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COLLECTIONS AND NOTES

HISTORICAL AND GENEALOGICAL

REGARDING THE

HERIOTS OF TRABROUN, SCOTLAND.

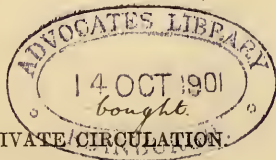
COMPILED FROM AUTHENTIC SOURCES

By G. W. B.,
R

AND REPRINTED FROM THE SUPPLEMENT TO THIRD EDITION OF
HISTORY OF HERIOT'S HOSPITAL.


"What is thy country? and of what people art thou?"—*Jonah*, I. 8.

"Rely upon it, the man who does not worthily estimate his own dead forefathers will himself do very little to add credit or honour to his country."—*Gladstone*.



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NOTE.

The following pages are the result of a search made chiefly among old records in Edinburgh. The Compiler regrets that circumstances have prevented him continuing his investigations and endeavouring to make the Collections and Notes as complete as he wished.

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Further information will be thankfully received by the Compiler Mr G. W. B., per Messrs Ogle & Murray, 49 South Bridge, Edinburgh.

EXPLANATION OF ABBREVIATIONS

A. D. A.,	.	.	.	Acta Dominorum Auditorum.
A. D. C.,	.	.	.	Acta Dominorum Concilii.
P. C. T.,	.	.	.	Pitcairn's Criminal Trials.
R. of D.,	.	.	.	Register of Deeds.
R. of P. C.,	.	.	.	Register of Privy Council.
R. of P. S.,	.	.	.	Register of Privy Seal.
R. of R.,	.	.	.	Register of Retours.

INTRODUCTION.

The derivation of the word "Heriot" is given in Jamieson's Scottish Dictionary (Longmuir's edition) thus:—"HERIOT: The fine exacted by a superior on the death of his tenant. From Anglo-Saxon *heregeat*, compounded of *here* exercitus and *geat-an*, reddere, erogare. This primarily signified the tribute given to the lord of the manor for his better preparation for war; but came at length to denote the best *aucht*, or beast of whatever kind, which a tenant died possessed of, due to his superior after death. It is therefore the same with the English forensic term *Heriot*. Here we have the meaning of the surname of George Heriot."

There is a parish, and a river in it, both of the name of Heriot, about twenty miles south-east of Edinburgh; also a small stream of the name in the parish of Cockburnspath, Berwickshire; but how the name came to be applied to any of them does not appear to be ascertained. Chalmers, in his "Caledonia," says—"The origin of the singular name of this parish is uncertain. Heriot, probably, is neither the original name of the water (river), nor a descriptive appellation of the place. . . . Heriet is the spelling in the ancient *Taxatio*;" and he states his opinion to be that the name is derived from *Hergeath* in the Anglo-Saxon, signifying "an invasion—a spoliation."

There is likewise "a very old artificial mound or embankment called Herit's Dyke¹ mentioned by Chalmers, and also in the statistical accounts of the parishes. It is supposed to have been erected by the Romanised *Ottadini*. Perhaps this dyke was not intended to be a military work; it may only have been a boundary fence separating one large district of country from another. This embankment, Chalmers says, had been, shortly before he wrote [1810] traced for fourteen miles, running in a south-east direction through the parishes of Greenlaw and Westruther."—D. Milne Home, F.S.A., in P. of S. of Antiq., 1870-72, vol. ix. p. 469.

¹ The Dyke is called *Herriot's* in the Statistical Account of the Parish of Greenlaw, and *Harit's* in that of Westruther. It may be noticed that Sir Walter Scott, in a note to his "Provincial Antiquities" (Edition 1853, p. 253) says—"The learned William Hamper, of Birmingham, has sufficiently proved that the word *Hare* or *Har* refers to a boundary."

INTRODUCTION.

The first notice believed to have been yet found of the name (or what is very likely the name), used as a surname, is that of "Willo de Heryt," who was a witness to a Charter granted by King William the Lion, prior to 1214,¹ and probably the surname was assumed from some connection with the parish or dyke above mentioned.²

In Wynton's "Orygnale Chronykil" of Scotland, completed about 1426, he states that John Gibson, "that wes gud man, and William Heryot, that wes then [1334] duelland in till the Barony" of Rothsay, isle of Bute, effected the escape of Robert, High Steward of Scotland, from Rothsay, whither he had fled from the English after the battle of Halidon Hill. The escape of the Steward, afterwards Robert II., proved to be one of the most important events in Scottish history. After his escape he rallied the Scots, and Tytler, the historian, says "He was the main instrument in defeating the designs of David the Second and Edward the Third when an English Prince was attempted to be imposed upon the nation."

By Charter, dated in 1423, Archibald Earl of Douglas conveyed the lands of Trabroun to John Heriot, son of James Heriot of Niddry-Marshall. This latter place is a few miles east of Edinburgh, and is said to have received its appellation "from the Wauchopes, who in ancient times were guardians of part of the south borders of Scotland, and hence were denominated Marshalls. By this means it was distinguished from Niddry in East Lothian, called Longniddry, and from Niddry-Seaton in West Lothian, which two centuries ago was the property of the Seatons. The Heriots were once proprietors of Niddry-Marshall, at least a part of it, for they had the title of Niddry-Marshall assigned to them."³

There does not appear to be any evidence extant of a relationship between William Heriot, mentioned by Wynton, and James Heriot of Niddry-Marshall, but as a title and a grant of land were rewards frequently bestowed in ancient, as well as modern, times for distinguished services, it is not improbable that William Heriot obtained the title of Marshall and part of the lands of Niddry for his aid in the escape of the High Steward from the English; and thus may have been one of the ancestors of James Heriot of Niddry-Marshall and of the Heriots of Trabroun.

¹ "Liber de Melros."—Ban. Club, vol. i. p. 49-50.

² Professor Innes, in his work entitled "Concerning some Scotch Surnames," classes the surname Heriot among those derived from places or lands.

³ Trans. of Soc. of Antiq., vol. i., 1792.

