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The Blackhalls
of that Ilk and Barra

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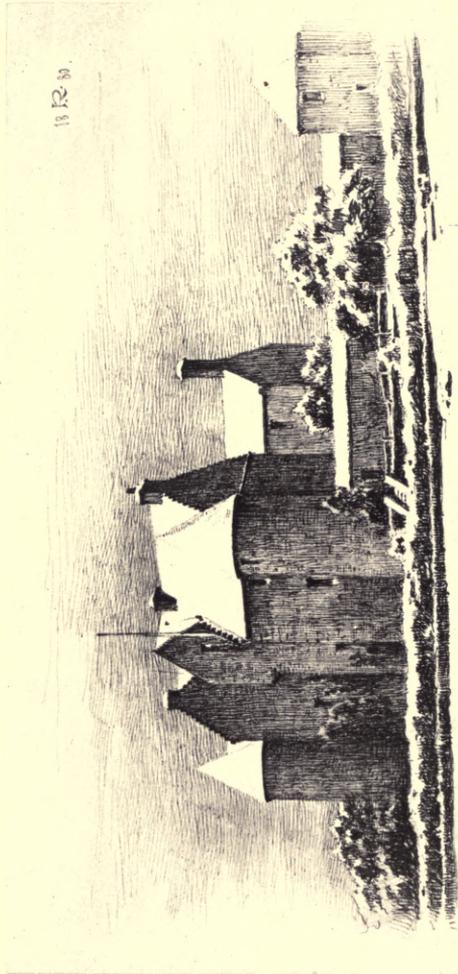
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Brown, Carter, & Xmas Day, 1860.

Alm

vii

The Blackhalls of that Ilk and Barra

Hereditary Coroners and Foresters
of the Garioch

By

Alexander Morison

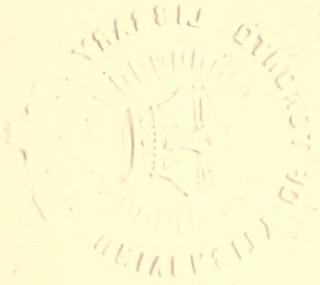
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P R E F A C E.

THE Editor for the New Spalding Club of the *Records of Aboyne* (p. 183), in discussing a charter conveying land, refers to one of the witnesses—Alexander Blackhall of that Ilk—as “a member of an ancient family, who frequently appear as witnesses to Aberdeenshire charters.” The object of the following pages is to give some account of that family. It is, moreover, one of the conditions attached to the granting of a “free search” among the documents in the Historical Department of His Majesty’s Register House in Edinburgh, that the results of such investigation should be published. As I obtained such permission in connection with an examination of the family history of the Blackhalls of that Ilk, I now fulfil the obligation thus imposed on me. But for this, the following records, if published at all, would probably have been circulated privately, for immediate interest in the history of most families is limited. It may be, however, that a certain general interest attaches to the history of the Blackhalls, as a concrete instance of the feudal forfeitures, to which King James VI. was sufficiently ill-advised to resort, in order to fill his depleted Treasury. It would, moreover, be strange, if, in the continuous story of a number of human beings, such as is set forth in these pages, there were no “touch of Nature” discoverable calculated to make “the whole world kin,” and consequently more or less interested. Possibly the Reader may, in this history of the

Blackhalls, find some such justification for the wider publication of these memorials, which the circumstance mentioned has rendered necessary.

The spelling of proper names (with the exception of that of Blackhall, in which case the more recent mode is usually followed), will be found to vary in these records. The form of words used in the original documents has, as a rule, been retained, as impressing more vividly on the mind the reality and actual occurrence of events long past, and the historical existence of persons also long dead. To be vague in the apprehension of any history, is to lose the full force of such teaching as it may contain, and in an age of scepticism, a fact, if remote, requires all the corroboration possible.

I desire to take this opportunity of acknowledging the courteous aid afforded me by the officials of the Department mentioned, in which I have gathered much of my material. Besides these, however, and among others to whom I am indebted, I have especially to express my obligations to Mr. Alexander M. Munro, City Chamberlain of Aberdeen, who had the kindness to read my manuscript and to correct and supplement its contents in several important particulars. A like service was rendered me by my friend, Mr. Walter H. Guthrie of London.

I desire also to record my thanks to Sir George Reid, R.S.A., for the permission which he has so kindly granted of using his beautiful picture of Barra Castle as a frontispiece to this book.

To my friend, Mr. Frank Crosbie of London, an amateur draughtsman and printer, whose artistic ability has been of much service to me in other and more technical fields, I am indebted for the designing and execution of the arms of the Blackhalls of that ilk, and also for the photograph of the

portrait of Sir Alexander Morison, from which one of the illustrations has been made.

Many of the documents I have used were copied for me by the Rev. Walter MacLeod of Edinburgh, a favour which I gratefully acknowledge.

Finally, it is difficult for me to express in words my sense of obligation to Mr. P. J. Anderson, the Secretary of the New Spalding Club. Without his unvarying kindness and wise advice, and that of Mr. Munro, this book would not have been worthy of acceptance by the Club.

A. M.

14, UPPER BERKELEY STREET,
LONDON, W., *June 9th, 1905.*

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“ a generatiōne in generatiōnem.”

Again ye near me, dim and shadowy faces,
Which have before arisen on my sight.
Shall I attempt to fix your airy traces?
In the illusion do I still delight?
Ah! Ye approach! Your might my will replaces,
As from a cloud-land round me ye alight.
My bosom thrills again with youthful feeling,
From magic zephyrs all around you wheeling.

GOETHE (*adapted*).

A. M.

THE BLACKHALLS OF THAT ILK AND BARRA.

CHAPTER I.

The Garioch and the Earldom of Mar.

UNLIKE Gaul, all Aberdeenshire was divided into five parts. These were the districts of Mar, the Garioch, Strathbogie, Formartine and Buchan, a division which still has a definite signification.

The district of the Garioch is bounded on the south-west by Mar, on the north-east by Formartine and Buchan, and on the north-west by Strathbogie. It has an area of about fourteen miles by eight — the largest diameter passing in a north-westerly direction from Ardiherald in the east, so named in Gordon of Straloch's map, towards the Huntly boundary of the district in the north-west. It is largely a valley between hills to the north and south, for the hilly range of Bennachie, though regarded as essentially a Garioch mountain, is placed by Straloch just outside the southern boundary of this district. The valley is abundantly watered by tributaries of the Ury, which has a confluence with the Don a little to the south of the ancient and royal burgh of Inverurie, the capital of the district. Thus situated, the peacefulness of later times, and the industry of its population, have rendered the Garioch "the Granary of Aberdeenshire." A visitor to the district is struck on the whole by a comparative absence of woodland. There is sufficient evidence, however, that this was not so always. The forest country in the neighbourhood of Kintore, lying to the south of Inverurie, was probably more or less continuous with woodland in the Garioch, and, as we shall learn later, the Garioch had its own Forester, originally a vassal of the Earl of Mar, and later of the Crown.

In the end of the twelfth, or beginning of the thirteenth century, the Garioch emerges from the rule of the Celtic Maormars, and their vassals the Toisechs, as an Earldom, in the person of David, Earl of Huntingdon, the third son of King David I. of Scotland. From that period comes

into clearer light the mutual struggle and assimilation of North and South, of Celt and stranger, whether Saxon, Norman, or Norseman, in this district of Aberdeenshire. That interesting Crusader, Earl David, does not seem to have retained the Earldom long, which was next conferred upon a natural son of King William, whose heir dying childless, it was granted to William Comyn by Alexander III. After the defeat and forfeiture of the Comyns by Robert the Bruce, the Earldom of the Garioch sank to a Lordship, and appears to have been given as such by that King, possibly as a marriage portion, to his sister, Christian Bruce, and her husband, Gratney, Earl of Mar, who was already his brother-in-law, the King having married the daughter of Donald, Earl of Mar, and the sister of this Gratney.

In view of the future development of this narrative, it will be convenient in this place to deal as shortly as possible with the genealogical history and relation to the Garioch of the Mar family.

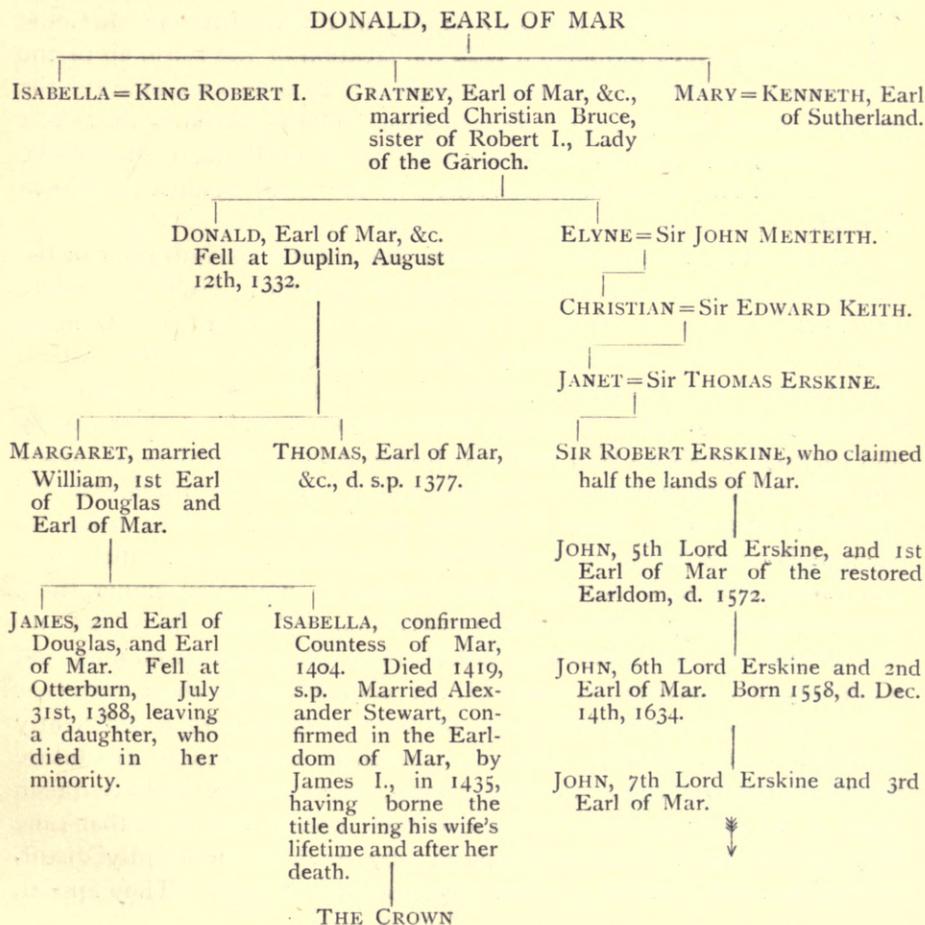
Donald, Earl of Mar, was succeeded by his son, Gratney, who, as has been stated, married Christian Bruce. This Countess of Mar seems to have been Lady of the Garioch in her own right, for she grants charters within the regality in that capacity. She carried the Lordship to her husband and her descendants. They had a son, Donald, who succeeded as Earl of Mar and Lord of Garioch, and was slain at the battle of Duplin in 1332, and a daughter, Elyne, who married Sir John Menteith. Donald, who fell at Duplin, left a son, who succeeded him, and was the last male of his race, dying without issue, and a daughter, Margaret, who, with her husband, William, first Earl of Douglas, succeeded her brother. She was the mother of her successor, James, Earl of Mar and Douglas—the “kindly Scot,” who fell at Otterburn, without succeeding issue, in 1388. He was succeeded by his sister, the Countess Isabella of Mar, who also died without issue, but after transferring the Earldom to her somewhat unceremonious wooer and husband, Alexander Stewart, the illegitimate grandson of King Robert II., and in 1411 the victor of Harlaw. From this transaction a good deal of future trouble sprang. The instrument of transfer was dated August the 12th, 1404, and vested the succession in their immediate heirs, whom failing, in the husband’s heirs. Anxious to give his acquisition of the Earldom an air of less compulsion, Alexander Stewart renounced this deed on September 9th of the same year, and on December the 9th, 1404, a charter giving the succession to the

Countess Isabel's heirs, in the absence of legitimate descendants of herself and Alexander Stewart, received the sanction of Robert III. (Lord Crawford's *Earldom of Mar*, p. 204, *et. seq.*) Isabel died in 1419, without issue, and Alexander, Earl of Mar, her husband, still enjoyed the lands and privileges of the Earldom. Although his services at Harlaw were now a matter of history, he was apparently dissatisfied with the authority carried by the sanctions of the discredited Duke of Albany, sometime Regent of Scotland, and resigned his status and possessions into the hands of James I., who thereupon granted a charter on the 28th of May, 1426, by which the Earldom should at Alexander's death devolve on the latter's illegitimate son, Sir Thomas Stewart, and, after the death of Sir Thomas and the failure of his lawful issue, return to the Crown. Sir Thomas Stewart predeceased his father without legitimate issue, and on the death of the Earl himself in August, 1435, the Earldom and its patronage vested in the Crown in virtue of the terms of the grant. The King thus purposely ignored the asserted legitimate blood-claim of Sir Robert Erskine, the great-grandson through two female descents of Lady Elyne of Mar, the daughter of Gratney, Earl of Mar, and Christian Bruce. In the pursuance of a larger state policy, *regia voluntas suprema lex*, appeared to be a flawless maxim to the early Jameses, and what Robert III. confirmed, James I. annulled, the legal value of the charter not depending upon any question of abstract justice, but upon the royal sanction of a feudal king—the overlord of all his vassals. But, and this is a point to be borne in mind, in view of future developments, so far as they concern our present purpose, the legal force of charters granted by Alexander Stewart, as Earl of Mar, during his life time, could not be righteously disputed. It was disputed nevertheless, as we shall learn in due course. From this time (August, 1435) until 1565, when Queen Mary restored the Earldom of Mar in the person of John, fifth Lord Erskine, the representative of the displaced Sir Robert Erskine, the Crown or its representative administered all the functions of the Earldom of Mar and Lordship of the Garioch. Queen Mary, however, moved, it is said, by compunction at the iniquitous conduct of her predecessors, restored the Earldom at the above date to the Erskine line, not, however, before having conferred that title in 1561, on the occasion of his marriage with the Earl Marischal's daughter, upon her father's illegitimate son, James Stewart, subsequently Regent of Scotland. She also conferred

with the title such lands pertaining to it, as were at that time not allotted to other persons. James Stewart, Earl of Mar, did not, however, long retain that Earldom, and exchanged it for the Earldom of Moray, which became his after the fall from favour of the inconveniently interposing Earl of Huntly. Mary, a true daughter of the old faith, had thus no apparent compunction in conniving at the sacrifice of the strongest prop at that time in Scotland, of the faith in which she died, yet, she is represented as hurt at the notion that her predecessors should have deemed it advisable to distribute the Mar estates and resume the immediate superiority of Mar and the Garioch. No, the theory of royal compunction in the matter of the Mar peerage cannot be maintained. The Regent Moray was the illegitimate son of James V., by a daughter of the fourth Lord Erskine, and sister of John, fifth Lord Erskine, also Regent of Scotland, in whose person the old Earldom of Mar was restored, according to some, or a new Earldom of that name created, in the opinion of others. In view of these circumstances, it is much more probable that the influence of Moray and the Erskines had a good deal more to do with the restoration than any compunction on the part of the Queen as to an injustice perpetrated by her predecessors. That compunction of Mary's is doubtless a *façon de parler*. It will be noted, however, that in granting the title to James Stewart, the Queen only gave with it such lands as the Crown at that time retained.

Mary now leaves our narrative, and is succeeded by her son, James VI., one of whose companions, from his youth up, was John Erskine, Earl of Mar, born about 1562. He became known as one of the most powerful persons at the Court of that monarch. The personal ambition of this astute nobleman seems to have been, not only to wear the ancient dignity to which his family considered themselves entitled, but also, if possible, to recover all the lands or fiefs which once belonged to the Earldom of Mar. This ambition, if realised, would have added largely to the revenues of the family, at a time when no one in Scotland was rich. In furtherance of this aim, he instigated that action of the Scottish parliament, which in 1587 decided that the ancient possessions of Mar still appertained to the restored Earldom. But the mere necessity for such action, and the terms of the grant to James Stewart, prove that the Act was passed to clear the way for further action in the attempt to recover these lands, most of which had been held for generations by families which had rendered doughty service to the Crown in the interval,

and paid the blood tax at Flodden and at Pinkie. Nay, in the legal processes which arose out of this matter, the language of insult was not wanting. In an action by the Earl of Mar to "reduce" Duguid of Auchinhuive, that member of a county family of repute is curtly described as "one Duguid," and a trespasser. With the later developments of the history of the Mar peerage we are not concerned, but the bearing of the circumstances just related on the present narrative will appear in due course. These genealogical facts concerning the succession to the Earldom of Mar may be conveniently presented in the following tabular form:—



CHAPTER II.

The Blackhalls of that Ilk and Barra.

THE early history of the Garioch may be divided into (1) the Celtic period, which terminated with the creation of the Earldom of the Garioch, under David, Earl of Huntingdon; (2) from that time till the battle of Barra, in 1307, when Robert Bruce finally overthrew the power of the Comyns; (3) from the date of the battle of Barra to that of the battle of Harlaw, when victory declared for the South against the North in 1411.

Of the families which held land and office in the Garioch prior to the battle of Harlaw, the Blackhalls of that Ilk were one. How long before that date they were domiciled in this district, it is difficult to determine. Material for the early history even of powerful families, whose descendants still continue in possession of their ancestral acres, is frequently scanty. The troublous times in the history of their county and country, through which many such houses have passed, have caused the loss or destruction of charters, which would be invaluable for historical purposes. These difficulties are increased tenfold when an attempt is made to write the history of families, long after they have lost touch with their lands; while statutes of limitation under these circumstances only require the preservation of such deeds as are necessary for the transmission of lands to new proprietors, who may, and frequently do, succeed one another at comparatively short intervals. The Blackhalls appear, indeed, at one time to have been a sufficiently powerful county family, with a reasonable expectation of future greatness, but a division of their estates, which seems to have taken place at an early period, also divided their power, and since that time they do not seem to have produced any member sufficiently distinguished to reach a public position of power and influence. They appear,

on the whole, to have been a law-abiding and steady race, who had, generation after generation, fulfilled the duties of their position as a recognised, though minor, county family, and suffered, as will be told, undeserved spoliation, at the hands of those in whose service they sacrificed both wealth and life. A circumstance fortunate for the genealogist, but annoying, and doubtless expensive to the Blackhalls, at a time when they could little afford it, was the action for reduction brought against them in 1634 by the Earl of Mar, to which reference will again be made. Owing to this action, however, the purport of many charters, dealing with the history of the family, has been preserved, which would, in all probability, have otherwise been lost.

It is generally agreed that surnames first began to be used, in Scotland at all events, in the reign of David I., and the most ancient surnames are those which have been taken from lands. It may also be, that in some instances, lands have been named after their owners, and ancient landmarks removed, as is at times observed even in the present day. Blackhall itself, for example, and some other old properties in the Garioch, are now included in the estate of Manar, so called from the Straits of Manar, where the grandfather of the present proprietor amassed money!

As a place-name, Blackhall, or its equivalent, is pre-Norman. It is met with in various forms, and in different parts of the country, in Domesday Book. Thus Blacheshale, in Somersetshire, belonged, after the Conquest, to Roger de Corcelli, and Blachenhale and Blachehol, in Cheshire, to Count Hugo (Earl Hugh). In 1278-79, Walter de Wigton held the manor of Blachale, in Cumberland, and Lower, in his *Patronymica Britannica*, derives the surname Blackhall from Blackhall in Cumberland. Lower, however, regards Blackhall as a place-name as a corruption of Blackwell, but the reverse is the fact. Blackhall, now the property of Musgrave of Edenhall, immortalised by Hufeland and Longfellow, is the ancient Blachale, in Cumberland, already mentioned. The earliest instance I have met with of the use of Blackhall, or its equivalent, as a surname by one presumably an Englishman, is that of Simon de Blakeshale, who was constable of Roxburgh Castle for Edward the First in 1306-7 (*Col. of Doc. relating to Scotland*, Vol. II., p. 502). Whether in that period of fluctuating political allegiance, he had any connection with the Garioch Blackhalls, who appear to have espoused the

cause of Bruce, does not transpire. As a surname, Blackhall is also met with in England in the form of Blackenhall, Blackhall, Blackhaller and Blackall. One of the Bishops of Exeter, in the 17th century, was Offspring Blackall. He was born in London. His father probably came to town as a "Blackhall," and discontinued the use of, or "dropped the h" in the Metropolis (*Dict. of National Biography*). The Bishop had a son, Theophilus, who was a Prebendary of Exeter, and the father of two sons, John and Samuel, of whom the former became a distinguished physician, and the author of a work on *Dropsies and Angina Pectoris*, which is still valuable; while the latter was a somewhat pugnacious ecclesiastic, who became rector of Loughborough (*Dict. of National Biography*). From a search made for me by Portcullis Herald, at the English College of Arms, it would appear that documentary evidence of the name bearing arms does not exist in the repositories there prior to 1533.

The argument from heraldry, to establish a connection between the English name and that of the family of the Garioch, is less convincing in the case of the latter than in that of some other families in Aberdeenshire, such as the Bissets and Burnetts, whose southern origin can be demonstrated.

In consequence of a destruction of the Lyon Registers, between 1542 and 1672, an Act of the Scottish Parliament was passed in the latter year, ordaining those entitled to bear arms in Scotland to register the same in the books of the Lord Lyon. The arms of the Blackhalls were not registered. Some twenty years prior to 1672, both the Blackhalls of that Ilk and the Blackhalls of Barra, as represented by cadets of that family—the Blackhalls of Finnersie—had parted with their estates, and, prior to 1655, John Blackhall of that Ilk, the last male in the direct line of the Barra family who possessed Blackhall and the offices, had died without issue. Although there were at that time descendants of the original Blackhalls of that Ilk in the City of Aberdeen, as will be shown later, one of these contented himself with a birth-brief affirmation, but took no other steps. The signatures to charters show, however, that the Blackhalls used their "proper seals" on these occasions, and some particulars of their arms have been preserved by James Pont in his "Alphabet of Arms of the Nobility and Gentry of Scotland," written in 1624. Pont's manuscript is now at Dupplin Castle, but was formerly

foa p. 9



The Arms of Blackball of that ilk.

in the Lyon office in Edinburgh, when two generations of the Earls of Kinnoul held the office of Lord Lyon. Copies of the manuscript are still preserved in the Lyon office. In one of these, which I have examined, the Blackhall arms are given as "Gules, a hooded falcon sitting on a hand and glove, or ; on a chief argent, three mullets, gules." In another copy, known as Hume's manuscript, the arms are given as "Gules, a dexter hand couped fessways, and thereon a hooded falcon perched, or ; on a chief argent, three mullets of the first."

There must, however, be yet another version, as Burke gives the more complete arms of Blackhall of that Ilk as, "Gules, a hand issuing out of the sinister flank, and thereon a falcon perching, and hooded, or ; on a chief argent, three mullets, azure; Crest, an annulet, or, stoned vert." (*General Armoury*, 1878, p. 87.) Finally, Nisbet, giving as his authority Pont's manuscript, states as the arms of "the name of Blackhall, gules, a hand issuing out of the sinister flank, and thereupon a falcon perching, and hooded, or ; and on a chief argent, three mullets azure." (*System of Heraldry*, Vol. I., p. 346.) The difference in the tincture of the mullets, recorded by these authorities, is probably due to their having been azure in the case of one of the chief families of this name, and gules in that of the other. At the time when Pont made his collection, moreover, it must be remembered that the head of the house of Barra had acquired the honours of the Blackhalls of that Ilk, and this fusion of the chieftainship may in a measure be accountable for confusion in the heraldic detail in question. These insignia seem very appropriate to the hereditary Coroners and Foresters of the Garioch, and this impression is not diminished when we know, as we do, that the feudal reddendo for Blackhall, duly paid into the Royal Exchequer in 1462 and again in 1465, was twelve hunting dog collars (*columbaria leporariorum*) (*Exchequer Rolls of Scotland*, Vol. VIII). It is rarely that the herald and feudal lord in conjunction succeed in producing so appropriate and eloquent a combination. As regards the antiquity of the arms, Mr. William F. Macdonald, an expert authority on seals, whom I had the pleasure of meeting in Edinburgh, is of opinion that their very eloquence argues that they cannot be older than the sixteenth century. It is possible that the original arms were simpler, and showed the mullets on the chief as the principal charge, but we know that the offices were held at the commencement of the fifteenth century, and I have shown that the sporting reddendo was paid during the same period. C

There is also a certain interest in considering a possible southern origin of the Blackhalls from the mullets charged on the chief, for the Devonshire Blackhalls also bear a chief, but charged with bezants. Thus, there is in the College of Arms, in London, a pedigree of a few generations of Blackhalls of Cowick, in Devon, beginning with a burgess named John Blackhall, in 1538, and also of Blackhalls of Totnes, in Devon, commencing in 1555. These families bore: paly of six, or and sable, and on a chief gules, three bezants. The arms of Blackenhall, in Warwickshire, were also registered in the College in 1533. They are: party per pale or and azure, an eagle displayed, counter-changed, charged with a mullet of the first. Here we have, curiously enough, the chief on the shield of the Scottish Blackhalls, with bezants instead of mullets, and an eagle displayed instead of a falcon perching, and charged with a mullet (possibly a mark of difference) in the arms of Warwickshire Blackenhalls. It is evident, however, that from these faint resemblances no reliable conclusion as to a common origin can be drawn. The Blackhalls were therefore, *possibly*, like many others in the colonisation of the Garioch, of Norman or Saxon origin, or they may have been Normanised Celts of a later period. The point must, in the meantime, be left undecided, until accident or research produce trustworthy evidence to settle the question. There is, however, one point which should be mentioned before leaving this subject.

The emerald ring as the crest of the Blackhalls may merely be symbolical of their coronership, as the annulet in heraldry was sometimes associated with an official position, but it is interesting in this connection to recall the fact that James, Lord Douglas, held "all his lands as ane free regality, and be putting on ane ring and ane emrod on the Earle and his successor's fingers the day he should take sasine, by the King" (Robertson's *Missing Charters*, p. 10). It will be remembered that the first Earl of Douglas, and his son, the hero of Otterburn, were both Earls of Mar and Lords of the Garioch, while the Blackhalls of that Ilk were Coroners of the Garioch certainly in the time of Earl James Douglas's sister, the Countess Isabel, and probably earlier. The emerald ring of the Douglasses and Blackhalls may therefore be a mere coincidence, or the Garioch coroners' crest may have been suggested by the feudal ceremonial ring of their overlords. From the possession, at an early date, by the Blackhalls, of the estate of Barra, the scene of

Bruce's overthrow of Comyn, their early official status in the Garioch, together with the interestingly suggestive similarity between their charges on the chief and their crest, and some of the charges in the Douglas arms, and the emerald ring ceremonial of those early overlords of the Garioch, I am inclined to believe that the Blackhalls belonged to the Bruce and Douglas faction in the War of Independence, and probably found their way to the Garioch from the south of Scotland, and as probably went thither from Cumberland. This is, I admit, merely surmise, but it has a reasonable probability.

As a place-name, Blackhall is met with in all parts of the kingdom, and occurs plentifully in Scotland. In the indices of the published volumes of the Great Seal Register it occurs no less than fifteen times, and in many parts of the country. Thus it is met with in Aberdeen, Dumfries, Edinburgh, Elgin, Fife, Perth, Renfrew, Kincardine, Kilwinning, Haddington, Dirleton, Ewisdale, Forfar, Lanark and Stirling. So widespread a name could not, of course, be associated with possession by a similar surname. Moreover, many of these places must have existed before surnames came into use, and had they given a name to persons, these would form a very numerous clan. The Blackhalls, on the other hand, have never been a numerous people, and the chief families of the name in Scotland are now, so far as documentary evidence goes, extinct in the male line. The term Blackhall was then, in all probability, originally used to denote the seat of some widespread office.

Etymologically regarded, there are places with the qualifying prefix "black" which may be derived from the Norse "blakka," meaning white or bleached, or bleak, rather than the Anglo-Saxon "blac" or "blaec." Thus Isaac Taylor, in his *Words and Places* (3rd Ed., p. 324), suggests that such names as Blackheath and Blackmore are quite as probably Bleakheath and Bleakmore, but in association with "hall" in its many forms, the Anglo-Saxon "blac" is evidently most appropriate, although the genius of Dickens wound a story of human interest round a "Bleak House."

Murray (*New English Dictionary*) gives as the various forms of "hall" — heall, heāl, halle, alle, hal, haule, hale, awle, hawlle, haull, the old English heall and the old Norman holl, or hall. He might have added the Lowland Scottish haw, the form in which

Blackhall is met with in one document (*Reg. Mag. Sig.*, Vol. II., p. 668). The hall or manor house was, we know, anciently a local court of justice. Shakespeare's Justice Shallow has emphasised this point. The qualification of the term in this sense by the adjective black seems to suggest not only a court of justice, but of condemnation and imprisonment, a hall, in short, where a prisoner could not only be tried, but condemned and immured, if deemed advisable. The "Blackhall" might, in short, lead to the "blackhole," and although dictionaries are silent as to such a derivation of the latter term, it seems quite a reasonable transition. According to Murray (*op. cit.*, p. 894) the punishment cell, or lock-up in a barracks, the guardroom of to-day, was, until 1868, officially termed the black-hole.

In the monastery of Kilwinning there was a chamber known as the Blackhall, and called also the tolbooth for the administration of justice. In a charted agreement between Alexander, the Commendator of Kilwinning, and Hugh, Earl of Eglinton, dated April 23rd, 1582 (*Reg. Mag. Sig.*), it is provided that "*lie Blakhall nuncupand. lie tolbuith pro justicia administranda*," is to be placed at the disposal of the latter as bailie "*suo domum*," together with other places for incarcerating criminals, erecting gallows, or for general political purposes. In Berwick Castle there was also a hall, called "*le Blackhalle*," which, with its kitchen and two holes (*foramina*), are directed to be repaired (*Col. of Doc. relating to Scotland*, Vol. IV). "Nicholas of the Blackhall" occurs as the designation of an individual in the Close Rolls (*tempore Richard II.*), and probably denoted some attendant or official in the Blackhall of a monastery. (*Dictionary of English and Welsh Surnames*, by C. W. Bardsley, London, 1901.)

It is evident, therefore, that the Blackhall was a local court of justice in ancient times, and, as the term is Anglo-Saxon, probably dated from that period. Hence the wide-spread occurrence of the name all over the Kingdom. Its frequent occurrence in Scotland is probably due to the incursion of the Saxons into that Kingdom about the time of Malcolm Canmore, whose saintly Queen was the sister of Edgar Atheling. The Norman conquest of England is also known to have driven many Saxons into the neighbouring kingdom, and the present North of England was, we know, in ancient times, as much Scottish as English.

In endeavouring to decide whether the Blackhalls of Blackhall, in the Garioch, gave their name to their lands, or took it from the latter, we are met with this additional difficulty, that, from a remote but undetermined period, they were the Coroners of the district, and exercised their jurisdiction as such at that place. The occurrence of the name as a place-name in the district must date from the time of the southern colonisation of the Garioch, somewhat on the lines of the more recent Plantation of Ulster. "The origin of the Blackhalls of that Ilk," Dr. Davidson remarks, "is not known, nor that of the dignity they enjoyed of hereditary Foresters and Coroners of the Garioch" (*Inverurie and the Earldom of the Garioch*, p. 228). So far as documentary evidence goes, they appear to have been Coroners before they were Foresters, as will presently be shown.

The antiquity of the designation "of that Ilk," "de eodem," "ejusdem" and "de eadem" is great, and the term is not altogether limited to Scotland. Thus, the name of "Robertus de Stokes de eadem" occurs in a charter of Edward I. in 1297 (Rymer's *Foedera*). In Scottish history the designation begins to occur most frequently in the reign of David II. (1331-1370). Prior to that it was more usual to find the name of the owner associated with that of his lands mentioned separately. Thus there is a charter of the lands of Thornton, in the Mearns, to Valens de Thornton, but nowhere among Robertson's missing charters of the reign of Robert the Bruce do I find the style "of that Ilk," "de eodem" or "ejusdem," while these terms are constantly met with in the reign of his son.

On the whole, the opinion seems to be well founded that in the case of the minor aristocracy, to which a large proportion of those using the style "of that Ilk" belonged, the owners took their names from lands already so-called, and did not confer their names on the latter. The writer of the *Memorials of the Kilravock Family* (Spalding Club: Intro., p. 11) states that such "surnames had ever the word 'De' prefixed to them," and that to within "little more than an age" prior to his writing, which was in 1683-84.

The first documentary evidence of the occurrence of Blackhall as a surname in the Garioch is in 1398, when it occurs with this prefix as "de Blakhall." On the 10th of August in that year, Willelmus de Blakhall sat on an inquest to retour William de Tulideff (destined to fall at

Harlaw), heir to his father, John of Tulideff. This William de Blackhall may or may not have been the William Blackhall of that Ilk whom we meet with a few years later, because one of his companions on this inquest is designated "Johannes de Abercrumby, dominus de Petmalky," and another "Jacobus de Malavilla (Melville)" (*Reg. Episcop. Aberd.*, I., 202). He was probably at least 21 years of age when he served on this inquest, and his father probably bore the name before him, which would take us back to the reign of David II., when, as I have said, the style of that Ilk, or its Latin equivalent, is of frequent occurrence.

If a Blackhall of that Ilk existed at that time, as is most probable, his memory and his name have perished, but the fact of a family of the name holding place and power in the Garioch so soon after the date of the battle of Barra (1307), would argue that the Blackhalls must have belonged to the Bruce faction in the internecine struggle of the period, as I have already suggested.

Documents giving the date at which the Blackhalls first possessed Barra, where the battle was fought, are missing, but it cannot have been later than the commencement of the fifteenth century, and was quite possibly in the fourteenth.

The family to whom Bourtie in the vicinity of Barra belonged, at a very early period, were the Lambertons (*History of Aberdeen and Banff*, by William Watt, p. 49). When and how the latter lost possession, I have not discovered.

Although the period at which the Blackhalls acquired the estate longest in the family cannot be precisely fixed, there can be no doubt that they owned the lands of Blackhall, from which they took their name, before they possessed any others.

From one or other of their holdings, the Blackhalls of that Ilk, like many other old families, also possessed the right of pit and gallows. When John Seton of Auquhorties received a charter in 1610 for Minnies (*Reg. Mag. Sig.*), shortly afterwards (1614) erected into a free barony (*Reg. Mag. Sig.*), the grant was made "cum privilegio de infang thief, outfang thief, sok, sak, thole, thame, pitt and gallows." Those who resigned these lands and rights when John Seton acquired them from the King, were William Udny, Senior, of that Ilk; William Udny, Junior, feudatory of the same;



THE MAINS OF BLACKHALL.

Robert Udny of Tulliquhortie ; Alexander Udny, son of the said William Udny, Senior ; William Seton of Muny, and Alexander Blackhall of that Ilk. Minnies is in the parish of Foveran, and nearer Barra than Blackhall. We shall learn later that the Alexander Blackhall, here termed of that Ilk, was the forfeited Alexander Blackhall of Barra, who acquired Blackhall and the offices from a distant kinsman in 1590. It is interesting to note, in this connection, that Alexander Blackhall, although at this date unconfirmed in the possession of Blackhall, is nevertheless given his titular distinction "of that Ilk" as a legal factor.

The Blackhalls, as we shall learn in due course, possessed other lands besides Blackhall and Barra, such as Fola, Finnersie and Cocklaw, and held wadsets over portions of the Balquhain estate, but Blackhall and Barra must be regarded as their original seats in the Garioch, and a short account of the present condition of these places may be given before proceeding further.

Of the manor house of Blackhall no trace remains. All that bears the name now is the farm of Blackhall—the Mains of Blackhall and Nether Blackhall. Usually the native places the accent on the last syllable, an echo of *Blackhall*. It lies north-east of the principal part of the town of Inverurie, at a distance of about two miles from the latter, and is approached by a good road, which is named the Blackhall Road. A small stone building roofed with tiles, and used as a smith's workshop or smiddy, represents the old farm house of the Mains of Blackhall. These particulars are all that can now be given of that Blackhall which was, certainly from the commencement of the fifteenth to the middle of the seventeenth century, and probably for a still longer period, the seat of the hereditary Coroners and Foresters of the Garioch.

In the immediate vicinity of Blackhall, and lying west of it, is the estate of Balquhain, pronounced Balwhyne, still owned by the Leslies (who have assumed the name and descend through heiresses), whose ancestor, John Leslie, the tenth laird or baron, intentionally or otherwise, as will be shown, brought much misfortune on the Blackhalls.

Barra, on the other hand, situated about three miles north-east of Inverurie, is still marked by a well preserved and interesting example of the sixteenth or early seventeenth century fortalice, which is fully inhabited by a substantial farmer at the present day. Barra, after

the forfeiture of the Blackhalls, and their co-portioners, the Kings, passed into the possession of George Seton, a member of the Meldrum family, and some dates on the building indicate that it may have been altered, repaired, or rebuilt during his tenure, or that of his immediate successors. Portions of the building, however, seem very old; exactly how old cannot be determined. There is a tradition, indeed, that Robert the Bruce once slept in some portion of it, but this cannot be regarded as having historical value. (Appendix.)

The castle, as it at present stands, forms three sides of a shallow oblong, has a crowstep gable in parts and round towers at the angles capped by sharply conical roofs, and shows corbelling at one point. The oblong or courtyard is closed in front by a simple and pretty façade, ornamented by carved stone urns, and still more so by the moss and houseleek which grow abundantly in the crevices of the masonry. To the south lies a terraced garden with time-worn and moss-grown flights of steps, and near the house there is an ancient dove cot reminiscent of the seigneurial *droit colombier*. Altogether, it is a beautiful old place, and well worthy of being, as it was in the time of the Setons, the seat of a free barony. (Frontispiece.)

CHAPTER III.

The Blackhalls of that Ilk.

I. WILLIAM BLACKHALL OF THAT ILK.

ALTHOUGH it is possible that the William de Blackhall, who sat on the inquest to retour William de Tullideff in 1398, was the head of the family, of this we cannot be certain, as his territorial designation is not given. Among "the old writs of the family of Urquhart of Cromarty" there was, however, one, which showed that the Christian name of the chief of the Blackhalls about that time was also William. This charter was one "by William de Blackhall of that Ilk to John de St. Claro of Six Pecks of Land lying within the Burgh of Crumbathye with five acres lying in the field called Kydimrys, dated at Athunoble, 16th July, 1407." (*Macfarlane's Genealogical Manuscripts*, edited by Clark, Vol. II., p. 358.) In the preamble to the action for reduction brought against the Blackhalls of that Ilk in 1634, reference is also made to William Blackhall of that Ilk as the father of John Blackhall of that Ilk, to whom a charter of the Coronership was granted in 1433. (*Reg. of Acts and Decrees*, Vol. 475, folio 557.) For reasons which will be given later, it may be assumed that William Blackhall of that Ilk, or one of his predecessors, was also, in all probability, the proprietor of Barra as well as of Blackhall. This William was succeeded, as his "son and heir," by—

II. JOHN BLACKHALL OF THAT ILK.

Among the charters produced by the Blackhalls during the action for reduction referred to, the earliest was "ane decretit absolvitour of ane assyse in ane Justice Court within the regalitie of Gareoche, in favour of John Blakhall, daittit the 18th of May, 1418, anent the Crownarshippe, with ane seal and nyne other vestiges" (*loc. cit.*). On the 28th of

November, 1433, Alexander, "Earl of Mar and Garioch," grants a charter of the Coronership to John Blackhall of that Ilk, as set forth in another charter shown at the same trial with "ane seall" attached. In the preamble, it is stated that in this charter of the Coronership of the Garioch, that office was given to John Blackhall of that Ilk, by the Earl, "To be halden of him and his successors" (*loc. cit.*). A third charter with a worn seal was also shown on the same occasion, which was granted on the seventh day of 1457, by the King's Majesty to "the said John Blackhall of that Ilk, and Crownar" (*loc. cit.*).

There is no direct mention in these charters, so far as we know them, of the Forestership of the Garioch, but we shall see from a charter, dated some fifty years later, that by that time both the Forestership and Coronership were regarded by the King as hereditarily belonging to the Blackhalls of that Ilk. "John de Blackhall, dominus ejusdem," was bailie in a charter of lands given by Alexander de Forbes to Master Alan de Futhes, Canon of the Church of Moray and Ross. It is dated 15th May, 1424 (*Reg. Episc. Aberd.*), and with the exception of the oldest Charter referred to in the Mar trial (1418), and the Cromarty charter of 1407, is the earliest evidence of the titular distinction of the Blackhalls of that Ilk, with which I am acquainted.

Robertus de Blackhall, who sat on an enquiry before the Bishop of Aberdeen, held at Rayne on October 28th, 1408 (*Reg. Episc. Aberd.*, Vol. I., p. 216), may have been an uncle or brother of John Blackhall of that Ilk, and possibly the ancestor of the house of Barra.

Although the charters have been lost, if at any time existent, it may be argued, from the reasons assigned for the forfeiture of the Blackhalls of Barra in 1591-2, that both Blackhall and Barra were about this period in the hands of the Blackhalls of that Ilk. They certainly were not possessed in common any later.

III. WILLIAM BLACKHALL (OF THAT ILK?)

He was the father of the fourth laird, with whom we shall have to deal presently, but he may never himself have inherited the property. He had a brother, Robert Blackhall, who had a charter of half the lands of Freland, in Fife, held in blench farm for half a pound of pepper. He gave these lands to his nephew, William Blackhall, who had a charter

signed at Inverurie on September 10th, 1488, and confirmed by James IV. (*Reg. Mag. Sig.*)

Robert Blackhall also had a son, John Blackhall, who received a fourth part of the lands of Blackhall from his father. These lands came into the possession of Robert Blackhall from William Mearns, "to be halden of John, Earl of Mar." (*Register of Acts and Decrees*, Vol. 475, fol. 557.)

This was the William Blackhall, I believe, whose six roods in Inverurie, sunk to two roods in the time of William Blackhall, the fifth known laird (1513), yielded the one year's rent of ten solidi, with which and other sums Patrick Leslie, burgess of Aberdeen, founded the altar of the Three Kings in the Parish Church of Saint Nicholas in Aberdeen. The date of this foundation is somewhat indefinite, but it must have been some time between 1451 and 1486, the period when William Blackhall must have lived. (*Reg. Episc. Aberd.*, Vol. II., p. 298.) The King (James IV.), as tutor and governor of his brother John, Earl of Mar and Garioch, confirmed this transfer "pro certa summa pecunie persoluta" at Aberdeen, 8th December, 1491. (*Reg. Mag. Sig.*) A John Blackhall, probably the same, also had sasine of Blackhall or some part of it in 1493. (*Exchequer Rolls of Scotland*, Vol. X.)

A William Blackhall or Blackhaw, possibly the father of the next laird, who, as I have suggested, may have been the eldest son without succeeding, had sasine of some lands in Fyvy in 1494. (*Exchequer Rolls*, Vol. X.) They were burghal roods, and he paid v li. on admission.

IV. WILLIAM BLACKHALL OF THAT ILK.

On November 14th, 1503, this laird had a charter from James IV., confirming him in half the lands of Fola-Blackwater, which he had acquired without the consent of the King, who, however, pardoned the feudal irregularity, "not wishing to cause any prejudice or injury to our beloved William Blackhall of that Ilk." (*Carta Willelmo Blackhall de eodem*, (*Reg. Mag. Sig. Lib.*, 14, No. 20). Had James the VI. acted with like generosity, for which there was even more occasion than in the present instance, a disastrous period in the history of the Blackhalls would have been avoided.

