

# Sketches of Early Scotch History

## Part 5

### ARBROATH.

The date of the foundation of Arbroath is of some interest in church and public history. Thomas à Becket, the high church archbishop, was slain at the altar of his own church of Canterbury, on the 29th of December 1170. Two years afterwards, in 1173, he was canonized; and within five years of his canonization, and not more than seven from the period of his death, in the year 1178,<sup>1</sup> William King of Scotland had founded, endowed, and dedicated to Saint Thomas the Martyr, the Abbey of Arbroath.

William was no admirer of the Archbishop's principles of Church independence. His whole policy was opposed to them. A contemporary churchman accuses him of imitating the Norman tyranny in controlling the disposal of church preferment,<sup>2</sup> and he did not always

<sup>1</sup> *Fordun*, VIII. 25.

<sup>2</sup> The passage is very curious — *vir tantus et tam laudabilis in multis, totam*

*gloriam suam ab ineunte etate usque in senium (proh dolor!) unica macula decoloravit. Per totam enim terræ suæ*

testify great respect for the Pope. It has been suggested that William was personally acquainted with Becket in his early life, "when there was little probability of his ever becoming a confessor, martyr, and saint."<sup>1</sup> Was this the cause, or was it the natural propensity to extol him who, living and dead, had humbled the Crown of England, that led William to take Saint Thomas as his patron saint, and to entreat his intercession when he was in greatest trouble?<sup>2</sup> Or may we consider the dedication of his new abbey, and his invocation of the martyr of Canterbury, as nothing more than signs of the rapid spreading of the veneration for the new saint of the high church party, from which his old opponent himself was not exempt?<sup>3</sup>

The king, its founder, was the great benefactor of the Abbey. But it is astonishing with what rapidity estates in land, churches and tithes were heaped upon the new foundation, by the magnates and barons of

*totius amplitudinem, in cathedralibus ecclesiis cunctis, nullas omnino nisi ad nutum ipsius, more tyrannico fieri permisit electiones; enormes quidem Normannicæ tyrannidis per Angliam abusiones, nimis in hoc expresse sequens.—Girald. Cambr. in Anglia Christiana.*

<sup>1</sup> Hailes' *Annals*, A.D. 1178. The assertion of William's acquaintance with Thomas à Becket does not rest only on the authority of Camerarius (*De fortitud. Scot.* p. 126, where he fairly makes a saint of William), nor on his authority, Hector Boetius (lib. xii.), who narrates that—*cum illo magnam puer consuetudinem habuerat*. This fact is affirmed by the Chronicler of Lanercost—*Ob familiaris amorem inter ipsum et Sanctum Thomam, dum adhuc in curia regis*

*Henrici esset, contractum, divulgato in mundo et approbato in cælo celebri ejus martyrio, abbatiam de Aberbrouthok in honore ipsius fundavit et redditibus ampliavit* (p. 11).

<sup>2</sup> William frequently invoked the help of Saint Thomas as he was led to the place of his captivity at Richmond.—Fordun, VIII. c. xxii.

<sup>3</sup> The story of King Henry's penance at the tomb of Becket, coinciding exactly with the capture of his enemy William at Alnwick (which Lord Hailes criticises too minutely), serves at least to show the popular feeling, and perhaps Henry's willingness to take advantage of it. The miraculous coincidence was certainly believed universally in that age.—*Chron. Mailr.; Fordun; Gervase; Mat. Paris, &c.*

Angus and the north. It is not uninteresting to note the acquisitions of a single reign.

King William himself bestowed on the monks serving God and Saint Thomas the martyr at Aberbrothoc, the territory of Athyn or Ethie, and Achinglas, the shires of Dunechtyn and Kingoldrum; a net's fishing in Tay, called Stok, and one in the North Esk; a salt-work in the Carse of Stirling; the ferry-boat of Montrose, with its land; the custody of "the Brecbennach," with the lands of Forglen attached to that office; a plough of land in Monethen or Mondyne on the Bervy; a toft in each of the king's burghs and residences, and a license of timber in his forests: the patronage and tithes of the following churches:—

*In Angus*—St. Mary of Old Munros, with its land, called in "the Scotch speech, Abthen," Newtyl, Glamis, Athyn or Ethie, Dunechtyn, Kingoldrum, Inuerlunan, Panbryd, Fethmuref or Barry, Monieky, Guthery. *In the Mearns*—Nig, Kateryn or Caterlin. *In Mar*—Banchory Saint Ternan, Coul. *In Fermartyn*—Fyvie, Tarves. *In Buchan*—Gameryn. *In Banff*—St. Marnan of Aberchirder, Inverbondin or Boindie, Banf. Inverness; Abernethy in Strathern; Hautwisil in Tyndale.

During William's reign, the new abbey was endowed by the great Earls of Angus, with the churches of Monifod or Monifieth, Muraus, Kerimore, and Stradechty Comitris, now called Mains,<sup>1</sup> and the same family bestowed upon it lands called Portincraig, a name which, though now appropriated to the head-land on the Fife

<sup>1</sup> This parish was named Earl Stradichty, in distinction from the adjoining

parish of Stradichty St. Martin, named after its patron saint.

side of the ferry, must, from the description and boundaries, have been applied to what is now known as Broughty and its adjacent lands. These grants afford charter evidence of five generations of this family: (1.) Earl Gillebride (apparently before the foundation of Arbroath) had made a donation of the land of Portincraig, with the fishing along its shores, for founding an hospital at Portincraig. (2.) Earl Gillechrist, his son, appropriated that land to the new abbey, and his charter was successively ratified by his son (3.) Earl Duncan, his grandson (4.) Earl Malcolm, and by (5.) Maud Countess of Angus, in her own right.

