, and finally decreed for ever to endure, that the said vicar nor his successors shall never have nor raise corpse-present nor uppermost cloth off no free burgess nor his servants within the said burgh of Inverness, or the freedom of the same : And also, the said vicar shall have off the seculars (the laity), of every child in the freedom of the same, but fourpence, and twopence to be given to the clerk : And also, that none shall pay a pound of wax to the vicar, but that they pay (of their own will), and are of power to pay by law a corpse-present and uppermost cloth to the said vicar : And as anent the teind salmon, they shall be sorted even as they are taken, the great together, the middlemost together, and the smallest together, and the said vicar shall take to the teind the second best of every sort : And also, if any burgess shall happen to dwell without the town immunity, and within the freedom of the same, that is, in the *gresschip* thereof, they shall be as free of corpse-present and uppermost cloth and all other demand of the foresaid vicar as they that remain within the said town and burgh : In witness of the which thing we, the foresaid David, Bishop, have made our round seal, with the common seal of our chapter, procured with instance of the said parties, to be also appended before these witnesses—Masters John of Grahame, John Winchester, Alexander Stewart, chancellor, subdean, and subchanter of the foresaid Kirk of Moray ; Sir

Thomas Sinclair, William of Galbrath, prebendaries of Aberlour and Spiny ; Master Thomas, the Grant, official of Moray, and Sir David Anderson, Vicar of Dyke, with others, many and divers, year, day, and place foresaid.

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LIV.

**JAMES III. 1460-1488. PART FOURTH.**

It would have been seen in Chapter L. that the Baron of Kilravock could not build a place of defence without a license from the Earl of Ross. Alexander Earl of Ross and Lord of the Isles having risen in rebellion, whereby he incurred forfeiture, and the doom of sentence being imminent, it was a prudent step on the part of the Thane of Cawdor to tender his submission, as Sheriff of Nairn, and offer his service to the Crown.

This was done at Inverness upon the 13th of January 1475, in presence of George Earl of Huntly, Lieutenant of the north ; whereupon John Kinloch, Priest of Brechin, at the instance of the Thane, issues the following notarial instrument :—

In the name of God, Amen : By this public instrument be it evidently patent to all, that in the year from the incarnation of the Lord 1475, on the 13th day of the month of January, the 9th indiction, and the 5th year of the pontificate of the most Holy Father in Christ, and our Lord Sextus, by Divine Providence Pope the 4th, in presence of me notary public and of the witnesses under written, before the great and potent Lord George Earl of Huntly, Lord of Gordon and Badenoch, and lieutenant, there personally compeared the nobleman William de Caldor, thane thereof, submitting himself to our supreme lord the King, and to the said Lord-Lieutenant in his name before the term limited and assigned to him and others, after public proclamation made at the market cross of the burgh of Inverness, according to the form and tenor of the instruction of our supreme lord the King, and offered, that he was ready and prepared, always strictly to obey and serve in all commands and services of the King for all his lands and office of Sherifffdom of Nairn, with the pertinents, belonging to him by hereditary right, held formerly of John late Earl of Ross ; and to do for our supreme lord the King those things which he is by law bound, offering himself and his homage to the said Lord-Lieutenant in name of our supreme lord the King, and sought of new to be infest in his said lands and foresaid office with the pertinents by name as above, and sought that the remission of his past crimes might be granted him. The said Lord-Lieutenant with joy received the foresaid William in the King's name. Upon which all and sundry the foresaid Thane William sought of me notary public within written, public instrument or instruments to be made for him: These things were done at the burgh of Inverness about 10 o'clock forenoon or thereabouts, the year, month, day, indiction, and pontificate as above : Present—the noblemen Alexander Gordoune of Megmar, Thomas Cummyne of Alter, Hugh Rose of Kylrawak, Alexander Morvate of Balquholy, Duncan Forbes of Foulis, Alexander Strathachin of Leddyntusch, and David Ogilvy of Tolwad, with many others, all witnesses to the premises called and also required.

A citation is issued under the great seal at Edinburgh, on the 30th September 1475, against John Earl of Ross, and Lord of the Isles, to be served at the Castle of Dingwall and

at the cross and market place of Inverness, to answer for his treasons and correspondence with Edward King of England.

The execution of date 16th October 1475 bears that the messenger passed to the Castle of Dingwall and asked entry to the presence of John Earl of Ross, and Lord of the Isles, the which he could not get. Then he warned, summoned, and charged the said John to compear before the next Parliament at Edinburgh on 1st December, to answer for his treasons and communings with the King of England, and with Sir James of Douglas, some time Earl of Douglas, &c. And also the same day at the market cross of Inverness, he summoned by open proclamation the said John, &c., before these witnesses, John Lessar, Henry Fynlaw, bailies of the said burgh, John of Dunbar, Archibald Brothy, with divers others.

The messenger takes instruments on his citations and executions of charge, the one at Dingwall and the other at Inverness. The witnesses to the latter at Inverness are the prudent men John Lessar, Henry Fynlaw, bailies; John Dunbar, Archibald Brothy, Hugh Clerk, Eugene Achlek, Donald Anderson, Adam Brothy, and M'Gillemartyn, with many others.

As John failed to appear, the doom of forfeiture is pronounced against him in Parliament on 1st December 1475.

In the deed after noticed, reference is made to William Cuthbert, bailie of Inverness, and Lord of the Old Castle. In the genealogy of Mons. Colbert, the minister of Louis XIV., there is no mention made of a William Cuthbert, thus establishing the fact that there were two families—the Cuthberts of Castlehill, and of Auld Castle.

Donald Johnson, burgess of Inverness, with consent and assent of his wife Janet, daughter of Donald Coysone, sells to Marjory Michael three acres of his land lying in the territory of the Old Castle, viz., two acres between the land of the Holy Cross of the Parish Church of Inverness, on both sides, both on the south and north, whose front extends to the King's common highway which leads to Easter Drakies towards the west, and the back to the Brumebank towards the east, and the third acre lying in the territory of said Old Castle, which is called the Goat Acre, between the land of the Old Castle at the north on the one side, and the land of St Mary the Virgin of the great altar of the Parish Church of said burgh at the south on the other, whose front extends to the King's common highway which leads to Easter Drakies towards the west, and the back to the Brumebank towards the east, &c.





“In witness of which thing, I, the foresaid Donald, have caused my seal to be appended to this present charter, and for the greater security of the matter, I have with instance procured and caused to be appended to the present charter, the seal of the prudent man John Patrickson, together with the seal of the discreet man William Cuthbert, bailie and Lord of said Old Castle, who, by me gave sasine and hereditary possession of said three acres of land with the pertinents, to the said Marjory, by delivery of earth and stone; At the burgh of Inverness, the last day of the month of February, in the year of the Lord 1477, before these witnesses, viz., Lords Thomas de Moravia, Nicholaus Dingvaile, chaplains; Gilbert Waus, Hugh Clerk, and John Achlek, with many others, called and specially required.”

Under the date of 1477 Sir Robert Gordon writes—  
 “From the ruins of the family of Clandonald, and some of the neighbouring Highlanders, and also by their own virtue, the surname of Clankenzie, from small beginnings, began to flourish in their bounds; and by the friendship and favour of the house of Sutherland, chiefly of Earl John, 5th of that name, Earl of Sutherland, (whose chamberlains they were in receiving the rents of the earldom of Ross to his use) their estate afterwards came to great height, yea, above divers of their more ancient neighbours. The chief and head of the family at this day is Colin Mackenzie, Lord of Kintail, now created Earl of Seaforth.”

The following deed, endorsed “Ane rood of land in Doomsdale given purely by Gibie Reed and her heirs to St Catherine’s chaplains and their successors,” dated at Inverness on the 4th June 1478, has the seal of the granter entire, and is in good preservation:—

To all and sundry, to whose knowledge these present letters shall come; Greeting: Wit me, Henry Finlayson, one of the bailies of the burgh of Inverness, to have given heritable state and possession to a worshipful man, Sir Thomas of Moray, chaplain to St Catherine, of a rood of land lying in Doomsdale, on the east side of that same, betwixt the land of Alexander Fleming to the south, and the land of Sandy Tailzour to the north, the front extending to the king’s gate to the west, and the tail to the old dyke to the east: The which rood of land, Gibby Reid, daughter of the late David Reid, resigned over purely and simply in my hands in favour of the foresaid Sir Thomas of Moray, in the name and on behalf of the holy virgin St Catherine, except that the infestment be reserved to her mother, Maude Waus, for all the days of her life, and, after her decease, incoming perpetually to St Catherine, without any claim, challenge, or impediment, and this to all and sundry to whom it effeirs I make it known: In witness of the which I have put my seal to this letter of sasine, at the foresaid burgh of Inverness, the 8th day of the month of January, the year of God 1478 years, before these witnesses—Huchone Clerk, John Kanyt, Symonde, John Smyth, and Robert Scherer, messenger, with others sundry.

Gilbert Waus, burgess of Inverness, grants at Inverness, on the 24th March 1480, an annual rent of 2s to the chaplains of St Catherine’s in the following terms:—

Be it made known to all men by these present letters, I, Gilbert Waus, *burgess* of Inverness, grant me to have sold and perpetually to have alienated to a worshipful man, Sir Thomas of Moray, Chaplain to St Catherine, 2s of annual, yearly, of a rood of land lying in the Eastgate, on the south side of that same, betwixt the land of Sir William Patrickson to the west, and the land of Donald Andrewson to the east, the King's gate to the north, and the Barnhill to the south. To be holden and had, the said 2s of annual, yearly, from me, my heirs, executors, and assignees, to the said Sir Thomas, his heirs, executors, and assignees, forever. And, moreover, if it happens, as God forbid it do, the said land to be destroyed or wasted by fire, war, or to be unable to pay the said 2s of annual yearly, as said is, at two usual terms in the year, I oblige me, and will that the foresaid Sir Thomas take so much annual as 2s yearly of my nearest lands lying within the said burgh or without, all fraud, guile, cavillation excluded and away put: In witness of the which of this my alienation, myself being bailie, at the time, of the said burgh, I have given heritable state and possession of the said 2s of annual yearly to the said Sir Thomas, and to the more security I have written these with my own hand and have put to my seal at the said burgh, the 24th day of the month of March, the year of God, a thousand four hundred and four score.

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 LV.

## JAMES III. 1460-1488. PART FIFTH.

The following deed by Alexander Donaldson, dated at Inverness 6th July 1481, is curious, in respect of the nature of part of the subject conveyed. Upon the subjects which lay on the east side of Church Street was erected a barn containing three couples and two forks, "and on the west part of said land, without the barn, a bigging or small room, well and completely enclosed." In the after parts of the deed this latter is more than once referred to, and seems to have been considered as of some importance. Perhaps the temporary nature of the structure, as it was merely a bigging, that is, a rudely and hurriedly constructed erection, as well as its manifest usefulness in connection with the barn occasioned the frequent mention:—

To all who shall see or hear of this charter, Alexander Donaldson, son and heir of the late Donald Symonson, *burgess* of Inverness; Greeting eternal in the Lord: Know that I, with consent and assent of Matilda my mother and of my friends and relatives, have given, granted, and by this my present charter confirmed, to the honourable man Lord Thomas Moravia, a piece of my land lying in said burgh, in Church Street, on the east side thereof, between the land of Thomas Johnson at the south, and the land of Marjory Aves at the north, in breadth, and in length from my own land at the west, towards "le foull poull" at the east, upon which piece a barn is built containing three couples and two forks, and on the west part of said land, without the barn, a bigging or chamber which is well and completely enclosed, without any impediment or obstacle, for a certain sum of money, which the foresaid Lord Thomas completely and faithfully paid into my hands, with which I hold me well content, pacified, and paid: To be held and had, said piece of land with the edifices and enclosure as said is, of me, my heirs, and assignees, by the foresaid Lord Thomas, his heirs and assignees in feu and heritage forever, with all commodities, liberties, and easements, and their just pertinents whatsoever, as well not named as named, belonging to the said piece of land with the edifices and enclosure, or which may in future in any way justly belong, freely, quietly,



wholly, honourably, well and in peace, and without any annual to any one, but freely to himself and his heirs as said is: And I, the said Alexander, my heirs and assignees, shall warrant, acquit, and for ever defend said piece of land with the enclosure and edifices as said is against all mortals: In testimony of which matter, as I had no seal of my own present, I have procured with great instance, and caused to be appended to this my present charter, the seal of the discreet man Andrew Ferchard, one of the bailies of said burgh, who for me gave with effect sasine and hereditary possession of said piece of land with the enclosure to the said Lord Thomas: At said burgh the 6th day of the month of July in the year of the Lord 1481. Witnesses—Lord Thomas Johnson, Lord William Partick, Hugh Anguson, John Alexanderson, Thomas Grey, servitor, with many others called and specially asked.

The following obligation by Farquhar Mackintosh, younger of Mackintosh, to the baron of Kilravock, is interesting, and has reference chiefly to Ewen, son of Hector Maclean, who resisted Kilravock's claim to the lands of Urquhart. It is signed at Croy, but several of the parties referred to were inhabitants of Inverness, and it is therefore given:—

Be it known to all men by these present letters, that I, Farquhar Mackintosh, son and apparent heir to Duncan Mackintosh, Captain of the Clan Chattan, to be bound and obliged, and by the tenor of these present letters, and the faith of my body, loyally and truly, bind and oblige me, to a right honourable man, Hugh the Rose, baron of Kilravock, and to his sons, his brother, kin and party, in lawful help, supply, maintenance and defence, in all actions, causes and quarrels they have ado (with), for all the days of my life: Excepting my allegiance to my sovereign lord the King, and my father's worship, and to stand, enjoy, and bide at the counsel of the said Hugh Rose, baron, and his son's, Hugh the Rose, son and apparent heir to the foresaid baron, William the Rose and Alexander the Rose, brothers german to the foresaid baron, in all actions, lawful and honest matters I have, or shall have, to do in time to come: And the foresaid persons shall be principal of my counsel, and I shall not deliver nor outgive any matter that I shall have to do, without the advice, counsel, and consent of the foresaid persons, and specially the foresaid baron and Hugh his son: And if that Ewen Makachtane will come before Mackintosh my father and me, and bind him to underly Mackintosh and eight persons chosen by them with him, in all matters debateable betwixt the foresaid baron and Ewen, the foresaid Mackintosh and the eight persons being sworn to give each one of them, as far as they have right or law, it appeases me: And if the said Ewen will not, I the foresaid Farquhar, bind and oblige me, as it is before written, to take lawful part with the said baron, his children and party, against the said Ewen and his party: And this to do and fulfil in all things and by all things, in manner and form before written, the great oath sworn, and the holy gospel touched, I, the foresaid Farquhar, bind and oblige me to the said Hugh the Rose, baron, his sons, brothers, kin, and party, as is before written, under the pain of inability, perjury, and infamy, in the most strict style, and form of band or obligation, that made is or can be devised: And also all lands, tacks, mails, and profits which were in the hands of the foresaid baron, his sons, brothers, kin and party, which I have intromitted with before the making of this band, I freely assign and deliver to themselves again in such likewise as they had before: And I shall not intromit with any tacks or profits which they have or shall have in time to come, as our band reports: And if it happen the foresaid baron, his children, and party, to get tacks or roums in any places, so that my roums be not menaced, I bind and oblige me with all my power to help, supply, maintain, and defend to the utmost, under pains foresaid, all fraud, guile, delay, exception (being) postponed and removed. In witness hereof, because I, the said Farquhar, have no seal proper of my own, I have procured with instance the seal of an honourable man, Henry Fynlasone, bailie of Inverness, to be affixed to this present writ, before these witnesses Hugh the Rose, son and apparent to the foresaid baron, William the Rose, John Barbour, burgess of Inverness; Gillemycell Malys, tailor; Rob. Tailyour, and Donald Makfaill, with others, divers and sundry. And also I, Duncan Mackintosh, consent and give leave to my foresaid son Farquhar, to bind, keep, and fulfil this band with all circumstances before written; in likewise allow the foresaid baron to bind with my foresaid son. In witness hereof, I have affixed my proper seal to this present writ at Croy, before these witnesses, in time of the said procuration, the 23d day of September the year 1481.

## LVI.

## JAMES III. 1460-1488. PART SIXTH.

The following singular document appears in the last place where it might be expected to be found—that is, among the Kilravock muniments.

There had been considerable ill-feeling between the Mackintoshes and Roses in connection with the possession of Glen-Urquhart. The Roses, with whom the district was permitted to remain, were unable to retain possession long. The history of the family states that Lachlan Mackintosh of Gellovie, commonly called Lachlan Badenoch, had five daughters. Of these, the names of four are given—viz., More, or Marion, married first to the Laird of Macgregor, and secondly, to Stewart, Baron of Kincardine; Marjory, married to Ewen MacAllan of Lochiel; Catherine, to Ranald Macdonald of Moidart; Jean, to Calder of Assenauly; and ———, to Farquhar, son of Hector Maclean, founder of the good old house of Kingairloch. Whether Lady Kingairloch was the Margaret mentioned in the following deed is doubtful. Tytler, referring to the unhappy life of Annabella Drummond, after she became widow of James I., says—“It was a melancholy consequence of the insecurity of persons and of property in those dark times that a widow became the mark or the victim of every daring adventurer, and by repeated nuptials was compelled to defend herself against the immediate attacks of licentiousness or ambition,”—and we here see how a father proposed to treat his own daughter:—

This indenture, made at Inverness the 15th day of May, the year of God 1482 years, reports and bears witness, that it is appointed and fully accorded betwixt honourable men, Lauchlan Mackintosh of Gellovie, on the one part, and Donald, Angus Mackintosh's son, on the other part, in form, manner, and effect, as after follows—that is to say, for so much as it is rehearsed, presumed, and in some part known by part of the eldest of the land, that Hugh the Rose, baron of Kilravock, should have no title of right to the Castle of Kilravock, nor to the ground that it stands on; therefore, the said Donald is obliged to the said Lauchlan, in all possible haste, that he shall take the Castle of Kilravock, and then deliver the castle to the said Lauchlan, so that he come to rescue him in haste, and come to receive the castle when it is taken: And for the which taking, the said Lauchlan Mackintosh shall make incontinent, without any longer delay, the said Donald Angussone, constable and keeper under himself of the said castle, as long as it may be brukyt (held) and enjoyed by any manner of way, either by the law, or in spite of the law; and he shall give the said Donald for the keeping of the said castle, in his fee, all the land that was called Cannekell, that is to say, all the land that is betwixt the new mill that was last made under the said castle and the town of the Holme, on the water side of Nairn, and all the land that is betwixt the said castle and the kirk of Croy, together with the said mill, free, so long as the said castle may be kept and

enjoyed as said is, and ten merks worth of land free in his fee, for all the days of the said Donald's lifetime, either in Petty or in Strathnairn, or where the said Lauchlan may easiest and best get and lose the said ten merks worth of land free in his fee as said is : And if it happen that the said Lauchlan cause or make the said Donald, by any manner of means, deliver the said castle, after that it be taken, to the said baron of Kilravock, or to his folks or friends, he shall make the said Donald sure forthwith, without any longer delay, of ten pounds worth of lands, free in his fee for all the days of his life, in such like places as is above written, without fraud or guile. And, besides, for the more kindness, truthfulness, and security, the said Donald shall marry and espouse Margaret, daughter to the said Lauchlan Mackintosh, the said Lauchlan bringing the dispensation out of Rome at his expense : And as soon as the said castle is taken by the said Donald, the said Lauchlan shall cause, incontinent, without any longer delay, handfast Margaret his said daughter, with the said Donald, and lie with him as she were his lawful wife : And as soon as the dispensation comes home, the said Donald is obliged, incontinent, without any longer delay, to marry and espouse the said Margaret, and to hold her in honour and worship at all his power as his wedded wife, for all the days of his life : And the said Lauchlan shall make thankful payment of forty merks of the usual money of Scotland in marriage goods to the said Donald, in penny and pennyworth thereof, ten merks to be paid in hand the first day that his said daughter is handfast, or lies with the said Donald, and ten merks at the next term thereafter following, whether it be Whitsunday or Martinmas, and so forth, ten merks at each term, Whitsunday and Martinmas, aye, and until the said forty merks be thankfully paid. The said Lauchlan shall clothe his daughter honestly as effeirs, and the costs thereof not to be counted in the said forty merks ; and he shall hold and sustain his said daughter honestly in his own house two years, if it please the said Donald that she remain so long with her father. And the said Donald is become loyal and true son in service, and in all things to the said Lauchlan as to his carnal father for all the days of his life ; and the said Lauchlan is become loyal and true father in all defence, help, and supply, for all the days of his life to the said Donald, as a carnal father should be to his son. And to the fulfilling, firm, and faithful keeping of all the points above written, the said Lauchlan and the said Donald have sworn the great oath, the holy gospel being touched, all fraud, guile, cavillation, and frivolous exceptions being excluded and byput. And for the more security, to this indenture the foresaid Lauchlan and Donald have interchangeably affixed to their seals ; and because the said Donald had no seal proper of his own, he has procured with iustance the seal of an honourable man, William Thane of Cawdor, to be affixed for him, at day and place before written.

The following shows the tax ordered to be levied by the Parliament, held at Edinburgh on the 21st March 1483, on the burghs after mentioned, no doubt in proportion to their then importance and wealth :—

Aberdeen, Scots.....	£26 13 4
Banff, „ .....	3 0 0
Elgin, „ .....	3 0 0
Forres, „ .....	6 0 0
Nairn, „ .....	2 0 0
Inverness, „ .....	10 0 0

In the process of forfeiture against William, Lord Crichton, in 1483, the messenger, after passing through Banff, Elgin, Forres, and Nairn, relates—“ And the same 23d day (of December) I past with the said letters and these witnesses, Thomas Scot, John Fraser, John Cowy, Alexander Fleming, Alex. Rede, and John Patersoun, burgess of Inverness, to the Market Cross of the same, and because I could not get certain verification, nor knowledge where to find nor apprehend personally William, Lord Crichtoun, I passed to all the burghs forenamed, and at the Market Cross

of the same, at days and before witnesses above expressed, I summoned peremptorily by open proclamation, the same William, Lord Crichtoun: And, moreover, the last day of the month and year foresaid, I passed with the said letter and these witnesses, Thomas Scot, John Fraser, John Cowy, William Johnson, one of the bailies of Tain; Thomas Rede, a bailie of Cromarty; Magnus Vaus, burgess of Inverness; and Alexander Sutherland, brother and familiar follower to the said Lord Crichtoun, to the town of Tain in Ross, &c.”

This William, Lord Crichton, was a man of great influence during the reign of James III. His crime was treasonable correspondence with the English Court. In 1483, in dread of his life, he sought sanctuary within the girth of Tain, and lived in the Vicar's house. He of course did not obey the summons, and was in 1484 outlawed in consequence, and his estates were forfeited. He resided for several years in Tain; and afterwards met the King at Inverness, and was, in some degree, reconciled to him. He seems to have died in poverty.

The following deed is endorsed, “A charter of John Kenneth's son and Elizabeth Ostlerach, of a rood of land in Doomsdale, given by them to the Holy Virgin, St Katherine, and her chaplains and their successors for ever, from them and their heirs,” and is dated at Inverness, 18th January 1484:—

Till all and sundry, to whose knowledge these present letters shall come; Greeting: Wit me, John Kennethson, burgess of Inverness, to have given and granted, and by these, my present letters, freely to give and grant to the Holy Virgin St Catherine, and to the chaplain that makes her services in the Parish Church of Inverness, one rood of my land of my own acquiring, bigged, lying within the said burgh of Inverness in Doomsdale, upon the east side of that same, betwixt the land of William Thomson to the north on the one part, and the land of Alexander Miller to the south on the other part, the front extending to the King's Gate to the west, and the tail to the Barnhill to the east: To be holden, and had, the foresaid rood of land, with the bigging and pertinents, from me, my heirs, executors, and assignees, to the foresaid St Catherine, her chaplain and his successors for ever, except that I, and Elizabeth my spouse, remain with the said land for all the days of our lives, and after both our deceases, incoming to the said St Catherine and her chaplains for ever, without any obstacle, impediment, or demand, of us, our heirs, executors, or assignees, or any others in our name: The said chaplain paying yearly all annual and King's mail after both our deceases, that pertain to the said rood of land: And attour, we the foresaids John and Elizabeth my spouse, bind and oblige us to pay yearly, so long as any of us lives, to the said Virgin and her chaplain, one pound of wax in taking of possession: And upon this I, the foresaid John Kennethson, on my own good will, hale in body and mind, have made free, pure, and simple resignation in the hands of John Auchlic, that time one of the bailies of the said burgh, into the favours of the said Holy Virgin St Catherine, and have procured his seal hereto, together with the seal of Andrew Farquharson, that time alderman of Inverness, to this my letters of resignation, to be appended, at the said burgh, the xviii. day of the month of January, the year of God one thousand four hundred, eighty and four years, before these witnesses—Symon Thomson, John Smyth, Finlay Brabener; John Moyr, Thomas Gray, and John Skinner, servants, with others sundry.

## LVII.

## JAMES III. 1460-1488. PART SEVENTH AND LAST.

The following deed in 1484 is about the latest where the name of Pilche appears as party or witness. The subjects lay about the Green of Muirtown. Probably "our lady of the new ill" and St Catherine are one and the same:—

To all and sundry to whose knowledge these present letters shall come ; Greeting in God everlasting : Wit that I, Gilbert the Waus, one of the bailies of the burgh of Inverness, through a pure and simple resignation made in my hands of a rood of land lying on the west side the water of Ness, betwixt the land of our lady of the new ill (new aisle ?) to the south, and the land of Andrew Fercharson to the north, the one end extending to the Auld Dike to the east, and the other end to the lands of Kylmylie to the west, by a worshipful woman Marion Pylch, of her own proper conquest, after the decease of her spouse, as her charter made thereupon more fully showeth in itself, into the favours of the Holy Virgin St Catherine, in the Parish Kirk of Inverness, to pray for saull heill (salvation) of her husband, herself and their friends for ever. Therefore, through the virtue of the said resignation made in my hands by the said Marion Pylch, I, the foresaid Gilbert the Waus, have given heritable state and possession of the foresaid rood of land with the pertinents, to Sir Thomas of Moray, that time chaplain to St Catherine in her name, and to his successors for ever. In witness of the which I have appended to this, my letter of sasine, my seal, at the said burgh the tenth day of the month of May, the year of God one thousand four hundred eighty and four years, before these witnesses, Sir Donald Watson, chaplain ; John Auchlec, that time one of the bailies of the said burgh ; Finlay Merthyson, Alex. Ker, Mullen Roy, Donald Mertyson, and John Cristison, servant, with others sundry.

On 26th October 1484—

The Lords ordain that for the great offence, slighting and contemption done to our Sovereign Lord's Highness by Archibald of Douglas, Stevin M'Kerbryt, John Thomsoun, James Thomsoun, John Wallace, Patric Nelesoun, James Ker, Patric Ker, James of Douglas, son to the said Archibald, in the violent and cruel taking and handling of Sir David Purdy, subchanter of Glasgow, and of Sir Alex. Panther, his chaplain, furth of their beds in the night, and having them to the fields, and there with boast and menacing compelling the said Sir David to make assedation of his Kirk, and to remit and forgive sums owing to him, with others divers great injuries, as was clearly proved before the Lords, that therefor the said Archibald of Douglas, Stevin M'Kerbryt, and John Thomsoun shall enter their persons in ward in the Castle of Dingwall within twenty days next to come, and the said James Thomsoun, John Wallace, and Patric Nelesoun shall enter their persons in ward in the Redcastle within the said time, and the said James Ker, Patric Ker, and James of Douglas shall enter their persons in ward in the Castle of Inverness, within the same time, and remain there on their own expenses until they be freed by the King, under the pain of rebellion, and that our Sovereign Lord's letters be directed hereupon, with three letters to the captains of the said castles for the receiving of them in ward as said is, and that the Sheriff deliver them these letters.

In 1485, John Fraser, of the family of Fruid, in the shire of Tweedale, Abbot of Melrose, was promoted to the see of Ross.

James the Third was assassinated on 15th June 1488 ; and shortly before setting out to quell the insurrection which ended so fatally for him, granted the following letter, still pre-

served, and under the King's own hand, remitting bye-gones to the burgh in respect of its being "impoverished, wasted, and failed," to use the King's own expressive words. The Master of Huntly appears to have interceded for the burgh in the remission and to have become responsible for the future mails, of which a tack for 19 years is included. In the next reign the family obtained the Castle lands.

James, by the grace of God, King of Scots, to all and sundry our officers, lieges, and subjects, whom it effeirs, to whose knowledge these our letters shall come, and in special to our comptrollers and auditors of our Exchequer; Greeting: Wit ye, that for as much as we being truly informed, and understanding that our burgh of Inverness, and the burgesses and inhabitants of the same, are so greatly impoverished, wasted, and failed, that they are not of power to pay to us the sums of money resting owing to us in our Exchequer Rolls of our burgh, mails of the same without utter poverty and hership of them; we, therefore, having pity and consideration of them, and because our traist and well-beloved cousin, Alexander, Master of Huntly, has made us supplication and request thereupon, and has shown to us, that we shall have thankful payment of our burgh mails of the said burgh in time to come, we have remitted and forgiven, and by these our letters, remit and forgive to the bailies, burgesses, and community of the said burgh, all sums of money resting owing to us in our Exchequer Rolls, of our said burgh mails of whatsoever terms by gone, before the date of these our letters, and quitclaim and discharge them of the payment thereof, now and forever in time to come, and charge you our said comptrollers and auditors to make allowance in our next Exchequer [account] or others, when these our letters be shown to you, and register them in our Exchequer Rolls, for yours and their warrant thereupon, and thereafter deliver them again to the bearer, under all the highest pain and charge that after may follow, and attour we have committed, and by these our letters commit power to the said Alexander to raise and uplift our burgh mails of the said burgh of Inverness yearly in time to come, for all the terms of nineteen years next to come after the date of this our letters, and if need be to distrain therefor and to make us yearly payment of the said burgh mails, and account in our Exchequer of the same as effeirs, and to make deutes under him therein for the which he shall be holden to answer: Wherefore we charge straitly, and command all and sundry, our lieges and subjects foresaid whom it effeirs, and in special the bailies, burgesses, and community of our said burgh of Inverness, that they and each one of them readily intend, answer, and obey to the said Alexander, and to his deutes under him in the raising, uplifting, distraining, inbringing, and delivering to us of our burgh mails of the said burgh, yearly, enduring the said nineteen years, and that they make no impediment, stop, nor disturbance to him nor his deutes therein, as they will answer to us thereupon, and under all pain and charge they may commit and incur against us in that part: Given under our privy seal, at Edinburgh the 17th day of May, the year of God 1488 years, and of our reign the 28th year.

(Signed)

JAMES R.

## LVIII.

## JAMES IV: 1488-1513. PART FIRST.

Andrew Fercharson having founded a chaplainship in the Parish Church of Inverness to St Peter, and provided certain acres, houses, and annual rents, within and without the burgh for its support, presents thereto the discreet man Thomas Copland. His presentation is dated at Inverness 22d April 1490. Thereafter, Andrew, Bishop of Moray, at Inverness on the 20th July 1490, commands John M'Cellan, vicar of Fernway, or any of his chaplains, to invest, induct, and appoint the said Thomas in said office, to defend him therein and to furnish him with the fruits thereof. Documents exactly similar have already appeared in full.

John Grant, one of the bailies of Inverness, on the 15th July 1490, infefts the Chaplain of the Altar of St Peter within the Parish Church of Inverness, in an annual of six merks, granted by Andrew Farquhar's son styled Alderman of the said Burgh, in the following terse and concise terms:—

To all and sundry to whose knowledge these present letters shall come, John the Grant one of the bailies of the burgh of Inverness sends greeting in God everlasting: To you all I make it known that Andrew Fercharson, Alderman of the said burgh, not compelled, strained, nor seduced, but of his own benevolence and free will, made pure and simple resignation into my hands as bailie, into the favours of the Holy Apostle St Peter in the Parish Kirk of Inverness, and to Sir Thomas Coupland, perpetual chaplain to the same, of six merks of annual rent yearly, to be paid of all and sundry the foresaid Andrew Fercharson's lands lying within the said burgh and without, of his own proper conquest, for services to be done weekly by the foresaid Sir Thomas and his successors for ever, at the said altar, that is for to say, that he and his successors shall say mass all Sundays, Wednesdays, and Fridays, at the same, and to be at all founded services without and within the said Kirk at even song, high mass, all festival times in the year, at the Roodmass of Friday, and our Ladymass on Saturday, and to pray for the souls of the said Andrew, his wife, his forbears and friends for ever: And this I make it known to all whom it effeirs, me to have given the said state of six merks of annual yearly to the said Sir Thomas as said is. In witness of the which thing I have appended to this my letter of sasine, my seal at the said burgh the 15th day of July the year of God, one thousand four hundred and ninety years, before these witnesses Sir Thomas Johnson, chaplain, John Alexanderson, William Dalcous, David Skynner, and Thomas Cuk, servitor, with others sundry.

In a bond between the Thane of Cawdor and Mackintosh, anent the marriage of Huchone, Allan's son, dated, Cawdor, 20th August 1490, Sir Marteyne, Dean of Inverness, is one of the witnesses.

In the year 1492, in a question regarding the marches of Croy and Kildrummie betwixt Andrew, bishop of Moray, and Hugh Rose of Kilravock, Master Alexander Sutherland, vicar of Inverness, formerly referred to, is one of the arbiters.

In the same year, Patrick Wiseman, with others, were slain at Inverness, and the King, then at Inverness, upon the 10th day of November, granted the remission of which the essentials follow :—

James, by the grace of God, King of Scots, to all his good men to whom the present letters shall come ; Greeting : Know that we have remitted to William, Thane of Cawdor, Thomas Hay, William Caldor, John Nicolson, John Belgeam, Thomas Grant, James Caldor, Thomas Grahame, William Blabir, John Thomson, and James Maliach, bearers of these presents, the rancour of our mind, royal suit, and all action which we have conceived, have, or shall have, towards them, or any of them, for the slaughter of the late Patrick Wisman, Duncan Makangus, William Blaklaw, and John Rede . . . provided that to the parents and friends of the said slaughtered individuals they make amends and satisfaction, and likewise satisfy others who have endured losses, so that regarding this matter we shall for the future hear of no just complaint. . . . Under the great seal. . . . At Inverness, the 10th day of the month of November, in the year of the Lord 1492, and of our reign the 5th.

The following extract from Tytler's History may be read with advantage in reference to the period now arrived at, the early part of James the Fourth's reign :—

For a considerable time past the condition of the Highlands, and the reduction of such wild and remote districts under a more regular form of government than that to which they had hitherto submitted, appears to have been a subject which occupied a large share of the attention and anxiety of the sovereign. To attach to his interest the principal chiefs of these provinces ; to overawe and subdue the petty Princes who affected independence ; to carry into their territories, hitherto too exclusively governed by their own capricious or tyrannical institutions, the same system of a severe, but regular and rapid administration of civil and criminal justice, which had been established in his Lowland dominions, was the laudable object of the King ; and for this purpose he succeeded, with that energy and activity which remarkably distinguished him, in opening up an intercourse with many of the leading men of the northern counties. With the Captain of the Clan Chattan, Duncan Mackintosh ; with Ewan, the son of Alan, Captain of the Clan Cameron ; with Campbell of Glenurcha ; the Macgilleouns of Dowart and Lochbuy ; Mackane of Ardnamurchan ; the Lairds of Mackenzie and Grant ; and the Earl of Huntly, a baron of the most extensive power in those northern districts—he appears to have been in habits of constant and regular communication, rewarding them by presents, in the shape either of money or of grants of land, and securing their services in reducing to obedience such of their fellow-chieftains as proved contumacious, or actually rose into rebellion. But James was not content with this. He rightly judged that the personal presence of the sovereign in those distant parts of his dominions would be attended with salutary effects ; and in 1490, on two different occasions, he rode, accompanied by his chief counsellors and the lords of his household, from Perth across the "Mounth," the term applied to the extensive chain of mountains which extends across the country, from the border of the Mearns to the head of Loch Rannoch. In 1493, although much occupied with other cares and concerns, he found time to penetrate twice into the Highlands, proceeding as far as Dunstaffnage and Mingarry in Ardnamurchan, and in the succeeding year, such was the indefatigable activity with which he executed his public duties, that he thrice visited the Isles. The first of these voyages, which took place in April and May, was conducted with great state. It afforded the youthful monarch an opportunity of combining business and amusement, of gratifying his passion for sailing and hunting, of investigating the state of the fisheries, of fitting out his barges for defence as well as pleasure, and of inducing his nobles to build and furnish, at their own expense, vessels in which they might accompany their sovereign. It had the effect also of impressing upon the inhabitants of the Isles a salutary idea of the wealthy grandeur and military power of the King. The rapidity with which he travelled from place to place, the success and expedition with which he punished all who dared to oppose him, his generosity to his friends and attendants, and his gay and condescending familiarity with the lower classes of his subjects, all combined to



increase his popularity, and to consolidate and unite, by the bonds of equal laws and affectionate allegiance, the remotest parts of the kingdom.

At Tarbet, in Cantire, he repaired the fort originally built by Bruce, and established an emporium for his shipping, transporting thither his artillery, laying in a stock of gunpowder, and carrying along with him his master gunners, in whose training and practice he appears, from the payments in the treasurer's books, to have busied himself with much perseverance and enthusiasm. These warlike measures were generally attended with the best effects; most of the chieftains readily submitted to a prince who could carry hostilities within a few days into the heart of their country, and attack them in their island fastnesses with a force which they found it vain to resist. One only, Sir John of the Isles, had the folly to defy the royal vengeance, ungrateful for that repeated lenity with which his treasons had been already pardoned. His great power in the Isles probably induced him to believe that the king would not venture to drive him to extremities; but in this he was disappointed. King James instantly summoned him to stand his trial for treason; and in a Parliament, which assembled at Edinburgh soon after the king's return from the north, this formidable rebel was stripped of his power, and his lands and possessions forfeited to the Crown.

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## LIX.

### JAMES IV. 1488-1513. PART SECOND.

The king was at Inverness in the month of November 1493, as appears by the following order, which is endorsed:—“The king's letters directed to the Sheriff of Ross to charge all the merchants and inhabitants of Tain, Sutherland, Ross, and Caithness, to present all their goods marketable to the burgh of Inverness.” The Sheriff is Hugh Ross of Balnagown, and one of the witnesses to his execution is Angus Macculloch, a member of the ancient family of Macculloch of the Plaids:—

James, by the grace of God, king of Scots,—To our Sheriff of Ross and his deputies; Greeting: Forasmuch as it is humbly meaned and complained unto us by our lieges the alderman, bailies, council, and community of our burgh of Inverness, that whereas the goods customable passing furth of Ross, Caithness, and Sutherland should be brought before our officers of customs and searchers of our said burgh, and there our customs and duties of the same paid, nevertheless, the persons inhabiting the bounds foresaid have, of long time bygone, not brought the said goods to our said burgh of Inverness, but to the burgh of Tain; and the customs and duties pertaining to us thereof intromitted with and uptaken and withholden from us by the bailies and community of Tain, in great prejudice to us, and heavy damage and scaith to our said burgh of Inverness, and hurting of the old privileges of the same, as is alleged: Our will is herefor, and we charge you strictly and command that ye, incontinent, these our letters seen, pass, and in our name and authority command and charge all and sundry, our lieges inhabiting the said bounds of Tain, Sutherland, and Caithness, that they, in time coming, come to the market of Inverness with all manner of merchandise, and that as to their principal market, under the pain of escheating of the said goods, unto the time that they show, if they have privileges or freedoms to the contrary of old: And this in no wise leave undone, as ye will answer to us upon the execution of your office, and under all the hurt, pain, charge, and offence that after may follow: Delivering these our letters, by you duly executed and endorsed, again to the bearers. Given under our signet at Inverness, the 12th day of November, and of our reign the sixth year.

Ex deliberatione dominorum concilii, &c.

JOHNSTOUN.

The 12th day of May, I, David Ross, Sheriff in this part, have made execution of these our sovereign lord's letters in the town of Tain, in all and sundry points and articles contained in the present letters, after the form of the same before these witnesses:—Angus Macculloch of the Plaids, Walter Ross, Donald Reed, and Hugh<sup>2</sup> Alexanderson, bailies of Tain. In witness of the which I have affixed my seal.

The following discharge by the Abbot of Cambuskenneth, to the Baron of Kilravock, relates to some question which had been before the Circuit Court at Inverness. It may be observed that the Chartulary of Cambuskenneth, an elegant and well-edited volume, was lately presented to the members of the Grampian Club by the Marquis of Bute:—

We, Henry, by the permission of God, Abbot of Cambuskenneth, and treasurer to our sovereign lord for the time, quitclaim and discharge Hugh Rose of Kilravock and his borrows (sureties); that is to say, Sir Alexander Gordon of Migmar, Henry Chene of Essilmont, and John the Ross of Auchinlosk, of the sum of £42, owing by them to us in our sovereign lord's name, after the tenor of their obligation, for a composition made with us by the said Hugh in the Justice Aire of Inverness, because our sovereign lord has by his letters remitted and forgiven to the said Hugh the said sum, and has taken contentation therefor, as the said letters bear, which we have received to show upon count for our warrant: And, therefore, we discharge by these presents the said Hugh and his sureties foresaid of the said sum, and of their obligation made to us thereupon for ever. In witness hereof we have subscribed this quitclaim with our hand, and affixed our signet to the same, at Stirling the 8th day of February the year of God 1494 years.

By precept of clare constat, dated at Inverness, 25th October 1494, John Earl of Sutherland directs infestment to be given to Janet Terrell, in the lands in Strathfleet called the Terrell, his lands to wit, Rossell, Rowie, &c.

At Inverness on the same day the king granted the following remission to the Thane of Cawdor, John his son, William Dallas of Cantray, and William Dallas of Budgate:—

James, by the grace of God, King of Scots, to all and sundry our justices, sheriffs, justice clerks, coroners, and their deputes, and all others, our officers, lieges, and subjects whom it effeirs, to whose knowledge these our letters shall come; Greeting: Wit ye that forasmuch as in our court of justiciary holden by us in proper person at Aberdeen, the 26th of April, the year of God 1493 years, William Thane of Cawdor, John of Cawdor, his son and apparent heir, William Dallas of Cantray, and William Dallas of Budgate were accused and convicted of certain criminal actions committed by them, and doom given upon them to have been beheaded therefor, nevertheless we therefore moved of pity, considering and understanding they were ever our true lieges, and obedient to our laws, and never found guilty of before, granted to them their lives, heritages, and goods, to live and remain in time to come our true lieges, like as they did of before the giving of the said doom upon them, and therefore of our special grace, favour, and authority royal, have remitted, and by these our letters remit to them and each of them all actions, criminal and civil, committed and done by them or any of them in time bygone, before the giving of the said doom upon them, and cancel and annul the said doom, and all sentence and process that might have followed thereupon. . . . Given under our privy seal at Inverness, the 25th day of October, the year of God 1494 years, and of our reign the 7th year.

(Signed) JAMES R.

In a chronological and genealogical account of the ancient and honourable family of Fowlis, taken from an ancient

manuscript and printed by John Young, Inverness, 1805, it is stated that William Munro, sixth laird, who succeeded in 1496, had a Commission of Justiciary within the sheriffdom of Inverness.

Upon the 24th of January 1497, the king, while at Inverness, confirms a disposition by Beatrix Dunbar of Cremond to Alexander Innes of that ilk.

In 1497 is found the name of John Maclean, perpetual chaplain of the parish church of Inverness; and upon the 26th of January, the king, still at Inverness—"remitted to Hugh Ross of Kilravock, John Ross, his son, John Urquhart, Gilliepatrick Makflegger, Donald Makcone, John Ross in Finance Field, William Ross, Cristy Makmullmory, John Huchonsoun, Dugal Clerk, John Roy Makhuchone, and Eugene Makcone, . . . . the rancour of our mind, royal suit, and all action, for act and part in the cruel slaughter of the late Alexander Nobill, John Nobill, William Gawane, and of a certain chaplain, the late Lord Maurice by name, within the burying-ground of the cathedral church of Ross . . . . provided to the parents and friends, . . . . they make such amends that we hear no further just complaint regarding this. . . . Under our great seal. . . . At Inverness, the 26th day of the month of January, in the year of the Lord 1497, and of our reign the 10th."

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LX.

**JAMES IV. 1488-1513. PART THIRD.**

The grasping family of Argyle about this time began to look to the north for seizures. They did establish themselves in Cawdor, but the attempt to settle in the rich territory of the Aird lasted but for a time.

The charter of which a copy is annexed was granted to Archibald, Earl of Argyle, by David Lindsay of Beaufort, and is dated at Inverness on the 29th of January, 1497 :—

To all who shall see or hear of this charter, David Lindsay of Beaufort, knight; Greeting eternal in the Lord: Know, that I have given, granted, sold, and by title of sale alienated. . . . to the noble and powerful Lord Archibald, Earl of Argyle, Lord Campbell and Lorn, and Master of the Chamber of our supreme Lord the King, and to his heirs, all and sundry, my underwritten lands, viz. :—One-fourth part of the lands of Quhilbrane, extending to 2½ merks lands of old extent, with the castle and fortalice thereof, and one-fourth part of the lands of the two Moys, extending to 2½ merks lands of old

extent; a fourth part of the lands of Balcrum, extending to 8s 4d, lands of old extent; a fourth part of the lands of Conwiche Mor, extending to 16s 8d, lands of old extent; a fourth part of the lands of Sanwalle, in Glen Conwiche, extending to 16s 8d, lands of old extent; a fourth part of the lands of Eskadale, extending to 16s 8d, lands of old extent; a fourth part of the lands of Arderoyne, extending to 16s 8d, lands of old extent; a fourth part of the lands of Kyneriche, extending to 16s 8d, lands of old extent; a fourth part of the lands of Moncreif, extending to 16s 8d, lands of old extent; a fourth part of the lands of Appathy, extending to 16s 8d, lands of old extent; a fourth part of the lands of Nelstoun, extending to 8s 4d lands; and a fourth part of the superiority of all and sundry the lands in the lordship of Beaufort, belonging hereditarily to me, with their sundry pertinents lying in the earldom of Moray, and within the sheriffdom of Inverness, for a certain sum of money paid to me in my urgent necessity by the said Lord Earl. . . . In testimony of which matter my seal is appended to this my present charter at Inverness, the 29th day of the month of January, in the year of the Lord 1497, before these witnesses:—Walter Murray, John Murray, Lord Andrew Cunyngham, rector of Lochow; Finlay Macknab of Powayne; Charles M'Arthur, Archibald Uchiltre, Donald M'Clachlane and Duncan Stewart, son and heir apparent of Dougall Stewart of Deyapyn, with divers others.

From the Kilravock papers the following account is taken of the "Hership of Cromartie":—"Doule M'Gilliecallum and William Alansone spoiled and carried off from the lands of Master Alexander Urquhart, Sheriff of Cromarty, 600 cows and oxen, each worth 13s 4d, 80 horses, each worth 26s 8d, 1000 sheep, each worth 2s, 200 swine, each worth 3s, with plenishing to the value of £300; and also 500 bolls of victual and £300 of the mails of the Sheriff's lands. The Chiefs of Clan Chattan and the Baron of Kilravock became security for these persons, and on the 1st February 1497, the Lords of Council sitting at Inverness, pronounced decree against Kilravock, as being probably more easily made amenable. Kilravock endeavours to operate his relief against the Mackintoshes in various ways, but with what success is not known. The debt established by the Urquharts against the Roses, 800 merks, was at length settled by bond, dated at Inverness, 20th November 1501." It would appear from the following, however, that very shortly after, the Mackintoshes lost or yielded their rights to the Baronies of Urquhart and Glenmoriston to the Laird of Kilravock, which was a heavy price indeed when it seems clear from the account in the History of the Mackintoshes that the quarrel with the Sheriff of Cromarty was none of their seeking:—

. . . . In the year of the Lord 1479, on the 26th day of the month of March, . . . . George, Earl of Huntly, Lord Gordon, and of Badenoch, hearing a sentence arbitral or decreet of honourable men, viz.—Alexander Gordon of Megmar, Lords Duncan Grant of Freuchie, James Ogilvy of Deskfurd, knights; John Grant, son and heir-apparent of the said Duncan Grant, Alexander Mackintosh of Rothiemurchus, and David Ogilvy of Thomade, judges, arbiters, or amicable compositors and compromissors, elected by the honourable and good men, viz., Duncan Mackintosh, captain of the Clan Chattan; Allan and Lachlan, brothers-german of said Duncan Mackintosh; and Hugh Rose of Kilravock, regarding many and divers quarrels, debates, controversies, and ingratiitudes, arisen and committed betwixt said persons, in which deliberation of said lords

and barons, one article was to this effect, that the foresaid Hugh of Kilravock should not intronit with the letting or setting of the lands of Urquhart and Glenmorison, because of certain ingratitude done by the said Hugh to the said Duncan Mackintosh, the appointments being attended to and considered, and the agreements previously had betwixt them, unless and with the consent and assent of the foresaid Duncan and his brothers, namely, Allan and Lachlan, and by their kindness: Which article, having been read by me, and being discussed and understood by the said Lord Earl, and the said compositors, and the foresaid Duncan and his brothers, the foresaid Duncan, Allan, and Lachlan, his brothers, above written, induced, neither by force nor fear, and not having fallen into error, but of their own pure and free will simply submitted said article and all therein contained to the said Lord Earl and his arbitration and free pleasure, and gave the foresaid lands of Urquhart and Glenmorison to be let and set to the foresaid Hugh or to whomsoever he pleased, and to dispose of the same at his pleasure; and the above-written article of deliberation by said compositors being set forth, and decreed to be of none effect or impediment to the prejudice of the said Hugh in the letting of said lands. All which being heard, understood, and considered by the said Lord Earl, he, with advice of said compositors, and with consent and assent of Duncan Mackintosh, and of the foresaid Allan and Lachlan his brothers-german, set the foresaid lands of Urquhart and Glenmorison, with all their commodities and just pertinents, to Hugh Rose of Kilravock in feu and to feu, and willed that he should intronit with the same, after the manner and form previously had between said Lord Earl and Hugh, and this according as is contained in the foresaid assedation of said Hugh. Regarding all and sundry which the foresaid Lord Earl asked of me notary-public, public instruments, one or more to be made for him. These things were done within the Castle of Inverness; present there—Alexander Gordon of Megmar, and all the above-written lords, arbiters, and compositors, Duncan Mackintosh, Allan Mackintosh, and Lachlan Mackintosh, and other witnesses.

