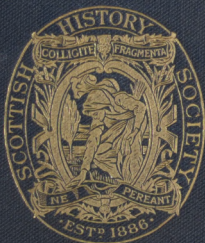


BARON
COURT B^K
OF URIE
1604-1747

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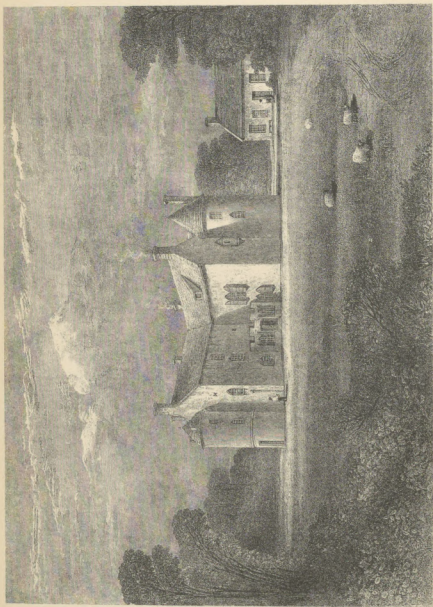
VOLUME XII.



BARON COURT BOOK OF URIE

OCTOBER 1892

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Meeting House

THE OLD HOUSE OF URIE
(taken down in 1855)

W. Barclay
W. Barclay

X

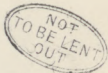
THE COURT BOOK
OF
THE BARONY OF URIE
IN
KINCARDINESHIRE

1604-1747

ADVOCATES
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EDINBURGH

Edited from the Original Manuscript with Notes
and Introduction by the

Rev. DOUGLAS GORDON BARRON
M.A.



EDINBURGH

Printed at the University Press by T. and A. CONSTABLE
for the Scottish History Society

1892

PREFATORY NOTE

THE manuscript of the Court Book of the Barony of Urie forms a small quarto volume. It has been carefully preserved, and though the writing is often slovenly and difficult to decipher, there is no part of the record which has been destroyed or rendered illegible through decay. Prior to the death of Captain Barclay-Allardice in 1854, the Court Book remained in the possession of the proprietors of Urie. It subsequently passed into the hands of its present possessor, Mr. Robert Barclay of Bury Hill, Dorking (see App, iv. p. 192), to whom the thanks of the Society are due for permitting its publication.

The manuscript has been carefully transcribed by the Rev. Walter Macleod, whose kindness in revising the proof-sheets of the text I gratefully acknowledge.

My thanks are also due to Sir Patrick Keith-Murray, Bart., of Ochertyre, Mr. Baird of Urie, Mr. Fraser of Findrack, Mrs. Barclay-Allardice, and others, who have kindly put at my disposal materials bearing upon the history of Urie and its proprietors. To Mr. Barclay-Allardice I am indebted for notes on the pedigree of the Barclays.

The illustration of the *Old House of Urie*, which forms the frontispiece of this volume, is from an engraving by the late

William Miller, *H.R.S.A.*, Edinburgh. The signatures on the margin are those of Colonel David Barclay and his son, Robert Barclay, the *Apologist*.

Two maps have been introduced, in which it has been attempted to define the original boundaries of the Baronies of Cowie and Urie. While perfect accuracy is not claimed for these, no trouble has been spared to render them as correct as possible.

D. G. B.

DUNNOTTAR,
8th September 1892.

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ILLUSTRATION—Old House of Urie, *at beginning*.

MAP of the Baronies of Cowie and of Urie, *at end of Introduction*.

CORRIGENDA

P. xxiii, l. 2, *for* James, Earl of Kinghorn, *read* John, Earl of Kinghorn

P. xliv, l. 30, *for* Baron-bailie, *read* Baron-bailiff

P. xlvi, l. 18, *for* haddocks or, *read* haddocks and

INTRODUCTION

THE establishment of the Baron Court in Scotland may be regarded as an essential growth of feudalism, coincident with the spread of the tenure of land by military service, as introduced by Malcolm III. in the middle of the eleventh century, and encouraged and extended by his successors. The object of the early kings in fostering the new system of land-tenure was sufficiently apparent. Desirous to increase the influence of the Crown over their turbulent and restless subjects, they were not slow to recognise in it a ready means of bringing into subjection those who might otherwise have been the last to acknowledge their supremacy, or to seal to it the warlike tribes who followed them, and who knew no other claim to gratitude or obedience than the old 'tie of blood.'

The feudal lord, who held a charter of the king on terms of military service, acquired thereby an *imperium in imperio* which was admirably fitted to transmit through every stratum of society that hitherto unknown respect for law and discipline which it was the object of the Crown to recommend and teach. For, just as he did homage for his land, confessing himself to be the vassal of his sovereign, so those who held of him, whether as tenants or sub-vassals, were compelled to recognise a similar indebtedness on their part, and to submit themselves to his authority as their superior or over-lord. Nor did it end here. A minor proprietor, although not holding directly of the king, and being therefore the vassal of a vassal, might yet assume, in virtue of his charter, the position of an over-lord to his immediate dependants, from

whom he could exact the homage he himself had rendered, and over whom he was empowered to exercise, though in a limited degree, the jurisdiction to which he was himself subject.

The machinery which controlled this complicated system was centered in the *curia baronis*, or Baron's Court. This court it was the privilege of every superior to hold within the bounds of his own lordship, provided always he had at least two vassals to sit in it as peers. A Baron Court, it will be seen, therefore, was not necessarily the Court of a Barony, unless in so far as the jurisdiction of a minor proprietor might be said to be covered by that of his superior. This principle appears to have been recognised in the right of a crown vassal to take part with his feudatory in the meetings of his private court.

The authority of our earlier barons, alike in criminal and civil matters, was practically absolute. They held their baronies not only *cum furca et fossa*, with power of pit and gallows, but even in certain instances *cum placitis quatuor punctorum coronae nostrae*, that is, with right of jurisdiction in what were termed 'the four points of the Crown'—murder, rape, robbery, and fire-raising. On one point only, that of the *crimen majestatis*, or crime of treason, did the Crown interpose its caveat to limit and restrain the jurisdiction of its immediate vassals in dealing with the rude and lawless spirit of their time.

As things progressed, or in other words, as the policy of delegating power by the State in exchange for 'homage and service' gradually brought about the change anticipated, the privileges of this dominant and ruling class were correspondingly curtailed. Their boasted right of 'pit and gallows' was tempered in the first instance by the withdrawal from their jurisdiction of the Crown Pleas, and subsequently by the limitation of their right to dispose of the homicide and thief, to cases in which the former had been caught 'red-handed,' or

the latter *infang*,—that is, with the stolen property in his possession within the confines of the barony. But apart altogether from this higher jurisdiction, care was taken that the feudal lord should still possess abundant power to bring into subjection the most refractory of his vassals, did they venture to dispute his high prerogative and claim. Fine and forfeiture were at all times ready and effective instruments of discipline, while the knowledge that fines and escheats, instead of falling to the Crown, became the lawful property of the superior, may be supposed to have encouraged the latter in the vindication of their just authority, even if it did not occasionally incite them to abuse its exercise through greed of gain.

As far as civil jurisdiction was concerned, the minor proprietor, who in no case possessed the power of life and death over his vassals, and whose criminal authority was strictly regulated by the terms of his charter, extending for the most part to the punishment of petty thefts and the exaction of *bludwites*,¹ was exactly in the same position as he who held directly of the Crown. Both had alike the right to settle at their court all matters of dispute concerning land and tenancy. They were empowered to pursue for debt, to punish for neglect or contumacy, and, generally speaking, to direct and, in no limited or formal sense, determine the material prosperity or its opposite of all who owed to them the feudal obligation, and were bound by its indissoluble and jealous claim.

It was a characteristic of Feudalism that a superior in transmitting power or privilege to a dependant did so, as nearly as was possible, in the precise form in which he himself enjoyed it. The Baron, as we have seen, exercised to all intents and purposes the functions of a king among his vassals, and we cannot wonder, therefore, if his court presented in its salient features an almost literal resemblance to the sovereign courts

¹ Fines for shedding of blood.

of the realm. Its place of meeting was originally a hill or mound—the ‘moot-hill’ of an earlier period. And in the record of a Baron Court held by Sir Patrick Gray, as superior of the Barony of Longforan, in the year 1385, we find this ancient custom still prevailing.¹

Though interested enough to watch, and in certain circumstances, perhaps, even to influence, the judgment of the Court, the Baron did not preside, at least in later times, in person. His bailie or steward sat as preses of the Court, in this and other matters occupying a position analogous to that of the royal seneschal. Other officials were the chancellor or clerk, who was invariably a notary, and qualified, therefore, to advise on points of law and precedent; the officer or sergeant, who acted also as bailiff to the barony; the dempster, a functionary robbed in later times of his old power and state, and retained merely to pronounce the sentence which the bailie, in his capacity as judge, had first awarded; and, finally, the suitors or free-tenants, who were summoned to be present, just as the Baron was himself required to sit in Parliament. Giving of ‘suit and presence’ at the Lord’s Court was one of the imperative requirements of all feudal tenure, and no one was exempted without reasonable excuse from attending thrice yearly to perform this ‘debtful service.’

The duties and responsibilities of suitors necessarily varied with the different forms of trial which obtained at different periods. Our earlier tribunals were scarcely calculated to make any very formidable demand either upon their courage or intelligence. In trials by compurgation, for example, they were probably required to assist in making up the tale of those who asserted, with no regard to evidence or fact, the

¹ Four separate minutes of this Court are in the possession of Sir Patrick Keith Murray, Bart., of Ochertyre. They are described by Dr. Stuart as ‘almost a solitary specimen of the proceedings of a Barony Court in Scotland in the fourteenth century.’—Third Report of Historical Manuscripts Commission, Appendix, p. 410.

inherent integrity, or the reverse, of the defendant. Where, on the other hand, 'the judgment of God' by ordeal or combat had been claimed, it doubtless sufficed that they were present as spectators, prepared if need be to bear witness that the formalities had been impartially conducted. When, however, to use the words of Mr. Cosmo Innes, 'men no longer thought it convenient that he who was accused of the theft of a cow should go free if twenty-four friends swore that they thought him incapable of stealing,'¹ and when, accordingly, the older forms of trial were gradually supplanted by the verdict of the 'good men and true' of the neighbourhood, the suitor rose to take a permanent and foremost place in the administration of justice. True, his position was still, and always would remain equivocal, in so far as he was the creature of his lord, but it was his own by universally acknowledged right and custom, and it depended on himself to maintain or to betray it. Besides serving on assize, suitors were further entitled to appear as witnesses. They were required to act as sureties for their fellow-suitors and dependants; to serve as arbiters in certain forms of dispute; to value agricultural effects; to fix the boundaries of neighbouring 'tacks,' and generally to be at the bidding of the Court in whatsoever capacity their services might be demanded.

The formalities attendant on the holding of a Baron Court are to be gathered incidentally from a variety of sources. The first step, naturally, was to apprise those interested of the place and date of meeting. This was done by written summons of the officer, who received a warrant for that purpose from the bailie. This summons he was afterwards required to read in Court, in proof that he had executed the precept of his superior. One such citation has fortunately been preserved in the record of the Court of Longforgan, previously referred to. Its terms are as follows:—

¹ Innes's *Scotch Legal Antiquities*, p. 218.

‘I, Robyn Jobson, sergand, lauchfully made and ordanyt of the chef part of the barony of Langforgund, throw Sir Patrick Gray, lord of that ilk, chef part of that ilk barony in the sheradom of Perth, somonde at the chef plaz of the teneindri of Lytilton, and Lowranstone of Ochtyrcomane within the Lytilton, Sir Thomas the Hay of Lowchqwhorwart, and Dam Jonat his spouse, throw reson of his spouse, Sir William of Cunygham, and Dam Margaret his spouse, Elizabeth of Maxwel, Alexandir of Kocborne, and Katerin his spouse, for reson of his spouse, and Dugal McDuel, and Eufam his spouse, for resone of his spouse, the Wedynysday, the xvi day of the moneth of Nouember, that thai apere lauchfolly at the Hundhil in Langforgrond, in the sheradom of Perth, to Sir Patrick Gray, lord of the chef part of Langforgronde, and orlord of the lands of Lytilton and Louranzstone of Ouchtircomon, thys tewysday that nw ys the xvi day of this moneth of Jenuer, to schaw how and for quat caus, throw quat charter or ewydens thai halde or clemys to hald the landys or tenandris of Lytiltone and Lowranzstone of Achtyrcoman of hym, and of his chef parts of the Barony of Longforgond within the sheradom of Perth, and to do this day efter my somonz for yhour haldyng as the law and ordyr of law askys in yt selfe. Yat I haf mad this somondys in this maner as I hafe recordyt lawfully, lo here my witnez, Robyn Jonson, of Balligyrynach and Richard of Pentland, William Scot, and Androw Yhong.’

It will be noted that the above describes the purpose of the meeting of the Court, and also refers by name to those whose presence was especially desired. It is just possible that a less formal mandate may have served to cite those members of the Court who were required to act as suitors.

Parties being assembled, the Bailie instructed his officer to ‘Cry’ the Court, which he did in these, or words of corresponding import—‘All maner of men that have to doe here at this day drawe near and attend to the Courte.’ Proceedings were

commenced by the rehearsal of the Suit Roll of the Barony. During its recital the names of parties absent with excuse were notified, defaulters being summarily amerced for non-attendance. Other preliminaries included the adjustment of the roll of pleas, reports as to the service of distrainments, and kindred matters. Did the billet of the Court include the trial of any criminal offence the members of assize were next declared, and sworn. The jury of a Scottish Baron Court numbered fifteen.¹ Of these the Chancellor or foreman was sworn first, and by himself. The remainder took the oath in groups of three or four together. This was followed by the recital of the 'Charge,' during the delivery of which the assize remained standing. This ceremony, which eventually degenerated into a mere exhortation to defend the court, accompanied by a threat of pain and penalty to such as should presume to trouble or molest it, was originally a most important function.

In an anonymous volume, entitled *The Justice of the Peace*, published in London in 1564, a copy of a Court Charge, as used in England at that period, is printed, and although on many points it postulates a state of things inapplicable to our Scottish Courts, we feel that we are justified in reproducing it. Its value will be readily admitted, not only as touching one by one the minutiae of baronial jurisdiction, but still more as affording in itself a picture of the social condition of the feudal vassal at a time when feudalism might be said to be still in the zenith of its power, the sincerity and truth of which cannot be questioned.

THE CHARGE OF A COURT BARON.

Firste, ye good men that bene sworne, ye shall enquire and

¹ This statement is made on the authority of Mr. Cosmo Innes (*Legal Antiquities*, p. 59), but is not supported by the usage of the Court of Urie, where the number of the assize varies, and appears in no instance to have reached fifteen.

truely present al the sutoutes¹ that owe any sute unto thys courte at this day, as for theyr tenures, if they be heire or no, and presente theyr names that make defaute.

Also, if there be any tenant deade sythen the last court daye, ye shall enquire of hym and doe us to wete² what he helde of this Lordeship at the day of his deathe, and what auantage the lord shuld haue by his death, etc., as Ward, Mariage, and Reliefe or Eschete, or any other profite, and who is his next heyre, and what age he is of, and in whose keping.

Also, if there be any rent, custome, or seruice withdrawen from this lordeship that oughte of right to be done, ye shall enquire by whome it is withdrawen and what custome or seruice it is, and in what Bayliffes time, and howe it hath bene withdrawen, and where the land lieth, that we may distraine for the arrerages that are behinde.

Also, if there bee any bonde man of bloude³ that putteth his sonne unto the scole to make him a preste or apprentice, or set him to craft, or marieth his daughter without leaue, ye shal do us to wete.

Also, if there be any bondeman that letteth his lande, that is to say, for the halfe or for the thirde shefe without leaue. Or els if there be any bondeman that withdraweth his goodes or cattelles out of the lordeship without leaue, do us to wete.

Also, if the lordes common bee so charged by any tenant

¹ Suitors.

² Inform us.

³ A bondman of blood or villein might be either (1) a *villein in gross*, who was immediately bound to the person of his lord and his heirs; or (2) a *villein regardant to a manor*, who was bound to his lord as a member belonging and annexed to a manor whereof the lord was owner. He was properly a true *villein*, of whom the lord took redemption to marry his daughter and to make him free, and whom the lord might put out of his lands and tenements, goods and chattels at his will, and beat and chastise but not maim.—Blount's *Law Dictionary*.

A *villein* held his lands by *copyhold*, which means that he had nothing to show for them but the *copy* of the rolls made by the steward of the Lord's Court. He is distinguished from the *free holder*, who held in fee-simple, fee-tail, or for life. Neither of these systems of tenure was known in Scotland.

with mo beastes then he should hold after the quantitie of his tenure, ye shal do us to wete.

Also, if there be any bondman of bloud that longeth to this lordeship, that is fledde, and dwelleth withoute this lordeship without fyne or raunsome makinge, ye shal do us to wete.

Also, if there be any alienacion ouer twelve monethes and a day or lesse for terme of yeres in fee or in fee taile, ye shal do us to wete.

Also, if there be any transmutacion of possession, that is to say, copy lande for fre lande, or fre lande for copy lande, whereof the Lorde might take any dissauantage in amendinge of the one and appairing of the other, ye shal do us to wete.

Also, of all maner wast done in housinge, letting downe, or cutting the great tymbre.

Also, of al trespassours in corone or grasse, or in pastures or greanes or meades, or fychers or foulers, or hunters or haukers, within this lordeship or lordes warren, ye shall do us to wete if there be any such.

Also, if there be any tenant of copy holde, tenant at will, or tenant of bonde tenure, that suffer their tenements to bee ruinous and falle downe, or els any fermovr bounden to reparacion, repaire not as he ought to doe, do us to wete.

Also, if there be any boundemen of bloude within this lordship that purchaseth any fre lande without any leaue or licence, ye shal do us to wete what it is, and what heires he hath.

Also, of al other thinges that ye haue knowen that ought to be presented to the Lordes auayle, ye shal do us to wete thereof by the othes that ye haue made and brynge in a true presentment.

Also, if any make any rescous or breake any arest made by the baily or any other officer, or els if any man breake the lordes pounce, that is to say, a distres put in the Lords pound by an officer and taken out again without lycence, do us to wete.

Also, if ye knowe any that remoueth or pulleth up mere-stones or stactes betwene lordship and lordship, or tenant and tenant, whether it bee fre or bonde, present theyr names.

Also, if any tenaunt giue any lande to the church, that is to say, into mortmaine, sith the statut therof was made, without licence of the king and the lord of this lordship, ye shal doe us to wete.

Also, if any man haue encroched any of the lords soile, that is to say, lande, medow, moore, pasture, or any vacant grounde without licence of the lorde, present their names.

Also, if any man holde two tenementes, and waisteth the one as if he withdraweth anye trees from the one to the other, if ye knowe any such, present their names by your forsayd othes.

Or els if ye know that any tenant hath made any strope or wast upon his bonde tenant, strope, that is to say, pulling up of trees or hedges, wast, is to saye, houses fall downe for default of reperacion, if there be any suche, present their names.

Also, if ye knowe any tenaunt that kepeth or withdraweth any euidence that longe to this lordshipes courtes, rolles, rentalles, customaryes, or any other euidence, ye shall present their names.

The charge delivered, or in legal phrase, 'the Court being lawfully fenced and affirmed,' the way was open for the transaction of business. Vassals having suit against their neighbours were permitted to pursue in person, the superior either personally or through his chamberlain or other deputy, while in Courts of full Baronial Jurisdiction a Procurator-Fiscal was appointed to prosecute in criminal causes.

It was a peculiarity of the Court that all processes were introduced not by original writ or precept, but by *plaint*, a description of the proposed action being reduced to writing and presented to the Bailie either previous to the meeting or

in open Court. This having been produced, and a true bill declared, the accused was summoned to appear against a certain day, when formal proof was led and judgment followed. Should he neglect the summons of the Court, an attachment was decreed against him and a fresh citation ordered. It being to be noted, however, that 'no defendant should be attached by his bodye, but only by his goddes,' that is to say, 'by his oxe, cowe, horse, potte, payne, or other maner of chattell.' Further, non-appearance on the part of the accused was followed by renewed distraint, till failing for the fourth time to comply with the injunction of the Court deliverance went against him by default.

Pleas to be tried were often various enough, but all passed with equal freedom through the mill of medieval justice. Here a defaulting tenant is arraigned, and promptly forfeits the choicest of his stock to pay the landlord. A farmer's horse has strayed upon his neighbour's grass, and has been expeditiously and safely pointed. No qualifying circumstance is urged or sought. The rustic Shylock claims his pound of flesh and gets it. Now an indignant Baron bitterly complains that such an one has violated the privileges of his Court by pursuing, before the Lords of Session, Sheriff, or Commissioners, a claim which ought to have been his. It is hard to realise that the great man is wounded not in pride but purse, and that his indignation centres in the fact that a presumably substantial fine has found its way into the capacious pockets of the State instead of into his, mayhap exceeding tight ones. And yet, if there be doubt upon the point, the equanimity with which he hears a further fine pronounced on his offending vassal must effectually remove it. Here a rough brawler is transferred to prison or the stocks, the distress which has been placed upon his goods increased threefold, because the blow he struck had chanced to be 'above the breath,' instead of under it. While there, a wretched thief, who has

been caught *in fang*, receives short shrift from men whose only thought is to prevent his further depredations. 'Notorious' and 'habit and repute,' he has had both ears cropped, and has been branded on the cheek for past delinquencies. It only remains—and he will not have long to wait—that he be 'whipped at a cart tail,' and 'hangit till he be ded' upon the neighbouring gallows.

The sederunt of the Baron Court was closed by what appears to us the curious formality of crying the Assize of Bread and Ale. Here, again, the authority of the Baron interposed to fix the price of commodities which could only be produced for sale by his express indulgence. It may be hardly necessary to suggest that baxter and brewer were alike required to supply the Manor at a different price from that which they were permitted to exact from the surrounding tenants. The form of conducting this Assize which was most commonly in use has been preserved as follows :—

In what wise the bayliffe or beddel, which serueth the Courte, shall call thassyse of breade and ale whan the Court is ended.

The stewarde shall cause the bailiffe to take an oyes,¹ and shall say: 'Al maner men that wyl bake breade to sell, loke they sell foure loues for j^d. and ij loues for j^{ob}., and loke ye kepe thassise. All maner of brewers that will brewe to sell loke ye sell a galon of ale of the beste, for 1d. ob., the second for a penye, and the worste for an ob., and kepe the assise, and that no brewer sell out no burthen tyll the ale conoure² haue assayed thereof, and sette a price thereon, upon peine of forfayture, etc.

¹ A corruption of the French *oyes*, *hear ye*, used by the Crier of a court to enjoin silence.

² The *ale conoure*, or *ale taster*, was an officer appointed to look to the assize and quality of bread and ale, within the precinct of the lordship.

‘And all maner of men that haue for to do at this day, come and you shalbe harde, or els kepe your day at the nexte Court by resonable warnynge, And God saue the kyng.’

Such, in its main outlines, was the Baron Court on which in feudal times the comfort and self-respect of the rural population in England and Scotland rested. That feudalism, at its introduction, was a power for good, cannot be questioned. No other system could so successfully have coped with the lawless spirit of the age, and brought it mercifully, as we must admit, within the pale of civil government. This task accomplished, that it eventually degenerated for the most part into an instrument of petty tyranny and greed, is equally apparent. And nowhere is this more clearly recognised than in the record of its Baron Courts, where, despite an occasional affectation of good faith, everything is so adjusted as to serve the interest of the strong against the weak, the lord against his helpless vassal and dependant. It was a red-letter day, therefore, for our country when an otherwise least thoughtful or far-seeing Prince struck a first solid and determined blow at its prerogatives.¹ The Act of Charles II. practically abolished feudalism in England, and although nominally it still survives north of the Tweed, it has long since been stripped by various Acts of its more objectionable and repellent features. Baron Courts continued to be held in Scotland till 1747, when their jurisdiction was by law curtailed to an extent which rendered them no longer a convenient source either of profit or prestige to their possessors.² A Baron still retains the right of holding Courts,—a privilege, however, of which he has altogether ceased to take advantage. It is still on statute that he may pursue at his own Court for feu-duties and rents, and may compel his tenants to perform their legal services. He has, besides, a jurisdiction in civil actions to the extent of 40s. A further right of punishing assault and petty theft by a fine not

¹ Act 12 Car. II. c. 24.

² Act 20 Geo. II. c. 43.

exceeding 20s., is so burdened with prohibitive restrictions as practically to preclude its exercise.

Thus far the main object of inquiry has been as to the general system of feudal laws upon which such minor judicatures as the Baron or Baron-baillie Courts of Scotland rested. To France we may look as the original source of our feudal customs and observances; but not to France directly, for it is probable that these came to Scotland through the channel of English example and practice. A Baron Court in Scotland, therefore, must have reflected in some degree the usages of both England and France, and we may take it that in all three countries, after making allowance for special national characteristics and local divergences, the main features of these Minor Courts were common to all.

The Baron Court Book of Urie, which forms the body of this volume, contains a record of the proceedings of that Court for a period extending from 1604 to 1747. These proceedings not only afford evidence that the general principles of feudalism were in full play during that period, but they preserve for us also many rural usages and customs which must have been common both to the locality of Urie and to Scotland generally. With a view to illustrating these usages and customs it will be necessary, in the first place, to give some account of the estate of Urie and its successive proprietors; and, secondly, to cite a few facts bearing upon the relations which obtained between the lairds of Urie and their tenants, more particularly in connection with the civil jurisdiction of the former as touching the occupancy of the land.

I. Urie and Monquich, which in the earlier minutes are erroneously described as the 'Barony of Urie,' are situated in

the county of Kincardine and parish of Fetteresso, and are in the immediate vicinity of Stonehaven, the county town. They originally formed part of the barony of Cowie. The records of sederunt, therefore, which compose the earlier portion of this volume, describe the doings of the court of a sub-vassal.

The early proprietors of Urie were cadets of the family of Errol, who came into possession of the property about the middle of the fifteenth century. Sir William Hay of Errol, Hereditary Great Constable of Scotland, had purchased Cowie from Sir William Fraser of Philorth in 1415. Fifteen years later he granted to his younger son a charter of the lands of Urie, thereby defining for the first time the extent and boundaries of the estate. He died in 1436, and was succeeded by his grandson, also named William, who was created Earl of Errol in 1452. To him the laird of Urie resigned his lands, and this resignation was subsequently confirmed to his son and successor, Nicholas, second Earl of Errol. Nicholas thereupon conveyed Urie to his uncle, Gilbert Hay, by a deed dated 12th April 1467. Of this Gilbert Hay, or 'Master' Gilbert Hay, as he is invariably designed, we have successive glimpses in the records of the period. He was educated for the law, and although he succeeded through his wife, who was the only daughter and heiress of Sir John Dunbar of Crimond, to very considerable estates in the shires of Aberdeen and Elgin, he yet appears to have pursued the practice of his profession all through his active bustling life.

From Gilbert Hay, who died in 1487, six generations in succession held the lands of Urie. John Hay, fifth in descent of this unbroken line, is the first who occupies the position of proprietor in the pages of the Court Book. He succeeded to the estates in 1588, and died in 1607. Previous to the former date he had embarked, along with his superior, Francis, eighth Earl of Errol, in treasonable designs against the Government of James VI. This Earl is known in history as a leader

of the Popish faction in the North, who, after the execution of Mary Queen of Scots, entered into correspondence with the Spanish Court, then busied in preparing the *Invincible Armada* for an attack on England. In the abortive rising at Aberdeen in 1589, which was the first outcome of this ill-advised and foolishly conducted league, John Hay of Urie was involved, if not as an active participator in the fact, at least as in friendship and sympathy with the rebels. Falling henceforth under suspicion, Hay was arrested three years later on a charge of hearing Mass, and of 'resetting and intercommuning with jesuits, priests, and papists.' The indictment was in all respects a serious one enough, its gravity being proven by the circumstance that the Parliament of 1594 included 'wilful hearing of Mass' among the list of capital offences. It is evident, however, that considerable influence was brought to bear on his behalf, most probably through the initiative of his chief, whose treason, half connived at in secret by King James, was never seriously resented. He was mulcted in a fine of one thousand merks, and was required to appear in Aberdeen before a Council on Religious Doubts, there to recant and make atonement for his misdemeanours. The deliverance of the Privy Council in the case bears evidence of a deliberate attempt to shield the accused, almost at any cost, from the responsibility and weight of the arraignment. 'The king is assured,' it runs, 'that it (the offence of hearing Mass) proceeded, not of a malicious intent to contempt his Hines, but being ignorant of the tenor of the Acts and grundit in his dampnable errouris and oppinion be the crafty allurementis and persuasioun of the saidis jesuitis, he wes movit, of very simplicitie and ignorance, and upone a blind zeal borne be him towardis his professioun.'

John Hay of Urie, whose 'simplicitie and ignorance' are thus proclaimed, has failed to leave any very distinct impression of his personality on the few meetings of the Baron Court

which bear to have been called by his authority. If we should venture to form any estimate of his character, as he appears before us, we would be tempted to describe him as a seemingly careless and indulgent laird who had been suddenly aroused to the necessity of economy and retrenchment. His frequent bringing to the front of obsolete or dormant statutes bears this out, and his tenants can hardly be expected to have participated in his new found admiration and respect for the 'wmquhil father of guid memorie' who is continually quoted in support of reimposed exactions.

Doubtless the revenues of Urie had been considerably overtaxed to meet the liabilities arising out of the treasonable dealings of the proprietor. These liabilities naturally tended to accumulate rather than decrease as public quarrels ripened into private enmities. William Hay, who succeeded his father in 1607, appears to have inherited, along with the estate, a countless tale of feuds and heart-burnings. Nor is it by any means apparent that the new laird was either prone to shun the entrance to a quarrel or, being in, was without stomach to maintain it. In the first year of his succession a dispute with Robert Fraser of Brachmont assumed a somewhat serious aspect; so much so, indeed, that on Fraser bringing the matter under the notice of the Privy Council, Hay was bound over, himself in a thousand pounds, his brother Alexander in five hundred, and no fewer than fifteen of their retainers (for whom Robert Irvine at the Mill of Cowie became cautioner) in three hundred merks each, to keep the peace. Six years later Robert Strauchine, M.D., complained that William Hay of Urie and Thomas Auchenleck, sometime servitor to the Earl of Orkney, being armed with various weapons, had gone to a certain dwelling-house in Stonehaven, believing him to be there, and that, to make sure of finding him and slaying him, the Laird of Urie had kept watch outside, while Auchenleck, entering the house, sword in hand, had forced the chamber

doors and 'stoggit the beddis.' Disappointed in their search, and hearing that he 'had repairit to the lynkis of the said town of Stanehyve to recreat himself,' Strauchine further explains how they had followed him thither with intent to murder him, adding that they would undoubtedly have executed their purpose had he not, acting on the counsel of his friends, withdrawn himself from the links.

Such reckless conduct on the part of the laird could only eventuate in the impoverishment and ruin of his estates. The downward progress of events is shadowed forth by the Court Book in the gradual assumption of proprietary rights on the part of Francis, Earl of Errol, who, restored to royal favour in 1596, was now living in the enjoyment of his vast possessions at Slains Castle in Aberdeenshire. On 30th July 1616 the Earl's name is first inserted in the preamble of a minute of the Court, 'with special consent of the proprietor.' Such an announcement does not necessarily imply anything further than that it had pleased the Earl to exercise his prerogative of appearing at the Court in his capacity of over-lord. Two years later his name again appears, while the explanatory clause is absent. In the minute of 11th July 1620 he is associated with the laird as heritable proprietor. This continues till 5th October 1626, when the name of William Hay is abruptly dropped, and Errol is henceforth described as sole proprietor of the lordship. It is evident from the above that Hay had been gradually parting with his interest in the estates to his superior. It was not till four years after the date named, however, that a formal transfer of the property was made, following a process by 'William Hay of Wry,' to complete his title as heir to his *tritavus*, Gilbert Hay.

Francis, Earl of Errol, died in 1631: and his son William—who during his brief tenure of the honours and estates did much to squander the resources of the earldom—in 1637. Gilbert, tenth Earl, who succeeded as a minor, is represented

at the meetings of the Court by his curators, John, Lord Yester; James Lyon of Auldbar; and James, Earl of Kinghorn. Twice only does the Court sit during their administration, the minute of 20th November 1639 being that of their last recorded meeting. A blank of nearly thirty years follows, during which period the lands of Urie underwent many changes, and passed successively through various hands. The greater portion of Monquich was permanently alienated from the Barony, while Urie itself was stripped of Finlayston and Redclock, together with such minor adjuncts as the chapel lands and crofts of Cowie. What remained of the estate passed in the first instance, in wadset, to John Forbes of Leslie, younger son of William Forbes of Monymusk. John Forbes was a man of pushing and aggressive temperament, and made himself conspicuous, not only as a purchaser of extensive estates in the shires of Aberdeen and Kincardine, but also as a zealous upholder of the Covenant, prepared to do battle for his political opinions, and to maintain them stoutly against all comers. He had acquired the lands of Leslie in 1620 from George Leslie, last of that Ilk, and subsequent to 1637 had added to his possessions the important estate of Banchory, in Kincardineshire. Forbes was also proprietor of the Barony of Durris, which was plundered by the barons of the north after they had dispersed the meeting of Estates at Turriff in 1639. Five years later, Spalding tells us, 'his girnellis in Banchorie, sic as wes left oncareit to Urie,' were pillaged by Montrose, while, in 1645, he again suffered at the hands of the great Marquis, who, having raided the baronies of Dunnottar and Fetteresso, belonging to the Earl Marischal, 'merchis to Vrie. He fyres the place, burnis all to the voltis and hail lauche bigging, cornes and barneyairdis; and plunderis the hail grund.' A true type of the hard-headed Scottish baron of the period, whether pursuing the representatives of the broken clan Gregor through the

fastnesses of Deeside, or prosecuting his natural enemy, John Gordon of Haddo, before the Committee of Estates of Parliament, or exchanging pistol shots with Sir Gilbert Menzies of Pitfodells on the open highway at the entrance to the town of Aberdeen, whereby, wounded in the leg, 'he lay wnder cure quhill Januar 1643, and then began to walk upone ane staf feblie and not soundlie heallit,'¹ Forbes appears to have maintained all through a confident and unbroken spirit, prepared to accept with equanimity what fortune sent. He is referred to by Spalding as 'ane gryte covenanter,' and the expression, as descriptive of a strong man possessed of a resolutely determined will and purpose, is undoubtedly deserved.

In 1647, the affairs of the Earl of Errol having reached a crisis, permission was granted by the Council of Estates to sell Urie. It was purchased by the Earl Marischal at a cost, we are told, of '2000 merks for ilk chalder of victuall and ilk hundreth merks of silver.' Data furnished by the Court Book enable us to estimate the number of chalders payable by the tenants as fourteen; and it being further stated in the contract of purchase that the money and victual rents were almost equal, we may calculate the price paid as being roughly 56,000 merks or about £3000 sterling. Marischal, who redeemed the wadset on the lands of Urie, resold them in the following year to Colonel David Barclay, to whom he also disposed of a considerable part of his estates in the adjoining parish of Dunnottar, consisting of the town and mill lands of Stonehaven and portions of each of the Baronies of Dunnottar and Uras. Before, however, the titles to this transfer were completed, the Earl of Marischal had been attainted by the Cromwellian Parliament, and the subjects of the purchase were claimed as forming part of the forfeited estate.

¹ Referring to this incident, Spalding remarks, 'this good cause brocht in the beiring and weiring of gonis, quhillk bred mekill sorrow and mischeif in this land.'—Spalding Club, *Memorialls of the Trubles in Scotland*, vol. ii. p. 205.

Colonel Barclay, who thus came into disputed possession of Urie, was the third son of David Barclay, proprietor of Mearns and Mathers. Though representative of an old and once powerful family in the district, David Barclay had become involved in pecuniary embarrassments and was soon to dispose of his possessions. Probably this circumstance was not required to induce his son, Colonel Barclay, in accordance with a custom prevalent among the junior branches of the aristocracy of the period, to proceed abroad in search of useful and congenial employment in one or other of the standing armies of the Continent. He was successful in obtaining a commission in the Swedish service under Gustavus Adolphus, and accompanied that monarch on his campaign in Germany in 1630. His splendid physique, his courage, and undoubted military aptitude soon won for him promotion, and after the death of Adolphus, on the field of Lützen in 1632, Barclay continued for some time to serve abroad. On the outbreak of the Civil War in 1638, however, he returned to this country and identifying himself with the Parliamentary Party took the field in their behalf. In 1646 we find him 'Crowner' or Colonel of a regiment of horse intrusted with the mission of punishing the Earl of Crawford, who, with a mixed band of Scots and Irish, was engaged in laying waste the northern counties. Barclay encountered his antagonist in the neighbourhood of Banff and defeated him with great slaughter. Some months later he was sent as second in command to General Middleton, to relieve the town of Inverness beleaguered by the Earl of Seaforth and the Marquis of Montrose; on which occasion, at the head of his division, he forced the crossing of the Ness in face of the opposing army, thereby raising the siege and causing the Royalist leaders to retire. Barclay continued to hold various military appointments under the Estates, and, among other services which he was the means of rendering to his party, was successful, along with General

Middleton, in repulsing the Marquis of Huntly, who, in the absence of the Parliamentary troops, had abruptly thrown himself into the town of Aberdeen, from which as a centre he proceeded to work havoc among the possessions of Presbyterian lairds. His appointment as Governor of Strathbogie followed; and a year later, 1648, he married Catherine, eldest daughter of Sir Robert Gordon of Gordonston, second son of the Earl of Sutherland, and by his grandmother Lady Helen Stuart, cousin of King James VI.

Barclay's purchase of Urie in 1648, and the subsequent refusal of the Cromwellian Parliament to acknowledge his title to the estates, formed an important turning-point in his career. Disgusted with the treatment he had received, he determined to quit the military service, and if possible to fight a bloodless battle on his own behalf. To this end he applied himself to enter Parliament, and was returned for Sutherlandshire in 1652, and again for the united counties of Forfar and Kincardine in 1654 and 1656. He soon made his influence felt in the councils of the Commonwealth, and maintaining all through one definite and consistent purpose succeeded in securing for himself an appointment as Trustee of Confiscated Estates in Scotland. This done, infestment in the lands of Urie followed readily, though not till 1679 did he obtain that formal charter which, combining the various subjects he had purchased from the Earl Marischal, erected them into 'Ane hail and free barony, called the Barony of Urie.' Barclay did not retire from Parliament when his own immediate object had been served. It was no part of his nature to remain indifferent while others suffered from the harsh and selfish treatment which, as applied to his own claim for justice, he had learned deeply to resent. He became henceforth the champion of the distressed and plundered Royalists, whose pleas he did not cease by every lawful effort to support. Conspicuous among those who benefited by his disinterested advocacy were the

Countess Marischal and her children, who, reduced to extremity by the Earl's forfeiture, had so far appealed in vain to the authorities for payment of the allowance granted them by the Commissioners for their support. Writing to 'My verie loving freind Patrick Rankine, advocat, dualling at the foot of the Kirkheughe in Edinburgh,' the Countess says, 'I did not intend to have sent this bearer untill I had heard from yow. But having within this tuo nightes received a letter from Daved Barkley showing that severall claimes on my sones estate are cliered, and it is his advyce that I shall enter my childrines claimes, and also that some adreses be maid to the Trusties for allowance to my grand childrine, I resolve to send the bearer with the best instructiones I could give him. . . . Trewlie Colonel Barkley wrytes verie kyndlie, and promises all the asistance that is within his reatch. Soe that I have drected the bearer that after he hes spoken with Maister John Nisbit and yow he shall goe to him with my letter and ask his advyce.'¹ It might have been expected that such services, rendered in behalf of those who had suffered on account of their devotion to Charles I., would have assured for Colonel Barclay at the Restoration the acknowledgment so justly merited. On the contrary, the Colonel was seized and put in prison, the charge against him being the singularly ungracious one that he had acted as a Trustee under the Usurper. It was while undergoing imprisonment for this offence in Edinburgh Castle that Barclay came under the influence of Judge Swinton, and, being impressed by the zeal of that remarkable enthusiast—of whom it was said that he was more concerned to spread the views he had adopted than to defend his own life—was induced to become a member of the Society of Friends. Released in 1666, he retired to Urie, where—having rebuilt the manor-house, which, as we have seen, had been destroyed in 1645—he subsequently continued to reside. He had bid fare-

¹ This letter is in the possession of Sir Patrick Keith Murray, Bart.

well alike to camp and senate-house, and the remainder of his life was spent in propagating the mystic and self-abnegating creed of Quakerism, and in striving to realise its truth and sacredness on the practical and living side. The institution of public meetings for the purpose of Quaker worship was one of his first steps in this direction, and very soon the little Meeting House at Urie was built and opened, and this continued for more than a hundred years to be the headquarters of the Friends in the north of Scotland. Whatever may be said of Quakerism as a religious system, no one can impugn the honesty of David Barclay, or fail to admire the picture which his latter days have given us of courage and integrity, and of that mild and cheerful and long-suffering piety which is the ideal of the sect. The proud warrior and skilled politician of the Commonwealth has become strangely altered as we see him in the simple garb of Quakerism, but the spirit of the old soldier of Adolphus burns within him yet. In the face of much opposition, insult, and ill-will, he never wavers. Even renewed imprisonment at the instigation of the clergy in Aberdeen is powerless to shake his constancy; and to one regretting the change in his position, and the abuse to which he is subjected on account of his religious profession, he replies, "I find more satisfaction as well as honour in being thus insulted for my religious principles than when, some years ago, it was usual for the magistrates, as I passed the city of Aberdeen, to meet me several miles, and conduct me to a public entertainment in their Townhouse, and then convey me as far out again, in order to gain my favour." The history of a stormy and ungrateful period in Scottish history has preserved to us the record of the early deeds of Colonel Barclay, but it required the genius of Whittier to describe his latter years. That writer's inimitable ballad, entitled 'Barclay of Urie,' is familiar to all who are even but partially conversant with American literature, and is a fitting tribute to the memory of one

the trial of whose manhood was not more surely made what time

he stood
Ankle deep in Lützen's blood,
With the brave Gustavus !

than when, the patient jest and scorn of an ignorant and brutal populace,—

Turning slow his horse's head
Towards the Tolbooth prison,
Where, through iron grates, he heard
Poor disciples of the word
Preach of Christ arisen.

In 1667, after an interval of nearly thirty years, Barclay reconstituted the Baron Court of Urie. Among his earliest acts in connection therewith is one which probably stands unique in the history of such tribunals. We can easily understand how, after so long a period of practical exemption from authority, there had grown up in the barony a race of tenants ill-disposed to brook the will of a superior however considerably and wisely it might be imposed. Accordingly on 7th May 1669 we have the curious incident of the laird voluntarily surrendering himself as a panel at the bar of his own court in answer to the charge of being an oppressor and exactor. The question narrows itself to one of the rendering of certain *services*, and on the refusal of the tenants to prosecute 'in regaird they confessed they had noe reasons soe to doe.' Barclay himself proposes to discontinue the exaction of service for the future on payment of a yearly money equivalent of six pounds Scots.

Yet notwithstanding this action on his part, it is not difficult to see how, in discharging his duties as a landlord, Barclay's religious opinions must have caused him, for a time at all events, to be ill thought of and misjudged. In his hands a court of legal justice is transformed, as far as may be, into a

tribunal of religious equity, and doubtless there were few so circumstanced among his vassals as rightly to appreciate the change. It upset their notions and disturbed their equanimity. It not seldom overtook with rebuke and penalty those who had not calculated to meet a moral element in the preferment of their oftentimes vexatious and ill-considered claims.

David Barclay died in 1686, and was succeeded in the barony by his son, Robert Barclay, the famous 'Apologist' of Quakers, whose name, along with that of his father, first appears in the minutes of the court in 1679.

The latter was born at Gordonston, in Morayshire, the seat of his maternal grandfather, on 28th December 1648. Here his earliest education, he tells us, 'fell among the strictest sort of Calvinists, those of this country being generally acknowledged to be the severest of that sect; in heat of zeal surpassing not only Geneva, but all other reformed churches abroad.' At an early age, however, he was withdrawn from this atmosphere of earnest and aggressive Protestantism, and transferred to Paris, where he continued till his sixteenth year a member of the Scots College, of which his uncle was then rector. Barclay's precocity soon arrested the attention of the authorities of that seminary, and no pains seem to have been spared in developing his nascent genius, and in preparing him, as doubtless his preceptors calculated, for the profession of a priest. It seemed for a time, indeed, as if their expectations would be realised, and that the Church of Rome was destined to be permanently enriched by the acquisition of the young enthusiast, who while yet a boy had practically traversed the whole field of mediæval scholarship, and whose vivacity and keenness in debate had already gained him numerous distinctions where such qualities were hard to counterfeit, just in proportion as their possession was intelligently and deeply prized. The solicitude, however, of a dying parent for her eldest born outweighed in Colonel

Barclay's mind the advantages of further residence in Paris, and accordingly he himself went thither to fulfil his wife's behest that her son might be removed from the insidious influences to which her reason told her he was being increasingly exposed. Not without regret did Barclay turn from the career which had seemed to be opening so naturally before him, but neither the promises nor expostulations of his uncle were able in the issue to prevent his sacrificing personal interest and inclination to what he felt were the imperative demands of filial duty. His return to Scotland took place in 1666, and was almost immediately followed by the arrest and imprisonment of his father in Edinburgh Castle, as above described. The subsequent conversion of the latter to Quakerism must have made a deep impression on the imagination of the youthful *savant*, who fresh, it may be, from the study of the *Augustinus* of Cornelius Jansen published under the care of Frommond in 1640, may have been already predisposed to accept the teaching of the English Quietists. Jaffray, in his *Diary*, is careful to anticipate the charge of undue influence having been brought to bear in this direction, and Barclay, speaking of himself at this period, says: 'Who, not by strength of argument, or by a particular disquisition of each doctrine, and convincement of my understanding thereby, came to receive and bear witness to the truth; but by being secretly reached by this life. For, when I came into the silent assemblies of God's people, I felt a secret power amongst them which touched my heart; and as I gave way unto it, I found the evil weakening in me, and the good raised up; and so I became knit and united unto them, hungering more and more after the increase of this power and life, whereby I might find myself perfectly redeemed.'¹ Whatever may have been the impelling influence, the fact remains that in 1667 Barclay followed the example of his father, and became a member of

¹ *Apology for the Quakers*, Prop. xi. sect. 7.

the Society of Friends. Nothing more opportune could possibly have happened in the interest of the Quaker cause. In securing the allegiance of the younger Barclay, the fraternity had obtained the services of the one man competent, alike by education, by temperament, and by social position, to guide them safely through the troublous sea of persecution and unprincipled misrepresentation on which they had embarked. Entering with vigour upon the task which lay before him, the youthful convert gave himself for a time to the study of ecclesiastical history and the acquirement of the Greek and Hebrew languages. Thus equipped, he was ready to do battle with the adversaries of the New Evangel. Previous to engaging in the strife, however, he found time to form an alliance with the daughter of a Quaker family in Aberdeen, distinguished for zeal and piety. The letter in which he proposes to Christian Mollison is transcribed by Jaffray, and forms by no means the least interesting relic of the apologist which has been preserved. There is a delightful blending of religious mysticism and of the masterfulness of youthful passion in the following:—‘Many things,’ he says, ‘in the natural will concur to strengthen and encourage my affection towards thee, and make thee acceptable unto me; but that which is before all and beyond all is, that I can say in the fear of the Lord that I have received a charge from him to love thee, and for that I know his love is much towards thee, and his blessing and goodness is and shall be unto thee so long as thou abidest in a true sense of it.’

Barclay’s marriage took place in 1670, and in the same year was published the first of his controversial writings, *Truth cleared of Calumnies*, being an answer to *A Dialogue between a Quaker and a stable Christian*, written by William Mitchell, catechist of St. Clement’s Chapel, Aberdeen. The appearance of this work naturally occasioned no small fluttering in the dovecots of the enemy. Its language is direct and forcible,

while the boldness with which it deals with the question of the Sacraments was well calculated to terrify the orthodox, and to bring its author into sharpest conflict with the clericalism of the times. For the next ten years Barclay's pen was seldom idle, and during that period he succeeded in building up for himself a reputation, not only as a brilliant controversialist, but as a responsible and learned theologian, such as perhaps no other writer of his years has attained. His great work, and that on which his fame now chiefly rests, *An Apology for the true Christian Divinity as the same is held forth and preached by the people called in scorn Quakers*, was published in Amsterdam in 1676, when he had just completed his twenty-seventh year. It was originally composed in Latin, 'for the convenience of the learned,' but an English translation was subsequently furnished by the author. The work was prefaced by a letter addressed to Charles II., to have written which is the best proof of Barclay's courage and sincerity, and of the unflinching candour which he dared not soften or conceal. Pleading for toleration on behalf of himself and his co-religionists he thus addresses his Majesty:— 'Thou hast tasted of prosperity and adversity; thou knowest what it is to be banished thy native country, to be overruled as well as to rule and sit upon a throne; and, being oppressed, thou hast reason to know how hateful the oppressor is both to God and man. If, after all these warnings and advertisements, thou dost not turn to the Lord with all thy heart, but forget Him who remembered thee in thy distress, and give up thyself to folly, lust, and vanity, surely great will be thy condemnation.' In the *Apology* itself Barclay sets forth his views in a series of fifteen propositions, the substance of which it is not necessary here to summarise. It may suffice to indicate that the main doctrine which pervades the whole treatise is, that divine truth is made known to us, not by logical investigation, but by immediate revelation to the heart of the

individual, so that the faculty by which such revelation is rendered possible is the internal light, the source of which is Christ, 'who is the true light which lighteth every man that cometh into the world.' Of Barclay's other writings the next in point of permanence to the *Apology* is his *Treatise on Universal Love*, which was composed in prison in Aberdeen in 1677. This work, which is partly biographical, has been described as 'the first of that long series of noble and gentle remonstrances against the criminality of war that has so honourably distinguished the Society of Friends.'

While in Holland, superintending the publication of the *Apology* in 1676, its author made the acquaintance of Elizabeth, Princess Palatine of the Rhine, and sister of Prince Rupert, herself a woman of sincere and earnest piety, who, if not an actual member of their Society, had much in sympathy with the doctrines of the Friends. This acquaintance, which speedily ripened into friendship, seems to have contributed in no small degree to secure for the apologist that influence he afterwards attained at the English Court, and through which he was enabled to do so much, not only to secure immunity from persecution for his own immediate friends and relatives, but to procure for Quakerism generally that sufferance and toleration it has since increasingly enjoyed.

In 1679 was published *A Vindication of the Apology*, and with this and *The Anarchy of the Ranters*, which appeared in the same year, Barclay's literary activity may be said to have entirely ceased. A new field of usefulness lay before him. The opening up of North America as a sphere of British enterprise had meanwhile been proceeding rapidly, and in 1681 the Quaker province of New Jersey, occupying a district between the Delaware and the Hudson, was formally established, chiefly through the instrumentality of William Penn. Of this province Barclay was appointed nominal life-governor, with the privilege of naming a deputy to represent him in

America, at a salary of £400 per annum. The commission of Charles II. confirming this appointment bears that 'such is his known fidelity and capacity that he has the government during life; but that every governor after him shall have it for three years only.' An extensive tract of land in the province was at the same time granted to him and to his heirs in fee.

Henceforth it is as the advocate of the civil rights of Quakerism, and as the indefatigable promoter of novel schemes of emigration, that the Apologist is known. Many were the plans devised by him to obtain settlers for the new colony, and to secure the comfort and prosperity of those who, whether voluntarily or by compulsion, were induced to seek a home in the Far West. By far the greater number of his colonists were rescued from the prisons of the mother country—Quakers, Covenanters, Puritans—and it is interesting to learn that among these were the famous prisoners of Dunnotar Castle, who having suffered practically within the confines of his own barony, had doubtless thereby excited his peculiar sympathy and regard.

During this period Barclay made frequent visits to London, where his increasing influence at Court gained for him at all times ready access to the royal presence. These journeys were undertaken sometimes in the interest of the Quaker community, but more frequently on private business, a difference which had arisen between his brother-in-law, Sir Ewan Cameron of Lochiel, and the Duke of Gordon, causing him considerable trouble and annoyance. In November 1688 occurred his historic interview with James II., whose political embarrassments had by that time assumed a serious complexion, and who did not hesitate to make allusion to them in conversing with one whom he had learned not only to trust as a subject but to respect and value as a friend. They were standing by a window in the palace when James, gazing

through the lattice, remarked, no doubt with a keen touch of bitterness, that the wind was fair to bring over the Prince of Orange. On Barclay remarking that it was hard that no expedient could be found to satisfy the people, the king replied that he was prepared to do anything becoming a gentleman except to part with liberty of conscience. Doubtless the sentiment of these words received the full approval of his Quaker confidant. Very characteristic were they too of the ill-fated monarch, of whom it has been said that 'he lost three kingdoms for a mass.'

The two remaining years of Barclay's life were spent at Urie, 'in much retirement, enjoying,' says Jaffray, 'the esteem and regard of his neighbours, the comforts of domestic society, and doubtless partaking also in good measure a soul-sustaining evidence of Divine approbation.' We are not, however, to infer from this that at forty years of age he had determined to retire from labour or anticipated giving up his share in the responsibilities and cares of life. It is possible indeed that considerations of ill-health restrained him so far, and that his death, which occurred on 3d October 1690, consequent on a cold which he had contracted at a meeting in Aberdeen some ten days previously, may not have been so altogether unexpected as it seemed. Writing to Sir David Carnegie in January 1689 he excuses himself on the ground of indisposition for having failed to keep an appointment he had made to meet him on that day. The letter is interesting as giving a hint of some new project he had been elaborating during his retirement, and in which Carnegie and others were apparently to have a part. Without attempting to offer any suggestion as to the nature of this undertaking, we venture to print the letter as an example of the apologist's epistolary style:—

Ury, 17th $\frac{1st}{mo.}$ 1689.

FRIND,—I am so indisposed I could not come to Drum-

lithie, and hope my man will come so timously to thee as to prevent thy trouble of comeing from home.

I have here sent thee my raw project which thow may see, it being the first and only cobby I have, to receive the amendments of thy more mature judgment, which, when thow hast perused and corrected, send to Johnston, that he may transmitt to Oldbair what thow and he sees meet, that at least will let those of Angus know what is our design.

I shall expect my cobby back one the next week, and the weather being tollerable, iff in health, upon advertisement will meet thee where thow will appoint.

This would be done as I said next week, that I may communicat what may be proper to some in Aberdeen.—Mind my respects to thy lady, who am thy assured frind,

ROBERT BARCLAY.

To Sir David Carnegie.¹

Barclay's exercise of his baronial prerogatives, if sufficiently sustained during his father's lifetime, when his name frequently appears in the pages of the Court Book, would seem in later years to have completely lapsed. It may be that he had difficulty in reconciling with his Quaker principles the assumption of his legitimate position as a feudal baron. Once only is the Court assembled during the period of his infetment in the lands of Urie, and then for the significant and friendly purpose of adjusting the burdens put upon his tenants through the forcible quartering upon those of them whose holdings lay adjacent to the public highway 'of trouperis and souldieris' going and returning from the north. Of his character as a landlord therefore we have no materials from which to form a sufficient estimate. As scholar, controversialist, and theologian his fame has long since been so thoroughly established as to be beyond the reach of cavil or debate. According to Mosheim the

¹ Seventh Report of Hist. mss. Commission, Appendix, p. 724.

‘rude, confused, and ambiguous tenets of Quakerism assumed in the masterly hands of Barclay the aspect of a regular system.’ To this alone is due their permanence and the spread of that peculiar phase of Christian thought and sentiment which distinguishes the teaching of the Society of Friends. The Quakerism of to-day continues to apprehend and to appreciate the doctrine of the Christ of Nazareth chiefly as deflected through the brilliant lens of his imagination, the memory of whose sterling character and broad unhindered charity is still universally cherished by the members of the Fraternity as at once their proudest ornament and worthiest boast.

Barclay was succeeded in the barony of Urie by his eldest son, also named Robert, who, like his father, was a zealous Quaker, and seems to have been appealed to by the fraternity as their natural protector in times of difficulty and dispute. Among the papers of the Family is preserved the copy of a letter by this Robert Barclay addressed to the Earl of Marr in 1713, in which he solicits his interest in regard to the ‘right of affirmation,’ which had already been conceded—though apparently in an unsatisfactory form—to the English Quakers, and was about to be extended to their brethren beyond the Tweed. ‘Our case is this,’ he argues: ‘we cannot with freedom take the benefit of the solemn affirmation formerly granted to our friends in England and now under consideration of the House of Commons to be renewed and extended to us, without it be made easier and more agreeable to the simple and plain precept of our Lord and Saviour Jesus Christ. I beg of thee with all the earnestness I can, that if it come your length, thou would become our advocate for an amendment so as to make it effectual to us, thy friends in the ancient kingdom, as well as thousands of our brethren in England under the same difficulties with us, we always being willing to be subjected, upon the breach of our simple

affirmation, to the same penalties by law inflicted upon perjury.¹

Undeterred by the apparent scruples of his predecessor, Robert Barclay, *secundus*, held frequent meetings of the Baron Court, and appears to have fulfilled the duties of proprietor with diligence and impartiality. The one obvious weakness in his administration may perhaps be best described as arising from an exaggerated estimate of his responsibility in enforcing the execution of certain statutes anent the 'destroying of wodis and dowcattis,' and the 'killing of haire, doves, partridges, moore foullis, duke and draike.' In the minute of 24th May 1698 some interesting provisions are recounted for the relief of the poor within the barony, while in a later minute the payment of 'vagabond money' is by law enforced. In dealing with criminal causes the Quaker principles of the proprietor become at once apparent. Mutilations for theft are unknown within the Court of Urie, and banishment with forfeiture of 'guidis and geyr' is the severest penalty at any time imposed. Vexatious enough perhaps were the continual restrictions with regard to the 'casting' of peats or turf within forbidden areas. But it must be remembered that the wantonness of tenants in this matter, not in Urie only but elsewhere throughout the country, had already done much to impoverish large tracts of land, which even in their own interest all parties should have been careful to protect.

Outside the pages of the Court Book, Barclay is known by his efforts to restore Urie to its original dimensions. He repurchased the lands of Finlayston and Redcloak, which, as we have seen, had been alienated during the minority of Gilbert, tenth Earl of Errol, and at the same time surrendered to the Earls Marischal, their original possessors, such detached portions of the barony as lay within the parish of Dunnottar. Dying in

¹ Fifth Report of Hist. mss. Commission, Appendix, p. 632.

1747, he was succeeded by his son, who appears as 'Younger of Urie' in several minutes of the Baron Court. This laird, who was known as 'Robert the Strong,' is the first of three generations who together complete the succession of the Barclays. His son and grandson both acquired distinction; the former—whose second wife was Sarah Ann, heiress of James Allardice of Allardice—as an enlightened agriculturist; the latter, Captain Barclay-Allardice, as a pedestrian and athlete, and later as the unsuccessful claimant to no less than three dormant earldoms, to wit, those of Strathearn, Menteith, and Airth. Captain Barclay-Allardice died in 1854, when the Barony of Urie, passing from the family of Barclay, was purchased by Alexander Baird of Gartsherrie, whose nephew, Alexander Baird of Urie, is the present proprietor.

The Jurisdiction of the Court of Urie, as shown in the earlier records of sederunt, appears to have extended beyond the limits of that lordship, and to have covered certain more or less important subjects within the burgh lands of Cowie, namely, the crofts and 'chapelandrie.' The former of these had doubtless been acquired by purchase. The chapel-lands fell to the laird of Urie at the Reformation in virtue of his then position as patron of the Chapel of St. Mary and St. Nathalan, for the service of which, and for the maintenance of a permanent incumbent, they had been originally bestowed.

The town of Cowie lay to the south-east of the barony of that name, while its freehold property extended over a considerable area between the barony and the sea, embracing, among other parts and pertinents, the two Logies, which were formerly known as the lands of Logy-Cowie. Tradition tells us that the earliest charter of the burgh was granted by King David I. However this may be, we have the certain record of its re-erection into a free burgh in 1541, and there is little doubt that up to the beginning of the

seventeenth century it occupied the position of a flourishing and wealthy town. It had decayed considerably before 1645, when it was plundered by the Marquis of Montrose. No vestige of the burgh now remains. The burgh lands, together with Auchorthies—at one time a portion of the lordship of Urie—form the modern estate of Cowie.

II. In turning to the consideration of the social condition and environment of the inhabitants of Urie in the seventeenth century, we are at once arrested by the marvellous change which has since then been effected in the distribution of population throughout our country districts. Many influences too complex to be safely analysed have left the modern farmer practically alone upon the land he cultivates, save, perhaps, for a couple of landless cottages, in which are housed his married servants, and the inevitable bothy whose discomforts are the common portion of the younger ploughmen. In mediæval times, however, things were different. The various sub-divisions of a feudal property were each the centre of busy populations, the individual members of which differed among themselves in rank and privilege, just as on a higher platform the minor proprietor differed from his superior, the baron from his sovereign or liege.

The Husbandmen, who came first in point of status, were the possessors each of a more or less substantial holding, ranging in extent from half a ploughgate, or fifty-two acres, upwards. They held their land of the laird by lease or 'assedation,' and this was granted, not for a limited term, but in perpetuity, or for so long at all events as they or their successors continued to fulfil the conditions of their initial contract, which could only be dissolved by formal resignation minuted at length in the proceedings of the Baron Court.