By gift of Marjory Countess of Buchan, the monks had the church of Turfred or Turref; from Ralf le Naym, the church of Inverugy; from Roger Bishop of St. Andrews, the church of Aberhelot or Arbirlot.

The De Berkeleys granted to the convent the church of Inverkelidor or Inverkeelor, which was confirmed by Ingelram de Balliol, who married the daughter of Walter de Berkeley; and the lands of Balfeith or Belphe, with a description and bounding most instructive for the antiquities of Angus and Mearns.<sup>1</sup>

By the gift of Thomas de Lundyn the Durward

<sup>1</sup> The land was perambulated "according to the assize of the realm" (old King David's laws), in presence of the Bishop of Aberdeen and the Earl of Strathearn, by Angus MacDuncan, and Malbryd Mallod, and Dufscokok of Fetheressau, and Murac, and Malmur MacGilleMichel, and Gillechrist MacFadwerth, and Cormac of Nug, and other good men of our lord the king, of Angus and of Moerns. This jury of Celtic gen-

tleman of the low country of Angus and Mearns, contrasts notably with the lists of burgesses of Dundee and Aberdeen, of Norman or Saxon names and Teutonic lineage, occurring about the same time. The fixing of the boundaries at so early a period (the very beginning of the thirteenth century) is of interest to the local antiquary; and the minute provisions of peatary and pasture—the grazing of 100 beasts with their followers, and as many

(*Ostiarius Regis*), the monks obtained the church of Kinerny ; and the bank of forest-land, lying at the junction of the Dee and Canny, called in the days of William the Lion “*nemus de Trostauch*,” and which, now again under wood, has been known for many years to the Deeside people as “the Wood of Trustach.”

Robert de Lundres, the bastard son of King William, bestowed on the Abbey the church of Ruthven. From the Malherbes it received two oxgates in Rossy, and a rent of two shillings from the land of Balenaus or Balnaves in Kinnell. From the Fitz-Bernards the forefathers of Sibald of Kair, the little green cove or “Rath” of Katernyn or Katerlin, on the coast of Mearns ; from the De Montforts, Glaskeler, adjoining it ; from the family who adopted Abbot or Abbe for their surname, a right of making and using charcoal from their wood of Edale or Edzell ; from the Fitz-Thancards, the lands between Ethkar and Calledouer, and the davach of Balle-gillegrand ; from the Bishops of Brechin, small possessions in Stracatherach ; from the St. Michaels, the lands of Mundurnach, probably Mundurno on the Don, a little way north of Aberdeen ; from Earl David, the brother of King Malcolm and King William, a plough of land in Kinalchmund or Kinethmont, in his lordship of Garioch, measured and arable ; a mark of silver yearly from Fergus Earl of Buchan ; a half mark from the family of the great Earls of Strathearn, out of the fishing of Ur (Mickle-

swine and as many brood mares as the monks chose, with a right of “shealing” from Pasch to the feast of All-Hallows, either in Tubertach, or in Crospath, or

in Glenfarkar, afford glimpses of the ancient occupation of the district which are not to be found elsewhere.

our?) on the Tay, above Perth; from Richard de Frivill, a plough of land of Ballekelefan; and by grants from him, from Philip de Melvil, and his father-in-law Walter Sibald, and from King William himself, a small territory about Monethen, or Mondyne on the Bervy, and Kare.

In recording the acquisition of those ample possessions, and affording the first record of property over wide districts, the registers of Arbroath furnish incidentally some information of interest to those who feel none in the ancient religious foundation, or in the history of the early inhabitants and the local history of the soil. On other subjects of more general interest it opens dim lights, or suggests subjects for speculation, though too often the historical inquirer must still rest satisfied with a conjectural result.

The charters connected with the Abbey's acquisition of the church of Abernethy might furnish subject for abundant discussion to the zealous antiquary. The church is granted by King William; and at the same time, Laurence, son of Orm of Abernethy, while he quits all his right in the advowson of the church, with its dependent chapels of Dron, Dunbulg, and Errol, and with the lands of Belach and Petinlouer, grants to the Abbey of Arbroath the half of the tithes of the property of himself and his heirs (*provenientium ex propria pecunia mea et heredum meorum*), the other half of which belongs to the Culdees of Abernethy, and the whole tithes of the territory of Abernethy, except those which belong to the church of Flisk and Culter, and except the tithes of his lordship of Abernethy (*de dominio*

*meo de Abernethy*), which the Culdees have always possessed, namely, those of Mugdrum, Kerpul, Balehyrewell, Ballecolly, and Invernethy, be-east of the burn. In confirming this gift, evidently the same day and place at which it was made, King William uses the same words, with this exception, that he styles the granter "Abbot of Abernethy." Here, therefore, we have Laurence the son of Orm, Abbot of Abernethy, an ancient house of Culdees, lord also of the lordship or manor of Abernethy, and not only granting tithes out of his own property there, but asserting it to be the inheritance of him and his heirs.

