

DUMFRIESSHIRE AND GALLOWAY
NATURAL HISTORY & ANTIQUARIAN
SOCIETY.

FOUNDED 20th NOVEMBER, 1862.

TRANSACTIONS
AND
JOURNAL OF PROCEEDINGS
1924-25.

THIRD SERIES, VOLUME XII.

EDITOR:
G. W. SHIRLEY.

DUMFRIES:
Published by the Council of the Society
1926

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AN ALPHABET AND VERSES.

Scribbled on the back of a document in the Sheriff Court Book of Dumfries by Will Cunynghame on 24th December, 1582.

Reduced by 1/5th.

See pp. 224-5 and 146.

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EDITORIAL NOTE.

This volume somewhat exceeds the usual size, it being considered desirable that the whole of *The Sheriff Court Book* should be given in one issue.

The Editor gratefully acknowledges the assistance of Miss B. Neilson, who kindly undertook the toil of writing the slips for the Index.

Members working on local Natural History and Archæological Subjects should communicate with the Honorary Secretary. Papers may be submitted at any time. Preference is always given to original work on local subjects.

Enquiries regarding purchase of *Transactions* and payment of subscriptions should be made to Mr M. H. M'Kerrow, 43 Buccleuch Street, Dumfries.

Exchanges, Presentations, and Exhibits should be sent to the Honorary Secretary, Ewart Public Library, Dumfries.

It must be understood that as each contributor has seen a proof of his paper, the Editor does not hold himself responsible for the accuracy of scientific, personal, or place names, or for the dates that are given.

G. W. S.

PROCEEDINGS AND TRANSACTIONS
OF THE
Dumfriesshire and Galloway
Natural History & Antiquarian Society.

SESSION 1924-25.

10th October, 1924.

Annual Meeting.

Chairman—H. S. GLADSTONE, M.A., F.Z.S., F.R.S.E.,
F.S.A.Scot., President.

The President referred to the loss the Society and ornithology in general had sustained by the death of E. J. Brook, Esq. of Hoddum.

The Secretary submitted his own and the Treasurer's reports, which were approved. The President moved that Mr R. C. Reid be thanked for his services in organising the Field Meetings, which was unanimously endorsed.

The President moved the recommendation of the Council that the Office-Bearers and Council (see p. 3) be reappointed *en bloc*, with the exception of Mr Robert Wallace, resigned, and that in his place no appointment be made, and this was agreed to.

10 BIRDS MENTIONED IN ACTS OF SCOTTISH PARLIAMENTS.

The President then delivered his address, entitled

**Birds Mentioned in the Acts of the Parliaments of Scotland,
1124-1707.**

By HUGH S. GLADSTONE, M.A., F.Z.S., F.R.S.E.

INTRODUCTION.

These notes, or extracts, are compiled from *The General Index to the Acts of the Parliaments of Scotland: 1124-1707*: Vols. I. to XI. folio (printed by the authority of the Lords Commissioners of Her Majesty's Treasury, 1865),* and the extracts are believed to be exhaustive. It must be understood that the volumes in question, however, include not only Acts of Parliament, but also Ordinances, Orders in Council, Records of Parliamentary Proceedings, &c.; and in this paper I have not hesitated to quote from all and sundry alike, being careful in every case to give references to the volumes.

There are several published versions of these Scottish Acts of Parliament, but I have selected the *Record Edition* (commonly known as *Thomson's Acts*) as the basis for this paper since it appears to be the most authoritative and complete. *The Laws and Acts of Parliament made by King James the First and his Royal Successors Kings and Queen of Scotland*, collected by Sir Thomas Murray of Glendook and published in Edinburgh in two volumes duodecimo 1682/5, have been consulted by way of comparison. *Glendook's Acts*, as they are sometimes termed, were continued by *The Laws and Acts made in . . . Parliament . . . Edinburgh, printed by the heir of Andrew Anderson . . . 1685/1707*, and this volume has also been laid under contribution.† It must, however, be remembered that my notes only profess to deal with the *Record Edition*, though it has been thought

* This edition is commonly known as *Thomson's Acts*, but is officially termed the *Record Edition*, and I have referred to them as such throughout.

† These three volumes are referred to throughout as *12mo. Edition*.

useful to give the references, where possible, to the 12mo. edition. †

Although the preservation of Birds may have been undertaken primarily because of their value as food, there can be little doubt but that it was the love of sport which gave impetus to the Acts of Parliament concerning them. The inclusion of such cognate subjects as Cross-Bows, Deer, Dogs, Hares, Cunyngs [Rabbits], Forest Laws, Grants of Warren or of Hunting Rights, &c. (not to mention the various enactments regarding Fish, Fishing, and Game Laws in general) might have thrown some light upon the fringes of my subject, but would have added greatly to the length of my paper, and as several books have dealt with them, ‡ I have thought it proper to exclude them. I have endeavoured to adhere strictly to my subject—the Birds mentioned in the Acts of the Parliaments of Scotland—and it must not be thought, because I only refer to Birds, that the Acts I quote deal solely with them; in many cases the extracts reproduced here only form but a small part of the Act cited. The Acts have not been quoted in full, but only the essentials have been given; nor has the spelling employed, and which varies considerably, always been followed but when this is difficult to make out I have endeavoured to elucidate it. Footnotes have been added, as references to the eleven printed volumes of the Acts of Parliament, and it must be noted as regards Vol. 1. of these that I have given the final and corrected pagination which is not found in all copies.

Experiment showed that to group all the information

† It may be noted that the Records of the Scottish Parliaments held during the period 1639 to 1650 were long thought to have been lost or destroyed, and this is why Sir Thomas Murray of Glendook makes no reference to them in his *12mo. Edition*; they came to light again, however, in 1826, and were incorporated in the *Record Edition* of 1865.

‡ A. F. Irvine: *Treatise on the Game Laws of Scotland*; John William Ness: *Treatise on the Game Laws*; Alexander Grigor: *A Treatise on the Game Laws of Scotland*; J. H. Tait: *A Treatise on the Law of Scotland as applied to Game, Trout and Salmon Fishing*; etc.

12 BIRDS MENTIONED IN ACTS OF SCOTTISH PARLIAMENTS.

available under the individual species enumerated in the Acts would incur a considerable amount of repetition: a strictly chronological arrangement has therefore been adopted and such Acts, or portions of Acts, as are still in force,* are printed in italics. The oldest known collection of Scottish Laws, believed to have been compiled in 1312, is that known as the "Berne Manuscript," and it is remarkable that the *Leges Forestarum* (generally ascribed to the reign of William the Lion, 1165-1214) are not included therein. The first of the Scottish "Acts" properly so called referring to Birds is that of James I. in 1424, but there are on record† several Ordinances, Statutes, Acts, or whatever they may be styled of earlier date, or undated, and these will be dealt with first.

The veteran ornithologist, Mr J. E. Harting, has read my notes and I cordially acknowledge his assistance and also that of Mr G. W. Shirley and Mr James A. Will.

Birds Mentioned in the Acts of the Parliaments of Scotland, 1124-1707.

Quoniam
Attachimenta
aut Leges
Baronum.
[N.D.]
C. 31.

Fragmenta
Collecta.
[N.D.]
C. 5.

No one forbidden in the time of King Alexander to hunt outwith forests and warrens for hares and other woodland or field-animals (*animalia silvestria vel campestria*), (original in Latin).—*Record Edition*, Vol. I., p. 652.

"Wylde bestis, fowl, and fysch" belong to no one until they are captured; a man may be prevented from hunting or hawking on another's ground, and if he take wild animals thereon, he acts illegally, but the animals cease to be in the possession of the owner of the ground when they leave it; a wild animal when wounded is held to be the property of the hunter so long as he remains in pursuit of it.—*Record Edition*, Vol. I., p. 749.

It would appear that in earliest times Beasts, Birds and Fishes wild by nature were common property. Since hunting

* *The Acts of Parliament*, revised edition, published by authority, 1908.

† These are included in the *Record Edition* under the headings of *Quoniam attachimenta aut Leges Baronum*, *Fragmenta collecta*, and *Ordo Justiciarie*.

and hawking were expressly forbidden by early Acts of Parliament in parks, warrens, and the like; it is arguable, it not obvious, that it was originally lawful to take such quarry while outside the places specified. In confirmation of this argument it may be observed that such Acts as were passed against the use of guns, nets, etc., were equally operative against all landlords and itinerant fowlers, and that it was not till 1621 that an Act was passed setting up a proprietary right in Game.

Fragmenta
Collecta.
N.D.]
C. 7.

The nature of "pacokis" and "dowis" is wild, even though they are wont always to return to the same place.—*Record Edition*, Vol. I., p. 750.

I am surprised that these birds should have been regarded as "wild."

Peacocks have been domesticated from times so remote that nothing can be positively stated on that score, and they were well known to the Ancients. It has been suggested that they were introduced to Great Britain by the Romans, and they are first mentioned in English literature in Langland's *Piers Plowman* 1377, and by Chaucer 1386. In 1273 a Peacock's tail at Wytchurch is priced $4\frac{3}{4}$ d and another in 1277 at Halvergate in Norfolk at $1\frac{1}{2}$ d (J. E. T. Rogers: *A History of Agriculture and Prices in England*, Vol. II. (1866), p. 566), and in 1278 five Peafowl were sent to Lopham, in Norfolk, on the occasion of a visit from Edward I. to the Earl of Norfolk. (F. G. Davenport: *A Norfolk Manor, 1086-1565*: 1906, p. 36.) The bird was esteemed a delicacy for the table, where it was often served "in its pride": that is to say with its "tail"—or rather its tail-coverts—displayed. A brass, in St. Margaret's Church at Lynn in Norfolk, to the memory of Robert Braunche and dated 1364, measures 8 ft. by 5 ft. 6 in., and represents a feast, the principal dish of which is a Peacock being served in full plumage. In the days of chivalry one of the most solemn oaths was taken thus:—"I vow to God, to the Virgin-saint, to the Ladies and to the Peacock" to do such and such a thing: thereafter each in his turn would receive a piece of the

14 BIRDS MENTIONED IN ACTS OF SCOTTISH PARLIAMENTS.

flesh and the failure of any participant to accomplish the vow would be considered a blot on his escutcheon.

“Dowis” are Doves, and in Francis Willughby’s *Ornithology* (1678 : p. 180) *Columba vulgaris* is rendered “the common wild Dove or Pigeon.” It would seem, however, by the way in which “Dowis” are here mentioned, that the birds of the dovecot were intended.

**Fragmenta
Collecta.**
[N.D.]
C. 9.

“Henis and Ganeris” [Geese] are not wild; property in them is retained even though they fly out of sight; those who retain the fowls of another commit theft.—*Record Edition*, Vol. I., p. 750.

The word Ganeris here signifies Geese : cp. Gander of the male.

**Fragmenta
Collecta.**
[N.D.]
C. 41.

If anyone find “gayte or geiss” trespassing “he sal tak the hedis of the geiss and festin the nebbis in the erd and the bodies he sall et.”—*Record Edition*, Vol. I., p. 728.

The word “gayte” means goat.

There is some sense—not to say satisfaction—in the aggrieved party being allowed to eat the trespassing geese. Why he was ordered to take their heads and fasten their beaks in the ground is not made clear unless to enable him to keep a tally of the numbers of the trespassers.

**Ordo
Justiciarie.**
[N.D.]
C. 4.

All “Mur burnaris in forbodin tyme” to be punished, illegal muirburn to be a point of dittay at the justice-ayre.—*Record Edition*, Vol. I., p. 706.

Acts regulating Muirburn, Moor-burn, Mosburne, Mossburn, Mosseburn, Muireburne, Murburne, Murbyrn, or Mureburne, as it is variously spelt, occur no less than sixteen times (*Ordo Justiciarie* : c. 4 [N.D.], 1400, 1424, 1457, 1478, 1493, 1503, 1535, 1555, 1567, 1579, 1617, 1639, 1655, 1661, 1685).

It has been suggested that regulations regarding muirburn were first enforced in order to protect birds considered as game which live and breed on the moors, but, judging from the early dates of the first enactments, I am of opinion that originally such Acts were made to safeguard personal property. In any case the matter is one which is now regarded as of such primary importance for the welfare of Grouse that

I think I need not apologise for having included these references to muirburn in this paper. I have not distinguished between mossburn and muirburn although these two subjects are at times mentioned in one and the same Act.

It is of interest to detail very briefly the effects of these Acts:—Under this *Ordo Justiciarie* illegal muirburn was to be regarded as “ a point of dittay at the justice-ayre ”: that is to say, as a matter of charge, or ground of indictment, against a person for a criminal offence. In 1400 muirburn was forbidden except in March, with a penalty of 40s. In 1424 it was prohibited from March till after harvest: the penalty being 40s or 40 days’ imprisonment. In 1478 muirburn was made illegal from the last day of March till Michaelmas, and the penalty was increased to £5. In 1493 it was enacted that landlords who ordered “ poor tenants ” to burn muir illegally should be fined and the “ poor tenants ” punished. In 1535 the penalties were raised to £5 for the first, £10 for the second, and £20 for the third offence. In 1555 these penalties were re-enacted. In 1579 these penalties were doubled, and it was further enacted that if an “ unresponsal person ” be the offender the penalty should be “ hanging to the deid.” In 1617 previous Acts were confirmed but the penalty was to be a pecunial sum. In 1639 it was proposed that muirburn be legalised up till April 15th. In 1655 previous Acts were ratified: violators to pay a “ pecunial sum ” or suffer “ corporall punishment.” In 1685 the date March 31st was once more fixed as the last legal day for muirburn. These Acts have all been repealed, and muirburn is now regulated by an Act passed after the Union.

Alexander II.
8 Ap., 1235.

Agreement between the monks of Melrose and Roger Avenel regarding the sporting rights in respect of certain lands in Eskdale. Avenel claimed, among other things, the right to the eyries of Goshawks (*accipitrum*) and Sparrow-hawks (*sperveriorum*). (Original in Latin.)—*Record Edition*, Vol. I., p. 408.

That care should have been taken to protect hawks is not extraordinary in an age when hawking was a favourite pastime of Princes and when guns were as yet not invented.

16 BIRDS MENTIONED IN ACTS OF SCOTTISH PARLIAMENTS.

The sport of falconry was introduced into Europe from the East where it is understood to have been in vogue in China so early as 2205 B.C. There is reason to believe that hawking was practised by Europeans at least three centuries before the Christian era and by the Saxons in England in the eighth century. (J. E. Harting: *Bibliotheca Accipitraria*: 1891, p. xiii.) What is remarkable, however, in this review of the Acts of the Parliaments of Scotland, is that so much care, or value, should have been set upon hawks that they were specifically reserved as Royal property so late as 1707. In all, hawks are referred to on some fifteen occasions in these eleven volumes of Scottish Acts.

This particular document of 1235, which refers to Eskdale in Dumfriesshire, is of unusual interest since, as I have shewn elsewhere (*Birds of Dumfriesshire*: 1910: pp. 204/6; and *Notes on the Birds of Dumfriesshire*: 1923: pp. 73/4), it is almost certain that the word *accipitrum* here refers to Goshawks which nest in trees. It is known that upwards of a hundred years ago this species nested in Scotland, but it was probably at no time numerous, even in the most wooded and secluded districts.

Alexander III.
1261. The King's garden at Elgin held by Margaret, wife of Robert Spine, on condition of her keeping the King's hawks, she receiving a penny a day for each hawk, and twopence for each gerfalcon, besides a chalder of oatmeal yearly. (Original in Latin.)—*Record Edition*, Vol. I., pp. 99/100.

The words which have been translated as "hawks" and "gerfalcon" occur in the original as *ostorum* (cp. the Latin *asturcur* and *astur*, also the Old French *astor*, mod. French *autour*) and *gerfaucorum*.

David II.
12 June,
1343. Grant to John of the Isles of certain lands and islands [Colonsay, Coll, Tiree, and others] *cum aeriis falconum*. (Original in Latin.)—*Record Edition*, Index Vol. p. 6.

Robert III.
21 Feb.,
1400. Muirburn (*combustio morum sive bruarii*) prohibited under penalty of 40/- except in March. (Original in Latin.)—*Record Edition*, Vol. I., p. 576.

James I.
12 Mch, 1424.
C. 10. Destroyers of "dowcotts" to be punished as is ordained for stealers of green wood.—*Record Edition*, Vol. II., p. 7. [Rep. 6 Ed. 7, c. 38 S.L.R.].

Dovecots are the subject of frequent Acts. I have already expressed my surprise that "dowis" should have been classed as wild, and subsequent Acts show that dovecots became more and more encouraged until it would appear that they had to be restricted. Possibly the doves—always a valuable addition to the larder—themselves provided ready sport for the falconers or food for their hawks, but at a period when manures were not easily come by the annual cleaning of the dovecot was of no little manurial value.

James I.
26 May, 1424.
C. 20.
12mo. Ed.
C. 19.

"Ruks" building in kirk yards, orchards, or trees do great damage to corn. Owners of trees to prevent rooks from building, and the young birds from flying away, under penalty of forfeiture of trees.—*Record Edition*, Vol. II., p. 6; *12mo. Edition*, Vol. I., p. 5. [Rep. 6 Ed. 7, c. 38 S.L.R.].

"Ruks" are, of course, Rooks. It is curious to note, in this year of grace 1924, when Mrs Philipson (one of the Lady Members of Parliament) has a "Rabbit and Rooks Act" in hand, that exactly five hundred years ago the Rook formed the subject of special legislation in Scotland.

James I.
26 May, 1424.
C. 21.
12mo. Ed.
C. 20.

"Murbyrn" prohibited from March until after harvest, under a penalty of 40/- or imprisonment for 40 days: if the lord of the land does not prosecute offenders, the justice-clerk to cause them to be attached.—*Record Edition*, Vol. II., p. 6; *12mo. Edition*, Vol. I., p. 5 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James I.
1 Mch, 1427.
C. 5.
12mo. Ed.
C. 104.

Wolves to be destroyed.—*Record Edition*, Vol. II., p. 15; *12mo. Edition*, Vol. I., p. 32; *12mo. Edition*, Vol. I., p. 32 [Rep. 6 Ed. 7, c. 38 S.L.R.].

Sir Thomas Murray of Glendook gives the title of this Act as "The Woolfe and Woolfe-birdes, suld be slaine."*

* *The Laws and Acts of Parliament, . . . collected by Sir Thomas Murray of Glendook; Edinburgh, 1682, Vol. I., p. 32.*

I have never before heard of a "Woolfe-birde," and as no mention is made of it in the body of the Act it may be that the word "birde" is a misprint: this suggestion is strengthened by the fact that there is no mention of any kind of bird in the Act as transcribed in the *Record Edition*.

James I.
1 Mch, 1427.
C. 12.
12mo. Ed.
C. 106.

No "Pertriaks, Pluvars, Blak coks, gra hennys, ande Mur coks" nor any such fowls to be killed from the beginning of Lent until August, under penalty of 40/-.—*Record Edition*,

18 BIRDS MENTIONED IN ACTS OF SCOTTISH PARLIAMENTS.

Vol. II., p. 16; *12mo. Edition*, Vol. I., p. 34 [Rep. 6 Ed. 7, c. 38 S.L.R.].

This Act is the first to set up a close time for killing certain Birds. The "mur cok" may be taken to be the Red Grouse, as may the term "muirfowl" in subsequent Acts.

James II.
6 Mch, 1457.
C. 31.
12mo. Ed.
C. 84.

No one to destroy the nests or eggs of "pertriks, pluvars, wilde duks" or other wild fowl fit for food, or to kill the birds in moulting time, but "foulys of reif" to be destroyed and their nests and eggs.—*Record Edition*, Vol. II., p. 51; *12mo. Edition*, Vol. I., p. 84 [Rep. 6 Ed. 7, c. 38 S.L.R.].

This is the first Act to protect the nests and eggs of certain birds and to prohibit their slaughter when in moult. "Foulys of reif" here mean birds of plunder: in short, predatory birds including hawks, but not to be confounded with the noble hawks or falcons.

James II.
6 Mch, 1457.
C. 32.
12mo. Ed.
C. 84.

"Ruks, Crawys," and other "foulys of reif," as "ernys, bussards, gledds, and myttallis," which destroy corn and wild fowl—such as partridges and plovers—to be destroyed "by all ingyne of all manner of crafts that may be founden, for the slauchter of them sall cause great multitude of divers kind of wild foules for men's sustentation." Rooks and Crows to be prevented from building in orchards, kirkyards; if young birds are suffered to fly away, the trees in which they build to be forfeited to the King with 5/- unlaw.—*Record Edition*, Vol. II., p. 51; *12mo. Edition*, Vol. I., p. 84 [Rep. 6 Ed. 7, c. 38 S.L.R.].

The distinction here between Rooks and Crows is interesting, though it will be seen that both receive the same measure of justice.

"Ernys" may mean Eagles generally, though Erne is a term usually reserved for the White-tailed Eagle.

In his edition of the Acts Sir Thomas Murray of Glendook* has used the word "bisettes" instead of "bussards," and it has been suggested that this word is derived from the French *biset* a Stock-dove. I very much doubt if Stock-doves occurred in Scotland in the fifteenth century since it is only from about 1877 that the species has been known to nest in

* *The Laws and Acts of Parliament*, . . . collected by Sir Thomas Murray of Glendook; Edinburgh, 1682, Vol. I., p. 84.

this country, and I think that the Common Buzzard is intended here.

“Gledds” are Kites.

“Myttalls” (or “Mittalles” as Sir Thomas Murray of Glendook spells it†) is more difficult of interpretation: “witwall, a kind of woodpecker,” has been suggested, but this species attacks neither corn nor birds, and I much doubt if it was ever common in Scotland.

“Mittale, Mittaine” has been interpreted as “a bird of prey, of the hawk kind. . . . It is certainly the same fowl which Dunbar calls Myttaine.”* This definition is not of much assistance, and the glossary to the best edition of Dunbar’s poems only states:—“Mittane, a kind of hawk.”‡ I must confess that I am unable to identify the bird thus proclaimed.

James II.
6 Mch, 1457.
C. 38.

Muirburn: The enactment of 1424 repeated.—*Record Edition*, Vol. II., p. 52 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James III.
9 May, 1474.
C. 15.
12mo. Ed.
C. 59.

No one to take either “maide” or “wilde hauks” or their eggs without leave of the owner of the ground under penalty of £10: eggs not to be taken from the nests of “pertrik” or “wilde duk” under penalty of 40s, and this to be a point of dittay.—*Record Edition*, Vol. II., p. 107; *12mo. Edition*, Vol. I., p. 115 [Rep. 6 Ed. 7, c. 38 S.L.R.].