COLLECTIONS AND NOTES,
HISTORICAL AND GENEALOGICAL,
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HERIOTS OF TRABROUN.

"Fortem posce animum."—*Family Motto.*

ante 1423.

I. JAMES HERIOT of Niddry-Marshall.

1432.

II. JOHN HERIOT of Trabroun (his son).

Obtained a grant by Charter, dated 2d December 1423-4, of the lands of Trabroun, near Lauder, Berwickshire, from Archibald Earl of Douglas, which Charter was confirmed by James I., 8th January 1423-4. The King's Charter styles him, "*dilecto armigero suo Johanni de Heriot, filio ac heredi dilecti confederati sui Jacobi de Heriot de Nidri-Marshall.*"

circa 1440

III. SYMON HERIOT of Trabroun.

Douglas' Baronage.

circa 1460

IV. JAMES HERIOT of Trabroun (his son).

Married in the year the elder daughter of Patrick Congalton, younger of Congalton, near Haddington.—*Ibid.*

1480. Was one of the judges in an inquest held at Edinburgh before Sir Patrick Hepburn, Governor of Berwick, on claim by the Abbot and Convent of Melrose for houses in the Briggate of Berwick. His opinion was "that they should have a house at the corner to the Tweed."—*Liber de Melrose, Ban. Club, vol. ii App.*

1480-83. Died between 1480 and 1483.

1483. The Lords Auditors decreed William, son and apparent heir of Gabriel Towris, to pay to Robert Heriot, executor to umquihle James Heriot, ten merks, taken by him from the said James and Robert for the mails of the lands of Muirhouse, and two horses, price five pounds, an ox, price 35 shillings, all taken by the said William out of the said lands, with six shillings costs of three witnesses, and twenty shillings¹ costs of petition.—*A.D.A.*

V. ANDREW HERIOT of Trabroun.

(Son of the preceding James Heriot of Trabroun.)

1488. Raised an action before the Lords of Council against George Lord Seton for 20 merks paid to him to put him (Andrew) in fee (as successor) in the lands of "Auldinstoun." After parties and their procurators had been heard, Andrew agreed that if he got his grandfather's consent he would allow the said George to retain the said 20 merks provided he was put in fee of the said lands, which was agreed. And the Lords decerned accordingly, under penalty in case of failure.—*A.D.C.*
1515. Summoned along with Lord Hume and his four brothers to appear in October to hear themselves "forfawt for causes."—*P.C.T.*
1515. Had forfeited his lands of Trabroun for treason, and was restored to them and all his privileges by Act of Parliament of this date (1515).
1527. Summoned by "our Souerane Lord," and John Legate, grandson and heir of Andrew Legate, for the hasty execution of his office of Sheriff-Depute (Principal) of Edinburgh, within the Constabulary of Haddington, in giving sasine of a saltpan and house asked for by William Sinclair of Herdmanston, which were alleged not to belong to him. At same time, James Heriot, George Heriot, the said William Sinclair, and others,

¹ All *Scots* money.

were summoned, because in an inquest they found that the late John Sinclair of Herdmanston, great-grandfather of the said William, died last "vestit and seisit" in the saltpan and house, while it was alleged that, long after his decease, the late Andrew Legate, grandfather of the said John, died "vestit and seisit" of them.

The Lords of Council acquitted the said William Sinclair and persons of inquest because the sasine given by the Sheriff-Depute was conform to a precept of sasine shown to the Lords of date 9th November 1525.—*A.D.C.*, v. 37.

1527. Respited with fourteen others for treasonably arraying against the King beside Linlithgow.²—*P.C.T.*
1527. Granted, along with his wife, "Marione Cokburne," a renunciation of eight acres of the lands of Lethington, near Haddington.—*A. of P. in favour of Earl of Lauderdale.*
1529. His spouse, Marion Cockburn, and he, for his interest, had "Letters Purchased" (Fr., *pourchasser*, to pursue) against them by Patrick Hepburn, Master of Hales, Sheriff-Depute of Edinburgh, because she rebelled against him in pointing her goods, for not having given suit and presence in the Sheriff Courts, on the ground that she was discharged therefrom; and also to make her produce the Letters Purchased by her to that effect.

The Lords of Council deemed her Letters to be orderly and just, proceeding on a Royal discharge from giving suit and attendance in Sheriff Courts; and ordained the Sheriff-Depute to cease from executing his office against her.—*A.D.C.*, v. 40.

1529. Was infest in half of the lands of Michelston. Witnesses, David Heriot, Mr Thomas Heriot, &c.—*Protocol Bk. at Hadn.*

¹ Probably the "treasonably arraying" was being engaged in the following attempt:—

1525—James V.—"A feeble attempt was indeed made by Arran to prevent by force the ratification of the truce; and, for a moment, the appearance of a body of 5000 men, which advanced to Linlithgow, threatened to plunge the country into war; but the storm was dissipated by the promptitude of Douglas. Taking the King along with him, and supported by the terror of the royal name, he instantly marched against the rebels, who, without attempting to oppose him, precipitately retreated and dispersed."—*Tytler's Hist.*

1529. Convicted, along with Gilbert Wauchope of Niddry-Marshall and others, of having been "art and part" (or aider and abettor) of convocation of the lieges upon Edmonston of Edmonston.¹ Sentence not recorded.—*P.C.T.*

He was twice married—(1) to Janet Borthwick; (2) to Marion Cockburn; and died in 1530 or 1531.

In the Index of Testaments of the Commissariat of Edinburgh there is the subjoined entry, but, unfortunately, the record itself corresponding to this period is not now extant:—

- "Honorabilis vir Andreas Heriot. Dominus de Trabron apud Heprig, 2 July 1532."

