

THE MERCERS
OF
INNERPEFFRAY
AND
INCHBFAKIE.





Sir Andrew Mercer,
1385.



R. Mercer of Innerpeffrey,
6th July, 1465.



George Mercer Abbot of
Inchaffray,
25th January, 1468-9.



David Mercer of Innerpeffray
10th May, 1483.



Aw. Mercer of Inchbreakie,
20th April, 1455.

THE MERCERS

OF

INNERPEFFRAY AND INCHBREAKIE,

FROM 1400 TO 1513.

BY

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ANTIQUITIES OF PERTHSHIRE," &c.

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THE MERCERS OF INNERPEFFRAY AND INCHBREAKIE.

CHAPTER I.

Of Innerpeffray's race, the Mercer Roy.

The Mercer Chronicle.

THE Innerpeffray branch was the first which sprung from the main stem of the Mercers of Meikleour and Aldie. The famous Scottish merchant of the fourteenth century, John Mercer, who was Provost of Perth, Scottish Ambassador to England and France, and *Receptor Pecuniarum Regis*, married Ada Murray, daughter of the Knight of Tullibardine; and of this marriage were born a son, Andrew, and, as is believed, another son, named Robert. The landed possessions of his father fell in due course to Andrew; while Robert adopted those commercial pursuits which had raised the family to great wealth, but which his brother evidently relinquished on attaining the position of a feudal Baron. The Mercers had many monetary transactions with the Scottish Government: and in the Accounts of Sir Walter de Byger, Lord High Treasurer of Scotland, extending from 18th February, 1373-4 to 17th February, 1374-5, brought for audit at Perth, a sum of £26 13s 4d is entered as paid by him to Robert Mercer, by Letters of Precept from Robert III., and on Letters of Receipt by the said Robert Mercer. The latter next appears as Laird of Innerpeffray in Strathearn. How and when he acquired that property cannot be ascertained. Perhaps his father purchased and bestowed it upon him; but the probability is that the estate was obtained by marriage. Robert Mercer is conjectured to have wedded the daughter and heiress of Peter de Innerpeffry and Margaret de Fassington, his spouse, who got the lands of Boddington in 1369. There can be little doubt that this Peter de Innerpeffry was the last representative of one of the ancient

families of Strathearn; and a progenitor of his, Malcolm de Innerpeffry, received from King Robert Bruce, at Roseneath, on 7th January, 1318-19, a Charter confirming a donation made to him, by Malise, Earl of Strathearn, of a tenement at Meikleour.

The first Robert Mercer of Innerpeffray is presumed to have left three sons, Robert, Andrew, and George. The eldest, Robert, became the second Laird; Andrew married Margaret Murray of Tullibardine, and was appointed Chamberlain of the Earldom of Strathearn, and obtained a mortgage of the lands of Inchbreakie; and George, the youngest son, seems to have donned the monastic cowl and risen to the dignity of Abbot of Inchaffray. The second Laird of Innerpeffray had a son of the same name, who in due time succeeded his father. About the middle of the fifteenth century, when the third Robert was Laird, the Innerpeffray possessions comprised the lands of Logan; Easter and Wester Dollary; the lands of Sheralston, in the Lordship of Dunfally; the lands of the Myddel quarter of Dunfally; the lands of Inchbreaky; the Perth, the Westhill, and the Smythy lands; and the donation of the Chapel of Innerpeffrey was an appanage of the Lordship. The castle of Innerpeffrey, the seat of the Lairds, stood near to the confluence of the Pow water with the river Earn. The Pow, as its name in Gaelic implies, is a sluggish, muddy burn, having its source in a morass near Methven, and flowing westward through a level country, it frequently inundates its banks after heavy rains. In its languid progress, it passes the Abbey of Inchaffray, which was originally erected on an island in the midst of a great morass—hence the name *Insula Missarum*—the Island of Masses. In the beginning of the thirteenth century, the monks of the Abbey drained a considerable portion of the swamp surrounding their abode. Ages rolled away, without much more in that direction being effected, until in 1696 an Act of the Scottish Parliament was obtained for cutting a canal or channel for the Pow, by which means the reclamation of the waste was accom-

plished—an improvement which was the only one of its kind ever undertaken by authority of the Parliament of Scotland. We allude thus particularly to the Pow, because Robert Mercer, third Laird of Innerpeffray, granted a right of fishing for Eels in this water at Polpefery, within the Lordship of Dullory, to the Abbot and Convent of Inchaffray—the Abbot being, in all probability, his uncle George. In the olden times, Eels formed a favourite article of food among all classes, and we hear of their being used in the royal household of Alexander III.—no small proportion of the supply coming from Perthshire lochs and streams. The monastic establishments throughout the country consumed large quantities of eels during the season of Lent. The fish were captured by means of weirs, baskets, eel-pots, night-lines, and eel-spears, which had more prongs than the salmon-leisters. Latterly, from some cause or other, this species of fish, once in such request for all tables, fell out of repute as food in Scotland, and to this day, eels are regarded with aversion by even the poorest people. In some Perthshire districts, last century, eel-skins were valued for making whangs or bindings to flails, and were also applied to the bandaging of a sprained wrist or ankle. The Licence to the Abbey of Inchaffray was given in 1454; and we append a translation of the Deed from the original Latin in the *Liber Insula Missarum* :—

Translation of Licence by Robert Mercer of Innerpeffry to the Abbot and Convent of Inchaffray to Fish for Eels in the Pow, dated 24th June 1454.

To all who shall see or hear this charter Robert Mercer of Innerpeffry wishes eternal salvation in the Lord. Be it known to your university that I, not led by force or by fear, nor fallen in error, but determined by my pure and spontaneous will, with consent and assent of Alexander Mercer, my heir, and with consent and assent of Andrew Mercer of Inchbreky, my uncle, to whom the said lands of Inchbreky are pledged for a certain sum of money, have given, granted, and by this my present charter have confirmed, in perpetual and pure charity, for the honour of Almighty God, and the glorious virgin Mary, and of the blessed John the Evangelist, for the salvation of my soul, and of the soul of Janet my spouse, and that of Alexander my heir above-said, and of all my successors,

to the Abbot and Convent of Inchaffray, and their successors, serving, or that shall in future serve God in that place, entire liberty and perpetual licence of fishing, by means of enclosures, nets, or whatever other instruments are necessary for catching eels and other fishes, in the place which is vulgarly called the Polpefery, within my lordship of Dullory, and of fixing, setting, and placing upon the Polpefery one or more enclosures, nets, or other instruments convenient for holding such fishes, also of making, constructing, and building piles of wood, heaps of stones, and walls of earth, and of digging the ground, and cutting and winning stones upon my foresaid lands of Dullory, wherever it shall seem best to the said abbot and convent and their servants, in the length and breadth of the said lands, as the measures and limits thereof extend, for the sustentation, construction, and conservation of the said enclosure, or enclosures, or of other instruments necessary for the capture of the foresaid fishes, when and as often as it shall seem to the said abbot and convent, and their foresaids, to be expedient, every impediment and obstacle, as well as all deceit and fraud, on whatever pretext conceived and imagined by us the foresaid Robert-Alexander, and Andrew, and our successors, for preventing and obstructing the eels and other fishes from being taken in the said enclosures, nets, or other instruments, being altogether and for ever removed: To be holden and had, all and whole the liberty and perpetual licence of fishing, as beforesaid, by enclosures, nets, and other instruments, in the foresaid place of the Polpefery, within my said lordship of Dullory, with all advantages and conveniences suitable for the said fishing, by the foresaid abbot and convent, and their successors, from me and my heirs, freely, fully, well and in peace, with free ingress and egress, and with the several commodities and just pertinents whatever thereof, as any charity by whomsoever held or possessed within the kingdom of Scotland. And I truly the foresaid Robert, and my heirs, and I also Andrew Mercer of Inchbreky, during the above-mentioned pledge of the said lands, made to me in the manner above written, and my heirs, shall warrant, acquit, and for ever defend to the foresaid abbot and convent, and their successors, who for the time shall be, in all and through all, as is above said, against all mortals, the foresaid liberty and licence of fishing by enclosures, nets, and any other instruments whatever, in the foresaid place of Polpefery, with all and sundry pertinents belonging or that may in future belong to the said fishing. Moreover, if it shall happen me or my heirs, or any person in our name, either publickly or secretly, for any cause whatever, to contravene, contradict, or directly or indirectly, some way or other to revoke the gift of the said liberty and licence of fishing by enclosures, nets, or other instruments in the foresaid place of Polpefery, as is before said, I oblige me, my heirs, executors, or intromitters, and assignees, and all our goods, movable and immovable, and