The following charter of subjects on the south side of Bridge Street, dated 5th June, 1497, is from the Inshes Collection. The reddendo is 2s stg., to be given to the chaplain of St Mary the Virgin of the Great Altar in the Parish Church of Inverness:—

To all who shall see or hear of this charter, Alexander Kannyth, son and heir of the late Martin Kannyth, burgess of Inverness; Greeting eternal in the Lord: Know that I, in my severe and pressing necessity, have given, granted, and by title of sale delivered, and by this my present charter confirmed, and also forever alienated from me and my heirs, to my beloved neighbour Maurice Johnson, burgess of said burgh, one particate of my land, built upon, lying in said burgh in Bridge Street, on the south side thereof, which lies between the land of William Thome, towards the east on the one part, and the common way nigh to the water of Ness, towards the west, whose front extends to the King's common highway at the north, and the back to the Castle Hill at the south, for a certain sum of money, which the foresaid Maurice paid to me by hand well and faithfully, with which I hold me well contented, paid and satisfied; To be had and held, the foresaid particate of land, with all and sundry pertinents and buildings thereon erected, or to be erected, by the said Maurice Johnson, his heirs and assignees, of me, my heirs, and assignees, in feu and heritage, and in free burgage with all commodities, liberties, and easements, and their just pertinents whatsoever, as well not named as named, belonging to said particate of land, with the pertinents, or which justly in future can in any way belong, as freely, quietly, wholly, honourably, well and in peace, and without contradiction or revocation to be made by me, my heirs and assignees, and others in our name in times to come: Giving therefor annually, the foresaid Maurice, his heirs and assignees, to the chaplain of St Mary the Virgin of the Great Altar in the Parish Church of Inverness, who for the time may be, two shillings of the usual money of the kingdom of Scotland, to be paid at the two annual terms appointed within said burgh, and to our supreme lord the King five pence only, in lieu of every other secular service, exaction, or demand which for said particate of land can in anywise be exacted or required: And I, the said Alexander Kannyth, my heirs and assignees, shall warrant, acquit, and for ever defend foresaid particate of land with all and sundry pertinents thereon built, or to be built, to the foresaid Maurice Johnson, his

heirs and assignees, in and by all means as is foresaid against all mortals: In testimony of which thing, since I had no seal of my own present, I have with great instance procured the seal of the honourable man Alexander Andrew, burghess of said burgh, and caused it to be appended to this my present charter, along with the seal of William Thome, one of the bailies of said burgh, who on my resignation gave with effect sasine and hereditary possession of foresaid particate of land, with the pertinents as aforesaid to the said Maurice by delivery of earth and stone, and door-staple. At said burgh, the 5th day of the month of June, A.D. 1497. Witnesses—Alex. Reid, James Donald, Gilbert Waus, and John Christie, a skinner's assistant, with divers others, called and specially required.

The following interesting document is also from the Inshes collection :—

In the name of God, Amen, by this present public instrument, be it evidently patent and made known to all that in the year of the Incarnation of the Lord 1498, on the 7th day of the month of November, in the second indiction and in the 7th year of the pontificate of the most holy father in Christ and our Lord, Lord Alexander Sixth, by Divine Providence, Pope, in presence of me notary public and the underwritten witnesses, the prudent man Walter Hay, personally constituted procurator for the within written purpose, of the honourable man Alexander Hay of Mayn, by his command as to me notary was sufficiently evident, came to the lands of Culcabock and Knockintinnel, lying within the Sheriffdom of Inverness, and set forth in name of the said Alexander of Mayn, that it had very lately reached the ears of the said Alexander, that the discreet man Lord William Paterson, unjustly received and obtained to the loss and prejudice of said Alexander, a certain pretended sasine of said lands pertaining as he asserted hereditarily to him the said Alexander, by what title, as the said procurator asserted, he knew not: Wherefore because of the premises, the foresaid procurator desiring that the mandate committed to him in this part be given effect to by due execution upon the soil of said lands, by all the proper modes by which it ought, and that the said alleged and pretended sasine received by the said Lord William as premised, be made void and of no effect; by the placing of earth and stone in a dish, he deseised, ejected, and as the manner is divested the said Lord William of the said lands of Culcabock and Knockintinnel, with the pertinents, by the breaking and destruction of the said dish: Protesting that the said pretended sasine so received should not in future prejudice the said Alexander and his heirs: On all and sundry which, the said Walter Hay, in name as above, demanded of me, notary public underwritten, one or more public instruments to be made for him: These things were done as above on the soil of said lands, at nine o'clock in the forenoon or thereabouts, in the year, month, day, indiction, and pontificate as above: Present there—Thomas Foid, William Kannach, Nichol Thomson, John Tailzour, and William, with divers other witnesses to the premises, entreated and specially required. And I, Thomas Guthrie, M.A., priest of the diocese of Brechin, notary public by holy apostolic and royal authority, forasmuch as I, along with the forenamed witnesses, was present at the premises all and sundry, while thus, as is premised, they were acted said and done, and saw, knew and heard, and took note, that they all and sundry were thus done, I, therefore, have made thereupon this present public instrument written with my own hand, and have signed it with my usual and accustomed sign and name, being called on and requested so to do for faith and testimony of the premises.

## LXI.

## JAMES IV. 1488-1513. PART FOURTH.

In 1499 King James granted at Inverness to Mackay of Strathnaver a charter of which the following is the substance:—

James, &c., Know that we, for the good, faithful, and gratuitous service done to us by our beloved servant, Odo *alias* Y. Mackay of Strathnaver, both in the time of peace and war, by services done and to be done, have given, granted, and by this present charter confirmed to the said Odo Mackay and his heirs, all and sundry the lands under-written, viz., the lands of Armidill, Strathie, Rynivee, Kynald, Gollesby, Dybrid, Cattak, Bronych, Kilchallumkill in Strabroray, Davoch-Lochnaver, Davoch-Ereboll, and two tenths of the land of Stromay, with the mill of Rynald with the pertinents, lying in Caithness and Sutherland, within our shire of Inverness, which lands and mill, with their pertinents belonged formerly by inheritance to Alexander Sutherland, and now pertain to us, having lawfully fallen into our hands, by reason of the forfeiture and execution of the said Alexander Sutherland, convicted of treason. Given, &c., at Inverness, on the 4th day of November, A.D. 1499, and 12th of our reign.

In the same year on the 20th of October, Andrew, Bishop of Moray, presented Sir John Matheson to the Chaplaincy of St John the Baptist, within the Parish Church of Inverness, on the nomination of Hugh Fraser, Lord of Lovat. Mr Anderson, in his history of the Frasers, states—“From the frequent presentations to this altarage by the family of Lovat, it is not unlikely that the patronage to the Parish Church, still alternately enjoyed with the Crown, had its origin.”

The carrying through of the service of the heiresses of the Thane of Cawdor is partly shown by the instrument after given. Though it is a lengthy document it is interesting as showing the formalities prior to holding the Court of Inquisition:—

In the name of God, Amen. By this present public instrument, let it be clearly known to all, that in the year of the incarnation of the Lord 1499, on the 27th day of the month of January, the third indiction, in the year of the Pontificate of the most Holy Father in Christ and our Lord, Lord Alexander, by the will of the divine clemency, Pope Sixth, and in the 12th year of the reign of the most powerful and illustrious lord, our lord King of Scots, James 4th, in presence of me notary public and of the under-written witnesses, the honourable man John Stirlyng of Cragbarnard, personally constituted, compared in the Court-house of Inverness, and there presented and entreated me notary public underwritten to read a commission of our supreme lord the king, under the testimony of the great seal in white wax, appointing said John as sheriff in this part of Banff, Elgin, Forres, Nairn, and Inverness, to execute a breve of inquest of the chapel of our lord king, obtained or to be obtained by Muriel Caldor and Janet Caldor, daughters and heiresses of the late John Caldor of that ilk, as to the lands and annual rents lying within said sheriffdoms belonging to them by his decease: Also giving and granting to said sheriff in this part full power and special command to appoint, begin, affirm, and hold a court or courts of said sheriffdoms for the execution of said breves, and to receive, open, proclaim, and cause them to be duly served, and to secure good and faithful countrymen for their service, and cause these to be sworn, and

by means of these good and faithful men to determine and cause to be deliberated upon the points and articles contained in said breves, and to retour their deliberation, as the custom is, to the king's chapel, and also to substitute, ordain, and depute necessary officers and servants for the premises, and cause them to be sworn, the tenor of which commision follows, and is this:—James, by the grace of God, King of Scots, to all his good men to whom the present letters shall come; Greeting: Know that we have made, constituted, and ordained, and by the tenor these presents make, constitute, and ordain our beloved familiar servitors, Patrick Creichton of Cransthoun Riddale, knight; John Stirlyng of Cragbarnard, Walter Lesly and David Forsyth, and any of them, jointly and severally, our Sheriffs of Banff, Elgin, Forres, Nairn, and Inverness, in this part and as far as relates to the within written, viz., to execute breves of inquest of our chapel obtained or to be obtained by Muriel Caldor and Janet Caldor, daughters and heiresses of the late John Caldor of that Ilk, as to the lands and annual rents lying within our said sheriffdoms, belonging to them through his decease, giving and granting to our said sheriffs in this part and any of them, jointly and severally, our full power and special command to appoint, begin, affirm, and hold a court or courts of our said sheriffdoms for the execution of said breves, to receive, open, and proclaim said breves, and cause the same to be duly served, and to secure good and faithful men of the country for the service thereof, and to cause them be sworn, and by their means to deliberate and determine as to the points and articles contained in said breves, and to retour their deliberation thereof to our chapel, as the custom is: Also, to substitute, ordain, depute, and cause be sworn, officers and servants fit for the premises, and to do, carry on, and exercise all and sundry that, to the office of sheriff in that part, shall be necessary and fit for the premises, or regarding them: And we hold, and shall hold ratified and approved, all and whatsoever said sheriffs in that part, or any of them jointly and severally, or their officers or servants, shall do or cause to be done upon the premises: Wherefore, we strictly command and charge all and sundry whom it concerns or can concern that they promptly answer, obey, and attend to our said sheriffs in that part, and any of them jointly and severally, and their officers and servants, in all and sundry touching the premises, under the pain which shall be competent in that part: Given, under testimony of our great seal, at St Andrews, the last day of the month of December, in the 12th year of our reign. After the reading of which commission, the said sheriff in that part substituted, ordained, deputed, and caused to be sworn for the service of said breves, officers and servants for that time, viz.—Lord John Dyngwall, notary-public, and Gilbert Waus, clerks, jointly and severally; Unfra Bontin, suitor: John Stirlyng, legislator; and William Stirlyng, client, with which officers said sheriff in that part, for the service of said breves, in name of our supreme lord the king, and in his own name as sheriff in that part, without delay or waste of time, appointed, began, affirmed, and held the court of the sheriff of Inverness before said sheriff in that part, in the Court-house of Inverness, on the day, month, year, pontificate, reign, and indiction above-said, at ten o'clock or thereabouts, and there compeared the honourable man, Dugal Macmulcallon, as attorney of Muiel Caldor, one of the daughters and heiresses of the late John Caldor of that Ilk, in all matters and discourses, pleas and complaints, moved or to be moved, touching said Muriel, or able to affect her, on whatsoever days and places, against and before whomsoever: And said Dugal, in character of attorney, and on the part of said Muriel Caldor, sought of me notary-public underwritten one or more public instruments regarding all and sundry the things done and produced, and to be done and produced by said sheriff in that part as to the service of said commission. These things were done in the place, &c., foresaid, before the suscribed witnesses: Moreover, further, said sheriff in that part substituted, ordained, deputed, and caused to be sworn, for the service of said breves of inquest obtained by Muriel Caldor from the king's chapel, other unsuspected officers and servants, viz.—Gilbert Waus, clerk; Donald Jenor, legislator; John Skyunner and Patrick Millar, suitors; William Dalcous, Henry Symonson, and Alexander Gaufrid, clients; with which officers and servants said sheriff in that part with said breve or breves, obtained by Muriel Caldor, came to the market cross of the burgh of Inverness, and there opened said breve or breves, and constituted William Dalcous, one of said clients, and ordained said breves or breve, with all articles and points therein contained to be determined in the Court-house of Inverness, before said Sheriff in that part, on Tuesday the 11th day of the month of February next, and immediately following in the hour of cause; and in said proclamation commanded and charged all and sundry, if there be any, who can offer impediment against the points and articles contained in said breve or breves to compear



said day and place, to offer impediment as the custom is. Moreover, in said proclamation, said Sheriff in that part commanded and provided all the good and faithful inhabiting, or living in, foresaid Sheriffdoms of Banff, Elgin, Forres, Nairn, and Inverness to compear said day, place, and hour, to determine, and deliberate upon, the points and articles contained in said breve or breves, and that according to the tenor of the said commission, and also of the breve obtained by Muriel Caldor. The tenor of which breve begins, and is this—James, by the Grace of God, King of Scots, &c., and ends thus—And to this breve I am a witness, at St Andrews, the last day of the month of December, in the 12th year of our reign : On said proclamation, and all and sundry the therein contained articles and points, according to the tenor of said breve, the foresaid Dugal Attorney of Muriel Caldor in her name and behalf sought of me notary public under written, one or more public instruments : These things were done at the Market Cross of said burgh of Inverness, and Court-house thereof, twixt the hours of 10 and 11 forenoon, or thereabouts, in the year, day, month, indiction, pontificate, and reign foresaid. Present these the honourable men—John Ogilvy, constable of the castle of our supreme lord the King; John Grant, Donald Marchell, and William Thomsoun, bailies of said burgh of Inverness; John Athlyk, John Michaelsoun, and James Donaldsoun, burgesses of said burgh, witnesses, with divers others to the premises specially called and required.

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 LXII.

## JAMES IV. 1488-1513. PART FIFTH

The sitting as judge of John Stirling was questioned by the heirs male of the Laird of Cawdor, and they took instruments in the hands of a notary-public within the Court-room of the burgh of Inverness, on the 11th of February 1499, and the notary thereupon expedite the following instrument :—

In the Court of the Sheriff of Inverness, held, begun, and affirmed by the nobleman, John Sterlyng, Sheriff in that part, by virtue of the commission of our supreme lord the king, specially deputed to this end, in the Court-room of the Burgh of Inverness, and in presence of me notary public, and of the witnesses under-written, there was personally constituted the circumspect man, Master John Caldor, precentor of the Cathedral Church of Ross, prolocutor of the honourable man, William, Thane of Caldor, and of Andrew Caldor, his son and heir apparent, as he asserted ; After reading of a certain breve of the chapel of our lord the king, obtained by the noble and potent lord, Archibald, Earl of Argyle, and tutor dative of Muriel Caldor, daughter and heiress reputed (*asserte*) of the late John Caldor, of the lands of the Lordship of Caldor, the said prolocutor alleged that the foresaid John Stirling, Sheriff in that part, was a suspected judge. for and because of this, that he was the servant and friend to the said Archibald, Earl of Argyle, and to his deceased father, and that said Sheriff in that part was in the power of said Earl, in so far as he was and is Senescal to our supreme lord the king, and said Earl is master of the chamber to our foresaid lord the king : And that said Sheriff in that part, could not judicially engage in the serving of breves of our supreme lord the king, except in defect of the Sheriff Principal of said sheriffdom, as, he asserted, is plainly cautioned and held in law in the third book of the *Regiam Magistatem*, where it thus says—The judge delegate cannot interpone his offices, unless the judge ordinary had first been refused, and also when he who succeeds in law is thought to have a just cause by reason of the ignorance of the other, but it is not so in this case, in which a commission has been granted not because of a just cause it is null ; Wherefore, it is clearly proved there was no cause of ignorance nor of suspicion in the principal Sheriff, and at first, why the cause was not devolved upon him, and said prolocutor sought that these exceptions be admitted and sustained throughout the court,

and said Sheriff commanded parties to be removed, and in said court by his assessors sought the declaration of said exceptions, and again commanded parties to enter, and found those exceptions invalid, and so declared to the party; and the said prolocutor adhering to his first protestation, for remedy of law, for these rational exceptions, proposed by him, and not admitted, has protested, as far as he could, in not affirming the court (against the ruling of the court); On all and sundry which the said Master John, in his character of procurator as above, asked to be made for him by me notary public underwritten public instruments one or more. These things were done in the foresaid Court-house at eleven o'clock forenoon or thereabout, in the year, day, month, indiction, and pontificate as above. Present there—the reverend father in Christ, Andrew, Bishop of Moray; John Cunyn of Ernside; William Munro of Foulis; John Ogilvy, Sheriff-Depute of Inverness; John Kennedy; David Dunbar of Durris; William Dolas of Cantray; Gilbert Waus, clerk; and Lord John Dingwall, notary public, with divers others, witnesses to the premises, likewise called and asked.

The Baron of Kilravock also took instruments in a notary's hands, who wrote the following deed:—

The honourable man, John Ogilvy, Sheriff of Inverness, in that part specially deputed, gave to me notary public underwritten, to be read, a charter, written on parchment, and sealed with the great seal of our supreme Lord the King, and which seal, as was apparent, was torn at the bottom, of a sixth part; of the conjunct infestment as in said charter, is more fully and efficaciously contained, belonging to the late John Caldor, son and heir of the late apparent William Thane of Caldor, and also of Elizabeth, relict of the said late John Caldor, and to the longest liver of them, and also to their heirs, lawfully procreated betwixt them of the lands of the half of Rait, and of the lands of the two Banchors, with all their pertinents; which charter from end to end I read, beginning thus:—James, by the Grace of God, King of Scots, to all men of his whole realm, cleric and laic, greeting, &c.; and ends thus:—At Inverness, the 3d day of the month of February, in the year of the Lord 1497, and of our reign the 10th. After the reading of which charter, the foresaid Sheriff-Depute gave, and delivered, by his own hands, said charter, to Hugh Rose, baron of Kilravock, as procurator and factor of the foresaid Elizabeth Rose, relict of said late John Caldor, and the said Hugh Rose received said charter as factor and procurator of the foresaid Elizabeth Rose, and asked to be delivered him by the said depute foresaid, letters of sasine, together with instruments, documents, and evidents, made thereupon. Then the said depute asserted that he had not got any, with the exception of that charter, and if he had or could obtain any he would deliver and give them, as he gave and delivered the charter. The said Hugh Rose protested that the want of said letters and instruments, and specially of an obligation made and contracted betwixt the said Hugh Rose, on the one part, and the aforesaid William Thane of Caldor on the other, should not hereafter be to his prejudice or that of the aforesaid Elizabeth, considering that he, the said Hugh Rose of Kilravock, desired and sought said obligation and letters, evidents, documents, and instruments, belonging to the said Elizabeth Rose, according to the command, form, and effect of the letters of our supreme lord the King. Upon which all and sundry the said Hugh Rose asked to be made for him by me notary public under written one or more public instruments. These things were done in the street of the Parish Church of Inverness, at the hour of twelve noon or thereabouts, year, month, day, indiction, and pontificate as above. Present there—the circumspect men John Macgillelane, perpetual chaplain of the Parish Church of Inverness; Thomas Gordoun in Strade; William Sutherland and Andrew Curroure, witnesses to the premises called and specially required.

At Inverness, upon the 26th October 1499, the King issues new letters to Alexander Lord Gordon, and others, his Sheriffs in that part, to levy and distrain the goods of Donald Corbett, and many others, who spuilzied the lands in Ardmeanoch and Redcastle, while Kilravock was Captain thereof, in consequence of the former letters directed to Hugh Ross of Balnagown not having been implemented.

The purport of the letters will be found in the following extract :—

James, by the grace of God, King of Scots, to our well beloved cousin, Alexander Lord Gordoun, Thomas Fraser, Master of Lovat, James Gordoun, Walter Ross, William Dolace, Adam Gordoun, Duncan Roberdsoun, Gilpatrik Cor, Finlay Maknele, John Byssate, messengers; Doule Malcomersoun, John Dunny, Alexander Blak, John Urquhart, John the Ros, Doule Clerk, John Chene, and John the Grant of Fruchquhy, Sheriffs in that part, conjunctly and severally, specially constituted, Greeting : For as much as our other letters were directed of before by decret of the Lords of our Council to David Ros of Balnagown, our Sheriff of Ros, to have distrained Donald Corbett, Hugh Monro, and William Monro, brothers to the late John Monro of Fowlis, their lands and goods, to the avail of certain cows, oxen, horses, sheep, goats, and other goods, obtained on them by decret of the Lords of our Council, by Muldonych, Mowldne, factors (fuktoiris), son and heir, Reoch Finlay's daughter, Robert Makmerres, Ewen John Makvans, son and heir, Bauchane M'Fleger, Alexander Makalister, Gillereoch Makolcallum, Ewen his son, Mulmory M'Glassen, heir to the late Duncan Makalane and Gillereoch his son, Ewen Makkenye, son and heir to the late Kenyeoch Maksorle, John Maknele, Gillecris Makintournour Makgillegoye, John Dow Makkintyre, Molcallum Candyth, Gillecris Makwilliam, Molcallum More, Duncan Makkintyre, and Donald Makwilliam ; and to have made the said persons and our loved Hugh Ros of Kilravock, their procurator and assignee, to have been paid of the said goods ; and as our other letters were directed to our said Sheriff, by decret of the said lords, to have distrained William Forbes in Strathglass, Welland Chisholm of Comar, Murquho Makconle, Duncan Lauchlanson, John Duff Makalister, John John Duffson, Alexander Makduffson, John Roy Makanvoy, Dougale Makaneduff, Rory Mule Makconle, Alexander Finlaysoun, Auchaneroy Kenyeoch, Duncan Maklauchlane in the Brae of Ros, Rury Williamson in Moy, Donald Makanedoy, Kenyeoch M'Conleif, Donald M'Conleif, John Dow Makalister, and Rury Gar Makteir Makmurquhy, their lands and goods, to the avail of certain oxen, cows, horses, sheep, goats, capons, hens, geese, victual, swine, sums of moneys, and other goods taken by them from the said Hugh, out of the lands of Ardmanach and the Redcastle, the time that he was captain thereof, and to have made him be paid of the same, likeas the said decret and our other letters foresaid directed thereupon proports, which letters our said Sheriff disobeyed, and put them not to execution, and therefore was charged by our other letters, directed by deliverance of the said lords, in the first, second, and third forms, to have put our said first letters to execution, and to have made the party be paid under divers pains, and last under the pain of taking of his own goods therefor, according to the Act of our Parliament. Nevertheless, as yet our said Sheriff has not done this, but withheld our said letters unexecuted. . . . Given under our signet at Inverness, the 26th day of October, and our reign the 12th year.

Ex deliberatione dominorum Concilli, &c.,

CHEPMAN.

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LXIII.

JAMES IV: 1488-1513. PART SIXTH.

The burgh of Inverness from 1499 to 1501 in particular, maintained vigorous legal proceedings against Dingwall, Tain, and other northern burghs for infringing its privileges. The following is endorsed :—“The king's letters directed to summon the inhabitants of Dingwall, Tain, Dornoch, Wick, at the instance of the Provost, Bailies, and com-

munity of Inverness, for the usurping and using of the privileges of the burgh of Inverness," and is dated at Inverness the 22d day of October 1499. The Sheriff's execution is attached, and it will be observed that one of the witnesses is designated "officer to our Lord, Duke of Ross." This title was one of those conferred on the second son of James III., who afterwards became an ecclesiastic :—

James, by the grace of God, king of Scots, to our lovite, John Scrimgeour, Alexander Fokkert, Masters Finlay M'Nele, messenger, John Williamson, Thomas Alexanderson, and John —, our sheriffs in that part, conjunctly and severally, personally constituted; Greeting: Forasmuch as it is humbly meaned and complained to us by our lovites, the alderman, bailies, council, and community of our burgh of Inverness, that whereas they are infest by our most noble progenitors with all privileges, freedoms, and customs as others our burghs; nevertheless, the indwellers and inhabitants of the town of Dingwall daily occupy and use the said freedoms and privileges in the said burgh, both in buying and selling, and of late have chosen alderman, bailies, and other officers of burgh, alleging them to have new infestment of us to brook and enjoy the said privileges, and to be as free as our said burgh of Inverness: And in likewise, the indwellers of Tain, Dornoch, and Wick, occupy and use the said freedoms, both in buying, selling, cutting, and tapping of all merchandise, as well with strangers as with countrymen, our lieges, and so stop all merchandise from our said burgh in great fraud and menacing of our customs of the same, and also to the utter destruction and downputting of the said freedoms and privileges, and contrary to justice, if it so be: And our will is herefor, and we charge you strictly and command, that ye lawfully summon, warn, and charge all and sundry the said inhabitants and indwellers of the said towns of Dingwall, Tain, Dornoch, and Wick, to compear before us and our council, at Inverness, or where it shall happen us to be for the time, the 22d day of January next to come, if it be lawful, and failing thereof, the next lawful day thereafter following, in the hour of cause, with continuation of days, to answer to us, and at the instance of the said alderman, bailies, and community, auent the premises, and to bring with them against the said day, their infestments, rights, and privileges, if they any have, to be considered and seen by us and our council, why and by what title of right they occupy and use the said privileges and freedoms, and upon the costs, skaiths, damage, and expense sustained by us and the said Alderman, bailies, and community therethrough; and to answer in it, as we shall make be said to them in the said matter at their coming, and at the instance of parties in so far as law will, making intimation to the said persons inhabiting the said towns, that whether they compear or not, the said day and place with continuation of days, we will proceed and minister justice in the said matter in so far as we may of law; the which to do we commit to you, conjunctly and severally, our full power by these our letters, delivering them, by you duly executed and endorsed, again to the bearer. Given under our signet, at Inverness, the 26th day of October, and of our reign the twelfth year.

*Ex deliberatione dominorum concilii, &c.*

DOUGLACE.

Follows the execution of the Sheriff:—

The 18th day of the month of December, the year of God 1499 years, I, John Williamson, Sheriff of that part, passed at the command of these our sovereign lord's letters, to the town of Dingwall, and Fowlis, and there I summoned, warned, and charged Donald Kemp, at his house, William Kemp, John of Peryth, Donald Dingwall, David Symson, Ranald Chapman, James Brabener, Andrew Keloch, and Alex. Brabener, with others, the inhabitants of Dingwall, personally apprehended, and William Munro of Fowlis, alleged Alderman of Dingwall, personally apprehended, that all the said persons to compear before our sovereign lord and his lords of Council at Inverness, the 22d day of the month of January next to come, or where it shall happen them to be for the time, if it be lawful, and failing thereof, the next lawful day, in the hour of cause, with continuation of days, to answer, at the instance of our sovereign lord, and the instance of the alderman, bailies, and community of the burgh of Inverness, in all and sundry points and articles contained in these our sovereign lord's letters, and after the

tenour of the same; and in likewise the 19th day of said month, in the said year, I, the said John Williamson, Sheriff in that part, passed to the town of Tain, and there I summoned warned, and charged David Dean, James Tulloch, Donald Macculloch, John Davidson, Huchon Alexanderson, George Munro, Donald Patrickson, Laurenceson, Magnus Faed, Donald Brabener, Stevyn Fudes, Andrew Forres, Cristy Chapman, Alex. Smyth, and Gillaspy, with others, the inhabitants of Tain, personally apprehended, that they compare before our sovereign lord and his lords of Council at Inverness, the 22d day of January next to come, or where it shall happen them to be for the time, if it be lawful, and failing thereof, the next lawful day in the hour of cause, with continuation of days, to answer, at the instance of our sovereign lord and the alderman, bailies, and community of the burgh of Inverness, in all and sundry points contained in these our sovereign lord's letters, and after the tenour of the same: And this I did before these witnesses—Alex. Bayne, officer to our Lord Duke of Ross, John Hostiller, Thomas Alexanderson, Huchon Ross, and Thomas Chapman, with others divers; and to the more witnessing I have set hereto my signet.

The following is endorsed, “Decreet and Protestation contrar Tain, 16th March 1500” :—

At Edinburgh, the 16th day of March the year of God 1500 years, the Lords of Council underwritten, that is to say, the Reverend Father in God, William Bishop of Aberdeen, noble and mighty Lords, George Earl of Huntly, &c., Chancellor of Scotland, Matthew Earl of Lennox, &c., Andrew Lord Gray, Alexander Lord Gordon, William Lord of St Johnstone, Patrick Lord Lindsay of the Byres, the venerable fathers in God, George, Abbot of Holyrood House, beside Edinburgh, Henry, Abbot of Cambuskenneth, Master Richard Muirhead, Dean of Glasgow, Secretary to our Sovereign Lord, Master Walter Drummond, Dean of Dunblane, Clerk of the Register, Sir Robert Wallace, Archdean of St Andrews, Master Gavin of Dunbar, Dean of Moray, John Ogilvy of Fingask, William Scott of Balwearie, knights; Walter Ogilvy of Boyne, and Master Richard Lawson; In the action and cause pursued by the alderman, bailies, council, and community of the burgh of Inverness, against Alexander Dean, James Tulloch, Donald M'ulloch, John Davidson, Huchone Alexanderson, George of Munro, Donald Patrickson, — Laurenceson, Magnus Faed, Stevin Fudes, Donald Brabener, Andrew Forres, Criste Chepman, Alexander Smyth, one called Gillaspy, dwelling in Tain, upon the usurping and using of the freedoms and privileges of the said burgh, in the buying of skins, hides, salmon, iron, and other merchandise, that should come to the market of Inverness, and sell the same to strangers, or have them furth of the realm uncustomed, to the defrauding of our sovereign Lord's customs, not paying to the King's highness burgh mails, taxes, extents, or other charges, like as is at more length contained in the summons thereupon by the said alderman, bailies, council, and community of the burgh of Inverness, compearing by John of Auchinlek, alderman of the said burgh, and Gilbert of Vaus, their procurators; and the said persons above-written being warned hereto after the tenor of an act, of before oft times called and not compeared: The saids alderman, bailies, council, and community of the said burgh of Inverness, (their) rights, reasons, allegations, (being) heard, seen, and understood, and therewith being ripely advised, the Lords of Council decree and deliver that for aught they have yet seen, the persons above-written indwellers in the town of Tain, shall desist and cease of their using and exercising of the freedoms and privileges of the said burgh of Inverness, in the buying of skins, hides, salmon, iron, and other merchandise; to be brooked and enjoyed by the saids aldermen, bailies, council, and community of the burgh of Inverness, in time to come, aye and until that the said persons of the town of Tain show their freedoms and privileges in the contrar thereof, and until that they be lawfully called and ordained to pass therefrom after the form and tenor of our sovereign lord's most noble progenitor King William's charter, under his great seal made to them of their freedoms and privileges of the said burgh of Inverness, shown and produced before the said lords, and assign to the said alderman, bailies, council, and community, the 11th day of June next to come, with continuation of days to prove sufficiently that the persons above written indwellers in Tain, used and exercised the freedoms and privileges of the said burgh, in the buying of skins, hides, iron, and other merchandise, and the costs and expenses sustained by them therethrough, and the avail and quantity thereof, and for what space, and ordain them to have letters to call their witnesses, and such probations as they will use against the

said day, and continue that part of the summons in the meantime in the force and effect as it is now, but prejudice of parties, and that the said persons above written be warned of this continuation to which let witnesses be sworn: *Extractum de libero actorum per me Magistrum Walterum Drummond Decanum Dunblenensem Clericum Rotulorum et Registrum ac consilii supremi Domini nostri Regis, sub meis signa et subscriptione manualibus.*

WALTERUS DRUMUNDE.

In this process it will be observed the burgh produced and founded on William the Lion's Charter under the Great Seal.

The Chaplainship of the Holy Cross in the Parish Church of Inverness having become vacant through the resignation of Master James Ogilvy, last chaplain and possessor thereof, by means of his procurator, John Dingwall; the town of Inverness presents to Andrew Bishop of Moray for said office, Andrew Duff; whereupon at Edinburgh on the 19th day of August 1501, the Bishop confers the said chaplainship on the said Andrew, and orders the Dean of the Christianity of Inverness to invest and induct him in the usual way by defending him therein, restraining contradictors and others, and investing him with the temporalities pertaining to the office.

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#### LXIV.

#### JAMES IV. 1488-1513. PART SEVENTH.

Not satisfied with the decree last obtained, the burgh of Inverness caused procure the following writ, which is endorsed, "Summons directed to the Sheriff of Inverness to summon certain witnesses to prove that the merchants of Tain used the privileges and freedom of the burgh of Inverness, with a continuation to a day, in hope of concord." From this it appears that the council had become weary of the contentions. The name of John Cuthbert of the Auld Castlehill is found as Sheriff. The date of the summons is the 16th March; of the execution 13th May; of the prorogation of the Council, 16th July—all in the year 1501:—

James, by the grace of God, king of Scots, to our Sheriff of Invernes and his deputes, and to our lovite . . . . ., our sheriffs in that part, conjunctly and severally, specially constituted; Greeting: Forasmuch as the 11th day of July next to come, with continuation of days, is by the lords of our council assigned to our lovite the alderman, bailies, council, and commuunity of our burgh of Inverness, to prove sufficiently that Alexander Dean, James Tulloch, Donald Macculloch, John Davidson, Huchon Alexanderson, George Munro, Donald Paterson, — Laurenceson, Magnus Faed, Steven Fudes, Donald Brabner, Andrew Forres, Criste Chapman, Alexander Smyth, one called Gillaspy, indwellers of the town of Tain, used and exercised their freedoms and

privileges of our said burgh, in the buying of skins, hides, salmon, iron, and other merchandise, and costs and expenses sustained by the saids alderman, bailies, council, and community therethrough, and the avail and quantity thereof, and for what space; and in the meantime have continued that part of the principal summons raised thereupon in the same form, force, and effect as it is now, without prejudice of parties, to the said 11th day, with continuation of days, like as is at length contained in the Act and decret given by the said lords thereupon: Our will is herfor, and we charge you strictly, and command, that incontinent, these our letters seen, ye summon, warn, and charge lawfully, William Munro of Fowlis, John Clunes, in Cromarty, Huchon Waus, William Clerk, Thomas Duff, in Kilmuir, and Donald Noble, to compear before us and our council at Edinburgh, or where it shall happen us to be for the time, the said 11th day of July next to come, with continuation of days, to bear loyal and truthful witnessing, so far as they know and shall be asked at them, in the said matter, after the form of the said principal summons, and Act and decret given thereupon, under all pain and charge that after may follow; and attour, that ye warn the said persons, indwellers of Tain, above written, to compear before us and our council the said day and place, with continuation of days, to hear the said witnesses sworn to depone in the said matter, with intimation to the saids persons as effairs: The which to do we commit to you, conjunctly and severally, our full power by these our letters, delivering them, by you duly executed and endorsed, again to the bearer. Given under our signet at Edinburgh, the 16th day of March, and of our reign the thirteenth year.

*Per decretum dominorum concilii, &c.*

DOUGLACE.

The 13th day of May, the year of God 1501 years, I, John Cuthbert of the Auld Castlehill, Sheriff-Depute of Inverness, at the command of these our sovereign lord's letters, summoned Alexander Dean, James Tulloch, Donald Macculloch, John Davidson, Huchon Alexanderson, George Munro, Donald Patrickson, Lawrencecon, Magnus Faed, Stewyn Fudes, Donald Brabner, Andro Fores, Cryste Chapman, Alex. Smyth, and Gillespy, indwellers in the town of Tain, personally apprehended, that they compear at Edinburgh, before our sovereign lord and his lords of council, the 11th day of the month of July next to come, to answer, with continuation, to all and sundry points and articles contained in these our sovereign lord's letters; and this I did before these witnesses—Sir John Reid, public notary; Duncan Richardson, messenger, and John Williamson, with others divers: And the 14th day of the said month I summoned William Munro of Fowlis, John Clunes, in Cromarty, Thomas Duff, William Clerk, in Kilmuir, Huchon Vaus, and Donald Noble, personally apprehended, that they compear the said day and place, to bear loyal and true witnessing in it, as shall be required at them in the cause moved betwixt the alderman, bailies, council, and community of the burgh of Inverness and the inhabitants of the town of Tain; and this I did before these witnesses—William Dalcous, Alex. Blak, and Donald Berdan, with others divers, and to the more witnessing, I have to this my execution appended my signet.

At Edinburgh, 16th July, A.D. 1501—The Lords continue this summons, with the consent of the procurators of the parties, betwixt the towns of Inverness, Dingwall, and Tain, in hope of concord till 2d day of the next justice aire of Elgin, in the same form, force, and effect, as it is now but prejudice of parties.

BUTLAR.

Meantime, and before the prorogation, in hope of a concord, the burgh of Inverness on the 3d April 1501, procured the commission after given, which is docquetted "Commission directed to the Sheriff to receive witnesses and to call both the parties before him":—

James, by the grace of God, King of Scots, to our Sheriff of Inverness and his deputies, and to our lovites, Marchmont-herald; John Scrimgeour, Alexander Fokert, macers; David Templeman and Kilpatrick Cor, messengers; our Sheriffs in that part, conjunctly and severally, specially constituted; Greeting: Forasmuch as it is humbly meaned and shown to us by the alderman, bailies, and community of our burgh of Inverness, that whereas they have divers summonses upon the towns of Dingwall and Tain, and specially at this our last session holden at Edinburgh, for the usurping of their freedom and wrongous occupation of the same: And it is ordained by the lords of our Council that they

have proofs to prove their possession thereof, like as is contained in an Act and decret given by the said lords thereupon as is alleged : Our will is herefor, and we charge you strictly, and command that ye call both the parties before you to a certain day, and that ye summon, warn, and charge the persons, witnesses, underwritten, that is to say, James Dunbar of Cumnock, knight ; William, Thane of Cawdor ; Alexander Urquhart ; Andrew Davidson of Davidston . . . to compear before you, the said day and place to be assigned to them, to bear loyal witnessing in so far as they know, or shall be asked of them, anent the using of the possession and freedom of our said burgh of Inverness, and in so far as law will : And that ye warn the parties to hear the said witnesses sworn to depone in the said matter, and that ye receive their depositions and send the same, close under your seals, to the lords of our Council against the day of the continuation of the said summons betwixt the said parties, and thereafter that justice may be ministered as effeirs : The which to do we commit to you, conjunctly and severally, our full power by these our letters : Delivering them by you, duly executed and endorsed, again to the bearer : Given under our signet at Edinburgh, the 3d day of April, and of our reign the 13th year.

*Ex deliberatione dominorum concilii, &c.*

A. PATTILLO.

The 13th day of May, the year of God 1501, I, John Cuthbert of the Auld Castle Hill, and Sheriff-Depute of Inverness, passed with these our sovereign lord's letters, and at the command and charge of them, I summoned, warned, and charged, Andrew Davidson of Davidston, John Clunes, Thomas Reid, in Cromarty, — Hossoler in Rosemarkie, Donald Noble in Allan, James Clark in Killearnan, Thomas Duff and William Clark in Kilmuir, Donald Young in Drynie, personally apprehended, and Alexander Urquhart, Sheriff of Cromarty, at his dwelling place, that they compear in the Tolbooth of Inverness, upon Friday, the 28th day of this instant May, before the Sheriff or his Deputes, to swear and depone what privileges that they have heard and seen, the burgh and burgesses of Inverness brook and enjoy provable, and rightly say what rights and privileges that they have seen and heard the inhabitants of the towns of Dingwall and Tain brook and enjoy : And the 24th day of the said month I summoned Sir James Dunbar of Cumnock, knight, William Thane of Cawdor, William Dallas of Cantray, personally apprehended, and Huchon the Rose of Kilravock, William Dallas of Budgate, at their dwelling place, to compear the said day and place before the Sheriff of Inverness, or his Deputes, to swear and depone as said is : And the said 24th day I summoned Alexander Lord Gordon at his dwelling place in Torinvay, to compear in Edinburgh before our sovereign lord and his Lords of Council, the 18th day of July next to come, or where it shall happen them to be for the time, to swear and depone as is before written, and this I did before these witnesses— John Williamson, Donald Berdan, and Adam Skynar, with others divers, and to the more witnessing, I have set to this my execution my signet.

The 12th day of the said month of May, I, the said John Cuthbert, sheriff-depute of Inverness, passed with these our sovereign lord's letters and summoned, warned and charged John of Peryth, Donald Dingwall, James Brebener personally apprehended, and William Munro of Fowlis personally apprehended, and the remainder of the inhabitants of the town of Dingwall at the market cross and at their dwelling places, to compear in the Tolbooth of Inverness before the Sheriff or his Deputes upon Friday, the 28th day of this instant May, to hear the foresaids persons sworn to depone after the tenor of our sovereign lord's letters : And the said 12th day I summoned the inhabitants of Tain personally apprehended, that they compear the said day and place before the Sheriff or his Deputes, to hear the said persons sworn to depone what costs, skaiths, and expenses the alderman, bailies, council, and community of the burgh of Inverness have sustained through them for the usurping and wrongous occupation of their freedom, and the avail and quantity thereof, and by what spaces : And this I did before these witnesses, Duncan Richardson, messenger ; Sir John Reid, public notary ; John Williamson, and Donald Berdan, with others divers, and to the more witnessing, I have set to this my execution my signet.



## LXV.

## JAMES IV. 1488-1513. PART EIGHTH.

The barony of Durris, long the heritage of the Dunbars, afterwards part of the thanage of Cawdor, was an important one. The summer shealling was Dalmigavie, and the lands stretched from the burn of Holm to Inverfarigaig, with the exception of one small piece of land called "The Dowinche," near the mill of Borlum, part of the Castle lands, and probably the lands of Ballichernoeh. The Mackintoshes were at this time increasing their possessions, and having just failed with Urquhart and Glenmoriston, had almost acquired Durris.

Shaw, in referring to the following document, being a reference betwixt the Dunbars and Mackintoshes, dated at Inverness, 20th June 1499, says:—

From this writing appears something of the nature of bonds of manrent and service, which at that time and afterwards became frequent. Some of these bonds were obligations granted by a clan to their chief, some were granted by vassals to their superiors, and some were an obligation to pay a kind of black-mail or fee, to preserve themselves and their lands from harm. Such was Cumnock's giving the town of Durris to Ferchard, to preserve his brother's lands and his own, from the ravage of the Clan Chattan. But I do not find that this contract was implemented.

From the deed it appears that Mackintosh owed service to five persons and four families, viz.:—The Archbishop Duke of Ross (the King's brother), the Earl of Mar, the Bishop of Moray, the Earl of Huntly, and his son Alexander. The original contract upon which this reference followed, as well as the reference are, with other valuable papers of the old Sheriffs of Moray, in the possession of their representative Guthrie of Scotscalder. The whole would form an interesting volume. Follows the "writing" referred to:—

At Inverness, June 20th 1499, Sir James Dunbar of Cumnock, knight, and Ferchard Mackintosh, captain of the Clan Chattan, have chosen the persons following, and Andrew, Bishop of Moray, oversman, to agree them in all points contained in a contract made by umquhile Sir Alex. Dunbar of the Westfield, and Sir James of Cumnock, his son and heir, under their seals, and Ferchard Mackintosh, captain of the Clan Chattan, and Duncan and Ferchard, his sons, under their seals. The said Sir James has chosen Mr Patrick Dunbar, parson of Kilmuir, and Sir John Annesly, parson of Kirkmichael, canons of the Cathedral of Ross; Alex. Urquhart of Burdsyards, Thomas Munro, brother-german to William of Fowlis; and the said Ferchard has chosen Mr John Spence, official of Moray, Wm. Alexanderson and Donald Malcolmson, which persons ordain, that Sir James, betwixt this and Michaelmas next, shall get a resignation from his brother, David Dunbar, of the town of Durris with the pertinents into the king's hands, and take them by charter and sasine, and give them by charter and sasine to the said Ferchard heritably, for service made and to be made, and all this against Michaelmas next; for the which the said Ferchard, at the sasine-taking, shall give to Sir James and his heirs a letter of manrent for him and his heirs, in best form,

his allegiance to the King, his service to the Archbishop, Duke of Ross, to the Earl of Mar, to the Bishop of Moray, and the Earl of Huntly, and his son Alexander excepted: And Sir James' son shall marry Janet, daughter of the said Ferchard, and failing her, any other daughter of Ferchard; and Ferchard's son Duncan, and failing him any other lawful son of his, shall marry the daughter of Sir James, or the daughter of one of his brothers, of John Dunbar, of Alexander whom God assoilzie, or of David Dunbar; and for payment of the tocher, Ferchard shall give 300 merks, or so many cows as my Lord of Moray shall ordain. And to take away any controversy that may happen between them, their kin or friends, they have chosen Mr Gavin Dunbar, dean of Moray, David Dunbar, and Alexander Urquhart of Burdsyards, on Sir James' part, and Mr John Spence, Hutcheon Rose, baron of Kilravock, and John Grant of Freuchie on Ferchard's part, and the Bishop oversman. Witnesses—Hutcheon Rose, baron of Kilravock, David Dunbar of Durris, Hutcheon Ross, brother to David Ross of Balnagown.

Upon the 4th of October 1501, the burgesses of Inverness present John Nairn to the Chaplaincy of St Peter, vacant by the demission of Thomas Coupland, and upon the 20th of the same month, George Andrew Ferquhard, son and heir of Andrew Ferquhard, late burges of Inverness, presents Donald son of Walter to the same office, by the deeds after quoted:—

To the honourable vicars of the Cathedral Church of Moray, as the See is vacant,—We the burgesses and community of the burgh of Inverness, send you the due reverence and honour: By the tenor of these presents we present to the perpetual Chaplaincy of St Peter the Apostle, in the Parish Church of Inverness, vacant through the demission of Lord Thomas Coupland, and which belongs to our presentation and your collation, the discreet man, Lord John Narn, and we humbly beg and entreat that you, by your ordinary authority, confer on the said Lord John, our presentee or his procurator, said Chaplaincy of St Peter, vacant as aforesaid, and provide him or his procurator in his name therewith, and to induct and invest him as aforesaid with real, actual, and corporal possession of the rights and pertinents thereof, and when inducted and invested to defend him as worthy, and to do the other things which it belongs to you and your ordinary office to do: In testimony of which thing we have caused our common seal to be appended to these presents. At said burgh, the 4th day of the month of October, in the year of the Lord 1501.

To the venerable and distinguished Master Gavin Dunbar, Dean of the Cathedral Church of Moray, vicar-general, the Episcopal seat thereof being vacant, I, your humble and devout son, George Andrew Farchardi, son and heir of Andrew Farchardi, late burges of Inverness, send the reverence and honour due: To the Chaplaincy of St Peter, founded in the Parochial Church of Inverness, vacant *de facto* by the demission or preferment, and express intimation thereanent of Lord Thomas Coupland, last chaplain and possessor thereof, and of full right belonging to my presentation and your collation during foresaid vacancy, present, by these by my present letters, the circumspect man, Lord Donald, son of Walter, with the intention neither of varying or increasing your donation, humbly entreating your lordship that you admit the said Lord Donald as my presentee to said Chaplaincy, and confer the same on him as is proper, and cause him to be provided with the fruits, rents, and produce of said Chaplaincy, and to do the other things which by your office it is incumbent to your donation to perform. Given under my seal at Inverness, the 20th day of the month of October, A.D. 1501, before these witnesses—Lords John Makky, John Dingwaell, notaries public; Thomas Walter, and William Cordinar, with divers others.

In November 1501 King James was in Ross-shire, and on the 12th day of that month a sum of 14s was paid for the freight of a boat from Inverness to the Chanonry with the King.

Upon 6th February 1502, William Thane of Cawdor takes an instrument on the proclamation of the brieve of service

of Muriel Cawdor at Inverness. The witnesses are—John Ogilvy, alderman and constable of said burgh of Inverness ; John Athlyk, Gilbert Waus, and John Cuthbert, of the old castle, burgesses of Inverness, with many others, &c.

The following document regarding the “Herschip of Petty” is dated at Inverness, on 26th April 1502 :—

Be it known to all men by these present letters, us, Alexander Earl of Huntly, Lord Gordon and Badenoch, to be bound and obliged, and by the faith in our body and tenor of the present letters, bind and oblige us, our heirs, executors, and assignees, to these persons underwritten, that is to say, William Alanson Young, Findlay Reoch, in Dalcross, Donald Owyr Makfikar, John Makgillendris Makgillecarryth, Findlay David Royeson, John Myill, in Dalcross, Margaret Hay and her son, Donald Makandro, Doull M'Gilleduf, Angus Makthome, Mylmore Makquean, Ferquhar Makgillespy, Gillecrest Brouster, Donald Talyour, Patric Smyth, Findlay M'Gillepatrik, John Makeyrmyt, Margaret Neynwikgillean, Andrew Makayn, Donald M'Gillemoyll, Doych Neyllmechell : Forasmuch as the foresaid persons have given to us a plain letter of gift, and have made us cessioner and assignee to them, of all and hail the half of the goods with the profits thereof, spoiled and taken from them out of the lands of Petty and Geddes, by James Dunbar of Cumnock, knight, David Dunbar, his brother, and their accomplices : That, therefore, we the said Earl oblige us faithfully to the foresaid persons, to follow and pursue to the utter end of law, and to the rigour thereof, without fraud or guile, the saids James Dunbar, and David his brother, with their accomplices, for the spulzie of the hail goods taken or spoiled from them out of the foresaid lands, and shall give to them the other half of so much goods as we obtain by the law from the saids Sir James, David, and their accomplices ; reserving to us, our heirs, and assignees, the one-half of the said goods, and the profit thereof, as said is ; and attour we bind us faithfully never to treat, agree, appoint, nor concord with the saids Sir James, David, nor with their accomplices in this matter, without consent and advice of the foresaid persons : And if it shall happen us to treat and agree with the saids Sir James, David, and their accomplices, without their consent and advice, as said is, then we oblige us to refund and pay to the forenamed persons so much goods as the hail half, and the profit thereof, extend to, lawfully obtained by us from the foresaid Sir James, David, and their accomplices : And to the observing and keeping of all these points and conditions above expressed, we bind and oblige us, our heirs, executors, and assignees, as said is, without fraud or guile : In witnessing hereof to these our present letters, our seal is affixed, at Inverness the 26th day of April, the year of God 1502 years, before these witnesses—George Ogilvy of Geddes, William Leslie of Balquhayn, Weland Chisholm of Comar, John Paterson, alderman of Inverness, and William Lauchlanson of Dunachton, with others divers.

At Inverness of the same date and to the same purport, the Earl of Huntly binds and obliges himself to his loved cousin Hugh Rose of Kilravoek, who is cessioner and assignee to “Soyne Makrean, Donald Makdonald Reoche, John Air, Cristiane Gilleduff's daughter, Marjory Gilleduff's daughter, Findlay Makdonald, Cristiane Finlay's daughter, Gillayne her son, Angus Myller, Duncan Jofrasone, Mareinnyrosk Muryeach Mair, John Makgowne, John Makherrald Roy, Gillecrest, Herdmeichak, Katherine Mulmoreis daughter, and Mare Donald Reochis daughter, of all and hail the goods spoiled and taken from them out of the lands of the Halhill, the Fisherton, and Hurlehurst, within the lordship of Petty and sheriffdom of Inverness, by James Dunbar of Cumnock, knight,” &c. The witnesses are George Ogilvy of Geddes, William Leslie of Balquhane, Master John Calder, chantor of Ross, and William Lachlawson, with others divers.

## LXVI.

## JAMES IV: 1488-1513. PART NINTH.

The wise and moderate measures of the King up to 1499, according to Tytler, "were succeeded by proceedings so severe as to border on injustice. The charters which had been granted during the last six years to the vassals of the Isles, were summarily revoked. Archibald, Earl of Argyle, was installed in the office of lieutenant, with the ample and invidious power of leasing out the entire lordship of the Isles. The ancient proprietors and their vassals were violently expelled from their hereditary property, whilst Argyle and other royal favourites appear to have been enriched by new grants of their estates and lordships. We are not to wonder that such harsh proceedings were loudly reprobated. The inhabitants saw with indignation their rightful masters exposed to insult and indigence, and at last broke into open rebellion. Donald Dhu, grandson of John, lord of the Isles, had been shut up for forty years a solitary captive in the Castle of Inchconnal. His mother was a daughter of the first Earl of Argyle; and although there is no doubt that both he and his father were illegitimate, the affection of the Islesmen overlooked the blot in his scutcheon, and fondly turned to him as the true heir of Ross and Innisgail. To reinstate him in his rights, and place him upon the throne of the Isles, was the object of the present rebellion. A party, led by the MacIans of Glencoe, broke into his dungeon, liberated him from his captivity, and carried him in safety to the Castle of Torquil Macleod in the Lews, whilst measures were concerted throughout the wide extent of the Isles for the establishment of their independence, and the destruction of the regal power. Although James received early intelligence of the meditated insurrection, and laboured by every method to dissolve the union amongst its confederated chiefs, it now burst forth with destructive fury. Badenoch was wasted with all the ferocity of Highland warfare, Inverness given to the flames; and so widely and rapidly did the contagion of independence spread throughout the Isles, that it demanded the most prompt and decisive measures to arrest it. But James' power, though shook, was too deeply rooted to be thus destroyed."