JAMES HERIOT, "of the family of Trabroun," and, probably, son and apparent heir of Andrew Heriot of Trabroun, whom he predeceased.²

Was uncle to George Buchanan, the celebrated poet and historian, and sent him, in or about the year 1520, to the University of Paris to complete his studies. After he was there two years his uncle died, and he returned to Scotland poor and in bad health. His own words (in his *Vita ab ipso*) are, "*intra biennium avunculo mortuo et ipse gravi morbo correptus ac undique inopia circumventus ad suos est coactus.*"

AGNES HERIOT, "of the family of Trabroun," and sister of the preceding James Heriot.

circa 1500 Was married to Thomas Buchanan of Moss, Stirlingshire. Their third son, born in February 1506, was the celebrated

¹ At the time there was a deadly feud between the lairds, Edmonston of Edmonston and Wauchope of Niddry-Marshall.

² In the beginning of the 16th century, and till at least 1520, there was a James Heriot "Justiciar" of Lothian. He is styled "*Canonicus Rossensis ac officialis Sancti Andree infra Archidiaconatum Laudonie iudex,*" and in 1518 was judge on a claim by the chaplain of the parish of Crichton against Andrew Heriot of Trabroun (his father?) for a competent *mortuarius* for his deceased wife Janet Borthwick.—*Liber Officialis Sancti Andree*, Abb. Club.

Dr Irving, in his Memoir of Buchanan, says his uncle James Heriot sent him, "apparently in the year 1520," to Paris, and died two years afterwards (in 1522), and as that is the year in which another judge, "William Prestoun, Rector de Beltoun," appears on record in place of Heriot, there is a presumption that James Heriot the Justiciar, and James Heriot uncle of Buchanan, were the same person.

George Buchanan already mentioned. A place in the parish of Killearn, "which had been adapted to the purpose of shielding her flock, is still denominated Heriot's Shiels."—*Irving's Mem. of G. B.*

VI. JAMES HERIOT of Trabroun.

(Grandson and heir of Andrew Heriot of Trabroun, who died in 1530 or 1531.)

1531. Obtained by letter from King James V. under the Privy Seal (in which he is styled grandson and heir of umquhile Andrew Heriot of Trabroun) the gift of the ward "of All and hale the landis of Trabroun, with the pertinentis liand within the Sheriffdome of Berwick now being in our Souerane lordis hands be ressoun of ward be deces of the said umquhile Andro."
1531. Was infest in husband land (about 26 acres) and oxgang land in Langniddrie. John Cockburn of Ormiston acted as Bailie. Witnesses, James Heriot, George Heriot, David Heriot in Haddington.
Same day and hour, Brother John [Cockburn] made oath that he would not hurt Marion Cockburn, spouse of Andrew Heriot of Trabroun, in her terce of said lands.—*Protocol Bk. at Hadn.*
1535. Acquired from Marion Cockburn, relict of Andrew Heriot of Trabroun, her eight merkland of her husband land in Langniddrie.—*Ibid.*
1537. Renounced an annual rent of eight merks out of the lands of Leithington.—*A. of P.*, 1661.
1542. Was infest in the principal mains of the middle third of the lands of Audneston, in the barony of Tranent, on precept of sasine by George Lord Seytoun.—*Hadn. Burgh Record.*
1549. Pardoned for having been one of the accomplices of the Earl of Glencairn in his treasonable attempt against the Lord Governor

on the moor of Glasgow, in the month of May 1544.¹—*R. of P. S.*

1550. Was, with certain sheriffs and lairds, required to assist in furnishing oxen and pioneers for the bringing of munition and artillery to the "oist" and army ordered to assemble at Edinburgh, 16th April (1550).—*R. of P. C.*
- 1551-2. Obtained a precept for a charter, to be expedite under the Great Seal, confirming charter by the then deceased Patrick Cranston, of "Ratho Byris," in favour of his (J. H.'s) grandfather and grandmother, in which he is styled "beloved servant of our Lady the Queen," to the lands of Arros, lands in Harlaw, &c., lying in the regality of Lauderdale and sheriffdom of Berwick.—*R. of P. S.*
1553. Obtained from the Crown, along with John Hamilton, a gift of the escheat goods which pertained to Robert Reidpeth in Nethershole.—*R. of P. S.*
1553. Obtained a precept for expediting a charter under the Great Seal, confirming charter from John Tennant of Listoun Schelis, of the lands of Over Howden, lying within the lordship of Lauder and sheriffdom of Berwick.—*R. of P. S.*
1554. Pardoned, along with others, for treason.—*Ibid.*
1554. Obtained an obligation (dated 21st November) from Alexander Burnet, of Leys, for the sum of nine score merks due to the "Lord Sanctandros" (Archbishop) for the feu (perpetual annualrent) of the lands of Invery and half of Kirkton of Banquhar. Witnesses, Alexander Heriot and others.—*R. of D.*
- 1554-5. As curator for Thomas Hamilton, son and heir of deceased Thomas Hamilton, of Priestfield, let by deed, dated 1st Febru-

¹ 1544-5. Feb. 6 & 14. Sir Andrew Heriot, chaplain in Glasgow, found caution to underly the law for the same offence.—*P. C. T.*

ary, to Peter Dundas, the two parts of the lands of Balvin, within the sheriffdom of Perth, for the space of three years, for certain quantities of grain, or the value thereof, yearly.—*R. of D.*

1555. Was a consentor to a Contract, dated 8th July, between John Couttis, Burgess of Edinburgh, tutor to John Lawson of Lochtullo, and Alexander Home, son to William Home of Prendergaist, concerning the lands of Denisleaside, Lochtullo. Witnesses—Alexander Heriot, and George Home, yr. of Spott.—*R. of D.*
1556. Infest in lands of Frierness in Lauderdale on Deed by Alexander Lord Hume. Witnesses—George Heriot in Longniddrie,¹ Symon Fortoun, Jacobus Heriot de Hirnyclewt, &c.—*Protocol Bk. of Hadn.*
- 1556-7. Was surety along with Gilbert Wauchope of Niddry-Marshall and Patrick Hepburn of Wauchton that William Wauchope (son and heir-apparent to Gilbert), Edmund Nicholson, miller in Dirleton, and five others, would underly the law for slaying wild fowl with culverings and pistolettis, between May 1552 and November 1556.—*P.C.T.*
1557. As one of the Curators of Thomas Hamilton of Priestfield (son and heir of the deceased Thomas Hamilton of Priestfield), was party to a Contract, dated 1557, between Elizabeth , relict of the deceased Thomas Hamilton and William Hutsoun her spouse.—*R. of D., v. 3. f. 6.*