especially my lands, rents, and possessions of Innerpeffry and of Dullory, under the firmest and strictest style of obligation that can be made, in one hundred pounds of the usual money of Scotland, to be faithfully paid, without any fraud or deceit whatever, to the said abbot and convent and their successors, and my said lands of Innerpeffry and of Dullory, and also my goods whatever, to be seized and distrained, taken and led away, at the will of the said abbot and convent, and without licence of any judge whatever, temporal or spiritual, no remede of law, canon or civil, availing in the contrary, until full satisfaction and payment be made to the foresaid abbot and convent, of the said hundred pounds, together with costs, expenses, and interest. Also I will and grant that if it shall happen that I and my heirs, or any others whatever in our name, shall set or place an enclosure or enclosures, net or nets, or other instruments whatever for catching fishes in the said place of Polpefery, that then it shall be lawful to the foresaid abbot and convent, and their successors, to take, seize, dispoise, and appropriate to their own use, and from me and my heirs to alienate without reclamation or asking back, the same enclosures, nets, or instruments, whenever and as often as they shall be made by me or my heirs whatever in the foresaid place. In witness whereof the seal of me Robert Mercer, and the seal of Andrew Mercer, my uncle, are appended to my present charter, before these witnesses, Tristram of Gorty, John Quhyston, Alexander Cardeny, William Bonar of Kilty, Alexander Sharp of Strathy, and John Crab, shieldbearer, with many others, on the twenty-fourth day of the month of June in the year of the Lord one thousand four hundred and fifty-four.

In the year 1461, Robert Mercer, with Andrew Drummond, Rector of Kirkconnel, son of Sir John Drummond, second Laird of Colquhalzie, witnessed a Disposition by the said Sir John to a natural son, Thomas, and his heirs, whom failing, to William Drummond, his son and heir, of the lands of Deuchlas, Pelchar, and a third part of the lands of Meggar. This Deed was confirmed by the Queen Regent, mother of James III., in the same year.

Towards the close of his days, Robert of Innerpeffray appears to have fallen into such pecuniary difficulties as to necessitate the disposal of various of his paternal lands, which passed to the Oliphants, Lundies, Colquhouns of Luss, and Murrays of Tullibardine. On the 6th July, 1465, he executed a Procuratory of Resignation to Sir John Colquhoun of Luss, Sir William

Murray of Tullibardine, and Humphrey Colquhoun, brother to the Laird of Luss, empowering them to resign the lands of Easter and Wester Dollarie into the King's hands: and the following is a translation of the document from the Latin:

Procuratory of Resignation.

Be it known to all men, by these presents, that I, Robert Mercer of Innerpeffry, have made, constituted and ordained, and hereby do make, constitute, and ordain, the noble and potent man, John of Colquhoun of Luss, William Murray of Tullibardine, knights, and Humphrey of Colquhoun, brother-german of the said Sir John, conjunctly and severally, my true, lawful, and undoubted procurators, agents, factors, doers, and special emissaries of my affairs, giving and granting to the saids Sir John, and Sir William, and Humphrey, brother-german of the said Sir John, and to each of them, my procurators, conjunctly and severally, my free and full power, to compare on my behalf, and in my name, in the presence of our most excellent lord, James King of Scots, or any having, or that shall have, power from his Majesty to that effect, to resign, and by staff and baton, purely and simply, as the manner is, to surrender, into the hands of our said Lord the King, or of another having, or that shall have, his authority, all and sundry my lands of Easter Dowlary and Wester Dowlary, with their whole pertinents, lying in the earldom of Stratherne, within the shire of Perth; and to do, perform, and exercise all and sundry other things which, in the foresaid resignation and surrender, are needful and convenient, and which I myself, the said Robert, would or could do in the premises, if I were personally present; holding and to hold lawful and good, all and whatsoever my said procurators, or any of them, conjunctly and severally, may judge proper to be done in the premises, under the pledge and security of all my goods, moveable and immoveable, present and to come.—In witness whereof, I have set my seal to these presents, at Innerpeffry, the sixth day of July, in the year of the Lord one thousand four hundred and sixty-five.

Among the Tullibardine Charters there is a Deed of Sale, of the same date, by Robert Mercer of Innerpeffray to Patrick Murray of Tullibardine, son of the deceased David Murray of Tullibardine, of the lands of Easter Dullary; and on 19th June, 1467, the said Patrick Murray obtained a Crown Charter of Easter and Wester Dullary, which on the 11th of the same month had been resigned into the King's hands by William Murray of Tullibardine, Knight, as Procurator for Robert Mercer of Innerpeffray. This Patrick

Murray, third son of Sir David Murray of Tullibardine, by his wife, Isabel, daughter of John Stewart of Innermeath, Lord of Lorne, and brother to Sir William, the Laird of Tullibardine, subsequently obtained the lands of Ochertyre, which is still the territorial designation of his descendants. David Murray, second of Ochertyre, gave Dollary to his second son, Anthony; but this property afterwards returned to the Lairds of Ochertyre. On 17th January, 1662. Wester Dollary was given by Patrick, seventh Baron, to his second son, Mr James Murray, Minister of the Gospel at Logierait and his wife, Isabella Robertson, whose descendants still possess the lands. Easter Dollary subsequently became the property of the Abercairnle family, with whom it remains.

It is shewn by six Charters, all dated at Edinburgh on 15th June, 1468, and executed by Robert Mercer of Innerpeffray, that he thereby gave to Thomas Oliphant of Dron, second son of Sir John Oliphant of Aberdalgie, and brother of Laurence, first Lord Oliphant, the lands of Logau, lying within the lordship of Innerpeffray; the lands of *Easter and Wester Dullarith*; the lands of Sheralston, in the lordship of Dunfally; the lands of Myddel-quarter of Dunfally; and the fourth part of the Easter lands of Dunfally, called Gailmor.* The nature of these alienations is not very clear, and several suits of law arose out of them subsequently. Strange to find that the lands of Dollary which had been partially conveyed, in 1465, to Patrick Murray, and wholly conferred on him by a Crown Charter in 1467, are here conveyed to Thomas Oliphant! By a Writ in the possession of the Murrays of Dollary, dated 6th May, 1474, the Dollary lands are stated to have been redeemed by Patrick Murray, as assignee for the deceased Robert Mercer, from John Oliphant of Dron, son of Thomas, on payment of 260 merks. But no satisfactory explanation of these transactions is at-

* *Vide* Copies of Charters in Signet Library, Book 8, p. 370, No. 36.

tainable. In the sequel, however, we shall find that part of the lands conveyed in the six Charters to Oliphant, or "the avale thereof," was recovered by Robert Mercer's successor, David.

Shortly after Thomas Oliphant's acquirement of the before-specified portions of the Innerpeffray estate, his brother Lord Oliphant, obtained from George, Abbot of Inchaffray, the appointment of Bailie of the Abbey.

Act of Appointment by George (Mercer), Abbot of Inchaffray, in favour of Laurence Lord Oliphant, as Bailie of the Abbey, dated 25th January, 1468-9.

Be it kende till all men be thir present letres ws Georg Abbot of Inchaweray to be bundin and oblist and be thir present letres ande in the faith in our body lely ande treuly bindis and oblis ws til ane ryth honorable lorde Laurence lord oliphant that quhat tyme We the saide georg Abbat beis admittit be our Jugis ordinarie to ye spiritualite ande be our soureane lord the king to the temporalite of the said Abbisse within xxth dais nixt efter the said admisione We sal mak the said lord oliphant our full bailze of all landis renttis and possessionis pertinand and for to perten to ye said Abbay vndyr our commone sell with all power and freedoime that may perten till ony bailze of law or custum with the realm of scotland the said lord oliphant optenande the consent of my lord boude and of my lord of Arayn his son We geffaud till him ane compatible fee zerly yarfor sic lik as our predecessouris has geffin till oyer bailzies of befor And the said lord oliphant till jois and bruk the said bailzery for all the dais of his lyff with power and freedoime as is forsaid And We the said georg abbot neuer to resing the said Abbisse no wirk ony materis pertening til his bailzery or ony oyer thingis belangin ye consaill of ane temporale man without consent and assent of the said lord oliphant The quhilk condicione and ponctment in maner and forme before vritin but fraude gill or reuocacione to kep and fulfill We bind and oblis Ws as of befor and in defamate of our person in the stratest forme and stile of obligacione that can be devisit na remede of law to be proponit in the contrar beande of fors nor effect In vitnes of the quhilk thing We haue set to eur sell with our subscripcione manuale At Edinburgh the xxv day Januare the zer of God j^m iiii^c lxviiij zeris.