These charter evidences help out the obscure indications in our older chroniclers, of a race of church nobles, hereditary heads of religious houses, and taking rank among the highest of lay magnates. When we read that the ancient dynasty of our kings (before the wars of the Succession) sprang from the marriage of Bethoc, a daughter of Malcolm II. with Crinan, Abbot of the Columbite family of Dunkeld—that Ethelred, a son of Malcolm Canmore, Abbot of Dunkeld, was also Earl of Fife, our best historians have evaded the embarrassment by questioning the authority of the chronicler;<sup>1</sup> and it has not hitherto been suspected that there were proofs of an old house of Culdees, even surviving Saint David's church revolution, having its hereditary abbot, and styling himself and acting as lord of the abbey territory.

The evidence, indeed, is narrow, and may not be deemed satisfactory, and this is not the place for rearing an argument upon it. It raises, at least, an interesting

speculation both for Scotland and Ireland; and independently of it, the historical inquirer of both countries will be pleased to meet the frequent notices of the old Culdees both of Abernethy and of Brechin, which occur in the Register of Arbroath.

The Register of Arbroath has preserved the most ancient evidence of the form of judicial procedure, as recorded in rolls of the king's court, the proceedings themselves being founded upon the old laws of King David,—“*Assisa regis David . . . usitata et probata in regno Scotiæ usque ad illum diem.*”

In a discussion regarding the service due to the Abbey for the land of Innerpefir, we have some light thrown upon the nature of the military service stipulated in ancient Scotch charters, and incidental mention of an expedition of Alexander II. into the western Highlands in 1248, not elsewhere commemorated, with the attendance of those bound to do military service.

Connected with this subject, we turn with much interest to the indications of an early “extent” of land, or a measure or valuation, having reference to public burdens. Some deeds would seem to show a definite forensic service, and a fixed amount of *aid* due from lands, long before the period which is generally assigned for the introduction of the old extent. The very ancient denominations of land, from its value—*librata, nummata, denariata terræ*, plainly point at a valuation for some public purpose; but here there are indications that the divisions into *davachs*, which have hitherto been taken for mere agricultural measures of arable land, have also



reference to an early extent, expressed in measure of land, not in money value ; and these occur in 1234, without reference to any recent measure of extent or taxation.

There is a singularity in the motive of the grant, by King Robert, of the church of Kirkmacho. It is given “for the health of his soul, and of the souls of his ancestors and successors, kings of Scotland, and especially for the souls of those whose bodies rest within the church and its cemetery”—pointing, perhaps, to Kirkmacho as a place of sepulture of the old lords of Annandale.

The custody of the Brecebennach, or consecrated banner of Saint Columba, was an ancient and valuable part of the Abbey privileges. The lands of Forglen had of old been granted for its maintenance, and under it, no doubt, the vassals of the Abbey marched to war. The church of Forglen was dedicated to Saint Adamnan, the follower and historian of Saint Columba. At what period the saint’s holy banner was associated with that territory cannot now be determined. When King William granted its custody to the abbot of his new monastery, the distance as well as the nature of the office—raising and following the banner in the king’s host—would evidently suggest a lay-substitute. The custody of the Brecebennach, in the beginning of the fourteenth century, was held of the abbot, by the knightly family of Monymusk of that ilk ; from whom it passed by descent to the Urrys and the Frasers, becoming vested, about the year 1420, in the Irvines of Drum.<sup>1</sup>

<sup>1</sup> See, regarding the banner and its custody, *Collections for a History of the Shires of Aberdeen and Banff*, pp. 510-518, and *Miscellany of the Spalding Club*, vol. iii. Preface.

The meaning of the word "Abthein," as applied to an office, has been a subject of frequent discussion and dispute among Scotch antiquaries. In the Register of Arbroath we have the word occurring several times, but always in reference to land. In an early charter, King William granted to Hugh de Roxburgh, the Chancellor, in liferent, "terram abbacie de Munros," to be held of Arbroath for a *reddendo* of three stones of wax. There was no abbey at Montrose, and we must look for the meaning of the grant in another direction. In the great charter of Arbroath, the king granted to it "the church of Saint Mary, of old Munros, with the land of that church, which in Scotch is called Abthen." Again, early in the thirteenth century, Malcolm, Earl of Angus, granted to Nicholas, son of the priest of Kerimure, and his heirs, in fee and heritage, the land of Abthein of Munifeith; and the Countess Maud, in her widowhood, confirmed that grant. There is nothing here to connect the tenure with the Abbey; but in 1310, Michael de Monifoth, the hereditary lord of the land (*dominus abbathanie ejusdem*), binds himself to pay to the convent of Arbroath six shillings and eightpence of good and lawful sterlings, for the toft and croft which he holds of them in the territory of the said *abbathania*, together with half a boll of mustard seed. This toft was without doubt that which the Countess Maud describes in her charter of gift to Arbroath as "the land to the south of the church of Monifod, which the Culdees held in my father's time."<sup>1</sup>

Abthein (Abthany), then, was land, the property of or

<sup>1</sup> *Cart. Orig.* IV. v.

connected with an abbot or abbacy—perhaps of a Culdee house—but whether any other quality or condition enters into its meaning, there are too few materials yet to ascertain.

Whilst the Chartulary of Arbroath illustrates the genealogies of many of the great families of Angus and the north, it brings us acquainted with some names, the early history of which is of still more interest in the district.

John Abbe, the son of Malise, granted, and Morgund, the son of John Abbe, confirmed to the monks, the privilege of taking coals (charcoal) in the wood of Edale. Donald Abbe of Brechin, in the reign of William the Lion, granted to the monks the davach of Ballegillegrand, and his grant is witnessed by Malbrid, Prior of the Culdees of Brechin. Maurice Abbe of Abireloth, occurs very low down in the list of witnesses of several charters of Gilchrist Earl of Angus. There are several occurrences in other church registers, particularly among the charters of Coldinghame, of persons bearing this singular name, and it may not be impossible, by a comparison of these, to detect its meaning and origin.