On 15th March 1503, Parliament ordained *inter alia* :—

Item.—That there be Justice-Deputes for the Isles and

Sheriffs, and the ythat are Justices and Sheriffs for the North Isles to sit in Inverness or Dingwall.

Item.—It is thought expedient that the lands betwixt Badenoch and Lorn, which are called Durwart and Glentewart, come to Perth; Mamore and Lochaber to Inverness, &c.

Item.—It is statute and ordained that the Justice aire of all the three Sheriffdoms—that is to say, Inverness, Ross, and Caithness, be held in the town of Inverness.

In 1503, the parish clerk of Inverness has some dispute with the parishioners as to his salary. The matter comes at length before the Church Courts, and on 20th July 1504 is issued the judgment following:—

In the name of Christ, we, John Spence, succentor of the Cathedral Church of Moray, and official of Moray, sitting in judgment in the case by Thomas Foulis, parish clerk of the parish church of the burgh of Inverness, alleging that he ought to receive from every burges of said burgh, who has divers ploughs in various places or in various tacks or cultivated lands, for every plough under cultivation within the limits of said burgh or without, wheresoever, one firlof of grain, actor, on the one part, contrary and against John Ogilvy, Provost, and the burgesses of foresaid burgh, defenders, on the other, alleging the contrary: Having first learnt and heard the allegations of the foresaid parties, and attestations, depositions, and sayings of witnesses; and also the use and custom of the said burgh, held, observed, and approved hitherto as far as there is any record, and the other merits of the case being seen, considered, understood, and fully discussed, observed, and to be duly observed, we, by this our final sentence, which we make known in these writings, with advice of our assessors and men learned in the law, pronounce, decern, and declare the said Thomas Foulis, clerk, to have clear title and just right to one complete firlof of grain or victual, according, as has been the custom of said burgh from every burges thereof, or, at least, to receive one whole gallon for every Sunday yearly throughout the year, to be received and exacted by said clerk along with his other accustomed income and offerings, and that notwithstanding the plurality of the burgesses cultivating or labouring the lands or landward tacks of said ploughs; and also the cottars of said burgesses shall satisfy yearly to the foresaid clerk for themselves as the custom is, and the foresaid burgesses and their cottars we ordain yearly to make payment in the premises, all and sundry, as aforesaid, to the said Thomas Foulis, parish clerk, as the fee of his office for the administration thereof, at the usual yearly terms: This our final sentence was read, carried, and pronounced in these writings, in the Parish Church of Inverness, foresaid at 10 o'clock A.M. or thereabouts on the 10th day of December in the year of our Lord 1503, the seventh indiction, and in the 12th year of the pontificate of the most holy father in Christ and our Lord, Lord Alexander the sixth, by divine providence, Pope. Present there, Lords, William Patrick, Rector of Boleskine; Thomas Johnson, Vicar of Wardlaw; John Dingwall, Chaplain of the Holy Cross of Inverness; John Maklelan and William Cuthbert, Chaplains, with divers other cleric and laic witnesses, called, and specially required, to the premises: And the premises, all and sundry, we make known to all whose interest it is by these presents to which our seal is appended, along with the sign and subscription of the notary public underwritten. At Elgin the 20th day of July in the year A.D. 1504.

And I, Donald Thome, priest of the diocese of Moray, notary public by apostolical, imperial, and royal authority, forasmuch as I, along with the witnesses forenamed was present at the premises, all and sundry, while thus, as is premised, they were acted, said and done, and saw, knew, heard, and took note, that they, all and sundry, were thus done: I, therefore, have made this public instrument, which contains said final sentence, and have reduced it into this public form and have signed it with my accustomed and wonted sign, name, surname, and subscription, along with the appending of the seal of the foresaid Lord Official, being called on and requested so to do for faith and testimony of the premises, all and sundry.

In 1505 an insurrection had again broken out, but the King's measures, according to Tytler, "produced a speedy and extensive effect in dissolving the confederacy. Maclean of Dowart, Macquarrie of Ulva, with Macniell of Barra, and Mackinnon, offered their submission, and were received into favour; and the succeeding year (1506) witnessed the utter destruction of Torquil Macleod, the great head of the rebellion, whose Castle of Stornoway in Lewis was stormed by Huntly; whilst Donald Dhu, the captive upon whose aged head his vassals had made this desperate attempt to place the crown of the Isles, escaping the grip of the conqueror, fled to Ireland, where he soon after died."

The following is a copy of the Sheriff's indorsation on the summons in the process of treason against Torquil Macleod of the Lews:—

The 24th day of the month of December the year of God 1505 years, I, John Ogilvy, Sheriff-depute of Inverness, past with these our sovereign lord's letters and sought Torquil Macleod of the Lewis, and because I could not apprehend him personally, and there was no sure passage to me to his dwelling place, I past to the market cross of the burgh of Inverness, at eleven hours before noon, and there, by open proclamation made at the market-cross, I summoned, warned, and charged the said Torquil Macleod of the Lewis to compear before our sovereign Lord the King, or his Justice, in the Tolbooth of Edinburgh the 3d day of February next to come, in the hour of cause, with continuation of days, to answer to our sovereign lord or his justice for the treasonable art, part, and assistance taken and done with Donald Isla, bastard son to Angus of the Isles, bastard, taking part with him and invading our sovereign lord's lieges of the Isles, and destroying them to the effect that the said Donald should be Lord of the Isles; and upon all points and articles in these our sovereign lord's letters and after the form of the same, and this I did before these witnesses John of Chalmer, Robert Innes, Alex. Michelson, John Auchinlek, alderman of Inverness; John Cuthbert, John Vaus, bailies of the said burgh; James Donaldsone, Alex. Adeson, Henry Auchinlek, — Patersone, John of Rutherford, Sir William Patersone, parson of Boleskine, and Sir John —ke, chaplain and notary public, and others divers, and for the more witnessing of this execution I have affixed my signet to these presents.

The legal proceedings of the burgh of Inverness against the other northern burghs, which were for the time silenced by the troubles in the north, were resumed in 1508, and it is fortunate that the very full evidence then produced has been preserved. Even the ages of most of the witnesses are given:—

The SHERIFF-COURT OF INVERNESS, held in the Tolbooth of the same, by John Ogilvy, Sheriff-Depute, the 28th day of May, the year of God 1508.

Absents.—Andrew Davidson of Davidston; Thomas Reide in Cromarty; Sir James Dunbar, John Peryth, James Brabener, William Munro of Foulis, and all the inhabitants of Dingwall absent, except Donald Dingwall and Donald Kemp.

Absents of Tain.—Alexander Donaldson, James Macculloch, Donald Macculloch, John Davison, Hugh Alexanderson, George Monro, Donald Patrickson, Laurenceson, Magnus Faed, Stene Fyddes, Donald Brabener, Andrew Fores, Criste Chepman, Alexander Smyth, Gillespyk.

*Item.*—Thomas Duff deponed, he saw Earl Alexander hold chamberlain aires oft-times in Inverness, and that he convened all forestallers of Dingwall, Tain, and all others within the shire, to come and thole (be amenable to) law in Inverness. Is near five score years as far as he knows.

That same day Thomas Duff deponed that he knew ever that the men of Dingwall occupied no freedom, but at the licence of the alderman, bailies, and council of Inverness, and that he saw Earl Alexander of Ross make supplication to the alderman and bailies of Inverness to make a certain (number) of Dingwall free to occupy their freedom. And confirmed the same as to Tain.

William, Thane of Calder, deponed that the burgh of Inverness ever occupied the freedom of the whole shire without any impediment, and that Dingwall did but at the licence and tolerance of the burgh of Inverness. And that he knew nor heard never that Tain had any privileges, but that they do of tolerance of Inverness.

Hugh the Rose, of Kilravock, deponed that he heard never that the men of Dingwall pretended to have any right till now of new; And that he heard his father say, and took upon his soul, that he saw Sir Thomas Stewart that was Sheriff of Inverness cause the Earl of Ross, the burghs of Ross, Moray and Caithness, and all the tenants of the same, come to the Sheriff-Court of Inverness, and who were absent he caused poind them without favour, and attour that the said Sir Thomas Stewart caused escheat all the goods that came not to the king's burgh of Inverness, and that Sir Thomas Stewart held the chamberlainaire in Inverness, and caused all the forestallers of Dingwall, Tain, Wick, and all other places within the shire that occupied any freedoms, to come to the aire of Inverness; And that himself saw the Sheriff make officers to escheat all goods that were bought in the sheriffdom of Inverness that passed by the burgh; And that he saw the men of Dingwall and Tain put their goods in the ship of Inverness, and pay the customs and duties there but of tolerance of Inverness. (Aged 45 years.)

John Clunes, in Cromarty, deponed that he saw the men of Dingwall buying their goods, and put them in the ship of Inverness, and sail with them, and that he wist never that Tain had any freedom but of licence of Inverness. And that he saw one called Donald Watson, in Dingwall, buy his freedom in Inverness, and he was a child with him that time. (60 years.)

William Dallas, of Cantray, deponed that he saw ever the burgh of Inverness brook and enjoy all the freedom from Duncansbay to the West Sea, and heard never what privileges that Dingwall nor Tain had but of the licence of Inverness, and that he heard say, that Earl Alexander of the Isles required the Alderman and bailies of Inverness to give their tolerance. (50 years.)

William Dallas, of Budgate, deponed that the burgh of Inverness was ever the principal burgh of the whole shire, and that he heard never that Dingwall nor Tain occupied any freedom but at their licence, and that it is the head staple of Caithness, Sutherland, Ross. (Aged 80 years.)

William Clerk, of Kilmuir, deponed that he wist not what freedom that Dingwall or Tain has, but that he saw them put their goods in the ship of Inverness, and agree with the burgesses of Inverness. And that ever the men of Dingwall and Tain come to the Chamberlainaire and Justiceaire to Inverness, and that they had licence always to put their goods in the ship of Inverness. (Aged 80 years.)

Donald Young deponed that he saw many good men in Inverness and Dingwall, but that he deponed, that they had no freedom that he ever heard speak of, but of the goodwill and licence of Inverness, and that they were ever good friends till now of late—the which, he thinks, is the case with Dingwall and Tain—and that he saw them come ever to the Justiceaire and Chamberlainaire to Inverness. (Aged 60 years.)

Donald Noble deponed that he saw good men in Inverness and Dingwall, and sailing together, but he heard never what freedom they had, but dealt with husbandry, and looked not to it.

James Clerk deponed that he knows no freedom that Dingwall nor Tain has, but deponed that he saw part of the men of Dingwall part ever to the burgh of Inverness, and said it had been better to Dingwall and Tain to have holden use and wont, and claim nothing. (Aged 60.)

Alexander Hossack deponed that this is the first year that ever he heard impediment betwixt the saids towns, and that he dealt but with husbandry, and took no heed to such things.

And all the foresaids persons deponed that they heard never nor saw never any officers in the town of Dingwall but two bailies and their servants, the which answered to the Earls of Ross and their chamberlains.

And all the foresaids persons deponed that they saw sundry men, indwellers and merchants of Dingwall, leave the town of Dingwall and come to dwell in Inverness, and buy their freedom there.

Sir James Dunbar deponed that he has dwelt most, fore and off, these twenty years betwixt Dingwall, Inverness, and Sutherland, and that he heard never

the inhabitants of Dingwall nor Tain claim nor brook any freedom but at the will and licence of the head burgh of Inverness, and that they owe to come there with their goods as their head staple.

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LXVII.

JAMES IV. 1488-1513. PART TENTH.

In the year 1508, Andrew, Bishop of Moray, confirmed various foundations in favour of the altar of St Michael by the deed after quoted, which, though lengthy, is interesting in its full descriptions. The benefactors were—William of Bught, Alexander Waus, and Elizabeth Pylche, widow of William Pylche, Lord of Culcabock, the date of the grants being about 1455. The name of the Lady of Castle Hill in this document appears to be written Ellen Gouss. The right of patronage is conferred by William of Bught upon the Council who have certain powers of administration conferred upon them, but as they shall answer at the Great Day. The offices to be performed are prescribed for the chaplains. The burn called Scourburn, bordering upon Broadstone, and described as running to the *south*, has now no existence. Probably from the lands being undrained, water at this period settled on them, and the course may have been towards the Millburn, by the road leading past Midmills from the heights of the Crown and Broadstone.

Reference is made, it will be observed, to a piece of land termed of old the kail-yard. It would appear that its cultivation, therefore, is of a pretty old date, though Dr Johnson says he was told at Aberdeen “that the people learned from Cromwell’s soldiers to make shoes and to plant kail:”—

To all and sundry sons of holy mother Church, to whose knowledge the present letters shall come, Andrew, by divine mercy, Bishop of Moray, Commendator of Pittenweem and Coldinghame in England, in the dioceses of St Andrews and York; Greeting in the Saviour of all: Know all, that we have received a certain charter of foundation of the chaplaincy of the altar of St Michael, lying within the parish Church of Inverness and our diocese, donated and founded by the late William Boucht, with certain annual rents and other lands with the pertinents, written on parchment and sealed with the seals of the community of the burgh of Inverness, and of the Monastery of the Preaching Friars thereof, and of John the Vicar there, and of Alexander Waus; and it having been seen and read by us, it was, as appeared, sound and complete, being neither erased, nor cancelled, neither made null nor vitiated, nor in any part suspected, or impaired by any flaw, and being free from suspicion, after the tenor following: To all who shall see or hear of this writ, William de Botha, burgess of Inverness; Greeting eternal in the Lord: Know that to the praise and glory of God Omnipotent, the blessed mother Mary, and St Michael, and of all saints, and for the new creation of a chaplainship for ever in the parish church of Inverness to the altar of St Michael therein, in part sustentation of our chaplain, to perform divine worship there for ever, for the souls of the most serene Prince, James by the Grace of God, King of



Scots, his ancestors and successors, and for my own soul and the souls of my spouse and our family, and of our ancestors and successors, and of all the faithful dead, and the benefactors of said altar, I have given, granted, and by this my present writ have for ever confirmed, all and sundry my lands, tenements, acres, and annual rents underwritten, viz. :—Four acres of land with the pertinents, lying in the lordship of the “Ald Castell,” of which four lie annexed, near to “le Braidstane,” between the land of the blessed Virgin Mary of the Parish Church of Inverness, on two sides, both at the south and north; and the fifth acre lies nigh to the torrent of “Skowrburne,” as that torrent runs towards the south, and the land of Donald of the Old Castle at the north; and one acre of land lying in “le Garbraid,” between the land of the late Lord Patrick Warlaw at the east, on the one side, and the land of the altar of the Holy Cross of the Parish Church aforesaid, at the west, on the other, extending in length from the road which is called Skatgat, towards the north, to the land of the heirs of the late William Pilche, towards the south; and one annual rent of three shillings from a certain land lying in “le Estgat,” on the south side thereof, between the lands of the heirs of the late John Dugall, at the west, and the land of the heirs of Cristine Reid, at the east; also one annual rent of three shillings from a certain particate of land which belonged to the late David Genor, lying in “le Estgat,” on the south side thereof, between the land and stone-house of the late John Scott, at the east, and the land of the late Donald Thalzour, at the west: *Item*—Four acres of land annexed lying in the lordship of the “Ald Castell,” under the hill thereof, on the north side, between the land of the heirs of the late William Pilche, at the east, on the one side, and the land of the altar of the blessed Virgin Mary of the foresaid Parish Church, at the west, on the other, whose fronts extend to the King’s common highway towards the south, and the tails to the moor towards the north; which acre with the pertinents is to be reckoned of new, by real value in money, counted, delivered, and paid; also one annual rent of three shillings from a particate of land lying in “le Estgat,” on the north side thereof, between the land of Donald Cristie at the east, and the land of Walter Thome at the west, together with an annual rent of three shillings from a particate of land lying in said street on the south side thereof, between the land of the late Patrick Genor at the east, and the lands of Thomas Cutberte at the west, which two annual rents are reckoned also by real value in money, counted, delivered, and paid: *Item*—Five particates of land arable, which I have held of John, son of Alan lying in the plain east from the Chapel of St Thomas, three particates of which lie together between the land of John Gaufrede on both sides, both at the south and north, and two particates lie together between the lands of the heirs of the late John Mecheson at the south on the one, and the land of the altar St Catherine the Virgin at the north on the other side, extending said five particates of land to the land of Patrick Farquhar at the east, and to the divided lands towards the west, which lands are restricted to three pounds of usual money: *Item*—One-half acre of land lying in the plain, which is called Garbraid, between the land of the late Thomas Cuthbert at the east, and my own land at the west, extending to the land of the late William Pilche at the south, and to “le Skatgat” towards the north, which lands with the pertinents are for ever given to said altar: *Item*—8s 9d of annual rent of the lands in Doomsdale Street on the west side thereof, viz., from the land of Alexander Gollan, which lies between the common passage of our Lord the king, which is at the south, and the land of the late John Duncan at the north, 3s yearly; and from the lands of the foresaid John Duncan, 2s 6d; and also from the land of Donald Johnson, which lies between the foresaid land of John Duncan and that of Ronald Clark at the north, 2s 4d; and from a piece of land of the said Ronald, lying on the north side of the land of said Donald, 2s 4d; and from the land and stone house of the late Andrew Reid, lying at the head of the street, towards the front, 6d yearly; and one annual rent of 3s from the land of the late Michael Sutor, which lies in “le Estgat,” on the north side thereof, between the land of Bricius Sissor at the west, and the land of the late Gillemor at the east; and one annual rent of 4s from the land of Donald, of the Old Castle, lying without the ditch, between the land of Donald Andrew at the east, and the said ditch at the west: And, also, I further give and grant to said altar all and sundry lands and annual rents which I shall in future possess, of my own conquest, in or without said burgh: Moreover, Alexander Waus, burghess of said burgh, for the increase of divine worship granted and donated those annual rents underwritten to the foresaid altar, viz. :—One annual rent of 3s, to be paid yearly from the land which lies between that of Thomas Gollan at the south, and that of Janet Brabener at the north; and one annual rent of 3s from the land of Alexander Milnar, lying in Doomsdale, between the land of Thomas Scheres

at the south, and the king's common passage at the north ; and one annual rent of 2s from the land of Hugh Donald, lying between that of Michael Betty at the west, and that of Eugene Faber at the east, in "le Estgat" on the south side thereof ; and one annual rent of 3s from the land of Lord Andrew Blak, lying in the Church Street, between that of the late James Johnson at the south, and that of the late Gaufrid Sheres at the north, to be held, had, and possessed by the said altar and the chaplain performing divine service there for ever, of us and our heirs in free, pure, and perpetual charity, as freely, fully, completely, honourably, well, and in peace, with all commodities, liberties, and easements, with their just pertinents whatsoever, as any other land is given, granted, or shall be possessed by churchmen, without revocation for ever, paying annually the said chaplain for the first five acres twopence, to the lord of the Ald Castell, in name of feu-farm, if asked : Likewise, we will and appoint the chaplain, and all chaplains, his successors, in said chaplaincy, for ever to be bound to be engaged in performing divine worship at mass at the altar of the blessed Virgin Mary on all Saturdays, in ecclesiastical garb, with note in said church, and also to be engaged at vespers on said days, and at high mass and second vespers on all Sundays and feasts, and on the six holidays, at the altar of the Holy Cross in said church, as the other perpetual chaplains thereof are also held bound and engaged : And we will and ordain that the foresaid chaplain, at all second vespers, and on the six holidays, and at matins, shall perform service for the souls of all the holy dead : Besides, as much as in us lies, and in proportion for us and for what has been and may be assigned to said chaplainship, we have constituted the community of said burgh our true and undoubted patrons of said chaplainship, that they shall have power, as often as there shall be occasion, to present a chaplain to said office : And, further, I, the foresaid William, will and ordain, with respect to the lands and annual rents here restricted by sums of money, as is more fully contained in the charter made thereon, that whatsoever lands or annual rents, or any parts thereof, may be redeemed by payment being made into the hands of said community of the sums, that it shall be lawful to said community to dispose of said sums of money in the purchase of lands or annual rents according to the amount thereof for the advantage and use of chaplains of said altar, and that they may the more aptly as servants of the Lord perform this, I lay it on their consciences as they shall be willing to answer in the day of judgment in presence of the Judge of all. In testimony of which thing, in the absence of my seal, I, the foresaid William, with instance have procured to be appended to this writ the common seal of the Monastery of the Preaching Friars of Inverness together with the seal of the discreet man Lord John of Inverness, perpetual vicar thereof, and for the part of the assignation of the foresaid Alexander Waus, he has caused his own seal to be appended in face of the capital court of said burgh held on the feast of St Michael (29th Sept.) in the year A.D. 1455, before these witnesses, Lord Patrick Fleager and Duncan Maclelan, chaplains of the Holy Cross and of the blessed Virgin Mary, Lords Andrew Blak, parish priest, John Spine and Thomas Ross, priests, and many others : Also the said Alexander Waus granted and donated to the foresaid altar 2s of annual rent from the land of Thomas Gollan, lying in Doomsdale on the east side thereof, between the land of the late Robert Hog at the south, and that of the foresaid Alexander at the north, and 3s of annual rent from the land of Lord Andrew Blak lying in Church Street of said burgh, on the western side thereof, between that of Thomas Cuthbert at the south and that of Mauld of Bothane at the north, and 3s of annual rent from the land of the late Richard Johnson, which lies in Church Street of said burgh, between the land of John Thomson at the south, and the land of the said Richard at the north, and 18d of annual rent from the land of John Faber, which lies nigh to the passage of our lord the king towards the east, and 2s from the land of Andrew Grame annexed, lying on the west side of the above-written particate, and 2s from the land of the late Henry M'Lelan, lying on the west side of said particate of Andrew Grame, which three particates lie annexed in "le Estgat" of said burgh, on the south side thereof, at the end of the street : Likewise Elizabeth Pilche, and only heiress of the late William Pilche, Lord of Culcabock, in her pure widowhood, in honour of St Michael, the archangel, for the salvation of the souls of her ancestors and successors, of her own inclination, not led by force nor having fallen into error, gave and granted two acres of land lying in the "Schapflat," between her own land at the west and that of Ronald Clark at the east, whose front extends to "le Skatgat" and the tail to the ditch towards the north, of which two acres of land with the pertinents, Hugh Clark, one of the bailies of the burgh of Inverness, gave sasine by earth and stone to William Bowth, procurator for St Michael, in presence of Ranald Clark, and Alexander Waus, and of others divers : Moreover, the fore-

said William de Botha came to an arrangement for real value in counted money as to two particates of said acre lying in the lordship of the "Ald Castell," on the east side of the road which passes toward and beyond Drakies, between the land of Ronald Clark towards the south and that of Ellen, daughter of Walter Andrew towards the north, extending as the other lands in said plain extend: Also, William de Botha arranged of new with Ellen Gouss, Lady of the Old Castle as to two acres of land with the pertinents lying in the place of the old orchard, and on the east side thereof, between the land of Patrick Farquhar at the south on the one side, and to the top of the hill at the north on the other, whose front extends to the acre of land which of old was called "le Caill-zard" at the east, and the tail to the acre of land belonging to the altar of the blessed Virgin Mary in the parish Church, and to "le Elfrygovin" towards the west, as the charter of said lady made thereupon more fully testifies: Which charter of foundation and all contained therein, we, Andrew Bishop of Moray aforesaid, by our ordinary authority for ourselves and successors approve, ratify, and shall for ever defend in all its points and articles, and in its universal modes and circumstances in form and effect, in and by all as is premised: In testimony of which thing our round seal, along with the common seal of the community of the burgh of Inverness, is appended to these presents at our palace of Spiny, the 13th day of October in the year 1508, and of our consecration the 7th year. Present these—our beloved Masters John Vedale, our sub-dean of Moray; Thomas Lesly, prebendary of Kingussie; John Sawchat, prebendary of Bocharm; Thomas Lewingstoun, canon of Moray, with divers others.

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 LXVIII.

## JAMES IV. 1488-1513. PART ELEVENTH.

Upon the 23th of December 1508, John Dingwall, notary, takes the following instrument and infestment in favour of John Auchlek, as chaplain of St Catherine's, Inverness, upon the presentation of the Alderman, Bailies, and Council of Inverness:—

In the name of God, Amen, by this present public instrument be it evidently clear and made known to all, that in the year of the incarnation of the Lord 1508, on the 28th day of the month of December, in the 12th indiction, and in the 6th year of the pontificate of the most holy father in Christ and our Lord, Lord Julius 2d, by divine providence, Pope, in presence of me, notary public, and of the within-written witnesses, the honourable men, John Auchlek, alderman of the burgh of Inverness, the bailies, and common Council thereof for the time being, personally constituted, with unanimous consent and assent, for the perpetual chaplaincy of the blessed virgin, Katherine, founded in the parish church of Inverness, belonging to the presentation of said alderman, bailies, and Council as they assert, and of full right to the ordinary collation of the Lord Bishop of Moray, vacant by the resignation, demission, or renunciation of the discreet man Sir Thomas Moray, last chaplain and possessor thereof, or about to become vacant in a short time on the said Sir Thomas' own motion, presented the discreet man Sir John Auchlek, chaplain of said diocese of Moray, to the reverend father in Christ and our Lord, Lord Andrew, bishop of Moray, and commendator of Pittenweem and Coltinghame (Coldinghame?) in England, and granted it to him with the intention of neither changing, nor in the form of increasing things used and wont: And the said John in foresaid church, is and shall be bound to do faithfully for the increase of divine worship in the said parish church and choir thereof, and also at the altar of the blessed virgin Katherine foresaid, in singing and celebrating of things divine, according as his predecessors at said altar and the other chaplains of foresaid church and choir of Inverness in times past have done, or are now doing, and to perform, and praise, and observe the usual divine duties: Also, he has bound and obliges

himself, after the strictest form of obligation, by pledging his honour after having touched the holy gospel of God corporally with his hands that no prejudice, loss, or injury shall happen to any one contrary to the premises, or any of them by word or deed, by whatsoever means, or adverse to said parish church, choir, and altar, and the liberty and government of said burgh and community thereof : Upon all and sundry which things, the said alderman, bailies, and Council on the one part, and the foresaid Lord John on the other, demanded one or more public instruments to be made for them by me, notary public under-written : These things were done in the choir of the Preaching Friars of Inverness, the 12th hour, midday, or thereabouts, in the year, month, day, indiction, and pontificate as upon : There being present the discreet men, James Donaldson, Thomas Patrickson, John Cuthbert of the Old Castle, John Waus, Henry Ker, and John Ker, burgesses of said burgh of Inverness, with divers other witnesses to the premises called and also required.

And I, John Dingwall, priest of the diocese of Moray, by holy apostolic, imperial, and royal authority, notary public, foreasmuch as I, along with the forenamed witnesses, was present at the premises all and sundry, while thus they were acted, said and done, and saw, knew, heard, and took note that they all and sundry were thus done ; I, therefore, have made therefrom this present public instrument, faithfully written with my own hand, and have reduced it into this public form, and have signed it with my usual and wonted sign, name, and subscription, being called on and requested so to do, for faith and testimony of the truth of all and sundry the things premised.

The following instrument of protest at the instance of certain trades within the Lordship of Ardmannoch, hindered by the Bailie of the Lordship from crossing Kessock Ferry with their goods to the Fair of the Holy Cross of Inverness, is interesting. It is dated 13th September 1509. The fair of the Holy Cross or Roodmass was held on 3d May :—

In the name of God, Amen, by this present public instrument be it clearly known to all that in the year of the incarnation of the Lord, 1509, on the 13th day of the month of September, in the 12th indiction, and in the sixth year of the pontificate of the most holy father in Christ and our Lord, Lord Julius II., by divine providence, Pope : In presence of me, notary public, and of the witnesses underwritten, John Waus, one of the bailies of the burgh of Inverness, personally constituted together with me, notary public, and the witnesses underwritten, went to the town of Kessock in Ardmannach, near the harbour or ferry thereof, to certain merchants there personally assembled with their merchandise or wares, in the cause of the market of the foresaid burgh of Inverness, and enquired the cause of their coming, and they replied that they had come there with their goods in the interest of the market of the Holy Cross of said burgh of Inverness, and that they were hindered by Henry Stewart, bailie of the reverend father in Christ, Andrew, Bishop of Caithness, and chamberlain of our supreme lord the King, for Ross and Ardmannach, of whose reason they were truly entirely ignorant, the said John, along with me, notary public, and the witnesses underwritten, came to the presence of the said Henry, the bailie, there present, and asked of him why and by what power he hindered the merchants and their goods and others from coming to the burgh of our supreme lord the King of Inverness, in the interest of the market thereof, and did not, according as was just, admit them to the market of our said supreme Lord : And, moreover, the said Bailie of Inverness offered to the said Henry, bailie of Ross and Ardmannach, sufficient pledges for due payment to be made to him for said merchants and others, whatsoever, who come to said market of whatsoever dues, it is held they are liable in, if any : The said Henry, bailie of Ross and Ardmannach, publicly acknowledged that he prevented the foresaid merchants and their wares from said market and burgh of Inverness, and he also refused wholly and entirely said Bailie to receive them and their goods to pledge. From all and sundry which the said Bailie of Inverness solemnly appealed to the assistance of law : Of and on all and sundry which the said Bailie of Inverness demanded of me notary public underwritten public instruments, one or more to be made for him : These things were done at the harbour or ferry, near Kessock, in Ardmannach, at the seventh hour after mid-day or thereabouts, the year, month, day, indiction, and pontificate, as above. Present there—John Ker, Robert Waus, Donald Moreson, John Foull, and Thomas Batis, with divers other witnesses to the premises, called and required.

And I, John Malcolm, priest of the diocese of Moray, notary public by apostolic and imperial authority, forasmuch as I, along with the forenamed witnesses, was present at all and sundry the foresaid, while thus, as is premised, they were acted, said, and done, and saw, knew, and heard, and took note that they, all and sundry were thus done: I, therefore, have made therefrom this present public instrument, faithfully written with my own hand, and have reduced it into this public form, and have signed it with my accustomed and usual sign, name, and subscription, being called on and requested so to do for faith and testimony of all and sundry the things premised.

By a deed, dated at Inverness 25th June 1510, the venerable man, Master John Caldor, precentor of Ross, of his own proper motive made, constituted, and ordained Hugh Caldor, his cousin, his heir and assignee to all his lands and goods in full form, without any revocation in future.

At Inverness, on the 21st of July 1513, Thomas Paterson, rector of Assynt, is served heir to his uncle, William Paterson, late rector of Boleskine, in the lands of Durris, and those of Culcabock and Knockintinnel within the parish of Inverness. The value of the respective lands and holding is specified. The following deed is taken from the fine collection belonging to Robertson of Inshes:—

This inquest was made at the burgh of Inverness, in the Court-house thereof, before the honourable man, Hugh Rose of Kilravock, Sheriff-Depute in this part, on the 21st day of the month of July A.D. 1513, by the wise men underwritten, viz., Alexander Cumming of Altyre, Andrew Kynnard of that Ilk, Alexander Urquhart of Burdsyards, David Douglas of Pittendreich, Alexander Brody of that Ilk, Wm. Dallas of Budgate, Henry Dallas of Cantray, Robert Stewart of Clava, Andrew Monro of Davochcarty, Alexander Denoon of Davidston, William Macculloch of Pladis, Angus Macculloch of Terrel, John Corbart of Esterard, Alexander Nicolson of Freirost, Robert Murray of Fochabers, John Cuthbert of Old Castle, Walter Ross of Kynstary, Walter Douglas of Crawford, James Tulloch of that Ilk, George Dunbar in Moy, and William Douglas, burgess of Elgin, who being sworn, say that the late Lord William Paterson, rector of Boleskine, uncle of Lord Thomas Paterson rector of Assynt, bearer of these presents died last vested and seised as of feu and at the peace and faith of our sovereign lord the King, of all and sundry the lands of Durris, with the pertinents, lying in the Sheriffdom of Inverness; and of all and whole the lands of Culcabock and Knockyntennel with the mill and pertinents thereof, lying in said Sheriffdom; and that the said Lord Thomas is lawful and nearest heir of his said late uncle in said lands with the mill and pertinents; and that he is of lawful age;—and that said lands of Durris with the pertinents, are now worth yearly 24 merks of Scots money, and in the time of peace were valued at 18 merks of said money;—and said lands of Culcabock and Knockyntennel with the pertinents thereof are now worth yearly 20 merks of Scots money, and in the time of peace were valued at 12 merks of said money. And said lands of Durris, with the pertinents, are held *in capite* of our Supreme Lord the King for the service of ward and relief, and said lands of Culcabock and Knockyntennel, with the mill and pertinents thereof, are held *in capite* of George Hay, as Lord Superior thereof for the service of feu-farm: Giving therefor yearly 10 merks at the two usual terms of the year, viz.—one-half at the Feast of Pentecost, and the other half at the Feast of St Martin in winter, by equal portions, and also giving therefor yearly 12 arrows, to be presented to our Supreme Lord the King, at the Feast of Pentecost, if asked only. And said lands of Durris with the pertinents are now in the hands of the said Supreme Lord the King, as lord superior thereof, through the decease of the said late Lord William, the uncle of the said Lord Thomas, last possessor thereof, and that from the time of his decease, during the space of one year, by defect of the heir not pursuing his right, and that said lands of Culcabock and Knockyntennel, with the mill and pertinents thereof, are now in the hands of the said George Hay, as lord superior thereof, through the decease as above of the said late Lord William, and that from the time of his decease, during the space of one year, in defect of the true heir not pursuing his right. Given and sealed under the seal of the said Sheriff in this part, and seals of such as were engaged in the said inquest, together with the King's breve, included within, year, day, and month as above.

## LXIX.

## JAMES IV. 1488-1513. PART TWELFTH AND LAST.

Upon the 9th September 1513, the King, together with many of the nobles and prominent men of Scotland, fell at Flodden, a disaster which, but for the King's fatal procrastination and obstinacy, should not have occurred.

Before concluding this reign, several matters connected with Inverness which then happened are here noted.

The Earldom of Moray was granted in 1501 by James to his natural son, James Stuart, commonly called the Earl of Moray. Upon his death, in 1544, it reverted to the Crown, and four years afterwards was conferred on George, Earl of Huntly. In 1544 it was taken from Huntly, and finally granted by Queen Mary in 1562 to her ungrateful illegitimate brother, the Regent. It is said that Castle Stuart, in Petty, but on doubtful authority, was a favourite residence of King James IV., and originally designed for a Royal hunting seat. It has also been stated, but erroneously, that the present Castle was erected by the Regent. It was built by his grandson, the third Earl of the present family, in the early part of the 17th century.

On the 20th January 1504, Thomas, fourth Lord Lovat, with consent of the community of Inverness, presents Sir Nicolas Barron to the chaplaincy of St John the Baptist in Inverness.

John Cuthbert of Auld Castle-hill, grants a charter of five acres of his lands of Castle-hill to Gilbert Waus, burges of Inverness, dated at Inverness, 4th February 1506. Among the witnesses are Lord Lovat, and Sir John Mackay, Notary and Presbyter.

Upon the 16th day of August 1507, Alexander Fresale (Fraser) of Linlithgow obtained from King James a gift of bastardy of two-thirds of the lands of Arbole in the Earldom of Ross and shire of Inverness, which had fallen into the King's hands on the death of John, some time Bishop of Ross.

In the petition and claim for Cosmo George, Duke of Gordon, to the Lords of Council and Session, dated 9th November 1747, for compensation for the abolition of his heritable jurisdictions, the Duke, *inter alia*, states—"That your petitioner is in like manner lawfully entitled to the heritable office of Sheriff of the shire of Inverness, in virtue of grants from the Crown, of the said heritable office to his

ancestors and predecessors ; and particularly of a charter of the said office to Alexander Earl of Huntly, dated 16th February 1508, sasine thereon dated 25th April 1511, confirmation of the said charter by the King and Parliament dated 8th March 1509, and many other rights and infestments conceived in favour of the petitioner's ancestors, to whom he has right to succeed. That your petitioner is also justly entitled to the office of Constabulary of the Castle of Inverness, in virtue of many infestments granted to his predecessors." The Duke claimed £2000 for the Sheriffship and £300 for the Constabulary.

On 1st April 1509, Andrew Bishop of Moray gives letters of presentation to Sir John Auchleck, of the chaplaincy of St Catherine's, within the Parish Church of Inverness.

Under date 1510, it is recorded that Hugh Rose of Kilravock married Agnes Urquhart, daughter of the Sheriff of Cromarty, and their third son was John Rose, afterwards of Wester Drakies, and Provost of Inverness.

In the same year, at the Justiceaire held at Inverness, precept of remission, dated 4th July, is issued to Gillespie Dhu, Bailzie of Troternish, and others, John Mac Gillemartin, and 63 others, for common oppression of the lieges, and for resetting, supplying, and intercommuning with the King's rebels, and also for fire-raising. Upon the 9th of July, a remission is granted to Andrew Kynnard of that Ilk, dwelling within the shire of Inverness, for supplying, resetting, and assistance given by him to the King's rebels, being at the horn, and for all other crimes and actions ; and of the same date a similar precept is granted to George Falconer of Halkerstone and Robert Falconer, for common oppression of the lieges, &c.

In 1510 occurred the marriage of Muriel Calder with Sir John Campbell, third son of the second Earl of Argyle.

In 1511, Doul Ranaldson, predecessor of Clanranald, grants a bond of man-rent to Alexander Earl of Huntly, dated at Inverness 10th March, and having no seal of his own by him at the time, procures the seal of an honourable man, John Cuthbert, alderman of Inverness, the witnesses being as follows, viz. :—John Auchleck, John Kerr, Henry Kerr, Thomas Paterson, burgesses of Inverness, William Lachlan's son of Dunachton, Ewen Allan's son in Lochaber, Turnbull of Wauchop, and Master Andrew Sinclair, vicar of Laggan, notary public.

It will be seen that so late as 1511 two great chiefs, such as Mackintosh and Lochiel, are not designed by their proper surnames.

## LXX.

## JAMES V. 1513-1542. PART FIRST.

In the latter year of James the Fourth's reign, the Highlands and Isles had been comparatively quiet, but the feuds and divisions among the great nobles consequent on the minority of the new King, spread to the north. The intrigues of the family of Huntly, and the feuds of various branches of the Macdonalds and of other clans, kept the north in a state of perpetual disquietude, resulting in ultimate loss to themselves. The Argyle family now became prominently mixed up in all western troubles, from which they issued unharmed.

A commission under the quarter seal to William, Lord Ruthven, and others, as Sheriffs of Inverness, for executing a brief of idiotry and the cognoscing of John, Earl of Sutherland, is issued of date 3d May 1514.

These contemplated proceedings were interrupted by the Earl's death, and his sister Elizabeth having succeeded, the old surname sunk on her marriage with the Earl of Huntly's second son.

Briefs having been issued, dated 17th September 1514, Lady Elizabeth was served heir in special to the Earldom of Sutherland and to her brother at Inverness upon the 3d day of October 1514. Among those on the inquest were Thomas Fraser, Lord Lovat, George Haliburton of Gask, James Fenton of Ogle, James Dunbar of Cumnock, Alexander Cumming of Altyre, James Cumming of Earnside, Alexander Urquhart of Burdsyards, David Dunbar of Durris, Alexander Brodie of that Ilk, David Douglas of Pittendriech, Hugh Rose of Kilravock, Henry Dallas of Cantray, William Dallas of Budgate, Alexander Strachan of Culloden, John Corbet of Alford, John Vaus of Lochslyne, William Macculloch of Plaids, and Thomas Paterson, burghess of Inverness.

Upon the 14th November 1514, Muriel Burrek grants the following charter of a peck of land on the east side of Doomsdale Street in favour of Henry Simon's son, burghess of Inverness :—

To all who shall see or hear of this charter, Muriel Burrek ; Greeting in the Lord : Know that I have sold and alienated from me, my heirs, and assignees, to my beloved Henry Symondson, burghess of Inverness, one peck of my land lying in the burgh of Inverness, in the street commonly called Doomsdale, and on the east side of said street, situated between the land of Finlay Bayne at



the south, and the land of the heirs of Henry Talzeour at the north, whose front extends to the land of Andrew Lowre, and the tail to the land of Thomas Finlay: To be held and had said peck of land, with all and sundry pertinents, by the foresaid Henry, his heirs, and assignees, of me, my heirs, and assignees, with all and sundry commodities, liberties, and easements, and just pertinents whatsoever, as well named as not, both under and above ground, both near and far off, belonging to said land, with the pertinents, or which can justly in future in any way belong, as freely, quietly, wholly, fully, honourably, well, and in peace, as any other land, within said burgh is given, sold, alienated, or possessed, without any revocation, reclamation, or contradiction whatsoever to be made by me, my heirs, and assignees or others, or on our part in time to come: Giving therefor annually, the said Henry, his heirs, and assignees, to our supreme lord the King one penny, and to Thomas Donaldson, burghess of Inverness, and his heirs, nine pence annually, and that in lieu of every other burden and secular service which can be exacted or required for said peck of land: And I, Muriel foresaid, my heirs, and assignees, shall warrant, acquit, and for ever defend foresaid peck of land to the foresaid Henry, his heirs, and assignees, against all mortals: And I, Thomas Finlay, confess me to have sold to the said Henry, that peck of land of mine lying in breadth within the land of the said Finlay Bayne towards the south, and the land of Henry Talzeour towards the north, and in length between the land of the aforesaid Muriel and the granary of John Gollan on the hill: Giving therefor the said Henry, his heirs, and assignees, to our supreme lord the King, three halfpence, and to Thomas Donaldson, his heirs, and assignees, nine pence annually: And I, the aforesaid Thomas, my heirs and assignees, shall warrant, acquit, and for ever defend said peck of land to the foresaid Henry, and his heirs and assignees, against all mortals: In testimony of which thing, the seals of the abovesaid Muriel and Thomas are appended to these presents, at the burgh of Inverness, the 14th day of the month of November, A.D. 1514, along with the seal of William Reed, one of the bailies present at the sealing of these presents, John Cuthbert, artisan, James Dempster, and Alexander Anderson, and Patrick Brabiner, messenger, with divers others.

In 1515 the Earl of Huntly was Sheriff of Inverness, and by the month of June of that year the Countess of Sutherland had married his son, Adam Gordon of Aboyne.

In the same year William Mackintosh of Mackintosh was murdered in the town of Inverness, and the circumstances are thus detailed in the MS. History:—"On the 20th of May 1515, as he was asleep in his house in Inverness, he was barbarously assassinated by John Roy Maclachlan-vic-Allan, his own near cousin. The assassin with his accomplices eloped, but could not long escape divine vengeance. Lachlan, the brother of William, sent Dougal MacGili-challum with twenty men in pursuit of them; who traced them through Ross, Caithness, Strathnaver, Assynt, Lochalsh, Abertarff, Strathspey, Strathdee, and to Glenesk, where they were (13 in number) all killed and their heads brought to Moy, and set up in several places, A.D. 1516."

At Inverness, on the 19th March 1516, Andrew Low, son and heir of the late Lawrence Faber, sells to the prudent man, Henry Symondson, burghess of the burgh of Inverness, a piece of land lying within the burgh of Inverness, and on the east side of the Doomsdale Street, which piece lies between the land of Finlay Bane at the south, on the one side, and the land of Eugenius Faber at the north, on the other, whose front extends to the King's highway at the west, and

the back to the land of the foresaid Henry. The reddendo is 2½d yearly to our Supreme Lord the King, and to Thomas Donaldson, his heirs and assignees, 18d at the two usual terms in the year, by equal portions. The honourable man, John Bar, one of the bailies, gives sasine and appends his seal. John Scot, priest of the diocese of Moray, is the notary, and the witnesses are, the discreet men Jas. Symondson, bailie; John Ostlar, burgess; James Dingwall, Andrew Simelair, Alex. Blak, Mair, and Robert Waus, notary public; with others divers called and also required.

Among the Inshes charters is the following valuable document, being a grant by the Friars of Inverness to Mr Robertson's predecessor, of a particate of land in Inverness, dated 20th July 1517.\* The land is that in front of the Commercial Hotel, and the buildings no doubt then projected to the main street, and probably included part of the present Town Hall buildings.

The names of the officials of the order not only of the Monastery at Inverness, but in Scotland, at the time are here preserved. The document is endorsed "Charter to Lawrence Robertson of the Sklaithouse":—

To all who shall see or hear of this charter, Friar Henry Dewer, Prior of the Preaching Friars of Inverness; Greeting eternal in the Lord: Know that we, after mature deliberation, had with our said monastery and Friars therein, with common consent, and the advantage and utility of our successors being considered and had in view, with consent of the reverend Prior, Friar John Adam, Professor of Sacred Theology, and principal of the Order of Preaching Friars of all the Kingdom of Scotland, and also of the venerable men, the Friars of the convent of our said monastery, John Ricard, John Brown, and Alexander Andrew, and also of the discreet men after mentioned of the general chapel, viz. —Friar Andrew Makneil, Prior of Aberdeen; James Young, Prior of Annan; John Litstar, Sub-Prior of Ayr; and John Faber, Sub-Prior of Glasgow; have given, granted, set, and in feu-farm let for ever, and by this present charter, confirmed, and also by these presents give, grant, set, and in feu-farm let, and by this present charter confirm, one particate of our land, with the pertinents lying in the burgh of Inverness, between the lands of the late Farquhar Mackintosh on the west side, and the public cross of said burgh on the east, and also the common way which leads to the bridge of said burgh on the north side, and the Castle Hill on the south, to a discreet man Lawrence Robertson, burgess of said burgh of Inverness, and his heirs and assignees whomsoever: To be held and had, said particate of land, with the pertinents, by the said Lawrence and his heirs and assignees whomsoever of us and our successors in feu and heritage, according as it lies in length and breadth for ever, with all and sundry its pertinents, commodities, liberties, and just pertinents, as well named as not named, belonging to said particate of land, or which can in future in any way justly belong, without revocation, contradiction, or retention of ours and our successors whomsoever: Giving therefor, yearly, the said Lawrence his heirs and assignees to us and our successors, the prior and convent of Inverness, who for the time may be, four shillings of annual rent at two terms in the year by equal portions—viz., the Feasts of Pentecost and St Martin's in winter, together with five pence as burgh rent annually to the collectors thereof only, in lieu of every other burden, exaction, demand, or service, which for said particate of land, with the pertinents, can in any way be exacted or required in time to come: So that it shall not be in the power of the said Lawrence, his heirs, and assignees, to give,

\* This is the deed referred to at page 18 as having been amissing for several years. It was after much search fortunately recovered in course of the year 1873.

grant, alienate, sell, augment, or in any way whatever dispone any part of the annual rent of said particate of land with the pertinents, to any persons whomsoever, except said whole annual rent of four shillings, without the express consent and assent of the prior and convent of Inverness, who for the time may be: Also if it happen that said annual rent of four shillings, as is premised, shall be due to us and our successors, for three continuous terms, and not be paid thereafter when required, then immediately said particate of land, with the pertinents, with whatsoever shall happen to be erected and repaired thereon, with all and sundry pertinents, shall *ipso facto* revert to the foresaid prior and convent of said monastery of Inverness without any judicial process, ecclesiastical, or civil: And likewise it shall be in the power of the prior, and convent for the time, to dispose of said particate of land with the pertinents for ever, according to their pleasure: And we, Henry the Prior, and the convent of said monastery and our successors, shall warrant, acquit, and for ever defend foresaid particate of land with the pertinents; reserving the forewritten restrictions to the said Lawrence and his heirs and assignees, in form, manner, and effect, as is premised: In testimony of which thing the seal of our chapter of said monastery is appended to these presents, together with the seal of the said reverend prior principal, and the manual subscriptions of said friars of the convent and of the cessioners, and also with the seal of the honourable man John Ker, bailie of said burgh of Inverness, who after resignation made by us in his hands, gave, delivered up, and handed over for ever to the foresaid Lawrence Robertson and his heirs and assignees, hereditary state and sasine of said particate of land, with the pertinents, by delivery of earth and stone: At Inverness, the 20th day of the month of July A.D. 1517, in the 5th induction, and in the 5th year of the Pontificate of the most Holy Father in Christ, and our Lord, by divine Providence, Lord Leo the 10th, Pope. Present there—Friars Duncan Crukschank, Thomas Paterson, William Reid, William Thorne, Peter Williamson, and Alexander Blak, officer or clerk, with divers other witnesses called to the premises.

Said annual rent or land is not to be alienated without our consent, or that of our successors, being obtained. By testimony of this my hand I, Friar John Donaldson, was present.

From an extract decree of the Lords of Council, of date 28th March 1517, in an action for recovery of maills and duties due for Badenoch to Andrew, Archbishop of St Andrews, while he was Bishop of Moray, by Lachlan Mackintosh, Captain of the Clan Chattan, and Dougal Mackintosh, we take the following:—

The fishing of the water of Ness, of the Martinmas term, in the year of God 1513 years, and for the year of God 1514 and 1515, extending in the whole to £10.

The Kain fowls of Kinmylies, of four years, extending to 40s.

The annual of Gilbert Vaus, lying within the burgh of Inverness, one pound of pepper, price 8s.

On 5th May 1518, James, Bishop of Moray, on the presentation of Thomas, Lord Lovat, issues letters of induction to the chaplaincy of the altarage of St John the Baptist, within the Parish Church of Inverness, in favour of Sir John Scott. Among the witnesses is Alexander, Lord Livingstone.

## LXXI.

## JAMES V. 1513-1542. PART SECOND,

The two following deeds refer to the lands of Culcabock and Knockintinnel, and the period when the Grants first obtained a footing in connection with these lands. A century later they were dislodged by the Robertsons. Knockintinnel signifies "the hill of gathering:"—

In the name of God, Amen: By this present public instrument let it be clearly known to all that in the year of the incarnation of the Lord, 1519, and the first day of the month of December, in the 8th indiction, and in the 7th year of the pontificate of the most holy father in Christ and our Lord, by divine clemency, Lord Leo 10th, Pope, in presence of us notaries public, and of the witnesses subscribed: The honourable man John Grant of Lecoquhy, personally constituted on the one part, and the prudent woman Elizabeth Paterson, spouse of Andrew Jakk, with consent of her said spouse, on the other part, produced openly, and caused to be read, certain letters written on paper containing therein a certain contract in the common tongue, of which letters the tenor follows word for word, and is this—"The first day of December, in the year of God, one thousand and five hundred and nineteen years: It is appointed and agreed betwixt an honourable man, John the Grant of Lecoquhy on the one part, and Elizabeth Paterson, with the assent and consent of Andrew Jak, her spouse, on the other part, in manner, form, and effect as after follows, that is to say, the said John the Grant shall content, and pay, and deliver, to the said Elizabeth, forty merks usual money of Scotland, and shall upon his own expense cause the said Elizabeth to be entered in the lands of Culcabock, Knockintinnel, and the mill of the same with their pertinents lying within the sheriffdom of Inverness, the said Elizabeth giving him her sufficient and lawful power to recover and get her entry before whatsoever judge or judges, or superior, that shall be needful thereto, for the which forty merks, the said Elizabeth, what time, and as soon as she is entered in the said lands of Culcabock, Knockintinnel, with the mill of the same and their pertinents, she shall infest the said John the Grant heritably, or his heirs, in the said lands of Culcabock, Knockintinnel, with the mill of the same, by charter and sasine, or resignation, whichever he please best within 15 days after she shall be required thereto by the said John or his procurator: And besides the said Elizabeth shall find her brother, John Robertson, burgess in Elgin, surety to the said John Grant, that she and her heirs shall fulfill and keep all the points above expressed for her part, and the said Elizabeth and her brother grant them well contented and paid of the said forty merks at the making of this writ, and discharge the said John and all others whom it effeirs: And the said parties oblige them to fulfill all the points above expressed by the faith in their bodies, and all their goods moveable and unmoveable, past and for to come, before these witnesses, that is to say, honourable and worshipful men, Robert Innes of Rothnagneze; Walter Innes of Towis; Thomas Innes of Mylton; James Innes; Walter Innes; Andrew Robertson; Master Alexander Kinpont, parson of Abirlour; Sir Donald Thomson; Sir William Brabner; Sir Thomas Hay, notary public, with others divers." After the production and reading of the foresaid letters, the foresaid parties, named in foresaid letters, bound themselves faithfully, and swore on the most holy evangel, to observe, all and sundry, contained and expressed in foresaid above written letters, by the most strict form of obligation, as far as concerned and pertained to either of them: Upon which, all and sundry, the said parties sought from us, notaries public subscribed, public instruments, one or more to be made for them or either of them: These things were done in the chamber of Sir Donald Thomson, scribe of the Consistorial Court of Moray, the second hour after mid-day or thereabouts, in the year, month, day, indiction, and pontificate as above: Present there the honourable and discreet men—Robert Innes of Rothnagneze; Walter Innes of Towis; Thomas Innes of Mylton

James Innes ; Walter Innes ; Andrew Innes ; Master Alexander Kinpont, rector of Abirlour ; and Sirs Donald Thomson, William Brabner, Thomas Hay, notaries public, with divers other witnesses, to the premises called and also required.