GEORGIUS abbas Insvlemissar.
manu propria etc.

Robert Mercer was married to Janet ——— the surname of the lady not being known. Two sons were born to him, named respectively Alexander and David. The eldest, Alexander, following the example of his grand-uncle, George—and probably induced to do so

by the apparent wreck of the family fortunes—assumed the tonsure, and died a brother of the Franciscan Order at Aberdeen, in 1469. His demise is recorded in the Obituary, or *Necrologia Cœnobii Sancti Francisci apud Abredonenses*:

Obitus Fratris Alexandri Merseur deuoti valde et exemplaris filii et heredis quondam Roberti Merseur Domini de Ouyrpeffyr in Strathherne. Anno Domini m^occcc^olxix.*

This entry proves that Robert died in 1468, or 1469. Alexander was specially named as heir to his father in the Licence of Fishing to Inchaffray; and as, of course, he died without issue, the succession devolved upon his brother David. Thomas Oliphant of Dron did not long survive Robert of Innerpeffray, but died on 11th December, 1474. He left as an Obit to the Church of St John the Baptist at Perth, the sum of £2, of which 26s 8d was to be paid out of the lands of Wester Dron and Kintulloch, and 13s 4d out of a tenement on the east side of the Kirkgate of Perth. Each officiating Chorister was to receive twelve pennies, and each Foundation Chaplain who joined in the service, eight pennies. Thomas was succeeded by his son, John Oliphant, who held the lands of Dron, Dunbarney, Pitcaithly and Bunzean.

David Mercer, fourth Laird of Innerpeffray, seems to have been a minor at the date of his father's death. He is not mentioned in the Fishing Licence of 1454, the inference being that at that time he had not been born. David's patrimony came to him in a very reduced condition; but as soon as he approached his majority he applied himself to the rectification of his father's disordered affairs, resolving to reclaim such of his rights as were unlawfully withheld from him. On 12th March, 1478-9, before the Lords Auditors, he appointed Procurators to sue John Oliphant of Dron, anent an annual rent of eleven merks out of the lands of Innerpeffray, alleged to have been legally uplifted by his father Thomas:—

* *Miscellany of the Spalding Club*. Vol. i., p. 77.

Apud Edinburgh, 12^o Marcii 1478.

In presens of the Lordis Auditouris, David Mersare neminet, stabilit, and ordainit Johne of Culquhone of the Luse knycht, Patrick of Houstone, Johne of Houstone, and Johne of Hadington, procuratoris for him conjunctly and severaly in the actione debaitable betuix him and Johne Olifaunt, the sone and aire of vmquhile Thomas Olifant of the Drone, anent the warrandis of xj merkis of annuell of the landis of Innerpeffry, *cum intimacione judicio sisti* &c.

No time was lost in this process, Decree being pronounced on the very next day :

Apud Edinburgh, 13^o March 1478.

The lordis auditouris decretis and deliveris that Johne Oliphant, sone and aire of vmquhile Thomas Oliphant of the Drone, sall releif and pay to David Mersare, sone and aire to vmquhile Robert Mersare of Inverpeffry, the some of xj merkis zerly of V zeris takin vp be vmquhile the said Thomas efter the deces of the said Robert, of the landis of Inverpeffery, callit the Perth, the Westhill, and Smethyland, being in the kingis handis the space of the said V zeris, becaus of the nonentrie of the aire, and that the said some zerly of the said V zeris was takin up and is the kingis rycht for the nonentrie of the said aire : and ordanis letteres to be writtin to distrenze the said Johne, his landis and gudis herefore.*

As Thomas Oliphant of Dron died in 1474, five years from that date would make Robert Mercer's death to have in 1469. David Mercer next raised an action against John of Lundie, concerning six merks of maills annually uplifted by him out of the Innerpeffray lands; and the following decision was given:

Apud Edinburgh, 20 Octobris 1478.

The Lordis of Counsalle decretis and delivers that Johne of Lunde of that ilk sall content and pay to David Mersare the malis of the landis of Perth and Inverpeffry of fyve zeris bygane extendand zerely to sex markis quhilk was takin vp be the said Johne of Lunde of the said landis the tyme that the samyn was in warde to our souveraine lorde be the nonentrie of the said David, and ordainis that letteres be writtin to distrenze him his landis and gudis herefore.†

Another action was raised by David Mercer against Humphrey Colquhoun, brother of the Luss, nominated in the Resignation by Robert Mercer, of 6th July, 1465; but David seems not to have insisted in the plea

* *Acta Dominorum Auditorum*, pp. 73, 75.

† *Acta Dominorum Concilii*, p. 16.

as on 14th December, 1482, Colquhoun's procurator protested before the Lords Auditors that Mercer having summoned the said Humphrey, "wald not comperere to folow him," and "that therefore the saide David suld not be herd aganis him in judgment quhil he have payit his costis and expens, and quhil he be new summond."*

* *Acta Dom. Audit.*, p. 108.

CHAPTER II.

Years following years steal something every day;
At last they steal us from ourselves away.

Pope.

DAVID MERCER must have been early married. The name of his spouse does not occur in any record; but in the year 1483, he had five sons, whom he conjoined with himself in an important and curious document which is preserved in the charter-room at Gask. He had, by some means, obtained possession of the lands of Clathie, in the barony of Gask, perhaps in security for certain portions of his own property; and he now executed a Bond, by which he bound and obliged him and his five sons, or their heirs, to re-convey the lands of Wester Clathie to Laurence, Lord Oliphant, so soon as his Lordship should infest them in the lands of Perth, Westhill, and Smithie-lands of Innerpeffray.

BOND OF REVERSION *by* DAVID MERSER *of Innerpeffry, and his five sons,* WILLIAM, VINCENT, ANDREW, GEORGE, *and* JAMES, *to* LAURENCE LORD OLIPHANT, *dated 10th May, 1483.*

Be it kend till all men be yir present letres me Daudid merser of Inuerpefry to be bundin and oblist And be yir present letres and ye faith in my body bindis and oblis me Wilzham merser Vincent merser audrow merser georgh merser and James merser my sonnys and yar aieris lauchfully to be gottyn of yar bodeis and falzeand of yaim myn aieris nerrast and lauchfull quhatsumeuer, to ane nobell and mychty lord and my lord laurens lord oliphant his aieris and assignais yat yocht ye said laurens lord oliphant hais giffyn to me and to my sonnys forsaidis and to yar aieris of yar bodeis lauchfully to be gottyn and falzeand tharoff to myn lauchfull and nerrast aieris quhatsumeuer be charter talze and possessione yarvpone al and hail ye landis of Vester cluthy wyth yar pertinentis liand in ye barouny of gask wythlin ye shirefdome of pertht for my propyrtie right and interest of ye landis of Inuerpefry ye perch ye West hill ye smythislandis wyth yar pertinentis togidder wyth ye donacione and aduocacione of ye chapel of Inuerpefry as in ye said charter talze to me maid