In an early, but undated charter, we have perhaps the first record of the ancient family of Falconer. The party is William the Falconer—"Willelmus auceps"—who no doubt also bore sometimes the name of Hawker; for whilst his descendants have retained the former name, their dwelling (*villa ejusdem Willelmi aucupis*) acquired that of Haukerstun.<sup>1</sup>

<sup>1</sup> The charter has several minute particulars of curiosity for the local anti-

quary. The land in question lay to the west of the bridge of Luffenot, and

A person of the name of Bricius occurs in very early charters as "judex" of Angus, probably holding his office under the great Earls. In 1219, Adam was "judex" of the Earl's court. Some years later, he became "judex" of the king's court, and his brother Keraldus succeeded to his office in the court of the Earl, for, in the year 1227, we find the brothers acting together, and styled respectively "judex" of Angus, and "judex" of our lord the king. The dwelling of Keraldus received the name of "Keraldiston," now Caraldstoun; and the office of judex, becoming hereditary, and taking its Scotch style of "Dempster," gave name to the family who for many generations held the lands of Caraldstoun, and performed the office of Dempster of the Parliaments of Scotland. Its functions were no doubt of a very different kind and degree from those fulfilled by the ancient judex, and it might be interesting to trace, from these and other materials, the progress of the change.

It has already been mentioned that much of the pedigree of the ancient Earls of Angus is proved from the Register of this Abbey. It affords also valuable information for the genealogies of the De Berkeleys, Malherbes, De Rossys, Wischards, Middletouns, Scots, De Brechins, Melvilles, Arbuthnots, Sibbalds, Moncurs, Mohauts, and other houses of Angus and the Mearns, as well as of the Earls of Buchan, and the names of Garuiach, le Cheyne, Leslie, Feodarg, Meldrum, Durward, Walchope, Moni-

extended to a certain bridge called Stanbrig, which appears certainly to have been a bridge of stone over the North water, a very early example of a bridge over such a stream. The

land was granted to the church of Mar-  
ingtun, apparently Marykirk; and as  
a symbol of investiture, the Falconer  
offered a turf of the land upon the altar  
of the Church.

musk, and St. Michael, with other ancient families in the north.

There are a few welcome indications of the domestic manners of our forefathers. Thus, a grant of a hostelage in Stirling presents us with a fair picture of a lodging of the better sort in the fourteenth century—a hall for meals, with tables and trestles and other furniture; a spence with a buttery; one or more chambers for sleeping; a kitchen; and a stable capable of receiving thirty horses. They burned candles of white tallow, which were commonly called Paris candles. They used straw, apparently for bedding, and the hall and bed-chamber were strewed with rushes.

The Chartulary of Arbroath is peculiarly rich in notices of the Culdees. At Abernethy a convent of them existed, though perhaps in little more but in name, to the end of the reign of William the Lion, when they seem to have expired, and there is no trace of their rights or claims having been transferred to St. Andrews. The chapter of Brechin at first consisted entirely of that order. The successive bishops speak of them with affection as "Keledei nostri." Towards the end of William's reign, we find an infusion of other clerks in the chapter; the prior of the convent of Culdees, however, being still the president. In 1248, the last year of the reign of Alexander II., the Culdees have disappeared altogether, and the affairs of the Cathedral are managed in the ordinary modern form by the dean and chapter.

A few notices of forgotten saints are interesting to the Church antiquary. The little island of the Esk, on

which abuts the bridge of Montrose, once contained a church which has now disappeared, though its cemetery remains, and gave its name to a surrounding parish, still remembered as Inchbrayock. The origin of the name is found in these charters, where we meet, in the reign of Robert the Bruce, with the parson of the parish church, styled rector of the church of St. Braoch.<sup>1</sup>

The church of Inverkeler is called, in a charter of King William, the church of St. Macconoc of Inverkeler. It has been suggested that the first syllable was probably a Celtix prefix of affection, and that the church was dedicated to St. Canech or Kenny, the contemporary of St. Columba, who visited him at Hy, and the same person who gives name to Kilkenny. He is commemorated in the calendar of the Scotch Church on the 11th of October.

When we consider the long and united efforts required in the early state of the arts for throwing a bridge over any considerable river, the early occurrence of bridges may be well admitted as one of the best tests of civilisation and national prosperity. The bridge over the North water has already been mentioned. We find a bridge existing over the Esk at Brechin, and the land of Drumsleid appropriated for its support, in the early part of the thirteenth century. In that age there was a bridge over the Tay at Perth; bridges over the Esks at Brechin and Marykirk; a bridge over the Dee at Kincardine O'Neill, probably another at Durris, one near Aberdeen, and one at the mouth of Glenmuick; even a bridge over the rapid

<sup>1</sup> *Orig. Cart.* XII.

Spey at Orkill. If we reflect how few of these survived the middle of the fourteenth century, and how long it was, and by what painful efforts, before they could be replaced in later times, we may form some idea of the great progress in civilisation which Scotland had made during the reign of William, and the peaceful times of the two Alexanders. We do not know much of the intellectual state of the population in that age, but regarding it only in a material point of view, it may safely be affirmed that Scotland, at the death of King Alexander III., was more civilized and more prosperous than at any period of her existence, down to the time when she ceased to be a separate kingdom in 1707.