On the occasion of his receiving this confirmatory grant of Fola, William Blackhall resigned both Blackhall and his offices of Coroner and Forester of the Garioch into the King's hands for regrant. The office of Forester appears in the charter in conjunction with the Coronership, under the phrase, "que etiam fuerunt dicti Willelmi hereditarie." It is thus explicitly stated that the offices were hereditary.

The reddendo for both lands and offices is ordained to be "tres sectas" annually rendered at the three chief places in the county of Aberdeen, with ward, relief and maritage. The reddendo of hunting-dog collars for Blackhall thus seems to have disappeared at this time. In the present day the feu-duty paid for Blackhall is the sum of eleven shillings and a penny, and is paid to the Duke of Fife, whose ancestor purchased many of the Mar superiorities, after the attainder of that Earldom in 1715. Again, on the 20th September, 1508, the King confirmed William Blackhall and his wife, Isabella Hay, in possession of Fola, which William Blackhall acquired from Robert Gardine "for a certain sum of money paid to sustain the life of the latter and of his children, and to pay his debts." (*Reg. Mag. Sig.*)

Isabella Hay, the wife of William Blackhall, appears to have been a daughter of Hay of Ury, as, in a birth brief to be mentioned later, a descendant of one of her sons (Robert) claims descent from the Blackhalls of that Ilk and the lairds of "Ury Hay." There is no note of any other marriage of a Hay with a Blackhall.

In 1502-4, William Blackhall paid a composition of "xxvi. li. xiii. s. iiii. d." for the confirmation of the charters of Blackhall, Fola and the offices. (*Exch. Rolls.*) In 1505, William Blackhall of that Ilk sat on an inquest to retour John Chalmer of Strathechyn, and again in 1507 to retour William Buchan of Auchmacoy, and on one also in the same year to retour George Meldrum of Fyvie. In the last inquest, William King of Bourty, sat with him, bearing a name of which we shall hear more. As William Blackhaw of that Ilk, the fourth laird is stated in a charter of 1507 of the lands of Johnnisleys, in the Garioch, to William Gordon of Fulzemont, to claim the superiority of those lands. (*Reg. Mag. Sig.*)

There is intrinsic evidence of this William Blackhall having been a man of initiative and energy, for as William Blakhale of Blakhale the Coroner of the Garioch was admitted a Burgess of Guild of Aberdeen

in 1504-1505. (*New Spald. Misc.*, Vol. I., p. 43.) Indeed, some of his acquisition and reacquisition of land may have been the result of success in his operations as a burgess. He had learned the secret of breaking out from acres to the sea, and may have seen, with prophetic eye, the vision of a "Tory Democracy"!

In the Mar action there was a charter produced dated 20th March, 1508. By this the fourth part lands of Blackhall, to which reference has already been made, were granted by John Blackhall, the son of Robert Blackhall, to William Blackhall of that Ilk. The generosity of this cousin was probably stimulated by a solid consideration offered by the burgess, laird and coroner (*loc. cit. supra*, p. 19).

Before proceeding to trace the history of the descendants of this laird, it may be of interest to consider shortly the history, conditions of tenure, and emoluments of the offices which were declared by the King, at this time, to be hereditary in the family.

There is no documentary evidence of the Coronership and Forestership of the Garioch having at any time been in the possession of any family prior to their being held by the Blackhalls; nor, indeed, at any later period, except for a short time during their forfeiture, when they were conferred on Alexander Burnet of Leys, as will be related in due course.

The antiquity of both offices is considerable. Thus, in the reign of David II., the "office of Cronarie" in Berwickshire was in the hands of Adam Coussor (Robertson's *Missing Charters*, p. 30), while Alexander Strathquin had a charter of the Coronership of Forfar and Kincardine (*Ibid.*, p. 51); Allan Erskine held the office of Crownership of Fyfe and Fothryf (p. 50); and Thomas Durance had a charter of the "Crounarship" of Dumfries. The Forestership as an office is also met with in the same reign, for John Crawford of Cumnock had a charter "of the keeping of the new forest of Glenkenne" (*Ibid.*, p. 57). We have, moreover, reason to believe that these offices were not created in the reign of David II., and they have, therefore, a still greater antiquity, and are doubtless one of the many evidences of the organising faculty of the methodical Norman.

For example, the burgh of Aberdeen, in its corporate capacity, was appointed custodian of the Royal Forest of Stocket by Robert I. by charter on October 24th, 1313, "with all the privileges,

conveniences and easements belonging, or which shall in future belong, whether by law or by usage, to the said forest." In the same reign also the custody of the forest of Drum seems for a time to have been given to Alexander Burnard, the ancestor of the Burnetts of Leys, who still have a hunting horn among the charges in their arms. This is regarded as symbolical of the Forestership mentioned. This office, however, appears to have been granted soon afterwards to William of Irwyn, the ancestor of the Irvings of Drum, and Burnard was compensated for its loss by a fresh grant of land. (*Family of Burnett of Leys*, New Spalding Club, p. 7).

Both offices seem frequently to have been hereditary, and in some instances tenable by females as heiresses, or in conjunction with their husbands. Thus Agnes Vaus was, prior to 1439, Coroner of half the barony of Renfrew, and Alison Park was Coroner ward (Coronator Warde) of Stragriffie prior to 1484. In the first year of his reign, James V. confirmed a charter "Alisone Park filie et heredis quondam Wil. Park de eodem . . . officia sua coronatoris . . . Tenend. a dicta Alisone de Senescallo de Scotia." (*Reg. Mag. Sig.*)

In 1452 Gilbert de Lumsden and Mariota, his wife were the Foresters of Coldingham: "Tenend. prefatas terras, &c., dicto Gilberto et heredibus ejus et officium prefatum dicto Gilberto et Mariote ejus sponse et eorum heredibus in feodo." (*Reg. Mag. Sig.*) When an incumbent of the Forestership of the groves of Torwood (nemoris de le Torwood) resigned the office, free tenement and a rational third part of the profits of that post were reserved for himself and his wife Margaret. (*Reg. Mag. Sig.*) (ante 1476.) William Murray of Tullibardin, looked at by the eyes of posterity, was very appropriately the Coroner and Forester of Balquhiddier in the fifteenth century (1482). (*Reg. Mag. Sig.*) We have seen that an Alexander Strachan was Coroner of Forfar and Kincardine in the reign of David II., and we find that about a century later, the Coronership of the same counties was held by John Strathachin of Carmyle, probably a member of the same family. After him, however (in 1472) the Forester of Forfar and Kincardine was John Lyon of Curtastown, afterwards laird or lord of Glamis (postea dom. Glammis). (*Reg. Mag. Sig.*)

The profits of the Forestership were evidently considered of yore

sufficiently valuable for separate treatment in charters. Thus, we shall find that when Alexander Blackhall of that Ilk, in 1609, parted with the lands to his son William on the latter's marriage, he retained his hereditary offices in life-rent. In a charter granted in the 16th year of the reign of James II., confirming transactions between Thomas de Lummysden and his brother Gilbert de Lummysden, concerning lands in the barony of Coldingham, with which are combined certain benefits conferred by the Prior of Coldingham on Gilbert Lummysden and his wife Mariota (possibly related to the Prior), some information as to the sources of the income of a Forester are given. (*Reg. Mag. Sig.*)

In an enquiry before the said Prior (John Aclif), touching the office of Forester of the barony of Coldingham, it appears that a certain John Forstaire (no doubt the equivalent of present day Forsters, Forrestiers, and Forresters) has the following perquisites or dues, namely, meat, drink and fodder (pabulum equinum) for himself and his man, when he comes to the prior's house; the said Forester also has charge of "Wrac" and "Waif" in the said demesne of Coldingham, and receives for the said wrac and waif 12 pence a pound (12 den. de libra); for ships or boats plying in the said demesne with "carcata cum blado," salt, coals (carbonibus) or anything of the kind for sale there, one boll before the transaction and another boll after it (unam bollam ante malam (malum) et alium bollum post-malam) belongs to the said Forester; for the anchorage of any kind of ship 12 pence, and for boats 4 pence, with the thraves of oats (cum thraven avenarum) of any arable land of the farmers (de qua libet terra husbandii fermariorum) with the exception of the lord prior's fields in the "town" of Coldingham; for any cart of . . . (de qualibet plastro merini (mereinii?) 4 pence; for a draught horse one penny; "de quercu quadrato cum bovis tracto" 4 pence; and game-birds (pheasants?) "gallinas silvestres" for himself according to custom; also a cloak suitable for a gentleman (et unam robam generosis aptam) "at the feast of the Nativity of our Lord as (prout) appears in a certain public deed of William de Cranstoun sealed with five seals." (ibid.)

It is evident from these details that the Forestership of Coldingham was not only what might be termed a "fat living," but also a post of some dignity. When William Blackhall of that Ilk was retoured heir

to his father in 1547(?)–1548, this office of Coroner and Forester is said “in time of peace to be worth ten solidi, and now thirty solidi per annum.” (*Record of Retours*, Vol. I., fol. 1.)

The Coronership of Norman England and these district Coronerships of ancient Scotland appear to have differed essentially. Both seem to have had a property qualification, and the old Norman Coronership was exercised as an honourable function, without pecuniary profit. Whether this was also the case in Scotland at one time I have not been able so far to determine by documentary evidence. The English Coronership also appears to have always been elective, while the Scottish Coronerships were granted by a feudal superior to a vassal. The name would seem to imply that some interests of the Crown were their special care.

William Blackhall died some time prior to 1513 and left issue:—

1. WILLIAM, his successor.
2. ROBERT, portioner of Fola, and Burgess of Guild of Aberdeen, of whom more later.
3. JOHN, Parish Clerk of Inverurie. (?)
4. AGNES, married to Walter Banzeucht (Badenoch, or Benzie) in Inverurie. She inherited some land in Inverurie from her father. (Protocol of Sir John Christisone, by apostolic authority, notary, created by Mr. Arthur Boece.)

V. WILLIAM BLACKHALL OF THAT ILK.

One of the documents produced at the Mar trial was “an instrument of seising of the lands of Blackhall, Folla and Blackwatter, and forrestschippe and crownarschippe of Garioche given to William Blackhall, son of the said William Blackhall of that Ilk, proceeding on the Sheriff of Aberdene his precept, daittit the pennult of Februar, 1513. Notar Sir Georg Patersone.” (*loc. cit. supra*, p. 17.) By a deed signed at Edinburgh on the 29th of May, 1524, this William Blackhall of that Ilk, “son and heir of William Blackhall of that Ilk” sold to John Betoun of Creich the lands of Freland, in Fife, which his father had received from his uncle, Robert Blackhall of Freland. The King (James V.) granted a charter of confirmation on June 14 following. (*Reg. Mag. Sig.*)

The next transaction in which we find this laird taking part, is the devising of some property to his immediate relatives, and a little later he espouses the cause of John Blackhall, the Parish Clerk of Inverurie, against one of the Leslies of Kincairgy, who, by what seems to have been a "snatch" election, secured for himself the post for which John Blackhall appears to have become temporarily unfit.

These events are chronicled in the "Proctocol of Sir John Cristisone, by apostolic authority" already mentioned, which is in the Register House in Edinburgh, and from which the following excerpts are made. This document was brought to my notice by the Rev. John Anderson of the Historical Department of the Register House. I take this opportunity of expressing my indebtedness to Mr. Anderson for much help and courtesy in my search into the history of the Blackhalls.

The first excerpt from this source is an "Instrument narrating that William Blackhall of that Ilk gave up all his right claim and property in and to the lands of two roods lying in the territory of the town of Inverury, between the Royal lands in the east and west, and the lands of Patrick Forbes and John Williamson on the south and north, to Robert Blackhall his brother-german, his heirs, etc., in which case Agnes Blackhall, their sister, shall be placed in conjunct fee of the same during her life, and not otherwise." This agreement was come to at Inverurie on March 6th, 1530. "The same day Robert Blackhall, burgess of Aberdeen, within the town of Inveroury, resigned the two roods above described (Williamson's lands being given as the south boundary) into the hands of John Anderson, one of the bailies of the said town, in favour of Walter Banzeaucht, who duly received sasine, and then required the baillie to induct his spouse, Agnes Blackhall, in the conjunct fee of the lands, whereupon the baillie placed her in possession of her conjunct fee in terms of her charter, by rope and thatch."

On the 11th of October, 1537, after the death of Walter Banzeaucht, his son John got sasine of a good deal of town land, including two roods belonging to William Blackhall of that Ilk, who the same day, together with Agnes Blackhall, his sister, and the mother of John Banzeaucht, protested that the sasine given to the latter should not prejudice their rights in the future. (*Protocol.*)

The other family incident of interest concerned the Parish Clerkship.

The instrument narrates "that Alexander Leslie of Kincragy, with sixty-six other persons, male and female, and Sir James Kyd, vicar, parishioners of Inveroure, gave their election and votes to John Leslie to enjoy and possess the office of clerk of Inveroury when it shall vacate by decease of John Blackhall last parish clerk, and chose the said John Leslie as a fit and able person for the office, and presented him to William, Bishop of Aberdeen, upon which the presentee craved instrument. Done in the said parish between 6 a.m. and 1 p.m. on 23rd June, 1536." As the next step in this procedure, on June 24th "John Leslie, son of Alexander Leslie of Kincragy, appeared at the high altar in the parish church of Inveroury, declaring that he was the true and undoubted elect and presented parish clerk of Inveroury, therefore, lest that church remain destitute of service, he offered himself ready to serve the vicar at the altar and the parishioners in all things which belonged to the office of parish clerk as he is duly bound."

On the same day William Blackhall of that Ilk appeared for the incapacitated John Blackhall (who was probably his brother, although that is not expressly stated) as his tacksman and depute, and "offered himself ready to do service in the office of clerk, and protested solemnly that the election and votes of the parishioners of Inveroury given to John Leslie should not prejudice his own right and that of John Blackhall, parish clerk, because it was not divulged to the ears of the parishioners, nor perfectly known to them as to any manner of vacation."

The family feeling here evinced by William Blackhall of that Ilk had its grander development in the larger patriotism which cost him his life in battle against the English some years later. These are the roots from which springs the highest philanthropy which dies for abstract right in the interests of the whole human family, and sometimes at the hands of the race it desires to benefit.

Referring to this election Dr. Davidson (Inverurie and the Earldom of the Garioch, p. 143) remarks: "The Inverurie election seems to have been a characteristic example of parish politics; the attempt of one important party to supplant another in local position, a bit of village life not seldom repeated since. Blackhall of that Ilk was at the head of society in the parish, and Kincraigie—a cadet of the house of Balquhain—was then rising into influence."

Among the assessors mentioned in the dispute between William

Strachan of Glenkindie and Lord Elphinstone in 1535, the account of which in Vol. IV. (p. 469) of the *Antiquities of Banff and Aberdeen* (Spalding Club) is abridged from the original in the Innes charter chest at Floors Castle, there is an association of three names which interest, and will again interest us, namely, those of William Blackhall of Bourty, William Blackhall of that Ilk and William Kyng of Barraucht. As representatives of the constituents in a human bomb destined to explode in due time, they still lay peacefully within the shell of ignorance of the future, while the man who lighted the fuse was yet unborn.

By a deed signed at Bandodil on August 22, 1543 (Proctocol cit.), William Blackhall gave a tack or lease of the sunny third of the lands of Blackhall, till Whitsunday 1547, to James Skeyne, on terms which seem rather advantageous to the latter. One of the conditions of this tack or lease is that "The said James, notwithstanding infestment of the lands shall not remove Sir James Kyd, tenant, until Whitsunday, 1547." It may be explained in passing that the clergymen of the period, who had taken an Arts degree at the University were "Domini" or Masters, while those who had not done so and yet were clerics, used the prefix of Schir or Sir, doubtless an abbreviation of Mon Sieur.

William Blackhall of that Ilk married Margaret Forbes, the daughter of George Forbes of Auchintoul. Her mother was a daughter of Sir William Leslie of Balquhain by his third wife Euphemia Lindsay, the only child and heiress of William Lindsay of Cairney, and the granddaughter of the first Earl Crawford, by the Princess Janet, daughter of Robert III. Her brother was the first Leslie baron of Pitcaple. Matthew Lumsden (*Genealogy of the Family of Forbes*, p. 63, Ed. 1883) gives Margaret Blackhall's name as Bessie, but he evidently confuses her with a sister who married John Forbes of Terpree (*Historical Records of the Family of Leslie*, by Colonel Leslie, K.H. of Balquhain, Vol. III., p. 10-13).

William Blackhall fell in battle against the English (mortuus in conflictu contra Anglos), according to the special retour of his son William, on the 10th of September, 1546. If this be correct—and the dates are given without abbreviation in the retour—it is a point of some interest.

We know that the battle of Pinkie was fought on the 10th of September, 1547, but history is silent as to a conflict with the English

on the same day in the previous year. Even Lindsay of Pitscottie, who enters with some detail into the commotions which led up to the battle of Pinkie, mentions no fight that can be dated in September, 1546. Pitscottie, however, gives the date of the battle of Pinkie as September 18th, 1547, not September 10th, the usually accepted date. (*History of Scotland*, 3rd Edition, p. 304). In any case William Blackhall fell in battle against the English, and his wife seems to have predeceased him, as there is no provision made for her in the retour of her son to his father.

The note of a transaction which I have recently received through the kindness of Mr. M. Livingston, of the Record Office, inclines me to believe that, notwithstanding the unabbreviated precision of the date given in the retour of the next laird in that document, we may conclude that William Blackhall died, to use an old phrase, "in Pinkie." This note, which is dated the 26th of August, 1547, fifteen days prior to the usually accepted date of the battle, is a letter of reversion by James Skein in Bandonill in favour of William Blackhall of that Ilk, binding himself to restore the latter to "his sown third of the lands of Blackhall" on repayment to Skein of 12 score merks for which he (Blackhall) had wadset the third. We have already learned that on August 22nd, 1543, William Blackhall of that Ilk had granted a tack or lease to Skein of a sunny third of his lands. Before those merks were paid, the harvest of Pinkie had been gathered, and if the sunny third was redeemed, it must have been by the next laird. According to Pitscottie, the preparations made to meet the English on that occasion were rapidly undertaken, so that the mobilisation of the feudal array could not have been a matter of more than a fortnight or so. (*Op. cit.*, p. 300.) As William Blackhall was of age in 1513 (*vide supra*, p. 24), he must have been well on to sixty when he fell, as we may assume he did, at Pinkie, and we learn from Pitscottie that the proclamation of the Governor (Hamilton) was to all men "betwixt sixty and sixteen, spiritual and temporal, father as well as son, to compare at Edinburgh in their best array, with a month's victuals. . . ." (*Op. cit.*, p. 300.) William Blackhall appears to have left no children except his son and successor

VI. WILLIAM BLACKHALL OF THAT ILK,

who had a special retour to his father on February 1st (1547?-1548). The status at any given period of a territorial family, or the personal

esteem in which an individual was held, is to be gauged in a measure, by the social position of the jury which attended the inquest to retour the heir. On this occasion, the local aristocracy were very fully represented, and it is possible to see in this fact some homage to the man who had died for his country and sympathy with his heir. During the Mar action, several documents connected with the tenancy of this laird were laid before the Court, to wit: (1) an instrument by which he got sasine of the lands of Blackhall on a precept from the Chancellerie on May 8th, 1548; (2) another instrument of sasine of the same lands to himself and his spouse, Janet Strathauchin, on the 9th of February, 1550. (3) He got sasine of Blackhall again on his own resignation on the 20th of April, 1551. On this occasion the Queen (Mary) gave a charter of confirmation to himself and his wife, Janet Strathauchin, of the lands of Blackhall with the manor house of the same, together with the offices of Coroner and Forester and the emoluments of these, to be held by the said William and Janet, or the survivor of them in conjunct fee, and by their legitimate heirs male, whom failing by the heirs male whatsoever of the said William. (*Reg. Mag. Sig.*) This, the immediate successor to the laird who fell at Pinkie, appears himself to have died about the year 1554, because, on the 16th of December in that year, William Strathauchin of Tibbertie and Janet Auchinleck, his spouse, "yair airis and assignais ane or ma(ir)" had a gift from Queen Mary of the whole lands of Blackhall and the offices and their emoluments in the interest of the family of "umquhile William Blackhall of yat Ilk."

As we have seen above by another charter, Janet Strathauchin, the wife of this now deceased laird, had conjunct fee of the lands and offices, and to the survivor. It is difficult to understand, therefore, why, if she were still alive, the Strachans of Tibbertie, probably her own family, were imported as caretakers of her property and children. The wording of the "Letter" (*Reg. Secret. Sig.*, Vol. XXVII., fol. 90) appears to leave this point, to my mind, uncertain. If not dead, she must surely have been incapacitated from some cause and for some time. If, on the other hand, she was dead, and the Strachans had charge of a young son or family absolutely orphaned, we are confronted with the curious genealogical coincidence that two successive lairds, both bearing the name of William Blackhall, married two successive Strachans, each having the christian name of Jonet or Janet. For in the retour of

Alexander Blackhall to his cousin, William Blackhall of that Ilk, in 1591, the rights of Janet Strachan, the widow of "the said William," are specially reserved. Although termed in the retour "quondam Willielmus Blackhall de eodem," he is also specifically called the son of his father, and at this point there is a hiatus in the document which can only be filled in by "the son of his father, the late William Blackhall of that Ilk." In that case it is more probable that the Janet Strachan, whose rights are reserved, was the *mother*, not the wife of the next laird to whom Alexander Blackhall succeeded, as we shall learn in due course. If this were so, it is possible also that Margaret Blackhall, who had a general retour to her father without seeking lands in 1610, as we shall also learn later, was the *sister* of the last William Blackhall of the direct line, and the daughter of that William Blackhall who succeeded the victim of Pinkie. The date of death of her father is unfortunately not mentioned in the retour, nor was it customary to mention this fact in such documents. If, on the other hand, she was a daughter of the last William, the name of her mother nowhere transpires, unless it was the same as that of her grandmother, viz., Janet Strachan. This supposition may, I think, be dismissed, in view of the fact that the Janet Strachan, whose rights are reserved, as above stated, is declared to have had conjunct fee of Blackhall, and that we know the Janet Strachan of 1550 had. This date was also probably that of her marriage, and as her husband died, so far as can be determined, in 1554, it is not probable that his family consisted of more than two children, namely, his son and successor, and possibly a daughter, who may have been the Margaret of the retour mentioned.

VII. WILLIAM BLACKHALL OF THAT ILK.

The conditions on which the Strachans of Tibbertie had ward of the lands of Blackhall, &c., are stated in these words: "while (until) ye lauchfull entree of the rychtuis air or airis yrto being of lauchfull aige, wt ye relief yrof quhen it sal happin, and also ye mariage of Williame Blakhall, sone and air to ye said Umqle William Blakhall of yt ilk, and failzeing of him be deceis unmarijt, ye mariage of ony other air or airis, male or female, yat sall happin to succed to ye said William in his heritage wt all proffittis of ye said mariage" (*loc. cit.*). Little can now be ascertained concerning this laird. The document setting forth his

retour has been lost, but among the deeds produced at the Mar trial there is one which concerns him. It is entitled "Ane instrument of Seasing of the lands of Blakhall and office of Crownarschippe foirsaid givin to William Blakhall, sone and air to William Blakhall of that Ilk, proceeding on ane Precept out of the Chancellarie following on ane retour, daittit the first August, 1581, notar William Bruce." The fact of his retour and possession of Blackhall and the offices is thus fully established, but no further particulars can be gathered beyond these of the interval between his infancy and his death, which is chronicled thus: "Wilyem Blakhall of that Ilk, departit in Aberdeen the fyft day of August, 1589 yeris" (*Spalding Club Miscellany*, Vol. II., p. 63). If he had other relations besides his sister or daughter Margaret, there is no evidence that they survived him. In Margaret Blackhall's general retour to her father, William Blackhall of that Ilk, which took place in 1610, "she sought no lands," as I have stated, and for reasons which will become clearer as we proceed. (*Record of Retours*, Vol. IV., fol. 453.) "Willelmus Strathachin de Tippertie," either he who had a grant of the ward of Blackhall in 1554, or his successor, heads the list of the jurors on this inquest. At this date, Margaret was unmarried, and if she was the sister of the last laird in the direct line, can no longer have been young. But whether this was so or not, of her later history nothing is known.

Before mentioning the next holder of Blackhall and the offices, it will be convenient to deal with the Blackhalls of Barra, for their contact with him appears to have been connected in some way with the forfeitures to which the Blackhalls had soon to submit, and which commenced with the alienation by the Crown of the estates of that junior, but wealthier branch of the family.

CHAPTER IV.

The Blackhalls of Barra.

IT is no more possible to state precisely when the Blackhalls of Barra first entered on possession of that estate, than it is to determine the date at which the Blackhalls of that Ilk alienated it to them alone, or in conjunction with the Kings, as we may gather they did, although documentary evidence is now lacking. These families, as portioners, certainly possessed it for at least a century, and probably longer. In Volume I. of the *Register of the Great Seal*, which covers the period between 1306 and 1424, Barra is not mentioned. "In 1493," according to Dr. Davidson (*Inverurie, &c.*, p. 103), "James King of Bourtie resigned half of the lands of Westerhouse (part of Barra) into the hands of John, Earl of Mar and Garioch, for new infeftment to himself and Marjorie Barclay, his spouse." John Blackhall of that Ilk, we have seen, was laird of Blackhall, but probably not of Barra, between the years 1418 and 1457, or we should have found that important property mentioned in deeds of his time. The first Blackhall of Barra was probably his cousin, and at this period already in possession of Barra, or of some portion of it. If a cousin, his father may have been that Robertus de Blakhall who sat on an inquest at Rayne (p. 18) in 1408. If, therefore, the first Blackhall of Barra was not descended from the first documentary William Blakhall of that Ilk, the separate possession of Barra by a cadet of the family at so early a period would throw back the existence of the Blackhalls without any doubt to a time prior to the first documentary evidence of the name in 1398. The christian name of the first of the Barra family of whom there is any documentary evidence is unknown. So far as such evidence goes, the first Blackhall of Barra was—

I. ——— BLACKHALL,

“The good man of Barra-Blakhall,” who, according to a manuscript history of the family of Caskieben, written in 1610, which Dr. Davidson quotes (*op. cit.*, p. 448), married the eldest of the three daughters of Gilbert Johnston of that Ilk and Caskieben by his first wife, Elizabeth Vaus of Meny. Gilbert Johnston was married before 1428, and seems to have survived till 1476. Douglas (*Baronage*, p. 35) was also cognisant of this Caskieben document, but mentions the good man of Barra as “the laird of Blackhall,” apparently regarding the term Barra-Blackhall as territorial. The “good man of Barra-Blackhall” was succeeded by—

II. JOHN BLACKHALL OF BARRA,

who died in 1505. He married Margaret Burnat, who may have been a daughter of Alexander Barnard or Burnat of Leys, who held that estate between 1454 and 1505, or of his predecessor, who died in 1454, and was known as John Burnat “of Leyis.” (*The Family of Burnett of Leys*, by George Burnett, LL.D., p. 10, New Spalding Club.) In 1505, as a widow, she was found entitled to her terce. This John Blackhall was also proprietor of Finnersie, etc. (*Sheriff Court Records*, New Spalding Club, Vol. I., p. 15.) He was succeeded by—

III. WILLIAM BLACKHALL OF BARRA,

who was (probably) his son. “In 1517, William Blakhall was infest,” according to Dr. Davidson (*op. cit.*, p. 103), in half the lands of Barocht, Wester Rowis, Fallawe, Essenheid, Furdailhous, sixth part of Petgovny, half the Mill of Bourtie, and a third part of Muckle and Little Finnersie, and others. William Blackhall paid tax for his part of Barra in 1548. In a charter of confirmation, granted by Queen Mary in 1547 on February 20th, it is stated that he sold his half of the lands of Barroch, et cetera, to his lawful son, Mr. Alexander Blackhall, for a sum of money paid by him and his relatives on the mother’s side. William Blackhall reserved to himself and his wife, Janet Bissat (probably one of the family of Lessendrum or of Pitmuxton), the free occupation of the half of Filaw. (*Reg. Mag. Sig.*) He had three children—

1. WILLIAM, his heir apparent, who, in 1541, married Katharine Gordon of Lesmoir, and died, certainly without any male issue.* He predeceased his father, who, on the 5th of March, 1546, gave in life-rent to Katharine Gordoun, the relict of William Blackhall his son, the lands of Westerhouse in the Garioch. On the occasion of their marriage they had a charter of the two part lands of Barroch (November 24th, 1541). Katharine Gordon married, as her second husband, Thomas Gordon of Kennertie. (*Records of Aboyne*, p. 127, New Spalding Club.)
2. ALEXANDER, who succeeded him.
3. ELIZABETH, who married William Maitland of Bracklaw, and was the mother of Robert Maitland of Auchincrief. She was a widow in 1548, for there is a charter of July 9th in that year, by which Robert Maitland of Auchincrief sells that estate to Robert Maitland, the son and heir of his late eldest son, William Maitland of Bracklaw and Andait, for a sum of money paid by his relatives. In making this disposition, he reserves free tenancy for himself, and after his decease a reasonable third part for Elizabeth Blackhall, the spouse of the said William Maitland. Alexander Blackhall, portioner of Barra, is one of the witnesses. (*Reg. Mag. Sig.*)

IV. Mr. ALEXANDER BLACKHALL OF BARRA.

He appears to have succeeded during his father's lifetime, for there is a deed drawn up at Barra on October 21st, 1551, by which he grants the middle third of "Meikle and Littil Fynnarsy" to Agnes Burnet, daughter of Alexander Burnet of Leys, with the consent of his father, William Blackhall of Barraucht, free tenant of the said lands. This

* He appears to have had a daughter, Marjory, who was retoured heir general to him in 1559, a retour against which Alexander Blakhal, her uncle, protested as "air mell" to her father. (*Sheriff Court Records*, Vol. I., p. 141.) Dr. Littlejohn has informed me that the designation of the lands in question is not given in the original, but there is little doubt that the transactions recorded refer to these persons.

grant is made in Agnes Burnet's virginity, and for life, on account of a contract of marriage between him and her, and for a sum of money paid by the said Alexander Burnet. The lands to be held of the Queen. (*Reg. Mag. Sig.*) The deed is witnessed by John and Thomas Blackhall, possibly brothers. This John may have been the John Blackhall in Tibbertie, who witnessed a charter of George Johnston of that Ilk in 1587.* Douglas (*Baronage*, p. 42) asserts that a daughter of Alexander Burnet of Leys married Blackhall of that Ilk, which, though manifestly incorrect, is of interest, inasmuch as a Blackhall of that Ilk was also a Barra-Blackhall, whose predecessor *did* marry Agnes Burnet, as now related.† Alexander Blackhall of Barra was succeeded during his own and his father's lifetime by his son, also—

V. ALEXANDER BLACKHALL OF BARRA.

The possessions of this family seem at this time to have been considerable. In a charter of James VI., dated September 3rd, 1574 (*Reg. Mag. Sig.*), the King grants Alexander Blackhall, son and heir apparent of Mr. Alexander Blackhall, portioner of Barra, and his heirs male and assigns, half the lands of Barroch, Westerhous, Fillaw, Eschinheid, Furdailhous, the sixth part of Petgovny, half the Mill of Bourty, the superiority of half of Muretoun, the third part of Mekill Fynnarsy, Littil Fynnarsy, Maneicht, and the mills of Fynnarsy, with the tenants, &c., which Mr. Alexander Blackhall resigned. The free tenancy of the lands is reserved (with the exception of Fynnarsy and Maneicht) for William Blackhall of Barra, father of the said Mr. Alexander, and after the death of the said William, the free tenancy of the whole for the said Mr. Alexander. The half of Fillaw and a rational third of the rest is also reserved in life rent for Agnes Burnet. This, the last Blackhall of Barra, remained in possession from 1574 to 1592, and I have given these particulars in detail to show that the blow soon to be struck at the Blackhalls of Barra was not calculated to be without profit to the Royal Exchequer. "The story of Naboth's vineyard is not new."

* There was also a John Blakhall in Mill of Fynnarsy in 1574. (*Sheriff Court Records*, Vol. I., p. 202).

† This laird was probably the "Mr. Alexander Blakhall," who occasionally acted as Sheriff-depute in 1558-9. (*Sheriff Court Records*, Vol. I., p. 447.)

CHAPTER V.

The Eve of the Forfeiture of the Blackhalls.

THE eastern boundary of the estate of Balquhain touches the western boundary of Blackhall. It has been in the possession of the Leslie family ever since Sir George Leslie, the first of Balquhain, received it from his father, Sir Andrew de Leslie, the sixth of that ilk, some time prior to 1340.

The house of Balquhain has produced many men of worth, ability and power. In 1571, however, John Leslie succeeded his father as tenth laird or baron of Balquhain. His forcefulness showed itself in ways which were profitable neither to himself nor to the Blackhalls, and as he had an important influence on their fortunes, it is necessary to consider shortly what manner of man he was. The keynote of his character, as delineated by the late Colonel Leslie, his representative, and the historian of his family, was a pride and self-assertiveness which led to ruinous extravagance, and a shifty unreliability which made him a bad partner both in public and in private life. He had a somewhat varied connubial record also, having divorced one wife, been divorced by another, and questionably married to a third. One of his sons, Walter, by his third wife, also a forceful character, became a Count of the Holy Roman Empire, owing to the part he played in the assassination of Wallenstein, the only palliation of which crime was the suspected treason of that great soldier. He became wealthy in foreign parts, and helped to redeem mortgages or wadsets on his old home, which were the consequences of his father's and his eldest brother's improvidence. (*Historical Records of the Family of Leslie*, by Col. Leslie of Balquhain, Vol. III., p. 248).

John Leslie, the tenth of Balquhain, was Sheriff-Principal of Aberdeenshire for many years, and as late as 1597. After the death of

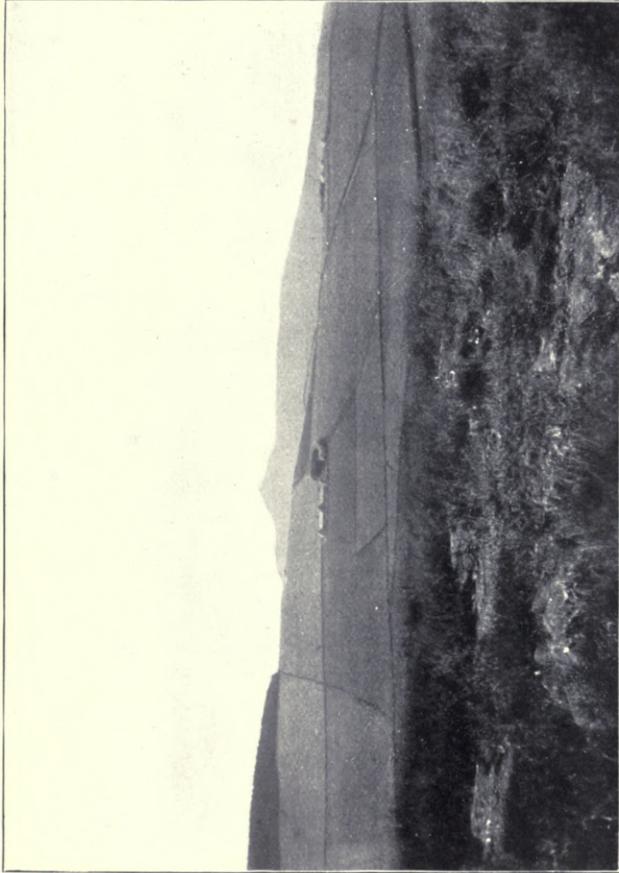
William Blackhall of that ilk in 1589 without male issue, he entered an interdict against the succession of his heir, ultimately retoured nevertheless as Alexander Blackhall of that ilk, Coroner and Forester of the Garioch, but this only with the consent of his interdictor, and to make good a transaction between him and Alexander Blackhall of Barra, to be mentioned presently.

What the motives of John Leslie were in taking this action can only be surmised, for the reasons of the interdiction are not definitely assigned in the document which chronicles the fact. Dr. Burnett (*op. cit.*, p. 35) suggests that the interdict was due to what lawyers call the "facility or profession" of the heir, but the point has not been examined with any care by Burnett, who is more anxious to prove that the hunting horn in the arms of the Burnetts was not derived from the Forestership of the Blackhalls than anything else, and there is nothing to show that he was in any way ineligible for the succession, which was soon afterwards agreed to under other circumstances by John Leslie himself. The words used in the deed (*Reg. Mag. Sig.*, Lib. 14, No. 20) by Alexander Blackhall are "Noveritis me cum expressis consensu et assensu honorabilis viri Joannis Leslie de Balquhane cui interdictus sum meis utilitate et commodo, in hac parte undique previsis et diligenter consideratis ex certis causis rationi consonis animum meum ad hoc moventem et precertim pro adimpletione, &c." We have seen that William Blackhall was the fifth in descent from Sir William Leslie, the fourth baron of Balquhain, John Leslie being the sixth in descent from the same person. As cousinship used to be reckoned in those days, this was a by no means remote relationship. When this fact is taken in connection with that of their being neighbouring lairds, it is quite possible that Leslie may have considered it necessary that the conditions of the tenure of Blackhall should be carefully examined in the interests of the only daughter or sister of the late Coroner of the Garioch, before the formal acknowledgment of the male heir. A reference to the wording of the letter granting the ward of Blackhall to the Strachans of Tibbertie might moreover be construed as implying that an heiress might under certain circumstances succeed (p. 30). If such a possibility was considered, the conclusion must have been reached very soon, not only that an heiress could not succeed at that time, while a male heir was known to be in existence, but also as to who that male heir was ;

because we find Leslie consenting, in 1590, to the sale by Alexander Blackhall—who, in the year following, was retoured to both Blackhall and the offices—of Blackhall and those offices, to Alexander Blackhall of Barra. This transaction in itself was illegal, as the royal consent to the proceeding had not been obtained, although, without doubt, sale first and confirmation afterwards often took place. Just at that time, however, such action was not without danger, as the event proved. What can have been the object of the action of Alexander Blackhall of Barra in this matter?

We have seen that on a former occasion, in 1503, James IV., not wishing any harm to his beloved William Blackhall, confirmed his possession of Fola-Blackwater, although acquired without the royal consent. But at the time we are now dealing with, the reckless but virile victim of Flodden was not on the throne, and the Royal Exchequer was very empty. Herein lay the danger of such transactions. At the period we are at the moment considering, the Octavians were not yet appointed. Their finally abortive efforts did not commence till some five years later, but the conditions of royal need were somewhat pressing, and the royal ingenuity, and that of the King's advisers, was being exercised to discover a means of replenishing the treasury. With the fatuousness usually characteristic of those whom the gods have determined to destroy, the incarnation of the feudal system—the king, determined to support his throne by undermining its props—the feudal aristocracy. 'The revenue of the country,' writes Burton, "was in a wretched condition—the civil officers of the Government unpaid and nothing available by which the Crown could in case of an emergency co-operate with the feudal force in defence of the country. The source from which the treasury might be replenished was the forfeiture of estates. From the recent succession of convulsions and re-actions, with their forfeitures and remissions, it may easily be inferred that the ownership of a large breadth of the landed property of the country was in a complicated and dubious state. To extricate it would require much hard work of a delicate kind. It would have to be considered whether a forfeiture should be carried to extremities, or the opportunity should be taken to get cash in hand by remitting it for a fine. Estates forfeited would have to be turned into cash in the most profitable manner; and many cases of doubtful possession would have to be examined, with the frequent

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BALQHAIN FROM BLACKHALL: BENNACHIE IN THE DISTANCE.

result that the doubtful title would be rendered a firm one for a money consideration. To do all this work a financial committee of eight men was appointed, who from their number were called the King's Octavians." "They were Alexander Seton, the Lord President; Lindsay of Balcarras; Walter Stewart, secular Prior of Blantyre; John Skene, Lord Clerk Register . . . , Peter Young . . . , the King's tutor; Sir David Carnegie; Thomas Hamilton, the King's Advocate; and James Elphinstone, one of the Lords of Session." (*History of Scotland*, Ed. 1870, Vol. VI., p. 69.) Peter Young was a scholar who knew how to combine erudition with "an eye to the main chance," and died possessed of considerable landed property. As might have been expected, the efforts of these gentlemen were not appreciated by the flock it was proposed to fleece, and as there were some of the latter about the Court and person of the king, the attempt, like many another effort of incompetent and incongruous power, only resulted in embittering relations between the king and the aristocracy, and was shortly abandoned. The mass of the people had not yet discovered their power, and a people rising in its might, led and rendered coherent by an indignant fraction of the aristocracy, was to be the object lesson afforded by defeudalised England in the next reign. One can but pity Charles the more when we realize the "divine right" which he imbibed with his mother's milk, with the added misfortune of having a pedantic father who tutored his youth, untaught himself by his own failures. Charles in his need turned to that very aristocracy which his impecunious father plundered, and they responded to his call magnificently—too magnificently.

The case of the Blackhalls is interesting, as will be presently shown, because it is an example of the feudal ingratitude and foolishness of King James, before his depredations in this direction had been regularised into a system. Alexander Blackhall of Barra's intrusion in this affair was therefore probably actuated by the desire to obviate or minimise the consequences of some accusation of feudal irregularity, which, as we shall learn, had already, in 1590, deprived of their lands the Kings co-partioners of Barra with the Blackhalls.

To resume our narrative, we know Alexander Blackhall of Barra, and we have just made the acquaintance of John Leslie of Balquhain. Who was that other Alexander Blackhall, the heir to the Coroners of the Garioch, and the third party in these negotiations of delay and obliquity?

In the deed in which he sells and alienates the *titulum onerosum* of Blackhall and the offices to Alexander Blackhall of Barra, with John Leslie's consent, and which is dated in October, 1590, he already acts as "Alexander Blackhall de eodem," although his retour as such did not take place till the following year. This no doubt was a legal formality, as I have stated, in anticipation of the ultimate confirmation of the transaction by the King. That confirmation took place, indeed, but not till 1610, and much happened in the interval.

CHAPTER VI.

The Blackhalls, Burgesses of Aberdeen.

IT will be remembered that William Blackhall of that Ilk, who had a charter of Fola-Blackwater in 1503, was in 1504-5 admitted a Burgess of Guild of Aberdeen. The Blackhalls of that Ilk, although the chiefs of the name, and at the period now referred to possessed of considerable landed property, do not appear to have had so much land as the junior branch at Barra. This it was which probably prompted William Blackhall to turn his eyes towards Aberdeen and the wealth which flowed thither from the larger world beyond. What in this instance the laird of Blackhall did, the younger sons even of those whose estates were much larger than Blackhall's frequently had to do. When the stripling, with or without his father's blessing, did not betake himself to seek his fortune in the camps of Europe, he frequently sought it more safely in the marts at home and abroad. Both roads frequently led to greater wealth and consequence than the aspirants for these left upon their patrimony attained. Such was the experience of Alexander Leslie, ultimately first Earl of Leven and Field Marshall in the Army of Gustavus Adolphus, "the lion of the North and the bulwark of Protestantism," who joined that monarch possessed of nothing but his sword, his bastardy—and his genius; and also that of William Forbes, ultimately of Craigievar and much else, who, as the story goes, giving his brother, the Bishop of Aberdeen and laird of Corse, God Almighty as security for a loan, sought and found wealth in commerce at Dantzic.

The Aberdeen burgesses of Guild, in those feudal days, were not uncommonly the younger sons of county families and aristocratic pretensions, manifested themselves strongly among the city fathers.

So much so, that there appears to have been a division of burgesses into classes with very different privileges.