Immediately below the Husbandmen were the Cottars, who were tenants-at-will, not of the proprietor, but of the husband-

man, of whom they held in addition to their house and garden a croft of probably an acre or a little more. For this they paid little or no rent, either in money or in grain, but being to all intents and purposes the vassals of the greater tenantry were required in return for their holding to provide the latter with a fixed number of days' labour in every year.

Lowest in the social scale were the Grassmen, Herds, etc., corresponding very closely to the squatters of our present crofting districts. These were entirely without land, possessing merely house and garden, which they held sometimes by service only, though more frequently by the payment also of a moiety of money rent. There was theoretically no provision limiting the number of grassmen on a feudal property. Practically, however, the laird might interfere to prevent the erection of new huts or cottages in congested districts where the population was judged to be already greater than the land was able to support.

In addition to the enjoyment of their private holdings, tenants had a right of grazing over the commonalty or hill pasturage, husbandmen being allowed to exercise this privilege according to the acreage of the lands they tenanted, while cottars and grassmen—the latter of whom were not prevented from keeping cattle if they felt disposed to—were required to pay to the laird a certain stipulated sum of money for every sheep or ox. This rate of payment probably varied with the poverty or richness of the season. In 1636 we find the tenants in Urie discerned to pay for every ox sixteen shillings and eightpence Scots, and for every sheep a fifth of that amount. Cattle so grazed in common would be easily distinguishable by their owners. Sheep, however, were subjected to various 'clippings and markings,' in order to ensure their identification, when the time came for their separation and return to their winter quarters within the friendly shelter of the 'in haime grass.' It was the duty of the cottars and grassmen to watch the common-fold or cattle-pen from Rood Day till Michaelmas,

according to the number of their live stock, 'quhilk failzing,' we are told 'the contravener sall pay for ilk scheip tuelf pennies and for ilk nolt beist thre schellingis four d. for ilk nicht.'

Two or more husbandmen possessed as joint-tenants what we would now term a farm. Their rents were threefold. The major portion consisted either of *maill* or *ferme*, money or grain. But in addition to this a variety of customs were exacted, while all parties were required to give service to the laird at certain seasons; their refusal to do so, after having been duly cited by the officer of the barony, rendering them liable to punishment by fine. Husbandmen were popularly known as 'maillories' and 'fermories,' according to the form in which their rents were payable, and it is interesting to note that, notwithstanding the discontinuance of all *ferme* payments, the latter and not the former designation has survived. A maillor paid his rent at the terms of Whitsunday and Martinmas. A fermore's meal *ferme* was due at Candlemas, and his barley *ferme* on Rood Day. Granaries were erected by the laird for the reception of these victual payments, and a 'grinter-man' appointed to receive the grain. Arrears of rent might be recovered through the Baron Court, where a proprietor was entitled through his chamberlain to sue defaulters. A fermore's indebtedness in that case was resolved into its money equivalent, which was invariably reckoned according to the highest market values of the year.

Of the various customs payable at Urie at the date of the opening of the Court Book little need be said. A ploughgate of land carried with it in addition to the inevitable mert or store ox, to be killed at Martinmas for the winter consumption of the proprietor, two wethers, likewise intended for the provision of the manor-house, a dozen capons, and a similar number of common poultry. Somewhat later a stone of butter was added. The right of brewing entailed the payment of a stone of tallow. While for some inscrutable reason Stephen

Forbes in Cowie was held bound to furnish yearly a dozen ells of linen shirting, a commodity somewhat at a discount in the local markets, if we may judge from his repeated failures to produce it when required.

Service included the 'casting and winning' of a load of peats for the proprietor. The Urie tenants were required to stack these on the peat-hill not later than the thirty-first of July,—the tenants of Monquich, on the other hand, were allowed till the end of August to have theirs dried and properly secured. Assistance within the Mains or home farm, with men and horses, was required at seed-time and harvest; and as the chamberlain might demand attendance when it pleased him, this form of service must have frequently occasioned serious loss and inconvenience to the husbandmen in critical and backward seasons. Nor would a trip to Slains Castle in Aberdeenshire, in fulfilment of the obligation to render 'harriage and carriage,' be deemed, we may suppose, a pleasant interruption of the monotonous routine of farm labour, by the struggling tenant vexed with worries of hard times and falling markets such as he must have experienced in common with his modern representative.

There still fall to be recorded various exactions which pressed uneasily upon the feudal tenant, and aggravated the already grievous burden of his yearly rent. Among these were the payment of 'teind-silver,' where the teind of the barony, as happened in the case of Urie, was farmed at a profit by the proprietor: a tax on every ploughgate of a merk to pay the schoolmaster; a similar imposition of a boll of meal for the upkeep of the local smithy; 'officer dues' the perquisite of the baron-bailie; and last but not least the payment of 'girsome,' which is defined by Jamieson as 'a sum paid to a landlord or a superior by a tenant at the entry of a lease, or by a new heir who succeeds to a lease, or on any ground determined by the agreement of parties.' Many are

the disputes arising whether from the legal or unjust exaction of this final impost which, amounting oftentimes to a whole year's rent, in the case of succession to a lease or holding, met the new tenant just at that time when naturally it was most inconvenient, if not impossible, for him to disburse.

Scarcely less grievous than the burdens which were imposed upon him by the proprietor, were the obligations which the tenant owed to the tacksman of the mill. The latter farmed the multures or mill-duties, for which he paid a yearly rent to his superior, acquiring thereby a right to pursue the tenants for the amount of their individual indebtedness as 'suckeners' within the 'thirle.' This privilege he exercised with rigorous fidelity, encouraged by the fact that every penny he was able to extort from the reluctant tenantry went to increase the profits he himself should reap from an arrangement which had been entered into not less in his own interest than for the benefit and convenience of the laird. Payments were made in kind, all *bona-fide* suckeners being required to forfeit every thirteenth peck of meal which their land was able to produce, in name of multure. A less oppressive tax appears to have been levied on the laird's tenants in the crofts and chapel-lands of Cowie, who were properly outside the thirle; while out-suckeners who were not tenants of the laird, and who probably resided chiefly on the lands of Logy-Cowie, were privileged to have their corn ground upon still easier terms, for the obvious reason that being free to convey it elsewhere they might deprive the miller of their patronage at will.

Besides paying, multure tenants were required to render frequent and vexatious services. They had to bring in water to the mill in times of storm; to keep the mill-race in repair, and free from weeds; to mend the dams; to carry home the mill-stones, and to perform a whole variety of kindred offices, such

as, according to our modern ideas, ought naturally to have pertained to those who were directly interested in the sufficient maintenance of the machinery and fabric of the mill.

It is impossible not to sympathise with the mediæval agriculturist in his continued efforts to evade the claims of thirlage. Many were the expedients resorted to with this object, and seldom is the miller exempted from appearing in the capacity either of plaintiff or defendant at the meetings of the Baron Court. For the most part there is little interest in these contendings, although occasionally a specious plea is entered whose crave requires the serious consideration of the suitors and takes both time and patience to decide.

The miller did not serve the mill in person, but was represented by his servant or 'pecaman,' so called because amid a multiplicity of other duties he was required to sharpen or pick the mill stones. This official had originally for his hire a pittance known as 'loak' or 'gowpen,' the latter term meaning literally as much meal as it was possible to hold in both hands. Such a description of his fee, however, had evidently proved inadequate, and liable to be turned to his disadvantage by ill-affected parties, and accordingly a more definite scale of payment took its place in Urie, where so early as 1607 it was agreed that the pecaman should receive 'for grindeing of twente bollis gryt corne ane pek halff pek meill, and ane pek meill for the grindeing of twente boll small corne, and ane pek of meill for the metteing of twente boll meill.' In addition to grinding and measuring the grain, the pecaman was required to preserve the peace within his master's premises; to give due precedence to customers, according to the order in which they brought in their corn to the mill; to superintend the performance of service and report defaulters, and to prevent the mixing of 'dust and stones' with the laird's ferme, a practice so inveterate that in 1634 it was

ordained that he should 'tak the hail dust and reitene the samen in his awin hous till the fermes be delyverit into the girners.' Few tasks could possibly have been more irksome than those performed by this luckless functionary, constrained on the one hand to uphold the authority and consult the interests of his master, and on the other devoted to maintain the weary feud for ever waged against him by the tenantry, who were accustomed to regard him as a common enemy, whom it was their bounden duty to harass and, if possible, out-wit. Nor does it appear that he habitually received that consideration and support to which he was entitled from those who were in authority at the Baron Court. An appeal embodied in the first minute of the Court Book to the effect that tenants should be forbidden to 'temper' or adjust the mill is promptly granted. In contrast to this, however, it seems hardly fair that the servant, not the master, should be made answerable for any damage which the corn of the tenants might sustain in the mill premises, or that on a complaint being lodged by certain parties that 'their stuf was stowyne in the miln be the puir people vnder sylence of the nycht,' the pecaman should be declared responsible, and the complainants forthwith authorised to proceed against him for the 'skaith' received.

One other class of tenants under the jurisdiction of the Court of Urie falls to be described. Mid-way between the husbandman and cottar, if not in social position at least in superiority of tenure, stood the 'skipper' of the laird's boat, who held the fisher crofts of Cowie directly of the proprietor, and was responsible for the recovery of their various proportions of rent from the individual members of his crew. The fishermen did service to the laird in carting peats and harvesting, and were to all intents and purposes *bona-fide* tillers of the soil. This, however, was only a subsidiary part of their employment, designed to occupy their leisure moments when their legitimate

calling did not otherwise demand their services. The laird's boat was apparently manned by a considerable crew in addition to the skipper. The precise number cannot be ascertained. These were so completely under the control of the proprietor that he could compel them to proceed to sea in fair weather under penalty of a fine. The hull and furnishings of the boat were exclusively his property, as was also the 'hwill' or small skiff which she appears to have carried, or which may possibly have been used for work along the shore. Besides paying a monetary rent for these, the fishermen surrendered to the laird a 'boat's part' or boat's deal, as it would now be expressed, that is, a definite proportion of every catch, equivalent to that received by each individual member of the crew. This boat's part was most probably designed to meet repairs. A yearly custom of a hundred haddocks or three large cod 'to the lady,' together with a pint of oil from every fisherman, completes the record of these fisher payments.

As to the social condition of the tenantry it is obvious that it was far from perfect. Even the husbandman, though technically raised above the other members of the agricultural community, was really little in advance of them in comfort or intelligence, or in that stimulating sense of growing freedom from indebtedness which leads to both. Notions of agriculture were notoriously crude and faulty. Those lands lying nearest to the tenants' hand were subjected to some rough and ready system of rotation, and were manured with farm offal mixed with turf or 'midden feal.' The 'out-field' however was simply cropped until exhausted, and then permitted to rest for an indefinite and naturally a lengthened period till it might reasonably be expected once again to yield a harvest to the plough. 'Run-rig' lands were treated as 'in-field.' They were for the most part narrow patches disjoined from the remainder of the tenant's holding, and often situated at a considerable distance from it, their one recommendation probably being the exceptional fertility of the

soil of which they were composed. The staple crops were bere (a rough species of barley), oats, a little wheat, and peas. Rye is also mentioned in the minute of 9 February 1730. Tenants were responsible for the up-keep of their farm premises, of which the stone-work only was provided by the laird. Erections little better than mere huts must have sufficed for dwelling-houses, and the four bare walls of these the tenant was required, on entering, to roof and furnish, his predecessor having stripped them to regain the beams and rafters which he had previously provided at his own expense. In circumstances such as these we cannot be surprised that a tenant of Monquich, finding himself domiciled in the mansion-house of that estate, was so regardless of the decency and comfort it afforded him, as to introduce his cattle to the 'hall and chalmeris,' rather than repair the byres and stables which had been thus dismantled and destroyed.

It is scarcely credible that this state of matters should have continued so late as the beginning of the 18th century, and yet in May 1705 the Court ordains that 'Noe tennant, sub-tennant, cottar, nor grassman, removing from ther respective possessions within the laird of Urie's lands and heretage shall pull doune any of there house wallis more than fries ther timber.' Eight years later, arrangements were introduced whereby the entering tenant should 'take over the roofs and fittings of his house and offices at a valuation.' These were still, however, the property of the tenant, not of the proprietor, the latter being exempt from all responsibility to provide a suitable and efficient covering, either for man or beast.

The guardians of the peace within the Barony were the 'birleymen' or members of the Court of Burlaw. This Neighbours Court, as it was also called, is generally described as being popularly elected, and is further credited with having possessed a certain jurisdiction apart from the tribunal of the laird. Both these statements seem to be discredited by the

evidence of the Court Book. The birleymen of Urie were essentially the creatures of the proprietor. They were nominated at his Court, no doubt with his connivance and approval, and apparently with the one intention that they might assist in enforcing his authority.

Naturally enough the relations of the tenants, one towards another, were often strained and difficult. The keenness of competing interests among a class of men whose financial margins must have been of the narrowest description, and who were thrown so closely into one another's company, could scarcely have failed at times to occasion feuds and heart-burnings, which were calculated to disturb the amenity of social intercourse. To their credit be it said these quarrels seldom wore a serious aspect, and the offended cottar or defrauded husbandman was for the most part willing to accept what legal satisfaction it was in his power to compass at the Court of the Barony, whose verdict, once awarded in his favour, it was the duty of the birleyman to carry out.

Trespass and petty thefts were the most common cause of reprisals being sought before the laird's tribunal, and many are the enactments made to render the course of justice definite and smooth in dealing with such matters. It is enacted, for example, that 'Everie man that hes ane hors about the milne of Cowie, sall hauld thair hors in the stabill betuixt elevine houris at nicht and the sonne rying in the morning; and sick as salbe fund to do in the contrair, sall pey for ilk hors that salbe fund out of the stabill opoune the nicht, xxs. *toties quoties*, to be peyit to the pairtie offendit.' And the complaisance of the Court we feel has reached a climax when on 25 August 1624 it is 'statut that ewerie ffoull that gangs amangis thair nichtbouris cornes sall pey ane peck of aits or bear quhairin thay pastur.'

Occasionally we stumble upon trials for assault and even bloodshed. Once only are the minutes of the Court marred

by the record of an act of brutal and premeditated meanness. And it is satisfactory to learn that Abraham Forbes, found guilty by an assize on 30 July 1616 of cutting off the tail of a horse belonging to his neighbour, Arthur Christie, is mulcted in the substantial fine of forty pounds.

'Occupiers in stouth,' stealers of colewort, fuel, and the like, are duly fined. And the crime of cutting and pulling grass among a neighbour's corn—an offence perhaps by no means so trifling as it appears—is separately provided for and punished. Perhaps one may understand the essentially litigious spirit of the Scottish race only when he has learned, from some record such as this, how it was fostered and encouraged by the feudal masters of the soil, who through so many years possessed an absolute and unchallenged right to shape alike the character and sentiment of their dependants.

Whatever may have been their treatment of one another, it is but fair to state that the proprietor was after all the greatest sufferer from the peccadillos of his tenantry. Against him one and all made common cause, while the fines exacted by the Baron Court must in many instances have been utterly inadequate to meet his losses. It would appear to have been esteemed no felony to pilfer from the laird, no moral evil to destroy his property, and so in spite of all that he could threaten or devise his green wood fell before their thieving hatchets. They stole his peats, they trespassed in his hainings, they leapt his garden 'dykes,' to purloin, we presume, his lettuces and gooseberries, and generally they made it to be felt that however earnestly they were prepared on all occasions to defend their private rights, his were not such as were entitled in their opinion to be regarded.

There have been embodied in an Appendix to this volume various matters which it was believed might be of interest to

the historical student, but which were obviously of such a character as to preclude their introduction elsewhere. These may be noticed in their order as follows:—

I. THE RENTAL BUIK OFF THE BARONY OFF URIE.

This fragment of a Rent Roll of the lands of Urie is bound up at random with the minutes of the Baron Court. It is undated. The handwriting, however, which has strongly marked peculiarities, is unmistakably that of James Davidson, who officiated as clerk at the first recorded meeting of the Court, and is thereafter superseded by John Strathachin. We may therefore safely assign the document to a date not later than 1604. It details the various items of rent paid for certain holdings at that period, and is of value in view of the complete statement of the rentals both of Urie and Montquich given under minute of Court held on 27th June 1634. By converting the different fermes, customes, kains, etc., into their corresponding monetary equivalents (see Appendix III.), a comparison of these two rent-rolls becomes possible, and we find that the value of land has distinctly declined during the thirty odd years that have elapsed between the earlier and later valuations. This fact is borne out notwithstanding a serious clerical error in the earlier rent-roll, which describes the maill payable from Glithno as only ‘sax markes.’¹ The following table shows the money values of the rents of Balnagight and Cairnton in 1604 and 1634:—

RENT IN 1604.

	<i>lb.</i>	<i>s.</i>	<i>d.</i>	<i>lb.</i>	<i>s.</i>	<i>d.</i>
Banageithe—ane pluche—						
Ten bollis victuall, . . .	100	00	00			
Ane custome mart, . . .	013	06	08			
Ane vaddir,	003	06	08			
Ane dovssone of Cappounes,	004	00	00			
Ane dovssone off puttrie, . .	002	00	00	122	13	04

¹ See p. 32, where George Straquhan in Glithno is decerned to pay the sum of fifty merks for his Whitsunday and Martinmas maills.

INTRODUCTION

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Cairntoune—ane Pleuch—	<i>lb.</i>	<i>s.</i>	<i>d.</i>	<i>lb.</i>	<i>s.</i>	<i>d.</i>
Tuentie bollis victuall,	200	00	00			
Ane custume mart,	013	06	08			
Tua vaddiris,	006	13	04			
Ane dovssone off Cappounes,	004	00	00			
Dovsson off putrie,	002	00	00	226	00	00

RENT IN 1634.

Bannageich—						
Feftie markis,	33	06	08			
Ane custume mart,	10	00	00			
Tua wadders,	06	00	00			
Ane dussone capouns,	04	00	00			
Ane dussone of pultrie,	02	00	00			
Ane leet of peittis,	10	00	00	65	06	08
Carntoune—						
Auchteine bollis meill,	162	00	00			
Ane custume mart,	010	00	00			
Tua wadders,	006	00	00			
Ane dussone capouns,	004	00	00			
Ane dussone pultrie,	002	00	00			
Ane leet of peittis,	010	00	00	194	00	00

If we submit the rentals of all the various lands in the possession of the laird of Urie as given in the minute of 1634 to the above treatment, it appears that the money value of the entire estate, exclusive of services, teind-silver and the like, amounted at that date to 3567 02 08 pounds Scots, made up as follows:—

Chepel lands of Cowie—	<i>lb.</i>	<i>s.</i>	<i>d.</i>	<i>lb.</i>	<i>s.</i>	<i>d.</i>
Half chaplanrie in Cowie,	115	00	00			
Nether half chaplanrie,	120	00	00	0235	00	00
Crofts of Cowie—						
Smydie croft in Cowie,	011	09	04			
Fischers crofts,	006	18	08			
Tua zairdes,	006	13	04			
Burnesyid (1),	003	06	08			
„ (2),	003	00	00	0031	08	00

Lands of Urie—	lb.	s.	d.	lb.	s.	d.
Milne and Milne land of Cowie,	547	01	04			
Reid Cloak,	108	00	00			
Walkmilne of Urie,	020	00	00			
Bannageich,	065	06	08			
Carntoune,	194	00	00			
Glithnocht,	100	00	00			
Woodheid—Eist syid,	216	00	00			
„ —West syid,	216	00	00			
Powbair,	184	00	00			
Magray,	409	00	00			
Findlawstoune,	006	13	04	2066	01	04
Lands of Monquich—						
Montquheiche — half ane pleuche,	048	16	08			
„ half ane pleuche and ane croft,	056	13	04			
„ wther half pleuche,	048	16	08			
„ ane pleuche,	097	13	04			
„ ane wther pleuche,	081	13	04			
„ wther thrie pleuchs,	293	00	00			
Milne and milne croft of						
Montquheiche,	168	13	04			
Sauchinshawe,	074	13	04			
Bonnagubs,	097	13	04			
Rothnik,	141	10	00			
Quhytsyid,	048	16	08			
Corsley,	076	13	04	1234	13	4

II. NOTES WRITTEN ON THE FLY LEAF OF THE MS.

1. *Proclamation anent Barclay and Mathers Fairs.* These fairs appear to have been granted to Robert Barclay, son of the Apologist, by the Union Parliament, early in the eighteenth century, and subsequent, we may assume, to the surrender of the Dunnottar portion of the barony to the Earls Marischal (see page xxxix, *supra*). The right of holding fairs was a privilege at all times greatly valued by proprietors on account of the profits to be derived from customs, tolls, etc. On three

different occasions previous to this had 'free fairs' been granted in the neighbourhood. On 11th March 1541 it was given to the burghesses of Cowie to hold a yearly fair in their town on the Feast of St. Nathalan (8th January). Again, on 29th September 1663, 'Considering that the tennents, fewers, and inhabitants of the toun of Stainhyve are much impoverished be the late troubles, and be the ruine of the bulwarks of the said toun, And it lying far distant from the burgh Royall, and being a place most fit for keeping of fairs and weekly mercats, wherevnto not only the leidges in the cuntrie adjacent may most conveniently resort with much ease for buyeing of all sorts of commodities, if it had the freedome of some annuall fairs and ane weekly mercat, but also the inhabitants would dayly thereby increase in policie and tradeing,' Parliament granted to William, Earl Marischal, and to his heirs and successors, the right of holding a weekly market in the town of Stonehaven every Thursday; together with two yearly fairs, to be held one on the first Tuesday before Whitsunday, and the other on the first Tuesday before Martinmas. In the statement of reasons assigned for granting these fairs, it will be observed that the Royal Burgh of Cowie, by this time no doubt sadly decayed, is treated as if it were no longer existent. Probably Earl Marischal in his desire to benefit Stonehaven had done his best to minimise the importance and suitability for trading purposes of its more ancient rival. Thirty years later, however, Sir Thomas Burnet of Leys succeeded in obtaining from the Parliament of William I. an acknowledgment of the claims of the latter. On 12th October 1696 he received a grant of two fairs yearly, to be held at Cowie, which it is stated 'lyes conveniently for faires to be kept thereat,' the first to be held upon the last Tuesday and Wednesday of June, and the second upon the last Tuesday and Wednesday of September. These last-mentioned fairs so nearly correspond in date with those referred to in the Proclamation printed in the Appendix, as to suggest that

the two are identical, and that that document merely records the transference to the Laird of Urie of the market rights originally pertaining to Sir Thomas Burnet.

Barclay and Mathers fairs continued to be held on the hill of Megray till the present century, when they were transferred to the Market Square of the New Town of Stonehaven by Captain Barclay-Allardice. A yearly market, held in Stonehaven on the third week of October, is still popularly known as Megray Fair.

2. *Accompt of the Corne and Fodder received from the tenents of the Brae of Urie, 1661.* It is impossible to determine with certainty the precise significance of these jottings, though probably the first column may contain the amount of victual rent per acre, the second the total amount for the tenant named.

3. A form of Court Charge, evidently written down for the convenience of George Edward, the bailie therein mentioned, who presided at the final meeting of the Baron Court (see p. 171 *infra*). It is interesting not only as the last charge delivered at the Court of Urie, but as showing what form this ceremony of Charging the Court had assumed at a date immediately antecedent to the practical abolition of the baronial judicature.

III. CHRONOLOGICAL TABLE OF PRICES, CONVERTED FERMES, CUSTOMES, ETC., EXTRACTED FROM THE COURT BOOK.

This table has been compiled chiefly with a view of bringing together within convenient compass a list of the current values of the various commodities mentioned in the Court Book during the period which that record covers. The dates given are those of the Minutes of Sederunt in which the various items are referred to.

The reader will be able to glean from such a table various hints as to the social and agricultural development of Urie, especially during the period of the proprietorship of the Hays, when the Court, possessing only a minor jurisdiction, is naturally more concerned with details affecting the everyday interests of the tenantry in their several capacities as husbandmen, fishers, and the like.

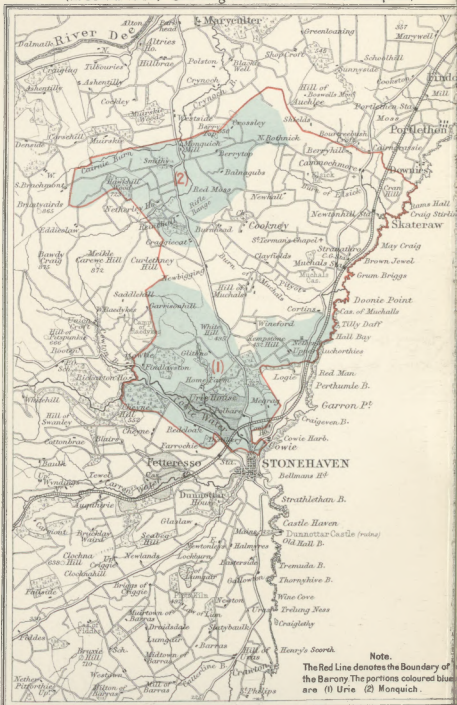
IV. THE LAIRDS OF URIE—1430-1892.

This compilation in so far as it concerns the Hays of Urie is based on a ms. in the possession of Mrs. Barclay-Allardice, entitled *A Genealogy of the Barons in the Mearns of late memory descending lenially unto the year of God 1578*. Like all genealogies of an early date it is extremely meagre, but the author appears to have been possessed of sources of reliable information, and is seldom at fault. Where we have failed to corroborate his statements by independent evidence, these have been printed within brackets.

Wood's edition of Douglas' *Peerage* has been followed without acknowledgment in treating of the Earls Errol and Marischal.

Among the various authorities consulted for the Barclays may be mentioned Jaffray's *Biography*; Robert Barclay's *Genealogical Account of the Barclays of Urie*, ed. 1812; and the inscriptions on the tombstones in the 'Houff' or burial-place of the Barclays, which is still extant, and is situated on a rising ground overlooking the mansion-house of Urie.

THE BARONY OF COWIE
(Erected 1360) Showing the lands of Urie & Monquich.



THE BARONY OF URIE
(Erected 1679)



The Court Buik

WILLIAM HAYE OF WRY WITH MY HAND

THE COURT BOOK OF THE BARONY OF WRIE.

The Curt of the Barroney of Wrie,¹ the aucht of Junij 1604.

The said day Johne Ranney plennit in jugment,² alleging that thair was sum tennentis within the grund that wald nocht content thame selffis with the service of the Peckcaman,³ bot tuik vpon thame to tempper⁴ the Miln as thai thocht guid, without ony kynd of knowleg, and to that affect the pekaman that aucht to occupie that office wald naways be ansorable for the miln, nor zett for the stuff: Tharfor the Lard and his Belze ordannis in all tymis cumming that na sik misordour be vsit, vnder the pane of tene punddis. Vpone the quhilkis the said Johne Ranney tuik act.

[And also it is statute that quhomsoever of the saidis tennentis mistempers the mylne in handling of hir at the grynding of thair stuf sall pay the soume of fourtie schillingis, *toties quoties*.

Continewis this Curt upon tuentie four houris warning,

Ita est JACOBUS DAVIDSON,
Notarius ac scriba.]⁵

*Aganis the furnissing Stanhif.*⁶

The said day the Lard being in jugment allegit that thair was ane act and ordinance of Curt statutit and sett of befor

¹ For Rental Book of the Barony of Urie, see Appendix.

² Complained in court.

³ The miller's servant, whose duty it is to keep the mill in order by *picking* the mill-stones.

⁴ Regulate.

⁵ The passage in brackets, which seems to be a continuation of the first minute, is written in a different hand on the reverse of the title-page of the MS.

⁶ Stonehaven, the county town of Kincardineshire. Stonehaven proper is situated in the extreme corner of Dunnottar parish, towards the north and east, and adjoins the lands of Urie, over which the *New Town* of Stonehaven now extends. Until the beginning of the seventeenth century it must have occupied a

contenyng¹ sik personis as furnessis and sellis fewaill to the Stanhyiff, within his barroney of Wrie, syik as petteis, turris, or haidder,² and to that affect thair is ane pennaltie sett down vpon the transgressouris of the said act, To witt, tene punddis money. And albeit it is of werrittie that thair is ane pairt of the said barroney sence the making of the said act fund be sufficient tryell carriing peitteis to the Stanhyf, hierfor as off befor, the Lard and his Belze ratifeis and apprewis the formeyr act to contennow firme and stable, and the transgressouris thair of to be punddit preceislie as is aboun wryttin, and euerie husbandman to be ansorable for his cotteris,³ and the cotteris to be compellit to releiff thair maisteris swa that the penaltie may lycht one thame quha transgressis the act.

The Curt of the Barrony of Wrie, beginning the aucht day off Junj in anno 1604.

The Curt of the Barroney of Wrie haldyne at the Mill of Cowie the aucht day of Junj anno ane thousand sax hundreth and four zeiris, be ane honorable man Jhone Hay of Wry and Maister Jhone Fullertoun his belze. The quhilk day the soittis callit, the Curt fensit,⁴ and the memberis thair of lauchfullie sworne and admittit.

position little different from that of the various fishing villages which still abound upon the coast. In 1607, however, William, Earl Marischal, succeeded in transferring the county courts from Kincardine, the ancient capital of the county, to Stonehaven, on the plea that suitable accommodation could not there be found for the magistrates and their clients. The same earl created Stonehaven a burgh of barony in 1624, thus by these acts laying the foundation of what influence and prosperity the town has since enjoyed. Stonehaven and its modern suburb were united under the Lindsay Act in 1889. The population is returned in the census of 1891 at 4497.

¹ *Qy.* Concernyng; see p. 13 *infra*.

² Peats, turf, and heather.

³ The *cottar* inhabited a *col* or cottage on a farm, to which a small portion of land was attached. He was dependent on the *husbandman* or farmer of whom he held his land, and to whom he paid for it in labour for a fixed number of days in every year.

⁴ Equivalent to the Latin phrase *sectis vocatis curia legitime affirmata*. In feudal law it was the duty of feudatories to attend the courts of their lords or superiors. Parties often held their land by such service, and were therefore called suitors, or, as it is written in the text, soittis—*sectatores curie*.—Innes's *Legal Antiquities*, p. 61.

The said day the Lard and his Belze, with consent and assent of all and hail his tennentis within the said Barroney, ratefeis and apprewis the actis and ordinance of Curt maid and sett doun be wmqhill¹ William Hay of Wrie, his father, of guid memorie, and that in speciall consarning the detfull service that is to be crawet of euerie tenment within the said grund according to thair sett and laboring.²

As also for the pannelteis sett doun for the obstraiking and withaldyng of his multeris³ and dewitteis from his Miln, with the misordour of the destroying and cutting doun of his grene wod, togidder wyth syk wther profitable actis and ordinance of Curt to be obserwit to the vtillittie and proffeit off hym and his hail grund.

It is ordined that the pickeman shall haue for his peanes in grindeing of twente bollis⁴ gryt corne, ane pek⁵ half pek meill, and ane pek meill for the grindeing of twente boll small corne, and ane peck of meill for the metting of twente boll meill.

*Aganis Stouth.*⁶

The said day it is statuit and ordannit be the Lard and his Belze, wyth consent and assent of all and hail the tennentis within the Barroney, That sik personnis as beis fund onlauchfull, to wit, occupeiris in Stouth,⁷ in stelying of keyll,⁸ eldyng,⁹ cornis, or oney wther wrangous intromessioun, sufficient tryell being had, the commeittaris of the onlauchfull delying sail be punddit his radiest guidis and geyr,¹⁰ extendyng to tene punddis money, and the maister of that man or woman quha is commettaris of the offenc sail at the nixt terme put thame away and discharg tham of his service vnder the pane of xx lib., and also tensell off his tack and roum¹¹ in the Larddis optioun.

¹ The late.

² Lease and farm.

³ Multure or mouter, the fee for grinding grain: properly that paid to the master of the mill.—*Jam.*

⁴ *Boll*: a dry measure, the standard of which varied at different times and in different localities.

⁵ The fourth part of a firlo.

⁶ Theft.

⁷ Parties who have taken forcible possession.

⁸ Colewort.

⁹ Fuel of any kind.

¹⁰ *Guidis and geyr* is a common phrase signifying effects. *Guidis* occurring alone is used to denote live stock.

¹¹ Forfeiture of his lease and holding.

*For Hedrowmis.*¹

The said day, in respect of the menifald complementis that accurris frome tyme to tyme amangis nychtbouris and tennenttis within the Barroney in pasturing of thair guiddis vpone wtheris hedrowmis, in consideratioun thairof, and for pece and queitnes amangis nychtbouris, it is decernit in jugment be the Lard and his belze, with the consent of the tennentis of the grund, That euerie ane of thame sail content wyth thair awane hedrowmis, and nawayis to molest nor truble thair nychtbouris in thair pasturag, bot to content thame selffis with thair awane bonnddis, according to thair sett. And in kais that ony tennent wald appone thame selffis to transgress this act, sufficient tryell being haid, the transgressour thairof is decernit in xx lib. money, to be punddit of his radyst guidis and geyr.

The Curt contennowit to the nixt aduerttishment.

JOHANNIS STRATHAUCHIN,

Scriba dicte curie.

The Curt of the Barroney of Wrie, haldyne at the Milhous of the samyne, be ane honorable man Johne Hay, lard of the grund, and Mr. Jhon Fullartoun his Belze, the 16 day of Junj 1604.

The said day Allexander Hay, officiar off the said barroney, complennit in jugment vpone the tennenttis of the grund, alleging quhat tyme the Lardis pettis was in radynes to be leyd,² and fra tyme that thaj war parttit, thair hes bene sik misordour in tymis paist, and that be the tennenttis serwandis that leddeis the petteis, that thaj do caist thame away in the petpottes,³ as also theftiouslie stowyne away and conwoyt to the Stanhyif, and to that affect desyrit the Lard and his belze, with consent and assent of the Barroney, to sett doum sik ordinance quharthrow the lyik misordour be naweyis vsit in tymis cuming. To that affect the Lard and his belze, with consent of his hail grund, statuitis and ordannis in all tymis

¹ The outer boundaries of a feu or toft.—*Jam.*

² Carted.

³ Holes from which peats have been dug.

to cum that thair be na sik misordour, and in kais that oney be the commetteris of the offence, it being prowyn vpon thame, is decernit be the tennour herof to be punddit thair radiest guiddis and geyr, extending to tene punddis money, and the tennent to be ansorable for his serwand, and this penalttie to be tane oup as the occacioun of the falt beis tryitt.

The said day James Miln in Cowie compeirrit in jugment, and thair, in presence of the Lard and belze, and in audience of the hail Curt, rennunsit all kynd of rycht, tyittill, or possessioun that he haid for the present in and to all and hail the houssis, toift,¹ and land laist occupeit and lauborit be James Miln his vmquhill father, and tuik hyme onlie to the Lardis guid will as it sail pleis hym to occupie, sett, vse, and dispone the sameyn as he thinkis guid, and quhatsumeuer trawail or expenssis maid be the said James thairone to be refunddit to hym be the Lard, and that be the sicht of honest men. Vpone the quhilkis the Lard tuik act.

The Curt of the Barroney of Wrie, haldyn at the Milhous of the samyne, be ane honorable man Jhone Hay, Lard of the grund, and Maister Jhone Fullertoun his belze, the 29 of Julie 1604.

The said day, in consideratioun of the mennifald trublis and molestationis that accuris amangis nychtbouris and tennentis in the grund, the one oppressing the wther be violence, the Lard being impaschit² throw thair dalie complenttis, thocht guid to ratifie and apprewe ane act of Curt consernyng pece and queyetnes within his grund, of the dait at the Miln of Cowie the 16 day of October 1592 zeiris, Quhilk act and ordinance of Curt contennis in affect that quhat sum euer tennent within the grund that happennis to inwaid³ his nychbour, or oney wtheris within the grund, putting hand in hym be violence, sall incur ane pennaltie, to wit, tene punddis money to

¹ *Toift*, or *toft*, a portion of land sufficient for a house and garden : a feu or plot.—*Jam.*

² Hindered. Fr. *empêcher*.

³ Invade.

the Lard, as also to satisfie the wrang to thame to quhom thaj haf commettit the offence.

The said day the Lard desyrit in jugment that the cutteris of his wod sould be punddit¹ without respect of personis or oney kind of excusis that may be allegit, and that conform to the ordinance and decreit of Curt sett done at mair lyntht in the days of his vmquhill father of guid memorie, Quhilk act and ordinance contenis ane sertane pennaltie, to witt, fyve punddis money, vpone ilk person that happennis to be fund cutting his wod, and that for the first tyme, and gyf thaj insist forther, saill for the secund tyme be punddit for tene punddis money. Vpone the quhilkis the Belze ratiffeis the former act to contennow ferme and stable, and ordannis decreit of Curt to pas vpone thais that ar cutteris of the Larddis wod, and to be punddit conforme to the ordinance abone speciefeit. Vpone the quhilkis the Lard tuik act.

The said day Stewyne Smyth, in Cowie, plennit in jugment vpone the tennenttis in the grund, alleging that thair was ane pairt of thame that refusit to maik hym thankfull payment of thair zeirlie smeddie boll,² and alleging that the smeddie collis³ was risseyn to hiecher prycis and mair scant to be had thane they war of befor, Throw the quhilkis he was vnhable to susteyn the wark of the grund without gret loiss to hyme self. To the quhilk allegance it was ansourit be the Lard and his Belze that thaj wald on nawayis⁴ compell the tennenttis to furnes collis, bot the said Stewane sould furnes and prowyd for tham as he had done of befor, and euerie plucht in the grund to pay zeirlie to the said Stewyne for thair smeddie wark ane boll of aittis, and in kais of nonpayment the officiar to pund for the samyne according to the wallour and prycis, and the said Stewyne to be radie and dilligent be hym self, or ane sufficient serwand, to be raddie at all tymis quhan occacioun beis to serwe the grund. Vpone the quhilkis Stewyn Smytht tuik act.

JOHANNIS STRATHAUCHIN,
Scriba dicte Curie.

¹ Poinded or distrained.

² Coals.

³ The payment in kind due to the smith.

⁴ By no means.

The Curt of the Barroney of Wrie, haldyne at the Miln Hous of the samyne, be ane honorable mane Johne Hay, Lard of the grund, and Maister Robert Strathachin his Belze, 13 of October 1604 zeiris.

The said day Alexander Hay, the Lardis officiar, protestit in jugment That quhatsumeuer tennent in the grund that refusit to do thair detfull service to the Lard in carrigis as [? or] wtherwayis as thaj ar oblisset, sail be punddit conforme to the ordinance statuit and sett doun in to the dayis of William Hay of Wry, the Lardis father of guid memorie, Quhilk act and ordinance off Curt contennis sertane pennalteis decernit to be payit be sic tennenttis as beis fund dissobedient toward thair detfull dewittie off service, quharof the tennour follouis, viz., Of euerie hors carrige fywe punddis to Buchane, of euerie fwit¹ carrig to Buchane xls., of hors carrige to Aberdyne xx s., of fwit carrag to Aberdeyn tene schillingis, as also all wther carrigis as thaj ar derectit be the Lard to be punddit for dissobedience, conforme to the jurney that thaj ar to pas.

The said day the Lard protestit in jugment That quhatsumeuer tennent in the grund that ar obleist to pay hyme custumis sail maik thame to be sufficient, and quhair thaj haif thame nocht of thair awane, to by thame in the cuntrey quhair thaj may be haid, or thane to pay the hiest prycis thairfor. In consideratioun hierof the Belze, vnderstanding the protestatioun to be altogidder resonab[e], decernis be decreit of Curt the samyne to be fulfillit. Vpone the quhilkis the Lard tuik act.

The said day it is decernit in jugment That the hail gress men² within the Barroney, euerie ane of thame, sail help to walk the fald, according to the nowmer off his guiddis, or to agre with thais that walkis the fald,³ and pay tham thairfor as becumis his pairt.

The said day it is statuit and ordannit be the Lard and his Belze, and be the consent of his hail Barronney, That na

¹ Foot.

² *Grass-man*: the tenant of a cottage in the country, who has no land attached to it.—*Jam.*

³ Watch the sheepfold.

tennent within the grund haiffing actioun of lawe aganis his nychtbour, or oney wther tennent within the barronney, saill nawayis be lesum to persewe thair actiounis aganis wtheris befor the Lorddis of the Sessioun, Shireffis, or Commissionaris, bot onlie that thair actionis to be persewit in the Larddis Curt, quha saill be radie to do thame justice accordyng to ressoun and guid concience. And gyff oney of the said tennentis wald purposlie transgrece the contentis and ordinance of this former act saill be decernit in xx lib., for the pennaltie to be payit to the Lard.

*per me JOHANNEM STRATHACHIN,
Scriba dicte Curie.*

The Curt of the Barronney of Wrie, haldyue at the Milhous of the samyne be ane honorable man Johne Hay, Lard of the grund, and Maister Johne Fullertoun his Belze, the penult day of Nouember 1604 zeiris.

The said day it is decernit in jugment That na tennent within the grund saill obstruct oney kynd of multeris fra the Lardis Mill that growis within the grund. As also it saill nawayis be lesum to oney within the Barronney that ar malt maikkaris to carrie the malt to oney wther miln, it being drayit¹ in the grund, bot onlie to the Larddis miln. And in kais that oney tennent wald purposlie transgrece this act, saill be decernit in double multer, as also decernit for the contempt to be punddit for xls. money, for thair contempt to be payit to the Lard. Vpone the quhilk Johne Ranney tuik act.

The said day ane pairt of the tennentis in the grund plennit in jugment that thair stuf was stowyne in the miln be the puir people vnder sylence of the nycht, and to affect it is statut and ordannit be the Lard and his belze That fra the nycht cum² thair be nawayis fund oney sik people within the miln, and the pekaman to be ansorable for the stuf and wictuall³ within the miln.

The said day the tennenttis of the grund desyrit that quhat skaith that thaj sustennit be the pekkaman, throw his slouth and negligence, may be refunddit vnto thame. Quhilk swit

¹ Dried.

² From nightfall.

³ Grain of any kind.

was granttit vnto thame, according to the quantittie of the skaith sustennit. Vpone the quhilk the tennentis of the barronney tuik act.

The said day the Lard desyrit in jugment that the ordinance of Curt sett down in the dayis of William Hay of Wrie, his vmquhill father, to be rateffeit and apprewit in this Curt consernyng the payment of his fermes be the tennentis of his grund, To wit, that the peccaman sail se that na dust¹ be grund amangis his ferme, and that it may be fund guid and sufficient, and that the tennentis to haiff² the ferme meill in raddynes euerie zeir afor the first day of Merche, and the beir ferme aganis the Ruid day,³ quhilk desyir was willingle grauttit.

The Curt of the Barromney of Wrie, haldene at Cowie, in Stephane Smyth hous, the xxvij of May 1607, be ane honorabill man William Hay of Wry, and David Grahame in Arduthie, his belze for the tyme. The quhilk day the Soittis callit the Curt fensit and the memberis thairof lauchfullie sworne and admeittit.

The said day the Lard and his Belze rateffeis and apprewis the actis of Curt sett down in to the dayis of his guidsir and father of guid memorie to remane ferme and stable and nawayis to be alterite.

The said day the Lardis lyne men⁴ that ar vpone his bott is decernit be decreit of Curt to pay the dewittie that thaj ar oblisset at the terme of Mertymes, as thaj salbe crawit conforme to the rentail Buik.

The said day it is decernit in jugment that the fischeris vpone the Larddis boit sall nawayis ly one land in tyme of fair wetheyr, and in kais that oney of the heyttis keippeych⁵ refwis,

¹ The beard of the grain produced by taking off the outer rind.—*Jam.*

² Have. ³ The 3rd of May; the day of the Invention of the Cross.

⁴ Line, or white, fishers.

⁵ The company sailing on board a ship, whether passengers or mariners. From Fr. *Equipage d'un navire*.—*Jam.* The word occurs as 'equipage' under date 1577, in a complaint before the Privy Council at the instance of John Crooke, Bernard Cartmyll, and Thomas Demaresk, merchants in Southampton, touching the seizure by Lord John Stewart, Fewar of Orkney, of their two fishing vessels, the *Michaell* and the *Mynion*, at Scalloway, in Zetland.—*Reg. of Privy Council*, vol. ii. p. 655.

the skeipper to gayng with hym to the sie salbe punddit, viz., xiiij s. iiij d., and gif the falt be in the skeipper, he sail be punddit for xx s., and this ordour to be keippit.

The said day the Lard and his belze ratifeis and apprewis that actis of Curt sett down of befor consernyng the cutting of his wod, and that the pennalteis that ar desernit thairvpone to be taikyne wp preseislie as the occaacioun of the falt beis trayit.

The said day the tennenttis of Manquhyth desyrit in jugment to haif ane officiar creat vnto thame to do thair lauchtfull turnis. Quhilk swit was granttit vnto thame be the Lard and his belze, prowyddyng that Daud Wod, the Lardis officiar, be nawayis prejigit of his officiar corne quhilk tennentis granttit willinglie to pay. Vpone the quhilk Daud Wod tuik act.

The said day Stephane Smyth plennit in jugment that there was ane pairt of the tennenttis in the grund that refwsit to maik hym thankfull payment of his smeddie boll. To that affect the Lard and his belze decernis the said Stephane to be thankfullie payit of his smeddie boll, conforme to the ordinance and act of Curt sett down thairvpone be vmquhill John Hay of Wry. Quhilk act and ordinance of Curt desernis ane boll of aittis to be payit zeirlie of euerie plucht to the said Stephane. Vpone the quhilk Stewyne tuik act.

The Barroun Court of the Baronie of Wry, hauldin within the duelling-hous of Stewin Forbes in Cowy, wpon the fourt day of November 1614, in name and behalf of ane honorabill man William Hay of Wry, Laird of the ground, and in name of ane honorabill man Robert Irwing at the mylne of Cowy,¹ his Bailze, James David-soun, notter Clerk, Robert Duncane, officiar, Dempster. Thre suittis callit, the Court lauchfully fensit and affirmit.

The said Alexander Hey creat officiar, quha hies giffin his aithe *de fidei administratione*.

¹ 'Robert Irvine at the Mill of Cowie' is, in 1609, enrolled purchaser of 2000 acres of land in the Plantation of Ulster, the price—for which Edward Johnestoun, younger, merchant in Edinburgh, is named as surety—being £400 sterling.—*Reg. of Privy Council*, vol. viii. p. 324.

The said day the hail tennentis ar ordanit to bring in thair mertis betuixt the dait present and the Fredday cwm aucht dais, quhilk is the of this instant.

The said day James Mancur, at the Walk-mylne¹ of Wry, and Abraham Forfar, in Monthqueche, being persewit for nocht winning and leading sufficient leitt peitts, according to the remanent of the ground,² viz., ilk ane of them ane leit of peittis, and in respect they hawe nocht leid nor win the sam, they are decernit be the bailze to pey for ilk leit thair of the sowm of merkis³ money, and the officiar ordanit to poynd for the same within terme of lawe.

The said day Abrahame Forfar, being persewit for his ferme wictuall of the cropis 1612 and 1613 zeiris, extending to four scoir tuelf bolls wictuall, half meill half beir, and in respect of his non-comperance he decernit contumassie, and to be summondit to the nixt court with certificatioun and⁴ he compeir nocht the hail clame to be hauldin *pro confesso*.

Continewis this Court upone tuentie foir houris warnying.

Ita est JACOBUS DAVIDSON, *notarius ac scriba Curie*.

The Barrony Court of the Barrony of Ury, hauldin within the duelling hous of Robert Irwing at the mylne of Cowye, wpon the xxij of Nouember 1614 zeiris, be ane honorable man, Maister Williame Red, Shiref Deput of Kincardin, sedentem pro tribunali, James Davidson, notter, Clerk.

The said day Abrahame Forfar, being persewit for his ferme wictuall of the cropis 1612-1613 zeiris, and beand oft tymis callit lauchfull tym of day biddin comperit nocht: In respect quhairof he is ordanit to be summondit to the nixt Court, and to mak just compt and reckning of the clame lybellit, with certificatioun, and he compeir nocht the hail clame to be hauldin *pro confesso*.

James Mancur decernit be his awin confessioun to pey sex-tein pundis for ane leitt of peittis.

¹ A fuller's mill.

² In proportion to the other tenants.

³ A merk is equal in value to 15s. 4d. Scots, or 1s. 1½d. stg.

⁴ If.

The said day James Mwrray ordaneit to restoir the dour bocht be him frome Jeillis Cairncorss, and to put the samen quhair it was wnder the paine of fourtie shillingis, or elleis the sowme of tuentie shillingis, as for the pryce thairof.

The said day, the hail barrony being sufficientlye tryit to hawe leid peittis and sauld to the inhabitantis of Steinhewin, contrar the actis sett downe thairanent, In respect quhair of the bailze ordaneis ewery contrawener of the former actis sett downe thairanent to pey fourtie shillingis *toties quoties* they transgres, and to be poyndit for fywe pundis monie *pro rato* for byganes.¹

Item, ane act to be sett down anent the grinding of the lairdis fermeis and delyuerie thairof.

The said day the hail tennentis within the Barronye of Wry, being persewit for their meirtis of the crop 1614 zeiris, quhilkis meirtis the Bailze ordaneis the saidis tennentis pey to the Laird within aucht dayis, and failzeing of delyuerie of the saidis meirtis being sufficient, the officiar to poynd for the sowme of twenty merkis monie for ilk mert one peyit.²

This Court continewit upon twenty four houris warnyng.

The Barronne Court of the Barrony of Wry, hauldin at the Mylne of Cowye upone the xxvij of October 1615, in name and behalf of ane honorabill mun William Hey of Wry, and in name of honorabill men Robert Irwing and George Strathawchin, his bailzeis, James Davidsoun, notter, Clerk, Allexander Hey, officiar, George Bery, Dempster. Thre suittis callit, the Court lauchfully fensit and affermit.

The said day James Duncane decernit to pey ane boll of aittis to the Laird be his awin confessioun.

The said day the pickman, Allexander Makie, being persewit be Stewin Forbis for spilling of certane cornis be grinding thairof, and being probablye prowyn, the said Allexander is ordaneit in all tym cwming to pey ten pundis *toties quoties* he happin to fall in the lyk scair.

¹ Past offences.

² Unpaid.

The said day Gilbert Mathow and Allexander Middlitoun, cotter in Wry, decernit to pey sex peckis aittis to the Laird.

The said day Duncane Robertsoun in Findlastoun decernit to restoir to James Mancwr his aix, borrowit be him, or elles xiiij s. iiij d. for the same.

The said day it is statute be the Layrd and tennentis be their awin consentis that quhasoewer cwmis to the mylne first with their corneis sall keip their rowm,¹ and quhasoewir trubilis his nichtbour in the paceabill grinding of his cornis and keiping of their rowme, sall pey to the Laird the sowme of fourtie shillingis. As also it is ordaneit that quhansoewer ony of the saidis tennentis cornis beis griindand, the pickiman schelland the meill² to thame, and being content thairwith, the pickiman sall be frie ony skathe alledgit downe to the stuf in his default, he attendand on his service diligently.

The Barroun Court of the Barronye of Wry, hauldin at the mylne of Cowye, wpon the xxv day of Nouember 1615, be ane honorabill man George Strathawchin, sedentem pro tribunali, the remanent memberis of Court all present. Thre suittis callit, the Court lawfully fensit and affermit.

The said day Johne Mowet in Powbare, decernit be the depoitoun of his aithe of werity to pey to Robert Irwing sewin peckis and ane half peck beir, and absolut of all zeiris multeris preceeding the dait heirof, in respect of his depoitoun foirsaid.

The said day the hail tennentis restand mertis ar decernit to pey sufficient mertis be the sicht of friemen,³ or elles tuentie merkis for the peice⁴ thairof, and their reddiest guidis and geir to be poyndit for the same.

James Mackie in Brunthoileis, Allexander Burnet, ordanit to sicht and compryse the mertis. Quhilkis personis ar dewly posit to that effect.

The said day Robert Duncane, be the aithe of Helein Brig, decernit to pey to Beatrix Candolin the sowme x lib. vj s. viij d.

¹ Retain their place, or order of coming.

² Taking off the husks.

³ The term *friemen* is here used as signifying *neutral parties*.

⁴ For each.

The said day Robert Wilsoun and William Brabiner decernit in americiament of court *hinc inde*, wiz.:—to pey fourty shillingis to the Laird.

The said day Robert Wilsone decernit to pey to William Brabiner xiiij s. iij d. agane Pasche day nixt, with ane peckt of presentlye, wnder paine of poynding.

The said day James Mancwr, being summondit to hawe comperit and mak payment of threitein bollis meill for his ferme of Walkmylne, and in respect of his [non]compeirans, decernit contumase, and to pey xl s. for the same.

The Barroun Court of the Barronye of Wry, haulldin within the duelling hous of Stewin Forbes in Cowye, in name and behalf of ane honorabill man, William Hey of Wry, laird of the ground, and in name of ane honorabill man, George Straquan in Glathne, his bailze, remanent memberis of Court all present. Thre suittis callit, the Court lawefully fensit and affermit.

The said day comperit Allexander Hey of Logie, judiciallye, and maid Williame Hey of Wry, his german brother, assigney in and to ane lyfrent letter tack grantit to umquhile John Strathawchin, suntym in Walk myln of Wry, one the towne and landis thairof, southe landis of Wry, quhilk assedatioun the said Allexander is assigney vnto, and to the uplifting of the nowmber of threitein bollis wictuall from handis of James Mancur, taxisman thairof. Quhilk assignatioun was dewlye intimat to the said James Mancwr, taxisman as said is, and the said James being persewit be uerteu of the foirnamit assignatioun for payment of the foirnamit threitein bollis wictuall the Bailze decernis the said James maik payment thairof *pro vt in scriptis*, and the nixt Court after assignit to produce the said assignatioun for instructioun of the clame. Quhairupon the said Williame Hey desyrit act of Court.

The Barroun Court of the Barronie of Vrie, haulldin at the barn yairds thairof, vpon the penult day of July 1616, in name and behalf of ane nobill and potent Lord Franceis

Erll of Aroll,¹ Gryt Constabill of Scotland, with special consent of ane honorabill man William Hey of Vrie, proprietor of the said ground, be ane discreit man George Straquhan, bailzie to the said William Hey, Maister James Irwing, notter public, Clerk, Alexander Hey, officiar, and Archibald Mwirheid, Dempster. The Court lauchfullie fencit and affirmit, Seuttis callit, and absentis amerciat.

The said day Alexander Schives, Robert Duncane, Archibald Duncane, beand accusit for away takin of the Lairdis peittis: The saidis persones comperand and hawand deponit as follouis, to wit, the said Alexander Schives four cartes, the said Archibald Duncane and his serwandis two, and the said Robert Duncane frie be his ayth.

The said day Abraham Forfer, perseuit be Arthour Crystie for cutting of his hors tail, quhilk the said Abraham confessit, and thairfoir the bailze hes put the samen to ane assyse.

THE NAMES OF THE ASSISE.

Alexander Chein.	James Downnie.
William Duthie.	Stewin Grig.
James Alardes.	Archibald Duncan.
Dauid Michell.	Rodger Skein.
Alexander Burnet.	Jhone Hutschone.
Jhone Fergusoun.	

The said day the said Abraham is conwict in ane vnlaw of fourtie pundis money, and that be the hail assise forsaid, and concerning the contravertit libel betuixt the said Abraham and Arthowr, the samen is decernit to be sichtit be Alexander Hey, James Denune, and Jhon Messour, induelleris of Manquheych, and quhow soever thaj decret the pairteis to stand thairat.

The said day William Brabiner in fourtie s. for his absence unlawit, within term of law.

The said day it is ordenit that James Duncan, in the stryp²

¹ The Earl of Errol here holds court in virtue of his position as feudal superior of the barony.

² A long narrow plantation or belt of trees.—*Jam.*

of sall pey to the Laird twa stein¹ of brew chres² zeirlic.

The said day Thomas Penter in Manquhiche, is decernit to be in the Lairdis will for perseuing his clame befor ane uther court, and that conforme to ane former act, and conforme to the said former act contenit.

The said day it is ordenit that ewerie ane, and quhatsumewer beis fund in tyme cuming to loip the Lairdis yaird daikis,³ sall pey ten pundis *toties quoties*.

The said day James Boner is conuict in ane vnlaw of ten merkis for cuttin of grein wood, and thairfor ordenit to pey the samen to the Laird.

The said [day] Quhatsumewr tennentis that cummis nocht in dew tym for the Lardis serwic, being chargit be the officier fourtie aucht houris befor, the said persone sall pey aucht merkis to the Laird *toties quoties*.

The said day James Sellat confessit himself⁴ to releiw George Grig of the prys, corne acclanit.

J. IRWING, *notar et curie scriba*.

The Barroun Court off the Baronyeis of Wrye and Mountqueiche, hauldin within the duelling hous of Stewin Forbes in Cowye, upon the aughtein day of Merche 1617, in name and behalf of ane honorable man William Hey of Wry, Lard of the ground, be Mr. Williame Reid, Sheref Deput of Kincardin, sedentem pro tribunali, James David-soun, notter, Clerk, Alexander Hey, officiar, John Tailzeour, Dempster: The suittis callit, the court lawfully fensit and affermit.

WOOD CUTTING.

The said day comperit Robert Duncane in Cairntoun and Archibald Duncane in Banageicht judicially, and ilk ane of thame became bound and oblist as cawtioner for wther and for

¹ A measure of weight equal to 16 lbs.—*Jam*.

² *Cres* or *Creischie*: tallow. *Brew cres*: the *custom* paid for the liberty of brewing. 'The *reddendo* for an alehouse and alehouse croft was often a quantity of tallow, the produce, perhaps, of the kitchen of the little inn.'—*Innes's Legal Antiquities*, p. 49, n. 1.

³ Overleapt the laird's garden walls: evidently a trespass with a view to theft.

⁴ Acknowledged his obligation.

their tennentis and serwandis, that they nor nane¹ of them sall cutt nor distroye ony of the Lairdis grein wood or zoung that growis within the beyndis² [of] the barrony of Wry, and quhow oft so ewer ather of them selffis or their tennentis beis schallangit or apprehendit in cutting thairof, obleissis thame heirby to pey to the Laird the sowm of fourtie pundis as penaltie decernit of their awin consent, but³ modificatioun.

The said day James Mwrray, James Duncane, John Mwrray, and David Murray, being persewit for cutting and distroying of the Lairdis wod, and possit thairwpon, wald nocht depone, In respect quhairof decernit all in amerciament of Court, and to pey in unlaw the sowm of ten pundis ilk ane *pro rato*.

The said day Williame Duthie and James Allardes, ilk ane, becwm cawtioneris for [other], and for their men, tennentis and serwandis, that nane of thame distroy nor cut the Lairdis wood in tym cwming, wnder paine of fourtie pundis money *toties quoties* they be apprehendit cutting ony thairof in tym cwming.

James Dewny becwm in the Lairds will foir alledgit cutting of the Lairdis woid, and decernit in amerciament of Court for the same.

James Dennie decernit in amerciament of Court for cutting and distroying of the Lairdis wood; in respect, being posit, wald nocht depone, and James Allardes becwm cawtioner for his transgressioun thairanent in tym cwming, wnder paine of fourtie pundis *toties quoties* he be apprehendit.

Archibald Siller and William Burnett ar becwm in the Lairdis will for the alledgit cutting of the Lairdis grein wood, and ilk ane of them becwm cawtioneris for wther in tym cwming wnder paine foirsaidis.

John Mwrray decernit in amerciament of Court for the alledgit cutting of the said wood, as also Archibald Mwrray decernit in amerciament, and ilk ane of thame becwmie cawtioneris for wther in tym cwming wnder paine foirsaid *toties quoties* they be apprehendit thairwith.

Patrick Stewin decernit in amerciament of Court, and John Arbuthnet in Logy, becwm cawtioner for him in tyme cwming, wnder paine foirsaid.

¹ Nor any.

² Bounds.

³ Without.

Gilbert Greig decernit in amerciament of Court, and John Arbuthnet lykwayes cawtioner for his abstinans in tym cwmng, wnder paine foirsaid.

Charlie Sutter decernit in amerciament of Court, and Stewin Forbes cawtioner for his abstinand in tym cwmng under paine foirsaid *toties quoties* they be apprehendit.

James Traill and John Smyth, being posit, wald nocht depone, In respect quhairof decernit in amerciament of Court, and Stewin Forbes cawtioner for their abstinans in tym cwmng wnder paine foirsaid.

Alexander Traill decernit in amerciament of Court, in respect being posit wald nocht depone, and sicklyk¹ Barroun Reid, elder,² decernit in amerciament of Court, and ilk ane of them becwm cawtioun for wther for their abstinans in tym cwmng, wnder paine foirsaid.

James Mill decernit in amerciament of Court for cutting of the said wood, and George Strathawchin in Gathno, becwm cawtioner for his abstinans thairfra in tym cwmng.

Stewin Forbes decernit in amerciament of Court for cutting of the said wood. Lykas James Downye in Mounthqueiche is becwm actit judicially that the said Stewin Forbes, his men, tennentis and serwandis, sall abstein from cutting of the said wood or ony pairt thairof in tym cwmng, wnder paine of fourtie pundis, specially agreit on be the said James.

Alexander Burnett decernit in amerciament of Court, and Alexander Hay becwm cawtioner for his abstinans in tym cwmng.