A “maide hawk” is a hawk trained for hawking, and the term is employed here to contrast it with its wild relations.

James III.
9 May, 1474.
C. 16.
12mo. Ed.
C. 60.

No one to take “foulis” out of “dowcott” without licence of the owner under the payne of dittay and to be punished as theft.—*Record Edition*, Vol. II., p. 107; *12mo. Edition*, Vol. I., p. 115 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James III.
1 June, 1478.
C. 8.
12mo. Ed.
1477.
C. 75.

“Murburne” being now so commonly done in all months contrary to Act of Parliament it is now prohibited from the last day of March till Michaelmas under penalty of £5.—*Record Edition*, Vol. II., p. 119; *12mo. Edition*, Vol. I., p. 122 [Rep. 6 Ed. 7, c. 38 S.L.R.].

† *Loc. cit.*

* John Jamieson: *Etymological Dictionary of the Scottish Language*; 1880.

‡ *The Poems of William Dunbar*; published by The Scottish Text Society, 1893.

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James IV.
8 May, 1493.
C. 18.
12mo. Ed.
C. 48.

Landlords ordering poor tenants to burn muir in forbidden times to be fined and the tenant punished.—*Record Edition*, Vol. II., p. 235; *12mo. Edition*, Vol. I., p. 169 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James IV.
8 May, 1493.
C. 19.

“Quhair ony heronis biggis or hes nestis,” no person shall “slay ony of the said heronis sewis, or destroy thair nestis, eggis or birdis” for three years; anyone convicted of so doing to pay a fine of £10 and dittay to be taken by the Justice Clerk thereupon; thanks and favours to be given to those who preserve herons for the King’s pleasure.—*Record Edition*, Vol. II., p. 235 [Rep. 6 Ed. 7, c. 38 S.L.R.].

The protection here afforded to the Heron is due to the value set upon it as sport for hawking; a regal pastime, as may be judged from the wording of the Act. The words “heronis sewis” are another form of the terms Heronshaw, Hernshaw, Herneshew, Hernser, &c., by which the species is still called in some places and which properly means a young, or little, heron; accounted a better dish and more digestible than an old bird. I have eaten a roast heron and found it strong but by no means unpalatable. “Not to know the Hawk from the Hernser” is an old proverb which owes its origin to the sport of Heron hawking: the corruption of “Hernser” into “handsaw” being easy in the mouth of men to whom hawking the Heronsewe was unfamiliar.

James IV.
11 Mch, 1503.
C. 12.
12mo. Ed.
C. 69.

Breaking of “Doweats” to be a point of dittay; the unlaw to be £10 with amends for the damage; parents of children committing the offence to be fined 13s 4d or to give up the children to the judge to be beaten.—*Record Edition*, Vol. II., p. 242; *12mo. Edition*, Vol. I., p. 182 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James IV.
11 Mch, 1503.
C. 15.
12mo. Ed.
C. 71.

The fine for “murburne” after March to be £5.—*Record Edition*, Vol. II., p. 242; *12mo. Edition*, Vol. I. p. 182 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James IV.
11 Mch, 1503.
C. 21.
12mo. Ed.
C. 74.

All lords and lairds to have parks with “dowecotts” and to plant at least one acre of wood where there is no great wood or forest.—*Record Edition*, Vol. II., p. 243; *12mo. Edition*, Vol. I., p. 183 [Rep. 6 Ed. 7, c. 38 S.L.R.].

The enactment that all lords and lairds were to maintain dovecots was probably promoted by the desire to provide sport or food for trained hawks and to supply the larder when a scarcity of butcher meat occurred.

James V.
7 June, 1535.
C. 8.
12mo. Ed.
C. 11.

Mureburn after the month of March is illegal. The penalty for the first offence £5, for the second £10, and for the third £20; if defaulters be not "Responsale" in lands or goods they shall be at the King's will.—*Record Edition*, Vol. II., p. 343; *12mo. Edition*, Vol. I., p. 203 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James V.
7 June, 1535.
C. 11.
12mo. Ed.
C. 13.

Breakers of "dukatis" to be punished as thieves, the Act extended to those giving assistance to the misdoers.—*Record Edition*, Vol. II., p. 344; *12mo. Edition*, Vol. I., p. 205 [Rep. 6 Ed. 7, c. 38 S.L.R.].

Mary.
1 Feb., 1551.
C. 2.
12mo. Ed.
C. 12.

The market prices of the different kinds of wild fowl and game fixed as follows:—whosoever, buyer or seller, who breaks the same to suffer corporal punishment and all his moveables shall be escheated to our Sovereign Lady's use:—Cran, 5/-; Swan, 5/-; Wylde Guse of the greit bind, 2/-; Claik, quink, and rute, 18d; Pluwer and small mure foule, 4d; blak cok and gray hen, 6d; the dosane of poutis, 12d; Quhaip, 6d; Wodeok, 4d; dosane of laverokis and uther small birdis, 4d per doz.; Snype and qualzie, 2d; Tame Guse, 16d; Capone, 12d; Hen and pultrie, 8d; Chikin, 4d.—*Record Edition*, Vol. II., pp. 483/4; *12mo. Edition*, Vol. I., p. 276 [Rep. 6 Ed. 7, c. 38 S.L.R.].

This list of birds is interesting as providing food for a good deal of comment.

The Heron is not included in the list although it was regarded as a dainty and its special protection had been enforced in an Act of 1493. It is possible, therefore, that "Cran" may be intended here for the Heron, which has not infrequently been termed Crane colloquially. I am not aware of any evidence of Cranes having bred in Scotland; but that the bird was well known and much sought after in the sixteenth century is indisputable. In the *Account of the Lord High Treasurer of Scotland* (Government Publication), Edinburgh: 1900: Vol. II. p. 411, is the following:— "1503: Item, the xxj day of December, to ane man brocht quik cranes and quik pertrikis to the King fra William Cunynghame of Dumfries. . . Vs." It is, of course, possible that the Heron may actually have been intended, and the validity of this record is therefore questionable. The Crane is believed to have bred in East Anglia until about 1590, and till a later date was a regular winter visitant; but

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its visits to the British Isles from the Continent are nowadays irregular and rare.

“Swan” : It has been stated, as regards Scotland, that : “Though all proprietors have the privilege of fowling within their own ground, yet Swans are particularly reserved to the King ; and, therefore, the privilege to kill Swans is not carried under the name of barony, unless they are particularly expressed. Swans may therefore be regarded as *inter regalia*.” (*The Institution of the Law of Scotland*. . . . *By James Viscount Stair* : ed. by John J. More : Vol. I., 1832, p. 240.) I do not know how Swans came to be “particularly reserved to the King,” and their inclusion in this Act of 1551 is the only occasion on which the species is mentioned in the Acts of Parliament. Mr N. F. Ticehurst in his paper “The Early History of the Mute Swan in England” (*British Birds Magazine*, Vol. XVII., pp. 174/183) has shown that the species was distributed in considerable numbers over the greater part of England prior to 1250. The English Swan-laws and regulations have been concisely treated by Mr Sergeant Manning (*Penny Cyclopædia*, 1842, Vol. XXIII., pp. 371/2).

“Wilde Geese of the greit bind” are probably Grey-lag—Pinkfooted—or Bean-Geese. The word “bind” is not (as might be guessed at the first glance) a misprint for “kind” but is a recognised Scottish word denoting dimension or size.

“Claik” is the Bernacle Goose.

The *New or Oxford English Dictionary* states that “Quink” is “variously identified with grey-legged Goose (*sic*) and the Brent Goose, but *quink* is given in Edmonston’s Orkney Vocabulary as Golden-eyed duck.” It is most regrettable that such a slip as “grey-legged Goose” should find place in our latest *English Dictionary*. The correct term is, of course, Grey Lag-Goose, and this has been held to denote the Grey Goose which lags, or stays behind, in Great Britain to breed in contradistinction to the other species of Grey Geese which leave us in early spring to nest elsewhere. Mr J. E. Harting, however, writes to me :—“I am persuaded that this is a corruption from the A.S. *Graeg leag*

(i.e. *grey lea goose*) so named to distinguish it from the marine 'root goose,' in old records *rut goose* (i.e. the Brent) which feeds much on the roots of the grass-wrack *Zostera marina*." To this suggestion Prof. Skeat objects on the ground that no Anglo-Saxon word ending in g still preserves the g in modern English (e.g. *daeg* now day); if so there must be exceptions: as in the case of the word twig. In Sussex to this day *leag* is a "pasture."

"Rute" is the Brent Goose: cp. *Rot gans* in Dutch.

"Poutis" is equivalent to poults, or chickens, and the word may be compared with the French *poulet*. The term is often used in conjunction with the name of a bird to denote its young, but at times it occurs by itself as here and in the Acts of 1555 and 1621.

"Quhaip" is the Whaup or Curlew.

"Laverokis" are Laverocks or Larks.

"Qualzie" are Quail.

It may be noted that the list of edibles, from which these birds have been extracted, includes "Item the gryse . . . 18d," but this does not indicate the plural of Grouse but a young pig. It is curious that the bird Grouse is never so called in any of the Scottish Acts though it is so named in the English Act I. Jac. I., c. 27 § 2 of 1604.

Mary.
29 May, 1551.
c. 3.
12mo. Ed.
c. 9.

Complaint that noblemen cannot enjoy the pastime of hawking as in times past; to preserve the sport, killing "Deir ra wylde beistis or wylde foulis" by anyone of whatsoever degrees with firearms, half-hag, culvering and pistolate is prohibited under pain of death and reward to any informer.—*Record Edition*, Vol. II., p. 483; *12mo. Edition*, Vol. I., p. 269 [Rep. 6 Ed. 7, c. 38 S.L.R.].

This is the first time that fire-arms are mentioned in connection with killing Beasts or Birds, and it is presumable that their use was regarded as inimical to the pastime of hawking.

"Ra" here means the Roe deer.

Mary
Feb. 1551.
c. 11.

Only Gentlemen with Hawks allowed to kill or sell young pouts of "pertrik or wylde foule" for three years.—*Record Edition*, Vol. II., p. 486 [Rep. 6 Ed. 7, c. 38 S.L.R.].

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Mary.
20 June, 1555.
C. 25.
12mo. Ed.
C. 51.

Quotes previous Acts "maid for stanching and repressing of the slaying of wylde foulis," and states that the Acts against shooting wild fowl and beasts are to be enforced. . . . *That na man tak vpone hand to ryde or gang in thair nychtbouris cornis in halking or hunting fra the Feist of Pasche vnto the tyme that the samin be schorne. And that na man ryde nor gang vpone quheit na tyme of the year. . . . And that na persoun range vther mennis woddis parkis haningis within dykis or browmis without licence of the awnar of the ground vnder the pane of refoundiment of the dampnage and skaith to the parteis vpone quhais cornis they gang or rydis or quhais woddis parkis, haningis within dykis or browmis they sall happen to range.* . . . £10 for first fault, £20 the next to our Sovereign Lady, and the third fault extent of their goods moveable.—Record Edition, Vol. II., p. 497; 12mo. Edition, Vol. I., p. 302. [In part rep. 6 Ed. 7, c. 38 S.L.R.]*

It is interesting to note that in so far as the Section of this Act prohibits trespass it is still in force.

The "Feist of Pasche" is Easter: "haningis" are enclosures: "quheit" is wheat.

Mary.
20 June, 1555.
C. 32.

"Poutis, pertrik, pluer, mure foule, duke, draik, teill, or goldeine" not to be killed before Michaelmas under pain of £10. Lords, freeholders, and other gentlemen to enforce the Act within their borders; the Act to endure three years.—Record Edition, Vol. II., pp. 498/9 [Rep. 6 Ed. 7, c. 38, S.L.R.].

"Goldeine" has usually been held equivalent to the golden-eyed duck or, more properly, the Goldeneye. This species, however, is not known to have ever bred in Scotland, where it is reckoned as a winter visitant: its protection therefore "before Michaelmas" would seem superfluous. Even nowadays, from the colour of its eye, the Tufted Duck is often miscalled Goldeneye, and it may be that it was the Tufted Duck which was actually intended. Here again, however, there is room for doubt, as the older authors are unanimous in their opinion that the Tufted Duck was only a winter visitor to Scotland and that it "probably bred in the Arctic regions." It is, in fact, only since about 1875

* Still in force: *auct. Acts of Parliament*; published by authority, 1908, p. 22.

that the species has been definitely known to nest in Scotland (J. A. Harvie-Brown: *Annals of Scottish Natural History*, 1896, pp. 1/22), but it may be added that during the last twenty years the Tufted Duck has greatly increased and extended its range as a breeding species in Great Britain. It is curious that Sir Thomas Murray of Glendook does not include this Act in his edition, but when quoting a similar Act passed in 1600 he gives, as an alternative spelling, the word "Goldings."* It has been suggested that this word may have a connection with the Icelandic *Gulþnd* which is the Goosander, and it may be noticed that the word "Gaulding," usually pronounced "Gaulin," is used in the Antilles, and perhaps elsewhere, for any of the smaller *Ardeidae* be they Bitterns or Herons (Alfred Newton: *A Dictionary of Birds*: 1893/6; p. 310). It is to be observed, however, that in the Act of 1600 the Bittern and Heron are both specifically mentioned.

Mary.
30 June, 1555.
C. 33.

Penalty for "mureburne" in prohibited times to be for the first offence £5, for the second £10, and for the third £20; if defaulters be not "responsal" in lands or goods they shall be at the King's will; the old Acts to be enforced.—*Record Edition*, Vol. II., p. 499 [Rep. 6 Ed. 7, c. 38 S.L.R.].

Mary.
20 June, 1555.
C. 36.
12mo. Ed.
C. 58.

Acts of James III. and V. anent stealing Halkis, Pertrikis, Dukis, and foulis to be new published and enforced and extended to "foularis lyand at wait with thair nettis."—*Record Edition*, Vol. II., p. 499; *12mo. Edition*, Vol. I., p. 306 [Rep. 6 Ed. 7, c. 38 S.L.R.].

The reference here to netting birds is of interest as indicating that this practice was becoming too common.

Mary.
4 June, 1563.
C. 15.

Repeats the enactment of 1551, c. 3.—*Record Edition*, Vol. II., p. 541 [Rep. 6 Ed. 7, c. 38 S.L.R.].

Mary.
16 Ap., 1567.

One hundred and seventy-six "reik hens" at 4d each, mentioned as part of the rental of Braemar.—*Record Edition*, Vol. II., p. 557.

"Reik hens" are farm-yard hens, and their mention here is of interest if only as denoting the common custom of the period of paying rent in kind.

* *The Laws and Acts of Parliament*, . . . collected by Sir Thomas Murray of Glendook; Edinburgh, 1682, Vol. I., p. 781.

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James VI.
15 Dec., 1567.
C. 17.
12mo. Ed.
C. 16.

Shooting . . . "Dow, Herron, or foule of reuar with culvering, crosbow or handbow" forbidden under pain of forfeiture of moveables; if the "committar" of the crime be a vagabond not having goods, for the first fault, forty days' imprisonment; for the second, loss of the right hand.—*Record Edition*, Vol. III., p. 26; *12mo. Edition*, Vol. I., p. 366. [Rep. 6 Ed. 7, c. 38 S.L.R.].

The words "Foule of reuar" are given as "foule of river" by Sir Thomas Murray of Glendook,* and probably denote river- or water-fowl.

It is apparent that the penalties for infringement of the laws protecting birds of the chase were becoming more severe.

James VI.
15 Dec., 1567.
C. 55.

Old Acts as regards muirburn ratified and to be put in execution [i.e., for first offence £5, for second £10, and for third £20; if defaulters be not "responsal" in lands or goods, they shall be at the King's will].—*Record Edition*, Vol. III., p. 41 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James VI.
20 Oct., 1579.
C. 22.
12mo. Ed.
C. 84.

Breakers of "dowcattis" and makers of "mureburne in forbidden tyme" to be punished; offenders to pay damage and £10 for first offence, £20 for second, and £40 for third; if the "committar" of the wrongful muirburn be unresponsal for the first offence he is to be put in the stocks, prison or irons eight days on bread and water, for the second offence to be placed in the stocks for fifteen days, and for the third a month, at the end of which he is to be scourged; should an unresponsal person break a dovecot for the third time the penalty is "hanging to the deid."—*Record Edition*, Vol. III., p. 145; *12mo. Edition*, Vol. I., p. 428 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James VI.
24 Oct., 1581.
C. 30.
12mo. Ed.
C. 123.

Act against shooting with culverings, etc., passed in 1567, ratified: first offence £100; second £200, third double the sum and so on. Heritors to present contraveners of the Act to the judge ordinary of the bounds who shall enforce it under a penalty of £100.—*Record Edition*, Vol. III., p. 225; *12mo. Edition*, Vol. I., p. 470 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James VI.
20 May, 1584.

"*Gallinas fumosas: vulgo Reik hens*" named in a redendo of a charter to Lord Dingwall.—*Record Edition*, Vol. III., p. 324a.

* *The Laws and Acts of Parliament*, . . . collected by Sir Thomas Murray of Glendook; Edinburgh, 1682, Vol. I., p. 366.

James VI.
8 July, 1587.
C. 43.
12mo. Ed.
C. 59.

Ovre Sovereine Lord vnderstanding that thair hes bene diuerse actis of parliament maid of befoir anent the slaying of harte hynd da Ra hairis cuningis and vtheris wyld beastis with culueringis corsbowis and handbowis and specialie the actis maid in the parliament haldin at Edinburgh in december The yeir of god JMVC LXVij and in November LXXXJ yeiris quhilkis actis hidderto has tane na effect and that in default of the magistratis quhilkis were appoyntit to put the same to executioun THAIRFOIR his hienes with auise of his thre estaitis of this present parliament hes ratifet and appreuit the saidis haill actis in all poyntis passes clauses and articles thairof with this additioun That the slayeris and schuittaris of hart hynd da ra hairis cuningis and vtheris beastis without licence or allowance of the awneris salbe lyke cryme to the committaris as the steillaris of horse and oxin and the committaris thairof sall incur the pane and punischement dew to the cryme of thift.—Record Edition, Vol. III., p. 453; 12mo. Edition, Vol. I., p. 564.*

It must be noticed that this Act does not actually mention birds unless these are included in the term "wyld beastis." Whether or no, it is remarkable that the slaying of "wyld beastis" without the permission of the owner is still rendered illegal by this Act.

"Ra" means Roe, "Cuningis" denotes Rabbits.

James VI.
5 June, 1592.
C. 140.

Confirms an Act made in "secreit counsail" 21 Jany, 1583, which granted Master George Lauder of the Bass permission to prevent anyone from interfering with the "Solane Geis" and other "proffitable fowllis" that breed or frequent the Isle of Bass, which Geese breed in large numbers, and almost in no other part of the King's realm. Sailors come from neighbouring villages and take the "Solane geis by casting of neittis and hwikis with bait and burris,"† solely for the sake of their feathers at the time when they are leaving the Bass when they are thin and not fit to eat. Offenders to be brought to court at Dunbar or elsewhere and to be fined £20 *toties quoties*: half the fine to go to the King and half to Master George; and if the offenders cannot pay they shall be imprisoned for a year on the Bass or anywhere else that Master George shall please.—Record Edition, Vol. III., p. 614.

* Still in force: *auct. Acts of Parliament*; published by authority, 1908, p. 69.

† "Most probably from Fr. *bourre*, flocks or locks of wool, hair, etc." (John Jamieson: *Etymological Dictionary of the Scottish Language*, 1880).

This extract is but a short summary of a very interesting account of the Gannets at the Bass Rock, and it will be observed that these birds were the subject of enactments more than once at later dates.

James VI.
22 Ap., 1594.
C. 20.
12mo. Ed.
C. 210.

No one to kill " Pheanis, foullis, partrikis " or other wild fowl with guns, bows, dogs, hawks, or " girniss " in or within one mile of the King's woods or parks; anyone killing wild fowl with guns or " girniss " or shooting at " duik, drak, or wildfoull " with hagbutts: or hawking within six miles of the King's preserves: penalty £100.—*Record Edition*, Vol. IV., p. 67; *12mo. Edition*, Vol. I., p. 698 [Rep. 6 Ed. 7, c. 38 S.L.R.].

This is the first Act in which the Pheasant is mentioned. Sir William Jardine considered that " upon the Scottish border and high Cheviot range Pheasants must have been early abundant, for they are mentioned in the old ballad of the Field of Otterburn " (*Nat. Lib.*, Vol. IV. (Ornith.), 1834: pp. 191/2), which ballad may be regarded as belonging to the fifteenth century. " Fesauntes " and " Fessauntis " are mentioned in *The Regulations and Establishment of the Household of Henry Algernon Percy, the fifth Earl of Northumberland . . . 1512* (First ed.: 1770: pp. 105 and 191). It is certainly remarkable that the Pheasant should not figure in any earlier Scottish Act. It seems probable that the Pheasant (*Phasianus colchicus*) was introduced to England during the occupation of the Romans 52 B.C. to A.D. 410. It is mentioned in the *Inventio Sanctæ Crucis apud Waltham*, 1059: and Durham Account Rolls, 1299. The date of the introduction of the Ring-necked Pheasant (*Phasianus torquatus*) is not known, but it would appear that it had been a denizen of certain of our woods shortly prior to 1785. (Hugh S. Gladstone: *British Birds Magazine*: Vol. XV., pp. 67/69; and Vol. XVII., pp. 36/37.) It is interesting to add that Thomas Pennant in 1768 wrote: " Mr Brooks, the bird-merchant in *Holborn*, showed us a variety of the common pheasant, which he thought came from *China*, the male of which had a white ring round its neck; the other colors resembled those of the common species, but were more brilliant." (Thomas Pennant: *British Zoology*, Vol. II., 1768, p. 501.)

James VI.
1 Nov., 1597.
C. 37.
12mo. Ed.
C. 270.

The Acts against shooting wyld foullis and “ douis ” or taking them with girns and nets ratified: powers given to sheriffs and others to kill “ Lying dogs ” and to put the fowlers in the stocks for 48 hours as often as they be apprehended.—*Record Edition*, Vol. IV., p. 140; *12mo. Edition*, Vol. I., p. 740 [Rep. 6 Ed. 7, c. 38 S.L.R.].

“ Girn ” is a gin or snare.