An interesting *resumé* of these classes, and of the conditions of burgess-ship, will be found in Mr. A. M. Munro's Introduction to the New Spalding Club *Miscellany*, Vol. I. It appears that there were three classes of burgesses, viz., burgesses of Guild, with fuller trading privileges, who claimed the right to rule the city; "simple burgesses," who traded in home productions, but not with foreign countries, either as exporters or importers; and burgesses of trade who merely had licences to manufacture and sell their wares in the city. The privileged class were the burgesses of Guild, frequently recruited by the admission of the sons and relatives of the county gentry, and very chary of allowing their fellow-burgesses in other classes to interfere either in the government of the town or in the larger commercial undertakings of the period. Even in the annual procession or masquerade of craftsmen to St. Nicholas Kirk on Candlemas day, the brethren of the Guild supplied the knights in harness with their esquires. The city in small thus reproduced the feudal system outside its walls, and the burgess of Guild frequently considered himself, and sometimes was, *gentilhomme et bourgeois*.

The example set him by his father, William Blackhall or Blakhale of that Ilk, was followed by his second son Robert Blackhall, who was elected a burgess of Guild in 1528. Prior to that, however, in 1518-19, he had sasine on Fola-Blackwater. (*Exchequer Rolls*, Appendix, p. 616.) Fola would appear to have been left by the burgess-coroner equally between his successor in Blackhall and his second son, for in a charter of confirmation by Queen Mary to Patrick Gordon of Auchmanze and his wife, Katharine Lumisdane, of the lands and town of Little Fola, it is remarked of this property in 1551, "quarum una dimidietas quondam Willelmo Blakhall de eodem, altera quondam Roberto Blakhall burgensi de Aberdene olim pertinuerunt (*Reg. Mag. Sig.*, Vol. IV., p. 139). As the burgess-coroner only purchased half the lands of Fola (*Reg. Mag. Sig. Lib.*, 14, No. 20), Robert Blackhall must, after his father's death, have acquired his brother's share also, for, on the 20th of July, 1529, he sold his shadow half of the lands of Little Fola-Blackwater to John Chalmer in Bobithan (Balbithan) for a sum of money paid to him "in his grave and cogent necessity." (*Reg. Mag. Sig. Lib.*, 23, No. 39.)

Doubtless there were instances in which this was a truthful description of the situation, and this may have been one of these, but the same phrase occurs so frequently in deeds of the feudal period when lands exchanged hands, that one cannot avoid the suspicion that it was at times neither more nor less than a prudent whine to propitiate a feudal superior, should he be asked to confirm the transfer at a future period. When Robert de Lyle of that Ilk, one of the claimants of the Mar Earldom, borrowed 112 merks from the Abbey of Paisley, he assigned to the abbey a third part of the fishery of Crukytshot, and speaks of the money as having been paid to him in his urgent necessity (in mea urgente necessitate). "This confession of poverty," remarks Lord Crawford (*The Earldom of Mar and the Erskines*), "is strange, for Robert de Lyle had been created a Lord of Parliament, *circa* 1446; and he and his descendants for at least three generations were well off." This was in all probability an example of the propitiatory whine which I have suggested might be dictated by prudence in those days. Of what interest could it be to the world at large that the seller was impecunious? William Blackhall we know died "in Pinkie" in 1547. It is probable that John Blackhall, the parish clerk of Inverurie, was a younger brother of these two, although I have not observed that fact positively stated in any document. The latter may or may not have been the father of John Blackhall, who owned two particates of land in Inverurie, and is described as dead (quondam) in 1574-75, in a charter granting certain rents in Inverurie to Alexander Hay, the Director of the Chancellery (*Regist. Mag. Sig.*); or, this John may have been the son of Robert Blackhall, the burghess of Aberdeen. In any case I arrive at the conclusion that Alexander Blackhall, whose succession to Blackhall was so eventful for his family, was, in all probability, the representative and son or grandson of Robert Blackhall, once of Fola. He was probably not young when he succeeded, and died, as we shall learn, in 1593. There is no *positive* evidence of the name of Robert Blackhall's wife, but Douglas (*Baronage*, Vol. I., p. 36) states that Margaret, daughter of William Johnston of Caskieben, who fell at Flodden in 1513, was married to "a son of Blackhall of that Ilk." That "son" was, in all probability, Robert Blackhall of Fola, not the parish clerk, John Blackhall, as Dr. Davidson suggests. (*Op. cit.*) William Johnston, by his first wife, Margaret Meldrum (of Fyvie), had two children—his son and heir, and this

daughter, Margaret Johnston or Blackhall. (Davidson's *Inverurie*, p. 448.) Dr. Davidson, although he quotes Robert Blackhall's taking sasine of Fola, does not appear to have been aware of his exact position in the family, and it may be remarked in passing, that, although Dr. Davidson gives considerable space in his book to the history of the Blackhalls, and gives much valuable information, he is in many particulars neither precise nor correct.

I shall return again to Alexander Blackhall, later of that Ilk, and shall now state what is known of other burgesses of the name in Aberdeen, and their relations.

Difficult as it is, in the absence of an undisturbed charter-chest, to write a connected history of a family possessed of land, it is a much more difficult task to write a similar account of a family which has lost touch of that stationary factor in its history. Those engaged in such studies owe a debt of gratitude to officials who, like Mr. A. M. Munro, the City Chamberlain of Aberdeen, have used their opportunities of investigating the Archives to which they have access, for elucidating the bye-paths, as well as the main tracks in the history of the municipalities or districts with which they are connected. Fortunately, a very minute investigation of the burgess branch of the Blackhalls is not very essential now to the account to be given of their history, but the evidence we possess shows, that, down to a comparatively late date, there were Blackhalls in Aberdeen who regarded themselves as, and doubtless were, legitimate scions of the old stock.

In the list of burgesses roused from a documentary slumber by Mr. Munro, not unlike the long sleep upon which they have all entered, and whose names are written in the New Spalding Club *Miscellany*, Vol. I., the names of a good many Blackhalls are chronicled, and I am indebted to Mr. Munro for a chart in which he indicates the relationship of some of the burgesses and others in Aberdeen bearing that surname. Without doubt, descendants both of the Blackhall and Barra families played their part—spent their lives—in Aberdeen till the middle of the 17th century, and probably even until a little later.

Among the earlier Blackhalls burgesses of Aberdeen, in addition to those already mentioned, there was another Robert Blackhall, admitted on March 17th, 1595 (*loc. cit.*), and an Alexander Blackhall, described as "maltman," who was admitted on August 14th, 1599, for whom a William

Blackhall was cautioner. According to Mr. Munro, this Alexander was one of three brothers, descendants of the Blackhalls of that Ilk, who were all burgesses of Aberdeen.

After these there is an interval of a generation, before we meet with the admission of another Blackhall as burges of Guild of Aberdeen, and that is in the person of Robert Blakhall, who was admitted *ex gratia* on September 8th, 1628, and is described as "servant to Lord Hay." He was admitted, by favour no doubt, at the request of "Lord Hay," a mode of admission for which there was precedent. A reference to Father Blakhal's "Brieffe Narration" p. 44 (Spalding Club) leads to the conviction that the "Lord Hay" in question was the Earl of Errol and his "servant" a cousin of the worthy priest, and therefore probably descended from the Barra branch of the family. He is to be identified with Robert Blackhall of the Mill of Cruden, who in 1636 had sasine of the town and lands of Tarduff to himself and Susanna Haitlie, his wife and their heirs, from Alexander Blackhall, portioner of Finnersie. (*Reg. of Sasines*, Vol. X., fol. 199.) This sasine on a charter of alienation is witnessed by James Blackhall, burges in Aberdeen. His position as a servant to "Lord Hay" was probably that of a confidential manager, corresponding to the Secretary of the present day, in all probability without the writing, for this was regarded as a superfluous accomplishment by many even in the middle of the 17th century. This cousin is referred to by Father Blakhal more than once, and on one occasion took his part, very handsomely, in his absence. Readers of the "Brieffe Narration" are aware that the first of the three "noble ladyes" to whom Father Blakhal was of service was Lady Isabella Hay, fifth daughter of Francis Earl of Erroll, Hereditary Constable of Scotland. She went to France, it would seem, to escape marriage with a Protestant, being a faithful daughter of the Church, and was consigned to the care of a Mr. Forbes in Paris, who seems to have begun by acting as her banker, and ended by falling in love with her. His suit was unacceptable, and led to the lady's seeking the Court of Brussels, on the invitation of the Infanta, procured for her by Father Blakhal, whither she repaired in company with a female companion, an old steward of her family, and Father Blakhal, her confessor. Through the persistent efforts of the latter, the promise (ultimately fulfilled) of the lady-superiorship of a religious house was obtained for her from the

Infanta. This journey and its object appear to have incensed Mr. Forbes and a friend, who misrepresented Father Blakhal's action in the matter to Lady Isabella's brother, the Earl of Erroll of the time, with the result of pouring the vials of his Lordship's wrath on the head of the long-suffering but absent priest. "Her brother," writes Father Blakhal, "reading *that*" (namely, that his sister had been taken to the Low Countries "among the sojourns,") "in two divers letters from trustie frinds, as he esteemed them, did fal in a great furie, and calling for a cousin of myn, called Robert Blakhal, who was his actual servant, said, 'Robin, do you know Father Blakhal in France?' 'Yes, my lord,' said he, 'a very honest man.' 'A very basse knave and a traitour,' said my lord; 'he and Alexander Davidson hath taken my sister out of France, unacquainted Mr. Forbes and Mr. Annan, as they show me in their letters, and carried her to the sojourns in the Low Countries. I will get my hands over them both and make them smart for their doings; and she is a base woman for going away unacquainted Mr. Forbes, to whom I did give the charge of her.' It was an easy thing to make him believe this, for he did not know me, and he hated Alexander Davidson out of misure, and had great confidence in Mr. Forbes and Mr. Annan. Yet my cousin prayed him to have patience until the verity be known. 'Knowen,' said my lord, 'it is but ower true; would those men lye to me, and specially in such a matter as is the disgrace of my sister.' 'Then,' said my cousin, 'if Father Blakhal have taken her any way which is not for her wel, your lordship shall punish me, for I will put my lyff baille for him, we will get better newes ere it be long. I know Father Blakhal will loose his lyff rather than his honor, and will never do such a basse action.'" (*A Brieffe Narration of Services done to Three Noble Ladyes* by Gilbert Blakhal, Priest of the Scots Mission in France, in the Low Countries and in Scotland, p. 44.) It is satisfactory to learn that Lord Erroll lived to know the truth of the matter and to change his opinion of the worthy priest.

These events occurred after 1630, when Lady Isabella went to France, and it is interesting to learn that Robert Blackhall, the burgess *ex-gratia* of 1628, remained thereafter the "actual servant" of Lord Erroll, whatever his functions may have been. It would appear that the "Mr. Forbes" of this episode was also a cousin of Father Blakhal's (*op. cit.*, p. 6). Robert Blackhall seems to have prospered, for, on a subsequent

occasion (p. 71), Father Blakhal, who required money to assist one of his "ladies," betakes himself to his "cousin, Robert Blakhal, a man who could assist me wel in that business, having good means of his owne." That he was in comfortable circumstances is also proved by his obtaining sasine of Tarduff as just mentioned.

In 1631, James, the eldest son of Alexander Blackhall, the burghess and maltman already mentioned, was admitted burghess, and in the same year, his brother, Duncan Blackhall, was admitted, another brother, Alexander Blackhall, being his cautioner. There were also other burghesses of the name of Blackhall about this time. In the *Miscellany* of the Spalding Club (Vol. V., p. 330) there is a birth brief recorded, which should be reproduced here. It is in these terms: "16th Aprile, 1647, in presens of George Cullen, baillie. The said day it was verified and provin be the witnessis underwreitin, viz., Alex^r. Blak, younger, and William Blackhall, burghessis of Aberdein [the latter of whom was a miller, and uncle to the applicant, according to Mr. Munro], that Mr. William Blackhall, now in the universitie of Bromyberrie, within the dukedom of Spruce, is lauchfull sone to umquhill Robert Blakhall, burges of Aberdein, and Elspet Schand, his spouse, procreat betwixt them in the holie band of matrimonic, and is lineallie descendit on the father syde of the lairds of Blakhall of that Ilk and of the lairds of Ury Hay, and on the mother syde is lauchfullie descendit of the lairds of Pedfoddells Reid and Menzies of Dwrne. Quhair upon the baillie fore-said ordainit ane testimoniall to be drawin up under the touns secreit seall in form as effeirs." It will be remembered that the name of the wife of William Blackhall of that Ilk, who was also burghess of Guild of Aberdeen in 1504, was Isabel Hay. She was also the mother of Robert Blackhall of Little Fola, admitted burghess in 1528. The birth brief just quoted would suggest that she was a daughter of Hay of Urie, unless the procurer of the birth brief was descended from the Hays by another channel. This, however, and in this connection, is not probable. The Dukedom of Spruce was in Poland (?) (whither many Scotsmen appear to have resorted at that time), but what the correct name of the University mentioned was, we can only imagine to have been some such name as Bromberg,* grotesquely distorted by the Scottish scribe,

* Mr. P. J. Anderson suggests Braunsberg as the correct name, a place which has had a noted Lyceum since 1568.

who was probably more familiar with broomy knowes than with foreign universities. It is possible that Mr. William Blackhall registered the birth brief recorded in consequence of the failure of the male line of William Blackhall of that Ilk. His father is probably to be identified with the Robert Blackhall included among the defendants at the Mar trial. The limitation of the succession to male heirs bearing the name, which held good when Alexander Blackhall of that Ilk succeeded in 1591, was, however, done away with by the subsequent charter, in 1609, to William Blackhall, confirmed by the king in 1620. As we shall learn, moreover, the remnant of Blackhall was so burdened with debt when the heiresses of line succeeded, that even they had to renounce their inconvenient heritage. Mr. Munro identifies this Polish emigrant with the regent of Marischal College, now to be mentioned, and indicates him as the then male representative of the original stock of Blackhalls of that Ilk, as distinct from the Blackhalls of Barra, who were at this time represented by the family who acquired Blackhall itself and the hereditary offices in 1590, from Alexander Blackhall, the heir male returned in 1591.

The religious differences of the 17th century, and the keen eye of the Kirk to detect and punish papists, has preserved names which would otherwise have been forgotten. Among these are some Blackhalls. The editor of Father Blakhal's Narrative (*loc. cit.*, p. viii.) recalls Spalding's notice of "Mr. William Blakhall, one of the regentis of Colledge Marschall, a prompt scoller, bred, borne and brought up in Aberdene, and never yit out of the countrie," who "refussit to subscribe the countrie covenant, as the rest did, whereupon he was deposit of his regency; therefter he livit simply in sober maner within the tounce." (*History of Troubles, 1624-1645, Vol. II., pp. 10, 11.*) Regent William Blackhall is included among the minor Latin Poets of the 17th century, for an account of whom the late Sir William Geddes had collected material. (Appendix.)

The editor already referred to also mentions in a footnote on the same page, the case of Mr. Thomas Blakhall, burgess of Aberdeen, whose child the well-known Mr. Andrew Cant refused to baptise in open kirk in 1643, while the father held it up for that purpose, "alleging he was ane papist," but performed the rite when a "gossop" at hand took the child. (*History of Troubles, Vol. II., p. 154.*) Mr. Thomas Blakhall and his wife were on the same Sunday excommunicated as papists. I have mentioned the latter instance because of a fact recorded in the *Register*

of the *Privy Council* (Second Series, Vol. III., p. 31-32) of date February 3rd, 1628, which refers to the same person. It is there stated that Mr. Thomas Blakhall, "sonne to William Blakhall of Ley," was arraigned for publishing, in company with others, a pasquil "containing treasonable warnings and predictions of the change of state and religion within twa years." The defendant, however, appeared to his summons, and was exonerated. Thomas Blackhall, burgess of Aberdeen, is witness to a charter of alienation by Francis Fraser of Kynmundie of the lands of Tarduff, &c., to Alexander Blackhall, portioner of Fynersie in 1636 (*Register of Sasines of Aberdeen*, Vol. X., fol. 148), and appears to have been the third son of William Blackhall, once tenant of Leys, and later proprietor of Finnersie. He was also nephew to the forfeited Alexander Blackhall of Barra, who, with the aid of John Leslie of Balquhain, acquired Blackhall and the hereditary offices. Thomas Blackhall appears to have married an Isabel Blackhall, who, with her daughters Isabel and Jean, were denounced as Papists in 1658. (*Bundle of Executions*, Town House, Aberdeen.)

CHAPTER VII.

The Forfeiture of the Blackhalls of Barra.

VIII. ALEXANDER BLACKHALL OF THAT ILK.

IN 1591, Alexander Blackhall, cousin and nearest legitimate male heir of William Blackhall of that Ilk, Coroner and Forester of the Garioch, who died on the 5th of August, 1589, was retoured heir to the latter in his estate and offices. The document setting forth the special retour (*Record of Retours*, Vol. C. (Supplemental), fol. 65), of which I have an official copy, is illegible in portions, but the main facts fortunately are preserved. The year of his retour is given, but not the exact date. It must, however, have been early in the year, for Alexander Blackhall of Barra lost no time in making good the bargain to which John Leslie of Balquhain had assented. At the Mar trial a document, dated March 24th, 1591, was produced, which set forth the grant of the lands of Blackhall by Alexander Blackhall of that Ilk to Alexander Blackhall of Barra, and also an instrument of seising following thereupon, and dated the 25th of March, 1591. The King's confirmation of this charter, under the Great Seal, did not take place until August the 2nd, 1610, by which date the storm which had swept over the family was abating, leaving most of the wreckage, where most had existed for wrecking, namely on the Barra side of the account. Blackhall itself was not forfeited at this time, but appears to have nominally passed into the possession of Alexander Blackhall of Barra, who thus became Blackhall of that Ilk. In all these earlier charters about this date, the rights of Janet Strachan, the widow of a previous laird of Blackhall, are conserved, and the desire to do this may in a measure account for the fact that when all the Barra properties were confiscated, Blackhall was not.

In 1548 there is a charter (*Reg. Mag. Sig.*) in which property passes from William King, portioner of Barra, to his son James. Among the witnesses to this transaction are his neighbours, William Seton of Meldrum and William Blackhall, his co-portioner of Barra, together with his son, Mr. Alexander Blackhall. I referred before (p. 20) to another occasion on which Blackhall of that Ilk sat peacefully beside a King and Blackhall of Bourtie at an inquest.

This amity between these families no longer existed in 1590-91, when Alexander Burnet of Leys becomes cautioner for his cousin Alexander Blackhall, portioner of Barra, and for the brother of the latter James Blackhall, that they should not injure William King of Barrauch and other members of that family. (*Reg. Sec. Sig.*, 1590-91.) Again a bond is registered about the same time by Alexander King, in which Sir Walter Ogilvy of Findletter becomes cautioner for Alexander King and other members of that Barra family, that Alexander Seton of Meldrum, William Strachan, apparent of Tippertie, and Alexander Blackhall of Barra, should be harmless of them. Lastly, there was a bond signed on Feb. 8th, 1590-1 (*Reg. Sec. Sig.*, 1590-91, p. 581-582), for Alexander Seton of Meldrum and others, including William Strachan, apparent of Tippertie, and for many other Setons, that William King of Barrauch, James King, burgess of Aberdeen; Alexander King, Advocate in Edinburgh, and Elizabeth Gray, relict of James King, portioner of Barra, should not be molested by the persons named. Not only had the fuse been lighted at this time, but the bomb before referred to had burst, and we shall learn that, although property left both Blackhalls and Kings and gravitated towards the Setons, one of the splinters of this metaphorical bomb in the persons of dispossessed Kings of Barra and their friends, some time later slew Alexander Seton, the heir apparent to Meldrum.

What was the cause of all this enmity? Although the correspondence, litigation and documents preceding yet affecting the forfeiture of the Kings and of the Blackhalls of Barra are lost, or hidden in forgotten archives, the fact of the forfeiture is abundantly proved after the event, by documentary evidence, and the earliest indication of it to hand, concerns the Kings of Barra. On the 24th of March, 1590, and in the 24th year of his reign (that is, a few months before Alexander Blackhall of Barra completed his negotiation with the Aberdonian Alexander

Blackhall of that Ilk), James VI. granted for good service to Sir James Sandilands of Slamannan and his heirs and assigns half the lands of Barroch, Westerhous, Phillas, Aschenheid, Fuyrdailhous, sixth part of Petgovny, half the Mill of Bourty, with the superiority of Muretoun, &c., the inheritance of which (*quarum hereditatem*) James King, the fiar of Barra, resigned, as did William King, his father, his life rent. Whatever destiny awaited the Blackhalls, whose case might require closer investigation, it was apparently evident to the advisers of James VI. that the Kings had forfeited their right to Barra. Hence they appear to have been the first sufferers, in this example of the feudal short-sightedness of those whom fate had marked out for a more historic forfeiture a little later. A King of Barra then endeavoured to ward off the sword of fate which was about to, and did ultimately, descend upon the king of England, but Fate then took the unlovely form of a headsman, and her sword was transformed to the headsman's axe. James King, the son of the disinherited, still proudly styling himself King of Barra, though a younger son (as a representative of those who had rendered services to the State from that spot for so long had a just right to do) entered the service of Gustavus Adolphus, and rose to the rank of "General-major." When the Civil War broke out in England, and the king faced the people, the son of the man disinherited by James VI., stood sword in hand beside the son of the disinheritor. General Sir James King, as he became, commanded for King Charles in the North of England, and died Lord Eythan, taking as his designation the name of the river Ythan in Buchan, which gathers into itself the tributaries from the neighbourhood of his old home, as he had into himself the memory of the services of his fathers to the kings of Scotland. It must be admitted, however, that James King had acquired a little Dalgettian pawkiness in Sweden, and came to know Charles as well as his father had had occasion to know James, for he stipulated, before joining in the *melee* of the Civil War, that he should have recognised rank in the Royal Army, and be paid a pension which the king had promised him. But, in his last service in the Royal Cause, he had the honour of having his name associated as Lieutenant-General with that of James Graham, Marquis of Montrose, whose memory must ever be cherished by those who can appreciate the noble, the outspoken, the gifted and the true in human nature.

Montrose at least was of that generous type so frequently associated with the championship of lost causes, which is usually vanquished, but is sometimes immortal. It is the antithesis of the type, to vary his own brave words, hallowed by his yet braver deeds,

Which either fears its fate too much,
Or whose deserts are small,
And dares not put it to the touch,
To gain or lose it all.

Lord Eythan died in Sweden about 1651-2 without male issue, and the title died with him. (Davidson's *Inverurie*, p. 256. *Dictionary of National Biography*, Vol. XXX., p. 135.)

It will have been noted that the forfeiture of the Kings took place in 1590, for their "resignation" without evident compensation implies forfeiture, and from the deed chronicling the forfeiture of the Blackhalls of Barra, we shall learn that the Kings were coupled with them in this process. This forfeiture of the Kings, to be precise as to date, was registered at Dalkeith on March 24th, 1590. That is, it occurred after the death of William Blackhall of that Ilk, and before the retour of his successor, the Aberdonian Alexander Blackhall of that Ilk. Sir James Sandiland's possession of Barra was not of long duration. On the 26th of January, 1598-99, in the 32nd year of his reign, King James VI. granted to George Seton, the tutor of Meldrum, all the properties already named, which were comprised in the sunny half of Barra, and which, together with the "Knaifschip," are stated to have belonged to Alexander Blackhall of that Ilk, the Blackhalls of Barra as such not being mentioned, their representative at that date having acquired Blackhall and the offices from his very distant Aberdonian kinsman, and being at the moment "of that Ilk." These lands are stated to have reverted to the Crown in consequence of an alienation of the same by Blackhall of that Ilk, or his predecessors, without the royal consent (ob alienationem per eum aut ejus predecessores factam absque licentia regis). (*Reg. Mag. Sig.*) At the same time, the King granted to the same George Seton, the shadow half of the same lands once owned by William King of Barra and his son James King, and which are stated to have reverted to the Crown for a similar reason. George Seton was also given power to make public the consequences of the "recognitions" named (cum

potestate dicto Geo. pro declaratione *dictarum recognitionum* prosequendi). The italics are mine, and intended to draw attention to the fact stated in the deed, that the King possessed both portions of Barra for granting, in consequence of the forfeiture of Blackhall of that Ilk and Barra, and of King of Barra, on account of unsanctioned alienation by them of their properties. In the original document (*Reg. Mag. Sig.*) the name of Sir James Sandilands, who got the shadow half of Barra (King's) in 1590 (*Reg. Mag. Sig.*), is not so much as mentioned, and it cannot be gathered what special alienation of the properties is referred to. The family transfers of property in the immediately preceding generations were confirmed by the reigning sovereign of the time, in the case both of the Blackhalls and the Kings. We can only conclude, under these circumstances, that the alienations in question were of a more remote period. Whether a Blackhall or a King took the initiative in alienation cannot be determined by this deed, but, as I have already stated, the early history of Barra, and the manœuvres of Alexander Blackhall of Barra to acquire Blackhall on the death of William Blackhall of that Ilk, indicate the probability of the possession of Barra by the Blackhalls before the Kings acquired their portion.* Finally, on June 15th, 1615, James VI. granted and gave anew to George Seton, Chancellor of Aberdeen, all the lands of Barra, which Seton had resigned into the King's hands, for incorporation as the free barony of Barra when Barra Castle was ordained to be its chief seat. (*Reg. Mag. Sig.*) Triumphs of a certain

* In the Records of the Sheriff Court of Aberdeenshire (*New Spalding Club*, Vol. I.) the names of Blackhall of Barra and of King of Barra occur in relation to various transactions on several occasions. At times they act in the same capacity and in the same matter; at others they act separately. Prior to 1575 Blackhall is distinguished from "King of Bourty" as "Blakhall of Barrauche" or of "Barrauche of Bourty." On one occasion (in 1510) Blackhall of Barra is designated simply "Wilzeame of Barroche," while on the same occasion King appears as Wilzeame King of Bourty. In 1575 Blackhall is called Blackhall of Barrauche, and King "portioner of Barrauche." In 1575-76 Blackhall is Blackhall of Barraucht, and in 1576 King is also of Barraucht. Finally, in 1595, that is after the confiscation, both King and Blackhall are bracketted together among the barons absent from a Sederunt of Head Court as "D. de Barrauche King et Blakhall." There is thus a preponderance in the identification of the Blackhalls with Barra, which appears to me to argue prior possession of Barra proper by that family. If this conclusion be correct, the initiative in the feudal irregularity which cost both families so dearly probably lay with the Blackhalls, and was, as has been suggested, the cause of the quarrel which ultimately divided them.

kind, great and small, differ in size but not in nature.

Was gibt's? Das ist das Kaiserliche Siegel—
Dem *Fürsten* Piccolomini.

The newly made baron of Barra was not so important a personage as the newly made Prince, Piccolomini, although he might have questioned the correctness of this statement, for the laird of that day, who was transformed into a baron, was not disposed to undervalue himself, nor was he in fear of being undervalued by others. The historian of the Roses of Kilravock, a clerical cadet of the family, views all contemporary history from the dates at which the heads of that family succeeded one another! The gratification of the Setons on the general results of the forfeiture of the Blackhalls and Kings was, therefore, in all probability considerable. This consummation was not, however, reached without at least one very regrettable incident.

During the family animosities originated by these changes, there appears to have been a *rapprochement* between the Blackhalls of Barra, with whom Strachan of Tippertie (at one time the warder of Blackhall) was associated, and the Setons, as against the Kings. Among the very large number of Setons and their adherents, for whom caution was taken, to secure immunity from the animosity of the Kings, the names of Alexander Blackhall, portioner of Barra, and of his brother, James Blackhall, are found. These are the persons for whom, as we have seen, Alexander Burnet of Leys became cautioner that they should not molest the Kings. The Blackhalls of Barra, then, seem to have made common cause with the Setons against the Kings. It may be that in the examination of some ancient charter now lost or hidden, it was found that the lands alienated to the Blackhalls of Barra by the head of the family of that Ilk (if, as I believe, we are justified in assuming such a transaction took place) had again been divided by the former and part sold to the ancestor of the Kings. In this case the Kings might regard themselves as injured by the Blackhalls of Barra, and the latter would find something in common with the encroaching Setons. In any case, all these precautions do not, unfortunately, seem to have been sufficient to protect Alexander Seton, the heir apparent to Meldrum, from the animosity of the ousted Kings, for, in 1596, William King, still called of Barra, his brother David, and their accomplices, slew him. (Davidson's

Inverurie, p. 103.) "The slaughter may have arisen," remarks Dr. Davidson, "in some dispute about the transfer of land," and from what has now been stated, this seems extremely probable. It is pleasant to remember that the good name of an old family thus tarnished in a private feud, under circumstances provocative of wrath, and in an age when the rapier quickly left its scabbard, was redeemed by the distinguished soldier already mentioned, who was the brother of the perpetrators of this "slaughter," to call it by no harsher name.

The forfeiture of the Blackhalls of Barra, if not contemporaneous with, must have soon followed that of the Kings, for, on the 31st of May, 1592, we find Alexander Burnet of Leys became cautioner for a number of persons in 300 merks each, among whom there appear "Alexander Blakhall in Leyis," "William Blakhall in Leyis" and "Adam Blakhall in Leyis," "that the provost, bailies, council and inhabitants of Aberdene, heritors of the salmon fishing in the waters of the Done and Dee between Kincardine Oneill and Abirdene, and Johnne Irwing of Kingcoussy, keeper of the said fishing, shall be harmless of the said persons." (*Reg. Sec. Sig.*, Vol. IV., pp. 747-48.) As William Blakhall in Leyis some time later had a grant of Finnerisie, it may be assumed that these three Blackhalls, dispossessed of their interest in Barra, found a refuge on the home farm of their cousin, the laird of Leys, and that the eldest of them, Alexander Blackhall, late of Barra, was not yet generally recognised as Blackhall of that Ilk, although he had already acquired the property from his Aberdonian kinsman. To that worthy man Alexander Burnet of Leys, reference will again be made.

One can only surmise what the object of Alexander Blackhall of Barra could have been, in casting eyes on the comparatively small property and the offices of the head of the Blackhall family, while he himself was possessed of a considerable estate. It is probable that, in the examination of documents in the interest of the only daughter or sister of William Blackhall of that Ilk, some fear of the consequences of the ancient alienation of Barra by Blackhall of that Ilk, or by one of his own more immediate ancestors, may have seized him and John Leslie, with whose consent as interdictor the negotiations with the heir of William Blackhall were carried on. It may have been hoped that the transfer of all the properties to *one* Blackhall might obviate the consequences of some former act of feudal irregularity. It very

naturally never seems to have occurred to the laird of Barra and John Leslie, that the situation might have been met by selling Barra to Alexander Blackhall. Had they contemplated any such action, however, it is not at all probable that the Aberdonian heir to the Blackhalls of that Ilk would have been in a position to act upon their suggestion, for the junior branch at Barra appears at this period to have been much wealthier than the chief's family. But such a manœuvre, no doubt, would have been of little avail in saving the properties from the clutches of the lawyers of the needy King, who had already, as we have learned, laid hands on that portion of Barra owned by the Kings. James VI. could only have risen to the magnanimity of the victim of Flodden *after* he had entered into possession of the inheritance of the Plantagenets and Tudors. As a matter of fact, he did later confirm the charter by which the Aberdonian Alexander Blackhall of that Ilk, alienated Blackhall and the offices to Alexander Blackhall of Barra. This took place on August the 2nd, 1610. (*Reg. Mag. Sig.*)

Janet Strachan, the widow of William Blackhall of that Ilk, was now dead, and her interest extinguished. Her daughter or grand-daughter, Margaret, was retoured heir-general to her father or brother, William Blackhall, on July 11th in that year. The propinquity of dates of the charter of confirmation and of this retour is interesting, and from the terms of the latter rather suggestive of a knowledge by both parties of the impending confirmation. The confirmation of the charter of Alexander Blackhall of that Ilk, therefore, seems purposeless, unless it was intended to make some tardy recompense to Blackhall of Barra for his forfeiture, by thus recognising the transaction by which the latter became Blackhall of that Ilk.

In view of the Mar trial still in the future, it need only be mentioned further, that in this document of 1610, the lands and offices are declared to be held of the Crown.

CHAPTER VIII.

The Barra Blackhalls of that Ilk.

IX. ALEXANDER BLACKHALL OF THAT ILK (V. OF BARRA).

IT is not probable that Alexander Blackhall himself, although declared his cousin's heir, ever resided at Blackhall, or had actual possession of his property. All the evidence points, as we have seen, to his having been the son or grandson of Robert Blackhall of Fola, burgess of Aberdeen, and the instrument of retour, although illegible in many parts, states that the inquest was made in Aberdeen, and among those sitting upon it, besides some county gentry, there were several burgesses of Aberdeen. It is probable, therefore, that this Alexander Blackhall's interests were cast in the royal burgh, and that his own future would have been that of a burgess but for the death of his cousin without male issue. Mr. Munro, in his examination of the burial registers of St. Nicholas Church in Aberdeen, found that he died, and was buried in that church in 1593, about three years after he had disposed of his inheritance to Alexander Blackhall of Barra, who must henceforth be regarded as Blackhall of that Ilk. The similarity of the Christian name of these two Blackhalls and their contemporaneous existence has led to some confusion between them, and I am indebted to Mr. Munro for making the situation clear on this point. The correctness of his conclusion is also proved by the terms of the charter of confirmation of 1610, in which the Aberdonian Alexander Blackhall, is referred to as the late Alexander Blackhall of that Ilk, and his decease specifically mentioned.

By 1604 the representatives of the forfeited Blackhalls of Barra were apparently recovering in a measure from the blow they had sustained,

and on the 29th of May in that year, as Alexander Blackhall of that Ilk, the former laird of Barra witnesses a charter given by James Gordon, apparent of Lesmoir, to his brother William Blackhall in Leyes in life-rent, and to Alexander and Thomas Blackhall, apparently sons of the latter, equally afterwards, of a considerable amount of land lying in the barony of Cults. (*Reg. of Sasines*, Aberdeen, Vol. III., fol. 374.) In October of the same year he was a man of sufficiently established position to become surety as Alexander Blackhall of that Ilk, for Patrick Leslie of Badifurrow, that he would not fish for salmon in the Dee and Don "in forbidden time, with any kind of engine, under pain of horning." At the same time he also became surety with Patrick Leslie of Kincaig in 500 merks for Norman Leslie and others that they should desist from the same pursuit. It is rather amusing to find the sedate Alexander Blackhall of that Ilk acting in this capacity when, twelve years previously, Burnet of Leyes seems to have been surety for him and his brothers soon after the confiscation of Barra, that they should not poach salmon in the Don and Dee (p. 56). He further witnesses, in 1606, sasine on a charter of lands in the barony of Culter-Cumming by Alexander Burnet of Leyes to William Blackhall in Leyes.

In 1607 again he witnesses, together with Alexander Burnet of Leyes, a charter of part of the lands of Auchterarne to Arthur Skene, also as Alexander Blackhall of that Ilk. Curiously enough, the documentary reappearance of Blackhall of that Ilk as witnessing a charter of Auchterarne, may be correlated with an inquest concerning the same lands, then named Ouchirarne, which was held at Aberdeen in 1504, and on which, among others, sat a previous head of the family, namely, William Blackhall of that Ilk. (*Antiquities of Banff and Aberdeen*, Vol. II., p. 11, quoting from MSS.)

But the year 1607 saw more than a witnessing of a charter, for in January of that year Alexander Blackhall himself had sasine of the town and lands of Meikle Cocklaw. (*Aberdeen Sasines*, Vol. VIII.) Two years later he was the principal actor in an important family compact to be now mentioned which for a time seems to have entailed serious consequences on himself and others, if this transaction can be regarded as the cause of a fresh forfeiture to be mentioned presently.

On the 4th of September, 1609, and dated at Invercarnie, Alexander Blackhall of that Ilk granted a charter of Blackhall to his son, William,

and to the wife of the latter, Elizabeth Strathachin or Strachan, to whom he appears to have sold (vendidit) the place. This charter was confirmed by the King on April 4th, 1620, when the Blackhalls seem again to have been in unquestioned possession of Blackhall and of the offices so long associated with their name. In the interval, however, a fresh confiscation, possibly brought about by this family arrangement having been come to without the knowledge or permission of the King, had taken place, and Blackhall and the Coronership and Forestership of the Garioch, as I shall relate, passed for a time into the possession of Alexander Burnet of Leyes. How Blackhall again came into the possession of the Blackhalls, after the grant of both lands and offices to Alexander Burnet of Leyes in 1613, can only be surmised.

If (and although possibly entertaining the best intentions in the world towards some members of the Blackhall family) John Leslie, the tenth of Balquhain, can be regarded as their evil genius, who, by his interdiction of the Aberdonian Alexander Blackhall of that Ilk, directly and indirectly brought misfortune on all, Alexander Burnet, the twelfth of Leyes, and his immediate successors, may, without doubt, be regarded as the good genii of Alexander Blackhall of Barra and his children, who had become, as I have related, Blackhalls of that Ilk, by the bargain of 1590 with the Aberdonian heir of the laird who died in 1589. Alexander Burnet of Leyes, whose homely and benevolent features are reproduced in the New Spalding Club history of his family (p. 41), was a contemporary, and, as we have seen, relative of Alexander Blackhall of Barra and that Ilk. He was the laird or baron of Leyes from 1578 till 1619.

The period of the condonation of the feudal irregularity of which Alexander Blackhall had been guilty, in negotiating the transfer of the Blackhall property and honours in 1590, is marked by the charter of confirmation of August 2nd, 1610. It is somewhat surprising, therefore, to learn from the charter of July 30th, 1613, that Blackhall and the hereditary offices were granted by the King to Alexander Burnet of Leyes in consequence of a return of these to his possession by reason of alienation without the royal sanction. This should manifestly refer to a then recent alienation, for all the older Blackhall forfeitures were now matter of a too well remembered past. The only alienation one would say to which reference could be meant was, therefore, that by which

Alexander Blackhall of that Ilk sold Blackhall to his son, William Blackhall, on the occasion of his marriage with Elizabeth Strachan in 1609.

This transaction, which was not confirmed by charter, as I have stated, till April 4th, 1620, took place on September 4th, 1609, according to the original charter detailed in the confirmatory charter of the above date. (*Reg. Mag. Sig.*, Vol. 49, No. 386.) This date, however, is not that given in the document recording this transaction, which was handed in at the Mar trial. In this paper, the date of the registration of the deed at Aberdeen is given as Nov. 23rd, 1610, that is, a date later, not earlier, than the King's confirmation on August 2nd, 1610, of the transaction between the Aberdonian and Barra Alexander Blackhalls. It is possible that the retention by Alexander Blackhall of that Ilk (late of Barra) of the hereditary offices, while he parted with the property to his son, may have been due to the hope of minimising the scope of the alienation, if objection were taken to it later, for as a family the Blackhalls had had sufficient experience of feudal legal processes to render needful every precaution against forfeiture in the interest of impoverished or self-seeking persons having influence with the agents of the Crown.

In any case, whatever precautions they took on this occasion were not sufficient, for, as we have seen, confiscation again followed. And yet, this quiet family transaction, similar to so many which were invariably confirmed by the sovereign of the time, can scarcely have been the essential cause of the fresh confiscation. The whole matter, therefore, is one of surmise, and it is possible that the regularisation of the transaction between Blackhall of Barra and his kinsman of that Ilk, may have alarmed the Setons, or others interested in the confiscated Barra estates. Such a supposition, if valid, would throw some light on the motives which possibly prompted the original action of Alexander Blackhall then of Barra, and now of that Ilk, in seeking to obtain the family honours.

The charter by which the King gave Blackhall and the offices to Alexander Burnet of Leyes in 1613, was not produced at the Mar trial, nor was any annulment of it.

Among the favourite advisers of James VI. at this time was Alexander Seton, the first Earl of Dunfermline, and Great Chancellor of

Scotland, a younger son of that Lord Seton who was so faithful an adherent of Queen Mary's during her misfortunes. He was one of the Octavians, as has already been stated, and certainly, at the commencement of the 17th century, entertained a warm friendship for Alexander Burnet of Leyes, as is evidenced in a letter reproduced in the history of the Burnetts (*op. cit.*). The grant of Blackhall and the offices is made by the King to Burnet, his heirs and assigns whatsoever (*suisque heredibus et assignatis quibuscunque*), on the advice of this Earl of Dunfermline.

In view of subsequent events, and of the attitude of intimate and helpful friendship shown to the young Blackhall family by the Burnetts* on the death of their father, William Blackhall of that Ilk in 1623, the conclusion is forced upon us that this transfer of Blackhall to Alexander Burnet of Leyes was effected with the help of the Earl of Dunfermline, and in the interest of the again forfeited Blackhalls themselves.

As the charter restoring Blackhall to the Blackhalls, or its registration, is not mentioned in the charter of confirmation of 1620, and was not produced at the Mar trial later, and, moreover, as Alexander Burnet of Leyes died in 1619, it is legitimate to suppose that it was never intended by Burnet and Dunfermline to be a permanent forfeiture, and that the documents were intentionally torn up or renounced by Alexander Burnet, an irregularity, if such were the case, which could only evoke human sympathy, as tending to rectify an injustice perpetrated under an iniquitous system. A friend at Court was useful in those days, and if he evinced the eternal quality of human sympathy, coupled with a sense of justice, we do not feel disposed to criticise too severely such an instance of official partiality, at which the King himself, now comparatively rolling in riches, may have been induced to connive.

It is difficult otherwise to account for the facts that, so soon after this fresh forfeiture, the Blackhalls were again in possession of Blackhall and their hereditary offices, and that no documentary

* The spelling of this surname with the double "t" appears to have become usual from the time of the first Baronet of Leys. Previously to that period, it was spelt irregularly, but usually with one "t." A like irregularity characterised the spelling of the name of the property—Leys—before that time, and I have frequently reproduced that used in the original source consulted.—A. M.

evidence of their reacquisition of these is to be found prior to the confirmatory charter of 1620 already mentioned, which makes no reference to the important event which had occurred in the interval. The historian of the Burnetts makes no attempt to explain the matter, but, very naturally, appears not to have inquired into the transaction very minutely, as it was only a collateral incident in the general stream of his story.

Alexander Blackhall of that Ilk appears to have married Grissel (or, as it is interlined in the source from which Macfarlane gets his information, "Aegidia," "Giles") Leslie, a daughter of George Leslie of Creichie, and grand-daughter of William Leslie of Wardes. (Macfarlane's *Genealogical Manuscripts*, edited by Clark, Vol. II., p. 68.) He seems to have had two children, William, his successor, of whom more presently, and a daughter, Margaret, who married Alexander Irving in Achmoir, and who had a feu charter, in 1606, of the east half of the town and lands of Blackhall, conjointly with her husband and to their heirs. (*Register of Sasines*, Aberdeen, Vol. V., fol. 46.) In 1614, Alexander Blackhall of that Ilk resigned his legal interest in Minnis, along with several others, to John Seton of Auquhorties, when it was incorporated as a free barony under John Seton, with the manor house of Minnis as its chief seat.

Alexander Blackhall survived his son William, and died some time after 1634, for, in that year, he was a defendant, as we shall learn, with his grandson, in the action for reduction brought against them by the Earl of Mar. Like his friend Burnet of Leyes, although (and perhaps because) descended from Janet Hamilton, the natural daughter of the gay old Canon of St. Machar's, Alexander Blackhall's sympathies were with the Reformed Church, for in 1592, as Alexander Blackhill of that Ilk, he seems to have signed the Band anent the Religion in Aberdeen, and we know that his descendants, like the Burnetts, were Protestants. He was succeeded, therefore, during his life-time by his son,

X. WILLIAM BLACKHALL OF THAT ILK,

who was born probably shortly prior to his father's acquisition of Blackhall. How he was occupied after the Barra forfeiture does not transpire, but in 1610 he appears on the scene possessed of sufficient means to secure two wadsets on the estate of Leslie of Balquhain.

On the 31st of May in that year, John Leslie, fiar of Balquhain, wadset to him the lands of Auldtown of Knockenblews for 6000 merks (*History of the Family of Leslie*, by Col. Leslie, Vol. III., p. 81), and on the 9th of June, also in 1610, he acquired for 3200 merks a wadset on Whitecross. John Leslie, fiar of Balquhain, redeemed the latter by repaying William Blackhall 3200 merks on January 27th, 1619 (*Ibid.*, Vol. III., p. 83), but the latter still held the wadset on Knockenblews at the time of his unfortunately early death. One of the documents produced at the Mar trial also shows that William Blackhall had a grant of Knockenblews under the Great Seal.