John Arbuthnet cawtioner for James Ros abstinans fra cutting of the Lairdis wod in tym cwmng.

Andrew Leper decernit be his awin confessioun in amerciament of Court, and Alexander Burnett cawtioner for his abstinans in tym cwmng, and the said Andrew cawtioner for the said Alexander, wnder the paine foirsaid *toties quoties* ather of them be apprehendit.

James Mancur being persewit for cutting of the said wood,

¹ Similarly.

² *Senior*. 'Elder' and 'younger' were at one time used precisely as we now apply the terms *senior* and *junior*. The latter form still occurs in speaking of an heir-apparent, whom it is common to designate 'younger' of so-and-so.

and being lawfully summondit to that effect, comperit nocht, In respect quhairof decernit contumaxed, as also William Measoun, being summondit to the effect foirsaid, decernit contumaxed.

James Sellett decernit in amerciament, and findis George Strathawchin cawtioner for his abstinans in tym cwming, wnder paine foirsaid.

SERVICE.

The said day Archibald Leper and Archibald Burnett decernit, ilk ane of thame, pey the sowme of ten pundis for brewing but tollerans¹ of the Laird.

The said day the hail tennentis that peyis service within the Barrony of Wry being present became actit of their awin consentis, being lawfully warnit wpone tuentie four houris warnying to enter to quhatsumewer service addetit be thame or ather of thame to be dew to the Laird of Wry, and gyf thaj enter nocht to ther service in couvenient tyme, sall pey ten pundis money to the Laird *toties quoties* they transgress heiranent.

Ita est JACOBUS DAUIDSOUN,

Notarius ac Scriba.

The Barrone Court of the Baroneis of Wry, hauldin within the duelling hous of Stewin Forbes in Cowy, wpone the xij of May 1617, be ane honorabill man Maister Williame Reid, Shiref Deput of Kincardin, sedentem pro tribunalj, etc. James Dauidsoun, notter publict, Clerk.

The said day James Mancur in Walk mylne of Wry, being persewit be George Miller, froster,² for cutting and distroying of the grein woods growand within barrony of Wry, and the said James being personall present and accusit thairwpon, confessit the samen, In respect quhairof decernit in amerciament.

Williame Measoun, serwitour to James Mancur, decernit in amerciament of court for cutting of the said wood, James Mancur cawtioner for Williame Measoun, his abstinans in tym cuming, under the pane of fourty pundis.

¹ Without permission.

² Forester.

The said day James Mancur, being desyrit [to] find cawtion actit¹ for abstinand from cutting and distroying of the said Wood in tym cwming, refusit to do the same, In respect quhairof decernit *toties quoties* he be apprehendit transgres to pey according to the act of Parliament.

John Hendersoun decernit in amerciament for cutting of the wood, and Allexander Hey of Logy, cawtioner for his abstinans in tym cuming, wnder paine foirsaid, as also for Allexander Mearse, his abstinans, quha is decernit in amerciament lykwayis.

James Boner, be his awin confessioun dccernit in amerciament of Court for the distroying of the Laird of Wry his wood.

Williame Duthy in Mounthqueichie becum cawtioner for Abrahamie Forfar, his abstinans frome cutting of the Lairdis wood in tym cuming.

Thomas Sellett decernit in amerciament for cutteing of the said wood.

SERVICE.

The said day the hail tennentis of Mountqueiche being desyrit and requirit to enter to their services harrages and carrageis within quhatsumewer meaneis² within the barrony of Wrye labourit in the Lairdis name, The saidis hail tennentis being presonally present, they and ilk ane of them became actit of their awin frie will and consent to enter to all sort of harrage carrage wther dew service within the meaneis of Wry, or wther meaneis within the barrony thairof, labourit in the Lairdis name wpone lawfull premonitiown and warnyng maid be the officiar, and that conform to the remanent tennentis of the barrony of Wry, Quhairwpone Allexander Hey, officiar and procuratour for the Laird, tuik act and instrument.

The said day James Mancur being persewit for his reist³ ferme crop 1615, extending to thre bollis, quhilk the said James confessis reistand, In respect quhairof decernit to pey for ilk boll conform to the feir⁴ of the zeir. As also

¹ Entered in the court book.

² Common lands.

³ That remained owing.

⁴ *Feirs* or *fiars* signifies in Scotland the legally fixed prices of grain in the different counties for the current year. These prices are determined at a *Fiars*

~~decernit reistand the newmber of fywe bollis meill for this present crope.~~

And being persewit for the reist ferme of this present crope 1616, comperit the said James Mancur, and offerit him prowe compleit payment of the haille in the next court to be hauldin the xxiiij Jun nixt, except ten firlottis meill, quhilk he obleissis in caice of failze of peyment to pey for ilk boll x libis money, Quhairwpon the [said] Allexander Hey, procuratour foirsaid, tuik instrument.

The said day it is statut be the Laird and bailze, be consent of the tennentis, that quhatsumewer cotter or geirsman within the barrony of Wry, being lauchfully chargit to his maisteris service, and disobeyis, sall pey sex shillingis aucht pennies for ilk day.

The Barroun Court of the Barroneis of Wry, hauldin within the duelling hous of Stewin Forbes in Cowy, vpon the xxiiij day of Jun 1617 zeiris, be ane honorabill man Maister William Reid, sedentem pro tribunalj, etc. James Davidsoun, notter publict, Clerk.

The said day being assignit to James Mancur to prowe compleit payment of the haille ferme for his occupatioun of Walk myl of Wry, crope 1616, lyk as he is becwm actit be ane former act to pey the sowm vij pundis money for ilk [boll] thairof that was nocht peyit, exceptand ten firlottis,¹ and being lawfully citat to that effect, lawfull executioun productit thairwpon, comperit nocht, In respect quhairof decernit contumaxed, and to pey the foirnameit sowme of ten pundis money for ilk boll he was reistand, extending in the haille to aucht bollis and ane half, at ten lib the boll.

Court, which meets in February of each year, and is presided over by the sheriff of the county. A jury is summoned, before whom the evidence of farmers, corn-dealers, and others is led as to the market values of the different grains raised in the district. The prices subsequently fixed by the opinion of the jury, and sanctioned by the sheriff, are termed the *fiars* of the year. They determine the prices of grain in all contracts where these have not been previously arranged between parties. The term *fiars* is of doubtful origin, but is probably connected with the French *affeurage*, taxation, fiars having been originally used to fix Crown rents.

¹ A corn measure, the fourth part of a boll.

The said day James Mill, being persewit be Alexander Hey, as procuratour for William Hey of Wry, for the reist of some bollis beir crop 1616, and the said James being personale present, confessit him reistand the said four bollis beir, quhilk the bailze decernit him pey within terme of law, or vij pundis for ilk boll thairoff.

The said day Abraham Forfar, being persewit be the Laird for the nocht erecting and biging of his garding, and hail bigging¹ of Mounthqueiche possessit be him, and suffering his hors and beistis pasture within the said zaird, and inputting of his hors and guidis in the hall and chalmeris thairof, Comperit the said Abraham and denyit the hail alledgeins² proposit be the Laird *ex aduerso*. The Laird, being present, offerit him prove the hail alledgeins in the nixt court, and to instruct the same be ane band subscriyvit be the said Abraham.

The Barroun Court of the Barrouye of Wry, hauldin within the Wood heid, upoune first day of Nouember 1617, be Maister Williame Reid, sedentem pro tribunalj, James Davidsoun, notter publict, Clerk, remanent memberis all present. The suittis callit, the Court lawfully fensit and affermit.

The said day it is statut and ordaneit that in all tym cwming Williame Duthie in Woodheid, Robert Duncane in Cairntown, James Allardes ther, and Archibald Duncane in Bonageicht, salbe barley men³ for comprysing and sichtig of pryce corneis, and to discern thairupone, and in Mounthqueiche William Duthie, elder, and Alexander Duthie ther, James Downy and Abraham Forfar ther, for Mounthqueiche, and to hauld courtis, and to discerne thairwpone in all tym cwming.

¹ A house, properly of a large size, as opposed to a cottage.—*Jam.*

² Allegation.

³ Men chosen to sit in a Court of Burlaw (A.-S. *bur*, a village). The province of this Court was to adjust disputes on minor matters between neighbours, the rights of outgoing and incoming tenants, the value of meliorations, and other questions of a similar character being referred to it for judgment. It is invariably stated in reference to the Court of Burlaw that its members were popularly elected. The above, however, seems to throw discredit on this statement, and to suggest that they were after all the mere nominees of the proprietor.

The said day James Mill in Cowy ordaincit to produce his assedatiown in the nixt court, and to be summondit to that effect.

The said day the hail brosteris¹ in the Barrony of Wry ordaneit to ane stein² of talloun,³ or pryce thairof, for ewery zeir they hawe browin, fra their entry to the dait of thir presentis, except sick as produceis ane sufficient tytill.

The said day Thomas Buchan creat froster for the tor⁴ and wattersyd of Wryye, quha hes giffin his ayth *de fidelj administratione*.

The Barroun Courtt of the Barrouy of Wryye, haldin in Vodheid, the aughtein day of December 16017 zeiris, be Maister Williame Reid, Shireff Deput of Kincardin. The Court lauchfullie feussit and affirmit.

The said day compeiritt James Millin in [Cowie], and being persewit be Alexander Hay, officiar for brew lauche,⁵ ordanitt to pay ane stein of creischie within term of law, vnder the paine of poinding.

Compeirit the said James Millin, and refus in judgmentt to pay ane stein of cris. Quharvpone the baillye hes ordanit him to pay within terme of law, or than to shawe his warrand in the nixt courtt.

The said day James Mancur, in Valkmyl of Wrye, is decernit be the Laird to pay his ferme of his tak of Walkmill, viz. thrattine bollis, tua firloctis meill, to Maister Villiame Reid, Shireffe Deputt of Kincardin, crope 16017.

The Barrouie Court of the Barrouey of Wry, haldin in the bairne of Andro Alardes in Woodheid, wpoune the aucht day of May 1618, in name and behalf of ane nobill and nichtie lord Franceis, erle of Eroll, lord Hay, etc., and William Hay of Wry, heritable propriater of the grund, and Maister William Reid in Cowy, their bailzie, James Thomsoun, notter publict, Clerk, Alexander Hay, officiar,

¹ Brewers.

² A measure of weight equal to 16 lbs.

³ Tallow.

⁴ A wooded hill or eminence.

⁵ A tax paid for the liberty of brewing.

John Davidsoun, Dempster. The suit callit, the court lauchfullie fensit and affirmit.

The said day James Thomesoun, notter publict, is admittit Clark, and John Davidsoun, Dempster, quha gave their ayth *de fidei administrationj*, ay and quhill¹ thay be dischairgit.

The said day it is statutit and ordeant be cowmoune consent of the hail tennentis of the barrony of Wry, and in speciall the tennentis of Mountquheche, that their hail guidis sall pastour wpoune the Mounth² and out boundis,³ as thaj have beine in vse befor, Bot it is statutit that for ilk beast, wiz., hors, ox, or kow, that cumes wpoun their nichtbouris in haimers,⁴ sall pey to the pairtie interes *toties quoties* how oft thaj sall contravein this present act the sowme of vj s. 8d., and for ilk scheip xxxij d. *toties quoties* how oft the pairtie interest mey prove the contraventioune of this act, and the officiar ordeanit to poynd thairfor, quhairanent this present act salbe ane sufficient warrand.

The said day the hail tennentis of Montquheye is decernit be the bailzie to cum and do their service be the Manse⁵ of Wry the morne,⁶ the nynt of May instant, wnder the paine contenit in the former actis, and the officiar ordenit to poynd thairfor.

The said day it statutit and ordeanit that quhasoeuer within the barronny off Wry salbe fund to lowp the gairdine dyik of Wry, ather Maister or servand, sall pey tuentie schillingis money to the Laird, and the Maister to be comptable for his servand, and the officiar ordeanit to poynd thairfor.

The said day James Miln in Cowie, being chargit to this court be Alexander Hay, officiar, quhairon he gave his aith to produce his assedatioune anient his brew talloune, conforme to the ordinance of the last courtt, and in respect the said James, his nocht compeirance, according to the will of the former act,

¹ Until.

² The name given to the district covered by the eastern extremity of the Grampians.

³ Common pasturage.

⁴ *In haimers*: that which belonged to the private holdings of the tenants, in opposition to the grass of the 'Mounth and out boundis.'

⁵ Mains.

⁶ To-morrow.

the said James is decernit to pay ane staine of Talloun within terme of law, or than four merkis for the price thair of.

Ita est JACOBUS THOMESOUN,
notarius publicus ac scriba Curie.

The Barroune Courtt off the Barrouny of Wry, haldin in the barne of Andro Allardes in Woodheid, wpoune the xvij day of Jun 1618, in name of ane nobill and potent lord Frances, erle of Erroll, Lord Hay, etc., and William Hay of Wry, heritabill propriator of the said landis, Mr. William Reid, thair bailzie, James Thomesoun, notter publict, court clerk, Alexander Hay, officiar. Thrie suitis calit, the court lauffullie fensit and affirmit. Andro Tullo, Dempster.

The said day Archebald Burnet is decernit to pay four merkis for ane zeiris brew Talloun, within terme of law, wnder pain of poynding within terme of law.

PEATS.

The said day it is statuit and ordeanit, with cownoun consent of the haill tennentis of the barroney of Wry, baith husbandis and cotters convenit for the tyme, that nane of tham sall sell, dispone, or away put any peitt or fewall to any man in ony tym cumming without leave of the erle of Erroll and the laird of Wry be wryt,¹ wnder the paine of tene pundis money, to be peyit be the contraveiner to the laird of Wry, and the officiar ordenit to poynd for the same.

The said day the haill tennents of Wry and Mountquheiche is decernit, sick as ar astrickit to service, to cum in on Mononday nixt, ilk pleuche with tua hors, and leid sick peittis as the laird hed causit cast, and that by and attour² ordinar leitt peitts baith of Wry and Montquheiche respective, quhair thaj aucht to leid the same, wnder the pain of xl s. ilk pleuche, and the tennents of Mountquheiche ordenit to cast, win, and leid thrie leitt of peittis to the hall of Montquheiche, wnder pain of x merkis for ilk leitt wncastin win and led in maner foirsaid.

The said day the haill tennentis of the Burnesynd and the

¹ By written permission.

² Over and above.

fisharis in Cowie are decernit and ordenit to pey to the laird sick service in sheiring¹ and leading of cornis and in leiding of peitts as thaj war in vse to pey to his wmquhile father, and it is ordeanit that Archibald Murreys tak be sichtit and maid equall with the rest.

The said day compeirit James Milne in Cowij, and confessit him selff to be restand awand to the laird of Wry four bollis bear, and to Maister Andro Milne,² Minister, tua bollis ane firlott bear of his occupatioun of the Chapelandrie of Cowy³ for the crope 1617 zeiris, and in respect of the said James confessioun the bailzie decernis the said James to pey the same to the said Laird and Minister respectiue ilk ane for their awin pairtis, and in caice of failzie Alexander Hey, procuratour for the laird, and the persoune for him self, protestit for the heichest pryss.

The said day the haill tennentis of the barrony of Wry ar decernit to pey ilk pleuche xiiij s. iiij d. to the school maister zeirlie, and the officiar ordenit to poynd for the sam.

The said day Archibald Leaper, John Smyth, Ninian Robertson, and John Foull is decernit to pey sextein merkis money for their maill for tua zeiris bygane befor Witsunday last, wnder paine of poynding, together with ilk ane of thame ane pynt of oylly zeirlie for ilk zeir of the said tua zeiris.⁴

J. THOMESOUNE, *notarius publicus ac scriba Curie.*

¹ Reaping.

² Mr. Andrew Milne was admitted minister of Fetteresso in 1605. He was a member of the General Assemblies of 1638, '39, and died 12th October 1640 in his fifty-eighth year.—Scott's *Fasti Ecclesie Scoticanæ*, vol. iii. Part II. p. 869.

³ Chapel lands of Cowie. The Chapel of Cowie was dedicated by William Wishart, Bishop of St. Andrews, as a subsidiary place of worship for the parishioners of Fetteresso, in June 1276, *ita quod nullam prejudicium generetur matriæ ecclesie de Fethyressach* (Fetteresso).—*Statuta Ecclesie Scoticanæ*, vol. i. p. 303. This chapel was originally possessed of a considerable endowment in lands and otherwise, the value of the benefice being estimated at the time of the Reformation at 24 bolls of bear. In 1601, the then minister of Fetteresso, also named Andrew Milne, received from the King, in appreciation of his 'gude, trew, and thankfull seruices, etc.,' a grant of one-third of the Chaplainrie of Cowie, to be held during his lifetime. From the above it would appear that this grant had been continued to his successor.

⁴ The above parties were evidently fishermen (see p. 32, where Smith and Robertson are described as such). The *reddendo* exacted was oil manufactured from fish livers, to be used for burning in the open lamps or *cruisies* common all over Scotland a generation ago.

The Barroun Court of the Barrouny of Wry, haldin in the dueling hous of Andro Alardys in Woodheid, wpoun the xxiiij of July 1618 zeiris, in name and behalf of ane nobill and potent lord Francis, erle of Erroll, and William Hay of Wry, and Robert Irving at Miln of Cowie, their bailzie deput for the tyme, James Thomesoun, notter publict, Clerk, Alexander Hay, officiar.

Andro Tullo, Dempster.

The suits callit, the Court lauffullie fensit and afirmit.

The said day compeirit Duncan Robertsoune in Findlastoun, and is decernit to pay to Alexander Blak, maltman, burges of Aberde[en], the soum of aucht merkis iij s. iiij d. for the price of ane boll malt restand be him to the said Alexander In respect refusit to give his ayth in the contrair.¹

The said day it is statut and ordeanit be the Laird and his bailzie that John Miln at the milne of Montqueiche and Alexander Maky, miler at the milne of Cowie, salbe officiar to thame selffis, and be thir presents givis thame power to poynd for all dissobediencie thair miln service.

J. THOMESOUNE, *notarius publicus ac scriba Curie.*

The Barroun Court of the Barrouny of Wrye, haldin in the Scholhous off Wrie, wpoun the tuentie fyve day of Marche 1620 zeiris, in name and behalf of ane nobill and potent lord Francis, erle of Erroll, Lord Hay, etc., and William Hay of Wrie, heritable propriater off the said barrouny off Wrie, and in name of ane discreit gentilmane Georg Mowatt in Reidcloak, thair bailzie deput for the tyme. James Thomsoune, notter publict, Court Clark, Alexander Hay, officiar, James Spark, Dempster. The suits calet, the Court lauffullie fensit and afirmit.

The said day Georg Mowatt in Reidcloak is admitit greatt bailzie, James Wyshart and James Spark, Dempster, quha gave their aithe *de fideli administratione*, ay and quhill thay be dischargeit.

¹ Refused to deny his indebtedness on oath.

The said day John Tailzeour in Reidcloak being persewit be Thomas Durart, his nichtbour, and James Wyshart, procurator fiscall, for the erle of Erroll and the laird of Wrie for his entres, for hurting, wounding, and bluid-drawing off the said Thomas Durart in the back syid off the heid, and the samen being sufficientlie provin be Alexander Mowat and William Blindscheall, admitit witness be the said John Tailzeour his consent, the said John Tailzeour is decernit to pay to the erle off Erroll and the Laird the sowme of tene pundis money within terme of law vnder paine of poynding.

J. THOMESOUNE, *notarius scriba*.

The Barroune Court of the Barrouny of Wrie, haldin in James Alardes barne in Woodhead, wpoune the xxj day of Julij 1620, in name and behalf of ane nobill and potent erle Francis, erle of Erroll, Lord Hay, etc., and William Hay of Wrie, heritable proprietars of the saids landis, and in name of ane honourable man John Hay of Crimoundmogit¹ their bailzie. James Thomsoune, notter, Clark, Alexander Hay, officiar, William Gicht, Dempster. The suits calit, the Court lawfullie fensit and affirmit.

The said day William Gicht was creat Dempster, quha gave his ayth *de fideij administrationj*, ay and quhill he be dischargit.

The said day the hail tennentis efter specifeit ar decernit be thair awin consentis to pay ilk ane for their awine partis the particular quantaties of wictuall customes and sowmes of money vnder writtin to John Mowatt, in Powbair, as chalmerlane and factour to my lord of Erroll, wiz.—Nynteine bollis meill and nyne bollis of bear restand be Gilbert Barclay of his ferme of Magray, crop 1619, with thrie dussane of caponis, or than

¹ Cousin of the Laird of Urie. He succeeded his father, designed William Hay of Little Arnage, in 1614.—Retours, *Aberdeenshire*, 135. Crimonmogate, in the Buchan district of Aberdeenshire, formed part of the barony of Crimond, which was acquired by the lairds of Urie in the latter part of the fifteenth century, through the marriage of Gilbert Hay of Urie to Beatrix, daughter of Sir John Dunbar of Crimond. Crimonmogate is now in the possession of the Bannermans, formerly of Elrick, to whom it was bequeathed by Mr. Patrick Milne.—Smith's *New Hist. of Aberdeenshire*, vol. ii. p. 942.

vj s. 8d. for the peice thairoff, with thrie custome wadders vnder the woll,¹ or thane fyve merk for the peice thairoff, for his customes crope forsaid 1619. Margarat Cheine, spous to Robert Irving at the milne of Cowie, ane boll and thrie pecks bear of hir ferme off the milne of Cowie, crope 1619, with ane custome mert, or than tene pundis money for the price thairoff, crope forsaid, with auchtein caponis, or than vj s. 8d. for the peice thairof, crope forsaid. William Duthie and James and Andro Alardess is decernit to pey their hail fermes, dewties, and wther customes for their seuerall occupationis of Woodheid, for the crope 1619 zeiris, in caice they produce nocht sufficient acquittances vpoune the receipt thairoff. Robert Duncane, in Cairntoune, decernit for his hail dewitie of the said crope in lyk manner, in caice he produce nocht ane sufficient discharge thairvpoune. James Milne, in Cowie, is decernit be his awin confessioun to pey to the said chalmerlane thrie bollis thrie firlottis bear, in payment of his ferme bear for the crope 1619 zeiris, with 1 dozen of pultrie foullis, or than iii s. iiij d. for the peice thairof, crope forsaid. Stephane Forbes in Cowie is decernit to pey the sowme of sex pundis money for ilk dozen off fourtein dozen elnis² of sarking lining clayth³ restand be him this fourtein zeiris bygain, in caice the said Stephane produce nocht his assedatioune within terme of law beand that he aucht nocht to pey the same. Archebald Duncan in Bannageith is decernit to pey feftie merkis money for his Mertimes maill, in j m. vj c. and nynteine, and Witsunday in 1620. George Milne in Corsley ane quarter of butter and four pultrie foullis. Alexander Duthie in Montquhiche the sowme off feftie merkis money for his Witsunday maill in 1620. Abrahame Forfar, elevine merkis money in compleit payment of his Mertimes maill in 1619, with feftie merkis money for his Witsunday maill, 1620. Alexander Wyshart in Montquhiche feftie merkis money for his Witsunday maill,

¹ *Under the woll*: unshorn.

² The Scotch ell contains 37·0598 imperial inches. The *Plaiding ell*, by which some coarse stuffs were measured, was somewhat longer, that in the custody of the Dean of Guild of Aberdeen containing 38·416 imperial inches.—*Elgen's Tables*, p. 21.

³ *Sarking lining clayth*: linen cloth suitable for making shirts.

in this instant zeir of God 1620 zeiris. Daudid Dunbar in Rothnik and Georg Schiphird in Bannagubs, is decernit to pey to the said John Mowatt, factour forsaid, the sowme off ane hundreth pundis money for the Witsunday maill of the saidis landis, in this instant zeir of God 1620 zeiris. Georg Straquhan in Glithno is decernit to pey the soume of fiftie merkis for his Witsunday and Mertimes maillis, in anno 1619, with tuentie fyve merkis for his Witsunday maill, in this instant zeir of God 1620 zeiris. Alexander Hey of Findlawstoune is decernit to pey to John Mowatt, chalmerlane, the sowme of tuentie merkis money for his Mertimes maill of Findlawstoune in 1619 and Witsunday in 1620. John Foullar is decernit to pey xxxiiij s. iiij d. for his maill for ilk zeir, thir thrie zeiris bygaine extendis to fyve pundis. John Smyth, fischer in Cowie, is decernit in lyk maner to pey fyve pundis for his maill thir thrie zeiris bygane, with ane pynt of oylie, or than viij s. Ninian Robertsoune, fischer, is decernit in lyk manner to pey the sowme of fyve pundis money for his maill thir thrie zeiris bigaine. The quhilkis hail personis aboun wreittin are ilk decernit respectiue for thair awine pairtis to content and pey the hail nowmber and quantatie of wictuall, meill, and bear befor mentionat, with the hail customes or prisses thairoff befor wreittin, and hail particular sowmes befor specifeitt to the said John Mowatt, chalmerlane, within terme of law, wnder the paine of poynding of ilk ane of their rediest guidis and geir respectiue for their awine pairtis, wnder the paine of poynding within terme of law.

The said day it is statut and ordeainet be the bailzie that quhatsumeiuer persone or personis that happine to brew and sell within the barrouny of Wrie, or my lordis landis in Cowie, sall pey zeirlie ane staine of brew tallowne, or thane fyve merkis for ilk staine thairof.

The said day it is statut and ordeanit be the bailzie that ewerie pleuche in Montquhiche and Corsley sall cast, wine, leid, and stak zeirlie ane sufficient leitt of peittis in dew tyme, and in caice of failzie to pey fyve pundis money for the price of ilk halff leitt, and the officiar ordeanit to poynd thairfor.

The said day it is statut and ordeanit, with consent of the hail tennentis within the barrouny of Wrie, that quhat-

sumeuer persone or personis salbe fund and tryit to steill or away tak ony off their nichtbouris peittis in tyme cuming, sall pay for ewerie burding of peitts xx s. for ilk laid of peits on hors with creillis,¹ xl s. for ilk kairt full of peitts, thrie pundis money, and the officiar ordeanit to poynd for the same.

The said day it is statut and ordeanit be the bailzie, with cowmoune consent of the hail tennentis within the barrouny, that quhatsumeuer persone or personis beis fund to steill, pull, or away tak ony off their nichtbouris peis,² sall pay for ewerie tyme, *toties quoties* how oft soeuer they be chalengit, the sowme off fourtie shilings money, and the maisteris to be comptable for their bairnis and servandis.

The said day it is statut and ordeanit be the bailzie that quhatsumeuer persoune or personis in tymes cuming sall leid peittis furth of the barrouny of Wrie, and sell to the indualars of Stanehevine without ane speciall lycence and libertie haid and obtenit be thame of my lord of Erroll, sall pay the sowme of tene pundis money to the said nobill erle, and the officiar ordeanit to poynd for the sam.

The said day James Dewinny in Montquhiche, William Duthie there, Robert Duncane in Cairntoune, and William Duthie thair, is electit, nominat, and chossin barlaw men within the barrouny of Montquhiche and Wrie in tyme cuming, quha gave their aithe *de fidelj administrationj* ay and quhill they be dischairgit.

The said day compeirit John Mowat, procuratour for the erle of Erroll, and protestit for the heighest priss for sick bollis of wictuall as sall happin to be restand be ony of the tennentis efter the terme of Lambes³ nixt.

The said day it is statut and ordeanit be the bailzie, with consent of the hail tennentis of the barrouny of Wrie that ar obleist to cast and win leitt peitis, sall cast, win, leid, and stack, ilk ane of thame, ane sufficient leit off peittis, as thaj ar obleist, wpoune the peithill of Wrie, zeirly befor the last of Julij, wnder the pain of ten pundis money for ilk leitt thairoff, and the officiar ordeanit to poynd for the same.

The said day the personis following is convenit and aggriet

¹ Baskets made of osiers.

² Peas.

³ Lammas, the 1st of August.

with Margarat Cheine, spous to Robert Irving, for their bygane multeris befor¹ the crope on the grund in this instant zeir of God 1620, in manner wnder wreittin, to wit, William Duthie in Woidheid j firloft malt, Andro and James Alardes j firloft malt, John Hendersoune j peck of schilingis,² Archebald Duncane ij pecks meill, quhilk they ar decernit to pey to hir within terme of law. J. THOMESOUNE, *notarius publicus,*

ac scriba Curie.

The Barroune Court of the Barrouny of Wry, haldin in William Duthies barne in Woidheid, vponne the xvj daye of Junij 1621 zeiris, in name and behalf of ane nobill and potent lord Francis, erle of Erroll, Lord Hay, etc., and in name of the richt honorable William Hay of Wry, propriater of the said landis, Maister William Reid in Cowy thair bailzie, Alexander Hay, officiar deput for the tyme, James Thomsoune, notter, Clark, Archibald Murray, Dempster. The suitis calit, the court laufullie fensit and affirmit.

The said day Archebald Murray in Cowij was creat, constitut, and ordeainet dempster, qua gave ayth *de fidelj administrationj* ay and quhill he be dischairgit.

The said day compeirit James Alardes, elder in Woodheid, tennent and taksman of the halff thairof, and voluntarlie, frielie, and of his awin guid will, with his blissing and kyndnes, rennuncit, resignit, dischairgit, quytclamet and *simpliciter* over gaiwe his haill occupatioune off the toune and landis of Woodheid, with housses, bigings, zairds, toftis, crofts, pairtis, pendiculs,³ and pertinents of the same, lyand within the barrony of Wrie, parochine of Fethereschawe,⁴ and sherefdom of Kincardine, to and in favouris of ane nobill and potent lord

¹ For.

² Grain that has passed through the mill and been freed from the husk.—*Jam.*

³ A *pendicle* is a small piece of ground either depending on a larger farm, or let separately by the owner.—*Jam.*

⁴ *Fetteresso*. The anomalous termination *schawe* occurs in Gordon of Straloch's Map of Scotland in 1654, where the name of the parish is printed *Fethirschaw*. Earlier authorities give the forms *Fodresach*, *Fethyressach*, *Fetheressow*, and the like, and from these must necessarily be traced the modern spelling.

Francis, erle of Erroll, Lord Hay, etc., and William Hay of Wry, heritable propriater thairoff, with libertie and licens to the said nobill lord and William Hay of Wry, or ather of thame, be thame selffis, thir servandis, or vtheris in thir names, presentlie to enter thairwith, jois, occupie, labour, and manure the samen at their plessour in all tyme cuming, but actioun of ejectioun, interusioun, spoyliatioun, or deid of wrang in ony sort, to be mowet, suitit, or persewit be him thairanent, and be the tennour heiroyf grantis him selff to be als ordourlie remowet thairfra at the terme of Witsunday last bypast, in this instant zeir of God aboune writtin, as iff the said nobill lord and William Hay of Wry haid obtenit ane decreit off remowing against him befor the lordis of Counsall and Sessioun, or Shereff of Kincardine, decernand and ordeanand him to remowe thairfra, Quhairwpoune the said William Hay of Wry him self, and John Mowat in Powbair, as procuratour for the said nobill lord, tuik act of Court and instrument, and the said James is content, and consentis that this present renunciatioun be insert and registrat in the Shereff Court buikis of Kincardyne, that executioun may pas thairon.

MILL SERVICE.

The said day it is statut and ordeainet, be consent of the Laird and bailzie, that the four men following, to wit, James Dewiny in Montquheiche, Gilbert Grig in Schauchinschaw, John Main there, and Robert Duncane in Cairntoune, sall pas and try the marches¹ betuixt Abrahame Forfar in Montquheiche and Alexander Duthie thair, and sick as the saidis four men sall find efter dew tryall to haue bein propertie in tymes past sall remaine propertie, and sick as hes bein in vse off Cowmountie sall remain in cowmontie, and ather of the saidis tua that salbe tryit to be ane malicious and ewill nichtbour thairefter, sall pey to the laird the soume of tene pundis Scotis money.

The said day it is statut and ordeanit, with consent of the haill tennentis in the Nether barrouny,² that ewerie maister of

¹ *Pas and try the marches*: measure (*lit.* pace) and legally determine the boundaries.

² Urie as distinguished from Monquich, which is repeatedly referred to elsewhere as the Over Barony.

ane pleuche sall pas, vpoune tuentie four houris warning, to the dame of the milne of Cowij, and thair be thame selffis, thair servantis, hors, and kairtis, sall mend and repair the haill milne dame, and mak the same sufficient, vnder the paine of fourtie shilling money, to be peyit be ewerie ane that sall happin to dissobey quhen they salbe requyirit as said is, and to be gewin to theas that sall obey and mend the said dame, and the officiar ordeanit to poynd for the same.

The said day it is statut and ordeanit that ewerie man that hes ane hors about the milne of Cowij sall hauld thair horss in the stabill betuixt elevine houris at nicht and the sonne rysing in the morning, and sick as salbe fund to do in the contrair sall pey for ilk hors that salbe fund out of the stabill vpoune the nicht sall pey for ilk hors xx s. *toties quoties*, to be peyit to the partie offendit.¹

The said day James Milne in Cowij is decernit be his awin confessioun to pay to the Laird fywe bollis thrie firlots bear betuixt the dait heirop and the sext day off Julij nixt, or than to pey the soume off fywe pundis money for ilk boll thairoff, with thrie dozen of pultrie foullis, or than fourtie schilings for ilk dozen thairof, within terme of law.

The said day Stephane Forbes in Cowij is decernit to pey to the Ladie Wry ane dozen elnis of sufficient sarking lyning for this zeir to Mertimes nixt, or thane sex pund for the price thairof.

The said day the haill tennentis of the our and nether barrony is decernit be thair awine consent that ilk occupiar off ane plewche of the saidis landis sall zeirliche cast, wine, and leid ane leitt of peits, and the tennentis of Montquheiche to stak the same on the peithill of Montquheiche, and the tennentis of Wry to stack thair leits on the peithill of Wry zeirliche befor the xxiiij of August, and in caice of failzie, to pey for ilk leit that sall happin to be wnstackit in manner forsaid to pey the soume off tene pundis.

The said day it is decernit and ordeanit that the haill tennentis in Montquheiche sall pas and teill and rywe out² new

¹ Injured, viz., by the trespass of the horse upon their lands.

² To plough. Spoken of ground that has either long lain in lea, or has never been ploughed before.—*Jam.*

landis be thame selffis, thair servandis, and plewches wpoune the boundis nixt adjacent to the laird of Petfoddellis merchs¹ within the clame, and ewerie man that sall happin to refus and dissobey to go himself, als weill as his servandis and pleuchs, sall pay the soume of tuentie pundis *toties quoties* how oft they sall dissobey.

The said day the hail tennentis in Montquheiche is decernit and ordeanit to repair the lairdis zaird dyik in Montquheiche, wnder the pain of fourtie shillings money, to be payit be ilk dissobedient.

J. THOMESOUNE, *notarius publicus,*
ac scriba Curie.

The Barrowne Court of Wrie, hauldin in Stephane Forbes dualing hous in Cowy, on the penult day of August 1621, in name and behalf of ane nobill lord Francis, erle of Erroll, Lord Hay, etc., and William Hay of Wry heritable propriater of the said land, and in name of ane honorable mane Maister William Reid in Cowy, thair bailzie, James Thomsoun, notter, Clark, Alexander Hay, officiar, Robert Crystie, Dempster. The suits calit, the Court lauffullie fensit and affirmit.

The said day the bailzie ordeanis the four barlaw men to pas presentlie and visie the leit peittis, bothe vpoune the peithill of Wrie and Mountquheiche, and quhair it salbe fund that ewerie persoune that is obleist to stak ane leit of peits wpoune ather of the said peithillis, and the same be nocht fund sufficient, ilk persone is decernit for thair awin partis to pay x lib. money for ilk leit, conforme to ane former act.

The said day the hail tennentis of the barrouny of Wry and Montquheiche is decernit and ordeanit be thair awine consentis to pay to the laird zeirle and ilk zeir in tyme cuming sufficient

¹ The boundaries of the lands of Blairs in the neighbouring parish of Banchory-Devenick are here referred to. Blairs was then in the possession of Sir Gilbert Menzies of Pitfodells. Sir Gilbert was a devoted Royalist, and greatly distinguished himself in the north during the Civil Wars. He is referred to in the following lines :

'Gilbert Menzies of Pitfodells
Did for King Charles wear the blue.'
Old Ballad.

wictuall at the termes of payment vsit and wount of the wictuall that growis on thair awin possessioun.

SERVICE MILL OF MONQUHEICH.

The said day it is statuit and ordeaniet be the Laird and bailzie, with consent of the hail tennents and sub-tennents, cotteris, greas men, and wtheris quhatsumeur, that wha soeuer sall disobey to cum to any cowmoun action in tym cuming perteing to my lord, or the lairds weill, vtilitie, profit, or honour, sall pay tene pundis.

The said day it is statuit and ordeanit be the Laird and bailzie, with consent of the hail tennents, cotteris, and greas men, that whatsumeuer persone or personis salbe tryit at any tyme heirefter to cut or pull¹ any greas amangs thair maisters [or] nichtbouris cornis in tyme cuming sall pay fourtie shilings to the partie offendit *toties quoties* how oft thaj sall be tryit to contravein this present act. Quhairon Maister Andrew Leslie, Gilbert Barclay, George Milne, for thame selfis, and in name of the rest of the tennents tuik act.

The said day it is statuit and ordeanit be the Laird and bailzie, with consent of the hail tennentis in the our barrouny, that ewerie tennent and subtennent, cotters, and greasmen, sall answer and obey John Milne, milner at the milne of Montquheiche, as they salbe requyrit to cast the laids,² fens the damis,³ and bring watter to the milne in stormes, and at wther tymes as they salbe requyrit, as said is sall pay ewerie man xl s. *toties quoties* how oft they sall be fund to dissobey, and the said John ordeanit to be officiar in that pairt.

The Barroune Court of Wry, hauddin in Woodheid on the sevint day of November 1621 zeir, in nam and behalf of ane nobill and potent lord Francis, erle of Erroll, Lord

¹ For cutting or pulling.

² Cut the mill-races. The meaning probably is that they were required to keep them clear by cutting or digging out the weeds, etc., by which they were liable to be become choked.

³ To fence, in the sense of keeping them water-tight. Should they be broken through in time of storms, it was the duty of the tenants to repair them, and so keep the mill supplied with water.

Hay, etc., and William Hay of Wry, heritable proprietars of the saidis landis, and in name of ane honorable man Maister William Reid in Cowy, thair bailzie, James Thomsoune, notter, Clark, Alexander Hay, officiar, David Mitchell, Dempster. The suits calit, the Court fensit and affirmit.

ABSENTIS.

James Dewiny in Montquheiche.

Maister Andro Leslie thair.

George Dewny thair.

William Duthie thair.

Alexander Duthie thair.

Archibald Duncane thair.

George Milne in Corsley.

Robert Duncane in Cairntoune.

John Hendersoun in Bannageiche.

Gilbert Barclay in Magray.

Stephane Forbes in Cowy.

~~Alexander M^cKay at the miln of Cowy.¹~~

Archibald Murray thair.

Alexander Burnett thair.

The said day the haill absents aboun wriitten ar decernit to pey the sowme of fyve pundis for thair absence, and the officiar ordeanit to poynd for the same.

The said day George Straquhan decernit be his awin confessioun to pey to Thomas Cruikshank liii s. 4 d. for ane eln broun fleming, xxj s. for ane eln bred lyning,² x s. for ane vther eln of thrie quarter bred, xvij s. for ane vnce edgit frenzies,³ with xxv s. monie.

The said day James Milne in Cowy is decernit to pey to the Laird ane boll malt restand be him of the crop 1620 zeirs, withine terme of law, wnder the pain of poynding.

¹ The clerk has drawn his pen over this entry in the ms., from which we may infer that while M^cKay was absent when the 'suits' were called he had appeared later, and in time to take his part in the business of the Court. The usage is a common one in old records of sederunt.

² A particular kind of soft woollen cloth, so called from the *Flemings*, who introduced its manufacture into Scotland.

³ Pointed fringe. It was evidently sold by weight.

The said day compeirit Alexander M^cKey, millar at the milne of Cowie, and gave his ayth that he sall nocht suffer dust nor staines to [be] put amang the lairdis fermes, and that the sam sall be milnt as effeirs.

The said day the haill browsters, within the barrouny of Wry, ar decernit to pey thair brew talloun within terme of law, or four pundis for the staine thairof.

The said day the haill tennents that peyes maillis is decernit to pey thair Mertimes mailles to John Mowatt, chalmerlane, befor the terme of Mertimes nixt, wnder the pain of poynding.

GIRSOMES.¹

The said day compeirit John Mowatt, chalmerlane, and persewit Georg Straquhan in Glithno for peyment of the sowme of ane hundreth markis monie for the greassum of Glithno, alledgeit promiseit be him to the guidman² of Crimmondmogit *ex aduersso* compeirit the said George, and alledgeit he was na enterit tennent, and that he never promiseit gersum and siclyk, being persewit for all byrune maillis sence the said John his entres to the said office of chalmerlanrie, and the said George alledgeit he haid peyit the same to the laird, and haid his in acquittancis thairupoun, quhilk the bailzie ordeanis him to produce befor the laird, bailzie, and clark within terme of law, wtherways to pey the saidis byrune maillis to the chalmerlane, wnder paine of poynding. J. THOMESOUNE, *scriba*.

The said dey

The Barroune Court of the barrouny of Wry, haldin at the milne of Cowj, on the nynteine day of Januar 1622 zeiris, in nam and behalf of ane nobill and potent lord Francis, erle of Erroll, Lord Hay, etc., and William Hay of Wry, heritabill proprietars of the grund, Maister William Reid

¹ *Girsome*, or *grassum*: a sum of money paid by the tenant to the landlord on entering into possession of his farm.—*Jam.* It may also mean a fine paid for a lease of land during a term of years.—*Bell's Law of Scotland*, p. 411.

² A small proprietor who farms his own land, a bonnet-laird.

in Cowy, their bailzie, James Thomsoun, notter, thair Clark, Alexander Hay, officiar, Archibald Murrey, Dempster. The suitis calit, the court lawfully fenssit and affirmit.

The said day the hail tennents within the barrouny of Wry and Monquheiche, without exceptioun, ar decernit and ordeanit ilk ane for thair awin pairte to carye the lairdis letters to Slaines,¹ or els quhair as thej sall occur, ewerie pleuche thair tyme about as it sall fall to thame, and whasoeuer sall dissobey to pey the sowme of xl s. for ilk dissobedience *toties quoties*.

GIRSOMES.

The said day compeirit John Mowatt, chalmerlane, and persewit Abrahame Forfar, for the sowme of ane hundreth merkis of gressam, for fyve zeirs tak of his rowme in Montquhiche, fra Witsonday last by past in j^m vj^c tuentie ane zeiris, with ane hundreth merkis money for his Witsonday and Mertimes maill of the zeir of God 1621 zeirs, together with twentie sevin merkis for his customes of the said zeir, quhilk the bailzie decernit the said Abrahame to pey within terme of law, wnder the paine of poynding, or thane to obtaine my lord Erroll his discharge thair wpoun.

The said day James Milne is decernit be his awin confessioun to pey to the laird twalff bollis ferme bear for his occupatioun of the chaplenrie of Cowij for the zeir of God 1621 zeiris within terme of law, wnder the pain of poynding, or than the sowme of tene pundis money, conforme to ane protestatioun takin be John Mowat, chalmerlane.

The said day compeirit John Mowatt, chalmerlane, and persewit Robert Irving, at the miln of Cowy, for sex bollis tene pecks bear, and nynteine bollis tua firlotis ferme meill, for his ferme of miln of Cowie, for this instant zeir of God 1621 zeiris. Compeirit the said Robert Irving, and confest he was restand the said bear and meill respectiue aboun wreittin. In respect quhair of the bailzie forsaid decernit the said Robert to mak payment thairoff within terme of law, wnder the pain of poynding.

¹ Slains Castle in Aberdeenshire, the seat of the Earls of Errol.

The said day James Alardes in Woodheid is decernit be his awin confessioun to pey tene bollis meill and tua bollis bear for the rest of his ferme for the wast syid of Wodheid for the zeir of God 1621 zeiris within terme of law, wnder pain of poynding.

J. THOMESOUNE.

The Barroune Court of the Barrouny of Wrie, haldin in Bannagubis wpoun the sewint day of May 1622 zeiris, in name and behalff of ane nobill and potent lord Francis, erle of Erroll, Lord Hay, etc., and William Hay of Wry, heritable proprietars of the saidis landis, Maister William Reid in Cowy, bailzie, James Thomsoun, notter, Court Clark, Alexander Hay, officiar, John Tailzeour, Dempster. The suitis calit, the Court lauffullie fensit and affirmit.

The said day compeirit Alexander Bannerman of Elsick,¹ as procuratour for John Bannermane, his brother, and protestit that the haulding of this court wpoun the toune and landis of Bannagubis be nawayis preiudiciall to the said John Bannermane his letter of tak, quhilk he hes of my lord of Erroll and William Hay of Wry wpoun the saidis landis of Bannacubis and Rothuik for the space of sevin zeir nixt efter the redemptioun of the saidis landis, at the leist of sua mony of the saidis sevin zeirs as ar zit to rune. Quhairwpoun the said Alexander tuik act of Court and instrument.

The said dey the haill tennents that peyis maill and customs to the laird ar decernit to pey the same at the terme of Witsunday nixt to cum, wnder pain of poynding.

The said day William Duthie in Montquheiche, James Dewiny thair, Archibald Duncane thair, and Georg Dewiny thair, ar nominat, electit, and chossin be mutual consent of the laird and Abrahame Forfar to mett, messour, and designe als meikle land to the laird furth of Abrahame Forfar his occupation in Montquheiche as the said Abrahame hes gottin designit

¹ Alexander Bannerman, burgess of Aberdeen, had a charter in 1387 from Sir Alexander Fraser of Cowie of the lands of Elsick, which continued to be the seat of the family for three hundred and seventy years.—Stodart's *Arms of Scotland*, vol. ii. p. 396.

to him furth of the rest of the lands of Montquheiche, and the saidis four men being personallie present, war ordeanit to do the same before the fyftein days nixt to cum, ilk ane of thame, wnder the paine of x lib., and the officiar ordeanit to poynd thairfoir.

J. THOMESOUNE, scriba.

The Barroune Court of the Barrouny off Wrie hauldin in the dualing hous of Maister William Reid in Cowy, wpoun the secund day off July 1622 zeiris, in name and behalff of ane nobill and potent lord Francis, erle of Erroll, etc., and William Hay of Wrie, heritable proprietors of the saidis landis, Maister William Reid thair bailzie, James Thomesoun, notter, Clark, Alexander Hay, officiar, Archibald Murrey, Dempster. The suitis calit, the court lauffully fenssit and affirmit.

The said day James Milne in Cowy being lauffullie summondit to this court, was decernit to pey to the laird four bollis threttein pecks bear for the rest of his ferme bear of the crop 1621 zeirs, quhilk the Judge forthwith decernit him to pey within terme of law or thane the heigest pryss conforme to the lairds protestatioun, and siclyk the said James is decernit to pey xls. for his contumacie, being lauffullie warnit within terme of law wnder paine of poynding.

The said day Andro and Archibald Leapperis, John Fowllar, and Niniane Robertsounes ar decernit to redelyuer back the sail of the boit bak to the laird, als sufficient as they receauit the same, or than fourtie merkis for the price thairoff, within terme of law, wnder paine of poynding.

J. THOMESOUNE, scriba.

The Barroune Court of the Barrouny of Wrie, haldin in the dualing hous off Stephane Forbes, alies Smyth in Cowie, wpoun the first day off August 1622 zeiris, in name and behalff of ane nobill and potent lord Francis, erle of Erroll, Lord Hay, etc., William Hay of Wry, heritable proprietors of the said barrouny, Maister William Reid in Cowie thair bailzie, James Thomesoun, notter, Clark,

*Alexander Hay, officiar, Archibald Murrey, Dempster.
The suits calit, the court fenssit and affirmit.*

This day Archibald Duncane in Montquheiche is decernit be his awin confessioun to pay to John Mowatt, chalmerlane, the sowme off tuentie sewine merkis Scotis money, and that for his customes of his occupatioun of Montquheiche, quhilk suld have beine peyit at Mertinmes last by past in j^m vj^e tuentie ane zeirs, togidder with feftie merkis monie for his Witsonday maill in this instant zeir of God j^m vj^e xxij zeirs, and siclyk Alexander Duthie in Montquheiche is decernit be his awin confessioun to pay to the said John Mowatt, chalmerlane, feftie merkis monie for his Witsonday maill in this instant zeir of God 1622, and that within fyfteine days nixt efter they be requyirit thairto, wnder the paine of poynding, and the officiar ordeanit to poynd for the sam. J. THOMESOUNE, scriba.

The Barroune Court off the Barrouny off Wry, hauldin in the dualing hous off Stephane Forbes in Cowie, wpoun the tuentie tua day off November 1622 zeirs, in name and behalff off ane nobill and potent lord Francis, erle off Erroll, Lord Hay, etc., and William Hay off Wry, heritable proprietors of the said barrouny, George Mowatt thair bailzie, James Thomesoun, notter publict, clark, Alexander Hay, officiar, James Neilson, Dempster. The suitis calit, the court laifullie fenssit and affirmit.

The said day the hail tennents underwritten are decernit, ilk ane for thair awin parttis, to pey to John Mowatt, chalmerlane, the sowmes of money efter specifeit, wiz.: Archibald Duncane in Montquheiche for his Mertimes maill and customes of this instant zeir of God 1622 zeirs, and of all termes and zeirs preceeding, the sowme off sewine scoir fourteine merkis; Alexander Duthie thair for his Martimes terms maill and customes in this instant zeir of God 1622 zeirs, and for all termes preceeding, sex scoir sevin merkis; George Milne in Corsley tuentie pundis money for his Mertinmes maile, 1622 zeires, with auchteine pundis for his customes the said crope; James Dewinny in Montquheiche feftie merkis for his Mertimes maill 1622, with xvij lib. for his customes; Maister Andro

Leslie feftie merkis for his Mertimes maill 1622, with xvij lib. for his customes, within terme of law, wnder pain of poynding.

The said day James Milne in Cowie, Stephane Forbes thair, Archibald Burnett at Cowie milne, Alexander Maky thair, James Cumming, James Duncan in Strype, ar ilk ane decernit to pey ane staine of brew talloun or than fyve merkis to the laird, within terme of law wnder pain of poynding.

The said dey compeirit Robert Irving at the milne of Cowie, and being persewit for peyment off the fermes off milne of Cowy restand be him for the crope 1622 zeirs, the bailzie for-said decernis the said Robert Irving to mak peyment to John Mowatt, chalmerlane, of all fermes, meill, and bear, and quhyt,¹ and with all wther customes, capouns, milne swyne,² and moull³ for the crop forsaid, at the leist to find sufficient caution for the peyment thairoff, within terme of law, or wther ways to mell and intromett with the milne clap⁴ and wptake the multers thairoff conforme to the decret of remoweing obtenit against the said Robert.

The said dey the hail fischers ar decernit ilk lyneman to pey ane hundreth haddox zeirlie and thrie keilling thir thrie zeiris bygane promitit be thame to the Lady, or wtherways to produce the Ladys acquittance thairwpoun.

The said day it is statut and ordained that ilk husbandman within this barrouny that hes ather cotter, greasman, or woman that is thocht be thair honest nichtbouris nocht to be lauffull nichtbouris, and wantis keall or peitts, that thair maister sall remowe thame within aucht dayis nixt following the dait heirof, or thane to pey tene pundis money, the ane half thairof to the laird and the other half to the pairtie skaythit.

The said day in respect off the great abuse that is enterit in amangs the cowmond⁵ people in steilling, thairfor it is statut and ordeainet be the laird and bailzie that Georg Dewiny and Alexander Duthie in Montquheiche sall gang throwe the hail

¹ Wheat.

² Swine fed at the mill. A mill even in modern rentals, often gives the *reddendo* of a fat pig.—Innes's *Legal Antiquities*, p. 49.

³ The refuse of the meal, commonly used for swine-feeding.—*Jam.*

⁴ A piece of wood that strikes and shakes the hopper of the mill during grinding. The symbol for giving sasine in a mill is the clap and hopper.—Bell's *Law of Scotland*, p. 567.

⁵ Common.

ower barrouny as officiairs conjunctlie and seueraly, with the assistance of thair nichtbouris, and dacker,¹ searche, and seik all stowin guidis, as they salbe requirit thairto.

The said day it is statut and ordeaned that ewerie man within the nether barrouny of Wry, als weill husbandmen, cotters, as greasmen, salbe thirlit² to wirk thair haill irne wark with Stephane Forbes, smyth in Cowie, as he and they cane agyrie, ilk ane for thair awin pairtis, and that iff they or ather of thame pass by and cumes nocht to wirk with him as saidis, they sall pey him snydie boll as iff they haid wrocht with him. Lykas also the said Stephane Forbes bindis and obleidges him to giwe ilk ane of thame in thair awin rowmes as they sall cum and crave the samen, or wtherways in caice of failzie and nocht tymous service, in that caice to pey to ilk man that is nocht thankfullie and tymouslie servit the dowble of ane zeirs boll. Quhairon the saidis tennents and Stewin Forbes tuik act.

The said day the haill tennentis ar decernit and ordeanit ilk ane to gang thair ordinar cairadge, thair tyme about as thaj salbe warnit thairto, wnder the pain of xx s., and the officiair to poynd thairfor.

J. THOMESOUNE.

The Barroune Court of the Barrouny of Wry, hauldin [in] Wodheid the fyft day of December 1622 zeirs, in name and behalff of ane nobill and potent lord Francis, erle of Erroll, Lord Hay, etc., and William Hay of Wry, heritable proprietars thairroff, and in name of ane honorable man John Hay of Crimondmogit, thair bailzie, David Burnett, officiair, Georg Walcar, Dempster. The suits calit, the Court lauffullie fenssit and affirmit.

ABSENTIS.

Archibald Murrey.

Archibald Burnet.

~~John Hendersoune in Bannageiche.~~

~~Andre Arbuthnot in Findlawstoune.~~

John Hendersoune thair.

¹ To search for stolen goods.

² Bound by lease or otherwise.—*Jam.*

Alexander Hay of Logy.
 George Straquin in Glithno.
 James Kewiny in Montquheiche.
 Georg Milne in Corsley.
 Georg Gairdyne in Rothuik.
 Georg Shiphird in Bannagubs.

The said Daud Burnet was creat, constitut, and ordeant officiar within the barrouny of Wry and Montquheiche, quha gaue his aithe *de fidelj administratione*, ay and quhill he be dischairget.

The said day Archibald Duncane in Montequheiche is decernit be his awin confessioun to pey to John Mowatt, chalmerlane, the sowme off sewin scoir fourteine merkis money for his Mertimes maill and customes in this instant zeir of God 1622 zeirs, and for all bygane maillis and customes preceeding the said terme [quhairin he was decernit alredy], within terme of law, wnder pain of poynding.

The said dey Alexander Duthie in Montquheiche is decernit be his awin confessioun to pey to John Mowatt, chalmerlan, of the sowme off sex scoir sewin merkis for his Mertimes maill and customes in this instant zeir of God 1622 zeirs, and for all bygane dewties preceeding the said terme, within terme of law, wnder pain of poynding.

The said day Abrahame Forfar is decernit be his awin confessioun to pey to John Mowatt, chalmerlaine, the sowme off ane hundreth merkis for fyve zeirs gressam, tuo hundreth and feftie merkis money for his Whitsonday and Mertimes maill in 1622 zeirs, and for all bygane maillis restand be him preceeding the said terme, together with feftie four merkis for his customes of Montquheiche for the crope 1622 zeirs instant and the crope to cum in 1623 zeirs, makand in the hail four hundreth and four merkis money, within terme of law, wnder pain of poynding.

The said dey Maister Andro Leslie in Montquheiche is decernit be his awin confessioun to pey to John Mowatt, chalmerlane, feftie merkis money for his Mertimes maill 1622 zeirs, with auchteine pundis for his customes for the crop 1623 zeirs, within terme of law, *vt supra*.

The said day Georg Milne in Corsley is decernit to pey to

the chalmerlane auchteine pundis money for his customes for the crop 1623.

The said day Georg Straquhan in Glithno is decernit to pey to the chalmerlane fourtie fyve merkis money for his Witsunday and Mertimes mail 1622 zeirs.

The said day John Hendersoune in Bannageiche is decernit be his awin confessioun to pey to John Mowatt, chalmerlane, tuentie merkis money for the rest of his Mertimes mail in this instant zeir of God 1622 zeirs.

The said dey James Milne in Cowy is decernit to pey to John Mowatt, chalmerlane, fyve merkis money for ilk staine off thrie staine of brew talloun for the zeirs of God j^m vj^c and tuentie ane and tuentie tua zeirs. Stephane Forbes in Cowy is decernit to pey ane staine of brew talloun zeirlie in tyme cuming be his awin confessioun. Alexander Maky is decernit to pey to the chalmerlane ane staine of brew talloun for the zeir 1622 zeirs, or thane fyve merkis money. James Cuming ane staine of talloun, or thane fyve merkis, for the zeir 1622. And James Duncane ane staine of brew talloun for the crop 1622, or thane fyve merkis, within terme of law, wnder the pain of poynding.

The said dey the hail tennents within the barrouny of Wrie that peys ferme, ar decernit and ordeanit to lay in thair meill ferme into the girners¹ befor Candlemes nixt to cum, or thane to pey tene pundis monie for ilk boll thairoff, and thair hail bear ferme befor Ruid day nixt, or thane tualff pundis money, for ilk boll thairoff.

The said dey the hail tennents within the barrouny of Wry, that set nocht thair leitt peitts wpoun the peit hill of Wry this zeir instant 1622 zeirs, sall pey to the chalmerlane fyve merkis money for ilk leitt thairoff.

The said day compeirit Robert Irving at the milne off Cowy, and being persewit be John Mowatt, chalmerlane, for payment off his fermes for this instant crop and zeir of God j^m vj^c tuentie tua zeirs, compeirit the said Robert Irving, and wilinglie off his awin guid will band and obleist him selff to cum to the

¹ Granaries. These were the storehouses of the laird, to which the tenants were held bound to bring their payments in kind.

said John Mowatt befor the fourteine day off December, and find ane sufficient and responssall cautioner to the said John Mowatt for peyment off the said dewitieis at the termes of peyment vsit and wount, and in caice of failzie and nocht finding of the said caution, thane and in that caice, the said Robert Irving, be tennour heiroff obleidges him to pey his hail bear ferme befor the said day aboun wreittin, and for peyment of the meill ferme rennuncis quytclames, and dischairges the hail multers of the barrouny of Wrie and out suckin¹ whatsumeuer in fauouris of the said John Mowatt, to be collectit and ingatherit be the said John Mowatt and his deputis quhom he sall appoynt, ay and quhill the hail meill ferme be compleitlee peyit, and to that effect obleidges him selff to delyuer to the laird the milne clap,² to be delyuerit to the said John Mowatt the said fourtein day of December nixt; and in caice of absence of the said Robert the said day, to delyuer the said clap, and to put the said John in possessioun, the said John Mowatt to have power be thir presents to enter with the said clap milne and multers thairoff, knowshipe³ and sequells of the said milne, the day forsaid, but actioun of ejectioun, intrusioun, wrangous intromissioun, or ony deid of wrang whatsumeuer.

ROT. IRVING.

J. THOMESOUNE, scriba.

The Barrounie Court off the Barrouny of Wrie, hauldin in the dualing hous of James Thomsoune, in Woodheid, wpoun the 17 of Appryll 1623 zeirs, in name and behalf off ane nobill and potent erle Francis, erle off Erroll, etc., and

¹ *Sucken* is the jurisdiction attached to a mill; or that extent of ground, the tenants of which were bound to bring their grain thither. *Out-sucken*, on the contrary, means the freedom from bondage to a mill; or the liberty which a tenant may enjoy, by his lease, of taking his grain to be ground where he pleases.—*Jam.*

² See p. 45 n. 4, *supra*.

³ One of the sequels of thirlage. Sequels, as distinguished from multure, which was paid to the proprietor or tacksman of the mill, were payments of grain made to the mill servants for grinding. These sequels differed according to the particular usage of the mill, and were known as 'knaveship,' 'bannock,' and 'lock' or 'gowpen.'

William Hay of Wrry, heritable proprietors thairoff, Georg Mowat, in Reidcloak, thair bailzie, James Thomesoun, notter publict, court Clark, David Burnet, officiar, Archibald Murray, Dempster. The suits calit, the court lauffullie fenssit and affirmit.

The said day the hail tennentis wnder wreittin ar decernit be thair awin confessioun to pay the particular bollis of ferme victuall, wiz., meill and bear restand be ilk ane of thame for thair awin pairts for the crope last by past 1622 zeirs, within terme off law, or thane the prysses following, wiz., Robert Duncane in Cairntoune aucht bollis meill; David Grahame for the walk-mylne of Wry four bollis thrie firlotis meill; William Duthie in Woodheid four bollis thrie firlotis meill, with four bollis bear; James Thomesoune tua bollis thrie firlotis thrie pecks bear; John Mowatt, for his occupatioun of milne off Cowy, four bollis bear; James Miln in Cowy sevine bollis sevine pecks bear. Quhilikis hail personis ar ilk ane decernit to mak peyment for awin pairts of the hail bollis of wictuall about specifeit within terme off law, or thane tene pundis of money for ilk boll thairof, wnder the paine of poynding.

The said day Stephane Forbes is decernit to pay to the Ladie Wrry ane dozen elnis off sarking lyneing for the zeir of God 1622 zeirs, within terme of law, or thane viijs. for ilk elne thairoff, wnder paine of poynding.