And I, Donald Thomson, priest of the diocese of Moray, notary public, by authority of the Emperor and the King, was present at the presentation of the above written letters and the reading of the foresaid obligation, and at the other things, all and sundry, together with the above written and subscribed notary and witnesses, while thus, as is premised, they were acted, said, and done, and saw, knew, heard, and took note that they, all and sundry, were thus done : I, therefore have made therefrom this present public instrument, faithfully written with my own hand, and have reduced it into this public form, and have signed it with my accustomed and wonted sign, name, and subscription, being called on and requested so to do for faith and testimony of the truth of all and sundry the things premised.

And I, Andrew Johnson, priest of the diocese of Moray, &c., [to the same effect as the above.]

In the name of God, Amen : By this present public instrument, be it clearly known to all that in the year of the incarnation of the Lord 1520, on the 14th day of the month of July, in the 8th indiction, in the 8th year of the pontificate of the most holy father in Christ and our Lord, by divine Providence Leo 10th, Pope : In presence of the notary public and the witnesses subscribed : The honourable man John Grant in Lecoquhy, personally constituted in presence of the honourable man John Robertson, burgess of Elgin, bailie in this part ; also the honourable man William Hay, Lord of Mayne, and lord superior of the lands of Culcabock and Knockintinnel, specially named, personally appeared, and came and presented and exhibited a precept of the said Lord of Mayne, as lord superior of said lands of Culcabock and Knockintinnel, written on parchment, with his proper seal appended thereto, impressed on red and white wax, neither erased, nor cancelled, nor in any way as to me notary public under written seemed *prima facie*, sufficiently evident, suspected or affected by flaw, or suspicion, commanding said bailie to give real, actual, and corporal possession of said lands as contained in said precept to the said John ; which precept the said bailie received in his hands, and then handed and delivered to me notary public within written, to be read, and the reading and tenor of said precept to said bailie, I read and proclaimed in whole ; of which precept the tenor follows, and is this : William Haye, lord of Mayne, and lord superior of the lands and towns of Culcabock and Knockintinnel, with the mill thereof, to my beloved Alexander Catur and John Robertson, my bailies in that part, conjunctly and severally, greeting, &c : Elizabeth Paterson, lady of Culcabock and Knockintinnel, lying in the earldom of Moray and within the sheriffdom of Inverness, which lands are held of me as lord superior thereof by the honourable man William Leslie, Lord of Buchan, procurator of the said Elizabeth, to this end lawfully constituted in authentic writing under her proper seal, with special consent and assent of Andrew Jak, spouse of the said Elizabeth, which foresaid lands of Culcabock and Knockintinnel, with the mill thereof, she freely and simpliciter by staff and baton resigned in my hands, gave up and demitted in favour of the honourable man John Grant in Lecoquhy, for giving and delivering real, actual, and corporal possession to the said John : Therefore, I command and charge you and either of you that incontinent after ye have seen these presents, ye or either of you go to said lands, and there according to the strength, form, effect, and tenor of the charter of the foresaid Elizabeth in favour of the said John Grant, ye confer and give to said John Grant, his heirs and assignees, sasine, hereditary state and possession, by delivery of earth and stone, of said lands of Culcabock and Knockintinnel with the mill thereof with the universal pertinents, and that this ye in no way omit ; for the doing of which to you and each of you, conjointly and severally, I commit by the tenor of these presents my irrevocable power, in testimony of which thing append and cause to be appended the seal of the one of you who gives sasine on the second tail after mine. In token of the truth of the premises, my own seal and the seal of the foresaid Elizabeth who resigned, were appended to these presents at the burgh of Elgin, the 8th day of the month of July A.D. 1520, before these witnesses—William Leslie of Buchan ; Master Gavin Leslie, rector of Kingussie ; Lord John Garreoch, vear of Duffus ; Lord John Foyde, and John Robertson, witnesses to the premises called and required. After the reading of which precept, and the same being inspected and considered by said bailie, he, in virtue of his office and of the requisition of the said John Grant, bearer of said precept, went personally along with me, notary public, and the subscribed witnesses to said lands above-written, and on the soil of the said lands of Culcabock as upon the chief message

by giving of earth and stone, gave, donated, conferred, and bestowed upon, and delivered hereditary sasine, state, and possession to the said John Grant, according to the virtue, tenor, and force of the charter and precept following thereon, as the manner is, and inducted, instituted, and invested and in peace demitted, no one contradicting, and reserving the rights of parties, to the said John real, actual, and corporal possession of all and sundry said above written lands of Culcabock and Knockintinnel with the mill and pertinents thereof, and upon all and sundry which things the said John Grant sought of me, notary-public under-written, public instruments one or more to be made for him. All these things were done on the soil and ground of the lands of the town of Culcabock the eighth hour before noon or thereabouts, in the year, day, month, indiction, and pontificate as above; present there—the discreet men, John Cuthbert of the Old Castle, Thomas Waukland, James Symondson, James Dempster, Alexander Anderson, Farquhar M'Neil, burgesses of Inverness; John M'Walter, and Patrick Faid, messenger, with divers others, to the premises called and specially required.

The annexed is probably the oldest lease extant connected with property in the town. The merchants of the present day, with their spacious and handsome shops, may be surprised to hear that three centuries ago a space ten feet long and two and a-half deep was thought worthy of being set on a formal lease. The paper is marked on the back, “Assedation of the Council and Community of Inverness of the little timber shop appended to the Tolbooth to William Robertson:”—

To all and sundry whom it effeirs, to whose knowledge these present letters shall come,—John Cuthbert, Alderman of Inverness, Robert Reed, Robert Waus, and James Symondson, bailies, with the consent and assent of the most part of the community of Inverness, to have set for annual rent and by the tenor of these presents for us and our successors set and for annual rent let to our neighbour William Robertson, burgess of Inverness, his heirs, executors, and assignees, the rowme of a shop lying on the south side of the Tolbooth of Inverness, containing in length ten feet and in breadth two feet and half a foot, a foot under the old “Kukstuyll,” and bewest the Tolbooth stair, the said William Robertson, his heirs, executors, and assignees paying to the common purse and rental man whatsoever two shillings usual money of Scotland at two terms of the year, that is to say, Whitsunday and Martinmas, for the which we and our successors shall warrant, maintain, and defend the said William, his heirs, executors, and assignees in the peaceable brooking of the said lands for now and ever. In witness whereof to these presents we have affixed our common seal. At Inverness, the 3d day of October, the year of God 1522 years, before these witnesses—James Dempster, John Anderson, William Paterson, Saunders Skinner, Thomas Sanderson, and Richard Copland, with others divers.

It would appear that the burgh possessed a “cuck-stool,” the use of which is explained in the following extract:—“A woman indicted for being a common scold, if convicted, shall be placed in a certain engine of correction, called the ‘trebucket,’ ‘castigatory,’ or ‘cucking-stool’; which, in the Saxon language, signifies the ‘scolding-stool;’ though now it is frequently corrupted into the ‘ducking-stool;’ because the residue of the judgment is, that when she is placed therein, she shall be plunged in water for her punishment.”

At Inverness, on the 3d day of December 1522, Eugene Faber sells to the honest man Henry Symondson, burgess of Inverness, a particate of burgage land built upon, lying

within the burgh of Inverness, in the street called Doomsdale, and on the east side thereof, and which lies between the land of Patrick Brabiner at the north, and the land of the foresaid Henry at the south, whose front extends to the King's common highway at the west, and the back to the old ditch and the "Barneyllis" at the east. The reddendo is to our Sovereign Lord the King, 5d, at the two terms appointed within the burgh, and 2s at said terms, by equal portions, to the chaplain of St John the Baptist, who shall for the time be performing divine service within the Parish Church of Inverness. Andrew Auchlek, one of the bailies, gives sasine and appends his seal. The witnesses are the discreet men Master John Brown, Wm. Reid, Donald Cuthbert, John Ostlar, John Broun, John Dow, and Andrew Poip, officer, with divers others called and required. John Scot is notary.

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LXXII.

**JAMES V. 1513-1542. PART THIRD.**

The whole ecclesiastical staff at Inverness either did not know what their precise duties were, or more probably neglected them, and were in consequence, from the vicar down to the parish clerk, cited before the Bishop of Moray, at the instance of the Provost and Bailies of Inverness, as representing the community.

The Bishop's decision, which prescribes the various offices and duties is now given. It will be observed that for breach of the orders, fines are to be imposed, and if there should occur a contumacious absence of three months, deprivation of office might follow. The deed is very interesting, and contains the names of all the ecclesiastics with their offices. It is dated 22d August 1523:—

John, by divine mercy, Bishop of Moray, to all and sundry to whose knowledge the present letters shall come; Greeting, in the Saviour of all: Know that on the day of the date of these presents there compeared before us the honest and discreet men, the lords and masters, James Hepburn, rector of Ryne and perpetual vicar of the Parish Church of Inverness; William Bawdoun, curate thereof; Magnus Waus, parish clerk of said church and chaplain of St Peter, in the same, for himself, and as præcurator of Lord Hugh Waus, his brother chaplain of the altar of St Michael in said church; Andrew Cutberd, by a procurator; John Auchinlek and John Scott, chaplains of the altars of the blessed Virgin Mary, St John, and St Catherine the Virgin, founded in said church, being lawfully cited by our letters of citation on the one part; and the Provost and bailies of the aforesaid burgh of Inverness, in their own name and on behalf of the community, on the other, with respect to the service and manner of the offices of divine worship—viz., vespers and other hours in said church, and the form of attendance at service, and ministration of said curate, clerk, and chaplains: After many altercations, at length we, James, Bishop of Moray, on

whom it is duly incumbent, by virtue of our pastoral office, to bring about as much as we are able the increase of divine worship, to lead the good, reprove the slothful, and to unite in love and peace those who disagree, having heard the allegations and replies of both the above said parties, and having the merits of the case before us, with the intention and purpose as above, with the express consent and assent of said Provost, bailies, and community, and of the vicar, curate, clerk, and chaplains, by the advice and counsel of the canons, worshipful men, and men skilled in the law, for the time assisting and advising us, we have made, decerned, and ordained, and by our ordinary authority make, decern, and by the tenor of these presents conform the underwritten foundation, service, and attendance to endure in times to come in said Parish Church of Inverness: In the first place, the curate of said church, who for the time shall be, or the vicar, if they are engaged personally in the cure, are to reside there for ever in times to come, to chant high mass at the high altar on Sundays, festivals, rogations, and other solemn days, according to the custom of said church, to chant there and be engaged in chanting of vespers on said days, Saturdays, and the vigils of the saints, and to minister and perform the other duties which are incumbent upon a vicar or curate to exercise, together with the duties of the cure of said church, according to the praiseworthy custom of our diocese hitherto observed in said church, and the parish clerk, who for the time shall be, is to be similarly engaged in said offices, vespers, and holy processions, there to minister and chant, reside in said church, and to perform the other duties annexed and pertaining to his office, according to the praiseworthy customs of said church, and they shall be bound each and all strictly, as we by our ordinary authority bind them to the premises, and with their consent in times to come for ever, for themselves and their successors: Moreover, the said chaplains of the altars of the Holy Cross, the blessed Virgin Mary, and of St Peter, St John, St Catherine, and St Michael, each and all, shall be bound for himself and his successors, to reside personally in their chaplainaries in foresaid church by reason thereof, to worship and serve in the masses at the altars founded for their founders and others faithful in Christ, to preserve and guard the ornaments attached to the altars founded, and according to the custom of said Church, to be engaged in chanting on all Sundays, and on solemn and other festival days, and their vigils, as well as at vespers, and in high mass, processions and vespers, in the stalls within the choir, clothed with surplices and an honest and befitting dress, and there to chant and serve, and to perform the duty in turn of sub-chanter, to wear mantles, and adorn the divine worship according as seems fit, as we by our ordinary authority and with their consent, assent, and desire, and that of the said provost, bailies, and community of the burgh, bind them to the premises in name of their chaplainaries: Also, by like decree, we have appointed and ordained, in order to the more strict observance of said foundation, for the punishment of said curate, clerk, vicar, and chaplains, if they are away, or absent themselves from, said divine duties as foresaid, that whoever is absent shall be bound for his absence on Sundays, and festivals, to make payment to the collector who for the time shall be, and shall be compelled in the premises by our commissary of Inverness who shall for the time be, by ecclesiastical censure, for vespers, 4 pence; masses, 6 pence; and processions, 2 pence; and for feasts likewise double the principals, that is, twice the said sums, unless it happen they are absent from a just cause, known to the collector, and unless they have had leave of absence: Which collector shall be deputed and named by us and our commissaries yearly in our synodal chapter, with the advice of the chaplains of said church of Inverness, and he is bound to render any account and state of said moneys received for absences to the other chaplains, and he is likewise bound and obliged to dispose of and distribute these towards pious uses, and specially for the repair of the common altar, and of those founded for said chaplain, according as shall seem expedient to him with the counsel and advice of our Commissary-General of Moray: If, moreover, it shall happen that said parish clerk or the chaplains founded and so fixed to residence as is premised or any of them be absent without just leave for the space of three months from said residence, observance, and service, and they being so absent unlawfully after being cited and summoned in said Church by our Commissary-General of Moray, sentence of deprivation because of non-residence shall be given and published against such absentees, with free power to those upon whom it is incumbent, of disposing of the chaplainships and offices of said absentees, and accordingly we command such to be granted and given: In testimony of which thing our round seal is appended to these presents, confirmed by our hand and by the subscribed notary. At Spiny, the 22d day of the month of August A.D. 1523, and of our consecration the 7th



year. Present there the venerable father in Christ, Lord George, prior of Pluscardine; William Lame *alias* Panyteir; Anselm Robertson, canons of our Church; Thomas Crag and Thomas Gaderar, notaries public.

And I, Thomas Crag, priest of the diocese of Aberdeen, notary public, by holy apostolic authority, forasmuch as I was present with the fore-named witnesses at said foundation, obligation, prescription, and consent, and all and sundry the other premises, while thus, as is premised, they were acted and done, and took note of the same, and also of the process, present foundation sealed with the seal of the said reverend father, I, thereon, being requested in testimony of the premises attached my sign and subscription.

(Signed) JA. MORAV.

Upon the 10th January 1524-5, Hugh, fifth Lord Lovat, was served heir to the family estates at Inverness. This same year Magnus Waus, vicar of Dalcross, and commissary of Inverness, is one of the witnesses to the collation by the Bishop of Moray, in favour of Alexander Sutherland, rector of Duffus, to the perpetual chaplaincy of St Mary's cloister of Duffus.

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LXXIII.

**JAMES V. 1513 1542. PART FOURTH.**

At Inverness, on the 30th of April 1527, the following Bond of Offence and Defence was entered into betwixt Sir John Campbell of Cawdor, Hector Mackintosh, Captain of the Clan Chattan, Hector Munro of Fowlis, Donald Macdonald of Sleat, and Hugh Rose of Kilravock. Macdonald is styled "Donald Ilis of Slate," and it is after and from him that the family of Sleat, now represented by Lord Macdonald had the patronymic in Gaelic of "*Macdomnhuill nan Eilean*," or Macdonald of the Isles, to distinguish this family from other branches. It has been alleged that neither this Donald, nor his co-temporary and namesake, Ian Muidartach, were of legitimate descent:—

Be it made known to all men, by this present writ, us, John Campbell of Cawdor, knight, Hector Mackintosh, Captain of the Clan Chattan, Hector Munro of Fowlis, Donald Ilis of Slate, Hugh Rose of Kilravock, to be bound and obliged, and by the tenor hereof, and the faiths in our bodies, honestly and truly, without fraud or guile, bind and oblige us, in the strictest form and style of obligation, that we and each one of us, shall keep honest, loyal, and true part to the others, and do each one for the others, in all manner of just, lawful, and honest causes or quarrels, moved or to be moved, or that either of these foresaid persons has or shall have, to do with in times coming, and that neither of these foresaid persons, shall not know nor hear, either of the others skaiths, but shall warn each one the other, as brothers or amiable friends should do, each neighbour to the other. And if it happen that any other man or men, that are now at discord with any of these foresaid persons, desire any manner of bond or kindness of any of these persons fore-written, that neither of the said persons shall not make no manner of bond with any other, without the advice and consent of all the persons foresaid. And when need be, that any of us charge the others, that we shall convene and foregather, each one to defend the others, in all and sundry causes foresaid: And for the observing and keeping of all these points foresaid, all these persons fore-written, have sworn the sacrament, and holy

evangelist touched, and for the more verification and security have subscribed this present writ and bond with their hands, or hand, at the pen, at Inverness, the last day of April, in the year of God 1527, before these witnesses—John Williamson, Donald William Allanson, his brother, Robert Campbell in the Moye, Alexander Doles, and Sir Donald Munro, notary public, with others divers and sundry.

(Signed) JOHN CAMPBELL of Cawdor, Knight.  
 HECTOR MACKINTOSH, Captain of the Clan Chattan,  
 with my hand at the pen.  
 HECTOR MUNRO of Fowlis.  
 HUGH ROSE of Kilravock.  
 DONALD ILIS of Slate, with my hand at the pen.

King James granted the following Charter of Confirmation to the Friars of Inverness of the previous Charters already quoted of their respective dates, by Alexander II. and Robert the Bruce. In the narrative, it will be observed, that from length of time and negligent preservation, these Charters appeared wasted and partly spoiled. The Charter is dated at Perth, on 31st August 1530, and is as follows:—

James, by the grace of God, King of Scots,—To all good men of his whole land, Clergy and Laity; Greeting: Know ye, for as much as we have examined and considered two Charters, granted by our late most noble progenitors of happy memory, Alexander, King of Scots, and Robert, King of Scots, to our devout mendicant preaching Friars of our Burgh of Inverness, viz.: The one Charter, containing therein a grant of our Royal Highway, lying in length from the water of Ness, as far as the lands granted to them by the Abbot and Convent of our Monastery of Arbroath, and extending in breadth between the burying-ground of the Parish Church of the said Burgh, and the walls of the place of the said Friars, together with the Island lying on the north side of the said place, and on the south side of the said water,\* with the whole water and fishing thereof, from the foresaid highway, as far as the Scurrie, in pure and perpetual charity; and the other Charter, containing therein a grant of ten pounds of the money of our kingdom, out of the customs of our said Burgh, to be paid annually to them, as is more fully contained in the said Charters, to that effect as under-written; and whereas, from length of time and negligent preservation, these Charters appear wasted and partly spoiled, whereof the tenors follow, in these words:—

“Alexander, by the grace of God, King of Scots,—To all good men of his whole realm; Greeting: Know ye, that we have given, granted, and by this our present Charter, confirmed to our endowed chaplains, the preaching Friars of Inverness, serving, and who shall serve God there, that our Royal Highway, lying in length from the water of Ness, as far as that land which the Abbot and Convent of Arbroath gave to them for ever, and in breadth between the burying-ground of the Parish Church and the wall of the said Friars, and that Island of our land lying on the north side of the said Friars, on the south side of the water of Ness, with the whole water and fishing from the foresaid Friars’ Road, as far as Scurry, in pure and perpetual charity, with all commodities, liberties, and easements, to be enjoyed freely, quietly, honourably, well and in peace, for ever, just as any land is given and granted to religious men in our kingdom,—Witnesses, Alexander Comyne, Earl of Buchan, Constable and Justiciary of Scotland, Donald, Earl of Mar, Ingeram de Genes, and Reginald de Schenpatre, Knights, at Berwick, the 20th day of May, in the 26th year of our reign.

“Robert, by the grace of God, King of Scots,—To all good men of his whole realm; Greeting: Know all present, and to come, that we, for the honour of God, and the glorious Virgin Mary, his mother, and the blessed Bartholemew, have given, granted, and by this our present Charter, confirmed to the preaching Friars of Inverness, as an endowment of his Church, ten pounds sterling, annually, to be received through the hands of our provosts for the time, out of the rents of our Burgh of Inverness; To be holden by the said Friars, serving and who shall

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\* Of old, the River Ness at its embouchure, formed a delta. The main stream issued by the Abban; and, in consequence of the flatness of the soil, several islands were thereby formed, such as the Merk Inch, Chapel Inch, &c. In all probability, the land now known as the Capel Inch (a corruption for Chapel Inch or island) is the isle referred to.

serve God, for ever, of us, and our heirs, in free, pure, and perpetual charity, and to be received in each year, through the hands of said provosts, in the town of Inverness, out of our rents of the town, as aforesaid, at two terms in the year, viz., one-half at the feast of St Martin, in winter, and the other half at the feast of Pentecost. In testimony whereof, to this our present Charter, we have ordered our Seal to be affixed,—Witnesses, Edward de Brus, Earl of Carryk, our beloved brother, Thomas Randolph, Earl of Moray, our nephew, John de Meneteth, Robert de Keth, our Marshal of Scotland, Gilbert de Hay, and Henry de Saintclare, Knights : At Dundee, the 21st day of October, in the eighth year of our reign.”

Therefore, we, for ourselves and our successors, approve, ratify, and for us and our successors for ever, confirm, as above-written, the foresaid Charters in all the points and articles therein contained ; And we will and ordain, that as great and the like faith be given to this our Charter of Confirmation, made upon the premises, as might be given to the said principal Charters, if produced in judgment. In testimony whereof, to this our present Charter of Confirmation, we have ordered our Great Seal to be affixed : At Perth, the last day of the month of August in the year of our Lord, 1530, and in the 17th of our reign.

Upon Sept. 3 1530, Mr Thomas Stewart, Treasurer of Caithness, Mr Andrew Petre, Vicar of Wick, Mr John Ireland, Sir John Symson, William Murray, senior, and Hugh Grot, Chaplains, Mr John Thomson, Rector of Olrik, Sir David Rede, Sir William Irwin, Chaplains, found caution (John, Earl of Athole) to appear at the Justice-aire of Inverness, to underly the law for art and part of the cruel slaughter of William Sutherland of Duffhouse (Duffus), and other persons slain at the same time.

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#### LXXIV.

#### JAMES V, 1513-1542. PART FIFTH.

Upon the 9th February 1531, by the Treasurer's Accounts, a sum, of which the amount is not mentioned, is paid to Duncan Richie, to pass with a Summons of Treason against the men of the Isles, to be executed at Inverness.

At Inverness, on 26th day of June 1531, Thomas M' Myller sells to his beloved John Myller, a particate of land burgage, lying in the Burgh of Inverness, in the street commonly called Doomsdale, and on the west side thereof ; The said particate lies between the land of Marjory Coupland, relict of the late William Duncanson, burgess of Inverness, at the south on the one side, and the land of the foresaid John Myller at the north, and the front of which extends to the King's highway at the east, and the back to the Castle hill at the west ; The Reddendo payable by the said John Myller is, to our supreme Lord the King, 5d, and to James Reid, burgess of Inverness, his heirs and assignees, 3s, at two terms in the year, used and wont, by equal portions. Sasine is given by the honourable man, William Robertson,

one of the bailies, who also affixes his seal. The witnesses are, John Ostlar, James Symondson, James Johnson, Patrick Brabner, Farquhar Graischt (the shoemaker), Andrew Poup, and John Roy and Henry Brabner, officers, with divers others to the premises, called and also required. John Scot is notary.

It was in this year that the Tower of Halhill in Petty was destroyed by the Mackintoshes, along with 24 of the name of Ogilvie, by reason of the Earl of Moray improperly granting the lands of Petty and others, to Ogilvie of Strathnairn.

Three years afterwards, the Mackintoshes attacked and destroyed the Castle and Place of Daviot, and at Inverness, on the 11th May 1536,

James Grant of Frewchy, John Grant of Ballindalloche, and John Grant of Culcabok, found surety to the amount of 1000 merks each, to underly the law at the next Justice aire (at Inverness), for art and part of the assistance given to Hector Makintosche and the late William, his brother, at the time of the besieging of the Place and House of Davy (Daviot), within Strathnairn, belonging to James Ogilvy; And for the treasonable burning of a great part of the houses and buildings thereof, and the houses and buildings of the tenants of Dyke, Ardrossere, and other lands; And for the slaughter of women, men, and children, to the number of twenty persons; And for stouthreif and "hereschip" furth of the said place and houses, and from the ground of the said lands, of all the grain, cattle, victual, goods, utensils, and household stuff, to the value of 12,000 li, committed by the saids Hector, William, and their accomplices in the year 1534; And for resetting, supplying, intercommuning, and assistance given and afforded to the saids Hector, William, and their accomplices, after they were denounced rebels, &c.

Upon the 16th February 1532, The Earl of Huntly, Keeper of the Castle of Inverness, is released from building the Castle for five years, for various reasons, among others that he is as yet not grown in substance to make the said buildings.

From the Treasurer's Accounts, under date 18th September 1532, there is the following entry:—

*Item*, to Williame Cristesoune, messinger, deliuerit lettres to the Sheriffs of Forfar, Elgin, Forres, Kincardine, Inverness, Cromarty, Nairn, Aberdeen, and Banff, to be proclaimed within their bounds, charging all men, betwixt 60 and 16 years, to make them ready, upon 24 hours' warning, to pass hodin, &c., with the King's grace or his lieutenant, with 8 days' victual, under the pain of tinsel of their lives, lands, and goods: And also delivered lettres to the Earls of Moray and Huntly, Lords Saltoun and Ogilvy, charging them to come with diligence to advise for defence of the realm against the enemies of England.

At Inverness, on the 20th of May 1533, William Gollan, burghess of Inverness, son of the late honourable man, John Gollan, burghess of said burgh, sells to his beloved neighbour James Symondson, burghess of said Burgh of Inverness, a piece of uncultivated land, lying on the Hill, called "Barnhills," between the land of Sir Andrew Bayne at the south, and the land of the foresaid James at the north, whose front extends to the lands of the foresaid James at the west, and the back to the common passage of the Barnhills at the east. There is no reddendo. David Cuthbert, one of the bailies of the burgh, gives sasine, and affixes his seal in sign thereof; and the witnesses are James Johnson, James Dempster, burgesses of Inverness, Sir Andrew Dow, chaplain, Thomas M'Anevan and George Symonds, an officer, with divers others specially called and required. John Scott acts as notary public.

At Inverness, on the 4th day of November, A.D. 1533, Sir Thomas Foulis, lawful and nearest heir of Margaret Coupland *alias* Brabiner, sells to his beloved John Cumming *alias* Miller, burghess of Inverness, one rood of land lying in Doomsdale Street, on the west side of said street, between the land of Sir Andrew Duff at the south on the one side, and the land of the said John Millar towards the north, whose front extends to the King's Common Highway at the east, and the back to the Castle hill at the west. The reddendo is the burghal service, used and wont to the King, and to the heirs of James Reid, burghess of Inverness, three shillings yearly; William Paterson, bailie, gives sasine; and the witnesses are, the honourable men, Donald Cuthbert, John Gollan, William Cuthbert, Thomas M'Coieir, Thomas Paterson, John Forsicht, Claviger; and George Cordiner, servant, with divers others.

The following obligation betwixt Sir John Campbell of Cawdor and the Macleods of Dunvegan and Minginish, is dated at Inverness, the 10th day of November 1533:—

At Inverness, the 10th day of November, in the year of God, 1533 years, it is appointed, concorded, and finally ended, betwixt honourable men on both parts, viz.—Sir John Campbell of Cawdor, Knight, on the one part, and Alexander Macleod of Dunvegan, and John Macchormeit of Menyenis, on the other part, in manner, form, and effect, as after follows, viz.—the said Sir John Campbell is bound and obliged by the faith and truth of his body to fortify, supply, maintain, and defend the said Alexander and John Macleod in their rights, quarrels, actions, and matters, moved or to be moved whatsoever, like as I should do to my loved and tender friends, keeping my promise of loyalty made, the one to the other of before, and shall whenever injuries befall either of us, the said parties, fulfil the bond of gossipry, when any of us are charged by the other party in honour and loyalty, as gossips should do: And, in likewise, the said Alexander and John Macleod, are bound and obliged by the faith and truth in their bodies, to stand loyal, true, and honest, to the said Sir John Campbell, in opposition to all others, the King's grace, my Lord of Argyle, and my Lord of

Moray, only excepted. In witness of the which, to be held firm and stable, without any revocation, obstacle, or againcalling, I, the said Alexander Dunvegan, have subscribed this present writ, with my hand, and to the more security of this to be kept, I have affixed my proper Seal hereto, this part remaining with the said Sir John, year, day, and place above-written, before these Witnesses—Sir Finlay, parson of——, Rorie McAne Vyckrore, Sir John M'faell, Sir John M'Chrummen, with others divers persons.

On 14th April 1534, a jury served the Lady Muriel of Cawdor at Inverness, as lawful and next heir of Mariot Sutherland, formerly Lady of Cawdor, and grandmother of the said Muriel. On 6th November 1539, she is served heir to her great grandfather, Alexander Sutherland.

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LXXV.

**JAMES V. 1513-1542. PART SIXTH.**

Upon the 29th October 1534, John Campbell of Cawdor indicted and tried at Inverness, for the burning of the Castle of Davy (Daviot), and the slaughter of Hector MakKynoch and David ——, and for spuilzie of certain cattle, horses, and other goods from James Ogilwy, is acquitted under the Seal of the Great Justiciar.

From the Inshes Papers, the following Charter of Alienation of a piece of a rood of land at the East Gate of Inverness is taken. The deed is granted by John Reid, described as John the Tailor, in favour of John Cumming, styled John the Miller, and is dated 20th April 1535. The granter or his predecessor had planted "rodding trees" in his yard, doubtless for protection against witches and evil spirits, and it is the land beyond these trees which is conveyed. The rowan tree has ever been a favourite in Scottish poetry:—

Be it made known to all men, by these present letters, that I, John Reid, tailor, son and lawful heir to the late Donald Reid, indweller in Inverness, have, of my own free will and for my profit sold, alienated, and by the tenor of this, my present Charter of Alienation, freely sell, alienate, without any revocation, but perpetually from me, the said John Reid, my heirs, executors, and assignees, irrevocably sell, alienate, and away-give to my traist friend, John Cumming, *alias* Myller Bayne, burghess of Inverness, his heirs, executors, or assignees whatsoever, a piece of a rood of land which myself dwell in, pertaining to me heritably; that is to say, from the rodding treis in my yard, down to Robert Waus's barn, in so far as pertains to me, or that I have just right to, with the bigged barn, bigged on the tail of my said rood, as it lies in length and breadth, justly marched, as use and wont, for a certain sum of money paid, delivered to me, and in my uses allanerly, disponed to the sustentation of me, redding and outquitting of my debts, of the which sum, in hail and in part, I, the said John Reid, grant me well-contented and paid of the same; and by the tenor hereof, quitclaim, and discharge the said John Myller, his heirs, executors, and assignees from me, my heirs, executors, and assignees whatsoever, for now and imperpetually: The which piece of land, as said is, to be brooked and enjoyed imperpetually by the said John, his heirs, executors, or assignees from me, the said John Reid, tailor, my heirs, executors, or assignees, without any revocation of me or them, or any other in our name, without any manner of annual rent, king's mails, or

kirk mails whatsoever ; but, at the other part where I dwell, to the said treillis from the under part, as I have alienated in all manner of sort, and acquit it without any trouble or care to the said John and his heirs, and also I, the said John Tailor, bind and oblige me, my heirs, executors, and assignees, on the faith of our bodies in the strictest form and style of obligation (which) can be devised, renouncing all exceptions, delatory and peremptory, all Acts of Parliament or Constitutions made, or to be made in the law, or by the law to warrant, maintain, or defend the said lands, as my alienation proports in hail and part, as free as is foresaid, without any paying of annual, king's mail, or kirk annual, but that the former land relieve all the under land sold and alienated, as said is, to the said John Cumming, *alias* Myller, by me, the said John Reid, *alias* Tailor, by all our goods, moveable and unmoveable, present or to come ; and what costs, skaiths, damages, and expenses, the said John Cumming, *alias* Myller, sustains by any process of vacating of the said land, I, the said John Reid, *alias* Tailor, shall pay and thankfully deliver to the said John Myller, before the beginning of a legal process, and shall warrant, maintain, and defend, the said piece of land, in length and breadth, as said is, with bigging, bigged or to be bigged by the said John Myller, his heirs, executors, or assignees, imperpetually for now and for ever : In witness hereof, to this my present Charter of Alienation, I have affixed my proper Seal, together with my subscription, with my hand on the pen, and for the more verification, I, the said John Reid, Tailor, have procured with instance, the seal of an honourable man, Donald Cuthbert, bailie for the time, who received my resignation in his hands, of the said piece of land, and thereafter, gave to the said John Cumming, *alias* Myller Bayne, his heirs, executors, and assignees, from me, my heirs, executors, and assignees, heritable state and possession by earth and stone, as use is, in burghs, and put the said John Cumming, *alias* Myller Bayne, in actual, real, and corporeal possession of the said piece of land, and in token thereof has affixed his Seal, on the second tag after my Seal : At Inverness, the 20th day of April, in the year of God, 1535 years, before these witnesses—John Buddyt, John Duff, James Symondson, James Bure, Thomas McAne Man, Andrew Moir, and Donald McAne Merthich, and Hugh Brabiner, serjeant, with others divers and sundry.

Magnus Waus, vicar of Abertarff, having been presented by the Burgh to the Chaplaincy of St Catherine, Alexander, Bishop of Moray, grants the following Letters of Induction and Collation, dated at Perth, the 20th day of November 1536:—

Alexander, by the mercy of God, Bishop of Moray, perpetual Commendator of the Monasteries of Scone and Inchechaffray, to our beloved William Baldon, perpetual Vicar of Inverness, and also to all and sundry priests, curates, and non-curates, throughout the diocese of Moray wheresoever constituted and required, for the due execution of these presents ; Greeting, with divine benediction : Forasmuch as the Chaplaincy of the Blessed Virgin Catherine, founded and situated within the Parish Church of Inverness is vacant, *de jure* and *de facto*, by the decease of the late Lord John Auchlek, last chaplain and possessor thereof, and belongs and pertains of full right to the presentation of the provost, bailies, and community of the Burgh of Inverness, and our ordinary collation, we confer and bestow it by these presents, on our beloved Lord Magnus Waus, vicar of Abertarff, and our Commissary of Inverness, the presentee of said provost, bailies, and community, by their letters, under their Common Seal, of date, at the Burgh of Inverness, the 25th day of the month of September, A.D. 1536, shown and presented to us, by placing of our ring on his finger, and committing fully to him the cure, government, and administration thereof ; We, therefore, command and strictly order you, and each of you, in virtue of holy obedience and under pain of suspension, by these presents, that without delay, ye induct, invest, and place the said Lord Magnus Waus or his procurator, in and to real, actual, and corporeal possession of said chaplainship, and of all and sundry, the rights, fruits, and pertinents thereof, and when inducted and invested canonically, that ye defend him, and cause him and his factors to be fully presented with all and sundry, the fruits, revenues, and emoluments thereof, and strictly restrain contradictors and rebels, if there be any, by church censure ; and in token of your said induction and of your giving possession, and that ye have executed these presents, place your seal, on the second tail, after ours, to these

presents, which are to remain for ever, with the said Lord Magnus Waus, or otherwise, cause it to be notified to us by a notary public: In faith and testimony of all and sundry the premises, these present letters of our collation, subscribed with our hand, we have commanded to be made, written, subscribed, and published by a notary public, and have ordered and caused them to be protected by the appending of our round Seal: Given and done in our hospice, within the Burgh of Perth, the 20th day of the month of November, A.D. 1536, the tenth indiction, and the 3d year of the Pontificate of the most Holy Father in Christ, and our lord, Lord Paul, by divine providence, Pope III. Witnesses there—The venerable father in Christ, Father Robert, Abbot of Kinloss, Alexander Sinclair, Norman Leslie, Master William Kemp, William Zevill, Lord Hugh Grey, vicar of Rothemay, notary public, with divers others.

(Signed) ALEX. MORAVEN.

And I, Lord Hugh Grey, Priest of the Diocese of St Andrews, notary public, by holy Apostolic authority; Forasmuch as I, along with the witnesses forenamed, was present at all and sundry the premises, while thus, as is premised, they were acted, said, and done; and saw, knew, heard, and took note that they all and sundry were thus done; I have therefore made therefrom, this present public instrument of collation, written by another hand, faithfully written, and I have reduced it into this public form, and have signed it with my accustomed and usual sign, name, and subscription, being called on and requested so to do, for faith and testimony of all and sundry the aforesaid.

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## LXXVI.

### JAMES V. 1513-1542. PART SEVENTH.

Upon the 4th August 1537 the sum of one shilling is charged in the Treasurer's Accounts as paid to John Forsyth to pass to Banff, Elgin, Forres, Inverness, and other places needful, to discharge the Earl of Moray of his lieutenancy in the north parts.

At Inverness, on 30th October A.D. 1537, William Gorre, inhabitant in Inverness, grants to his beloved Thomas Mann and Marjory Gorre his wife, and to the longest liver of them and their heirs lawfully begotten, whom failing, to the said Thomas' heirs whomsoever, "one particate of land built upon, lying on the west side of the Church Street of Inverness, between the land of Thomas Sanderson at the south and the land of the Preaching Friars of Inverness at the north, whose front extends to the King's common highway at the east and the back to the lands of the heirs of Farquhar Johnson at the west." The reddendo is 2½d to our Lord the King, and to the heirs of John Kar two shillings of the usual money of Scotland, by equal portions, at the two accustomed terms of the year. Donald Cuthbert, one of the bailies of Inverness, gives sasine of said land, and the witnesses are—William Cuthbert, James Merchand, James Sanderson, Andrew Makgow, William Gollan, Alexander Morrison, writer, and Robert Waus, notary-public, with divers others. William Gorre signs with his hand led at the pen by Mr William Cuthbert.

The days of the Prior and Convent of Inverness were coming to an end; however, in 1538 they succeeded in vindicating their right to the fishings granted them by the Kings of Scotland. These rights were encroached on by the burgh, as will be seen from the following notarial in-



strument of the proceedings of a court held by Alexander Baillie of Dunearn, Sheriff of Inverness :—

In the name of God, Amen : By this present public instrument, be it clearly known to all, that in the year of the Incarnation of our Lord, 1538, on the 28th day of June, the 11th indiction, and in the 4th year of the pontificate of the Most Holy Father in Christ and our Lord, Lord Paul, by divine providence Pope III., in presence of me, notary-public, and the undersubscribed witnesses, the venerable, religious man, Friar Thomas Stevenson, Prior of the Preaching Friars of the town of Inverness for the time and the convent of the same, the Provost, bailies of said burgh, and community occupying the salmon fishings of the river of Ness, being cited by the letters of the honourable man, Alexander Baillie, at the time Sheriff of Inverness, at the instance of the said Lord Prior of the Preaching Friars and of the convent of the same, convened to render a reason for the unjust occupation of the fishing, by net fishing of the western part of the river and water of Ness, pertaining hereditarily to the prior and convent of Inverness, opposite the eastern ditch of said friars on the one part ; and on the other part there convened the foresaid prior and his convent, having charters containing the donation of King Alexander, of happy memory, and also strengthened by the seal of the now reigning illustrious King James V., of all and whole the water of Ness, with its fishing, from the road intervening between the place of the Preaching Friars and the Parish Church on the south side, even to *le Churry* on the north : Moreover, both parties for themselves being heard, the rights and allegations, and the complaints and statements, of each being weighed, the foresaid Alexander Baillie, Sheriff of Inverness, holding the situation for the administration of justice, being advised by the ripe counsel of his assessors, delivers and ordains the foresaid Provost, bailies, and the occupiers of the River Ness to desist and cease from all fishing and dragging of nets in time coming for ever, until they shall produce more valid evidences in judgment ; and the charter of the said friars, just shown before the said Sheriff, in defence of said prior and convent, and examined in judgment, to be of as much force as is more fully contained in the roll of said court made thereupon : Of and upon all and sundry, the foresaid Lord Prior sought of me, notary-public, under-written, public instruments, one or more to be made for him : These things were done in the Court-house of said burgh at 10 o'clock A.M. or thereabouts, under year, day, month, indiction, and pontificate as above : Present there, the honourable men, William Paterson, provost of Inverness, Andrew Auchlek, James Dempster, bailies ; Thomas Waus, John Cuthbert, of the Old Castle, and Robert Waus, notary-public, with divers others.

The notary's docquet is similar to those given so often already. His name is John Scot.

At Inverness, upon the 26th November 1539, a charter of sale is granted by Allan Keyr Mackintosh of Rothiemurchus to Master George Gordon, Constable of Ruthven of Badenoch, of said lands of Rothiemurchus, with the lake and manor or fortalice, to be held of the Bishop of Moray under the same conditions and with the same power of excambion as are contained in the charter of Alexander : Reserving frank tenement for the lifetime of the said Allan : Before these witness—George, Earl of Huntly, John Lesly of Syde, John Gordon, son and heir-apparent of John Gordon of Lungar, James Murray Junior, Lord of Coubardy, Alexander Baillie, Constable of Inverness, Patrick Trwip, and Andrew Boyn.

In connection with the above charter, an obligation is passed by the said Master George Gordon, baron of Rothiemurchus, to content and pay to the Bishop 24 merks yearly,

under pain of tinsel, of the feu of the barony of Rothiemurchus; notwithstanding, the frank tenement of the said barony is reserved to Allan Kere, for all the days of his lifetime: And attour to deliver yearly to the Bishop 160 fir spars, sufficient to be joists, or, at the least, so many spars as the rental of the Bishop proports, or, as Allan Kere, or his predecessors, used to deliver, upon the waterside of Spey, beneath the Kirk of Rothiemurchus, on a competent place where they may be easily cast into the said water of Spey in float, or otherwise, as shall be thought speedful: Before witnesses—Master James Strathachin, parson of Balhelvie; Master Gavin Leslie, parson of Kingussie; Master John Innes, vicar of Elgin; Master John Guthery, notary. At the Cathedral Kirk of Moray.

The venerable and distinguished man, Lord Thomas Sutherland, prebendary of Allan, and vicar of Dyke, in the dioceses of Aberdeen and Moray, sells to his beloved Thomas Anderson, burgess of Inverness, and to Janet Waus, his spouse, and to the longest liver of them, and to their heirs male, procreated or to be procreated, and to the heirs male of the said Thomas, procreated or to be procreated, whom failing, to the heirs of the late Andrew Sutherland whomsoever, four roods of land, with one stone house, lying within the burgh of Inverness, in the Church Street thereof, on the east side, which lie contiguous in length and breadth between the lands of James Paterson at the south on the one side, and the lands of John Gollan at the north on the other, whose fronts extend to the King's common highway at the west, and the backs to the common vennel at the east, for a certain sum of money, &c. "Reserving to me, for my whole lifetime only, my barn, with the cornyard, as I had formerly; paying therefor, yearly, to our supreme lord the king the royal service used and wont, and also to the chaplain of the Holy Cross within the Parish Church of Inverness 3s, by equal portions, for the rood next the house of James Paterson, at the terms appointed within said burgh," &c. "In testimony of which thing, to this my present charter of alienation my seal is affixed, together with the seal of the honourable man, James Dempster, bailie of Inverness, who gave sasine, &c. At the burgh of Inverness, 5th July A.D. 1540, &c. Present there—the honourable men, Robert Waus, Patrick Dunbar, Richard Copland, burgesses of Inverness; Lords, William Baldon, pensioner of Inverness; John Waus, chaplain of St Michael, within the Parish Church of Inverness; John Anderson, chaplain;

and Alexander Morison, messenger or mair, with divers others, to the premises called and likewise requested.— (Signed) THOMAS SUTHERLAND, Prebendary of Ellone, with my hand.”

Sir Magnus Waus, Commissary of Inverness, is witness to an agreement as to marches betwixt Cawdor and Kilravock at the water of Nairn, 16th November 1540. The parties submit themselves to him and to his jurisdiction of Inverness.

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LXXVII.

**JAMES V. 1513-1542. PART EIGHTH AND LAST.**

Upon the 7th May 1541, a feu charter by the Bishop of Moray, with consent of his chapter, is granted in favour of John Grant of Culcabock and Elizabeth Innes, his spouse, in life-rent, and to James Grant, natural son of the said John, in fee, whom failing, to Alexander Grant, also natural son of the said John, whom failing, to John, also natural son of the same, and to the heirs male of their body respectively, whom all failing, to the heirs male of James Grant of Fruchie, of the lands of Wester Elloquhy, the “Portar croft,” and a boat on the “ferrie cobill” on the water of Spey, and of the lands of Kincardine, in the barony of Strathspey, sheriffdom of Elgin and Forres; reddendo, £16 9s.

The venerable man, Lord John Waus, chaplain of St Michael the Archangel, within the Parish Church of Inverness, Collector of the Choir of Inverness, with express consent and assent of the chaplains established within said church, and of the Parish Clerk of said Church, unanimously assembled, feus to his cousin, Matthew Waus, and to his heirs male, lawfully begotten, whom failing, to the said John Waus, and the chaplains of said choir and their successors, two roods of burgage land built upon, lying on the east side of the Church Street of said burgh, between the land of Thomas Waus at the south on the one side, and the land of James Cuthbert at the north on the other, whose fronts extend to the King's common highway at the west, and the backs to the “fowill powill” at the east, in lieu of kindness and services to be done to the saids John Waus,

and chaplains, and their successors, by the said Matthew and his heirs, &c. Paying therefor yearly, to the king 10d, and to the collector of said choir who shall for the time be 30s of Scots money at the usual terms, by equal portions, as the annual rent of said lands, and to John Cuthbert of the Old Castle and his heirs 3s, for the one of said roods lying contiguous to the lands of James Cuthbert, at the terms as aforesaid :—

In testimony of which thing, my own seal, together with my manual subscription and the manual subscriptions of the chaplains and parish clerk of said choir for the time, in sign of their consent and assent, and the seal of the honourable man, James Dempster, one of the bailies of Inverness, who gave hereditary sasine, state, and possession of the foresaid two roods, with their pertinents, to the foresaid Matthew Waus, by delivery of earth and stone, are appended: At the burgh of Inverness, the 14th day of the month of July A.D. 1542, the last indiction, and of the pontificate of the Most Holy Father in Christ and our Lord, Lord Paul, by divine providence, Pope III., the ninth year. Present there—the venerable and discreet men, Master Thomas Denune, rector of Kincarne; Lords, John Nicholson, vicar of Laggan, James Duff, vicar of Durris, William Baldon, pensioner of Inverness, John Williamson, pensioner of Croy; Donald Denune, William Cuthbert, William Robertson, John Makgilliwe, Thomas Waus, burgesses of Inverness; John Tailzour, Alexander Berdy, and George Symonson, servants, with divers others to the premises, called and also required.

JOHN WAUS, Collector of the Choir of Inverness for the time, with my hand.

It is so, JOHN SCOT, Chaplain of St John the Baptist, with my hand.

Lord WILLIAM BALDON, Pensioner of Inverness, with my hand.

It is so, JAMES DUFF, Vicar of Durris, with my hand.

Lord PATRICK ANDERSON, Chaplain of St Katherine the Virgin, with my hand.

It is so, JAMES AUCHLEK, Parish-Clerk of Inverness, with my hand.

The following presentation, collation, and induction in favour of Patrick Anderson to the chaplaincy of St Catherine is interesting. Among other names will be found that of John Reid, vicar, pensioner of Bona :—

Patrick, by Divine mercy, Bishop of Moray, and perpetual commendator of the Monastery of Scone, to our Dean of the Christianity of Inverness, and to any other prebendary or incumbent of the Parish Church of Inverness, and to all rectors, vicars, perpetual curates, chaplains, priests, attendants of altarages, who perform divine worship throughout our diocese of Moray, to be called upon for the due execution of these presents; Greeting, with divine benediction: Forasmuch as the chaplainship of St Catherine the Virgin, founded for the altar of the said St Catherine, in the Parish Church of Inverness, and lying within our diocese of Moray, is, *de jure* and *de facto*, vacant, through the decease of the late venerable man, Lord Magnus Waus, late possessor thereof, and belongs of full right to the presentation or nomination of our beloved in Christ, the Provost, bailies, councillors, and community of the said burgh of Inverness, and to our collation and provision: We, from a regard of love, bestow it on our beloved son in Christ, Lord Patrick Anderson, chaplain of the diocese of St Andrews, within the archdeanry of Lothian, presented and nominated to us by said Provost, bailies, councillors, and community, by letters under their common seal, who, being constituted before us on bended knees, and accepting, by placing of our ring on his finger with the fulness of canon law, we accordingly conferred, and by these presents provided him with said chaplainship, and have instituted him therein by committing to him the cure, government, and administration thereof, as he shall answer to God and us: Therefore, strictly admonishing, we command you, and any of you, in virtue of holy obedience, to invest and induct the said Lord Patrick Anderson so presented and nominated, as is premised, and by us provided and collated, in and to, real, actual, and corporal possession and insti-

tution of said church, or as is the manner thereof, and when inducted and invested canonically, to defend him thereafter from any unlawful movement by any obstructor; and cause him, the said Lord Patrick Anderson, or his factors, to be fully provided with all and sundry fruits, incomes, rights, offerings, emoluments, profits, and all others whatsoever pertaining to said office, and that the stall in the choir, and the place in the chapter, of the foresaid Parish Church of Inverness, belonging or pertaining to said chaplainship, be assigned to him, and that ye receive and seek him to be admitted as a brother of said church, and when so received let it always be, by a similar oath, to observe the statutes and customs used and wont of said Parish Church: And when ye have executed these presents, cause to be notified lawfully by your execution and whatever ye have done in the premises, by public instrument or otherwise. In faith and testimony of all and sundry the premises, we have commanded, these our present letters of collation or provision to be made thereupon, and to be subscribed and published by our notary-public under-written, our scribe and notary, and we have ordered and caused them to be protected by the appending of our round seal. These things were given and done at our palace of Spiny, the 20th day of the month of November A.D. 1542, and of our consecration the fourth year, at eleven o'clock A.M. or thereabouts, and in the ninth year of the pontificate of the Most Holy Father in Christ and our Lord, by divine providence Lord Paul III., Pope. Present there, our beloved men, masters, and Lords, Alexander Brand, John Brobne, notaries; Alexander Innes, John Schaubell, Jasper Waus, and John Innes, our servitor, with divers other witnesses to the premises called and likewise required.