“ Lying dogs,” or Setting-dogs, and their uses have been described by Nicholas Cox as follows:—

“ There is no Art of taking *Partridges* so excellent and pleasant as by the help of a Setting-dog, wherefore, before we proceed to the Sport, we shall give you an account what this Setting-dog is. You are to understand then, that a Setting-dog is a certain lusty Land-Spaniel, taught by nature to hunt the *Partridge* more than any chace whatever, running the fields over with such alacrity and nimbleness, as if there was no limit to his fury and desire, and yet by Art under such excellent command, that in the very height of his career by a Hem or sound of his Master’s voice he shall stand, gaze about him, look in his Master’s face, and observe his directions, whether to proceed, stand still, or retire: nay, when he is even just upon his Prey, that he may even take it up in his mouth, yet his obedience is so framed by Art, that presently he shall either stand still, or fall down flat on his belly, without daring either to make any noise or motion till his Master come to him, and then he will proceed in all things to follow his directions.

“ Having a Dog thus qualified by Art and Nature, take him with you where *Partridges* do haunt, there cast off your Dog, and by some word of encouragement which he is acquainted with, engage him to range, but never too far from you, and see that he beat his ground justly and even, without casting about, or flying now here now there, which the mettle of some will do, if not corrected and reproved. And, therefore when you perceive this fault, you must presently call him in with a Hem, and so check him that he dare not do the like again for that day, so he will range afterwards with more Temperance, ever and anon looking in his Master’s

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face, as if he would gather from thence whether he did well or ill.

“ If in your Dog’s ranging you perceive him to stop on the sudden, or stand still, you must then make in to him (for without doubt he hath set the *Partridge*) and as soon as you come to him, command him to go nearer him, but if he goes not, but either lies still or stands shaking of his Tail, as who would say, Here they are under my nose, and withal now and then looks back, then cease from urging him further, and take your circumference, walking fast with a careless Eye, looking straight before the Nose of the Dog, and thereby see how the Covy lie, whether close or stragglng.

“ Then commanding the Dog to lie still, draw forth your Net, and prick one end to the ground, and spread your Net all open, and so cover as many of the *Partridges* as you can, which done make in with a Noise, and spring up the *Partridges*, which shall no sooner rise, but they will be entangled in the Net. And if you shall let go the Old Cock and Hen, it will not only be an act like a *Gentleman*, but a means to increase your Pastime.”*

James VI.
May, 1599.

Since wyld foull etc. has become so scarce, and since hawking is necessary to keep the lieges from becoming effeminate in times of peace, the sale of . . . “ partridgis, muir foullis, blak cokis, aithehenis, Termiganis, wildeukis, teillis, atteillis, Goldyndis, mortynis, schiwerines, skeldraikis, herroun, buttir or ony sickynd of foullis ” commonly hawked after the first of July forbidden under a pain of £100 to buyer and seller. If an offender cannot pay he shall be scourged through the town where apprehended. Hunting permitted only to those who can bear the charge of hawks requisite for such pastime. Because one of the great reasons for the scarcity of game is that the birds are killed too soon: “ mwre powttis ” are not to be killed before 3rd July nor “ partridge powt ” before 8th Sept.: but this Act shall not comprehend “ evnyng wodeokis, pleuiris nor wilguss,” which can be killed by nets and other legal engine and sold as lawful merchandise as of before.—*Record Edition*, Vol. IV., p. 180b.

The excuse that “ hawking is necessary to keep the

* Nicholas Cox: *The Gentleman’s Recreation: Fifth Edition*, 1706, *Fowling*, pp. 44/45.

lieges from becoming effeminate in time of peace" is amusing. To illustrate this alleged necessity it has been observed that elsewhere it has been stated "The Scottes sette all their delighe in hunting and fowling, using about the same to go armed in jackes and light iesternes with bowe and arrowes, no otherwyse than if it had been in open warre, for in this exercise they placed all the hope of the defence of their possessions, lands and liberties." (Holinshed's *Historie of Scotlande*, 1577, p. 6.) It must, however, be pointed out that though this statement appeared in print in 1577, it purported to be a description of our forebears about the year 300 A.D.

Some of the birds named require identification:—
 "Aithehenis" are probably Heath-hens, that is Greyhens.

"Termiganis" are Ptarmigans.

"Atteillis" have been identified by some authorities as Wigeon, and I can advance no better translation though Messrs Baikie & Heddle (*Historia naturalis orcadensis*, 1848, p. 78) give "atteal" as the Orcadian name for the Pochard.

"Goldyndis" may be Goldeneyes, but see my remarks on c. 32 of the Act passed in 1555.

The word "Mortynis," or "Mortymys" as Sir Thomas Murray of Glendook spells it,* is one which cannot be satisfactorily translated. "Morton, Mortym: a species of wild-fowl . . . supposed to be the common Martin" is the interpretation offered by Jamieson,† but it is most unlikely that these birds of the Swallow tribe should ever have been protected in such a way. I wonder if by any chance the word Morillon (a name by which females and immature males of the Goldeneye were distinguished from the adult males till comparatively recent times) was intended and has been mutilated in transcription.

As regards "Schiwerines" (which, by the way, Sir

* *The Laws and Acts of Parliament, . . . collected by Sir Thomas Murray of Glendook*; Edinburgh, 1682, Vol. I., p. 781.

† John Jamieson: *Etymological Dictionary of the Scottish Language*, 1880.

Thomas Murray spells "Schidderenis")† it has been suggested that this word may bear some affinity to *Schild-ente*, the German for the Shoveler. § In modern works of reference this name does not appear, but *Schell-ente* is given as the German for the Goldeneye, and I find that *Löffel-ente* is the recognised German name for the Shoveler which is known in Denmark as *Skéand* and in Sweden as *Skedand*. Mr J. E. Harting suggests a misspelling by the transcriber:—"J. H. Gurney in his *Early Annals of Ornithology*, 1921, p. 95, gives *Skinnernis* as the Icelandic and *Skindernis* as the Danish name for the Gannet on the authority of Dr. Herluf Winge. Possibly the original word in this Act was *Skimmeris*, subsequently misspelt *Skinneris*; if so the word skimmer would not be inappropriate to apply to the Gannet on account of its often peculiar gliding flight."

"Skeldraikis" refers to the Common Sheld-duck.

"Buttir" is the Bittern; probably akin to French *butor* and late Latin *botaurus* which is certainly not derived from *bos* and *taurus*, though perhaps confused therewith in popular etymology.

It will be noticed that in those days the opening day for killing young Grouse was 3rd July, whereas it is now 12th August, but that young Partridges were not to be killed before 8th September as compared with 1st September now-a-days.

The mention here of the legal netting of plovers and wild geese is of interest, but especially that of the "evnyng wodcokis." "During the breeding season the male woodcock performs at twilight flights of a remarkable kind, repeating evening after evening (and it is believed at dawn also) precisely the same course, generally describing a triangle, the sides of which may be a quarter of a mile long or more. . . This characteristic flight is in some parts of England called 'roading,' and the track taken

† *The Laws and Acts of Parliament*, . . . collected by Sir Thomas Murray of Glendook; Edinburgh, 1682, Vol. I., p. 781.

§ John Jamieson: *Etymological Dictionary of the Scottish Language*, 1880.

by the bird a 'cock road.' In former times advantage was taken of this habit to catch the simple performer in nets called 'cock-shutts,' which were hung between trees across the open glades or rides of a wood." Great numbers were taken in this way, and in 1602 one wood in Pembrokeshire had thirteen cock-shots, and it is recorded that "yt ys no strange thinge to take a hundred or sixe score in one woodd in xxiiiijor houres. . . . In explanation of this abundance the great extent of forest which then prevailed in England may be borne in mind, and there can be hardly any doubt that very many more Woodcocks were then bred here than we have any notion of at present." (Alfred Newton: *A Dictionary of Birds*, 1893-6, pp. 1043/4.) Writing of "Cock-nets," the Rev. H. A. Macpherson (*A History of Fowling*, 1897, pp. 452-3) says:—"They do not appear to have been naturalised in Scotland at any time." Yet "Belted Will," Lord William Howard of Naworth Castle, indulged in the sport of taking Woodcock with nets, if we may draw an inference from the following entries in his household account for the year 1624:—"To Rob. Stapleton for hempe yarn in March for making a drawing net, Vs., and for IIJ. hankes of yarn for a cockshott nett, IIJs." (*Selections from the Household Books of the Lord William Howard of Naworth Castle*, published by the Surtees Society, 1878, p. 216.) From the legislation passed in 1599 it may be surmised that Woodcocks were then very plentiful in Scotland; thereafter there must have come a period when they became scarce, for it is only of late years that a vast increase in their numbers as a nesting species has become general all over the country. This may be due to the fact that plantations have become more numerous and also because the Woodcock is now protected under the Wild Birds Protection Acts: in some counties (*si sic omnes*) from 1st February to 1st October. An excellent paper on "The spread and distribution of the Woodcock as a breeding bird in Scotland since the beginning of the nineteenth century" (*Scottish Naturalist*, 1923, pp. 177/183; 1924, pp. 13/20 and 47/51) deals very fully with the subject in detail.

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James VI. Repetition of above . . . “ murefoullis, aith hennis,
1 Nov., 1600. goldynkis, butter ” . . . being alternative spellings.—
C. 34. *Record Edition*, Vol. IV., p. 236; *12mo. Edition*, Vol. I., p. 780
12mo. Ed. *Record Edition*, Vol. IV., p. 236; *12mo. Edition*, Vol. I., p. 780
C. 23. [Rep. 6 Ed. 7, c. 38 S.L.R.].

The spellings “ Goldynkis ” and “ Butter ” may be noticed: the latter denotes the Bittern, and I have already discussed the question, as to how “ Goldynkis ” and kindred spellings may be interpreted, when dealing with c. 32 of the Act passed in 1555.

James VI. In an Act in favour of Sir Patrick Murray the following
15 Nov., 1600. payments in kind converted into money:—12 Capones @ 18/-,
C. 40. 12 Hennis @ 1£/-, 12 Pultrie @ 8/-.—*Record Edition*, Vol. IV., p. 241b.

James VI. *Oure Souerane Lord and Estaittis of this present parlia-
 18 Mch., 1607.* *ment Considering how woddis parkis, and all sorte of planting
 C. 6.* *and hanyng decayes within this realme And how dowcattis ar
 brokin, bees stollin, mennis propir lochis and stankis hergit
 To the great hurte and prejudice of the countray and decay of
 policie THAIRFOIR Ratefeis and appreves all actis of parlia-
 ment maid of befoir for conseruatioun of planting and policie
 and aganis brakeris of dowcattis steiling of beis and of fisches
 furth of mennis stankis and propir Lochis In the haill pointis
 articlis and clausis thairof And ordinis the samin to be put
 to executioun aganis the Controveneris thairof And forder the
 saidis Estaittis Statutis and Ordinis that quhasoeur shall be
 fundin heirefter To brak down his nichbouris woddis and park
 dyikis fences stankis or closouris to pasture within the saidis
 fences Cutte treis browme or shear grasse withn the same or
 yit brakis dowcattis Steillis Beis and fisches in propir stankis
 and loches Shall be callit and convnit thairfoir as a braker
 of the Law ather befoir the privie counsall or any vther ordinar
 magistrat within this realme at the optioun of the pairtie
 complenar And the penaltie to be Imposit and takin of the
 Controvenaris befoir the saidis ordinar Inferiour Judges Aucht
 nocht to exceed the sowme of fourtie pundis of this Realme
 And the secrete counsail to Impose sic penaltieis aganis the
 controvenaris of this present act as eftir tryell tane in the
 cause they sall find the affendar to merite and deserue But
 prejudice alwayes of putting of all former actis maid anent the
 premissis to executioun eftir the forme and tennour thairof.*
Record Edition, Vol. IV., p. 373.*

* Still in force: *auct. Acts of Parliament*; published by authority, 1908, p. 97.

It is interesting to note that this Act is still in force in so far as it concerns the breakers of dovecots and other forms of damage to property.

James VI.
27 May, 1617.
C. 9.
12mo. Ed.
C. 8.

Justices of Peace ordained to put the Acts of Parliament in execution against breakers of Dow houses, "usares of unlauchfull gaymes with lying doggis," fowlers fowling in other men's lands, makers of "murburne and mosburne" the punishment to be a pecunial sum.—*Record Edition*, Vol. IV., p. 537; *12mo. Edition*, Vol. I., p. 893 [Rep. 34/5, V., c. 48 and 6 Ed. 7, c. 38 S.L.R.]

I can only guess that the phrase "unlauchfull gaymes with lying doggis" refers to the former practice, of finding game with a setter or pointer, which I have described when dealing with the Act of 1597, c. 37.

James VI.
27 May, 1617.
C. 18.
12mo. Ed.
C. 18.

Keepers of forests to have right to hold courts for the trial of offenders against the laws made to protect wild fowl: "landit men" killing deer and wild-fowl to pay 500 merks and "unlandit men" 100 merks.—*Record Edition*, Vol. IV., p. 547; *12mo. Edition*, Vol. I., p. 918 [Rep. 6 Ed. 7, c. 38 S.L.R.].

James VI.
27 May, 1617.
C. 19.
12mo. Ed.
C. 19.

Our Souerane Lord with aduyse and consent of the estaittis of this present Parliament Considering the gryit inconveniences sustenit by the Liegis of this realme Throw the frequent building of doucattis by all maner of persounes in all the pairtis thairoff Statutes declairis and ordanis that heirefter no persoun or persounes salhave power Libertie or priuledge to build a doucat vpoun ony landis within this realme nather within burght nor in the Cuntrie except that persoun buildar of the doucatt have landis and teyndis pertening to him extending in yeirlic rent to ten chalderis victuell nixt adiacent to the said doucatt at the Least lying within tua myillis to the same And als Declairis That it sall noways be Lauchfull to the persoun fairsaid worthe in yeirlic rent the fairsaidis ten chalderis victuel to builde moe doucattis vpoun and within the boundis fairsaidis except one doucate onlye.—*Record Edition*, Vol. IV., p. 548; *12mo. Edition*, Vol. I., p. 919.*

It would appear that dovecots, which it will be remembered were encouraged under an Act passed in 1503, had grown too common. This Act, reserving the right to build a

* Still in force: *auct. Acts of Parliament*; published by authority, 1908, p. 111.

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dovecot to an owner of land, appears never to have been repealed.

James VI.
1 June, 1621.
C. 30.
12mo. Ed.
C. 30. Act restraining the buying and selling of certain wild fowls:—"powtis, pertrikes, murefoules, blakeokes, grey hennis, termigantis, qualzies, Caperkailzeis," etc.: No person to buy or sell any of these birds at any time under penalty of £100.—*Record Edition*, Vol. IV., p. 628; *12mo. Edition*, Vol. I., p. 1010 [Rep. 6 Ed. 7, c. 38 S.L.R.].

This is the first and only time that the Capercaillie is mentioned in the Acts. I must not discourse here on the orthography of this word (See J. A. Harvie-Brown: *The Capercaillie in Scotland*, 1879, pp. 5/9), but it may be noted that Sir Thomas Murray of Glendook, in his edition of the Acts,† spells the word Caperkayllies.

"Termigantis" are Ptarmigans and "Qualzies" are Quails.

James VI.
1 June, 1621.
C. 31. *Oure Souerane Lord and Estaittis of this present Parliament Statutes and ordains That no man hunt nor haulk at anye time heirefter quha hes not a pleughe of land in heretage vnder the payne Off ane hunderethe pundis Ordanis his Majestie to have the ane halff of the penaltie of the Contraveneris of this present act and the dilatour to have the vther halff of the said penaltie.*—Record Edition, Vol. IV., p. 629; 12mo. Edition, Vol. I., p. 1011.*

This Act, which is still in force, is of importance since it is the first which definitely endeavours to set up a proprietary right in Game, and it implies most unequivocally the general right to hunt by common law.

A "pleughe [plough] of land" is generally held to contain about thirteen Scots acres.

James VI.
1 June, 1621.
C. 32.
12mo. Ed.
C. 32. Ratification of Act of James II., 1474, c. 15, etc., forbidding the stealing of "haulkis, pertrickis and duickis"; penalty increased from £10 to £100.—*Record Edition*, Vol. IV., p. 629; *12mo. Edition*, Vol. I., p. 1011 [Rep. 6 Ed. 7, c. 38 S.L.R.].

† *The Laws and Acts of Parliament, . . . collected by Sir Thomas Murray of Glendook*; Edinburgh, 1682, Vol. I., p. 1011.

* Still in force: *auct. Acts of Parliament*; published by authority, 1908, p. 126.

Charles I.
17 Sept., 1639.

Act to be prepared against fowling in other men's bounds with dogs, nets, or any "ingyne."—*Record Edition*, Vol. V., p. 599b.

Charles I.
1 Oct., 1639.

Act against destroyers of "dowcattis" and hunters in other men's bounds with "lying doggis": two Acts to be made: the one ratifying the Act 84 James 6 parl. 6, with this addition, that the first fault be under the pain of £20, the second £40, the third £100; and another act discharging fowling with setting dogs, or shooting in other men's bounds under the pain of loss of dogs, nets, and guns to the heritors and £40. Power given to heritors to apprehend and detain the delinquent till he pay; discharges all the slaying of "wildefowle" in other men's bounds with guns "chipers" or other ingyne under the pain of confiscation of the guns or ingyne and £40 to the heritors; ordains no person but heritors to keep dogs.—*Record Edition*, Vol. V., p. 605a.

Charles I.
16 Oct., 1639.

Acts against "muireburne" ratified; time for burning muir to be extended to 15th April.—*Record Edition*, Vol. V., p. 613a.

Charles I.
16 Nov., 1641.
C. 128.

"Hunteres, haukers, travelleres and otheres persones whatsoever" forbidden under penalty of £5 to destroy dykes, or parks or plantings.—*Record Edition*, Vol. V., p. 420.

Charles I.
16 Nov., 1641.
C. 129.

For the good of the public the transporting of "eggis" out of the country is to be restrained. The poor labouring servant who eats only bread and drinks water would be bettered by getting eggs to his meat. "The breed of chickens, henes and capones would be in far greater abundance so that they might sell at tuo pence a groat and sexpence wher they are now tuo groates, twelve penies, and eighteene pence." The transportation of eggis therefore to be restrained with a penalty of confiscation of the eggs and £100 fine *toties quoties* against the transportation.—*Record Edition*, Vol. V., p. 421.

It is cheering to find that the *menu* of "the poor labouring servant who eats only bread and drinks water" should so far be considered that he might be able to get "eggis to his meat," and that therefore the export of eggs should have been prohibited.

Charles I.
27 July, 1644.
C. 246.

In a wadset of the earldom of Orkney the Earl of Morton taken bound to supply the King with "halkes" or to pay £235 13s 4d yearly to the King's "fallcouneres."—*Record Edition*, Vol. VI. (1), pp. 228/9.

It is to be regretted that the number of "halkes," with

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which the Earl of Morton was bound to supply the King, (failing which he was to pay £235 13s 4d) is not given: had this been done it would have been possible to have arrived at the actual monetary value placed on a hawk in those days.

Charles I.
25 Feb., 1647.
C. 213.

Prices of "Vivers." On account of abuses and extortionate demands from officers and soldiers, the following prices struck:—for "ane capon 6/-, and ane hen or cok 4/-, for ane dosson eggis 1/4."—*Record Edition*, Vol. VI., (1), p. 710b.

As regards these prices for poultry and eggs, it may be of interest to note that at that period Foot soldiers received 5s per day and Troopers 14s. A Colonel of Foot's pay was £333 6s 8d per month; Lieut.-Col., £200; Major, £133 6s 8d; Captain, £100; Lieutenant, £45; Ensign, £36; Sergeant, £15; Surgeon, £45; Minister, £45; and Drummer, £12. Straw (for the night of 24 hours) 2s, and hay 3s. Cheese, 1s 8d per lb., and butter 3s 4d per lb. Ale and milk to be the same price, at current prices before the arrival of the armies, and not to exceed 16d.

The Scottish Parliament met at Stirling on 6th June, 1651, and was appointed to meet the third Wednesday of November next but did not do so since Charles I. was defeated at the battle of Worcester on 3rd September, 1651. Thereafter no Parliament was called in Scotland until the Restoration when, it may be noted so far as regards these notes, the Acts passed in 1641, 1646 and 1647 were rescinded.*

Commonwealth.
12 Nov., 1655.
C. 11.

Justices of the Peace to enforce acts against "breakers of Dove-houses . . . users of unlawfull Games with setting Dogs . . . Fowlers fowling in other men's lands, makers of Moor-burn and Moss-burn." Justices of the Peace may both try and punish the violaters of the said Acts penalty to be a "pecunial sum or corporall punishment": but the Justices shall not interfere with any person brought before any ordinary judge, nor are the powers contained in this Article prejudicial to any commission or Rights granted to others and now in force whereby they have powers to proceed and censure the crimes and offences above written.—*Record Edition*, Vol. VI. (ii.), p. 834a.

* *Record Edition*, Vol. VII., p. 86; *12mo. Edition*, Vol. II., p. 175.

Charles II.
1 Jan., 1661.
C. 372.
12mo. Ed.
C. 37.

On account of "the penurie and scarcity of His Majesties coyne heer in Scotland" which is occasioned by the meanness and smallness of the proportion of the bullion (at first imposed never heretofore considerably augmented) notwithstanding His Majesty's customs have been several times augmented: a table or "A.B.C. of Bullion" was established in which are included:—Two ounces of bullion to be brought to the Mint for each 3 cwt. of Bird lyme exported, for each 3 barrels of Eggis and for each 3 cwt. of feathers for beds."—*Record Edition*, Vol. VII. pp. 251/E; *12mo. Edition*. Vol. II., p. 196 [Rep. 6 Ed. 7, c. 38 S.L.R.].

It is remarkable that Bird-lime should have been regarded as a taxable commodity.

The *menu* of the "poor labouring servant," which was so thoughtfully considered in 1641, seems now to have been forgotten since here we find the export of eggs allowed though a tax is imposed on "each three barrels of eggis."

Charles II.
1 Jan., 1661.
C. 333.
12mo. Ed.
C. 38.

Justices of the Peace to enforce Acts against breakers of dove-houses, users of "unlawfull games with setting dogs," fowlers fowling in other men's lands, "makers of moorburn and mosseburn."—*Record Edition*, Vol. III., p. 308; *12mo. Edition*, Vol. II., p. 213 [Rep. 34/5 V., c. 48, Sched. II., and 6 Ed. 7, c. 38 S.L.R.].

Charles II.
25 Aug., 1662.
C. 46.

In an "Act of Dissolution of the Earldome of Orkney from the Crown in favour of George Viscount Grandison" the stipulations as regards the provision of "halks" for the King are the same as those imposed in 1644.—*Record Edition*, Vol. VII., p. 399a.

James VII.
30 May, 1685.
C. 24.
12mo. Ed.
C. 20.