¹ Nisbet in his *Heraldry* (originally published in 1722), speaking of the Heriots of Trabroun, says, "of whom [them] are the Heriots in Longniddry," and this statement is corroborated by the circumstance of George Heriot in Longniddry having been a witness (as will be seen in these pages) to important deeds connected with the family. The representatives of the Heriots, farmers, at Castlemains, Dirleton, about the end of last century, some of whom are in Gullane, North Berwick, and South Carolina, U.S., claim descent from this George Heriot. It may also be noted that George Heriot in Longniddry obtained a lease under the Privy Seal, dated 14th March 1553-4, of the East and West Barnes Links (the sandy ground at the sea-shore near Dunbar.)

1559. Granted a discharge on behalf Lord Sanct Androis (the Archbishop), to Master¹ William Roy, for receipt of debt due by the Earl of Huntly. Deed dated 1st June. Witnesses—Thomas Fawsyde of that ilk, George Heriot in Longniddry, Alexander Heriot in Laurieston, and others.—*R. of D.*, v. 3, f. 240 B.
1560. Was one of the Commissioners for the Burghs in the memorable Parliament of Queen Mary, held at Edinburgh, 1st August.
1560. Entered into a Contract, dated 20th August, with Master John Scrymgeour² of the Myres, and William Scrymgeour, his son concerning debts, etc.—*R. of D.*, v. 8, f. 401 B.
- 1560-1. Granted a Discharge, dated 8th March 1560, to Sir Richard Maitland of Lethington, Knight,³ for receipt of money due by him per contract of marriage between Isobel Maitland, his daughter, and James Heriot, younger of Trabroun. Witnesses—Patrick Cockburn of Clerkington, John Maitland, and others. *R. of D.*, v. 2, f. 89.
1562. Was one of the prosecutors in the trial of William Ferguson and William Wright, Restalrig, convicted of aiding and abetting the cruel and unmerciful slaughter of John Borthwick in Restalrig.⁴—*P.C.T.*

¹ Master or Mr at this period signified the degree of M.A.

² Mr John Scrymgeour was Laird of Myres, near Auchtermuchty, Fifeshire, and held the office of Master of Works to King James V., with whom he was in great favor. He designed and built the Palace of Falkland, which is still in good preservation, and may long remain a monument of his architectural skill and taste.

³ Father of the famous William Maitland, Secretary to Mary Queen of Scots, and an ancestor of the present Earl of Lauderdale.

⁴ The murderers were found guilty, and beheaded on the Castle Hill of Edinburgh.

“This is the first instance where the Editor has, in the earlier Records of this Court, met with the mention of a sword having been employed by the public executioner by order of the Justiciar for decapitation. It is by no means improbable that death had been inflicted on the murdered man by that instrument, and that the Judge, to make the punishment still more striking, had judicially ordered the selfsame weapon to be used for their decapitation.”
—*Note by Editor of P.C.T.*

1564. Was one of the prolocutors (Advocates) for Alexander Haitlie and others, acquitted of the slaughter of Steven Brounfield, younger of Greenlawden.—*P.C.T.*
1565. Was one of the prolocutors for William Sinclair of Herdmans-toun and others, accused of the slaughter of Walter Murray, servant to James Earl of Bothwell. Verdict—"Acquit the haill."—*P.C.T.*
1566. Was cautioner for James Earl of Bothwell, in bond granted by him for payment of 500 merks yearly to Sir Simon Preston of that ilk, and Simon his son, "attour ye ordinar appointit to him (Sir Simon) be oure Souerane for ye keeping of ye Castle of Dunbar."—*Orig. in Reg. Ho.*
1567. Was surety that William Douglas of Cavers would enter himself within twenty-four hours in ward within the Castle of Blackness, there to remain upon his own expenses until liberated by the Lord' Regent, under the penalty of 2000 merks.—*R. of P. C.*
1567. Was surety that Thomas Turnbull of Hassendeanbank would remain in ward within the Burgh of Edinburgh on his own expenses until relieved, under the penalty of 500 merks.—*R. of P. C.*
1568. Excused for non-attendance in Parliament of 8th August, as Mr Clement Little alleged he was in ward at command of my Lord Regent Governor, in keeping of the Lord Home, within the Castle of Home and Fast-castle, and "sua nycht noct compeir."—*A. of P.*
1568. Was taken prisoner by the Regent's forces at the Battle of Langside.—*Tytler's H. of S.*
1571. Was one of the prolocutors for Lewis Lumsden Dysart, and John Lumsden his son, accused of the slaughter of David Erl,

tailor in Dysart, committed at the Kirk of Dysart. Verdict—
“The Assyse acquit the pannell.”—*P.C.T.*

1571-2. Made faith, and Thomas Fawsyde of Fawsyde became security for his entry (in ward?), and the rendering (giving up) of his house if charged to do so, under the penalty of £1000 Scots.—
R. of P. C.

1574. Was one of the six Commissioners appointed by the General Assembly of the Church of Scotland to wait upon the Lord Regent, and present to his Grace the heads and articles which the Assembly had put in writing.—*Calderwood's Hist.*

1577. Was one of the prolocutors for John Crawford of the Schaw, and others, accused of fire raising, and the burning of “ane byir,” belonging to John Boswell of Auchinleck, and other crimes. The trial seems to have been abandoned, as the Laird of Auchinleck “compeirand disasentit to the pursute of thame.”—*P.C.T.*

Married Janet Cockburn, of the ancient family of Cockburn of Ormiston.

1580. Died on 4th October.

His Will is dated 11th August same year (1580), and recorded 27th June 1581, with an “Eik” by his executor on 12th December 1583. The residue of his personal effects, which consisted chiefly of agricultural stock, and debts due to him, amounted to £6373, 14s. 1d. Scots. His heritable (or real) estate may have been disposed of by deeds different from those which conveyed his personal property.