And I, William Wysman, cleric of the diocese of Moray, notary-public by sacred apostolic authority, forasmuch as I, along with the fore-named witnesses, was present at the collation, provision, and acceptance of said chaplainship, and all and sundry the other premises, while thus, as is premised, they were acted, said, and done, and took note of the same, I, therefore, have made therefrom, being called on and requested so to do, these present letters of collation or provision, written with my own hand and confirmed by the round seal of the said reverend Father, the Lord of Collation. Signed with my accustomed and wonted sign, name, and subscription, in faith and testimony of all and sundry the premises.

On the 4th of December following, the discreet man, Lord John Reed, vicar, pensioner of Bona, inducts the said presentee into the office of St Catherine's chaplainship and invests him with all the pertinent thereto belonging. These things were done within the Parish Church of Inverness, in presence of the discreet and honourable men, Lord James Duff, perpetual vicar of Durris; Andrew Auchlek, burgess of Inverness; Andrew Duff and John Stewart, with many others. John Vaus, M.A., of the diocese of Moray, acts as notary on the occasion.

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## LXXVIII.

### MARY. 1542-1567. PART FIRST.

James V. died 13th December 1542, and, according to contemporary accounts, of a broken heart, leaving an infant daughter, Mary, but six days old. The announcement of her birth to the dying king only elicited the observation with regard to the crown that "It came with a lass, and it will pass with a lass."

An exhaustive contribution towards the history of the Scottish queen has been lately made by MM. Petit and De Flandre.

Upon 12th March 1543, Mr Mungo Monypenny, Arch-dean of Ross, found surety (David Berclay of Cullerny) to underly the law at the next Justice-aire, for art and part of the oppression done to Mr Gawin Dunbar, Treasurer of Ross, coming upon him, in company with Robert, Bishop of Ross, and his accomplices, in the Cathedral Church of Ross, and laying hands upon him, and cruelly wounding him, to the effusion of his blood. Michael Gudlad, dwelling with the Bishop of Ross, also found caution to answer for the same offence. Sir Thomas Haisty, monk of Beaully (then at the horn), found caution to underly the law at the next Aire of Inverness, for the same crime, and for stouthreif of certain goods of Mr Gawin Dunbar.

Upon the 2d of May 1543, the family of Huntly, jealous of the power of the Clan Chattan, made, by the following bond, the first attempt to break up the confederation, employing as an instrument, for this purpose, the Baron of Kilravock:—

At Inverness, the 2d day of May, in the year of God 1543 years, these persons underwritten, Johne William Allansone, Donald Wilzeam Allansone, Dowll Bayne, Huchone Roy, Swyne M'Conquhie, Allaster M'Queyn, William M'Queyn, Donald M'Anedoy, dwelling in Petty, Wilyeam Reoch M'Aychin, Donald Moir M'Wlmoir, Aye M'Ane M'Thomas, Donald M'Ane M'Conquhie, Wilyeam M'Ane Makconquhye, dwelling in Strathnairn, Bean Macfarsonne, Donald Macfarsonne, Wilyeam M'Gilleis, M'Faill, Angus Angus Wilzeamsone, Donald Macfarsonne, Thomas Macallister, John Angussone, Anguss M'Robert, . . . . . have bound and obliged them faithfully, &c., to a noble and potent lord, George, Earl of Huntly, &c., that forasmuch as Wilzeam Mackintosh, son and apparent heir to Lachlan Mackintosh of Dunachton, whom God, assoilzie, has bound him to give his band of manrent for himself and us his kin of the Clan Chattan, to the said Earl, &c., that if it happens the said Wilzeam Mackintosh to fail and break his band of manrent in his service to the said Earl, &c., in that case, we and each one of us shall leave the said Wilzeam, &c., and are content this their band be registered, in form of act, in the Commissary Books of Inverness, and each one of them, under the pain of cursing, to keep the same. In witness hereof, each one of the said persons has subscribed this obligation, with their hands on the pen led by the Baron of Kilravock.

(Signed) HUCHONE ROSS of Kylravak,  
at the command of the names above-written.

Upon the 13th May 1544, the Bishop of Moray, with consent of his chapter, granted a charter to Hugh Fraser, Lord Lovat of the lands of Easter Kinmylies, Balnafare, Easter Abriachan, Wester Abriachan, Kilquhyunane, with the mill of Bught and the fishing on the Ness called Freschot, in the barony of Kinmylies, regality of Spiny, and sherifffdom of Inverness. The reddendo was £78 17s 3½d, with suit and service like the other feuars of the Bishop's lands. The

witnesses were Master Hugh Crage, Thomas Hay, Lord John Gibson, notaries; Lords William Clark, David William, John More, James Fraser, and Andrew Wallace, presbyter.

In the name of God, Amen, by this present public instrument be it evidently patent and known to all, that in the year of the Incarnation of the Lord 1544, on the 13th day of the month of May, the second indiction, and in the 10th year of the pontificate of the most Holy Father in Christ, and our lord, by divine providence, Lord Paul the Third, Pope: In the presence of us, co-notaries, and of the under-written witnesses, the Reverend Father in Christ and Lord, Patrick, by divine mercy, Bishop of Moray, and the honourable and distinguished men, masters and lords, William Paterson, Alexander Sutherland, John Lokart, and Thomas Wallace, canons of the Cathedral Church of Moray, and subdean and prebendaries of Duffus, Innerkethny, and Unthank, personally constituted, came to the house of relics of said Cathedral Church of Moray, in which is preserved the Seal of the Chapter, and there, neither led by force or fear, nor having fallen into error, but of their own free will agreed, took part in, and ordered to be sealed with the Seal of their Chapter, a certain charter and precept of sasine of the said Reverend Father, to the noble and potent Lord, Hugh Fraser, Lord of Lovat, of and regarding the church lands of Easter Kinmylies, Wester Kinmylies, Ballifeary, Easter Abriachan, Wester Abriachan, the Mill of Bught, Kilquhymane,\* and the fishing of the Ness, called Freschot, as is in said charter more fully contained. Upon which, all and sundry, the discreet man, Lord Andrew Dow, procurator, in name of the said noble Lord Hugh, Lord of Lovat, sought from us, co-notaries under-written, one or more public instruments to be made for him. These things were done in the said house of relics, about 12 A.M., year, day, month, indiction, and pontificate as above. Present there, Lords James Douglas, Thomas Hay, and John Gibson, priests and notaries-public, and George Kirk, with divers other witnesses to the premises, called and also required.

And I, William Wiseman, priest of the diocese of Moray, notary-public, by holy Apostolic authority, forasmuch as I, along with the witnesses forenamed, was present at the signing of said charter and precept of sasine, and at the other things, all and sundry, while thus, as is premised, they were acted, said, and done, and saw, knew, and heard, and took note that they, all and sundry, were thus done; I, therefore, have made therefrom, together with the subscribed co-notary, this present public instrument, faithfully written with my own hand, and have reduced it into this public form of instrument, and have signed it with my accustomed and usual sign, name, and cognomen, being called on and requested so to do for faith and testimony of all and sundry the premises.

And I, Hugh Craggie, &c. [as above.]

Lord Lovat's son, Alexander, was served heir to his father, at Inverness, on the 24th October 1544, and upon 9th August 1550, received letters ordering sasine in the said lands of Kinmylies and others.

The following from the Inshes Collection narrates fully the form and nature of Papal dispensation from the impediment of marriages within the degrees prohibited by the Church. The case in question is that of John Grant of Culcabock, and Agnes Fraser, who were related in the fifth degree:

To all and sundry, sons of Holy Mother Church, to whose knowledge the present letters shall come; Master Alexander Sutherland, Dean of Caithness, canon and official of Moray: Greeting, in him in whom is the salvation of all; Know that we have received with becoming reverence the letters of the Reverend Father in Christ and Lord, Marcus Germanus, by divine mercy, Patriarch of Aquileia, legate *de latere*, with power of our most holy lord the Pope, and of his apostolic seat, legate to the whole Kingdom of Scotland, under his round seal and manual subscription, written on parchment, genuine, complete, not erased nor worn out, but free from every flaw and supposition, presented to us by our beloved James Grant of Culcabock, and Master Hugh Cragy, procurator of Agnes Fraser, wife of the said James, of the diocese of Moray, by command of said Prince,

\* This may be Fort-Augustus, or Killivean, the Gaelic name for part of the Lands of Bught.

to the effect underwritten, as appeared lawful to us, they being the principals principally mentioned in the document in these letters, of which the tenor follows : Marcus Germanus, by divine mercy, Patriarch of Aquileia, with the power of legate *de latere* of our most holy lord, Paul, Third Pope, and of the apostolic see, legate to the whole Kingdom of Scotland, to the Reverend Father in Christ, the Bishop of Moray, or to his vicar or official general *in spiritualibus*, Eternal Greeting in the Lord : On the part of our beloved in Christ, John Grant, layman, and Agnes Fraser, his wife, of your diocese, a petition brought to us contained, that they for certain reasonable causes, desired to marry, but as they were connected together in the fifth degree of affinity, they were prevented, and being aware of this impediment, they frequently knew one another carnally, and are not able to implement their desire in that respect without obtaining an apostolic dispensation therefor : Wherefore, the said petitioners have humbly entreated us that they be graciously provided duly, with the favour of an absolution and opportunity, with the benefit of a dispensation for these things by the apostolic see : We, accordingly, willing to provide for the salvation of the souls of said petitioners in this matter, and being moved by their humble supplications, commit to you, by the Apostolic authority granted to us, and which we employ in this matter with circumspection, that if it is so, ye absolve said petitioners from the crime of incest and excesses of that kind, and thereafter enjoin to each of them, by way of punishment, a salutary penance and others which by law are in use to be enjoined : Then that ye mercifully give dispensation to the said petitioners, that notwithstanding the impediment of the said fifth degree of affinity, they may freely contract marriage together and solemnize that, in the face of the Church, and after it has been contracted, therein lawfully to continue, provided that the said woman, on that account, shall not be carried away by any one, decreeing that the children begotten, if there be any, and those that may hereafter be begotten, be legitimate. Given at Edinburgh, in the diocese of St Andrews, in the year of the Incarnation of the Lord 1544, the 9th April, and the 10th year of the Pontificate of our foresaid lord the Pope. *Ita subscribitur*, on the front page, *M. Patriarcha legatus*, and at the foot, *M. A. Tidalimus*, and on the fold, *M. de Montemerlo*. After presentation, reception, and reading of which Apostolic letters of the foresaid Lord Legate by the said John Grant, personally present, and by the said Master Hugh, procurator of said Agnes, in her name, the principals in said letters principally named, we duly, with requisite instance, thought fit to proceed to the execution of said Apostolic letters of dispensation regarding the fifth degree of affinity between the said John Grant and Agnes, according to the tenor of said letters : We, therefore, willing, as we are bound, to obey the Apostolic mandate in all things, and considering the petition of said parties just and reasonable, find from the depositions of certain witnesses produced, sworn and examined before us, that all and sundry in said Apostolic letters were and are true, and that the said John and Agnes are connected together and related in the fifth degree of affinity, and that knowing this impediment they frequently knew one another carnally, according as is contained in said letters, and that the said Agnes, on account of the present dispensation would now be carried off : Wherefore, we have absolved the said John and Agnes from the crime of incest foresaid, and other excesses, and enjoined upon them a salutary penance for the crimes, and mercifully have dispensed, as by the tenor of these presents, we dispense to the said John, personally present, and to Agnes, in the person of said Master Hugh, her procurator, that notwithstanding the impediment of the fifth degree of affinity, they may freely contract and solemnize said marriage betwixt them in face of the Church, decreeing the children born, or to be born, legitimate : In faith and testimony of all and sundry the premises, we have ordered, and caused the present letters, or this present public instrument to be made thereon and written by the underwritten notary public, to be corroborated by the appending of our official seal of Moray. These things were given and acted in the Consistory of Moray, the last day of the month of April, and in the second indiction, in the tenth year of the pontificate of the Most Holy Father in Christ and our Lord, Lord Paul, by divine providence, Pope Third, at the hour of 10 A.M. or thereabouts. Present there, Angus Williamson ; Lord\* John Hay, pensioner of Aberlour ; Master Gavin Leslie, rector of Kingussie ; Lord John Thomason ; and Mr William Wysman, with divers other witnesses to the premises, called and likewise asked.

James Farquharson, M.A., priest of the diocese of Aberdeen, acts as notary in the usual way.

\* Though the word "dominus" is in this book generally translated "Lord," yet, as applied to ecclesiastics, the usual translation is "Sir."



## LXXIX.

## MARY. 1542-1567. PART SECOND.

Upon the 20th August 1544, in a settlement of the marches of Colquinnock, betwixt Rose of Kilravock and Strahan of Culloden, the following persons were named arbitrators, viz. :—James Ogilvie of Cardell, William Mackintosh of Dunachton, David Falconer of Halkerstown, John Grant of Culcabock, John Hay of Park, James Dunbar of Grange, and Alexander Baillie, and William Cuthbert, burgesses of Inverness.

In this year the well known fight of Blair-na-Lein, at the head of Loch Lochy, was fought betwixt the Frasers and Macdonalds of Clanranald; John Robertson, bailie of Inverness, predecessor of Inshes, filled the office of standard-bearer to the Frasers.

At Kildone, on 1st February, A.D. 1545, Thomas Dingvail of Kildone, sells to his beloved Sir David Cuthbert, vicar of Warlaw, a rood of his land, burgage, within the burgh of Inverness, and on the east side of the Church Street thereof, “which lies between the lands of John Angusius, senior, at the north, and the lands of Bertie Gollan at the south, whose front extends to the King’s common highway at the west, and the back to the ‘fowill powill’ at the east, for a certain sum of money,” &c. The reddendo is five pence yearly, at the usual terms of Martinmas and Whitsunday, payable to the King. The witnesses are John Murhead, William Cuthbert, James Cuthbert, and Sir Duncan Ronald. The granter signs thus, “Thomas Dingwell of Kildone, wt. my hand.” Alexander Duff, bailie of Inverness, gives sasine to the said Sir David, and Gilbert Hay acts as notary.

The corporation and principal merchants and burgesses of Inverness were, at this time, a race by themselves, of foreign extraction, having no sympathy with the Highlanders around them. The names Hay, Duff, Vaus, Dempster, Paterson, Copeland, Fleming, Ker, &c., testify to the foreign element. The Scottish burghs were always favoured by the Sovereigns, because they were on the side of peace, and almost invariably took part with the Crown against the nobles and barons.

The following singular and interesting statute, by the Provost, Magistrates, and Town Council of Inverness, received royal confirmation through the Earl of Arran, protector and governor of the kingdom. It is directed against outlandish men of great clans, who had, with other misdeeds, by divers and sundry sinister ways obtained influence over widows of deceased burgesses, and who, while unfit to trade, had still entered into and possessed many of the common tacks and steadings of the burgh, spending the profits outwith the same. This curious document, which has been most fortunately preserved in the town's archives, is dated 19th March 1545, and is as follows:—

The nineteenth day of March, the year of God, one thousand five hundred and forty-five years, We, John Cuthbert, Provost of Inverness; Gilbert Hay, Alexr. Duff, John M'Gillewe, bailies of the same: Alexr. Baillie, William Cuthbert, James Cuthbert, Jasper Vaus, James Dempster, William Robertson, Thomas Vaus, younger, Thomas Vaus, elder, Martin Vaus, Alexr. Paterson, Richard Copland, Matthew Paterson, Thomas Fleming, Nichol Ker, James Merchant, and William Cumming, burgesses of the said burgh, and the remanent of the Council and community of the said burgh, gathered and congregated in the Tolbooth of the said burgh of Inverness, for sundry matters and business concerning our common weal, and in special touching the great hurt and skaith which have been this long time bygone used through indrawing of outlandish men of great clans not able nor qualified to use merchandice, nor make daily residence, nor policy, nor any manner of bigging within the said burgh, but allenary to brook and possess the profit of the common tacks and steadings of the said burgh, and the profits thereof to be spent and used outwith the said burgh at their pleasure, contrary to the statutes and acts of burghs, nor any good cause done for the weal of the said burgh for the said tacks and steadings; which outlandish men and great clans have by divers and sundry sinister ways purchased their freedoms through solicitation and labours of great clanned men, and others adjacent to the said burgh, by reason that the widows within the said burgh have brooked and possessed the common tacks and steadings of the same, after the decease of their husbands, wherethrough the saids tacks and steadings, are possessed and brooked by outlandish men of great clans by reason of their interest with the said widows, wherethrough the neighbours, children, and native-men of the said burgh who were, and are able to use merchandice, policy, and other virtues concerning the weal of the said burgh, are put from the tacks, and steadings, and native rowmes thereof, through the which they must of necessity and of main force pass to other parts to dwell, wherethrough all virtue and merchandice within the said burgh are abused, ceased, and decayed, nor the said burgh able to serve our Sovereign Lady, nor her lieges, at times necessary: Herefor, and for sundry other reasonable causes and considerations moving us, we, the saids Provost, Bailies, Council, with the advice of the foresaid community, Statute, Decern, and Ordain that no widow shall have, nor brook any tacks nor steadings in time coming within the said burgh, burrowage, and liberty thereof, of the old manner, by reason of the decease of their husbands, but the same to be brooked, enjoyed, occupied and possessed in all times coming by the heirs male lawfully gotten, or to be gotten, by the neighbours' own bodies, possessors of the saids tacks and steadings instantly, and no others' heirs male, and never in time coming to be brooked, used, nor possessed by any widow of the old manner, by reason of their husband's decease; Providing always that the heirs male of the saids neighbours gotten, or to be gotten, of their own bodies, be thought qualified by the Provost and Bailies and their Council for the time, to scott, lott, walk, and ward with the rest of the neighbours of the said burgh, paying their duties for the saids tacks and steadings, conform to the old rental; and shall make continual and daily residence for the most part of the year within the same, except they be in their lawful merchandice, errands, and business concerning the winning of their living, or of the said burgh, or else to have no place to enter, brook nor possess any of the saids burgh tacks, nor steadings, notwithstanding this constitution, decret, and act foresaid: And, failing of the heirs male, gotten, or to be gotten, of the saids neighbours' own bodies, as said is,

the Provost, Bailies, and Council, with them for the time, shall dispone the same to other neighbours worthy and qualified therefor, as they think cause, for the weal of the said burgh: And if any of the saids neighbours' heirs male, gotten, or to be gotten, as said is, happens to be young at the time of the decease of their fathers, or others to whom they ought to succeed, then, and in that case, the nearest of the father's kin being (a) free man and indweller within the said burgh, be thought worthy, qualified, and responsible by the saids neighbours, shall intromit with his tacks and steadings, being within age unto the time the pupil and child be of perfect and lawful age, and shall make count of the profit thereof once in the year to the saids Provost, Bailies, and Council for the time, that it may be known by them that the said profit be put to the utility of the said pupil and child, and decoration and policy of the said burgh: In witness of the which thing to this our statute, decret, act, and ordinance above written, made by us, registered in our common book, and extracted at our command, by our common scribe and clerk, and subscribed by us and him, our common seal is hung, at our foresaid Tolbooth, day, month, and year above-written.

At Edinburgh, on the 3d of May 1546, and the 4th of her reign, Queen Mary, by charter of confirmation, under her great seal, with advice, consent, and authority of her tutor, the Protector and Governor of the Kingdom, James, Earl of Arran, &c., approves, ratifies, and confirms the foregoing, and grants that it have equal effect, strength, and efficacy, as if made in Parliament.

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LXXX.

MARY. 1542-1567. PART THIRD.

Upon the 9th September 1545, Master Henry Lauder, Advocate to the Queen's grace, presented before the Lords Commissioners of Parliament, a summons of treason, duly executed and endorsed, raised at the instance of the Queen's grace, her tutor and governor foresaid (The Earl of Arran), against Master Robert Stewart, elector of Caithness, for certain points of treason and crimes of lese-majestie, as is contained in the said summons; and the same and endorsements thereof, made at the Market Crosses of the burghs of Inverness and Dornock, principal Cathedral Kirk of the diocese of Caithness, by Cuthbert George, messenger, being openly read, and the said officer verified and proved the said endorsement sufficiently by the witnesses contained in the same, they being sworn thereto: That is to say, Thomas Lauthreiss, burgess of Inverness, George Duff, and Alex. Lovell.

Upon 2d Nov. 1545, Sir John Scott, perpetual chaplain of St John the Baptist's, within the Parish Church of Inverness, having died, Patrick Bishop of Moray presents Sir William Baldon to the office, in the gift of Alexander

Fraser, Lord Lovat, and the burgesses and bailies of Inverness. On 26th June 1550, Sir James Cuthbert succeeds in the same manner to said office.

At Inverness, on 1st March 1546, John Campbell is served heir to his father Archibald, in the barony of Strathnairn, with the fortalice of Castle Daue (Davoit) and patronage of Dunlichity, before George, Earl of Huntly, as Sheriff-Principal of Inverness. Among the assize are John Mackenzie of Kintail, William Mackintosh of Dunachton, Robert Munro of Fowlis, Hugh Rose of Kilravock, Thomas Dingwall of Kildone, Alexander Bailie, Constable of Inverness, John Cuthbert of Old Castle, Alex. Rose in Holme, George Strachan of Culloden, &c.

The following License and Remission to the Provost, Bailies, and Community of Inverness, dated 18th April 1550, has part of the Seal of the Protector, the Earl of Arran, still attached. It is headed "Regina," and is thus :

We and our dearest cousin and tutor, James Earl of Arran, Lord Hamilton, &c., protector and governor of our realm, to whom it is understood that the Provost, Bailies, Council, community, and inhabitants of our burgh of Inverness, have sent eight well-furnished horsemen bodies, as effeirs, for them to make us and our said tutor service, in this our present raid, hosting, raid and army, ordained to convene at Edinburgh, the 13th day of April instant : Therefor, and for divers other reasonable causes and considerations moving us and our said tutor, with his advice, authority, and consent, by the tenor hereof, grant and give our special licence to the foresaids Provost, Bailies, Council, and community of our said burgh, and each one of them to remain and bide at home from our said host, raid and army, during all the time and space thereof ; and also, by these presents, remit and forgive to them and each one of them all action or cause which we had, or any ways might have against them, or any of them for their remaining and biding at home, from any, our dearest father's, or any our hosts, raids and armies, devised and made in any times bygone before the day of the date hereof : And will and grant that they nor none of them shall be called, nor accused therefor, nor incur any danger, or scaith therethrough in their persons, lands, or goods, in any ways, in time coming, notwithstanding any, our acts, statutes, letters, proclamations, or charges, general or in special, made or to be made whatsoever, in the contrary, or any pains contained in the same, anent the which we dispense with them and each one of them, by these our letters, given under our signet, and subscribed by our said tutor and governor, at Edinburgh, the 18th day of April, the year of God, 1550 years, and of our reign the 8th year.

JAMES P.

Upon the 9th of August 1550, at the Place of Lovat, an instrument is taken on procuratory of resignation of the lands of Easter Kinmylies, alias "The Brigend," on the west side of the water of Ness, by Hugh Simsoune of Erchyde, in the hands of the Bishop, in favour of Alexander, Lord Fraser of Lovat : Hugh Cragye, John Gibson, John Fraser, and William Dow, chaplains, procurators ; James Duff, vicar of Durriss, John Fraser, Thomas M'Growder, Thomas M'Coneill M'Ane, John Makorkill, and Alexander M'Gillereocht, witnesses. Martin Logye, notary.

In this year, William Mackintosh of Mackintosh was beheaded at Achindown Castle, by orders of the Earl of Huntly.

Eighteen years afterwards, the then Chief (Lachlan) received in assythment, along with other valuable lands, the following Castle lands, a part of the lands originally granted in 1163 to Shaw Mackintosh, founder of the family, viz:—Bochrobin and Duntelchaigs, in Stratherrick; Tor-darroch, in Strathnairn; and Essich, near Inverness.

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LXXXI.

MARY. 1542-1567. PART FOURTH.

Following out the evil schemes of the family of Huntly to ruin the Mackintoshes, Alexander, Lord Gordon, obtained a royal precept, directing the Bishop of Moray to receive him as vassal in room of William Mackintosh of Dunachton in the Barony of Moy and others, which precept is dated at Inverness, 8th August 1552, and passed the great seal.

At Inverness, on the 23d August 1552, George, Earl of Huntly, prolocutor for John Rose, brother to the laird of Kilravock, asked acts and instruments that Margaret Vaus confessed and declared, in presence of Sir John Campbell of Lundy, Knight, justice-depute, etc., that she passed of her own free will, with the said John and his accomplices, furth of this burgh of Inverness, and was not ravished by them against her will. The instrument is thus subscribed: "It is so; James Myller, notary, and one of the scribes in the justiciary office, for the time."

At Inverness, on the 24th August 1552, there was granted "Commission under the great seal, by Mary, Queen of Scots, with advice of James, Duke of Chatelherault, Earl of Arran, Lord Hamilton, Protector and Governor of the Kingdom, to Archibald, Earl of Argyle, Lord Campbell and Lorne, and Justice-General of Scotland. This Commission narrates, that notwithstanding the said Governor has remained for a long time dispensing justice in the burgh of Inverness, the Clanranald nevertheless refused obedience to Her Majesty's authority and laws, with the other subjects of the kingdom; Wherefore Her Majesty gives full power to the said Earl of Argyle to assemble his friends and vassals, and with them to go to the Clanranald, and to pursue them with fire and sword, and within whatever islands they may seek refuge, for their disobedience, depredations, and murders."

John Grant of Mulbayne is served heir to his father James Grant of Freuchie, in, *inter alia*, the lands of Urquhart, with the castle thereof, at Inverness, in the year 1553.

Two years later, and in the month of July 1555, Mary of Guise, Queen Regent, who had succeeded the Earl of Arran as Protector, visited Inverness, and held a Convention of Estates, and Courts for the punishment of crimes. Sir R. Gordon states that the Queen Regent, marching northward, came in July to Inverness, accompanied by the Earls of Huntly, Argyle, Athole, Marishall, the Bishop of Ross and Orkney, and sundry other noblemen, "where she held Justice-aires, with most extreme and rigorous punishment, and charged every one of the Captains of the Highlands to bring in the offenders of their own kin, according to the order prescribed in King James the Fifth's time, under great pains; wherethrough many were entered, both of Mackenzie kin, Balnagown, Lord Lovat, Mackintosh, Laird of Grant, and many others, whereof there were sundry executed; and among the rest, the Laird of Grant being charged to bring in a special friend of his own, called James Grant, for his oppression, because he could not be apprehended and brought quick (alive) to justice, he caused him and the rest of his company to be slain, and their heads to be presented to the Queen Regent. At the same time, the Earl of Caithness was charged likewise for the like causes, and was put in ward, first in Inverness, and next in the Castle of Edinburgh, when he paid great sums of money ere he was delivered. Mackay, the same time Captain of Strathnaver, by the assistance of the Clan Gun, who had done great injuries and wrongs to the country of Sutherland, next adjacent to them, would not enter; therefore, the Queen caused the Earl of Sutherland convene a great army, and pass within the country of Strathnaver; and likewise sent certain ships by sea, whereby he was constrained to render himself, and come with Sir Hew Kennedy to the Queen, where he remained in ward in Edinburgh divers years thereafter; and sundry pledges were received for the Clan Gun, who were kept in some strength for their good rule during the Queen Regent's pleasure."

"After the Queen had made her residence in Inverness, and visited the county of Ross, she returned to Elgin, Banff, and Aberdeen, where she held aires likewise; but not with so great execution of men's bodies, but rather by composition of money, &c."

It is related in the History of the Frasers, that "whilst the Queen remained at Inverness, Alexander, Lord Lovat,

paid his respects to her, attended by a numerous retinue ; when she condoled with him on the loss of his father and clan. Both the Lady Lovat and the Lady Dowager waited upon Her Majesty at the same time ; and Lord Lovat, at the head of 200 chosen followers, re-conveyed her to the banks of the Spey. On bidding him adieu, she paid him great commendations for his politeness and hospitality.”

Alexander Sutherland, feudatory of the Chaplaincy of St Mary of the Green, within the Burgh of Inverness, with consent of Sir Thomas Sutherland, chaplain thereof, grants an annual rent of ten shillings in favour of Gilbert Duff, and the Chaplaincy of the Choir of the Parish Church of Inverness, for the celebration of one anniversary, by “ *derige* and *soule* mass,” in the said Choir, for the salvation of the said Thomas Anderson, by the following instrument, dated 5th Sept. 1555 :—

In the name of God, Amen, by this present public instrument, be it clearly known to all, that in the year of the Incarnation of our Lord 1555, on the 5th day of September, the 14th indiction, and in the fifth year of the Pontificate of the most holy Father in Christ and our Lord, Lord Julius III., in presence of me, notary-public, and the subscribed witnesses, the honourable man, Alexander Sutherland, feudatory of the Chaplaincy of St Mary of the Green, founded within the burgh of Inverness, personally constituted, came, with consent and assent of the venerable man, Sir Thomas Sutherland, chaplain thereof, and from a divine consideration of love for the salvation of the soul of the late honourable man, Thomas Anderson, being induced neither by force nor fear, nor having fallen into error, and neither having been circumvented by guile or fraud, or any sinister machination, but of his own mere pure and spontaneous will, and deliberate intention, by every best manner, way, law, cause, and form, in which he could, and ought well, efficaciously and completely, to his own tenement lying within the burgh of Inverness, in the Church Street, and on the east side thereof, between the lands of Sir David Cuthbert at the north and the lands of the said Alexander Sutherland at the south, whose front extends to the King’s common highway towards the west, and the back to *ly fowill powill* ; and there, with consent of the foresaid chaplain, Sir Thomas Sutherland, resigned in the hands of the honourable man, John Makgallewe, one of the bailies of said burgh, by delivery of earth and stone, one annual rent of ten shillings of the current money of the Kingdom of Scotland, upon the northern rood of said tenement annually, and for ever, and that in favour of Sir Gilbert Duff, and the Chaplains of the Choir of the Parish Church of Inverness, and to his certified collector and his successors, whomsoever, for ever, for the celebration of one anniversary, by *derige* and *saule mess* in the said Choir of the Parish Church of Inverness, for the salvation of the soul of the said Thomas Anderson, as said is : Which resignation, made in the hands of said bailie, as the custom is, and being received by him, forthwith and without delay, he conferred and bestowed upon the said Gilbert, collector above said, by delivery of earth and stone, state and sasine and possession of said annual rent of ten shillings, and inducted, invested, and in peace, nobody gainsaying, demited to the said Collector, Sir Gilbert, in his own name and that of the foresaid chaplains and their successors, actual, real, and corporal possession of said annual rent : And this sum of ten shillings to be received by the said Sir Gilbert and his successors for ever, at the terms used and wont within said burgh of Inverness : On all and sundry, which the said Sir Gilbert sought of me, notary-public, underwritten public instruments, one or more to be made for him : These things were done upon the soil of said rood of land of foresaid tenement, the second hour P.M., year, day, month, and pontificate as above. Present there the honourable men, George Cuthbert of the Old Castle, provost of Inverness, Thomas Gollan, Thomas Fleming, James Paterson, Robert Mitchell, Thomas Makgillmartin, John M’Walter, junior, Arthur Burnaye, Sirs David Cuthbert, Jasper Waus, Andrew Cuthbert, and Sir David Barthan, vicar of Forddye, with divers others : In testimony of which thing, the seal of the fore-

said bailie is appended, by command of the said Alexander, who resigned, and gave foresaid annual rent, together with my wonted and usual sign, name, surname, and subscription.

And I, Andrew Textor, priest of the diocese of Moray, by royal and Apostolical authority, forasmuch as I, along with the forenamed witnesses was present, knew, saw, and heard, and took note of the premises, all and sundry, while thus as is premised, they were acted, said, and done; I have therefore made therefrom this present public instrument of resignation, and giving of state and sasine, faithfully written, with my own hand, and have signed it with my usual and wonted sign, name, surname, and subscription, along with the appending of the seal of the said bailie, and have published it, being called on and requested so to do, for faith and testimony of the truth of all and sundry the premises.

The Lords Compositors, Lords Cassilis and Glencairn, the Bishop of Orkney, and Mr J. Hay, sitting at Inverness, on 5th August 1556, remitted to John Hay of Park, dwelling within the Sheriffdom of Nairn, for inter-communing with the rebels of our supreme lady the Queen, now at the horn; with the exception of inter-communing with James M'Condochy Innes, and the rebels, the murderers of the late William Murray, Lord of Drumloch and Gardynnis; and for the slaughter of deer ("lie gray deir"), the destruction of green woods, and for small and trifling oppressions committed by him; also for all action and crime which can in any way hereafter be imputed to him therefor.

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## LXXXII.

### MARY. 1542-1567. PART FIFTH.

Evil days now fell on the Prior and Convent of Inverness, and upon the 23d June 1559, they were obliged to deposit their charters and gear, for security, with the Provost and Magistrates of Inverness. Their buildings, no doubt, soon became ruinous. Nothing is known of the fate of the effects handed over, which included "a little relic of silver;" but there are records to show that the tenements, annual rents, and other property of the friars were speedily divided or leased out by the town authorities among themselves:—

This is the gear that we, Friar Robert Riche, Prior of the Friars Predicators of Inverness, with consent and assent of our brethren, viz., F. Andro Valcar, sub-prior, F. Hendre Wisman, F. James Ramsaye, F. Alex. Kaye, delivered in keeping to the religion to the foresaid prior, our successors, brethren of our place of Inverness, to our well-beloved benefactors, to honourable and worshipful men, George Cuthbert of the Auld Castlehill; Thomas Flemyng, burges of Inverness; John Makgilwe, burges of Inverness, Provost, bailies of Inverness, as after follows:—

Item, A chalice of silver, gilt with gold	...	...	16 ounces.
"   Do.   Do.   Do.   Do.   ...	...	...	24½ "
"   Do.   Do.   Do.   ...	...	...	23 "
"   Do.   Do.   Do.   ...	...	...	40 "
"   A buist,   Do., for the sacrament	...	...	3¼ "



- Item, Two silver spoons for the lozenges to the mass  $\frac{1}{4}$  ounces.  
 „ A little relic of silver.  
 „ A box full of charters and evidents.  
 „ A buist, covered with leather, with charters and other writings, with certain loose evidents in the chest.  
 „ A chesible and a clasp of red damask.  
 „ 7 corporales and 3 cases.\*  
 „ A chesible and two clasps of red taffety.  
 „ Do. and one clasp of black damask, with host stole, fannon, and belt.

We foresaids, George Cuthbert, Thomas Flemyng, John M'Gilwe, Provost and bailies of Inverness, grant us to have received the above-written gear from the said Prior and convent and successors of the religion, and oblige us, our heirs, executors, and assignees whatsoever, that to the saids Prior, brethren, and successors of Friars Predicators, without impediment or obstacle, we shall give, deliver to the saids Prior, brethren, and their successors, the foresaid gear, whenever they require, or any unto their name pertaining to the religion whatsoever, by this our obligation we oblige our lands and heritage, heirs, executors, and assignees, now and ever, on the deliverance to them of this present obligation. Subscribed with our hands at Inverness by both the parties, the 23d day of June, in the year of God 1559 years.

GEORGE CUTHBERT, Provost of Inverness.

JOHN M'GILLEYWE, with my hand at the pen led by George Cuthbert.

THOMAS FLEMYNG, one of the bailies of Inverness, with my hand.

Fr. ROBERTUS RICHARDUS, Prior, manu sua.

Fra. ANDREAS VALCAR, Sub-prior, manu sua.

Frater HENRICUS VYISMAN, H. U. F.

Fr. JACOBUS RAMSAY, manu sua.

Frater ALEXANDER CAY, manu sua.

A Commissioner from the Burgh is stated to have attended the Parliament in 1560, when the Roman Catholic religion, as that of the State, was abolished.

Upon the 2d of May 1560, Hugh, Lord Lovat, was served heir to his father, Alexander, in the Barony of Kinmylies.

On the 31st of May 1560, John Coupland, son and heir of the late Richard Coupland, burgess of Inverness, sells to John Cuthbert, son of the late James Cuthbert, burgess of Inverness, his heir and assignee, a half rood of his land burgage, lying on the west side of the Church Street of Inverness, between the lands of John Robertson at the north on the one side and the lands of Thomas Man at the south, whose front extends to the king's common highway at the east, and the back to the lands of Thomas Waus, burgess of Inverness, at the west, for a certain sum of money, &c. The reddendo is 2½d to our supreme lady the Queen, and to the chaplain of St Catherine the Virgin, within the Parish Church of Inverness, 2s Scots money, at the two usual terms. Matthew Paterson, one of the bailies of Inverness, gives sasine, and the witnesses are—Thomas Vaus, junior, burgess of Inverness, John Reid, John Mitchell, burgesses of said burgh, John Henderson, burgess of Perth, Andrew Reid, Donald Grant, inhabitants of the burgh of Inverness,

\* The corporale was the sacred linen spread under the chalice in the eucharist and mass, to receive the fragments of the bread, if any fell. The stole, a long garment worn by the priest when officiating. The fannon was a kind of scarf worn on the arm on the same occasions.

Thomas Robertson, officer, and William Cumming, notary public. John Coupland subscribes thus: "Jhone Coupland, wt. my hand wret."

Amongst those slain at the battle of Pinkie, in 1547, were Cuthbert of Castle Hill, and Alexander Cuthbert, predecessor of the Cuthberts of Easter Drakies.

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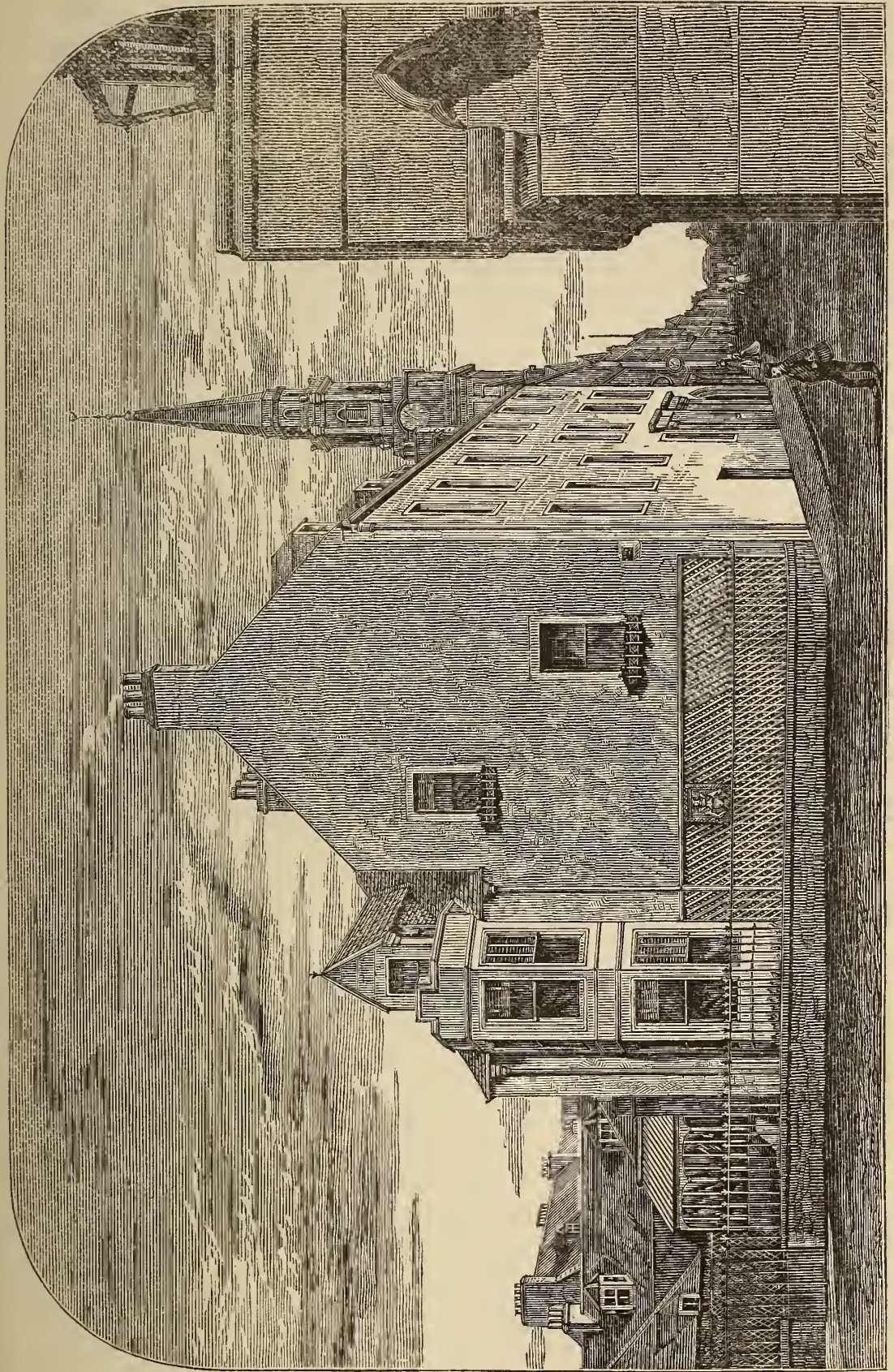
### LXXXIII.

#### MARY. 1542-1567. PART SIXTH.

The Queen visited Inverness in course of the year 1562, and remained for some time, staying, according to universal tradition, in the house at the foot of Bridge Street, known as "The Wine Shop." The foundations of this building may even be older than the period of the Queen's sojourn. Various accounts have appeared of the occurrences which then took place. It is therefore thought right to insert here the account from the Mackintosh History, completed within a hundred years after. This has not been published, and is thus new:—

Lachlan Mor Mackintosh went to Edinburgh for his education about 1558, and returned to live upon his estate in the year 1562, being then nineteen years of age. He was but a few months at home when Queen Mary came to Inverness, in the month of September. A little time before this, John Gordon of Findlater, second son to the Earl of Huntly, had mortally wounded James Ogilvy, for which the Queen ordered him to prison; but he broke his confinement, and followed the Queen to the north, with a view to cut off the Earl of Moray, and to oblige the Queen to marry himself, though he was at that time married to another woman. The Earl of Huntly could never digest his being deprived of the earldom of Moray, and having both the Queen and the Earl of Moray in the north, he thought it a proper time to cut off the one and to oblige the other to marry his son, in which event his ambition would be fully gratified. In order to this he raised a considerable force, and finding that the Queen, on her way to Inverness, would not touch at his house of Huntly, he left her. When she arrived at Inverness, she was denied access into the Castle, whereof Huntly was constable, and she found that it was garrisoned by Huntly's men. Upon this, her former suspicions were heightened. But next day her fears were dispelled by the coming of the Clan Chattan, and after them the Frasers and Munroes, to her aid. The castle was then attacked: the captain surrendered and was hanged, the garrison were pardoned; and on the Queen's return, upon the 28th October the battle of Corrichie was fought, wherein Huntly was trodden to death under foot, and his sons, John and Adam, made prisoners. John was beheaded, and Adam for his youth was pardoned.

From Randolph's communications to Cecil we learn the following in connection with Queen Mary's visit to Inverness: "On 10th August 1562," he writes, "from Stirling she taketh her journey, as far north as Inverness, the farthest part of Murray, a terrible journey, both for horse and man,





the countries are so poor, and the victuals so scarce. It is her will that I should attend upon her thither. It is thought that it will be a journey for her of two months and more."

On the 11th August she started from Edinburgh on this *terrible journey*, and on the 11th September leaves Darnaway, arriving that same evening in Inverness.

On the 18th September he writes from Spynie:—

At the Queen's arrival at Inverness, she purposing to have lodged in the Castle, which pertaineth to herself, and the keeping only to the Earl of Huntly [Lord Gordon] being Sheriff by inheritance, was refused there to have entry, and enforced to lodge in the town. That night, the Castle being summoned to be rendered to the Queen, answer was given by those that kept it, in Lord Gordon's behalf, that without his command it should not be delivered. The next day the country assembled to the assistance of the Queen. The Gordons, also, made their friends come out. We looked every hour to what shall become of the matter. We left nothing undone that was needful. And the Gordons, not finding themselves so well served, and never amounting to above five hundred men, sent word to those that were within, amounting only to twelve or thirteene able men, to render the Castle, which they did. The captain was hanged, and his head set upon the Castle; some others condemned to perpetual imprisonment; and the rest received mercy. In all those garbules, I assure your honour I never saw the Queen merrier; never dismayed; nor, never thought I, that stomach to be in her, that I find. She repented nothing but, when the lords and others at Inverness came in the morning from the watche, that she was not a man, to know what life it was to lye all night in the fields, or to walk upon the causeway, with a jack and knapsack, a Glasgow buckler, and a broadsword. Lest your honour should *speere* [enquire] what in this meantime I did, it may please you to know that, in good faith, when so many were occupied, I was ashamed to sit still, and did as the rest.

At Inverness, on the 15th of October 1563, John Campbell of Cawdor was served heir in the Barony of Strathnairn, before James, Earl of Moray, Sheriff-Principal. On the inquest were Kenneth Mackenzie of Kintail, Alexander Ross of Balnagown, Robert Munro of Fowlis, Hugh Rose of Kilravock, Alexander Falconer of Halkerton, Robert Dunbar of Durris, William Fraser of Struy, Y. Mackay of Far, Jasper Vaus of Lochslyne, Alexander Urquhart, sheriff of Cromarty, Hugh Fraser of Guisachan, George Munro of Davochcartie, and Alexander Chisholm of Comer.

William Sutherland, parson and exhorter at the Church of Moy, for misdoings, fell under the censure of the General Assembly. The Assembly on the 30th June 1564, pronounced the following censure:—"Forasmuch as it was complained by the Commissioner of Moray, upon William Sutherland, parson and exhorter at the Kirk of Moy, that he had not only disobeyed his charge commanding him to marry the woman with whom he before had committed fornication, but also had, in despite of the said Commissioner, ryvein (torn up) his letters of charges thereto, and had not obeyed his summons charging him to compear to this General Assembly: In consideration of this despiteful ryveing of the Commissioner's letters, and also not compearing to this Assembly, the Kirk deprives him of all ecclesiastical func-

tion, and also ordains the censurers of the Kirk to proceed against him for his contempt.”

The head of the Clan Gun was, by tradition, executed at Inverness, by the Regent, for taking “the crown of the causeway.”

In a rental of the Bishoprick of Moray, compiled in 1565, the tenements of Helen Fleming and Robert Waus, within the burgh of Inverness, and possessed respectively by Peter Winchester and Jasper Waus, are inserted as each paying one pound of pepper yearly.

At Edinburgh, 22d September A.D. 1565.—The King and Queen’s Majesties, for certain occasions moving them, ordain an officer of arms to pass, and in their Highnesses’ name and authority, command and charge George Munro of Davochcarty, and Andrew Munro, his son, and all others, havers and withholders of the Castle of Inverness, to deliver the same to Hugh Rose of Kilravock, whom their Majesties have recommended to receive the same within six hours next after they be charged thereto, under the pain of treason. MARIE R. HENRY R.

The King and Queen, four days later, sent the following letter to Kilravock :—

True Friend, we greet you well. Seeing the defection of the Earl of Murray so unnaturally against us, it is not convenient that any his houses or ours be retained by him or any in his name ; and amongst the rest have we thought expedient to commit the keeping of our Castle of Inverness to you, having so good proof of your faithful service : Praying you effectuously that immediately after the sight hereof, ye pass and receive our said castle, according to our charge and commandment sent to that effect, and make the same to be surely kept to our behoof, for the which ye shall have as good payment as any that heretofore has had the keeping of the said house. Subscribed with our hands, at Edinburgh, the 26th day of September 1565. MARIE R. HENRY R.

To our traist (true) friend the Baron of Kilravock.

Upon the 9th of October 1565, they issued the following order :—

*Rex et Regina.*

Captains and keepers of the Castle of Inverness,—We charge you that, in continent this present seen, ye deliver the Castle thereof to our true cousin and counsellor, George, Earl of Huntly, and others having his commission thereto, with all plenishing and moveables received by you, taking their discharge thereof ; and this in no wise ye leave undone, as ye will answer to us under all highest pain and charge ; keeping this present for your warrant. Subscribed with our hands, at Lamington, the 9th day of October, and of our reigus the first and twenty-third years. MARIE R. HENRY R.

By the Treasurer’s letter of 27th October, it would appear that Kilravock, if he got possession of the Castle at all, must have given it up almost immediately :—

*From the Lord Treasurer.*

True Friend,—After hearty commendation, I have received your writing, whereas ye thereby have signified how commission was received by you from Master Thomas Ker, for receiving the place of Inverness, and that there is no certain duty appointed to be given unto you for keeping thereof, and awaiting in the charge committed to you, in that behalf. It pleased the King and Queen’s Majesties, and their secret council, to commit the charge thereof unto you at the time of the making of the commission, and then no order was taken to spend any expenses or duty therefor : Yet, because I have understood since then that the said place is by you rendered again to such as had new commission to receive it, and that ye continue not in keeping thereof, nor have not sustained any expenses therethrough, ye will not seek damage in that case. Always ye may be assured if ye had continued and borne that charge, that the furtherance

which lay in me, in accomplishing the desire of your writing, should not have been omitted. This commits you to God. At Edinburgh, the 27th of October 1565.—Yours assuredly,  
 Maister ROT. RICHARDSON, Thesur.  
 To his assured good friend the Baron of Kilravock, this be delivered.

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LXXXIV.

MARY. 1542-1567. PART SEVENTH AND LAST.

From the process of reduction of the sentence of forfeiture and treason pursued by the relict and children of the late George, Earl of Huntly, in April 1567, the following extracts are taken with reference to the Earl's participation in the events at Inverness at the time of the Queen's visit in the autumn of 1562:—

The process of which reduction is sought was raised against the Earl of Huntly and his followers, and doom of forfeiture pronounced, because of a conspiracy entered into to seize the Queen's person on her northward progress. The document goes on to say, "because the purposes desired at Aberdeen could not be performed as then, they concluded to put violent hands on our said sovereign and her counsellors and other her servants and assisters being with her for the time, wherever opportunity might serve, and specially in the town of Inverness; and in devising of sundry wicked persons, men of arms, to convene and come to the said burgh of Inverness for performing of their said wicked intent, and in the treasonable withholding of the Castle of Inverness, and in the treasonable assistance given to the keepers thereof, against our said sovereign's command, and for the treasonable besetting of her Highness' march in her passage from Inverness to Craigaboyn, and for the treasonable assistance and counsel given to the said late John Gordon and the persons being in the fortalices and castles of Findlater and Auchindown."

In the summons of which reduction is sought, the Earl and his followers are charged with coming to Inverness in the night-time, upon the Friday after the 3d of September 1562, "when our said sovereign and her company were in the town of Inverness, should have treasonably invaded and put hands on her person, and also on the persons of the lords of secret council and session, and others being with her Highness for the time, and to have slain or otherwise demeaned her and them, as they thought good, and also in devising that the said lord and his said late father should address them to the castle of Inverness, with their servants and friends, to await upon the said late Sir John's (Sir John Gordon of Deskfurd) coming with his company, and to espy the places where our said sovereign, her said lords and company were lodged, and to have been in readiness to fortify and assist the performing of the said enterprise, for amplifying and performing of the which the said Earl, upon the said Friday, the 11th day of September foresaid, came to Turodown with 160 horsemen, and there tarried all night, upon the coming of his said brother sending in sundry parts spies to the said town of Inverness to perceive and espy what our said sovereign and her said lords were doing. And so did all that was in him to perform the said wicked enterprise, did not the purpose fail upon the part of the said Sir John and his folk, and in the treasonable commanding, allowing, and ratifying of the treasonable holding and furnishing of the house and fortalice of Inverness against the Queen's Majesty, the same pertaining to her, the said Earl being only keeper thereof in her name, after that his servants being therein, for whom he is obliged to answer, were divers times charged to have delivered the said house and fortalice, and to have made the same patent to her Highness to have lodged therein, and after charge given to that effect by William Bryson, messenger at command of her letters after sound of trumpet."