The deed by which Alexander Blackhall of that Ilk parted with Blackhall to his son, and in virtue of which the latter became William Blackhall of that Ilk during his father's lifetime, is in the following terms:—It is a deed for the fulfilment of a contract of marriage entered into by Alexander Blackhall and his eldest son and heir apparent William Blackhall on the one part, and John Strathachin designed of Clune and sometime Tutor of Thornton and his "sister german" Elizabeth Strachan as principals on the other, with Mr. John Strachan, rector of Kincardine O'Neil, David Tulloch of Craigneston and William Strachan sometime of Tillifroskie as cautioner. This marriage contract is dated, as I have said, at Invercarnie on September 4th, 1609, and the deed was presented at Aberdeen on November 23rd, 1610; the whole being confirmed by the King, as I have stated, at Edinburgh on April 4th, 1620 (*Reg. Mag. Sig.*). The sale of Blackhall to William Blackhall and Elizabeth Strachan was in conjunct fee to them and without reversion; also to their legitimate heirs male, whom failing to the heirs male and assigns whatsoever of the said William, whom failing Blackhall was to revert to Alexander Blackhall, and his heirs male and assigns. The latter reserved to himself, as has already been mentioned, the life-rent of the Coronership and Forestership of the Garioch. It will be observed that the heirs male *whatsoever* (*heredibus suis masculis et assignatis quibuscunque*) and assigns of William Blackhall had the precedence over any heirs male or assigns (*heredibus masculis et assignatis*) of his father. That is, that the male representatives whatsoever and assigns of William Blackhall took precedence of the other male heirs and assigns of his father, who were, as we shall presently learn, younger members of the Barra family who had reacquired

Finnessie, a portion of the old estate, and his daughter and her husband, Alexander Irving. To this arrangement Alexander Irving in Achmoir, to whom and his wife, as we have learned, half of Blackhall was granted, assented. (Cum precepto sasine directo Alex. Irving in Auchmoir.) Of Elizabeth Strachan, the wife of William Blackhall and the mother of his children, I shall write more fully presently. They had five children.

1. JOHN, baptised on March 11th, 1617.
2. MARGARET, the eldest daughter.
3. JANET, the second daughter, b. 1615.
4. JEAN, d. 1622.
5. KATHARINE, baptised on May 19th, 1622.

These particulars of his family have been preserved by the fortunately extant private register of Mr. James Mill, minister of Inverurie, now in the Register House in Edinburgh.

On July 10th, 1623, there is registered (*Reg. of Sasines*, Aberdeen, Vol. IV., fol. 168) a renunciation by William Watt in Balquhain of his right to "the sunny four ox gait of the shaddow pleugh of the town and lands of Blackhall to Alexander Blackhall of that Ilk and his son William for 600 merks repaid to him by them. For this sum Alexander Blackhall had wadset the land to William Watt in Middletoun of Knockenblewis, the father of the renouncer.

William Blackhall of that Ilk died on the 27th of November, 1623, and the same authority informs us he was buried in the Kirk of Inverurie (also quoted in Davidson's *Inverurie*, p. 209). Mr. Mill has given some details of his will.

It is pleasant to find among the curators of his children some names with which we are already familiar. These were Sir Thomas Burnett, the first Baronet of Leys, the eldest son of his old friend Alexander Burnet of Leyes, sometime of Blackhall, and during that time Coroner and Forester of the Garioch, John Strachan again become Tutor of Thornton, of whom we shall say more, Patrick Maitland of Auchincrief, who married a sister of Sir Thomas Burnett's, and whose ancestor married, as we have learned, one of the Blackhalls of Barra, John Seton, of the recently erected free barony of Minnis, Robert Burnett, Advocate in Aberdeen, and James Burnett of

Craigmyle, next brother to Sir Thomas Burnett (*Family of Burnett*, New Spalding Club, p. 113).

But the main charge of his children and estate was in the hands of his widow, who we have reason to believe was a woman worthy of her responsibilities. “. . . . he leiffes his haill Barnes to his wyff, Elizabeth Strachane, and Nominates and leiffes his said spous Tutrix to his haill barnes, and nominates his said spous his executrix, and to Intromet with his haill guidis and geiris, and she to pay all his debtes.” (James Mill’s *Register*.)

The scanty remains we have of the career of William Blackhall leave the impression that he was a man well calculated to restore the fortunes of his family. To his widow and children, as the representatives of old traditions and as individuals, his early and probably unexpected death (for he made his will shortly before that event “in his awin hous in Blackhall the 22 September, 1623 yearis”) at a crisis of their fate, must have been a great blow. Old as the story is, the impression of tears remains. His widow assumed his task with her weeds, and that task, with its debts and unaccomplished purposes, was not an easy one.

Elizabeth Strachan or Blackhall was the youngest daughter of Alexander Strachan of Thornton in the Mearns. Her mother was Isabel Keith, a daughter of her father’s powerful neighbour, William, fourth Earl Marischal, by that wealthy heiress, Margaret, the eldest daughter of Sir William Keith of Inverugie, who bore him nine daughters and two sons. Among the numerous maternal aunts of Elizabeth Blackhall, who all married the landed representatives of old families, she who made the most historic match, or rather matches, was Agnes, who first married James Stewart, created Earl of Mar on that occasion, afterwards Earl of Moray and Regent of Scotland. The Regent’s widow married, as her second husband, the 6th Earl of Argyll. As the representation of the main line of the Strachans of Thornton, the acknowledged chiefs of a once powerful family, passed into female representation, either in Elizabeth Blackhall’s time or soon afterwards, it may not be amiss in this place to say a few words about that ancient race, as we may gather from her surroundings to some extent what manner of woman Elizabeth Blackhall was.

It has already been mentioned that, in 1309, King Robert the Bruce

granted a charter of the lands of Thornton to Valens de Thornton. The heiress of Thornton appears to have been Agneta de Thornton, who married, in the reign of David II., Sir James Strathecan. From that period till the date we are considering, Thornton remained in the hands of the Strachans, and even at the present day, Thornton Castle, lying about two miles north-west of Laurencekirk, though much modernised, retains the old round tower and battlemented block which recall the ownership of the Strachans by the sculptured armory of the trippant hart. Close by is the home farm of Hauchead, where the Tutor of Thornton and one of the curators of William Blackhall's children lived, and next that lies Halkerton, the old home of the Falconers, one of whom had been a lady of Thornton.

When Isabel Keith married Alexander Strachan of Thornton, the financial position of the family was as secure as that of most considerable landowners in Scotland. Alexander Strachan's eldest son, Robert, who married a daughter of Sir William Douglas of Glenbervy, the 9th Earl of Angus, had predeceased him. His grandson Alexander Strachan, ultimately the first Baronet of Thornton, was in his minority. Isabel Keith died in 1595, and apparently in 1600-01 her husband married as his second wife Anna Mercer of Meikleour, the widow of James Learmonth of Balcomie. Alexander Strachan of Thornton himself died in May 1601, and his will is dated on the 14th of the same month in that year. His sole executors were his wife and his second, but eldest, surviving son John Strathauchine, who, his father being dead and his nephew in his minority, was thus Tutor of Thornton, until the birth of Alexander Strachan, his grand-nephew, and the future second baronet. At the time of his death Alexander Strachan of Thornton left three unmarried daughters and another son, George Strachan, all of course children of his first wife. He wills that his said spouse shall have the enjoyment, maintenance and possession of the place of Thornton and orchards thereof with the said son (John), she upholding and maintaining the same so long only as she and he agree together in the household. He also bids his three daughters, Magdalene, Katharine and Elizabeth, remain with his said executors, so long as they hold house together in Thornton or elsewhere, "at least until marriages be provided to them by his said sons and others their friends." He also gives directions to his executors to provide for some old and faithful

servitors until his grandson and heir should reach his majority, when the latter was to assume their responsibilities in this particular, a touch of the old patriarchal solicitude for dependants which a more emancipated age does not always evince. (*Edinburgh Commissariat of Testaments*, Vol. 37.)

Immediately after Alexander Strachan's having made his will, namely on the 15th day of May, 1601, there is an instrument of seasing, giving to Elizabeth Strachan, the youngest daughter, half the lands of Petgarvie, one of the possessions near Thornton, which had been in the family certainly since 1458 (*Reg. of Sasines, Kincardine*, Vol. 45; also *Reg. Mag. Sig.*). The efforts of the brothers and friends of the young ladies above mentioned were not unsuccessful. Magdalen Strachan is stated by Rogers (*Memorials of the Strachans*, p. 36) to 'have married William Rait of Halgreen. Katharine married Robert Middleton of Killhill in the Mearns, and was by him the mother of a doughty soldier of somewhat riotous character, once the companion in arms and afterwards the opponent of that "glory of the Graemes," the great Marquis of Montrose, whose overthrow he helped materially to accomplish, namely, General John Middleton, who opened with his sword the world-oyster of his time, and died John, first Earl of Middleton.

Elizabeth, as we know, married William Blackhall of that Ilk. It is not difficult to conjecture how Elizabeth Strachan became acquainted with William Blackhall. Her step-mother married, as her third husband, Gordon of Lesmore, and the wife of Alexander Burnet of Leys, the stanch friend of the Blackhalls, was Katharine Gordon, a daughter of Gordon of Lesmore. There were also other sources of mutual acquaintance. Thus, in 1610, Sir Thomas Burnett of Leys married the daughter of that Sir Robert Douglas of Glenberrie, whose sister had married Elizabeth Strachan's eldest brother Robert. But, in those days, the fixity of land tenure and the absence of international communication, made a whole country side more or less acquainted or kin.

Executor and brother John, who constantly appears in records, looking after the interests of one or other member of his family, had done his work very well. On one occasion, when these interests appear to have required protection, he and his friends, including his nephew,

Alexander Strachan, the laird of Thornton, in 1613, seem to have taken the law into their own hands, and caused Captain Alexander Wishart of Phesdo to disgorge an important document, "invironed about on all sydis be a number of men convocat and assemblit togidder be the said Alexander Strauchane, being in number auchtein personis, and airmed with hagbutis and pistolletis prohibite to be worne be the Lawis of this realme" (*Reg. Sec. Sig.*). Captain Wishart gave up the document, under the influence of such cogent argument, but brought an action against his assailants afterwards. The lords of Secret Council, however, absolved the defendants in the action, and the affair soon blew over. In 1617, John Strachan, called of Corskie, was engaged in the gentler procedure of playing sponsor or witness at the baptism of William Blackhall's only son, John, at Inverurie. (James Mill's *Register*; Davidson's *Inverurie*, p. 213.)

With these traditions it is not a matter of surprise that Elizabeth Blackhall assumed the difficult task in her widowhood of rearing her young family and nursing the ailing fragment of a sick estate, with a watchful vigour which nevertheless ultimately proved futile. She had sasine as a widow of her terce of the lands of Auldtown of Knockin-blews on August 5th, 1625. (*Aberdeenshire Sasines*, Vol V.)

With this exception, in the interval between 1623, the date of William Blackhall's death and 1631, no documentary fact of importance concerning his family transpires. The children were still young. Even if the eldest daughter, Margaret, was born the year after the marriage of her parents, she could not have been more than twenty in 1631, and the youngest child Katharine, probably named after her aunt, Katharine Middleton, or after Katharine Maitland of Auchincrief, the wife of one of her guardians, would only have been nine years of age. Margaret, to whom we shall return, may or not by this time have married Patrick Forbes. There may have been some fresh mortgaging of the scanty property left to the family, but of this there is no positive evidence. The incident which again brings the mother of the family on the scene is one which created much interest in Scotland for some time after it occurred, and has never been quite satisfactorily explained. On the morning of October the 8th, 1630, the tower of Frendraught House was burned down, and some notable guests of James Crichton, the laird of Frendraught, perished in the flames. These included Viscount

Melgum, the second son of the Earl of Huntly and the young laird of Rothiemay—an important cadet of the Gordons, who had just succeeded his father, slain in a broil with the Crichtons. In the exhaustive investigation made into the affair, the assertions of a serving girl called Margaret Wood, who seems to have lied freely, had to be sifted.* This Margaret had been in the service of Elizabeth Blackhall shortly before the tragedy, and for one cause or another, it appears to have been insinuated that the “Lady Blackhall” might be able to afford some information on the subject. Accordingly, on the 13th of January, 1631, Elizabeth Strathachin, “Lady Blackhall,” was summoned before some representatives of the Privy Council at Legatsden, near Pitcaple, to answer certain questions put to her by “ane nobill and potent lord, George, Lord Gordon.” In her replies she denied all foreknowledge of the tragedy. “Lastlie, being demandit, quhat moneyis the said Elizabeth Strathachin gef at that time to the said Margaret Wood (she) ansuerit—Nocht one penny.” There is an emphasis about that “nocht one penny” which reveals both dignity and character. The document chronicling the investigation is endorsed “Declaratione, Elizabeth Strathachine for cleiringe of hirself against the assertions of Margaret Wood.” The Crichtons themselves being Protestants at that time, were freely accused by some, especially the Roman Catholic party, of having immolated their own guests on the altar of religious fanaticism or of having murdered them in order to curry Royal favour, but as Crichton was a considerable loser by the destruction of his own property, there is no positive evidence of his having been guilty of such perfidious conduct. (*Reg. of the Privy Council*, Vol. IV., Second Series, p. 607.)

On July the 12th of the same year (1631) a supplication was made by Alexander Abercromby of Birkenbog and Hector Abercrombie of Fetterneir for the protection of the law against Sir John Leslie of Wardes and others. Among the persons asserted to have conceived a deadly hatred and malice against them, and to have determined to

* Margaret Wood, according to Spalding (*Memorialls of the Troubles*, Vol. I., p. 19-20, Spalding Club, 1850), was a daughter of the laird of Colpnay, who was one of the witnesses at the baptism of John Blackhall. The poor girl was tortured with the “boot” under examination, and might be excused for making any statement then or afterwards, to escape the barbarism of her inquisitors.

“dwang and oppress” them and their tenants, and who threatened them “with all manner of personal violence,” appears the name of “Elizabeth Straquhane, Ladie Blakhall.” She, together with the lairds of Wardes, Cluny and Lesmore, the Leiths of Harthill and several others, were bound, “under the pain of one thousand pounds,” not to molest the Abercrombies. The cause of the unpopularity of this family at this time does not transpire, but, twenty-six years later, Blackhall passed into the possession of Francis Abercrombie, the eldest son of Abercrombie of Fetterneir, and it may have been that there was some sympathy in the countryside with the widowed “Ladie Blackhall” in her fight against circumstances, as the names of those included in the indictment suggest relationship with her.

In 1635, John Blackhall, the only son of William Blackhall of that Ilk, was still a minor, and Blackhall and the other lands which belonged to his father, together with the offices, were, pending his majority, in the hands of his mother. In that year the Blackhalls, little as they could afford it, had to defend themselves against the action for reduction brought against them by John, Earl of Mar.

CHAPTER IX.

The Mar Action.

IF the royal treasury was empty, it is not probable that the Mar money-chest was over-full. While his erudite and considerate Sovereign, therefore, was engaged in confiscating Blackhall and Barra in the Garioch, a proceeding which, after the Act passed in his favour by the Scottish Parliament in 1587, the Earl of Mar must have known to be poaching on his own preserves, the Earl himself had begun to be busy some 16 to 20 miles further to the south-west, in the endeavour to accomplish a dream, which, if realised, promised to be not unprofitable. The honour restored to his family, barren but for such substance as still adhered to the title, and with which the Earl of Moray would have had to content himself, and with which the Regent Mar, his father, apparently had been contented, did not satisfy the Lord Treasurer of Scotland. In 1593, an action for reduction was commenced by him against William Forbes of Corse, whose initials, cut in granite, together with those of an earlier Elizabeth Strachan of Thornton, his wife, still stand out clearly over the entrance to Corse Castle, with the intervening date 1581.

One of the pleasures of a genealogical history such as this, is the occasional observation of interesting coincidences, and it is worthy of note that the lady of Corse and the lady of Blackhall, in whose time the actions for reduction which we are considering took place, were both members of the Thornton family, and both bore the same Christian name. Elizabeth Forbes was the paternal aunt of Elizabeth Blackhall. This by the way.

The Corse action was in some respects a test action, and led to the chief action for reduction taken by the Earl of Mar, namely, that against the Elphinstones of Kildrummie. The Corse action was

dropped for a time, and resumed when Patrick, Bishop of Aberdeen, was laird of Corse, and was ultimately decided in the Earl's favour, but apparently, as in most other cases, without any other result than the acknowledgment of a shadowy superiority dating from the dawn of time, but causing much annoyance and expense to reach that very small result. In order to spread his net as widely as possible, and to have the meshes as close as possible, his lordship appears to have had himself retoured heir to one Noachian ancestor after another, that no fish, however small, might escape, for little fish are sweet. (*Earldom of Mar*, by the Earl of Crawford.)

The attack in all these actions appears to have been based upon the charter of Isabel, Countess of Mar, and her husband, Alexander Stewart, dated December 9th, 1404, and its confirmation by Robert III., on 21st January, 1404-5 (*Earl of Crawford, op. cit.*, Vol. I., p. 395), by which, in the case of failure of legitimate progeny to this couple, reversion was to the heirs of Countess Isabel. The defence, on the other hand, was based on what Lord Crawford calls the "extorted, renounced and unconfirmed charter, by which the Earldom was settled on Isabel and Alexander Stewart and their issue, and failing such issue, on Alexander's heirs, excluding those of Isabel" (*Op. cit.*, Vol. I., p. 399). Neither side seem to have touched upon a point which appears to be quite as important as either of these, and which has been mentioned elsewhere (p. 3), namely, that the legality of Earl Alexander's actions, judged even by Robert III.'s charter, was quite as great after his wife's death in 1419 as before it, and that the sanction of new conditions by James I., in 1426, was quite as legal as that conferred by Robert III.'s action in 1404. To ignore these points appears to be to base argument on notions of intrinsic justice, of which feudal law, as incorporated in charters, took little cognisance. The truth of course is, that the Crown, in the persons of Queen Mary and James VI., renounced the rights legally resumed (as law then went) by their predecessors, and practically gave a new charter to the Erskines, neither more nor less legal than it had given to many of the Crown vassals, after the resumption by the Crown of the patronage in Mar and the Garioch. *Regia voluntas suprema lex*, was still law (except for the occasional intrusion of a boisterous baronage), although the shadow of a coming change was denoted by a little more forensic loquacity on the part of

the lawyers, than the author of the King's Quhair would probably have found time to listen to. The restoration of the Erskines, and the free hand given them, may be fairly ascribed to their relationship to the Regent Moray in the first instance and to the friendship of James VI. for his old companion "Jock o' Sclatis" in the next. It is unnecessary to add that in the majority of cases the evidence urged in opposition to the Earl's claims and the documents produced with this object, were "reduced, retreated, rescinded, and annulled and discerned to be null and void from the beginning and henceforth." As I have stated, however, the general outcome of his many actions must have proved much less remunerative than the prosecutor had hoped. In documents drawn up subsequently to the proceedings it appears in some instances to have been forgotten, at least for a time, that any such actions had been considered, or any such judgments given.

It is not surprising, under the circumstances, either that a good deal of feeling was excited in the minds of those whose interests were thus assailed, or that sympathy was shown, rather with the defendants than with the prosecutor in these actions. This must surely have been so in the case of the Blackhalls, who were in the first instance dispoiled, as we have seen, as vassals of the Crown who had been guilty of some antediluvian feudal irregularity (although the evidence of this is certainly not now forthcoming), and then found themselves, when impoverished and very partially recovered from their previous misfortune, between the upper millstone of the King's asserted rights and the nether millstone of the Mar pretensions. It may be incidentally mentioned, moreover, that the charter of confirmation given to the Blackhalls of that Ilk in 1620, was, in the legal phraseology of the document, with the "advice and consent" (*cum avisamento et consensu*) of "the well-beloved cousin and councillor of the King, John, Earl of Mar."

The attack upon the Blackhalls nevertheless appears to have been opened on the 14th of February, 1634. Among those included in the charge with old Alexander Blackhall of that Ilk, his grandson, John Blackhall, still a minor, and the mother of the latter Elizabeth (called Marjorie) Strachan, and designed a life renter, were a Robert Blackhall, son of the late William Blackhall, burgess of Aberdeen, John Garmuke in Daviot, Sir Alexander Strachan of Thornton, George Moresone, burgess of Aberdeen, and William Forsythe of Dyikis. All these, with the

exception of the Blackhall family proper, were probably interested as bondholders. The mention of the name of George Morison in this connection has a certain interest, inasmuch as either then, or soon afterwards, he became possessed of Barra, which was granted, as we have learned, to the Setons on the forfeiture of the Blackhalls and Kings, and at this trial William Seton of Meldrum produced, among other writs, certain charters setting forth the manner in which the Setons gained possession of Barra. This fact seems to argue the solidarity of the interests of Blackhall and Barra. The counsel for the pursuer were led by Sir Thomas Hope of Craighall, the Lord Advocate, one of whose daughters married a son of the Earl of Mar. The Blackhalls were represented by Robert Burnet, Advocate, a son of Alexander Burnet of Leys, and a man who had the courage of his opinions, as he proved shortly afterwards by sacrificing his career to his convictions. He refused to propitiate the Covenanting party, and retired into an exile from which he returned to take his seat on the bench as Lord Crimond, but only to die shortly afterwards. He was the father of the famous Bishop of Salisbury, the author of the well-known history of his own times (*Family of Burnett*, New Spalding Club, p. 130, et seq.).

A long series of documents were produced by the defendants, some of which have already been quoted, and which went to prove that the Blackhalls certainly held their lands and offices in the first instance from the Earls of Mar, even before the period when Sir Robert Erskine became a claimant for the Earldom, and therefore a representative of that Earldom could not righteously dispossess them without assigning some other reason than his own desire for possession. But the judicial utterance which seems to have become a formula was the same in this as in most other cases: "The Lords of Council reduces, retraits, rescindis, cassis and annullis the foirsaidis haill writts and evidentis particularlie above mentioned, produced for the part of the said defenders, and decerns the same to be null and void from the beginning and henceforth, and finds that the saids lands are proper parts of the Earldom of Mar, remained in the person of the said umquhile Dame Issobell Dowglas, and consequently that the undoubted heritable right thereof pertained to the said umquhile John, late Earl of Mar, who was heir served and retoured to the said umquhile Dame Issobell Dowglas, Countess of Mar, and consequently now pertain to the said John, now

Earl of Mar (styled in the said summons John, Lord Erskine) as having right thereto from his said umquhile father." And it is quite unnecessary to point out that no such conclusion flowed from even these premises ; for it was proved that the defendants were given these lands in the first instance by the Mar family. If therefore the lands were not held of the King, they must have been held of the Earls of Mar. But if the Earls of Mar had given them in that case to the Blackhalls, they could not belong to John, Earl of Mar, as the representative of his ancestors, the original donors. This, however, is not law, but merely logic.

It is a little interesting that Sir Alexander Strachan should be included in this charge, and that Thornton should be specifically claimed by the Earl of Mar. There was certainly a Thornton in Bourtie, and it belonged to a cadet of the Strachans, but there is no evidence that it ever belonged to Sir Alexander Strachan of Thornton, whose estate, as I have said, lay in the Mearns and outside the old Mar Earldom. Curiously enough, Dr. Davidson also (*Inverurie*, p. 103) appears to confuse these places. The document recording this trial declares further that the Earl of Mar "passed from certain of the defenders therein named and insisted only against, *inter alios*, John Blackhall of that Ilk (and) Marjorie Strachan, his mother, for reduction of their richts and infestments of the lands after specified, viz., the lands of Thornton, Blackhall, Office of Forrestrie of Garioch, and crownarschippe thereof," etc. It is curious that the lands of Thornton should be claimed in this connection. We know that Elizabeth Strachan had a charter of Petgarvy, which formed a portion of the Thornton estate, and it may be that this interest of hers was claimed as a forfeit for her defence of this action. In any case the effect of this action seems at this time to have been to secure the right of the Earl of Mar, rather than his actual possession, and the reason assigned is the minority of John Blackhall and the life interest of his mother. We shall see, when we come to consider the career of the latter, that in the retour in 1643, the very existence of this litigation is not referred to, and a legal comedy in tragedy on parchment asserts itself, for all the properties and offices therein mentioned are specifically stated to be held immediately of the Crown! The appearance of the money-lending burgess on the scene was, however, of ominous significance for the Coroners and Foresters of the Garioch.

CHAPTER X

After the Mar Action.

WE may return now to some particulars concerning other members of the family of William Blackhall of that Ilk and Elizabeth Strachan, his wife. Their eldest daughter, Margaret, must have married young—some time prior to 1629, and she was probably born in 1610-11, for, as will be shown later, two of her sons subscribed a legal document in 1650. She married Patrick Forbes, the third son of Arthur Forbes, portioner of Meikle Wardeis, and of Margaret Leslie, daughter of Alexander Leslie, fourth baron of Pitcaple, a branch of the Leslie family which, as I have stated, had royal blood in its veins. (*Genealogy of the House of Forbes*, p. 36, and *Historical Records of the Family of Leslie*, p. 383, Vol. III.) Colonel Leslie's statements with reference to this Forbes connection are, however, a travesty of facts complicated by misprints or ignorance. In no field of research is it more necessary to be scientifically accurate than in genealogy. To "verify facts" here is of the first importance, for their interest is biological, and their truth is usually the chief value they possess. Arthur Forbes of Meikle Wardeis was the fourth son of Alexander Forbes, sixth laird or baron of Pitsligo by Beatrix Abernethy, daughter of the fourth Lord Salton (*Douglas's Peerage*, Vol. II., p. 470).* To Margaret Blackhall and her family I shall again refer.

* Alexander, second Lord Forbes of Pitsligo, succeeded his father, the first peer, as a minor, on April 27th, 1637. On the 30th of August in the previous year, Alexander Forbes of Boyndlie was served his tutor-at-law or heir presumptive. Forbes of Boyndlie was the nephew of Arthur Forbes of Meikle Wardeis—the son of his elder brother. This Tutor of Pitsligo was succeeded in the same position by his grandson, also Alexander Forbes of Boyndlie (*Douglas, loc. cit.*, p. 369). The latter is the Tutor of Pitsligo, so frequently mentioned by Spalding as representing the influence and interests of Lord Pitsligo during his minority, in the *Memorialls of the Troubles*. These Forbeses of Boyndlie must not be confused with a later family having the same designation, who were cadets of Monymusk, not of Pitsligo, and are now represented by Mr. Ogilvie-Forbes of Boyndlie.

Their second daughter, Janet, married James Urquhart (*Acts and Decrees*, Vol. 578, fol. 3) who appears at one time to have been tenant of Blackhall. Who he was I know not; of what manner of man he was there is some evidence. He is apparently the person to whom Dr. Davidson refers in the following terms:—"Inverurie furnished an instance to which the phrase about insolence is sufficiently applicable. James Urquhart, whose name appears alongside of Alexander Jaffray's in the list of excommunications in 1668" (as an apostate to Quakerism) "was apparently Jaffray's tenant in Ardtannis. He was in Blackhall formerly, and was conjoint in a proposal for purchasing the Davo lands of Inverurie from Alexander Jaffray in 1662. James Urquhart, with his wife and two other persons, Robert Gordon and John Robertson, had been converts of Jaffray's. Urquhart treated all the citations of the different Church Courts with contempt, but his excommunication was made much of by his party." (*Inverurie*, p. 342.) Davidson does not appear to have known that he married Janet Blackhall.

Their third daughter, Katharine, was unmarried in 1655 (*Acts and Decrees*, Vol. 578, fol. 3), and there is no evidence of her having married later. They appear to have had a fourth daughter, Jean, whose death is thus recorded:—"1622. Jeane Blakhall, dochter to William Blakhall of that Ilk, departit this lyff 8 December, 1622; bureit in this Kirk." (James Mill's *Register*.)

The last note I have found of Elizabeth Strachan or Blackhall is in 1649, when, with her consent and that of her children, "Robert Farquhar, baillie of Aberdeen," a money-lending burgess too well known to the Aberdeenshire gentry of the period, alienated Knockinblewis to Alexander Leslie of Tullos. Her widowhood of 26 years had not been without incident of a more or less disagreeable character, which she had apparently met with fortitude and with the galling consciousness that the misfortunes which had overtaken her husband's family, were also overshadowing her own old home at Thornton. The old order was in many places changing, giving place to the new. The prescience of the burgess-corer, William Blackhall of that Ilk of 1504, was being justified—the town was conquering the country; not with the iron hand, and life as the stakes of the game, but with the silken purse and the aid of an art unknown to many men of position in the country districts even at this period, namely, the power to read and to write, and to see in

a wider world of culture and of commerce a more fruitful source of sustenance than in the howes and knowes of a land in which the laird was supreme.

XI. JOHN BLACKHALL OF THAT ILK.

The Mar action with its decisions had come and gone during the minority of John Blackhall. On the 29th day of September, 1643, the inquest met which retoured him heir male to his father. The fifteen men who met for the purpose were all burgesses of Aberdeen of one degree or another, with the exception of one, and he was a farmer. This point, as I suggested before, has a certain interest, as showing the social status of an heir, for birds more or less of a feather used at that time to flock together, and John Blackhall was surrounded by a distinctly burghal atmosphere. He was retoured to Blackhall with the hereditary offices, and to Auldtown of Knockinblewis, all being stated to be held "immediate in capite de S.D.N. Rege et suis successoribus pro servitio warde et relevii," and the lands and offices are stated to have been continuously in the hands of the King since the decease of William Blackhall, the father of the said John (*Record of Retours*, Vol. 17, fol. 231). Whether or not the equivalent of the twelve dog-collars of yore, and whatever else was due as feu-duty or other charge to a feudal superior, was payable to anyone, does not transpire, but vassalship to any other than the King was either entirely forgotten or quite ignored. As I mentioned before (p. 20), eleven shillings and a penny are now paid by the present proprietor of Blackhall to the Duke of Fife, whose ancestor bought much of the superiority of the Earls of Mar after their forfeiture for rebellion in 1715. On November 6th, 1643, John Blackhall obtained sasine of the town and lands of Blackhall, with the mansion and manor place of Blackhall and the offices of Coroner and Forester of the Garioch, &c. (*Aberdeenshire Sasines*, Vol. XII., fol. 551).

One of the documents produced in the Mar action, for the defendants, was a charter of the lands of Auldtown of Knockinblewis, granted by His Majesty under the Great Seal to William Blackhall, apparent of that ilk, proceeding on the resignation of John Leslie, elder of Balquhain and of John Leslie, younger of Balquhain, and dated August 7th, 1610. This transaction has been referred to in the paragraphs dealing with John Blackhall's father. More or less mortgaged, it remained, as has

also been stated, in the hands of the family until 1649, when John Blackhall was one of the consenting parties to its alienation.

John, unlike his father, does not seem to have been a pillar of his race, and it was probably a last effort to retain something in the hands of the next representatives of his family which induced him to grant an instrument of seising of the Mains of Blackhall, on the 9th of April, 1650, to Patrick Forbes in Nether Mondurno, and to Margaret Blackhall, his eldest sister, in conjunct fee, and to the survivor of them, and thereafter to their heirs and assigns whatsoever. He appears to have retained the offices, and whatever else of the estate which still remained, in his own hands. He seems also to have given a bond for 200 merks of borrowed money to his second cousin, William Blackhall, son of Alexander Blackhall of Finnersie, like himself a representative of the forfeited Blackhalls of Barra (*Register of Acts and Decrees*, Vol. 578, fol. 3). Dr. Davidson states that in February, 1648, he was married in Aberdeen as Captain John Blackhill of that Ilk, the name, it will be remembered, in which his grandfather, Alexander Blackhall of that Ilk, signed the Band anent the religion at Aberdeen in 1592. His wife's name was Isabel Robertson (*Inverurie, &c.*, p. 229). If he thus married, he died sometime in 1655, prior to May in that year, without issue, as will appear from a document to which I shall presently refer. And so the last of the hereditary Coroners and Foresters of the Garioch, and the representative of time-old traditions, both sun-lit and shadowed, like the portions of Barra itself, disappears from the scene. One would like to imagine that the accidents incidental to a military career, rather than his own incapacity, account for the oblivion which now rests on the name of the son of an able father and mother, and the first cousin of that successful soldier, John, the self-made Earl of Middleton. But this is not history, and we are reluctantly driven to the conclusion that the last of the Blackhall Coroners was an improvident creature, whose unavoidable misfortunes might have procured him some sympathy, but whose inconsiderate and weak actions brought still further misfortune on others.

XII. PATRICK FORBES AND MARGARET BLACKHALL OF BLACKHALL.

The grant by John Blackhall of that Ilk of the Mains of Blackhall to Patrick Forbes and his own eldest sister is signed at Berrahillock on

the 3rd of January, 1650, and witnessed by two sons of the infested, namely, Hew and William Forbes, and by Thomas Ethrington, the clerk to William Chalmer, the notary public who drew the deed, some others also being present. (*Aberdeenshire Sasines*, Vol. XIV., fol. 232.) Husband and wife were probably associated in this grant to fulfil the conditions of general entail male contained in the agreement made by William Blackhall of that Ilk and his father, already mentioned.

Patrick Forbes and his wife had sasine on this charter on the 8th of April, 1650, and the extent of the Mains of Blackhall in this document is stated to have been two "plough gates," or 208 acres, which is about the size of the farms of Blackhall and Nether Blackhall combined as these exist to-day. So far as one can judge, Patrick Forbes and his wife were left undisturbed in their modest possession, with a family largely of sons, the youngest at this time seven years of age, grown or growing up around them. There appears now to have been a short period of comparative rest from legal disturbance. They might reasonably have hoped that the memory of the old race, the remnant of whose possessions they occupied, might still be worthily represented in blood, if not in name. We shall learn that this hope also was largely disappointed, and that a fresh twist of the legal toils in which they found themselves, was about to extrude the last Blackhall from Blackhall. On July 9th, 1655, Robert Craig of Pitfodels obtained sasine on a charter under the Great Seal of the town and lands of Blackhall, etc., which pertained before to John Blackhall of that Ilk; also on the town and lands of Knockinblewes, etc., redeemable and under reversion to the said John Blackhall, his heirs and assigns, conform to the laws anent legal reversions of appraised lands. (*Aberdeenshire Sasines*, Vol. XVIII., fol. 26.)

On the 9th of November following (1655) a Mr. James Leith brought an action before the Commissioners for administering justice, at Edinburgh, against the daughters of the late William Blackhall of that Ilk and sisters of the late John Blackhall of that Ilk as heirs of line of these, against the husbands of Margaret and Janet Blackhall, as well as against some one whose name is illegible, but who is described as "advocate-general," and against Alexander Jaffray of Kingswells, Director of the Chancellerie, "and all others having or pretending to have intres in the said matter," to recover certain sums said to be due to

the pursuer as cessioner or assignee of their debts. (*Acts and Decrees*, Vol. 578, fol. 3.) Of these sums, one was a liability for 4000 merks said to have been incurred by William Blackhall of that Ilk on the 5th of January, 1623 (that is thirty-two years previously), to be paid after his death to his daughters in the proportion of 2000 merks to Margaret and 1000 to each of the others. The other claim was for a sum of 200 merks obtained "in friendlie borrowing" by John Blackhall of that Ilk from William Blackhall, son of Alexander Blackhall of Finnerisic, and for the repayment of which John Blackhall rendered his heirs responsible on the 3rd of December, 1649. The heirs portioners of the Blackhalls could not meet these responsibilities, and replied by renouncing their heritage, when the Commissioners "weill and rypelie advysed" "assoilzied" them "simpliciter," and gave Leith and his assigns the right to the Blackhall property.

In his claim, it is of interest to note that Leith includes not only Blackhall, but also Knockinblewes and the office of "Crunner and Forrester of the Garioch." It is likewise interesting, for reasons already discussed, to observe that the lands are said to be "holdine of the Lord Protector as now becom in vice and plaice of the lait King, last Superior thereof," and again "of His Highness the Lord Protector and his successors superiors thereof." It might legitimately be concluded from these statements that, so far as the Blackhalls were concerned, the Mar action resulted in little else than additional legal expenses imposed upon an already impoverished family, but there is a note to be referred to presently which seems to show that the Earl of Mar acquired some status in the matter. The forfeitures of James VI. had now led to their final result, and although the departure from Blackhall of the representatives of those who had faithfully served the Crown for centuries did not take place till two years later, this action had prepared the way for their final extrusion.

What the precise fate of Mr. Leith was I cannot gather, for his predecessor in the disturbance just mentioned again takes up the running in the *Register of Sasines*. On April 16th, 1656, Alexander Leslie of Tullos obtained sasine of Blackhall from Robert Craig, and of that "plough of land of the town and lands of Knockinglowis" once belonging to John Blackhall of that Ilk (*Aberdeenshire Sasines*, Vol. XVIII., fol. 283). Again, on January 26, 1657, there is

registered a renunciation by Alexander Leslie of Tullos to Francis Abercrombie of the town and lands of the Mains of Blackhall, manor place, etc., "with the office of ane crouner and forester of Garioch." Francis Abercrombie, later Lord Glasford, was that "worthie gentleman, eldest lawful son and appearant aire to Alexander Abercrombie of Fetterneir" (and a member of the family, it will be remembered, which sought protection against Elizabeth Strachan or Blackhall and others in 1631), to whom Patrick Forbes and Margaret Blackhall gave an instrument of sasine which was "presented be the Laird" on the 10th of March, 1657, and signed by him and Margaret Blackhall on the 2nd of the same month and year. Patrick Forbes appended his "seale of Arms," and his hand was led at the pen by James Ferguson, notary public, as he stated, because he "could nocht wrytt" himself; while the same notary, together with another named George Milne, signed the deed "at the command of the said Margaret, who could nocht wreat as she affirmit." And this was done upon the grounds of the saidis landis, day, moneth and yeire of God above specified, betwixt one houre and two houris in the efternoone or thereby" (*Aberdeenshire Sasines*, Vol. XIX., folio 135).

Francis Abercrombie thus obtained the lands of Blackhall, to be held of His Highness the Lord Protector in place of the late King, in consequence of a historic forfeiture, little anticipated by the feudal superior of Blackhall and Barra in 1590. The Abercrombies did not hold Blackhall long. Francis Abercrombie, now become Lord Glasford, obtained sasine on a charter by Charles, Earl of Mar, of the town and lands of Blackhall on April 7th, 1688 (*Aberdeenshire Sasines*, Vol. XIII., fol. 90), and William Thayne on May 5th, also in 1688, had sasine of the same lands from Francis, Lord Glasford, with consent of Dame Anna Semple, his spouse.

The Blackhalls were now a memory too remote to be mentioned in the exchange of the acres from which they took, or to which they gave, their name. But 1688, which saw them unknown in connection with their old home, also saw William of Orange cast anchor in Torbay and the last of the Stuart dynasty an exile in France. Once more "the story of Naboth's vineyard" (p. 35) "is not new." "Naboth," indeed, and his family had suffered since the King first set covetous eyes on his property, but "Jehu" was now at the gates of "Jezreel" and the kingdom reft from the "House of 'Ahab.'"

It may seem an anti-climax to associate so small with so great an event, but the spirit which brought about the one was so incurably ingrained in the immediate descendants of the pedant King of Scots that it also brought about the greater historic fact. The perversity which could unjustly crush an occasional vassal in faithful Scotland became, if no more iniquitous, an insanity when directed against a long-suffering, deceived, but finally indignant people in arms, a large proportion of whom did not regard the tyrants of that time even as fellow-countrymen. *Quos Deus vult perdere prius dementat.* With the later history of Blackhall we are not concerned.

Patrick Forbes and Margaret Blackhall had five sons, James, Arthur, Hugh, William and John. All these died without issue except John, of whom, as the immediate heir of line of the Barra Blackhalls of that Ilk, a short account may be given. (*Troup's Manuscript Genealogy of the House of Forbes*, collated from various sources, and among others from an old family tree in the repositories of the last Lord Forbes of Pitsligo, attainted for rebellion in 1745.) They also had a daughter, Isobel, who married the Revd. John Mair, M.A., and had issue (*Fasti Eccles. Scotie.*)

JOHN FORBES, the youngest son of Patrick Forbes and of Margaret Blackhall, was born in 1643. Like the burgess-coroner of 1504, this son of parents who could not write and presumably could not read, set his face towards Aberdeen, but his object was not the same. The coroner went to Aberdeen to acquire wealth to spread his territorial borders, and sit secure under the feudal superiority of the Scottish Crown—a confidence we have seen not too well founded. John Forbes went thither to sit under the shadow of the old crown-tower of King's College, and gain there the power to conquer territory which knows no feudal superior, and in which the fruits of victory are not alienable by anything short of death, and sometimes not by that. He graduated Master of Arts at University and King's College on July 9th, 1668, and was admitted to the charge of Logie-Coldstone as its minister sometime prior to the 6th of March, 1677 (*Fasti Ecclesiæ Scoticanæ*, by Dr. Hew Scott, Vol. III., pt. 2, p. 534). The church lands of Coldstone were for many generations in the possession of his father's family—the Forbeses of Pitsligo. (*The Records of Aboyne*—New Spalding Club, pp. 30-31.) In 1680 he was transferred to the parish of Kincardine O'Neil. The

patronage of this church appears at that time to have been in the hands of the Forbeses of Craigievar. (Davidson's *Inverurie, &c.*, p. 235.) He married "Margaret, daughter of Strachan of Thornton" (*Fasti Eccles. Scotie.*, Vol. III., pt. 2, p. 518). On this point a few words are necessary. I have so far failed to find the authority for this fact, but Dr. Scott, a most careful historian in such matters, must have found it, as he corrects the manifest error on this point made by Macfarlane in his genealogical manuscript. John Strachan, the Tutor of Thornton, and maternal grand-uncle of John Forbes, predeceased his grand-nephew, Sir Alexander Strachan, the second Baronet of Thornton, who died without male issue in 1659. I am informed, however, by Miss McGilchrist Gilchrist (Letter), who is engaged in a careful investigation of the genealogy of this family, that the Tutor and the Baronet were both survived by the eldest son of the former, who would *de jure* be "Strachan of Thornton," and should, one would have supposed, have been the third Baronet, but who, for some reason or by some arrangement, appears not to have assumed the title. The fine property of the Strachans had, by the time the second Baronet died, practically all left the hands of the main line of the family. According to Rogers (*Memorials of the Families of Strachan and Wise*, Ed. 1877, p. 51), the third Baronet was Sir James Strachan, the representative of a remote ancestor of the Tutor and of the second Baronet. Legal documents show that Margaret Strachan, the wife of the Revd. John Forbes, could not have been a daughter of Sir James Strachan (Rogers, *Op. cit.*, p. 68). The Tutor's son, also John Strachan, had four daughters (Elizabeth, Katharine, Isobel and Margaret), and so far as is known, no male issue. The presumption therefore is, that this Margaret was the wife of John Forbes, who must, therefore, have married his second cousin.

Whatever family they may at one time have had, at the time of John Forbes's death all that remained was a daughter named Nicola, who had a special retour as heir to her father on the 16th of August, 1710, the retour being recorded on the 29th of September in the same year (*Record of Retours*, Vol. 53, fol. 551). The property inherited was the bond for a sum of 2000 merks, for money lent by John Forbes to John Gordon of Rothiemay in 1695, on the security of Auchincrieve and Rothiemay. Nicola is designed "sola filia legitima nunc viventis (vivans) dicti quondam Magistri Joannis Forbes sui patris

et legitimus et propinquior haeres dicti quondam sui patris." She married (*Register of Kincardine O'Neil*), on October 30th, 1707, John Forbes, laird of Kincardine, who was the sixth son of Sir John Forbes, the second Baronet of Craigievar, and at one time a merchant in Aberdeen, "of considerable stock and credit." He acquired Kincardine from his brother, Sir Robert Forbes of Auchinhuive, an advocate in Edinburgh, in consequence of having lent the latter 23,000 merks. This transaction led to an interesting lawsuit some years later, which was decided in John Forbes's favour (*Remarkable Decisions of the Court of Session, from 1716 to 1728*, by the Honourable Henry Home of Kames, p. 204, No. CV., Feb. 15th, 1728). John Forbes of Kincardine's mother was Margaret Young (of Auldbar), a descendant of old Peter Young the Octavian, of forfeited estates notoriety. Her initials, with those of her husband, are still to be seen on the iron handle of an old garden gate at Craigievar. The Barra Blackhalls of that Ilk are now represented by the descendants of a daughter of this marriage.