"Act for preserving Game." Ratifies an act of privy Council in 1682; narrates the decay of game in His Majesty's Antient Kingdom "especially in the low Countries": revives the acts 1621 c. 31 forbidding any but heritors to Hunt or Haulk: forbids shooting "herrons" at any time: forbids the killing of "Muirfoul, Heathfoul, Partridge, Quail, Duck or Mallard, Taile or Ataile, or Tormichan," from the first day of Lent to the first of July, according to the act of 1427, "excepting Waterfoul with haulks in Dregging time": revives the Act 1600, c. 34, against the killing of "Muirfoul Pouts" before 1st July, of "Heath Pouts" before 1st August, and of Partridge or Quail before 1st September: revives act of James IV. forbidding Muirburn after 31st March: forbids the use of "Setting Dogs," except to heritors of £1000 of valued rent, or their servants, any offender to suffer loss of dogs and six weeks' imprisonment; revives the act 1594, c. 20, against

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shooting, hunting or hawking within a prescribed distance of the King's Palace; revives the act 1600, c. 34, forbidding the sale of "Muirfowl, Tormichan, Heathfouls, Pertridge or Quale" for seven years; revives the Act 1555, c. 25, forbidding hunting in other men's grounds without leave: appoints "Masters of Game" for twenty-eight districts: forbids the use of "Setting Dogs with Netts" for taking Partridges, Muirfouls, Heathfouls or Quails for seven years, penalty 40 merks scots for each fowl so killed. "That none pretend ignorance" proclamation is to be made at mercat crosses of all head burghs.—*Record Edition*, Vol. VIII., pp. 474/7; *12mo. Edition*, Vol. III., p. 30; [Rep. 6 Ed. 7, c. 38 S.L.R.].

This is an important consolidating Act, and it is the first in which the word "Game" is utilised.

"Ataile" has been identified as either the Wigeon or the Pochard.

"Tormichan" is the Ptarmigan.

The term "Dregging time" is puzzling, and it has been suggested that this may mean egging time. Another version of the Act reads "in Dredging time,"* but this alternative spelling does not elucidate the puzzle. As these Acts often copy one another in their provisions and as moulting time is expressly mentioned in the Act of 1457, c. 31, it has also been thought that moulting time might be intended here. The Act under discussion, however, protects certain birds "according to the Act of 1427, excepting Waterfowl with haulks in Dregging time," so that so far from protecting these birds during a period which was the close-time for other species, it actually allowed Waterfowl to be taken as indicated.

It will be noticed that the open season for young Grouse now commenced on 1st July, for young Blackgame on 1st August, and for Partridges and Quail on 1st September.

The appointment of twenty-eight "Masters of Game" is an innovation, and it may be noted that the Marquis of Queensberry acted in this capacity for the shyre of Dumfries,

* *The Laws and Acts . . . of . . . James VII.* Edinburgh: Printed by the Heir of Andrew Anderson, 1685, p. 31.

the Earle of Galloway for the Stuartry of Kirkcudbright, and the Laird of Bruchtoun for the shire of Wigtoun.

James VII.
23 Ap., 1685.
C. 25.
12mo. Ed.
C. 21.

Anyone stealing a "hawk" from the nest or "arie" or taking a varvel from a "hawk" to be fined 500 merks: if any one sell or give away a hawk which is not his own he shall be fined £100: anyone finding a stray hawk with bells or varvels under penalty of £40 shall take or book it within forty-eight hours in the sheriff clerk's books: the owner to pay 6s 8d and 2s for each mile that the bearer brought it for booking: if not reclaimed in six months it shall become the property of the finder.—*Record Edition*, Vol. VIII., p. 477; *12mo. Edition*, Vol. III., p. 34 [Rep. 6 Ed. 7, c. 38 S.L.R.]

This Act provides farther evidence of the value set on hawks which, it will be observed, were not even allowed to be taken from their nests.

William and
Mary.
13 May, 1689.

By order of the Committee of Estates an order is made to pay "Andrew Sheills falconar" for bringing the King's hawks from Orkney and Zeatland.—*Record Edition*, Vol. IX., app. p. 21.

We are given here the name of the King's "falconar"—Andrew Sheills—to whom payment is to be made for bringing hawks from "Orkney and Zeatland."

William.
12 Sep., 1696.

An Act for "Restraineing gunners and fowlers from spoiling of the game, remitted to the Committee for trade."—*Record Edition*, Vol. X., p. 12b.

William.
19 July, 1698.
C. 34.
12mo. Ed.
C. 15.

Former Acts for the preservation of Game, and particularly the Act 1685, c. 24; ratified (since "the Laws and Acts of Parliament for preserveing of Game has not hitherto been put to due Execution as they ought to have been") the prohibition in that Act, against killing Partridge, Muirfoul, Heathfoull, and Quails by means of setting dogs with nets, continued for seven years.—*Record Edition*, Vol. X., p. 174; *12mo. Edition*, Vol. III., p. 546 [Rep. 6 Ed. 7, c. 38 S.L.R.]

Anne.
26 July, 1705.

"Draught" of an Act for "preserveing the Game" read and ordered to be printed.—*Record Edition*, Vol. XI., p. 218a.

Anne.
4 Jan., 1707.

In a draught of an Act for dissolution of the lands of Orkney and Zetland from the Crown in favours of the Earle of Mortoun it was (*inter alia*) agreed "that the Queen's hauks be reserved."—*Record Edition*, Vol. XI., p. 382a.

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Anne.
12 Feb., 1707.

An Act for dissolution of the lands of Orkney and Zetland from the Crown in favour of the Earle of Morton was made (*inter alia*) "reserving all haucks pertaining to Her Majesty with the Falconers sallaries and other casualties to them belonging conforme to former custom used and wont."—*Record Edition*, Vol. XI., p. 430b.

Anne.
21 Mar., 1707.

Ratification of Charter under the Great Seal of the date at Windsor Castle 31 July 1706 granted by Her Majesty to Sir Hugh Dalrymple and his heirs the island and rock called Bass. . . . "Upon condition that the foresaid Charter shall not prejudice the right of the solen geese granted during Her Majesty's pleasure to Lord Alexander Hay brother to the Marquess of Tweeddale And that it shall not hinder her Majesty to fortife the said Island with a garrison as formerly" without payment to Sir Hugh.—*Record Edition*, Vol. XI., app. p. 132.

Anne.
25 Mar., 1707.
C. 91.
12mo. Ed.
C. 13.

"Act for preserving Game": No one to kill, sell, buy, or "use" Moor-Fowls from 1st March to 20th June: or Partridges from 1st March to 20th August, under penalty of £20 *toties quoties*. . . . "It is hereby Discharged that no common Fowllers shall presume to hunt on any grounds without a subscribed Warrant from the proprietors of the said grounds under the penalty foresaid Besyds forfaulting their dogs guns and nets to the Apprehenders or Discoverers And its hereby furder Provyded That no Fowler or any other person whatsoever shall come within any Heritors ground without leave ask'd and given by the Heritor with setting dogs and nets for killing fowls by nets"* . . . any common fowlers found in any place with guns or nets, without permission "shall be sent abroad as Recruits": Justices and those in authority to see that Game laws are carried out under penalty of £100 if found not to have done so: All former Acts made anent the Game hereby ratified and approved "except in so far as they are hereby innovat and altered by this present Act."—*Record Edition*, Vol. XI., p. 485; *12mo. Edition*, Vol. III., p. 767 [In part rep. 6 Ed. 7, c. 38 S.L.R.].

The word "use" here is curious, and probably means eat.

The killing of Grouse was now made legal so early as 21st June and of Partridges on 21st August: the close time for each species commencing so late as March 1st.

* Still in force: *auct. Acts of Parliament*, published by authority; 1908, p. 291.

That part of the Act which renders it illegal for a person to hunt or sport on any grounds without a subscribed warrant from the proprietor has never been repealed.

It will be observed that a new form of punishment for common fowlers found in any place with guns or nets, without permission, was that they be "sent abroad as Recruits." Although this penalty may seem excessive to us nowadays it may be added—in taking leave of the subject—that it is probable that the administration of the game-laws was never more severe than during the period 1760 to 1832.

My theme is now exhausted, and as a fitting conclusion I have made the following alphabetical index to the birds mentioned in the Acts above quoted.

INDEX.

The words in italics occur in the Record Edition : those in CAPITALS are either additional or alternative and are used in the 12mo. Edition.

The references are to the Acts of Parliament, etc., indicated in the rubric.

The letters F.C. denote Fragmenta Collecta [N.D.].

Aithehenis, see Grouse, Black.

Ataile, see Widgeon.

Atteillis, see Widgeon.

Birdlime (*Bird-lyme*), 1661.

BISSETTES, see Buzzard, Common.

Bittern (*Butter*, *Buttir*), 1599, 1600.

Butter, see Bittern.

Buttir, see Bittern.

Buzzard, Common (BISSETTES, *Bussard*), 1457.

Capercaillie (*Caperkailzeis*, CAPERKAYLLIES), 1621.

Capon, see Poultry.

Chicken, see Poultry.

Claik, see Goose, Bernacle.

Cock, see Poultry.

Crane (*Cran*), 1551.

Crow (*Crawys*), 1457.

44 BIRDS MENTIONED IN ACTS OF SCOTTISH PARLIAMENTS.

- Curlew (*Quhaiþ*), 1551.
- Dove, Dovecot (*Douis, Dow; Doucat, Dove-house, Dowcat, Dowcatt, DOWCATTES, Dowcott, Dowhouse, Dukatis*), F.C., c. 7, 1424, 1474, 1503, 1535, 1567, 1579, 1581, 1597, 1607, 1617, 1639, 1655, 1661.
- Duck, Common Sheld—(*SKAILDRAIK, Skeldraikis*), 1599, 1600.
- Duck, Tufted? *see* Goldeneye.
- Duck, Wild, *see* Mallard.
- Eagle, White-tailed (*EIRNES, Ernys*), 1457.
- Eggs (*Egges, Eggis*), 1641, 1661.
- Falcon, *see* Hawk.
- Feathers (*ffeathers*), 1661.
- Foule of Reuar, FOULE OF RIVER*, 1567.
- Foulys of Reif*, 1457.
- Fowl, Wild: *see* Wild-fowl.
- Game [*so designated*], 1685, 1696, 1698, 1705, 1707.
- Ganeris*, *see* Goose, Domestic.
- Gannet (*Solane geis, Solen geese*), 1592, 1707, and *see* SCHIDDERENIS.
- Gerfalcon, 1261.
- Gledd*, *see* Kite.
- Goldeneye, or Tufted Duck? or Goosander? (*Goldeine, GOLDINGS, Goldyndis, Goldynkis*), 1555, 1599, 1600; (*Quink*), 1551, and *see* SCHIDDERENIS.
- Goosander? *see* Goldeneye.
- Goose, Bernacle (*Claiik*), 1551.
- Goose, Brent (*Rute*), 1551.
- Goose, Domestic (*Ganeris, Tame Geese*), F.C. c. 9, F.C. c. 41, 1551.
- Goose, Wild (*Wilgus, Wylde guse*), 1551, 1599, 1600.
- Goshawk, 1235.
- Grouse, Black (*Aithehenis, Aith hennis, BLACK-COCKES, Blak cok, Gra hennys, Gray hen, Heath fowl, Heath pouts*), 1427, 1551, 1599, 1600, 1621, 1685, 1698.
- Grouse, Red (*Moor-fowl, Muir foull, muirfowl, mur cok*,

- MURE-COCKES, *Mure foule, murefoull*), 1427, 1555, 1599, 1600, 1621, 1685, 1698, 1707.
- Hawk (*Halk, Halke, Hauck, Hawk, Haulk*), 1235, 1261, 1343, 1474, 1551, 1555, 1599, 1600, 1621, 1641, 1644, 1662, 1685; 1689, 1707.
- Hen, *see* Poultry.
- Heron (*Heronis, Heronis sewis, Herron, Herroun*), 1493, 1569, 1581, 1599, 1600, 1685.
- Kite (*Gled*), 1457.
- Lark (*Laverokis, LAVOROCKES*), 1551.
- Mallard (*Draik, drak, duickis, duik, duke, Mallard, wild deuk, WILDE-DUIK, wilde duk, wildeuk*), 1457, 1474, 1555, 1594, 1599, 1600, 1621, 1685.
- MITTALLES, 1457.
- Moorfowl (*and similar spellings*), *see* Grouse, Red.
- Morillon? *see* MORTYMS.
- MORTYMS, *Mortynis*, 1599, 1600.
- Mytalls, 1457.
- Partridge, PARTRICK, *Partrik, PERTRICHES, Pertrick, Pertridge, Pertrik*), 1427, 1457, 1474, 1551, 1555, 1594, 1599, 1600, 1621, 1685, 1698, 1707.
- Peacock (*pacokis*), F.C. c. 7.
- Pheasant (*Phesanis, PHEASANTS*), 1594.
- Plover (*pleuir, PLEVARS, PLOVARES, pluvar, pluver, pluwer*), 1427, 1457, 1551, 1555, 1599, 1600.
- Pochard? *see* Wigeon.
- Poultry (*capone, chickenes, chikin, cok, Henes, Hennis, pultrie, Reik-hens*), F.C. c. 9, 1551, 1567, 1584, 1600, 1641, 1647.
- Poutis, *Powtis*, 1551, 1555, 1621.
- Ptarmigan (*Termigan, Termigant, Tormichan*), 1599, 1600, 1621, 1685.
- QUAIL (*quailzie, quale, qualzie, QUAYLES*), 1551, 1621, 1685, 1698.
- Quhaip*, *see* Curlew.
- Quink*, *see* Goldeneye.
- Reik-hens*, *see* Poultry.
- Rook (RUIKES, *Ruks*), 1424, 1457.

Rute, see Goose, Brent.

SCHIDDERENIS, *Schiwerines*, 1599, 1600.

Shoveler? see SCHIDDERENIS.

SKAILDRAIK, *Skeldraikis*, see Duck, Common Sheld-.

Snipe (*snype*), 1551.

Solane geis, see Gannet.

Sparrowhawk, 1235.

Swan, 1551.

Teal (*Taile*, *Teill*), 1555, 1599, 1600, 1685.

Termigan, see Ptarmigan.

Tormichan, see Ptarmigan.

Wigeon or Pochard? (*Ataile*, *atteillis*), 1599, 1600, 1685.

Wild duck, see Mallard.

Wild-fowl (*water foul*, *wilde foule*, *wild foule*, *wylde foul*, *wylde foule*), F.C. c. 5, 1457, 1551, 1555, 1563, 1594, 1597, 1599, 1600, 1617, 1639, 1685.

Woodcock (*Wodcok*, WOODDE-COCKE), 1551, 1599, 1600.

WOOLFE-BIRDE, 1427.

7th November, 1924.

Chairman—Mr T. A. HALLIDAY.

The Early Church in Dumfriesshire and its Monuments.

By W. G. COLLINGWOOD.

I. ST. KENTIGERN.

The story of St. Kentigern as told in the past generation cannot now be accepted without considerable deductions. Recent investigation shows that it rests upon a series of untrustworthy statements. It has been long agreed that no confidence can be placed in the two "Lives," written more than five centuries after his supposed period — the earlier "Life," now only fragmentary, but used by Fordun; and another compiled about A.D. 1180 by Jocelyn of Furness,

which we have in full. Both make Kentigern the foster-child of St. Servanus, and this is a well-known anachronism which Skene, in *Celtic Scotland*, II., 184 f., showed to be quite impossible. So much obvious folk-lore is involved in these biographies as to throw doubt on any part of them; they are simply medieval hagiology, uncritical and unhistorical.

Skene, however, thought that a belief in Kentigern could be supported by earlier notices. He instanced:—(1) “Cyndeyrn Garthwys, chief bishop of Penrionyd in the north,” in the Triads of Arthur; (2) “Kyndeyrn Garthwys, son of Ywein (i.e., Owen), son of Urien Reged, son of Cynfarch,” etc., in the pedigrees of the saints of Britain; (3) grants of land to Bishop Kentigern at Llanelwy, i.e., St. Asaph’s, named in the Red Book of St. Asaph; (4) the date of the saint’s death, given in *Annales Cambriae*; and (5) mention of him as “bishop of Glasgow and confessor” in the *Martyrologium Usuardi* of the ninth century.

These notices, however, are not so trustworthy as they look. We have to reckon with the discussion of their sources by a Welsh scholar, Mr Gwilym Peredur Jones, of the Liverpool University, from whom we collect the following results:—

(1 and 2) Cyndeyrn (i.e., Kentigern) Garthwys, in old Welsh pedigrees, was certainly grandson of Urien. Urien of Reged has been usually attributed to the north and to the early post-Roman period, on the authority of Nennius; but the authority of the very late additions to Nennius has been questioned to vanishing-point. There may have been an earlier Urien and a northern Reged, but this Urien of Rheged, who was grandfather of Cyndeyrn Garthwys, occurs repeatedly in Welsh pedigrees in such a position as to suggest that he was a kinglet of about A.D. 900-950, and that his kingdom was in South Wales. Of his grandson, Cyndeyrn Garthwys, Mr G. P. Jones says that he was possibly the saint of Llangyndeyrn in Llandyfaelog, in the deanery of Kidweli, South Wales (“The Scandinavian Settlement in Ystrad Tywi,” *Y Cymmrodor*, XXXV., pp. 129, 147). That is to say, twelfth century biographers, looking about for details to eke out their story, gave our saint the parentage of a

namesake; and so these two references must be crossed off.

(3) As to St. Asaph's, the Red Book quotes an extract made in 1256 from "an old book in London," which says that Kentigern founded his see there in the time of King Maelgwn, who died in 547. It gives an incredibly early date and a long life of over a century to the saint; and—what is more damaging—its account of other persons involved is so full of difficulties that the whole story must be classed with other medieval hagiologies ("The Kentigern grants in the Red Book of St. Asaph," by the same writer).

(4) The date of Kentigern's death is discussed by Skene in *Celtic Scotland*, II., 197, where he shows that the 612 of *Annales Cambriae* does not tally with the tradition recorded by Jocelyn, to the effect that he died on January 13th, being the octave of the Epiphany and a Sunday, which fixes the year as either 603 or 614.

(5) If the *Martyrologium Usuardi* is attributable to 875, it is the earliest of these notices; but even if we accept this, it is remarkable that we have so great a silence in the literature of the ages from the sixth to the ninth century about a figure we should now consider of some importance. Neither Adamnan, who names King Rodercus of Dumbarton (said in the legends to have been Kentigern's patron) nor Bede, who writes kindly of Columba (supposed to be Kentigern's friend), so much as hints at the existence of Kentigern himself.

Jocelyn of Furness may very well have collected his material from Irish books at Iniscourcy, and he no doubt wrote in all good faith, trying to piece together what he thought to be history; but it is no wonder that some, of late years, have denied that there ever was a St. Kentigern of the north. And yet there are considerations which may weigh against all this negative evidence. We cannot accept the legends, but we may perhaps find some reason for replacing them with a more reasonable belief.

The silence of Adamnan and Bede is not fatal. To both authors the Cumbri were an inferior race, and the British church was heretical. They took no interest in the subject, except that Bede (*Hist. Eccl.* V., 23) commented on certain

Britons who refused to conform to Roman use even so late as 731. In this passage he seems to be talking about Northumbria and its neighbours. The Britons who, he says, were in subjection to the English, but still held out against the general reformation of the day, cannot be those of Wales, which was not then under English rule; but those of south-western Scotland were subject to the Northumbrians. He seems to mean that Dumfriesshire Cumbri still adhered to their old ecclesiastical use, the British use as regarding Easter and so on, which even Iona had by then abandoned for that of the Roman church. We know from Adamnan that Rodericus of Dumbarton was a real king; he was never delivered into the hands of his enemies, but died, as St. Columba foretold, peacefully "on his own feather-pillow." We see that rather more than a hundred years later his political power had been diminished, but that his nation still tried to carry on their traditional forms of worship. There was therefore a flourishing British church in Dumfriesshire in the seventh century.

We need not labour the point that Cumberland was already Christian from the fourth century. The Roman Empire gave us, here in the north, no living legacy except Christianity. Its arts and higher culture perished before the attacks of the barbarians; its military and civil organisations survived only in empty names, assumed by the degenerate Britons. But for half a century before the Wall garrisons were withdrawn the state religion was Christian, and the Britons were left with that one mark to distinguish them from the Saxon invaders and the not yet converted Picts and Scots. We have little archæological evidence of fourth century Christianity in the regions around Hadrian's Wall, and yet even this absence of remains has value. In pagan graves, hoards of goods were buried, but not in Christian tombs. The pagan epitaph is particular; the Christian is vague, for when a person was buried in hope of a resurrection, details of his earthly life mattered nothing. The late Roman tombstone of the Christian is known usually by its incomplete record; so-and-so lived so many years *plus minus*,

more or less; the pagan record is given in full. Once, at the Bedd Porius in North Wales, a stone of this age says "The Man was a Christian"—perhaps in exceptional surroundings or to an exemplary degree; but this is uncommon. Church buildings of the Eastern type had not reached this outlying north-west. There is one little example at Silchester, but probably no special plan was needed for the most primitive Christian worship. Yet we know that Candida Casa had been founded at Whithorn, and without doubt other congregations existed. For example, about 375 or later St. Patrick was born, somewhere in Britain; his father and grandfather held offices in the local church; and after his youthful captivity in Ireland he returned to find his own people as they had been, in spite of the disturbances of those unhappy years when the Roman garrison had gone and the Romano-British population was left to take care of itself.

To some extent it did take care of itself. Recent study of the hill-forts (*C. and W. Transactions*, N.S. XXIV., 82-87) suggests that, in Cumberland, places of refuge were made in the late Roman period and used for a long while afterwards. The population was not exterminated. The Brigantes of North England and the Selgovæ of central South Scotland did not disappear but merged into the "compatriots," *Combrogæ*, Cumbri of the whole region north and south of the Wall (Rhys, *Celtic Britain* [1904], p. 140)—welded together by enemies on all sides. When they were driven by Pictish invasions, which travelled mainly southwards by the great Roman roads, they were compressed ultimately into Strathclyde, Dumfriesshire, and Cumberland, though many Britons held their ground elsewhere, as in County Durham, for long generations. But Strathclyde-Cumbria was the home of Cymric Britons to the tenth century at any rate (*A.S. Chron.*, 924). The most important centre was Carlisle, which under the Romans had not been a fort but a town, Luguvaillum. That it was later called Caerluel is significant of the continuance of tradition. Legends indeed make it the capital of Cunedda and of Roderch (Rhydderch) in the fifth and sixth centuries; but it was probably the chief

town of the northern Britons—whatever the names of their leaders—because when the Angles arrived, perhaps not very long after 600 (Ekwall, *Eng. Place-Names in -ing.* p. 157), it became the Anglian capital. In 685 there was an abbey at the place and a population intelligent enough to be interested in Roman antiquities, for they showed them to St. Cuthbert as the attraction of their town. This can only mean that Britons continued in Carlisle through the sixth century until the Angles came and learned the local traditions from the old inhabitants.