yarvpone is mayr fullye contenyt and yat I myn sonnys
 forsaidis yar aieris and myn aieris quhatsumeuer posses-
 souris of ye sailis landis of Vester cluthy wyth yar
 pertinentis sal resyng et purly and simplly vpgiff be staff
 and bastone to ye said laurens lord oliphant his aieris and
 assignais possessouris of ye saidis landis of Inuerpefry
 wyth yar pertinentis all and hail ye saidis landis of
 Wester cluthy wyth yar pertinentis with charter posses-
 sione and al vyeris wyrtis maid to me yarvpone quhowson
 and quhat tym ye said Laurens lord oliphant his aieris or
 assignais sal infest wyth charter and possessione tobe
 haldin of hym and yaim in blanchferme me myn sonnys or
 yar aieris forsaidis or myn aieris quhatsumeuer in all and
 hail ye saidis landis of ye Vesthill of Inuerpefry wyth
 yar pertinentis liand in ye lordschip of Inuerpefry in ye
 Stewartry of Stratherne wythin ye shirefdome of pertht
 forsaid Sa yat I my sonnys or yar aieris forsaidis or myn
 aieris quhatsumeuer beis warnit in my propr person or
 yar propr personis or at my duellyng plaice or yar
 duellyng plaicis be said laurens lord oliphant his aieris
 or assignais on twenti dais warnyng to ye vpgiffyn of ye
 saidis landis of Westercluthy wyth yar pertinentis wyth
 charter and possessione and to ye Resawyng of ye saidis
 landis of ye West hill of Inuerpefry wyth yar pertinentis
 wyth charter and possessione as said is And giff I my
 sonnys yar aieris forsaidis or myn aieris quhatsumeuer
 possessouris of ye saidis landis of Westercluthy wyth yar
 pertinentis absentis me or yaim fraudfully or of ony vyer
 maner of way fra ye vpgiffyn and Resyngin of ye saidis
 landis of Westercluthy wyth yar pertinentis and fra ye
 Resawyn of ye saidis landis of ye Westhill of Inuerpefry
 wyth yar pertinentis ye warnyng yarto beand maid as
 said is in yat cais it salbe lesome to ye said laurens lord
 oliphant his aieris and assignais till haue fre ingress and
 sal haue fre ingres to ye said landis of Vestercluthy wyth
 yar pertinentis in sic lik wyis as yai had beyn resyng and
 vpgiffyn be ye lauchfull possessouris of ye sammyn, ye said
 laurens lord oliphant his aieris and assignais incontinent
 yareftyr makand me myn sonnys yar aieris forsaidis or
 myn aieris quhatsumeuer tobe infest be charter and pos-
 sessione of ye saidis landis of ye Vesthill of Inuerpefry
 wyth yar pertinentis as said is but fraud geill or mail
 Ingeyn And to ye fulfillyng and kepyng of al and sindry
 punctis and clausis contenyt in yir present letres to ye said
 laurens lord oliphant his aieris and assignais I Dauid
 bindis and oblis me myn sonnys and yar aieris forsaidis and
 myn aieris quhatsumeuer executouris and assignais in
 maist seker fori re and styll off obligacione yat canbe maid
 but fraud or geill In witnes of ye quhilk thyng to yir my
 present letres of Reuersione I haue appensit my seill befor
 yir witnes John of havden of glenegas Alexander blair of
 balthiok siluester of rettra of yat ilk Winfray of murray
 of ogilby John of muncreff of yat ilk James heryng of
 tuliboill Androw charteris of Cuthilgurdy James oliphant
 of arquhelze peter merser of Inchbreky Maister James of

fontone persone of Dupleyn maister henry clerk vicar of abberrowan and Schir John of Kynm-nth chapellan and notaris wyth vyeris diuers at pertht ye ten day of ye moneth of may ye zer of God a thousand four hundredth four scor and three zeris.

The feudal expression "ane mychty lord and *my lord*," at the outset of the Deed is obviously used in consequence of David Mercer having previously signed a Bond of Manrent to Lord Oliphant, which, however, cannot now be found; but it was in existence when Crawford wrote his *Peerage*, and is mentioned in the large Catalogue of Charters at Gask.

In 1484-5 David Mercer was at law with Humphrey Colquhoun of Luss in relation to the lands of Innerpeffray, and the Lords of Council pronounced in the case as follows:—

Apud Edinburghum 1^o Februarii 1484

The accioun and caus persewit be Vmfra Culquhone of the Luss aganis David Mersar of Inverpeffre, and schir Johne of Lundy of that ilk knycht, for the warandis of the tak and assedacioune of the landis of Innerpeffre, for terme of XV zeris efter the outquiting of the samyn, as is contenit in the summondis, Becaus the procuratouris of the saidis Schir Johne and David allegis that the landis ar set for half the male, that is to say for fourty S. quhair thai gaif zerey the tyme of the making of the said assedacioun sex merkis, contrair to the act of parliament as was allegit, is continewit be the lordis of counsaile to the xxij day of Merche nixt tocum, with continuatioun of dais: The lordis assignis to the said Schir Johne and Davide the said day to prufe that the said landis gafe zerey sex merkis of male the tyme of the making of the first assidacioun made be vmquhil Robert Mersar to the said Schir [Johne of] Lundy, and ordanis thaim to have letterez to summonde ther witnes; And attour the lordis assignis to the said Vmfra the samyn day to prufe that the said David is awande him viij merkis of the landis of Logane of thre termes bigane, and vj merkis of the landis of the Chamis of the said landis of Inverpeffre, alsa of thre termes bigain, and ordanis him to have letterez to summonde his witnes, and baithe the partiis ar summonde *apud actum**

Subsequently, David of Innerpeffray was denuded altogether of his patrimonial possessions in Strathearn. How this came about we cannot explain: and indeed considerable obscurity rests on the whole history of the

* *Acta Dominorum Concilii*, p. 106.

family, so that we are left a good deal to conjecture based on the few and disjointed records available. As to what became of David we are left in ignorance, except that he was still alive in 1503, when he had lost everything. On 4th December, 1494, a certain "David Mersar in Litle blare" was decerned by the Lords Auditors to "restore and deliver again to David Cummyn of Coutty, xiiij oxin, price of the pece xxxs, and ane hors price xij merkis, spuilzeit and takin be the said David out of the saidis landis of Coutty," and also to "content and pay to the said David Cummyn xvi boll of quhete, price of the boll viijs, four chalder of bere, price of the boll vjs viijd, and vj chalder of aitis, price of the boll iijs, for his dampnage, costis, and scathis sustenit be him throw the wanting of the saidis oxin and laying waist of his landis therthrow;" and letters of distrain were ordered against "the said David Mersar his landis and gudis."* But we are unable to identify him with David of Innerpeffray.

Regarding the five sons of Innerpeffray, we believe we are justified in concluding that at last two of them obtained offices in the Royal Household, probably as pages. In 1494, the Lord Treasurer's Accounts contain an item of £10 paid "to James Mercer, be ane precept of the kingis:" but whether this was the youngest of the family we cannot say. There is, however, strong presumption that William, the eldest brother, was attached to the Court. On 24th August, 1500, a charter under the Great Seal was granted to William Mercer, who is designated as a royal servant, of a tenement on the north side of the Highgate of Perth.† Was this William of Innerpeffray? Whoever he was, he experienced some difficulty in getting possession of the property; for on 22d March thereafter, an action was raised at the instance of the King and William Mercer, against John Eviot of Balhousie for the wrongous spoliation and withholding of "iiij^e [300] ellis of wollen cloth, littit [dyed] in

* *Acta Dominorum Auditorum*, p. 190.

† *Registrum Magnum Sigellum*, Lib. 13, No. 530.

colouris of blew, blak, and grene, price thair of iij^c [300] merkis;" and against Richard Ramsay for the wrongous occupation of the above tenement in Perth, which had been granted to Mercer; whereupon the Lords of Council appointed a day of proof anent the dyed cloth, but decreed "that the sade Richard sall deceist and ceiss fra the occupatione of the sade land and tenement, to be brukit and josit be the said Wilzeam in tyme to cum."* Various entries in the Treasurer's Accounts refer to a Court servant of the name of William Mercer. At Falkland, in 1501, William Mercer amused the King by displaying his agility in leaping over a "stank"—a ditch or bog :

1501. Item, the xxv of May, in Falkland, giffen to Willie Merser, quhen he lap the stank at the Kingis commandxiiijs

About the same time he was furnished with cloth for a habit :—

Item to Willie Merser, iij elnis taune, ix quarteris chamelot, and v quarteris carsay of the same pryce £4 12 1

Another payment follows; we then find him sick; and next he wins a wager from the King at a foot-race at Stirling :—

1501, October 2. Item the 2d day of October, be the Kingis command, to Willie Mercerxiiijs

1501-2, January 2. Item the samin day to William Mercer, lyand sick, be the Kingis commandxiiijs

1502, June 2. Item the 2d Junne to Willie Mercer, that he wan fra the King at the Rynning between the buttis in Strivelingxiiijs

It would appear that William's brother, Andrew, was also in the Royal Household?

1502. Item to Andro Mercer, 4 eln french taune, 1 quarter steik [or *piece* of] chamelot, and 5 quarters of carsay, of the price foresaid..... £3 18 9

1503. Item to 1½ steike chamelot, to be ane gown to Willie Mercer, the steik v^h, summa 7 10 0

Item to 1½ eln to him, ilk eln xxvj^s viij^d, summa 4 6 8

Item to ane pair of hose to him.....xiiijs^s

The coincidence of the names leaves little doubt that

* *Acta Dom. Concil.* Vol. 10, p. 46.

the William and Andrew Mercer of the Treasurer's Accounts were two of the sons of Innerpeffray.

In the year 1503 we come upon a course of law proceedings relative to the Innerpeffray lands, as shown by the following excerpts from the Books of the Lords of Council:—

29 Martii 1503

Andro Wod of comperit and protestit that quhat the lordis did anent the landis and myln of Innerpeffry sulde turne him til na preiudice.

Of the same date there was an action by the King against John, Lord Oliphant, "pretendit possessour of the landis of Innerpeffry," anent 8 merks of annual due to the King and his predecessors, as Earls of Stratherne, for 80 years by past: and the first of April was assigned to Oliphant to produce his Charter.

xiii Decembris 1503.