The Register of Arbroath will be regarded with great interest by the historian as well as the local antiquary. It points at the first settlement of many districts, and the earliest traces of civilisation ; some very interesting particulars of Church antiquities, and the various races from which our population draws its origin. It illustrates the descent and transmission of lands widely scattered over three counties, and the early history of some of the greatest and most interesting Scotch families. Like all the monastic registers, it gives minute and interesting details of the habits and manners, and the whole social condition of the people of the country.

The buildings of the Abbey of Arbroath, begun in 1178, brought near to their completion at the time of the dedication of its church in 1233, through the decay of so many centuries, in spite of violence and long neglect, and barbarous modern repairs, still afford a few specimens of

good Norman architecture, and parts of several later styles. In the middle of last century, Dr. Johnson said "he should scarcely have regretted his journey" to Scotland, "had it afforded nothing more than the sight of Aberbrothick." The taste for church architecture had not then revived among us; and Johnson's was only an impression which would have been produced by the associations of any ancient ecclesiastical structure.

It is not in Protestant Britain alone that it requires some reflection to appreciate fully the station filled of old by the inmates of our greater monasteries. In the Roman Catholic countries of modern Europe, it is hardly less difficult to call up the days when the clergy, secular and regular, engrossed all the learning and accomplishment, and a large share of the wealth, luxury, knowledge of the world, and social influence of the community. It is to be remarked, that in Scotland, as in other countries, while the secular or parochial clergy were often the younger sons of good families, the convents of monks and friars were recruited wholly from the lower classes; and yet—not to speak of the daily bread, the freedom from daily care, all the vulgar temptations of such a life in hard times—the career of a monk opened no mean path to the ambitious spirit. The offices of the monastery alone might well seem prizes to be contended for by the son of the peasant or burgess, and the highest of these placed its holder on a level with the greatest of the nobility.

The Lord Abbot of such a house as Arbroath, whether bearing crosier and mitre, or buckling on more carnal



armour, whether sitting in the high places of Council and Parliament, or taking homage and dispensing law among his vassals and serfs, or following his sovereign to battle, was, in virtue of his social position, his revenues, his followers, and actual power, by far the greatest personage of the shire.

The Abbey was toll free, that is, protected against the local impositions which of old beset all merchandise; and the Abbot vindicated the freedom of his "men" against the exactions of the Bailies of Dundee, who had presumed to levy a penny from his stallinger in the fair of their burgh. It was custom free, and passed its exports of wool, hides, tallow, salmon, by virtue of its own coket. But the privilege the Abbot most valued (and intrinsically the most valuable), was the tenure of all his lands "in free regality," that is, with sovereign power over his people, and the unlimited emoluments of criminal jurisdiction. In 1435, the Abbot, in virtue of that right of regality, compounded with Andrew of Lychtoun, and granted him a remission for the slaughter of James Gibsoun. Long afterwards—after the Reformation had passed over abbot and monk, the lord of regality had still the same power, and the Commendator of Arbroath was able to rescue from the King's Justiciar, and to "repledge" into his own court four men accused of the slaughter of William Sibbald of Cair—as dwelling within his bounds (*quasi infra bondas ejusdem commorantes*).<sup>1</sup>

The officer who administered this formidable jurisdiction, was the Bailie of the Regality, as he was usually

<sup>1</sup> Pitcairn's *Criminal Trials*, 1570, p. 16.

styled, or “Justiciar Chamberlain and Bailie,” as his style ran when, in 1485, Abbot Lichtoun conferred the survivorship of the office on two Ogilvies. At that period, whatever may have been the case at the time of the battle of Brechin, the Bailiary had become virtually hereditary in the family of Airlie.

The Mair and Coroner of the Abbey (the “Dereth” was perhaps the same office in Celtic speech) were the executors of the law within the bounds of the regality. Each office had lands attached to it, affording part of the emolument of the officer. The office of Judex, Deemster or Dempster in the Abbot’s court, was in like manner attached to a portion of the lands of Caraldston (deriving their name from that Keraldus who first held the office), and passed with it through the hands of the Earl of Crawford and later owners, down to the abolition of heritable jurisdictions.

The best of the shire and of neighbouring districts, thought it no degradation to hold their lands as vassals of the great Abbey. Record was made of the homage done by those barons to the Justiciar of the Regality,—kneeling on the ground with hands joined. For the most part they gave suit and service in the Abbot’s court, and such other services as vassals of old really performed to their superiors. Many were bound to give agricultural service, harvest labour, and carriage of corn, wool, wood, peats, and slates. But military service exempted from prædial service; and when a vassal was bound to follow the Abbot to war, either with the northern lords, under the Breebennach—the Banner of

Columba—or under the proper standard of the Abbey itself, he was free from the common duties owed to the superior.<sup>1</sup>

We have little information of the early history of the burgh of Arbroath. With such protection for shipping as its natural harbour afforded, it had grown up under the shelter and protection of the great monastery, from a fishing hamlet, till it became a place of some foreign trade in the fourteenth century. The worthy Abbot John Gedy, saw the advantage that would arise to his town and the whole district, if, on that inhospitable coast, he could transform the creek among treacherous rocks into a tolerably safe harbour; and the covenant made between the Abbot and the burgesses for that object, on the 2d of April 1394, as it is the oldest, is also perhaps the most curious and interesting of the records of harbour-making and also of voluntary taxation in Scotland.<sup>2</sup>

<sup>1</sup> *Et quia dictum Jacobum Guthrie equitare nobiscum onerare intendimus, eundem ab omnibus husbandorum oneribus relaxamus, excepto quod ducet tegulas a lapicidio ad monasterium quemadmodum alii husbandi.*