After the death of Nicola Forbes, the laird of Kincardine married, as his second wife, a daughter of Peter Farquharson of Inverey (*Douglas Baronage*, p. 548, based on family writs), and left issue which is also still represented.

The Reverend John Forbes of Kincardine O'Neil died between the 28th of April and the 14th of May, 1708 (*Fasti Eccles. Scotie., loc. cit.*). The church in which he ministered for a considerable period, apparently with much acceptance, is thus described in 1725: "The said church is a goodly edifice, higher and wider than any others upon Dec, thatch'd at present with heather. Tho' the building be pretty large, yett it's shorter by a half, as appears by the remaining walls, than it has been within these hundred years" (*Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff*, Vol. II., pp. 2-4). It is now (1905) a picturesque ivy-clad ruin, roofless, but with well-preserved walls and gables. The interior, where living worshipers once sat, is occupied by the graves of some of the wealthier parishioners, the not unusual fate of some of the older parish churches in Scotland. John Forbes was buried near the church, and let into the ivy-covered southern wall, facing a broad sweep of the rippling Dee, there is a commemorative marble tablet, about two feet square, with the following still clean-cut inscription:—

JOANES FORBESIUS, Presbyter, ex nobili DOMINORUM de
 PITSLIGO oriundus familia, doctrinæ, facundiæ,
 prudentiæ, integritatis, amicitia, pietatis ac
 pacis laudibus illustris. Quum Curam pastorem
 alibi et hic per 28 annos maximo cum Ecclesiæ et
 Gregis sibi commissi emolumento sustinisset, atque
 DEUM in terris fælici studio prædicasset, ad superos
 migravit A.Æ.C. 1708 Ætatis 65.
 Vir quo meliorem nulla nôrunt tempora.

Thus, after a disappointing and debt-burdened interval following the Jacobean forfeitures, the son of Margaret Blackhall and Patrick Forbes, now the heir of line of the Barra-Blackhall Coroners of the Garioch, passed through a peaceful life to an honoured grave, leaving a memory cherished by his contemporaries and not forgotten by his posterity. A few years more were to see the cultured and chivalrous head of his father's house, Alexander, fourth and last Lord Forbes of Pitsligo, a forfeited fugitive, lurking in his old age in holes and crannies on his own estate, for participation in both the Jacobite rebellions, and for loyalty to a dynasty which had done little to merit such sacrifices. In this case, too, the Stuart nightmare passed, and the worthy banker-Baronet of Monymusk restored, also through the distaff-side, the fortunes of the Forbeses of Pitsligo.

CHAPTER XI.

The Blackhalls of Finnersie.

IT remains to say a few words concerning other members of the partially and temporarily resuscitated Blackhalls of Barra. It will be remembered that the mother of Alexander Blackhall of Barra, later of that Ilk, whose estate was forfeited, was Agnes Burnet, the daughter of Alexander Burnet of Leys (p. 34). It will also be remembered that it was the laird of Leys of the time who became cautioner for Alexander Blackhall and his brother James, against their co-portioners the Kings, during the period of enmity between these families, which followed the threat and the accomplishment of the forfeiture. It is not, therefore, surprising to find that the forfeited Blackhalls of Barra appear to have taken refuge for a time on Leys' estate apparently as tenant farmers, or in any case as residents, when the long-suffering Alexander Burnet again became surety in 300 merks each for Alexander, William and Adam Blackhall all in Leys, that they should not invade the interests of a salmon fishery (p. 56). This occurred in 1592, and the above Alexander was in all probability the late portioner of Barra, who had recently acquired Blackhall, but was not yet acknowledged as of that Ilk, while William and Adam were his brothers. With Alexander I have dealt fully in the preceding chapter. Of Adam we learn no more. William, the tenant of Leys, appears to have been a man of energy like his nephew, namesake and fellow in family misfortune, William Blackhall of that Ilk. At the time of his death, in 1623, William Blackhall of that Ilk owed this William Blackhall "in the Leyes," one thousand pounds "borrowit money." (James Mill's *Register*.) After the Blackhalls had relinquished Barra, part of Finnersie appears to have belonged for a time to Gilbert Keyth, the eldest son of Magnus Keyth, who had a charter under the Great Seal in 1606 of the third part of Meikle and Little Finnersie and Monecht,

with the mill of Finnersie and of the mill-lands astricted and multured, and the sucken and knaveship of the same, in the parish of Echt. They are stated to have been held "per servitum warde" by Alexander Blackhall of that Ilk (formerly of Barra) and James Keith of Kinnadie, and resigned by them in favour of Gilbert Keith. (*Reg. Mag. Sig.*) The William Blackhall, whom we are now considering, acquired Finnersie, which had formed part of the forfeited Barra estates, and deserves separate mention as the first of three generations of lairds of Finnersie, who did something to repair the fortunes of their family.

I. WILLIAM BLACKHALL OF FINNERSIE.

It was not till 1622 that William Blackhall himself had sasine of a fraction of the old home of his family. Before that date, however, he had acquired land in other parts of the country. He had sasine on June 11th, 1604, as has already been stated (p. 59), on a charter of alienation by James Gordon, apparent of Lesmoir in life-rent, and to his sons, Alexander and Thomas, and their heirs and assigns whatsoever, of the lands of Meikle Cults, Overtown of Cults, Nethertown, Auldtown of Cults, Milntown, Tullichardo, &c., lying in the barony of Cults and parish of Tarland. On June 29th, 1605, he also had sasine of the town and lands of Easter Eschintullis with the woods and salmon fishing on the water of Dee, &c., in the barony of Maryculter and Sheriffdom of Kincardine. Alexander Blackhall, son of John Blackhall in Drum-schelock, and probably a cadet of Barra, is witness. On November 12th, 1606, he had sasine on a charter of alienation by Alexander Burnet of Leys of the Mains of Culter, called Culter Cuming, and of the lands of Over Cantley, in the barony of Culter Cuming and parish of Peterculter. On the 18th of February, 1622, however, he had sasine of the sunny third of the lands of Meikle and Little Finnersie, the sunny third of the lands of Monecht, and third part of the mill of Meikle Finnersie or Finrasies, as it is spelt in the deed, which formerly pertained to William Wood of Colpny (*Aberdeenshire Sasines*), who was one of those present at the baptism of John Blackhall of that Ilk (James Mill's *Register*). His son, Alexander, appears to have been a co-portioner with his father of Finnersie, as he is a witness to this deed, and is designed portioner of Meikle Finnersie. Sasine was given to

Thomas Blackhall as his father's attorney. I have not discovered the name of the wife of William Blackhall of Finnersie, but he certainly had three sons :—

1. ALEXANDER of Finnersie.
2. JAMES, who witnessed a charter of his father of Little and Meikle Finnersie, &c., in 1621, to his eldest brother, Alexander. William Blackhall is designed in this document, "late in Ley, now in Lochtown" (*Aberdeenshire Sasines*, Vol. V., fol. 408). He appears to be the same person as "James Blackhall, burghess in Aberdeen, who witnessed a charter of Alexander Blackhall of Finnersie, with consent of Francis Fraser of Kinmundie, to Robert Blackhall at Mill of Cruden." Of his subsequent history nothing is known.
3. THOMAS. He appears to have had an interest, as already stated, in the lands his father acquired from Gordon of Lesmoir (p. 59). He is the Mr. Thomas Blackhall, burghess of Aberdeen, of whom I have already given some particulars (p. 48). He was married, as already stated (p. 49), and had issue, apparently two daughters, as also already mentioned.

I have not discovered the date of William Blackhall's death, but he was succeeded by his son.

II. ALEXANDER BLACKHALL OF FINNERSIE.

Like his brother Thomas, he had an interest in his father's property in the parish of Tarland, and was a Master of Arts of King's College in 1616 (*loc. cit.*). He seems to have been portioner of Finnersie in 1622 (*loc. cit.*). He had sasine on a charter from his father of Finnersie, &c., in 1626, the original grant being dated 1621 (*loc. cit.*), but his own most considerable transaction in land appears to have been in 1636, when for 10,500 merks, Francis Fraser of Kynmundy, with consent of Marion Elphinstone, his spouse, and Andrew, Master of Fraser, his brother, infeted Alexander Blackhall of Finnersie in the lands of Tarduff, and others in the parish of Longside, the lands being redeemable by the said Francis on the repayment of the said sum. This is that "cousin" of Father Blackhal's, to whom the priest betook himself as a substantial

person when he needed a loan for the widow of Lord Melgum, who perished at the burning of Frendraught House. The narrative of the whole of this transaction is so characteristic of the shrewd kindness of the worthy priest, and apparently of his cousin's also, that one is tempted to quote it at length, but it is too long for this purpose, and the reader must be referred to the original (*op. cit.*, pp. 71-75). In short, Father Blakhal not only received the money he required from his well-to-do cousin, Alexander Blackhall of Finnersie, but paid it back with ten per cent. interest when it had served his purpose. "And this is the ground," he adds, "whereupon she did found my chamberlanishippe" (*op. cit.*, p. 75). Robert Blackhall of Cruden did not contribute to this loan, as he stated he had no spare cash in consequence of having to give 2000 livres to Alexander Blackhall of Finnersie. These two cousins seem, indeed, at this time to have had considerable financial transactions, for the charter on which Alexander Blackhall had sasine on May 18th, 1636, was transferred on July 5th in the same year, with consent of Francis Fraser of Kinmundie, to Robert Blackhall of Cruden (*Aberdeenshire Sasines*, Vol. X., fol. 199). Whom Alexander Blackhall of Finnersie married does not transpire. He appears to have had three children:—

1. WILLIAM, who is designed portioner of Finnersie in 1638.
2. JAMES, tenant of "Ley."
3. MARGARET, who, as his third wife, married John Farquharson of Tulliecairne, who, together with Donald Farquharson, the son of "his first spouse," Elspet McIntosh, granted a charter to her and the lawful heirs of the marriage, of "two ploughgates and four oxgaits of the town and lands of Tulliecairne with the lands, &c., lying in the parish of Glentanner. The deed was signed at Kincardine O'Neil on June 4th, 1641, with sasine on June 13th in the same year. It is witnessed by "William Blackhall, lawful son of Alexander Blackhall of Finnersie" (*Aberdeenshire Sasines*, Vol. XII., fol. 27). There appears to have been a son of this marriage, who was retoured heir to his father in 1692. In the retour (*General Retours*), Margaret is designed the third wife of John Farquharson.

Alexander Blackhall of Finnersie was succeeded by :—

III. WILLIAM BLACKHALL OF FINNERSIE.

In July, 1638, he had sasine on a charter granted to him and his wife, Margaret Burnet, and the survivor of them in conjunct fee and life-rent of the shadow third part of the town and lands of Monecht, in the parish of Echt and barony thereof. The granters of the charter were Mr. Robert Forbes, portioner of Finnersie and Monecht, minister of the Kirk of Echt, and Mr. Alexander Forbes, W.S., his son, with the consent of their respective wives, Elizabeth Arbuthnot and Janet Simpson (*Aberdeenshire Sasines*, Vol. XI., fol. 141). The lands given to the grandfather of this William Blackhall were incorporated into the free tenantry of Meikle Finnersie, the chief mansion house on the portion of Finnersie thus incorporated being ordained as the chief messuage (*Reg. Mag. Sig.*, 1619). These lands were inherited by Alexander Blackhall, and then by William Blackhall now under consideration. In 1649, Finnersie appears finally to have left the possession of the Blackhalls. In that year Hugh Irving of Beilsyde had a charter under the Great Seal of the sunny third of the town and lands of Meikle and Little Finnersie and of the sunny and shadow thirds of Monecht with the mills and fishings. They are stated in this charter to have belonged previously to Alexander Blackhall, some time of Lochton of Dores and then of Finnersie, and "cum aliis terris et juribus decimarum" are stated to have been worth "970 lib. 13 sol. 8 den.", and "48 lib. 10 sol. 8 den.", on 17th of October, 1646. After this date there is no mention of the possession of Finnersie by the Blackhalls, or of their possessing other lands, and it may therefore be assumed that it records their final appearance as a landed family in the county. Of their descendants, with the exception of the retour of Farquharson of Tillicairne in 1692 already mentioned, I have failed to learn anything positive. Mr. Munro indicates William Blackhall, Armorer in Aberdeen, as a descendant either of William Blackhall of Finnersie or of his brother, the tenant of Leys. He became a burghess of Old Aberdeen on December 4th, 1683, and a burghess of trade of Aberdeen on November 25th, 1685. As in the case of the head of the house, so in that of these cadets of Barra, the recovery from the forfeiture and its consequences was but transient.

This short account of the Barra Blackhalls of that Ilk and of the Blackhalls of Finnersie, imperfect as it is, would, however, be still more so, did we not deal at a little greater length with the personality and relationship to this branch of the family, of Father Gilbert Blakhal or Blackhall, whose short but lucid and interesting work already mentioned, has done more to perpetuate the memory of the name he bore, than any accidental connection with acres, possessed by genealogical succession. Not that the continuous possession of acres, undisturbed by extraordinary circumstances, such as the forfeitures we have been considering, is without value as an indication of the moral and physical stability of a family. A small estate long preserved in the same race, is direct evidence of a long line of ancestors of more than average prudence, whose collective virtues have been strong enough to counteract the hair-brained escapades of an occasional heritor, whose malign little day is to be found chronicled in the annals of most old families. It must be admitted, however, that the law of entail came at times to the aid of virtue, or even helped to obviate the natural consequences of improvidence.

Mr. John Stuart, the Editor for the Spalding Club of Father Blackhall's *Brieffe Narration*, had evidently little material to hand concerning the origin of the writer of the story. He makes some reference to the Blackhalls of that Ilk in his preface, states that Father Blackhall nowhere mentions that he was connected with this family, but that he claimed kin with Alexander Blackhall of Finnersie and Robert Blackhall in Cruden (p. vii.) He claims descent likewise from the Leslies of Balquhain and the Ogilvies of Findlater. The silence of the priest as to his relationship with the Barra Blackhalls of that Ilk, to whom he must have been related if a cousin of Finnersie's, may perhaps be regarded as corroboration, rather of the Protestant heresy of that family, than as evidence of Father Blackhal's not being of the same stock.

The Blackhalls of Finnersie were, we have learned, cadets of the partially resuscitated Blackhalls of Barra, and we know that several members of that family, as well as of the original Blackhalls of that Ilk, were Roman Catholics. In 1589, Alexander Seton of Meldrum became surety in 1000 merks for Alexander Blackhall, portioner of Barra, that he, among others, would "attempt nothing in hurte or prejudice of his Majestie, his authoritie, the present estate, realme and legis, nor the religion presently professit within the same, &c." (*Register*

of the *Privy Council*, Vol. IV., p. 378). We cannot, however, infer from this reference that Alexander Blackhall of Barra was an obdurate Papist. Indeed, as has already been stated, he, in all probability, it was, who three years later as Alexander Blackhall of that Ilk, signed a Protestant Agreement in Aberdeen (p. 63). The refractoriness to which this injunction refers was, much more probably, connected with the troubles between the King and the first Marquess of Huntly, as a very large number of persons had to find security for peaceful allegiance at the same time. This is pointed out by the editor of the *Privy Council Register*. But an extract taken from the *Book of Bon-Accord* (p. 229) is also published by the editor of the *Narration* in his preface (xix.-xx.) to the effect that "Even in the reign of Charles I., the ancient faith was held by the Marquis of Huntly and the chief men of his name, such as the Lord Aboyne, the Lairds of Craig, Gight, Abergeldie, Lesmore and Letterfourie; by the Earl of Errol and his kinsmen of Delgaty and Fetterletter; and by many other ancient or powerful houses, such as the Leslies, the Bissets and the Blackhalls in the Garioch; the Irvings and Couttses in Mar; the Cheynes, the Cons and the Turings in Buchan." The Blackhalls here referred to must be the Barra Blackhalls of Finnersie, for we know that the Barra Blackhalls of that Ilk were Protestants certainly from the date on which Alexander Blackhall of that Ilk signed the Band anent the Religion and afterwards. His son, it will be remembered, was a parishioner and friend of Mr. James Mill of Inverurie, and was buried in the kirk there. There can be little doubt, however, that Father Blackhall belonged to the Barra branch of the family. The question then is, what was his precise position on that tree. The only other Gilbert Blackhall with whose name I have met was tenant of Colohorsie, and witness to a charter of Alexander Blackhall of that Ilk (who was also the head of the house of Barra) to Alexander Irvine and his daughter, Margaret Blackhall, in 1605 (*Aberdeenshire Sasines*, Vol. V., fol. 46). He may or may not have been related to Father Gilbert Blackhall, for Gilbert was not commonly in use among the Blackhalls as a Christian name. If the priest was a "cousin german" of Alexander Blackhall of Finnersie, he was probably descended from Adam or James Blackhall, brothers of the forfeited laird of Barra. If he was not, there were, as we have learned, several younger sons in the immediately preceding generations, from

one or other of whom he must have been descended, and used the term "cousin german" in its more elastic sense as a paternal cousin.

As his narrative was written in Paris in 1666-67, when he was over seventy years of age, and he became a student at the Scotch College in Rome in 1625, it may be inferred that he was born towards the end of the 16th century. He continued to study in Rome for four years, and "was ordained sub-deacon on the 23rd of February, deacon on the 16th, and priest on the 30th March, Easter Eve, 1630" (*loc. cit.*, ix.). In the following year he became confessor to Lady Isabella Hay, in Paris, on the recommendation of his cousin, Mr. James Forbes, who soon afterwards, for quite sufficient reasons, became his avowed enemy.

His narrative commences with a dramatic explanation of the causes of this quarrel, and proceeds to recount his adventures in the service of the three noble Ladies Isabella Hay, Lady Aboyne and the daughter of the latter. From the first and the last of these the worthy priest had little thanks. Lady Aboyne, however, appears to have been much attached to him, and he to her, and the narrative which is dedicated to her daughter is a pathetic and indignant justification of his services to her relatives, and a dignified upbraiding of her insulting ingratitude. The whole work is regarded, by those capable of forming an opinion, as a very valuable contribution, by an observant eye-witness and trenchant writer, to the knowledge of some interesting bye-paths in the history of his time. It also shows Gilbert Blackhall in his various relations as priest, chamberlain and soldier or "captain," as he terms it, to have been, what he set much store by, an honourable and brave "gentleman." When the relations between Lady Aboyne's daughter and himself had grown strained, he appears to have called at her house to ask for an explanation, and to have been kept waiting at the door in a manner which offended his self-respect. He bade her "laquay" inform her that her mother was as great a lady as herself, "who, notwithstanding, never did hold me, nor no other, aither priest or gentleman, at her dore, and you know I was both, whom you did hold at yours." He was now "passed threescore and tenne," and repelled with indignation some unworthy insinuations made by Madame de Gordon—adding "*Honi soit qui mal y pens.*"

The narrative is full of graphically told dangers on land and sea—by field and flood, and is not devoid of a sense of grim humour on the

part of the much tried traveller, but ever shows a duty kept steadily in view as a lode star, which led through many difficulties to the desired end. Those who have not read the "Brieffe Narration of Services rendered to Three Noble Ladyes by Gilbert Blakhal, Priest of the Scots Mission in France in the Low Countries and in Scotland," have a pleasure in store for them.

Where or when Father Blackhall died is unknown, but that he had lived man's allotted time may be gathered from what has been stated, and like many another agent of the Great Organisation of which he was, in his own sphere, an active and intelligent member, he doubtless fell asleep in peace, knowing that his task would be continued by younger and more active hands, until they too laid down the cheerfully borne burden, to be assumed by yet others. Ὁ βίος βραχὺς ἢ δὲ τέχνη μακρῆ.

CHAPTER XII.

Later Descendants of the Barra Blackhalls of that Ilk.

THE history of the Blackhalls of that Ilk and Barra is interesting, as an example of the imprudent methods of the later Stuarts, who were, doubtless, aided by the active assent of courtiers whose own interests were not at the moment jeopardised by measures which affected the prosperity of others than themselves.

That the natural development of these methods and their application in the taxation and general coercion of the enlarged kingdom after the Union, ultimately led to the undoing of the Stuart dynasty, is a detail which chiefly interests the student of history as evidence of the awakening, inconvenient for that dynasty, of a Nemesis so long somnolent, that it appears to have been regarded as too torpid to be roused by any degree of privileged arrogance. But, *au fond*, man is one and free, and, however tardily in some cases, tends to readjust a disordered balance of right by claiming due consideration for the individual, when these principles are assailed either by royal, imperial or democratic transgressors.

The Blackhalls, as one among other families who have suffered from the arbitrary policy of their rulers, enlist our sympathy, because such a feeling is naturally evoked when attention is specially directed to any act of flagrant injustice. An account, therefore, of their origin, development and fate, may be considered to possess a certain general interest, at least for those connected with that part of the country in which, for a considerable and from an early period, they had a recognised place.

The writer had, however, no intention of dealing genealogically in any detail, with their later descendants, but, it has been suggested to him, by one whose opinion carries weight with members of the New Spalding Club, that this book would be more complete were a chapter

added dealing with this matter, of interest only to few. Hence these lines.

It will be remembered that shortly before his death without issue (p. 81), John Blackhall of that Ilk, the last in the direct male line of the Barra family, and likewise the last of the Hereditary Coroners and Foresters of the Garioch, gave a charter of the remnant of his property to his eldest sister, Margaret, and her husband, Patrick Forbes (p. 80).

We have learned also that only one of Margaret Blackhall's sons, the Rev. John Forbes of Kincardine O'Neil, left progeny—an only daughter Nicola, who married John Forbes of Kincardine (p. 85).

To this couple five children—three sons and two daughters—were born, according to the Register of Births of the Parish of Kincardine O'Neil, namely:—

1. BARBARA, b. 1709.
2. MARGARET, b. October, 1710.
3. JOHN, b. July, 1712.
4. HARIE (Harry), b. November, 1713.
5. WILLIAM, b. January, 1716.

Of these children, according to notes in the handwriting of a descendant, Sir Alexander Morison of Bankhead, Midlothian, and now in the possession of the writer, John and Harry died in infancy; William was "drowned going to London"; Barbara died unmarried in Aberdeen; and Margaret alone married.

MARGARET, the daughter of Nicola Forbes of Kincardine and great-grand-daughter of Margaret Blackhall of Blackhall, thus became by biological succession the representative of the Barra Blackhalls of that Ilk, who were twice confiscated by James VI. and then "reduced" by the Earl of Mar, as has been related. She married George, son of William Herdman, Chamberlain to the last and Jacobite Earl Marischal, and had issue an only daughter—

MARY, born, according to the Register of Births in the Parish of Dunnotar, in 1740. On July 28th in that year, her grandfather, John Forbes of Kincardine, was still alive, and in possession of his estate, and attested her baptism. Her parents and immediate relatives appear to have died while she was still young, and she thus came under the care of her mother's relative, Francis



Portrait of Sir Alexander Morison, M.D., F.R.C.P. Anchorfield in the background.

Garden (of Troup), later Lord Gardenstone, a man of ability and warmth of heart, albeit somewhat eccentric, to whom she owed much of her happier fortune in life. She married, on November 24th, 1763, Andrew Murison of Anchorfield, near Edinburgh, Writer in that City, who received his legal training in the service of Lord Gardenstone.

Andrew Murison's father spelt his name indifferently Moorison, Muirison and Murison, and when his son, Andrew, was baptised on February 4th, 1730, his name appears as Murison in the Register of Births of the Parish of Gamrie in Banffshire. The form of the name first used by him was Moorison. John Moorison was tenant of the Mains of Troup on the Garden estate of that name.

Andrew Murison acquired Anchorfield by purchase in 1774,* retained the spelling of his name used in the baptismal register, and matriculated arms in the Lyon Office in 1791 as such.† He, however, still further varied the patronymic orthography by causing his children to use the name of Morison.

He and his wife had five children—four sons and one daughter—

- I. FRANCIS MORISON, born April 8th, 1765. He graduated as Doctor of Medicine at the University of Edinburgh in 1787, and dedicated his Graduation Thesis to Francis Garden, Lord Gardenstone, after whom he had been named, and who took a warm interest in his career, in the following words of quasi-filial affection: "Cui pauci sunt similes, mei Patri quasi alteri, affini vero et consanguineo." He appears to have been an Honorary Member and President of the Physical Society in Edinburgh. He died early, and unmarried, on December 30th, 1795, from typhus fever, caught in the exercise of his profession, a mode of death

* There is an Act of the Edinburgh Town Council, of date April 5th, 1775, and signed "Jno. Dundas," which grants "Andrew Murison, Writer in Edinburgh," a strip of ground on the coast line near Anchorfield, together with permission to use as much rock and gravel from the corresponding portion of the seashore as he required, to complete a bulwark he was building, to safeguard his own property, and also a public highway, from the encroachment of the sea. Anchorfield remained in the possession of his family until 1897, and the site of the old house is now occupied by blocks of dwellings which retain the same name.

† Argent, three Moors' heads coupé proper, banded azure, within a bordure engrailed, gules. Crest. Three Moors' heads conjoined on one neck, proper, banded azure.

not less worthy, I trust, of being mentioned, than traumatic demise on the battlefield, which rarely fails to be chronicled.*

2. JOHN MORISON, born April 22nd, 1766. He was admitted a member of the Society of Writers to the Signet in Edinburgh, and was, in his day, a well-known and prosperous lawyer in that city. He purchased the estate of Hetland in Dumfriesshire, where he died on May 15th, 1837. He married Jean, daughter of Robert Farquhar of Newhall, Kincardineshire, and grand-daughter of James Muirison or Morison† of Elsick and Disblair, Aberdeenshire, one of whose sons, Dr. Thomas Morison of Elsick and Disblair, first drew attention to the medical value of the waters of Strathpeffer. John Morison of Hetland left issue, three daughters—

- (1.) MARY MORISON, who married the Rev. James Buchanan, D.D., Professor of Theology in the New College, Edinburgh, and succeeded to Hetland. She left issue, a daughter—

JEAN MORISON BUCHANAN, who married first, Lieutenant Colonel William Rose Campbell of Ballochyle, Argyllshire, and has issue, a son and daughter; and, secondly, Hugh Miller of the Geological Survey, a son of the well-known geologist and writer of that name, and has issue, a son, by this marriage.

Mrs. Miller Morison is now in possession of Hetland.

- (2.) AMELIA GRANT MORISON, who succeeded to Muckle Carse, Dumfriesshire, another of her father's properties, and died unmarried.
- (3.) AGNES MORISON, who married her cousin, Farquhar McCrae, M.D., Surgeon in the Enniskilling Dragoons, and left issue.
3. ANDREW MORISON, born November 10th, 1772. He was drowned when a youth, at sea, in 1786.

* He was buried in the Churchyard of the Parish of St. Cuthbert's, Edinburgh, where his father and some other members of his family are also interred.

† His name in the Register of Births of Aberdeen appears as Muirison on April 25th, 1708.

4. ALEXANDER MORISON, born May 1st, 1779. He graduated Doctor of Medicine at the University of Edinburgh in 1799; became a Fellow of the Royal College of Physicians in Edinburgh in 1801; was President of that College in 1827; and was elected a Fellow of the Royal College of Physicians of London in 1841. He was Physician to the Duke of York, Prince Leopold, later King of the Belgians, and to the Princess Charlotte of Wales. In 1838 he received the honour of Knighthood.

Sir Alexander Morison was a pioneer in this country in the special study of Mental Diseases, and was for fifty years Visiting Physician to Bethlem Hospital, and physician also to some other similar institutions, at a time when the medical officers of some such hospitals, like those attached to general hospitals to-day, were "visiting physicians," not "resident superintendents," a system for which a good deal may be said even now, in the opinion of some.

He was prominently associated with the philanthropic movement in favour of the more humane treatment of lunatics, and gave a moiety of his landed property in 1864 to found a Lectureship on Mental Diseases in the Royal College of Physicians in Edinburgh, and to reward meritorious attendants upon the insane.

In early life he purchased the estate of Bankhead in the parish of Currie, Midlothian (*Reg. of Sasines for Edinburgh*, 1806), but disposed of the greater portion of it during his lifetime. He died on March 14th, 1866, and was buried in the Churchyard of the Parish of Currie.

In 1799, he married Mary, daughter of Alexander Cushnie of Aberdeen and of Windsor Castle Farm, Jamaica, who died in 1846. In 1851, he married Grace, daughter of James Young, Hurstmonceaux, Sussex, and sister of Colonel Keith Young, C.B. She left no issue.

By his first wife, Sir Alexander Morison had a large family, the greater number of whom died young or unmarried. Two sons survived to manhood.

(1.) ALEXANDER CUSHNIE MORISON, born February 13th, 1813. He became a Member of the Royal College of Surgeons in England, and entered the Military Service of the Honorable East India Company. He died on February 5th, 1861, on his return from India invalided, at Anchorfield Cottage, a small house built for occasional use by the family for seabathing, when the larger house at Anchorfield had become uninhabitable by them from changes in the neighbourhood.* He married, in 1849, Margaret Gordon, daughter of John Maclellan of Benfield House, Wigtown, N.B., and grand-daughter of John Gordon of Lochdougan, Kirkcudbrightshire, and left issue—

i. ALEXANDER MORISON, the writer of these pages.

ii. BASIL GORDON MORISON, also a Doctor of Medicine of the University of Edinburgh, and also a physician in London.

iii. MARY MORISON.

(2.) THOMAS COUTTS MORISON, born 1823. He was a Member of the Royal College of Surgeons in England; served as a surgeon in the Turkish Contingent during the Crimean War; received the ordinary Turkish Decoration; and died unmarried in Australia on March 24th, 1863.

Four of Sir Alexander Morison's daughters married—

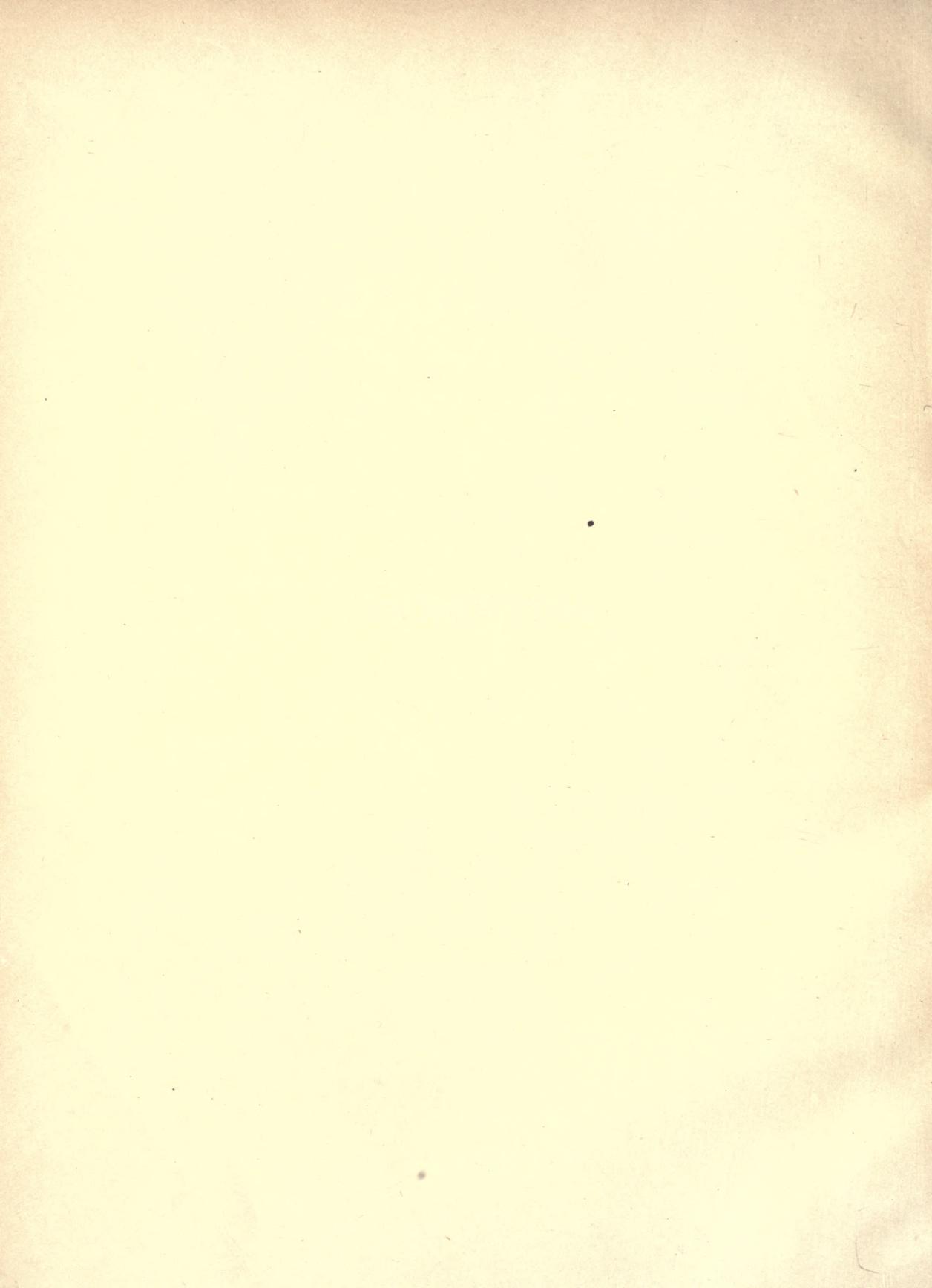
(3.) SOMERVILLE, born 1809. She married Barron Grahame of Morphie, Kincardineshire, and of Ravelrig, Midlothian, and left issue.

(4.) JANE, born 1813. She married John, son of the Rev. John Summers, D.D., of Mid Calder, West Lothian, and left issue.

* The writer has reproduced Richard Dadd's portrait of Sir Alexander Morison, now in his possession, not so much on account of its being a likeness of him—for there are others which are better—but because of the quaint pre-Raphaelitism of the whole picture, which shows Anchorfield as it was in 1852. The background is from a sketch by Miss Ann Morison. The figures in the middle distance—Newhaven fisherwomen—probably reproduced from photographs, show all the delicacy of drawing for which Richard Dadd was justly famed.

- (5.) SARAH, born 1819. She married Charles Richard Nicoll, M.D., Surgeon in the Grenadier Guards, and left issue.
- (6.) FRANCES, born 1825. She married Edward Hutton, and died without issue.
5. MARGARET MORISON, the only daughter of Andrew Murison of Anchorfield, was born on February 28th, 1770. She married William Gordon McCrae. In 1840, she died in Australia, whither some of her family had emigrated. She left issue, three sons and four daughters—
- (1.) ALEXANDER ; a Captain in the Army, who married, and had issue.
- (2.) ANDREW MURISON ; Writer to the Signet ; a Magistrate in Australia, who married, and had issue.
- (3.) FARQUHAR ; M.D., Enniskilling Dragoons, who married, and had issue.
- (4.) MARY ; married Cobham, M.D., and had issue.
- (5.) THOMASINE ; married the Honourable George Cole, of Melbourne, and had issue.
- (6.) AGNES ; married William Bruce of Symbister, N.B., and had issue.
- (7.) MARGARET ; married Thomas, M.D., and had issue.

APPENDICES



APPENDIX A.

BARRA CASTLE.

OF Barra Castle, Davidson remarks (*Inverurie, &c.*, p. 420), "nothing is known as to the date of this building."

Ross and Gibbon also state that "There appears to be no trace of history or tradition connected with the erection of this mansion" (*Castellated and Domestic Architecture of Scotland*, Vol. II., p. 399), but add, that "its architecture clearly places it in the first half of the seventeenth century."

The first charter to George Seton, tutor of Meldrum, in which the erection of Barra into a free barony is mentioned, is dated January 26th, 1598-99 (*Reg. Mag. Sig.*, Vol. VI., p. 276), but it is only in the charter of June 15th, 1615, to George Seton of Barra, Chancellor of Aberdeen, that the "fortalice of Barra" is ordained to be the chief seat of the free barony (*Reg. Mag. Sig.*, Vol. VII., p. 460). Barra Castle was therefore certainly in existence at the latter date, but, although it is not mentioned at the former, neither is any mansion or manor house, although the creation of a barony necessarily implies the existence of some such edifice. Whether, therefore, or no, the present Castle, or any portion of it, existed towards the end of the sixteenth century, is left in doubt, but that there must have been some such structure is certain. That it was altered, added to, or rebuilt later cannot be denied, because, on the first stone of the crow-step gable of the southern block, there is the date 1614, and over a bricked-up window near the south-west angle of the court-yard, there is a monogram of G. M., surmounted, by what I take to be, three intersecting circles. The monogram is probably that of George Morison, who owned Barra in 1658 (Davidson, *Inverurie*, p. 311), and we have already learned that he was conjoined with the Barra Blackhalls of that ilk as a defendant in the Mar Action in 1634. At the latter date, however, he is merely designed burgess of Aberdeen (p. 74). The building, therefore, as it at present stands, probably consists of portions of different date, ranging from the latter half of the sixteenth to the first half of the seventeenth century.

APPENDIX B.

REGENT WILLIAM BLACKHALL.

ALTHOUGH William Blackhall has already been mentioned (p. 48), his personality appears to have been sufficiently interesting to merit a fuller notice than could conveniently be introduced into the text. He was the eldest son of Robert Blackhall, burgess of Aberdeen, and of his wife Elspet Shand, and was probably born in that city. His grandfather, also a burgess of Aberdeen, and also William Blackhall, is referred to in the Mar Action for reduction raised against the Barra Blackhalls of that Ilk, as the father of the above Robert, and was next brother to the Aberdonian Alexander Blackhall of that Ilk, who sold his birthright to Alexander Blackhall of Barra (p. 50). He is to be identified with that William Blackhall, maltman, who, I am informed by Dr. Littlejohn, according to still unpublished records of the Sheriff Court of Aberdeen, appeared at Head Court on Oct. 1st, 1616, as "suteor for the land of Blackhall," as well as for Auchterellon, which appears about that time to have been owned by an Udney. (Gordon, *Scots Aff.*, Vol. III., p. 199.)

It will be remembered that Alexander Blackhall of that Ilk, late of Barra, was conjoint with some members of the Udney family in resigning certain rights to Seton of Auquhorthies in 1610 (p. 15). William Blackhall's claim was made after the second forfeiture and the grant of Blackhall and the honours to Alexander Burnet of Leys.

Regent William Blackhall was thus, when he procured the birth-brief reproduced on p. 47, the male representative of William Blackhall of that Ilk, the burgess-coroner of 1504 (p. 20), and therefore also by descent the legitimate head of the whole family. He was admitted a student of Marischal College in 1627; took his degree of Master of Arts in 1631; was Professor of Logic in his College in 1636, and continued such until 1642, when he was deposed. (*Fasti Academiæ Mariscallanæ Aberdonensis*. Edited by Peter John Anderson, M.A., LL.B. Vol. II.)

There was possibly an element of material prudence in his registering particulars of his descent in 1647, although the prospect of any substantial

return for doing so must have been remote. He was abroad at the time, and, as we shall learn, ultimately adopted a career in which his succession would have been of little advantage to himself at that period in Scottish history. He could, moreover, have had little expectation of material gain from chronicling the existence of his collateral maternal relatives the Reids of Pitfoddles and the Menzieses of Durn. It is more probable, therefore, that, as in the case of many other procurers of birth-briefs at that time, one of William Blackhall's imaginative nature had motives which were largely sentimental, when he affirmed his representation of the blood and name of the ancient coroners of the Garioch.

Such a feeling at that time was regarded with some sympathy, and its public expression was not misunderstood, as it probably would be in the present day unless some tangible advantage, present or prospective, attached to such action.

The idea of the family as a continuous organism, acting worthily in successive generations in any sphere into which fate should cast its members, and held together as an organic whole by a nexus of valued traditions, was not then an altogether exploded notion. It was the basis of a social system—the clan system, in which the chief was the incarnation at once of memories and hopes. This explains the loyalty which so long clung to the House of Stuart in Scotland, even after their flagrant abuse of power. “Reminiscent atavism” had not, in William Blackhall's day, been coined by emancipated scientists, as a medical term to denote a species of insanity! A still lingering influence from the ages of chivalry which, with all their shortcomings, frequently pursued ideals of no material profit, but often of much loss and hardship, had not quite yielded to other considerations more prized by many in later times.

William Blackhall was, therefore, in all probability, as conservative in matters of family tradition, as he proved himself to be in respect to the greater traditions on which his religious faith was founded. It has already been related how he was deposed from his chair for adherence to Roman Catholicism (p. 48), but Spalding gives some further details of that event which afford an insight into the temper of the man. “He is accusit,” writes Spalding, “of what religion he wes of, and of what Kirk he wes. Efter sum ansueris at last he plainlie and avovitlie declarit he was ane Roman Catholik and wold byd be the samen, to the astoneishment of the haile heiraris, being of ane uther profession as appearit, and so pertlie (now in time of the hottest persecution of papists heir in this land) to manifest himself so.” (*Memorialls of the Trubles*, Vol. II., pp. 102-103.) That “pert” assertion of adherence to a chosen position for his own reasons, sufficient or otherwise as they might appear to some, does him credit, but possibly evinces, not only the courage of the martyr, but also somewhat the indignant disdain of the scholar and gentleman for an unjustifiable attack on his

freedom of choice.* The good Spalding, however, with much head-shaking, regards it as an ill-omened portent, and correlates his conduct with a mysterious fire which broke out, about that time, in Marischal College, and also with the fulminant lunacy of another Regent in that seminary, who "suddantlie fell frenatick" while attending public worship, but fortunately "became solid shortlie efterwards," in consequence of a successful phlebotomy! James Gordon, the Parson of Rothiemay, affords the additional information that William Blackhall, shortly after his deposition, "betooke himself to a voluntary exile and forsooke Scotland and turned papist, rendring himself relligiose, and never returned again to his native country to this hower." (Gordon, *Scots Affairs*, Vol. III., p. 129.) He thus seems, after having taught for a time in some Lyceum or College abroad (p. 47), or possibly before doing so, to have taken orders in the Church, in whose cause he had suffered the loss of the means of livelihood at home. From this fact we may conclude that he died in exile and unmarried.

These particulars of Regent William Blackhall will enable us to examine with more insight into his character, the only fragment so far as I am aware, of his literary activity which has been preserved. It is merely a eulogy on William, sixth Earl Marischal, the son of the Founder of Marischal College, and himself a benefactor of that institution. It appeared in the *Lachrymæ Academiæ Mareschallanæ* in 1635.† The poem consists of 73 lines written in Latin in dactylic hexameter verse. It is not necessary to reproduce it all, and I shall only give a few excerpts which, from what we already know of the sentiments of William Blackhall, appear to embody his own nature as much as they display the qualities of the dead Marshall.

The poem commences with a description of the inconsolable grief of the Muses, one of whom is at last besought to explain the cause of so much sorrow:

Dic mihi Musa, precor, tanti quæ causa doloris.

* It is possible that Spalding used this adverb (pertlie) as a synonym for openly, but William Blackhall's avowed intention to remain obdurate, invests his attitude with a degree of defiance, which might also be regarded as wanting in deference, to the duly constituted tribunal before which he was arraigned.