In the country near Carlisle there are similar evidences of British survival. We know from exploration the type of "British settlement" containing Roman pottery in beehive houses, and therefore the abodes of the natives before 400. Some of these sites can be identified with the place-name Walton, *Wala-tún*, Welshmen's village, which must have been so named by Angles in the seventh century because they found Britons still living there. Traces of such a British village have been found on the Vicarage hill at Crosthwaite, Keswick (*C. and W. Transactions*, N.S., IV., 254-256), at the place where the twelfth century people found a tradition—it would be begging the question to say that they invented it—of Kentigern's preaching, and found the name Crosfeld (Anglian) or Crosthwaite (Norse), by then attached to this place. Alice de Rumeli (II.) built a church there, and dedicated it to St. Kentigern about 1175.

Other Cumberland churches dedicated to him are Caldbeck (dedication mentioned 1231) and Castle Sowerby (dedication mentioned 1362); Aspatria and Bromfield (dedication not as yet found in pre-Reformation documents, but both churches dating by their monuments to the middle of the tenth century); Grinsdale and Irthington (twelfth century churches; early mention of dedication at present unknown). Mungrisdale chapel must be omitted, because it was not consecrated as late as 1785, although the name of the place (? Mungo-Grisdale) was used in the seventeenth century and is probably much older, whatever it means. But all the seven Kentigern churches of Cumberland lie in a group between

Keswick and the Border, and in country where British, Anglian, and Norse place-names remain side by side, in much the same kind of connection as in Dumfriesshire; that is to say, in an area where Angles first and then Norse-descended incomers settled among Britons and did not sweep the Britons away. It is possible that the dedications were not fixed until the twelfth century; but study of dedications suggests that in some cases they have survived even from Anglian times (*C. and W. Transactions*, N.S., XXV., 5, 6, 14), though not from pre-Anglian, for there are no monuments or definite remains indicating that the Britons in Cumbria of the fourth to the seventh century had stone churches like Candida Casa. This Kentigern group contains two sites founded in the tenth century; and any theory as to the source of the dedication ought to take into account the possibility that it was then given, like some to Patrick, Bridget, and Columba (*ibid.* 11, 12), which can be reasonably referred to the Viking Age.

North of the Solway, general conditions in the late Roman and early post-Roman periods were similar to those of Cumberland; that is, the population was British, not Pictish, and there was some leavening of Roman culture shown by coins and pottery. The existence of Candida Casa, proved by the Latinus stone of the fifth century, suggests a friendly neighbourhood under Christian influences; and the eclipse of Candida Casa in the sixth century may be partly explained by the rise of the Strathclyde-Cumbrian power as an independent unit. That it was independent is shown by the absence of Kentigern dedications in Galloway; but in the Strathclyde-Dumfries regions we find St. Mungo (Abermilk) near Hoddam, where the legend places Kentigern. About 1114-21 Hoddam was traditionally a possession of the see of Glasgow, then said to be founded by Kentigern (*Inq. Davidis*), which confirms a connection of the two Kentigern sites at a time when the later legends had not been formulated. He is named also at Lanark and Borthwick. Eastwards, but in regions which in late Roman times were under similar conditions to those of Strathclyde, we find him named at Hassendean (Roxburghshire), Peebles (St. Mungo's Well), Polwarth in

Berwick, Penicuick and Currie (Midlothian). One legend makes him born at Traprain Law; but, neglecting this, we find him all over the old Selgovian region and east of it, where the Otadeni formerly lived.

Beyond the Forth, and probably owing to missionary efforts of the Strathclyde church at a later age, we find the old chapel to him at Culross, dedications at Alloa and Auchterarder, St. Mungo's Hill at Inverness, and in the valley of the Dee, among an Aberdeenshire group of Cymric sites, St. Kentigern's church at Glengairden (Skene, *Celt. Scot.*, II., 193), and perhaps another site. There is no need to believe, with Jocelyn, that he visited all these places as well as "Orkney, Norway, and Iceland"; but the widespread use of the name indicates that there was something behind the twelfth century theory which attributed to him so great a place as the founder of the northern British church before the extension of Columban influence over Scotland.

To sum up the case for a northern Kentigern:—We have this group of dedications coinciding with a Cymric area; the connection of Hoddam and Glasgow with him antedates the *Lives*; the dedication of Aspatria and Bromfield may have been tenth century, and if so could not be to Cyndeyrn Garthwys; at any rate the widespread acceptance of the Kentigern legend is against referring its origin to a tenth century saint local to South Wales. Add to this the further consideration of the British church in Dumfriesshire already noticed as traceable in the seventh century. Such a church must have been organised by some outstanding personage. Just as the historical Rodericus or Rhydderch—whether he ruled Carlisle or no—certainly consolidated the British power in these regions, so there must have been, along with him, an ecclesiastical champion who gathered together the broken fragments of primitive Christianity left over from the fourth century, and formed a church that would endure. He must have flourished about the time of the movement which created the kingdom. It is likely that he was associated with King Rodericus. Late writers, trying to realise him, were wrong in giving him another man's pedigree and details which are

partly common form in hagiology and partly scraps of British folk-lore. But without postulating him we can hardly understand the facts, as they emerge not much more than a century after the date which tradition assigns him—namely, the independent British church of the seventh century in Dumfriesshire.

II. MONUMENTS.

For this earliest period there are no monumental remains, as there are in Galloway. The Dumfriesshire series of crosses begins with Ruthwell, of which enough has been said (these *Transactions*, Series 3, Vol. V., p. 82). It may perhaps be added, in support of the date there given, that if Bede is rightly interpreted as complaining of the opposition to Anglo-Roman use in Dumfriesshire in 731, it is unlikely that so important a monument as the Ruthwell Cross could have been set up before his time. It means the Northumbrian church fully established there—not struggling with any opposition—and this is more likely to have been accomplished after King Eadbercht's successes in the north (756) than in the years after Ecgfrid's reverses. But the Angles had already begun to colonise north of the Solway, as we know from the fact that by 731 they had bishops of their own at Whithorn. There, we have reason to think, the Angles took over Candida Casa without more of a breach than was needed to effect the reforms that brought the old British church into touch with Roman use (*The Early Crosses of Galloway*, these *Transactions*, Series 3, Vol. X., p. 212 ff), as shown by the "Locus Sti. Petri" stone, and the series of monuments following it.

At Hoddam the same process is very probable. We find there a series of Anglian monuments beginning about the date we gave to the Ruthwell Cross (late eighth century) and continuing onwards through the tenth. The site must have been occupied by an abbey, of which the name is lost, unless it can be identified with the Tigbrethingham of the fragment of a Lindisfarne cartulary given under the year 854 in the Recapitulatio of Symeon of Durham. There was a place,

Tidbrihticghamm, "field of the people of Tidbricht," in Worcestershire (Ekwall, *English Place-Names in —ing*, 153), and this may help to explain the word as a family settlement. Any *—ingham* must have been a rather early colony of Angles, taking us back to the first part of the seventh century—soon after the battle of Dægsastan (606) in Liddesdale, when Anglian immigration became possible. Symeon's "Mailros et Tigbrethingham et Eoriercorn [Abercorn] ad occidentalem partem" suggests an abbey in the west; the monuments of Hoddam indicate that there was an abbey here of considerable importance; and no other site seems to claim the name. Whatever it was called, the stones found at Hoddam Old Church tell us something of its history. Those of the earlier series are:—

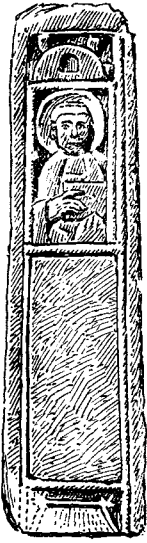
(1) Part of a cross-shaft, here figured as Hoddam *a b c*, now in the National Museum of Antiquities, Edinburgh. It is of freestone, 22 by 10 to $8\frac{1}{2}$ by $6\frac{1}{2}$ to $5\frac{1}{2}$ inches. The left side *a* has a half-length saint, nimbed, holding a book; above is a dome with a window in it and turrets on each side; below is a panel on which there must have been an inscription, either very lightly carved or merely painted. The front *b* has a full-length saint, also nimbed and with a book; above is a gable over an arch, with a window and finial, and a head on each side of the gable. The right side *c* is like the left, differing in details. This was found in the old church wall, demolished in 1815, and it is a regular design of the Anglian school of the late eighth or the ninth century. The front is remarkably like a well-known cross-shaft at Heysham, near Lancaster, with a gabled building and faces looking out of windows above a figure in an arch. That stone seems to be of the middle of the ninth century or later, and perhaps gives a date for this one at Hoddam. It is probably before 876 that it was carved, for in that year Halfdan's Danish raid passed through the country and must have attacked the church; after that date the earlier Anglian school, in its finest work, seems to have come to an end, so that this monument and the five next to be noticed are likely to have been carved previously. They suggest a very important

Anglian abbey here, for only such an institution would be the site of so many tombstones of the first class.

In 1815 there was also found (2) the upper arm of a cross of freestone, 9 by 7 inches, with the winged ox of St. Luke in front (no doubt the other evangelistic symbols were on the other arms of the cross), a basket-plait on the reverse, and on the edge a knot of the kind seen on the buttress at Ripon Cathedral. This fragment is figured by Stuart, *Sculptured Stones of Scotland*, Vol. II., plate lxix. Stuart also mentions a fragment inscribed with runes, which is lost.

At Knockhill, a number of fragments built into a summer house and now removed, give us parts of several fine crosses of about the same date as above. They were figured (before removal) in these *Transactions*, Series 3, Vol. v., p. 69. Of these (3) a large cross with a fine figure of Christ in benediction ('Majestas') and on the arms animals and small half-length figures. (4) Another, similar in size and shape, had a nimbed saint with a book in the cross-head centre and small half-length figures on the arms. (5) A third had the Lamb in the centre, rosettes on the arms and probably a piece of florid but not late scroll-work on the shaft. The last two (4 and 5) resemble work at Lancaster; the 'Majestas' (3) is in the style of West Yorkshire, and might be by a carver of the school which produced fine work at Easby and Aldborough, which can be attributed to the early ninth century. Another large cross-head (6) is suggested by a centre, bearing a boss surrounded with knotwork like that on the smaller cross at Lastingham (the early fragment in the crypt, reproduced as a war memorial in the churchyard). And (7) there are the fragments of a shaft with a twist on the edge, perhaps later than the above, as the twist is a rather late pattern.

It is evident that Hoddam, like Hexham (for which see *Archæologia Aeliana*, 4th Series, Vol. I., pp. 65 ff), was not wiped out by the Danes, but continued as a place of burial. Among the stones turned out at the exploration of Hoddam Old Church are many post-Danish, running on into the eleventh century. The most interesting is the fragment of



a

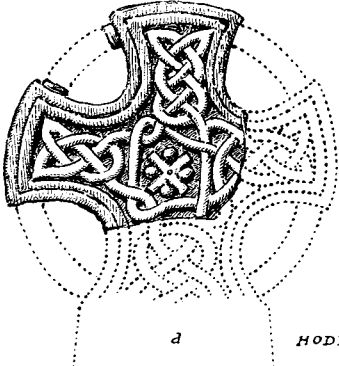


HODDAM

b

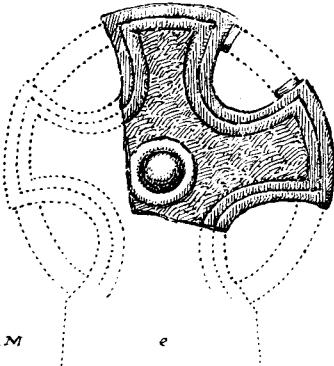


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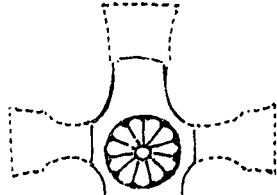


d

HODDAM

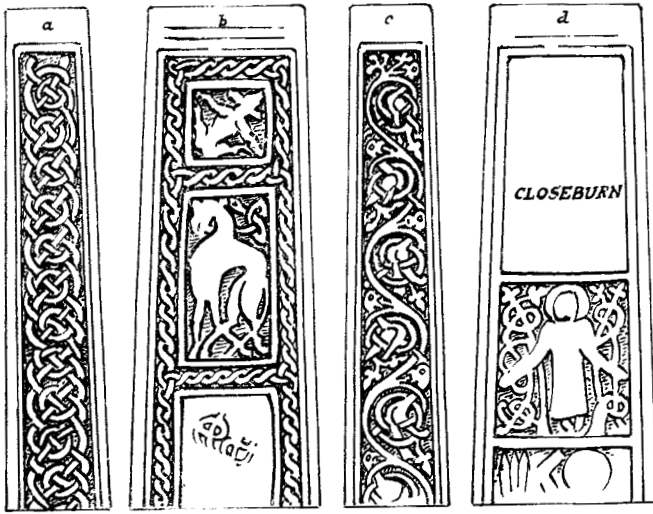


e

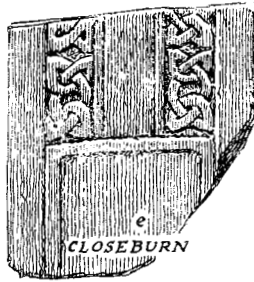


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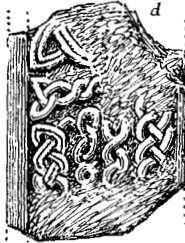
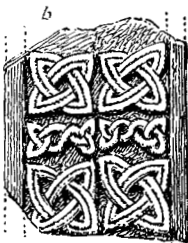


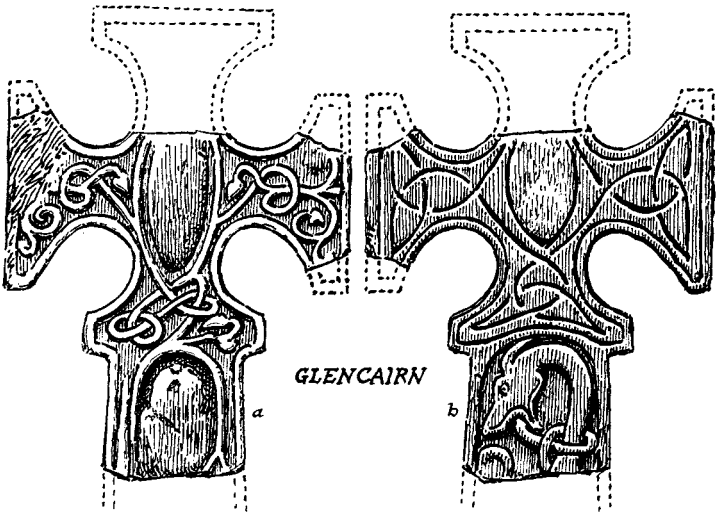
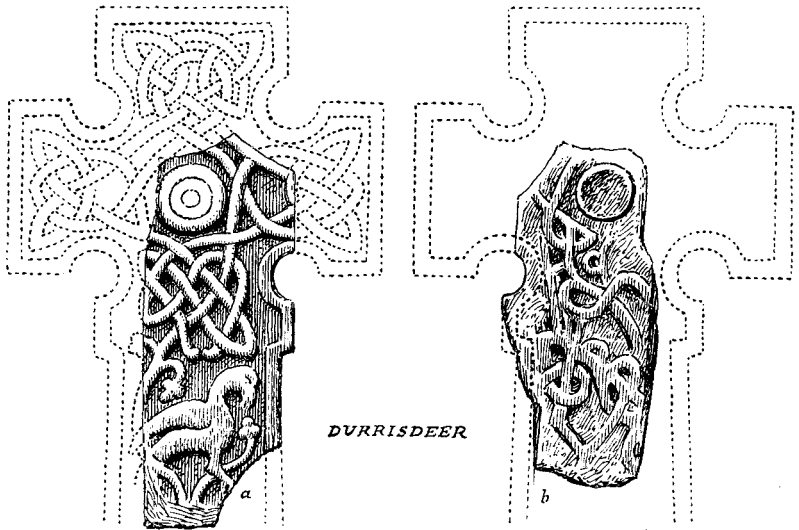


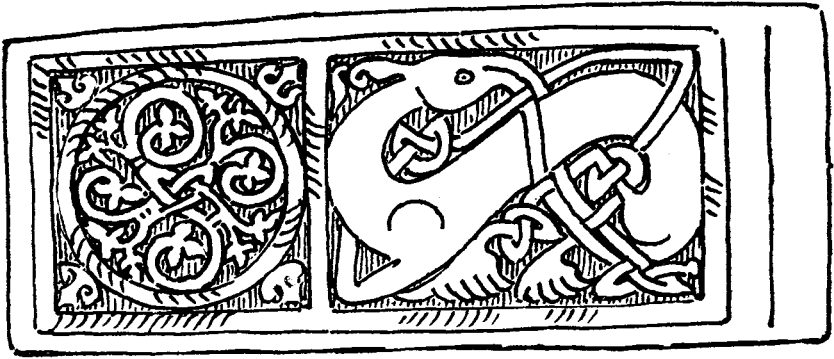
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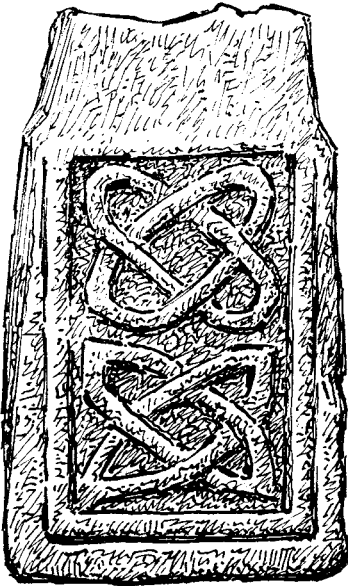
CLOSEBURN



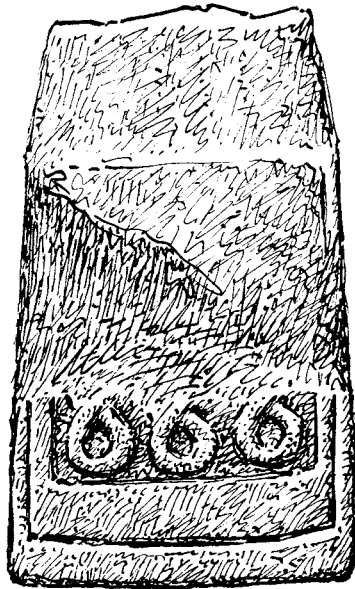




WAMPHRAY



a



b

KIRKCONNEL

red sandstone cross-head, figured here as Hoddam *d e*. When necessary restoration is supplied it works out to a wheel-head—the traces of the wheel are very distinct—with a diameter of over 20 inches, and three to four inches thick. It is remarkably asymmetrical; the lateral arms must have been uplifted and the rosette on *d* cannot have been truly centred. The plaits of *d* are of one continuous strap, that is to say, in the best Anglian manner; but there is no ornament on *e* except frame-mouldings, as on cross-heads at Dewsbury and Hexham, which are probably of the eleventh century. This head can hardly be much earlier; in districts outside the main Danish and Norse colonies it is fairly certain that Anglian traditions persisted for a very long time.

From the monuments one is tempted to infer a great Anglian abbey at Hoddam, founded before 800, and, though perhaps damaged by the Danes in 876, revived and (like others) transformed into a church which lasted until the coming of the Normans. In the early twelfth century it was thought to have been founded by Kentigern, and no doubt it had its memories reaching back to an age in touch with the British church. If it was at all analogous to Whithorn, where we can trace continuity from Ninian through the Anglian age down to the twelfth century, the *Inquisitio Davidis* may represent a real tradition bridging the gulf between the seventh century and the twelfth.

The rest of the church sites with early monuments in Dumfriesshire cannot have been Anglian abbeys, because they have only one or two stones apiece, not a great group like Hoddam. And these stones are all rather later; they point to chapels belonging to great estates, a kind of rudimentary parish churches which, though not unknown earlier, became common in the tenth century.

Near Thornhill, 200 yards west of the bridge over the Nith, kindly railed in and well preserved, is a cross of pink sandstone, 9 feet 2 inches high and 15 inches by 8 inches in section at the foot. The sketch here is based upon the drawing in *Early Christian Monuments of Scotland*, fig. 469, with some additions, including restoration of the cross-arms. The pairs

of animals on sides *b* and *d* are often seen in Northumbrian design; *e.g.*, the second tallest shaft at Ilkley church, where they must be pre-Danish; but the combination of such pairs with knots on side *a*, and the great variety of knots on side *c*, suggest a later development of the style, still Anglian and wholly uninfluenced by any Scandinavian or other feeling. Such work could be done in the tenth century in a district where the old Hoddam influence remained.

From Closeburn, the shaft now in the Grierson Museum at Thornhill, white sandstone, 3 feet 6 inches high by $14\frac{1}{2}$ to 13 inches by $8\frac{1}{2}$ to 7 inches, deeply cut with the chisel, seems to be a little later than the Thornhill cross. The Anglian beasts, in early examples drawn with graceful curves, are here (side *b*) clumsy or grotesque; the bird-scroll on *c*, perhaps suggested by the Ruthwell cross, is rather florid; but the figure on *d* is still Anglian, and the knots on *a* are like those on the beautiful little stone at Croft, near Darlington, on the Otley dragon-stone, and at Thornhill, Yorks. The twist frame of *b* is seen also on the cross at Irton, Cumberland, certainly Anglian. All this suggests a date not very far on in the tenth century, at a time when "Kylosbern" might have been the chapel belonging to a Norse-descended owner, Asbjörn, but ecclesiastically under the traditional Anglian influences.

The stone at Closeburn church (Closeburn *e*, figured with Penpont) looks like part of a shaft carved rather later. It is of light buff freestone, 17 by $15\frac{1}{2}$ by 4 inches, shallow-cut, with hacking. The knots might be of the late tenth or eleventh century, but the panel for inscription carries on the Anglian form.

The fragment found in the wall of the old parish church of Durisdeer, now at the Grierson Museum, Thornhill, is of pink sandstone, 2 feet by $7\frac{1}{2}$ inches by $7\frac{1}{2}$ inches, deeply cut, and the plait smoothly chiselled. The boss on side *a* is in high relief, with two circles lightly incised. The illustration Durisdeer *a* suggests the necessary restoration, but the back, side *b*, is almost too weathered to draw with confidence, and its plaits seem to be too random to restore. This means late

tenth century or eleventh, when the Anglian tradition was beginning to be lost in the prevalent Scandinavian feeling for loose design.