<sup>2</sup> The indenture sets forth the innumerable losses and vexations long and still suffered, for want of a port where traders, with their ships and merchandise, might land. On the one part it is agreed, that the Abbot and convent shall, with all possible haste, at their expense, make and maintain, in the best situation according to the judgment of men of skill, a safe harbour (*portum salutarem*) for the burgh, to which and in which ships may come and lie, and have quiet and safe mooring, notwithstanding the ebb and flow of tides. The burgesses, on the other hand, are to clear the space

fixed on from sand and stones and all other impediments; to fill with stones and place the coffers (*archas*) required for the harbour, under the direction of the masters of the work; to find certain tools necessary for that purpose, namely, spades, iron pinches, and *tribulos* (?), at their own expense; the other instruments to be found by the Abbey. And because, in the foundation of the harbour, much labour and expense are required, more than the burgesses could bear, the burgesses shall pay to the Abbot yearly, three pennies of sterlings from each rood of land within the burgh, in addition to the three pennies now paid,—the additional rent beginning the first year that one ship can safely take the harbour, and there have safe berth, notwithstanding the ebb and flow of the sea. If it should happen, as God forbid,

The Abbey church and conventual buildings—begun in 1178 ; sufficiently advanced in 1214 to be the burial-place of their royal founder ; and probably completed in 1233, when the church was dedicated<sup>1</sup>—were not allowed to decay through age, and the gradual operation of time and the elements. They suffered more than once by fire. Fordun relates, that in the deadly year 1272 (when the land was barren, the sea unproductive, the air stormy, and when there was sickness among men, and mortality of cattle), on Saturday of the octaves of the Epiphany, about midnight, a violent wind from the north coming on suddenly with hail, blew down houses, smothered those sleeping within, and tumbled down lofty buildings ; and that fire breaking out in consequence, burnt the church of Arbroath, and many others.<sup>2</sup> Boece, as usual, adds some circumstances. Not only were churches and houses everywhere thrown down, but the church towers were burnt, and the bells (*quæ preciosissima materia conficiuntur*) partly broken, partly melted. Among which the most remarkable were those which hung in the towers of the church of Arbroath, which church was consumed along with them.<sup>3</sup>

A century later, in 1380, the chronicler informs us that the monastery of Arbroath was again accidentally burnt.<sup>4</sup> It was on occasion of this fire (the origin of which was ascribed to the Devil himself) that the Dio-

that the harbour in process of time fail, by negligence of the Abbot and convent, or any accident, the payment of the three pennies shall cease till the harbour be repaired.

<sup>1</sup> In that one spring were dedicated

the three great houses of Arbroath, Newbattle, and Cupar.

<sup>2</sup> *Scotichronicon*, x. xxx.

<sup>3</sup> *Boece*, 1st edition, fol. 302.

<sup>4</sup> *Fordun*, xiv. xlv. *Extracta e Cronicis*, 149.

cesan authorized the Abbot to distribute the monks of the convent among other religious houses until their own church should be repaired in the roof of its choir, the nave, and the transept (?), (*in chori tectura, in nave et cruce.*) Vigorous measures were also taken for levying funds for these repairs, and for applying them to that purpose exclusively. The Abbot was enjoined to restrain his own expenses, to receive no guests, but to live solitary and privately in his own chamber. Each monk was to be content with twelve marks yearly for food and clothing. The contract with the plumber, which is fortunately preserved, for "theking the mekil quer with lede,"<sup>1</sup> favours a supposition that the injury was partial, and the fire had consumed only the woodwork of the roof of the choir. All that portion of the church is now gone, but the lower walls of the nave and parts of the transepts which remain, show a style of architecture considerably earlier than the fire of 1380.

The situation of the Abbey exposed it to other dangers. On the shore of the German Ocean, it lay open to the inroads of an enemy always powerful at sea; and on the other side, its undefended wealth made it an object of contention to the fierce lords who ruled between the Tay and the Grampians. In 1350, the Bishop of St. Andrews

<sup>1</sup> The indenture is interesting as showing the condition of the workmen of the time. The contractor, William of Tweedale, plumber, burgess of "Andirstoun" (St. Andrews), is to thatch the great choir and gutter it all about with lead, and after it is aluryt (*parapeted*) about with stone, he is to dight it about with lead sufficiently, as his craft asks. For this work he is to have twenty-five marks

and a gown with a hood. The Abbot is to find all the graith, apparently including the lead, and the plumber to have threepence and one stone of each hundred for his travel in fining. Each working day he is to have a penny to his noynsankis (luncheon). The contractor and the Abbey are each to provide a labouring man at their own expense till the work is ended.

recorded that "the church of the monastery of Arbroath, placed on the brink of the sea, had suffered almost irreparable injuries from the frequent onslaught of the English shipping."