Maister James Hendersoun, aduocate for our souerane lord, askit ane instrument that Mr Thomas Allane, procuratour for the Lord Oliphant, productit letters of summondis vpoun David Mersar and William Mersar and John Oliphant to warrand t̄ thame the landis of Innerpeffry and Dunfallis.

Ibid. hora quinta post meridiem.

Maister Thomas Allane, procurator for John, Lord Oliphant, askit ane instrument that the Lord Drummond grantit that David Mersar gave the Charter of Innerpeffry and Dunfallis to him to give to the King, the whilk bure the viij merkis of annuale.

[14 December 1503]

William Mersar, son to David Mersar, renuncit all rycht that he had to the lands of Innerpeffry, Gailmore, middil quarter of Dunfallis, Logane, &c., be reasoun of his fader as ar to him, and of all other landis bayth that he has or may haif as ar or apperand ar to his fader; of the quhilk Mr Thomas Alane, procurator for John, Lord Oliphant, and John Oliphant of Dron for himself, askit an instrument.

Ibid. Hora prima.

William Erle of Montros askit ane act that thair war na landis contenit in the Charter maid be umquhill Males, erle of Stratherne, and Malcolm Huchirardour, excepcand all and hale the Tovnis of Innerpeffry and Dunfally,..... like as is contenit in the said Charter under the sele of the said Erle without ony date.

Maister Thomas Allane.....offerit him to preve be evidētis and vther wais that David Mersar, fader to William Mersar, resignit the landis of Westhill, in the Lord Oli-

phant's handis, to be gevin to William Mersar forsaidd, reservand the frank tenement to the said David.

Eodem die.

Action by John Oliphant of Dron, as heir of the late Thomas Oliphant of Dron, his father, against "David Mersar, as ar to Robert Mersar of Innerpeffry, and William Mersar of Westhill, son and apperand heir to the said David, to warrand to the said John.....the lands of Gailmore, myddil quarter of Dunfallis, Logane, Sheraston, and the east ferd pairt of Dunfallis.....with the Murefaldis.....the said John and William being personallie present.....the said David nocht comperit. The Lords of Counsale decretis.....that the said David as ar to the said vmquhill Robert his fader, sall warrand... to the said John.....the west part of the landis of Dunfally callit Gailmore.....effer the forme of the said vmquhill Robert's Charter under his sele made to the said umquhill Thomas thairupoun.....producit before the lordis of the date at Perth the 6 day of Maii the zere of God j^m iiij^c lxxvj (6th May 1466) zeri, and als.....the landis of Myddil quarter of Dunfally.....effer the forme and tenour of the said vmquhill Robert's Charter, maid to the said vmquhill Thomas thairupoun, vnder his sele, at Edinburgh the 6 day of September, the zere of God j^m iiij^c lxxv (6th September 1465) zeri, as the samyn schawin and producit before the lordis proportit and buir, or ellis als mckle als guid landis as the said west pairt of Dunfally callit Gailmore, and the myddil quarter of Dunfally.....of als grete valour and liand in als competent placis, and becaus it was allegit be the said William Mersar that he succedit to na landis as ar nor apperend heir to the said David his father, and renuncyt the samyn befor the lordis, thairfore the lordis reservis to the said John Oliphant to prove that he succedit to the landis of Westhill be resignation maid of the samyn to the said David in the hands of the Lord Oliphant, and gevin agane to the said William, reservand to the said David his frank tenement. The lordis assignis the xvj day of April, and ordains him to haif letres" &c.

Maister Thomas Allane, procurator for the Lord Oliphant protestit now as of befor that albeid the lordis procedit in the mater of Innerpeffray foresaid that it suld not turn the said Lord to prejudice anent the appointment of concord maid betuix the Lord Drummond and him with the Kingis consent in vberiore forma ut supra.

Of same date (14th December 1503), an action was carried on by John Lord Oliphant, son and heir of the late Laurence, Lord Oliphant, against David Mersar and William of Westhill, his son, to warrant to the said Lord the lands of Innerpeffry called the Pertht, Westhill, and Smethistoun. William compeared; but his father did not: and Decree was given in favour of the pursuer, on the ground of a Charter by the said David

Mersar to the late Laurence, Lord Oliphant, sealed and dated at Perth, 9th May 1483, as produced before the Lords. William alleged that he succeeded to no lands as heir to his father; and the Lords reserved to the pursuer to prove that he succeeded to the lands of Westhill by resignation thereof by the said David, in the hands of Lord Oliphant in favour of the said William, and reserving his father's frank tenement thereof. The Lord Oliphant had another action (on same date) against John Oliphant of Dron, to grant warrant of the lands of Gailmore, middle quarter of Dunfallis, Logan, Sherastone, and Est ferd of Dunfallis. Moreover, a claim by the Crown upon Innerpeffry was heard that day :—

14 December 1503.

In the action and caus persewit on the behalf of the Kingis hienes aganes ane venerabe fader, Laurence, abot of the Abbay of Inchaffry, and the convent of the samyne, John, lord Oliphant, William, lord Græme, David Murray in Vchertyre, and Peter Mersar, to hear and see the landis of Innerpeffry and Dunfallis..... adjudgeit to the Kingis hienes.....in property, for the non-payment of ane annual rent of viij markis zerelie, be the space of j^c lxxxiiij (184) zeres last bigane, extending in the hale to j^m v^c and ij (1502) merks, aucht to the Kingis hienes, of the saidis landis, as erle of Stratherne.....the said venerabill fader.....and the said Peter Mersar, being lauchfully summoned.....and nocht comperit.....the Lordis of Counsall decretis.....that the saidis landis of Innerpeffry and Dunfallis, liand in the erldome of Stratherne, sall be appropriat to the King as erle of Straitherne.....as successor to vmquhill Malice, erle of Straitherne.....becaus the saidis landis wair gevin furtht to him to Malcolm Vchtirardour, clerk, and to his airis heretabillly for ane annual rent of viij merks Striueling..... and as the Charter maid to the said Malcolm Vchtirardour, shawin and producit before the lordis, portotis &c.*

These excerpts must be left to speak for themselves, for we cannot pretend to unravel the conflicting claims upon the patrimony which had passed out of the hands of the Mercers, nor are we much interested in the subsequent destiny of the lands. Let us now revert for a little to the Lord Treasurer's Accounts.

* *Acta Dominorum Concilii*, vol. 14, p. 98, vol. 15, pp. 134, 136, 137, &c.

1503, October 19. Item the samin day to William Mercer, be the Kingis commandxxiiij^s
 1504, April 5. Item the V day of Aprile, to Willie Mercer, be the Kingis commandxxiiij^s
 ——— May 13. Item, the xiiij of Maij, to Willie Mercer, his hors met (meat, provender) efter the Rude dayxiiij^s
 1504, October 7. Item to Willie Mercer, be the Kingis commandxviiij^s
 This is the last notice of William Mercer in the royal accounts : but he is again heard of before the Lords of Council, on 15th November, 1505 :—

xv Novembris anno j^m v^c v^{to}

Jhone lord Drummond protestit that sen the lands of Innerpeffry and Dunfally with ther pertinentis war his heretage, that thairfore quhateuer wair done betuix the Lord Oliphant and William Mersar sald nocht turn the said Lord Drummond to prejudice.*

For several years, however, after Wiliiam's name disappears, that of Andrew continues to occur in the Accounts of the Treasurer :—

1504-1506. Item, for iiij eln franche taune to Andro Mersar, the eln xiiij^s viij^d—summaliij^s iiij^d
 Item for ane quarter steik chamelot to him.....xx^s
 Item for V quarteris carsay to himviiij^s v^d
 1507. Item to iiij eln taune to Andro Mersar.....iiij^s iiij^d
 Item to ane quarter steik chamelot to himxx^s
 Item for V quarters carsay to him.....v^s v^d
 1511-12. Item to Andrew Mersar, for his liverajj gownexliij^s
 Item for his doublet, ane quarter steik chamelot, price.....xx^s
 Item for his hose of carsayv^s viij^d
 1512-13. Item to XI seruandis in the Queenis chamber, that is to say, Patrick Maxtoun,—Maxtoun, his sone, Robert Maxtoun, William Maxtoun,—Bute, Jhone Strageth, William Douglas, William Forsithe, Andro Mersar, Luc Telzefer, and Jhone Leslie, to ilk ane of them iiij^{li} xvij^s ii^d for their claithis agane Zule, summa.....xliij^{li} viij^s x^d

Andrew Mersar is not again named; and there is a blank in the accounts for 1513-14-15, in consequence of the Battle of Flodden. But the name is found in other records of the period. On the 24th January, 1507-8, a Royal Charter was granted to Andrew Mercer of a tenement in the burgh of Elgin:† and on

* *Acta Dom. Concilii*, vol. 17, p. 14.