Shortly before the unfortunate Queen was dethroned she granted the following Charter to the town of Inverness. It is full and interesting, and shows how thorough and complete had been the change. James VI. was proclaimed King on 29th July 1567, his mother being still but twenty-three years old:—

Mary, by the grace of God Queen of Scots, To all good men of her whole kingdom, cleric and laic; Greeting: Know that we, carefully considering our duty toward the service of God, and because of the ardent zeal which we have for the upholding of the State, and for the preservation of due order among our subjects, and chiefly within our burgh of Inverness; considering, therefore, that we, by our office, are bound, and ought to consider our duty toward God, by whose providence we are placed in the government of this kingdom, and also that it is by our office incumbent upon us to provide by every honest means for the ministers of the Word of God, and that hospitals should be maintained within our said burgh for poor, mutilated, and wretched, for orphans and children without parents; we, after our perfect age, with advice of the Lords of our Secret Council, have given, granted, disposed, and for us and our successors for ever confirmed, and also by the tenor of these presents we gave, granted, disposed, and for us and our successors for ever confirmed to our beloved, the Provost, bailies, council, and community of our said burgh of Inverness and their successors for ever, all and sundry the lands, tenements, houses, buildings, churches, chapels, orchards, gardens, acres, crofts, annual rents, fruits, duties, profits, emoluments, rents, alms, obits, and anniversaries whatsoever, which in any way pertained or are known to pertain to whatsoever chaplaincies, vicarages, altarages, and prebendaries, in whatsoever church, chapel, or college within the liberty, privilege, and parish of our said burgh of Inverness, founded by whatsoever patron, in the possession whereof the chaplains, vicars, and prebendaries thereof had been formerly, wherever the foresaid houses, tenements, buildings, orchards, gardens, acres, crofts, annual rents, anniversaries, fruits, profits, and emoluments lie or were formerly levied respectively, with manorplaces, gardens, acres, lands, annual rents, emoluments, duties, mills, and fishings which formerly pertained to the Dominican or Preaching Friars of our said burgh, together with all and sundry lands, houses, tenements, lying within our said burgh, privilege and parish thereof, with all annual rents of whatsoever house, lands, or tenement, within our said burgh, given, donated, and founded to whatsoever chaplaincies, altarages, churches, mortuaries, and anniversaries wheresoever they are within our kingdom; and also with all and sundry annual rents and other duties paid to, or which could be demanded by whatever church without our said burgh from the Provost or bailies of the common rent of the same, for celebrating orisons, with the pertinents: To be held and had all and sundry the foresaid lands, tenements, houses, buildings, gardens, orchards, acres, crofts, annual rents, fruits, duties, profits, emoluments, rents, alms, obits, anniversaries, churches, chapels, the abodes of the Friars, gardens, milns, and fishings thereof, with their pertinents, by the foresaid Provost, bailies, council, and community, and their successors, of us and our successors for ever, according as they lie in length and breadth in houses, buildings, walls, materials, wood, stone and lime, with free ish and entry, and with all and sundry liberties, commodities, profits, easements, and their just pertinents whatsoever, as well not named as named, both under and above ground, belonging, or which can in any way in future justly belong to foresaid lands, tenements, houses, buildings, gardens, orchards, acres, crofts, annual rents, fruits, duties, mills, fishings, emoluments, and others above-written, with the pertinents, freely, quietly, fully, wholly, honourably, well, and in peace, without revocation or contradiction whatsoever; with power to the foresaid Provost, bailies, council, and community, and their successors by themselves or their collectors whom they appoint, of levying and receiving foresaid annual rents, fruits, and duties whatsoever, wherever they had been formerly levied, of setting and removing foresaid lands and tenements, of building up and repairing broken-down places, and of converting and applying the same into hospitals or other similar lawful uses, according as to them, with the advice of the ministers and elders of the said burgh, shall seem expedient, as fully in all as the foresaid prebendaries, chaplains, vicars, or friars above-written, could have formerly been able to enjoy and possess the same: And the foresaid Provost, bailies, council, and their successors shall be bound and obliged to maintain ministers, readers, and other ecclesiastical burdens, with the foresaid annual



rents, profits, and duties, in proportion to their value and quantity, and to apply the places and buildings repaired to hospitality and others before-written; and also, considering with what great fraud a great number of said prebendaries, chaplains, vicars, and friars before-written, who, after the change of religion, disposed, alienated, and gifted away into the hands of certain particular men, their lands, annual rents, and tenements, formerly mortified to chaplains, prebendaries, friars, and other places respectively; and also that very many of our lieges claimed right to, and recovered certain lands, tenements, and annual rents, mortified by their predecessors by means of brieves of our chapel, or otherwise by sasine, as heirs of their predecessors who formerly donated the same to the church, which seems to have happened partly by the negligence of the officers of our said burgh, and partly by the collusion of said prebendaries, chaplains, vicars, and friars above-written: Wherefore, with advice foresaid, by these presents we rescind and annul all and sundry such alienations, dispositions, and sasines, by which the first purpose and intention of the founders are infringed, altered, or varied, by applying the same to particular uses, to the effect that they may be converted to the uses above-written, which declaration of ours we will to be of as much strength and efficacy as if the persons who obtained such dispositions had been individually cited and their infestments rescinded without further process: And also, with advice foresaid, we unite and incorporate all and sundry the foresaid lands, tenements, houses, buildings, churches, burying-grounds, chapels, orchards, gardens, acres, crofts, annual rents, fruits, duties, profits, emoluments, rents, alms, obits, anniversaries, abodes of the friars, mills, and fishings thereof, with their pertinents, into one body for ever, to be called our foundation for the ministers and hospitality of our said burgh of Inverness: We will also that one sasine by the foresaid Provost and bailies, or any of them, in name of said community, at the Court-house of our said burgh, shall be accepted as sufficient sasine once for all, for ever, in future, as if the same, notwithstanding the distance of the places, were taken upon the particular lands pertaining to said chaplains, prebendaries, vicars, and friars, or to foresaid annual rents, anniversaries, rents, profits, and duties due to them: Moreover, by these presents we forbid the chaplains, prebendaries, vicars, and friars, who before said change of religion had been provided, to be prejudiced by this our present infestment, but we reserve to them the use of said fruits and duties during their life only: Commanding, therefore, our chamberlains, present and future, and their collectors and factors, and any other whose interest it is, that no one, in kind or in specie, presume to receive or levy said fruits particularly above-written for any time past or future, nor hinder and cause any impediment to the foresaid Provost, bailies, councillors, and community, and their successors, in peaceful possession thereof; also requiring and ordaining our Lords of Session that they direct our letters in all the four forms, at the instance of said Provost, bailies, community, and their successors, to the effect above-written, and also commanding intromitters whatsoever with said fruits that they promptly attend, obey, and make thankful payment thereof to them. In witness of which thing, to this our present charter, we command our great seal to be appended. Witnesses—the most reverend father in Christ, John, Archbishop of St Andrews, &c.; our beloved cousins, George, Earl of Huntly, Lord Gordon and Badenoch, our Chancellor; James, Earl of Bothwell; Lord Halis, Creighton and Liddesdale, Great Admiral of our Kingdom; our beloved familiar advisers, Richard Maitland of Lethingtoun, Keeper of our Secret Seal; James Balfour of Pettindreich, Clerk of the Register of our Rolls and Council; and John Bellenden of Auchnoule, our Justiciary Clerk, knights *aurati*.\* At Edinburgh, the 21st day of the month of April A.D. 1567, and of our reign the twenty-fifth.

On 16th May 1567, the honourable man James Paterson, Provost of Inverness, takes sasine on the foregoing Charter, in name of himself and the bailies, councillors, and community of Inverness, and their successors for ever. The Precept of Sasine is directed to the honourable man, Alex. Baillie of Dunain, Sheriff-Depute of the Sheriffdom of Inverness. Among the witnesses are Walter Innes of Ballen-

\* The military knighthood is that of the ancient knights, and was acquired by valiant feats of arms. In old documents they were called *milites*, and sometimes *milites aurati*. They were girt with a sword, and had a pair of gilt spurs—hence the term *miles auratus*.

ega, Master John Fraser in Phoneis, Allan Mackintosh in Urlarust, Finlay Morison, portioner of Petaclane; James Fraser in Holm; John Fraser, his brother-german; John Grant in Gorthleck; John Rose, burgess of Inverness; Jasper Dempster, William Cuthbert, and David Cuthbert. William Cumming acts as notary.

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LXXXV.

JAMES VI. 1567-1599. PART FIRST.

King James being but a year old at his coronation, a succession of the nobility strove for and wielded power as Governors of the kingdom. They might have the interest of the country at heart, but showed by their acts that they mainly looked to their own aggrandisement, and were consistent only in the appropriation of ecclesiastical property.

Upon the 20th of December 1567, in the process and doom of forfeiture against the Earl of Bothwell, public proclamation was ordered to be made at the Market Cross of Inverness; and on 15th August 1568, in a summons against John, some time Archbishop of St Andrews, and others, the execution of the messenger bears that it was executed at the Market Cross of Inverness.

The first Protestant minister in Inverness, Mr Thomas Howieson, is said to have been appointed in 1568.

In June 1569 the Regent Moray was in Inverness, and exacted considerable sums from those who assisted the Earl of Huntly. He sent, on 24th April previous, the following letter to the Baron of Kilravock:—

True Friend, after our hearty commendation: At this convention of the nobility, amongst other matters it is concluded that all such as remain obstinate and disobedient to the King our sovereign and his authority, shall be reduced to the obedience thereof; for which purpose we mind with the first to repair to these parts, and have appointed the first day of June to be at Brechin. Wherefore, we most affectuously desire you that ye, well and substantiously accompanied with your hails kin, friends, servants, tenants, and all that will do for you, fail not to be in the burgh of Inverness the said first day of June, ready to come forward and meet or otherwise to receive such directions as shall be thought good to the welfare of our cause; wherein ye shall do us most acceptable pleasure, and declare yourself an earnest favourer of the King our sovereign's authority, to the obedience whereof, in the end, all men must be brought. This we give you to God. At Edinburgh, the 24th day of April 1569.—Your good friend,  
JAMES REGENT.

To our true friend the Baron of Kilravock.

In this same year is found recorded the name of John Rose, burgess of Inverness, and Margaret Vaus, his spouse.

Hugh Fraser, Lord Lovat, was Sheriff-Principal of Inverness, and constable of the Castle, in 1574. Of him, the History of the Fraser Family relates:—"His Lordship was a great promoter of manly sports, and an expert bowman. It was a general custom in those days for all the nobility to meet at stated periods, for the purposes of tilting, fencing, riding the horses, and the like exercises. At one of these rencontres in the Chapel-yard of Inverness, Lord Lovat dismounted the laird of Grant, and the Sheriff of Moray. This, with some taunt which followed, so irritated these gentlemen as to occasion sharp words, when Lovat said that as he had given them a specimen of his tilting, he would now try the mettle of their riding. Dashing the rowels into his steed, he rode through the river, and made straight for the hill of Clachnaharry, bidding them keep apace; here he leaped his horse over the ledge of the rock, and dared his pursuers to follow. But they, terrified with the appearance of the place judged it wisest to desist. The impression, says our author, made by his horse's shoes below, was visible for upwards of sixty years after, as it was kept clean by a man who had an annual pension for preserving it."

At Inverness, on the 11th day of January A.D. 1574, Patrick Grant of Glenmoriston sells to Alexander Cuthbert, burgess of Inverness, two roods of burgage land, built upon, lying in the burgh of Inverness, near the Market Cross, between the lands of the heirs of the late George Cuthbert of the Old Castle at the east, and the lands of the late Robert Waus, burgess of Inverness, at the west; whose fronts extend to the Market Cross of said burgh at the south, and the backs to the common passage at the north. The reddendo is 10d, payable yearly to the King and his successors, and to the abbot and convent of Kinloss and their successors 6s Scots, payable at the two usual terms, by equal portions. Alexander Paterson, one of the bailies of Inverness, gives sasine. The witnesses are the honest men, John Cuthbert, burgess of Inverness; David Cuthbert, there; John Narne, heir apparent of Cromdell; John Stuart, *alias* M'Walter, in Inverness; John Bane, cordiner in Inverness; William Bane, squire; Thomas Finlayson, officer of said burgh of Inverness; Jasper Cumming and William Cumming, notaries-public; and William Cumming, Town-Clerk of Inverness, acts as notary.

At a Parliament held on 5th March 1574, among other matters there is an order "anent the making of waping schawingis." "The musters of the countries of Caithness and Strathnaver to be taken within the bounds thereof by

commission of the Sheriff-Principal of Inverness, and likewise within the bounds of Sutherland. The hails remanent main land of the said Sheriffdom of Inverness, at the head burgh of the shire; and Hugh Lord Fraser of Lovat to be commissioner, with the Sheriff-Principal or his deputies.”

The following set of the half of King's Milns, Wester Inshes, and the forty shillings mailings of fishings in the River Ness from the Inshes collection is interesting. Here will be seen indications of the desire for entails, which received legislative sanction in 1685. The deed is dated 26th January 1575, and contains the names of the Provost, bailies, and council, most of whom could write:—

Be it known, to all men, by these present letters, that we, William Cuthbert, Provost of Inverness; John Macgillivray, Jasper Dempster, and John Robertson, bailies of said burgh of Inverness, with express consent and assent of John Waus of Lochslyne; James Paterson, burghess of Inverness; William Baillie, burghess there; Alexander Paterson, burghess there; Alexander Paterson, younger, burghess there; Alexander Cuthbert, burghess there; Nicol Kerr, burghess there; James Skinner, burghess there; Thomas Cuthbert, burghess there; William Robertson, burghess there; Luke Paterson, burghess; Alexander Cumming, burghess there; John Cumming, burghess there; Martin Waus, burghess there; John Rose, burghess there; Peter Waus, burghess there; Gilbert Paterson, burghess there; and William Cumming, burghess there; common Council of the said burgh of Inverness, with the remnant of the neighbours thereof, have set and for mail let, and by the tenor of these presents, set and for mail let, to our well-beloved neighbour, Robert Waus, burghess of the said burgh, and second lawful son to the late Jasper Waus of Lochslyne, and to his heirs male, lawfully gotten or to be gotten of his body allenary, all and hails the one-half of the Kingsmills, multures, profits, and duties thereof, the quarter land of the Inshes called the Wester Inshes, extending to the burn that divides the lands of Culcabock and the said Inshes, at the west; the Mid Inshes, pertaining to Gilbert Paterson, at the east; the Mounthe (Hill) at the south; and the lands of Machreis at the north; and the forty shilling mailing of the water of Ness, with the pertinents lying within the burgage of Inverness and sheriffdom of the same, lying as said is: The said John Waus personally present in judgment in a burgh court of the said burgh, within the Tolbooth of the same, held by William Cuthbert, Provost of the said burgh, and John Robertson, one of the bailies of the same, the 21st day of January, the year of God 1575 years, freely of his own motive, will, neither compelled nor constrained thereto, as he confessed in judgment, freely, purely, and simply resigned and overgave, in the hands of the said William Cuthbert, Provost, and John Robertson, bailie foresaid, in favour of the said Robert Waus, and his heirs male allenary, gotten or to be gotten of his body as said is, the foresaid lands and fishings as said is, above-written, and that for certain great sums of money, paid and delivered by the said Robert Waus to the said John Waus of Lochslyne at the making hereof, whereof he holds him well contented, completely paid and satisfied, quit-claims, exonors, and simpliciter discharges the said Robert Waus, his heirs, executors, and assignees, by the said John Waus, his heirs, executors, and assignees thereof, and of the exception and repetition of not numbered money for now and for ever: And failing of heirs male, gotten or to be gotten of the said Robert Waus allenary, incoming again to his nearest of blood and surname being most worthy thereof, and actual burghesses of the said burgh of Inverness; the said Robert Waus and his foresaids' entry, which shall be and begin God willing at the day and date of these presents, and to endure from thenceforth continually without any stop, impediment, or interruption, enduring the said Robert his lifetime: To be had and to be holden of us, Provost, bailies, council, and community of the said burgh, and our successors: To be peaceably enjoyed, occupied, laboured, and manured by the said Robert Waus, his heirs male foresaid, in all time coming, enduring their lifetime, with all and sundry their parts, pendicles, and pertinents pertaining or righteously may pertain to the said half of the King's mill, multures, profits, and duties thereof, the quarter land of the Inshes called the Wester Inshes, and the forty shillings mailing called the salmon fishing of the Water of Ness, as well

not named as named, under the earth as above the earth, in length and breadth as the same lies, freely, quietly, well, and in peace, without any obstacle, impediment, revocation, contradiction, or again-calling to be made thereinto, in any time hereafter coming, by us or our successors, or any others in our name: The said Robert Waus and his heirs male paying therefor yearly enduring his lifetime to us or our treasurer of the said burgh, and our successors, the mail and duty after following, viz.—for the half of the King's mill, the sum of eight pounds, six shillings, and eight pence; for the quarter called the Wester Inshes, sixteen shillings and eight pence; and for the forty shilling mailling of the salmon fishing of the Water of Ness, forty shillings, usual money of this realm, at two terms in the year, Whitsunday and Martinmas, in winter, by equal portions, allanarly, for all other exactions, question, demand, or secular service, which may be asked, or any ways required in future, for the said lands, and fishing with their pertinents, lying as said is; providing always that the said Robert Waus the time of his entry to the foresaid lands double to us, our successors, treasurers for the time, the foresaid mails of the said lands and fishing, and also that the said Robert Waus enduring his lifetime make continued residence for the most part of the year within the said burgh of Inverness: Reserving always to the said John Waus one quarter of the said half of the King's mills, being in the said John Waus his possession, and that enduring all the days, years, and terms of the said John Waus' lifetime allanarly, and that for the yearly payment of the feu-duties used and wont to us, our successors, treasurers for the time: And we, forsooth, the saids Provost, bailies, council, and community of the said burgh of Inverness and our successors shall warrant, acquit, maintain, and defend these our present letters of tack and assedation in form and effect as is above-written, conform to the tenor of the same, to the said Robert Waus and his foresaids against all deadly or die may. In witness of the which thing, we, Provost, bailies, council, and community, for the most part have subscribed these presents with our hands, and also with our hands at the pen respectively as is under-written; and for the more verification have appended our proper seals to the same. At Inverness, the 26th day of January, the year of God 1575 years. (Signed) William Cuthbert, Provost of Inverness, with my hand; John Robertson, one of the bailies, with my hand; Jasper Dempster, one of the bailies, with my hand; John Macgillivray, one of the bailies of this burgh, with my hand at the pen led by Thomas Duff at my desire; Thomas Duff, clerk, with my hand; Alexander Paterson, elder, burgess of Inverness, with my hand at the pen led by Mr Duff at my desire; Alexander Paterson, junior, burgess of Inverness, with my hand at the pen led by Mr Duff at my desire; Martin Waus, burgess of Inverness, with my hand at the pen led by Mr Duff at my desire; Peter Waus, burgess of Inverness, with my hand; John Rose, burgess of Inverness, with my hand; John Waus of Lochslyne, with my hand; Luke Paterson, burgess of Inverness, with my hand; I, Wm. Cumming, burgess of Inverness, and common clerk thereof, with my hand.

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 LXXXVI.

## JAMES VI. 1567-1599. PART SECOND.

The following precept and command by the King to the authorities of Inverness, to attend at Edinburgh, on the 1st of August then next ensuing, to account for their rents, customs, &c., is dated 9th May 1575:—

James, by the grace of God King of Scots, to the Bailies and Collectors of Customs of our burgh of Inverness; Greeting: Since, with the advice and consent of our dearest cousin James, Earl of Mortoun, Lord Dalkeith, &c., our Regent, and that of our kingdom and lieges, we have ordered our Exchequer Court to be held at Edinburgh, and to begin on Wednesday, the 1st day of the

month of August next to come, with continuation of days, we command and order you that ye be there on the 20th day of said month, before the auditors of our accounts, prompt and ready to render your account of all and sundry rents, returns, and customs due by you to us, from the time of the rendering of last account of your duties, carrying with you all monies due by you to us, whose terms are, or will then be elapsed, and also an account of the expenses, and of the disposal of the common goods of said burgh, to be looked into by said auditors to see if they were usefully disposed of or dissipated diffusely, and that ye premonish all others having or pretending an interest herein fifteen days before said day, conform to Act of our Parliament, and that this ye in nowise omit, under the penalty of £10. Given under testimony of our great seal, at Edinburgh, the 9th day of the month of May, in the year of our reign the ninth, 1575.

To the Bailies and Custumariis of our burgh of Inverness,  
in behalf of the Exchequer, &c.

The following instrument of sasine “of a piece of waste land” shows that the system of granting or feuing out Burgh property to high officials is of some antiquity. The date of the charter on which the sasine proceeds is 19th July 1574 :

In the name of God, Amen. By this present public instrument let it be evidently patent and made known to all men, that in the year of the Incarnation of our Lord 1575, and on the 1st day of the month of September, in presence of me, notary-public, and of the subscribed witnesses, there personally appeared the prudent man William Cuthbert, Provost of the burgh of Inverness, who had and held in his hands a charter made by the discreet men, viz., John Cuthbert, burgess of the burgh of Inverness, Jasper Dempster, and William Cumming, burgesses and bailies of said burgh of Inverness, under the manual subscriptions of said bailies to the said William Cuthbert and his heirs and assignees on one piece of waste land of the said community of Inverness, lying within said burgh of Inverness, on the south side of the wall of the late place of the Preaching Friars of Inverness, lying between the king's common highway at the east, at the south to the common passage or highway which leads to the water of Ness, between the Parish Church of Inverness and the foresaid place of the Preaching Friars of Inverness, between the king's common highway at the north and the wall of the place of the Preaching Friars of Inverness at the west, according as is in said charter more fully contained, at the end of which the following precept of sasine was added, under the form following, and is thus :—Moreover, we order and command our beloved Jasper Dempster, burgess of Inverness, . . . and each of you, conjunctly and separately, our bailies, that when ye see these presents, ye go the one or other of you to the foresaid piece of waste land above-written, lying on the east of the wall of the place of the Preaching Friars of Inverness, between the king's common highway at the east, the common highway which goes to the water of Ness at the south, the king's common highway at the north, and the wall of the Friars of Inverness at the west, and there upon the soil and ground, ye give the one or other of you state, sasine, and hereditary possession thereof to the foresaid William Cuthbert, or to his sure attorney or procurator, lawful bearer of these presents, by delivery of earth and stone as the manner is, and that this ye in no way omit, for the doing of which to you and each of you, conjunctly and severally, we commit our full and irrevocable power, by the tenor of these presents: In testimony of which thing, our common seal, together with our manual subscriptions, and the manual subscriptions of the common council, and of the community, and of the greater part thereof, in token of their consent and assent, is appended to these presents. At the burgh of Inverness, the 19th day of the month of July, in the year of the Lord 1574, before these witnesses—James Paterson, burgess of Inverness, Thomas Cuthbert, Alexander Cuthbert, Gilbert Duff, burgesses of the burgh of Inverness, and William Cumming, notary-public, with divers others. (*Sic subscribitur*) Wm. Cumming, one of ye bailzeis of Innernis for ye tyme, wt my hand wreit; Jasper Damster, one of ye bailzeis of Innernis for ye tyme, wt my hand; Johne Cuthbert, one of ye bailzeis of Innernis for ye tyme, wt my hand; which charter, with precept added thereto, he presented and delivered to the honest man Jasper Dempster, burgess of Inverness, bailie in that part specially named in said precept of sasine, and then duly required the bailie thereupon to proceed to the execution of said precept, according to the tenor thereof, with effect; which charter being received by said bailie, and read by me notary-public under-written, the said bailie forthwith came to the foresaid piece of land, and there,

as the manner is, conferred, gave, and delivered state, hereditary sasine, and also corporal, actual, and real possession of all and whole the foresaid piece of land, with its pertinents, to the forenamed William Cuthbert, according to the tenor of said charter and precept of sasine contained therein, by delivery of earth and stone, nobody gainsaying or contradicting, *salvo jure cujuscumque*, on which all and sundry the foresaid William Cuthbert, Provost of the burgh of Inverness, sought to be made for him from me notary-public underwritten public instruments, one or more. These things were done on the soil and ground of said piece of land about 7 o'clock A.M., year, day, and month, foresaid. Present there—John Barnet, mason; John Macthomas Macbean, *alias* Gowin-our, (the Grey Blacksmith) an inhabitant of Inverness; David Dik, servant of the said William Cuthbert; ——— Makphail, exhorter in the Parish Church, witnesses to the premises, called and also required.

And I, Jasper Cumming, Clerk of the Diocese of Moray, notary-public, now admitted by the Lords of Council, according to the tenor of the Act of Parliament, forasmuch as I, along with the forenamed witnesses, was personally present at all and sundry, while thus as is premised, they were acted, said, and done, and saw, knew, heard, and took note that they all and sundry were thus done, I, therefore, have made thereupon this present public instrument, faithfully written with my own hand, and have signed and published it under my usual and accustomed sign, name, surname, and subscription, for faith and testimony of all and sundry the premises.

It will be observed that this document brings to light the name of one of the earliest Protestant officials of Inverness, viz., Mr Macphail, Exhorter in the Parish Church.

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## LXXXVII.

### JAMES VI. 1567-1599. PART THIRD.

In the Parliament held at Edinburgh in October 1579 James Kynross was Commissioner of the burgh, and in 1581 William Baillie is recorded as representative.

The following, being the views entertained of Scotland and the Highlands at this period by a co-temporary, is taken from a scarce small book in the French language, entitled, “*La Recherche des Singvlaritez plvs Remarqvables, concernant 'estat d' Escosse,*” dedicated to the very august and very merciful Princess Mary, Queen of Scotland and Dowager of France, of date 1579, and the author of which subscribes himself thus, “*Vostre tres humble et tres obeissant Serviteur David Chambre, d' Ormont.*” While writing of the Church and the Saints, he remarks—“And among all the other Christian kings, those of Scotland are not the least fortunate in having a great number of such devout men, as natives in their own country, as also some strangers who retired thither, like Amphibolus, a native of that country, called the first bishop of Scotland, who lived about the year 274; St Palladius, called the Apostle of Scotland; St

Regulus, who brought the relics of St Andrew out of Greece; St Kentigern, Bishop of Glasgow, and son of Eugenius III., and nephew of Loht, king of the Picts, by his daughter Themeta; St Fiacre, who died in France, brother of Farquhar, King of Scotland; Cornan, Ajdan, St Colman, St Finnan, all bishops; St Aidannan, St Fothed, &c.”

Under the title, “l’Estat de Noblesse,” we have—“All the nobles called ‘my lords,’ and some ‘lards’ (lairds), as also the bishops and prelates have vassals who hold their lands of them in fief, commonly without high jurisdiction, and probably these vassals have others called subvassals, and all these are obliged to serve their oldest superior against all others save the king. The greatest power for resisting enemies in times of war consists in gentlemen, younger brothers, those termed nobles, and some lords, called ‘lards,’ and in those of their posterity who are sustained as much with the revenues which they have had in gift of their parents, as by what they have acquired for their service and industry, without having any other particular title of honour than that they are called after the name of the village or possession where they dwell.”

Of the people of Scotland he says there are three kinds. “In the second rank or degree are all those who speak the the language called ‘Gachtlet’ (Gaelic),—after the name of a certain Gathelus,—common to the Irish and some people of the East Indies, as is proved by some Jesuits not long since. In ancient times this language was common to all the inhabitants of Scotland. Those of this rank are robust, strong, courageous, brave, active; and they always observe entirely their ancient manners, as well in wearing a kind of dress, as in observing great sobriety in their food. They also possess several large provinces and isles, which contain as great an extent of land as the provinces which those of the low country occupy. But these lands of this second part of Scotland are almost all moorish, full of woods and mountainous. They have also large fortresses fortified by nature, not only sufficient to protect themselves and the others of the low country in case of necessity, when they betake themselves there, during the times of the first incursions of enemies, but also by this means they have always in a short time the means of attacking their enemies; so that in reading the histories one will find this mode of succour to have been one of the principal occasions that the kings of Scotland have continued always free, without being subjects to any strangers. The inhabitants of these lands are called in the Scottish tongue ‘hechtland men,’ in French ‘the people



of the highlands.' These are understood among the French to be nothing less than savages, yet they resemble them in no way." Of the sobriety of the Scots he says:—"All historians prove that the sobriety anciently observed by the Scots and practised at present (particularly by the inhabitants of the Highlands, a race very patient to endure hunger and all other evils) has been one of the chief occasions of protecting the country of Scotland for so long a time against enemies."

In the year 1582 many Presbyterians having refused to pay the Bishops their former rents, it was ordered by the Privy Council that all such should be imprisoned in the Castle of Inverness.

Sutherland and Strathnaver were disjoined from the Sheriffdom of Inverness in the year 1583. The occurrence is thus related by Sir Robert Gordon:—"The year of God 1583, Alexander, Earl of Sutherland, obtained the superiority of Strathnaver, together with the heritable Sheriffship of Sutherland and Strathnaver, from the Earl of Huntly, for the lordship of Aboyne, which gift of the Earl of Huntly was confirmed by His Majesty's charter under his great seal, whereby Sutherland and Strathnaver were disjoined and dismembered from the Sheriffdom of Inverness."

In 1582 the burgh of Inverness renewed their legal proceedings against Tain, as appears by the following document endorsed "Town of Tayne, Ane Act betwix Tane and Inverness":—

At Edinburgh, the last day of February, the year of God 1582 years, anent our Sovereign Lord's letters, pursued at the instance of the late Mr Robert Creytoun, of Elrok, Advocate to our Sovereign Lord for the time, and the Provost, bailies, and Council of the burgh of Inverness, against Andrew Ross, Adam Hay, Donald M'Cra Mor, Allan Andrew M'Hucheone, Walter Douglas, Andrew Crystesone, Andrew Macculloch, Farquhar Reid, Donald Tailzeor, Walter M'Quhill, Thomas M'Joseph, John Mor, elder, Alexander M'Gillechrist, and all and sundry persons, inhabitants of the burgh of Tain, to hear and see our Sovereign Lord's letters directed in all the four forms, and each form to be executed after the others within three days, and the warding to be in the Castle of Blackness, in case of disobedience, charging the said persons, inhabitants of the said town of Tain in general, and by their names in special, as they shall be required, to desist and cease from all exercising and using of the freedoms and privileges of the said burgh of Inverness, in buying of skins, hides, iron, salmon, and other merchandise, to be brooked and enjoyed by the said pursuers, aye and until the said indwellers in Tain show their privilege and freedom to the contrary, and aye until they be lawfully called and orderly put therefrom by the law, conform to their infestments of the same, granted by our Sovereign Lord's noble progenitors, and the said Lord's decreet given thereupon, of the date 16th day of March, the year of God 1500 years, in all points, or else to have alleged a reasonable cause why the same should not have been done, as at more length is contained in the said letters: The said Provost and bailies of the said burgh of Inverness compearing, by Mr Oliver Colt, their procurator, and Mr David McGill, now Advocate to our Sovereign Lord, for his Highness' interest, being personally present in place of the said late Mr Robert Creytoun, advocate, who is deceased, and the said inhabitants of the said town of Tain compearing by Mr John Russell, their procurator, who alleged that no letters ought to be granted against the said

inhabitants, because the said burgh of Tain is a free burgh, endowed and privileged with all immunities of a free burgh holding of the king at the least, according to their erection into a free burgh, which is lawfully confirmed by the king's predecessors, whereof they have been in possession of a free burgh past memory of man, and therefore no letters should be directed as is desired, which allegation the said Mr John offers himself to prove sufficiently, and the same being found relevant, they have assigned and assign to the said inhabitants of Tain, the 15th day of April next to come, with continuation of days, for proving of the said allegation sufficiently, and to that effect ordains them to have letters to summon such witnesses and probation, and to produce such writs, rights, reasons, and documents as they have or will use for proving thereof, against the said day, reserving to the said pursuers all their defences *contra producenda*; and also supersedes the giving forth of the interlocutor upon other two allegations proposed by the said Mr John Russell, procurator foresaid in the said matter, until the same day, and in the meantime continues, &c., and the parties compearing as said is are warned hereof, *apud Acta. Extractum de Libro Actorum per me Alexandrum Hay de Eister Kennet, Clericum Rotulorum Registri ac Concilii. S. D. N. Regis sub meis signo et subscriptione.*

ALEXANDER HAY.

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LXXXVIII.

JAMES VI. 1567-1599. PART FOURTH.

King James was always in an impecunious state, and the Estates in 1583 voted him 20,000 pounds Scots for the objects stated in the narrative of the letters annexed.

The proportion payable by the burghs was £3333 6s 8d Scots, and the letters command the Provost and bailies of Inverness to appoint stentors to uplift the sum due from the town. The proportion is not stated, but this was unnecessary, in respect that all Royal burghs had a certain value placed upon them by which the respective proportions were allocated and determined.

The seal is entire, and the document, dated 20th April 1583, is endorsed "Lres taxatioun."

James, by the grace of God King of Scots, to our Provost and bailies of our burgh of Inverness, and to our lovites, . . . . . messengers, our sheriffs in that part, conjunctly and severally, specially constituted; Greeting: Forasmuch as we being come at the pleasure of God to this estate and age, and understanding the necessary occasions urging us to have the aid and support of our Estates, touching the discharge and relief of such debts as have been contracted in the troublous times bypast of our young age, as also for making of such charges as will be required toward the preparation for our marriage, and others and most needful and weighty affairs, concerning our honour and welfare, we, having now convened a good number of our estates for their good advice in the premises, so as we may be at once relieved of bygone duty, and good order to be preserved for the honourable entertainment of our Estate hereafter, our said estates presently assembled, after mature deliberation hereupon, willing to give us their best advice in all things, according to their bounden duty, and to condescend to the support of our necessary and honourable affairs to the utmost of their ability: Finding that the charges requisite hereanent crave the presence of a greater number of our estates, have thought expedient therefore that the final resolution and advice upon our pre-

sent proposition shall be deferred till the assembly of our estates in the next parliament, to hold and begin, God willing, in our Tolbooth of Edinburgh, upon Thursday the 24th day of October next to come, with of continuation days, or to a new convention of our Estates in greater number than is presently assembled; and in respect of such needful charges as necessarily are to be provided for in the meantime, which may not goodly suffer delay, our said estates presently convened have willingly granted a taxation of twenty thousand pounds, to be uplifted and paid by our said estates, to be counted and allowed in the first end of that sum that shall be condescended upon by them at our next parliament or convention, that is to say, ten thousand pounds by the spiritual Estate, providing that the third thereof be taken of the thirds of benefices, so that such as pay their thirds shall only be astricted in payment of the two parts of the said ten thousand pounds, and the ministry to be free for so much of the said thirds as is assigned to them in their stipends, and so much as happens to be deducted through that occasion to be added to the parts that have been ordained to be paid by the other Estates; six thousand six hundred three score and six pounds, thirteen shillings, and four pence to be paid by the burghs and free holders, together with our property, and three thousand three hundred and thirty-three pounds, six shillings and eight pence, in complete payment of the said taxation of twenty thousand pounds, by the burghs, and that at one term, viz., upon the first day of August next to come; and for inbringing of our burgh's part of said taxation and relief you the said Provost and bailies: Our will is herefor, and we charge you strictly and command that incontinent, these our letters seen, ye pass and in our name and authority command and charge the inhabitants of our said burgh to convene and elect certain persons to stent their neighbours, and that ye command the persons elected to accept this charge upon them in setting the said stent upon the inhabitants of our said burgh, and to convene and set the same, and make a stent roll thereupon, as effeirs, within twenty-four hours next after they be charged by you thereto, under the pains of rebellion, and putting of them to our horn, and if they fail therein the said twenty-four hours being bypast, that ye incontinent thereafter denounce the disobeyers our rebels, and put them to our horn, and escheat and inbring all their moveable goods to our use for their contempt, and so the said stent roll being made and set as said is, that ye charge the burgesses, neighbours, and inhabitants of the said burgh to make payment of their part of the said extent to you, conform to the said taxed roll to be made and given out thereupon within the space of three days next after they be charged by you thereto, under the said pain of rebellion and putting of them to our horn, and if they fail therein, the said three days being bypast, that ye incontinent thereafter denounce the disobeyers our rebels, and put them to our horn, and escheat and inbring all their moveable goods to our use for their contempt, and if need be that ye poind and distraint as ye shall think most expedient, as ye will answer to us thereupon; the which to do we commit to you, conjunctly and severally, our full power, by these our letters, delivering them by you duly executed and endorsed again to the bearer. Given under our signet, at Holyrood House, the 20th day of April, and of our reign the sixteenth year. 1583. *Per Actum Secreti Concilii.*

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LXXXIX.

JAMES VI. 1567-1599. PART FIFTH.

At the time of acquiring the lands of the Preaching Friars (see No. 85) Provost Cuthbert appears not to have had enough to pay for the price, and to have been obliged to borrow 200 merks from Alexander Bayne of Tulloch, and Agnes Fraser, his wife. The Provost was able to redeem the mortgage in 1584, as is seen by the following instrument

of redemption and renunciation. The notary, it will be observed, drops all Papal reference in his dates:—

In the name of God, Amen. By this present public instrument be it clearly known to all, that in the year of the Incarnation of our Lord 1584, on the 29th day of the month of May, in the eighteenth year of the most serene Prince James VI., and sixth king of that name, in presence of me notary-public and the witnesses underwritten, there compeared the honourable man, Alexander Bane of Tulloch and Agnes Fraser, his wife, hereditary owner of all and sundry lands within the wall of the place of the Preaching Friars of Inverness, both arable and garden, removing and excepting the church and the passage to the church, which lies between the water of Ness at the west and the king's common highway at the east, and the wall which lies at the common passage at the north, on the north side of the Parish Church of Inverness at the south, and the wall which lies at the march at the north on both sides, lying within the burgh of Inverness and sheriffdom thereof; and also another piece of land built upon, with the pertinents, lying within said burgh, on the eastern side of the wall of the place of the Preaching Friars of Inverness, between the king's common highway at the east and south and the common passage or way which leads to the water of Ness, between the Parish Church of Inverness and the place of the late Preaching Friars of Inverness and the king's common highway at the north, and the wall of said place of the Friars at the west, of their own mere, pure, and spontaneous will confessed, and by the tenor of this present public instrument, confess, that the foresaid lands with their pertinents were held by them of the Provost, bailies, council, and commnunity of Inverness, and were lawfully redeemed from them by the honourable man, William Cuthbert, burgess of Inverness, hereditary owner and feudatory of all and sundry foresaid lands, with their pertinents, by virtue of letters of reversion of the foresaid Alexander Bane of Tulloch and Agnes Fraser, his wife, to the foresaid William Cuthbert, his heirs and assignees, made for the reversion of all and sundry the foresaid lands, with their pertinents, for the sum of 200 merks of the usual money of the kingdom of Scotland, according as in the letters of reversion is more fully contained, and the premises all and sundry are fully and wholly contained in said letters of reversion: Moreover, the foresaid Alexander Bane of Tulloch and Agnes Fraser, his wife, for themselves and their heirs and assignees, have renounced, according as by the tenor of the present public instrument they renounce, all claim and title of sasine which they had, have, or in any way shall have, to all and sundry the foresaid lands, with their pertinents, in virtue of the alienation of the foresaid William Cuthbert to us, in conjunct fee, and the heirs lawfully procreated or to be procreated betwixt us and assignees whomsoever: And of all and sundry the said renunciation by the foresaid William Cuthbert, by virtue of said letters of redemption and completion, and all and sundry therein contained, the foresaid Alexander Bane of Tulloch and Agnes Fraser his spouse gave a charter and precept of sasine, and sundry documents requisite made regarding foresaid lands to the foresaid William Cuthbert really and with effect: On all and sundry which the foresaid William Cuthbert sought of me notary-public underwritten public instruments one or more: These things, all and sundry, were done at Tulloch, the 29th day of the month of May A.D. 1584. Present there, the honest men Alexander Merchant, burgess of Inverness; Alexander Bane, my eldest lawful son; Robert Bane, my son; Alexander, Thomas M'Gilliemichael, with other witnesses called and required.

(Signed)

ALEXANDER BAYN of Tulloch.

William Cumming acts as notary.

John Brown, messenger, on the 19th of June 1585, passed to the Market Cross of Inverness, and there, as at several other places, lawfully summoned, warned, and charged Archibald, Earl of Angus; John, Earl of Mar; and others; by open proclamation, as fugitives from the law and furth of the realm, to compear before the king and his Highness' justice the 20th of August next to come.

In the year 1585 George, Earl of Huntly, was desirous of strengthening his position, and obtained from the lairds of

Fowlis and Glengarry the bonds respectively after quoted :—

Be it known to all men by these presents, me, Robert Munro of Fowlis, to be bound and become faithful and true and thrall man to a noble and potent lord, George, Earl of Huntly, Lord Gordon and Badenoch, as by the tenor of these presents bind and oblige me faithfully, by the faith and truth of my body, loyally and truly to serve the said noble lord, by myself, my kin, friends, servants, partakers, allies, and assisters, against all and whatsoever person, the King's Majesty only excepted, &c. In witness of the which, I, the said Robert, have subscribed this my bond of man rent, and in sign of the said lord's maintenance, the said noble lord has subscribed the same, with his hand, at Inverness, the 2d day of October 1585 years.

(Signed)

GEORGE, EARL OF HUNTLY.

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ROBERT MUNRO of Fowlis.

Be it known to all men by these present letters, me, Donald Macangus Makallyster of Glengarry, by these presents me to become bound thrall man to a noble and potent lord, George, Earl of Huntly, Lord Gordon and Badenoch, &c., like as my late father Angus Makallyster of Glengarry was of before, by his special bond made to the said noble lord's late father of good memory proports, and by these presents bind and oblige me faithfully, by the faith and truth in my body, to loyally and truly serve the said noble lord by myself, my kin, friends, servants, partakers, and assisters, &c. In witness of the which, the said Donald Makangus of Glengarry and the said noble lord have subscribed this present bond, with their hands, at Inverness, the — day of October, the year of God 1585 years.

(Signed)

GEORGE, EARL OF HUNTLY.

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DONALD MAKANGUS of Glengarry.

In 1586 Robert Gordon appears at Holyrood House as Commissioner for Inverness, and in 1587 the names of Jasper Cumming for Inverness and John Macgillichioane for Dingwall are recorded.

In the Parliament held at Edinburgh that year appointment is made “for the furtherance and furthsetting of the criminal justice over all the realm.” “Justice aires shall be held twice every year in time coming over all the shires of this realm in the months of April and October.” The course to be pursued is thus set forth:—“And to the effect that all executions and arrestments requisite may be duly prepared before the coming of the said Justice-Deputes, it is statute and ordained that our sovereign Lord, with advice of his Chancellor, Treasurer, and Justice-Clerk, shall nominate and give commission to honourable and worthy persons, being known of honest fame and esteemed no maintainers of evil or oppression, and in degree earls, lords, barons, knights, and special gentlemen, landed, experienced in the loveable laws, customs of the realm, actual indwellers in the same shires, to the numbers hereafter limited, according to the bounds and quantity of every shire—that is to say, within the counties and sheriffdoms of Orkney and Shetland, fourteen; within Inverness and Cromarty, twenty-one; Nairn, seven; Elgin and Forres, seven, &c.”

The King wrote to the Earl of Huntly on 20th April 1587, on matters relating to the Isles, as follows:—

Right trusty Cousin and Counsellor, we greet you heartily well. We doubt not but the cruelties and disorders in the Isles these years bygone have greatly moved

you, whereanent we intend, God willing, to take some special pains ourself, as well there as in the Borders, where we have been lately occupied (we directed our mind unto you what we thought metest to be done in this behalf in October last, not doubting but you have been careful thereof since then.) Always fearing that the Islesmen within the bounds of your lieutenancy shall press to make some rising and gathering, before conveniently we may put order to the matters standing in controversy in the West Isles, we desire you effectuously that with all goodly diligence you send to Donald Gorme's son M'Cloyd of the Lewis, M'Cloyd of the Harrich, the Clanrannald, and others being of power in these parts, willing and commanding them to contain themselves in quietness, and that they forbear to make any manner of convention or gatherings, to the hinder and disturbance of our good deliberation, for we have written effectuously to Angus M'Conell, and have spoken with M'Clane, being here for the same effect. And so not doubting but you will do what in you lies, that all things remain quiet and in good order within the bounds of your charge, as ye will do us special and acceptable service, commit you in the protection of Almighty God. At Edinburgh, the xx. day of April 1587.

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 XC.

## JAMES VI. 1567-1599. PART SIXTH.

In the year 1587, King James being then of lawful age, ratified the Charter granted by Queen Mary in 1567, of the ecclesiastical lands in favour of the burgh for the hospitality and sustentation to the poor and orphans, and of ministers within the burgh according to the confirmation, "being situated among the Highlanders and undaunted people." The miln and miln lands of Kessock are here described as part of the subjects of the friars preachers of Inverness:—

Forasmuch as our sovereign lord the King's Majesty, and three estates in this present Parliament taking consideration that the late, his highness' dearest mother of good memory, Queen of this realm for the time, having pity and commiseration of the poor, impotent, and miserable persons, infants, orphans, and fatherless within the burgh of Inverness, and willing to provide hospitality and sustentation to them, and ministers within the said burgh being situated among the Highlands and undaunted people; in respect thereof, and for other good and godly causes, moving her grace for the time, after her lawful and perfect age, with advice of the lords of her secret Council, by her charter under her great seal, gave, granted, and disposed, and for her highness and her successors perpetually confirmed to the Provost, Bailies, Council, and community of the said burgh of Inverness, and to their successors for ever, all and sundry lands, tenements, houses, biggings, kirks, chapels, orchards, yards, acres, crofts, annual-rents, fruits, duties, profits, emoluments, fermes, alms, obits, and anniversaries whatsoever, which any ways pertained, or are known to pertain to whatsoever chaplainries, vicarages, altarages, and prebendaries, founded in whatsoever kirk, chapel, or college, within the liberty, privilege, and parish of the said burgh, in the possession whereof the chaplains, vicars, and prebendaries of the same were of before, wheresoever the said houses, tenements, biggings, orchards, yards, acres, crofts, annual-rents, anniversaries, fruits, profits, and emoluments, lie or were lifted of before respectively, with manors, mansions, places, yards, acres, lands, annual-rents, emoluments, duties, milns, and fishings, which pertained of before to the Dominican Friars or Preachers of the said burgh, together with all and sundry lands, houses, tenements, lying within the said burgh, privilege, and parish of the same, with all and sundry annual rents, lifted furth of whatsoever house, land, or tenement, within the said burgh, given, dotated, or founded to whatsoever chaplainries, altarages,

kirks, mortuaries, and anniversaries, wherever the same are within this realm : And with all and sundry annual rents, and other duties used to be paid or which might be craved by whatsoever kirk without the said burgh, from the Provost and Bailies thereof, furth of the common rent of the same with their pertinents ; to be holden of her Majesty and her highness' successors, to the said Provost, Bailies, Council, and community, and their successors, to be used and applied by them only to the godly works and use above specified, and not otherwise ; with other privileges and freedoms for performing thereof, at length specified and contained in the said Charter and infestments of the same, of the date the 21st day of April, the year of God 1567 years, and of her highness' reign the 25th year, shown and produced, examined and considered by his highness and estates foresaid more fully proports : And his highness and estates foresaid knowing and understanding the foresaid gift and disposition to be given and granted for the good and godly causes above mentioned, and upholding and sustentation thereof, and in likewise being of the same goodwill and mind that the said godly work and action be continued, maintained, and observed, in all times hereafter, conform to the said infestment and disposition granted thereupon : Therefore his highness now after his lawful and perfect age decerned in Parliament and general revocation made by him thereinto, with advice and consent of the three estates of the same Parliament, has ratified, approved, and confirmed, and by this present act for his Majesty and his highness' successors perpetually ratifies, approves, and confirms, the foresaid charter, infestment, gift, and disposition, therein contained, made, given, and granted, to the said Provost, Bailies, Council, and community of the said burgh, and their successors of all and sundry the premises therein contained, expressed, or mentioned, to be used and applied by them to the godly works and uses above specified, and no otherwise, conform to the tenor of the said charter and gift in all points ; and wills, grants, and perpetually decerns for his highness and his successors that the foresaid charter and infestment, gift, and disposition is and shall be valid in itself, and stand in strength, force, and effect, and be observed in all times coming to the use of the godly work foresaid, perpetually without any revocation, contiadiction, or again-calling whatsoever, to be made or opposed by his highness and his successors, or any others anyways in the contrary, renouncing the same for ever : Attour his highness and estates foresaid by the tenor hereof revokes, rescinds, overthrows, and annuls all other pretended infestments, gifts, and titles, whatsoever made, given, or granted, since the foresaid date of the said infestment, gift, and disposition, now confirmed as said is, in hurt or prejudice thereof, of any of the premises, or of any profits or commodities contained therein, to whatsoever person or persons, and specially of the Chaplainaries of the Lady of ye Grene, John the Baptist, and St Catherine, and lands thereof, and of the miln and miln lands of Kessock, which miln and miln lands pertained of before to the said Friars Predicators of the said burgh, and which chaplainaries and lands thereof, miln and miln lands, are comprehended under the foresaid gift and disposition, now confirmed as said is, and are one part of the lands, chaplainaries, and others, mentioned in the same, albeit not contained therein *per expressum*, and decerns and declares the said infestments, rights, and titles, granted and given in hurt and prejudice as said is, to have been from the beginning, and to be now and in all times coming null in themselves, and of none avail, force, or effect, with all that has followed, or may follow thereupon, and in noways to be hurtful or prejudicial to the said former gift, now ratified, approved, and confirmed, as said is, and ordains the Clerk of Register to amplify this present Act, insert and register the same among the remanent Acts of this present Parliament, to have the strength of an Act of Parliament in all times coming.

JAMES R.  
ROBERT MELNE.

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XCI.

JAMES VI. 1567-1599. PART SEVENTH.