We may readily conceive, without proof of record, that the Abbey buildings suffered no less damage in affrays of their landward neighbours. Such, for instance, was that "discord quhilk fell betweine [the Lindesays and the Ogilvies] for ane meane bailiarie of Arebroath, quhilk pertenit to Alexander Lindsay; bot Alexander Ogilvie, quhidder it cam of his awin ambitione or if it was the Abbottis pleasour it is not certain, usurped the bailiarie to himselfe and put this Alexander fra the same."<sup>1</sup> The "discord" was in the winter of 1445, and is thus summarily noticed by a contemporary who cared for neither faction:—

"The yer of God M.CCCC.XLV. the XXIII day of Januar, the Erll of Huntlie and the Ogilbeis with him on the ta part, and the Erll of Craufurd on the tother part, met at the yettis of Arbroth on ane Sondag laite, and faucht. And the Erll of Huntlie and Wat Ogilbie fled. And thar was slane on thair party, Schir Jhon Oliphant lard of Aberdalghy, Schir William Forbes, Schir Alexander Barclay, Alexander Ogilby, David of Aberkerdach, with uther syndry. And on the tother part, the Erll of Craufurd himself was hurt in the field and deit within viij dayis. Bot he and his son wan the feild and held it, and efter that, a gret tyme, held the Ogilbyis at great subjecioun, and tuke thair gudis and destroyit thair placis."<sup>2</sup>

<sup>1</sup> The writer is not impartial where a Lindsay is concerned.—*Pitcottie*, p. 53.

<sup>2</sup> *Auchinleck Chronicle*.

It is said the Abbey church was again burned on this occasion, and not improbably. We know not if the Abbey escaped an attack planned against it a century later, on 17th April 1544. The Lords of the English Council reported to King Henry VIII., that Wyshart, among other enterprises, undertook that a body of troops to be paid by the English king, "joining with the power of the Earl Marshall, the Master of Rothes, the laird of Calder, and others of the Lord Gray's friends, will take upon them . . . to destroy the Abbey and Town of Arbroth, being the Cardinal's, and all the other Bishops and Abbots houses, and countries on that side the water thereabouts." Henry, who was very wroth against the Cardinal, gave them all encouragement "effectually to burn and destroy."<sup>1</sup>

Notwithstanding those partial conflagrations, and all the injuries of foreign enemies and rough neighbours, the Abbey of Arbroath maintained its pre-eminence as among the first if not the greatest of Scotch religious houses, from its earliest period down to the Reformation. "Erant autem," says a historian of the fourteenth century, "duæ in Scotia famosissimæ abbatia, in facultatibus opulentissimæ et in ædificiis munitissimæ, Abrebredoc et Domfermelin."<sup>2</sup> It was in the spacious buildings of this great monastery that Robert Bruce, in April 1320, assembled the Parliament which asserted in such vigorous language, in their letter to the Pope, the freedom of their country. In 1470, we find a new *dormitorium*

<sup>1</sup> *Lelandi Collectanea*, I. 269.

<sup>2</sup> *Hamilton Papers. Maitland Miscell.* IV. 96.

building, with timber brought from Norway ; and in the year 1488, it is incidentally noticed, the Abbey entertained the king and his suite twice, the archbishop thrice, besides visits of the Lords of the Realm, and other hospitality kept.

The scattered fragments of the monastic buildings which still remain, disguised and injured as they have been by injudicious repairs, furnish specimens of nearly every style of architecture, from the era of the dedication of the Abbey down to the century which preceded the Reformation. They are now kept in decent condition, and protected from further dilapidation.

Within the church of this great monastery, William the Lion chose his place of sepulture, and there, on the 4th of the Ides of December 1214, he was buried before the high altar,<sup>1</sup> in presence of his successor and a vast assemblage of the nobles of Scotland. With national irreverence, the good and great monarch's tomb was neglected and dishonoured, probably even before the Reformation, since which time it has lain hid under the ruins of his favourite Abbey, till—six hundred years after his interment<sup>2</sup>—the workmen employed in clearing the area of the church from rubbish, came upon a tomb, which from its situation in the chancel in front of the high altar place, was at once judged to be that of the great founder. The coffin, of stone, was found to contain only a portion of the bones of a man of good stature, not much decayed. Its cover, of a blue shelly

<sup>1</sup> *Ante majus altare.*—Fordun.

<sup>2</sup> 20th March 1816.—*Montrose Courier* of 29th.



marble, had upon it some mutilated sculpture.<sup>1</sup> It was hoped that the head and other fragments of the monument might be found, but none have as yet been discovered.

At the same time was discovered (in one of the western towers) a mutilated figure of a crosiered ecclesiastic, of the fine sandstone of the district. It is one of those effigies which stood under the niches that ornament all our older churches, and is of good workmanship for that purpose. The lace, especially, is very elaborate and sharply wrought, and when first discovered, still preserved some remains of the gold leaf with which it had been ornamented. It is commonly said to be the statue of St. Thomas à Becket, the patron, but on no better grounds than the recumbent monument is ascribed to the founder of the Abbey. The latter, indeed, has some circumstances in favour of the identification, though it must be confessed its position in front of the high altar might suit equally well for one of the old Earls of Angus or other munificent benefactors of the Abbey.

The Registers of Arbroath are not so rich as some others in subjects of interest to the general antiquary. A few illustrations of old life, however, do occur, and are always welcome.

The Abbot, on account of the perils of crossing the sea

<sup>1</sup> The monument is of fine workmanship, and quite unlike any other in Scotland. At the feet is a lion, or some such heraldic beast. The robe is simply and gracefully draped, and the waist girt with a narrow belt, to which is attached a pouch or purse. Small figures, at least four in number, and having the

spurs and apparently the arms of knights, are engaged in arranging the robe of the principal figure. These diminutive attendants, which form the chief peculiarity of the monument, recall in some degree the attendant saints on the tomb of King John in Worcester cathedral.

to St. Andrews, obtained from Rome the privilege of conferring minor orders, and consecrating the furniture of the altar.