† *Registrum Magnum Sigillum*, Lib. 14, No. 444.

19th March, 1513-14, a Letter of Tack was made to Andrew Mersar, his heirs, assignees, and sub-tenants, of the Queen's lands of Bachilton, in the lordship of Methven, for nine years, from Whitsunday next to come, at an annual-rent of £5.*

We have thus endeavoured to identify two of Innerpeffray's sons as attached to the Royal household; but we cannot lay much stress on the reference to "James Mercer" in the Accounts: and regarding the other two sons—Vincent eludes all search, and in fact, George is in much the same position. To be sure, we find that among the witnesses of a Charter by James III., dated 19th July, 1485, confirming a Charter by David, Earl of Craufurd and Lindsay, dated at Edinburgh, the 12th May previous, granting the lands of Drumearn, in his lordship of Glenesk, to found a Chapel at the altar of St Catherine in the Cathedral of Brechin, the name occurs of George Mercer, Esquire of the said Earl.† But if David Mercer was a minor at his father's death, his fourth son, George, must have been too young in 1485, to act either as an Esquire or a witness to a legal deed. It may be added that there was a George Mercer, Bailie of Perth in 1518.

Something still remains. We shall now endeavour to trace William Mercer in a new character, namely that of a Scottish poet, and as the poet who is included among other sons of our national lyre, by William Dunbar, in his "Lament for the Makars," which he composed "when he was sick," in 1507, and which was printed at Edinburgh by Chepman and Myllar in 1508. In the course of his solemn enumeration of the various famous bards of whom Death had reft the north countrie, the land of song, Dunbar says—

He has left Mersar his indyte,
That did in luvè so lyfly write,
So schort, so quick, of sentens hie,
Timor mortis conturbat me.

In the Bannatyne MS. (Advocates' Library) are three

* *Privy Seal Register*, vol. 5, p. 7.

† *Register of the Episcopate of Brechin*, vol. 1, p. 212 (Bannatyne Club).



short pieces by Mersar—one of which (consisting of four stanzas of eight lines each) was published by Lord Hailes in his *Ancient Scottish Poems* (p. 156), and also in Sibbald's *Chronicle of Scottish Poetry* (Vol. 1, p. 195). The other pieces (of six and eight stanzas respectively) are as yet unedited. It so happens that the poet's Christian name is not given either by Dunbar or Bannatyne; but looking to the circumstance that William Mercer of Westhill, the royal attendant, disappears from record after 1505, we think we may reasonably conclude that he was the bard who had got his indite before 1508; and we must remember that Dunbar was much about the Scottish Court, being the poet and pensioner of James IV: and that the three poems have not been assigned to any other Mercer. Of course we offer nothing better than a presumption of identity, which, however, we consider sufficiently strong to warrant us in adding a new name to the roll of Perthshire Poets. We shall now quote Mercer's three poems:—

THE A B C OF LOVE.

Off luve quhay lyikis to haif joy or confort,
 Ze man begin and lair this A B C
 Heirafftir writtin, quha will it rycht repoirt,
 First to be courtess, wyiss, gentill, and fre,
 Laige, honest, gentill bayth secreit and preve,
 And of himself na vantour, as I wene,
 Be sobir, treu, and every day luste,
 And quhair thow luvis se thow be senedill sene.

Be nocht our hamely in to presens,
 Nor zit our wandand in to secreit wiss,
 Se all thy deides be mixt with plesance;
 And quhen thow may prophir her thy serwiss,
 Paynt nocht thy wordis, se that thou niss,
 Speike nocht in termis of clergy;
 Vse the to rewlis that may the weill suffiss,
 And as I trest thair sall the few denny.

My sone, quhill thow of zowthed hes the flour,
 Zarnand to be of luvis observans,
 Alswa cheiss the a lusty paramour,
 Fulfillit of gudly govinnance:
 Thow zarnand of hir to haif plesans,
 Wirk by this counsale that I the gif,
 Tak tent to this law—be ay leill to thy luf.

Giff that I sall the wiss the narrest way,
 Be nocht lang out of hir presens;
 Certis it is suth, I hard men say,
 Is no thing hinderand mair than lang absens.
 Be nocht of wirdis our grit perfluens,
 Nor zit of langage awthair lest,—
 In myddil way thi tung be ay nurest.

Se for na thing that thou abasid be,
 In the begynnyng thocht scho wer nevir so wyss;
 On the first day and the kepar be sle,
 Ane castell is nocht ay win be geperdyss.
 Clayth is nocht haldin at the first pryss.
 I say for me, let ilk man say quhat thai list,
 Quha weill abidis is abill to speid best.

Giff mony luvaris thi lady will persew,
 Swa at thou leif nocht in jolesy;
 Scho is the bettir swa that scho be trew;
 Non wald hir luvē war scho nocht womanly.
 Repair nocht till her ay oppinly,
 Bot in all tyme be reddy her to pleiss,
 Howbeit thi hairt thow think sumtyme at weiss.

Be nocht a vantour gif thou thinkis to speid,
 Ffor that is haittit of women at our all thing.
 Harche nocht, se thow haif no dreid
 Gif thou hir luf thou man mak sum taikning;
 Ffor harcheness dois grit hindering.
 Howbeit for luf that thow wald almost de,
 Bot reveling mone be first in the.

Ffair-weill, sweit sone, thou speidis schir now or nevir,
 Sen I haif told the all hail my devyss.
 Do my counsale, and fra it nocht dessevir,
 Ffor and thou do certiss thow art not wyss.
 Leif hir nocht, thocht sho be nevir so he empryss,
 Bot ay be gudly to that gay,
 Turne thyne intent quhen that scho wrythis away.
finis quod MERSAR.

THE PERIL OF PARAMOURS.

Allace! so sobir is the nicht
 Of wemen for to mak debait,
 Incontrair menis subtell slicht,
 Quhilk ar fulfillit with dissait;
 With tressone so intoxicait
 Ar mennis mowthis at all ouris,
 Quhome in to trest no woman wait—
 Sic perrell lysis in paramouris.

Sum sueris that he luvis so weill
 That he will de without remeid;
 Bot gife that he hir freindschip feill
 That garris him sic langour leid;

And thoct he haif no dout of speid,
Zit will he sich and schaw grit schouris,
As he wald sterfe in that steid—
Sic perrell lysis in paramouris.

Athis to sueir, and giftis to hecht,
Moir than he hes thretty fold ;
And for hir honour for to fecht,
Quhill that his blude becumin cold ;
Bot fra scho to his willis yold
Adew, fair weill thir somer flouris ;
All growss in glass that semit gold—
Sic perrell lysis in paramouris.

Than turnis he his saill annone,
And passis to ane uthir port,
Thoct scho be never so wobegone—
Her cairis could ar his comfort.
Heirfoir I pray in termys schort,
Crhyst keip thir birdis bricht in bowris,
Fra fals lumaris, and their resort—
Sic perrell lyes in paramouris.

finis quod MERSAR.

COUNSEL TO LOVERS.

Thir billis ar brevit to birdis in speciall,
Moir for lust nor ony gude lufe—
I breif this bill to zow in generall,
Ladeis and madynis that zarnis fra reprufe ;
Zow to conserf, an als for zour behufe,
That ze defend and keip zow fra dissait,
And zow to teich all filthy lyfe to Hait.

Ze madynis fair that ar for till avance
Within the breist of zour virginite ;
And ladeis, als ze cheiss zow nevir to chance,
Quhilk may defame do to zour honeste,—
Latt nevir zour wit to zour will subject be,
Bot haif in mynd, for him that deid on rude,
Quhat wirchep is to be fair and gude.

Haif mynd how gude is to haif a gude name,
And than na crime sall zour grit wirchep fyle ;
Haif mynd how bernis hes brocht birdis to blame,
And latt na grome with gabing zow begyle ;
ffor every wrynk luk that ze haif a wyle ;
ffor every word be wyse, I warne zow ;
Quhair trew is ane, sixty is nocht trew.

And ze him trow than ar ze all betrasit,
ffor with thair tressone thay bring the to ane trane,
To leif in lust he is so lasit
Moir than he hes to hecht he wilbe fane.
Bot and ze grant him ony grace agane
ffra he haif sped, fairweill spowsing to speir ;
ffor than is all your wadding changeit into weir.

All is in weir gife evir ze wene to wed ;
 Fra he hes wrocht hes will, I warn you weil ;
 Thair is no berne will bring zow to his bed,
 Bot every ane will say, so haif I feill—
 Lo ! quhair scho gois hes tred her scho on heill !
 Than haif ze skayth and skornyng zow to steir ;
 forthy in welth be wysly war of weir.