JANET HERIOT (Grand-daughter of Andrew Herit of
Trabroun).

1542. Discharged her brother James, of Trabroun, of certain sums of money contained in, and left to her by, her grandfather's and

father's testaments. Deed signed at Elvingston.¹ Witnesses, Sande Heriot, David Heriot, &c.—*Protocol Bk. at Hadn.*

ante 1553. Married John Acheson,² a captain in the Scots Guards to the King of France, wrote in 1553 to the Queen Regent of Scotland in his behalf, and referred to the circumstance of his being heritable proprietor of certain lands near the Mylnhaven (now called Morisons-haven), between Musselburgh and Prestonpans.

Was described in a sasine as a widow, residing at Prestoun in 1560, liferented in a house and certain lands, which had been granted in heritable fee to her husband's father.—*Communicated.*

ADAM HERIOT, "of the Family of Trabroun."

1559. "Adam Heriot, of the family of Trabroun,³ in East Lothian, born about 1514, was a conventual brother of the Augustinian Order of the Abbey of St Andrews, who embraced the Protestant faith. He was removed to Aberdeen in 1560,⁴ yet retained the vicarage of St Andrews till his death in 1574."—*Scott's Fasti Ecclesie Scoticanæ.*

1561. Named among the preachers of the Reformation whom Quintin Kennedy, Abbot of Crossraguel, in "Ane Oration" denounces as "pestilent precheouris puffit up with vane glore," &c.

¹ The family afterwards called part of the estate of Elvingston, Trabroun, and built a mansion upon it, which was taken down about forty years ago. The property at present belongs to Robert Ainslie Esq.

² An ancestor of the present Earl of Gosford, Ireland.

³ The precise relationship has not been ascertained. But as he was an ecclesiastic in St Andrews, and as James Heriot (in 1520) was an official of St Andrews and judge within the Archdeaconery of Lothian, and James Heriot of Trabroun acted (at least on two occasions—1554 and 1559) as a factor or collector for the Archbishop, the statement that he was of the family is likely to be correct.

⁴ "1560. On 16th July the French embarked, and the same day did the English army depart towards Berwick. The third day after their parting a solemn thanksgiving was kept in the Church of St Giles, Edinburgh, by the Lords and others professing true religion, and then were the ministers by common advice distributed among the Burghs. JOHN KNOX was appointed to serve at Edinburgh, CHRISTOPHER GOODMAN at St Andrews, ADAM HERIOT at Aberdeen," &c.—*Spotswood's Hist.*

The Abbot likewise in his "Compendious Ressonynge" says:—"Sextlie, I will desyr Hereot (*qui adhuc hesitat*) to mak ane confutatioun to oure confirmatioun groundyt upon the testimoniis of the New Testament to preif the figuris of the Auld Testament sufficient pruyf of materis of fayth concerning the New Testament."—*Knox's Works, Laing's Edn., v. vi.*

1566-7-8. Was a member of the General Assemblies of the Church of Scotland June 1566, July 1567, February 1568; and was one of the committee on the case of Paul Methven.

1569. Presented by the Crown with the parsonage and vicarage of the Kirk of Rachen (Rathen), Aberdeenshire.—*R. of P. S.*

1570. Appointed by the General Assembly "one of those to deal with the Earl of Huntly regarding the restoration of the collectors of the Kirk to their situations."

1574. Granted by the Crown a pension of £50 yearly during life. The warrant is dated at Holyrood House 7th April, and in it Heriot is styled besides "minister of Aberdeen, one of the Chapter of the Abbey of St Andrews."—*R. of P. S.*

BIOGRAPHICAL NOTICE.

"In the same month (August 1574) Adam Heriot, minister at Aberdeen, departed this life; a man worthy to be remembered. He was sometime a friar of the Order of St Augustine, and lived in the Abbey of St Andrews, an eloquent preacher, and well seen in scholastic divinity. The Queen Regent coming on a time to the city, and hearing him preach, was taken with such an opinion of his learning and integrity, that in a reasoning with some noblemen upon the Article of the Real Presence, she made offer to stand to Heriot's determination. Warning of this being given, and he required to deliver his mind upon that subject in a sermon, which the Queen intended to hear, he did so prevaricate as all that were present did offend and depart un-

satisfied. Being sharply rebuked for this by some that loved him, he fell in a great trouble of mind, and found no rest till he did openly renounce Popery and join himself with those of the congregation. Afterwards, when order was taken for distribution of ministers among the burghs, he was nominated for the city of Aberdeen (in which there lived divers addicted to the Roman profession), as one that was learned in scholastic divinity, and for his moderation apt to reclaim men from their errors. Neither did he fail the hope conceived of him, for by his diligence in teaching, both in the schools and church, he did gain all that people to the profession of the truth. Fourteen years he laboured among them, and in the end was forced by sickness to quit his charge. He died of apoplexy 28th August 1574, in the sixtieth year of his age, greatly beloved of the citizens for his humane and courteous conversation, and of the poorer sort much lamented, to whom he was in his life very beneficial."—*Spotswood's Hist.*

VII. JAMES HERIOT of Trabroun (Son and Heir of last-mentioned James Heriot of Trabroun).

1560. Married Isabel Maitland, daughter of the eminent Sir Richard Maitland (formerly mentioned). Contract of Marriage dated 1st October 1560. By this contract, and subsequent deeds, dated 21st February 1560-1, 27th September 1580, and 13th March 1583, the lands of Arrois, in Berwickshire, Elvingstoun, within the constabulary of Haddington, Husbandland and one oxgate of land in Longniddrie, were conveyed in liferent to the said Isabel Maitland. These deeds were confirmed by charter under the Great Seal 20th January 1586-7.—v. 36, p. 261.
1571. Apprehended when about to sail for France. The following account of the apprehension is taken from *Bannatyne's Journal*:—
- “Tuysday, the 18 of Septr. 1571.—George Auchinleck came to Kinghorne and went aburde on William Sibbatis (Sibbald's) shipp whar thair was the young laird of Trabroune and ane

vther called Borthick, sone to Michael Borthick, that is forfaltit, who were bound to France, but he tuik thame and thair writings also. The said Sibbat suld have been puneist for fals hard heides.”