The Glencairn cross-head, said to have been found in the fabric of the old parish church there, and now at the Grierson Museum, is of (pink?) sandstone, the fragment measuring 20 inches across the arms, 21 inches high, and 8 to 7 inches in thickness. It is neatly chiselled; the ground in the lower part of *a* sunk deeply. The plait on *b* has been only sketched with an incised line and never finished, like some of the Whithorn stones (these *Transactions*, 3rd Series, X., p. 222.) The form (a head?) in the lower part of *a* has perished; that in the lower part of *b* is a good Scandinavian dragon, though the shape of the cross, with fan-like arms, is of a type common in Lancashire and West Yorkshire in the tenth century. These evidences taken together suggest late tenth or early eleventh century, with the Anglian tradition modified by the taste of the Viking Age.

In the garden of the Grierson Museum is also a shaft of pink sandstone (not illustrated), 54 inches high, 16½ inches wide at the base tapering to 9 inches at the top, and about 8 inches thick. This would fit the Glencairn head, and the forms in its upper part might be a continuation of the dragon. On the reverse is a narrow frame-moulding with a rounded arris, which seems to continue the pattern of Glencairn *a*; but the stone is too badly weathered to make a satisfactory drawing.

The Wamphray grave-slab, of yellow freestone, 50 inches long, 19½ inches wide, and 6 inches thick, is an interesting example of the Scandinavian dragon side by side with a pattern derived from Anglian leaf-scrolls, and not at all Danish or Norse in character. It cannot date earlier than the later half of the tenth century.

At Kirkconnel in Nithsdale is now in the church a massive cross-base, found half a mile south-west of the old church in the glebe dyke, close to the present manse, in 1897. It is about 36 inches high, and 29 by 21 inches in section at the base. It has a socket-hole on the top 17 by 9 inches and

about 5 inches deep, no doubt for the shaft of a cross. The illustration shows the narrower sides; the two broader faces have no ornament visible. Ornamental cross-bases are not unknown from the period before 900, but were more common later, *e.g.*, the great one at Walton in south-west Yorkshire. The figure of two ovals interlaced, sometimes known as the "duplex," is characteristic of Viking Age crosses all over the north of England.

Another stone of this kind is said to stand in a field at Crawick, near Sanquhar.

In Penpont church two stones were found, now in the Grierson Museum. They are parts of two different monuments. One, apparently a late headstone (Penpont *a*), is of pink sandstone, 13 inches wide by 3 inches thick, the back and edges rough-dressed. The other (*b c d e*) is of the same material, 11 inches wide by 4 inches thick, carved on all sides; perhaps the fragment of a cross-shaft. In both of these the designs are very poor, though the carving is crisp; the "duplex," often repeated, and clumsy knots suggest the eleventh century or possibly a little later.

III. CONCLUSION.

We have now gone through a series of relics dating from about A.D. 800 to about 1100, showing that the church in Dumfriesshire had a continuous existence, and that it preserved its Northumbrian character very much like the contemporary church at Whithorn. We have seen, on the other hand, that the British church which preceded it here seems, unlike St. Ninian's foundation, to have opposed the Anglo-Roman reforms, at any rate in the period during which the two organisations first came into contact. This would account for the loss of fuller notices of St. Kentigern in early times; and yet, by the end of this pre-Norman age, ancient animosities were forgotten, and the twelfth century church recognised him as patron saint of the district. When that time arrived, British nationality in the north was a thing of the past. It had seen a renaissance in the early tenth century, if we are right in interpreting the little that

history gives us of the condition of Cumbria up to Brunanburh and the overthrow of King Duvenald (Dumnail) in 945; and this may explain the preservation of the name of Kentigern and the dedications to his memory. But data are wanting. All documentary sources fail, either from their scantiness or from their extremely confused character. Shall we ever be able to supplement them?

Thirty years ago, when we were in like case regarding the history of Roman Britain, few could have foretold that, by now, the vague generalisations which used to be made from scattered notices in books would have given place to detailed knowledge of the progress of imperial power, social conditions, civilisation and the causes of its failure. All this has been learnt by the use of the spade. It is not too much to hope that similar exploration of post-Roman sites may lead to unanticipated knowledge of the darkest age. The map of South-Western Scotland is covered with forts, ancient settlements, early graveyards. They may not yield the rich harvest of Traprain Law, but the very little that has been done in that way suggests that they are worth the attention of experts in antiquarian digging. The find of the Latinus stone at Whithorn is invaluable; British villages south of the Solway have been dated by exploration; the graveyards are a more delicate matter, and yet in some cases they might be attempted. Inferences of importance would result from comparison of the plans of early chapels and of the typology of various relics with those of other districts. Until this is done, we are only groping in the darkness, in hope of a dawn.

The sculptured stones we know tell us nothing about the Cymric Britons, because the whole business of monumental art with carved ornament was not one of their activities. It was invented by the Northumbrian Angles and introduced by them to areas outside Northumbria proper. It was adopted by the Danes and Norse from Anglian models, and carried by them still further afield; for example, to Wales, where tombstones earlier than the Viking Age are derived from Roman inscription rather than from Christian decora-

tion. But the Britons were not by any means without arts of their own; their ornament in the late Iron Age was beautiful; under the Romans they had a distinctive school of sculpture; later on they had an undoubted turn for rhetoric and poetry in their especial vein. Mixed with the Angles—for the rapid development of Northumbrian art cannot be explained otherwise—they helped to create a great epoch of literature and decorative art. But this was not their independent performance. Gaelic Scots assimilated ideas of Christian ornament and evolved remarkable results; Picts, probably basing on Anglian lessons, learnt to draw in a charming manner, and formed a great school of animal-sketching, as the north-eastern Scottish stones witness. But the Cymru show none of this aptitude for formative art; life for them was too hard, and well-being too precarious, in the post-Roman age; and even the outburst of their energies in Cumbria of the tenth century was crushed between the English and the Scottish powers. Nevertheless it seems demonstrable that the later population of northern England and southern Scotland owed much to them. Races do not die out, though they may be absorbed. And in trying to recover more of their history we are not indulging in a merely academic exercise, for in such researches we begin to understand ourselves.

21st November, 1924.

Chairman—Mr G. F. SCOTT ELLIOT, F.R.G.S., F.L.S.

A Botanical Tour in the Himalayas.

By Prof. W. WRIGHT SMITH, M.A., F.L.S., F.R.S.E.

[This lecture by the Professor of Botany in Edinburgh University dealt with tours in the country that lies behind Darjeeling, and including Sikkim and part of Tibet, undertaken in the years 1909 and 1910. It was illustrated by a series of remarkable lantern slides. For extended notice see *The Dumfries Courier and Herald*, 22nd November, 1924.]

The Pre-Reformation Clergy of Sanquhar.

By Rev. W. M'MILLAN, M.A., Ph.D.

It has generally been held that the Church of Sanquhar dated from Celtic times, and the fact that it was dedicated to St. Bride may be held to give some support to the belief. Regarding the old church building (which was removed in 1823), Dr. Simpson, writing in 1853, states that tradition said that it was coeval with the Cathedral of Glasgow, and that it had been built by the same architect and masons.¹ Chalmers in his *Caledonia*, written some fifty years earlier, says that, while the church was ancient, there was neither record nor tradition stating when it was erected. Symson in his *Large Description of Galloway*, which was written in 1684, tells us that in his day there were in the church the "tombs of several of the Lords Crichton of Sanquhar, and before them some Lords of the name of Ross."² Now, as the first Crichton of Sanquhar died in 1360, the tombs of the Rosses must have belonged to the 13th century at the latest.³ The earliest reference to our parish that I have yet met refers to the property of two persons who were beheaded here in 1264,⁴ but it is possible that a reference in a charter of William the Lion to the *Ecclesiam de Sanctæ Brigid de Stranith* is to our parish church, though it has been usually taken as referring to the neighbouring church of Kirkbride.⁵ In 1430 the Church of Sanquhar was created a Prebend of the Cathedral of Glasgow, and from that time the Rectors were also members of the Cathedral Chapter, with certain duties in connection therewith. These duties necessitated the residence of the Rectors in Glasgow for certain periods every year, but it was a common complaint that many of the Canons were quite ready

¹ *History of Sanquhar*, 62.

² See Appendix to Vol. II., Nicholson's *History of Galloway*, 182.

³ Balfour Paul, *Scottish Peerage*.

⁴ Macfarlane's *Coll. MSS.*, quoted Porteous, *God's Treasure House in Scotland*, 216.

⁵ *Exchequer Rolls*, I., 17.

to accept the emoluments attached to their prebends but were unwilling to perform the duties required. At least one Sanquhar rector, probably William Shaw, was negligent in carrying out his duties, for in the *Visitatio Capituli Glasguensis* of 1502 the prebend of Sanquhar is marked "non facit residentiam."⁶ In Bagimond's Roll the rectory of Sanquhar is valued at £10, which means that the living was worth £100, an exceedingly large sum in those days. In 1483 another valuation was made, but Sanquhar then included in the *Capitulum Glasguensis* is rated at the old figure of £10. From the *Statuta de Cultu Divino in Choro Glasguensi* it appears that our parish had to contribute £3 per annum for the upkeep of services in the Cathedral.⁷

Rectors.

The first rector of Sanquhar of whom we have any record is Robert de Cotingham, who was appointed to the benefice by Edward I., King of England, on 6th July, 1298. The minute of his appointment is preserved by Palgrave,⁸ and runs as follows:—"Edwardus, etc., delecto clerico et fideli suo Johanni de Langtone Cancelario suo vel ejus locum tenentibus salutem mandatum delectum clericum nostrum Robertum de Cotingham ad ecclesiam de Senewhere Glasguensis diocesis vacantem et ad nostram donacionem spectantem per litteras sub magno sigillo nostro in forma debita presentibus. Datum sub privato sigillo nostro apud Brade VI. die July anno regni nostri vicesimo sexto." Edward was at this time engaged in the invasion of Scotland. He had summoned the Barons and other military tenants of England to assemble with their forces at York on the feast of Pentecost.⁹ At the head of a large force he crossed the border and advanced on Edinburgh without, however, coming into contact with the Scottish forces, which, under Wallace, re-

⁶ *Glasgow Diocesan Records.*

⁷ *Glasgow Diocesan Records.*

⁸ Palgrave, *Documents, &c., Relating to Scotland*; Stevenson, *Historical Documents*, II., 287.

⁹ Hume Brown, *History of Scotland.*

treated before him, carrying off all the cattle and provisions they could lay their hands on, with the result that the English were hard put to find food for themselves. Though he had the supreme command of a large army in a hostile country to keep him employed, the King found time to attend to other matters, and, as we see, while halting at Brade (near Edinburgh) he appointed Robert de Cotingham to the parish of Sanquhar. There was a great deal of activity on the part of the English in Nithsdale during the wars of independence, and this act of King Edward's was doubtless intended to strengthen the English influence in this quarter. There are several references to this Anglican ecclesiastic in documents of the period. He seems to have been one of the King's secretaries, and to have remained with the monarch for a considerable time after he had been appointed to Sanquhar, so that in all probability he was an absentee parson, but whether he saw that a substitute was provided we do not know, as we have no record of a Vicar in Sanquhar for fully two hundred years after this. There are two places in England which bear the name Cotingham—the one in Cambridge and the other in the East Riding of Yorkshire, and it appears that the Sanquhar rector hailed from the latter. King Edward was in residence there at Christmas, 1298, and while there he appointed Robert de Cantitupe governor of Lochmaben Castle.¹⁰ Robert de Cotingham was present with Edward in 1298 when the latter received the citizens of Elgin to his peace. In 1306 there is a reference in *Palgrave* to a request made by one Robert de Bures for the lands of Hugh Lovel, and it is minuted that a reply had been made by Sir Robert de Cotingham. It is interesting to note that at the period when Sir Robert was with the English King another Sir Robert was with him also. This was Sir Robert Bruce, the young Earl of Carrick, who, as is well known, was at this time playing a double game, pretending to be loyal to King Edward, and at the same time laying his plans to make himself King of the Scots. Cotingham must have known something of this, and it is not perhaps too much to say that

¹⁰ *Palgrave*.

he sympathised with Bruce in his endeavours to gain the Scottish crown. Our authority for this statement is to be found in the fact that the rector of Sanquhar was a witness to the famous secret agreement between Bruce and Bishop Lamberton of St. Andrews, which was signed at Newcastle-on-Tyne on St. Barnabas' Day (11th June), 1304, by which the two principal parties bound themselves in view of future dangers to assist each other against all men.¹¹ "That is," says Sir Herbert Maxwell, "Lamberton was to give Bruce the powerful aid of the church in his design against the crown (of England), and Bruce was to further Lamberton's purpose of establishing the independence of the Church of Scotland from English interference."¹² As a witness to this agreement, De Cotingham must have known something at least of what Bruce and Lamberton wished to do. One may be surprised at an official of King Edward being a party to such a proceeding, but we have only to read the history of those days to see how lightly many bishops, barons, and priests regarded their own pledged word. Whether Cotingham would have liked to see Bruce on the throne of Scotland we cannot tell. Holding a Scottish benefice as he did, he may have sympathised with the patriotic party. Nor do we know whether he ever set foot in Sanquhar. Edward II. was here in 1307, and a document signed and sealed by him while resting in the parish is still in existence.¹³ It would be interesting to know why the church of Sanquhar happened to be vacant in 1298. Just two years earlier a cleric in the parish, Bartholomew de Eglisbam, who was "Chapeleyn gardein de novel leu de Senewhare," took the oath of allegiance to Edward I. at Berwick-on-Tweed.¹⁴ At the same time a number of other clerics in the district, including the parsons of Morton, Kirkbride, and Moffat,

¹¹ Palgrave.

¹² *The Making of Scotland*, 104.

¹³ Bain, *Calendar*, Vol. II.

¹⁴ The names on the *Ragman Roll* of those belonging to the Southern Counties will be found in Agnew's *Hereditary Sheriffs of Galloway*. The writer falls into a curious mistake with regard to Bartholomew, making him into two persons.

did the like. Was the then parson of Sanquhar a patriot who refused to bow the knee to the usurper? The church appears to have been again vacant by 1319, for in that year Edward II. of England appointed one John de Depyng to the vacant rectorship.¹⁵ It will be noticed that the date is five years after the battle of Bannockburn. The English did not admit the independence of Scotland until 1328, and there is ample evidence that the southern monarchs considered themselves rulers of Scotland up to the latter date. When in 1319 the King made the appointment to Sanquhar, he appointed a large number of other priests to parishes, including Durisdeer, Moffat, and Dumfries. In the deed of presentation Edward claimed the right to present, because the see of Glasgow was at that time vacant, which seems to indicate that at that period the Bishop was the patron of the living. (It is somewhat surprising that Edward should have held the Bishopric to be vacant, for in 1318 the Pope had appointed one John de Egglescliffe to the See, addressing the concurrent letters not to the King of Scots but to Edward.¹⁶ The Scots refused to acknowledge John as Bishop, but he was consecrated at the desire of the English King. The presentation was dated at York, 19th July, 1319, and in form is very like that appointing Robert de Cotingham. It may be noted in passing that at this date Edward was marching northwards to besiege Berwick, which Bruce had captured the year before. It is hardly likely that John de Depyng would ever be in his Scots parish, but of that we can say nothing.

For information regarding our next rector we have to go further afield, even to the eternal city itself. In the archives of the papacy there is preserved an interesting petition, dated 1365, by which one Robert Monypenny, M.A., requests Pope Urban V. to confirm the appointment of the said Robert to the percentorship of Aberdeen, which was then valued at 30 merks per annum. In this petition it is stated that the petitioner holds the prebend of Clat in the

¹⁵ *Rhymer's Foedera* (old edit.), III., 786.

¹⁶ Dowden, *Scottish Bishops*.

cathedral of Aberdeen, and also the church of Sanchar, in the Diocese of Glasgow.¹⁷ We do not know who Robert Monypenny was, but he must have been a man of some note. He was not only a master of arts but also a scholar of canon law, and as there was no university in Scotland at that time he must have been educated either in England or abroad. As precentor of Aberdeen he was one of the four principals of the chapter, the others being the dean, the chancellor, and the treasurer. As precentor he was next in dignity and authority to the dean, and it belonged to his office to regulate the music used in the services in the cathedral, to admit the choir-boys to office, to take care of their instruction, and to appoint the teacher in the song school.¹⁸ One is inclined to ask a question as to how the precentor of Aberdeen came to hold the rectory of Sanquhar. Even to-day there is little intercourse between the two places, and in the 14th century, when roads were practically non-existent, the two places might also have been in different lands. Perhaps we may find a clue in the fact that in a list of the benefactors of the Church of St. Nicholas, Aberdeen, there occurs the name of Bartholomew de Eglisam.¹⁹ In 1340, being then a venerable man, he, with two others, presented to the church a large image of St. Nicholas, which was placed over the high altar. Now the chapel of the "novel leu de Seneware" was also dedicated to St. Nicholas, and it is not too much to conjecture that the "venerable man" of 1340 had been the "Chapeleyn gardein" of 1296. The conjecture is strengthened by the fact that the next name on the list is that of a south country lady, Catherine Bruce, sister of King Robert. It is just possible that it was through her influence that the Kirk of Sanquhar was held by an Aberdeen clergyman. Monypenny seems to have been something of a place hunter, for in 1357, just eight years before he got Sanquhar, he got the church of Kynnef, in the Diocese of St. Andrews. It had become vacant because the parson, Robert Moyne, was not a priest, though he had held the

¹⁷ *Calendar of Papal Registers.*

¹⁸ Dowden, *Medieval Church in Scotland.*

¹⁹ Cooper, *Book of St. Nicholas.*

benefice for many years, but he had never received any dispensation from the Pope allowing him to do so. The family of Monypenny is one of some antiquity in Scotland, being settled in Fife as early as 1211, but while it is probable that the rector belonged to that family we have no means of ascertaining whether he did or not. At this period deterioration of the clergy was widespread in Scotland, but it was not universal, and from the few facts we know about him it would seem that Robert Monypenny was superior to the average churchman of his day. Some forty years pass before we come across the name of another rector of Sanquhar, and again we are indebted for our information to the papal registers. Scotland adhered to the anti-popes in the days of the great schism, and it is from a petition made to Benedict XIII. that we learn that in the beginning of the 15th century John Herd was rector of Sanquhar.²⁰ The petition was made by one Henry Tod, a priest, who held the vicarage of Sibbaldby. John Herd had held the living of Garvald, and Tod wished to be his successor there. In the petition it is said that Herd had gone to Sanquhar or Kirkbride, and the doubt probably arose from the fact that Sanquhar church was dedicated to St. Bride, and so might be described as "Ecclesia Sanctæ Brigid" or "Ecclesia Senewhare." Garvald or Garrel, the parish from which Herd came to Nithsdale, is now part of Kirkmichael in Annandale. The Crichtons of Sanquhar possessed lands there in those days, and probably this accounts for the translation of the rector. The date when the petition was granted at Savona was May, 1406. How long Herd ministered in Sanquhar we do not know, but by 1412 his place there was filled by another. This was Sir John de ffarle, whose name occurs in connection with the marriage of Gilbert Grierson (son of the laird of Lag) and Isabella, one of the three daughters (and heiresses) of Sir Thomas Kirkpatrick, Lord of Torthorwald. The marriage took place in Dunscore Parish Church, and on behalf of Isabella a certificate of banns was produced under the seal of Sir John de ffarle, rector of the church of Sanquhar, she

²⁰ *Calendar of Papal Registers.*

being a parishioner there.²¹ The Kirkpatrick's were allied by marriage to the Crichtons of Sanquhar, and Edward, then the head of the family (he is termed Dominus de Sanquar), was one of the witnesses to the marriage. Farle or ffarle is the only clergyman—either pre-reformation or post-reformation—who has left a place-name in Sanquhar. Near the spot where stood the ancient bridge across the Nith there is a field still known as "the farle" or "the farle park." The old road to the former manse of Sanquhar led past this field, and there seems little doubt that it owes its name to the old-time parson. Quite a number of lands round the burgh were, and in some cases still are, called by the names of former owners. Two examples which are known to all are "Allan's Dale" and "Heuklands."

It is probable that the next rector was one of the castle family. Sir Robert Crichton of Sanquhar (father of the first Lord Crichton) had at least six sons, one of whom, Mr George, is mentioned in a deed of 1463. He was, says Balfour Paul (*Peerage*, Vol. III.), probably a churchman. I find among my notes one which mentions a George Crichton as rector of Sanquhar in 1460, but unfortunately there is no reference to any authority.

The next rector of whom we can speak definitely is Ninian Crichton, who, according to Dr. Simpson, was of the "family of Sanquhar Castle."²² Brown in his *History* says that he was a layman and was parson in 1494, being likewise "tutor or guardian to his nephews and nieces, the children of the second Baron Crichton, as appears by various deeds of the Lords of Council."²³ It is true that a Ninian Crichton was trustee for the children of the second Lord Crichton, but he was not the rector. (There seems to have been at least three Ninian Crichtons connected with our parish about this time. One was a notary in the burgh. Another was master of the King's wine cellar, and along with the then parson of Sanquhar was

²¹ *Transactions, D. and G. Antiquarian Society*, Third Series., III., 39.

²² *History of Sanquhar*, 118.

²³ *History of Sanquhar*, 64-65.

a trustee on the estate of Lord Crichton in 1520.²⁴ This was Ninian Crichton of Bellibocht, who held two farms in the parish, and was appointed by his kinsman Sheriff "Warder" or Depute of Dumfries.)²⁵ Of Ninian Crichton, the rector, several particulars have survived to our day. He appears to have been in possession of the benefice before he was in "orders." At least he was rector while he was as yet only a student at college. His name occurs in the registers of Glasgow University in 1478, when he is described as rector of Sanquhar and canon of Glasgow. The following year he was admitted Bachelor, while in 1483 he was created Magister, and received the *Insignia Magistralia*. By this time he had been ordained, for he is termed "Presbyter." One of his fellow-students all through his course was Patrick Hamilton, probably the father of the reformer. In 1483 Ninian brought an action against Robert Neilson for wrong occupation of some land in Galloway, which was of the annual value of two merks. The lawsuit lasted for some months, but the decision went against the parson, the judges deciding that he was suffering no wrong.²⁶ He was still parson in 1494, when there is a reference to him in the *Acta Audita*.

Our next rector was William Shaw, who in the year 1500 witnesses an instrument drawn up in Glasgow between the Archbishop and the Abbot of Paisley.²⁷ A person of this name witnesses a charter to the University of Glasgow, of which he was an alumnus in 1487, and this may be the same person.²⁸ We have, however, no further information regarding him.