† *Lachrymæ Academiæ Mareschallanæ*. In obitum Illustrissimi Comitissæ Mareschalli Wilhelmi Nobilissimæ Familiæ Kethorum Principis D. à Keth et Altre, etc. Patroni ac Mæcenatis sui munificentissimi. Qui obiit die 28 Octob. Anno Domini 1635. Ætatis vero 50. Aberdoniæ, Imprimebat Edwardus Rabanus, Anno 1635. The complete title of this book I transcribe from Mr. J. P. Edmond's well-known work—*The Aberdeen Printers*, published in 1886. I have also to thank Mr. Edmond for a copy of William Blackhall's poem from the specimen of the *Lachrymæ* in the Library of the Writers to the Signet in Edinburgh, of which Mr. Edmond is the Curator.—A. M.

Melpomene then describes the home and origin of the dead Earl in majestic measure, and I think we may see in these lines that spirit of affection for particular spots of earth associated with ancestral memories which William Blackhall seems to have possessed in an eminent degree. The Muse perhaps rather spoils a fine passage by entering into geographical details, but this is interesting also as showing that the lines were probably penned in Aberdeen itself :

Est domus antiquae sedes amplissima gentis,
 Non procul hinc austrum versus, cui mœnia Pontus
 Verberat incassum : nam Tethyos illa minaces
 Despicit Insultus scopulis elata superbis :
 Hanc magni tenuere viri, quis alma vetustas,
 Seminis ætherii, certissima, pectoris atque
 Signa, MARESCHALLI meritos cōcessit honores,
 Hos inter paucis retrò volventibus annis,
 Maximus enituit, dignus majoribus heros.

After some further praise of their Maecenas, whom they had hoped to retain for long in their midst, the Muses come to particulars of his removal at an earlier age than his well-remembered father, and the passage contains some happily turned phrases, which show the writer's imaginative and descriptive powers to advantage :

Cum tres atque decem, nondum, post fata parentis
 Finierit cursus obliquo tramite Phoebus :
 Filius ecce patri comes it, sed dispare casu :
 Languidior nondum, defectaque viribus ætas
 Institerat, nondum quæ rebus nata gerendis
 Tempora canities ambibat robore corpus
 Præstabat, formæque decus cum robore junctum ;
 Dignior aspectu nemo, nec promptior armis
 Ludere seu ferro libuit, non certius illo
 Innocuum quisquam sine sanguine vulnus agebat ;

And the following short description of the horsemanship of this accomplished cavalier, "all of the olden time," is excellent :

Seu sublimis equo sinuoso limite gyros
 Reddere gaudebat, recto seu tendere cursu
 Quâdrupedantis equi : nemo non segnior ibat.

Here it is permissible to imagine, without any disrespect to the memory of the lamented rider, that the sporting blood of the Foresters, thus expressed its

love of the horse, and that the scholarly writer raised his eyes for the moment from dingy parchment to the clear air, and saw it cut by the noble falcon (p. 9), tossed from the hand unhooded, in full pursuit of its prey. The Earl seems to have died suddenly, wrenched from earth, like a monarch of the forest, prone in the track of the storm—a silvan metaphor which would readily occur to a Blackhall so mindful of the traditions of his race as was the writer :

Concidit ille tamen, medio labefactus in ævo :
 Haud secus ac altis hærens radicibus ingens
 Sylva cadit tumidis quam surgens Æolus antris
 Flatibus exercet crebris, convellit ab imis,
 Prosternitque solo : subito sic corrui ille.

The writer now turns to the unknown future of the family bereft of its head, and builds high hopes on the coming distinction of the heir, then a youth. In the event, the latter became what the worthy Regent probably considered a virulent Covenanter, but when he wrote, that detail also was hid in the bosom of time :

Ex gnato nondum sunt tempora visa nepotum.

He then resumes the delineation of the character of his paragon :

Non is fortunæ tumidus successibus altæ
 (Quod solet esse frequens sublimi sede locatis)
 Spernebat tenues, vultu nec tetricus ullos
 Arcebat tristes ; sed verbis alloquioque
 In cunctos facilis, parcus licet usque loquendi :
 Nec minimum laudis tacitam concludere linguam
 Compressis labiis, multos cum multa loquutos
 Pœniteat : verax, cuncti simulaminis expers
 Promissæque tenax fidei, nec veste superbus,
 In victu modicus, nil hepar fellis habebat,
 Semper amicitias constanti fœdere prudens,
 Cum cunctis coluit, sese non extulit ullis
 Præ paribus fastu nimio, jactator inanis
 Haud erat :

The dignified reserve of the Marshall could not fail to be appreciated by one who, after his deposition from the Professorship, according to Spalding, “lievit simply in sober maner in the toune” (p. 48), until he betook himself to his voluntary exile.

The poem ends with a fine invocation. Detaching himself from the smaller things of earth, the writer, who, a few years later, so “pertlie” maintained his

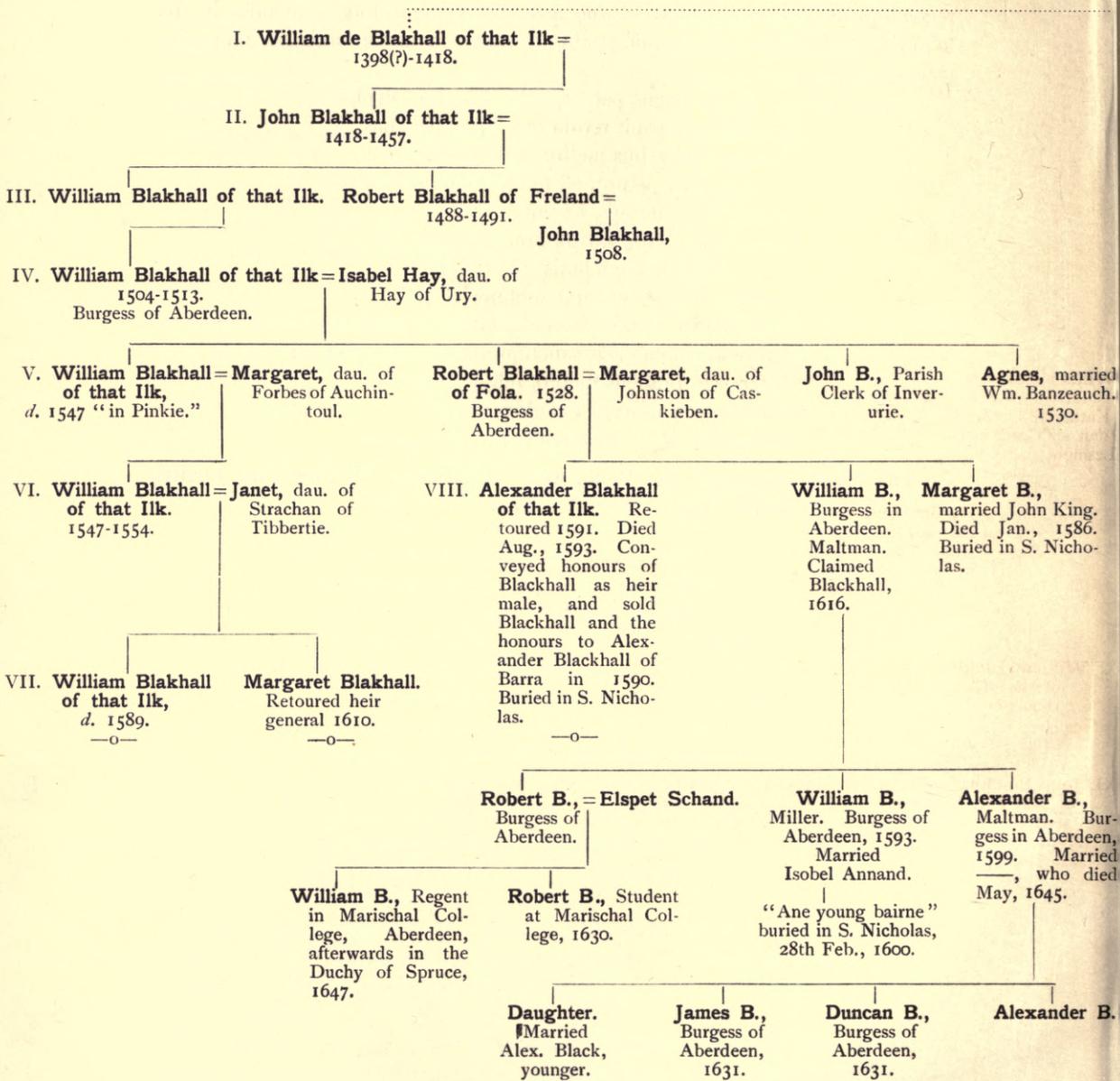
right to hold his own opinion on higher matters, and cast, together with his regent's robe, his daily bread, at the feet of his inquisitors, concludes in the following exalted and philosophic strain, to which his metre lends an impressive cadence :

At tu magne parens, celsi regnator Olympi,
 Et quas terra capit rerum qui flectis habenas,
 Tempora qui rebus metiris certa quibusque :
 Te mea verba petunt, ad te mea carmina verto.
 Auspiciis est ille tuis, ac numine terris
 Exemptus subito : nostrâ non quaerere refert,
 Nec capit humanæ mentis solertia tanti
 Consilii causas : tua sunt sublimia nobis
 Gesta nimis : quod scire nefas cur scire laborem ?
 Est quodcunque facis sanctum, quod sufficit unum ;
 Cætera sed prudens ignoro, nilque superbo
 Scrutabor nisu, fulget tua gloria factis
 In cunctis, sic te célèbrent per sæcula gentes.

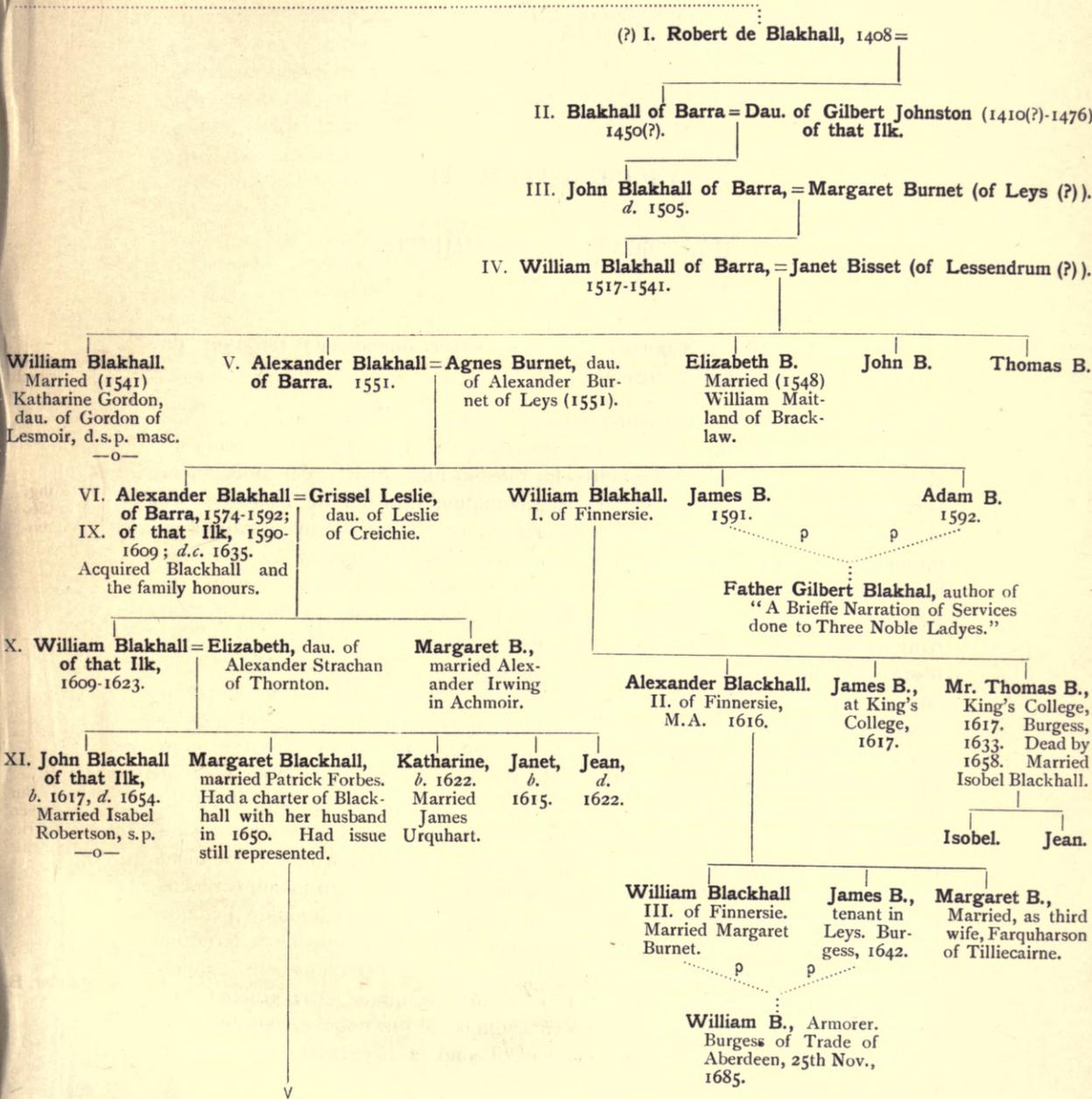
The verses are signed by "Gulielmus Blackhallius, Aberdonensis, Logicæ Professor in Academia Mareschallana." *Requiescat in pace!*

APPENDIX C.

PEDIGREE OF THE BLACKHALLS



OF THAT ILK AND BARRA.



APPENDIX D.

ILLUSTRATIVE DOCUMENTS.

I.

Carta Willelmi Blakhall de eodem super dimedietate terrarum de Folablakwatir. 14 Nov., 1503.

JACOBUS Dei gratia rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis quia licet tote et integre terre et baronia de Kynedward cum tenentibus tenandriis liberetenencium serviciis dependenciis et pertinenciis earundem jacentes infra vicecomitatum nostrum de Abirdene per dominos nostri consilii et eorum decretum pro nobis desuper datum et promulgatum nobis pertinere et in manibus nostris tanquam in manibus heredis et successoris quondam Johannis comitis Buchanie baronis de Kynedward existere adiudicantur Nolumus tamen aliquod preiudicium seu dampnum generari seu inferri per jus nobis adiudicatum aut aliusmòdi dilecto nostro Willelmo Blakhall de eodem in dimedietate terrarum de Folablakwatir cum pertinenciis jacentium in dicta baronia de Kynedward infra vicecomitatum nostrum predictum per ipsum conquesta et de ipso barone tenta sed citius quod ipse Willelmus et sui heredes certiores in eadem dimedietate terrarum cum pertinenciis efficiantur Eapropter dedimus concessimus et confirmamus et hoc presenti carta nostra damus concedimus et confirmamus prefato Willelmo totam et integram dictam dimedietatem terrarum de Folablakwatir cum pertinenciis que fuit ipsius Willelmi hereditarie et quam idem non vi aut metu ductus nec errore lapsus sed sua mera et spontanea voluntate in manibus nostris apud Edinburghum personaliter per fustim et baculum sursum reddidit pureque simpliciter resignavit ac totum jus ac clameum que in dicta dimedietate terrarum cum pertinenciis habuit seu habere potuit pro se et heredibus suis omnino quittclamavit imperpetuum ac pro majori securitate et corroboracione presentis nostre donacionis damus et concedimus ac pro nobis et successoribus nostris imperpetuum confirmamus eidem Willelmo et heredibus suis totam et

integram dictam dimedietatem terrarum de Folablakwatir predictam cum pertinenciis nobis pertinentem et in manibus nostris vt premittitur existentem ac totum jus et clameum et juris titulum que et quod nostri predecessores nos aut nostri successores habuerunt habemus seu quouismodo habere poterimus seu poterint in seu ad dictam dimedietatem terrarum cum pertinenciis vel aliquam partem earundem ac renunciauimus et quittclamauimus et hac presenti carta nostra renunciamus et quittclamamus huiusmodi dicto Willelmo et heredibus suis tenore presentis nostre donacionis imperpetuum Necnon damus concedimus et hac presenti carta nostra confirmamus hereditarie prefato Willelmo totas et integras terras de Blakhall cum pertinenciis jacentes infra vicecomitatum nostrum predictum que fuerunt ipsius Willelmi hereditarie et per ipsum de nobis tente ac etiam officia forestarie et coronatoris regalitatis de Garviache que etiam fuerunt dicti Willelmi hereditarie et per ipsum de comitibus de Garviach et nunc de nobis tanquam comite eiusdem tenta* et quas terras et que officia cum pertinenciis ipse Willelmus non vi aut metu ductus nec errore lapsus sed sua mera et spontanea voluntate in manus nostras apud Edinburgh personaliter per fustim et baculum sursum reddidit pureque simpliciter resignavit ac totum jus et clameum que in dictis terris et officiis cum pertinenciis habuit seu habere potuit prose et heredibus suis omnino quittclamauit imperpetuum Tenendas et habendas totam et integram dictam dimedietatem terrarum de Folablakwatir cum pertinenciis dictas terras de Blakhall et officia forestarie et coronatoris predicta cum pertinenciis ac cum omnibus libertatibus privilegiis et proficiuis ad eadem officia spectantibus seu juste spectare valentibus prefato Willelmo et heredibus suis de nobis et successoribus nostris regibus Scotie in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in boscis planis moris maresiis viis semitis aquis stagnis riuulis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupacionibus venacionibus piscacionibus petariis turbariis carbonariis lapicidiis lapide et calce fabrilibus brasinis brueriis et genestis cum curiis et earum exilibus herezeldis et merchetis mulierum ac cum omnibus aliis et singulis libertatibus commoditatibus et asiamentis ac justis pertinenciis suis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras et officia cum pertinenciis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace in omnibus et per omnia sine aliquo impedimento

* These clauses in this deed are important, as confirming the authenticity of older documents produced during the Mar Action for Reduction in 1634, the originals of which are now lost. The term "de comitibus de Garviach" was doubtless intended to apply to the Earls of Mar.—A. M.

reuocacione aut contradictione nostri aut successorum nostrorum inde faciendo in futurum Reddendo inde annuatim dictus Willelmus et heredes sui nobis et successoribus nostris regibus Scocie pro omnibus terris et officiis predictis cum suis pertinentiis tres sectas ad tria placita capitalia vicecomitatus nostri de Abirdene necnon wardas releuia et maritagia cum contigerint In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus ut in tercia carta precedente. Reuerendissimo in Christo patre nostroque carissimo fratre Jacobo Sanctiandree archiepiscopo etc. Cancellario nostro Reverendo in Christo patre Willelmo episcopo Abirdonensi nostri Secreti sigilli custode dilectis consanguineis nostris Archibaldo comite de Ergile domino Campbele et Lorn magistro hospicii nostri Patricio comite de Boithuill domino Halis etc. Alexandro domino Hume Magno Camerario nostro Andrea domino Gray Justiciario nostro et dilectis clericis nostris Magistris Richardo Murehed decano Glasguensi Secretario nostro et Gawino Dunbar decano Moraviensi nostrorum Robilorum et Registri ac Concilii clerico.] Apud Edinburgh decimo quarto die mensis Novembris anno Domini millesimo quingentesimo tercio et regni nostri decimo sexto.

ABSTRACT OF I.

KING JAMES IV., recognising that the barony of Kynedward, in the Sheriffdom of Aberdeen, has, by a decree of the Lords of Council, been adjudicated to the Crown as representative of the late John, earl of Buchan, baron of Kynedward, and being unwilling to prejudice the right of William Blackhall of that Ilk to the half of the lands of Folablakwatir in the said barony held by him of the said baron, confirms to the said William the said half, which has been resigned by him at Edinburgh into the King's hands; as also the lands of Blakhall in the said Sheriffdom held of the Crown, and the offices of forester and coroner of the Garioch, likewise resigned by him; to be held of the Crown; paying therefor yearly three suits at the three chief places in the Sheriffdom of Aberdeen.

II.

Carta Joanni Chalmer in Bawbeithen terris de Litle Folay et Blackwatter. 3 [20] July, 1529.

JACOBUS . . . salutem Sciatis nos quandam cartam alienationis et venditionis factam per Robertum Blakhall burgensem burgi nostri de Abirdene Johanni Chalmer in Bawbeithen . . . visam lectam . . . ad plenum intellexisse sub hac forma

Omnibus hanc cartam visuris vel auditoris Robertus Blakhall burgensis burgi de Abirdene . . . Noueritis me vtilitate mea in hac parte undique preuisa et diligenter considerata dedisse concessisse et precise vendidisse tituloque pure venditionis alienasse et hac presenti carta mea confirmasse honorabili viro Johanni Chalmer in Baubethen totam et integram dimedietatem meam vmbralem omnium terrarum de Litill Fokay Blakwatter cum suis pertinenciis jacentem in baronia de Kynedward infra vicecomitatum de Abirdene pro certa summa pecunie quam michi dictus Johannes tempore confectionis presentium in pecunia numerata mea graui cogenti necessitate bene et fideliter persolvebat de qua teneo me bene contentum et plenarie persolutum ac eundem Johannem heredes suos executores et assignatos pro me haeredibus meis executoribus et assignatis exinde quitteclamo imperpetuum Tenendam et habendam totam et integram dimedietatem meam vmbralem omnium terrarum de Litill Fokay Blakwatter cum suis pertinenciis prefato Johanni suis heredibus executoribus et assignatis a me et heredibus meis de supremo domino nostro rege in feodo et hereditate imperpetuum cum omni jure . . . Faciendo inde dictus Johannes eius heredes et assignati supremo domino nostro regi et suis successoribus servitii warde et releuii debitum et consuetum . . . Et ego vero dictus Robertus haeredes mei et assignati totam et integram prenotatam dimedietatem meam vmbralem omnium terrarum de Litill Fokay Blakwatter cum suis pertinenciis prefato Johanni eius haeredibus et assignatis quibuscunque in omnibus et pro omnia vt premissum est per omnes terras et possessiones nostras contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus. In cuius rei testimonium huic presenti carte mee sigillum meum est appensum apud Abirdene tertio die mensis Julij anno Domini millesimo quingentesimo vigesimo nono coram honorabilibus et discretis viris Thoma Chalmer Alexandro Wod Magistris Thoma Chalmer et Thoma Seres notario publico cum aliis diversis.

Quamquidem cartam . . . approbamus ratificamus ac pro nobis et successoribus nostris pro perpetuo confirmamus. . . . Apud Edinburgh vicesimo die mensis Julij anno Domini millesimo quingentesimo vicesimo nono et regni nostri decimo sexto. . . .

ABSTRACT OF II.

KING JAMES V. confirms a charter of date 3rd July, 1529, by which Robert Blakhall, burgess of Aberdeen, granted to John Chalmer in Balbithan his shadow half of the lands of Little Fola and Blackwater for a sum of money paid to him in his grave and cogent necessity. Confirmation dated at Edinburgh, 20th July, 1529.

III.

Entries in the Protocol book of Sir John Cristisone by apostolic authority, notary, created by Mr. Arthur Boece. 1530-43.

INSTRUMENT narrating that William Blackhall of that Ilk gave up all his right claim and property in and to the lands of two roods lying in the territory of the town of Innerovry between the royal lands on the east and west and the lands of Patrick Forbes and John Williamson on south and north, to Robert Blackhall his brother german, his heirs &c. in which case Agnes Blackhall their sister shall be placed in conjunct fee of the same during her life, and not otherwise : Done in the town of Innerovry 6 March 1530-31. (Page 38.)

The same day Robert Blackhall burgess of Aberdeen, within the town of Innerovry resigned the two roods above described (Williamson's lands being given as the south boundary) into the hands of John Anderson one of the bailies of said town in favour of Walter Banzeacht who duly received sasine, and then required the bailie to induct his spouse Agnes Blackhall in the conjunct fee of the lands, whereupon the bailie placed her in possession of her conjunct fee in terms of her charter, by rope and thatch. Done as above.

Instrument narrating that Alexander Lesle of Kincragy with 66 other persons male and female and Sir James Kyd vicar, parishoners of Inneroure, gave their election and votes to John Lesle to enjoy and possess the office of Clerk of Inveroury when it shall vacate by decease of John Blakhall last parish clerk, and chose the said John Lesle as a fit and able person for the office and presented him to William Bishop of Aberdeen, upon which the presentee craved instrument. Done in said parish between 6 a.m. and 1 p.m. on 23rd June 1536. (Page 109.)

Instrument narrating that John Lesle son of Alexander Lesle of Kincragy personally appeared at the high altar in the parish church of Inveroury, declaring that he was the true and undoubted elect and presented parish clerk of Inneroury, therefore lest that church remain destitute of service he offered himself ready to serve the vicar at the altar and the parishoners in all things which belonged to the office of parish clerk as he is duly bound. 24th June 1536.

The same day William Blackhall of that Ilk, tacksman and Depute of John Blakhall parish clerk of Inveroury offered himself ready to do service in the office of clerk, and he protested solemnly that the election and votes of the parishoners

of Inneroury given to John Lesle should not prejudice his own right and that of John Blakhall parish clerk because it was not divulged to the ears of the parishoners nor perfectly known to them as to any manner of vacation. Done as above.

Instrument narrating that John Banzeucht son of the late Walter Banzeocht appeared personally in a Court of the town or burgh of Innerowry held at the Market Cross there by Robert Fergus and James Banzeocht bailies of said burgh, and humbly requested them to make diligent inquest by faithful and good men burgesses of said burgh, by whom the truth might be better known, they being sworn as the manner is, of what lands the late Walter Banzeauch his father died vest and seized at the faith and peace of the King in free burgage of said burgh, and if he is the lawful and nearest heir of the said Walter his father. The bailies convoked a trustworthy inquest to the number of 15 persons, who being sworn, state that the late Walter Banzeucht father of John Banzeucht died last vest, &c. in nine roods or perticates of land with house, lying in the territory of the said town, between the lands of Agnes Tailzour on the north and the Water of Done on the south, three roods between the King's lands on the north and the Done on the south ; one rood between the lands of Thomas Rethe on the south and the highway on the north ; three roods lying in the Stanneris between the lands of Andrew Brachaucht now of John Makky on the south and the Kirklands on north ; one rood lying within the Stanneris between the lands of John Curre on the south and the King's lands on the north ; one croft of land lying on the west side of the lands of Cassell yard ; two roods with half of a quarter rood of lands lying on the west side of the said town, between the lands of the Monastery of Lindoris on the north and the lands of John Anderson on the south ; six roods lying within the Stanneris between the King's land on the north and the lands of Patrick Forbes on the south ; one croft of land called Madderyard lying between the common land on the west and the highway on the east, one rood with house lying on the east side of the said town between the lands of Andrew Jak on north and the Kirklands on the south. Likewise in two roods of land lying on the west side, between the lands of John Williamson on the south and the lands of Patrick Forbes on the north ; in a piece of land called the third of the Nedder Stanneris lying between the King's lands on — and the lands of Alexander Melving on —, a piece of land called 'the Done rig' within the 'Stanneris' lying between the lands of John Tailzour on the north and south ; a rood lying on the west side of the town between the lands of Thomas Ross on the south and the lands of James Banzeucht on the north ; and in five roods with house lying on the west side between the lands of William Wobstair

on the north and the lands of Agnes Tailzour now of Walter Anderson on the south. The inquest also states that John Banzeucht is the nearest and lawful heir of his late father and that he is of lawful age, and that the lands are held in free burgage. On the report of the inquest John Banzeucht requested James Banzeucht one of the bailies to give him possession, who immediately passed to the lands and gave possession in usual form saving always the rights of Agnes Blackhall mother of John to her conjunct fee. Done on the lands 11th October 1537. (Page 119.)

The same day William Banzeucht passed to the personal presence of James Banzeucht one of the bailies of Inneroury and required him to give him possession of the underwritten lands, in terms of a Resignation formerly made in the bailie's lands by Walter Banzeucht his late father. The bailie declared the request to be just and immediately passed to five roods of lands lying on the west side of Inneroury between the lands of William Blakhall on the north and the lands of John Robertson on the south, and to a rood with house, lying as said is between the lands of John Robertson on north and south ; and inducted the said William into possession of the lands, to be held in free burgage, reserving the conjunct fee to Agnes Blakhall while she lived. Done on the lands as above. (Page 121.)

The same day John Banzeucht of his own free will ratified and approved the sasine so taken by William Banzeucht of the six roods above described, reserving Agnes Blackhall's conjunct fee. At Inneroury as above. (Page 122.)

The same day William Blackhall of that Ilk protested that the sasine given to John Banzeucht of two roods belonging to him lying on the south side of Inneroury should not prejudice his right in future, and likewise Agnes Blakhall protested as to the lands and roods lying in said town belonging to her in conjunct fee during her life, that the sasine given to John Banzeucht her son should not prejudice her. At Inneroury as above.

Instrument narrating that James Banzeucht, Robert Fergus bailies of Inneroure, John Vobstair, John Tailzeour and Agnes Blackhall indwellers and coburgesses of Enneroure, passed to the personal presence of Archibald Douglas of Glenbervie and craved from him licence and power to have their fuel in his moors and mosses of Kemna where they formerly had use, and this with the leave of the said Lord of Glenbarvy as lord proprietor of the lands and not otherwise, they each of them affirmed and agreed. The said lord granted them leave. Done near the cemetery of the church of Kemna, 31 May 1538.

Instrument narrating that James Skeyne in Bandodill faithfully obliged himself his heirs &c. to seal and subscribe a sufficient tack of the sunny third of the lands of Blakhall lying in the Regality of Gareaucht and sheriffdom of Aberdeen to William Blakhall of that Ilk his subtenants and coadjutors of no greater degree than himself, leasing the lands for the whole time and as long as they shall be in his hands by Alienation by William Blakhall aye and till they shall be duly released from his hands under a Reversion made by James Skeyne, and also for the full space of five years next following the redemption of the lands, for payment to James Skeyne yearly after Whitsunday 1547, 10 bolls meal, 6 bolls bear with a peck to each boll, and two bolls wheat during the space foresaid, and likewise after redemption for the space of five years, James, his heirs &c. paying rent to William as contained in the tack to be made in terms of the reversion. The victuals are to be delivered yearly at the feast of the purification by William at the house of James, or the town of Aberdeen or any place within ten miles from Blakhall at the request of James &c. providing that if there is failure in payment of the victual at said term or within 20 days after, the said tack shall be null. The said James notwithstanding infestment of the lands shall not remove Sir James Kyd, tenant until Whitsunday 1547. Done at Bandodill 22 August 1543. (Page 128.)

Instrument narrating that James Skeyne in Bandodill compeared personally on the ground of the sunny third of the lands of Blakhall in the regality of Gareaucht and sheriffdom of Aberdeen, holding in his hands a precept of sasine from William Blackhall of that Ilk, which he presented to John Rethe bailie, who after the notary had read the procept gave possession to James Skeyne in due form, in token of which possession the bailie chose an ox of a black colour, 'skwrrit.' [with short horns] valued by trustworthy persons on oath at two merks money. Done as above. (Page 182.)

IV.

Carta Confirmationis Willelmi Blakhall et ejus sponse. 2 Nov., 1542.

JACOBUS . . . Sciatis nos quandam cartam donationis factam per Willelmum Blakhall de Barrach Willelmo Blakhall suo filio et heredi apparenti et Katherine Gordoun . . . de mandato nostro visam . . . ad plenum intellexisse sub hac forma

Omnibus hanc cartam visuris . . . Willelmus Blakhall de Barrach . . . salutem Noueritis me dedisse . . . dilectis meis Willelmo Blakhall filio meo et heredi apparenti et Katherine Gordoun ejus sponse secum in coniuncta infeodatione et eorum alteri diutius viuenti et heredibus masculis inter ipsos legitime procreatis seu procreandis quibus forte deficientibus heredibus meis propinquioribus et assignatis quibuscunque Totas et integras terras meas de lie tua part de Barrach de latere solari ejusdem jacentes in Regalitate de Garreoch et infra vicecomitatum de Abirdene cum suis pertinenciis ex certis causis rationabilibus animum meum ad hoc mouentibus Tenendas . . . de supremo domino nostro rege et suis successoribus in feodo et hereditate imperpetuum. . . . Reddendo . . . jura et seruitia . . . solita et consueta tantum . . . Et ego vero dictus Willelmus Blakhall de Barrach et heredes . . . prenominatas terras . . . prefatis Willelmo . . . et Katherine . . . contra omnes mortales warantizabimus. . . . In cujus rei testimonium sigillum proprium unacum subscriptione mea manuali presentibus est appensum apud Barrach vicesimo quarto die mensis Novembris anno domini millesimo quingentesimo quadagesimo primo coram hiis testibus Willelmo King portionario de Barrach Gilberto Chalmer Jacobo Adam Jacobo Clerk Willelmo Knox et domino Willelmo Proctur notario publico cum diversis aliis.

Quamquidem cartam . . . confirmamus salvis nobis et nostris successoribus juribus et seruitiis de dictis terris cum pertinenciis ante presentem nostram confirmationem nobis debitis et consuetis. In cujus rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus Testibus ut in aliis cartis precedentibus consimilis date apud Edinburgh secundo die mensis Novembris anno domini millesimo quingentesimo quadagesimo secundo et Regni nostri trigesimo.

ABSTRACT OF IV.

JAMES V. confirms a charter of date 24th November, 1541, by which William Blakhall of Barrach granted to his son and heir apparent William Blakhall and Katherine Gordon, his spouse, conjointly and to the survivor, and to their heirs male, whom failing, to the next heirs and assignees whatsoever of the granter—his lands of the “*twa part*” of the sunny side of Barrach, in the regality of the Garioch; to be held of the Crown for services used and wont. Confirmation dated at Edinburgh, 2nd November, 1542.

V.

Retour of Special Service, William Blakhall to his father William Blakhall [v] of that Ilk. 1 Feb., 1547-8.

HÆC Inquisitio facta fuit in pretorio burgi de Abirdein primo die mensis Februarij anno Domini millesimo quingentesimo quadragesimo septimo in presentia et de mandato honorabilis viri Ioannis Lesly de Balquhayne vicecomitis deputati de Abirdein in curia vicecomitatus ejusdem pro tribunali sedenti per hos nobiles honorabiles et probos viros subscriptos, viz., Ioannem Dominum de Glamis Georgium Meldrum de Fyvie militem Ioannem Forbes de Pitsligo Alexandrum Leslye de Wardes Thomam Menzies de Pittfoddells Patricium Cheyne de Essilmonth militem Archibaldum Dowglas de Glenbervie Andream Fraser de Stainywode Willielmum Turing de Foveren Iacobum Iohnstoun de eodem Willielmum Udney de eodem Alexandrum Burnet de Leyis Alexandrum Skeyne de eodem Ioannem Forbes de Tollies Alexandrum Forbes de Bruichis Magistrum Ioannem Forbes de Bⁿis. Ioannem Calder de Asloun Iacobum Gareoche de Kinstair Ioannem Pantoun de Pitmedden Iacobum Innes de Touchis et Willielmum Strathachin de Glenkindie Qui jurati dicunt quod quondam Willielmus Blakhall de eodem pater Willielmi Blakhall obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem S. D. N. Regine in totis et integris terris de Blakhall cum tenentibus tenendriis et libere tenentium servitiis earundem et suis pertinentibus jacentibus infra regalitatem de Gareoche et vicecomitatum de Abirdein ac etiam de officiis forrestarie et coronatoris regalitatis de Gareoche Et quod dictus Willielmus est legitimus et propinquior heres ejusdem quondam Willielmi Blakhall patris sui . . . Et quod est legitime etatis Et quod dicte terre de Blakhall . . . valuerunt tempore pacis quadraginta solidis et valent nunc per annum sex libris. Et quod dicta officia forrestarie et coronatoris valuerunt tempore pacis decem solidis et valent nunc per annum triginta solidis Et quod predictæ terre de Blakhall et officia forestarie et coronatoris antedicta cum earundem pertinenciis tenentur in capite de dicta D. N. regina per servitium warde et relevij. Et quod fuerunt in manibus ejusdem per spatium quinque mensium ultimo preteritum aut . . . circa per decessum dicti quondam Willielmi sui patris m. in conflictu contra Anglos decimo die mensis Septembris ultimo* preteriti in

* I regret that I was not aware, as I ought to have been, when questioning the accuracy of the date of the retour of the sixth known Blackhall of that Ilk (p. 27) that the new style of reckoning time was not in use in Scotland until half a century later (1600). My endeavour, therefore, to prove by indirect evidence, that the fifth known laird fell at the battle of Pinkie was quite unnecessary, as the date of the retour, according to the old computation of the civil year, from March 25th to March 25th, is correctly given, as also is that of the battle of Pinkie. Unfortunately, when Mr. P. J. Anderson drew my attention to this point, the page had already been printed off.—A. M.

defectu veri heredis jus suum hucusque minime prosequentis Datum et clausum sub sigillo officij vicecomitis principalis et sigillis quorundam eorum qui huic inquisitioni intererant faciende die mense anno et loco quibus supra.

ABSTRACT OF V.

A JURY, summoned by John Leslie of Balquhayne, Sheriff-Depute of Aberdeen, finds that the late William Blakhall of that Ilk, who died in battle against the English on 10th September, 1547, was infest in the lands of Blakhall in the regality of the Garioch, and in the offices of forester and coroner of the Garioch; that William Blakhall is lawful heir of the deceased his father and is of full age; that the annual values of the said lands and offices were, in time of peace, 40s. and 10s. respectively, and are £6 and 30s. respectively; that the said lands and offices are held of the Queen by service of ward and relief, and have been in her hands for five months through the failure of the heir to prosecute his claim. At Aberdeen, 1st February, 1547-8.

VI.

Carta Confirmationis Magistri Alexandri Blakhall. 20 Feb., 1547-8.

MARIA Sciatis nos cum avisamento nostri charissimi consanguinei et tutoris Jacobi Comitis Aranie domini Hamiltoun regni nostri protectoris et gubernatoris quandam cartam alienationis et venditionis factam per Willelmum Blakhall dominum portionarium de Barroch de Bourty dilecto nostro Magistro Alexandro Blakhall ejus filio legitimo de mandato nostro visam ad plenum intellexisse sub hac forma

Omnibus hanc cartam visuris Wilelmus Blakhall dominus portionarius de Barroch de Bourty Salutem Noueritis me dedisse tituloque pure venditionis alienasse dilecto meo filio legitimo Magistro Alexandro Blakhall heredibus suis masculis ac assignatis Totam et integram meam dimedietatem terrarum de Barroch dimedietatem terrarum de Westerhous dimedietatem terrarum de Fillaw dimedietatem terrarum de Eschinheid dimedietatem terrarum de Furdailhous sextam partem terrarum de Petgowny dimedietatem molendini de Bourty superioritatem dimedietatis terrarum de Muirtoun tertiam partem terrarum de Mekle Fynnersie tertiam partem terrarum de Litill Fynnersie tertiam partem terrarum de Manycht et

tertiam partem molendini de Fynnersie cum omnibus suis pertinenciis jacentes infra vicecomitatum de Abirdene pro quadam certa summa pecunie michi per dictum Magistrum Alexandrum meum filium et consanguineos ex parte sue matris intuitu ipsius in mea urgente necessitate pro manibus gratanter et integre persoluta in pecunia numerata et in usum meum totaliter conversa de quaquidem summa pecunie teneo me bene contentum et placatum plenarieque et integro et persolutum prefatum Magistrum Alexandrum suos heredes executores et assignatos de eodem quietos inde clamo tenore presentis carte me imperpetuum Tenendam . . . a me et heredibus meis de suprema domina nostra regina et suis successoribus in feodo et hereditate imperpetuum . . . Reddendo . . . jura et servitia . . . debita et consueta tantum . . . Salvo nichilominus et reservato libero tenemento dicte dimedietatis terrarum de Fillaw cum suis pertinenciis michi et Jonete Bissat me sponse ac nostrorum alteri diutius viventi pro tota tempore vite nostre Necnon libero tenemento omnium et singularum dicte dimedietatis terrarum de Barroch . . . Westerhous . . . Eschinheid . . . Furd-ailhous sexte partis terrarum de Petgowny dimedietatis molendini de Bourty superioritatis dimedietatis terrarum de Muirtoun tertie partis terrarum de Mekle Fynnersie . . . Litill Fynnersie . . . Moneycht et . . . molendini de Fynnersie . . . michi dicto Willelmo Blakhall pro toto tempore vite mea unacum rationabili tertia parte earundem sponse mee que pro tempore fuerit cum contigerit Et ego vero dictus Willelmus Blakhall et heredes mei totam et integram prefatam dimedietatem terrarum de Barroch, etc., etc. . . . dicto Magro Alexandro . . . contra omnes mortales warantizabimus. In cujus rei testimonium huic presenti carte mee manu mea subscripte sigillum meum est appensum apud Edinburgum decimo octavo die mensis Februarii anno domini millesimo quingentesimo quadragesimo septimo coram hiis testibus Magistro Georgio Forbes Jacobo Millar Thoma Lamb Jacobo Ballantyne notariis publiciis et Gilberto Chalmer cum diversis aliis.

Quamquidem cartam . . . confirmamus Salvis nobis et successoribus nostris juribus et servitiis prenominatarum terrarum et molendinorum cum pertinenciis ante presentem nostram confirmationem nobis debitis et consuetis In cujus rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostram apponi precepimus testibus ut in aliis cartis consimilis date precedentibus apud Striviling vicesimo die mensis Februarii anno domini millesimo quingentesimo quadragesimo septimo et regni nostre sexto.

ABSTRACT OF VI.

QUEEN MARY, with advice of James, Earl of Arran, confirms a charter of date 18th February, 1547-8, by which William Blakhall, portioner of Barroch of

Bourty, conveyed to his son, Mr. Alexander Blakhall his halves of the lands of Barroch, Westirhous, Fillaw, Eschinheid and Furd-ailhous ; sixth of the lands of Petgoweny, half of the Mill of Bourty, the superiority of half of the lands of Muretoun, his thirds of the lands of Mekle Fynnersie, Litill Fynnersie and Manycht, and his third of the mill of Fynnersie ; to be held from the granter of the Crown for services used and wont ; reserving certain life rents to the granter and his spouse Jonet Bissat. Confirmation dated at Stirling, 20th Feb., 1547-8.

VII.

Carta Confirmationis Agnetis Burnet. 2 Nov., 1551.

MARIA . . . Sciatis nos cum avisamento nostri consanguinei et tutoris Jacobi ducis de Chattellarault Aranie comitis domini Hamiltoun regni nostri protectoris et gubernatoris quandam cartam concessionis et donationis factam per magistrum Alexandrum Blakhall . . . dilecte nostre Agnetie Burnet filie Alexandri Burnet de Leyis . . . de mandato nostro visam . . . ad plenum intellexisse sub hac forma

Omnibus hanc cartam visuris . . . Magister Alexander Blakhall feodatarius terrarum tertie partis de Mekill Fynnarsy Litill Fynnersy et molendini earundem cum pertinentiis viz. the Myddill thrid eternam in domino salutem Noueritis me cum consensu et assensu honorabilis viri Willelmi Blakhall de Barraucht mei patris ac liberitenentis dictarum terrarum dedisse . . . Agneti Burnet filie honorabilis viri Alexandri Burnet de Leyis in sua virginitate in vitali reddito pro toto tempore vite ejusdem totas et integras terras meas . . . jacentes in parrochia de Echt infra vicecomitatum de Abirdene et hoc propter favorem et dilectionem quam gero erga prefate Agneti Burnet propter matrimonium inter me et eandem contrahendum necnon propter certam pecunie summam per dictum Alexandrum Burnet de Leyis patrem dicte Agnetis mihi et prefato Willelmo Blakhall meo patri in pecunia numerata tempore confectionis presentium in mea urgenti necessitate gratanter et integre pre manibus persolutam de quaquidem summa pecunie teneo me bene contentum et plenarie persolutum de eundem Alexandrum Burnet de Leyis suos heredes executores et assignatos pro me heredibus meis executoribus et assignatis meis exinde quieteclamo et exonero imperpetuum per presentes Tenendas . . . de suprema domina nostra regina et suis successoribus regibus seu reginis Scotie . . . Reddendo servitium . . . solitum et consuetum tantum . . . Et ego vero prefatus Magister Alexander Blakhall cum consensu et assensu

dicti Willelmi Blakhall mei patris totas et integras prefatas terras . . . prefate Agneti . . . contra omnes mortales . . . warrantizabimus . . . In cujus rei testimonium huic presenti carte inde mea manuali subscriptione subscripte sigillum meum proprium est appensum necnon sigillum dicti Willelmi Blakhall mei patris liberitenentis dictarum terrarum unacum sua subscriptione manuali in signum sui consensus et assensus ad premissa presentibus est appensum apud Barrauch vigesimo primo die mensis Octobris anno domini millesimo quingentesimo quadragesimo primo coram hiis testibus Johannis Blakhall Gilberto Chalmer Thoma Blakhall Andrea Myln cum diversis aliis.