The said day Alexander M^eKy, at the milne off Cowie, is decernit to pay to the Laird tene merkis money, within terme of law, for his milne swyne, wnder pain of poynding, with aucht capounis, or thane vjs. 8d. for ilk peice thairoff.

The said day compeirit John Midltoun, being warnit to this court at the instance of James Murrey, and the said James nocht compeirand to persew him, protestit for his expenssis befor the said James be hard to persewet him.

J. THOMESOUNE, *scriba.*

The Barroune Court of the Barrouny of Wrie, haldin at the eist syid of the gairdyne of Montquheiche, the nynt of Junj 1623 zeirs, be ane honorable man John Hay of Crimondmogit, bailzie to ane nobill and potent erle

Francis, erle of Erroll, etc., and William Hay of Wry, heritable proprietars off the saidis landis, James Thomsson, notter, clerk, David Burnet, officiar, James Lichtoun, Dempster. The suits calit, the court laufully fenssit and affirmit.

The said day the hail tennents of Montquheiche, Corsley, Bannagubs, and Rothnik, is decernit to pay thair Witsondays maill in this instant zeir of God 1623 to John Mowatt, chalmerlain, within terme off law, wnder pain of poynding.

The said day John Smyth, skipper, is ordeanit to sit xxiiij houris in the stokis, for abussing off John Mowat in lawage.

The said day the hail tennents in Montquheiche ar ordeanit and decernit to pay thair hail customes to the laird within terme of law.

The said day James Lichtoune is constitut, creat, and ordeanit pundlar in the milne off Cowy, and be the tennour heiroff the said James sall have power to tak and poynd all and quhatsumeuer guides that sall happin to cum wpoun the greas thairoff, wiz.: ilk hors or nolt vj s. 8d., ilk scheip ij s. 8d., toties quoties how oft they be apprehendit.

The Barroune Court off the Barrounie off Wrie, hauldin in Woodheid, wpoun the xxv. day of October 1623 zeirs, in name and behalff off ane nobill and potent erle Francis, erle off Erroll, etc., and William Hay off Wry, heritable proprietars off the saidis landis, and in nam and behalff off ane honorable man John Hay off Crimouudmogatt, thair bailzie, James Thomsoue, notter publict, court clerk, David Burnett, officiar, Richard Gilbert, Dempster. The suitis calit, the court laufully fenssit and affirmit.

The said day compt and rakning being haid withe Alexander Duthie in Montquheiche, it is fund that he is restand for his Witsunday maill feftie markis money last by past in this instant zeir of God 1623, with xvij lib. for his customes the said yeir, quhilk he is decernit to pay to John Mowatt, chalmerlan, within terme off law, wnder pain off poynding.

The said day Abraham Forfar is decernit be his awin confes-

sion to pay to John Mowatt, chalmerlane, feftie markis money for his Witsunday of Montquheiche last by past in this instant zeir of God 1622 zeirs, within terme of law, etc.

The said day Robert Duncan is decernit to pay to the Laird the sowme off _____ money for ilk boll off aucht bollis meill restand be him for his occupatioune of Carntoun off the crope 1622 zeirs; and iff it salbe fund, efter compt and rakning with the Lady, that he hes peyit ony thairoff, the samen to be allouit to him.

The Barroune Court of Wry, hauldin in Wodheid wpon the aucht day of November 1623, in name and behalff off ane nobill and potent erle Francis, erle off Erroll, etc., and William Hay of Wry, heritable proprietors of the saidis landis, Georg Mowatt in Reidcloak, bailzie, James Thomson, notter, clark, David Burnet, officiar, Archibald Murrey, Dempster. The suits calit, the court lawfully fensit and affirmit.

The said day in the actioun of blood persewit be Edward Irving *contra* Alexander Maky being refferit to the said Alexander, his ayth of weritie the said Alexander tuik the xv. of November to depone with certificatioun *pro confesso*.

J. THOMSONE, *Scriba*.

The Barroune Court of the Barrouny of Wrie, hauldin in the dualing hous of James Thomsons in Wodheid, wpon the tuentie day of Merche 1624 zeirs, in name and behalf of ane nobill and potent erle Francis, erle of Erroll, lord Hay, etc., and William Hay of Wry, heritable proprietors of the saidis landis, Maister William Reid in Cowy, and George Mowatt in Reidcloak, thair conjunct bailzies, James Thomsons, notter publict, Court Clark, David Burnet, officiar, John Cathnes, Dempster. The suits calit, the court lawfullie fenssit and affirmit.

The said day James Milne in Cowy being persewit be the Laird, compeirit Jean Fullartoun his spous, and confessit that hir said husband is justlie restand to the laird ane firLOT bear of the rest of thair ferme of the crope 1623 zeirs, togidder

with aucht bollis bear for his ferme of the chaplanrie in Cowie for the crop last by past 1623 zeirs, quhilk the bailzies forsaid decernit the said James Mylne to pay within terme off law wnder pain of poynding.

J. THOMSONE, *Scriba.*

The Barroune Court of the Barrouny of Wry, hauldin in the dualing hous of James Thomsonsone in Wodheid the secund of Junij 1624 zeirs, be ane discreit gentilman Andro Hay, bailzie for the tyme to ane nobill and potent erle Francis, erle of Erroll, etc., and William Hay of Wry, heritable propriators of the saidis lands, James Thomsonsone, notter, Clark, David Burnet, officiar, Archibald Murrey, Dempster. The suitis calit, the court lauffullie fenssit and affirmitt.

The said day compeirit Maister Androw Lesly in Montquheiche and confest that his sone John Leslie strak and dang John Fergussonsone in Montquheiche, for the quhilk said Maister Androw become in the lairdis will, and thairfor the bailzie forsaid decernit the said Maister Androw to pay tene pundis money to the laird within fyftein dayis wnder paine of poynding.

J. THOMSONE, *Scriba.*

The Barroune Court of the Barrouny off Wry, hauldin in the dualing hous of James Thomsonsone in Wodheid wpon the xxv day of Junij 1624 zeirs, in nam and behalf of ane noble and potent erle Francis, erle of Erroll, etc., and William Hay of Wry, heritable propriators thairof, and in nam of ane honorable man John Hay of Crimondmogat thair bailzie, James Thomsonsone, notter publict court Clark, David Burnet, officiar, Archibald Murrey, Dempster, etc. The suitis calit, the court lauffullie fenssit and affirmitt.

The said day compeirit William Duthie in Woodheid, and grantit him selff restand to the laird four bollis ferme bear for his ferme bear of the crope 1623 zeirs, with tua bollis thrie firlots meill for the rest of his ferme meill of the said crope 1623, thrie capouns and ane custome wadder, quhilk suld have bein peyit at Witsunday last, in this instant zeir of God 1624

zeirs. Robert Duncane in Cairntoune is decernit be his awin confessioun to pay to the laird fyve bollis, thrie firlotis, tua pecks meill, for the rest of his ferme of Cairntoun for the crope 1623, with aucht capouns for the crope forsaid. Archibald Duncane in Bannageiche, tuentie fyve merkis money for his Witsunday maill of Bannageiche in this instant zeir of God 1624 zeirs. Jean Fullartoun, relict of vmquhile James Mylne in Cowie, fyve bollis ane peck bear for the rest of hir ferme of the half chaplanrie of Cowij, for the crope forsaid 1623 zeirs. Quhilkis haill personis respective aboun specifeit ar ordeanit ilk ane for thair awin parts to pay to the laird within terme of law, wnder pain of poynding.

The said day the haill tennents within the suckin of the milne of Cowij ar, ilk ane for thair awin pairts, decernit and ordeanit to gang wpoun dew and lafull warning of tualff houris warning and dyk in hauld¹ the watter to the milne in the dames thairoff, and quhasoeuer sall happin to failzie sall pay xl s. to the remanent that wphauldis and wirkis the samen, and the officiar ordeanit to poynd for the samen.

The said day the Judge forsaid decernis and ordeanis Andro Leapper to aggrie with John Law, skipper, and pay his dewtie for his hous, yaird, and land to the said John Law, or thane to remowe thairfra, and leave the samen woid, red and patent to the said John Law, conforme to his set thairoff.

J. THOMSONE.

The Barroune Court of Wry, hauldin in the Hall thairoff be ane honorable man Maister William Reid in Cowy, bailzie be ane nobill and potent erle Francis, erle of Erroll, etc., and William Hay of Wry, Jamis Thomsonsone, notter publict, Clark, David Burnet, officiar, John Fergussonsone, Dempster. The suits calit, etc.

The said day Alexander Annand, elder of Ochterallane,²

¹ To enclose with walls or ramparts.

² Alexander Annand succeeded his father in the lands of Auchterellon, in Aberdeenshire, in July 1601. He married Margaret, daughter of Cheyne of Esslemont.—Pratt's *Buchan*, p. 264. Annand evidently resided in Wrie at this period, as he is subsequently designed 'Alexander Annand, Elder, in Findlawstoun,' see p. 59, *infra*.

was constitut, creat, and ordeanit bailzie of the barrouny of Wry, wha gie his ayth *de fidelj administratioue* ay and quhill he be dischargit.

Secunda Curia.

The said day Alexander Fraser was admitit officiar, wha gaive his ayth *de fidelj administratiouj*.

The said day it is statut and ordeanit that all cornes that thoill fyir and watter¹ within the grund sall pas to the mylne, or wtherways salbe obleisit to pay dowbill multer.

The said day Gilbert Barclay is decernit to pay sex bollis nyne pecks sufficient malt for the rest of his ferme bear of the crop 1623, betuixt the dait heirof and the xxiv day of August nixt to cum, or thane the heighest pryss.

The said day the hail tenments ar ordeanit to cast the peitts befor the fyftein day of May, to leid the samen befor Lambes, or thane to pay tene lib. for ilk leitt thairoff.

The Barroune Court of Wry, haldin in Woodheid wpon the xxv day of August 1624 zeirs, be ane honorable man Johu Hay of Crimundmogat, bailzie to ane nobill erle Francis, erle of Erroll, etc., James Thomsoun, notter, clark, Alexander Fraser, officiar, Archibald Murrey, Dempster.

The said day Stephane Forbes in Cowij is decernit to pay to my lord or his factouris tene merkis money for his maill of the zeir of God 1623 zeirs, with aucht shilings money for ilk elne of i dozen ellis of lyning.

The said day Georg Straquhan in Glithno is decernit be his awin confessioun to pay the soum of tuentie fyve merkis money

¹ This phrase is descriptive of one of the forms of thirlage. These were (1) *omnia grana crescentia*, which included, with the exception of certain duties, such as farm rent, teinds, etc., all grains grown within the thirle or sucken; (2) *grana molibilia*, restricted to so much only of the grain grown within the thirle as the vassal had occasion to grind for his own use; and (3) *omnia grana invecata et illata*, or all grain brought within the thirle that 'tholes fire and water,' *i.e.* that has not been ground before being brought in. 'Tholes [or suffers] fire and water' refers to the *cobling* and *kilning* (steeping and firing) to which the grain was subjected in preparing it for the mill.—Erskine's *Institutes*, p. 424.

for his Witsonday maill in 1624, within terme of law, wnder pain of poynding.

The said day Gilbert Barclay is decernit to pay to the laird tene pundis money for ilk boll of fyve bollis nyne pecks malt restand be him of the crope 1623 zeirs, within terme of law, wnder pain of poynding.

The said day it being refferit to Robert and Archibald Duncanes, Abrahame Forfar, and William Duthie, what suld be allowit to Jeane Fullartoune, relict of James Mylne, for the want of the castellhead of Cowij, quhilk was ewictit fra hir be law be the erle Merschall,¹ wha deponit that they thocht the said peice land worthe tuo firlots bear zeirlic, and thairfor thair is deducit be the laird and bailzie to hir tua bollis bear of that quhilk scho is restand for the crope 1623 zeirs, quhilk payis hir of all lose and interest sustenit be hir preceeding the crop in this instant 1624 zeirs.

The said day William Duthie is decernit to pay to the laird tene pundis for cuting of the lairdis wood.

The said day Alexander Fraser is admitit grinter man² to receawe the fermes of thebarrouny of Wry in my lords name, etc.

The said day it is statut and ordeanit that the officiar sall poynd xx s. for ewerie dissobedient, and iff they wha is poyndit releive nocht, thair poynd be peyit within fyifteine days, the officiar to dispone thairwpoune.

The said day it is statut that ewerie ffoull that gangs amangis thair nichtbouris cornes sall pay ane peck of aits or bear quhairin thay pastur, etc.

J. THOMSONE.

The Barroune Court off the Barrouny of Wry, haldin wpoune the xxij day of Novimber 1624, in the dualing hous of James Thomsonsone in Wodheid, in name of ane nobill and potent erle Francis, erle of Erroll, etc., and William Hay of Wry, be ane honorable man John Hay of Crimondmogat, thair bailzie, James Thomsonsone, notter, court clark, Alexander Fraser, officiar, Archibald Raitt, Dempster,

¹ William, sixth Earl Marischal, is here referred to. He succeeded his father, George, fifth Earl, the founder of Marischal College, Aberdeen, in April 1623.

² The keeper of the laird's granary.

etc. The suits calit, the court lauffully fenssit and affirmit.

The said day Georg Straquhan in Glithnocht is decernit be the bailzie forsaid be his awin confessioun to pay to the laird the sowme of tuentie fyve markis money for his Mertimes mail of Glithnocht, for this instant zeir of God 1624, with tuentie fyve markis for his Witsunday mail of the said zeir within terme of law, etc.

Secunda Curia, lauffullie fenssit and affirmit.

The said day John Mowatt at the milne of Cowy is constitut, creat, and ordeainit bailzie deput in John Hay of Crimondmogat his veice and plaice, quha gaive his ayth *de fidelij administrationj* ay and quhill he be dischairgit.

The said day the haill tennentis, husbandis, cotters, and greas men, within the barrouny of Wry and Montquheiche, ar decernit ilk ane for thair awin pairts respective to mak payment of thair officiar cornes to Alexander Fraser, officiar, as they war in vse abefor to pay to vmquhile Alexander Hay, or ony wther officiar within the said barrouny, and the said Alexander Fraser to poynd thairfor as neid beis.

JOHN THOMSONE.

The Barrony Court of Wry, haldin in the Hull thair off, wpoun the xxv day of Maij 1625 zeirs, be ane honorable man John Hay of Crimondmogat, bailzie to ane nobill and potent erle Francis, erle of Erroll, and William Hay of Wry; James Thomsonsone, notter publict, clark, Alexander Fraser, officiar, Archibald Murrey, Dempster. The suits calit, etc.

The said day compt and rakning being laid betuixt the laird and the tennents, it is fund that James Thomsonsone hes maid compleit payment and satisfacioun off all maills, customes, and fermes, and wther dewties preceeding the crope to cum in this instant zeir of God 1625 zeirs, quhairon he hes the laird his acquittance. Jeane Fullartoun is decernit be hir awin confessioun to pay thrie bollis bear for the rest of hir ferme off the crope j^m vj^c tuentie and four zeirs. John Mowatt is decernit to

mak payment to the laird four bollis meill, with

bear for the rest off his ferme of Powbair and mylne of Cowij for the crop 1624 zeirs. Georg Mowatt, for the ferme off Walkmylne of the crope 1624 zeirs, thretteine bollis meill with thrie bollis malt for the rest of his ferme off Reidcloak for the crope forsaied. Stephane Forbes is decernit to pay tene markis money for his Witsunday and Mertimes mail 1624 zeirs, with ane elne of lyneing for the crop forsaied, with fywe markis for his Witsunday mail to cum in this instant zeir 1625. Gilbert Barclay is decernit be his awin confessioun to pay to the laird tene bollis meill for the crope 1624 zeirs, with

bear for the crope forsaied, with xx s. for the rest of his capouns of the crope 1625. Quhilkis hail personis, ilk ane for thair awin pairts respective, ar decernit to mak payment of the particular wictuall and sowmes respective as is aboun dewyidit within terme of law, wnder pain of poynding. Mair, William Duthie is decernit to pay to the laird sex bollis tua peckis les of bear, viz., tua bollis for the rest of his ferme 1623, tua bollis tua pecks les, and four bollis for the crop 1624 zeirs.

The said day John Lawe, skipper, is decernit to pay aucht shillings money for ane pynt of oylie for the crope 1624. Archibald Leapper

The said day compeirit Georg Mowatt in Reidcloak, and voluntarlie of his awin guid vill, with his guid and kyndnes, Renuncit, resignit, dischairgit, and quhytclamet all and whatsumeuer richt, tytill of richt, clame, entres, or possessioun, baythe petitour¹ and possessour that he hes haid, or ony ways may pretend to have, in and to that pairt and pendicull of milne off Cowy, calit Thomas Haining,² lyand on the southe syid of the watter of Cowie, to and in favouris of John Mowatt, present possessour of the mylne and milne landis of Cowij, with power to the said John to enter thairwith at the terme off

¹ One entitled to raise a petitory action, *i.e.* an action by which something is sought to be decreed by the judge, in consequence of a right of property in the pursuer.—Bell's *Law of Scotland*, p. 632.

² *Haining* is the term applied to an enclosed portion of pasture-land from which the tenants cut their hay.—Innes's *Legal Antiquities*, p. 242.

Witsonday nixt to cum in this instant zeir of God 1625, but actioun of ejectioun, intervussioun, or any deid off wrang,¹ quhairon the saids George and John tuik instruments.

GEORGE MOWAT.

The said day it is statuit and ordeanit that all and whatsum-euer persones, pair or riche, within the suckin of the milne off Cowie, sall have meit grund to thame at the milne scheilling off thair awin cornes, and also John Mowatt sall [have] libertie to met all malt heirefter in the milne fluir befor it be grund, and sall have half ane peck malt ower ilk boll malt.

The said day the hail tennents within the barrouny of Wry and Montquheiche that payis maill is decernit to pay thair Witsonday mails for this instant zeir of God 1625 zeirs, within terme off law, wnder pain of poynding.

J. THOMSONE, *Scriba.*

The Barrouny Court off Wry, haldin in the dualing hous of James Thomsonsone, notter publict, in Woodheid the last of Novr. 1625, in nam and behalf of ane nobill and potent erle Francis, erle off Erroll, Lord Hay, etc., and William Hay of Wry, heritable proprietars of the saidis landis, be ane honorable man Alexander Annand, elder in Findlawstoun, bailzie, James Thomsonsone forsaid, clark, Alexander Frasser, officiar, Archibald Murrey, Dempster. The suits calit, the court laifullie fenssit and affirmit.

The said day the hail tennents wnder writtin ar decernit ilk ane for thair awin partis to pay to John Mowatt, chalmerlan, the sowmes off money efter specifeitt, wiz., Maister Andro Leslie, the sowme off ane hundrethe merkis money for his Witsonday and Mertimes maill, in this instant zeir of God j^mv^c tuentie and fywe zeirs. Georg Dewiny, ane hundrethe merkis money for his Witsonday and Mertimes of Netherley, in the zeir off God forsaid. James Dewiny, feftie marks money for his Mertimes maill last by past, in the zeir of God aboun wrettin. Georg Milne, in Corsley, tuentie pundis money for his Mertimes maill forsaid. Johne Bannerman, thrie hundrethe markis for the Witsonday

¹ An unlawful act.

and Mertimes maill, in the zeir forsaid, for Rothnik and Bannagubs, and that the officiar is ordeanit to poynd presentlie for the samen, in respect terme of law is alreidy expyirit efter the terme.

The said day Georg Straquhan, in Glithnocht, is decernit to pey to the laird tuentie fywe markis money for his Mertimes maill last by past, in this instant zeir 1625.

The said day the tennents wnder wreittin ar decernit ilk ane for thair awin pairts respective to pay to John Mowatt, chalmerlan, the sowmes wnder wreittin for the rest of thair teynd siluer¹ for the crops j^m vj^o tuentie tua, xxij, and xxiiij zeirs. Georg Straquhane tualff pundis money for the said thrie zeirs teynd siluer of Glithnocht.

The said day Stephane Forbes, in Cowie, is decernit to pay tuentie markis money for his maill of the zeirs of God 1624 and 1625 zeirs, with ij dozen elnes of sarking lyneing for the said zeirs, or vj s. 8 d. for ilk elne thairoff, within terme of law, wnder pain of poynding.

The said day Stephane Forbes is decernit to pay to the laird fyve markis money for ilk stane of tua staine of brew talloun for the zeirs of God 1623 and 1624. As also Alexander Maky, at Cowie milne, is decernit to pay fyve markis for ilk staine of sex quarters brew talloun for the zeirs forsaid, within terme of law, wnder pain of poynding.

The said day the haille tennents within the barrouny of Wry that addetit and restand any fermes for the crope 1625, ar ordeanit to have the samen in redines, and to pay the samen at the termes of payment vsit and wount.

The said day Archibald Murrey is decernit to pay to the laird xls. money for the maill of ane peice fischerland, with xx s. for thrie capounes restand be him that he become debtour ffor John Mowatt for 1624 zeirs, within terme off law, under pain of poynding.

J. THOMSONE, *Scriba*.

¹ A proprietor might have a tack of teinds, conveying to him the whole parsonage and vicarage teinds of his estate at a fixed rent, and he levied the amount, no doubt, somewhat increased from the tenants, but commuted or fixed.—Innes's *Legal Antiquities*, p. 261.

The Baroun Court of the Baronie of Vrie, haldin at Wodheid vpon the aucht day of August 1626 zeirs, James Thom-soun, bailzie, Alexander Fraser, officiar, Archibald Murray, Dempster. The court laifullie fensit aud affiermit.

The tennentis efter nominat being calit for payment of thair byrun dewties restand be tham cropis 1625, 1626, quhairof the terms of payment is bypast, viz., George Myln, in Corsley, crop 1625, fyve pultrie foullis. George Schiphird, for Rothnik and Bannagubis, for the crop 1627, sex wedders or iij lib. for the pece, within term of law, wnder the pain of poynding.

The said Stephane Forbes is decernit to pay five markis male for Mertimes term 1625, and fyve markis for Witsundayis term 1626, with tuelff ellis lyming, or viij s. for ilk ell, for the crop 1625, within term of law, wnder the pane of poynding.

The quhilk day George Gordoun is decernit to pay to¹ the customes and service of his occupatioun of Megra restand sen Witsunday last and in all tyme cuming, and that within term of law, wnder pane of poynding.

The quhilk day the hailf fremen² are decernit to pay thair ulie of this zeir, or the pryces thairof, within term of law, wnder the pane of poynding.

The quhilk day Maister Andro Leslie is decernit to pay his Witsundayis male last by past, viz., fiftie markis, within term of law, wnder the pane of poynding.

The quhilk day the said Maister Andro Leslie Stephan Forbes and John Aberdein ar ilk ane decernit to pay tuentie shillingis money for thair non comperans to this court this day, within term of law, wnder the pane of poynding.

¹ Pay up.

² *Fremen* is obviously used to denote the fishing population, they being the only parties who paid customs in oil. If we could assume that a popular notion, still occasionally advanced, prevailed at this period, to the effect that the fishermen along the coast of Kincardineshire were originally 'incomers' who had settled there from foreign parts, we might refer the term *fremen* to the root *frem*, signifying strange or foreign. It may possibly, however, be akin to the Orcadian *fram* the sea, *by fram* seaward, in which case *framen* or *fremen* would mean seamen.

The Baroun Court of Vrie, haldin at Wodheid vpon the fift day of October 1626 be James Thomsoun, bailzie, to Frances, earle of Erroll, heritable proprietor of the saidis landis. The suittis callit, the court laifullie fensit. Alexander Fraser, officiar, John Murray, Dempster.

The quhilk day Thomas Sellat is decernit be his awin confessioun to pay to James Deviny, in Montquheiche, ten markis hous male, with ten shillingis for thrie pultrie, and four pundis sevin shillingis sex pennies borrowit money, within term of law, wnder the pane of poynding.

The quhilk day the bailzie ratefeis and approves all former actis maid anent the payment of the fermes and vther duties to the said Maister of ground, viz., the earle of Erroll and his chalmerlane of all croftis bygane and to cum, viz., the fermes to Alexander Fraser, and the remanent duties to John Mowat. The hail tennentis convenit assentis, and ar becum actit thairfoir according to thair assedatiounes and former actis maid thairanent. Quhairvpon the chalmerlanes tuik act.

The quhilk day the hail tennentis that payis martis ar ordanit to pay thame befor Halunes, or ten pundis for the pece thairof.

The Court of the Barrounie of Wrie, haldin in the Woodheid of Wrie, the sevintene day of July 1627 zeirs, in name and behalff of ane nobill and potent erle, Francis erle of Erroll, Lord Hay, etc., Heiche Constabill of Scotland, and heritable propriater of the saidis landis, be Maister Andro Leslie, bailzie for the tyme. James Thomsone, notter publict, clark, Alexander Fraser, officiar, John Murrey, Dempster. The suits calit, the court laifullie fensit and affiermit.

The said day Maister Andro Leslie is admitit and creat bailzie for the tyme, wha gaive his ayth *de fidelij administrationj*, ay and quhill he be dischairgit.

The said day John Law, skipper, Archibald Leapper, Niniane Robertstone, Magnus Fowllar, and the remanent fremen in Cowy, ar decernit to pas to sie ilk day that vther boitis in the

cost syid in sick schoiris gois to sie, or thane to pay ane boits pairt of fischss for ilk day thay ly on land, quhen thay may convenientlie go to sie.

The said day Georg Gordoune is decernit be his awin confessioun to pay to my Lord thrie sufficient custome wedderis with thair woll for his custome wadderis, quhilk suld beine payit at Ruid day last by past. Archebald Duncane, twa customes wadders with the woll that suld beine payit at the terme forsaid, or thane the ordinar pryceis, wnder pain of poynding.

The said day compeirit Alexander Fraser as procuratour for my lord, and protestit for the heighest pryceis of all sick fermes, meill and bear, as sall happin to be restand efter the terme of Lambes nixt, within the barrouny of Wrie, Quhairon the procuratour forsaid tuik act of court and instrument.

The said day Stephane Forbes is decernit be his awin confessioun to pay to my lord ane dozen elns linyng, quhilk suld bein peyit at Witsunday last in this instant zeir 1627 zeirs, or thane aucht shillings for ilk elne thairoff, within terme of law, wnder pain of poynding.

J. THOMSONE, *Scriba.*

The Baroun Court of the Baronie of Vrie, haldin at Woodheid vpon the tent day of November 1627, James Thomson, bailzie, Alexander Fraser, officiar, John Murray, Dempster. The suttis callit, the court lauffullie fensit and affiermit.

The quhilk day Maister Andro Leslie, George Schiphird, and Archibald Duncan ar decernit ilk ane of thame to pay to the Maister of the grund ane sufficient mart, or ten pundis money, within term of law, wnder the pain of poynding.

The quhilk day George Gordoun and William Duthie ar decernit in the pryces contenit in ane former act for ilk leit of peitis restand be thame, crop 1627.

The quhilk day George Myln in Findlastoun, is decernit to pay to the Maister of the ground ane steane brew creische, or four markis, preceeding the dait hereof, viz., for the brewing, tyme forsaid, and that within terme of law, wnder the paine of poynding.

The quhilk day James Duncan is decernit to pay to Thomas Measoun tua markis borruit money with four shillings expenses, within term of law, wnder the pane of poynding.

PATRIK LAISHAN.

The Baroun Court of the Baronie of Vrie, haldin at Woodheid vpon the ellevint day of December 1627 be George Mowat and James Thomsoun, bailzies, to ane potent erle Frances, erle of Erroll, etc., Alexander Fraser, officiar, John Murray, Dempster.

The quhilk day Jeane Fullertoun is decernit to pay to William Duthie four markis iij s. viij d., within term of law, wnder the pain of poynding.

The quhilk day the hail sucken is ordanit to keip the myln, wnder the pane of paying dubill multer for thair abstractit multeris, and poynding to follow thairvpon, and the malt to be groundin vpon the sheiling.¹

The quhilk day the hail tennentis ar obleist to gif in thair ferm beir in sufficient holsum stuff to his maltmen, to the effect the malt may be sufficient to serue his hous.

The quhilk day James Allardes is decernit be his awin confessioun to pay to James Thomsoun tuentie tua merkis x s. viij d. byrun male, within term of law, wnder the pain of poynding.

The Baroun Court of the Baronie of Vrie, haldin at Woodheid vpon the sevint day of Maij 1628 be James Thomsoun, bailzie, to ane potent earle Frances, earle of Erroll, etc., heritable proprietor of the forsaid baronie. The suittis callit, the court lauffullie fensit. Alexander Fraser, officiar, James Murray, Dempster.

The quhilk day the hail tennentis ar decernit and ordanit to cast thair leit peatis in dew tyme, conform to the former act maid thairanent, and wnder the failzie thairin mentionat.

¹ *Sheiling* here stands for *sheiling-mill*. According to modern usage malt is crushed by being passed through iron rollers in a separate mill provided for the purpose. Formerly, however, the sheiling-mill was used, or that by which in the ordinary process of meal-making the husk and dust are detached from the grain previous to its being ground.

The quhilk day the hail tennentis that ar obleist to pay wedderis, ar ordanit to gif in thair wedderis wnder woll worth thrie pundis be the sicht of John Mowat and George Davenie betuix, befor the fyftein of this instant Maij, or ellis the pryce forsaid.

The quhilk day the hail tennentis ar decernit to pay thair Witsonday male preceislie at the term, wnder the pane of poynding.

The quhilk day all cotteris ar decernit to keip¹ thair maisteris fauld, with their guidis maistlie betuix rud day and Michelmes, quhilk failzeing the contravener sall pay for ilk scheip tuelf pennies, and for ilk nolt beist thre schillingis four d. for ilk nicht, and that to be extended in all tyme cuming, and poynding to follow thairvpon.

The quhilk day Alexander Syret is decernit to pay to the laird of the ground ten pundis for selling peatis without the lairdis consent, and refusit to sell to the laird him selff, and that within term of law, wnder the pane of poynding.

The quhilk day it is ordanit, be consent of the hail tennentis convenit for the tyme, that quhoseuir takis away ony of thair nichtbouris peitis thaj sall pay tuentie schillingis thairfoir *toties quoties*. Quhairvpon thaj tuik act.

The Barroune Court of Wrie, haldin in Wodheid the penult day of January 1629, be ane honorable man John Hay of Cremoundmogat, bailzie to ane nobill erle Francis, erle of Erroll, Lord Hay, etc., heritable propriater of the saidis landis, James Thomsons, notter publick, Clark, Alexander Fraser, officiar, James Murrey, Dempster, etc.

The said day Maister Andro Leslie in Montquheiche is decernit to pay to John Mowatt feftie merkis for his Mertimes maill in j^m vj^c tuentie aucht zeirs. Abrahame Forfar tuentie fyve merkis, and James Forfar tuentie fyve markis, for thair Mertimes maillis the zeir forsaidis within terme of law wnder paine of poynding.

The said day Maister Andro Leslie is decernit to pay to the

¹ Watch. 'Keip the fauld' is equivalent to the expression 'walk the fald' on p. 9.

laird xx lib. for his custome mairte for 1627 and 1628 zeirs. Abrahame Forfar and James Forfar x lib. for thair mairt 1628 zeirs, within terme of law, etc.

The said day it is statuit that ilk tennent addebtit in payment of ferme meill within the barrouny sall mak at least ane chalder¹ aitit at ane tyme in ferme, to the effect the millar may keip the ferme frie of dust. J. THOMSONE, *Scriba*.

The Barroune Court of Wry, haldin in Woodheid wpon the aucht day of Maij 1629 zeirs, be ane honorable man John Hay of Crimoundmogat, bailzie to ane nobill and potent erle Francis, erle of Erroll, etc., heritable propriater of the said barrouny, James Thomsonsone, notter publict, Court Clark, Alexander Fraser, officiar, Robert Syrie, Dempster. The suits calit, etc.

The said [day] the haill tennents of Montquheiche, Rothnik, Bannagubs, and Corsley, is decernit to cast and leid thair leitt peitts this instant zeir in the ordinar moss of Wrie, and leid the samen to the peithill of Wrie in dew tyme, conforme to the former actis.

The said day Allexander Fraser is ordeanit to receive the fermes and customes of the Bray of Wrie, and to give discharges thairwpon, quhilk salbe sufficient to the tennentis, Quhairon George Mowatt in name of the remanent tuik act.

The said day the haill tennents within the barrouny of Wrie that ar restand ony of thair fermes for the crope 1629 zeiris, ar decernit to pay the samen to the girner in Wrie within terme of law, or thane tualff pundis money for ilk thairof, meill and bear respectively, wnder paine of poynding.

J. THOMSONE, *Scriba*.

The Barroune Court of Wrie, haldin in Wodheid wpon the xj day of Nouember 1629 zeiris, be ane honorable man John Douglas of Wast Barras,² bailzie constitut ay and

¹ A measure consisting of sixteen bolls.

² John Douglas of Wester Barras was fourth son of Sir William Douglas of Glenbervie, who succeeded to the earldom of Angus on the death of Archibald, eighth earl, in 1588. John Douglas received the lands of Wester Barras, which had previously formed part of the Barony of Glenbervie, in portion from his

quhill he be dischairgit be ane nobill and potent lord William Hay, etc., heritable propriater of the saidis landis, James Thomsons, notter publict, Clark, Alexander Fraser, officiar, Robert Syrie, Dempster. The suits calit, the court laifullie fensit and affirmit.

The said day James Forfar is decernit to pay to the laird of Wrie fyve pundis money for halff ane leit of peits, quhilk suld have beine set vpone the peithill of Montquheiche this instant zeir 1629, with fyve pundis for his half mairt 1629, and xx s. for sex pultrie foullis, within terme of law, wnder paine of poynding.

The said day William Duthie in Wodheid is decernit be his awin confessioun to pay to the laird ane sufficient custome mairt, or thane tene pundis money for the pryce thairoff, within terme of law, wnder pain of poynding.

The said day the hail tennentis within the barrouny of Wrie ar decernit be the bailzie forsaidis to pay in thair fermes to Alexander Fraser, to wit the meill ferme befor Candles nixt to cum in 1630, and the bear ferme befor ruid day thairefter.

The said day Georg Milne in Corsley is decernit be the judge forsaid to pay to John Mowatt, chalmerlane, ane hundrethe markis money for his Witsonday and Mertimes maillis of Crosley last by past in this instant zeir 1629 zeiris, with anc vther hundrethe markis for his Witsonday and Mertimes mail of ane pleuche of Montquheiche last occupiet be Maister Andro Leslie, and now occupiet be him for this instant zeir 1629, Quhairwnto the said Georg objectit and alledgit he suld nocht pay bot onlie thrie scoir sextein markis zeirlie, conforme to ane conditione maid be him with the laird of Wrie. [Nochtwithstanding of the quhilk objectioun the bailzie forsaid decernit the said George to mak payment of the sowme of ane hundrethe markis zeirlie for the said pleuche in Montquheiche, within terme of law, wnder paine of poynding].¹

father. He married Jean, daughter of Fraser of Durris. His son, John Douglas, sold Wester Barras, in 1640, to his brother-in-law, George Ogilvie, who so nobly defended the castle of Dunottar against the forces of the Commonwealth in 1651-2.—Nisbet's *Heraldry*, Appendix, p. 222.

¹ The passage printed within brackets has marks of erasure drawn over it in the original ms.

Quhairwpone he gave his ayth and thairfor was decernit to pay bot onlie the said soun of thrie scoir sextein markis for the said tua termes.

The said day Georg Moscrope alies Shiphird is decernit to mak payment to John Mowatt, chalmerlan, of the soume of tua hundrethe markis for his Witsonday and Mertimes maill of Rothnik, in this instant zeir 1629 zeirs. William Maine is decernit to pay to the chalmerlane ane hundrethe markis for his Witsonday and Mertimes [maill] of ane pleuche in Montquheiche, occupiet be him in this instant zeir 1629. Abraham Forfar is decernit to pay to the chalmerlane fourtie markis in compleit payment of his Witsonday and Mertimes maill of half ane pleuche in Montquheiche in this instant zeir 1629, within terme of law. George Straquhan is decernit to pay feftie pundis for his Mertimes maill of Glithnocht in this instant zeir 1629, within terme of law, wnder pain of poynding.

The said day William Murray and Alexander Munzie ar decernit to pay to the laird of Wrie tuentie markis money equalie betuix thame for thair Mertimes maill 1629. John Maissone in Montquheiche tene pundis for his Mertimes maill, and Archebald Duncane tuentie ffyve markis for his Mertimes maill of Bannageiche, in this instant zeir 1629. Stephane Forbes in Cowie tene markis for his Witsonday and Mertimes maill of the smydie croft in this instant zeir, with aucht shillings for ilk elne of ane dozen elnes of lyming restand be him for the said zeir, within terme of law, wnder paine of poynding.

The said day Abrahame Forfar, being persewit be Alexander Fraser, officiar, for deforcing him in taking ane plaid frome him quhilk he had poyndit from the said Abrahame for his dissobedience, being warnit to have cariet corne frome Montquheiche to Wrie. Compeirit the said Abrahame, and refferit the samen to the said Allexander, his ayth of weritie, wha being sworne deponit the said Abrahame deforcit him in taking back the said plaid. Quhairfor the judge forsaid decernit the said Abrahame in ane amerciament of tene pundis, quhilk he is decernit to pay to the laird within terme of law, wnder paine of poynding.

The said day Stephane Forbes in Cowie is decernit to pay to Georg Johnstoun, burges of Aberdein, fyve markis money

restand be him to the said Georg of byrun compts, within
terme of law. J. THOMSONE, *Scriba.*

*The Barroune Court of Wrie, haldiu in the Hall thairoff
wpone the sexteine day of Junij 1630 zeirs, in name and
behalf of aue nobill and potent lord William, Lord Hay,
etc., and aue honorable man John Hay of Crimound-
mogat, his lordship's bailzie, James Thomsonsone, notter
publict, court clerk, Alexander Fraser, officiar, Robert
Syrie, Dempster. The suits calit, etc., the court laifullie
fenssit and affirmit.*

The said day the hail tennentis within the barrouny of Wrie
and Montquheiche that ar restand thair Witsunday maill in
this instant zeir 1630 zeirs, ar decernit ilk ane for thair awin
pairtis respective to mak payment thairof to John Mowatt,
chalmerlane, within terme of law, wnder paine of poynding.

The said day the tennentis efter specifeit ar decernit ilk ane
for thair awin pairtis respective to pay to the laird of Wrie the
particular bollis of bear and meill wnder written, wiz. : William
Duthie four bollis bear for the crope 1629. Jeane Fullartoun
ffyve bollis bear. Georg Gordoune tua bollis thrie firlots
bear and four bollis meill. Robert Duncane ane boll thrie
pecks meill, within terme of law, or thane tene pundis for ilk
boll thairoff, wnder paine of poynding.

The said day George Gordoune is decernit to pay four libs.
for ilk dussone of thrie dozen caponis restand be him for the
crope 1629 zeirs, within terme of law, wnder pain of poynding.

The said day the hail tennents within the barrouny of Wrie
that sall happin in any tyme heirefter to reais fyir and burne
mwir within any pairte of the said barrouny efter the tent day
of Marche zeirliche, sall pay tene pundis *toties quoties* to the laird
for ilk mwir burne¹ to be reaisit be thame efter the said day
abone mentionat.

The said day Stephane Forbes in Cowie is decernit be his
awin confessioun to pay tuentie markis for his maill of the
smydie croft in Cowie for the Witsunday terme last by past in
this instant zeir 1630, and [for] all termes preceeding, togidder

¹ The act of burning moors or heath.—*Jam.*

with ane dozen elnes lyning clayth, or thane aucht shilingis for ilk elne thairof for the said Witsonday terme abone wreittin, within terme of law, wnder paine of poynding.

The said day it is statuit and ordeanit that ewerie cotter and greas man within the barrouny of Wrie that is hird to his awin guidis in the day tyme, sall wathe and waird for thame in the fauld or the aucht tyme,¹ conforme to the number of guidis that he hes, and iff any skayth sall happin in thair default, to be comptable for the samen and pay the skayth.

The said day it is statuit and ordeanit that the hail tennents within the nether barrouny of Wrie that ar thirlit to the milne of Cowie sall kep the said milne in all tyme cuminge, and pay the ordinar multers of thair corns, conforme as thaj war in vse in vmquhile John Hays tyme, of sick corn as growis within the grund, and all vther that is coft and brocht in and tholis ffyir and watter within the grund sall pay out suckin² to the said mylne.

The Barroune Court of Wrie, haldin in the Woodheid wpoune the sextein day of Maij, be ane honorable man Johnne Hay of Crimoundmogat, bailzie to ane nobill and potent erle Francis, erle of Erroll, and William Lord Hay, heritable proprietars thairof, James Thomsoune, notter publict, clark, Alexander Fraser, officiar, David Mitchell, Dempster. The suits calit, the court lauffullie fenssit and affirmit.

The said day the hail tennents wnder wreittin ar decernit to pay to John Mowatt in Powbair the sowmes efter specifeit, restand be ilk ane of thame for thair awin pairt respectiue for thair Mertimes maillis last by past in j^m vj^c and threttie zeirs, wiz.: George Milne in Corsley feftie merkis, with the ordinar annuel-rent thairof since the said terme. Georg Moscrope in Bannagubis foir his Mertimes maill of Rothnik and Quhytsyid the zeir forsaid four scoir sevinteine markis sex sh[ilings] viiij d., with the ordinar annuel-rent thairof since the terme

¹ Up till eight times.

² *Out-suckin* here signifies the remuneration which the 'out-suckeners' paid to the miller for grinding their grain.

forsaid. Alexander Mengzeis in Montquheiche threttie aucht markis for his Mertimes maill 1630. Daid Craig tuentie fyve markis for his Mertimes maill the zeir forsaid, with the ordinar annuel-rent thairoff. Georg Straquhane in Glithnocht feftie pundis for his Mertimes maill the zeir forsaid, with the ordinar annuel-rent since the said terme, within terme of law, wnder paine of [poynding], as also the hail tenents addebtit in payment of siluer maill ar decernit ilk ane for thair awin pairtis respectiue to mak payment of thair Witsunday maillis in this instant zeir j^m vj^c threttie ane zeirs preceislie at the terme of Witsunday, wnder paine of poynding.

The said day the hail tennents within the barrouny of Wrie that ar restand any of thair fermes for the crope j^m vj^c and threttie zeiris ar ilk ane for thair awine pairtis respectiue sua far as is restand be thame, and ilk ane of thame ar decernit to mak payment thairof to the laird of Wrie, within terme of law, or thane tene pundis money for ilk vndelyuerit boll thairof meill and bear respectiue, wnder paine of poynding, and the officiar ordeanit to poynd for the samen.

The said day the hail tennents that ar restand any customes wadders, capouns, and pultrie ar decernit ilk ane for thair awine pairtis at the termes of payment vsit and wount, or thane the ordinar prycis thairoff, wnder paine of poynding.

The said day Stephane Forbes in Cowie is decernit to pay to the laird fyve markis money for his Witsunday maill in this instant zeir 1631, with ane dozen elnes of linyng clayth quhilk suld beine payit oniday last by past, or thane aucht shilings money for ilk elne thairof, wnder paine of poynding.

The said day the bailzie forsaid decernis and ordeanis Georg Milne in Corsley tene pundis money for ane leit of peittis quhilk he suld have castin for that pleuche in Montquheiche occupiet be him in j^m vj^c and threttie zeiris, within terme of law, wnder paine of poynding.

J. THOMSONE, *Scriba.*

The said day Thomas Sellatt in Montquheiche is decernit to pay to John Midltoun in Findlawstoun tene pundis for ane kow, etc.

The Barroun Court of the Barrouny of Wrie, haldin in Woodheid wpoun the xj day of September 1632 zeiris, be

John Mowatt in Powbair, bailzie to ane nobill and potent erle William, erle of Erroll, Lord Hay, etc., heritable propriater of the saidis landis, James Thomsonsone, notter publict, court clerk, Alexander Fraser, officiar, Rob. Syrie, Dempster. The suits calit, etc.

The said day compeirit William Reid, seruitor to John Mowatt in Rothnik, and complenit wpoun Agnes Duncan, dochter to William Duncane thair, that the said Agnes hade dung, strukin, and bled the said William. Compeirit the said Agnes and denyit the samen, in respect quhairof the forsaid referrit the samen to the knowledge of ane assyse, wha be the mouth of George Straquhane, chosin chancler,¹ convict the said Agnes in the blood, in respect of her awin confessioun. Quhairfor the Judge forsaid decernis the said Agnes to pay ffyve pundis to Alexander Fraser, procuratour fiscall, within terme of law, wnder pain of poynding.

The said day compeirit William Duncane in Rothnik, and being persewit for contravening of ane former act quhairin the hail tennents ar obleidgit naine of thame to persew wtheris befor the Shereff, and the said William haweing persewit Allexander Munzie befor the Shereff, he refferit himself in William Hay of Wrie his will. Quhairon Allexander Fraser tuik act.

J. THOMSONE, *Scriba.*

The Barroune Court of the barrouny of Wrie, haldin in the dualing hous of James Thomsonsone in Woodheid wpoun the tuentie aucht day of Januar 1634, be John Hay of Ardlethine,² bailzie to ane nobill and potent erle William, erle of Erroll, Lord Hay, Heiche Constable of Scotland, heretable propriater of the saidis landis, James Thomsonsone, notter publict, clerk, Allexander Fraser, officiar, Robert Syrie, Dempster. The suits calit, the court laifullie fenssit and affirmit.

The said day compeirit John Ramsay in Magray and con-

¹ The Chancellor of a jury is the preses or foreman, who announces the verdict.—Bell's *Law of Scotland*, p. 151.

² The lands of Ardlethen are situated in the parish of Ellon in Aberdeenshire. John Hay succeeded his father, George, third son of George, sixth Earl of Errol, in these lands subsequent to 1612.—*Reg. Priv. Coun.* vol. ix. p. 417.

fessit himself to be restand aucht bollis bear of his ferme crop 1632 zeiris, in respect quhair of the bailzie forsaid decernis and ordeanis the said John Ramsay to pay nyne pundis money for ilk boll thair of to John Mowatt, chalmerlane, within terme of law, wnder pain of poynding.

The said day compeirit Abrahame Forfar in Montquheiche and confessit himself to be restand ane hundrethe and ffywe markis money for his Mertimes termes maill of his occupatioun of Montquheiche last by past in 1633, and in compleit payment of his haill maillis of all zeirs and termes bygain preceeding the said terme of Mertimes. Quhilk sowme the said Abrahame is decernit to pay to the said John Mowatt, chalmerlane, within terme of law, wnder paine of poynding, as also the said Abrahame is fund restand ane custome mairt pryce tene pundis with sex pundis money for the pryce of tua custome wadders, and that for his customes of Montquheiche for the crope 1633, and for the crope to cum in this instant zeir 1634 zeirs, quhilk he is decernit to pay to the chalmerlane forsaid, within term of law, wnder pain of poynding.

The said day compeirit Allexander Menzeis in Montquheiche and confest him self to be restand ane hundrethe and fourteine markis for his Mertimes maill last by past in 1633, and all zeirs and termes preceeding, quhilk sowme he is decernit to pay to John Mowatt, chalmerlane, within terme of law, wnder pain of poynding.

The said day Georg Straquhane in Glitlnocht is decernit be his awine confessioun to pay feftie pundis money to John Mowatt, chalmerlane, for his Mertimes termes maill 1633, within terme of law, wnder pain of poynding.

The said day James Gordoun and John Mowatt in Rothnik is decernit be thair awin confessioun to pay to John Mowatt, chalmerlane, feftie pundis for their Mertimes maill 1633, within terme of law, wnder pain of poynding.

The said day Allexander Munzie in Quhytsyid is decernit to pay tuentie fyve markis for his Mertimes maill 1633, with fyve pundis for half ane mairt to the chalmerlane forsaid, within terme of law, wnder the pain of poynding.

The said day the haill tenments within the barrouny of Wrie ar decernit to mak payment of thair haill fermes meill and bear

restand be thame for the crope 1633, to John Mowatt in Powbair into the girners of Wrie, in sufficient victuall cleane but dust or steanes (except James Thomsons, wha hes productit ane dischaige of the said zeirs ferme alredie), the meill ferme befor the first of Marche, or thane nyne pundis for the boll thairof, and the bear befor the thrid day of Maij nixt to cum, or thane tene pundis for ilk boll thairof.

The said day it is statuit and ordeanit be the bailzie forsaid that whosoeuer within this barouny salbe tryit to cut or distroy any of the planting of Wrie sall pay tene pundis money to my lord efter dew tryall.

The said day the bailzie forsaid decernis and ordeanis Abraham Forfar to pay tene bollis ane firlot of his meill ferme of Findlawstoun for the crope 1632, with his hail ferme, meill, and bear for the crope 1633, into the girners in Wrie, to John Mowatt to be keipit and preservit be the said John to the weil and profeit of Alexander Annand of Findlawstoun, or any wther who salbe fund to have best richt thairto. And in caice of failzie to pay my lordis prycis. As also the said Abraham is decernit to pay his customes or prycis thairof to the said John, within terme of law.

The said day Magnus Milne at the milne of Cowie is ordeanit to sie the ferme cleine sheilit, and that thair be nather dust nor staines put amangis the samen, and to that effect he sall tak the hail dust and reteine the samen in his awin hous till the fermes be delyuerit into the girners, quhairwpoun he hes given his ayth.

The said [day] John Irving in Corsley is decernit to pay feftie markis for his Mertimes mail 1633, to John Mowatt, within terme of law, wnder pain of poynding.

The Barroune Court of Wrie, haldin in Woodheid wpoun the 27 of Junij 1634 zeirs, be ane honorable man John Hay of Ardlethin, bailzie to ane nobill and nichtie erle William, erle of Erroll, Lord Hay, Heiche Constable of Scotland, etc., heritable proprietor of the saidis landis; James Thomson, notter clark, Alexander Fraser, officiar, David Syrie, Dempster. The suit calit, etc.

The said day compeiret the hail tennents wnder writtin, per-

Note.—Abraham suld have sex bollis of the tene bollis 3 firlots for £4. 3s. 4d. the boll.

sonallie, and confessit that ilk ane of thame ar in vse to pay for thair seuerall occupatiounis efter specifeit the particular maillis, fermes, and dewties respectiue efter mentionat, wiz.: Jeane Fullartoune, for the half chaplanrie in Cowie, elevine bollis tua firlots bear. And Patrik Austiane, Shereff Clerk of Kincardyne, being necessarlie absent from this court, in respect he was at ane Shereff Court, declairit to the bailzie forsaid this morning that he payis for the nether half chaplanrie tualf bollis bear. Stewine Forbes payit for the smydie croft in Cowie tene markis, ane dussone of lyning clayth, and vphaldis ane pleuchs smyth wark in the mainse of Wrie. John Law, skipper, Magnus Falconner, Archibald Leapper, and Edward Robertstone, fischers in Cowie, pays aucht markis tua quartis of oylie, the boits pairt being drawin.¹ Thomas Maine payis for tua zairdis thair tene markis. Daudid Burnet at the burnesyid of Cowie payis fyve markis. George Qulhyt thair payis thrie pundis. Magnus Milne payis for the milne dozen² of Covie tuentie four bollis meill, and for the milne land thair off threttie bollis bear, four dussoun capouns, ane milne swyne, ane custome mairt, fourtie shilings of maill, ane leitt of peittis. Georg Mowatt payis for Reidcloak tuentie pundis of maill, four bollis malt, thrie bollis hors corne, four wadders, auchteine capouns, auchteine pultrie. Item, mair he payis for Walkmilne of Wrie ffourtie pundis money. Archibald Duncane payis for Bannageich feftie markis, ane custome mart, tua wadders, ane dussone capouns, ane dussone of pultrie, ane leit of peittis. Robert Duncane payis for Carntoune auchteine bollis meill, ane custome mart, tua wadders, ane dussone capouns and ane dussone pultrie, ane leitt of peitts. Georg Straquhane pay[is] for Glithnocht ane hundrethe pundis money. William Duthie pays for the eist syid of Woodheid sexteine bollis meill, and four bollis bear, ane custome mart, tua wadders, ane dussone capouns, ane dussone pultrie, ane leitt of peitts. James Thomstone pays for the wast half thair off the lyik dewtie, except sick he hade doun³ for his seruice. John Mowatt pays for Powbair sexteine bollis meill and four bollis bear.

¹ Withdrawn or passed.—*Jam.* (Supplement).

² See p. 79 n. 2, *infra*.

³ What he had done.

Abrahame Forfar payis for half ane pleuche in Montquheiche feftie markis, half ane mart, ane wadder, half ane staine of butter, sex pultrie, half ane leitt peittis. Gilbert Menzies payis for half ane pleuche and ane croft thrie scoir sexteine markis, with sex pundis for customes. John Mowatt payis for ane wther halff pleuche thair feftie markis, half ane mart, ane wadder, half ane staine butter, sex pultrie, and half ane leitt of peittis. William Maine pays for ane pleuche thair ane hundrethe markis, ane mart, tua wadders, ane staine of butter, ane dussone of pultrie, ane leitt of peittis. Alexander Menzies pays for ane wther pleuche thair thrie scoir sexteine markis, ane mart, tua wadders, ane staine of butter, ane dussone of pultrie, and ane leitt of peittis. The wther thrie pleuchs in Montquheiche wodset to George Dewinny, and pays to him, ilk pleuche, ane hundrethe markis, ane mart, tua wadders, ane staine of butter, ane dussone pultrie and leidis ane leit of peits, ilk pleuche, to the peithill in Montquheiche. John Milne payis for the milne and milne croft of Montquheiche tuentie bollis meill, aucht pundis of maill, ane mylne swyne, ane dussone capouns. Sauchinshawe, wodset to Georg Dewinny, pas to him ane hundrethe markis, ane wadder, ane staine of butter, ane dussone pultrie. Bonnagubs, wodset to Georg Shiphird, *alies* Moscrope, pays ane hundrethe markis, ane mart, tua wadders, ane staine butter, ane dussone pultrie, and ane leit of peittis.

James Gordoune and John Mowatt pays for Rothnik ane hundrethe pundis of maill, ane mart, half mart, thrie wadders, ane staine, half staine of butter, auchteine pultrie, ane leitt of peitis. Quhytsyid being the quarter of Rothnik, and now waist, payis feftie markis, half ane mart, ane wadder, half ane staine of butter, sex pultrie, and half ane leitt of peittis. Corsley being now waist and tennentlese, in respect John Irvings remowing thairfra, payit ane hundrethe markis and ane leit of peittis onlie. In respect vnquhile John Ramsey, wha was tennent in Magray, is laitlie depairtit this present lyff, and his relict being vnable to compeir this day, it is declairit be John Mowatt, chalmerlane, and wthers that knawis the rentall, that Magray payis fourtie bolls victuall, half meill, half bear, thrie wadders, tua dussone capouns, ane dussone

pultrie, tua leitt of peittis. In respect Allexander Annand in Findlawstoune was not present, it is declairit be William Hay of Wrie and the chalmerlane that Findlawstoune payis onlie tene markis of maill, Quhilkis haill tennents particularlie abowe namet are ilk ane for thair awine pairtis respective decernit, except the wodset landis abowe specifeit, be the bailzie forsaid, to mak payment of the particular maillis, fermes, and dewties addebtit be ilk ane of thame for thair seueral occupations respective abowe specifeit, wiz: the fermes for crope instantlie presentlie wpoun the ground in this present zeir of God j^m vj^c threttie four zeiris, and thair maillis and customes for the crope to cum in zeir of God j^m vj^c threttie ffyve zeirs to the said nobill erle and his chalmerlane in his name, wiz., John Mowatt in Powbair, at the termes of payment vsit and wount, wnder the paine of poynding.

The said day Androw Duncane is decernit to pay to Allexander Maine xx lb. be his awin confessioun, wnder paine of poynding, within terme of law.

The Barrouny Court of Wrie, haldin in Woodheid, the 26 of Februar 1635, be John Hay of Ardlethine, bailzie to ane nobill and potent erle William, eroll of Erroll, Lord Hay, etc., Heiche Constable of Scotland, heritable proprietor of the saidis landis, James Thomsonsone, notter clerk, David Burnet, officiar, Allexander Murray, Dempster. The suits calit, the court laifullic fenssit and affirmit.

The said day the haill tennents within the barrouny of Wrie ar, ilk ane for thair awin pairtis respective, decernit to pay in thair fermes of the crope j^m vj^c threttie four zeirs, to John Mowatt, chalmerlane, into the girners in Wrie, befor Pashe nixt, or thane tene pundis for ilk boll meill and twalff pundis for ilk boll bear, wnder pain of poynding.

The said day the haill tennents that payis siluer maill within the said barrouny (except Georg Mowatt, wha alleges he hes ane discharge of the laird of Wrie) are decernit, ilk ane for thair awin pairtis respective, to mak payment to the chalmerlane forsaid of thair Mertimes maillis last by past in the zeir of God j^m vj^c threttie ffour zeiris, Togidder with the

ordiner pryces of thair customes marts, wadders, pultrie, and capones for the crope to cum in this instant zeir jm vj^c threttie ffyve zeirs, within terme of law, wnder pain of poynding.

The said day Georg Dewinny in Montquheiche, William Maine thair, Georg Shiphird in Bannagubis, William Duthie in Woodheid, and Archebald Duncane and Magnus Milne in Bannageiche, ar admitit to be barlawe men within the barrouny of Wrie, wha gave thair aithes *de fidelj administratione* ay and quhill they be dischairgit.

The said day Patrik Makie in Glithnocht is decernit be his awin confessioun to pay to Maister Thomas Blakhall in Aberdein aucht pundis for the pryce of ane boll meill, coft and receaut be him fra the said Maister Thomas, within terme of law, under pain of poynding.

The Barroune Court of the Barrouny of Wrie, haldin at Wrie, the elevint day off Sceptmber j^m vj^c threttie ffyve zeiris, be John Hay of Ardlcthine, bailzie to ane nobill and potent erle William, erlc of Erroll, lord Hay, Heiche Constable off Scotland, heretable propriator thairoff, James Thomsonsone, notter publict, court clark, David Burnet, officier, Alexander Murray, Dempster. The suits calit, the court lawfullie fenssit and affirmit.

The said day the haill tennents within the barrouny of Wrie that payis siluer maill are ilk ane decernit for thair awin partis respective to mak payment of thair Witsunday maillis last by past in this instant zeir of God 1635 zeirs, within terme of law, wnder the pain of poynding.

The said day it is statuit and ordeanit that the barlawmen sall go and sicht Gilbert Menzeis, Abraham Forfar, and William Murray's rowmes in Montqueithe, and wha ewer salbe fund to hawe the halff pleuche and the croft in Montqueithe that suld be amang them, salbe obleist to pay the rental thairoff.

The said day compeirit . . .

The Barroune Court of Wrie, haldin in the Woodheid thairoff, wpon the nynt day off Januar 1636 zeirs, be

John Hay of Ardlethine, bailzie to ane nobill and potent erle William, erle of Erroll, lord Hay, Heiche Constable of Scotland, heretable propriater thairoff. James Thomsonsone, notter publict, court clerk, David Burnet, officiar, Alexander Murray, Dempster. The suits calit, the court lauffullie fenssit and affirmit.

The said day the haill tennents within the barrouny of Wrie that are addebtit in payment of siluer maill ar decernit ilk ane for their awin partis respective to mak payment to John Mowatt, chalmerlane, of their Mertimes maillis last by past in the zeir of God j^m vj^c threttie ffyve zeiris, within terme of law, wnder pain of poynding thair rediest guidis and geir.

The said day the haill tennents within the barrouny of Wrie ar ordeanit to conveine and pairt the mainse of Wrie, and reid¹ the samen equalie amongest thame, conforme to thair promeis maid to my lord for this zeir.

The said day the haill tennents within the said barrouny that ar addebtit in payment of ferme victuall, meill, and bear ar decernit to pay thair meill ferme before Candlmes nixt and thair bear ferme befor the thrid of May nixt to cum to Georg Pattoun of Ferrochie or his vnder receaver, my lordis mil dozen,² or thane tene pund for ilk boll meill and xij tib. for ilk boll bear.

The said day it is statuit and ordeanit that the barlaw men sall visseit and compryse that hous that pertinet to vmquhile Issobell Gilaspie, and what it is furthe to be worthe³ at hir deceas. John Gairdyne, wha is fund to have melit thairwith and demolished the samen, is decernit and ordeanit to reidifie the samen and mak it also guid as it was the tyme he medlit

¹ To put in order, to clear.—*Jam.*

² *My lordis mil dozen* signifies the multure payable to the laird by those using the mill. Parties grinding their corn were held bound to render him every *thirteenth peck* in virtue of his position as proprietor. This scale of payment is of very ancient origin. In an Act of Alexander III., of date 1284, and intended to discourage the use of Querns, as prejudicial to the interests of those landlords who had erected water-mills for the accommodation of their tenants, it is provided that 'na man sall presume to grind quheit, maishlock, or rye, with hand mylne, except he be compelled by storm, or be in lack of mills quhilk sould grinde the samen. And in this case, gif a man grindes at hand mylnes, he sall gif the *threttein measure as multer*, and gif any man contraveins this our prohibition, he sall tine his hand mylnes perpetuallie.'—Blount's *Ancient Tenures*, p. 614.

³ *Furthe to be worthe*, manifestly worth.

with it, or thane to pay the pryce of it, as salbe comprysit be the barlaw men, within terme of law, wnder pain of poynding.