1580. Served (adjudged) heir to James Heriot, his father, in lands of Henschawsyde, and Husbandland and one oxgate of land in Longniddry.—*R. of R.*
1580. Entered into a contract regarding certain lands with George and Peter Heriot, his brothers, executors appointed under the will of their father James, and with George, as apparent heir of his late brother Alexander Heriot. Contract dated 26th November. Witnesses, Thomas Buchanan, keeper of the Privy Seal; George Heriot, goldsmith, burgess of Edinburgh;¹ Andrew Keland, servitor to the Laird of Lethington; David Lawtie, and Adam Lawtie, his son, and others.—*R. of D., v. 19.*
1583. Was guaranteed by Robert Fawsyde, younger of Fawsyde, that Sir William Lauder of Hatton, Knight, Gilbert Lauder of Balbouthies, Thomas and John Lauder, his (Gilbert's) sons, William Lauder in Kelso, his brother; David Sinclair of Blanse; and Johu Hoppringillis of Munyis, would be free and skaithless from him in their persons, families, dependents, and properties, under a penalty of 3000 merks.—*R. of P. C.*
1585. Included in the pardon granted by Act of Parliament to John Earl of Morton and his friends for all acts of hostility, “the murder of His Majesty's” “dearest father allanerlie exceptit.”
1590. Was one of the Prolocutors for the prosecutors of James Tweedy of Drummelzeare and others, accused of having been aiders and abettors of the slaughter of Patrick Veitch, son of William Veitch, Dawick. Trial adjourned to the Justice Court of Peebles.—*P. C. T.*

¹ Father of the Founder of Heriot's Hospital.

1607. Served heir to James Heriot, his father, in the lands of Trabroun.—*R. of R.*

1611. Sold under reversion (with consent of his wife Isabella Maitland) the lands of Trabroun to John Hamilton, his grandnephew, and son of Thomas first Earl of Haddington. The sale, as afterwards stated, was allowed to become absolute.

1618. June 4, Died. His Will is dated 22d October 1612, and recorded 3d April 1619. In it he states he is of "great aige," and leaves his soul to the eternal God, and his body to be honorably buried in the burial place of his father "at Hadingtoun Kirk, at the southe eist syd thairof."

His personal effects consisted chiefly of agricultural stock, and the free proceeds amounted to £4,932 Scots.

ANDREW HERIOT (son of James Heriot of Trabroun, who died in 1580).

1576-5. Obtained a grant by Deed (dated 27th Nov. 1556, recorded 27th May 1557) of the Lands and Barony of Burnturk, comprehending two parts of the lands of Ballingall, and a quarter of the lands of Glaslee in Fifeshire, from Walter Heriot of Burnturk, the proprietor, under reservation of the liferent of the latter, and subject to a right of redemption in favour of him and his heirs, under the following circumstances:—He (W. H.) having no male heirs, and wishing to conserve his lands to his surname, conveyed them to the above mentioned Andrew Heriot; but, as he afterwards had an illegitimate son, who was legitimated by the Crown, the lands, according to the contract, reverted to the said Walter. This transaction would seem to point to a blood-relationship between the families of Trabroun and Burnturk.²

²The principal families of the name in Scotland were two, viz.:—that of Trabroun, Berwickshire (1423), and that of Burnturk and Ramorney, Fifeshire. The founder of the Fifeshire Heriots was Walter Heriot, a burgher of Cupar in Fife. He had Charters under the Great Seal of the lands of Ballingall, 1489, Burnturk 1501, and the King's lands of Ramorney, erected with other lands into a Barony, 1512. The Ramorney Heriots are at present represented by Frederick Lewis Maitland Heriot, Esq., an advocate at the Scottish bar, and Sheriff of the County of Forfar.

His (Andrew's) Will, made because he was about to depart for France on business, is dated at Berwick, 2d September 1585, with a codicil dated 5th June 1587. The Will was written by his own hand, and both of these deeds are recorded at Edinburgh, 13th February 1587-8. He seems to have been unmarried, and, probably, boarded in the house of George Heriot senior (on "the north syde of the hie Street" of Edinburgh), as it appears from the codicil he died there on the same day the codicil was subscribed by a notary (5th June 1587), and among the witnesses to the subscription were George Heriot senior, and his son the Founder.

In the Will he says, "I testifie befor God and all honest pepill that I am frie of all debt of quhat-sumever soume or soumes, and that I am addebted to nane except of the soume of thrie scoir 13 crounes of the sone and half ane croune quhilk I sall God willing pay to James Maiteland¹ and Richart Heriot² at my coming to Pariss according to my obligation."

From the quantities of various kinds of cloth and small wares, forming part of his personal effects, it may be inferred he dealt in such articles. The free proceeds of these effects amounted to £3,260, 11s. 5d. Scots.

He left various legacies, among which were the following:—

To George Heriot, senior, 300 merks, "to be distributed be him amangis his dochteris."

To Elspeth Heriot (G. H's. daughter), "alsmekill blak and alsmekill violet as will be hir twa gounes" also "twa ell of camrage."

To George Heriot, younger, whom he calls his "verry friend," his "lytill sword in remembrance," a pair of his "silk shanks," his "hat of castor," his "blak cloik pasimentit (embroidered)," a pair of "perfumit gluvis of Rome," and a pair of gluvis lynit with taffitie; also to his wife "one pair of gluvis."

To Margaret Heriot, natural daughter to James Heriot of Trabroun, "alsmekill broun as will be ane gown."

¹ James Maitland, grandson of Sir Richard Maitland of Lethington.

² Richard Heriot was the nephew of Andrew Heriot, and probably the same person who was a subscriber to the King's Confession of Faith in 1580.