The next rector of whom we have notice was in some ways the most distinguished of all our pre-reformation clergy. This was Cuthbert Baillie, who in addition to being rector of Sanquhar was rector of Cumnock and Commendator of Glenuce. According to *The Scottish Nation* he belonged to the

²⁴ *Register of the Great Seal*.

²⁵ *Transactions, D. and G. Antiquarian Society*, Third Series, V., 86.

²⁶ *Acta Audita*.

²⁷ *Glasgow Diocesan Records*.

²⁸ *Records of Glasgow University*.

Carphin branch of the Baillie family, but according to Sir J. Balfour Paul he was a cadet of the Lamington branch.²⁹ Both branches, it may be noted, trace their descent from Sir William Wallace, the hero of Scotland. Baillie was rector in the year 1508, in which year his name appears on a deed regarding the affairs of Patrick Hume of Polworth, whose mother, Margaret, was a daughter of Robert, 2nd Lord Sanquhar.³⁰ It may have been through the influence of this nephew of the castle family that Baillie got the rich benefice of Sanquhar. His name appears in various forms—Baillie, Bailie, Bailye, Balye, Bailze. Our rector was a man of some importance in the government of Scotland. As early as 1501 he was chamberlain of the King's lands in Galloway, and in 1502 it is mentioned that he is in arrears with his payments. Ten years later he is described as "secretar" to the King. In 1511 his name appears among those of the auditors of the Exchequer. The list includes the names of the Archbishop of St. Andrews, Chancellor of the Kingdom; the Archbishop of Glasgow, and a number of other bishops, as well as several peers. Indeed the rector of Sanquhar is the only person among the auditors who can be said to be in any way representative of the parochial clergy or of the people in general. In 1512 he became Treasurer of Scotland, and continued to hold the office until 1515 at least, although the writer of the introduction to the published volumes of the Lord High Treasurer's accounts states that he died in 1514. An examination of the entries shows, however, that this statement is not correct, as he received the revenues in 1515 as "Thesaurius" in the absence of the comptroller, who had gone to Northumberland on business for the King. In 1512 he rented the lands of Stewindale, Dalmark, and Edarwauchlyn in Galloway from James IV. at a rent of twenty merks. The lease was for five years, and in it he is designated rector of Sanquhar. At the end of the tack in 1517 the lease was renewed, Baillie being again described as rector. The lands passed

²⁹ *Lord High Treasurer's Accounts.*

³⁰ Wilson, *Folk Lore and Genealogies of Uppermost Nithsdale*, 164.

into other hands before 1521. The lease, however, of 1517 is in error when it states that he was then incumbent of Sanquhar, for in 1513 the name of William Crichton appears on a charter as rector of this parish. The new lease may simply have been copied from the old: hence the mistake. Baillie, like a number more of the clergy of the period, was not too particular about his observance of the seventh Commandment. He had a son Bernard, legitimated by the King in 1529. Baillie was dead by this time, being described as "quondam Mr Cuthbert Baillie, Commendator of Glenluce."³¹ This son became a churchman, being mentioned in 1550 as rector of the living of Lamington. One regrets to add that he also forgot his vow of chastity, having a son legitimated in that year.³²

William Crichton, who succeeded Baillie as rector, was in all probability a member of one of the Crichton families of the neighbourhood, probably that of Ardoch, now in Durisdeer parish but then in Kirkbride. A student of this name was at Glasgow in 1484, and five years later graduated as Bachelor of Arts there. In 1508 a Master William Crichton, described as rector of Kirkmechall, is witness to a charter of Robert, Lord Crichton, and I am inclined to think that this is the same person.³³ William Crichton, rector of Sanquhar, was a trustee on the estate of Robert, 4th Lord Crichton of Sanquhar, along with Ninian Crichton of Bellebocht and John Charteris of Amisfield.³⁴ This was in 1520. One of this name is commemorated by a stone tablet at Blackaddie, which was formerly the manse of Sanquhar. The stone was at one time in the kitchen there, but was built into the wall of one of the farm offices some sixty years ago. Unfortunately the stone is somewhat defaced, but the principal words can still be

³¹ *MS. Register of the Privy Seal*, VIII., 52.

³² *MS. Register of the Privy Seal*, XXIII., 82.

³³ *Register of the Great Seal*.

³⁴ *Transactions*, Third Series, V., 194.

discerned. The inscription is in Gothic characters, and is as follows :—

WILLIAM CRECHT N
 RECTOR DE SANCER
 FILIUS QU WIL
 CRECHTONI DE ARD
 + MFM +

which might be translated William Crechton, rector of Sanquhar, son of William Crechton of Ardoch. The "QU" in the third line may stand for "Quartus" or "Quintus," fourth or fifth, and go with "Filius," but more probably it stands for "Quondam," and relates to the "defunct" William Crichton, father of the rector. Ardoch was formerly a lairdship in the possession of a branch of the Crichton family, but it passed out of their hands in 1507.³⁵ It has been suggested that the inscription indicates that the manse was built in the time of William Crichton. This is quite probable. Less probable is the meaning which has been placed on the three letters in the last line of the inscription, M-F-M., "Minister fecit Mansionem." (The word minister, it may be noted, was used quite freely in pre-reformation times to denote a cleric.) William Crichton seems to have taken some interest in the affairs of Glasgow University, which in his day and for many days thereafter was situated in the High Street of that city. As one of the cathedral chapter he would be in touch with the college, and in 1521 we find him chosen as one of the three "intranses" who were entrusted with the choosing of a rector for the university. His two colleagues were Mr Matthew Stewart, Dean of the Faculty, and Mr John Major, Professor of Theology, the latter being in those days "deemed an oracle in the sciences which he taught." He was probably the best known teacher in the land, though to-day two of his students, George Buchanan and John Knox, are much better known than their instructor. Crichton was also chosen as one of the four "deputati" who were to assist the rector during his term of office. Both the

³⁵ Brown, *History of Sanquhar*, 386.

“ intranses ” and the “ deputati ” were representative of the four nations into which the students of Glasgow were (and still are) divided. Crichton represented the nation of Tevydale (Teviotdale), which included the county of Dumfries.³⁶ Like his predecessor, our rector was not very particular as to his vow of chastity. He had at least four illegitimate children, probably more. In 1536 the King granted letters of legitimation to “ Mr Robert Crichton and Lawrence Crichton, natural sons of William Crichton, quondam rector of Sanquhar, and others of them.” “ Others ” here must mean at least two. From the fact that he is described as “ quondam rector ” we may take it that by that time he had gone the way of all the earth.³⁷ He had ceased to be rector, however, at least eight years before, for in 1528 Matthew Crichton was rector. Most of our knowledge of this cleric comes from the archives of the University of Glasgow, in which he appears to have been interested. In the year 1528 he took part in the election of a rector, being apparently only a student at the time. If so, then he must have been a rector before he was a priest, as often happened in those days, for he was then described as “ Rector de Sanqkyr.” In 1532 he was one of the four “ intranses ” who chose the rector, for at that period the representatives of the four nations had the election. Crichton represented his own nation, that of Teviodale. He was also one of the four deputy rectors chosen for that year. Strangely enough he is not termed “ Magister,” so that he may never have taken any higher degree than that of Bachelor of Arts.³⁸

Our next rector was Master Robert Crichton, who was in office in 1547, being mentioned as rector in an instrument relating to the sale of some church lands in the parish in that year. His name appears on a document of William, Lord Crichton, on 10th March, 1548. This was a precept to Robert Ferguson, Junior, of Craighdarroch, empowering him to act as Bailie on Lord Sanquhar’s barony of Crawfordton in

³⁶ M’Crie, *Life of John Knox*, Note B.

³⁷ *Register of the Great Seal*.

³⁸ *Records of Glasgow University*.

Glencairn. Other witnesses to the same document were " Harbert Creichton and William Creichton, brothers of the said Lord," but there is no suggestion that the rector was also a relative.³⁹ Just fifteen months later, however, we find on a somewhat similar document the names of the following witnesses :— " Herbert and William Creichtoun, brothers of the said Lord, and (their) brother, Master Robert Creichtoun, rector of Sanquhar."⁴⁰ Now, were this the only document which indicated that the rector was a son of the baronial house, we might have regarded it as a slip on the part of the scribe. The way in which the relationship is introduced does not lead us to have any great confidence in the accuracy of his information. But five years later we find the rector parting with some lands belonging to his charge, to John Crichton, his *brother german*.⁴¹ Now, as this John was undoubtedly a son of the third Lord Sanquhar, this would seem to be proof positive that the rector was Lord Crichton's son.⁴² There are, however, difficulties in accepting this, as Lord Crichton's son and heir was named Robert, and it is not likely that there would be two sons of the same name in the one family.⁴³ It is, of course, possible that the rector might have been a " natural " son, but in those days no one could be ordained who was suffering from what was known as " defect of birth " (*defectus natalium*), and had our rector been legitimated we would have had a record of it either in the public or the papal registers, and there does not appear to be any such reference; at least in the printed volumes which, however, cover the period in question. Balfour Paul (*Peerage*) gives a list of the sons of the third Lord Crichton, but apparently knows only of one Robert among them, viz., the heir. There seems, however, some reason to believe that there were two Robert Crichtons, rectors of

³⁹ *Transactions*, Third Series, II., 214.

⁴⁰ *Transactions*, Third Series, II., 217.

⁴¹ *Register of the Great Seal*. The King confirmed the charter, 11th May, 1611.

⁴² Wilson, *Folk Lore and Genealogies*, 173-4.

⁴³ See, however, for several examples in the Johnston Family, *D. and G. Notes and Queries*, 399, 433, 437.

Sanquhar, and that the one held the benefice immediately after the other. On March 18th, 1548, Robert Crichton, rector of Sanquhar, is denounced rebel, and the escheat of his estate is given to Sir Matthew Crichton, perhaps his predecessor in the rectorship.⁴⁴ This was immediately after the battle of Pinkie, and as our rector was outlawed for going to England in time of war it would seem that he must have been a supporter of the reformed doctrines. At any rate that is the most likely reason for his crossing the border at such a time. Now it is very improbable that the Robert Crichton who was in office in 1560 had any sympathy with the reforming party, for, as we will see later, he was imprisoned for celebrating mass three years after the reformation, and this strengthens the view that the rector denounced rebel in 1548 was not the person in office the following year. There is some reason to believe that the first Robert Crichton was the person mentioned in the "legitimation" of 1536, the son, that is, of the former rector. There was a Robert Crichton a student in Glasgow in 1521, when, it will be remembered, William Crichton was depute rector. (This Robert is stated by David Laing to be the future rector of our parish.)⁴⁵ He was still at college in 1525, when he took part in the election of a beadle there. At that time he had as a fellow-student Edward Crichton, described as "Filius Domini de Sanquhar," but there is nothing whatever to indicate that he himself belonged to the baronial house.⁴⁶ The fact that the later rector used on his seal the arms of that house might be held to indicate that *he* belonged to it, for in those days more attention was paid to correctness in armorial matters than is the case to-day. Taking these things then into consideration, I am inclined to think that there were two Robert Crichtons rectors in this parish, and that the second entered into office shortly after the first had been denounced rebel in 1548. One cannot have certainty in the present state of the evidence, but so far as our information goes it seems to point to that conclu-

⁴⁴ *Register of the Privy Seal.*

⁴⁵ *Life of John Knox, II., 371.*

⁴⁶ *Records of Glasgow University.*

sion. It has been stated that the Crichtons, Lords of Sanquhar, held also the barony of Crawfordton, in the parish of Glencairn, and it appears that our rector was likewise interested in that parish. In 1550 a deed was drawn up between William, Lord Semple, and others on the one part, and John Crichton (brother german to the deceased William, Lord Crichton, and tutor for the latter's children) and others on the other part, by which among other things the parties bound themselves to "fortify Mr Robert Crichton, parson of Sanquhar, in breaking his tacks of the half fruits of the kirk of Glencairn."⁴⁸ This agreement followed the murder by Robert, Lord Semple, of the Fifth Lord of Sanquhar, who was stabbed in the palace of the regent, the Duke of Chatelherault, on the 11th June, 1550. For this crime, it may be noted, Semple escaped punishment owing to the intercession of Archbishop Hamilton of St. Andrews, the regent's brother, whose paramour was Semple's sister. Robert Crichton was not only rector of the parish. He also held the post of chaplain in the chapel of St. Nicholas, Newark. He is mentioned as such in a charter of 1554,⁴⁹ and as late as 1563 John Crichton of Ryehill was ordained to pay him £30 yearly for his services there.⁵⁰ This chapel was in all probability the successor of the "Novel Leu de Senewhare" of 1296. It seems to have been pretty well endowed, for in the years preceding the reformation Crichton parted with considerable land belonging to it. He was one of the curators of Robert, 6th Lord Crichton, who during the troublous times of 1560 is named as one of the nobles who were still undecided as to joining the reformers.^{50a} It may have been the influence of the rector which kept him from coming to a decision, but in any case the hesitation did not last very long, for on 26th January, 1561, he signed the Book of Discipline, with the qualification, however, that all holders of benefices should continue to draw the

⁴⁸ *Acta Dominorum Consilii et Sessiois*, XXIX., 22.

⁴⁹ Wilson, *Folk Lore and Genealogies*, 174.

⁵⁰ *Register of Deeds*, Edinburgh, Jan. 19th, 1562-3.

^{50a} Balfour Paul, *Peerage*, III.

revenues during their lifetimes.⁵¹ Perhaps we may trace the influence of the rector here. (John Crichton, the rector's brother, and "Tutor of Sanquhar," was a member of the parliament—or convention—which confirmed the Confession of Faith in 1560.)⁵² But if other members of the family were favourable to the reformed movement, it is evident that the rector was not. It is true that he continued in his office until his death in 1571, and so must have conformed to some extent, but he was one of those who roused the ire of the Protestants in the beginning of 1563 by celebrating Mass openly in Sanquhar Kirk. Apparently he was one of the leaders in this defiance of the law, for he is one of the two mentioned by name in Knox's *History* (the other being Quintin Kennedy, Abbot of Crossraguel), who were along with others warned by the Reformed party that they (the reformed) should not complain to Queen or Council, but would take the law into their own hands and "execute the punishment that God hath appointed to idolators in His law."⁵³ This warning had apparently little effect, so in May of the same year he and some others of the "Papis Knychtis," including the Archbishop of St. Andrews and the Prior of Whithorn, had to appear before an assize in Edinburgh to answer for their violation of the law. "After much ado," says the historian, "they came in the Queen's will, and were committed to ward some to one place and some to another." From Pitcairn we learn that Crichton was sent to Perth, but he does not seem to have been long in ward.⁵⁴ Probably, too, his imprisonment would be of a mild description. (It is interesting to note that one of the assize which tried the priests was Mr John Fullerton, a kinsman, of whom probably a brother or nephew was afterwards minister of Sanquhar.)⁵⁵ The name of Mr Robert Crichton appears pretty frequently on charters belonging to this period, for he seems to have had no scruples at helping

⁵¹ *Life of John Knox*, II., 258.

⁵² *Records of Scottish Parliament*.

⁵³ *Life of John Knox*, II., 371.

⁵⁴ Pitcairn, *Criminal Trials*, I., 427.

⁵⁵ *Ibid.*

to denude the church of her property either before or after the reformation. In addition to being rector, he was also a public official, being "Collector for the King for Wigtown, Kirkcudbryght, Drumfrees, and Annanderdail."⁵⁶ Apparently he had been dilatory in handing in the fruits of his collection in 1567, for in the beginning of 1568 the council called upon him to give an account of his intromissions with the revenues.⁵⁷ It would be in his capacity as a royal official that in 1566 he served a summons on Edward, Lord Crichton, to appear in answer to a charge made against him by one William Fleming, who alleged that Lord Crichton, who was Sheriff of Nithsdale, would not bring certain wrongdoers to justice because they were kinsmen of his own. He also, if the complainer is to be believed, had disobeyed an earlier summons, "and in manifest token of disobedience has sent sensyne his writing to Maister Robert Creichtoun, requiring him to allege some frivole caus to the said Lordis for his excuse."⁵⁸ So that it would appear that our rector was able to run with the hare as well as to hunt with the hounds. Among the Laing charters now preserved in Edinburgh there is an interesting relic of this priest. This is his seal, which is attached to a document of date 1557. From this document we learn that the parson of Sanquhar and the preceptor of Trailtrow had been appointed judges by the papal see to enquire into the sale of some lands belonging to Sweetheart Abbey.^{58a} The seal bears the arms of the House of Crichton, being a quartered shield, having the lion rampant in the first and fourth quarters and the three water bougets (for the Rosses) in the second and third. He signs a deed granting some lands belonging to the Chapter of Glasgow to one of the canons in 1565 as "a Sanquhar Prebendarius."⁵⁹ Robert Crichton died on 16th January, 1571, being still Parson of Sanquhar.⁶⁰ In this office he was succeeded by a Mr William

⁵⁶ *Privy Council Records*, 23rd Feb., 1567.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

^{58a} Laing, *Charters*, 173.

⁵⁹ *Glasgow Diocesan Records*.

⁶⁰ *Dumfries Register of Wills*.

Crichton, who is called rector in 1572.⁶¹ This indicates that he was drawing the teinds of the parish, but whether he took any part in the services of the church is not so certain.* It is not until 1574 that we read of a Protestant minister in the district. This was John Fullerton, who was in charge of the whole of Upper Nithsdale, including Kirkbride and Kirkconnel.⁶² There was, however, a Reader in the parish from 1560 onwards. This was John Yóung, and one is glad to note that the last pre-reformation rector and he seem to have been on quite friendly terms, the Reader being a witness to the Rector's will.⁶³ This will shows that Crichton was residing at Blackaddie at the time of his death, this being the former rectory. He must have been a man of some means, for he left to his sister's son, Patrick Crichton, all title and right to his three merkland and a half situated in the Barony of Sanquhar.⁶⁴

Vicars.

In 1430, as has been said, the church of Sanquhar was created a prebend of Glasgow Cathedral by the then bishop, John Cameron. The rector was now a member of the Cathedral Chapter, and as he had certain duties to perform there it was necessary that there should be someone left in the parish to attend to the spiritual needs of the parishioners. Each canon was therefore bound to provide a priest to take charge of the parish in his absence. So from 1430 onwards our parish would have a vicar as well as a rector, and in all probability the larger share of parochial work would fall to the former. In some cases the vicar was paid with what were called the smaller teinds, but that was not the method in Sanquhar, where the vicar was "pensionary," receiving an annual salary of 20 merks. This was provided for in the decree for the erection of the prebend. In earlier days the

⁶¹ Scott's *Fasti Ecclesiae Scoticanæ*, II., 324.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Dumfries Register of Wills.*

vicar could be removed at will, but local synodal enactments, backed up by precepts from Rome, insisted that some security of tenure should be given to the vicar. One might have expected that at Sanquhar the vicar would be appointed by the rector, but this does not seem to have been the case, the bishop having the appointment.

The earliest vicar whose name I have found is Thome Lokky. When he was appointed is unknown, but on his death in 1508 the "vicariam pensionarium perpetuam de Sanquhare" is declared to be vacant.⁶⁵ He is termed "Sir" Thome, which does not mean that he was a knight, but that he had not attained the dignity of a "Magister Artium." There was a family of Lokkys in the district in early days. A branch occupied the lands of Glenmuckloch, in Kirkconnel parish, and it is possible that the vicar belonged to that family. If so, he was not the only member of it who died in 1508, for among the retainers of Lord Crichton who were slain in the faction fight at Dumfries in that year was John Lokky.⁶⁶

"Sir Thome" was succeeded by Sir Edward Crichton, who was appointed by the Cathedral Chapter (owing to there being a vacancy in the see) in 1508.⁶⁷ Sir Edward was apparently a member of the ruling family, and he was confirmed in his office by King James at Edinburgh on the 26th November, 1508.⁶⁸ An Edward Crichton appears as a witness to an instrument of Lord Crichton in 1506, while the same name with the designation "Chaplain" occurs on a Sanquhar charter in 1511. It is possible, then, that there were two Edward Crichtons in our parish at that time, and both priests, the one being the vicar and the other a chaplain. In 1511 we find the vicar being brought before the Archbishop on a very serious charge. "On 30th April, after sounding of the bell and calling all and sundry having an interest, Mr Edward Crichton, Presbyter, formerly indicated to the secular

⁶⁵ *Glasgow Diocesan Records.*

⁶⁶ *Transactions*, Third Series, II., 86.

⁶⁷ *Glasgow Diocesan Records.*

⁶⁸ *Register of the Privy Seal.*

court for act and part in the slaughter of Alexander Ferguson and Robert Ferguson, and remitted to the spiritual court for the satisfying of justice, appeared before the Archbishop of Glasgow and his commissaries, and Mr Martin Rede, Chancellor, declared himself ready to accuse."⁶⁹ The accusers did not appear, so Edward was set at liberty, and perpetual silence enjoined on those who had brought the charge. From later documents we find that the Fergusons belonged to Breckensyde, a farm in Durisdeer parish and no great distance from Sanquhar, and that at least one other Crichton was implicated in the matter. This Edward Crichton seems to be the person of that name who took his degree of Bachelor of Arts at Glasgow in 1508.

We do not come across any mention of another vicar until 1548, when we find Sir John Young named as such.⁷⁰ The instrument in which his name occurs is a most interesting one, relating as it does to the appointment of a parish clerk in Sanquhar, and it gives us the earliest list of Sanquhar names extant. The office of clerk was one of the very few which in the Roman Church was filled by popular election. The election in question took place in the choir of the Parish Church on the Lord's Day in the time of high mass. Edward Clark, clerk of the church and parish, compeared and resigned his office by delivery of the holy water dish and sprinkler. Then the parishioners—fifty are mentioned by name, and there were many others—unanimously elected Thomas Clerk, son of Edward, to the office, and failing him the said Edward himself to the office. The holy water dish and sprinkler were then handed over, and Sir John Young, vicar of the said church, admitted the said Thomas so elected. The witnesses in addition to the vicar are John Muir and John Menzies, who are described as chaplain, and Finlay Barry and John Robert Clerk, laymen. Of John Young's career a few particulars have come down to us. In 1518 we find the King granting "Letters of Legitimacy" to one Mr John Young, who was

⁶⁹ *Book of Protocols of Glasgow Cathedral.*

⁷⁰ Wilson, *Folk Lore and Genealogies*, 250-1, has the document in full.

the son of a clergyman of the same name, but while this might be our vicar, it is more probable that it is not.⁷¹ More likely is his identification with the "Schir John Young, chaplain," who in 1546 was implicated in the murder of Cardinal Beaton.^{71a} When the great upheaval of the reformation came it does not appear that it made much difference to Sir John. He stayed on in Sanquhar, conducting the Protestant services as he had conducted the Roman ones. His designation was changed from Priest to Reader (though he was still called Vicar in official documents), but what was perhaps of more importance to him was that his salary was continued at the same figure. His rector, as has been noted, got into trouble for celebrating Mass in 1563, but the vicar does not appear to have had any desire to be a confessor. Yet the two seem to have continued on terms of friendship, for the vicar was one of the witnesses to the rector's will in 1570. In this document he is termed Mr John Young, so that he must have been a graduate.⁷² He was still alive in 1574, for in that year he parted with some lands belonging to the vicarage, having the consent of the Dean and Chapter of Glasgow to do so.⁷³ (The clerk to the Parish Church, Edward Clerk, was one of the tenants.) These lands must have been very extensive, for the yearly rental was £8 6s 8d. The vicar's lands lay to the west of those of the Roddings, and these stretched from the Pennyland right down to High Street, so that the property attached to the vicarage included what is now called the "Square" and the adjacent lands. We do not know when Sir John passed away, but it was probably before 26th April, 1583, for in that year Robert Ballantyne was presented to the Vicarage Pensionary.⁷⁴ He is described as having been formerly a reader. There was a family of this name in Glenmaddy in Sanquhar as early as

⁷¹ *Register of the Great Saal.*

^{71a} *Privy Council Records.*

⁷² *Dumfries Register of Wills.*

⁷³ *MS. Protocol Book of Sir Cuthbert Craig.*

⁷⁴ *Scott's Fasti*, II., 324.