The said day John Law, Skipper, Archebald Leapper, Magnus Falconner, and Edward Robertstone, lyne men in the boit of Cowie, ar decernit and ordeanit to pay thair boits pairt to thease wha hes richt to receive the samen dewlie and trewlie, conforme as the boits of Muchallis¹ and Elsieck payis, and the officiar ordeanit to poynd for the samen.

The said day the cotteris in Wrie, wiz., John Murray, Richard Smyth, and Georg Walcar, ar decernit to pay to the chalmerlane for the grease of thair guidis as follows to John Murray:—

. . .² for ane mear; sextein shilings aucht pennes for ilk beist of thrie nolt, 3s. 4d. for ilk sheip of heidis of sheip. Richard Smyth, for ane staig, with sextein shilings aucht pennes for ilk beist of four nolt, 3s. 4d. for ilk sheipe of sixtein headis. Archebald Walcar, 16s. 8d. for ilk nolt beist of thrie, with 3s. 4d. for ilk sheip of aucht sheip.

The said day the hail tennentis sick as are mailleris within the barrony of Wrie ar decernit and ordeneit to content and [pay] the hail rest maillis, Witsounday and Mertimes termes, within terme of law, wnder pain of poynding, and sick of the saidis tennentis, mailloris allenerlie as saidis, that ar resting thair saidis maillis and fealyeis in payment within fyftein dayis nixt efter the expyiring of the said fyftein deyis, ar decernit, sic thairof as peyis ane hundreth markis or fyfentie markis ar decernit, ilk persone conforme to his mailling, *pro rato*, to content and pey the soume of ten pundis money for ilk termes failzie to the chalmerleane, Viz., ten pundis for ilk hundreth markis fealzie, and sua furth, conforme to thair maillingis.

The said day it is decernit that sick of the fermoreis³ within the said barrony of Vrie as fealzeis in tymeous peyment mack-

¹ Alexander Burnett of Leys had a charter of the lands of Muchals, which formed part of the barony of Cowie—with fishings, mills, etc.—on the resignation of Francis, Earl of Errol, granted at Edinburgh, 24th June 1606.—*Reg. Mag. Sig.* (1593-1608) 1764.

² Blank in MS.

³ Payers of ferme, *i.e.* farmers.

ing of thair fermeis ar decernit to content and pey for ilk boll vnpeyit bear the soume of aucht pundis money, and for ilk vnsatisfit boll of meall the soume of sex pundis fyve shillingis money.

The said day the hail tennentis within the said barrony ar decerneit and ordeneit to pay ther hail keains,¹ customes, and vther dewteis, sick thairof as ar restand the samen to pey the samen to the chalmerleane, within terme of law, vnder pain of poynding.

The said dey ilk persone inhabeiting within the barrony of Vrie, or any of thair guidis that salbe apprehendit passing or pastouring throw the zaird or hainingis of Vrie, ilk persone passing or gaiting² throw the zaird, or possessour off any beast pastouring in the haining as said is, ar decernit to pey to the gairdner the soume of fourtie shillingis.

The Baroun Court of the Baronie of Vrie, haldin in the Maner place thairof, wpon the aucht day of November 1638, be Johnne Hay of Ardlethin, bailzie to John, Lord Zester,³ and James Lyon of Auldbar,⁴ with consent of John, eirle of Kinghorn, Lord Lyon, etc.⁵ David Burnet, officiar, George Quheit, Dempster. The suittis callit, the court lauffullie affermit.

The quhilk day the hail tennentis of the said barronie restand fermis customes or male of thair cropt 1637, and Witsundayis term 1638, ar decernit all and ilk ane of thame, conform to thair rest comptis, to pay the samen to John Mowat, chalmerlane, within xv dayis, wnder the pain of poynding.

The quhilk day Archibald Duncan in Bannageiche is

¹ Customes paid in poultry, eggs, etc.

² Making their way.

³ John Hay, 8th Lord Yester, succeeded his father in 1600. He was created Earl of Tweeddale, 1st December 1646, and died 1653.—Douglas' *Peerage*, vol. ii. p. 607.

⁴ James Lyon of Auldbar, second son of Patrick, 11th Lord Glamis and 1st Earl of Kinghorn.—*Ibid.* p. 561.

⁵ John, Earl of Kinghorn, elder brother of James Lyon of Auldbar. He succeeded his father as 2d Earl of Kinghorn in 1615. Auldbar and Kinghorn were uncles of Gilbert, 10th Earl of Errol, whose father, William, 9th Earl, married their sister, Lady Ann Lyon.—*Ibid.* p. 565.

decernit be his awin confessioun to pay to Stephin Lichtoun in Glithno fyve markis, within term of law.

The Court of the Barony of Wry, haldin in the Hall thairoff, vpon the xx day of November 1639, be James Hay of Murysfaldis,¹ bailye to ane noble erlle Gilbert, erlle of Erroll, and be ane noble erlle John, erlle of Kinghorne, his lordship's tutour, gydar, and administrator. Johu Wishart, notter clark, David Burnet, officiar, William Quhyte, Dempster. The suitts callit, and the court lauffullie fencit and affirmit.

It is ordaned be the bailie, with consent of the hail grund, that at quhat tyme they be chargit for helping of the dame of the myln of Cowie, ilk man salbe, with his horss and kairttes and serwandis, vpon the first advirteisement, vnder the pane of twante schillings, vnlaw *toties quoties* they contravein the premissis.

It is ordaned that the Maister of the myln and his servandis sall haue his myln redy pickit be fair day licht at all occasionis for grinding or sheiling, and the maister of the myln sall haue onle four bollis malt betuixt the grinding and sheilling, vnder the pane foirsaid.

It is ordaned that the pikkeman sall haue for his panes in grinding everie twantie bollis great aittis ane pek and half pek meall, and ane pek meall for ilk twintie bollis small aittis, and ane pek meall for metting of ilk twantie bollis meall, etc.

Lyk as it is ordaned that at the grinding of the tenmentis fermes the chalmerlen salbe advertesit at thair entre thairto, and the dust sett in the millars house thair to remane wntill the fermes be delyuerit.

The quhilk day the hail tennentis of the said barony addettit in thair maillis, customes, and dewties for the Mertimes terme last by past 1639, and all yeires and termes

¹ James Hay of Muriefauld in Aberdeenshire was a cadet of the house of Errol. Adopting the policy of his chief, he appears as a supporter of the Covenant, and is intrusted with the command of 'the Erll of Errollis men in Buchane,' at the hosting of the shires of Aberdeen, Kincardine, and Banff, held at Aberdeen, by order of Committee, in September 1644.—Spalding's *Memorialls of the Troubles in Scotland*, vol. ii. p. 401.

preceiding, are decernit to mak payment thairof within fyftene dayis nixt heirefter to John Mowat, chalmerlen, wtherveyes the birla men appointit to poynd and distrenzie for the thrid peny mair nor the just debt.

ABRAHAME FORFFAR, with my hand.

The quhilk day it is statuite and ordaned that ilk person within the said barony that salbe fund using pastour quhair¹ wayes or gaittes throw the yeardis and hanynges of the yeardis of Wry, the contravenars heirof sall pay *toties quoties*, it be qualifyit that they haue transgressit, sall pay of wnlaw to my lord and his chalmerlene, *toties quoties*, the sowme of fourtie shilling money and remane in the stokis for the space of fourtie aucht houris.

It is appoyntit and aggreit betuixt John Mowat, chalmerlen, on the ane pairt, and the fisheris of Cowie on the other pairt in manner following, viz: That for the present he sall caus beit² the hwill³ and boit they have sufficientlie. For the quhilk boit they sall pay twante four lib. till Witsunday nixt, and at the said terme he sall caus build ane sufficient boitt, and they sall pay for the samen sic sowmes as the laird of Leyes resaues for his boit, and they to haue land and houssis as his fisheres hes in possessione.

[The long blank between this and the following Minute may be accounted for partly by reference to the unsettled state of the district during the Revolution period, and partly to peculiar circumstances in connection with the proprietorship of the lands, which are explained in the Introduction.]

The Court of the Barronie of Wrie, haldine within the hous of Johne Auchinleck in Cowie, the 23 Maij 1667 zeires, in name and behalfe of Dawid Barclay, heritable propriater of the landis of Wrie, and in name and behalfe of Alexander Mowat in Reidcloake, his bailzie. Johne Auchinleck, notar publict, Clerke to the court, Androw Mancur, officier, Dawid Mitchell, Dempster. The suitts callitt, the court lauffullie fenssit and affirmett.

ANDROW MANCUR, officier.

DA. MITCHELL, dempster.

¹ Where are.

² Repair.

³ *Hwill* or *whill*, equivalent to the Shetland *whilly*, a small skiff.

The said day the tenants within the landis off Wrie and Manquith belonging to Collonel Barclay, conveyed thes that ar found restand off mailles dewties ar ordainet to pey in ther severall proportiones as they ar found heir restand within terme off law. Lykwayes thes that ar found restand ther fermes, is ordainet to pey in ther fermes betuixt the dait heiroff and the day aucht dayes, or else to bring money therfor.

The said day John Mowat in Rothnick is found restand for his mail and silver dewtie sevine pundes and thretteine schillinge Scottis, James Gordoune ther is found restand four lib. nynteinth schillinge Scottis, George Mowat is found restand four merkis Scottis, Margrat Cadonheid at the milne off Manquith aucht merkis Scottis, John Duncane in Banna-geith tuentie sex pundis Scottis and sex schillinge, George and Androw Farfare tuentie aucht lib. sexteine schillinge Scottis, and tuentie bollis and ane halfe boll meill, Androw Mancurr in Wodheid is found restand tuentie sex boll and ane half of meill and three bollis fywe peckes bear, Magnus Broune in Magra sevine merkis Scottis money, fywe bollis and ane halfe bear, William Wilson and Alexander Falkoner restes eleven pund fyfteine schillinge four d. money, and ten bollis and ane halfe meill and tuelfe bollis bear, and that for the cropsis and zeiris of God j^mvj^c sextie fywe and sextie sext yeires, and ar ordainet the abowreittin silver and ferme dewtie, within terme of law.

The said day the pickieman is ordainet to hawe for ilk chalder off meill grinding within the milne of Cowie, or the meill off two chalder small oates, ane peck off meill, and ane peck off meill for the metting off ilk tuentie bollis, and lykwayes the pickeman off the mill off Manquith.

The said day Androw Mancurr in Wodheid constitute and appoyntit ground officer, and heirby the heall tennents ar ordainet to obey him, and pey in the officer dewties to him wsed and wount.

JON. AUCHINLECK, *Scriba Curia.*

*The Court of the Barronie of Wrie, haldine within the hous
of Androw Mancurr in Woodheid, the 2^de day off
November 1667, in name and behalfe [of] Collonel*

Dawid Barclay, heritable propriater of the landis of Vrie, and in name and behalfe of Alexander Mowat, his bailzie. Johne Auchinleck, Clerk to the said Court, Andrew Mancurr, officier, Robert Spairke, Dempster. The Suitts callit, the court lawfullie fenssit and affirmet.

ANDROW MANCURR, officier.

ROBERT SPAIRKE, dempster.

The quhilk day William Duthie inactis himselve to pey his heall bygone restes mailles preceeding Mertimes nixt to come within ten dayes after the terme.

Margrat Cadoneheid inactis hir selfe to pey hir rests within ten dayes after the terme.

Walter Wilsons inactis to pay his heall bygone restis within ten dayes after the terme.

Alexander Falkoner and William Wilsons inactis themselwes to pey ther heall bygone restis preceeding Mertimes nixt, and the Mertimes maill, within ten dayes after the terme.

Johne Duncan inactis himselve to pey his bygone restis within ten dayes after the terme.

Magnus Broune hes payed fourteine pundes for his Witson-day customes 1667.

The hail tennantis off Irvie and Manquith ar ordained to keipe themselwes from goeing throug the yeard and plantine of Irvie, and whosumewer sall cut any green timber wpon the water syd or Williesbog ar inacted to pey ten pundes Scottis, *toties quoties*, And this present Act is to be intimat be the tennantis to ther subtennantis, that they pretend no ignorance.

It is inacted that the tennantis who suffers any in Stainehywe to cast or vinne turwes or peites within ther heid rowme, or within the mairch off the land, that they sall imediatlie make use off them, wtherwayes if they suffer,¹ they ar to pey ten pundes Scottis, *toties quoties*, for ilk fault.

The said day Alexander Murry in Powbair is ordainet to pey to Stevin Broune ane firLOT off oates for pryze corne, wnder the paine of poynding, within terme of law.

JON. AUCHINLECK, *Scriba Curiv.*

¹ Delay.

The Barrone Court off the Barronie of Wrie, haldine within the hous of Androw Mancurr in Woodheid, the 7th day of December 1667, in name of Collonel Dawid Barclay, off Wrie, heritable propriater off the saidis landes, and Alexander Mowat in Reidcloake, his bailzie. Johne Auchinleck, Clerk to the said Court, Androw Mancurr, his officier, Robert Sparke, Dempster. The suitts callit, the court lawfullie fenssit and affirmet.

ANDROW MANCUR, *officer.*

ROBERT SPARKE, *dempster.*

The said day compeiret Androw Mancurr, officier, who, in name of his maister, did goe lawfullie and dacker the ground for severalls thinges wanted about the hous of Wrie and wther places on the ground.

The said day the officier produced some plucked wooll¹ and fishes and wthers thinges found within the hous of Dawid Watt in Woodheid. Quhilk wes referred to ane assysse whither they found lawfull or not.

THE ASSYSSES NAMES.

Georg Carmock.	William Wilson.
Walter Wilson.	Magnus Broune.
George Lyell.	Robert Lyon.
George Mackinzie.	
Johne Mancurr.	
Johne Erskine.	

The abowwreitin assysse findes the abow wreittin thinges found within the hous off the said Dawid Watt to be wnlawfull and not to be his oune. Wherwpon the Judge ordaines him to remowe with his wyfe and children from his hous and without the ground, betuixt this and the 10th off this instant, and John Mancurr, his master, inactis himselfe to put him from the hous and off the toune, at or beffor the said day, wnder the paine off ane hundreth pundes, and it is ordained that Androw Mancurr sall be payed off ten merkes Scottis off the first and off the rediest goodes and gear belonging now to the said

¹ The system of plucking the fleece, or pulling it from the sheep, instead of clipping it, still maintains in Shetland; the advantage being that the wool thus obtained is longer in fibre than if it had been shorn.

Dawid, and it is ordained that the servant that shore for the said Dawid in harvest sall be peyit, and the officer is ordained to poynd for hir fie.

The said day George Lyell inactis himselfe to remowe from the ground of Wrie at Witsonday nixt, and inactis himself that his heall guides and gear sall be confiscatt to the Laird in caice he doe not behave himselfe honestlie during the said tyme, and ffor not remoweing at the said terme.

The said day Johne Brabner inactis himselfe to remowe from the ground of Vrie at Witsonday nixt, and in caice any wnlikely be found off thift or disobedience ether to his maister or the officer off the ground, his haille guides and gear is to be confiscat.

Johne Jamiesone in Glithno is ordainet to pey to George Carnock in Cowie ane yeirs culse maill¹ and ten libs. Scottis, in caice the said George sall prove his hors ever to be teathert on his grasse. And the said George inactis himselfe in the contrair, and this at the nixt court day.

JON. AUCHINLECK, *No^r: Publicus Scriba Curia^r.*

The Barrone Court off the Barronie off Vrie, holdine att the Manor place theirowff, vpon the sevint day off May j^mvj^c sextie nyne yeirs, be Alexander Keith of Cowtowne²,

¹ *Causeway-maill*: road dues. This probably refers to the tax imposed by Parliament in 1634, and renewed on 22d Feb. 1661, for the upkeep of the 'Kingis Calsay in Cowiemont.' We find that previous to 1630 the highway from Stonehaven to Aberdeen had fallen into such serious disrepair that various representations had been made to the King and his Council concerning it. The Act of 1661 gives power, during a period of nineteen years, to the Bailies of Aberdeen and others to uplift the following duties: 'Of everie footman two pennies, of everie horseman eight pennies, of everie horseload of whatsumever commoditie eight pennies, of everie ten sheep eight pennies, of everie cow or ox four pennies, and of everie Pairt of whatsumever commodities two shilling, to be applied for the beiting, mending, and upholding of the saids Calsays, with power to collectors to poind for payment, and to close the port of the saids Calsays, and suffer non to have passage that way bot such as shall pay the forsaide duetie.'—*Acta Parl.* vol. vii. c. 61, p. 42.

² Alexander Keith of Cowton was the lineal descendant of Alexander, fourth son of William third Earl Marischal, who obtained the lands of Pittendrum in Aberdeenshire, on resignation of his brother Gilbert in 1513. Alexander Keith married, in 1659, Marjory, daughter of Robert Arbuthnot of Little Fiddes. He sold Cowton in 1672, and purchased in its stead the wadset of Uras, in the parish of Dunnottar, becoming thereby the founder of the family of Keith of Uras, to which the famous Bishop Robert Keith belonged.—*MS. Pedigree of Family of Marischal*, in possession of Sir Patrick Keith Murray, B^{art}. of Ochertyre.

bailzie to Colonell David Barclay of Vrie. Georg Thomson, nottar publict, Clerk, George Forfar, officer, and William King, Dempster.

Sectis vocatis.

Curia legittime affirmata.

The said day the tennentis off Vrie and Montwhich belonging to Colonel David Barclay being present, and it being presented to the Judge by the said Colonell David Barclay that he was informed some off his tennentis did calumniate him as ane oppressor and exactor. This being farr from his mynd as he professed he was willing that all his tennentis might be heard as to their just and lauffull complaints, and willinglie removed himselft till these compleaintis might be given in. Wherupon the tennentis being called and present to give in their complaintis, they refused to doe itt in regaird they confessed they had noe reasons soe to doe.

And as to tyme cumeing that cleanes¹ might be betwixt maister and tennent as to the mater of servuice, it was frielie offered by the maister that it should be in the tennentis optione aither to pey hariadge, cariadge, and dew service as they should be requyred, or wtherways to pay tenne merkis yeirlye for the said service. The tennentis haveing considered the propositione, they all with one accord and consent agrie to their givinge of dew service as they shall be requyred. And in caice they failie, or any of them being so lawfullie requyred, the Judge ordeanes them of their owne consent twente sex shillings eight pennies for ilk dayes failyie. From this act is excepted the tenuentis of Rothnick, Corsley, Tries, and Burnehauch, who are onlie to pey the tenne merkis of service siller and four pundis for their — and ilk ane of their leitt of peittis and swa to be frie of all wther service. The rest of the tennentis in the nether barronie are obleidged for their service casting and winninge of their leittes of peittis, conform to their assedatiounes, Powbairie onlie excepted, who is to pey money for their service. And it is declaired that the Montwhich men their payment of the four pundis for the leitt of peittis is in the first end of the yeirlye dewties conteaned in their assedatiounes.

It is statute and ordeaned that the haill tennentis macke

¹ A clear understanding.

payment of their Witsonday maillis and silver dewties preceislie against the terme of Witsonday nixt, vnder the paine of poynding, etc.

It is statute that the tennentis of the nether barronie shall keip the smiddie att Cransacker with Charles Robb, smith ther, and work their hail iron work with him—they getting good service to pey such proportiones of oattis or meill as the maister, with the tennentis advyse, sall agrie wpone.

The said sevint day off Maij 1669 it is statute and ordeaned by the Judge foirsaid that the hail tennentis of the nether barronie of Wrie, immediatlie efter darseing¹ of their bear seid, ilk pleuch vpon advertisement furnish two men, with ane hors and cairt, to work att the milne daime of Cowie till the samen be sufficientlie repaired. And the pickieman is constituite officer for chargeing the tennentis, and vpon refusall or deficiencie and not observaince efter charge lawfullie given to poynd for thrie pundis Scottis from ilk pleuch swa deficient in ther dewtie.

It is ordeaned that the hail tennentis that ar deficient in peyment of the Scholemaisteris ordinare dewtie macke peyment to him of the samen, within terme of law.

The said day Georg Hunter in Tries being called for his contumacious disobedience to the maisteris commandis in laboring ane peice of contraverted ground betuixt Tries and Brachmount, which was ordeaned to ly vnlabored.

The said George pleading ignorance, and it being found by the Judge to have beine done vpon wther sinister grounds, wherupon the judge haveing tacken the mater to consideratione, he ordeanes the said ground to ly vnlaboreit in tyme cumeing till setting of marches, conforme to mutual condescendance, and for his former disobedience and contempt of his maisteris commandis decernes him in the sowme of fortie pundis, to be peyit to the maister, within terme of law, vnder pane of poynding.

GEO. THOMSON, *Scriba.*

¹ We have been unable to identify this term, which does not occur in *Jamieson*, nor in any of the various vocabularies we have had the opportunity of consulting. It was probably a local expression; but if so, its use has long since been abandoned in the district, where it is now absolutely unknown. Fortunately the context renders the meaning of the term unmistakable. The tenants are summoned to do service 'immediatlie efter darseing (or *sowing*) of their bear seid.'

The Barone Court of Dawid Barclej of Wrie, haldine within the plaice of Wrie, the 15th day of Januarij the yeir of God j^mvij^c and sevintie yeires, by Alexander Keith of Cowtoun, bailzie to the said Dawid. Johne Auchinleck, notar publict, clerk, George Farfar, officier.

The suittes called and the court laifullie affermit.

The said day the Judge ordaines and constitutes that ilk plugh within the nether barronie is to send tuo sufficient men and tuo horse for home-draweing off the milne stons off the milne of Cowie at whatsoewer time they ar to be brought home for the use of the said milne, and sicklyk they ar ordained to send tuo horse and tuo men for helpeing wp the milne dame, ilk plughe of the said nether barronie, wpon lawfullie premonitione by the pickieman off the said milne, constitute officier for that effect, wnder the failzie off sex pundes Scottis, *toties quoties*, for ilk plugh, and this besyd the cottars and girseman if they any haw.¹ And the cottars and girseman is to pey ilk on of them the soum off fourtie schillinge Scottis for their deficiencie in all tyme comeing. And the pickieman is ordained to giwe notice to the master off the ground off the severall absenters imediatlie vnder the failzie off ffourtie schillinge Scottis for ilk persone that he concealls or giwe no notice therof to his said master.

It is statute and ordainet that no tenuant within the barronie off Wrie sall at [any] time heirafter cast wp any suard ground or meddow ground for midding feall² or wtherways, wnder the paines conteaned in the act off parlament at ilk tyme they failzie. And in caice any off them pretend they hawe non, they ar to come to ther master or his factor, who is to showe them wher they ar to cast in³ ther severall toumes.⁴ And if any sall brack to advertise ther master and wiolentlie brack the forsaid act, they are imediatlie to be punished accordinglie.

Foralsmuch it hes beine the custome off the former actis off

¹ Have any.

² Turf that is mixed with manure to form a dung heap.—*Jam.*

³ To make or construct, as in *casting ditches*.

⁴ Places into which rubbish or manure is emptied.—*Ibid.*

the courts of this land dischairing all selling off peittes, therffor the said Judge statutes and ordaines that no tennant, cottar, nor grasman, sall presume to sell any peittes off the land in all tyme comeing, without leaw askit and gewen by ther master, wnder the failzie of ten pundes Scottis, *toties quoties*, for ilk fault how oft they sall be fownd to transgress.

The act insert in the former courtis ratified anent the smith that ilk tennant sall keipe the smiddie, providing they gett sufficient service and pey the ordinar dewties thereto, vnder failzie off the dowble off ther dewties to the said smiddie. And in caice the smith sall feall to giwe readie service, the smith, wpon complement maid by the tennant, is to [be] punished by his master.

It is inactit (ewerie tennant being present) that they ar to come and resawe in ther severall proportiones off the land off the haugh¹ and buttes,² presentlie in ther masters hand, and ear and labour the samen tymouslie to all farres.³

It is inactit that ewerie tennant lyable for leitt peittes sall cast and lead ther severall leitt peittes, halfe leitt or heall leitt, in optione of ther said master, and that tymouslie, ther master aloweing them, according to wse and wont, for ther casting and leading, and peying them, conforme quich is four pund for ilk leitt off peittes and ane firlott off meill.

It is ordainet that ilk persone within the ground off Wrie being lawfullie sumondit to come to the Barrone Court within the ground, and does failzie to come after they being lawfullie warned, sall pey for ther contumacie the soume off fourtie schillinge Scottis, without they instruct⁴ relevant excuses.

JON. AUCHINLECK, *Scriba Curie*.

The Barroun Court of the Barronie of Vrie perteaneing heritable to David Barclay of Vrie, holdin within the manour place therof, vpon the tuentie thrid day of Agust j^m vj^c sevintie two, by Alexander Keith of Cowtoun,

¹ Low-lying flat ground, properly on the border of a river, and such as is sometimes overflowed.—*Jam.*

² Small piece of ground disjoined from the adjacent lands.—*Ibid.*

³ Boundaries; properly ridges marked out by the plough.—*Ibid.*

⁴ To prove clearly.—*Ibid.*

bailzie, Georg Thomson, nottar Clerk, Thomas Kergie, officer, James Melvall, Dempster.

The which day David and James Wyes in Woodheid, Walter Wilson at Milne of Cowie, Alexander and James Lyell in Cairnetoune and maines of Vrie, being personallie present, Alexander Wyllie in Powbair, Issobell Wyllie in Magray, Janet Rollock, relict of John Auchenleck, for the said rowme of Magray, being lawfullie warned to ther dyet, and it being holdin furth be the said David Barclay to the said Alexander Keith, bailye, that he haveing requyred and desyred his tennentis afoirsaid tymeouslie to have peyit in their meill and bear ferme for the crope j^mvj^c sevintie one last past, and had promised to have helped them who soe peyit in their bollis with victuall in sarins¹ at the merchantis pryce. Notwithstanding quherof the foirnamed persones, and ilk ane of them, wer resting seuerall bollis of beare and meill for the said crope, and therfor craveing they might be decerned to pey such pryces therfoir as he haid receaved for the rest of his ferme victuall crope foirsaid, Viz.: Tenne merkis for ilk boll of beare and sex pundis for ilk boll of meill, and that preceislie befor or at the terme of Martimes nixt to come.

Which desyre being by the foirsaid bailye considered and found reasonable, and the tennentis present haveing noething to object in the contrair, he decerned and decernes ilk ane of saidis tennentis for ther awine pairtis to satisfie and pey to their said maister the foirsaid sowme of tenne merkis Scotts for ilk rest boll of beare and sex pundis money foirsaid for ilk rest boll of meill dew be them for the crope foirsaid, and that preceislie at or befor the said terme of Martimes nixt to come, vnder the pane of poynding of their readiest goodis and geir.

Sicklyke, complaint being maid by the gardner that some people within the ground did break the orchard dykes and steall furth therof turnepes and carrottis and wther rootis; It is therfor inacted by the Judge foirsaid that whoever shall be found guiltie of the cryme foirsaid and convict therof sall be punished and fyned, conforme to the acts of parliament, and the ground officer to poynd therfor.

AL. KEITH,

GEO. THOMSON, *Scriba Curie.*

¹ Services of food for a man or beast.—*Jam.*

The Barronie Court of the lands and barronie of Vrie, belonging heretable to David Barclay, holdine within the Manour place of Vrie vpon the eightene day of Maij j^mvj^c sevintie four yeires, be Alexander Keith of Cowtoun, bailye, George Thomsone, nottar Clerk, Thomas Kergie, officiar, William Carnegie, Dempster.

Sectis vocatis Curia legitima affirmata.

The whilk day compt and reckoning being maid betwixt the said David Barclay and Walter Wilson, his tennent at the milne of Cowie, for his bygone rest dewtie 1673, And it is found by Walter, his awine confessione, that he is resting eight bollis beare, thrie firlottis and tuo pecks meill, and thrie scoir pundis money, wherof the Judge foirsaid^e ordeanes the said Walter to mack payment to his master within fyfifteine dayes, vnder the paine of poynding of his readiest guidis and geir, and failyeng of payment at the day foirsaid decernes him to pay sex pundis fyve shillinge for ilk boll of beare, and such pryce for the meill as he gettis from wtheris to whome he sellis the same.

Sicklyke, compt and reckoning being maid with Alexander Wyis in Woodheid. The said Alexander acknowledges he is resting four bollis meill crope 1673, wherof the bailzie ordeanes him to make payment to his master within fyfifteine dayes, vnder paine off poynding, at such rate and pryce as the said David Barclay, his said maister, gettis for the rest of his meil.

James Prescho in Magray haveing beine lawfullie summoned to this dyet of court oft tymes called and not compeirand, the said David Barclay declaired to the judge foirsaid that he had set vp accompt with the said James sincerlie, and he was trewlie resting thrie bollis beare of the crope 1672 and eighteine bollis beare for the crop 1673, wherof the bailye ordeanes the said James Preschoe to make payment to his said maister within fyfifteine dayes, vnder paine of poynding, and failyieing of payment at the day foirsaid sex pundis fyve shillings for ilk boll of the said beare, both croses.

The said day Walter Wilson, David and Alexander Wyiss, being removeing tennentis, are with their awine consentis ordeaned to cast and wine the leit peittis for this yeir 1674,

and the incumeing tennent ordeaned to lead the samen, for which the caster and winner is to have the ordinar allowance of meill and the leader of the peittis the money, and this forme is ordeaned to be keiped amongst the tennentis of the saidis landis as to outgoer and incomer in tyme comeing.

The said day the ground maister, considdering the trouble the tennentis ar at in wpholding the milne dame, moved to¹ these that wer present befor the judge what they wer willing to give yeirlie to the miller to wphold their proportiones of the said milne dame, and they frielie offered ane firLOT of meill yeirlie for ilk pleuch, and theirfor the judge decernes ilk pleuch to pey the said miller yeirlie ane firLOT of meill for wpholding their proportione of the said dame. And the cotter and grasmen to be lyable in halff ane peck ilk ane of them theirof.

The said day it is, with consent of the tennentis present and William Gibbon, entring tennent at the milne of Cowie, ordeaned by the judge fairsaid that the pickieman at the said milne shall have ane cogill² of meill for grinding fyve peckis of shilling or malt, keiping the peck as formerlie, and this by and attour the tennentis guidwill at their owne pleassour to the pickieman, his servant, for such service as he sall doe to them.

The said day the tennentis present, of their awine consent, are ordeaned ilk pleuch to pay tenne merkis yeirlie for their service as formerlie in caice they satisfie nocht the laird with corne and fodder for the same.

AL. KEITH,

GEO. THOMSON, *Scriba Curie.*

14 March 1679.

Court of the landes and baronie of Wrie, belonging heritable to David and Robert Barclayes, holdine be the said Robert, personallie present, by Johne Erskine in Glithnoe, bailzie, within George Selbie, fuller at the manor place. George Thomsonsone, notter publict, Clerke of Court, Thomas Ke[rgie], offi[ciar], and

, Dempster.

The Court being lauffullie affirmed.

The said day the Judge fairsaid ordaines the heall tennentis

¹ Asked.

² A measure used at mills containing the fourth part of a peck.—*Jam.*

of the barrony of Wrie to lead and carrie to the mill of Cowie ilke plewch ffour wyises¹ of strae for thatching of the said mill, and that betwixt and the last of March instant, wnder the failzie of tuelff pennies ilk wyise, and ordaines the saids tennentis, wpon William Gibones advertisement, to carie to the said mill the trees that lye at Reedcloake for the wse of the said mill, and that wnder the failzie of tuentie shilling Scotis to be payed by the refuseris wpon the said adverticement.

JO. ERSKINE, *bealie*.

GEO. THOMSONE, *N.P., Clericus Curia.*

24 March 1679.

The said day ane compleant being given in by Thomas Kergie, plentive, for and in name of James Baginet in Muchallis, and gave in the said compleant against James Melvine, servitor to George Selbie, fuller, at the walke mill of Wrie, showing wheras ther being some wordes passing betwixt the saids parties, they bothe straike and bett ilke ane another within the said George Selbie his house. And the said James Melvine, compeiring personallie, acknowledged the stricking of the said James Baginet, in respecte wherof the said John Erskine amerciat the said James Melvine in ane wnlaw of ten pounds and in the assythment of 40 shilling to the said James Baginet for the wrong sustained by him, and payment to be maid therof within terme of law, and executione to pas heirone in forme as effieris.

JO. ERSKINE, *bealie*.

GEO. THOMSONE, *N.P., Cls. Curia.*

24 Martij 1679.

The said day compeired Thomas Kergie, procurator for Robert Murray, residenter in Newcastell, and gave in ane clame at the instance of the said Robert against the said James Melvine for payment macking to him of the soume of tenn merkis Scotis money. The said James compeiring, acknouleidgit the forsaid clame, in respect quherof the said John Erskine, bailzie, decernet the said James Melvine to pay and satisfie the samen, And lyikwayes decerned the said

¹ Trusses.

George Selbie, who compeiring lykways and confessing to be debiter to the said Robert Murray therof at the said George his terme of payment, wherto the said James assented, and wherpone the said Judge interpones his authoritie.

Jo. ERSKINE, *bealie*,

GEO. THOMSONE, *Clericus Curia*.

Wrie, 29 July 1682.

The haill tennenties of Montquheich being conveyned, they and everie one of them amicable concord and condiscend to lead this instant yeir ane leit of peates out of the latch of Glithnoe and moss of Cairntoune, quich are castine by the laird, and to carrie the same to the peat hill of Wrie betwixt and the eight day of Agust nixt, and everie plewch condiscend to furnish three horss till the said leit beis ledd, For quich the laird is to furnish mans meat and hors meat, and this noeways to infer any preparative of yeirle service of such nature.

DA. BARCLAY.

ALEXR. MOWATT, *beylie*.

Curia terrarum et Baroniarum de Wrie, tenta in Maneriej loco ejusdem vigesimo nono die mensis Julij millesimo sexcentesimo octuagesimo secundo per Alexandrum Mowat in Reedcloake, ballivum honorabilium virorum Davidis et Robertj Barclayes de Wrie, Georgium Thomsonsone, notarium publicum, Scribam curia, Thomam Kergie, officarium, et Jacobum Sinclair, Dempsterum. Sectis vocatis Curia legittime affirmata.

The said [day] in presence of the said David Barclay and his said balzie and als the heall tennentis of the baronies of Wrie and Montwheich being personallie present, the Laird and balzie ordained the heall tennentis of both baronies to set and plant trees yeirle in their respective yeardes, to wit, ashes, plaines, birkes, fir or rountrie, geintrie, To wit everie husbandman yeirle sex trees, every cottar three, and everie grasman two trees yeirle, and that wnder the failzie of eight poundis everie husbandman, everie cottar ffourtie shilling, and every grasman twentie shilling, whilkis trees, of the qualities for-

saidis, the saidis tennentis are ordained to come and receive from the Laird or his gairdner yeirlie at Michalmas and March, begining at Michalmas nixt, in the yeire of God above writtin, and swa to continue during the tacks, wherof the heall tennentis acceptes.

DA. BARCLAY.

ALEXR. MOWATT, *beylic*.

GEO. THOMSON, *Scriba Curia*.

At Wrie the twentie nynt day of Julij j^m vj^c eightie two yeires.

The said day John Mowat in Rothnicke, being persewed at the instance of Alexander Thom in Balnagight for the alleadged wrongous clipping and marking of ane wedder¹ belonging to the said Alexander, which, being examineid, the said Alexander Thom declaired the said wedder was strayed and away from the rest of his sheep the space of eight dayes, and he, macking inquerie therfor, ffound his said sheep pasturing promiscuouslie amongst the said John Mowates sheepe and otheris in the hill, and that his sheep was clipped and marked with the said John Mowat his sheepes marke, but wold not imput the same to be done aither be the said John nor his servantes. The said John Mowat compeiring judici-allie and interrogat anent the premisses, the bailzie, instead of ane farder probatione, remitted the same to his oath of veritie simpliciter, who deponed solemnlie that he, his wyff, bairnes, nor servantis, to his knowledge, never clipped nor marked the said sheep directlie nor indirectlie. Wherwpon the bailzie absolves the said John Mowat from the forsaid alleadged cryme, and ordaines Thom to intromet with his awine sheep, and to dispone theirone at his pleassour.

ALEXR. MOWATT, *beyelic*.

GEO. THOMSON, *Scriba Curia*.

Court of the lands and Barony of Wrie and Montquweich pertaining to Collonell Dawid Barcklay of Wrie and Robert Barclay, fiar² therof, holdine at Wrie in presence

¹ It is still the custom in certain districts for owners to distinguish sheep which are fed on common pasturage by cutting or 'clipping' each his private mark upon the ears of those which belong to him.

² One who has the reversion of property.—*Jam.*

of the said Robert Barcklay, upon the twentie eight day of Januarij j^m vj^c eightie four yeires, by John Erskine in Glithnoe, balzie, George Thomsonsone, notar publict, Clerke of Court, Ja. Sinclair, Phiscull, Thomas Kergie, officiar, and Dempster, Ja. Sinclair, Fiscall. Sectis vocatis curie legitime affirmata.

The which day the judge forsaid, taiking to consideratione ane compleant given in befor him be the said James Sinclair, procurator fiscall, against William Gibons at mill of Cowie, William Gibons younger ther, John Cruishanke ther, William Mowat in Trees, Allexander Wylie in Powbair, William Mowat in Rothnicke, Hugh Mowat at Mill of Monthqwweich, James Gordoune in Rothnicke, James Broune in Magray, William Falconar in Glithnoe, and Allexander Mowat in Crosley, ffor ilke ane of the foirnamed persones ther transgressing his Majesties actis of parliament in carrying of gunes, pistoless, and other fyre ingynges, and for killing of hares, doves, partridges, duke and draike, and otheris forbidden be the saids, and particularlie the fyfiteint parliament of King James the Sext, cap. 248, and the other actes maid against the saids forbidden ffoullis, Ilke ane of the foirnamed persones compeiring personallie acknowledged ther having off gunnes, and that they had killed ffoullis and haire and otheris prohibited be the actes of parliament. The saids Hugh Mowat and James Gordoune acknowledged having off gunnes and grewhound dogs wherwith they had killed haire, etc.

The said balzie, taiking the fforsaid confessiones to his consideratione, and efter revising the saids actes of parliament, Decerned and decernes ilke ane of the foirnamed persones in ane wnlaw of ten pounds Scotis money, and ordaines the saids actes to be put to executione, conform to the tenor theroff, and to delyver wp ther severall gunes, pistolets, or other ffire ingynges they have in ther custodies to the saids Collonell David and Robert Barclayes immediatlie, and this present act to be put in executione in forme as effieris, and ilke ane of them to ffind cautione conform to the actes off parliament.

R. BARCLAY.

JO. ERSKINE, *baylie.*

GEO. THOMSONE, *N.P.*,

Cls. Curia.

28 January 1684.

Ordaines the heall teunents that they doe not in any tyme heirefter carry with horss or otherwayes any peats to Stonhyve, wnder the falzie off tenn pounds, without libertie of the master.

Jo. ERSKINE, *Baily*.

Court of the lands and Barony of Wrie and Montqwweich, belonging to Robert Barclay of Wrie, holdine within the Manor place of Wrie be John Erskine in Glithnoc, bailzie, George Thomson, notar publict, Clerke of Court, Thomas Kergie, officiar, and Dempster, this threttie day of December j^m vj. eightie nyne yeires. The suitis called and the Court lauffullie fenced and affirmed.

The said day the said Rohert Barclay of Wrie and his said balzie taying to ther consideratione the great burdence of quartering of trouperis and souldieris wpon the lands of Mill of Cowie, Magray, Powbair, Woodhead, and Glithnoe, in ther transeunt quarteris, and that the tounes and lands of Crossley, Rothnike, Mill of Montqwweich, Burnhauch, Trees, and Balnagight are frie of the saids transeunt quarterings, therfor that the saids laigh rouses above mentioned mey be eased of ther burdeine of furnishing baggadge horss to souldieris and trouperis when quartering occurres in tyme comeing, it is statute, apoynted, and ordained that the saids wpper toones and lands furnish for transporting baggadge tenn horss, To wit, Crossley one horss, Rothnik thre hors, Mill of Montqwweich one hors, Trees and Burnhaugh three horss, Glithnoe and Balnagight two horss, and ordaines William Durie, Wm. Knollis, and Alexander Lyell, wpon adverticement from William Gibons or Allexander Wylie, to goe imediatly efter adverticement as said is to the saids wpper rouses wpon night or day, and to order the saids lands to bring furth ther horss proportionallie as they are appoynted to Stonhyve against the particular hour wherto they are adverticed, with such furniture as shall be ordained, begining first at Rothnik and Crossley, nixt Mill of Montqwweich, Burnhaugh, and Trees, and lastly Glithnoe and Balnagight, and swa furth circuitlie

by turnes, that non may be burdeined be otheris;¹ and in caice of the recusantis or not tymeus comeing wp to Stonhyve against the hour appoynted, the failzieris are heirby enacted and decerned in ane wnlaw of ten merkis *toties quoties* they fail in ther respective obedience and performances, and ordaines poynding to pas heirone as effieris, and in respect Glithnoe is sometimes burdened with quartering, therfor ordaines the saids premonisheris to ease the said toune (when quartered wpon) of anie hors at that tyme.

R. BARCLAY.

JON. ERSKIN, *Bealyic*.

GEO. THOMSONE, *N.P.*, *Scriba Curie*.

Octavo February 1692.

Court of the lands and Barrony of Wry, perteing heritably to Robert Barclay of Wry, holdin within the said Manour place, in presence of the said Robert, by William Gibone at Mill of Cowie, Balzie, chosen to the said court, Alexander Wylie in Powbair, procuratour Fiscall, George Thomsons, nottar publict, Clerke of Court, Thomas Kergie, officiar, and Dempster. The suittis called and the court lauffullie affenced.

The which day the said Balzie taiking to his serius consideratione and compleant givein in befor him at the instance of the said procuratour fiscall against George Mowat in Trees, William Mowat in Rothnicke, James Broune in Magray, Alexander Broune in Woodhead, James Haig, gairdner at Wry, George Knoullis in Kairntoune, James Lightoune in Woodhead, Andro Melvine in Maines of Wrie, Johne Melvine ther, William Binnie ther, who being all sumoned and personallie apprehended and sicklyike compeirand to answer to the poyntis of the said procuratour fiscall his said compleant given in this day and plaice—That is to say, for transgressing the severall lawes and actis of parliament, and particularlie the fiftent parliament of King James the Sext, capt. 248, wherby the killing of haieres, doves, partriges, moorefoullis, duke and draike, and otheris therein specifeit, are expresslie prohibited

¹ More than others.

to be killed with gunns, pistollis, stamps, girnes, or such other ingyne, wnder the paines and penalties expresslie therin set doune, and the heall foirnamed persoines, personallie present, being by the said judge interrogat anent the premisses, they and ilke ane of them acknowledged and confessit the killing of hairis with gunes and other ingyne. The saids George Mowat, James Broune, Andro Melvine, William Mowat, James Haig, sicklyike acknouledged ther killing of moore foullis and partridges with gunnes, which poyntis of dittay the said balzie haveing advyised and being therwith reaplie informed be the heall foirnamed persones ther above written confessiones, finds ther heall moveablis to become escheat in respect of the carrying of gunns, ordaining the saids gunns to be delyvered up to ther said master, and decernes ilke ane of them in the soume of twentie merkis less or more, appoynted to be peyed be ilke ane of them for killing of the saids haire and wild foullis, and therfor decerned and ordained, and heirby decernes and ordaines payment of the saids fynes to be made within terme of law, with certificatione as effieris, and ordaines the clerke of Court to extract precepts for the causes forsaid in forme as effieris. In testimonie wherof the said balzie hes heirto interponed his autoritie and subscryvit thir presentis with the said Robert Barclay and clerke of court, etc.

R. BARCLAY.

WILL. GIBON, *baillzie*.

GEO. THOMSONE, *N.P., Clericus Curie*.

Court of the lands and baronie of Wrie, holdine within the manor place therof wpon the nynt day of Apryll j^m vij^c nyntie two yeiris, by William Gibone at Mill of Cowie, balzie to ane honorable gentleman Robert Barclay of Wry, George Thomsonsone, nottar publict, clerke of Court, Alexander Wylie in Powbair, procurator Fiscall, Thomas Kaergie, officiar, and Dempster. Sectis vocatis Curia legitime affirmata.

The whilke day the said Allexander Wylie, procurator fiscall, gave in ane Indytment against John Buchane, in Magray, for his stealing and away talking of certaine peattis furth of the



peat stackis of Allexander Burnet, in Cowie, some tymes by-gane. The said John Buchane, being cited to this day and place, compeiring personallie and interrogat annent the said thift and cryme, he judiciallie acknowledged that he helped and assisted his wyf to carrie away ane backe burdeine of the said Allexander Burnet his peattis, and that he carried away ane burdeine of some person's peatis furth of the moss himself, but knew not to whom the same pertained, and that he hade severall tymes carried away gathrings of lairis¹ of peatis of other persones furth of the moss, but never anie more belonging to Allexander Burnet. The said bailzie taiking the said John his confessione to consideratione, he fyns and amerciatis the said John Buchane in ane wnlaw of twentie pounds Scotis, and to give satisfacione to the said Allexander Burnet at the said Robert Barclay or his said balzie's arbitrement, and ordanis precepts to be direct heirone as effieris. In witnes wherof the said balzie and clerke have subscrivit thir presentis, and inacts and statutes, in caice any such ryotis shall heir-efter be done in the ground, that the persons found guyltie shall be imediatly removed fra ther possessions, and put in the Shereff's hands for thier ffynes.

WILL. GIBON, *balzie*.

GEO. THOMSONE, *N.P. Clericus Curie*.

Barrone Court of the lands and baronie of Wrie, pertaineing heretable to ane honorable gentleman Robert Barclay of Wrie, heretable proprietar therof, holden within the great hall of Urie, upon the tuentie fourth day of May j^mvj^e myntie eight yearis, in presence of the said Robert Barclay, by James Thomsons in Stonhyve, balzie. George Thomsons, nottar publict, clerk of court. John Buchan, officer. William Gibone at Mill of Stonhive, procurator Fiscall, and Dempster. Sectis vocatis curia legitime affirmata.

The which day the said Robert Barclay, in obedience to the Councillis proclamacione emitted for mantaineing of the poor within this kingdom, ordaineing and appoynting the heritors,

¹ Places for spreading peats to dry.—*Jam.*

ministers, and kirk-sessione of the respective parishes within the samen, to appoynt provisione for the severall poore within ther particular parishes, as the said act bearis. In obedience to which the hail heritoris within the parish of Fetteresso haveing unanimoslie, with concourse of the minister, elders, and kirksessione of the said parish, agreed wpon and condiscended that ilk ane of them shall maintaine the poor within thair particular lands by themselves and thair tenents, and to give badges¹ to such as are travelling within ther own grounds. Therfor the said Robert Barclay and his said balzie appoynts and ordans ane peck and ane half peck of meall to be given weekly to Rachel Lightoune, in Glithno, blind woman, and ane servant to attend her. Sicklyke appoynts half ane peck of meall weekly to be given to Alexander Burnet, in Powbair, his children, and ordains badges to be given to the persones following, Viz^t., Isobell Murray in Glithno, Marioun Ritchie thair, tuo children of Alexander Burnetis thair, Margaret Boys in Magro, and George Mill at Mill of Montwheich, and ordainis half ane peck of meall weekly to Margaret Lyell and her children, which quantity of victuall to be given out to beddells,² extends to weekly two peckis half peck meall, and ordains the saids beddalls to begin at William Gibone at Mill of Cowie, and receive from him the saids tuo pecks half peck meall, commenseing upon the tuentie thrid of May instant, which compleits his peyment to them for fyftine weekis nixt thereafter; 2dly, appoynts them to goe to James Brown in Maigroe, and ther to receive the like quantity for the subsequent week, which compleitis his payment for the space forsaid; 3dly, appoyntis them to goe to Powbair, and ther to receive fyve peckis meall, which compleitis Janet Mowat ther her payment for tuo weeks, for the space of fyftine weeks thereafter; 4tly, to goe to the Mains of Urie to the laird himself, and ther to receive the like fyve pecks, which com-

¹ The 'beggar's badge' conferred the right to solicit alms within a certain district. It was generally made of pewter, and bore, in addition to the name of the parish from which it was issued, a number corresponding to that which the recipient held in the parish alms-book. The Fetteresso badges are of copper. They are oval in form, and measure 3 inches by 4½ inches.

² Licensed beggars.

pleits his payment for tuo weeks to them for the said space of fyftine weeks; 5tly, to goe to Balnagight, ther to receave 2 pecks half peck meall, which compleits his payment for one week to him for the said space; 6tly, to Glithno 2 pecks half peck meall for the said space; 7tly, Rothnike 5 pecks for tuo weeks, compleiting as afforsaid; 8tly, Crossley 2 pecks half peck meall for one week, compleiting as said is, includeing Mill of Montweich; 9tly, Burnhaugh 2 pecks half peck for one week, compleiting as said is; 10tly, Trees 2 pecks half peck for one week, compleiting as said is; 11^{ly}, Woodheads a 2 pecks half peck for one week, which compleits as afforsaid. The said balzie ordains the said method and order to be kept in tyme comeing, aye and till the counsell shall rescind ther for-said act; and whoever shall be deficient or disobedient to give in thair forsaides contributiones weekly, in maner above appoynted, americiatis the deficient in the double of the quantity, and executione to pass heiron as effeiris, wherunto the said bailzie interpones his authority.

JA. THOMSONE, *baylie*.

GEO. THOMSONE, *Clericus*.

Urie the tuentie fourth day of May 1698 years.

The said day anent ane complent given in by William Gibone, at Mill of Cowie, against the hail tennents within the sucken of the said Mill, for ther abstracting of ane great quantity of ther grindable grane of the said Mill. The said balzie enacts and ordains ilk ane of the saids tennents to com-pone and aggree with the said William Gibone within fyftine days after this date, otherwayes decernitur conforme to his clame; and als statuts and ordains that noe persone nor persons within the said Mill sucken, shall abstract any of ther grindable grane from the said mill in tyme comeing, under the pain of the double of the quantity and quality of the said grane suae abstracted, and shall be oblidged to make faith theranent, otherwayes decerniture,¹ wherto the said balzie interpones his authority.

JA. THOMSONE, *baylie*.

GEO. THOMSONE, *Cls*.

¹ A decree or sentence of a court, sometimes as enforcing payment of a debt.
—*Jam.*

The said day Hugh Mowat, at Mill of Montweich, gave in the like complement against the tennentis within theucken of the Mill. The said balzie considering the samen statuts, enacts, decerns, and ordains, in maner and conforme the forsaid decernitur past in favours of the forsaid William Gibone, and ordains executioun to pass heiron as effeirs, wherunto the said balzie interpones his authority.

J.A. THOMSON, *Baylie.*

GEO. THOMSONE, *Cls.*

Urie, the 24 May 1698 yearis.

The said day the said balzie statuts, enacts, and ordains that non of the subtenentis of the toune and lands of Glithnoe shall cast, won, lead, transport, or away carie, or sell, any peats furth of the latch of Glithnoe, moss or banks therof, in any tyme comeing, and particularlie from putting of any peatis in stackis or selling any to the toune of Stonhive, or any other persone or place whatsomever, under the penaltie of ten pounds, *toties quoties* any person shall be found guilty therof, permitting and excaipting alwayes James Smith, cotterman in Glithnoe, to cast such peatis therin as may serve him in fire allenerly, without selling any peatis, and ordains executione to pass heiron as effeiris, whereunto the said balzie interpones his authority.

J.A. THOMSONE, *baylie.*

GEO. THOMSONE, *Cls.*

Urie, 24 May 1698 yearis.

JAMES THOMSONE, *balzie.*

The whilk day, anent the actione and cause intended and perseued at the instance of William Gibone at Mill of Stonhyve, Procuratour Fiscall, of the said Robert his Barone Court against the persones after mentioned, makeing mentione that wher by the 6 Act of 6 Session of His Majestie King William his first parliament it is expresslie statute and ordained that, from and after the first day of January then next to come all sorts of meall bought and sold within this kingdome shall be sold and delivered be weight at 8 ston Troys weight in place

of the boll of Lithgo measure,¹ and soe proportionallie, and that under the pains contained in the said tack [? Act], And sicklyke be the 37 Act of the said parliament it is statute and ordained that in tyme comeing all malt that is sold and bought within the kingdome shall be delivered with the heap measure² according to the bear firloft of the place wher it is delivered, certifieing the leiges³ and under the amerciements contained in the saids acts. Nevertheless true it is and of verity William Gibon at Mill of Cowie and otheris, the persones underwryttin, within the saids lands and baronie of Wrie, are guilty of the saids acts made both anent meall and malt since the saids acts of parliament had prohibit the samen, the quantities wherof they cannot particularlie condiscend on at the tyme nor make faith theranent, and therfor the said William Gibone, Alexander Mackie, his pikieman, Alexander Broun in Maigroe, Janet Mowat in Powbair, Elizabeth Douglas in Glithnoe, Alexander Broun and James Edward in Woodhead, William Mowat in Rothnick, Margaret Wylie ther, John Wylie in Crossley, Hugh Mowat at Mill of Montweich, William Thomsone ther, William Duthie in Burnhaugh, George Mowat in Trees, George Troup in Cramsaker, are not only guilty themselves, but also ther wives, in selling particular quantities of the said prohibited victuall, and in respect the saids persones could not condiscend upon the samen particular quantities sua sold be them or ther wives in maner lybelled be the said procuratour fiscall, the quantities and

¹ The Act of King William above referred to aimed at bringing about a uniform standard of Dry Measures such as had not hitherto prevailed in Scotland. The nominal standard for meal was the Linlithgow boll, but the capacity of the actual measures used in the various counties only approximated to the Linlithgow measure, and hence it was only by discarding these altogether, and substituting weight for measurement, that an absolute uniformity could be obtained. Eight stone Troy was therefore constituted the standard boll. A stone Scots Troy, or Dutch weight, as it was also termed, consisted of 17½ pounds avoirdupois.—*Elgin's Tables*, p. 16.

² *Heap measure* is that in which the measure is *heaped* with the hand till it can hold no more. It is opposed to *sleaks* or *streeks*, where the measure is only filled up to the edge of the wood or a little higher.

³ *Certifieing the leiges*, warning the vassals. Certification means the assurance given to a party of the course to be pursued in case he disobeys the order of the court.—*Bell's Law of Scotland*, p. 148.

qualities wherof are more particularlie mentioned and set doune in the said lybell and indictment: Therefor the said balzies, takeing ther saids confessions of ther said guilt, decerned and ordained, and heirby decernes and ordaines them to make payment to the said procuratour fiscall, informer, of the double of the value of ilk quantity of the samen suae sold be them contrar to the saids acts of parliament, and ordains incarceration of ther persones at the said Robert Barclay his pleasure, and ordains all executione to pass against them in forme as effeiris, wherunto the said judge and ballzie hes interponed, and heirby interpones, ther authority, and which act is subscrivit be the said Robert Barclay.

R. BARCLAY.

JA. THOMSONE, *baylie*.

GEO. THOMSONE, *Cls.*

Court of the lands and baronie of Urie, holden within the manor place therof, wpon the tuentie seventh day of May 1698 yearis, by James Thomsons in Stonhive, balzie to Robert Barclay of Urie, heritable proprietar of the said lands and baronie therof, in his personall presence; George Thomsons, nottar publict, Clerk of Court, John Davine in Stonhyve, Procuratour Fiscall, John Buchan, officer and Dempster.

The Sutes being called, the Court lauffullie affirmed.

The quhilk day, in presence of the said Robert Barclay of Urie, the said John Davin, procurator fiscall, gave in ane lybell and indictment against John Knows, servitor to William Knows in Urie, mentioneing wheras the said John Knows was ane commune and notour thieff by stealing certane cloaths and other particulars furth of the house of Springhall, and particularly ane pair of sheets and several clews of yearne¹ furth of the said house, and being lauffully summoned be the said ground officer to have compeared this day and place to have answered befor the said judge at the instance of the said procurator fiscall to underly the law for the forsaid crime of thift, the said John Knows being oft tymes called and not

¹ Balls of thread. ||

compeirand, the said judge and balzie fund him guilty of thift, and declares him fugitive and outlaw, and ordains his hail moveable goods and gear to be escheat and inbrought to the said fiscall his use for the said John his contempt and disobedience, and ordains his persone to be apprehended in caice he shall be found within the said baronie of Urie and brought to condigne punishment for the said crime, and ordains all executioun necessar to pass heiron as effeiris.

R. BARCLAY.

JA. THOMSONE, *baylie*.

GEO. THOMSONE, *Cls.*

Barone Court of the lands and Baronie of Urie pertennig heritable to Robert Barclay of Urie, holden within the great hall of the manor place thcrof, in the personall presence of the said Robert Barclay, wpon the tuentie two day of March j^m vj^c nyntie nyne yearis, by James Thomsonsone in Stonhyve, Balzie, George Thomsonsone, notar publict, Clerke of Court, William Gibone at Mill of Cowie, Procurator Fiscall, William Gray, Officer and Dempster.

The suits called and Court affirmed.

The which day the judge and balzie, haveing heard ane compleant given in be the said procurator fiscall and Helen Buchane in Glithnoe against Allexander Duncane in Glithnoe ffor the said Allexander his stealling of cornes with the fodder off from the goodwyif of Glithnoes land last harvest. The said Allexander, compeiring personally, denyed the samen, and creaved witnesses might be adduced in the said mater. The said Helen Buchane alleadgit that Margaret Findlay, servant to the said Allexander Duncan sayd that he had taiken the saids cornes above uryttin, which alleadgeance being taiken to the balzies consideratione, amerciati the said Helen in ten pounds Scots money.

R. BARCLAY,

JA. THOMSONE.

GEO. THOMSONE, *Cls.*

The said day being the tuentie secund day of March j^m vj^c nyntie nyne, in presence of the said James Thomson, balzie,

the said Allexander Duncane being conveyned for alleadgeing that Helen Buchane and her sister had plucked his keall and wer guyltie of the stealling of two ewes he then wanted. The said Allexander confessed he had sayd they had stollen his keall, but could not approve the samen. Wherfor the said balzie amerciati him in ten pounds for his forsaid alleadgeance, and failzieing to approve the same. And as to the woole of the ewes, compeired George Troup in Cransaker, examined theranent, declaired that Allexander Duncane did say that he suspected none for the thift of his ewes but Helen Buchane, Marjory Richie, her mother, and her sister. The said Allexander being interrogat whither he could approve the samen or not, he declaired he could not, and therfor amerciat him in other ten pounds. And in the mean tyme the said laird of Ury and his balzie ordaines the said Marjory Richie and her daughteris to flit and remove themselfs furth of the lands of Ury within tuentie four houris, otherways the laird wold ordaine them to be carryed to the theefs hole¹ at Stonhyve, besyd what other punishment he should inflict.

R. BARCLAY.

JA. THOMSONE.

GEO. THOMSONE, *Clk.*

The said day Allexander Duncane within designed being conveyned for stealing of grass and pasturaig with his horss within the lairds Hainings and deikis in sumer last, he compeired and acknouleided the samen, wherfor the balzie amerciati and fynes him in the soume of ten pounds Scotis money, and statutis and ordaines in caicc the said Allexander shall at any tyme comeing be found with his bestiall, or that it cane be approven against him that he shall distroy the lairds grass, or the goodwyf of Glitlinoes, but wher he is or may be priveledged be her, he shall pey the soume of ten pounds *toties quoties* he shall be found guyltie.

R. BARCLAY.

JA. THOMSONE.

The said day amerciati William Gray at the mill of Cowie in the soume of ffourtie shilling for killing of dooves within

¹ The common prison. It was popularly known all over Scotland by this designation.

the bounds of the lairds ducat. And also americiats James Edward in Woodhead and James Walker in Magray in the soume of ten pounds the peece¹ for killing of salmon and smoutis within his wateris this winter, and ordaines them to bring in ther spearis² to the laird. And in caice any persone shall be found guyltie of killing of dooves or fishes within his wateris in tyme comeing, they are heirby fyned ilke persone guyltie in the soume of ten pounds *toties quoties* without libertie grantet.

R. BARCLAY.

JA. THOMSONE.

The said day the balzie prohibits all tennentis, cottaris, grassmen, and otheris within the lands of Ury not to harbour or recept within ther houssis any beggeris whatsomever over one night, wnder the penaltie of fourtie shilling Scotis *toties quoties*. And in caice any persone shall be found to have in ther custodie anie suspect goodes, wherannent they cannot prove the buying of the said goodes by honest witnesses who saw them buy the samen, the persone soe guiltie shall be holden and repute as theefs, and punished according to law, and proceeded against therfor as accords. And whatever goodes shall be offered to [? by] any person that may be suspect infamous, the persone who shall get the goods offered to them are heirby enacted to bring the same to the laird, wnder the penalty of ffour pounds *toties quoties*.

R. BARCLAY.

JA. THOMSONE.

GEO. THOMSONE, *Cls.*

22 March 1699.—Allexander Duncane requyred to make peyment of his americiamentis, etc.

Court of the lands and Barony of Ury, pertaining heretablie to Robert Barclay of Ury, holden at the Manor place theroff the tenth day of May one thousand seven hundreth

¹ Each.