The much-vexed claim of *Subsidy* was virtually enforced against the monastery by both diocesans—the Bishops of St. Andrews and Brechin—though resisted, and paid under protest.

Herrings in salt and in barrel are paid as rent from Inverness, as if they were not then found off the Arbroath coast.<sup>1</sup>

For a permission to take bait from the shores of Monifieth, the white fishers of the north ferry of Portincraig (Broughty) paid for every day's fishing of each small line six white fish.<sup>2</sup> Several documents show the jealousy with which the rights of sea fishing were protected, at a time when it is commonly supposed the produce of the sea was not yet appropriated.

Notices are found of early banking, and something resembling foreign bills of exchange.

I have met with only one notice of books, which were volumes of Canon Law, evidently of much mercantile value.

The only recorded covenant with a schoolmaster for instructing the novices and young brethren, is unfortunately silent as to the branches of learning they were to be taught. Mr. Archibald Lamy, the pedagogue, has ten

<sup>1</sup> *Cum contigerit per Dei gratiam alleca venire . . . dictus d. W. 10,000 allecum partem in sale, partem in barellis dabit, in statu bono.*

<sup>2</sup> The covenant is curious in other re-

spects. The Abbot was bound not to receive Luvel's, and Luvel not to receive the Abbot's fishermen—an attempt to extend to the fishermen a part of the law which bound colliers and salters to the soil.

marks of salary—the customary and almost legal stipend of a parochial vicar—besides his daily portion with the monks.

The “Advocate” of the Abbey, receiving a yearly pension of twenty marks for his counsel and “advocation,” was no less a personage than Master James Henrison, the Clerk of Justiciary, or, as we write the office, Lord Justice-Clerk.

The supplication and complaint of Abbot Malcolm to Parliament and Convocation, must have been drawn by a less practised hand. It is a very curious specimen of untechnical legal pleading as well as of idiomatic Scotch language and old customs.<sup>1</sup>

We owe to David Betoun, on his first coming into the Abbacy, some rules for its economy, which show the yearly consumption of all supplies by the convent. The monks used annually 800 wedders, and 9 score of marts, besides lamb and veal, swine, grice, and chickens; eggs and butter; dried fish (keeling, haddock and spelding), large supplies of fresh sea fish, and 11 barrels of salmon, the produce of their fishings at Dundee, the Ferry (Broughty), and Montrose. The allowance of wheat was 30 chalders, of oatmeal 40 chalders, and of malt 82 chalders. The officers are rebuked for negligence in letting the convent want provision, “sen God, of his grace, has given the place largely to live upon.” The Abbot found that the “estimate” of expenditure exceeded the charges of the old cellarer in 1488, which were but

<sup>1</sup> See Appendix. The *guerela*, though without date, is fixed by the Abbot's name, between 1456 and 1470.

£500, though in that year "the Kingis hienes was heir twys; the Archebischop thris, and the lordis of the realme and al otheris hospitality kepit."<sup>1</sup>

But the real and paramount interest of a monastic Register, is in furnishing directly or collaterally what may be considered the territorial history of the province. There is hardly a barony in Angus and Mearns which does not receive illustration from the records of Arbroath; scarcely a family of note which must not seek its early history among the transactions of the great Abbey. The more ancient volume is said to have disappointed the gentlemen of Angus, who expected to have found ancestors of their own names there chronicled. They had not considered how many of our ancient families went down in the War of Independence; how few of our present aristocracy trace back beyond the revolution of families and property which took place under Bruce. The great old Earls of Angus, Fife, and Strathern, are little more than mythological personages to the modern genealogist. The De Berkeleys, De Valoins, De Malherbes, Mauleverers, De Montealto, De Monteforts, have not even left their high-sounding names in the country they once ruled. Durward and Cumming, as great as any of them, have fallen into humble life. It is the common case all over Scotland. It is more surprising that some families of the ante-Brusian magnates of Angus still flourish. Lindsay and Ramsay, Ogilvy and Maule, are no ignoble representatives of the old seignory. No such disappointment, however,

<sup>1</sup> It will be observed the Cellarer's department and "charges" embrace only the meat, fish, poultry, spices, &c., leaving to the Granitar flour, meal, and malt.

can reasonably be felt with regard to the later volume. A large proportion of the extant families of the two shires will find their ancestry illustrated in it; and, though Carnegies and Guthries, Burnetts and Irvines, and a few others, need no such help, it may yet come to pass that it will be held a proof of *gentry* in Angus and Mearns to be able to point to an ancestor in the Chartulary of Arbroath.

#### KELSO.

No other spot of Scotch ground has witnessed such changes as the river bank where Teviot falls into Tweed. A town once stood there, of such importance as to form one of that remarkable Burgher Parliament, known as "the Court of the Four Burghs of Scotland," of which not a house, not a trace, remains. Still earlier, and long before the kindred people dwelling on the opposite sides of the Tweed had learned to look on each other as aliens and enemies, the great Princes of Northumberland had built a castle there, which became a favourite dwelling of Earl David, afterwards King David I. Before his accession to the throne, while Prince of Cumberland, and of a large district of southern Scotland, as well as after he became king, and while he ruled in peace all Northumbria to the Tees,<sup>1</sup> that prince found Roxburgh a central and convenient residence. Even after southern North-

<sup>1</sup> The English chroniclers, painting vividly the distractions of southern England during Stephen's reign, in the middle of the twelfth century, describe the

northern region, all beyond the Tees, as enjoying undisturbed peace and prosperity under the authority of David of Scotland.—*Bromton*; *W. Neubr.*