To the College of Edinburgh, if there were a sufficient sum after payment of the legacies, 100 merks.

ALEXANDER HERIOT (son of James Heriot of Trabroun, who died in 1580).

1552-53. In the Edinburgh Dean of Guild accounts there is an acknowledgment of "xl s," for the sale to his feu of Ravelston.

1565. Discharged by his father of annual rents of the lands of Ravelston. Deed subscribed at Elvingston. Witnesses, James Heriot junior of Trabroun, Andrew Heriot, germanis, &c.—*Protocol Bk. at Hadn.*

PETER HERIOT (son of James Heriot of Trabroun, who died in 1580).

Was murdered at his house in Leith. The following is a copy of the record of the trial of the murderer:—

"SLAUGHTER."—"HAMESUCKIN."

1587, August 30, THOMAS BONKLE, Cuitlar.

"Delaitil of airt and pairt of the felloune and crewall slauchter of umqle Peter Heriot, induellar in Leyth, brother germane to James Heriot of Trabroune; committed be way of Hamesuckin within the toune of Leyth upoune the xxix day of August instant."

"PERSEWAR, JAMES HERIOT of TRABROUNE. Verdict—The Assyis being purgeit of partiall counsall, chosin, sworne, and admitted, and the said Thomas being accusit be Dittay of the cuming be way of Hamesuckin to the said umqle Petir Heriotis dwelling hous in Leyth, and setting vpoune him foirnent the zett thairof with ane drawin sword quharwith he maist crewallie and schamefullie slew him vpoune sett purposis and provisioune &c.; ffind, pronouneit, and declairet the said Thomas Bonkle to be ffylit and convict of the slauchter of the said umqle Petir."

"SENTENCE.—The Justice ordanit the said Thomas Boncle to be tane to the toune of Leyth, and thair, at place appointit, his

heid and rycht arme to be strukin fra his bodie; and all his movable guidis to be escheit and inbrocht to our Souerane lordis vse, for the said cryme. This dome pronouneit be James Nisbett dempstar of Justice Courtis.”—*P.C.T.*

He (P. H.) died intestate, but two Inventories of his personal effects were given up, one (recorded 27th February 1588-89) by John Waldie, designed as son to deceased “Margaret Wardlaw spouse wes to the said vmquhile Petir,” and a supplementary one, recorded (11th February 1589-60) by “George Heriot portioner of Colelaw in Lauderdaill, his broder germane.” The total free proceeds amounted to £2926, 13s. Scots.

The contents of the Inventories chiefly consist of grain and malt, and there is therefore reason to believe he was a grain merchant and maltster.

GEORGE HERIOT of Collelaw (son of James Heriot of Trabroun, who died in 1580).

1597. Entered (with his wife Katherine Loutheane) into a contract with John Home of Colden-knowes, for certain quantities of grain to be obtained yearly from the said John Home’s lands of Maynes of Sauchheid.—*Orig. in Reg. Ho.*
1601. Served heir to his brother Peter, in an annual rent of 20 merks out of the croft land called Channonis Croft, near Lauder.—*R. of R.*
1602. Served heir to his brother Peter, in an annual rent of 24 merks, out of the Kirk lands of Legerwood.—*R. of R.*

MARGARET HERIOT.¹

1552. Was married to Thomas Fawsyde of Fawsyde, near Tranent, a member of an ancient family, the ruins of whose castle still
or prior.

¹ Margaret, Elizabeth, Alison, Agnes, Janet, and the two Helens, mentioned on this and the two following pages, were daughters of James Heriot of Trabroun, who died in 1580.

remain. There is a Charter under the Great Seal, dated 14th October 1552, of the lands of Bogend, etc., to "Thomae Faw-syde de eodem et Margreta Heryot his spouse."

ELIZABETH HERIOT.

1558. Was married to Thomas Hamilton of Priestfield.¹ Contract of marriage dated 23d June, and recorded 28th October. Witnesses thereto—George Heriot in Longniddry, David Heriot in Arrois, and others.—*R. of D., v. III., f. 87.*

ALISON HERIOT.

1571. "William Pringle of Torwoodlee, married, in 1571, Alison, daughter of James Heriot of Trabroun, by whom he had three sons. He died in 1581, and his wife Alison Heriot,² who survived him, had for her second husband David (John?) Renton of Baillie."—*Burke's Landed Gentry.*

AGNES HERIOT.

circa 1571. Married Alexander Dalmahoy of that ilk (being his second Wife). The Dalmahoy's were an ancient family, and their estate was in the parish of Ratho.

JANET HERIOT.

post 15. Married to John Borthwick, Proprietor, Ballincreeff.

¹ "Thomas Hamilton of Priestfield, first Earl of Haddington, President of the Court of Session, and for a long period Secretary of State and Prime Minister to James VI., was another contemporary of Craig. He commenced his career at the Scottish bar in the year 1587. His father was Sir Thomas Hamilton of Priestfield, sprung from the ancient and honourable family [of Hamilton] of Innerwick. His mother was Elizabeth Heriot, daughter of James Heriot of Trabroun. The name of Heriot is not to be forgotten in the history of Scottish literature. Agnes Heriot, of the family of Trabroun, was the mother of our great Buchanan."—*Tytler's Life of Craig.*

² Her Will is recorded at Edinburgh, 7th December 1592.

HELEN HERIOT. (1.)

ante 1568. Was married to the celebrated Sir Thomas Craig, Advocate,¹ and, after his decease, to Sir John Arnot of Berswick, Provost of Edinburgh.

HELEN HERIOT. (2.)²

ante 1580. Was married to George Home, Proprietor in Gullane. Her father in his Will says of him :—"In consideration of the faithfulness and zeale of George Home my son-in-law and of the loving favor that he has borne to me, my hous and barnes," &c., "I leve the said George one hundreth pundis."

VIII. ROBERT HERIOT of Trabroun (Son and Heir of James Heriot of Trabroun, who died in 1618).

Married Elizabeth Dundas, daughter of John Dundas, of Newliston.