² The above tenants had evidently been guilty of *leistering*. This sport, which was very popular in many districts of Scotland till a recent date, and which was known in the Lowland counties as 'burning the water,' was usually engaged in under cover of night. A torch was held above the pool where the salmon were supposed to be lying, and the fish running towards the light, were struck with spears or *leisters*. Scott, in *Guy Mannering*, chap. xxvi., describes the sport.

and one yeiris, by James Thomsons, Balzie, George Thomsons, notar publict, Clerke of Court, William Gibone, Procurator Fiscall, Thomas Scott, officer, and Dempster. Sectis vocatis Curia legitime affirmata.

The said day the said Robert Barclay, considering his leet peats, as they are now peyable and built on the stacke hill of Ury doe not sufficiently winne and dry, creaved that the tenentis might condiscend to build ther leitiss in the terms following, viz.: That ilke leet of peats shall consist of ten ellis and ane half of length and three ellis of breadth. The heall tenentis present condiscend to build ther respective leitiss proportionally to ten ellis of length and three ellis of breadth, and to cover the same sufficiently with turff within fourteine dayes, as weather serves, after building of the saids leitiss, wherwith the laird, tennentis, and balzie are content, and ordaines this present act to continue in tyme coming.

R. BARCLAY.

J. A. THOMSONE, *baylie*.

The said day the said balzie statutes enacts and ordaines that considering the laird of Ury hath beine at a considerable charge and expensse in building of deikis and inclosuris for preservacione of grass and trees planted therin, amerciatis ilke persone whose sheepe shall hapin to leape the saids inclosuris, except in tyme of snowie wreathes, shall pey fourtie penies for ilke sheepe *toties quoties*, the deike being sufficiently coped with stons, and als amerciatis ilke tennent, cottar, grasman, and servant within the ground shall happine to leape the inclosuris at any tyme coming, shall pey fourty pennies *toties quoties*, the master being alwayes lyable for the servantis dilict, retaining allwayes off the servantis fie the fynes wherin the servant is culpable, wherinto the balzie interpones his authority.

R. BARCLAY.

J. A. THOMSONE, *baylie*.

Ury, 10th May 1701.

Statuts inactis and ordaines that noe tennentis whatsomever, nor subtennentis, shall cast any ley or sward meadow ground

within ther respective possessions, wnder the penalty of twenty pounds ilke tennent, and ten pound ilke persone inferior to a tennentis degrie.

R. BARCLAY.

J.A. THOMSONE, *baylie*.

The said day amerciatis ilke tennent, cottar, and grassman who shall happine to cast potts¹ within any of the laird of Wryes propertie or comountie betwixt him and the Earle Marischall and the laird of Leyes, shall pey ffour pounds for ilke pott made by them in any of the saids mosses, property, or comountie, but what peats they cast therin shall be made wpe with ane face of ane moss without potting.

R. BARCLAY.

J.A. THOMSONE, *baylie*.

GEO. THOMSONE, *Cls. Curie*.

Urie, 10th May 1701.

The said day amerciatis John Mauld in Glithnoe, and Alexander Duncane ther, ilke ane of them in fyftie poundis Scotis for mutuall beating and striking of otheris, and ordains payment to be made heiroff within fiftein dayes, and precepts to be direct heirone.

R. BARCLAY.

J.A. THOMSONE, *baylie*.

GEO. THOMSONE, *Cls. Curie*.

Baronie Court of the lands and Baronie of Ury, pertaining heretablie to Robert Barclay, proprietar of the saids lands, in his owen presence, holden by Mr. James Keith of Aquhorske,² Shereff Deput of Kincardyne, balzie,

¹ Moss-holes whence peats have been dug.—*Jam.*

² The lands of Aquhorsk formed part of the barony of Kintore in Aberdeenshire, and their possessors, who had held the lands for a very considerable period, were probably a younger branch of the Keith Mareschal family. On 1st Nov. 1601, James Keith of Aquhorsk is summoned, under caution of 100 merks, to answer before the Lords of Secret Council to the challenge made against him by George, Earl of Marshall, for 'invading certain persons with pistols.'—*Reg. Privy Council*, vol. vi. p. 697. In all likelihood this act of violence on his part may have been intended to avenge the death of his father, Alexander Keith of Aquhorsk, who was slain in Aberdeen, 7th June 1584, by the Guidman of Babithan, Arthur Anderson, burgess in Aberdeen, and Walter Leslie, all of whom we find obtained a free pardon by deed of Council dated 7th June 1596, on the ground that the murder of Keith was 'accidental.'—*Spalding Club Miscellany*, vol. ii. p. 56; *Reg. Privy Council*, vol. v. p. 397.

George Thomsonsone, notar publict, Clerk of Court, William Melvine, Procurator Fiscall, Thomas Scott, officer, and Dempster. Holden this twentie second day of May j^m vij^e and five yeiris. Sectis vocatis Curea legittime affirmata.

The said day the said balzie statutis, enactis, and ordains that noe tennent, subtennent, cottar, nor grassmen, removeing from ther respective possessiones within the laird of Uries lands and heretage, shall pull doune any of ther house wallis more then fries ther timber, neither pull doune anie of ther yeard deikis, wnder the penaltie off fourtie pound ilke tennent, and ten pound ilke subtennent, cottar, and grassmen, by and attour peyment of the expenses of reparatiene. J. KEITH.

The said day the said balzie statutis, enactis, and ordaines that the hail tennentis lyable in peyment of leet peatts shall cast their respective proportions of leets in such moss yeirly as the laird shall appoynt and ordor, wnder the penalty of fourtie pound Scots ilk tennent transgressing *toties quoties*.

J. KEITH.

22 May 1705.

The said day the said Balzie enacts and ordains that noe tennent lead ther leet peets in the night tyme, and that ilke tennent keepe ther owen larache¹ and wnder moss dry and levell, under the penaltie of ten pounds *toties quoties*, and that if any cottaris, grassmen, subtennent, or heardis,² or any othis, transgress the premisses, whither wnder pretence of command from the masteris, or any other wayes whatsomever, without particular order from the laird, ilke cottar, grassman, heard, or hyreman³ shall be lyable in fyve pound to the laird *toties quoties*, and which fynes are to be made furthcoming by the masteris out of ther readiest of the hyremen transgressoris fies, and if cottaris or grasmen, ilke ane of them to be immediatly poynded for the said fyve pound. J. KEITH.

¹ The site of a building.—*Jam.* *Larache* is obviously used in the text to signify the sole of the ground from which peats have been cut.

² Parties whose duty it is to tend cattle.—*Jam.*

³ A male servant who works for wages.—*Jam.*

The said day the said balzie ordaines ilke tennent within the lards nether baronie of Urie to keep the entering smith his smidie with ther heall iron work and pay ther ordinarie boll, he, the said smith, giveing allwayes good and readie service to the ground, excepting furth heiroff¹ the mill of Cowie, in caice the smith cannot work the mill irons, and that wnder the penaltie of tuentie pounds attour performance.

J. KEITH.

22 May 1705.

The said day the said Balzie americiats and fynes ilke persone found cutting of wands in willies bog, shall pay fourtie shilling Scots *toties quoties*, ilke master comptable for his servants, and ilke parent for ther childreine.

J. KEITH.

The said day the said Balzie statutis, enactis, and ordaines that ilke tennent within the ground lyable in payment of ferme meall shall pay in to William Gibone, grintall man, ther respective ferme mealls yearly, good and sufficient merchand stuff, and that at eight stone four pound weight ilke boll, and that William Gibone give receipts to the tennentis of the said weight, conforme to eight stone four pound the boll yeirlic in tyme comeing, Wherwnto the said balzie interpones his authoritie, and wherto the heall tennentis consentes.

J. KEITH.

GEO. THOMSONE, *Cls.*

Barone Court of the lands and Baronie of Urie, comprehending the lands of Montqweich, pertaining heritable to Robert Barclay of Urie, holden at Urie the nynteinth day of July j^m vij^c and twelve yeiris, by ane discreet gentleman Master John Raitt of Findlawstoune, Balzie, George Thomsonsone, notar publict, Clerk of Court, James Thomsonsone in Stonhyve, Procurator Fiscall, Thomas Scot, officer, and Dempster.
Sectis vocatis Curea legitime affirmata.

The said day annent ane complaint given in befor the said Balzie at the instance of the procurator ffsicall, who hade

¹ *Excepting furth heiroff*: excluding from the above.

advyce from certaine people of the countrie complain to the laird of Urie that the tennentis, subtennentis, cottaris, grassmen and servantis of the saids lands of Ury this yeire, in tyme of leading their leit peatts to the peatt hill of Urie, had not only wrongouslie intrometted with and away tacken severall other persones peatts, casten in the moss of Cowie neir adjacent to the saids leit peatts, and carried the samen to mack wp their leit peattis at Wry, but also it is the forsaid persons their yeirlye custome and practize soe to do these severall yeires bygone, and lyikwayes to make comoune roads throw otheris persones peatts, to the great prejudice of the owneris therof, and the persones guiltie ought and should be amerchiat therfor, and the damnadges repaired at the balzies discretion.

Urie, the nynteint day of Julij 1712.

The said day the hail tennentis, subtennentis, cottaris, grassmen, and servantis being conveyned befor the Balzie within designed for the caussis within expressit, ther was noe persone found guiltie in stealling of peatts except George Whyt, servant to William Duthie in Burnehaugh, who, after deponing, confessed, and is fyned in four pound Scots money, and the said four pound is ordained to lye in his masteris hands of his fie till the samen be peyed, quherof intimatione is made to the said William Duthie *apud acta*. As also amerchiats John Blaber in the soume of ffourtie shilling Scots as guiltie of the lyik fault, and the same is ordained to be made furthcomand by Hugh Mowat at mill of Montqwweich, his master, wherof he was warned at the barr, and sicklyike Robert Spark, servant to William Mowat in Rothnick, is fyned in twentie shilling for the lyike fault, and the same is ordained to be made furthcomand out of his fie. Wherwnto the balzie interpones his authoritie, and ordaines precepts to be direct heiron as effieris.

JO. RAITT.

The said day the balzie of new enactis and ordaines that the heall tennentis lyable in payment of leitis shall not at any tyme heirafter lead any leat peatts in the night tyme, and befor any persone lift his first draught, without his principall

servant present with his horss, for whom the master shall be answerable, the master shall be fyned and amerciat in twentie pounds Scots money, how soone any compleant of stealling of peats is dilated to the laird.

JO. RAITT.

GEO. THOMSONE, *Cls.*

19 July 1712.

The said day the said balzie statutis, enactis, and ordaines that noe cottar nor grass man within the land, who shall heirafter remove from ther respective possessions, shall not hinder nor impead the entering tennent to labour the emptie ground of ther kail yeards at Pasch yeirlie, without doeing prejudice to the tennent then removeing, and any persone contraveening the premisses is heirby amerciat in fourtie shilling Scots.

JO. RAITT.

GEO. THOMSONE, *Cls.*

The said day the said Balzie statuts, enacts, and ordains that noe cottar nor grassmen shall at any tyme comeing taik doune any of the timber of ther office housses, such as barne, byre, or cott, without first offering the same to the entering tennent for sale, and that they shall not pull doune the thatch nor walls therof, wnder the penaltie of ten pound. And in caice the removeing and the entering tennent cannot agrie betwixt themselfis as to the pryces of the timber of the saids housses, it is heirby ordained that both shall choise two honest men for maiking the pryce therof, wnder the penaltie above written.

JO. RAITT.

GEO. THOMSONE, *Cls., N.P.*

Sward and ley groundis allreadie enacted, 10 May 1701.¹

Court of the lands and Baronie of Ury pertaining heretablie to the much honored Robert Barclay of Ury, holden within the Maner house therof, wpon the second day of Maij one thousand seven hundred and tuentie yeirs

¹ See p. III, *supra*.

(the said Robert Barclay being personallie present) be
 George Thomson, notar publict in Stonhyve, Bailie,
 James Milne, notar publict, Clerk, John Souter, Fiscall,
 Thomas Scot, officer, and
 Dempster.

Sectis vocatis Curia legitime affirmata.

The which day compeared John Edward in Munboys, and gave in ane complaint against John Donald in Springhall, representing that the said John had medled with and crav'd right and title to a wedder hog¹ pertaining to him, the said John Edward. The action being called, both parties personallie present, the said John Edward offered to prove the samen by witnesses, and having adduced such witnesses as were summoned for that effect, they declined to give their oaths of veritie theranent, and Elspeth Donald, sister to the said John Donald, compeiring personallie (and owning the hog to be hers), the veritie quherof was admitted be the said John Edward to her oath, quheranent she depon'd affirmative, and that the hog was lambed of ane of her own ewes, and that the same was hers. The Bailie having considered the petitioners complaint, and his failing to prove his allegiance, with the said Elspet Donald her deposition, ordains the hog to belong to her allannerllie, and amerciats John Edward in fourtie shillings Scots, to be payed to the fiscall of Court for his meddling therwith, within term of law.

GEO. THOMSONE, *Balie.*

J.A. MILNE, *N.P. Clk.*

The said day compeared the said John Edward, and gave in ane other complaint against the said John Donald, alleadging that yesterday, being the Sabboth day, Donald's bestiall were pastureing upon his grass and propertie, and that Donald had beat and struck the said John Edward with stones, and chased him in the time he was turning the bestiall, and, for proveing of Donald's bestiall pasturing upon Edwards propertie, adduced Marjorie Tailour, spouse to Andrew Masson in Glithno. Shee compearing declared shee knew nocht the propertie pertaining

¹ A sheep of a year old.

to either partie, but was willing to goe to the particular parcell of ground with the laird, and show him where the bestiall were pastureing. Which being considered be the bailie that in caice it shall be found be the laird that Donald's bestiall were pastureing wpon John Edward's propertie, he americiats Donald in ten pund Scots to be peyed to the Fiscall of Court. And further the said complaint bears that the forsaid day, and in that meantime, when John Edward was indeavouring to drive off Donald's bestiall off the forsaid propertie, he, the said Donald, threw stones at the said Edward and beat him therewith, which Donald did not deny, at least would not depon theranent. Wherefore the Bailie holds him as confest, and americiats him in tuentie pund Scots, especiallie seeing the same was done upon the Saboth day. And americiats the said John Edward in ten pund Scots for his beating and stricking of John Donald the mean time with a stick which he confest.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P. Clk.*

The said day americiats Jean Barclay in Springhall in ten pund Scots for her cursing of John Edward in face of court.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P. Clk.*

Court of the lands and Baronie of Urye pertaining heretable to the much honored Robert Barclay of Ury, holden within the Maner house thereof, upon the tuentie eight day of Februarij one thousand seven hundred tuentie one years, in presence of the said Robert Barclay, be George Thomson, notar publict, in Stonhyve, Bailie, James Milne, notar publict, Clerk, John Souter, Phiscall, Thomas Scot, officer, and _____, Dempster.

The which day the persons under writen being lafullie summoned to this day and place to answer at the instance of the said Phiscall of Court, for transgressing the severall laws and acts of parliament, and particularie the fifteent parliament of King James 6, cap. 248, wherby the killing of hares, doves, partridges, moor foullis, duke, draick, and others therin speci-

feit are expressly prohibited to be killed with guns, pistollis, stampets, girns, or other ingines, under the pains and penalties therein express. Compeard Alexander Gibbon at miln of Cowie, and confest he had kill'd only one pair of partridges three years past, and no other foulls dureing that time, and declared this to be of truth, as he shall answer to God.

ALEXR. GIBBONE.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compeard Robert Wyllie in Powbair and deny'd the hail clame, which is of truth, as he shall answer to God.

ROT. WYLLIE.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Alexander Gibbon, milner at miln of Cowie, compeard and deponed negative, and declar'd this to be of truth, as he shall answer to God.

ALEXR. GIBON.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

James Strachan, masson ther, compeard and deponed negative, and declar'd he could not writ.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

James Wyss in Glithno compeard and acknowledged he killd only one pair of partridges these three years bypast, and this was of truth, as he shall answer to God, and declar'd he could not writ.

GEO. THOMSONE, *Balie.*

Compeard Alexander Mowat in Rothnick and confest guilty.

ALEXR. MOUAT.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compeard James Mowat at miln of Montquheich and depon'd negative.

JAMES MOWAT.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compeard William Duthie in Burnhaugh and depond negative, but owns he keeps a gun.

WILLIAM DUTHIE.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compeard John Lyon in Cransacre and depond negative, and declares he cannot writ.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

William Duthie in Trees compeard be Alexander Duncan his servant, and depond, his master being sick and not able to come to this Court this day, that his master bid him acknowledge that he was guilty of killing of hares.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compeard Alexander Duthie in Crosley and confesses the killing of three hares these three years bygon, and no other beast nor foull prohibited by law.

ALEXR. DUTHIE.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compeard James Milne in Mains of Ury and depon'd he had only killd one dove these three years bygon, and this was of truth, as he shall answer to God, and declares he has a gun.

JAMES MILNE.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Cl.*

Compeard James Broun in Maigray and ownd he keeps a gun, and had only shot a dove, and no other foulls nor hares these three years bypast, and this he declar'd to be of truth, as he shall answer to God.

I. B.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compeard Alexander Broun in Maigray and confesses he killd some doves, but nothing els these three years past.

ALEXR. BROWN.

GEO. THOMSONE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compear James Edward ther, and ownd he had only killd one dove this year, with ane borrowd gun, which is of truth as he shall answer to God.

JAMES EDWARD.

GEO. THOMSONE, *Balie.*

J.A. MILNE, *N.P., Clk.*

The said day the said Bailie having taken to his consideration the confessants, their severall acknowledgments of their guilt as is mentioned in their depositions wpon the preceeding pages in this act of Court, amerciats each one of them in the penalties prescribed by acts of parliament, and ordains each one of the havers of the guns to bring in the same to the laird to be disposed upon be him as he shall think fitt, and ordains precepts to be issued out to the effect forsaid.

GEO. THOMSONE, *Balie.*

J.A. MILNE, *N.P., Clk.*

Barron Court off the lands and barronie off Urie pertaining heretably to the much honoured Robert Barclay, younger thereof, holden within the Manor place thereof, by Robert Wyllie in Polbair, Balie, qualified in the terms of law. Georg Thomson, noter publick, Clerk of Court, John Sutor, Procurator Fiscall, John Hunter, offisier and Dempster.

Sectis vocatis curia legittime affirmata.

The which day, in presence of the said heretor and balie forsaid, anent ane complaint given in befor them against James Wise in Glithno, att the instance of the said procurator fiscall, makeing mention that wher, in ane publick mercat holden wpon the hill called Magrie hill, wpon the eighteenth day of June instant, the said James Wise was found in handie grips¹ with one George Caddell, fisherman in Couie, and they strugling on with another, by which it came to earnest, and that the said James Wise did hurt and blood drew of the said Georg Caddell.

The said James Wise being lauffully summoned by the said ground offischer to compeir befor the Balie forsaid in ane

¹ Close grappling.

barron court to be holden within the Manor place of Urie this day, compeired the said James Wise, and being called to answer at the instance of the said procurator fiscall to hear and see himself deserned be decret of Court order of law and justice, and to heir and see the said indictment sufficientlie veriefed and proven, and the samen being suae veriefed, himself to underly the law in the pains and penalties thereof.

Compeired the said James Wise, and being examined and interrogat anent the points of the said indictment, confessed and acknowledged that he, being appointed by his said master to go as one of the guard with others of the said merket, it hapned their fell a plee betuixt the said Georg Caddel and one Grig, sone to John Grig, smith in Stonhyve, by which the merket was disturbed, and he the said James Wise endeauouring campesce and setle them, he the said George Caddel, out of his fury and rage becaus he could not gett his will of Grig, invaded and pursued the said James Wise, so that he could not be ridd of the said Caddel, who fell wpon him most inhumanely by dragging him by the brest, and in his own defence bleed Caddel with the butt of his gun, by which both parties wer seized by Uries servants and dispatched¹ the merket. The procurator fiscall alledged their wer witnesses to the said ryot, and creaved they might be examined. And accordingly compeired John Mouat, younger in Wodhead, James Kaird, younger their, Robert Cruikshank in Mountboy, and John Youngson in Balnagight, all lawfully summoned to this day and place, who, being publickly called, compeiring and solemnly suoren, interrogat ilk ane of them deponed in maner wnder writen. To witt, the said John Mouat, younger, of the age of twentie three or thereby, witness, cited, solemnly suoren, purged of partiall counsel, examined, deponed that he did see James Wise and Georg Caddel in handie grips together, and did hear and see the said Wise desiring Caddell to stand of from him, and did hear and see the said Caddel invad Wise two severall times, and being thus prouoked and pursued by Caddel, he did see James Wise give him two stroaks with the butt of a gun to the effusion of Caddels blood, which is all he

¹ Driven out of.

did heir and see, and which is a truth, as he shall answer to God, *causa scientie patet* he wes present all the time.

JOHN MOWAT.

ROT. WYLLIE, *balie*.

The said day compeired James Kaird in Woodhead, of the age of twentie three years or thereby, witnes, cited, solemnly suoren, purged of partiall counsel, examined, deponed that he did see Georg Caddel invade James Wise by takeing him by the breast, and did hear Wise severall times desireing him to stand off, which Caddel would not, and att last did see James Wise give Caddel two stroaks to the effusion of his blood, which was all that he did see or heir, as he shall answer to God, *causa scientie patet* he wes present all the time.

J.A. CAIRD.

RT. WYLLIE, *ballie*.

The said day compeired Robert Crukshank in Mountboy, aged thertie years or thereby, a married man, witnes cited, admitted, purged of partiall counsel, examined, deponed *in omnibus* conform to James Caird, which is a truth, as he shall answer to God, *causa scientie patet*, he was present all the time.

R. C.

ROT. WYLLIE, *balie*.

The said day compeired John Youngson in Balnagight, unmarried, of the age of twentie four years or thereby, witnes cited, solemnly suorn, purged of partiall counsel, examined, interrogat, depones that he wes within a litle distance off Georg Caddel, he did see James Wise come towards Georg Caddell, desireing him to be at pase and not disturb the merket. The deponent did see James Wise draw a stroak att Caddel, but depons he did not see the stroak given, but did see Caddels blood when he was brought to the tent, which is all he did see or hear, as he shall answer to God, and declares he cannot write.

ROT. WYLLIE, *balie*.

GEO. THOMSONE, *Clk.*

Urie, 20th June 1724.

Robert Wyllie, balie within mentioned, haveing heard and

considered the within written indictment, the defender his judicial confession and witnesses depositions, and being reaply aduised, he fines and amerciats the said James Wise in the soume of fiftie pound Scots money, to be payed within term of law to the fiscall of Court, and ordains the ground offischer to require him to make payment thereof, within term of law, and ordains precepts to be direct hereupon.

ROT. WYLLIE, *balie*.

'The said day the Balie deserns and ordains the said James Wise to pay to the said George Caddel the soume of ten pounds Scots of assythment for cureing his wound, and ordains precepts to be direct hereupon, in form as effeirs.

R. BARCLAY, Jun^r.

ROT. WYLLIE, *balie*.

GEO. THOMSONE, *Clk*.

'The said day, in presence of the said Robert Wyllie, balie, it is enacted and ordained that no tennent, cottar, nor grase man within the barronie of Urie shall presume nor take wpon hand to cast, ween, led, sell, nor away put any peats, turf, or feuell furth of the moss and latch of Glithno, nor cast foot peatis¹ in the hill of Glithno or Alachie, under the penaltie of fourtie shilling Scots *toties quoties*, they shall be found guiltie in contraveining this present act.

ROT. WYLLIE, *balie*.

'The said day, in presence of Robert Wyllie, balie, it is statute, enacted, and ordained that ilk tennent of one plough lauboring or above it shall sow yearely ane firlot of pise or beans wpon their possession; betuixt a pleugh and fiftie merks pay two pecks yearely, and inferior to fiftie merks pay to ane acre of land ane peck, and under that half peck, and in cace of contravention of this present act, the contraveeners shall pay four pound Scots gradually from the highest to louest that

¹ *Foot peats* are peats cast by the digger standing on the surface and pressing in the peat spade with his foot. They are distinguished from *breast peats*, which are cast from a perpendicular face of moss, the digger standing on the level of the bottom, and driving in the spade horizontally. The former manner of working would naturally maintain where the turf was shallow and least suitable for casting, and this may explain the prohibition of the text. See p. 133, *infra*.

should sow half a peck, and ordains the ground offischer to go and inspect yearly the tennents and subtennents within the barronie of Urie, and report the samen to the heretor.

ROT. WYLLIE, *balie*.

The said day, in presence of Robert Wyllie, balie, it is statute and ordained that, begining within the barronie of Urie, that two men shall attend the two mercets of Magray yearely, begining at the one end of the land to the other, under the penaltie of three pound ilk defiscient man, he being in health or [not] giving a lawfull excuse, and ordains the ground offischer yearely befor each merket to give due intimation to the persons that should attend the saids merkets.¹

ROT. WYLLIE, *balie*.

The said day, in presenc of Robert Wyllie, balie, it is statute, enacted, and ordained that no tennent within the said barronie shall att any time hereafter outlabour² any outfield³ or ley ground within their possessions att their removal theirfrae in prejudice of the entring tennent, under the penaltie of one hundred pound Scots.

ROT. WYLLIE, *balie*.

The said day, in presenc of Robert Wyllie, balie, it is statute, enacted, and ordained that no tennent, cotter, nor grase man, their servents, themselves, nor their children, shall att any time hereafter burn any mosses or moores within the said barronie, under the penaltie of twentie pound Scots *toties quoties*, and the master to be ansuerable for their children and servants.

R. BARCLAY, Jr.

ROT. WYLLIE, *balie*.

GEO. THOMSON, *Clk*.

Barron Court off the lands and Baromie of Urie perteineing heretably to the much honoured Robert Barclay of Urie, junier thereof, heretor thereof, holden at Cransacre, by Robert Wyllie, balie, qualified in terms of law. Alex-

¹ These were probably required to act as guard; see p. 122, *supra*.

² To exhaust by too much tillage.—*Jam*.

³ A term applied to arable land, which is not manured, but cropped till it is worn out, so as to be unfit for bearing corn for some years.—*Jam*.

ander Gibbon at Mill of Cowie, Clerk of Court, John Souter, Procurator Fiscall, John Hunter, Officer, and
, Dempster.

April the 22, 1725.

Sectis vocatis curia legitime affirmata.

The whilk day, in presence of the said heretor and balie, anent ane complent at the instance of the said procurator fiscall, showing that William White and his wife Agnes Heriat in Woodhead, had wounded and beatt William Walker in the said toun of Woodhead, in a cruel maner, therefor desired they might be prosecute according to law. The said William White and his said wife being lawfully summonsed and compeiring, being interogat thereupon, they both confessed that in the hight of their passion they wer guilty of invading and beating the said William Walker. The forsaid balie, takeing their said confessions into his consideration and being ripely advised thereupon, ammerciats each of the said persons in the soume of ten pound Scots, to be payed to the fiscal of court, within term of law, and ordains precepts to be direct hereupon in form as effiers, and requisitions to be made by the ground offischer to the effect above mentioned.

R. BARCLAY, JR.

ROT. WYLLIE, *balie.*

ALEXR. GIBBON, *scriba curie.*

Barron Court of the lands and barronie of Urie pertaieing heritably to the much honoured Robert Barclay of Urie, junier, holden at Cransacre, by Robert Wyllie, Balie, quallified in terms of law, Alexander Gibbon, Clerk of Court, Robert Eduard, Fiscal, and John Hunter, offiser, and
, Dempster.

June the 4th, 1726.

Sectis vocatis [curia] legitime affirmata.

Cransacre, June the 4th, 1726.

The which day, in presenc of the heretor and balie forsaid, compeared John Ferguson, servant to Alexander Gibbon att

mill of Cowie, being lawfully summoned to this day att the instance of the said procurator fiscall to answer to the balie of the said court, according to law and justice, for his beating and whipeing of James Laurie, servant to Duthie in Craigwalls, att the hous of James Strachan, brewer in mill of Cowie, wpon the second day of June seventeen hundred and twentie six, about the midle of the said day, the said John Fargeson, being about his lawfull occasions in serving his master at Polbair, wes personaly summonsed ther as aforesaid befor lawfull witnesses, Robert Millne and James Burnes, servants their, by the afforsaid ground offiscer, and the said John Fergeson comperand accordingly, being interrogat declared and confessed that the said Lawrie haveing his whip in his custodie among his masters empty secks, the said Fergeson presumeing that Laurie had stol it from him, or malisiously taken it away, and he haveing found the same confessed he gave the said Laurie severall stroaks with it. Which judicial confession the afforsaid balie haveing taken to his consideration, amerciats the said Fergison in the soume of ten pound Scots to be payed to the fiscall of court within term of law, and ordains precepts to be direct thereon in form as effeirs.

R. BARCLAY, JUNR.

ROT. WYLLIE, *balie*.

ALER. GIBBON, *scriba curie*.

Cransacre, June the 4th, 1726.

The said day the afforsaid fiscall made a complent against John Suiter, gardner att Urie, did grapple and disturb in a rietous maner Alexander Keith *alies* Craig in Invercarren, for which he ought to be summoned according to law. The said John Souter being lawfully summonsed and interrogat their- anent, accnoledged that in drinking with Alexander Keith in ane ale hous in Invercarren he wes guilty of throwing down and grappling with the said Alexander Keith, they being both inebriat, for which the balie fyns him in ten pound Scots, and ordains the same to be payed within term of law.

R. BARCLAY, JUNR. ALER. GIBBON, *Clk*.

ROT. WYLLIE, *bailie*.

Court of the lands and baronie of Urie pertaining heretable to the much honourd Robert Barclay, younger of Urie, holden within the Manner place theroff (he himself being present personallie) upon the last day of December one thousand seven hundred and twenty six years, be Robert Wyllie in Powbair, Ballie, James Millne, notar publick, Clerk, John Souter, gardiner of Urie, Fischall, John Hunter, Officer, and
, Dempster.

The which day anent the action and riot intended and pursued at the instance of the said procurator fischall against the hail persons after named and designed, tennants and possessors of the forsaid lands and baronie, for their killing, shooting, and destroying of hares, partridges, and other wild fowls, and keeping, caryeing, and using of guns contrair to law.

Compeard Alexander Brown in Mains of Urie, James Wyse there, Robert Young there, Alexander Beattie there, William Clark there, Robert Beattie there, Alexander Duncan there, and
 and
 Duncans his sons there, and John Strachan there, and all being interrogate anent the forsaid riot denyed the lybell, and the fischall offers to prove.
 JA. MILNE, N.P., Clk.

Compeard also Alexander Youngson in Bannagight, William Thomson there, and William Murray there, and being interrogate *ut supra* denyed the hail lybell, and the fischall offered to prove.
 JA. MILNE, N.P., Clk.

Compeard likeways John Steivenson in Kairntown, John Jack there, and John Laurance there, and deny'd the hail lybell, except the said John Laurance, who owms the keeping and caryeing of a gun.
 JA. MILNE, N.P., Clk.

Compeard also Robert Cruckshank, George Mowat, and John Pypper in Munboy, Andrew Mason in Glithnow, Alexander Wobster there, James Wobster there, Andrew Mason younger there, John Strachan there, and Andrew Morgan there, and all denyed the lybell, and the fischall offered to prove.
 JA. MILNE, N.P., Clk.

Compeard lykeways John Lyon in Cransaire, John Youngson there, Robert Mason there, John Smith there, Thomas Forester there, and John Hunter there, and all denyed. The fischall offers to prove against them, excepting the said John Lyon, who owens the keeping of a gun. J.A. MILNE, *N.P.*, *Clk.*

Compeard also James Kairds elder and younger in Woodhead, John Mowats elder and younger there, William Kaird there, Robert Selbie there, John Sutor there, and Robert Pypper there, and all denyed, an the fischall offers to prove against them, except the saids John Mowat and Robert Selbie, who owend the keeping of a gun each.

J.A. MILNE, *N.P.*, *Clk.*

Compeard lykeways Alexander Cruikshank in Powbair, David Walker there, William Walker there, Andrew Melvill there, Robert Wyllie there, and
his servants, and denyed, and the fischall offers to prove against them, except the said Andrew Melvill, who confessed the keeping of a gun.

J.A. MILNE, *N.P.*, *Clk.*

Compeard also James Brown in Megrey, William Main there, James Edward there, George Scot there, George Allan there, John Ferguson there, and all denyed, except the said John Ferguson confesses the keeping and useing of a gun and shooting of hares and fowls contrair to law.

J.A. MILNE, *N.P.*, *Clk.*

Compeard, lastly, Allexander Gibbon att Milln of Cowie, Allexander Gibbon, miller there, John Ferquhar there, James Ker there, James Strachan there, and Allexander Deans there, and the said James Ker and Allexander Deans denyed the lybell, and the fischall offered to prove against them, and the said Allexander Gibbon, tenent, and John Farquhar owend the shooting *ut supra*, and the said Allexander Gibbon, miller, and James Strachan owend the keeping of a gun each.

J.A. MILNE, *N.P.*, *Clk.*

ROT. WYLLIE, *balie.*

The day within writen and year forsaid the ballie, having considered the severall confessions of the persons summoned to this court anent the facts libelled, fines and amerciats each one of the confessants in the penallties prescribed by acts of Parliament, and ordains each one of the havers and users of their guns and pistols to bring up the same to the said laird of Urie, their master, to be disposed upon be him as he shall think fit, and ordains precepts and other executorialls needfull, to be issued out and direct heiron in form as effeirs.

ROT. WYLLIE, *balie*.

J.A. MILNE, *N.P.*, *Clk.*

The ballie forsaid heirby enacts and ordains that no person within this Baronie shall cast turffs for seale, excepting upon the commontie, under the penalltie of fourty shilling Scots, *toties quoties*, and that none, under the said penalltie and payeing and makeing up the damnages, shall pot¹ the fisher myres, or any other mosses within the barronie, excepting the smith for his coals. And sicklike that no person shall cast turffs or earth whatsoever upon the ground contiguous to his neighbours corns, if his neighbours incline to improve the same for corn ground. And, lastly, the ballie ordains that no tenent or inhabitant whatsoever within the baronie shall pull down any of their houses at their removeall, after the inventar of the biggings is fullfilled and satisfied, without offering the same for sale to the master or entring tenent, under the penalltie of ten pounds Scots, and, in caice they shall not agree one the price, that they shall chuse and call ane honest man or two for decideing the difference and adhere thereto.

ROT. WYLLIE, *balie*.

J.A. MILNE, *N.P.*, *Clk.*

Barron Court of the lands and Barrony of Urie, holden within the Mannour place of Urie upon the twenty fourth day of January one thousand seven hundreth and thirty years (in presence of Robert Barclay, younger of Urie, heritable proprietor of the saids lands) be Robert

¹ Cast peats upon.

*Wyllie in Pollbair, Barron Baillie, John Maule,¹ nottar
publick and Clerk of Court, John Souter, Fiscall, William
Thomson, officer, Dempster.*

Sectis vocatis Curia legitime affirmata.

The said day the fiscall haveing given in a complaint that the pasturage, muirs, meadow, and sward ground within the said lands and barrony of Ury were so cast up and destroyed that in a short time it would be quite wore out and rendred useless unless timously prevented. And the same being seriously considered by the said baillie, he enacts, statutes, and ordains that for the better preserving of the said ground, pasturage, and muirs from being destroyed in time coming, and for ascertaining a certain piece of hill for pasturage to

¹ John Maule, writer, Stonehaven, was a cadet of the house of Panmure. He appears to have been a man of considerable force of character, and his name is still remembered in the district as that of a prominent adherent of the Stuart cause. Previous to the Rebellion of 1745, Maule held the responsible position of Procurator-Fiscall for the county of Kincardine, in which capacity he distinguished himself by the energy and zeal with which he entered into the discharge of his official duties. Many are the stories illustrative of his harsh treatment of offenders, which were still current in the neighbourhood a generation ago. It is told of him, for example, that a woman guilty of theft having been sentenced to be branded with a red-hot iron, he not only superintended the execution of her sentence, but subjected to the same barbarous cruelty the infant whom she carried at her breast. On another occasion one Farnie was condemned to be whipped through the town for sheep-stealing, and so effectually was this chastisement administered under his direction that it became a saying in the district, as applied to any act of seemingly gratuitous severity,—‘It’s weel whuppit, quo’ Farnie.’ Maule joined the Stuart faction in ’45, and having obtained a commission as an ensign in the rebel army, soon made himself conspicuous in the enlistment of recruits. He himself proclaimed the Pretender in the market-place of Stonehaven, going through the ceremony of drawing a flag over the Cross in token of allegiance to King James. In the official list of rebels presented to the Commissioners of Assize, in May 1746, Maule is reported ‘dead.’ But this statement is inaccurate, and the mistake may in all probability have been less the result of accident than of design. Maule survived the battle of Culloden, and, escaping southwards, seems to have contemplated returning to Stonehaven. He was recognised, however, lurking in the vicinity of the town, and narrowly escaped capture at the hands of the soldiers of the Duke of Cumberland, by one of whom he was shot in the leg. Badly wounded though he was, Maule contrived to baffle his pursuers, and pressing towards Dundee obtained a safe asylum in the neighbourhood of that city. There he remained for several years in hiding, but eventually obtained a free pardon from the Government, through the influence of his kinsman, Lord Panmure. The remaining years of his life were spent in Stonehaven, in the practice of his profession as a lawyer.

each toun within the said barrony, it is hereby enacted, statute, and ordained, that no person or persons whatsoever shall, at any time hereafter, cast any turf, fail, or other fewell whatsoever for firing or other uses upon the plans following, Viz.: To the westward of the high road from the foord to the toun of Megray upon the said hill, upon the northward of the den called the Den of Woodhead, and westward of the new and present cart road of the hill of Glithno to the place called the Heathery Bridges upon north side of Bruxden, and eastward of the high road betwixt Bruxden and Montboys of the hill of the Mains, and upon the north side of the hill of Cairntoun and Balnagight from the water draught¹ of the loch of Balnagight, including the binty² ground along to the edge of the uppermost part of Bruxden, presently possessed by John Steinson. Also that non cast up any ground for what occasion soever within the wards³ called the Wards of Megray and Pollbair, as the samen is bounded by the vistage of an old fail dyke round the same, nor that no ground upon what occasion soever shall be cast upon any part of the grass meadow or corne ground of the whole touns and lands of Megray and miln of Cowie, excepting upon the ground that lyes betwixt the aboun ward of Megray and George Allans croft, for a moderate use of midden fail allenary, and upon the common brea or bogg betwixt the said toun of Megray and miln of Cowie. And likeways that no other person upon any other part of the said barrony of Ury cast up any fail or land quhatsoever upon any lands or meadow ground, nor upon any other part of their possessions, except for a moderate use of midden fail in ground not particularly excepted by this or former acts of Court, in those places they have been in use of casting for severall years bygon. And the contravenners of any of these acts to be fynd and ammerciat in the sum of twenty pound Scots money so often as they shall be found guilty of incurring the said penalty, by and attour makeing up the damnages the lands incurrs, and forfaulture of the truf, fail, divott⁴ or others whatsoever so casten contrary to this act.

¹ The outlet for the water.

² Covered with bent grass.

³ Small pieces of pasture ground, enclosed on all sides.—*Jam.*

⁴ A thin flat turf, generally of an oblong form, used for covering cottages and also for fuel.—*Jam.*

As also it is ordain'd that no person upon the west side of the burn of Glithno shall cast about one days casting of turf, excepting on the west and north sides of the lands of Montboy and Balnagight belonging to George Mouat and William Murray, and that under the forsaid penalty so often as the same is incurrd, and ordains the said penalty to be payed so often as the same is incurrd to the said fiscall, and the said turf or divot so cast contrary to this act to be forfeit, as said is, for the use of the said Robert Barclay, who may lead or destroy the same *brevi manu*. And likewise it is ordained that the casting of any fewell for fire whatsoever with the foot spade is by this act intirly abolis'd for ever under the above written penalty, to be applyed as above mentioned, and forfaulture likeways. To all and sundry the premisses the baillie forsaid interpons his authority.

ROT. WYLLIE, *Balie*.

JOHN MAULE, *Clk*.

24th January 1730, *presentia* Robert Wyllie.

Anent the complaint given in at the procurator fiscalls instance, against John Piper and John Jack in Cairntown and Montboys, for their illegal and unwarrantable cutting and letting out of the water out of the water furr¹ belonging to the said Robert Barclay.

Compear'd the said John Piper and John Jack, and judicially confess'd the same, which, being considered by the said baillie, he fynd and amerciate ilk one of them in the sum of one pound ten shilling Scots, and ordained the same to be instantly payed in to the said fiscall for the use of the said Robert Barclay, or to go to prison till the same be payed.

ROT. WYLLIE, *Balie*.

JOHN MAULE, *Clk*.

Barron Court of the lands and barony of Urie pertaining to the honourable Robert Barclay, younger of Urie, heritable proprietor thereof, holden, in his own presence, within the Mannour place thereof, upon the ninth day of February one thousand seven hundredth and thirty years, be Robert

¹ A furrow formed by the plough for draining off surface water.—*Jam*.

*Wyllie in Polbair, Baillie, John Maule, nottar publick,
Clerk, John Souter in Whinnidelf, Procurator Fiscall,
William Thomson, Officer, and
Demster.*

Sectis vocatis Curieque legitime affirmata.

The said day compear Alexander Gibbon, tacksman of miln of Cowie, and produced ane Execution, together with ane Lybelld Summons, at his instance against the hail tennents, subtennents, cotters, and others, not only within the said lands and barrony of Urie, but also those within the lands of Reid Cloak, Findlaystoun, and toun of Cowie, all lyable in multure and thirld to the said miln of Cowie, as the said execution, under the hand of the said William Thomson, officer, bearing and containing the names and designations of the said hail tennents, and others, within the said sucken of miln of Cowie, and that he had personally summond them, and ilk one of them, to this day and place (and who were all accordingly personally present and answerd to their severall names), and in the said lybell craveing from them, and ilk one of them, the number and quantity of ten bolls of oats or eight merks for ilk boll thereof, eight bolls of bear or six pound Scots as the price of ilk boll therof, six bolls of peas or six pound Scots for ilk boll therof, six bolls of white or nine pound Scots for ilk boll therof, and six bolls of rey or five pound mony forsaid for ilk boll therof, all due by them, and ilk one of them, for abstracted multurs abstracted from the miln of Cowie be them, and ilk one of them, of their severall grundable grains above mentioned, for these five years bygone preceding this date, and for which the said Alexander Gibbon had good and undoubted right to pursue as taxman forsaid, as the said lybell and execution forsaid, on a paper apart, more fully bear. And this same being again called,

Compear Alexander Roger in Reid Cloack, and confess'd that he was only due for the multure of two bolls of bear and no more. Item, James Dounie there, and confess'd that he was due for the multure of half a boll of bear. Item, Andrew Melvin there, and confess'd that he was due to the pursuer for five pecks of bear of abstracted multures. Item, compear Thomas Walker in Findlaystoun, and being solemnly sworn,

depon'd that he was due to the pursuer the multure of two bolls of bear and one boll of corn, and no more, and this he declair'd to be truth, as he shall answer to God, and declair'd he could not write.

Item, Alexander Lighton in Pollbair confessd that he was due the multure of two pecks of bear, and no more. Item, James Edward in Myre confessd that he was due to the pursuer a firloft of bear, and William Main there depend *ut supra* that he was due three firlots of bear to the pursuer, abstracted as said is. Item, Robert Edward in Cowie confessd that he was due for the multure of seven bolls of bear at the one and twentieth current.¹ And further, it is agreed on, betwixt the said Robert Edward in Bridgeston of Cowie and Alexander Gibbon, that, in regard a part of the said Robert Edwards lands payd the seventeenth current and another part the twenty-fifth current, therfor they both judicially agree that, as a medium 'twixt the two, the said Robert Edward shall pay in time comeing the one and twentieth current of multure, as was formerly payed, seed and farm bear excepted, and that within the hail tack of Bridgeston as possessed be him and his predecessors, and in testimony wherof they have subscribed the same.

R. E.

ALEXR. GIBBON.

And the Baillie decern'd against the hail forenamed persons, conform to their severall depositions and confessions mentioned in the two preceding pages. And also decern'd, and hereby decerns, against John Main in Cowie for the multure of four bolls and a half of bear yearly for the space of five years bygone preceding this date, and decern'd, and hereby decerns, against George Mouat in Mains of Urie, Andrew Measson in Glitlno, Alexander Webster there, and James Kaird in Woodhead, conform to the claim, in respect of their compearing

¹ While parties thirled to a mill had, as a general rule, to pay every thirteenth peck as multure (see p. 79, *supra*), it might so happen that in certain circumstances a smaller duty was demanded. It was probably on account of his land lying within the precinct of the town of Cowie that Robert Edward was taxed *at the one and twentieth current*, or, in other words, was only required to pay every twenty-first peck.

and refusing to depon. And ordaind, and hereby ordains, all execution to pass hereon in terms of law, and to which the baillie forsaid interpons his authority. And assollzied, and hereby assollzies, the haill other persons contain'd in the said execution and lybell for the reasons therin mentioned.

ROT. WYLLIE, *balie.*

JOHN MAULE, *Clk.*

The said ninth day of February 1730, in presence forsaid, compear'd William Duthie, tennent in Reid Cloak, and gave in ane representation and petition subscribed with his hand, mentioning that the tacks of Bruntholls and Lachdewis were not lyable in the payment of miln multures for twelve bolls of bear allenarly, and that the above multures had not been payed be the tennents thereof nor regularly required or obtain'd for the space of fourty years backward, and therfor presumd that gave a right to the possessing of twelve bolls of bear multure free in all time coming, and creaved that he might be assign'd a day for proveing the same be witnesses. To whom the baillie forsaid assign'd the first lawfull day of August next for that effect as on the said paper apart bears.

ROT. WYLLIE, *balie.*

JOHN MAULE, *Clk.*

The said ninth day of February, in presence forsaid, anent ane complaint given in by the whole above mentioned tennents within the said sucken, petitioning the knavships and loak or bannock belonging to the miller may be regulate, and that they are willing to pay full knawship, which before to the goodman of the miln was only ane lippie¹ meall for grinding five pecks of shillin, the other fifth being applyed for making the millers luk and goodwill the better. But now they are content and creave that they may pay the whole knawship to the goodman, which is one lippie for the four pecks of shillin grinding, and instead of the dues commonly called luk and goodwill, they condisend to pay half of the said knavship, which is half a lippie for the grinding of four pecks of shillin.

¹ The fourth part of a peck.

Which petition the said heritor and baillie refer'd the consideration therof to the next court to be holden place forsaid.

R. BARCLAY, Jr.

ROT. WYLLIE, *balie*.

JOHN MAULE, *Clk*.

*Manner place of Urie the first day of August j^mvij^c and thirty.
In presence of Robert Wyllie in Polbair, Baillie, of the
lands and barrony of Ury.*

The said day, in the term assign'd to William Duthie in Reid Cloack for proveing, in terms of the petition and representation given in by him upon the ninth day of February last by past, anent the miln multures of Lochdews and Bruntholes, Compear'd the said William Duthie, and aduiced as witnesses for proveing therof James Lighton in Smiddiemuir, John Craig in Clofrickdyke of Muchells, and Andrew Melvin in Mosshead of Reid Cloack, and Katherin Hunter in the Hillhead therof, and the saids witnesses being called, compear'd the said James Lighton in Smiddiemuir, married man, aged sixty nine years or thereby, witness, admitted, received, purged of partiall councill, and interrogate, depon'd that, about thirty four years since, he possessd, as subtennent to the taxman of Reid Cloack, the said town of Bruntholes and Lochdews, and that during the time he possessd the same, which was about fourteen years or thereby, He had allowed to him twelve bolls of bear free of multure from his master, which was then possessd be Robert Keith, taxman therof, and that he payed the said twelve bolls of bear yearly to his said master, and that Lochdews, which payed eight bolls therof, was only cottar crofts before that time. Depons that he knows not whether the said twelve bolls of bear payed multure, or not, since his removall from the said taks. And also depons that he was required to pay multures for the said bear by William Gibbon, tennent of Mill of Cowie, for the saids years during his possession, but the liferentrix of Reid Cloack and Ury common'd¹ about it, but does not know what agreement they made. And also remembers that the multures therof was pursued for before

¹ Had dealings.

the Sherrif Court before that time. And this he declairs to be truth, as he shall answer to God, and that he cannot write.

ROT. WYLLIE, *balie*.

JOHN MAULE, *Clk*.

The said first of August 1730.

Presentia forsaid Baillie.

Compeard John Craig in Clofrickdykes above named, married man, aged sixty years or thereby, witness, admitted, received, purged of partiall councill, and interrogate, depon'd That, about thirty years or thereby since, he was servant to Robert Keith in Reid Cloack, who was taxman therof, and that the sub-tennants that possess'd the saids Lochdews and Bruntholes payed to the said taxman twelve bolls of fearm bear, and that the said Robert Keith told him that he payed no multure for the same to the tennent of Miln of Cowie. And likeways depons that before that time, when he was servant there, that there was a cotter man upon Lochdews who wrought for his croft and payed no fearm bear. And this is the truth, as he shall answer to God, and declairs he cannot write.

ROT. WYLLIE, *balie*.

JOHN MAULE, *Clk*.

The said first of August 1730.

Presentia forsaid Baillie.

Compeard the said Andrew Melvin in Mosshead of Reid Cloack, married man, aged fifty years or thereby, witness, admitted, received, purged of partiall councill, and interrogate, depon'd that, about thirty nine years since or thereby, his father in law, John Duthie, possessd, as subtenant to the said Robert Keith, and Alexander Mouat, taxmen of Reid Cloack, the said place called Lochdews, and that he payed eight bolls of farm bear therefore, but that the said eight bolls of bear payed no multure to the tennent of Miln of Cowie for ought that he, the deponent, knew. But that he knows William Gibbon, then tennent in Miln of Cowie, frequently demanded the multure thereof. And likeways that he knows that for the space of twenty four years by past the said touns have payed

no fearm bear, hut only money, to the principal tennent, and payed full multure for the hail grouth therof to the tennent of Miln of Cowie of what they carried to the said miln. Also depons that, befor his father in law dwelled on the said Lochdewes, he knew one cotter man dwell theron, and that he pay'd no farm bear, but wrought for his said possession. And this he declair'd to be truth, as he shall answer to God, and declairs he cannot write.

ROT. WYLLIE, *balie.*

JOHN MAULE, *Clk.*

Compeard Katherin Hunter in Hillhead of Reid Cloack, aged seventy three years or thereby, witness, admitted, received, purged of partiall councill, and interrogate *ut supra*, depon'd that, about sixty years or thereby, she knew the said Lochdewes four cottar crofts, and that it then payed no farm bear, and that one John Roy afterwards payed money rent as it doth just now, and has done for above this eighteen years past. And also depons that immediatly after the said John Roy, the said Lochdewes was possessd by John Duthie, and Bruntholls be William Hunter, the deponents father, and that the said John Duthie payed eight bolls of farm bear, and that William Hunter payed four bolls of farm bear. And this is the truth, as she shall answer to God, and declares she cannot write. And further depons that it is fifty one years since her father possess'd the said tack.

ROT. WYLLIE, *balie.*

Therafter compeard the said William Duthie, and renounced any further probation, but alledged that by the above proof adduced and witnesses depositions, that it was proven that for hetwixt this fourty and fifty years by past, that it was in custom, till within this eighteen years past, that the said Lochdewes and Bruntholes payed twelve bolls of fearm bear and no mony, and payed no multure for the said twelve bolls, and since the conversion of that bear into mony. Therfor creaves that the said two tacks may be assolzied from payment of any multure for the saids quantity of bear in time comeing, in regard they have never payed any multure for what bear they have sold in that place since that date.

ROT. WYLLIE, *balie.*

JOHN MAULE, *Clk.*

To which it was answerd be the said heritor and tennent of Miln of Cowie, That 1^{mo}, The generall thirlage of the haill toun of Reid Cloak being proven (and what they doe not pretend to deny) in all the said heritors dispositions and charters ratified in Parliament, and even the heritors of Reidcloaks charters is burthen'd with the same, being formerly part of the barrony of Ury, no part therof is free of multure but what can be proven *scripto*.

2d. That some of these subtacks were antiently the cottar crofts of the toun of Reidcloak, as is proven be the evidence adduced be the said William Duthie, and afterwards [were paid for] in mony rent, before that ever they were sett for farm bear. And seeing likeways the said two tacks of Bruntholes and Lochdewes have for these eighteen years and upwards payed mony rent and full multure at the miln, as they formerly did when they were cottar crofts, according to the witnesses depositions, there only remains thirty two or thirty three years that ever they payed fearm bear, which is so far from proveing that it payed fourty years farm bear, as the said William Duthie asserts, that it clearly demonstrates the contrary.

3^{tho}. That if it were otherways, yet it is not in the power of ane heritor, much less a tennent, to constitute a farm bear at pleasure after he is thirled, in order to evade the payment of multurs. Since, if it were, ane heritor might constitute as much farm bear as would exhaust all the grain upon the lands thirl'd, and afterwards, colluding with their tennents, convert it into mony rent for the ease of the tennents, and so evade the payment of multurs, the just property of another person, which is clearly the case hereof. In regard it cannot be proven that ever there grew so much as twelve bolls of bear upon the said two tacks *communibus annis* above¹ the seed, so they constituted that extraordinary farm bear purposly to evade paying of multurs, because they immediatly turnd it into mony rent, by reason it never grew to the said quantity, and so creaved it to be free of so much multure. And likeways the deponents swears that they were always pursued before the Sherrif Court and requir'd be the taxman of the miln, even in the time of

¹ In addition to.

the payment of farm bear, for the multurs therof, another evidence of its not being forty years proscrived.

Lastly, as to that of their not paying dry multure¹ for these eighteen years bygone for what bear they have sold, is an argument what the greatest part of this sucken, yea, the whole kingdom, may pretend to. Which only shows the negligence or lenity of the taxman of the miln, and their defrauding the taxman of his just right, but can never infringe the lawful property of the proprietor, and dues of the tennent, and therefore creaves they may be found lyable in manner acclaim'd.

1st August 1730.

Presentia Robert Wyllie, Baillie forsaid.

The Baillie forsaid haveing consider'd fully the witnesses depositions, William Duthies alleadgances therupon, together with the answers therto, Finds the thirlage of the whole toun of Reidcloak relevant to include the multurs of the saids two subtacks of Lochdews and Bruntholls, and that the prescription pretended by virtue of farm bear are not sufficient to take off payment of multures. In regard it is proven that they were formerly and prior to their payment of farm bear cottar crofts, and payed full multure, and since for these eighteen years bygone they were and presently are sett for mony rent which pays the same full dues. And likewise finds that no tennent bound to the miln can at his pleasure subsett a tack for farm bear, so as to defraud the heritor or taxman of the said miln of his just dues. And lastly, that their not paying dry multure these severall years past is also irrelevant, in so farr as it was only done by the negligence of the taxmans not requiring it for some years, it being proven that they were always pursued before the Judge competent for and required to make payment of the same. In respect wherof, Finds the defenders lyable, and Decerns against them in manner acclaim'd.

ROT. WYLLIE, *balie*.

JOHN MAULE, *Clk*.

¹ *Dry multure*: a yearly payment paid in money or grain, whether the tenant grind his grain at the mill or not.—Bell's *Law of Scotland*, p. 824.

Barron Court of the land and Barrony of Urie pertaining heritably to the honourable Robert Barclay, younger of Urie, holden at the mannor place therof, in the place where the said Court usually sitts, upon the sixteenth day of November one thousand seven hundred and thirty years, in presence of the said Robert Barclay, by James Edward in Maigro, Baillie, Alexander Brown in Mains of Ury, Procurator Fiscall, and John Maule, nottar publick, Clerk therto, William Thomson, officer, and Dempster.

Sectis vocatis Curia legitime affirmata.

The said day anent the complaint given in at the instance of the said procurator fiscall against Alexander Gibbon in Miln of Cowie, mentioning that the said Alexander Gibbon, notwithstanding by the nature of all tacks every tennent is obliged to keep the ground he has in possession in good order, and defend it from any accidentall damage of water and otherways, and by law is restrain'd from wasting and destroying their possessions, which they only have for their lawfull use and advantage, and likeways the said Alexander Gibbon is expressly bound in his assedation, herewith produced, to defend his ground from the incursions of the water of Cowie, and also there are severall acts of this Court against casting of fail or divot, ather in sward, ley, or grass ground, etc., and particularly the toun of miln of Cowie is not to be cast up, except upon the common breas therof allenarly, as by ane act of this court, dated the twenty fourth day of January last by past more fully bears, and that under the penalty of twenty pound Scots mony, by and attour the damages incurr'd by the heritors there thorow, Yet nevertheless the said Alexander Gibbon has negligently or willfully allowed the water of Cowie to break in upon the ground of the lands of the Miln of Cowie, and destroyed the same with utter ruin therof, and also allowed a burn that runs betwixt the said lands and that of Polbair, whereby the saids ground is likeways destroyed, all extending to the value of fifty merk Scots of damages, the property therof being forever rendred useless; and also the said Alexander Gibbon has by himself or servants, since the term of Whitsunday last

by past, cast up fail and divott upon the balks of the lands called the Craighouse of the Miln of Cowie, which was the best grass of the haill lands on the said toun, and therby forever rendred useless, and therefore the said Alexander Gibbon ought and should be decern'd and ordained to pay and deliver to the said procurator Fiscall, for the use and behoof of the said Robert Barclay, not only the said sum of fifty merks Scots of damage, but also the said sum of twenty pound Scots mony of penalty incurrd as above, and otherways enacted, fynd, and amerciate in terms of law, to the terror of others from committing the like in time comeing.

Whereupon compear'd the said Alexander Gibbon, and being interrogate in terms of the above complaint, acknowledged that the water of Cowie had incroached upon the said lands and done some damage therto, but that the same was but small and inconsiderate, and also confessd the casting up of feall on the said balks of the Craighouse.

ALEXR. GIBBON.

The Baillie forsaid having considered the above complaint, together with the said Alexander Gibbon his judiciaill confession, fyns and amerciates the said Alexander Gibbon in the sum of twenty pound Scots for his casting up of the said fail on the Craighouse, and also fyns and amerciates him in the like sum of twenty pound Scots for the damage done to the saids lands by the water of Cowie, and decerns against him therfor, and ordains all execution to pass hereon for the saids sums in term of law.

JAMES EDVARD, *Ba.*

JOHN MAULE, *Clk.*

The said day the Baillie forsaid enacts and ordains that, within three days next of this, the said Alexander Gibbon shall repair, by bullwarks or other such fences, the lands he possess that are adjacent or lyable to the incursions of the said water of Cowie and burn betwixt Polbairs lands and his, which if the said Alexander Gibbon fail to doe, then it shall be lawfull for, and in the power of the said Robert Barclay to employ workmen for securing the saids lands from the incroachments or damage of the said waters, upon the proper charge and expence of the said Alexander Gibbon, and not only from what

damnage is done just now, but likeways in time comeing, to which the said Alexander Gibbon consents, and therto the Baillie forsaid interpons his authority.

ALEXR. GIBBON.

JAMES EDARD, *Ba.*

JOHN MAULE, *Clk.*

The forsaid day the said Baillie enacts that no person shall cast any fail or turf quhatsumever upon the muir and hill lying upon the eastward of the high road that goes betwixt Bruxden and the place called the Sandiehillock, and that under the penalty of twenty pound Scots mony, to be payed in to the use of the said heritor, *toties quoties* they are found guilty therof, and forfaulting of the fail or turf so cast up, wherunto the Baillie forsaid interpons his authority.

JAMES EDWARD, *Ba.*

JOHN MAULE, *Clk.*

Court of the lands and Baronie of Urie pertaining heretably to the honorable Robert Barclay, younger therof, holden att the manor place therof, upon the thretteint day of February one thousand seven hundred and threttie one years, be Alexander Broun in Mains, Bailie James Milne, notar publict, Clerk, John Souter, Fiscall, and William Kairn, Dempster, and William Thomson, officer, in presence of the Laird.

The which day anent the action and ryot pursued at the instance of the said procurator fiscall against John Smith, servitor to the said laird of Urie, for hurting, wounding, and blood drawing of John and James Davidsons, brothers, in Muchollis, and Alexander Davidson and William Henderson, all at the lands of Muchollis, and that in and about the house of Cransacre, upon the third, fourt, or fift days of February last, or one or other of the saids days, and the said phiscall craved one assythment to be decernd in favours of the said Alexander Davidson (if the ryot shall be proven) or any other persons wounded, and to underly the law therefore, and to be americiat conform to law.

Compeard the said John Smith, and said that upon one or

other of the forsaid days he was mightily provock'd and insulted by the above named Davidsons and Henderson in Mucholls, being first abusd in the house of Cransacre, and then went out to shun their company, they folloued him armed with staffs and other weapons, and pursued him for his life, so that he was necessarily obliged to beat them in his own defence. The fiscall to confirm and fortifie the forsaid confession craved the witnesses cited for proveing the said lybell might be examined.

J.A. MILNE, *N.P.*, *Clk.*

Compeard Robert Measson in Cransacre, witnes cited, solemnly suorn, purgd of partiall counsell, and examined and interrogat, depons, That upon one or other of the saids days he heard Alexander Davidson abuse James Burne in Powbair to a great degree, and threatne to beat him; to prevent which John Lyon remov'd them all out of his house, But they afterwards came back and abusd and insulted the said John Smith, threatning him with his staff. Afterwards he saw the said John Smith goe out of the house, and thereafter the said Alexander Davidson, and the other above persons in Mucholls, folloued him armed as above, and then the said deponent went out and saw the said John Smith give the forsaid Alexander Davidsons one stroak to the effusion of his bloud. And this is truth, as he shall answer to God, and declares he can sign no otherwise than his initial letters. R. M.