Seeing the numerous changes taking place, the burgh appears to have been anxious that their various possessions

should be assured to them, hence they applied for, and obtained from the King, after the attainment of his lawful age, the following confirmation in regard to the old King's Milns, and the dry and astricted multures of the lands thirled thereto. The Balloch Hill is the part of the ridge of Alt-naskiach nearest to Inverness, and the mills are supposed to have been at the foot of the hill, near the Haugh Brewery. The remains of a mill-lade have been frequently observed, having its intake opposite to Bellfield, and its course rather nearer the foot of the hill than the present Dores Road:—

James, by the Grace of God, King of Scots, to all good men of his whole realm, cleric and laic; Greeting: Know, since we understand that our most noble progenitors of good memory have appointed and ordained the mill built upon the water of Ness, on the south side of the Castle, called "lie Ballochhill" mill to be demolished, destroyed, and pulled down, by the mayors, aldermen, bailies, councillors, and community of our burgh of Inverness, and that they hold the astricted and dry multures of all lands belonging to said mill for annual payment of the sum of six merks of the usual money of our kingdom, at two terms in the year, the Feasts, viz.:—of Pentecost and St Martin in Winter by equal portions only; according to which order, said mill was demolished and destroyed: And the foresaid mayors, bailies, councillors, and community of our said burgh of Inverness, have been in continuous possession of the foresaid dry multure of the lands above specified in all times past: And willing that said donation, disposition, and privilege, by our foresaid most noble progenitors, of the destruction and demolition of foresaid mill, and the disposition of foresaid dry multures, above specified, to the said bailies, councillors, and community of our burgh aforesaid, shall remain in full strength, efficacy, and effect, in all times to come, without any question, doubt, or contradiction whatsoever; we, after our perfect age of twenty-one years complete declared in our Parliament, have ratified, approved, and for us and our successors for ever confirmed, and by the tenor of our present charter, ratify, approve, and for us and our successors for ever confirm the donation and disposition above specified, made by our predecessors to the foresaid mayors, bailies, councillors, and community of our burgh aforesaid, and to their successors, of the destruction and demolition of the mill aforesaid, and the disposition of the dry multures aforesaid, of all lands belonging to said mill, in all their articles, conditions, and points contained in the same, according to the form and tenor thereof: And we will and grant, and for us and our successors decern and ordain, that this our present donation, disposition, and ratification, shall be in all times to come of such validity, efficacy, and effect, to the foresaid bailies, councillors, and community of our foresaid town of Inverness, for pacific possession and enjoyment of the premises, as if the same had been given and granted of old, word for word by our most noble progenitors: Moreover, of new with advice and consent of our computors of the roll, we have given and granted, and by the tenor of our present charter give and grant full power and liberty to the said Provost and bailies, the councillors and community of our said burgh of Inverness, that the said mill, or any other mill whatsoever, built or to be built, in hurt and prejudice of our said burgh, and of the disposition of the multures above specified, shall be demolished, pulled down, and destroyed: Also, of new we have given, granted, and disposed, and by the tenor of our present charter give, grant, and dispose to the said Provost, bailies, councillors, and community of our burgh aforesaid, and to their successors, all astricted and dry multures of whatsoever lands which pertained to the said mill, for annual payment to us and our successors of foresaid sum of six merks of the money of our kingdom, at the terms above written, as was accustomed to be paid in times past only: In testimony of which thing we have commanded our great seal to be appended to this our present charter. Witnesses—our very beloved cousin and adviser, John Lord Hamilton, Commandator of our Monastery of Aberbrothock; Lord John Maitland of Thirlestane, Knight, our Chancellor and Secretary; the most reverend and venerable fathers in Christ, Patrick, Archbishop of St Andrews; Walter, Prior of Blantyre, Keeper of our Secret Seal; our beloved familiar adviser, Alexander Hay of Easter Kennet, Clerk of our Rolls of the Register and Council; Ludovic Bellenden of Auchnoull, Knight, our Justi-



ciary Clerk, and Robert Scott, Director of our Chancery. At Holyrood House, 16th March, in the year of the Lord 1588, and of our reign the 22d.

The practice of paying an Edinburgh lawyer an annual fee was formerly a very common one. The following, by the Burgh of Inverness, to Master Oliver Coult, dated 12th March 1589, is the earliest record of this kind extant in this burgh. The salary is Six Pounds Scots money. Many distinguished lawyers held the office subsequently, and among others, Duncan Forbes of Calloden, whose salary, it is thought, was Twenty Pounds Scots:—

Be it known to all men by the present letters, we, Provost, bailies, council, and community of the burgh of Inverness underwritten, for the good, true, loyal, and faithful sure counsel to be given to us and our successors by Master Oliver Coult, advocate in the common affairs of the said burgh, and for *procur-ing* [i.e., acting as procurator] in the actions and causes thereof, and setting forwards the same before the Lords of our Sovereign Lord's Council and Session, and other judges where it shall happen Master Oliver Coult to make residence [attendance]: And for producing by him yearly before the Lords of our Sovereign Lord's Exchequer in due time, of the burgh accounts of Inverness and hospital accounts there of the said burgh, and causing of the same to be enrolled, as the same shall seem to him, with the dues of the clerk, conform to use and wont; to have given, and granted, and disposed, and by these presents for us and our successors give, grant, and dispoine to the said Master Oliver for all the days, years, and terms of his lifetime, a yearly pension of six pounds, usual money of this realm, to him, to be paid yearly at two terms in the year, viz. :— Whitsunday, and Martinmas in Winter, by equal half portions, of the readiest of the mails, fermes, duties, fruits, rents, profits, and emoluments of the said burgh, by us and our successors, obliging us and them thereto, without fraud or guile: And to that effect we are content, and consent that these presents be acted and registered in the books of our Sovereign's Lords of Council and Session, to have the strength of an Act and Decreet of the Lords thereof, with executorials of horning to pass thereupon, upon a single charge of three days allenarly: In witness of the which to these presents, subscribed by us as follows, our common seal is appended at Inverness, the 12th day of March, the year of God 1589 years.

The following ample powers of Justiciary, to the Provost and Bailies of Inverness, were granted by the King, on the 4th of August 1589:—

James, by the Grace of God, King of Scots, To all and sundry lieges and subjects whom it effeirs, to whose knowledge these our letters shall come; Greeting: Forasmuch as it is understood by us and the Lords of our Secret Council that there is a great number of persons within our burgh of Inverness, freedom and territory thereof, who daily and continually commit theft and wilful reset thereof, witchcraft, pickery, and sorning, and cannot be stayed therefrom in time coming without remedy being provided: Therefore, we have made and constituted, and by these presents make, constitute, and ordain our lovites, the Provost and bailies of our said burgh of Inverness, conjunctly and severally, our justices in that part within the bounds of our said burgh, freedom and territory thereof, to the effect underwritten; giving, granting, and committing to them, conjunctly and severally, our full power and commission, express bidding and charge, to search, seek, and take, all and sundry persons within the bounds above specified, suspected and delated of the crimes above written, wherever they may be apprehended and taken, and to put and hold them in sure firmance and captivity, aye, and until justice be ministered upon them, conform to the laws of our realm: And to that effect, courts, or courts of justiciary, within our said burgh, to fence, begin, affix, hold, and continue, suits to make be called, absents to amerciate, unlaws, amerciaments, and escheats of the said courts, to lift and raise, and for the same, if need be, to poind and distrain, and in the same courts, all and sundry persons suspected and delated of the crimes above written, or any of them, to call by dittay, to accuse, and them to the knowledge of an assize to put, and as they be found culpable or innocent, to cause justice be ministered upon them, conform to the laws of our realm, assizes, one or more

needful, to this effect of the four, have about each person, under the pain of forty pounds, to summon, warn, choose, and cause be sworn, clerks, macers, doomsters, and all others, officers and members of court needful, to make, create, substitute, and ordain, for whom they shall be held to answer, and generally, all and sundry things necessary for execution of this our commission to do, exercise, and use, which of law or consuetude of our realm are known to pertain, firm and stable holding, and for to hold, all and whatsoever things our said justices shall do herein, charging you all and sundry our said lieges and subjects to concur, fortify, and assist our said justices, conjunctly and severally, in all things tending to the execution of this our commission, and to do nor attempt anything to their hindrance or prejudice, as ye and each one of you will answer at your uttermost charge and peril: These our letters of commission to endure for the space of one year and further, aye and until the same be specially discharged. Given under our signet, and subscribed with our hand at Aberdeen, on the 4th day of August 1589. Providing always that our said justices make just count and reckoning yearly of the half of the unlaws and escheats of the persons convicted or put to death for any of the said crimes.

(Signed) JAMES R.

In the year 1590, Alexander, Earl of Sutherland, was served heir at Inverness to his great grandmother, Elizabeth, Countess of Sutherland, and his great grandfather, Earl Adam.

In the year 1591, Mr Thomas Howeson, minister of Inverness, subscribes the last will and testament of Katharine Falconer, Lady Kilravock, because she could not write.

In the same year the old feuds betwixt the families of Huntly and Mackintosh again broke out with great violence, the Gordons invading and wasting Petty and Culloden, and stirring up Lochiel and Keppoch to waste and harry Badenoch and Strathspey. On the other hand, the Mackintoshes, with the assistance of the Grants, not only defended themselves, but invaded Auchindown and the Cabrach. The Town of Inverness became mixed up in these quarrels, and always sided with the Mackintoshes.

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## XCII.

### JAMES VI. 1567-1599. PART EIGHTH.

The following charter of the lands of Drummond, formerly and still in the Gaelic termed Drumdevan (the ridge of shelter), dated 5th February 1591, is naturally an object of special interest to the writer of this book. It is also generally interesting, inasmuch as it is an early and minute illustration of the feu charter, wherein the reddendo is a pecuniary consideration alone, instead of the personal and other services formerly rendered. The granter, John Leslie,

was tenth Baron of Balquhain, being the eldest son of William, ninth baron, by Janet, daughter of John, sixth Lord Forbes, and widow of John, Earl of Athole. Leslie's title was made up by a Charter from King James, dated 1st October 1591; Precept of sasine relative thereto, of same date, and instrument of sasine, under the hand of William Cumming, Notary Public, dated 16th May 1592:—

To all who shall see or hear of this charter, John Leslie of Balquhyne, hereditary feuar of all and sundry the lands underwritten; Greeting eternal in the Lord: Since for the establishment and preservation of Government within this kingdom of Scotland, for the construction and reparation of houses, edifices, and gardens, and the plantation of trees, for the advantage of the State of said Kingdom, and of the rents of the lands underwritten, for the augmentation thereof, we have determined that the lands following must be set in feu: Know that I, therefore, for my utility and advantage, and that of my heirs and successors in this part by the premises, after mature deliberation, also for a certain sum of money paid to me by an honest man, and my cousin, Robert Waus, burges of Inverness, on the day of the date of these presents, have set, rented, and in perpetual feu-farm or fee, let, and by this present charter confirmed, also by the tenor of these presents set, rent, lease, and in perpetual feu-farm or fee, let, and by this my present charter confirm, to the foresaid Robert Waus, and his heirs and assignees whomsoever, all and whole the town and lands of Drumdevan, with the moor and marsh lands on the south and east parts thereof, together with crofts adjacent to the south part of Auldnaskiahe, lying within the barony of Lochardell, and regality of St Andrews, and Sheriffdom of Inverness; with power to the said Robert Waus, his heirs and assignees, to plough, break up, and bring in, new lands in every quarter or part of said marsh lands, and the soil thereof, wherever it shall please them, and to appropriate the same to themselves, and by excluding from these all other persons: To be held and had, all and whole said town and lands with the pertinents, bounded and lying as is premised, by Robert Waus, his heirs and assignees, of me, my heirs, successors and assignees, in fee or feu-farm, for ever, hereditarily, by all their right marches, ancient and devised, according as they lie in length and breadth, in houses, buildings, thickets, plains, moors, marshes, highways, byways, waters, ponds, rivers, meadows, pastures, grazings, mills, miltures, and their sequels, hawkings, huntings, fishings, petaries, turbaries, coals, coal-pits, rabbits, rabbit-warrens, doves, dove-cots, smithies, malt-houses, and heaths, brooms, woods, groves, and shrubberies, wood fit for hewing, stone-quarries, minerals, mountains, hills, vales, stone and lime, with courts and their fines, herzelds, bloodwits and merchet of women, with common pasture, free ish and entry, and with all other liberties, commodities, profits, easements, and their just pertinents whatsoever, as well named as not, both above ground and under, both far and near, belonging to the foresaid lands and town, or which can justly in future in any way pertain, freely, quietly, fully, wholly, honourably, well and in peace, without revocation, contradiction, or obstacle whatsoever: Giving therefor yearly, the foresaid Robert Waus, his heirs above named, and their successors and assignees, to me, my heirs and successors, or for our relief, to our supreme lord the King, his successors, and their keepers of accounts, chamberlains, or factors, having power for the time, for this end, the sum of 26s 8d of the money of our kingdom, and also to me, my heirs and assignees, by way of increase of said rental, of said lands newly erected, 3-4ths of money aforesaid, at two terms in the year, the feasts, viz., of Pentecost and St Martin-in-the-Winter, by equal portions only, in lieu of every other burden, exaction, demand, or secular service, which for foresaid lands and town, can justly be exacted, by whomsoever, or in whatever manner required: And I, John Leslie of Balquhyne, my heirs, successors, and assignees, shall warrant, acquit, and forever defend, all and whole, the foresaid lands and town, bounded and lying as above specified, to the foresaid Robert Waus, his heirs, and assignees, in and by all forms, equally and effectually, as is premised, against all mortals: Moreover, I order and strictly command, my beloved, John Ker, burges of Inverness . . . . . and each of you, conjunctly and severally, my bailies, in this part, specially constituted, that having seen these presents, immediately and without delay, either of you, go to the foresaid lands, and as they are respectively bounded and lying, and there upon the ground and soil thereof, the one or other of you, give and deliver hereditary

state and sasine, real, actual, and corporal possession of all and whole the foresaid town and lands, with the moor and marsh lands, and universal pertinents thereof, as aforesaid, to the foresaid Robert Waus, his heirs, and assignees, or to his certain attorney, or lawful procurator, bearer of these presents, by delivery of earth and stone, as the manner is: to do which, to you and each of you, conjunctly and severally, my bailies specially constituted in that part, I commit my full and irrevocable power: In testimony of which thing, my own seal, together with my manual subscription, as is below subscribed, is appended to this my present charter, containing in itself a Precept of Sasine, or corroborate, at Edinburgh, the 5th day of the month of February A.D. 1591, before these witnesses—Master William Leslie, Commendator of Newally; John Mawer, Clerk of Exchequer; Thomas Mawer, his brother.

JHONE LESLIE off Balequhane.  
 JOHNE MAWER, Witness.  
 THOMAS MAWER, Witness.

As the lands of Drummond were counted a part of the territory of the burgh, it followed that the doings of Robert Waus, in connection with Drummond, put the Magistrates and Council of Inverness in a ferment. They no doubt denounced him as solemnly as ever any ecclesiastic did whose lands had been violently seized. They also disbarred him from all burgess rights, and his possessions and tacks, as will be seen by the contract after-quoted, wherein he is designed as “Robert Waus, sometime burgess, *and now only indweller* of the said burgh.” The power of the burgh was not to be successfully resisted, hence Waus, after some years of conflict, renounced his charter and rights to Drumdevan, and the burgh replaced him in his civic rights, all as detailed at length in the following contract, which is dated 2d June 1595:—

At Inverness, the 11th day of June, the year of God 1595 years, it is appointed, concorded, finally ended, and agreed betwixt honourable and discreet persons and parties underwritten: That is to say, Alexander Cuthbert, Provost of the burgh of Inverness; George Cumming, William Robertson, Finlay Macphail, and Thomas Cuthbert elder, bailies and burgesses of the said burgh, with advice and consent of John Cuthbert of Auld Castle-hill, Mr John Rose, William Cuthbert, Alexander Cumming, James Waus, burgesses and Council of the said burgh, on the one part, and Robert Waus, sometime burgess, and now only in-dweller of the said burgh, on the other part, in manner, form, and effect, as follows: That is to say; Forasmuch as the said Robert Waus being most justly deprived of all liberty and freedom which he has of the burgh of Inverness, as also being justly deprived by the laws of this realm of all his possessions and tacks which he enjoys and holds immediately of the Provost, Bailies, Council and community of the burgh of Inverness, and their successors, and that for the wrongous and fraudulent omitting furth of our sovereign lord's signature and confirmation granted to the burgh of Inverness, of the town and land of Drumdivan, under specified, being a pendicle and commonty to the burgh of Inverness, with all crofts and pendicles belonging thereto, which general confirmation to the burgh of Inverness, upon their hail lands and possessions, the said Robert Waus was directed by consent of Provost, Bailies, and Council, to obtain in favour of the burgh of Inverness, and their successors, in doing and performing whereof, he, as commissioner foresaid, most wrongously left out of the said signature and confirmation the said town and land of Drumdivan, with the crofts thereof, and has most wrongously appropriated the same to his own particular use, by taking of infettment thereupon in his own person, as the process of deprivation led thereupon contrar the said Robert Waus most justly reports: Always [albeit] the said Provost, Bailies, and Council foresaid, being moved of mercy towards the said Robert Waus, their neighbour, and understanding perfectly his willing intention and mind to denude himself and his heirs of all heritable right, title, interest, property, and possession that he or his heirs had, have, or may pretend to the said lands of Drumdivan, crofts and pendicles thereof, and to dispone and transfer the same in the persons of the said Pro-

rost, Bailies, Council, and community of the burgh of Inverness, and their successors, to remain and abide with them heritably and irredeemably for ever, in recompence and satisfaction of his, the said Robert's, offence foresaid, done and committed by him against the said burgh of Inverness : Therefore, and for the causes underwritten, the said Provost, Bailies, and Council, above named, for themselves and their successors, have renounced and discharged, and by the tenor hereof renounces, and simpliciter discharges the strength, force, and effect, of the said decret of deprivation, obtained at the procurator-fiscal's instance, contrar the said Robert Waus, by virtue whereof the said Robert is deprived of all liberty and possessions which he has of the burgh of Inverness, the said decret being of the date the third day of June 1592 years, which decret, with all that has followed or may follow thereupon, the said Provost, Bailies, and Council, for themselves and their successors, will and grant that the same shall remain and abide ineffectual for ever : And will and grant that the same shall never make faith in judgment or outwith judgment, contrar the said Robert Waus, and his heirs, wherever the same shall happen to be produced hereafter : And further, for the said Robert Waus' further security, the said Provost, Bailies, and Council, oblige them within eight days after the date hereof, to restore and re-admit the said Robert Waus publicly in fenced court, within the burgh of Inverness, as burgess and guild brother of the burgh of Inverness, and to admit and restore the said Robert to all his possessions, which he holds immediately of the said burgh of Inverness, and that by usage of all solemn rites requisite in admitting and readmitting of burgesses, as well deprived as newly admitted, for the which causes above written the said Robert Waus has sold, alienated, and disponed, and by the tenor hereof for himself, his heirs, and assignees, sells, alienates, and heritably dispones, to the said Provost, Bailies, Council, and community of the burgh of Inverness, and to their successors, Provost, Bailies, and Council of the said burgh, that shall happen to be for the time, all and haill the said town and land of Drumdivan, with the muirs and crofts of the same, lying by the east and south-east parts of the burn called Altnaskiach, with the universal parts and pendicles belonging thereto, lying within the barony of Lochardill, regality of St Andrews, and Sheriffdom of Inverness ; to remain and abide with the said Provost, Bailies, Council, and community of the burgh of Inverness, and their successors, heritably and irredeemably for ever ; and for the better performing of the said alienation and disposition, the said Robert Waus is become bound, obliged, and astricted, for himself, his heirs, and assignees, to duly and sufficiently infest and seize by charter of pure vendition and alienation, bearing *titulo oneroso*, without all regress of reversion, the said Provost, Bailies, Council, and community, of the burgh of Inverness, and their successors, heritably in all and haill the said town and lands of Drumdivan, with the muirs thereof, and crofts of the same, lying at the east and south-east parts of the burn called Altnaskiach ; to be held of the said Robert Waus and his heirs, or to be held of the said Robert Waus' immediate superior of the same, in similar form and such manner as the said Robert Waus holds the same himself, and for payment of such duties as are contained in the said Robert Waus' own infestment allenarly ; which infestment shall contain special and general clauses of warrantice, and whereby the said Robert Waus and his heirs shall be obliged to warrant the said lands ; and specially the said Robert and his heirs shall be obliged to warrant the same from all wards, reliefs, non-entries of heirs, lawyers' counts, conjunct fees, forepast alienations, dispositions, sasines, private and public, assedations, assignations, resignations, reductions, annual-rents, life-rents, inhibitions, interdictions, evictions, forfeitures, deed, danger, accident, and involvement, whatsoever bygone, present or to come, wherethrough the said lands, in all or in part, may be evicted or awaytaken from the said Provost, Bailies, Council, and community of the burgh of Inverness, or their successors, at any time hereafter : And further, to the effect the said Robert Waus shall have no power to make any right or title hereafter, prejudicial to this present disposition, the said Robert Waus has willingly, with his own consent, abdicated and interdicted, and by the tenor hereof abdicates and interdicts himself to John Cuthbert of Auld Castle Hill, William Cuthbert, elder, and Andrew Paterson, burgesses of Inverness, that he shall never sell, alienate, delapidate, or away put, any of the said lands of Drumdivan, to any person or persons, by advice and consent of the foresaid persons, in the contrary whereof, if he shall do hereafter, he wills, grants, and condescends, that the said disposition shall be null and of none avail, force, nor effect : And further, the said interdiction to stand valid against the said Robert Waus, and his heirs, aye, and while the foresaid right and disposition, of the said lands of Drumdivan, be perfected and delivered to the said Provost, Bailies, and Council, in manner above-written : And further, the said Robert

Waus is become bound, obliged, and astricted to deliver to the said Provost, Bailies, Council, and community, all charters, precepts, instruments of sasines, and other securities whatsoever, either made to himself or to the laird of Balquhain, his author upon the said lands of Drumdivan, to be kept by the said Provost, Bailies, and Council, in all times coming, as their proper evidents; and further, both of the said parties oblige them to fulfil their parts, each one to the other, as they shall be required thereto, keeping always the substantial heads hereof unaltered, and for the more security, both of the said parties are content, and consent that these presents be inserted and registered in the Books of Council or Commissary Books of Inverness, and decerned to have the strength of an Act or decret of the said Lords or Commissary, with executorials of horning, warding, or pointing, to follow thereupon, the one without prejudice to the other, and the horning to pass and be directed upon a simple charge of six days allenarly: And to that effect make, constitute, and ordain, Mr John Shairpe . . . . .  
 . . . . . conjunctly and severally, their procurators, to pass, compear, and consent, to the registration hereof, whatsoever day and place, etc., *promitten de rato*, &c.: In witness whereof, both of the said parties have subscribed this present contract, day, year, and place foresaid, before these witnesses, discreet men—Andrew M'Phail, minister at the Kirk of Croy; William Paterson, William Cuthbert, younger, burgesses of Inverness; Jasper Cumming, burgess there, notary public; and William Campbell, notary, writer hereof, with others divers. (*Sic sub.*) Alex. Cuthbert, provest, wt. my hand. Findla Makphail, ane of ye beillis off inverns. Thomas Cuthbert, elder, wt. my hand at ye pen led of ye notar underwritten, at my command, becaus I can not subscriyue myselff. (*Ita est, Willelmus Campbell, notarius publicus admissus premisa subscribere de mandato dicti Thomè scribere nescien requisitus teste mann propria.*) George Cuming, ane off the baylleis off Invernes, with my hand. Veillzeame Robertstone, ane of ye baillzeis of Inverness, with my hand. Jhone Cuthbert of Castel hil. Mr Johone Ross, ane of the cunsaill of Invernes. Alexander Cumming, ane off ye counsaill off Invernes, with my hand. James Waus. James Cuthbert, elder, ane of the cunsell. Peter Waus, ane of the consell. Robert Waus, with my hand. William Cuthbert, withnes. Wilzeame Patersone, vitnes. Androv M'Phaill, minister at Croy, vitnes. Williame Campbell, wretter heirof, witnes present. Jasper Cumyng, burges of Invernes, sherf clark, notar public, witnes present.

The southern extremity of Drumdevan extended to the Burn of Holme, and overhanging the burn, in a commanding position, was a fortalice called "The Glack," whereof the foundations still remain. This part of Drumdevan was feued by the burgh to Alexander Mackintosh "of ye Holme" as early as 6th June 1607, for a yearly feu-duty of £10 Scots, and is the property of Alexander's representative, the present Angus Mackintosh of Holme. The remainder of Drummond was feued about a century ago to Phineas Mackintosh, Provost of Inverness, great granduncle of the present proprietor. The ancient name of Lochardill has been lately revived, as may be noted on referring to the Ordnance Map of the Parish.

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 XCIII.

## JAMES VI. 1567-1599. PART NINTH.

Upon the 1st of January 1591, the King granted to the burgh the important and comprehensive charter, quoted in

this and the following chapter, which is known as the Golden Charter of the Burgh. It ratifies most of the prior ones, from the time of William the Lion, and grants new lands and rights. Many of the heritable rights have been lost, such as the right of pasture, peats, feal, and turf, on Craig Phadrick, Caiploch, Daviot, and Bogbain, and the right of ferrying upon Loch Ness. The following is an exact copy of the charter :—

James, by the Grace of God, King of Scots, to all good men of this whole land, both cleric and laic : Greeting : Be it known that we, after our lawful and perfect age, complete of twenty-five years, and our general and last revocation, considering the ancient erection of our burgh of Inverness, by our famous progenitors of happy memory, into a free burgh of the Kingdom, and seriously examining the long antiquity, the good and pleasant situation of our said burgh, and that by the industry thereof, and the inhabitants therein to beyond sea, commerce, negotiation, and navigation, and merchandizing of the free burgesses of our said burgh, the Revenues of our Crown are augmented, our Kingdom increased and brought to utility, and understanding our said burgh on every side to be environed with great, troublesome, and rebellious tribes or clans, tending to the detriment of our Kingdom, and discommoding of our Crown, and that it may be better preserved to us and our successors, for all time coming, that our said burgh, and all the donations of lands, patrimonies, revenues, liberties, privileges, profits, commodities, and casualties granted to our said burgh, and to the Provost, aldermen, bailies, councillors, burgesses, and community of the same, and to their successors, may be observed and defended, and may be adorned and augmented with more ample liberties, patrimonies, and revenues ; therefore, these things moving us, and for several other reasonable causes and considerations, moving our mind by our own sure knowledge and proper motions, with advice and express consent and assent of our faithful and beloved Counsellor, John Lord Thirlstane, our Chancellor ; Sir Robert Melville of Murdocarne, Knight, our Treasurer ; John Cockburn of Ormiston, Knight, our Justice Clerk ; David Seaton of Parbooth, Ruler of our Accounts, and Mr Robert Douglas, Provost of Lincludine, our Collector-General and Treasurer of our new augmentations ; have ratified and approved, and for us and our successors perpetually confirmed, and by the tenor of our present charter, we ratify and approve, and for us and our successors perpetually confirm, all and sundry the charters, confirmations, infeftments, rights, titles, securities, letters, writings, evidents, donations, concessions, commodities, liberties, emoluments, and privileges, contained in the same, made, given, granted, and confirmed, by us and our famous Progenitors, being Kings and Queens of this our Kingdom for the time, to our foresaid burgh, and the Provost, Aldermen, Bailies, Councillors, Burgesses, and community of the same, and to their successors of whatsoever forms, tenors, or giftings, the saids charters, infeftments, confirmations, rights, titles, securities, letters, writs and evidents, donations, concessions, commodities, liberties, immunities, and privileges contained in the same, made, given, granted, and confirmed by us and our famous progenitors of happy memory, King William, King Alexander, King David, and King James the First, Kings of Scotland, for the time, to our said burgh, and to the Provost, Aldermen, Bailies, Councillors, Burgesses, and community of the same, and to their successors of the same, and moreover, the charter and confirmation lately made and granted by our famous great-grandfather of blessed memory, King James the Fourth of that name, likewise the charter made and granted in favour of Divine Service, and of the ministers of the Word of God, and the Hospital to mutilated poor ones and afflicted persons, and orphans and infants destitute of parents within our said burgh, by our late beloved mother of good memory, Mary Queen of Scots, with advice of the Lords of her Secret Council, to the Provost, Bailies, Councillors, and community of our said burgh, and to their successors for ever : Moreover, the lands, tenements, houses, edifices, churches, chapels, orchards, gardens, acres, crofts, mills, fishings, yearly revenues, fruits, places, mansions, profits, commodities, gifts, churchyards, duties, alms, burial-places, anniversaries, and all others mentioned in the said charter, of the date the 21st day of the month of April, the year of our Lord 1567, and of the reign of our foresaid late beloved mother, the 25th year : And we will and grant, and for us and our successors perpetually do enact and ordain that the said generality shall nowise hurt, offend, or bring prejudice to the said speciality, and that

the said speciality shall not derogate, hurt, or give prejudice to the said generality, and that this our present approbation, ratification, and confirmation of the premises shall be for time coming so good, valid, and sufficient in itself in all respects, and of so great value, strength, and sufficiency, to our said burgh of Inverness, the Provost, Aldermen, Bailies, Councillors, Burgesses, and community thereof, and to their successors, as if gifts, charters, infeftments, confirmations, rights, titles, securities, letters, writs, and evidents, had been particularly confirmed by us and her in our present charter and confirmation, word by word, at length inserted and incorporated, notwithstanding that by reason of plurality, multitude, length, and prolixity of the same, they need nowise be inserted or incorporated, according to this and other defects whatsoever, for us and our successors dispense by these presents : Moreover, we with advice, express consent and assent of our foresaid counsellors, without hurt, derogation, or prejudice of our foresaid former charters, infeftments, confirmations, rights, titles, securities, letters, writs and evidents, donations, concessions, liberties, commodities, immunities, privileges, and others contained in the same above-mentioned, but in the greater corroboration of the same, of new we bestow, and in perpetual feu-duty set, and for us and our successors, perpetually confirm to the Provost, Bailies, Councillors, Burgesses, and community of our said burgh of Inverness, and to their successors for ever : All and hail our said burgh of Inverness, the lands, territories, and commodities of the same, and all and sundry the lands, houses, tenements, edifices, churches, chapels, chaplainaries, orchards, temples, gardens, acres, tofts, crofts, mills, multures, fishings and fishing places of salmon and other fish, as well in salt as in fresh water, the yearly revenues, fruits, places, mansions, manors, woods, forests, profits, dues, commodities, churchyards, duties, alms, burial-places, anniversaries, commonties, immunities, liberties, and all others whatsoever, as well ecclesiastical as secular, as well contained and mentioned in the foresaid charters, infeftments, confirmations, rights, titles, securities, letters, writs, evidents, donations and concessions respectively, as those that are lying in the said burgh of Inverness, or in the territory, parish, commonty, and liberty of the same, with all and sundry of their own tenants, tenandries, and feu-holders, servants, fruits, commodities, duties, concessions, parts, pendicles, privileges, and pertinents whatsoever : As also, all the lands of Drakies and forest of the same, and the lands of Merkinch, with the common pasturage pertaining to the same of old, called the Burgh Haugh, lying betwixt the hill and the water, with the parks and woods betwixt the top of the said hill and the said Haugh, together with all the lands of the said burgh of Inverness, called the Barnhills, Claypots, mill and fields, and the common lands called the Carse ; and the lands called the Carn-laws, bounded and divided as follows, viz., beginning at the burn called Altnahernrush, now called the burn of Culloden, entering into the sea at the north, which burn ascends to a burn called Altnacreich at the south-east, and from that as wind and weather shears to a knowe called Knocknacruich called Carnvantiarn at the south-west, and from that as the same passes to Glastanereich, which marches to the barony of Dalcross at the south, and the said lands of Drakies at the north, and from the said Glastanereich north-west to a well or fountain called Toburdonich, and even west the brae Bruichmor-caltine to a knowe called Knockgat at the south-west, and therefrom to a burn which divides Lord Lovat's lands, called the Easter Leys, and the common lands of our said burgh at the west, and as the said burn lineally winds from the south divides the lands of Culcabock at the west, and the lands of Knockintinnel at the east, and from thence certain march stones are put betwixt the foresaid lands of Culcabock and the common lands of our said burgh of Inverness, and as the same is lineally descended to a burn called Altmurnach at the north, and passing to the sea at the north-east, as also all and hail the common muir of our said burgh : All and hail the water of Ness, all the parts in both sides of the same betwixt the stone called Clachnahagaig and the sea, with all fishings and fishing places, as well of salmon as other fish, ports, havens, creeks, privileges, profits, and commodities of the said water, and of, in, and upon the said water, and upon every part and side of the same, from the said stone even to the sea into which the said water runs, besides the fishing place called the Stell, with the fishing place of the pool called the Red Pool on the west side of the Ferry of Kessock, and with all the fishing and fishing places, as well of salmon as other fish, and all the ports, havens, creeks, privileges, profits, commodities of the mouth of the said water of Ness, and of, in, and upon the said water mouth on both sides of the same, with special power, faculty, license, and privilege to our said burgh of Inverness, to the Provost, Bailies, Councillors of the same, both present and to come, by themselves, their servants, sub-tenants, in all time coming, to begin to fish on the said water of Ness with boats and nets



yearly, and each year the 10th day of the month of November, and to use, and uphold, and repair, their water-works and cruives, of and on both sides and parts of the water of Ness, according to ancient use and custom; together with the privilege and power of free kists underneath the water-works, as the use is, with all the profits and commodities of the said kists: Likewise, all and hail the water of Kessock, and all the landing places on both sides of the said Ferry, and the said water of Ness, with power of ferrying to and from, upon the Ferry and water, by boats and other vessels, whatsoever things, men, cattle, corn, beasts, packs, timber, and other goods whatsoever, with all and sundry the mariners' profits and commodities of the said ferry boats and carrying vessels: Also, all and every one of the mills of our said burgh, called the King's mills, the multures and suckens, with the abstract and dry multures of the Castle Lands, and of all lands which of old did appertain to the said mills, built on the said water of Ness, on the south side of the Castle, called Canackhill mill, demolished, destroyed, and cast down, by the special command and direction of our famous progenitors and predecessors, by the Provost, Aldermen, Bailies, Councillors, and community of our said burgh, for the time to be, and that they and their successors might possess and enjoy the said land multures, for the yearly payment of 36 merks usual money of our kingdom, at two usual terms, viz., Whitsunday and Martinmas in Winter time, by equal portions, abstracting, as by the tenor of these presents, for us and our successors perpetually we abstract, to the said mills, all corns which have or shall receive fire or water within the liberty, territory, and parish of our said burgh of Inverness, as well out-sucken as insucken, that they may be brought and carried to the said mill only, wheresoever they are ground, and pay their multures of knaveship and others usual; together with power, faculty, privilege, liberty, and license, to our said burgh of Inverness, to the Provost, Bailies, Councillors, and community of the same, and to the inhabitants thereof and their successors, to pasture their goods, pull heather, to cast and turn feal, fearn, divots, peats, turf, lime, clay, mortar, stones, and of making and exercising all other necessary, profitable things, to them, in and upon, whatsoever lands, hills, and places, as the said burgh and indwellers thereof have been accustomed to do, at any time bygone, and especially in and upon the hills called Craig Phadrick, Caiplich Moor, Davimont and Bogbain, and of carrying and transporting them thence to our said burgh of Inverness, and liberties thereof; and also with power, faculty, privilege, liberty, and license, to our said burgh of Inverness, the Provost, Bailies, Councillors, and community thereof, and the indwellers of the same, and their successors, their men, tenants, and servants, in boats and other vessels, upon the loch of Ness, and all other parts of the same, with their fuel, goods, cattle, burdens, and other necessaries whatsoever, to sail to and return, carry and transport, to the said burgh of Inverness, and to the liberties thereof, and from these places to any other places whatsoever; and likewise with two market days weekly, on Wednesday and Saturday, to our said burgh of Inverness; together with eight free fairs eight times in the year, viz., one fair on Palm Sunday, the second fair on the 7th day of the month of July, called St Andrew's Fair, the Boyle Fair, which was holden at Redcastle, now demolished and abolished, the third fair on the 15th day of the month of August, called Mary Fair, the fourth fair on the day of the Holy Cross in Harvest, called the Rood, the fifth fair on the 10th day of the month of November called Martinmas Fair, which was holden of old in the Church of St Martin in Ardmeonach, now lying waste, the sixth fair on the — day of December, before the Nativity of our Lord, called St Thomas' Fair, the seventh fair on the first day of February, called Feylpadrick (Patrick's Fair), and the eighth fair on the — day of —, called St Mark's Fair, and every one of the said free markets to be kept for eight days, and the customs, commodities, . . . of the said eight free fairs and the weekly markets, with all and every one of the Burghal ferns and Petty Customs of the said burgh of Inverness, and of all towns, cities, villages, market-places, and streets within our sheriffdom of Inverness, and especially the colleges of the Burgh of Tain, Ross, Merkinch, Chanonry, Dornoch, Thurso and Wick in Caithness, to be intromitted, levied, received, gathered, and applied to the public use and good of our said burgh of Inverness; and likewise with liberty and privilege to our said burgh of Inverness, and to the Provost, Bailies, Councillors, Burgesses, and community thereof, and their successors, that no ship, boat, barque, or vessel, sailing betwixt the Tarbetness with wine, salt fish, timber, and other merchandice, ought to be disburdened or break bulk till it come to our said burgh of Inverness, and there, may be exonerated and break bulk, as to the first and principal burgh of our said Sheriffdom of Inverness.

*(Continued in next Chapter.)*

## XCIV.

## JAMES VI. 1567-1599. PART TENTH.

The remainder of the King's charter is now given. The rights of petty customs of all the towns and villages in the north, even to Wick, to be applied to the public good of Inverness, have long been lost, if, indeed, they were ever exacted, as well as the trading monopoly betwixt Inverness and Tarbetness.

The island of Clava, one of the Orkneys, though not mentioned in this charter, or in any other that has been examined, belonged also to the burgh of Inverness. It was never of much value, and was disposed in 1675 to James Moncrieff, of Edinburgh, for the sum of £133 6s 8d, and a feu duty of £2 Scots per annum :—

Moreover, we, with advice, express consent and assent of our foresaids, have given and granted, as by the tenor of these presents we give, grant, and for us and our successors perpetually confirm to the foresaids Provost, Bailies, Councillors, Burgesses, and community of our said burgh of Inverness, and their successors, that they should be all time coming crowners [coroners] within themselves, and that they shall have liberty and jurisdiction within the said burgh of Inverness, in all Justice-aires and Courts of Justice, and in other Courts whatsoever, crowners of their own fellow-burgesses, dwelling in our said burgh of Inverness, whom themselves, Provost, Bailies, Councillors of the same, and their successors, at their own pleasure yearly, and for so long time as they will please, have thought fit to be chosen, and likewise that all time coming they shall have and may have within themselves a Sheriff of their own fellow-burgesses, dwelling in our said burgh of Inverness, whom the said Provost, Bailies, Councillors, and their successors, according to their pleasure yearly, and for every year they will, and think fit to be chosen, which crowners and sheriffs of our said burgh of Inverness shall have, by their own charter, the full and free power and authority of our heirs and successors, Kings of Scotland, of administrating, exercising, and governing of the full and whole offices of crowners and sheriffs within our said burgh of Inverness, and liberties of the same, and the foresaid lands, waters, places, and other things anywise belonging to our said burgh of Inverness : As also the said weekly markets of the foresaid eight free fairs, of justly correcting transgressors in them, and duly punishing excesses, amerciaments, fines, escheats, commodities, casualties, duties, faults, and profits, coming from them, of lifting and gathering them, with all rent, escheats, amerciaments, commodities, and fines of the Courts and Jurisdictions of the same, the lands, waters, and others pertaining to our said burgh of Inverness, together with all and every one of the amerciaments, escheats, rents, of all Justice-aires and all Courts of Justice within our said burgh of Inverness, lands, territories, waters, liberties, and jurisdictions of the same, and of all escheats, amerciaments of all and sundry persons dwelling, or who shall dwell in time coming, within our said burgh of Inverness, territory and liberty of the same, for whatsoever crime, fault, fact, or occasion, in time coming : And with all customs, anchorage, and commodities of the foresaid ports and havens, and with all and sundry the ferm dues, customs, tolls, profits, commodities, casualties, and other things foresaid, we, by these presents, give, grant, and for us and our successors perpetually confirm, to our foresaid Provost, Bailies, Councillors, and community of our said burgh of Inverness, and their successors for ever, to the upholding, repairing, and decorating of our said burgh, of the bridge and other common works of the same ; with power to the said Sheriff to substitute a sub-sheriff holding

the law, and deputes, one or more, for whom he shall be obliged to answer ; which Sheriff and his under-sheriff holding his place, and deputes every year shall be obliged perpetually to render their accounts before our hearers and our successors, of our accounts, for the time, that shall be over the Exchequer, concerning their receipts, as the custom is : We will also that our said Sheriff, or those who hold the place and deputes, shall appear before us and our successors' Justice-aires, or any of the aires within said burgh of Inverness, to answer to the King's calumny to be objected to them in administration of their offices : Moreover, to our Justiciary on the north side of the water of Forth and his deputes, as also to the Crowners, Sheriffs, and their deputes, holding their place, who shall be for the time, by the tenor of these presents we firmly will and command our foresaid Provosts, Bailies, Councillors, Burgesses, and community of our said burgh of Inverness, and their successors, out of the foresaid profits, commodities, and casualties of our said offices, and of the said fines, excesses, escheats, amerancements, and dues of our said Justice-aires, and of their own foresaid Justice Courts, and of all other Courts holden, as is prescribed, that they may make them fully and wholly to be obedient and answerable to all and every one of the foresaids : We also firmly will and command, and by the tenor of this our present charter, to all and sundry to whom it may concern, in so far as to the said Crowners and Sheriffs, and those who hold their places, and deputes who shall be for the time, in all and sundry things pertaining to the said offices of Crowners and Sheriffs, that they answer, obey, and apply themselves promptly under pain of all things which might be done or committed towards us : Moreover, we and our successors give, grant, and perpetually confirm, to the said burgesses of Inverness, and to their successors, that they have their own merchant guild, except litstars and weavers, and that they choose yearly a Dean of the said Guild, and gather to the public use of the said burgh of Inverness, all commodities and casualties belonging to the said Guild : We also forbid and inhibit specially, that no litstar or weaver shall make or sell any cloth, linen, or wool, broad or narrow, white or litted, clipped or unclipped : We also forbid that no merchant, or any other in our said Sheriffdom of Inverness, bidding without our said burgh, upon us and our successors' liberty, but that they carry their merchandice and whatsoever things they would sell to our said burgh, and there sell them and gain their money by them : Likewise, we forbid that no Tavern be had in any street or village in our said burgh, except where the knight is master of the village, bidding in it, and there shall be had but one Tavern only : We also firmly forbid that none bidding without our said burgh of Inverness, within our Sheriffdom of Inverness, shall make or presume to make cloth, litted or clipped, within our said Sheriffdom of Inverness, except our burgesses of Inverness, who are in the Merchant Guild, and who communicate to the paying our privileges with our burgh of Inverness, commanding our Sheriff of Inverness and his deputes for the time, if they take such cloth, litted or clipped, if any be found, that they do with it as it seems to them, according as the custom has been : We also command and firmly bid that none within our said Sheriffdom of Inverness shall buy or sell timber, wood, boards, deals, bark, skins, hides, wool, salmon, fish, staple goods, merchandice, salt, wine, tallow, or other merchandice whatsoever, and that he presume not to hack or peel, except within our said burgh of Inverness, to the which burgh they shall carry the same, that they may be sold there : We also command our firm peace to all those who shall carry, transport, or bring the same to our said burgh of Inverness, or from the same, or in the selling or buying of the same in our said burgh of Inverness : Moreover, we with express advice, consent, and assent of the foresaids, by this our present charter give, grant, and for us and our successors perpetually confirm, to the foresaid Provost, Bailies, and Dean of Guild of our foresaid burgh of Inverness, who shall be for the time, our and our successors' free power, authority, and special license, with consent and assent to the Brethren of the Guild of the said burgh, being communicate to the whole Council of our said burgh, as it becomes after mature deliberation to make and ordain statutes, ordinations, constitutions, and customs, concerning, and on, all persons, whatsoever degree, quality, or condition, they be, dwelling in our said burgh, or about to dwell therein thereafter, and that they may use these statutes, ordinations, constitutions, and customs, more freely and peaceably without ours or our Chamberlains, or any other Judge whatsoever, ecclesiastical or secular, condition, aid, or help, restraints whatsoever, against their vicars and others of our said burgh of Inverness, contravening such statutes, ordinations, and infringing the customs and constitutions, to chastise, punish, and to lift their penalties so oft as shall seem to them expedient, as well in the Courts of our Bailies and Guild, as of other

Courts of our said burgh of Inverness, and mitigating the said penalties, amer-  
 ciaments, lifting escheats, and to apply them to the upholding, repairing, and  
 decorating of our said burgh of Inverness, the bridge and other common works of  
 the same : And moreover, we with express advice, consent, and assent of our  
 foresaids, give, grant, and for us and our successors perpetually confirm, to the  
 Provost, Sheriff, Bailies, Councillors, Dean of Guild, and other burgesses, and  
 to the community of the said burgh of Inverness, and to their successors, free  
 and full authority, license, and special power, wheresoever and whensoever, and  
 howoftsoever they, or any one of them, have or shall find any forestaller within  
 their own liberty, or within the Sheriffdom of Inverness, he or any of them may  
 take and arrest the said such forestaller, and to seize any such whatsoever goods  
 as have been forestallen by them, and to carry them freely without license of any  
 Judge before the Sheriff, Provost, Bailies, and Dean of Guild, of our said burgh  
 of Inverness, and their judgment, or before the judgment of our Justiciary or any  
 other Judge whatsoever, within our kingdom, whose forestallers' escheats, amer-  
 ciaments, and forestallen goods, wheresoever, whensoever, and howoftsoever such  
 forestallers shall be convicted before any Judge, either within our burgh or  
 Sheriffdom of Inverness, or without it, together with all penalties, fines, punish-  
 ments, escheats, amer-ciaments, which shall or may be fallen any time coming, of  
 whatsoever transgressing, infringing, contravening, this our Charter, or any par-  
 ticle thereof, or any Acts, Constitutions, Statutes, and Customs, made and to be  
 made, by virtue hereof, We, by these presents, grant, and for us and our succes-  
 sors perpetually confirm, to our foresaids Provost, Bailies, Councillors, Dean of  
 Guild, Burgesses, and community of the said burgh of Inverness, and their suc-  
 cessors, to the upholding, decorating, and repairing of our said burgh of Inverness,  
 of the Bridge and other common works thereof, commanding and charging our  
 lieges, subjects, justices, and justiciaries, deputes, sheriffs, sheriff-deputes, ad-  
 mirals, vice-admirals, and their deputes, sheriffs, crowners, magistrates, and our  
 judges, officers, and ministers whatsoever, present or to come, in so far the Pro-  
 vost, Bailies, Crowners, Sheriffs, Deans and Brethren of Guild, Burgesses, In-  
 dwellers, and community of our said burgh of Inverness, and their successors, for  
 the freeing, exonerating, renting, lifting, supporting, and defending, the premises  
 in all things, that they help, and strengthen, and defend them, and that they  
 give them their help, counsel, and diligence, and that they answer and obey, at-  
 tend quickly in, and how oft they shall be demanded and enquired into : Like-  
 wise, for the greater confirmation of this Charter, and the things therein con-  
 tained, we, with advice, express consent and assent of our foresaids, for us and our  
 successors, by the tenor of these presents, revoke and annul all and sundry Charters,  
 Donations, Concessions whatsoever, made or granted by us or our predecessors,  
 in hurt, prejudice, or wronging of this our present Charter, or any point, clause,  
 or article of the same, exeeming also, as by the tenor of these presents, we, for us  
 and our successors exeem the foresaid Provost, Sheriffs, Crowners, Bailies,  
 Councillors, Burgesses, and Indwellers of our said Burgh of Inverness, and their  
 successors from all marching, or going beyond the privilege and liberty of our  
 said Burgh to whatsoever parts, persons, or factions, in serving, concurring, and  
 taking part with them, or any of them, in execution of whatsoever commission  
 obtained, or anywise to be obtained for the time and to come, and from all pass-  
 ing upon assizes, when the crime or crimes shall not be committed within our said  
 Burgh of Inverness, or within a mile thereto adjacent : As also from all hostilities,  
 arms, conventions, marchings, and preparations of war whatsoever, except where  
 we or our successors shall happen to be present in our own person, and the whole  
 body of the Kingdom, as well in Burgh as Landward, shall be universally ad-  
 monished by Public Proclamation as occasion shall offer : And if, when the in-  
 habitants of the said Burgh and Liberties thereof in their own defence, or if when  
 the foresaid clans, or any of them, or any other ill-affected persons, have invaded  
 our said Burgh of Inverness, the foresaid possessors or indwellers of the same, or  
 any of them, and if in any of the foresaid cases it shall befall any person to be  
 killed, mutilated, wounded, or hurt, we, for us and our successors exoner and  
*simpliciter* absolve the foresaid possessors and indwellers of Inverness, present and  
 to come, from all crime, action and danger, that may fall out thereupon, and we  
 remit and pardon them, and simply we will, that they shall never be pursued for  
 the same, and shall be free and discharged of the same, and generally all and  
 sundry to our said Burgh of Inverness, the Provosts, Sheriffs, Crowners, Bailies,  
 Councillors, Dean of Guild, Brethren of the said Guild, Burgesses, Community  
 of the same, and to their successors, all and sundry the penalties and premises in  
 all things, in making, exercising, frequenting, and using them as they please, and  
 as they shall see necessary and expedient, with all and sundry the liberties, com-

modities, and communities whatsoever in such wise and also freely, in and through all things as any other free Royal Burgh in our Kingdom : Reserving nevertheless to us and our successors the great customs of our said Burgh of Inverness : To be holden and possessed and all things above-mentioned with tenants, tenandries, feu-holders' services, with all and sundry commodites, amerciaments, annexes, connexes, parts, pendicles, and pertinents whatsoever to our foresaid Provost, Bailies, Councillors, Burgesses, Brethren of the Guild, community of our said Burgh of Inverness, and their successors of us, and our successors in feu-duty and feu-burgage for ever, through all righteous limits, ancient and divided, as they lie in length and breadth in houses, edifices, yards, plains, moors, marshes, ways, paths, water, standing pools, rivers, meadows, fields, pasturages, mills, multures and suckens, fowlings, huntings, fishings, as well in salt as in fresh water, peat-mosses, turf-places, coals, coal-pits, broom heaths, tanning yards, woods, parks, quarries, stone and lime, woods, forests, and courts of suit, groves, bushes, with all court-plaints, herzelds, gifts, bloodwits, amerciaments of women, amerciaments, rents, fines of our said courts, pit and gallows, sac, thol, them, infangthief, outfangthief, wrak, waith, and wair, wild venison, and all jurisdiction and power belonging to the said offices, Sheriff, or Crowners, with all pasturages and feu-grass . . . . amerciaments and all rights, patrimones, whatsoever, as well named as not named, as well underneath, within, as above the earth, freely, quietly, fully, wholly, well and in peace, without perturbation, impediment, or obstacle whatsoever : The foresaid Provost, Bailies, Councillors, and Community of our said Burgh of Inverness and their successors, paying therefor of usual money of our Kingdom as feu duty and burghal duties of our said Burgh, and of all other things premised, and for the said dry and land multures, the sum of four pounds money foresaid, at two terms of the year, to wit, Whitsunday and Martinmas in Winter, by equal portions, together with the service of our said Burgh, use and wont, and likewise yearly one pound of pepper for the foresaid lands of Merkinch, or for the said pound of pepper nine shillings Scots money foresaid, according to the ancient custom, only, the whole Burghal duties, we, for us and our successors, appoint and allow yearly for all time coming, to the said Provost, Bailies, Councillors, and Community of our said Burgh of Inverness, and their successors, for making yearly payment to the hospitality of the same the sum of ten pounds, eight shillings, eight pence, money foresaid, now pertaining to the said hospitality by virtue of a Charter made by our foresaid beloved mother, to be lifted of the said burghal duties, of the which sum to be allowed ten pounds were paid of old to the preaching brethren of the said Burgh, and the eight shilling and eight pence to a chaplain ministering in the Parish Church of Moray : Moreover, we, for us and our successors, create, incorporate, and unite in a Free Royal Burgh and Liberty and Free Tenement, our said Burgh of Inverness, and all the foresaid lands, and all other premises, and we will that one Sasine, taken at the Tolbooth of the said Burgh of Inverness, shall serve and be sufficient for all the premises, notwithstanding of the discontiguity of the same, and that which lie in divers parts and places, after the taking of which sasine, it shall be lawful to our said Provost and Bailies of the said Burgh to give their fellow burgesses of the said Burgh and their heirs, being burgesses of the said Burgh, and actually dwelling in the said Burgh only, (forbidding their wives and assignees and heirs-female simply, and others heirs-male who shall not be burgesses of our said Burgh, actually dwelling in the same), one Sasine of lands and others above-mentioned, as it shall befall the same lawfully to be required of them : In witness whereof we command our great seal to be put to this our present charter before our beloved kinsman and Counsellors, being witnesses, to wit, John Earl of Hamilton, Commendator of the Abbacy of Arbroath ; George, Earl Marishal, Lord Keith, our Marshal ; being our familiars and Counsellors ; John, Lord Thirlstane, Treasurer of our Kingdom ; Mr Richard Goboursel of Clerkintoun, younger, our Secretary ; Walter, Commendator of the Priory of Blantyre, keeper of our Privy Seal ; Alexander Hay of Easterteviot, Clerk of the Rolls, Register, and Council ; Sir John Cockburn of Ormiston, Knight, Justice-Clerk, and Mr William Scot, Director of our Chancery : At Holyrood House, the first day of January, one thousand five hundred and ninety-one, and of our reign, the twenty-first year.