Quamquidem cartam . . . confirmamus salvis nobis et successoribus nostris juribus et servitiis de predictis terris et molendino cum suis pertinenciis ante presentem confirmationem debitis et consuetis. In cujus rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus Testibus etc ut in cartis precedentibus consimilis date apud Edinburgh secundo die mensis Novembris anno regni nostri nono.

ABSTRACT OF VII.

QUEEN MARY, with advice of James, Duke of Chattellarault, confirms a charter of date 1st October, 1541, by which Mr. Alexander Blakhall, fiar of the lands of the Middle Third of Mekill and Litill Fynnersy and the Mill thereof, in the parish of Echt, with consent of his father William Blakhall of Barraucht, free tenant of the said lands, conveyed the same in life rent to Agnes, daughter of Alexander Burnet of Leys, because of a marriage contract between the granter and the said Agnes, and a sum of money paid by the said Alexander; to be held of the Crown for service used and wont. Confirmation dated at Edinburgh, 2nd November, 1551.

VIII.

Gift of the ward of the lands of Blakhall to William Strathauchin and Jonet Auchinleck. 16 Dec., 1554.

ANE LETTER maid to Williame Straithauchin of Tibbirtie and Jonet Auchinlek his spous yair airis and assignais ane or ma off the gift of ye Warde of All and haill ye landis of Blakhall w^t ye Maner place and pertinentis y^of liand in the regalitie of Gareauch and w^tin ye Sherfdome of Abirdene. Togidder w^t ye offices of Crownarschip and forestary of Gareauch and all proffittis and dewiteis

perteining y^{ro}. Quhilkis pertenit to Umquhile Williame Blakhall of ya^t ilk and throu his deceis or throu ye deceis of Jonet Straithauchin his spous conjunct fear y^{of} being or sall happin to be in ony tyme cuming in our Soverane Ladeis hands be ressoun of Warde w^t all males fermes proffittis and dewiteis y^{of} during ye said Warde baith of termes bygane and to come and ay and while ye lauchfull entree of the rychtuis air or airis y^{ro} being of lauchfull aige w^t ye releif y^{of} quhen it sal happin and als ye mariage of Williame Blakhall sone and air to ye said Umq^{le} William Blakhall of y^t ilk and failzeing of him be deceis unmarijt ye mariage of ony other air or airis male or female yat sall happin to succeid to ye said William in his heritage w^t all proffittis of ye said mariage. W^t power, etc. At Peblis ye xvj. day of December ye yeir foirsaid [1554]. xl. merks.

PER SIGNATURAM.

IX.

Carta Alexandri Blakhall. 3 Sept., 1574.

JACOBUS . . . Sciatis nos cum avisamento . . . nostri consanguinei Jacobi comitis de Mortoun domini de Dalkeith nostri liegiorumque nostrorum regentis dedisse . . . dilecto nostro Alexandro Blakhall filio et heredi apparenti magistri Alexandri Blakhall portionarii de Barroch heredibus suis masculis et assignatis hereditarie totam et integram dimedietatem terrarum de Barroch, dimedietatem terrarum de Westir-hous dimedietatem terrarum de Fillaw dimedietatem terrarum de Eschinheid dimedietatem terrarum de Furdailhous sextam partem terrarum de Petgowny dimedietatem molendini de Bourty superioritatem dimedietatis terrarum de Muretoun tertiam partem terrarum de Mekill Fynnersy tertiam partem terrarum de Litill Fynnersy tertiam partem terrarum de Maneicht et tertiam partem molendini de Fynnersy cum omnibus suis pertinenciis jacentes infra vicecomitatum nostrum de Abirdene Quequidem . . . fuerunt dicti Magistri Alexandri Blakhall hereditarie per ipsum de nobis et predicessoribus nostris immediate tente in capite Et quas . . . idem Magister Alexander . . . resignavit . . . Tenendas . . . de nobis et successoribus nostris in feodo et hereditate imperpetuum . . . Reddendo . . . jura et servitia . . . debita et consueta tantum . . . Salvo et reservato nihilominus libero tenemento dicte dimedietatis terrarum de Barroch . . . Westirhous . . . Fillaw . . . Eschinheid . . .

Furdailhous sexte partis terrarum de Petgowny dimedietatis molendini de Bourty superioritatis dimedietatis terrarum de Muretoun Gulielmo Blakhall de Barroch patri dicti Magistri Alexandri pro toto tempore vite sue et reservato libero tenemento seu vitali redditu ejusdem unacum vitali redditu tertie partis dictarum terrarum de Mekill Fynnersy . . . Litill Fynnersy . . . Maneicht et tertie partis molendini de Fynnersy . . . dicto Magistro Alexandro pro toto tempore vite sue diebus post decessum dicti Gulielmi sui patris necnon reservato Agneti Burnet sponse dicti Magistri Alexandri vitali redditu totarum et integrarum dicte dimedietatis terrarum de Fillaw cum suis pertinenciis unacum rationabili tertia vel tertia parte ceterarum terrarum et molendinorum et aliarum suprascriptarum . . . In cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus ut in aliis cartis consimilis date precedentibus apud Abirdene tertio die mensis Septembris anno domini millesimo quingentesimo septuagesimo quarto et regni nostri octavo.

ABSTRACT OF IX.

KING JAMES VI., with advice of James, Earl of Mortoun, grants to Alexander Blackhall, son and heir apparent of Mr. Alexander Blackhall, portioner of Barroch, his heirs male and assignees, the halves of the lands of Barroch, etc. [as in VI. *supra*], resigned by the said Mr. Alexander; to be held of the Crown for services used and wont; reserving certain liferents to William Blackhall of Barroch, father of the said Mr. Alexander, to Mr. Alexander himself, and to his spouse, Agnes Burnet.

X.

Carta Domini Jacobi Sandelandis de Slamanno Militis. 24 Mar.,
1590-1.

JACOBUS . . . salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse predilecto et familiari nostro servitori Domino Jacobo Sandelandis de Slamanno equiti aurato heredibus suis et assignatis hereditarie Totam et integram dimedietatem terrarum de Barroch dimedietatem terrarum de Westerhous dimedietatem terrarum de Phillas dimedietatem terrarum Aschinheid, dimedietatem terrarum de Fuyrdailhous sextam partem terrarum de Petgowny dimedietatem molendini de Bourty una cum superioritate dimedietatem terrarum de Muretoun cum tenentibus tenandrijs et libere tenentium servitijs earundem partibus pendiculis et omnibus suis pertinentijs jacentes infra vicecomitatum de

Abirdene Quequidem terre cum suis pertinentijs prius Jacobo King feodataro de Barrach hereditare et Willelmo King ejus patri in vitali redditu pertinuerunt et quas ipsi per suos procuratores ipsorum nominibus et literas patentes ad idem specialiter et literatorie constitutos in manibus nostris eorum domini superioris earundem sursum reddiderunt pureque et simpliciter per fustem et baculum resignarunt et extradonarunt apud Dalkeith una cum omnibus jure titulo proprietate et possessione ac clameo que et quas in eisdem habuerunt habent seu quovismodo habere poterunt omnino quiete clamantur imperpetuum In super pro bono fideli et gratuito servitio nobis per predictum dominum Jacobum Sandelandis impenso de novodamus concedimus disponimus et properpetuo confirmamus ipsi heredibus suis et assignatis omnes et singulas dictas dimedietates . . . Reddendo inde annuatim dictus Dominus Jacobus Sandelandis heredes sui et assignati nobis et successoribus nostris jura et servitia. . . . In cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus predilectis nostris consanguineis et consiliarijs Joanne Domino Hamiltoun, &c. Commendataro de Abirbrothok Willelmo Angusie Comite Domino Douglas et Abirmethy, &c. Georgio Comite Mariscalli Regni nostri Mariscallo dilectis nostris familiaribus conciliarijs Joanne Domino Thirlestane, &c. Cancellario ac secretario nostro Waltero Commendataro de Blantyre nostri secreti sigilli custode Alexandro Hay de Eister Kennet nostrorum rotulorum registri ac concilij clerico Ludovico Bellenden de Auchnoule milite nostre Justicie Clerico et Magistro Willelmo Scott de Grangemure nostre cancellarie direttore. Apud Dalkeith vicesimo quarto die mensis Martij anno Domini millesimo quingentesimo nonagesimo et regni nostri vicesimo quarto.

ABSTRACT OF X.

KING JAMES VI. grants to Sir James Sandilands of Slamannan and his heirs and assigns for good, faithful and free service half the lands of Barroch and others on the resignation of these lands by James King, fiar, and William King, life renter thereof, into the hands of the King, lord superior of the same. At Dalkeith on March 24th, 1590.

XI.

Retour of Special Service, Alexander Blakhall to his cousin, William Blakhall of that Ilk. 1591. (Record very defective.)

Hec Inquisitio legitime facta fuit in pretorio burgi de Abirdene . . . [anno] domini millesimo quingentesimo nonagesimo primo In presentia . . .

Gordoun de Washhall et Roberti Garzeauch burgensis . . . de Abirdene pro tribunali sedenti Sectis vocatis . . . [per] subscriptos homines [probos et fideles] . . . Alexandrum Ley^t de . . . Magistrum Thomam Leslie burgensem . . . portionarium de Disblair Joannem . . . burgensem de Abirdene Alexandrum Forbes de Thanistoun . . . Archibaldum Wod de Middildisblair William Leslie . . . Chalmer de Tullekerie Gilbertum Ley^t portionarium (de) . . . thie in Sauchaik Qui jurati dicunt . . . [quod] quondam Willelmus Blakhall de eodem filius pa[tris sui quondam Willelmus Blakhall de eodem] obiit ultimo vestitus et sasitus . . . in totis et integris [terris de Blakhall] . . . cum domibus manerie loco partibus pendiculis et pertinenciis (&c.) . . . infra regalitatem de Garzeauch et vicecomitatum de Abirdene . . . [et de officiis Cor]onatoris et Forestarij de Garzeoch proficiuis commoditatibus et p[ertinenciis] tenentibus tenandriis et libere tenentiis servitiis earundem Et quod dictus [Alexander Blakhall] est legitimus et propinquior heres masculus ejusdem quondam Willelmi filii [Willelmi Blakhall de eodem et] de dictis terris officiis et aliis supra specificatis cum pertinenciis Et quod est legitime etatis Et quod valuerunt tempore pacis per annum quadraginta [solidis] usualis monete regni Scotie Et quod jam valent per annum octo libris ejusdem [monete] . . . Et quod tenentur de supremo domino nostro rege et suis successoribus regibus Scotie per servitium warde et relevii Et quod fuerunt prout de presenti nunc existunt in manibus predicti supremi domini nostri regis ratione non introitus post decessum dicti quondam Willelmi qui mortem subiit mense Augusti aut eocirca anno domini millesimo quingentesimo octuagesimo nono extendentem ad spatium duorum annorum in defectu ipsius Alexandri veri heredis earundem jus suum huc usque minime persequentis Reservando . . . Jonete Strathauchin relicte dicti quondam Willelmi Blakhall de eodem suam conjunctam infeodationem terrarum de Blakhall antedictarum secundum infeofamenta sua sibi de super confecta nec non reservando jus et titulum predictarum terrarum alienationem earundem habentibus secundum infeofamenta sua datum et clausum sub sigillo officii vicecomitatus de Abirdene nec non sigillis majoris partis eorum qui dicte inquisitioni interfuerunt Extractum de libris ejusdem per me scribam ejusdem Subscriptum (Sic Subscribitur) A. Fraser.

ABSTRACT OF XI.

A JURY, summoned by Gordon of Washhall and Robert Garzeauch, burgess of Aberdeen, finds that the late William Blakhall of that Ilk died infest in the lands of Blackhall and offices of Coroner and Forester of the Garioch, and that Alexander Blackhall is his nearest male heir; that the annual value was

in time of peace 40s., and is now £8; that the lands and offices are held of the King, and have been in his hands for two years, through failure of the heir to prosecute his claim. The rights of Jonet Strathauchin, relict of the said William Blakhall of that Ilk, who had conjunct fee of the said lands, are reserved. At Aberdeen, 1591.

XII.

Carta Magistri Georgij Seytoun. 26 Jan., 1598-9.

JACOBUS . . . salutem Sciatis nos dedisse disposuisse et concessisse tenoreque presentis carte nostre dare concedere et disponere predilecto nostro Magistro Georgio Seytoun tutori de Meldrum suisque heredibus masculis de corpore suo legitime procreandis et suis et eorum assignatis quibus deficientibus Jacobo Seytoun de Bourty burgensi burgi nostri de Abirdene suisque heredibus masculis de corpore suo legitime procreatis seu procreandis quibus omnibus deficientibus Joanni Seytoun nunc de Meldrum suisque heredibus masculis et assignatis quibuscunque hereditarie Totam et integram solarem dimedietatem ville et terrarum de Barrach dimedietatem terrarum de Westerhous dimedietatem terrarum de Phillow dimedietatem (terrarum) de Eschinheid dimedietatem terrarum de Furdailhous dimedietatem molendini de Bourty dimedietatem terrarum molendinariarum multurarum et sequelium ejusdem sextam partem terrarum de Petgaveny et dimedietatem terrarum de lie Muretoun dimedietatem multurarum et sequelium ejusdem et lie knaifschip cum maneriebus domibus edificijs hortis, etc. . . . jacentes infra parochiam de Bourty et vicecomitatum nostrum de Abirdene Quequidem terre molendina et alia prescripta cum pertinentijs Alexandro Blakhall de eodem pertinuerunt et in manibus nostris devenient nobis et ad nostram dispositionem spectant per recognitionem leges regni nostri et privilegium corone nostre ob alienationem et dispositionem per prefatum Alexandrum aut suos predicesores de predictis terris molendinis et alijs supraspecificatis cum pertinentijs aut saltem maioris partis earundem factam absque consensu nostro nostrumve predicesorum ut debuit prius desuper petita et obtenta cum eodem de nobis nostrisque predicesoribus per servitium warde et relevij immediate tente fuerunt et sic in manibus nostris per recognitionem ut premissum est devenerunt hec nos dedisse concessisse et disposuisse tenoreque presentis carte nostre dare concedere et disponere prefato Magistro Georgio Seytoun suisque heredibus masculis et assignatis respective et successive supraspecificatis Totam et integram umbralem dimedietatem . . .

Quequidem umbralis dimedietas terrarum molendinorum aliorum particulariter supraspecificatarum cum pertinentijs quondam Willelmo King de Barrach ac Jacobo King ejus filio pertinuerunt et nunc similiter in manibus nostris diveniunt . . . cum speciali etiam liberaque postestate ac libertate prefato Magistro Georgio suisque heredibus masculis et assignatis respective et successive predictis pro declaratione antedictarum recognitionum respective aut in eorum proprijs nominibus vel per assistentiam nostri advocati seu utrisque eorum nominibus conjunctim coram competente judice ut de jure congruit vocare et prosequi Tenendam et habendam . . . prefato Magistro Georgio suisque heredibus masculis et assignatis respective et successive predictis de nobis et successoribus nostris In feodo et hereditate imperpetuum per omnes rectas metas suas, etc. . . . Reddendo Inde annuatim dictus Magister Georgius suisque heredes masculi et assignati predicti Nobis et successoribus nostris jura et servitia de predictis terris molendinis et alijs prescriptis cum pertinentijs Nobis et predicesoribus nostris antepredictas recognitiones respective debita et consueta tantum In cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precipimus Testibus ut in alijs cartis consimilis date precedentibus. Apud Halyruidhous vicesimo sexto die mensis Januarij anno Domini millesimo quingentesimo nonagesimo octavo. Et Regni nostri Tricesimo secundo.

ABSTRACT OF XII.

KING JAMES VI. grants the sunny and shadow halves of Barra and other lands to George Seton, tutor of Meldrum, on the forfeiture of these lands and other interests on account of alienation of them by Alexander Blackhall of that Ilk and William and James King of Barra, or by the predecessors of these families, without the King's consent or that of his royal predecessors, from whom the lands were held. At Holyroodhouse, January 26th, 1598.

XIII.

The Will of Alexander Strachan of Thornton, May 14, 1601.

THE Testament Testamentar and Inventory of the goods, gear, sums of money and debts pertaining to umquhile Alexander Strathauchane of Thornetoun, within the parish of Abirluthnot and shireffdom of Kincardine in the Mernes, the time of his decease, who died in the month of May, 1601. Given up by

Anna Merser his relict spouse and John Strathachane his son, whom he nominated his only Executors Testamentars and universal intromitters with his haill goods and gear. Sum of the Inventory £3517 6s. 8d. . . . Debts due by James Pikeman at the mylne of Bogindalloche . . . and others all tenants of the defunct's lands. Sum of said debts with Inventory £4606 3s. 4d. Debts due to the Priory of St. Andrews, Mr. David Rait principal of Aberdeen, Mr. Peter Blackburn Bishop of Aberdeen, James Strauchan of Monbodo, Earl Merschell, the seven beddells, George Schoirwod, Lady Sinclair, John Marnie, William Strauchan of Tulliefroskie, Alexander Arbuthnett of Pitkairlies, and servants' fees :

Sum of said debts £1272 13s. 4d.

Free gear £3343 10s.

By his Latter Will he ordains 200 merks of his readiest fermes to be employed on land for annual rent to be bestowed yearly and perpetually "on the waik and pure and beddrells of the parochyne of Abirluthnot; and ordains his said Executors to entertain and give household to David Trumbill, George Nydrie, Johnne Gordoun elder, John and John Adames, John Gaw elder and Christiane Irwing, so long as the saids Executors remain in household together; and from the time they dissolve company, to give every one of them a peck of meal weekly, till Alexander Strauchane oy and heir to the defunct, be 21 years of age, when he shall be astricted to give them the said peck of victual during their lifetime: He also ordained 600 merks worth of his readiest fermes to be sold, to pay Alexander Smythe of Fettercairne his 600 merks at Martinmas, for which the defunct's son is cautioner: He likewise wills that his said spouse have the enjoyment, maintenance and possession of the place of Thornetoun and orchards thereof, with his said son, she upholding and maintaining the same so long as she and he agree together in household, only; He ordains his three daughters Magdalene, Katharine and Elizabeth to remain with his said Executors, so long as they hold house together in Thornetoun, or else where, at least until marriages be provided to them by his said sons and others their friends: Dated 14 May, 1601. Witnesses, Robert Merser of Craigis, George Strauchane son to the defunct, Alexander Strauchannan in Arnebarrow and Robert Mylne notar writer hereof.

Confirmed 5 August, 1602. Andro Wischart of Murtoun cautioner.

XIV.

Ane Instrument of Seasing of the twa pairt of the lands of Petgarvie with thair pertinentis gevin to Elizabeth Strathachin dochter to

Allexander Strathauchin of Thorntoun and presentit in hir name be Mr. William Chalmer notar publict at Aberdeen the xv. day of May, 1601, and registrat as follows.

IN DEI nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Incarnationis dominice millesimo sexcentesimo primo mensis vero Aprilis die vigesimo secundo Regnique S. D. N. Jacobi Sexti Scotorum Regis illustrissimi anno trigesimo quarto. In mei notarii publici ac testium subscriptorum presentis personaliter constitutus discretus vir Georgius Strathauchin filius honorabilis viri Allexandri Strathauchin de Thorntoun procurator et eo nomine Elizabethe Strathauchyn filie dicti Allexandri de cuius procuratoris mandato mihi notario publico subscripto lucide satis constabat habens et tenens suis in manibus quandam alienationis cartam pargameno scriptam preceptum sasine in se continentem factam et concessam per dictum Allexandrum Strathauchin dicte Elizabethe et heredibus de corpore suo legitimè procreandis quibus deficientibus sibi ipsi suis heredibus masculis et assignatis quibuscunque revertendum de et super Tota et integra dualitate seu bina parte vulgo the twa pairt totius et integre ville et terrarum de Petgarvie cum domibus edificis hortis toftis croftis ly owtseattis partibus pendiculis et pertinentiis earundem de presenti occupatis per Georgium Vallentyne et Joannem Fettes jacentium infra parochiam de Arbuthnot et vicecomitatum de Kincardin Necnon in speciale warantum ejusdem de tota et integra villa et terris medie manerie vulgo the mydmanis of Thorntoun cum domibus edeficiis hortis toftis croftis ly owtseattis communitate communi pastura liberoque introitu et exitu partibus pendiculis et pertinentiis earundem jacente ut supra prout in subscripto precepto late satis continetur Quamquidem cartam in se continentem ut dictum est honorabili etiam viro Roberto Mersyr portionario de Craigies ballivo in dicto precepto specialiter nominato exhibuit et presentavit eundemque requirens quatenus idem preceptum debite executioni mandare dignaretur Quiquidem ballivus sciens dictam requisitionem fore justam et rationi consonam mihi notario publico subscripto preceptum perlegendum et publicandum tradidit, Quodquidem alta et intelligibili voce perlegi sub forma verborum subsequente cuius tenor sequitur.

. . . Et reservando mihi ipsi liberum tenementum vsum fructuum usum commoditates et liberum ballivatus officium dictarum terrarum cum pertinentiis durante cursu vite mee et non alias aliter neque alio modo preterea ne dicta Elizabetha frustretur de dictis terris, do concedo et dispono eidem Elizabethe suisque heredibus predictis sub clausulis provisionibus et restrictionibus antedictis et non alias neque aliter Totam et integram villam et terras medie manerie vulgo the mydmanes de Thorntoun cum domibus, etc. . . . In cuius rei testimonium huic presenti carte mee manu Magistri Wilhelmi Chalmer notarii

publici Abredonensis commorantis scripte meaque manu subscriptione sigillum meum proprium est appensum apud Thorntoun vigesimo secundo die mensis Aprilis anno domini millesimo sexcentesimo primo coram his testibus Wilhelmo Strachan de Tibbertie, Roberto Mersyr portionario de Craghes Joanne et Georgio Strathauchins filiis meis Andrea Gray servitore dicti Wilhelmi Strachan de Tibbertie et dicto Magistro Wilhelmo Chalmer. Et sic subscribitur Alex^r. Strathauchin of Thorntoun with my hand William Strathauchin of Tibbertie witnes. Robert Mersyr witnes. Johnn Strathauchin witnes. George Strathauchin witnes. Andro Gray witnes. Mr. William Chalmer wrettar of this chartour and witnes thairto.

ABSTRACT OF XIV.

INSTRUMENT of Sasine following on a charter of date 22nd April, 1601, by Alexander Strathauchin of Thornton to his daughter Elizabeth and the heirs of her body of the "twa pairt" of the lands of Petgarvie.

XV.

Retour of General Service, Margaret Blackhall to her father, William Blackhall. 11 July, 1610.

HÆC Inquisitio legitime facta fuit in curia vicecomitatus de Abirdene tenta in pretorio ejusdem undecimo die mensis Julij anno Domini millesimo sexcentesimo decimo per Robertum Gareoche burgensem de Abirdene vicecomitem deputatum dicti vicecomitatus pro tribunali sedenti sectis vocatis. In curia legitime inchoata et affirmata per hos probos et fideles homines patrie subscriptos, viz., Willelmum Strathachin de Tippertie Magistrum Duncanum Forbes de Bannagask Robertum Johnstone de Kendell Robertum Hog de Gellan Andream Strachan de Grigisardo^h Andream Skene de Auchorie Patricium Ferquhar burgensem de Abirdene Gilbertum Quhyte burgensem ibidem Magistrum Henricum Buchane burgensem ibidem Thomam Murray burgensem ibidem Johanem Tullidaff burgensem ibidem Robertum Alschner burgensem ibidem et Gilbertum Blak burgensem ibidem. Qui omnes jurati dicunt magno sacramento interueniente quod quondam Willelmus Blackhall de eodem pater Margarete Blakhall latricis presentium obiit ad pacem et fidem S.D.N. Jacobi Dei gratia Magne Britannie Francie et Hybernie Regis fideique defensoris. Et quod dicta Margareta Blakhall est legitima et propinquior heres ejusdem quondam Willelmi Blakhall sui patris. Et quod est legitime etatis sed quia in sua petitione nullas

petiit terras. Ideo cetera brevis clausule in se manent indeservite. Datum et clausum sub sigillo officij dicti vicecomitatus necnon sub sigillis maioris partis eorum qui dicte inquisitioni interfuerunt et extractum ex libro actorum curie vicecomitatus predicti per me Magistrum Gullielmum Andersone scribam ejusdem subscriptum sic subscribitur Mr. Andersone.

ABSTRACT OF XV.

A JURY, summoned by Robert Gareoche, Sheriff-Depute of Aberdeen, finds that the late William Blackhall of that Ilk was father of Margaret Blackhall; that the said Margaret is his lawful heir, and is of full age, but claims no lands. At Aberdeen, 11th July, 1610.

XVI.

Carta Confirmationis Alexandri Blakhall portionarij de Buray, &c.
2 Aug., 1610.

SCIATIS nos quandam cartam alienationis factam et concessam per quondam Alexandrum Blakhall de eodem . . . de mandato nostro visam . . . ad plenum intellexisse sub hac forma

Omnibus hanc cartam visuris . . . Alexander Blakhall de eodem salutem Noueritis me cum expressis consensu et assensu honorabilis viri Joannis Leslie de Balquhane cui interdictus sum meis vtilitate et commodo in hac parte vndique preuisis et diligenter consideratis ex certis causis rationi consonis animum meum ad hoc moventibus et presertim pro adimptione mee certe partis cuiusdam contractus initi et confecti inter me ipsum ab vna et Alexandrum Blakhall portionarium de Burray partibus ab altera de data apud Abirdene octauo die mensis Octobris anno Domini millesimo quingentesimo nonagesimo vendidisse . . . prefato Alexandro Blakhall portionario de Burray suis heredibus masculis et assignatis quibuscunque totas et integras terras meas de Blakhall cum manerie et pertinencijs vnacum duabus croftis earundem occupatis per Alexandrum Ledinghame et Willielmum Gavan cum tenentibus tenandriis et libere tenentium seruitijs dictarum terrarum jacentium infra parochiam de Innerrurie et vicecomitatum de Abirdene vnacum officijs coronatoris et forrestarij de Garioch cum omnibus proficuis et deuorij earundem. Tenendas . . . a me meis heredibus et assignatis de S.D.N. Rege et suis successoribus Scotie regibus in

feodo et hereditate imperpetuum . . . Reddendo inde annuatim . . . jura et seruitia . . . debita et consueta tantum . . . Et ego vero prefatus Alexander Blakhall de eodem mei heredes et assignati totas et integras predictas terras . . . prefato Alexandro Blakhall portionario de Burray suis heredibus masculis et assignatis . . . contra omnes mortales warrantizabimus . . . Reseruando tamen in omnibus et per omnia Jonete Strachin relicte Willielmi Blakhall de Eodem vitalem redditum liberum tenementum vsum fructum et vsum dimidietatis dictarum terrarum secundum sua infeofamenta desuper confecta si que habet. Insuper . . . [precept. Sas.] . . . In cuius rej testimonium huic presenti carte mee preceptum sasine in se continenti manu mea necnon manu dicti Joannis Leslie de Balquhane in signum sui consensus subscripte sigillum meum proprium est appensum apud Abirdene vigesimo quarto die mensis Martij anno Domini millesimo quingentesimo nonagesimo primo coram his testibus Magistro Roberto Paip aduocato Joanne Hvinsoune et Willielmo Davidsoune comburgensibus de Abirdene Alexandro Chalmer armigro et Magistro Willielmo Ray notario publico.

Quamquidem cartam . . . confirmamus saluo tamen nobis et successoribus nostris iuribus et seruitijs de predictis terris alijsque respectiue prescriptis cum pertinentiis nobis nostrisque predicesoribus ante presentem nostram confirmationem debitis et consuetis. Insuper nos volumus et concedimus ac pro nobis nostrisque successoribus decernimus et ordinamus quod hec presens nostra confirmatio est et erit tanti roboris valoris efficacie et effectus prefato Alexandro Blakhall portionario de Burray suis heredibus masculis et assignatis predictis pro eorum hereditaria ac pacifica gauisione fruitione vsu et possessione predictarum terrarum aliarumque antedictarum cum pertinentiis ac si eadem per nos nostro sub magno sigillo ante decessum dicti quondam Alexandri Blakhall de eodem vel ante sasinam per prefatum Alexandrum Blakhall portionarium de Burray de eisdem susceptam facta data et concessa fuisset non obstante decessu dicti quondam Alexandri et sasina predicta hactenus inde capta super quibus et omnibus alijs objectionibus et imperfectionibus quibuscunque que contra predictam cartam aut validitatem eiusdem quouismodo objici aut proponi poterint nos pro nobis et successoribus nostris per presentes pro nunc et imperpetuum dispensamus. Preterea pro bono fideli et gratuito seruitio nobis per dictum Alexandrum Blakhall portionarium de Burray prestito et impenso diuersisque alijs respectibus motis et considerationibus nos mouentibus ex certa scientia et proprio motu dedimus . . . prefato Alexandro suisque heredibus masculis et assignatis prescriptis totum jus titulum interesse jurisclameum proprietatem et possessionem que nos predicesores aut successores habuimus habemus seu quouismodo habere clamare aut pretendere poterimus aut poterint

in et ad predictas terras de Blakhall . . . quorumcunque annorum aut terminorum preteritorum aut futurorum ratione warde nonintroitus relevij forisfacture recognitionis purpresture disclamationis bastardie escaete vitalis redditus appreciationis nonconfirmationis venditionis totius aut majoris partis reductionis infeofamentorum et retornatum vel annullationis eorundem vel pro quacunque alia causa facto aut occasione preterita diem datamque presentis carte nostre precedente. Renunciando quieteclamando et simpliciter exonerando ejusdem cum omnibus actione instantia et executione nobis desuper competentibus prefato Alexandro suisque predictis ac in eorum fauorem pro nunc et imperpetuum cum pacto de non petendo ac cum supplemento omnium aliorum defectuum obiectionum et imperfectionum quorumcunque tam non nominatorum quam nominatorum que nos tanquam pro expressis in hac presenti carta nostra haberi volumus ac cum eisdem pro nobis et successoribus nostris per presentes etiam dispensamus. In cuius rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus. Testibus vt in alijs cartis consimilis date precedentibus. Apud Edinburgum secundo die mensis Augusti anno Domini millesimo sexcentesimo decimo ac annis regnorum nostrorum respective quadragesimo quarto et octauo.

ABSTRACT OF XVI.

JAMES VI. confirms a charter, of date 24th March, 1591, by which Alexander Blackhall of that Ilk, with consent of John Leslie of Balquhane, and in fulfilment of a contract of date 8th October, 1590, between the granter and Alexander Blackhall, portioner of Barray, conveyed to the latter, his heirs male and assignees whatsoever, the lands of Blackhall, with the manor and two crofts occupied by Alexander Ledingham and William Gavan, in the parish of Inverurie, together with the offices of coroner and forester of the Garioch; to be held from the granter of the Crown, for services used and wont; reserving to Jonet Strachin, relict of William Blackhall of that Ilk, the liferent of half of the said lands in which she had been infest. Confirmation dated at Edinburgh, 2nd August, 1610.

XVII.

Carta Alexandri Burnet de Leyis. 30 July, 1613.

JACOBUS . . . salutem Sciatis nos cum avisamento predilecti nostri fidelis et familiaris consiliarij Alexandri Comitis de Dumfermling Domini Fyvie et

Urquhart, &c. Magni Cancellarij regni nostri Scotie Domini Gideonis Murray de Elibank militis nostri thesaurarij deputati et reliquorum Dominorum Commissionariorum nostrorum pro administratione nostrorum reddituum et casualitatum regni nostri Scotie nominatorum dedisse concessisse et disposuisse tenoreque presentis carte nostre dare concedere et disponere dilecto nostro Alexandro Burnett de Leyis suisque heredibus et assignatis quibuscunque hereditarie Totas et integras villam et terras de Blakhall cum manerie et loco maneriali de Blakhall (etc.) una cum duabuscroftis terre ejusdem incumbentibus olim per Alexandrum Ledinghame et quondam Willielmum Gawane occupatis . . . infra parochiam de Innerurie et vicecomitatum nostrum de Abirdene unacum etiam officijs coronatoris et forrestarij de Gareoch cum omnibus proficuis, etc. infra dictum vicecomitatum nostrum de Abirdene Quequidem terre officia ac alia particulariter supra recitate cum pertinentiis perprius ad Alexandrum Blakhall de eodem hereditarie pertinuerunt et nunc in manibus nostris devenerunt nobis et ad nostram dispositionem spectant et pertinent per recognitionem leges nostri regni et privilegium nostre corone ob alienationem et dispositionem per dictum Alexandrum Blakhall de eodem aut quosdam ejus predicesores de predictis terris officijs et alijs supra-mentionatis factam absque consensu nostri seu nostrorum predicesorum ad id prius habito et obtento prout habuit Quia dicte terre de nobis et predicesoribus nostris per servitium warde et relevij tenentur et ita in manibus nostris per recognitionem ut premissum est devenerunt cum speciali et plena potestate dicto Alexandro Burnett de Leyis suisque heredibus et assignatis pro declaratorio dicti recognitionis eorum nominibus vel per concurrentiam nostri advocati aut eorum ambobus nominibus conjunctim coram judice competente prout de jure ordine vocandi et prosequendi Tenendas et habendas totas et integras predictas villam et terras de Blakhall cum dicte manerie et loco maneriali de Blakhall . . . una cum etiam dicta officio coronatoris et forrestarij de Garreoch cum omnibus proficuis . . . prefato Alexandro Burnett de Leyis suisque heredibus et assignatis quibuscunque hereditarie de nobis et successoribus nostris in feodo et hereditate imperpetuum . . . Reddendo inde annuatim dictus Alexander Burnett de Leyis sui que heredes et assignati predicti nobis et successoribus nostris jura et servitia de predictis terris officijs et alijs supraspecificatis cum pertinentijs ante dictam resignationem debita et consueta tantum. In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus ut in alijs cartis consimilis date precedentibus. Apud Edinburgh penultimo die mensis Julij anno domini millesimo sexcentesimo decimo tertio et regni nostri anno quadagesimo septimo et undecimo.

ABSTRACT OF XVII.

KING JAMES VI. grants to Alexander Burnett of Leys the lands of Blackhall and the office of Coroner and Forester of the Garioch, formerly belonging hereditarily to Alexander Blackhall of that Ilk, and in the King's hands by forfeiture on account of alienation of the same by him or his predecessors without the consent of the King or his predecessors, from whom the lands were held for service of ward and relief. At Edinburgh, 30th July, 1613.

XVIII.

Carta confirmationis Willielmi Blakhall et sue sponse. 16 April, 1620.

JACOBUS . . . Salutem Sciatis nos cum avisamento . . . Joannis Comitis Marrie . . . domini Gedionis Murray de Elibank militis . . . reliquorumque dominorum commissionariorum dicti nostri regni quondam cartam et infeofamentum donationis venditionis alienationis factam et concessam per Alexandrum Blakhall de eodem . . . de mandato nostro visam . . . de plenum intellexisse sub hac forma

Omnibus hanc cartam visuris . . . Alexander Blakhall de eodem dominus terrarum aliarumque subscriptarum . . . salutem Noveritis me non vi aut metu ductum nec errore captum seu quovis dolo fraudeve circumventum sed mature avisatim vtilitate et commodo meis in hac parti vndique provisus pensatis et diligenter consideratis matura deliberatione prohabita et pro perimptione certe mee partis cujusdam contractus matrimonialis initi et confecti inter me pro me ipso et nomine Gulielmi Blakhall mei filii natu maximi et heredis apparentis onusque in me pro eo suscipientem dictumque Gulielmum Blakhall cum consensu meo pro se suoque in re et interesse ab vna et Joannem Strathauchin de Clune quondam tutorem de Thornetoun pro se et nomine Elizabethe Strathauchin ejus sororis germane nunc sponse dicti mei filii onusque in se pro ea suscipientem dictamque Elizabetham cum consensu sui fratris pro se suoque jure et interesse tanquam principales magistrum Joannem Strachauchin rectorem de Kincardin Oneill Davidem Tulloche de Craignistoun et Gulielmum Strathauchin quondam de Tillifroskie tanquam cautionarios partibus ab altera de data apud Innercannie quarto die mensis Septembris anno domini millesimo sexcentesimo nono virtute cujusquidem contractus dictum Gulielmum Blakhall

meum filium et Elizabetham Strathauchin secum in conjuncta infeodatione heredesque eorum. In dicto contractu specificato in terris subscriptis infeodare teneor provt in dicto contractu latius vberiusque continetur. Nec non pro nonnullis pecuniarum summis vsualis monete regni Scotie mihi per dictum Joannem Strathauchin secundum tenorem dicti contractus gratanter et integre persolutis de quibusquidem summis me bene contentum fateor plenarieque et integre persolutum eundemque Joannem Strathauchin et cautionarios suos heredesque eorum et assignatos quoscumque de eisdem per presentes exonero et quietosclamo imperpetuum aliisque causis onerosis rationique consonis animum meum ad hoc moventibus dedisse concessisse vendidisse titulo oneroso et pure venditionis alienasse hereditarie in feodo sine regessu aut reversione vlla dimisisse . . . prefatis Gulielmo Blakhall et Elizabethe Strachauchin ejus sponse secum in conjuncta infeodatione eorumque alteri diutius viventi heredibusque masculis inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus masculis et assignatis dicti Gulielmi quibuscumque quibus omnibus deficientibus mihi heredibus meis masculis et assignatis iterum revertendas omnes et singulas terras meas ville et terrarum de Blakhall cum manerie et loco maneriali de Blakhall hortis stagnis lacubus partibus et pertinentiis earundem vna cum duabus croftis terre iisdem incumbentibus quondam per Alexandrum Ledinghame et quondam Gulielmum Gawan occupatas . . . jacentes infra parochiam de Inverurie et vicecomitatum nostrum de Abirdene. Necnon prefato Gulielmo Blakhall sibi heredibus suis masculis et assignatis quibus deficientibus mihi heredibus meis masculis et assignatis iterum revertenda officia coronatoris et forrestarii de Garrieouche cum omnibus proficuis et devoriis earundem . . . Reservando tamen mihi in vitali reddito durante vita mea et pro toto tempore ejusdem predicta officia coronatoris et forrestarii de Garriauch . . . Tenendas . . . a me heredibus meis masculis et assignatis de S. D. N. rege heredibus suis et successoribus Scotie Regibus in feodo et hereditate imperpetuum . . . Reddendo inde anuatim . . . jura et servitia . . . debita et consueta tantum . . . Et ego vero prefatus Alexander Blakhall de eodem heredesque mei masculi et assignati quicumque Totas et integras predictas . . . prefatis Gulielmo Blakhall et Elizabethe Strathauchin ejus sponse . . . nec non predicta officia coronatoris et forrestarii de Gariauche . . . prefato Gulielmo Blakhall . . . contra omnes mortales warrantizabimus . . . Insuper . . . [precept. sas.] . . . In cujus rei testimonium huic presenti carte mee preceptum sasine in se continenti (manu Joannis Gordoun sevitoris Magistri Roberti Davidsoun Advocati Abredoneis commoran scripte) meaque manu subscripte sigillum meum proprium armorum est appensum apud Abirdene vigesimo tertio die mensis

Novembris anno domini millesimo sexcentesimo decimo coram his testibus Alexandro Jaffray burgensi de Abirdene Alexandro Burnet seniore burgensi dicti burgi Magistro Roberto Davidstone advocato antedicto Magistro Thoma Davidstone ejus servitore et dicto Joanne Gordoun presentium scriba.

Quam quidem cartamet . . . confirmamus Salvis omni modo nobis et successoribus nostris juribus et servitiis omnium et singularum et terrarum aliorumque supra specificatorum nobis et predicesoribus nostris ante hanc presentem nostram confirmationem debitis et consuetis tantum Preterea volumus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod hec presente nostra confirmatio est ac omnibus temporibus futuris tanti erit valoris roboris fortitudinis et efficacie dicto Willielmo Blakhall et ejus sponse ac si eadem ipsis die et data dicti infeofamenti et ante sasinam (signe sic) per dictum Willielmum Blakhall ejusque sponsam de predictis terris aliisque supraspecificatis hactenus captam data et concessa fuisset non obstante eadem (signe sic) per ipsos de eisdem hactenus capta penes quod omnesque alios defectus et defectiones que desuper sequi poterint nos pro nobis nostrisque predictis per presentes dispensamus. In cujus rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus. Testibus vt in aliis cartis consimilis date precedentibus. Apud Edinburgh quarto die mensis Aprilis anno domini millesimo sexcentesimo vigesimo regnorum nostrorum annis quinquagesimo tertio et decimo octavo.

ABSTRACT OF XVIII.

JAMES VI. confirms a charter of date 23rd November, 1610, by which Alexander Blackhall of that Ilk, in fulfilment of a marriage contract between his son, William Blackhall, and Elizabeth Strathauchin, sister of John Strathauchin of Clune, some time Tutor of Thornton, conveyed to the said William and Elizabeth, and the survivor and their heirs male, whom failing the heirs male and assignees whatsoever of the said William, whom failing to the granter and his heirs male and assignees, the lands of Blackhall, with the manor and manor place of Blackhall, and two crofts formerly occupied by Alexander Ledingham and William Gawan; also to the said William Blackhall the offices of coroner and forester of the Garioch, reserving the liferent thereof to the granter; to be held from the granter and his heirs male and assignees, of the Crown, for services used and wont. Confirmation dated at Edinburgh, 4th April, 1620.

XIX.

The Will of William Blakhall of that Ilk.

. . . 1623. — WILLIAM BLAKHALL of that Ilk departit this lyff the 27 of November 1623 yeir buriit in the Kirk of Invervry, quhaes testament followes

The Testament & Lettre Will of William Blakhall of that Ilk maid be him selff in his awin hous in Blakhall the 22 September 1623 yeiris befor witnesses William Johnstoun Balzea in Invervry Mr. Alexr. . . . Michael* & Mr. James Mill.

Inventar.

In the first he hes in his possessioun ten dravin oxin pryce of the peice overheid auchteine merkis, Item sevin ky pryce of the peice aucht pundes, Item yeild nolt sex steires and ane quyok heiroff of thrie yeir auld steiris thrie pryce of the peice 40s. Item auld scheip thrie score pryce of the peice over heid Threttie s. Item tuelff hoges pryce of the peice 13s. 4d. Item four hors pryce of the peice Tuentie four merks. . . . tua meires the ane esteemed to xx merkes. . . . Vther ane auld beest esteemed to 40s. Item ait is in yerd and barne ten score bollis pryce of the boll over heid four lib. Item beir fourteine bollis pryce of the boll ten merkes. Item Insight and plenishing esteemed to fourty lib by the airschip quhilk he estemes to ane hundredth lib.

Dettes resting to the said William. Item the tennentis of the auldtoun of Knockinglaw. Thomas Diky William Duncan and William Wat fyve chalderis ferme victuall of this instant crope 1623 tua part meill third part beir at aucht lib. the boll, Item William Gellan ane firloft beir and 30s.

Dettes restand be the said William to otheris.