1608. Granted a bond for £408 to George Heriot, "Jeweller to the Queen's Majesty," promising to repay the same before Whitsunday 1609, with an annual rent of £42 out of his lands. Bond dated at Tranent 24th September. Witnesses, David Seton, bailie of Tranent; Alexander Hume, indweller, Tranent; John Forsyth, servant to the said Robert Heriot; and Cornelius Marshall, servant to the said George Heriot.—*Orig. in Heriot's Hosp.*

1609. Was surety, with others, for Thomas Fairlie, younger of Colinston, for 1000 merks, payable to Thomas Flucker, surgeon, burghess of Edinburgh. Bond dated 21st June, and recorded 28th February 1609.—*R. of D., v. 158.*

¹ Tytler in his *Life of Craig* says:—"Sometime previous to this (1568), Craig had married Helen Heriot, a daughter of the Laird of Trabroun," and adds, "the author of Craig's Life, prefixed to the Treatise *De Feudis*, calls Helen Heriot, *femina lectissima Helena Heriota Comarchi de Trabroun in praefectura Hadintoniae filia.*"

² Dr M'Crie says:—"It was very common at that time to have wo children of the same Christian name."—*Life of Knox, Edn. vii., App., p. 434.*

1617. Admitted as a burgess of Haddington along with "William Ramsay, brother to John Viscount of Haddington; Mr Robert Lawsoun, brother-germane to umqle Sir James Lawsoun of Humbie; and Alexr. Cokburne, fear of [successor to] Ormiston."
—*Hadn. Burgh Record.*

1620. Died intestate in England upon the day of August. The inventory of his personal effects was given up by "George Heriot, servitor¹ to the defunct," and recorded at Edinburgh 28th February 1621. It is as follows:—

"Ane kow with the followar twentie merks .	£13	6	8
One quoy of thrie year auld price thairof .	10	0	0
Foure quoyis and ane stot of twa yeir auld is			
price of the peice ourheid fyve pundis .	25	0	0
Ellevin hogis at 30/ the peice	16	10	0
In vtenceillis and domicileillis by the airschip			
estimat to	20	0	0
	<hr/>		
	£84	16	8

"Thair wes awin to the said vmquhill Robert Heriot of Trabroune

Be George Heriot in Langniddrie. 40 0 0

Be the airis and executouris and procurators of vmquhill James Heriot of Trabroune or be Issobell Maitland his relict or be ather of thame twenty foure bollis victuall twa pairt meill and thrie pairt beir," &c. 64 0 0

Total (Seots), £188 16 8"

ELIZABETH HERIOT (Daughter of James Heriot of Trabroun, who died in 1618).

1595. Was married to James Sandilands,² of Calder, afterwards Lord Torphichen. Contract of marriage dated and recorded 1st

¹ The word "servitor" in those days often signified clerk, secretary, or man of business.—*M'Crie's Life of Knox.*

² James Sandilands was second Lord Torphichen, and was in the decreet of the Scots nobility, dated 1606, placed immediately after Lord Boyd, whose peerage dated 1459. He was twice married, but had issue only by his first wife, Elizabeth Heriot above-mentioned. He died in 1617.

August. She was by charter (23d August) liferented in the Mains of Calder, and there is a charter under the Great Seal, dated 15th February 1600, confirming her liferent.

ANNA HERIOT, Elder, and BARBARA HERIOT, Younger (Daughters of Robert Heriot of Trabroun, who died in 1620).

1623. Granted a discharge, dated 18th February 1623, with consent of the Right Honorable Sir Richard Cockburn, of Clerkington, Knight, and John Dundas, of Newliston, their curators, in favor of Sir John Hamilton, of Trabroun, Knight, with consent of Sir Andrew Hamilton, of Redhouse, Knight, one of the Senators of the College of Justice; Sir James Foulis, of Colinton, Knight; Patrick Hamilton, of Preston; and George Foulis, master cunzeor, curators of the said Sir John, for payment of money due them (the said Anna and Barbara) by the said Sir John, according to contract, the money having been the balance of the purchase-money of the estate of Trabroun, sold under redemption by their grandfather, James Heriot, in 1611.—*R. of D.*, v. 338.

ANNA HERIOT (above mentioned).

Married James Brown of Coalstoun, the representative of an ancient family in East Lothian.

1630. Served heiress to Richard Heriot (lawful son of the deceased James Heriot, of Trabroun), her paternal uncle.—*R. of R.*
1631. Discharged George Viscount of Dipling of the sum of 2000 merks borrowed by Laurence Lord Oliphant from Andrew Heriot, her granduncle, and secured over the lands of Dipling.
- This sum was inherited by Anna from her grandfather James, who is stated to have been heir of his brother Andrew. The discharge is stated to have been granted by Anna, with consent of her husband James Brown of Coalstoun, Elizabeth Dundas, her mother, and of Catherine Loutheane, relict of George Heriot, brother of Andrew, dated 4th March, and recorded 26th April 1631.—*R. of D.*, v. 441.

1633. Served heiress to James Heriot of Trabroun, her great-grandfather, in a third part of the lands of Collelaw, within the bailiery of Lauderdale.—*R. of R.*

NOTE.

From the preceding pages it will be seen that the Heriots of Trabroun were a family of eminence in Scotland, and possessed Trabroun and other lands for two hundred years—from 1423 to 1623. In 1611 James Heriot sold Trabroun, with consent of his wife Isabella Maitland (who was liferented in it), to his relative John Hamilton, a member of the Haddington family, under a right of redemption. But as neither James Heriot, nor his son and heir Robert, who died in 1620, redeemed the property, the balance of the purchase-money was paid in 1623 to Anna and Barbara Heriot, daughters of Robert, as per their discharge noted on the previous page; and Trabroun thus passed entirely from the family. It is now owned partly by the Earl of Lauderdale and partly by Captain Allan.

The direct male line of the family appears to have become extinct by the death of Robert Heriot in 1620, and at present it is uncertain who is the nearest male representative.