ALEXR. BROVN, *balie.*

J.A. MILNE, *N.P.*, *Clk.*

Compeard Robert Milne in Powbair, witnes cited, solemnly sworn, purgd of partiall Counsell, and examined and interrogat, depons, That upon one or other of the forsaid days he was in Cransacre, and saw John Lyon put out the above Davidsons and Henderson furth of his house becaus of their making abuse and disturbance therin, and thereafter they returned again and insulted, provoked, and abused John Smith: after that they and he went out of the house together, and then the deponent following, saw the forsaid John Smith beat the said Alexander Davidson to the effusion of his bloud, and further depons that the other tuo Davidsons came and pursue[d] the

said John Smith as he thought, whom he turned back. And this is truth, as he shall answer to God, and declares he cannot writ.

De mandato dicti Roberti Milne Scribere nescientis ut asseruit ego Jacobus Milne notarius publicus subscribo.

ALEXR. BROVN, *bailie.*

JA. MILNE, *N.P., Clk.*

Eodem die, The Bailie forsaied having considered the said John Smith, his judiciall confession, and the witnesses depositions, americiat the within named John Smith in Fiftie pundis Scots, to be paid to the fiscall of Court within term of law, and ordains precepts to be issued out in form as effeirs for that effect. But finds no assythment due to the said Alexander Davidson, in regard by the above depositions he was provoked to doe what he did in his own defence, and therefore absolves the said John Smith therfrom in all time coming.

R. BARCLAY, JR.

ALEXR. BROVN, *bailie.*

JA. MILNE, *N.P., Clk.*

Court of the lands and Baronie of Ury pertaining heritably to Robert Barclay, younger therof, holden att his Manor house upon the tuentie first day of July one thousand seven hundred threttie tuo years, be William Duthie in Reid Cloake, his honour's Bailie, James Milne, notar publict, Clerk, John Souter, Fiscall, William Edward, officer, and

Dempster.

Will. Duthie, Bailie.

The which day anent the action and ryot intended and pursued at the instance of the said fiscall of Court against John Cassie and Robert Laurence, servitors to William Ronald in Stonhyve, George Lightoun, sone to James Lightoun in Smiddie moor, and Robert Chalmer, servitor to John Young, Shirreff Clerk of Kincardine,¹ for their ryotous destroying of

¹ John Young, Sheriff-Clerk of Kincardine, was proprietor of the lands of Stank (now Bellfield), in the parish of Kinneff, having acquired the same by purchase from Mr. Isaac Fullerton. He died in 1750. His son, William Young of Fawside, sold Stank to Mr. Charles Abercromby, writer, Edinburgh. The lands are now in the possession of the trustees of the late William Harvie.

the corns and grass of Robert Wyllie in Powbair, with horsse and carts going through the same this day, and severall other days of the last moneth, to the outter ruin therof, and the said Robert Wyllie his great detriment and loss, contrair to all laws, equitie, and justice, and for which ryot, when proven, the above named defenders ought to be fynd and amerciat and decernd in such damages to the partie forsaid as the Bailie shall think fitt.

Compeared the hail forenamed defenders, and being interrogat anent the forsaid ryot, they all and each of them plainly confesd and acknowledgd the same as lybelld, and all of them gave the Clerk of Court power to sign this their said judiciall confession, except the said Robert Chalmer, who signd himself.

De mandato prefati Joannis Cassie Robertj Laurence et Georgij Lightoun scribere nescientium ut asseruere ego Jacobus Milne, notarius publicus, subscribo.

WILL. DUTHIE, *Balie.*

J.A. MILNE, *N.P., Clk.*

The Bailie within named and designd having considered the defenders within named their within confession, fyns and amerciats each one of them in six pundis Scots, to be paid to the fiscall of Court within term of law.

WILL. DUTHIE, *Bailie.*

J.A. MILNE, *N.P., Clk.*

Court of the lands and Baronie of Ury, pertaining heretably to Robert Barclay, younger therof, holden at his Manor place upon the tuentie first day of July one thousand seven hundred threttie tuo years, be William Duthie in Reidcloak, Bailie, James Milne, notar publict, clerk, John Souter, Fiscall, William Thomson, officer, and Dempster.

The which day anent the action and ryot intended and pursued at the instance of the said fiscall of Court against Robert Edward, servitor to the said laird of Ury, for hurting, wounding, and bloud draueing of David Smith and Hamp-toun, servitors to John Falconer at miln of Stonhyve, who craved assythments off the said Robert Edward.

Compear'd the said Robert Edward and declar'd and acknowledged that being ordered by his said Master to endeavour to apprehend the persons who were willfully and masterfully destroying Robert Wyllie in Powbair, his corns and grass, the saids David Smith and Hamptoun gave him very abusive and provocking language, and impudently own'd that they had destroyed the saids corns and grass, and would doe it again; and they still persisting in doing therof, and the said Robert endeavouring to apprehend them and stop them therfrom, they violently attempted to throw him down. For which cause and reason he in his own defence owns he did beat them severall times to the effusion of their bloud, and one of them trying to catch a mercat halbert from him, which he had in his hand, run his hand theron and bled him. And the said Robert does not deny but that in the struggle and grapling he might have drawn bloud of one or both of them.

The Bailie forsaid having considered the above confession, finds that the said Robert, endeavouring to apprehend the forenamed persons, who were actually upon the said Robert Wyllies grass and corns, sufficient to liberat and free him from all assythment, especiallie since what he did was in his own defence as said is, and that the wounds they had received were occasioned by their own foollish and willfull trying to take the halbert from him, but owns his beating and striking of them with his hands and otherwise, which was contrair to all law. Therefore the said Bailie fyns and amerciats the said Robert Edward in the sum of fiftie pundis Scots, to be paid to the fiscall of Court within term of law under the pain of pouding.

WILL. DUTHIE, *Bailie.*

JA. MILNE, *N.P., Clk.*

Barron Court of the lands and Barrony of Ury pertaining heritably to Robert Barclay, younger of Ury, holden at the Mannor place thereof, in the place where the said Court usually sits, upon the thirteenth day of February one thousand seven hundreth and thirty three years, in presence of the said Robert Barclay, by William Duthie, in Reid Cloak, Baillie, Robert Wyllie, in Pollbair, Procurator Fiscall, and John Maule, nottar publick, Clerk

*thereto, William Thomson, officer, and Dempster.
The suits called and the Court lawfully fenced and
affirmed.*

The which day the Baillie forsaid takeing in to his serious consideration, at the desire of the said proprietor, that many laudable laws and acts of parliament have been made to cause their tennants and others plant trees in their yeards and possessions, and that the whole Barrony of Ury is now inteirly destitute of planting notwithstanding thereof and severall acts of Court made for that effect, to the great loss of the heritor and improvement and ornament of the country in generall, hereby ordains the present gairdner of Ury, or any other gairdner or person that the said heritor shall appoynt, to plant trees in the respective yeards of the whole Barrony, as well that of Montqueich as the Nether Barrony of Ury, and that with all convenient speed. And in regard some trees formerly planted have been intirly spoylled in the growth, not only by cutting and breaking thereof, but likeways by digging and cutting the roots of the trees so planted with their spades, therefore it is hereby statute and ordained that each tennant, subtenant, and other within the said Barrony shall hereafter leave unlaboured a strip of ground round their respective yeard dykes, not under two feet and ane half of measure, for preserving the said trees, and that no person nor persons in time coming digg, break, or cutt the roots, or any part of the said trees, under the penalty of ten pound Scots for each tree so broak, cutt, or otherways defaced or abused, to be payed to the said heritor for each tree under ten years growth, and twenty pound Scots for each tree so broak or defaced above ten years growth; and each tennent, cottar, grassmen, and others to be lyable for all their wives, bairns, servants, and others within their severall housses who shall be guilty of breaking or destroying the saids trees, according to the 16th Act of the 7th Session of King Williams first parliament, etc., for preservation of planting. And likeways each tennent and subtennent to clear their several yeards of all sauchs or shrubs whatsumever, betwixt this and the fifteent day of March next to come, that the trees so to be planted may receive no prejudice thereby, and that under the penalty of ten pound Scots,

to be payed by the contravener to the said heritor, with power to him to employ workmen to clear the same, and that at the expence and charge of the contraveener.

WILL. DUTHIE, *Balie.*

JOHN MAULE, *Clk.*

13 February 1733.

Presentia William Duthie, Baillie forsaid.

Anent the complaint given in by the ground officer, with concurrence of the said heritor, anent the loss of the said ground officers dues for some time past by tennents casting on the burthen of their officers corn on their subtenents, afterwards turning out their subtenents and taking their crofts in their own hand. Then they neglect to pay their officers corn and services, not only to their loss but also the loss of others, who are obliged to come to harriage and carriage the oftner upon that account, and particularly condesends upon Andrew Meason and Alexander Wobster in Glithno, John Lyon in Cransacher, and Alexander Youngson in Balnagight, who have been deficient therof. To remieding wherof the Baillie forsaid ordains each toun to pay what they were in use and custom to pay, either of officer dues or services, and when the subtennent is putt out the principall tennent shall pay and uphold officer dues and services for each subtennent so putt out of their respective possessions in all time comeing. And for the more effectual clearing thereof the following quotas are found due and ordained to be payed by each tennent within the touns of the lands of Ury aftermentioned: *videlicet*, for Balnagight as possessed by Alexander Youngson, three firlots and two pecks of corn and services for five familys; John Lounann in Cairntoun, two pecks and service effeiring to his possession. Item, Robert Cruikshank in Montboy, one firlot and service for two familys. Item, George Mouat in Mosstoun, two pecks and service conform. Item, Andrew Meason in Glithno, one firlot of corn and service for two familys. Item, Alexander Webster, one firlot and service for two familys. Item, John Strachan there, six pecks of corn and service for two familys. Item, John Lyon in Cransaicker, ten pecks of corn and service for

four familys. Item, James Kaird and William Kaird in Woodhead, each of them two pecks of corn and usuall service. Item, John Mouat there, one firloft and service for two familys. Item, Robert Wyllie in Polbair, seventeen pecks of corn and service used by himself and for six familys. Item, Alexander Brown in Maigro, four pecks of corn and services for two familys. Item, James Edward there, one firloft of corn and services for two familys; William Main there, two pecks and services conform. Item, John Main in Cowie, services conform to neighbours and others. Alexander Gibbon, in Miln of Cowie, one firloft and usuall services, and ordains all the above to be performed yearly, and ilk year in time comeing, under the pain of poynding and other execution needfull to pas hereon in form as effeirs.

WILL. DUTHIE, *Balie.*

JOHN MAULE, *Clk.*

Court of the lands and Baronie of Urie pertaining heretablie to the much honored Robert Barclay, younger therof, holden at the Manor place of Urie, upon the sixteent day of June one thousand seven hundred threttie three years, be William Duthie in Reidcloak, Bailie, James Milne, notar publict, Clerk, John Souter, Phiscall, William Thomson, Officer, and Dempster.

The which day, anent the action and ryot intended and pursued at the instance of the said phiscall, with concurrence of the heritor of the said lands and baronie, against the persons particularly afternamed, for their kindling of mureburn,¹ fire raising, and burning the mosses and mures within the said baronie, and priviledges thereof, particularly within the fisher Myres and bounds adjacent therto, which, if proven, the persons guilty and convict ought to be fyn'd and americiated in the pains and penalties prescribed be law.

Compear'd William White in Woodhead, aged fiftie three years or therby, lawfull cited, solemnly sworn, and examined,

¹ The practice of *mureburn* was resorted to for the purpose of producing turfs. The grass and heath were set fire to about Midsummer, and the surface of the ground so burned was subsequently raised to be used as fuel or otherwise.

and interrogat anent the forsaid ryot, who depon'd negative theranent, and was absolved, and declar'd he could not writ.

WILL. DUTHIE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compear'd William White, younger there, cited, sworn, and examined, and interogat *ut supra*, acknowledges himself guilty of the said ryot, and referred himself to the Bailie, and declares he cannot writ.

WILL. DUTHIE, *Balie.*

JA. MILNE, *N.P., Clk.*

Compear'd David Walker in Woodhead, lawfullie cited, solemnly sworn, and examined and interogat, depon'd that he rais'd fire in the moss, but that he extinguished the same before he left it, and declares he cannot write.

WILL. DUTHIE, *Balie.*

JA. MILNE, *N.P., Clk.*

The Judge and Bailie forsaid having considered the confessions of the above named William White, younger, and David Walker, fyns and amerciatiats each of them in fyve pundis Scots, to be paid in to the Fiscall of Court, within term of law, who were required to make payment *apud acta* for that effect.

WILL. DUTHIE, *Balie.*

JA. MILNE, *N.P., Clk.*

The said day and place the Bailie forsaid, for the more effectual preventing the fyreing of mosses and mures in time coming, ordains that no person whatsoever shall give out fire out of his or their houses, or allow the same to be taken out, or know of the same, without stopping of it; otherwise the contraveeners shall be deem'd as guilty of [*pas*] the raiseris of fire, and suffer the pains and penalties of law accordingly, and pay the damages thereof.

WILL. DUTHIE, *Balie.*

JA. MILNE, *N.P., Clk.*

Also, the said Bailie ordains that every person within the Baronie keep his bank and lairs, both upper and under, level and not hollow the same beneath to the splitting or falling

doun of the upper survice of the bank, but that the faces of the bank shall be made intirely even, otherwise the person or persons convict for controveening this act each shall be lyable in a penaltie of ten pundis to the Fiscall of Court *toties quoties*. And further, ordains the ground officer, or any other person the laird shall appoint, to inspect the mosses yearly at Lambmas, beginning this present year, and so on yearly thereafter, and to levell, smooth, and make right any of the mosses that shall be casten contrair to this act. And the said ground officer or other person so imploy'd shall be paid for his pains att the rate of half ane merk each day, to be paid be the person convict, besides the penaltie above exprest, all which the Bailie ordains to be paid, within term of law, under pain of poinding.

WILL. DUTHIE, *Balie*.

Barron Court of the lands and Barrony of Urie pertaining heritably to the honourable Robert Barclay, younger of Urie, holden at the Mannour place thereof, where the said court usually sits, upon the twenty eight day of Jully j^mvij^c and thirty five years, in presence of the said Robert Barclay, by James Gordon in Rothnick, Barron Baillie, Robert Wyllie in Polbair, Fiscall, John Maule, nottar publick, Clerk, William Thomson, Officer,
, Dempster.

The suits called, and the court lawfully fenced and affirmed.

The said day, in presence forsaid, compear'd the said Robert Barclay, and gave in the following complaint against the hail tennents within the said Barrony, mentioning that, notwithstanding of the many and former acts of this Court made against weasting of ground within the barrony of Urie, yet the lands continue to be ruined to the irreparable loss both of the heritor and tennents, and that it is pretended the same is much occasioned by the tennents not being more particularly regulated in their labouring and casting up of meadow sward, moss, or other ground whatsoever. And which being considered by the Baillie forsaid, he not only ratifies, homologates, approves, and confirms all former acts of Court already made in this barrony against the casting up of any meadow, sward,

moss, or other ground in the haill articles, heads, and contents thereof, but also in corroboration thereof, and for further re-meeding of the same, hereby enacts, statutes, and ordains that in all time coming from and after this date, all the saids former acts shall be expressly kept and obeyed under the severall penaltys therin contained, and for further clearing the same that no ground upon the toun of Trees shall be cast up upon any account to the eastward of the east-most hous in Curbigg and the hill of Trees in a straight line, nor below the nether Cassie upon the west side of the said hill, nor upon any of the bentis or green ground below the ridge of the hill, nor for firing to the eastward of the mosses and Bruntland of Carbigg in a straight line to the new Bruntland upon the west side of Trees, nor upon any place of the toun of Burnhaugh, except upon the Haulk hill, nor upon the lands of milne of Montqueich except for peats where they presently cast, and for mending the damm, and that only in proper ground sett apart by the heritor, and noways detrimentall to the grass or corn land of the said toun, nor upon the toun of Crossley except in ditches and near the present sheep rive,¹ and only on ground where the surface is already cast up, nor upon the toun of Rothnick, but where they are or shall be licensed by the heritor upon certain places where the surface is already cast up, not exceeding the half of the quantity usually casten, nor upon the toun of Balnagight, Cairntoun, Montboy, and Woodhead, except in the mains thereof that are not prohibited, nor upon Glithno nor Crans Aicker, except upon the north east of the Newfolds above Andrew Measons house, and to the northward of the northmost corn lands of Alexander Webster, John Straiton, and John Lyon, nor upon the toun of Polbair, but upon the ground where the surface is already cast up lying betwixt the corn yeard thereof and the corn land to the northward of the same for a moderate use allenary, nor upon Megray except in the muir thereof, James Edward being to east in the Mercatt stance and non else, and in the common breas betwixt that and milne of Cowie where the tennents of Milne of Cowie are priviledged to cast allenary and no where

¹ *Sheep rive*, pasturage for sheep.

else. And likways it is enacted and ordained that all mosses be regularly and even cast up without undermining the moss, and the under lair levelled, and wher² the surface of the moss happens to be green or bent, or anything else but black ground wholly, they shall first cast the surface of the ground with a flaughter spade¹ and carefully lay the same upon the bottom of the moss so cast up, that the same may grow green again. As also that all who possess land upon the banks of waters or stripes fortifie the same against the incurtions of the water, and non labour ground within the waterflood marks. That no ground be brunt until after the first of July yearly, and non brunt at all except what is ribb'd² and above two foot deep of black or moss ground, and that non be over brunt. And in case any of the saids acts shall happen to be contraveen'd, the Baillie ordains the ground officer to cause any two honest men whom the heritor shall appoynt to view the trespass committed and legally report the damage at the first Barron Court then next after, when the contravenner or contravenners of any of the above acts shall, for each offence so committed by him or them, and found guilty of, shall, for each offence, incur the penalty of twenty pound Scots money to the heritor by and attour the damage committed by him or them at the modification of the Baillie then sitting in judgement. And also ordains that, for the better preservation of planting and inclosures, that no person either in their persons, or with their bestiall, pastureng within the parks of the said barrony for the future, nor be found traveling therin or leaping over the dykes and fences thereof, under the penalty of five pound Scots money *toties quoties*. To all which the Baillie forsaid interpon'd his authority.

JAMES GORDON, *baillie*.

JOHN MAULE, *Clk*.

28th July 1735.

Presentia said Baillie; anent the Complaint given in by the Fiscall against Alexander Youngson, younger in Balnagight,

¹ A long two-handed instrument used for casting turfs.—*Jam.*

² Half ploughed. In *ribbing* land the furrow raised by the plough is turned over upon an equal superficies of land left firm.—Agricultural Survey, *Peeblesshire*, p. 137.

and Robert Cruikshank, younger in Montboys, for their mutuall beating, bruising, and blooding of one another, grappling with each other, and throwing one another to the ground, and that upon the twenty fourth day of June last. Compeared the said defenders, and denyed the lybell, and the fiscall offered to prove the same by witnesses. Wherupon compeard Andrew Meason, younger in Glithno, unmarried man, aged twenty five years or thereby, witness, addmitted, sworn, purged of partiall concill, and interrogate, depon'd that at the time lybelled he saw the defenders throw a dogg¹ at each other, and then grapple with one another, that the said Alexander Youngson did throw Robert Cruikshank violently to the ground, that he saw them both blooding when they were parted. And this is the truth, as he shall answer to God.

ANDREW MEASON.

JAMES GORDON.

Compear'd John Glenny in Montboy, unmarried man, aged twenty years or thereby, witness, admitted *ut supra*, and solemnly sworn, depon'd *conformis presidente in omnibus*, only with this variation, that he saw no blood upon Alexander Youngson when he and Robert Cruikshank were parted from other. And this is truth, as he shall answer to God.

JOHN GLENNIE.

JAMES GORDON, *bailie*.

JOHN MAULE, *Clk*.

28th July 1735, *Presentia* Baillie forsaid.

The Baillie forsaid haveing consider'd the forsaid lybell with the witnesses depositions, finds both the blooding and beating proven against the said Alexander Youngson, younger, and the beating proven against the said Robert Cruikshank, and therfor ammerciates the said Alexander Youngson in the sum of fifty pound Scots, and the said Robert Cruikshank in ten pound, to be payed to the fiscall for the heritors behoof, and ordains them to goe to prison until the same be payed.

JAMES GORDON, *bailie*.

JOHN MAULE, *Clk*.

¹ A lever used by blacksmiths in hooping cart-wheels.—*Jam.*

Barron Court of the lands and Barrony of Urie, pertaining heritably to the honourable Robert Barclay, younger of Urie, holden at the Manour place thereof where the said Court usually sits, upon the thirteenth day of January j^mvij^c and thirty eight years, in presence of the said Robert Barclay, by John Somervell, merchant in Aberdeen, Baillie, Robert Wyllie, Fiscall, John Maule, nottar publick, Clerk, William Thomson, Officer, Dempster.

The suitts called, and the court lawfully fenced and affirmed.

The said day, in presence forsaid, compear'd the said Robert Barclay, and gave in to the said Baillie the Decreet Arbitrall pronounced by Master Robert Dundas of Arnistoun,¹ advocate, now Lord Arniston, in the submission entered into betwixt him the said Robert Barclay and John Fullertoun of Cowie, creaving the Baillie forsaid might ordain his clerk to read and publish the same in presence of the hail tennents and subtennents of the hail lands and barrony of Urie, which desire the Baillie found reasonable, and accordingly the said Decreet was publickly read and published that non of the tennents and others forsaid might pretend ignorance. Whereupon the Baillie ordained the contents of the said Decreet to be punctually observed by the hail tennents forsaid, under the highest pains of law, by and attour the performance thereof.

JO. SOMERVEL, *Bailie.*

JOHN MAULE, *Clk.*

13 January 1738, *Presentia* Baillie Somervell.

It being represented the loss the tennents of this barrony are at for want of legall sworn barly men for deciding anent eaten corns² and other controversies that may arise 'twixt master

¹ Robert Dundas of Arniston was born 9th December 1685. He was called to the Bar in 1709, and appointed Solicitor-General for Scotland in 1717. In 1720 he became Lord Advocate, and two years later was elected Member of Parliament for the county of Edinburgh. In June 1737 Mr. Dundas was raised to the bench as Lord Arniston, and on 10th September 1748 he succeeded Duncan Forbes of Culloden as Lord President of the Court of Session. He died 26th August 1753.—Anderson's *Scottish Nation*, vol. ii. p. 95.

² *Eaten corns*: probably corns that had been destroyed by the trespass of cattle belonging to the tenants of neighbouring holdings.

and tennent, or betwixt tennent and subtennents themselves, or 'twixt tennent and tennent, and for appryzing houses, and doeing every other thing pertaining to legall sworn barlymen. And John Lyon in Cransaicker, James Edward in Megray, Robert Edward in Mill of Cowie, John Strachan in Glithno, James Gordon in Rothnick, John Airth in Trees, and James Murray in Corsley being named, with the consent of the heritors and hail tenents, they compear'd, and being solemnly sworn, gave their oath *de fidei* as barly men forsaied, and accepted as such by their respective subscriptions. To which the Baillie interpon'd his authority, and ordain'd any one or more of them when called to act as a sworn barly man in maner forsaied, the Baillie and Clerk of Court haveing subscribed for such of them as cannot write.

JAMES EDWARD.

JAMES GORDON.

JOHN AIRTH.

JO. SOMERVEL, *Baillie*.

JOHN MAULE, *Clk*.

13th January 1738, *Presentia* Baillie Somervell.

Compear'd Robert Barclay, elder of Urie, and the said Barclay, younger thereof, and gave in a joynt complaint not only against the tennents and subtennents of the nether part of the Barrony of Urie, but also against the tennents of that part of the said Barrony of Urie called Montqueich, representing the greatt damage done to the proper mosses and muirs of the said barrony in and thorrow the said hail tennents and their subtennents casting up, wasting, selling, and destroying thereof. Which complaint haveing been seriously considered by the said Baillie, he enacted, decerned, and ordain'd, and hereby enacts, decerns, and ordains that in all time comeing from and after this date, that no tennent, subtennent, or other possessor within the lands and Barrony of Urie shall not cast up any truf or other fewell to the west and south west of the road that leads from the Lonn of Shigyhead to the foord of Auchanyark, and from the said foord to the Katherie Bridges, and that no peats, turf, or other fewell be sold by any tenent,

subtennent, or other possessor within the said barrony out of the moss called the Coall Moss and mosses of Montqueich, or any other of the proper mosses or muirs within any part of the hail barrony of Urie, under the penalty of half a crown for each load of turf or peats that shall so happen to be sold *toties quoties* by and attour confiscation of all such peats or other fewell. And further, the Baillie forsaid enacts and ordains that Andrew Meason in Glithno and his subtennents shall in all time comeing cast his hail fireing, whether turf or peats, where the other tennents of Glithno presently cast their peats and other fewell, and no where else, under the above pennalty of half a crown for each load, and confiscation of the hail to the heritor. And that no turf be cast and sold off of the Hill called the Blairs, and this but prejudice of all former acts of court; all which, together with this present act, the Baillie forsaid ordains to be punctually observed, under the respective penaltys therin contain'd, and hereto interpons his authority.

JO. SOMERVEL, *Baillie.*

JOHN MAULE, *Clk.*

13th January 1738.—*Presentia* Baillie Somervell.

The Baillie forsaid ordained the principall tennent of each plough within this Barrony to pay in yearly four shilling and six pennies Scots for each plough of vagabond mony¹ as long as the same shall be continued as a cess upon the shyre, and that to Robert Wyllie in Powbair, collector appoynted for that effect, under the pain of poynding. To which the hail tennents present consented, and the Baillie interpon'd his authority thereto.

JO. SOMERVEL, *Baillie.*

JOHN MAULE, *Clk.*

The said day a complaint being enter'd by the said heritor and fiscall against Alexander Burnet, subtennent in Glithno, for his casting up ground upon the commonty without liberty, and he compearing and being interrogate, judicially confest the

¹ *Vagabond money* was a tax levied one half from the heritors and one half from the tenants, according to their means and substance, to meet such weekly charges as might be sufficient to sustain the poor.—*Acta Parl.* c. 52, vii. p. 485.

same. Wherfor the Baillie amerciate him in six pound Scots, to be payed to the fiscall for the heritors behoof, within term of law, and ordained precepts of poynding in common form. Therafter compear'd the said Alexander Burnet, and judicially enacted himself to flitt, redd, and remove himself, his wife, bairns, family, servants, goods, and gear furth and from the occupation of his said possession, and that within forty eight hours after the term of Whitsunday next to come, under the penalty of twenty pound Scots, besides being ejected by the ground officer of this Barrony. And declaired he could not write, and therfor the Baillie interpon'd his authority thereto, and subscribed for him, as did also the Clerk, having gott power from him for that effect.

JO. SOMERVEL, *Bailie.*

JOHN MAULE, *Clk.*

The said day anent a Complaint given in by John Lyon, ground smith of the said Barrony, that the most of tennents and subtennents had abstracted themselves from his smiddy, therfer creaves that they may be all bound and pay their dues for the futher,¹ in terms of a former act of this Court, dated anno j^mvij^c and five,² which desire the Baillie forsaid found reasonable, and therfor revived and herby ordain'd the said act to be keep'd in all time coming, under the penaltys therin contain'd, as oft as the same is contraven'd by and attour performance. The said John Lyon being always obliged to give true, ready, and sufficient service and work, in terms of the said act. To which the Baillie forsaid interpons his authority.

JO. SOMERVEL, *Bailie.*

JOHN MAULE, *Clk.*

Barron Court of the lands and Barrony of Urie, pertaining heritably to the honourable Robert Barclay, younger of Urie, holden at the mannour place thereof, where the said Court usually sits, upon this fourth day of November j^mvij^c and thirty eight years, in presence of the said Robert Barclay, by Alexander Walker³ in Auquhirie,

¹ For the time coming.

² See p. 114, *supra*.

³ Alexander Walker, who farmed the lands of Auquhirie, in the parish of Dunnottar, was a prominent agriculturist in his time. He was succeeded in the

Baillie, James Lighton, Fiscall, John Maule, nottar publick, Clerk, Alexander Edward, officer, Dempster.

The suits called, and the court lawfully fenced and affirmed.

The said day, in presence forsaid, compear'd the said heritor and fiscall, and gave in a complaint against William Kaird in Woodhead, representing that the said William Kaird had in a most contentious and vitious manner cast up water furrs, and carried the said water from that of his own possession upon the lands also belonging to the said heritor possess'd by the said James Lighton, wherby the same was damaged to a considerable value, and that after the said William Kaird was duely interpell'd from acting or doing the same. Whereupon compear'd the said William Kaird, and judicially confess'd that he had fill'd up a ditch cast by order of the heritor for preventing any damage to be done by water to the said James Lightons lands. Whereupon the Baillie ordain'd the barly men adduced for proveing the said damage to compear, and they being called accordingly compear'd, James Edward in Megray, and Robert Edward in Mill of Cowie, who being on oath as sworn barlymen, declair'd that the damage done by the said Walter to James Lightons land ammounted to a peck of corn with the fodder yearly, at six shilling Scots the peck. All which being considered by the said Baillie, he fyned and americiat the said William Kaird in the sum of three pound Scots mony to be payed to the said fiscall for the heritors behoof, within term of law, and grants precepts of poynding for that effect, and further ordains the said William Kaird in time comeing to defend his water furrs from doing any further damage to the said James Lightons possession, and keep redd water furrs for that effect, under pain of law.

ALEXR. WALKER, *Baile.*

JOHN MAULE, *Clk.*

The said day anent a complaint given in by the said heritor

farm of Auquhirie by his son, John Walker (*b.* 1740: *d.* 1812), who was associated with Robert Barclay of Urie, son of the 'Robert Barclay, younger,' of the text, in his attempts to introduce the principles of scientific farming into the district. The Walkers were proprietors of the estate of Blairton in Aberdeenshire.

and fiscall that the tennents, subtennents, and others of the Mains, Kirntoun, and Balnagight had contraveen'd the last act relative to the selling of peats. But upon the tennents and others forsaid enacting themselves to obey the act in time comeing, the heritor and fiscall deserted the pursuit, and therfor the saids hail tennents and others hereby enact themselves to obey the said act in time comeing, under the penaltys and damnages therin contain'd, which they all did in face of court, and to which the Baillie forsaid interpons his authority, and subscrives for such as cannot write.

ALEXR. WALKER, *Baile*.

JOHN MAULE, *Clk*.

The said day compear'd the said Fiscall, and exhibite a complaint against Alexander Milne in Mill of Montqueich, for his cruell beating, bruiseing, and blooding of Alexander Burnet, weaver in Cowie, upon the day of October last by past, grappleing with him and throwing him to the ground, and creaved that he might be fyn'd and amarciate therfor. Where-upon compear'd the said Alexander Milne, and being solemnly sworn, depon'd and confess'd that he violently grapled with the saids Alexander Burnet, but denys that [he] bled him or threw him quite down to the ground. And that was the truth, as he should answer to God.

ALEXR. MILNE.

ALEXR. WALKER, *Baile*.

JOHN MAULE, *Clk*.

In respect of the above deposition and confession the Baillie fyns and amerciates the said Alexander Milne in the sum of ten pound Scots, to be payed to the fiscall for the heritors behoof, and ordains him to goe to prison till the same be payed.

ALEXR. WALKER, *Baile*.

JOHN MAULE, *Clk*.

Barron Court of the lands and Barrony of Ury, pertaining heritably to the honourable Robert Barclay, junior, of Ury, holden at the Mannour place thereof the twelfth day of June one thousand seven hundred and thirty nine, in presence of the said heiritor, by Robert Wylie, in Pow-

bair, Balie of said Barony, John Gleny, Procurator Fiscal to the said court, John Maule, nottar publick, Clerk, William Thomson, officer, and Demster. The suits called, and the court lawfully fenced and affirmed.

The which day, in presence forsaid, the said heritor represented that there had been several acts of Court made anent preserving the mosses, muirs, meadow, and swaird grounds pertaining to said Barrony of Ury, and particularly to that act made the twenty eight of July one thousand seven hundred and thirty five, and another dated January 13th, 1738, and in order to put the said acts in full execution, homologates, aproves, and ratifies the same, and all former acts made, and in preserving the said mosses, muirs, meadow, and suaird grounds, and not only ordains the same to be kept in full force in all time comming, but also ordains the contraveeners of any particular part thereof to be conveened before this court, and fine and amertiate for such contraventione as has already happned, or may hereafter happen, as the said act of Court and law fully direct.

R. BARCLAY, JR.

R. WYLIE, *balie.*

JOHN MAULE, *Clk.*

The said day anent the complaint given in by the said procurator fiscal against James Cards, elder and younger in Woodhead, and William Card there, for their mutual beating, bruising, and bleeding one another, grappling with and throwing each other violently to the ground, upon the fourth day of June currant, or upon one or other of the days of the said month, and craving that the saids defenders might be fined and amerciate in their persons, goods, and gear, as law directs. And they being lawfully summoned for that effect, compeared the said James Card, younger, and judicially confessed that he grappled with and threw to the ground the said William Card, and put his foot upon his belly, but denys that he blood him, and declares he cannot write. Thereafter compeared the said William Card, and being interrogate whither or not he beat, blood, or bruised, or violently threw to the ground the persons of saids James Cards, elder and younger, and the Fiscall offering to prove the same by the oath of the said William Card,

he refused to depone, and for which the Balie held him as confessed. In respect of which confession of the said James Card, younger, and the said William Card his refusing to depone, fines and americiates the said James Card, younger, in the sum of ten pounds Scots, and the said William Card in the like sum of ten pound money forsaid, to be paid to the procurator fiscall for the heritors behoof, and ordains them to go to the ordinary prison of the barrony untill the same be paid.

ROT. WYLLIE, *balie*.

JOHN MAULE, *Clk*.

Barron Court of the lands and Barrony of Ury pertaining heritably to the honourable Robert Barclay, junior, of Ury, holden at the Mannour place thereof the seventeenth day of January one thousand seven hundred and forty, in presence of the said heritor, by John Somervel, merchant in Aberdeen, Baillie of the said barrony, Robert Willie, Procurator Fiscal to the said court, John Glenney, Clerk, John Irvine, Officer, and

Demster.

The suits called, and the court lawfully fenced and affirmed.

The which day, in presence forsaid, and of Robert Barclay, elder of Ury, for his intrest, anent a complaint given in by the said heritor and fiscal against the hail tenants, subtenants, and inhabitants of the barrony for their contentious disobeying the laws and acts of courts relative to their selling of peats and turf, casting up of ground, wasting of their possessions, and the contraveining of other acts formerly made therefore, craving that the persons guilty may be ordained to pay the damnages to the heritor, with the penalties thereby incurred.

JO. SOMERVEL, *Bailie*.

JOHN GLENNY, *Clerk*.

January the 17th, presentia within Baillie, etc.

Accordingly compeared Robert Cruikshank, George Mouat, John Laurance, Alexander Youngson, and denied the lybal. Likewise compeared the tenants of Rothnick and Corsley, and likewise denied the lybal. The heritor and fiscal offers to prove.

JO. SOMERVEL, *Bailie*.

JOHN GLENNY, *Clerk*.

Barron Court of the lands and Barrony of Ury pertaining heritably to the honorable Robert Barclay of Ury, junior, holden att the Mannor Place thereof the second day of January one thousand seven hundred and forty one, in presence of the said heritor, by Robert Wylie in Poubare, Ballie of the said barrony, Joseph Mouat, Procurator Fiscall to the said Court, John Glenney, Clerk, John Irvine, Officer, and William White, Demster.

The suits called, and the court lawfully fenced and affirmed.

The which day, in presence of the heritor and baillie forsaid, complaints being given in by said fiscall thatt notwithstanding the many acts of court to hinder the wasting of mosses, muires, meadows, grass, and corn lands, woods, plantings, fishings, and wild fowls, and venison, continue little better then before, therefore craving that not only former acts thereanent be ratified, but new ones made in order the better to inforce the observance of the same for the future, and the persons guilty to be punished, and to pay damage in terns of law and former acts of court thereanent.

R. WYLLIE, *balie.*

J. GLENNY, *Clk.*

Which complent being considered by the Ballie, he, in presence of the hail tennants and subtennants within the barrony, statutes and ordains that in all time coming no peats shall be left in the mosses, nor no turfs upon the muirs, in any place whatsoever after the first day of September yearly, under the penalty of twenty pound Scots, to be paid to the heritor by every person for each time he shall be guilty of the same, besides the loss of such peats and turfs, which is to be forfeited to the heritor, who is hereby impoured to dispose of the same as he shall think proper. It is also further enacted by the forsaid Ballie, that no person whatsoever hunt fish or foul within the barrony, nor be found within any inclosure, without the heritors licience, under the penaltys prescribed by acts of parliament for such as shall be found to hunt fish or foul as abovesaid, and four pound Scots for each time they shall be found within park inclosure or planting in any place whatsoever. He also further ordains that no braes shall be

laboured but such as have been in use to be so, and they only for three years, untill they be rested nine years each time before they be taken in, and no brae to be laboured but such as can be done without letting the ground fall to the foot of the brae, under the penalty to be paid as above, and damages likewise.

R. WYLLIE, *balie*.

J. GLENNY, *Clk.*

Presentia forsaid eodem die.

The said Ballie likewise ordains that no ground be laboured till five years rested if outfield, nor no ground to be watered till past the fourth year, nor none to be laboured longer then four years untill rested the said five years, under the within mentioned penalties and dammages, to be paid by each person contraveening *toties quoties* as already directed. And the Ballie also further ordains all former acts of court relative to mosses, muirs, meadows, suaird ground, bruntland, selling of peats, to be punctuall observed, under the penalties and dammages therein contained, to be duely observed in all time coming by the hail tenants, subtennants, and others within the barrony in the hail heads and clauses thereof, as if the same were word for word herein expressed.

R. WYLLIE, *balie*.

J. GLENNY, *Clk.*

It is further enacted by the said Ballie that no ground be cast up for any use whatsoever upon the lands of Glithnoe, that the heritor shall think fit to be taken in out of the muirs thereof, and so marked for that effect as probable to be taken in for corn land, or shall be marked by [him] for the future for said purpose, under the penalty of twenty pounds and damages, to be paid *toties quoties* as already directed, which act shall extend to the rest of the barrony.

R. WYLLIE, *balie*.

J. GLENNY, *Clk.*

The said day, on a complaint made by Robert Eduard in Milne of Cowie, that severall persons neglect or refuse to assist in bringing home of milne stones and mending the dam and

watergang of milne of Cowie, and performing other milne services, it is enacted by the Ballie, that each deficient person, where a horse shall be required, shall pay four pound Scots for each time, and where a man is required, to pay two pounds Scots for each time he shall be deficient after due requisition made by the said Robert Edward his miller and his men or servants, or any of them, who are hereby appointed officers for that effect, and ordains them, and each one of them, to peind each deficient the above suns in terms of law.

R. WYLLIE, *balie.*

J. GLENNY, *Clk.*

The said day Duncan Gordon and Alexander Burnet are amerciate in ten pounds Scots by the Ballie, for their contumacy in absenting from the court, which they are hereby ordained to pay to the fiscall for the behooff of the heritor within term of law, and orders precepts of peinding to be directed for that effect in form as effeirs.

R. WYLLIE, *bailie.*

J. GLENNY, *Clk.*

The said day Duncan Gordon and John Morton, with Robert Crukshank, George Mouat, and John Lawrance, being summoned to this court for selling of peats contrary to former acts of court, and their own enacting to the contrary att the said fiscall and heritors instance, craving the forenamed persons may pay the penalties and damages appointed by former acts of court, and otherways punished att the ballies discretion, who accordingly appear'd and confest the libell; but except the said Duncan Gordon, they all declared they could not write.

DUNCAN GORDON.

R. WYLLIE, *bailie.*

Jo. GLENNY, *Clk.*

Presentia forsaid eodem die.

The Ballie having considered the within judiciall confessions of Duncan Gordon, John Morton, Robert Crukshank, George Mouat, and John Lawrance, amerciates each one of them in ten pounds Scots, to be paid to the Fiscall of court for the

heritors behoof, within term of law, and for that effect ordains precepts of peinding to be directed hereon in form as effeirs.

R. WYLLIE, *bailie*.

Jo. GLENNY, *Clk.*

The said day, anent a complaint given in by said heritor and fiscal, showing that by the late increase of houses, the mosses and grounds within the barrony are in danger of being wasted, particularly within the bounds of Burnhaugh and Trees. Which being considered by the said Ballie, he ordains that no houses be built but what were in old use and wont, and particularly orders that none but three houses for firing¹ be in Burnthaugh, and not above five houses for firing in Trees, under the penalty of twenty pound attour damages, to be paid by the contraveeners *toties quoties* as formerly directed, and for that purpose the said tennants of Burnhaugh and Trees are required said day to take notice of said act by discharging all houses except-
in the above terms.

R. WYLLIE, *bailie*.

Jo. GLENNY, *Clerk*.

Barron Court of the Barrony of Ury and lands of Matheris² pertaining heritably to the honourable Robert Barclay, junior, of Ury, holden att the Mannor place of Ury, the seventh day of June one thousand seven hundred and fourty six years, in presence of the said heritor, by David Barclay in the Manor place of Finlayston, Balie of the said barrony and lands, and Joseph Mouat in Rothnik, Procurator Fiscall of said court, John Glenny, Clerk, John Irvine, Officer, and William Caird, Dempster.

R. BARCLAY, Jr.

¹ *Houses for firing* seems here to be equivalent to *fire houses* in the next Minute of Court. *Fire houses* may be taken generally to mean dwelling-houses, though, strictly speaking, such a definition is not accurate. Many houses of the poorer people in the country had at one time no provision for firing, which, indeed, was looked upon as a luxury, and made subject to a tax called 'hearth-money.' In a return with reference to this tax, presented to Parliament by the sub-collector of Kincardine on 16th August 1704, the number of hearths in the county is reckoned at 3628.—*Acta Parl.* xi. p. 171.

² It is difficult to explain why the lands of Mathers are mentioned along with the Barony of Urie in this and the succeeding minute. David Barclay, ancestor of the Barclays of Urie, sold the lands of Mathers, which had been in the possession of his family for three hundred years, in 1633.

The suits call'd, and the court lawfully fenced and affirmed.

The which day the hail tennants of said barrony and lands being conveyned, it was enacted by the forsaid Bailie, for preventing the wasting of mosses, that the number of both tennants and subtennants fire houses shall not exceed six, in Crossley three, in milne of Montquhigh two, Burnhaugh three, and Trees four, and in case of contravention of this act, not only the tennant shall be obleidged who contraveens the same instantly to reduce the number of the above houses to the forsaid standard, but also to pay the damages occasioned thereby to the heritor, with ten pound Scots of penalty for each time this act shall be contraveened, to be paid within terms of law.

DA. BARCLAY, *balle.*

JOHN GLENNY, *Clk.*

June the 7th, presentia David Barclay, Bailie.

It is ordained by the Bailie that there be no casting of ground for firing upon the hill of the Walkmilne, except as allowed by the heritor, under the pain of the damages re-founded, and ten pound Scots for each time this act is contraveened.

DA. BARCLAY, *Baillie.*

JOHN GLENNY, *Clk.*

The said day the heritor and whole tennants and others within the barrony of Ury and lands of Matheris agree to the appointing an additional number of barlawmen within the said barrony and lands to the barlawmen formerly appointed, viz. : Alexander Milne in miln of Montquhigh, William Main in Jockys loch, Andrew Mason in Latch of Glithnoe, John Fotheringham in Reedcloak, James Smith in nether Finlayston, and _____, who all gave their oath *de fidele*, and to which the Bailie interpones his authoritie.

ALEXR. MILNE.

W. M.

ANDROW MEASON.

JOHN FODERINGEM.

JAMES SMITH.

DA. BARCLEY, *Ba.*

JOHN GLENNY, *Clk.*

June the 7th, Presentia David Barclay, Bailie.

The Bailie enacts that each barlawman shall receive of wages from those who employ them att the rate of twelve shillings Scots each time each person is called out, it being Scots mone, excepting in time of harvest, when the wages are to be one pound four shilling Scots for each time.

DA. BARCLAY, *Bailie.*

JOHN GLENNY, *Clk.*

The said day David Williamson in Finlayston being summoned to this court for abstracted moulters by Robert Edward in Milne of Couie, and is found to be due to said Robert Edward by his oun confession one pound Scots, which the Bailie ordains to be paid, within terms of law, under pain of poinding, he being accordingly required att the Barr.

DA. BARCLAY, *Bailie.*

JOHN GLENNY, *Clk.*

The forsaid day, anent a difference betwixt John Mouat in Woodhead and William Caird there, concerning the run rigg'd land¹ presently posed by James Caird, which is reserv'd out of William Caird's assidation thereupon, for which there is deduction of ten merks in the tack, which the heritor agreed to because William Caird asserted that to be the old price, and afterwards the said run rigg'd land was set to John Mouat for nine merks Scots by the heritor, who forgot the former price in William Caird's tack, because John Mouat asserted the price to be only nine merks, according to which the heritor would lose a mark yearly. To prevent which and in order to clear the same the Bailie and the said John Mouat and William Caird refer'd unanimously to the oath of Robert Youngson, who formerly lived in Woodhead, whether the merk in dispute should be paid by the said John Mouat or the said William Caird notwithstanding what is written in their respective assidations to the contrary. And accordingly the said Robert

¹ *Runrig lands* are lands where the alternate ridges of a field belong to different proprietors. It may also be applied to lands where the portions consist not of ridges only, but of alternate portions of several acres each.—Bell's *Law of Scotland*, p. 731.

Youngson, being solemnly sworn, purged of partiall councill, etc., interrogate, depones that the old price of the said runrigged land was ten merks Scots exactly, which is a truth, as he shall answer to God, and declares he cannot write.

DA. BARCLAY, *Baillie*.

JOHN GLENNY.

The Bailie having considered the above deposition, finds the true price of the above runrigg land to be ten merks Scots, and therefore ordains one merks Scots more then is contain'd in John Mouats assidation to his son Andrew to be paid by them to the said heritor, his heirs and assigneys, how soon ever the said John and Andrew Mouat, or either of them, possesses the said runrigg'd lands, which they are to pay to the heritor and his forsaid, always yearly and termly, along with the rent.

DA. BARCLAY, *Ba*.

JOHN GLENNY, *Clk*.

The forsaid day, *presentia* David Barclay, Bailie. Anent a Complaint of John Lyon in Burnhaugh, who alledged breach of Bargain in Alexander Meerns subtenant there, because he had sold him a stack of bear and fodder, which only delivered a part of, quhich being denied by said Meerns, the same was refer'd by the said Bailie to Alexander Meerns oath of verity, who depon'd negative. In respect whereof the Bailie asoizied the said Alexander Meerns from the forsaid persuit.

DA. BARCLAY, *Baillie*.

JOHN GLENNY, *Clk*.

Barron Court of the Barony of Ury and lands of Matheris, pertaining heritably to the honorable Robert Barclay of Ury, holden att the Milne Toun of Cowie, the twenty fifth day of June seventeen hundred and fourty seven years, in presence of the said heritor, by George Edward in Upper Finlayston, Balie, John Glenny, Clerk, James Smith, Fiscall, and John Irvin, Officer, and

, Dempster.

R. BARCLAY.

Sectis vocatis curia legitime affirmata.

The which day, in presence of the said heritor and Balie, the

hail tennants being conveen'd, it was enacted by the forsaid Balie that in consideration the dam of Milne of Couie is presently out, therefore ordains that the whole sucken with men and horses come in and work thereat till the same be sufficiently mended, when required by Robert Edward, his millers or servants, under the penalty of sixteen shillings Scots each deficient man, and twenty shillings Scots for each deficient horse. And the said Robert Edward, his miller, servants, or ground officer for the time to poind for the same, and ordains the said Robert Edward and others impouered by him to warn the sucken to begin regularly and go through the whole sucken, always warning them, till the dam be compleatly finished. And when any happens to be deficient, the said Robert Edward must hire a man or horse, and repay himself out of the said penalty. And as it may so fall out in this busy time of the year that a man and horse cannot be got att the ordinary wedges, and the work must not ly, in order to ingage other men with horses to work the more readily, the said Robert Edward is hereby empowered to give the full penalty above enacted. And further, each man who labours his land himself, or in neighbourhead with another, must always send, when required as above, the half of the number of their horses. And those who have their land laboured to them must always serve as above, personally, as likewise all others, and the whole inhabitants of the sucken must come every day when required, with horses, preciesly att the miln dam att eight of the cloak in morning, and work att least four hours before they go home, with suitable instruments for working, with the said horses. And when men are ordered to work without horses, then they shall, each time they are required, be att the milne dam att eight a clok in the morning, and work sufficiently till six a clock afternoon, they always being obliedged to bring spades, barrow, shovels, and other instruments as required. And in regard there are not sufficient number of carts for this work, therefore the whole tennants and inhabitants lyable in furnishing of horses hereby voluntarily obliedged themselves to pay to the said Robert Edward fourteen shillings sterling, for which he is hereby obliedged to furnish sufficient carts till the dam be compleated, which they are to pay att the rate of a shilling

each plough, and the deficient person to be poinded by the ground officer. And likewise in regard there are not a sufficient number of barrows for this work, therefore all those who have their plough land ploughed to them do hereby voluntarily obliedge themselves each man to pay doun twelve pennies Scots to James Young, miller, who hereby obliedges himself for the same to furnish a sufficient number of barrows till the work is finished. And the deficient person or persons to be poinded by the said officer as above. And in respect it is enacted that the men who bring horses attend att the milne att eight a clok in the morning may sometimes occasion inconveniencys, therefore the said Robert Edward and forsaid are hereby empouered to warn the men and horses att any time betwixt sun and sun that he thinks proper, they being only to work four hours att each yoking, and the deficiencies lyable in the penaltys forsaid.

GEORGE EDVARD, *Ba.*

JOHN GLENNY, *Clk.*

APPENDIX

APPENDIX.

I.

THE RENTALL BUIK OFF THE BARONY OFF WRIE.

*Banageithe ane Pluche.*¹

Iteme, Jhone Dunckane peyes ten bollis victuall, ane custume² mart, ane vaddir,³ ane dovssone of cappounes, ane dovssone off puttrie, with harrage, carrage within the maines,⁴ togedder vith lang arrage.⁵

Cairntoune ane Pleuch.

Iteme, Robert Dunckane peyes tuentie bollis victuall, ane

¹ *Pluche, plewe, or plucht*: a plough. The term is sometimes used of the husbandman who is responsible for a plough's work, and sometimes, as in the text, of the *ploughgate*, i.e. the extent of land tilled by eight oxen, or 104 acres.—Innes's *Legal Antiquities*, p. 242.

² Besides giving *service*, which implied a great variety of duties, from that of *military service* downwards, the feudal tenant paid rent to his lord—(1) in money, known as *maill*; (2) in corn, or *ferme*; (3) in *customs*. Mr. Cosmo Innes enumerates some of the more ordinary custom-dues as follows:—'These are generally a *mart* or ox to be killed at Martinmas, two or three wedders or muttons, as many lambs, grice or young pigs, geese, capons, and poultry, chickens, eggs, and almost universally the ancient tax of a *reek-hen*, or a hen for every fire-house. A very little tallow is paid from the alehouse of the barony, and there are customs of butter and cheese in very small quantities. Besides these commodities for the kitchen, the low country farms often pay a few ells of cloth, not of wool, but linen cloth of three-quarters broad for my lady's napery.'—Innes's *Legal Antiquities*, p. 257.

³ Wether.

⁴ *Mainis*: the farm attached to the mansion-house on an estate, and in former times usually possessed by the proprietor.—*Jam.* Contraction of French *demesne*.

⁵ *Arrage*, or *Harrage*, was the service due from a tenant to a landlord in men and horses. It is distinguishable from *carrage*, which implies the use of carts or waggons. *Long arrage* was such as required more than a day for its performance.—*Jam.*

arrage = cultivation of land held

carrage = transport " " goods.

custume mart, tua vaddiris, ane dovssone off cappounes, and dovsson off putrie, vith harrage, carrag, dov¹ seruice, as said is.

Glithnocht ane Pleuch.

Iteme, the Glithnothe peyes sax markes mell² at tua termes, to vit Vitsunday and Mertimes, tua vaddiris, sakis capones, ane dovssone of puttrie, vith harrage, carrag vithin the maines.

Wodheid tua Plews.

Iteme, Androv Duncane and Villiame Duththe peyes betuix thaimae tua, to vit, euerie ane off thaimae ane chalder³ meill, four bollis beir, ane mart, ane doussone off capounes, tua custoum vaddiris, ane dowssone off putrie, vith harrag, carrag vithin the grund.

Megra thrie Plewes.

Iteme, Alexander Duncane peyes ane chaldir beir, ane chalder mill, tua dovson of capounes, tua vaddires. Iteme, Jhone Manecure peyes aucht bollis mill, aucht bollis beir, ane dovsson of capounes, ane vadder.

Powbair ane Pleuche vadsett.⁴

Iteme, Johne Movatt peyes ane chaldir of meill, four bollis beir, four capouns, sakkis puttrie.

The Croftis of Covy.

Iteme, James Mill peyes half chalder of beir. Iteme, Stephane Smythe, for the milne croft, halff chalder of beir. Iteme, Stephane Smythe, skipper, for his croft, xxvij s. viijd.⁵
Iteme, Alexander Tellzour, for his croft, xxvj s. viij d.

¹ Due.

² Mail.

³ A measure consisting of sixteen bolls.

⁴ *Wadset*: pledged, with power of redemption.

⁵ 27s. 8d. Scots money, equal to a little over 2s. 3d. sterling. A pound sterling is equal in value to twelve pounds Scots.

II.

NOTES WRITTEN ON THE FLY-LEAF OF THE MS.

1.

These are to give notice that Barclay Fair, standing upon the hill of Megray, nar Cowie, begining yearly upon the third Tuesday of June ; as also Maithers Fair, standing in the same place, and begining upon the second Tuesday of October, yearly, both granted by act of parliament, and belonging heritably to Robert Barclay of Ury, are both of them to continue always herafter for four days, to witt, Tuesday for sheep of all sorts, Wedensday for all sort of timber in the morning, and the rest of the day for all sorts of cloth and stockings, and butter and cheese, with all sort of merchant ware, Thursday for all sort of nolt and cattel, and Friday for horse. All buyers and sellers, merchants, and others, are expected to attend ilk ane of these fairs with their comodities, where they may expect good encouragement.

2.

ACCOMPT of the Corne and Fodder receued from the tenents of the Brea of Vrie, 1661.

	Boll	Fir.	Lip.	is	Boll.		
Imprimes from Jhon Erskine, .		3	2	is	15	2	2
Item from William Wilson, .		1			4	3	3
Item from Allexander Falconar, .					2		
Item from Andrew Moncure, .		2		is	10	0	0
Item from Jhon Moncure, . .		2	2 $\frac{3}{4}$	is	13	2	0
Item from Jhon Duncan, . .		2	$\frac{1}{4}$	is	9	2	3
Item from George Farfar, . .	1	1	3 $\frac{1}{2}$	is	29	1	0

Item of Bear.

From William Wilson.

From Allexander Falconar, . . . 1 : $\frac{1}{2}$ pek : 21. 25 2 2

3.

I defend and forbid in his Majesty name and authorite, our

Sovereign Lord George the 2d, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, and in the name and authorite of Robert Barclay, heritable propriatar of the Barony of Ury and lands of Matheris, and George Edward in upper Finlayston, his Balie, that non molest the Court, under pain of law.

III.

CHRONOLOGICAL TABLE OF PRICES, CONVERTED
FERMES, CUSTOMS, ETC., EXTRACTED FROM THE
COURT BOOK.

	<i>lb.</i>	<i>s.</i>	<i>d.</i>
13 October 1604.			
Of everie hors carrige to Buchane,	05	00	00
Of everie fwit carrig to Buchane,	02	00	00
Of hors carrige to Aberdyne,	01	00	00
Of fwit carrag to Aberdeyn,	00	10	00
23 November 1614.			
Ane leitt of peittis,	16	00	00
A dour,	01	00	00
Ilk mert,	13	06	08
27 October 1615.			
Ane aix,	00	13	04
25 November 1615.			
Ilk mert,	13	06	08
12 May 1617.			
Ilk boll meill,	10	00	00
8 May 1618.			
Ane staine of talloun,	02	13	04
24 July 1618.			
Ane boll malt,	05	10	00
21 July 1620.			
Ane capon,	00	06	08
Ane custome wadder, wnder the woll,	03	06	08
Ane custome mert,	10	00	00
Ane pultrie foull,	00	03	04
Ilk dozen elnis of sarking lining clayth,	06	00	00
Ane pynt of oylie,	00	08	00
Ane staine of brew tallowne,	03	06	08
Ilk burding of peitts,	01	00	00
Ilk laid of peitts on hors with creillis,	02	00	00
Ilk kairt full of peitts,	03	00	00
16 June 1621.			
Ilk boll bear,	05	00	00
Ilk dozen pultrie foullis,	02	00	00
Ane dozen elnis of sufficient sarking lyning,	06	00	00

	<i>lb.</i>	<i>s.</i>	<i>d.</i>
7 November 1621.			
Ane eln brown Fleming,	01	13	04
Ane eln bred lyming,	01	01	00
Ane eln thrie quarter bred,	00	18	00
Ane once edgit frenzies,	01	05	00
19 January 1622.			
To carye the lairdis letters to Slaines,	02	00	00
2 July 1622.			
The sail of a boit,	26	13	04
22 November 1622.			
Cairadge, ordinar,	01	00	00
5 December 1622.			
Ilk staine of brew talloun,	03	06	08
Ane boll meill,	10	00	00
Ane boll bear,	12	00	00
Ilk leitt peitts,	03	06	08
17 April 1623.			
Ane boll meill,	10	00	00
Ane boll bear,	10	00	00
Ane eln off sarking lymeing,	00	08	00
A milne swyne,	06	13	04
Ilk capoun,	00	06	08
25 August 1624.			
Ilk elne of lyming,	00	08	00
Ane boll malt,	10	00	00
25 May 1625.			
Ane pynt of oylie,	00	08	00
30 November 1625.			
Ilk elne of sarking lymeing,	00	06	08
Ilk staine of brew talloun,	03	06	08
Thrie capounes,	01	00	00
8 August 1626.			
Sex wedders,	18	00	00
Ilk ell lyming,	00	08	00
5 October 1626.			
Thrie pultrie,	00	10	00
Ilk mart,	10	00	00
17 July 1627.			
Ilk elne of lyming,	00	08	00
10 November 1627.			
Ilk mart,	10	00	00
Ane steane brew creische,	02	13	04

	<i>lb.</i>	<i>s.</i>	<i>d.</i>
7 May 1628.			
A wedder wnder woll,	03	00	00
30 January 1629.			
Ane custome mairte,	10	00	00
8 May 1629.			
Ilk boll meill,	12	00	00
Ilk boll bear,	12	00	00
11 November 1629.			
Half ane leit of peits,	05	00	00
Ane half mairt,	05	00	00
Sex poultrie foullis,	01	00	00
Ane elne lycling,	00	08	00
16 June 1630.			
Ilk boll meill,	10	00	00
Ilk boll bear,	10	00	00
Ilk dussone caponis,	04	00	00
Ilk elne lycling clayth,	00	08	00
16 May 1632.			
Ilk boll meill,	10	00	00
Ilk boll bear,	10	00	00
Ilk elne lycling clayth,	00	08	00
Ane leit of peittis,	10	00	00
Ane kow,	10	00	00
8 January 1634.			
Ilk boll bear,	09	00	00
Ane custome mairt,	10	00	00
Tua custome wadders,	06	00	00
Ane boll bear (payable before 3rd May)	10	00	00
Ane boll meill (payable before 1st March),	09	00	00
26 February 1635.			
Ilk boll meill,	10	00	00
Ilk boll bear,	12	00	00
Ane boll meill (coft in Aberdeen),	08	00	00
9 January 1636.			
Ilk boll meill,	10	00	00
Ilk boll bear,	12	00	00
23 August 1672.			
Ilk boll beare,	06	13	06
Ilk boll meill,	06	00	00

	<i>lb.</i>	<i>s.</i>	<i>d.</i>
14 March 1679.			
Ilk wyise of strae,	00	00	12
9 February 1730.			
Ilk boll oats,	07	06	08
Ilk boll bear,	06	00	00
Ilk boll peas,	06	00	00
Ilk boll white,	09	00	00
Ilk boll rey,	05	00	00
4 November 1738.			
A peck of corn with the fodder,	00	06	00

IV.

THE LAIRDS OF URIE, 1430-1892.