Be war for weir, latt nevir zour wit go wyld ;
 ffor every day ane sample may ze se,
 Scho that is farest fra tyme hir fame be fyld
 There will no berne be blyth of hir bewte,
 Bot ay ar skornand bayth he and he.
 Thus I conclude suppois my wit be grene,
 Bewty but bonty is nocht worth a prene.

*finis quod MERSAR.**

* The Bannatyne Manuscript, fol. 213, 269, 278.

CHAPTER III.

Not far remov'd, Inchbracie's dwelling trace,
The happy mansion of an ancient race.

Mr Alves' "Drummond Castle."

It was only for the space of about sixty years that the Mercer branch, designated of Inchbreakie, possessed that estate. Andrew Mercer, second son of Robert, first Laird of Innerpeffray, married Margaret Murray of the Tullibardine family, probably aunt or sister of Sir David Murray of Tullibardine. Andrew became Chamberlain of the Earldom of Strathearn; and about the year 1440 obtained a mortgage over the lands of Inchbreakie from his nephew, Robert, third Laird of Innerpeffray: which mortgage was apparently foreclosed for non-payment, and the lands became the absolute property of the mortgagee. The Castle of Inchbreakie was situated near the present mansion-house, and was a considerably strong place, being surrounded with a deep moat. It stood for ages, until destroyed during the Cromwellian usurpation.

On 16th March, 1444-5, Andrew Mercer, as King's Bailie, issued Letters patent, under the "rede wax and the quhite," certifying that he had given Sasine at Kincardin, to a noble and worthy man, Patrick the Graham, of the lands of the barony of Kincardin, in the shire of Perth, according to the Charter of new infeftment made thereupon, sealed with his own seal, and the seals of Sir John of Hauden of Gleneagles, Knight, Edmund the Hay of the Leys, and Patrick of Morai, witnesses.* In July following, Andrew, as Chamberlain of Strathearn, rendered his accounts of transactions from 1st July, 1444, to 19th July, 1445; and among the items is the sum of 13s 4d, rent of the lands of the Janitor and Keeper of the Prison of Fowlis, remaining

* *Montrose Papers at Buchannan House.*

in the King's hands since the death of John Rede, late Janitor and Keeper of the Prison of Fowlis—that is, Fowlis-Wester, the principal seat of the ancient Earls of Strathearn. In the next year's accounts to 12th July, 1446, the item of 13s 4d is repeated as rent of the lands of the late Janitor of Fowlis.*

By his marriage with Margaret Murray, the Laird of Inchbreakie had a son, Peter or Patrick, and a daughter, Margaret. The latter became the second wife of Maurice Drummond, fifth Laird of Concraig, commonly called "Old Maurice," to distinguish him from his son and grandson, who were both called Maurice. "Margaret Mercer, daughter of the Laird of Innerpeffry"—a mistake for Inchbreakie—"married Maurice Drummond of Concraig, Stewart of Strathern," says a MS. in the Advocates' Library, "and heired his estate, albeit she was bot his second wife." Concraig's first wife was Marion Douglas, cousin to the Earl of Angus: and in the year 1447 she witnessed a Disposition made by her husband to John Drummond, second Laird of Colquhalzie. It would appear that Margaret Mercer's marriage took place in 1448; for a Crown Charter was granted by James II., at Methven, on 18th November, 1448, to Maurice Drummond of Concraig and his wife, Margaret Mercer, for the lands of Dalchilray, Glassinmurde, Achagarach, and Irelach, in Strathern: to which Charter Sir David Murray of Tullibardine was one of the witnesses. About 1452, Concraig resigned the two merk land of Cultiwhaldich, three-fourths of Mewie, Donira, Straith, Blaredarg, Dalwhirra, and Sherrimare, reserving his own liferent, and a reasonable terce to his wife, Margaret Mercer. Again, on 20th April, 1455, Concraig, with consent of John, his son and heir, and Andrew Mercer of Inchbreakie, "amico meo carissimo," granted to John Drummond of Colqwholly, a Charter of Wadset of the lands of Dalcherach and Serimer, in the Earldom of Strathearn, and County of Perth. Of even date therewith, at

* *Chamberlain Rolls*, vol. 3, pp. 408, 428.

Inchbreakie, Margaret Mercer, out of presence of Moryss of Drummond, her husband, executed a Ratification of the above Wadset of the lands of Dalguilrach, Serymvyr, and the Kalkyne, to John of Drummond, and Malcolmsson his "cussynes": and to this deed the seal of Andrew Mercer, "her dearest father" is appended.* Another Charter by "Old Maurice" is dated at Strowan, 26th January, 1467-8, showing that he was then alive.

The lady of Concraig's "dearest father" must have gained the consideration and esteem of James II., for that monarch, while in Strathearn in 1448 or 1449, honoured him with a visit at his seat of Inchbreakie. Doubtless on that auspicious occasion, the Laird was profuse in his hospitality; but the numbers of the royal train seem to have occasioned him a heavier outlay than he was well able to bear: and King James was generous enough to make him some recompense. Accordingly in the Accounts of Sir David Murray of Tullibardine, as Bailie of Strathearn, from 14th Sept., 1449, to 9th September, 1450, the sum of £6 13s 4d is entered as paid to Andrew Mercer for losses which he suffered at the time the King was at Inchbreaky; and also a sum of £3 8s for the building of certain hospitals in Glenalmond, and for the loss which two poor men suffered from the destruction of their corn by horses.†

In his father's lifetime, Peter or Patrick Mercer obtained a Royal Charter of the lands of Inchbreakie, dated at Edinburgh, 24th February, 1471-2, upon the resignation of his mother, Margaret Murray,‡ whose dowry probably had been employed in the mortgage over Inchbreakie, and who had thereby obtained the lands in her own right. The father, Andrew Mercer, survived till after 6th August, 1473, on which date, the Lords Auditors decreed and delivered "that Andro, Lord Gray, sall content and pay to Andro Merser of Inchbreky, the soume of xx^{li} aucht to the said Andro

* *Book of Drummond*, p. 311.

† *Chamberlain Rolls*, vol. 3, pp. 511-13.

‡ *Reg. Mag. Sig.*, Lib. 7, No. 133.

be vmquhile Andro, Lord Gray, the grandsire of the said Andro, be his obligacion schewin and productit before the lordis, and ordaris the Kingis letteres to be direct to distrenze herefore."* Shortly afterwards Andrew of Inchbreakie died.

Peter Mercer was the second Laird. We find him, in 1475, witnessing the preliminaries of a marriage. Umfra Murray of Ogilvy grants to have received at the hands of an honourable man, Alexander Robertson of Strowane, the sum of 40 merks Scots in tauld money of the Martinmas term, in part payment of the sum of 500 merks, "which sum the said Alexander was obliged to pay me in tocher for the matrimony to be completed and solemnised betwixt Andrew Moray, my eldest son and nearest lawful apparent heir, and Margaret, the daughter of the said Alexander, as the indentures made betwixt us thereupon purportis; of the which sum of 40 merks I grant me well content, acquitted, and paid, and the said Alexander and his heirs quittans and discharges hereof for me and my heirs for now and ever, through the tenor of these my present letters, to the quhilk in witnessing my own proper seal is affixed, at Abercairnie, the eleventh day of the month of October in the year of God 1475, before these witnesses, Peter Mercer of Inchbreke, Robert of Maxtone, William of Murray, Duncan Mercer, with other witnesses." This document is preserved among the Abercairnie Charters, as is also the Contract of Marriage, dated 9th February, 1475-6, between Andrew Moray, son and heir of Humphrey Moray of Ogilvy, and Margaret, daughter of Alexander Robertson of Strowan, which is witnessed by Peter Mercer of Inchbreky, Duncan Mercer, and others. Among the same Charters, is a Charter, dated in 1483 (day and month not inserted), to Humphrey Moray of Ogilvy, which is witnessed by Peter Mercer of Inchbreaky and Duncan Mercer. This is the third time that Peter and Duncan Mercer appear together as witnesses. Were they of

* *Acta Dom. Auditorum*, p. 30.

kindred? Could they have been brothers? In October, 1488, a certain Peter Mercer had an action, before the Lords Auditors, with John of Murray, son of Tullibardine, "anent the tak of the mylne of Gorty," or Gorthy; but this Mercer is not supposed to have been the Laird.