## XCV.

## JAMES VI. 1567-1599: PART ELEVENTH.

The Earl of Huntly, Sheriff of Inverness, and Keeper of the Castle of Inverness, at Aberdeen, on the 11th February 1592, wrote the following letter to the Provost, bailies, and Council of Inverness, to fortify the town with walls against unreasonable adjacent clans and Highlandmen, meaning by his "professed enemies" the Clan Chattan. As the paper is much decayed, the writing crabbed and contracted, and the spelling singular, it was with difficulty that the following modernisation has been effected:—

Trusty friends, after hearty commendation, it is not yet out of your remembrance that the King served a charge to you which was delivered in Elgin, to fortify and wall your town to the effect ye might be the more able to do his highness service and us pleasure, in keeping of yourselves unhurt, unharmed, or in any sort oppressed with such unreasonable clans as are most adjacent to you, and in special, such as our professed enemies: In respect whereof we will earnestly desire you with all convenient expedition to put hand and make your town so strong by walls and fosses as your ability will serve, in doing whereof ye shall have our assured concurrence and aid to maintain you as our old defenders under his highness: We have taken upon us that ye shall not be troubled by our highlandmen, and have passed an assurance to you upon your good deserving to us in times to come, reserving the rest to your diligence in this your own cause, as well as to do us service, we commit you to God. At Aberdeen, the 11th of February 1592.—Your very trusty friend, HUNTLYE.

Upon the 29th March 1592 James, Earl of Moray, obtains ratification of his infeftments, among others, the town and lands of Cullard, with the tower and fortalice thereof, the Broadland (Borum), one-half of the lands of Holm, with the salmon and other fishings thereof in the water of Ness, &c., within the parishes of Dores and Inverness.

Upon the 9th March 1593 the Earl of Huntly is in trouble, and a commission is granted to John, Earl of Athole.

Lord Balvany, as His Majesty's Commissioner within the bounds of the shires of Elgin, Forres, Nairn, Inverness, and Cromarty, "to pass, search, seek, and take George, Earl of Huntly, William, Earl of Angus, Francis, Earl of Errol," and others, as Papists, and as practising against the estate of the true religion, and for the burning of Donniebristle, and murder of James, Earl of Moray. He is instructed to concur, fortify, and assist the Earl Marishall, and for this effect to repair to him with his forces, within the said bounds, at such times as the necessity shall so require, or as he shall be advertised or desired by the said Earl Marishall. Simon, Lord Fraser of Lovat; John Grant of

Freuchie, Colin Mackenzie of Kintail, Lachlan Mackintosh of Dunachton, George Ross of Balnagown, Mr Hector Munro of Fowlis, John Dunbar of Moyness, Sheriff of Moray, John Urquhart, tutor of Cromarty, Thomas Fraser, tutor of Lovat, and William Sutherland of Duffus are appointed his counsellors.

At Inverness, on the 18th March of the same year, the Earl of Huntly becomes responsible to Hugh Rose of Kilravock that the latter will be undisturbed by the Earl, or by Lochiel and Keppoch, by the following obligation. Gargairoche, possessed by the family of Keppoch under the Gordons, was a 40 merk land, the old division of Brae Lochaber, south and east of the Spear:—

Be it known to all men by these present letters, we, George, Earl of Huntly, Lord Gordon and Badenoch, Sheriff-Principal of Inverness, grant us by these presents to have assured, like as by the tenor hereof, assure our cousin, Hugh Rose of Kilravock, his kin, friends, servants, tenants, cottars, dwellers in his lands and inheritance, unmolested, troubled, inquieted in lands, possessions, goods and gear, or harmed by us, our army, kin, friends, or Allane M'Conill dow off Locheall, Alex. M'Ranald of Gargargche, our dependers, their servants, dependers or awaiters upon them, in any manner of way; but lawfully they may pass and repass, and use their lawful business in all parts, untroubled, unmolested, or inquieted, by us, our army and our dependers aforesaid, in any manner of way: And this our assurance to remain and endure during our will, and we discharge the same by writ: And this faithfully we promise upon our honour: By this our assurance subscribed with our hand at Inverness, the 18th day of March, the year of God 1593 years.

Let this present assurance serve for such as the Baron will be assurable for.

HUNTLYE.

ALLANE M'CONILL off Lochoall.

ALEISTER MAKRANALD off Gargarochche.

In a Parliament held at Edinburgh, 1st June 1593, Mr David Macgill, of Cranston Riddel, advocate, produced a summons raised at His Highness's instance against William, Earl of Angus, George, Earl of Huntly, Francis, Earl of Errol, and others; as also a summons against Angus Macconill of Dunyvaig and Glenis, Donald Gorme of Slate, and others, for certain crimes of treason and lese majesty, and also produced executions at, among other places, the Market Cross of Inverness, on 31st March 1593, by John Brown, messenger of said summons.

In a Parliament held on 9th June 1593, the said advocate produced a summons against George, Earl of Huntly, and others for the crime of treason committed at Donniebristle, and said summonses are executed at the Market Crosses of Elgin, Forres, and Inverness, upon 15th April 1593, by William Porteous, messenger.

At the meeting of said Parliament on 10th June 1593, the Commissioners for Burghs compeared, and among them we have John Cuthbert for Inverness.

## XCVI.

## JAMES VI. 1567-1599. PART TWELFTH.

The following curious agreement betwixt The Mackintosh and the Magistrates of Inverness with reference to the house and fortalice called the Steeple of Inverness, dated at Inverness, the 10th day of September 1593, is from the Mackintosh charters :—

Forasmuch as Lachlan Mackintosh of Dunachton, one of the Commissioners granted to Andrew Lord Ochiltrie and John Earl of Athole for prosecuting of George Earl of Huntly and his accomplices for the slaughter of the Earl of Moray, as the said Commission at more length reports, being truly informed that the Earl of Huntly is assembling to persecute the said Lachlan Mackintosh, his friends and partakers, also the house of Inverness which was delivered by the King's authority and charges to John Earl of Athole, Lord of Balveny and lieutenant from Spey northward, undischarged as yet, for the which causes, above written, the said Lachlan Mackintosh, one of the commissioners foresaid has charged the provost, bailies, council, and community of Inverness to render and deliver the house and fortalice called the steeple of Inverness into his hands for defending of the town and lieges from the invasion of the Earl of Huntly ; which provost, bailies, council and community, all in one voice, have bound and obliged them to keep the foresaid steeple and fortalice thereof from the said Earl of Huntly, to their own use and utility, without the King's power, authority and charge passed by the King's majesty and council, and in case we do the contrary to the said Lachlan Mackintosh and his kin, we owe the deadly feud of the said Lachlan Mackintosh, his kin, friends, assisters and partakers on us and ours : And for the verification of this we have subscribed these presents with our hands : At Inverness, the 10th day of September, the year of God 1593 years, before these witnesses :—Wm. Macqueen of Correbroke, John M'Ferson in Breyn (Brin), James Innes in Urlarust, Duncan Chesche of Pitgany, and of sundry others : John Rose, burges of Inverness, John Cuthbert of Old Castle Hill, Alex. Paterson, burges there, Gilbert Paterson, bailie, William Cumming, Wm. Cuthbert, Jasper Dempster.

(Signed) ALEXANDER PATERSON, one of the bailies of  
Inverness, with my hand.  
GILBERT PATERSON, do., do.  
JOHN CUTHBERT, of the Ald Castle Hill.  
JOHN ROSE, burges of Inverness.  
JASPER DEMPSTER, with my hand.  
WM. CUTHBERT, with my hand.  
WM. CUMMING, burges of Inverness, with  
my hand.

Upon the 3d day of October 1594 occurred the fight at Glenlivat, betwixt the Earls of Huntly and Argyle.

The following proclamations and commissions were made and issued in the year 1594 :—

On April 9th 1594 proclamation is made “ to pass to the north along with His Highness, in proper person, for pursuit, resisting, and repressing of the chief authors of the treasonable conspiracies devised and made against God, his true religion presently professed, &c.” The Earls, Barons, &c., of the Sherifdoms of Fife, Kinross, Perth, benorth the water of Earn, Forfar, Kincardine, to meet at Dundee on



29th April; Aberdeen, Banff, Elgin, Forres, Nairn, Inverness, and Cromarty, to meet at Aberdeen on 2d May, as well regality as royalty, together with the inhabitants of burghs, well provided, in fear of war, with thirty days' provision, &c.

On July 25th a commission is granted to "Archibald, Earl of Argyle, Lord Campbell and Lorne; John, Earl of Athole, Lord Balvany; and John, Lord Forbes, constituting them his Highness's Lieutenants and Justices within the bounds of the Sheriffdoms of Aberdeen, Banff, Elgin, Forres, Nairn, Inverness, Cromarty, and Tarbat, to pass forward, search, seek, take, apprehend, or otherwise to pursue to the death, with fire, sword, and all kind of rigour and extremity, all his Highness's declared traitorous, rebellious, and unnatural subjects, Jesuits, seminary priests, trafficking Papists, and their reseters," &c.

On the same day proclamation is made "calling the Earls, Barons, &c., of the various shires to repair to his Majesty at Edinburgh and elsewhere, on set days, those of Aberdeen, Banff, Elgin, Forres, Nairn, Inverness, and Cromarty being ordered to be at Aberdeen on Aug. 31; and from thence to pass forward as they shall be commanded, for resisting and repressing of the treasonable practices and conspiracies of the said unnatural subjects, or pursue of them, as occasion shall be offered." Licenses to be granted to "the aged, diseased, and infirm, they paying such reasonable composition therefor, for the furtherance of this service, chiefly the payment of the wages of horsemen and footmen, &c." These treasons are said to have been highly aggravated, by their taking place "even in this time appointed for his Highness's baptism of his dearest son the Prince, whom God in his mercy has granted to the consort of this nation, by the assistance and witnessing of the Sovereign Princes his most dear friends and allies, and commonwealths, his nearest and good neighbours."

On November 7th 1594 commission of Lieutenancy is granted to "Ludovick, Duke of Lennox, Lord Darnley, &c., his Majesty's Lieutenant and Justice within the bounds of the Sheriffdoms of Aberdeen, Banff, Elgin, Forres, Nairn, Inverness, and Cromarty, as well to burgh as landward, regality as royalty." It is directed chiefly against the Earls of Huntly, Angus, and Errol, &c., and all others Jesuits, &c., and their reseters.

The Duke of Lennox, Lieutenant of the north, at Elgin, on the 28th of December 1594, grants the following License to the Burgh of Inverness:—

We, by the tenor hereof, for certain reasonable causes and considerations moving us, Give and Grant License to our lovites, the Provost, bailies, council and community of the burgh of Inverness, to depart and pass home from this our present raid, host, and army presently convened and assembled at Elgin, and ordained to attend and await on us during our remaining therein: And will and grant that they nor none of them shall not be called, summoned, nor accused therefor criminally nor civilly, nor incur any pain, skaith, loss, or danger therethrough, in their persons, lands, or goods, in anywise, in times coming, notwithstanding whatsoever our acts, statutes, letters, proclamations, or charges, special or general, made or to be made in the contrary anent the which, and all pains contained thereinto we dispense with them and each one of them for ever, by these presents: Given under our signet and subscribed with our hand, At Elgin, the 28th day of December 1594.

LENOX.  
ROBERT MELVIN.

The town would appear to have got the constabulary and keeping of the Castle of Inverness, and collection of the rents of the Castle lands, at this time, whilst the Earl of Huntly was in trouble, judging by the following obligation and agreement betwixt the Duke and the Magistrates, of the same date as the document last quoted. It will be observed that while three of the Council could write, Alexander Cuthbert, the Provost, could not.

At Elgin, the 29th day of December, the year of God 1594 years.

The which day my lord lieutenant and council notwithstanding the charge directed in favour of the Provost, bailies, council, and community of Inverness, as constables and keepers of the castles thereof, for answering and obeying them of the mails, ferms, customs, and duties addebted and to be paid by the tenants of Castle Leffeirs (Leathers), Culduthel, Drumboy, and Bunaughton, for their occupation thereof, respectively, of this instant crop and year of God 1594 years, and such like yearly, and termly in times during the said office of Constabulary, and aye and until they be specially discharged thereof, have nevertheless decerned and ordained that the said Provost, bailies, and council, and community of Inverness, as Constables foresaid, shall have only the sum of forty shillings money of this realm, daily and each day for their charges, expenses, and troubles in the said office during all the time thereof, and aye and until they be specially discharged as said is: And the said Provost, bailies, council, and community to make count, reckoning and payment to his Majesty and his treasurer, yearly, in the Exchequer, of the superplus and rest of the said mails and ferms, and their duties to be intromitted with, aye and during the said space: Whereunto the said Provost and bailies for themselves, and in name and behalf foresaid consented, and for verification thereof, have subscribed these presents with their hands as follows:—*sic subscribitur*, Alex. Cuthbert, provost; Jon Cuthbert, one of the council of the said burgh, with our hands at the pen, led by the notary underwritten because we cannot write, J. Gray, not. pub: Jon Abrahame, councillor; Gilbert Paterson, one of the council: Mr Johnne Ros, councillor. *Extractum de libro actorum dicti domini locumtenentis et sui concilii per me scribam ejusdem subscriptorem.*

ALEXANDER GRAY.

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## XCVII.

### JAMES VI. 1567-1599. PART THIRTEENTH.

In the General Assembly held at Montrose on 24th June 1595, it was ordained the Presbyteries in all parts of the county do proceed against the Papists within their bounds,

with the sentence of excommunication, and because of the weakness of the Presbytery of Inverness, ordains them to proceed therein with the advice of Masters George Munro, John Munro, John Mackenzie, and Andrew Crombie.

In 1596 are recorded the names of Alexander Cuthbert, Provost of Inverness, and John Cuthbert, of Auld Castle hill; and in 1597 Mr Thomas Howieson, minister of Inverness.

In June of this latter year, according to Melville's Autobiography and Diary (1551-1610), "a deputation of ministers went this summer through the provinces of Aberdeen, Moray, and Ross, to complete, as far as possible, the planting of them with ministers. The Chief of the Clan Mackintosh surprised the deputation by the zeal and cordiality he showed towards the object. He met them at Inverness, exhibited a plan for settling ministers in his country, and subscribed it in their presence. 'Now,' said he, 'it may be thought I am liberal because nae minister will venture to come among us. Get me men and say (try) me. I will find sufficient caution in St Johnston, Dundee, or Aberdeen, for safety of their persons, obedience to their doctrine and discipline, and guid payment of their stipend.'"

In 1597, in a Parliament held at Edinburgh on the 19th December, the following Act was passed, entitled, "The Inhabitants of the Isles and Highlands should show their Holdings":—

Our Sovereign Lord, with advice of the Estates of this present Parliament, considering that the inhabitants of the Highlands and Isles of this realm, which are for the most part of his Highnesses' annexed property, have not only frustrated his Majesty of the yearly payment of his proper rents, and due service properly addebted by them to his Majesty, furth of the said lands, but that they have likewise through their barbarous inhumanity made, and presently make the said Highlands and Isles (which are most commodious in themselves, as well by the fertility of the ground, as by rich fishings by sea), altogether unprofitable, both to themselves and to others, his Highnesses' lieges within this realm; they neither entertaining any civil or honest society amongst themselves, neither yet admitting others, his Highnesses' lieges, to traffic within their bounds, with safety of their lives and goods: For remedy whereof, and that the said inhabitants of the said Highlands and Isles may the better be reduced to a godly, honest, and civil manner of living, it is statute and ordained, that all landlords, chieftains, and leaders of clans, principal house-holders, heritors, and others, possessors, or pretending right to any lands within the said Highlands and Isles, shall, betwixt this and the 15th day of May next to come, compear before the Lords of his Highnesses' Exchequer, at Edinburgh, or where it shall happen them to sit for the time, and there bring and produce with them all their infestments, rights, and titles whatsoever, whereby they claim right and title to any part of the lands or fishings, within the bounds foresaid; and then thereafter find sufficient caution, acted in the Books of Exchequer, for yearly and thankful payment to his Majesty of his yearly rents, duties, and service addebted by them, furth of the lands possessed and occupied by them, or any in their names: and that they themselves, men, tenants, servants, and dependers shall be answerable to his Highnesses' laws and Justices; and that they, nor none of them, shall do injury to any others, his Highnesses' lieges, in their persons or goods, who shall happen to repair and travel within the said bounds, for their lawful traffic within the same, &c.

## XCVIII.

## JAMES VI. 1567-1599. PART FOURTEENTH.

At Inverness upon the 19th July 1598, Lord Lovat grants the following bond to the Earl of Huntly:—

*Ceptis aspiret Jesus.* Be it known to all men by these presents, me, Simon Lord Fraser of Lovat, for sundry reasonable and weighty causes and respects moving me thereto, specially for the duty, blood, and consanguinity that I have with a noble and potent lord, George Earl of Huntly, lord Gordon and Badenoch, and for the more sure keeping, observing, and performing of a due favour, good will, and friendship with him in time to come, to be bound and obliged, and by the tenor hereof faithfully bind and oblige me and my heirs, by the faith and truth in our bodies, to the said noble lord and his heirs, that we shall assist, concur, defend, fortify, and take a loyal and plain part with him and his foresaids, in all actions, affairs, and doings whatsoever, tending to his weal and honour, against all person or persons in life, (his majesty's person only excepted) etc. In faith and witness hereof, I have subscribed these presents with my hand, at Inverness the 19th day of July, the year of God 1598 years, before these witnesses—James Mackintosh of Gask, James Gordon of Knockespak, and Master William Gordon of Dunmethe, writer hereof.

(Signed) SYMON LORDE FRASER OF LOWETT.

In a Justice Aire held 4th July 1599, “Angus Williamson, *alias* Mackintosh, in Termit, John and Angus his sons, Lachlan Williamson, George McConeill Reoch, at the Bridge-end of Inverness, and Alister McAchane VicGilliechallum, dilated for art and part of the slaughter of the late Alister McRannald, son to Allan McRannald of Easter Leys,” the following procedure is recorded:—

The which day, compeared David Hamilton, agent, and produced our sovereign lord's letters, duly executed and endorsed (except the summoning of an assize), purchased by John McRannald, son and apparent heir to Allan McRannald of Easter Leys, as brother, with the remanent kin and friends of the late Alister McRannald, son to the said Allan, to take surety of Lachlan Williamson, *alias* Mackintosh, &c., that they should have compeared before our sovereign lord's justice, or his deputies, this day and place in the hour of cause, and underlain the law, for art and part of the slaughter of the said late Alister McRannald: Whereupon, he asked instruments: Compeared the same day, Angus Williamson of Termit, &c., and exponed and declared that they were summoned by John Ross, messenger, and that by virtue of our sovereign lord's letters, purchased at the instance of John McRannald, son and apparent heir to Allan McRannald of Easter Leys, as brother, with the remanent kin and friends of the late Alister McRannald, son of the said Allan, to find sufficient caution and surety that they should have compeared before our sovereign lord's Justice, or his deputies, this day and place, in the hour of cause, and underlain the law, for art and part of the slaughter of the said late Alister McRannald: And they, for obedience of the said charge, found Lachlan Mackintosh of Dunachton cautioner and surety for their entry, to the effect foresaid; for whose relief, and trial of their innocency in the said crime, they compeared, as said is, and entered on panel, and protested for relief of their said cautioner: As likewise, offered themselves ready to abide the trial of an assize, and underly the law for the said crime, disassenting from all continuation: In respect whereof, and that no party compeared to pursue them, being oft-times called, and lawful time of day bidden, they likewise protested that no letters be granted in time coming, for troubling or summoning them for the said crime: Whereupon, they asked acts and instruments.”

Connected with the foregoing, on July 20, 1599—

Allan McRannald of Easter Leys, Dilated for art and part of the slaughters of the late Donald Williamson, in . . . . , and for the slaughter of the late Alexander and John Hayis, in Kilravock, Pursuers, James Hay, son lawful to the late Alexander, and brother to the late John, with their remanent kin and friends, John Williamson, as brother, with remanent kin and friends. The panel offered him ready to abide the trial of an assize, and underly the law, for the saids slaughters, disassenting from all continuation : In respect whereof, and that no party compeared to insist in his pursuit, protested first for relief of his cautioners, (Alexander Ruthven, pensioner of Foss, and Alexander Bayne, fiar of Logie) ; as also, that he be nowise troubled, pursued, nor summoned for the slaughter of the saids persons in time coming ; and likewise protested that the diet should be deserted.—The Justice ordains this diet to be deserted.

Among the Inshes papers is a document dated at Inverness, on the 24th October 1599, whereby Thomas Paterson, an inhabitant of Inverness, sells to William Paterson, burghess of Inverness, all and whole that particate of land lying within the burgh of Inverness, in the Bridge Street thereof, and on the south side, lying between the lands of Finlay Paterson, burghess of Inverness, at the east, the Castlehill at the south, the King's common highway at the north, and the common passage at the west : The reddendo is 5d yearly to our supreme lord the King, and 2s to the Chaplain of the Chaplaincy of the High Altar of the Parish Church of Inverness. Alexander Cumming, one of the bailies of the burgh, gives sasine. The witnesses are—Alexander Duff, senior burghess of Inverness ; John Duff, burghess there ; Master John Paterson, Robert Williamson, burghesses there ; Donald Dow, an inhabitant of Inverness ; and Alexander Duff, notary public, who is the writer of the deed, and acts as notary.

At a Justice Court held on 19th December 1599, William Mackintosh of Essich (afterwards of Borlum) son to Lachlan Mackintosh of Dunachton, Duncan Mackintosh, also son to Lachlan Mackintosh of Dunachton, and others summoned to the bar ; compeared Mr Donald Campbell, and produced our sovereign lord's letters, duly executed and endorsed, purchased by Alistair McGregor of Glenstray, as chief and near kinsman to the late Patrick McGregor, in Cadderlie, John Hay of Vrchye, as brother, with the kin and friends of the late William Hay ; and such like, John McConeill Vc Intailzeour, son to the late Donald McIntailzeour, in Barglas, and Donald McGilleis, as father to the late Dougall McGilleis ; to take surety of William Mackintosh of Essich, Duncan Mackintosh, son to Lachlan Mackintosh of Dunachton, and divers other persons therein contained ; by the which letters the saids persons are, upon the 7th day of December instant, denounced rebels, and put to the horn, in default of finding of surety, to have compeared before the Justice or his deputes,

to have underlain the law for the slaughter of the saids late persons ; whereupon, he asked acts and instruments.

In Scotland, the people computed the beginning of the year from the 25th of March down to the year 1599, when it was ordained that the year 1600 should commence on the 1st of January.

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XCIX.

**JAMES VI. 1567-1599. PART FIFTEENTH.**

The limits of the present publication in regard to date (1599) were reached in last number, and in this and the final chapter, it is intended to give extracts from the proceedings of the Burgh Court of Inverness, as specimens of the business performed, taken from a volume extending from 1567 to 1586 :—

13th September 1568. That day, Thomas Finlayson, officer, passed, at the command of James Paterson, provost of Inverness, to the Friars' Predicators of Inverness, and there arrested all and hail the Friars' Kirk, houses, biggings, stones, dykes, of the same, that none within this burgh should pretend to break any of the foresaid Kirk, houses, dykes, stones, nor lead them away unto the time that the infettment obtained by the township should be fulfilled, and this he did before these witnesses—Magnus Caskin, William Anderson, and Gillmorrie M'Marrif.

The Burgh Court of Inverness, holden within the Tolbooth of the same by Alexander Paterson, Jasper Dempster, and William Cumming, bailies of the burgh of Inverness, conjunctly and severally, the 6th day of November, in the year of God 1568, &c. : That day, Thomas Finlayson, officer, at the command of James Paterson, sheriff-depute of the Sherifffdom of Inverness, passed to the Friars' Predicators of Inverness, and there arrested all and hail the Friars' Kirks, houses, biggings, stones, dykes, of the same, that none within this town should pretend to break any of the foresaid Kirks, houses, dykes, stones, nor lead them away unto the time that the infettment obtained by the township should be fulfilled, and this he did before these witnesses—Peter Winchester, Thomas Baillie, John Croun.

The Burgh Court of Inverness, holden within the Tolbooth of the same by James Paterson, provost, and John Robertson, one of the bailies of the said burgh, the 10th day of February, in the year of God 1570 years : The suits called, the Court lawfully fenced and affirmed, as use is : That day, Mr Thomas Howeson, minister of Inverness, produced in judgment a decret gotten and pronounced by the minister, elders, and deacons against all the fornicators of this burgh, desiring the Judge to interpone his authority thereto, and to put the said decret to execution in all points conform thereto.

The Burgh Court of Inverness, holden within the Tolbooth of the same, by William Cuthbert, provost, John Robertson, one of the bailies of the said burgh, the 24th day of June 1570 : The which day compeared William Cuthbert, provost of Inverness, in presence of the bailies, council, and community of this burgh of Inverness, being for the most part thereof convened and assembled within the Tolbooth of Inverness, and there he exponed to them that he had obtained the consents of the provost, bailies, council, and community of this burgh, to have the hail Friars' yards and crofts bounded and included within the old walls thereof, to him and his heirs male, for all the days

of his lifetime, and that they had subscribed an assedation to him thereof, under their subscriptions manual, as at more length is contained in the said assedation of the date the 20th day of June 1568, which assedation he presented to them openly, and desired them, they being all convened together, that they would receive and admit him tenant and tacksman of the said Friars' yards and crofts thereof, conform to the said assedation, for the yearly payment contained therein, and such like, because the subscriptions of the said assedation were gotten by him particularly of them, all now being altogether convened as said is, would ratify, affirm, and approve, the said assedation, the subscriptions and hail contents thereof, to be as valid, and to have such strength, force, and effect, since the date of the same foresaid, and such like in all time coming, as if the same had been subscribed by them, if they had been all convened together, and that they would ordain the common seal to be put thereto, and thereupon desired their answers : Which letters of tack and assedation being openly read among them, and they being advised therewith and understanding that the common good was nothing hurt nor diminished thereby, in respect that the said yards and crofts foresaid paid never more of before than is contained in the said assedation, they all together ratified, approved, and affirmed the said letters of tack and assedation, the subscriptions thereof of the date foresaid, and the same to be of as great strength, force, and effect, since the date thereof, and in all time coming, as if the same had been granted, given, and subscribed by them, if they had been convened altogether, as they now are, and have received and admitted him tacksman and tenant to them of the said Friars' yards and crofts, conform to the tenor of the said assedation, since the date thereof, and in all time coming, enduring his lifetime, he making thankful payment, conform to the tenor of the said assedation, of the mails contained therein, and ordained the common seal to be put to the said assedation, upon the which the said William Cuthbert took act of Court.

The head Burgh Court of Inverness, after Easter, holden within the Tolbooth of the same, by James Paterson, provost of Inverness, John M'Gillivray, and John Robertson, bailies of the said burgh, &c., the 23d April 1571 : That day, the Provost protests contrary to Sir James Duff and all others, chaplains within this town ; together with the vicarage of Inverness and vicar's manse thereof ; together with the Friars' Predicators lands, fishings, annuals, and annual-rents, houses, yards, crofts, tofts, orchards, and others whatsoever, that the provost, bailies, council, and community may have place to pursue and call before the judge competent, *loco et tempore*, &c.

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C.

**JAMES VI. 1567-1599. PART SIXTEENTH AND FINAL.**

Much of what is recorded in this and the preceding chapter relates to the lands of the Friars. The family of Cuthbert shared prominently in the spoils of the Church ; that of Robertson of Inshes comes, about this time, prominently forward ; and two remoter degrees of the family of Dunmaglass have been preserved through the circumstance of Alister, chieftain of the sept, having in 1578 acted as procurator for Margaret Kar, wife of Provost Cuthbert. The son of this Alister, named Farquhar M'Alister, received a feu of Dunmaglass from Campbell of Cawdor in 1626, and in the litigations consequent on the death of the late John Lachlan Macgillivray of Dunmaglass, none of the

claimants suggested a pedigree or descent beyond Farquhar's father, Allister, who has been handed down by tradition as "Allister More." Here however, we have the names of Allister's father and grandfather, Farquhar and Duncan, which latter probably lived prior to 1500 :—

The head Burgh Court of Inverness, after Yule (Christmas), holden within the Tolbooth of the same by John M'Gilleweye, one of the bailies of the burgh of Inverness, the 7th day of January, the year of God 1571, &c. : That day, William Tomson, yr., produced in judgment an evident upon a rood of land, let to him by John Robertson, burgess of Inverness, lying within the burgh of Inverness, in the Bridge-end, betwixt the lands of Thomas Waus, burgess of Inverness, at the west, Thomas Stewart at the east, the front to the King's gate, at the south, the lands of the said Thomas Waus at the north, of the date at Inverness, the 16th day of March, the year of God 1571 years, under the sign and subscription of John Annand, notary public, which land pays to the Friars Predicators of Inverness, and their successors, 3s annual yearly, the which William desires to be entered in the suit roll, which was granted by the judge, upon the which the said William required act of Court.

The Burgh Court of Inverness, holden within the Tolbooth of the same by William Cuthbert, provost of the burgh of Inverness, and Jasper Dempster, bailie of the said burgh, the 3d day of February in the year of God 1573 years : The suits called, the Court lawfully fenced and affirmed, as use is : That day, the Provost and Bailies have statute and ordained the four officers of this burgh, viz. :—Thomas Finlayson, James Baillie, James M'Barron, and John M'Karrois, that they and each one of them pass to their own quarter of the town, as they were commanded thereto, and charge all the inhabitants of this burgh to come to the Kirk upon the Sabbath day to the preaching, to hear the word of God, and that under the pain of 40s the first fault, three pounds the next fault, and four pounds the third fault, which officers shall warn and charge, every man, their own street as follows, viz. :—Thomas Finlayson the Kirkgate, James Baillie the Eastgate, James M'Barron, Doomsdale, and John M'Karrois the Bridge-end : And the said officers to keep the Kirk the Sabbath day, under the pain of 40s, for not coming of the absents : And sicklike the Provost has ordained the three bailies to take order with the injuries and offences committed within this burgh, viz. :—John Cuthbert to take order with the Kirkgate, Jasper Dempster with the Bridge-end, William Cumming with Doomsdale, and the Provost with the Eastgate, and this to be observed and kept enduring our office.

The head Burgh Court of Inverness, after Yule, holden within the Tolbooth of the same by John Rose, Provost of Inverness, Alexander Cuthbert, and John Cuthbert, bailies, &c., the 9th day of January, the year of God 1575 years : That day, Alexander Cuthbert, burgess of Inverness, exhibited and produced in judgment an evident upon two roods burgh lands, lying within the burgh of Inverness, betwixt the lands of the heirs of the late George Cuthbert, of the Auld Castle-hill, at the east, the heirs of the late Jasper Waus of Lochslyne, at the west, the High King's Gate at the south, to the Common Vennel at the north, which lands pay of yearly annual to our Lady of Kinloss 6s money of this realm, of the date the 11th January, A.D. 1574, under the sign and subscription of William Cumming, notary public, desiring to be entered in the suit roll, which was granted, upon the which the said Alexander required act of Court : That day, Allister vic M'Phadrick produced an instrument of sasine upon his service in all and hail the lands his late father died last vested and saised in, whose house and principal dwelling-place pay 2s to the Friars Predicators of Inverness, and their successors, yearly annual, and his kiln pays to the Provost, bailies, and council of Inverness, and their treasurers, 2s yearly annual, use and wont of annual, paying, viz. :—Whitsunday and Martinmas yearly, under the sign and subscription of Jasper Cumming, notary public, of the date 15th May A.D. 1574, desiring to be entered in the suit roll, which was granted, upon the which the said Allister required act of Court.

The Burgh Court of Inverness, holden with the Tolbooth of the same by William, one of the bailies of the said burgh, the 28th day of May, the year of God 1578 : That day, compeared in judgment Maggie Kar, spouse to William Cuthbert, Provost of the burgh of Inverness, and there, without the presence of her said husband, of her own free motive, will, uncoacted, or compelled by her said spouse, or any other



in his name, where she made faith thereupon in judgment: The said Maggie freely, purely, and simply renounced, resigned, and over-gave her fee of all and sundry the lands of the whole of the late Black Friars of Inverness, hail yards and crofts, with the walls of the said late Black Friars of Inverness, with all claim, right, title of right, and claim, property, and possession, which she had, or has, or in any time coming may have in or to the foresaid lands, above expressed, within the bounds above-mentioned, in favour of the said William Cuthbert, her spouse, so that he may freely dispone, alienate, and otherwise use the same as he thinks good, without any stop or impediment to be made by her thereto in time coming to whatsoever person or party her said spouse shall happen to dispone the same, and promises never to come contrary to the same in judgment in any time hereafter coming, providing always that in case her said spouse dispone or alienate the same to any person, that how soon or what time the same be redeemed and outquit again from them, that the same shall happen to be alienated to, that she may have free ingress and egress again thereto, and to her common fee thereof, notwithstanding of this present renunciation above-written, and the same not to be prejudicial thereafter to her common infeftment of the said lands, upon the which, the said William Cuthbert, provost, and William Macfarquhar, in name and behalf of Allister Macfarquhar M'Conquhe of Dunmaglass, for the said Maggie Kar, *hinc inde*, required act of Court and instrument in the hands of Mr Martin Logie, notary public, before these witnesses—James Paterson, sheriff-depute; William Baillie, Finlay Donaldson, John Neilson, and Andrew Dempster, burgesses of Inverness.

The Burgh Court of Inverness, holden within the Tolbooth of the same by Wm. Cuthbert, provost, John Ker, and James Abraham, bailies, the 21st day of January, in the year of God 1580 years: The suits called, the Court lawfully fenced and affirmed as use is: That day, the Provost has put inhibition to John Roy Cumming and Robert Anderson that neither of them in no time coming hold any midden in the close of Doomsdale, behind the late Wm. Hood's house, and that for avoiding and putting away of strife and debate betwixt them, under the pain of 40s, to be paid to the common work of this burgh by the first contravener of the said charge and maker of the said midden within the said close, and the mulct to be escheated to the common weal of this burgh, whereupon the Provost required an act of Court, &c.

The records and papers of the town, from 1600 downwards, are pretty voluminous, and it is to be hoped that dry and suitable record rooms will soon be provided in the new Town Hall, for the truly valuable and interesting papers belonging to the burgh.

For the present at least our labours have ended.





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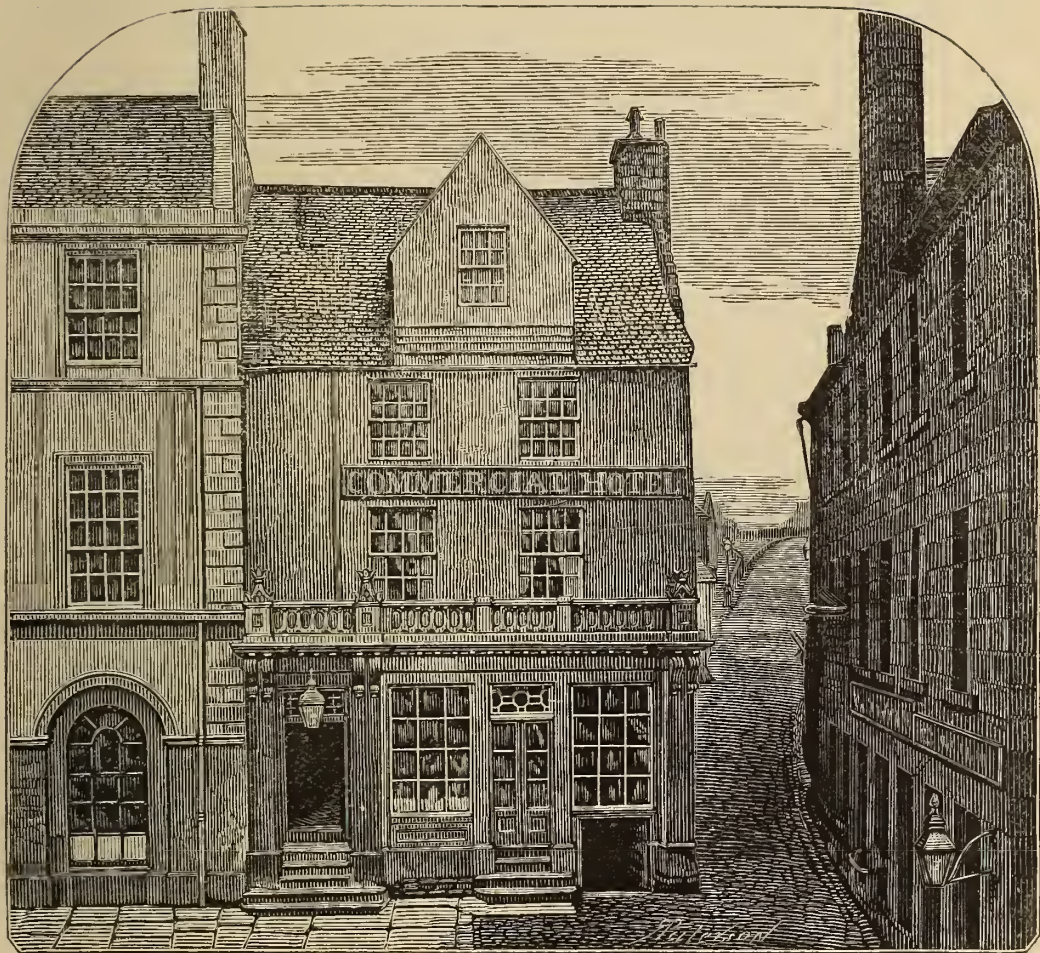
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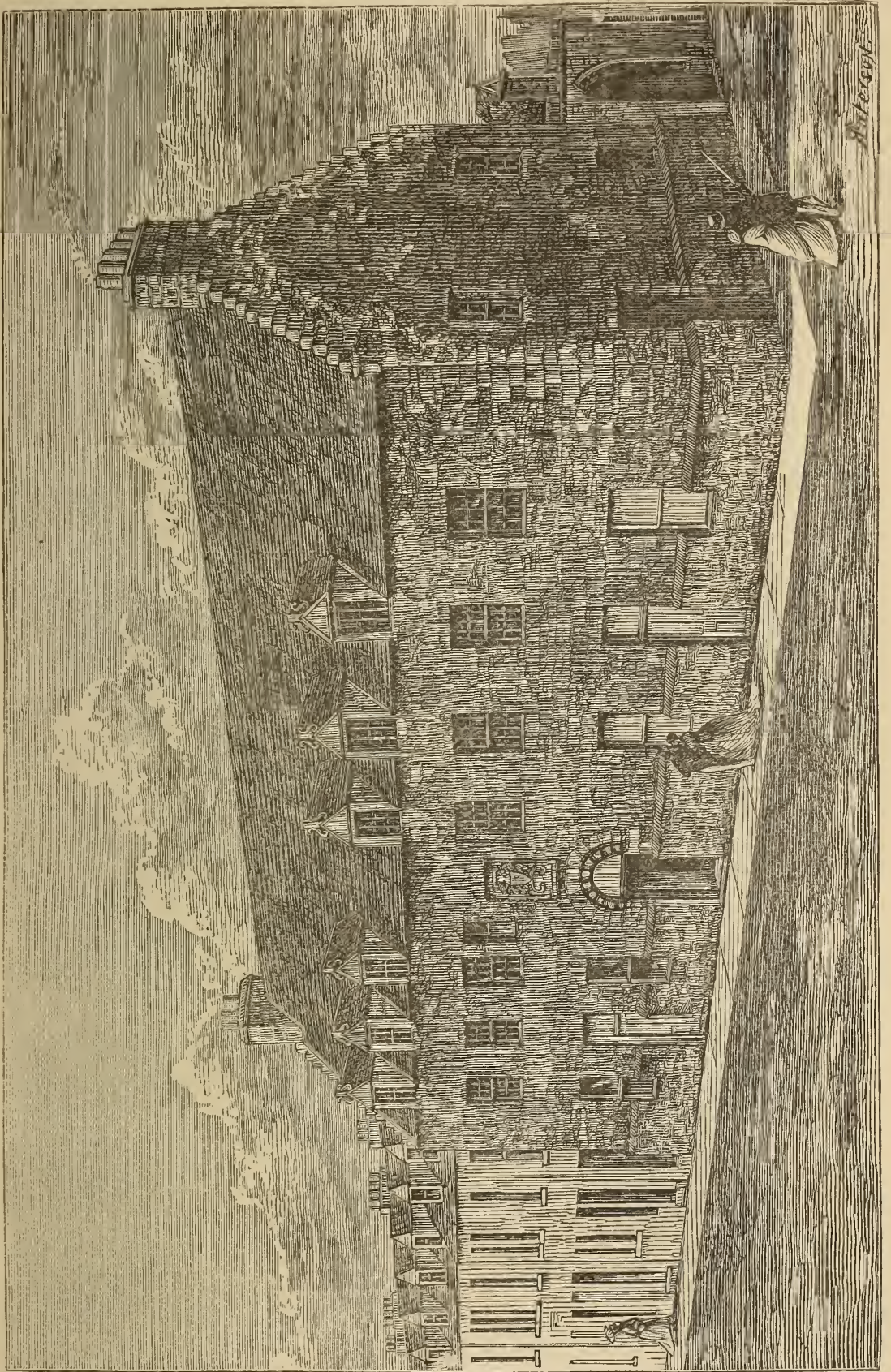
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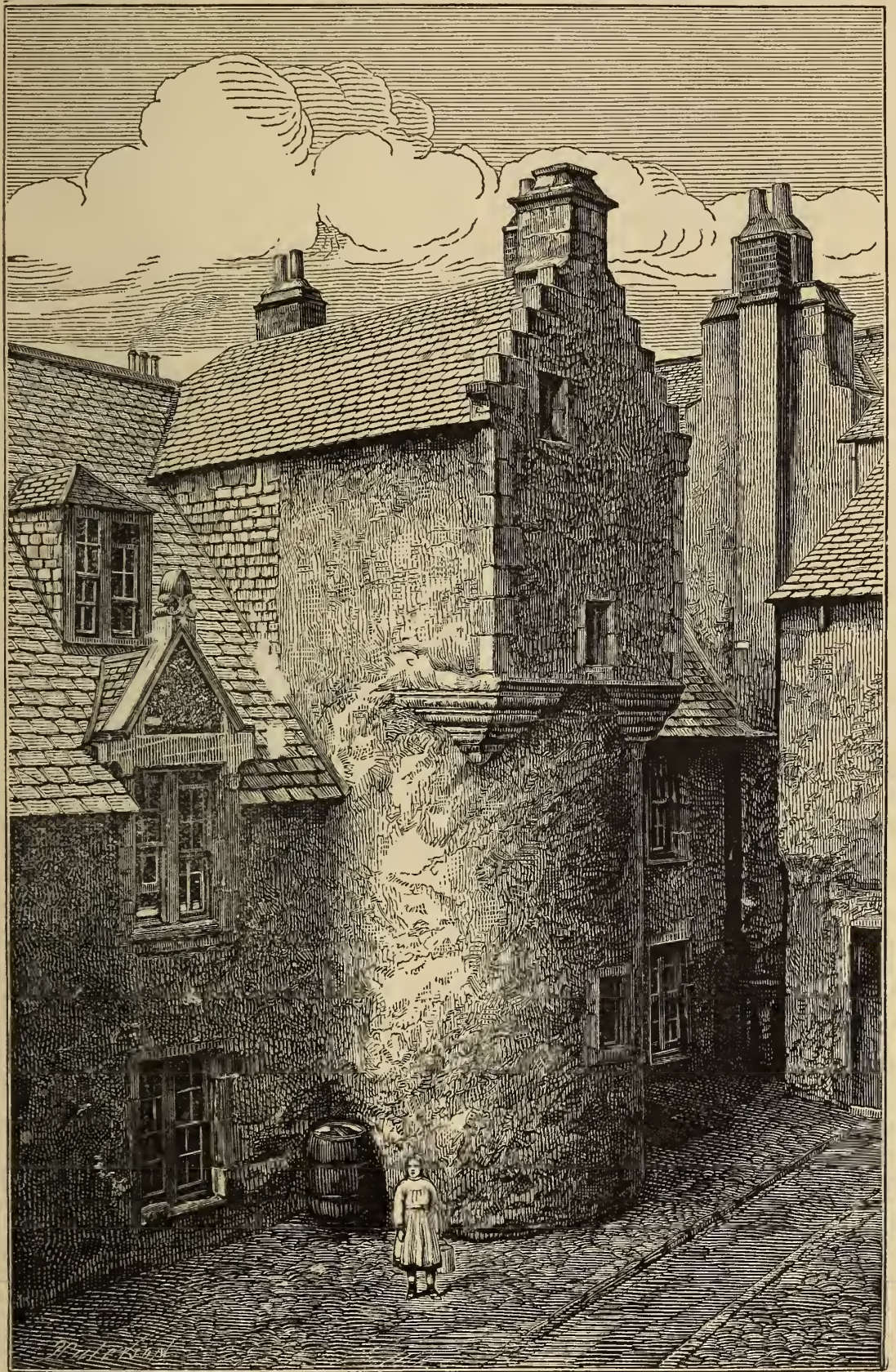








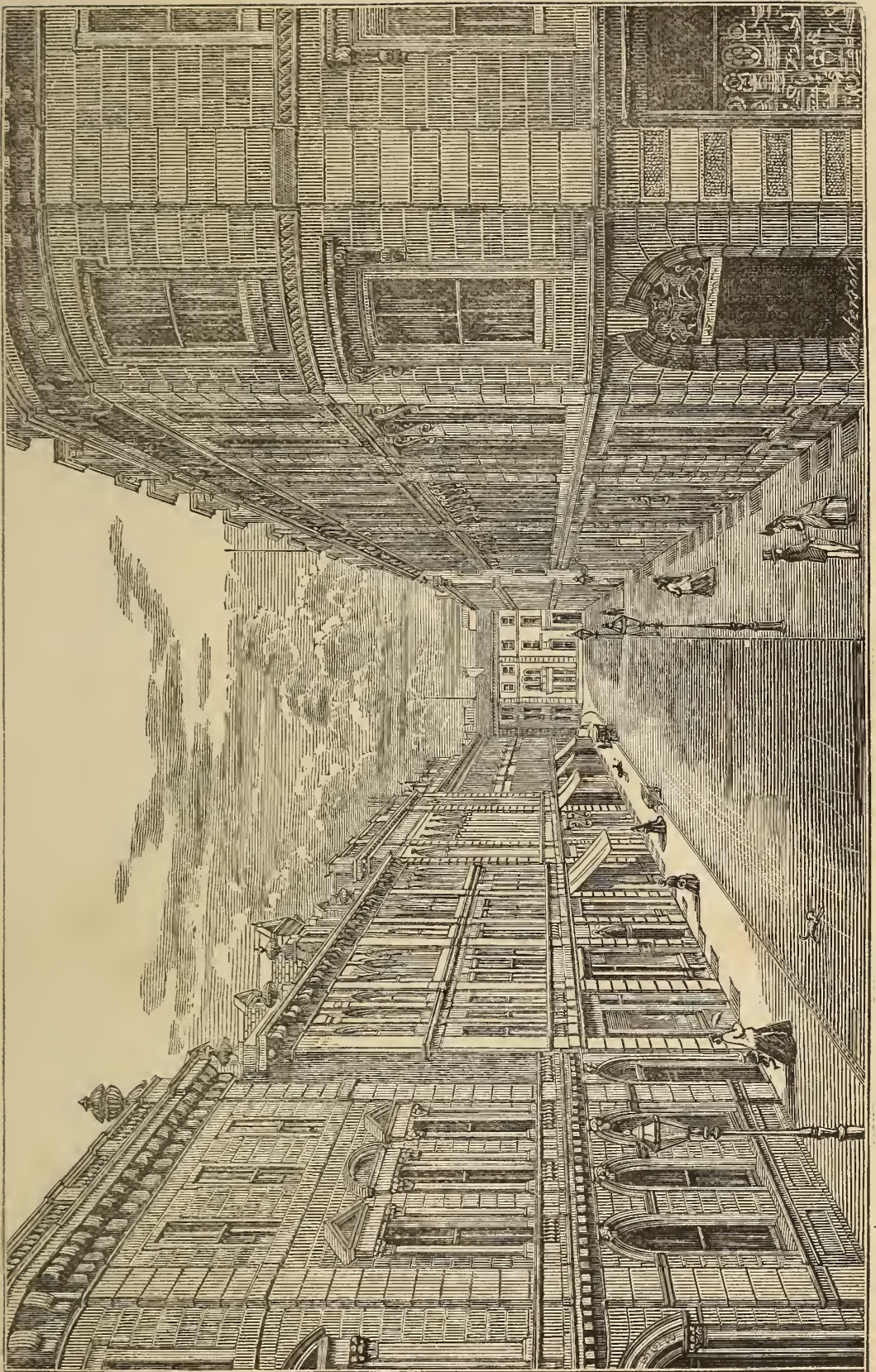








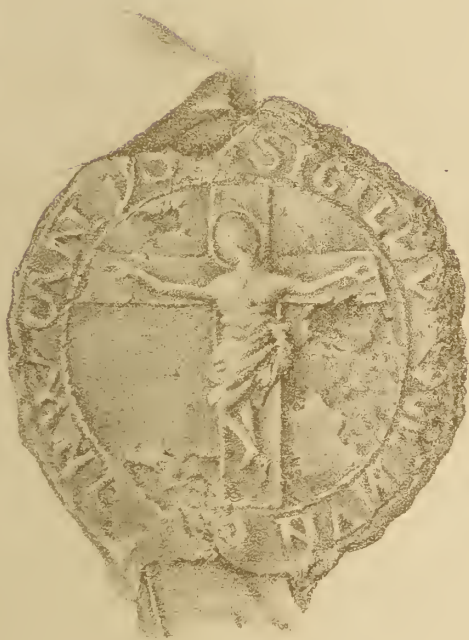








Seal of the CHAPTER of MONASTERY of INVERNESS.  
(NAT. SIZE)



Front



Reverse

The Common Seal of the Burgh of Inverness  
(Reduced  $\frac{1}{4}$  in Size.)





Forwards to the March of the  
By his Royal Highnesses Command Alex Brailie  
of Dunair is hereby ordered & required ~~to~~ upon  
pain of Fine & Imprisonment to send to the Castle of Inverness  
the Number of eight Doose: with as many Carles  
before eight o'clock Tomorrow Morning & to signify  
their arrivall to Capt. M<sup>c</sup> Loghelen the Keeper  
in the Castle

J. J. W. W. W.