- I. SIR WILLIAM HAY OF ERROL, Hereditary Great Constable of Scotland, obtained a charter of the Barony of Cowie on resignation of Sir William Fraser of Philorth, great-grandson of Sir Alexander Fraser of Cowie, 14th May 1415.¹ He was appointed one of the Commissioners to treat with the English for the release of James I., and was knighted at his coronation. He died in 1436, having had issue—
- I. GILBERT, who predeceased his father, married Alice, daughter of Sir William Hay of Yester, by whom he had two sons—
 1. WILLIAM (see No. III. *infra*).
 2. GILBERT (see No. V. *infra*).
 - II. WILLIAM of Urie.
- II. WILLIAM HAY OF URIE, second son of Sir William Hay of Errol, obtained from his father the lands of Urie in the Barony of Cowie in 1430.² He received from his nephew, Sir William Hay of Errol, a charter of Cowie, dated 20th September 1447, and subsequently granted, *ad sustentationem unius capellani perpetui in Capella Virginis Marie et S. Nauthlani, prope villam de Cowy*, the following crofts within the Town—the Langcroft *alias* Brounislund, the Balehalch, Maldiscroft, the Smiddycroft, and the Abbottiscroft.³ He resigned Urie in March 1453, confirming this resignation fourteen years later to his grand-nephew, Nicholas Hay of Errol. He had issue—
- I. THOMAS of Little Arnage.⁴
 - II. ELIZABETH, who married James Douglas, was served heir to her father in the lands of Raustoun and Cragy in the sheriffdom of Aberdeen, 1st June 1493.⁵
- III. SIR WILLIAM HAY OF ERROL succeeded his grandfather, Sir William Hay, in 1436. He was created Earl of Errol in 1453, and is so designed in an acceptance of a resignation of the lands of Urie from his uncle, William Hay, in March of that year. He married Beatrix Douglas, daughter of the third Lord Dalkeith. He died in 1460, and left male issue—
- I. NICHOLAS, his successor.
 - II. WILLIAM, third Earl.

¹ *Reg. Mag. Sig.* (1424-1513), 158.

² Spalding Club *Miscellany*, vol. ii. p. 321.

³ *Reg. Mag. Sig.* (1424-1513), 2681.

⁴ New Spalding Club, *Rec. Marischal College*, p. 9.

⁵ *Retours*, vol. ii. *Acta Dom. Auditor.*, p. 170.

IV. NICHOLAS, SECOND EARL OF ERROL, succeeded his father in 1460. By a charter, dated 12th August 1467, he granted the lands of Urie to Master Gilbert Hay, his uncle. He died in 1470, and was succeeded in the Earldom of Errol by his brother, William.

V. MASTER GILBERT HAY, brother of William, first Earl of Errol, who, as above stated, received a charter of the lands of Urie in 1467, became thereby the founder of the family of 'Hay of Urie.' Following the example of his uncle, William Hay of Urie, he contributed to the endowment of the chaplaincy of Cowie, by a grant of 40s. annual rent of the lands of Magray.¹ He was a lawyer by profession, and his name frequently occurs in the legal processes of the period.² He married in 1471 Beatrice Dunbar, daughter and heiress of Sir John Dunbar of Crimond, through whom he became possessed of various estates in the shires of Aberdeen and Elgin. Master Gilbert Hay acted as Constable-Depute at a Parliament held at Edinburgh on 4th May 1480.³ He died in 1487, and left issue—

- I. WILLIAM, his successor.
- II. GILBERT.⁴
- III. THOMAS.⁵

VI. WILLIAM HAY was still a minor when, on the death of his father, he succeeded to the lands of Urie in 1487. He married Katherine, daughter of Archibald Rate of Drumtochty,⁶ and the same year, 1487, obtained from his mother, Beatrice Dunbar—'of my filial love and affection to my very dear son and heir-apparent'—a resignation of the Barony of Crimond.⁷ Crimond remained throughout in the possession of this sept of the family of Hay, who in consequence came to be indifferently described as 'of Urie' and 'of Crimond.' William Hay confirmed the gifts of his father and great-uncle to the chapel of Cowie. He died in 1513, and left issue—

ANDREW, his successor.

VII. ANDREW HAY was served heir to his father in an annual rent of 40 merks from the Barony of Kilmalamak on 17th February 1513.⁸ [He married a daughter of Barclay of Gartly] and, dying in 1531, left issue—

PATRICK, his successor.

¹ *Reg. Mag. Sig.*, (1424-1513), 2681.

² *Acta Dom. Auditor.*, pp. 47, 145, etc.

³ *Acta Parl.*, vol. ii. p. 129.

⁴ Spalding Club, *Familie of Innes*, p. 92.

⁵ *Ibid.* p. 90.

⁶ Spalding Club, *Antiquities of the Shires of Aberdeen and Banff*, vol. iv. p. 632.

⁷ *Ibid.* p. 80.

⁸ *Familie of Innes*, p. 94.

VIII. PATRICK HAY, who succeeded his father in 1531, resigned the annual from Kilmalamak, above mentioned, to Robert Innes of Rothmakenzie. He granted a charter to Gilbert Brabner and his spouse of the lands of Over Cremond or Cremondgorth, which is confirmed at Edinburgh on 22d March 1544.¹ [He married a daughter of Comyn of Inverallochy.] He died in 1552, and left issue—

- I. ALEXANDER : was next in substitution to George sixth Earl of Errol in the charters of Errol, Slains, etc., in December 1541.² He died before his father, and left no issue.
- II. WILLIAM, his successor.
- III. ROBERT.³

IX. WILLIAM HAY succeeded his father in 1552, and died in 1588. He was appointed a member of Committee formed for the valuation of the lands of Kincardineshire in 1554,⁴ on which Committee there served among others 'William, Earl Marischal, and David Barclay of Mathers, his Depute,' the latter being great-great-grandfather of Colonel Barclay of Urie (see No. XVII. *infra*). He was one of the signatories of the band of allegiance to James VI., entitled, 'Bond of the Barons of the North,' subscribed at Aberdeen on 2d September 1574.⁵ Having subsequently become involved in the treasonable conspiracies of his chief, Francis, eighth Earl of Errol (see No. XII. *infra*), he, by charter dated 12th January 1588, resigned the lands of Urie to his grandson, William Hay, retaining for himself and for John Hay, his heir-apparent, who was also implicated in the doings of the Popish faction, the liferent of the same.⁶ The possible forfeitures which this deed anticipated were happily avoided. He married Jonete Wood⁷ [daughter of Wood of Balbegno], and had issue—

- I. JOHN, his successor.
- II. WILLIAM of Little Arnage held the rank of captain in the king's service.⁸ He had issue—

¹ *Antiquities of the Shires of Aberdeen and Banff*, vol. iv. p. 634.

² *Reg. Mag. Sig.* (1513-46), 2517. ³ *Reg. of Privy Council*, vol. ii. p. 723.

⁴ *Retours*, vol. ii. *Inquis. Valorum*, 2. This Committee returned the aggregate value of all the lands in the county at 445½ pounds. The following are among the separate returns—Barony of Cowie xx *lib.* land; Lands of Logy-Cowie i *lib.* land; Barony of Uras x *lib.* land; Barony of Dunnottar v *lib.* land. As to the meaning and significance of these valuations, see Innes, *Legal Antiquities*, p. 275 *et seq.*

⁵ *Ibid.* vol. ii. p. 723.

⁶ *Reg. Mag. Sig.* (1580-93) 1435. In the above charter the lands of *Auchorthies* are mentioned as forming part of the estate of Urie. They appear to have been alienated prior to 1604.

⁷ *Ibid.* (1546-80), 2256.

⁸ *Reg. of Privy Council*, vol. vii. p. 682.

1. JOHN of Crimondmogate appears in the minutes of the Court Book as bailie to Francis, Earl of Errol, and William Hay of Urie, see p. 30 *supra*.

III. ? JAMES.¹

IV. [JEAN married James Lyall of Balmaledy.]

X. JOHN HAY, on whose behalf the first recorded meeting of the Baron Court is held, on 8th July 1604, succeeded his father in 1588.² It does not appear whether he actually took the field in the unsuccessful rising in which, in the following year, the Earl of Errol was engaged, but that he sympathised with the Popish party and did not hesitate to render them assistance is clearly proved. In 1592 he is fined 1000 merks for hearing Mass, and for 'resetting and intercommuning with Jesuits, priests, and papests.'³ He married Elizabeth, daughter of Sir Alexander Irving of Drum, and died in 1607, leaving issue—

I. WILLIAM, his successor.

II. ALEXANDER of Logie.⁴

XI. WILLIAM HAY, last of the 'Hays of Urie,' was summoned under pain of rebellion to appear before the Lords of Council, on 2d June 1590, to answer 'concerning persute and invasion of his Majesteis declairit traitouris, rebellious and unnaturall subjectis, tressonnable practizaris and conspiratouris aganes the trew religioun presentlie professed within this realme, his Majesteis persone and estate, and libertie of this cuntrey.'⁵ He succeeded his father in 1607, and married Margaret, daughter of Sir Alexander Fraser of Philorth. He sold the lands of Urie to Francis, Earl of Errol, in 1630, and died subsequent to 1634.

XII. FRANCIS, EIGHTH EARL OF ERROL, succeeded to the titles and estates of that earldom on the death of his father, in 1585. He was a staunch Roman Catholic, and became one of the leaders of the Popish faction who espoused the interests of Spain in 1588. He took part, along with the Earls of Crawford, Huntly, and Bothwell, in the attempted rising of 1589, and on its suppression was imprisoned and arraigned for treason. After suffering a few months' confinement, however, he was liberated on the occasion of the king's marriage. In July 1592, he was again arrested on a charge of 'papistrie,' but was again released. He renewed his treasonable correspondence with the Spanish Court, and in February 1593 was formally declared 'rebel.' On 3d October 1594 was fought the battle of Glenlivet, where,

¹ New Spalding Club, *Miscellany*, vol. i. p. 145.

² *Acta Parl.*, C. 141, vol. iii. p. 615.

³ *Reg. of Privy Council*, vol. v. pp. 54, 60-61, 78.

⁴ See p. 16, *supra*.

⁵ *Reg. of Privy Council*, vol. v. p. 146.

in conjunction with the Earl of Huntly, he defeated a royal army of 7000 men under the leadership of Argyll. The king advancing in person to oppose the insurgents, both leaders ultimately surrendered. They obtained permission to go abroad, where they remained in exile for two years. Errol subsequently regained the royal favour, and was one of the Commissioners nominated by Parliament to treat of a union with England, 11th July 1604. The remaining years of his life were spent in the administration of his vast estates, and in the exercise of a princely charity among the poor. As above stated, he acquired the lands of Urie in 1630. He died on 16th July 1631, leaving issue by his third wife, Elizabeth, daughter of the Earl of Morton—

WILLIAM, his successor.

XIII. WILLIAM, NINTH EARL OF ERROL, was educated in the Protestant religion. He was brought up at Court, and was in high favour with King Charles I., at whose coronation his personal expenditure as Constable was so great as to severely cripple the resources of the earldom. He continued to live in a style of lavish magnificence, which eventuated, in the first instance, in the sale of the old family estate of Errol, in the Carse of Gowrie, which had been in the possession of his ancestors from the time of William the Lion. Nor was this sacrifice in itself sufficient to relieve the pressure of his financial embarrassments. At his death, which took place on 13th December 1636, it was found that the affairs of the earldom were almost hopelessly involved. He married Ann Lyon, daughter of Patrick, eleventh Lord Glamis and first Earl of Kinghorn, by whom he had issue—

GILBERT, his successor.

XIV. GILBERT, TENTH EARL OF ERROL, was a mere child at the date of his succession. During his minority various expedients were resorted to by his curators to redeem the fortunes of the house. To this end, portions of the estate of Urie were from time to time disposed of, among which were the lands of Redcloak and Finlayston, together with the greater part of the Overbarony, or Monquich, which last became the property of George Thomson, Clerk of the Sherifdom of Kincardine.¹ The remain-

¹ *Retours*, vol. i., *Kincardine*, 132. The portion of Monquich thus alienated consisted of the lands of *Balnagubs*, *Sauchenshaw*, *Old Hillock*, *Craigwells*, and *Netherley*. It appears to have remained in the possession of the heirs of George Thomson till 1748, when it was sold by James Thomson of Portlethen, advocate in Aberdeen, to William Chalmers, Commissary of His Majesty's stores at Gibraltar. In 1754 it again changed hands, being purchased from William Chalmers by Alexander Silver, a retired East India merchant, who built the present mansion-house of Netherley. † He died in 1797. His son, George

ing lands passed in wadset to John Forbes of Leslie, in whose possession they remained till 1647.¹ In that year it was found necessary still further to relieve the indebtedness of the earldom, and permission was obtained from Parliament to sell Urie, which was thereupon acquired by William, seventh Earl Marischal.² Gilbert, Earl of Errol, married Catherine, daughter of James, Earl of Southesk, and died without issue in 1674.

- XV. JOHN FORBES, *wadsetter*, was second son of William Forbes of Monymusk and Lady Margaret Douglas, daughter of the ninth Earl of Angus. He had obtained the lands of Leslie in Aberdeenshire in 1620, and ten years later secured the proprietorship of the estate of Banchory, in the parish of Banchory-Devenick.³ A Presbyterian and a zealous supporter of the Covenant, he drew down upon himself the vengeance of Montrose, who, in March 1645, having first sacked the town of Stonehaven, and spoiled the Earl Marischal's lands of Dunnottar and Fetteresso, plundered the whole lands of Urie, burning the ancient fortalice of the Hays, and utterly wasting all that it contained.⁴ Forbes, whose wadset on the lands of Urie was redeemed by Earl Marischal in 1647, married Jean Leslie, sister of Patrick, second Lord Lindores. He died in 1663.⁵

- XVI. WILLIAM SEVENTH EARL MARISCHAL, succeeded to the earldom on the death of his father in 1635. He was a Presbyterian, and adhered to the Covenanting party till the surrender of King Charles I. in 1646. Henceforward he became an ardent Royalist. Raising a troop of horse at his own expense, he marched with them into England in 1648, and was present at the battle of Preston, where he narrowly escaped being taken prisoner. He subsequently entertained Charles II. at Dunnottar Castle in 1650, and would have accompanied him to England, had he not been appointed, along with the Earls of Crawford and Glencairn, to remain at home in charge of the kingdom.

Silver, acquired from Robert Barclay Allardice of Urie (*see* No. XXII. *infra*), the remaining portion of Monquich, conform to a disposition dated 1st October 1816. He died in 1841, and was succeeded by his son, also named George, who was resident in Madeira. The latter dying without issue in 1844, his brother James, who succeeded, sold the estate nine years later to Horatio Ross of Rossie. Monquich, now known as Netherley, was purchased from Mr. Ross by William Nathaniel Forbes of Auchernach, the present proprietor, in 1863.—*Notes on the Titles of Netherley*, in the possession of W. N. Forbes, Esq.

¹ *Acta Parl.*, C. 85, vol. viii. p. 532.

² *Ibid.*, C. 339, vol. vii. p. 762.

³ Henderson's *History of Banchory-Devenick*, p. 14.

⁴ Spalding's *Memorials of the Troubles in Scotland*, vol. ii. p. 460.

⁵ *Retours*, vol. ii., *Inquis. Generales*, 4749.

After the defeat at Worcester, he was attainted by the Cromwellian Parliament, and having been surprised at Elliot, in Angus, by a strong party of English horse, was conveyed to London and imprisoned in the Tower. There he remained till the Restoration. As above mentioned, Earl Marischal purchased Urie in 1647. In the following year he disposed of it by sale, along with various lands in the parish of Dunnottar, to Colonel David Barclay, son of David Barclay of Mearns and Mathers.¹ In recompence for his great merits and sufferings in the royal cause, he was appointed a Privy Councillor by Charles II. in 1660, and shortly afterwards was made Lord Privy Seal, which office he retained till his death in 1661. He had married Elizabeth Seton, daughter of George, Earl of Winton, but, having no male issue, was succeeded in the earldom of Marischal by his brother.

XVII. COLONEL DAVID BARCLAY was born at Kirktonhill, in the parish of Marykirk, in 1610, and married in 1647 Katherine, daughter of Sir Robert Gordon of Gordonston, second son of the Earl of Sutherland. In his youth he served under Gustavus Adolphus, and was present at the battle of Lutzen in November 1632. Returning to this country on the outbreak of the civil wars, he allied himself with the Covenanting Party, and did good service in the field on its behalf. His purchase of Urie in 1648 was so far unfortunate. Having failed to complete his titles before the forfeiture of the Earl Marischal, he was denied admission to the lands on the plea that they had fallen to the State. He thereupon applied himself to obtain a seat in the Cromwellian Parliament as an only means of vindicating his rights. He was elected member for Sutherlandshire in 1653, and for the shires of Forfar and Kin-cardine in 1654, and again in 1656. In 1654 he was appointed a Trustee on the Confiscated Estates in Scotland,² a distinction for which he afterwards suffered at the hands of Charles II. by imprisonment in Edinburgh Castle. It was while in prison on this occasion that he was induced to embrace the doctrines of the Society of Friends, through the influence of Judge Swinton. Having obtained his freedom in 1666, he retired to Urie, where he afterwards continued to reside. On 13th August 1679 Colonel Barclay obtained from the king a formal charter erecting his lands, which he had purchased from the Earl Marischal twenty years previously, into 'ane haill and free Barony, called the Barony of Urie.'³ He built the 'Old

¹ Barclay's *Genealogical Account of the Barclays of Urie*, Ed. 1812, p. 20.

² *Acta Parl.* vol. vi. 2, p. 821 a.

³ *Ibid.*, C. 85, vol. VIII. p. 531.

House of Urie' (see Frontispiece), and dying on 12th October 1686, left issue—

1. ROBERT, his successor.
11. JOHN, married in New Jersey, and had issue ; died in 1731.
111. DAVID, died unmarried in 1685.
- 1V. LUCY, died unmarried.
- V. JEAN, married Sir Evan Cameron of Lochiel.

XVIII. ROBERT BARCLAY was born at Gordonston, in Morayshire, on 23d October 1648, and was educated at the Scots College, Paris, of which his uncle, Robert Barclay, was rector. He returned to Scotland in 1664, and three years later joined the Society of Friends, which found in him its most devoted champion and ablest advocate. He married in 1670 Christian (died February 1725), daughter of Gilbert Mollison, merchant in Aberdeen. In the same year appeared the first of his published works, a pamphlet in vindication of the religious tenets of the Quakers, entitled *Truth Cleared of Calumnies*. His famous *Apology for the Quakers* was published in Amsterdam in 1675. From November 1676 till April 1677 he was imprisoned in Aberdeen, at the instance of the clergy, during which time he occupied himself in the composition of his treatise on *Universal Love*, a remonstrance against the criminality of war. *A Vindication of the Apology* appeared in 1679, followed in the same year by *The Anarchy of the Ranters*, in which latter work he laboured to defend the Quakers from the charge of superstition on the one hand and fanaticism on the other.¹ In 1681 he became one of a syndicate for the purchase of the American Province New Caesarea or New Jersey, as it eventually came to be called, lying between the Delaware and the Hudson. A year later he was appointed nominal life-governor of the Province by the proprietors. The remainder of his life was chiefly spent in laborious efforts to further the interests of this Colony. He died on 3d October 1690, and left issue—

1. ROBERT, his successor.
11. DAVID, settled in London. He married (1) Anne, daughter of James Taylor, draper in London, and (2) Priscilla, daughter of John Freame, banker. He entered the Mercantile Profession, and had the honour of entertaining the first three Hanoverian Monarchs on Lord Mayor's Day, at his residence in Cheapside.²

¹ For a complete list of the writings of Robert Barclay, the Apologist, see Anderson's *Scottish Nation*, vol. i. p. 245.

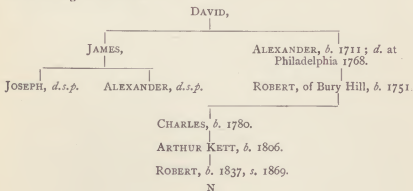
² David Barclay is ancestor of the present Robert Barclay, Esq., of Bury Hill, Dorking, in whose possession is the original ms. of the *Court Book of the*

- III. JOHN, resident in Dublin, married Anne, daughter of Amos Stretell, merchant.
- IV. PATIENCE, married Timothy Forbes, son of Alexander Forbes of Aquorthies.
- V. CATHERINE, married James Forbes, brother of the preceding.
- VI. CHRISTIAN, married, in 1699, Alexander Jaffray of Kingswells, and died in 1751.
- VII. JEAN, married Alexander Forbes, merchant, London, son of John Forbes of Aquorthies.

XIX. ROBERT BARCLAY was born on 25th March 1672, and succeeded his father in 1690. He resigned the Dunnottar portions of the Barony to the Earl Marischal prior to 1715, and having acquired the lands of Finlayston and Redeloak, which had been alienated during the minority of Gilbert, Earl of Errol (see No. XIV. *supra*), he in 1722 executed a deed of entail over the estates. He published in 1740 *A Genealogical Account of the Barclays of Urie*. He died 27th March 1747. By his wife Elizabeth, daughter of James O'Brian, merchant in London, he left issue—

- I. ROBERT, his successor.
- II. DAVID was born in 1728. He married Margaret, daughter of John Pardoe, merchant, Worcester, and died 30th May 1809.
- III. JOHN, died unmarried.
- IV. MOLLISON, married John, son of John Doubleday of Alnwick Abbey, in Northumberland.
- V. ELIZABETH, married Sir William Ogilvy, Bart., of Barras.
- VI. CATHERINE.

Barony of Urie, and to whose courtesy in permitting it to be printed the Society is indebted for this volume. Mr. Barclay is heir-male of the Barclays of Urie. The following is his descent—



XX. ROBERT BARCLAY, known as 'Robert the Strong,' was born 20th July 1699, succeeded his father in 1747, and died 10th October 1760. He is accredited with having had friendly leanings towards the Jacobites, but if so, was careful not to commit himself in '45. He married Une, daughter of Sir Evan Cameron of Lochiel, and had issue—

I. ROBERT, his successor.

II. EVAN, unmarried.

III. ALEXANDER, unmarried.

IV. DAVID, unmarried, killed at taking of Martinique in 1762.

V. JANE, born in 1726, and died unmarried in 1750.

XXI. ROBERT BARCLAY-ALLARDICE, the distinguished agriculturist, was born in 1731, and died 7th April 1797. He was educated at the University of Aberdeen, and afterwards studied farming in Norfolkshire. He succeeded to the estates in 1760, and eight years later began his experiments in scientific farming.¹ In 1788 he was elected member of Parliament for Kincardineshire, and continued to represent the county till his death in 1797. The New Town of Stonehaven was founded by him in 1795, encouragement to build upon what was then known as the *Links of Arduthie*, being afforded in the granting of feu-charters on liberal terms. He married—

(1) Lucy, daughter of David Barclay, by whom he had issue—

LUCY, married Samuel Galton of Duddeston House, Warwick.

(2) Sarah-Anne, only daughter and heiress of James Allardice of Allardice, who in 1785 was served nearest lawful heir-portioner of William, last Earl of Airth and Menteith, and had issue—

I. ROBERT, his successor.

II. JAMES ALLARDICE, born in 1784, died at Ceylon, unmarried, in 1803.

III. DAVID STUART, born in 1786, was Major in the 28th Regiment of Foot, and died unmarried at Otranto, in Italy, in 1826.

IV. RODNEY, born in 1782, and died unmarried in 1853.

V. ANNE, born 13th September 1777, and died unmarried on 29th October 1782.

VI. UNE CAMERON, born in 1778, married John Innes of Cowie, and died September 1809.

VII. MARY, born in 1780, died unmarried in 1799.

VIII. MARGARET, married Hudson Gurney of Keswick.

¹ For particulars as to Mr. Barclay's agricultural improvements, see *British Biographical Dictionary*; old *Statistical Account*, vol. xii. p. 597; Pennant's *Tour in Scotland*, vol. iii. p. 148; Donaldson's *General View of the Agriculture of Kincardine*, p. 17.

XXII. CAPTAIN ROBERT BARCLAY-ALLARDICE was born in 1779, and was educated in England, studying for a time at the University of Cambridge. As heir-general and of line of William, first Earl of Airth, he unsuccessfully claimed the Earldoms of Strathearn, Menteith, and Airth. He entered the army and served, as aide-de-camp to the Marquis of Huntly, in the ill-fated Walcheren expedition, sent to the coast of the Netherlands in 1809, to aid Austria in her struggle against Napoleon I. Subsequently abandoning the military profession, he betook himself to farming and cattle-rearing. In 1822 was formed the once famous Urie Herd of Shorthorns, which did much to improve the breed of cattle in the district. He is now chiefly remembered for his pedestrian achievements. His great feat of walking 1000 miles in 1000 consecutive hours took place at Newmarket in June and July of 1809.¹ The deed of entail executed by his great-grandfather (see No. XIX. *supra*) having been proved faulty, he sold to George Silver of Netherley the lands of Monquich, etc., in 1816.² At his death, which happened in 1854, the remainder of the Barony of Urie passed from the family of Barclay, being purchased by Mr. Baird of Gartsherrie. Captain Barclay married in 1819 Mary Dalgarno, and had issue—

1. MARGARET, who assumed by Royal Licence, 2d July 1833, for herself and her heirs, the surnames and arms of Barclay-Allardice. She married—

(1) in 1840, Samuel Ritchie, by whom she had issue—

1. ROBERT, her heir.

2. SAMUEL FREDERICK, died unmarried in 1862.

3. DAVID STUART, married in 1868 Fannie Foster, daughter of Edwin S. Elliott of West Brattleboro, Vermont, U.S., and has issue—

1. ROBERT, *b.* 1869.

2. ELLIOT RITCHIE, *b.* 1873.

3. DAVID GRAHAM, *b.* 1877.

4. CLINTON, *b.* 1882.

5. MARGARET ANNA.

6. AUGUSTA STANDISH.

7. AMELIA.

4. MARY HAY, died in 1849.

(2) in 1854, James Tanner, and had issue—

AUGUSTA GRAHAM, died, unmarried, in 1874.

XXIII. ALEXANDER BAIRD, a member of the celebrated firm of iron-masters, the Messrs. Baird of Gartsherrie, Lanarkshire, pur-

¹ See Thom's *Pedestrianism* (1813).
Notes on the Titles of Netherley.

chased the Barony of Urie, as above stated, on the death of Captain Barclay-Allardice in 1854. He built the present House of Urie in 1855, on the site of the old 'Manor Place' of the Barclays. He died without issue in 1862.

XXIV. JOHN BAIRD OF LOCHWOOD succeeded to the Barony of Urie on the death of his brother, Alexander Baird (see No. XXIII. *supra*) in 1862. He married Margaret, daughter of John Finlay of Springhill, and died in 1870, leaving issue—

I. ALEXANDER, who succeeded to Urie.

II. JOHN of Lochwood and Knoydart.

III. JANET, married Colonel Chalmer.

XXV. ALEXANDER BAIRD OF URIE succeeded his father in 1870.

He purchased the estate of Rickarton, which, previous to the forfeiture of George, tenth Earl Marischal, had formed part of the Barony of Fetteresso, on the death of Captain Rickart-Hepburn in 1874. Mr. Baird, who has travelled much, is an accomplished Oriental scholar, his acquirements in this respect being recognised by Sir Richard Burton, who, in dedicating to him the ninth volume of his *Thousand Nights and a Night*, says, 'Your long residence in Egypt, and your extensive acquaintance with its "politic," private and public, make you a thoroughly competent judge of the merits and demerits of this volume; and encourage me to hope that in reading it you will take something of the pleasure I have had in writing it.' On the outbreak of famine in Upper Egypt in 1879, Mr. Baird, who was then resident in Cairo, was intrusted with the relief of the starving populations in the Provinces of Girgeh, Kenneh, and Esneh. In a report which he subsequently presented to the Egyptian Government, he contended that the distress under which the people suffered was 'a money famine,' due to over-taxation, and suggested various reforms in the interest of the *fellahs*, all of which have since been carried into effect. For his services in this crisis he received the thanks of the Egyptian Government, and was invested by the Khedive with the Order of the Osmanie. Mr. Baird succeeded the late Sir Thomas Gladstone, Bart., of Fasque, as Lord-Lieutenant of the County of Kincardine in 1890. He married in 1873, the Honourable Annette Maria (died 21st May 1884), elder daughter of Lawrence Vaughan Palk, first Lord Haldon, and has issue—

I. JOHN LAWRENCE, his heir.

II. EVELYN.

III. ALEXANDER WALTER FREDERIC.

IV. NORAH.

V. NINA.

VI. MURIEL JANE.

GLOSSARY

ACT, *instrument.*
 Allegance, Alledgeins, *allegation.*
 Allenerlie, *only.*
 Amerciament, *a fine.*
 Amerciat, *to fine.*
 Appone, *to appose.*
 Assedatioun, *a lease.*
 Assertaining, *fixing, apportioning.*
 Assythment, *compensation.*
 Astrickit, *bound, engaged.*
 Attour, *beyond, in addition to.*

BANNOCK, *one of the duties exacted at a mill.*
 Barley-men, *members of a Court of Burlaw.*
 Bauk, *a ridge.*
 Be others, *more than others.*
 Beddell, *a bedeman, a beggar.*
 Befor, *for.*
 Beit, *to mend.*
 Bestiall, *live stock.*
 Beyndis, *boundaries.*
 Bigging, *a house.*
 Binty, *covered with bent grass.*
 Birk, *the birch-tree.*
 Boll, *a dry measure.*
 Brack, *to fail, to break.*
 Brew-lauche, *the privilege of brewing.*
 Brosteris, *brewers.*
 But, *without.*
 Butt, *a small disjoined portion of land.*
 Bygaine, *past.*
 Byganes, *past offences.*
 By past, *past.*
 Byrune, *past.*
 By which, *whereupon.*

CALSE, *causeway.*
 Campesce, *to restrain.*
 Cast, *to dig, to cut.*
 Chapelandrie, *chapel lands.*
 Clew, *a ball of thread.*
 Coff, *to buy.*
 Coft, *bought.*
 Collis, *coals.*
 Collude, *to have collusion with.*
 Common, *to have dealings with.*
 Compone, *to come to an agreement.*
 Compryse, *to seize, to arrest.*
 Concord, *to unite.*
 Concurse, *concurrence, co-operation.*
 Condescend, *to agree.*
 Contravert, *to dispute.*
 Contumassie, *contumacious.*
 Cotter, *one who inhabits a cot or cottage.*
 Cowmond, *common.*
 Cowmountie, *a common.*
 Creill, *a basket made of osiers.*
 Creischie, *cris, chreese, tallow.*

DACKER, *to search for stolen goods.*
 Daik, dyik, *a wall.*
 Darseing, *sowing.*
 Decerniture, *a decree of Court.*
 Depoition, *deposition.*
 Designe, *to mark out.*
 Detfull, *due.*
 Dilete, *to legally accuse.*
 Dilict, *a misdemeanour, a petty crime.*
 Ding, *to beat, to strike.*
 Dischairing, *prohibiting.*
 Dispatched, *driven out of.*
 Dispone, *to convey to another.*

- Dittay, *an indictment.*
 Dogg, *a lever used by blacksmiths in hooping cart wheels.*
 Ducat, dowcat, *a dove-cot.*
 Dust, *the beard of the grain produced by taking off the outerrind.*
 EAR, *to plough, to till.*
 Effeirs, *it behoves.*
 Eldyng, *fuel of any kind.*
 Ell, elne, *a Scotch measure containing thirty-seven inches.*
 Entres, *interest, concern.*
 Extend, *to assess, to value.*
 FACE, *an edge.*
 Failze, *failure, a penalty.*
 Fair, *thorough, complete.*
 Farres, *ridges.*
 Feall, fail, *turf.*
 Fermoreis, *payers of ferme, farmers.*
 Fiar, *one who has the reversion of property.*
 Firlot, *the fourth part of a boll.*
 Flaughter-spade, *an instrument for casting turfs.*
 Flit, *to remove from one's house.*
 Fra, *from.*
 Fremen, *fishermen.*
 Frenzie, *a fringe.*
 Froster, *a forester.*
 Furr, *a furrow.*
 Furth, furthe, *abroad, manifest.*
 GAITING, *making one's way.*
 Gaitte, *a road.*
 Gatherings, *gleanings.*
 Geir, geyr, *goods, effects.*
 Girne, *a snare.*
 Gowpin, *a handful; one of the duties exacted at a mill.*
 Gradually, *proportionally.*
 Greatt balzie, *chief bailie.*
 Gresman, *the tenant of a cottage who has no land attached to it.*
 Grinter-man, grintall-man, *the keeper of the laird's granary.*
 Guidis, *live stock.*
 Guidman, *a small proprietor.*
 Guidsir, *a grandfather.*
 Gyff, *if.*
 HALUMES, *All-hallows.*
 Handie-grips, *close grappling.*
 Haining, *an enclosure which is neither cut nor pastured.*
 Hedrowmis, *the outer boundaries of a feu or toft.*
 Heirfor, *therefore, wherefore.*
 Helping, *repairing.*
 Hiecher, *higher.*
 Hog, *a sheep of a year old.*
 Holt, *oxen.*
 Husbandman, *a farmer.*
 Hwill, *a small skiff.*
 Hyreman, *a male servant who works for wages.*
 ILK, *each.*
 Impasche, *to hinder.*
 Inconsiderate, *of little consequence.*
 Indweller, *a resident.*
 Intent, *to prosecute.*
 Intromett, *to intermeddle.*
 Introvussion, *alienation.*
 Instruct, *to prove clearly.*
 Invade, *to attack.*
 JOIS, *to possess.*
 KAIL, keall, keyll, *colewort.*
 Keains, *customs paid in poultry and eggs.*
 Keilling, *a large codfish.*
 Keip, *to heed, to watch.*
 Keippeythe, *a boat's crew.*
 Knawshipe, *one of the duties exacted at a mill.*
 LAID, *a mill-race.*
 Lairis, *places on which peats are spread to dry.*
 Lambes, Lammas, *the first of August.*

Larache, *the site of a building.*
 Latch, *a bog, a marsh.*
 Laubor, *to till, to cultivate.*
 Lauboring, *tillage, a farm.*
 Laufull, *law-abiding.*
 Lede, leyd, *to cart.*
 Leitt, *a load.*
 Lesum, *lawful.*
 Lippie, *the fourth part of a peck.*
 Loak, loke, *a handful; one of the duties exacted at a mill.*
 Loip, *to overleap.*
 Lykas, lykwayis, *likewise.*
 Lyne-man, *a white fisher.*

MAINES, *the farm attached to a mansion-house.*
 Maill, *rent.*
 Maistlie, *especially.*
 Malicious, *troublesome.*
 Manse, *a manor house.*
 Meaneis, *common lands.*
 Meit, *meal.*
 Mell, *to meddle.*
 Merchant, *marketable.*
 Merk, *a silver coin, equal in value to thirteen shillings and fourpence.*
 Metteing, *measuring.*
 Midding, *a dung-heap.*
 Milne swyne, *swine fed on a mill.*
 Moull, *the refuse of meal.*
 Mouter, multer, *a fee for grinding corn.*
 Mwir, *heath.*
 Mureburn, *the act of burning heath.*

NANE, *no, none.*
 Nor, *than.*
 Notour, *well-known, notorious.*

OBLEIS, *to bind to engage.*
 Obstraiking, *withdrawing.*
 Of before, *formerly.*
 Offend, *to injure.*

Onnawayis, *in no wise.*
 Or, *before, ere.*
 Otheris, *each other.*
 Our, *over.*
 Outbounds, *common pasturage.*
 Outlabour, *to exhaust by too much tillage.*
 Oylly, *oil.*

PAIRT, *to divide, to portion off.*
 Pas, *to pace, to measure.*
 Pasche, *Easter.*
 Patent, *ready.*
 Peck, *the fourth part of a firlot.*
 Peckcaman, pekaman, pickie-man, *a miller's servant.*
 Pencil, *a small piece of ground either depending on a large farm, or let separately by the owner.*
 Petitour, *one entitled to raise a petitory action.*
 Petpotteis, *holes from which peats have been dug.*
 Plaice, *a manor house.*
 Plee, *a dispute.*
 Posit, *interrogated.*
 Pott, *a hole whence peats have been dug; to make peat-holes.*
 Precept, *a summons.*
 Prejugit, *injured, deprived.*
 Preparative, *a precedent.*
 Pretend, *to set forth, to state.*
 Probablye, *clearly, certainly.*
 Procuratour, *solicitor.*
 Promit, *to promise.*
 Possession, *a holding.*
 Pundlar, *a distrainer.*

QUALIFYIT, *proven.*
 Quhair, *since, whereas.*
 Qubairanent, *concerning which.*
 Quhill, *until.*
 Quhyt, *wheat.*

REAPLIE, *riply, fully.*
 Recusantis, *refusing.*

- Red, redd, *to put in order, to clear.*
 Redigie, *to repair.*
 Reist, restand, *that remained due*
 Remanent, *other.*
 Remeid, *to remedy.*
 Rest, *to be indebted to any one; balance due.*
 Ribb, *to half plough. To plough in such a way as to throw the earth turned over upon an equal quantity of surface which remains undisturbed.*
 Roum, rowm, *a holding.*
 Rountrie, *the mountain ash.*
 Ruid-day, *the third of May, the day of the invention of the Cross.*
 Ryot, *a depredation.*
 Ryve out, *to plough lea land.*
- SARKING, *shirting.*
 Sauch, *a willow.*
 Scair, *miskap.*
 Schell, *to take off the husks of grain.*
 Schillingis, *grain freed from the husk.*
 Servitour, *a servant.*
 Set, sett, *a lease.*
 Sheir, *to reap corn.*
 Sheep rive, *pasture for sheep.*
 Sicht, *inspection; to inspect.*
 Sicklyk, *similarly*
 Sincerely, *honestly.*
 Smeddie, *a smith's workshop.*
 Smoutis, *salmon fry.*
 Spilling, *destroying.*
 Staig, *a young horse.*
 Stamp, *a trap.*
 Stouth, *theft.*
 Stryp, *a long narrow plantation.*
 Stuff, *grain of any kind.*
 Subscryve, *to sign.*
 Suckin, *the jurisdiction attached to a mill.*
- Suffer, *to delay.*
 Swa, *so.*
- TACK, *a lease.*
 Tallown, Tallowne, *tallow.*
 Taxisman, tacksman, *a tenant.*
 Tensell, *forfeiture.*
 Tempper, *to adjust.*
 Thankfull, *legally sufficient.*
 The morne, *to-morrow.*
 The piece, *each.*
 Thirl, *to bind by the terms of a lease, or otherwise to grind at a certain mill.*
 Thojll, *to bear, to undergo.*
 Toft, *a portion of land sufficient for a house and garden, a feu or plot.*
 Tollerans, *permission.*
 Tor, *an eminence, a hill.*
 Toume, *a place into which rubbish or manure is emptied.*
 Towne, *a farm steading.*
 Trawaill, *labour.*
 Turris, *turf.*
- ULIE, *oil.*
 Underlie, *to be subjected to, to undergo.*
 Unlaw, *a fine; to fine.*
 Unlikely, *an offence.*
- VEICE, *stead.*
 Visie, *to examine.*
 Vistage, *remains, ruins.*
- WALLOUR, *value.*
 Walk, *to watch.*
 Want, *to lack, to miss.*
 Warn, *to summon.*
 Wictuall, *grain of any kind.*
 Win, wine, *to dry.*
 Wmquhill, *late, deceased.*
 Wyises, *trusses.*
 Ward, *a small piece of enclosed pasture ground.*
- YAIRD, *a garden.*

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 Murray, Rev. Allan F., M.A., Free Church Manse, Torphichen, Bathgate.
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- 290 OLIVER, JAMES, Thornwood, Hawick.
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- Paton, Henry, M.A., 15 Myrtle Terrace, Edinburgh.
 Patrick, David, 339 High Street, Edinburgh.
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 Paul, Rev. Robert, F.S.A. Scot., Dollar.
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- Pillans, Hugh H., 12 Dryden Place, Edinburgh.
- 300 Pollock, Hugh, 25 Carlton Place, Glasgow.
 Prentice, A. R., 18 Kilblain Street, Greenock.
 Pullar, Robert, Tayside, Perth.
 Purves, A. P., W.S., Esk Tower, Lasswade.
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 310 Renwick, Robert, Depute Town-Clerk, City Chambers, Glasgow.
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 Robertson, D. Argyll, M.D., 18 Charlotte Square, Edinburgh.
 Robertson, J. Stewart, W.S., Edradynate, Ballinluig.
 Robertson, John, Elmslea, Dundee.
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 Rogerson, John J., LL.B., Merchiston Castle, Edinburgh.
 320 Rosebery, The Earl of, LL.D., Dalmeny Park, Linlithgowshire.
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 Ross, Rev. William, LL.D., 7 Grange Terrace, Edinburgh.
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 Russell, John, 7 Seton Place, Edinburgh.
- SCOTT, JOHN, C.B., Seafield, Greenock.
 Shaw, David, W.S., 1 Thistle Court, Edinburgh.
 Scott, Rev. Archibald, D.D., 16 Rothesay Place, Edinburgh.
 Shaw, Rev. R. D., B.D., Auchencairn Manse, Hamilton.
 Shaw, Thomas, Advocate, 17 Abercromby Place, Edinburgh.
 330 Shiell, John, 5 Bank Street, Dundee.
 Simpson, Prof. A. R., 52 Queen Street, Edinburgh.
 Simpson, Sir W. G., Bart., Stoneshiel Hall, Reston, Berwick-
 shire.
 Simson, D. J., Advocate, 3 Glenfinlas Street, Edinburgh.
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 Skinner, William, W.S., 35 George Square, Edinburgh.

- Smart, William, M.A., Nunholm, Dowanhill, Glasgow.
 Smith, G. Gregory, M.A., 9 Warrender Park Cres., Edinburgh.
 340 Smith, Rev. G. Mure, 6 Clarendon Place, Stirling.
 Smith, Rev. R. Nimmo, Manse of the First Charge, Haddington.
 Smith, Robert, 24 Meadowside, Dundee.
 Smythe, David M., Methven Castle, Perth.
 Sprott, Rev. Dr., The Manse, North Berwick.
 Stair, Earl of, Oxenfoord Castle, Dalkeith.
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 Stevenson, Rev. Robert, M.A., The Abbey, Dunfermline.
 Stevenson, T. G., 22 Frederick Street, Edinburgh.
 350 Stevenson, William, Towerbank, Lenzie, by Glasgow.
 Stewart, Major-General Shaw, 61 Lancaster Gate, London, W.
 Stewart, James R., 31 George Square, Edinburgh.
 Stewart, R. K., Murdostoun Castle, Newmains, Lanarkshire.
 Stewart, Prof. T. Grainger, M.D., 19 Charlotte Sq., Edinburgh.
 Stirling, Major C. C. Graham, Craigbarnet, Haughhead of
 Campsie, Glasgow.
 Strathallan, Lord, Carlton Club, Pall Mall, London, S.W.
 Strathern, Robert, W.S., 12 South Charlotte St., Edinburgh.
 Strathmore, Earl of, Glamis Castle, Glamis.
 Stuart, Surgeon-Major G. B., 7 Carlton Street, Edinburgh.
 360 Sturrock, James S., W.S., 110 George Street, Edinburgh.
 Sutherland, James B., S.S.C., 10 Windsor Street, Edinburgh.
- TAYLOR, BENJAMIN, 10 Derby Crescent, Kelvinside, Glasgow.
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 Tennant, Sir Charles, Bart., The Glen, Innerleithen.
 Thoms, George H. M., Advocate, 13 Charlotte Sq., Edinburgh.
 Thomson, John Comrie, Advocate, 30 Moray Place, Edinburgh.
 Thomson, Rev. John Henderson, Free Church Manse,
 Hightae, by Lockerbie.
 Thomson, John Maitland, Advocate, 10 Wemyss Pl., Edinburgh.

- 370 Thomson, Lockhart, S.S.C., 114 George Street, Edinburgh.
 Thorburn, Robert Macfie, Uddevalla, Sweden.
 Trail, John A., W.S., 30 Drummond Place, Edinburgh.
 Trayner, The Hon. Lord, 27 Moray Place, Edinburgh.
 Tuke, John Batty, M.D., 20 Charlotte Square, Edinburgh.
 Turnbull, John, W.S., 49 George Square, Edinburgh.
 Tweeddale, Mrs., Milton Hall, Milton, Cambridge.
 Tweeddale, Marquis of, Yester, Gifford, Haddington.
- UNDERHILL, CHARLES E., M.D., 8 Coates Crescent, Edinburgh.
- VEITCH, Professor, LL.D., 4 The College, Glasgow.
- 380 WADDEL, ALEXANDER, Royal Bank, Calton, Glasgow.
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 Walker, James, Hanley Lodge, Corstorphine.
 Walker, Robert, M.A., University Library, Aberdeen.
 Wannop, Rev. Canon, Parsonage, Haddington.
 Watson, D., Hillside Cottage, Hawick.
 Watson, James, Myskyns, Ticehurst, Hawkhurst.
 Waugh, Alexander, National Bank, Newton-Stewart, N.B.
 Weld-French, A. D., Union Club, Boston, U.S.
 Will, J. C. Ogilvie, M.D., 379 Union Street, Aberdeen.
- 390 Wilson, Rev. J. Skinner, 4 Duke Street, Edinburgh.
 Wilson, John J., Clydesdale Bank, Penicuik.
 Wilson, Robert, Procurator-Fiscal, County Buildings, Hamilton.
 Wood, Mrs. Christina S., Woodburn, Galashiels.
 Wood, Prof. J. P., W.S., 16 Buckingham Terrace, Edinburgh.
 Wood, W. A., C.A., 11 Clarendon Crescent, Edinburgh.
 Wordie, John, 49 West Nile Street, Glasgow.
- YOUNG, DAVID, Town Clerk, Paisley.
 Young, A. J., Advocate, 60 Great King Street, Edinburgh.
 Young, J. W., W.S., 22 Royal Circus, Edinburgh.
- 400 Young, William Laurence, Solicitor, Auchterarder.

PUBLIC LIBRARIES.

- Aberdeen Free Public Library.
 Aberdeen University Library.
 All Souls' College, Oxford.
 Antiquaries, Society of, Edinburgh.
 Baillie's Institution Free Library, 48 Miller St., Glasgow.
 Berlin Royal Library.
 Bodleian Library, Oxford.
 Boston Athenæum.
 Boston Public Library.
 10 British Museum.
 Cambridge University Library.
 Copenhagen (Bibliothèque Royale).
 Dollar Institution.
 Dundee Free Library.
 Edinburgh Public Library.
 Edinburgh University Library.
 Free Church College Library, Edinburgh.
 Free Church College Library, Glasgow.
 Glasgow University Library.
 20 Gray's Inn, Hon. Society of, London.
 Harvard College Library, Cambridge, Mass.
 Leeds Subscription Library.
 London Corporation Library, Guildhall.
 London Library, 12 St. James Square.
 Manchester Public Free Library.
 Mitchell Library, Glasgow.
 National Liberal Club, London.
 National Library of Ireland.
 Nottingham Free Public Library.
 30 Ottawa Parliamentary Library.
 Paisley Philosophical Institution.
 Philosophical Institution, Edinburgh.
 Procurators, Faculty of, Glasgow.
 Royal College of Physicians, Edinburgh.
 St. Andrews University Library.
 Sheffield Free Public Library.
 Signet Library, Edinburgh.
 Solicitors, Society of, before the Supreme Court, Edinburgh.
 Speculative Society, Edinburgh.
 40 Stonyhurst College, Blackburn, Lancashire.
 Sydney Free Library.
 Vienna, Library of the R. I. University.

REPORT OF THE
FOURTH ANNUAL MEETING
OF THE
SCOTTISH HISTORY SOCIETY

THE Fourth Annual Meeting of the Scottish History Society was held in Dowells' Rooms, Edinburgh, October 28, 1890—Professor Masson in the chair.

The Secretary submitted the report of the Council as follows:—

The Council has to announce with regret the death of ten members of the Society during the past twelve months. Among the deaths there should be specially mentioned that of Mr. J. J. Reid, the honorary treasurer of the Society; and that of Mr. George Burnett, late Lyon King of Arms, a member of the Council. Seven members have resigned; but, after filling up the vacancies, there still remain nineteen names on the list of applicants for admission. Mr. J. T. Clark has, on the invitation of the Council, kindly undertaken to act as interim honorary treasurer, in the place of the late Mr. Reid; and the Council now proposes to the Society the ratification of his appointment to that office. It is also proposed to confirm the appointment of Mr. T. G. Murray, W.S., and Mr. James Ferguson, advocate, to the vacant places in the Council.

Three volumes have, within the past week, been issued to members. Of these, one only, *The Book of Glamis*, edited by Mr. A. H. Millar, properly belongs to the issue of the year 1889-90; for the second part of the *Register of the St. Andrews Kirk-Session* was due to the preceding year; and *The List of Rebels* is an extra volume, a gift for which the Society has to thank Lord Rosebery, the president. The second volume promised for this year's issue, viz., Mr. Constable's translation of *Major's History*, is, however, completed, and a few sheets of the text have already been set in type; but the work of revising and annotating this important volume, which will extend to about 500 pages, must proceed carefully and slowly.

But if the Council is behindhand with regard to this volume, the Society will take into account the fact that the executive has far exceeded its promise in the total quantity of matter issued during the past four years. The Council undertook at the outset to supply to members 640 printed pages annually. Actually the seven volumes already issued, excluding *The List of Rebels*, give 2865 pages, or 240 pages in excess of the stipulated amount. If we include *The List of Rebels*, we have had up to this date 680 pages, or roughly estimated the equivalent of two volumes over and above our bargain without reckoning *Major's History*, which is due.

Good progress has been made with several of the works in contemplation. It is proposed to issue in the course of next year, 1890-91, the first portion of the *Records of the Commission of the General Assembly*. Matter sufficient for one volume has already been transcribed by Mr. Henry Paton, and is ready to go to press. It will include the 'Acts and Proceedings of the Commission of the General Assembly holden in Edinburgh,' from June 1646 to August 1647. It will be edited by Dr. Christie, and furnished with a preface by Professor Mitchell of St. Andrews. The companion volume for the year, *The Diary of Sir John Clerk of Penicuik*, has

also been transcribed, and is now in the hands of Mr. J. M. Gray, the editor. *The Diary of Mr. Andrew Hay, 1659-60*, to be edited by Mr. A. G. Reid of Auchterarder, is in an advanced state of preparation. *The Court Book of the Barony of Urie* is also transcribed. The titles of other works in progress will be found in the list of announcements printed at the end of *The Book of Glamis*.

It will be seen by a reference to the accompanying abstract of the interim-treasurer's accounts that the income for the year has been £475, 10s., and expenditure £336, 3s. 10d., leaving a balance in favour of the Society of £139, 6s. 2d. It is, however, to be noted that from this balance the cost of the production of *Major's History* falls to be deducted. With regard to the reserve fund agreed to at the meeting of the Society held last year, the Council, understanding that this fund was not meant to be cumulative, have considered it right that the interest accruing thereon should form part of the annual income, and that the sum in reserve should stand at £300.

The Chairman proposed a special vote of thanks to Lord Rosebery for his generous gift of the volume—*The List of Rebels*—a gift not only valuable on its own account, but valuable also as one more proof of the active interest which Lord Rosebery, as President of the Society, had taken from the first in its affairs and its objects. Mr. Traquair Dickson, W.S., seconded the motion.

The Chairman, in moving the adoption of the Report, mentioned that the Society had in prospect a gift by Sheriff Thoms of a volume of documents giving a complete history of the Scottish Lord High-Admirals and Vice-Admirals, and a history of the Admiralty Court generally, with an introduction by himself. Mr. Goudie, Treasurer of the Society of Antiquaries, seconded the motion, which was adopted.

ABSTRACT OF THE TREASURER'S ACCOUNTS.

For Year to 1st November 1890.

CHARGE.	
Balance from last year,	£320 13 1
Less credited in error,	1 1 0
	£319 12 1
400 Subscriptions for 1889-90 at £1, 1s.,	420 0 0
36 Libraries at £1, 1s.,	37 16 0
Copies of previous issues sold to new members,	3 3 0
Interest on Bank Account and Deposit Receipts,	14 18 5
	£795 9 6

DISCHARGE.	
<i>I. Incidental Expenses—</i>	
Printing Circulars and Cards,	£2 16 6
„ Annual Report of Council,	1 6 6
„ Report of Third Annual Meeting,	1 13 6
„ Rules, etc.,	1 16 0
Stationery,	1 1 0
Making-up and delivering copies,	10 0 0
Postages of Secretary and Treasurer,	4 7 0
Clerical work,	3 1 6
Charges on C.	0 17 0
Hire of Room for Meeting,	0 5 0
	£27 4 0
<i>II. St. Andrews Register, Vol. II.—</i>	
Composition, Presswork, and Paper,	£147 18 7
Proofs and Corrections (including marginal and footnotes),	37 12 0
Copying mss., Lithographing, and Engraving,	7 19 0
	£193 9 7
Carry forward,	£27 4 0

Brought forward,	£193 9 7	£27 4 0
Binding and Back-lettering,	. 18 2 3	
Transcribing, 28 0 0	
	<u>£239 11 10</u>	
Less paid to account 1889,	. 45 9 0	194 2 10
	<u> </u>	

III. *Glamis Papers*—

Composition, Presswork, and Paper,	£58 15 9	
Proofs and Corrections,	6 12 0	
Collotype Reproductions,	9 15 0	
Binding and Back-lettering,	18 16 3	
	<u> </u>	93 19 0

IV. *Barony Court Book of Urie*—

Transcribing and Examining Papers,		15 18 6
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V. *Craig, De Unione*—

Transcribing,		5 0 0
		<u> </u>
Total Expenditure,	£336 4 4	

VI. *Balance to next Account*—

19 Subscriptions for 1889-90 in arrear,	£19 19 0	
Sum due by Bank of Scotland on Deposit Receipt,	£300 0 0	
Sum due by Bank of Scotland on Cur- rent Account,	141 8 2	
	<u> </u>	441 8 2
		<u> </u>
	£461 7 2	
Less 2 Subscriptions for 1890-91 paid in advance,	2 2 0	
	<u> </u>	459 5 2
		<u> </u>
Sum of Discharge,	£795 9 6	

EDINBURGH, 19th November 1890.—We have examined the Accounts of the Treasurer of the Scottish History Society for the

year ending 1st November 1890, and having compared them with the vouchers, we find them to be correct, closing with a balance in the Bank of Scotland of Four hundred and forty-one pounds, Eight shillings, and Two pence, Sterling, whereof Two Guineas are subscriptions paid in advance.

(Signed)

{ RALPH RICHARDSON.
{ WM. TRAQUAIR DICKSON.

Scottish History Society.

THE EXECUTIVE.

President.

THE EARL OF ROSEBERY, LL.D.

Chairman of Council.

DAVID MASSON, LL.D., Professor of English Literature,
Edinburgh University.

Council.

J. R. FINDLAY, Esq.

P. HUME BROWN, M.A.

G. GREGORY SMITH, M.A.

J. FERGUSON, Esq., Advocate.

Right Rev. JOHN DOWDEN, D.D., Bishop of Edinburgh.

ÆNEAS J. G. MACKAY, LL.D., Sheriff of Fife.

JOHN RUSSELL, Esq.

Sir ARTHUR MITCHELL, K.C.B., M.D., LL.D.

Rev. GEO. W. SPROTT, D.D.

Rev. A. W. CORNELIUS HALLEN.

W. F. SKENE, D.C.L., LL.D., Historiographer - Royal for
Scotland.

Colonel P. DODS.

Corresponding Members of the Council.

OSMUND AIRY, Esq., Birmingham; Professor GEORGE GRUB,
LL.D., Aberdeen; Rev. W. D. MACRAY, Oxford; Professor
A. F. MITCHELL, D.D., St. Andrews; Professor J. VEITCH,
LL.D., Glasgow; A. H. MILLAR, Esq., Dundee.

Hon. Treasurer.

J. T. CLARK, Keeper of the Advocates' Library.

Hon. Secretary.

T. G. LAW, Librarian, Signet Library.

R U L E S

1. THE object of the Society is the discovery and printing, under selected editorship, of unpublished documents illustrative of the civil, religious, and social history of Scotland. The Society will also undertake, in exceptional cases, to issue translations of printed works of a similar nature, which have not hitherto been accessible in English.

2. The number of Members of the Society shall be limited to 400.

3. The affairs of the Society shall be managed by a Council, consisting of a Chairman, Treasurer, Secretary, and twelve elected Members, five to make a quorum. Three of the twelve elected Members shall retire annually by ballot, but they shall be eligible for re-election.

4. The Annual Subscription to the Society shall be One Guinea. The publications of the Society shall not be delivered to any Member whose Subscription is in arrear, and no Member shall be permitted to receive more than one copy of the Society's publications.

5. The Society will undertake the issue of its own publications, *i.e.* without the intervention of a publisher or any other paid agent.

6. The Society will issue yearly two octavo volumes of about 320 pages each.

7. An Annual General Meeting of the Society shall be held on the last Tuesday in October.

8. Two stated Meetings of the Council shall be held each year, one on the last Tuesday of May, the other on the Tuesday preceding the day upon which the Annual General Meeting shall be held. The Secretary, on the request of three Members of the Council, shall call a special meeting of the Council.

9. Editors shall receive 20 copies of each volume they edit for the Society.

10. The owners of Manuscripts published by the Society will also be presented with a certain number of copies.

11. The Annual Balance-Sheet, Rules, and List of Members shall be printed.

12. No alteration shall be made in these Rules except at a General Meeting of the Society. A fortnight's notice of any alteration to be proposed shall be given to the Members of the Council.

PUBLICATIONS

For the year 1886-1887.

1. BISHOP POCOCKE'S TOURS IN SCOTLAND, 1747-1760. Edited by D. W. KEMP. (Oct. 1887.)
2. DIARY OF AND GENERAL EXPENDITURE BOOK OF WILLIAM CUNNINGHAM OF CRAIGENDS, 1673-1680. Edited by the Rev. JAMES DODDS, D.D. (Oct. 1887.)

For the year 1887-1888.

3. PANURGI PHILO-CABALLI SCOTI GRAMEIDOS LIBRI SEX.—THE GRAMEID: an heroic poem descriptive of the Campaign of Viscount Dundee in 1689, by JAMES PHILIP of Almerieclose. Translated and Edited by the Rev. A. D. MURDOCH. (Oct. 1888.)
4. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part I. 1559-1582. Edited by D. HAY FLEMING. (Feb. 1889.)

For the year 1888-1889.

5. DIARY OF THE REV. JOHN MILL, Minister of Dunrossness, Sandwick, and Cunningsburgh, in Shetland, 1740-1803. Edited by GILBERT GOUDIE, F.S.A. Scot. (June 1889.)
6. NARRATIVE OF MR. JAMES NIMMO, A COVENANTER, 1654-1709. Edited by W. G. SCOTT-MONCRIEFF, Advocate. (June 1889.)
7. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part II. 1583-1600. Edited by D. HAY FLEMING. (Aug. 1890.)

For the year 1889-1890.

8. A LIST OF PERSONS CONCERNED IN THE REBELLION (1745). With a Preface by the EARL OF ROSEBERY and Annotations by the Rev. WALTER MACLEOD. (Sept. 1890.)
Presented to the Society by the Earl of Rosebery.
9. GLAMIS PAPERS: The 'BOOK OF RECORD,' a Diary written by PATRICK, FIRST EARL OF STRATHMORE, and other documents relating to Glamis Castle (1684-89). Edited by A. H. MILLAR, F.S.A. Scot. (Sept. 1890.)
10. JOHN MAJOR'S HISTORY OF GREATER BRITAIN (1521). Translated and Edited by ARCHIBALD CONSTABLE, with a Life of the author by ÆNEAS J. G. MACKAY, Advocate. (Feb. 1892.)

For the year 1890-1891.

11. THE RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES, 1646-47. Edited by the Rev. Professor MITCHELL, D.D., and the Rev. JAMES CHRISTIE, D.D., with an Introduction by the former. (May 1892.)
12. COURT-BOOK OF THE BARONY OF URIE, 1604-1747. Edited by the Rev. D. G. BARRON, from a ms. in possession of Mr. R. BARCLAY of Dorking. (October 1892.)

To be issued for 1891-1892.

- THE JACOBITE RISING OF 1719. Letter Book of James, Second Duke of Ormonde, Nov. 4, 1718—Sept. 27, 1719. Edited by JOHN RUSSELL. (*In active progress.*)
- 'THE HISTORY OF MY LIFE, extracted from Journals I kept since I was twenty-six years of age, interspersed with short accounts of the most remarkable public affairs that happened in my time, especially such as I had some immediate concern in,' 1702-1754. By Sir JOHN CLERK OF PENICUIK, Baron of the Exchequer, Commissioner of the Union, etc. Edited from the original ms. in Penicuik House by J. M. GRAY. (*In active progress.*)

In preparation.

- THE DIARY OF ANDREW HAY OF STONE, NEAR BIGGAR, AFTERWARDS OF CRAIGNETHAN CASTLE, 1659-60. Edited by A. G. REID, F.S.A. Scot., from a manuscript in his possession.
- SIR THOMAS CRAIG'S DE UNIONE REGNORUM BRITANNIE. Edited, with an English Translation, from the unpublished manuscript in the Advocates' Library.
- THE DIARIES OR ACCOUNT BOOKS OF SIR JOHN FOULIS OF RAVELSTON, (1679-1707), and the ACCOUNT BOOK OF DAME HANNAH ERSKINE (1675-1699). Edited by the Rev. A. W. CORNELIUS HALLEN.
- PAPERS RELATING TO THE MILITARY GOVERNMENT OF SCOTLAND, AND THE CORRESPONDENCE OF ROBERT LILBURNE and GENERAL MONK, from 1653 to 1658. Edited by C. H. FIRTH.
- A SELECTION OF THE FORFEITED ESTATE PAPERS PRESERVED IN H.M. GENERAL REGISTER HOUSE.
- CONTINUATION OF THE RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES, 1648-1662.

In contemplation.

- DIARY OF COL. THE HON. JOHN ERSKINE OF CARNOCK, 1683-1687. From a ms. in possession of HENRY DAVID ERSKINE, Esq., of Cardross.