In the year 1494, Peter Mercer of Inchbreakie received an eminent appointment at the hands of the Scottish Court. He was selected to proceed as Ambassador on a special mission to Denmark; and the conferring of so important and honourable an office upon Mercer shewed the high opinion which was entertained of his wisdom, sagacity, and attainments by James IV. and his advisers. The King of Denmark at this time was John, son of Christiern I., and his sister, Margaret, had become the Queen of James III. of Scotland and the mother of James IV. Entries relating to the Envoy's expenses and outfit appear in the Scottish Treasurer's Accounts:—

1494. November 6. Item given ye vj day of November to Peter Mercyr to pass in Denmark.....	£xx
Item to Peter Mersar, quhen he passit in Denmark, be ye Kingis precept and his speciall command—iiij ells of Rowane tauny, price of the ell xxiiij ^s summa	£4 16 0
Item to ye lynng of ye samine, x ellis of chame-lot, pryce of ye ell xij ^s summa	6 0 0
Item to his doublet ij ellis j quarter of vellous, pryce of ye ell £3—summa.....	£6 15 0
Item to his hois ij quarteris of franche blak, pryce	xxv ^s
Item to ye samin, a bonit	xix ^s
Item to thre men that passit wyth him, ix ellis of Scottis Russait, pryce of ye ell xij ^s summa [should be £5 8s]	4 10 0
Item to their doubletis vj ellis of fustiane, pryce of the ell iiij ^s summa	xviiij ^s
Item to thair hois iiij ellis and iiij quarteris of Carsay, pryce of the ell vj ^s summa	22 6
The outfit thus amounts to £26 5s 6d, to which add £20 given to Mercer, and we find that £46 5s 6d covered the expenses of sending out the Ambassador. Nothing is known of the particular object of the embassy, or as to how it sped; but we have no doubt that Inchbreakie acquitted himself in his mission, whatever its purpose, with somewhat of the diplomatic talent	

which distinguished his ancestor, Provost John Mercer of Perth. No mention is made by the Treasurer of the return expenses,—which perhaps were defrayed by the Danish king.

A curious instance next occurs of the borrowing of Inchbreakie's seal. Among the Abercairnie papers (to which we previously alluded) is a Deed whereby the Lord, or Sir, Nicholas Barthone sets to an honourable man, Humphray Moray of Abercairny, a tenement in the town of Foulis, on the west side of the Church : to be held of the lord of Ardberthlorne, for the payment of three shillings Scots at the two terms of the feast of Pentecost and the feast of St Martin in the winter, annually : " In testimony whereof my proper seal is affixed and appended to these presents, and for more evident testimony because my own seal is not sufficiently known, the seal of a noble man, Peter Mercer of Inchbreke, procured by me with due instance, is affixed, on the 22d day of the month of July, 1495, at Foulis, before these witnesses, Master Peter Murray, Licentiate of Arts, Andrew Rollock, Robert Liddell, James Moir, and John Adamson, with divers others." It is singular that Humphrey Murray should be styled "honourable," while Peter Mercer is a "*noble man*," but this may have arisen in consequence of his embassy to Denmark.

But we now reach the termination of Peter Mercer's connection with Inchbreakie. On 4th December, 1501, he sold these lands to William, Lord Grahame, who on 20th January following obtained a Royal Charter of Confirmation thereto. In the year of this sale, Sir Laurence Mercer of Aldie died, and was succeeded by his eldest son, Henry ; and in 1503, the widow of Sir Laurence, Isobel Wardlaw, daughter of the Laird of Torry, contracted a second marriage with Peter Mercer, whilome of Inchbreakie. A grant under the Privy Seal was made to them on 29th January, 1509-10. This was a Letter of Gift "maid to Peter Mersar and Isobel, lady Aldie, his spouse, and to their assignees ane or mae of the gift of the marriage of Andro Bal-

four, son and air of vmquhile Michael Balfour, fear of Monquhanny, togidder with the marriage of George Ramsay, fear of Clatty, and failzieing of the said Andrew or George by deceis vnmarriet, the marriage of the air or airis that sall happen to succeed to the saids vmquhile Michael and William's heritage, with power to them to dispone the saidis marriages, and the avails and profits thereof." It may be observed that Patrick Murray, first Baron of Ochertyre, who obtained the lands of Dollary in 1467, married Isobel, daughter of Michael Balfour of Monquhanny, progenitor of the Balfours of Burleigh; and perhaps it was through relationship to Patrick Murray that the above gift was conferred on Peter Mercer, whose mother was probably Murray's aunt.

It is not known whether there was any issue of Peter Mercer's marriage. But his spouse eventually fell into disputes at law with her sons, Henry, Laird of Aldie, and Robert Mercer, before the Lords of Council, in 1512-13, as the following extracts will shew:—

xvj^{to} February 1^m v^c xii.

Continewis the actioun and summondis hetuix Issahell Wardlaw, the relict of vmquhile Schir Laurence Marsare of Mekilhour, agane Henrie Marsare of Mekilhour, for the wranguis postponing and deferring to infest her in xxiiij merkis of annuale rent and diuers othyr punctis. . . . on to xx day of Aprile nixt to cum. . . . the said Henry personallie present, and the said Isahell compeir—and he Maister Walter Layng, hir procuratour, ar warnit heir of *apud acta*.

Eodem die

Continewis the summondis rasit at the instance of Isabell Wardlaw, relict of vmquhile Schir Lawrence Marsare of Mekilhour, and Patrick Marsare, now hir spous, agane Henry Marsare of Mekilhour, to heir him decernit to freeth and releif the sade Isabell at the hands of Robert Coluile of Vchiltre, of the sovme of xxij merkis, like as at mair lenth is contenit in the summondis. . . . on to the first day of Marche nixt to cum. . . . the said Henry and Patrick personaly present, and the sade Isabell he hir sade spous, quhilk fund cautious thairupoun. .

Eodem die

Maister Adam Otterhurn, in the name of the sade Henry, protestit that all his defensis war reseruit to him at the present terme as now thai ar &c. hora xj^a

Eodem die : post meridiem

Continewis the summondis rasit at the instance of Isabell

Wardlaw and Patrick Marsar, hir spous agane
 Robert Marsar, brother to Henry Marsare of Mekilhour,
 for the wrangves detentioun fra thame of the sovme of xxx
 merkis and fiftene merkis aucht to thame be the said
 Robert, of lent money, and deliuerit to him be the sade
 Isabell, for the bying of the landis of Dovnhill. . . .
 vnto the thrid day of Marche nixt to cum. . . . The
 saidis Patrick and Robert Marsare personaly present, and
 the sade Isabell be her sade spouse, are warnit heirop apud
 acta.

iiij^{to} Marcii 1512 P.M.

Continuation of the action by Isabel Wardlaw and her
 spouse against Robert Mersare, brother to Henry Mercer
 of Mekillour, anent the detention of xxxv merks, to the
 26th of April.

Ultimo Marcii, P.M.

Master Walter La yng, procuratour for Isabell Wardlaw
 and forspekare for hir spous, Patrik Marsare, askit and
 instrument that Master Adam Otterburn, procurator for
 Henry Mersar of Mekillour, grantit that the said Henry
 in'tromettit with the malis of Fechly and Tyry, and that
 be the Kingis Charter produced in instrument, for the
 quhilk he is summond at thair instance. Hora v^{ta}.

xiv^{to} Marcii 1512

Decretis and deliueres that Henry Marsare of Mekillour
 sall freth and keip skaithles Isabell Wardlaw, his moder,
 and Patrick Marsar, now hir spous, at the handis of
 Robert Coluile of Vchiltre, as assigney to vmquhile
 Elizabeth, Countaiss of Ros, and all vtheris quham it
 efferis, of the sovme of thrie scoir tuelf [72] merkis vsuale
 moneye of Scotlande, quhilk sche is decernit to pay to the
 said Robert, as assignay foirsaid, for iiij zeiris bigane
 before his deces, that is to say, ilk yeir the sovme of xviiij
 merkis for hir renounciation and ourgeveing to vmquhile
 Laurence Marsare and the said Henry, his son and ar, of
 all rycht and possessioun of the landis of Fechly and Tyry,
 becaus it was vnderstand to the said Lordis that the prof-
 fitis of the said landis come to the vse of the said Henry
 the said four zeiris, &c.*

But ere many months were over, Peter Mercer was
 engaged in a far different dispute. He followed his
 sovereign to the war against England, and perished,
 sword in hand, amid

——The stern strife, and carnage drear,
 Of Flodden's fatal field,
 Where shiver'd was fair Scotland's spear,
 And broken was her shield!

And with his fall in battle we conclude our history of
 the Mercers of Innerpeffray and Inchbreakie.

* *Acta Dom. Concil.* vol. xxiv., pp. 115, 116, 169, 199,
 210.