Item to William Blakhall in the Leyes ane thowsand lib borrowit money quhairon be his ane obligatioun, Item mair to the said William Blakhall ane hundredth merkes of profeit. Item to Gib Low ane hundredth lib borrowit money, Item to Alexander Chalmer Cowper in Aberdeen tuo hundredth & ten merkes to Witsunday, Item to Mr. James Mill minister at Invervry ane hundredth merkes money resting for ane chalder boght victuall Item to the Lard of Balquhan ane chalder teynd victuall tua part meill third part beir quhair of we ar in vse of peyment to our minister, Item to James Elphinstoun of Glak four hundred and feftie fywe merkes quhairupon he hes ane obligatioun,

* Probably Mr. Alexander Mitchell, who was schoolmaster in Invervry, and one of the witnesses of the baptism of William Blackhall's only son, John, in 1617 (*James Mill's Register*).

Item to Patrik Jak lessee xx lb. Item to Robert Blakhall for Irn and salt ten lib, Item to Alexander Donald fourtie merkes borrowit money, Item to the Kirk box of Invervry ten merkes, Item to John Mak Heritor of fie 4 lib.

Legacie.

He leiffes his saull to God &c. He leiffes his woholl geir to be equally partit amanges his four barnes sez John, Margrat, Janet, and Katharin Blakhallis, he leiffes his haill Barnes to his wyff Elizabeth Strachane and nominates and leiffes his said spous Tutrix to his haill barnes & nominates his said spous his executrix and to Intromet with his haill guidis and geiris and sche to pey all his debtes, He nominates Sir Thomas Burnet of Leyes Knycht, James Burnet of Craigmyll, Mr. Robert Burnet, advocat in Edinburgh, John Strachan Tutor of Thorntoune, Mr. Patrik Meatland of Auchincreeff & John Seton of Minness curatoris to his barnes, and overseeris that they get no wronge.

Mr. Ja : Mill minister at Invervry with my hand.

XX.

Action for reduction brought by John, Earl of Mar, against the Blackhalls. 26 Mar., 1635.

IN the actioun and caus persewit at the instance of Johne now Erle of Mar Lord Erskene and Gareoche quha is heritable infest and seasit be umqle. Johne Erle of Mar his father In all and haill the Erledome of Mar and lordschipe of Gareoche Off the quhilk Erledome of Mar and lordschipe of Gareoche the landis mylnes offices and utheris efterspeit ar propper pairtis and pertinentis And quhilk vmqle. Johne Erle of Mar was air servit and retourit to vmqle. Dame Issobell Dowglas Countes of Mar To quhom and hir airis efter mentionat The said Erledome of Mar and Lordschip of Gareoche wes given confirmit and disponit to (by) umqle. King Robert the third of worthie memorie in the moneth of Januar jm. ffour hundrethe and ffour yeiris Lyikas the sd. umqle. Johne Erle of Mar was servit and retourit air To umqle. Johne Erle of Mar his father quha wes air to umqle. Robert Erle of Mar his foigrandschir's father Quhilk umqle. Robert Erle of Mar was servit and retourit air to the said umqle. Dame Issobell Douglas Countes of Mar To the quhilk umqle. Dame Issobell the said Erledome and lordschippe wes confirmit and disponit in maner foirsaid. As alswa the said umqle. John Erle of Mar was servit and retourit air to umqle. Dame Margaret Countes of Mar dochter to umqle. Donald the second Erle of Mar and to umqle. Thomas Erle of Mar son to the said umqle. Donald, And to the said

umqle. Donald Erle of Mar brother to umqle. Helein of Mar, quha was grand-dame of the said umqle. Robert Erle of Mar Lord Erskene quha wes grandshir to umqle. Alexr. Lord Erskin foir grandshir to the said umqle. Johne Erle of Mar, and to umqle. Gartnay Erle of Mar father to the said Helein of Mar, and to umqle. Donald Erle of Mar guidshir to the said Gartnay Lyikas also be speciall act of Parliament maid be his Majesties umqle. darrest father and the thrie esteattis in the monethe of July in the yeir of God j^m. v^c. fourscoir sevin yeirs It is fund and declairit that the said umqle. Dame Issobell Dowglas Countes of Mar was lawfullie infest in the said Erledome and Lordschippe And that the said umqle. Robert Erle of Mar Lord Erskene to quhom the said umqle. Johne Erle of Mar is air be progres as said is was servit and retourit to the said umqle. Dame Issobell Dowglas Countes of Mar, at the least at the instance of the said Johne now Erle of Mar* Quhom the said umqle. Johne Erle of Mar his father is obleist to infest in all and hail the said Erledome

* Some points in the Mar pedigree given in this document are of incidental interest. The designation of Donald, Earl of Mar, as the "Second" Earl, indicates Earl Gratney as the first or stem ancestor (v.s. p. 5), although we know he was not the first Earl of Mar, as is indeed admitted by the pursuer lower down, who also took the precaution of being retoured to Donald, Earl of Mar, the father (guidshir) of Gratney. Helen of Mar was, moreover, the great-grandmother, not the grandmother of Sir Robert Erskine, as she is termed in this document (v.s. p. 5). Sir Robert Erskine himself is credited with the Earldom of Mar, after the manner of uncrowned Kings and the ancestral Chinaman, "at least at the instance of the said Johne now Earl of Mar"! It is clear that in the mind of the pursuer in this action there was no question of the new Earldom of Mar, now held by the Earl of Mar and Kellie, but of a restoration, with all its privileges and possessions of the old Earldom, which was claimed, and is now borne by special grant by the Earl of Mar, sometime Mr. Goodeve-Erskine. To the non-legal mind it would appear that a reference to the phraseology of these actions for reduction, however iniquitous in themselves these may have been, would have simplified the conceptions of the learned tribunal which decided the Mar Peerage case. It is difficult, indeed, to imagine, from the standpoint of the pursuer in *Mar v. Blackhall*, what possible *locus standi* the Earl of Kellie could possess in the matter of the Mar Peerage, for the whole burden of the case for the pursuer rested on the assumed continuity of inheritance and possession from the ancient Earldom of Mar, and this was not altered, so far as I remember, by the conditions of the restoration after the forfeiture of 1715. If, nevertheless, the judgment of the House of Lords in the Mar Peerage case was correct, as may be contended (v.s. p. 73), it goes to show, the sufficiently patent fact, that neither the will of the Sovereign (James VI.), nor an Act of Parliament (1587), nor a decision of the Supreme Court of a country (1635), can necessarily determine the truth any more than they can necessarily a degree of longitude, as someone has remarked. But if this reversal after two centuries by the House of Lords of the decisions of the Scottish Courts be justifiable, it ought surely to carry with it, but for some statute of limitation, the invalidation of the purchase of the Mar superiorities which were granted to the Mar family by the now reversed decisions of the Scottish Courts.—A. M.

of Mar and Lordschippe of Gareoche with the pairtis pendicles and pertinents And quhom he hath maid cessioner and assigney in and to all actioun of reducioun and improbatioun competent to him ffor reduceing and improveing of qtswever richts infestments and titles of the saidis landis mylnes offices and uthers efterspeit And thairby the said Johne now Erle of Mar persewar hes guid and undoubtit richt to persew the actioun of Improbatioun and reducioun efterspeit And als at the instance of Sr. Thomas Hope of Craighall Knyt. Baronet his hienes advocat ffor his Majesties entres In swa far as concernes the Improbatioun of the writtis and utheris eftermentonat callit to be improvin Againes *inter alios* Alexander Strauchane in Tulquholsie, Alexander Blackhall elder of that Ilk Johne Blackhall younger thairof his oy, Mariorie Strauchane relict of umqle. William Blackhall his mother, Robert Blackhall son to umqle. William Blackhall burgess of Aberdeen, John Garmuke in Daviot, Sir Alexander Strauchane of Thornetoun, George Moresone burgess of Aberdene, and William Foirsythe of Dyikis; anent the production of *inter alias* (1) Charter granted be the said Alexr. Erle of Mar and Gareoch to umqle. Johne Blackhall of that Ilk sone and air of umqle. William Blakhall of that Ilk of the Crownarschippe of the Lordschippe of Gareoch To be haldin of him and his successors Erles of Mar and Gareoch be service of ward and releiff quhilk charter is of the dait the tuentie aucht day of November the yeir of God j^m. iiij^c. threttie thrie yeiris. (2) Item ane charter made and grantit be the said King James the secund of worthie memorie to vmqle. John Blackhall of the lands of Blakhall and of the said office of forrestrie of Gareoche lyand wⁱⁿ the said regalitie therof and shireffdome foirsaid daittit the sevint of ——— the yeir of God j^m. iiij^c. fiftie and sevin yeiris, with the precept of seasing following therupon of the dait of the said charter; and the Instrument of Seasing givin conforme therto under the signe and subscriptioun of ——— notar, of the dait the ——— day of ——— the yeir of God j^m. iiij^c. fiftie ——— yeiris: To have been seen and considered by the Lords of Council, and to have heard and seen the saids charters, &c., bein reduceit, retreitit, rescindit, cassit, annullit, decernit and declairit to have bein from the beginning to be now and in all tyme cwning null and of nane availl force nor effect, with all that hes followit or may follow thereupon; because they are alledged to be false and fainzied.* The pursuers

* It is amusing to note the judicious respect shown for the memory of the royal and impeccable granter, and the prompt ascription of fraud and forgery to the unfortunate representatives of the grantee, who so inconveniently crossed the path of the pursuer in this case. This hectoring assumption of the Buzfuz of the period was scarcely justified by the exhaustive nature of the proof produced by the defendants, notwithstanding the entertaining conclusion ultimately reached by the Court.—A. M.

compeared by the said Sr. Thomas Hope of Craighall Knyt. Baronet his hienes advocat, Sr. Lues Stewart, Mr. Thomas Nicolsone and Mr. David Prymrois their procurators, quha upon the ffourtein day of Februar j^m. vj^c. threttie four yeiris declairit that they insistit onlie at that time upon the said summons for reduction of the writs and evidents thairby callit for upon the foirsaid reassone of reduction above-mentioned lybellit thair againes And for declairing of the undoubtit richt of the landis and uthers efter specified to have pertained to the said umqle. John Erle of Mar and to the said Johne now Erle of Mar then designed John Lord Erskine and did not insist at that time upon the reasson of Improbation abovespecifeit in respect that the defenders compeirand thairintill had alreddie product; As also declared that he passed from certain of the defenders therein named, and insisted only against *inter alios* John Blakhall of that Ilk, Johne Blakhall, Mariorie Strauchane his mother, for reduction of their richts and infestments of the lands after specified, viz. : the lands of Thornetoun, Blakhall, Office of forrastrie of Gareoch and crownarschippe thairof, &c. : And sicklyke on 11th February last, passed *pro loco et tempore* from Johne Blakhall of that Ilk and Mariorie Strauchane his mother, in respect the said John is minor, and his mother only lyfrentar, Provyding the samyne passing fra infer not any prescriptioun of this summons in their favours, but that the foirsaid citation salbe ane sufficient interruption in favour of the pursuer, notwithstanding of thair passing fra at this tyme: After an interloqutour pronounced and intimated to the parties, and the said action and parties thairupon called, and desired to produce and dispute for thair clyants, compeared Mr. Robert Burnet advocate, as procurator for *inter alios* Johne Blakhall of that Ilk and Marjorie Strauchane his mother; and produced for them.

(1) Ane charter granted be Alexr. Earle of Mar and Gareoch to Johne Blackhall of that Ilk of the crownarschippe of the said Lordschippe of Gareoch daittit 28 November 1433 with ane seall.

(2) Item ane decreit absolvitour of ane assyse in ane justice court within the regalie of Gareoch in favour of Johne Blakhall daittit the 18 of May 1418, anent the crownarschippe with ane seill and nyne uther vestiges.

(3) Item ane charter granted be the Kingis Matie to the said Johne Blakhall of that Ilk and crownar foirsaid daittit the sevint day of ——— 1457, with ane worne seall.

(4) Item the Kinges confirmatioun under the great seall of the fourt pairt landis of Blackhall grantit be Williame Mearnes to Robert Blackhall daittit the 20 of December 1491, to be halden of Johne Erle of Mar.

(5) Item ane Instrument of Seasing following upon the said charter grantit be the said William Mearnes to the said Robert Blackhall of the said fourt pairt landis of Blackhall of the daitt the sextein of August 1491, notar Andro Bissett.

(6) Item ane charter grantit be the Kinges Mat^{ie}. to Williame Blackhall of that Ilk of the halffe landis of Follo and Blackwatter and the town and landis of Blackhall of the dait the ffourtein of November 1503 seillit.

(7) Item ane Instrument of Seasing quhair William Blackhall is seased, following on the Precept out of the Chancellary of the dait the tent of September, notar, Thomas Smythe.

(8) Item ane charter of the ffourt pairt landis of Blakhall grantit be John Blackhall son to the said Robert Blackhall to William Blackhall of that Ilk, daittit the 20 of Merche 1508.

(9) Item an Instrument of Seasing of the landis of Blackhall, Folla and Blakwatter and forrestschippe and crownerschippe of Gareoche givin to William Blakhall son to the said William Blakhall of that Ilk, proceeding on the Sheriff of Aberdene his precept daittit the penult of Februar 1513 notar Sir Georg Patersone.

(10) Item ane Instrument of Seasing quhair William Blakhall son and air of the said William Blackhall of that Ilk, is seasit in the saidis landis following on ane Precept out of the Chancellerie daittit the aucht of May 1548.

(11) Item ane Precept out of the Chancellarie ffor seasing Williame Blakhall and Jonet Strauchane his spous daittit the nynt of Februarii 1550 in the saidis landis.

(12) Item ane Instrument of Seasing of the haill landis of Blackhall givin to William Blakhall of that Ilk, proceeding upon ane Precept out of the Chancellery daittit 20 of Aprile 1551 notar Gilbert ———, upon his awin resignation.

(13) Item ane Instrument of Seasing of the landis of Blakhall and Office of Crownarschippe foirsaid givin to William Blakhall sone and air to William Blackhall of that Ilk, proceeding on ane Precept out of the Chancellarie following on ane retour daittit the first of August 1581, notar, William Bruce.

(14) Item ane charter of the landis of Blakhall grantit be Alexander Blakhall of that Ilk, to Alexander Blackhall portioner of Barra of the dait the 24 Mairche 1591.

(15) Item ane Instrument of Seasing following thairupon daittit the twentie fyft of Merche 1591 notar, Mr. Alexr. Fraser.

(16) Item the Kinge's Confirmation under the greit seill of the foirsaid charter daittit the second of August 1610.

(17) Item ane charter be Alexander Blackhall of that Ilk to William Blackhall his sone and appeirand air and Elizabethhe Strauchane his spous, of all and haill the saids landis of Blakhall of the dait the 23d day of November 1610.

(18) Item ane Instrument of Seasing following theirupon of the samyne dait, Johne Robertsons notar.

(19) Item ane Procuratorie of Resignation of the towne and landis of Blakhall maid be Alexander Blakhall of that Ilk in favours of William Blakhall his sone and Elizabethe Strauchan his spous daitt the tuentie third of November 1610.

(20) Item the Kinges Confirmatioun under the Great Seill of ane charter grantit be the said Alexander Blakhall to the said William Blakhall his sone and to Elizabethe Strauchane his spous, off the landis of Blakhall of the dait the fourt of Aprill 1620.

(21) Item ane charter of the landis of Auldton of Knokindolewis grantit be his Matie. under the Great Seill To Williame Blakhall appeirand of that Ilk proceeding on the resignatioun of Johne Leslie elder and John Leslie younger of Balquhan, of dait the sevint of August 1610 :

There was also produced for the part of William Seytoun of Meldrum, among other writs, the following, viz. :

Item ane confirmatioun of Williame Blakhall his charter givin to Mr. Alexander Blackhall his sone of the saidis landis of Bourtie, &c., under the Great Seill daitt the 20 of Februar 1547.

Item ane seasing following on ane Precept grantit be the said Williame to the said Mr. Alexander Quhairby the said Mr. Alexander is infest in the saidis landis, daitt the secund of Merche 1547 notar thairto Olipher Lambie.

Item ane Instrument of Resignation quhair the said Mr. Alexander be his procuratorie resignes the saidis lands in the Kinges handis, ffor new infestment to be givin to Alexander Blakhall his sone daitt the thrid of September 1574 notar, Patrik Faydler.

Item ane charter following upon the said resignatioun under the great seill givin to the said Alexander Blakhall of the saidis landis, daitt 3 September 1574.

Item ane Precept of Seasing following thairupon of the samyn dait.

Item the said Alexander Blackhall his seasing following thairupon daitt the 26 Aprile 1575 Williame Bruce notar.

Item ane Charter under the Great Seill of the sony halffe landis of Barra, halffe landis of Westirhous, halff landis of Fillaw, halff landis of Eschinheid, halffe landis of Fuir, halff landis of Fuirdailhous, halffe landis of Bourtie, sext pairt landis of Petgeveny, halff landis of Muirtoun and utheris landis therein specified following upon the Resignatioun of James Seytoun and Alexander Blackhall grantit to Mr. George Seytoun daitt the 26 of Januar 1598.

Item ane Precept of Seasing following thairupon of the samen dait.

Item ane Instrument of Seasing following thairupon daitt the sevint of Aprile 1599. Mr. Williame Andersone notar.

The Lords of Council reduces, retreits, rescindis, cassis and annullis the foirsaidis hail writts and evidentis particularlie above mentioned, produced for the part of the saids defenders, and decerns the same to be null and void from the beginning and henceforth, and finds that the saids lands with (their pertinents?) are proper parts of the Earldom of Mar, remained in the person of the said umquhile Dame Issobell Dowglas, and consequently that the undoubted heritable right thereof pertained to the said umquhile John Late Earl of Mar, who was heir served and retoured to the said umquhile Dame Issobell Douglas Countess of Mar; and consequently now pertain to the said John now Earl of Mar (styled in the said Summonds John Lord Erskine) as having right thereto from his said umquhile father.

XXI.

Retour of Special Service, John Blackhall to his father, William Blackhall of that Ilk. 29 Sept. 1643.

HÆC Inquisitio legitime facta fuit in curia vicecomitatus de Aberdein tenta in pretorio ejusdem vigesimo nono die mensis Septembris anno Domini millesimo sexcentesimo quadragesimo tertio virtute literarum dispensationis domnorum consilij et sessionis S.D.N. Regis dispensantium cum tempore feriato coram discreto viro Willielmo Cordiner vicecomite deputato dicti vicecomitatus pro tribunali sedenti sectis vocatis in curia legitime inchoata et affirmata per hos probos et fideles patrie homines subscriptos viz. Magistrum Thomam Gray ballivum burgi de Aberdein Ioanne Iaffray decanum gilde dicti burgi Thomam Buck Normandum Arbuthnot Alexandrum Robertsonsone Iacobum Smyth Adamum Gordoun Ioannem Cruikshank Alexandrum Hendrie Georgium Duncane Iacobum Ferg^r. Alexandrum Galloway Alexandrum Murray Ricardum Alexander omnes burgenses dicti burgi et Robertum Irwing in Ryhill Qui Iurati dicunt magno sacramento interveniente quod quondam Willielmus Blakhall de eodem pater Ioannis Blakhall latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem quondam S.D.N. Iacobi Dei gratia Magne Britannie Francie et Hibernie Regis fideique defensoris beate memorie in totis et integris terris ville et terrarum de Blakhall cum manerie et loco maneriali de Blakhall cum hortis stagnis lacubus partibus et pertinentiis earundem unacum duabus croftis terre ejusdem incumbentibus quondam per Alexandrum Ledinghame et quondam

Willielmum Gellan occupatis . . . jacentibus infra parochiam de Innerurie et dictum vicecomitatum de Aberdeen Necnon in totis et integris officiis coronatoris et forrestarij de Garioche . . . Ac etiam in tota et integra villa et terris de Auldtoun de Knokinblewis . . . jacentibus infra baroniam de Balquhayne parochia de Innerurie et infra vicecomitatum predictum cumque speciali libertate jactandi ducendi et abducendi glebas infra glebarium de Fetterneir et in glebariis ejusdem liberoque introitu et exitu per omnes vias et exitus necessarias in et ad dictas terras de Auldtoun per terras de Fetterneir toties quoties opus fuerit Et quod dictus Ioannis Blakhall est legitimus et propinquior heres masculus ejusdem quondam Willielmi Blakhall sui patris . . . Et quod est legitime etatis. Et quod omnes et singule prefate terre ville et terrarum de Blakhall . . . Necnon dicta officia coronatoris et forrestarij de Garrioch . . . ut predicitur nunc valent per annum summam quatuor librarum usualis monete regni Scotie. Et quod valuerunt per annum tempore pacis summam quadraginta solidorum ejusdem monete Et quod predictae ville et terre de Auldtoun de Knokinblewis . . . nunc valent per annum summam quadraginta solidorum monete prescriptum Et quod valuerunt per annum tempore pacis summam viginti solidorum ejusdem monete Et quod omnes et singule prefate terre ville et terrarum de Blakhall et dicta officia coronatoris et forrestarij de Garioch cum dictis duabus croftis aliisque suprascriptis Necnon predictae villa et terre de Auldtoun de Knokinblewis cum decimis garbalibus earundem inclusis aliisque omnibus particulariter antedictis tenentur immediate in capite de S.D.N. Rege et suis successoribus pro servitio warde et relevij Et quod predictae terre ville et terrarum de Blakhall cum manerie et loco maneriali de Blakhall . . . sunt prout fuerunt in manibus Elizabethe Straquhan relicte dicte quondam Willielmi Blakhall ac immediate tenentis dicti S.D.N. Regis earundem continuo a decessu dicti quondam Willielmi sui mariti Et quod dicta villa et terre de Knokinblewis cum decimis garbalibus earundem inclusis ceterisque particulariter prescriptis eisdem spectantibus existunt prout extiterunt in manibus dicti S.D.N. Regis continuo a decessu dicti quondam Willielmi Blakhall patris dicti Ioannis qui decessit mense Septembris anno Domini millesimo sexcentesimo vigesimo tertio extendentibus ad spatium viginti annorum aut eo circa ratione warde et nonintroitus respective viz. per spatium octodecem annorum ratione warde et per spatium duorum annorum ratione nonintroitus in defectu predicti Ioannis Blakhall veri heredis masculi earundem jus suum hujusque minime prosequentis. Datum et clausum sub sigillo officij vicecomitatus de Ab^d. necnon sub sigillis quorundam eorum qui dicta inquisitioni interfuerunt ac per me Magistrum Ioannem Chalmer clericum conjunctum dicti vicecomitatus subscriptum. Sic subscribitur. I. Chalmer.

ABSTRACT OF XXI.

A JURY, summoned by William Cordiner, Sheriff Depute of Aberdeen, finds that William Blackhall of that Ilk, who died in September,* 1623, was infest in the lands of Blakhall and in the offices of coroner and forester of the Garioch, in the lands of Auldtoun of Knockinblewis in the barony of Balquhayne; that John Blakhall is lawful heir of the deceased his father; that the annual value of the said lands of Blakhall and said offices is £4 and was in time of peace 40s., of the lands of Auldtoun of Knockinblewis 40s. and 20s., that the said lands and offices are held of the King by service of ward and relief, and have been, since the death, Blackhall in the hands of Elizabeth Strachan, widow of William Blakhall, and Knockinblewis in the hands of the King—eighteen years of ward and two years of non entry. At Aberdeen, 29th September, 1643.

XXII.

Instrument of Seising given to Patrick Forbes in Nether Mondurno and Margaret Blackhall his spouse, of the Maynes of Blackhall, etc. (by John Blackhall of that Ilk) presented be George Gawin Wryter in Aberdeine upon the nynt day of Apryle j^m. vj^c and fiftie yeares and registrat as efter followes.

. . . IN DEI Nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo quinquagesimo mensis vero Aprilis die octavo Regnique Supremi Domini Nostri Caroli . . . anno secundo In mei notarii publici ac testium subscriptorum presentia personaliter comparuit probus adolescens Joannes Kaij servus Patricii Forbes in Nether Mondurno actornatus seu procurator et eo nomine dicti Patricii Forbes et Margarete Blackhall ejus sponse de cuius procuratoris mandato mihi notario publico subscripto lucide constabat habeuns et tenens suis in manibus quondam cartam pergameno scriptam preceptum sasine in se continentem factam datam et concessam prefatis Patricio Forbes et Margarete Blackhall conjugibus eorumque alteri diutius viventi in conjuncta infeodatione eorumque heredibus et assignatis quibuscunque hereditarie sub reversione inibi expressis per Joannem Blackhall de Eodem filium legitimum et heredem

* William Blackhall of that Ilk died, according to *James Mill's Register*, on November 27th, 1623.

masculum quondam Wilielmi Blackhall de Eodem ac hereditarium proprietarium terrarum aliorumque subscriptarum cum pertinentiis pro sasina et possessione danda memoratis Patricio Forbes et Margarete Blackhall conjugibus eorumque antedictis Totorum et integrorum illorum duorum aratrorum vocatarum lie Maynes de Blackhall cum duobis croftis eiusdem pertinentibus et incumbentibus cum manerei loco domibus, etc. . . . infra parochiam de Inverurie et vicecomitatum de Aberdeine . . . Insuper dilectis meis Georgio Gawin scribe Edinburgi et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte specialiter et irrevocabiliter constitutis salutem vobis precipio et firmiter mando quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem realem actualem et corporalem totorum et integrorum predictorum duorum aratrorum vocatarum lie Maynes de Blackhall cum dictis domibus croftis eisdem pertinentibus et incumbentibus cum dictis manerei loco domibus, etc. . . . Memorato Patricio Forbes et Margarete Blackhall ejus conjugi vel eorum certo actornato presentium latori per terre et lapidis fundi dictarum terrarum ut moris est traditionem et deliberationem secundum tenorem prescripte carte mee juste haberi faciatis tradatis et deliberetis seu alter vestrum tradat et deliberet sine dilatione et hoc nullo modo ommittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte antedictis meam plenariam et irrevocabilem tenore presentium committo potestatem. In cujus rei testimonium presentibus ex chyrographo Gullielmi Chalmer notarii publici manu mea scriptarum sigillum meum proprium est appensum. Apud Berrahillock tertio die mensis Januarii anno domini millesimo sexcentesimo quinquagesimo Coram his testibus Hugone Forbes Willielmus Forbes filiis dicti Patricii et Thoma Ethringtoun meo servitore sic subscribitur Joⁿ. Blackhall Hew Forbes witnes, William Forbes witnes Thomas Ethringtoun witnes. . . . Presentibus ibidem Joanne Angus Roberto Burnet et Willielmo Angus in Blackhall et Joanne Johnstoun in Inverurie testibus ad premissa vocatis pariterque rogatis: Et ego vero Willielmus Chalmer clericus Abredonensis diocesis auctoritate regali notarius publicus, etc. (in communi forma).

ABSTRACT OF XXII.

SASINE is granted 8th April, 1650, to Patrick Forbes in Nether Mondurno and Margaret Blackhall, his wife, of the Maynes of Blackhall in virtue of a charter, with precept of sasine, by John Blackhall of that Ilk, granting the said Maynes to the said Patrick and Margaret and the survivor in conjunct fee with remainder to their heirs and assigns whomsoever; dated at Berrahillock, 3rd January, 1650. Among the witnesses are Hugh and William Forbes, sons of the grantees.

XXIII.

Instrument of Seasing givin to Francis Abercrombie eldest lawful sone and appearand aire to Alexander Abercrombie of Fetterneir, off Blackhall, manner place, etc., Presentit be the Laird upon the tenth day of March j^m. vj^c. fyftie and seavin yeires and registrat as efter followes.

IN the name of God amen, Be it knowin to all quhom it concernis this present publict instrument That upon the fyft day of March j^m. vj^c. fyftie seavin yeires In presence of the nottar publict and witnesses underwritten compeired William Melwing indueller in Fetterneir procurat procurator attorney in name and behalf of ane worthie gentleman Francis Abercrombie eldest lawful son and appearand aire to Alexander Abercrombie of Fetterneir off quhais procuratorie and power I had certaine knowledge having and holding in his handis ane charter contening precept of seasing made and grantit be Patrick Forbes of Blackhall, sometime in Neather Mondurno with speciall advyse and consent of Margaret Blackhall his spouse and the said Margaret Blackhall for herselff to the said Francis Abercrombie his aires and assignis off all and haill the toune and landis of Blackhall, manner place therof tofts, crofts, houses, biggings, yairdis, pairtis, pendicles and haill pertinentis of the samen Lyand within the parochin of Inverurie and Sherifdome of Aberdein Together with the milnes, woodes, multuris, teyndsheaves, mosses, meadows, boggs and plantings of the saids haill landis quhilk perteinit sometyme to the deceast Johne Blackhall of that Ilk. Quhilk Charter contening the said Precept of seasing the said William Melwing attorney forsaid presented to Alexander Fergus in Fetterneir Bailzie speciallie constitute within the said Precept humblie requyring and desyring him to proceed to the executione of his office therby committit to him quhilk the said Alexander Fergus acceptit in his handis and delyverit the samen to me nottar publict to be red and published quhilk I accordinglie did in presence of the witnesses efermentioned and the tenor of the Precept of seasing followis word by word nothing altered eikit nor impairit that may alter the substance thereof and thus it is Attour my lovittis Alexander Fergus in Fetterneir and ilk ane of you conjunctlie and severallie my balzeis in that pairt speciallie and irrevocablie constitute I straitlie charge that upon sight of their presentis you or aither of you give and delyver to the said Francis Abercrombie state seasing and possessione heretable reall, actuall and corporall of all and haill the said toune and landis off Blackhall manner place therof, housses,

biggingis, toftis, croftis, yairdis, pairtis, pendicles and pertinentis of the samen Lyand within the parochin of Inverwrie and sheriffdome of Aberdeine be giving and deliverance to him or his attorney or procuratour in his name of earth and stone of the ground of the saids landis conforme to the tenour of the above-written Charter in all points, And this on nowayes ye leave undone. The quhilk to do I comitt to you conjunctlie and severallie my bailzies in that pairt forsaid my irrevocable power In witnes quhairroff to this present charter subscriyvit with my and my said spous our handis written be Alexander Abercrombie of Fetterneir my seall of armes is appendit. At Inverwrie the second day of March j^m. vj^c. fyftie and seavin yearis Before witnesses Johne Johnstone bailzie of Inverurie James Fergusone messinger, Robert Fergusone his sone, Alexander Reid merchand in Inverurie and James Fergus burgess of the said Inverurie, and so it is subscriyvit Patrik Forbes, Margaret Blackhall with my hand at the pen led of the nottar underwritten at my command becaus I could nocht wrytt my selff. I James Fergusone nottar publict at and be command of the said Margaret to subscriyve thir presentis callit and requyrit therto. I George Milne nottar publict with the abovementioned nottar at command of the said Margaret Blackhall quho could nocht wreat as she affirmit doe subscriyve thir presentis being therto requirit : Geo. Milne N. P. John Johnstone witnes, James Fergus witnes, Alexander Reid witnes, Robert Fergus witnes, Alexander Fergus witnes. Efter the reading and publishing of the quhilk charter and Precept of seasing abovementioned therein contenit The said Alexander Fergus finding the desyre therof the said William Melwing forsaid to be just and reasonable without delay gave to the said William Melwing attorney and in name of the said Francis Abercrombie forsaid, reall actual and corporall possession of all and haill the said towne and lands of Blackhall, manner place, therof, toftis, croftis, housses, biggingis, yairdis, pairtis, pendicles, and pertinentis of the samen lyand as said is be delyverance to the said William Melwing attorney and in name of the said Francis Abercrombie of earth and stone of the saids landis as use is in sic caices. Lykas he infest vest and seasit the said Francis Abercrombie and his forsaidis in the samen conforme to the tenour of the abovementioned charter and Precept of seasing therin contenit in all pointis. Quhairwpon and upon the haill premisses the said William Melwing procuratour forsaid askit and tuik not(e) and instrument ane or mae in the handis of me nottar publict underwritten, and this was done upon the ground of the saids landis, day, moneth and yeire of God abovespecified betwixt one houre and twa houris in the efternoone or therby Before George Milne nottar publict, James Smith in Blackhall, Alexander and William Porters there, witnesses present and requirit therto. And I James Fergusone nottar publict admittit receavit as also authorizit

be the honorable Commissioneris for administratione of Justice to the People in Scotland, conforme to the act of Parliament. Forasmuchas, etc. (in communi forma).

ABSTRACT OF XXIII.

SASINE is granted on March 5th, 1657, in virtue of a charter with precept of sasine, to Francis Abercrombie, eldest son of Alexander Abercrombie of Fetterneir, by Patrick Forbes of Blackhall and his wife Margaret Blackhall, of the lands of Blackhall with the manor place, &c.

XXIV.

Retour of Special Service, Nicola Forbes to her father, Rev. John Forbes. 16 Aug., 1710.

HÆC Inquisitio legitime facta fuit in Curia vicecomitatus de Bamffe Tenta in prætorio Burgi de Bamffe sedecimo die mensis Augusti anno Domini millesimo Septingentesimo Decimo virtute Dispensationis per Dominos concilii et sessionis penes tempus vaccantiarum Concessæ Coram honorabili viro Nicolao Dumbarr de Castlefield vicecomite deputato dicti vicecomitatus de Bamff per Nobilem Comitem Jacobum Comitem de Seafeld Dominum Ogilvie de Deskfoord et Cullen vicecomitem principalem dicti vicecomitatus per hos probos et fideles homines patriæ subscriptos viz. Joannem Cuthbert de Brakenhills Archibaldum Dumbarr de Tillienaught Alexandrum Abernethy de Corskie Gulielmum Lorimer Camerarium dicti Comitatus Gulielmum Thomsone Decanam Gildæ de Cullen Jacobum Cock Clericum Communem burgi de Bamf Alexandrum Wallace Balivum ibidem Alexandrum Milne apud molendinum de Alva Mag^{rum} Joannem McGlassone burgensem de Bamff Jacobum Paterson armigerum ibidem Alexandrum Smith Dolarium ibidem Thomam Sandiesone scribam ibidem Robertum Duncan Nauclerum ibidem Jacobum Wood in Spobalogy et Magnum Cromartie Nauclerum in South Ronald Shaw Qui omnes jurati Dicunt magno sacramento interveniente Quod Quondam Magister Joannes Forbes Rector de Kincardiniona pater Nicolæ Forbes latricis præsentium obiit ultimo vestitus et sasitus ut de feodo ad fidem et pacem S. D. N. Annæ Dei Gratia magnæ Britanniaë Franciaë et Hiberniæ Reginaë fideique defensoris nunc regnantis in uno annuo reddito octuaginta libra aut tali annuo reddito Correspondentes principali summa duorum mille mercarum monetæ Scotiæ secundum leges et constitutiones hujus regni pro tempore annuatim levanda et percipiende ad duos anni terminos festa viz. Pentecostis et Sancti

Martini in hieme per equales medias portiones de eadem parte villæ et terrarum de Auchincreive in Baronia de Rothmay quæ tunc occupatas per Joannem Reddoch Seniore et Robertum Elleis et nunc per dictum Joannem Reddoch Seniore et Joannem Reddoch juniorem possessas jacentes infra parochiam de Rothmay et vicecomitatum de Bamff prædictum vel de aliqua parte earundem promptioribus firmis divoriis proficuis redditibus dictæ villæ et terrarum possessas ut antedictum et hæreditarie pertinentibus ad Quondam Joannem Gordone de Rothmay Qui Quidem annuus redditus Redimabilis solutione et consignatione dicti principalis summæ duorum mille mercarum monetæ antedictæ secundum tenorem obligationis hæreditariæ per demortum Joannem Gordone de Rothmay dicto Quondam magistro Joanni Forbes concessa de data septimo die mensis Maii Anno Domini millesimo Sexcentesimo nonagesimo Quinto Registrata in libris concilii et sessionis vigesimo die mensis Junii Anno Domini millesimo Septingentesimo et instrumento sasinæ desuper sequente Et Quod dicta Nicolae Forbes est sola filia legitima nunc viventis (vivans) dicti Quondam magistri Joannis Forbes sui patris et legitimus et propinquior hæres dicti Quondam sui patris* de dicto annuo reddito octuaginta libra levanda modo et ad terminos prædictos de terris aliisque supramentionatis et de dictis obligationibus hæreditariis ac omnibus aliis juribus securitatibus super iisdem concessis summisque pecuniæ et aliis Clausulis Capitibus articulis et obligationibus in iisdem contentis Et Quod est legitimæ ætatis Et Quod dictus annuus redditus nunc valet per annum unum denarium monetæ prædictæ secundum tenorem acti parlamenti in mense Junii Anno Domini millesimo Sexcentesimo nonagesimo Et tantum valuit tempore pacis Et Quod dictus annuus redditus nunc tenentur in Capite de Patricio Gordone alias Barclay nunc de Rothmay et Towie filio legitimo et hæredi vel aliter representante Dictum Quondam Joannem Gordone ejusque hæredibus et successoribus immediatis legitimis ejusdem dicto Quondam Magistro Joanni Forbes superioribus in Libera alba firma pro annua solutione unius denarii modo prædicto super solum et fundum dictarum terrarum ad festum Pentecosti nomine albæ firmæ si petatur Tantum Et Quod dictus annuus redditus fuit pro et nunc est continue a decessu dicti Quondam Magistri Joannis Forbes qui decessit in mense — Anno Domini millesimo septingentesimo octavo in manibus dicti immediati Superioris et ejus successorum in defectu dicti Nicolæ Forbes legitimæ hæredis jus suum hujusque minime prosequentis In cujus rei Testimonium sigilla Quorundem eorum qui dicta inquisitioni intererant faciendæ cum sub-

* The assumption on p. 31 that Margaret Blackhall, who was retoured heir to her father in 1610, was unmarried at that date, may not be correct, for Nicola Forbes had, at the date of her retour in 1710, been the wife of John Forbes of Kincardine since 1707 (p. 85), although there is no mention of her being married in the above retour.—A. M.

scriptione manuali cancellarii dictæ inquisitionis nec non cum subscriptione manuali dicti vicecomitis deputati et sigillo officii dicti vicecomitatus dictæ inquisitioni sunt appensa ordinandi presentis cum brevi regio incluso ad Capellam Regiam retornandam Extractum de libris et rotulis Curiae dicti vicecomitatus de Bamff per me sic subscribitur Geo. Lesly Clerk.

ABSTRACT OF XXIV.

A JURY, summoned at the County Court of Banff on the 16th of August, 1710, before Nicolas Dunbar of Castlefield, Sheriff Depute, by James, Earl of Seafield, the Sheriff Principal of the County, find that the late Mr. John Forbes, Rector of Kincardine, died vested in an annual rent of 80 pounds, corresponding to a sum of 2000 merks, lent on Auchincrieve in the barony of Rothiemay to the late John Gordon of Rothiemay; that Nicola Forbes is the only daughter and nearest heir to the said Mr. John Forbes; and that the above rents are now in the hands of Patrick Gordon or Barclay of Rothiemay and Towie, as representing the late John Gordon of Rothiemay, in consequence of the failure of the said Nicola Forbes to prosecute her claim. [Unnecessary or misplaced capital letters which frequently occur in this document, and which do not disturb the sense of the text, have been left as in the original.]

ERRATA.

- Page 23, line 29, *for* "bovibus" *read* "bobus."
- " 37, " 22, *for* "moventem" *read* "moventibus."
- " 48, " 19, *for* "has" *read* "have."
- " 64, " 20, *for* "cautioner" *read* "cautioners."
- " 65, " 35, *for* "Aberdeen" *read* "Edinburgh."
- " 68, " 4, *for* "Commissariot" *read* "Commissariate."
- " 69, " 29, *after* "or" *add* "may."
- " 73, " 21, *for* "seem" *read* "seems."
- " 75, " 20, *for* "were" *read* "was."
- " 77 (footnote), *for* "grandson" *read* "son."
- " 85, line 37, *for* "quondom" *read* "quondam."
- " 94, " 30, *for* "Irvine" *read* "Irving."
- " 100, " 26, *for* "Dumfries-shire" *read* "Galloway."
- " 101, " 11, *after* "and" *read* "physician also to."

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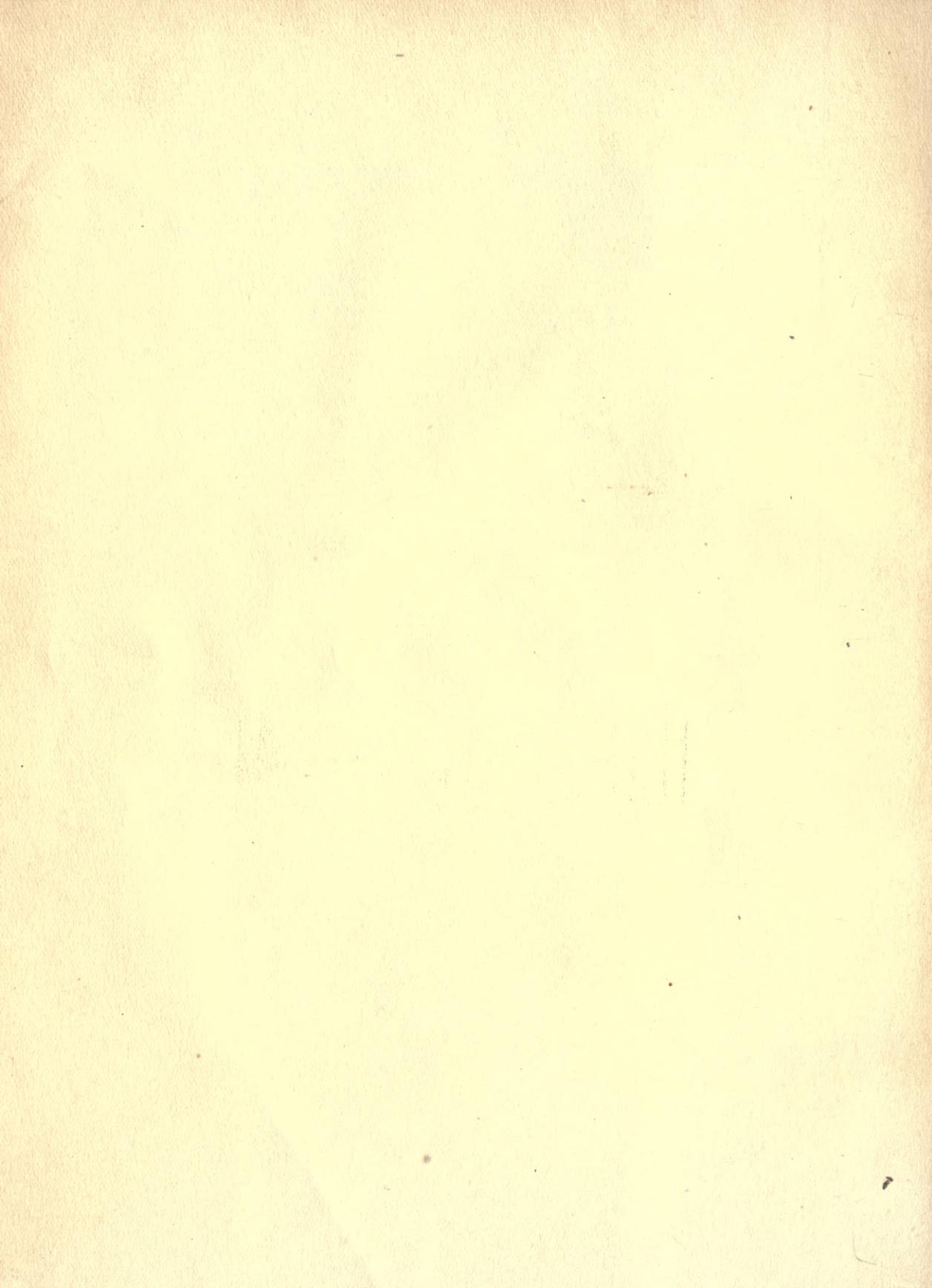
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