1460, and it is possible that the new vicar belonged to this family.⁷⁵

NOTE.—In the new edition of Scot's *Fasti Ecclesie Scoticanæ* reference is made to John Lawrence presented to the parsonage and vicarage by Annabel Stewart, daughter of the Regent Moray, 31st January, 1570-1. It is possible that this person may have held the parsonage for a little, but, as we have seen, John Young was still vicar in 1574. Edward, Lord Crichton, died in 1569, and the ward of his lands was granted to Annabel Stewart, above-mentioned. He had sided with the reformed party for a time, but changed sides and fought for Queen Mary at Langside. In 1568 the Regent Moray besieged Sanquhar Castle, and forced it to surrender, and it may have been as further punishment that the Regent seized Crichton's lands, though we find them back in the family some years later.

Chaplains.

There seems to have been at least five chaplaincies in Sanquhar in pre-reformation times. Probably the oldest of these was that of the chapel of St. Nicholas, Newark, which was held, as we have seen, by Robert Crichton, the rector of the parish at the time of the reformation. This chapel I take to be the successor of the "novel leu de Senewhare" of 1296.

It is possible that we have the record of one of the early clerics of this establishment in a list of the auditors who in 1291 were appointed by King Edward of England to hear the preliminary pleas of Balliol and Bruce with regard to their claims to the Kingship of Scotland.^{75a} One of the auditors was Frere Renaud de Ryhill. Ryhill, in Sanquhar, is quite close to Newark, the building known as the "Novel Leu" being situated between the two modern farmhouses. Brown^{75b} says that Ryhill is the earliest recorded habitation in the parish. This is very doubtful, but there is no doubt as

⁷⁵ Wilson, *Folk Lore and Genealogies*, 246.

^{75a} Palgrave.

^{75b} *History of Sanquhar*, Appendix, 44.

to there being an ancient fortalice there. The old " Moat " or place of judgment is still to be seen behind the present farmhouse.

In 1519 Sir John Logan, vicar of Colvend (Cowen), a native of Sanquhar, founded in the parish here an altar " to the honour and praise . . . of the Holy Blood of our Lord Jesus Christ." It was endowed with a number of rents in Dumfries and with some lands in Sanquhar. A house and toft in the burgh here were allotted to the chaplain for a manse. The patron of the chaplaincy (after the donor's decease) was to be Lord Crichton and his successors, and if any one of them should fail to present within a reasonable time then the Archbishop of Glasgow was to have the presentation. Quite a number of rules are given in the instrument of erection. One of them may be quoted, as it throws a lurid light on clerical life in these days :—" If any chaplain shall keep a ' socariam seu concubinam ' openly he shall vacate the said chaplaincy." The first chaplain was Sir John Makallane, who was one of the witnesses to the charter of erection.⁷⁶ One of this name designated " chaplain " was legitimated by the King on April 12th, 1532, being the son of Dominus Nicholas Makallane, chaplain.^{76a} As the son was also Dominus, it is quite probable that the entry refers to the Sanquhar chaplain.

Then there was an altar of St. Mary the Virgin, which had as its chaplain in 1549 a Sir Edward Crichton, who in that year disposed of some of the lands belonging to the chaplaincy.⁷⁷ This may have been the Edward Crichton, chaplain, who witnesses a deed of Lord Crichton in 1511, though this is hardly likely.

There was also an altar of the Holy Cross, which may perhaps have contained a relic believed to be a piece of the Rood. This altar was served in 1559 by Dominus Thomas Fleming, who in that year sold certain lands belonging to the chaplaincy to one Edward Blak in Sanquhar. He did this

⁷⁶ The charter is preserved at Dumfries.

^{76a} *Register of the Great Seal.*

⁷⁷ *Register of the Great Seal.*

with the consent of Lord Crichton, who was patron of the chaplaincy, and as the rector was a witness to the deed his consent must have been obtained also. The deed of sale shows that there was a manse (which was ruinous in 1559) attached to the cure of the altar. The lands belonging to it were near Crawick, and were let for fifty shillings. This charter of sale was confirmed by the King in 1583.⁷⁸ The family of Fleming was one of considerable antiquity in the district. In 1548 no less than three of the name had lands in Sanquhar. One of the early Provosts of the burgh also belonged to the family. The name was quite common in the parish down to the beginning of the 19th century, but so far as the old stock is concerned it is now unknown. In a list of the members of Glasgow University taking part in the election of a beadle we find the following names:—Edward Crichton, “filius domini de Sanquhar”; Thomas Flemyng, Robert Crichton, and probably the two latter are the chaplain and the first rector of that name in our parish.⁷⁹ In 1543 Thomas Fleming, a son of the late Sir Thomas Fleming, chaplain, was legitimated by the King, but there is nothing to show that they were Sanquharians.⁸⁰ In 1506 we find that by the death of Sir John Crichton, its chaplain, the chaplaincy of the Holy Cross near Dumfries is declared vacant, and a Sir John Simpson is appointed to it.⁸¹ It is possible that it is the Sanquhar chaplaincy that is meant, but much more probably it is that erected in 1324 by the widow of Sir Christopher Seton near where St. Mary's Church now stands in Dumfries. In the deed relating to the appointment of a clerk the names of two chaplains are given, but no mention is made of their chaplaincies. At this period there was another chaplain resident in the burgh. This was Sir Cuthbert Craig, who practised as a notary. His protocol book, 1547-1552, is still in existence, but I have only seen a few extracts from it.

There was yet another chaplaincy in our church. This

⁷⁸ *Ibid.*

⁷⁹ *Records of Glasgow University.*

⁸⁰ *Register of the Privy Seal*, Dec. 15th.

⁸¹ *Register of the Great Seal.*

was that of St. John the Baptist. We only know of this from a reference to some of the property belonging to it in 1547.⁸² There was a manse of St. John the Baptist, which stood a little to the north-west of the present Town Hall. When the "New Road" was made about a hundred years ago the remains of an old building at the "turn" were taken away, probably the last remnant of the former manse belonging to this altar. The field of St. John occupied the place now taken up by the Public Hall.

Clerks.

The names of two Clerks have been preserved—Edward and Thomas Clerk, father and son. Probably their surname would be derived from their office. Edward was one of the Bailies of Sanquhar when it was a Burgh of Barony, and he seems to have inherited some property from his father, whose name was Thomas. Edward's first wife was Agnes Dickson, who died ante 1547. He afterwards married Elen Lindsay. The Clerk family long remained in the district.⁸³

23rd January, 1925.

Chairman—Mr JAMES DAVIDSON.

The Macmath Song and Ballad MS.

By Mr FRANK MILLER, Annan.

William Macmath, F.S.A., Scot., who formed the important collection which is the subject of this paper, was born at Brighton on 2nd May, 1844. His father, Alexander Macmath, a native of the parish of Parton, was at one time the proprietor of Woodpark, in Kirkpatrick-Durham. His mother, Mary Webster, was the eldest daughter of Alexander Webster, long tenant of Airds of Kells, and of Janet Spark, whose mother, Mary Gordon, belonged to the

⁸² *MS. Protocol Book of Sir Cuthbert Craig.*

⁸³ *Ibid.*

old Galloway family of Gordon of Craichlaw. On the completion of his education at Hutton Hall Academy, an excellent school in the parish of Caerlaverock, William Macmath was apprenticed to Richard Hewat, solicitor, Castle-Douglas. Leaving the Stewartry in 1867 he settled in Edinburgh, where for more than half a century he occupied a responsible position in one of the principal law offices. His death took place on 30th January, 1922.

Mr Macmath was a valued contributor to *The Scots Peerage*, edited by Sir James Balfour Paul, and to the *Publications of the Edinburgh Bibliographical Society*. But it was as an authority on the incomparable historical and romantic ballads of Scotland that he was most widely known. As Francis James Child, Professor of English Literature in Harvard University, and Andrew Lang both testified, he had an " unrivalled knowledge " of Scottish ballad lore. In connection with the American scholar's great work, *The English and Scottish Popular Ballads*, he rendered services of the highest importance. Writing to Mr Macmath in 1895, Dr. Furnivall said:—" You have been, and are, most kind in helping Child; and no one else could give the help you have done. All we Ballad men thank you for it."¹

The Macmath MS. consists of two small quarto volumes containing about a hundred ballads, songs, " and other things " collected by Mr Macmath during the thirty years between 1882 and 1912. Many of the pieces comprised in the Manuscript were taken down in Galloway by members of the Macmath family, from the singing or recitation of old men and women. Mr Macmath's mother, his aunt, and his four sisters were all keenly interested in the traditionary verse of the South-West of Scotland, and they gladly assisted him in his efforts to preserve it. His mother's sister, Miss

¹ Professor Child's letters to Mr Macmath were all carefully preserved by the recipient, together with copies of the communications sent in reply. The whole collection is now in the possession of Mr E. A. Hornel.

Jane Webster (1819-1901), in particular, rendered excellent service to what he called "the Ballad Cause."

Most of the popular ballads in the Macmath MS. were printed by Professor Child, who received transcripts of all the poems collected before 1896, the date of his death. In the last volume of *The English and Scottish Popular Ballads* the Manuscript is mentioned as one of the sources of the texts given by him:—

"Macmath MS.

Ballads and Songs recently collected by Mr Macmath.

In the possession of the Collector."

Professor Child drew from the Manuscript more than thirty ballad versions and fragments of ballad versions. The following is a list of the pieces of which he made use, with extracts from notes by Mr Macmath, stating the sources whence they were originally derived:—

The False Knight.

"From my aunt, Miss Jane Webster, formerly of Airds of Kells, in the Stewartry of Kirkcudbright, who learned it many years ago from Katie M'Guire (maiden name Docherty), wife of Peter M'Guire, then cotman at Airds.

Edinburgh, December, 1882."

Lord Ronald, my Son.

"From my aunt, Miss Jane Webster, formerly of Airds of Kells, now of Dalry, Kirkcudbrightshire, who learned it more than fifty years ago from Mary Williamson, then a nurse-maid at Airds.

Edinburgh, January, 1883."

Hynd Horn.

"From my aunt, Miss Jane Webster . . . who learned it many years ago from Miss Jane Hannay of Newton-Stewart, who learned it from an old nurse.

Edinburgh, 12th December, 1882."

Hynd Horn [another copy].

"From my sisters, Jessie Jane Macmath and Agnes

Macmath, who learned it at Airds of Kells from their aunt, Miss Jane Webster, and others—as derived from Miss Jane Hannay.

In Jessie's handwriting.

11th December, 1882."

Sir Patrick Spence [one verse], and *The Laird o' the Drum*.

[Scraps obtained originally in Perthshire. Child printed the second in part only.]

Johnie Scot.

"From my aunt, Miss Jane Webster . . . who learned it from the late Miss Jane Hannay, Newton-Stewart.

Edinburgh, December, 1882."

"*Oh busk ye, oh busk ye, my three bluidy hounds,
Oh busk ye and go with me.*"²

[From a version of "Johnny Cock" known to Carlyle.]

The Duke of Gordon's Three Daughters. [A fragment.]³

"Written down at Airds of Kells, in the Stewartry of Kirkcudbright, March 10th, 1874, by my sister, Helen Macmath, from the recitation of my mother, Mary Webster, who learned it fifty years before."

As the King lay Musing upon his Bed.⁴

"Received by me, 15th October, 1886, from Mr Alexander Kirk, Inspector of Poor, Dalry, Kirkcudbrightshire, who learned it many years ago from David Rae, Barlay, Balmaclellan. Written by Mr Kirk in pencil, and inked over by me."

² These lines were obtained by Macmath from Carlyle's sister, Mrs James Aitken, who communicated them in a note, dated 15th January, 1884, now preserved in the Macmath MS.

³ Professor Child merely noted the variations in Macmath's stanzas from the corresponding stanzas in a full copy of the ballad printed in *The English and Scottish Popular Ballads*.

⁴ A version of "King Henry Fifth's Conquest of France."

Bloody Lambkin.

“ From my aunt, Miss Jane Webster, who learned it from her aunt, Minnie Spark, Kirkcudbrightshire.

First six stanzas in handwriting of my sister Minnie.”

The Lochmaben Harper.

“ This version of the Ballad of The Lochmaben Harper was copied by me in facsimile from the original manuscript, in the handwriting of the late Revd. George Murray of Troquhain, minister of Balmaclellan, in the Stewartry of Kirkcudbright,⁵ and now in possession of his son, the Revd. George Murray, B.D., to whose kindness I was indebted for the loan of it. The late Mr Murray took down the Ballad from the singing of Sarah Rae, a poor weak-minded woman in his Parish.”

The Queen of the Fairies.

“ Taken down by me, 14th October 1886, from the recitation of Mr Alexander Kirk, Inspector of Poor, Dalry, in the Stewartry of Kirkcudbright, who learned it about fifty years ago from the singing of David Rae, Barlay, Balmaclellan.”

*There was a Lass in the North Countrie.*⁶

“ Taken down by me, 13th September, 1886, from the recitation of my aunt, Miss Jane Webster, who learned it above fifty years ago at Airds of Kells, Kirkcudbrightshire, from the singing of Samuel Galloway.”

Lord Lovel.

“ Taken down by me, September, 1886, from the recitation of my aunt, Miss Jane Webster, who learned it from her mother, Janet Spark, Kirkcudbrightshire.”

Queen Jeanie.

“ From my aunt, Miss Jane Webster—the first seven stanzas taken down by me on 15th October, 1886, and the last sent to me on 3rd February and 24th March,

⁵ Mr Murray was minister of Balmaclellan from 1838 to 1843, and again from 1851 to 1881.

⁶ A version of “ Willie o’ Winsbury.”

1887. She learned it at Airds of Kells over fifty years ago, from the singing of James Smith."

They asked him and speired him.

"Communicated to me, by letter of 13th January, 1883, by Dr. Robert Trotter, Tayview House, Perth, as remembered by him from the recitation of his father, the late Dr. Robert Trotter, Dalry, Kirkcudbrightshire."⁷

"Oh the broom, the bony bony broom."

"The first stanza of (or the burden prefixed to) a Song, the remainder of which is modern, enclosed, though apparently not referred to, in a letter from Grisell Baillie, Mrs (afterwards Lady) Murray of Stanhope, daughter of George Baillie of Jerviswood and the celebrated Lady Grisell Baillie. The letter is to her Dr. Unkle, is signed Your obedient niece, Grisell Baillie, dated from London, November 29, 1715 (or 18), and addressed on the back to:—

The Right Honorable
My Lord Kimmerghame
Att Edin."

John Blunt.

"From the singing of my aunt, Miss Jane Webster, 15th October, 1886, and 26th August, 1887, who learned it at Airds of Kells, Kirkcudbrightshire, many years ago, from James M'Jannet."

*We'll awa' to bonnie Dundee.*⁸

"Taken down by me, September, 1886, from my aunt, Miss Jane Webster—heard by her in her youth at Airds."

*Ye may tell to my wife Maggie.*⁹

"Received by me, 20th August and 7th September,

⁷ See *The Gordons of Craichlaw*, etc., Dalbeattie, 1924, p. 63.

⁸ A fragment of the rescue ballad best known in the form of "Archie o' Cafeld."

⁹ Two stanzas of a version of "Hughie Grame."

1887, from my aunt, Miss Jane Webster, who derived it from her mother, Janet Spark, Kirkcudbrightshire."

The Lowlands Low.

"Taken down by me, 31st May, 1893, from the recitation of Miss Agnes Macmath, my sister, who learned it at Airds of Kells."

*One King's Daughter said to Anither.*¹⁰

"In the handwriting of William Motherwell, on a single half-sheet."

*It's we were sisters, and sisters seven.*¹¹

"Received by me, 25th March, 1890, from Mrs Mary Robertson or Thomson, wife of James Thomson, gardener at Gordon Castle gardens (the "Nurse Mary" of Dean Christie's family), who had it from her mother, Mrs Mary Brown or Robertson, wife of James Robertson, shoemaker, Bogmoor, near Fochabers."¹²

*There were three Lords drinking at the wine.*¹³

"Inserted, in a hand of the period, in a copy of *The Scottish Ballads* . . . by Robert Chambers, 1829 (post octavo ed.), p. 145, latterly belonging to the Rev. James C. Burns, Free Church, Kirkliston."

Glasgow Peggy.

"Taken down by me at Crossmichael, Kirkcudbrightshire, 24th August, 1892, from the recitation of my aunt, Miss Jane Webster, who learned it more than fifty years ago, at Airds of Kells, from the singing of Rosanna M'Ginnies."

The auld Deil cam to the man at the pleugh.

"Taken down by me from the recitation of my aunt,

¹⁰ A version of "Sheath and Knife."

¹¹ "Earl Crawford."

¹² Mrs Robertson recited the ballad to Dean Christie about twenty years earlier, and it was published by him in *Traditional Ballad Airs*, Vol. I., 1876. Child reprinted Christie's copy, and gave a list of the numerous variations from it discovered in the text obtained by Macmath.

¹³ "The Dowie Dens o' Yarrow."

Miss Jane Webster, Crossmichael, Kirkcudbrightshire, 27th August, 1892. She learned it many years ago at Airds of Kells, from the singing of Samuel Galloway, the victim of what was known as the Stratford (Essex) murder, 9th February, 1871."

Queen Jeanie was in labor.

"Received by me, November, 1892, from the recitation of Mary Cochrane (Mrs Joseph Garmory), Abbeyyard, Crossmichael, Kirkcudbrightshire. Written down by her husband."

*She could na wash.*¹⁴

"29th April, 1893. From the recitation of Miss Agnes Macmath, my sister. Learned by her from her mother, who had it from *her* mother, Janet Spark."

The Jolly Beggar Man. [A fragment.]

"From the recitation of my aunt, Miss Jane Webster, Crossmichael, 8th August, 1893. Learned by her, many years ago, from her mother, Janet Spark."

The Jolly Beggar Man. [Another fragment.]

"Also from the recitation of Miss Webster, on the same occasion. Learned by her in her youth, at Airds of Kells, from the singing of Thomas Duffy, joiner, Parton."

*Bonny May to the ewe-buchts is gane.*¹⁵

"From the recitation of Mary Cochrane (Mrs Garmory), Abbeyyard, Crossmichael, 12th August, 1893."

The Trooper Lad.

"Received, 21st August, 1895, at Crossmichael, from my aunt, Miss Jane Webster. Learned by her many years ago at Airds of Kells, from the singing of John Coltart."

¹⁴ Fragment of a version of "The Wife Wrapt in Wether's Skin."

¹⁵ Version of "The Broom of Cowdenknows."

The Trooper Lad. [Additional stanza.]

“ Remembered by Miss Agnes Macmath, 2nd January, 1896, from the singing of her mother.”

He Steps Full Stally on ye Stre[et].

[From the Laing MSS., University of Edinburgh, Div. II., 358.]

Ballad Airs.

[Professor Child derived from the Macmath MS. no fewer than ten ballad airs, eight of which were noted down by Mr Macmath's youngest sister, Miss Minnie Macmath, who died at 90 Hamilton Place, Edinburgh, on 13th January, 1905 :—

“ The False Knight.”

“ Lord Ronald, my Son.”

“ Hynd Horn.”

“ Johnie Scot.”

“ There was a lass in the North Countrie.”

“ Glasgow Peggy.”

“ The Auld Deil cam.”

“ The Lowlands Low.”

“ The Goulden Vanitee.”

“ The Trooper Lad.”]

The “ most learned of editors,” as Russell Lowell called Professor Child, did not print all the poems contained in the first volume of the Macmath MS., his collection being confined to “ popular ballads ”; and when he died the second volume was scarcely begun. A list of the pieces embraced in the Manuscript which do not appear in *The English and Scottish Popular Ballads* may now be given :—

Buchan Forest, as we Heard.

[A ballad on a fox-hunt in Buchan Forest, a wild tract in Galloway and Ayrshire. As the hunt described was conducted in a fashion once common in Scotland, the verses have a certain antiquarian interest.]

Buchan Forest, as we heard,

A day of hunting set;

It happened on a Monday,

I wat it was na het.

Some came from Mennack,
 And some from Trool,
 And some from the Loch Doon,
 And when they met at Palskaig-head
 • Some of them wanted shoon.

It happened on a wony Monday,
 It blew both snaw and hail;
 We raised him at the Saigy Goats,
 Put raches¹⁶ to his tail.

And doun Craignaw I wat he ran,
 Down by Loch Narroch strand—
 The staibler¹⁷ that we had set there
 Was mikle John McCom.

“ Now, John McCom, now let me by,
 For at thee I have no faid,
 For I am sure ye never was the worse of me
 Since ye cam to Glenhead.”

I think this man he had no faid
 When he did let him by,
 For we were sair near Craiglee
 Before he raised the cry.

James Murray and George Gordon,
 They were two subjects true;
 They did well, and sped their heels,
 And ran to keep the view.

The foremost man cam up to them
 Was Maxcel of Straquhan;
 They stabled their men on every side,
 They put their terriers in.

They chattelt at his chamber day,¹⁸
 They knew he was within;

¹⁶ Scenting dogs.

¹⁷ Staibler (stabler), a man appointed by hunters to keep a station.

¹⁸ “ One interesting room in the mediæval castle was the ‘ Chalmer of Des,’ an expression whose meaning had puzzled the lexicographers, and even Sir Walter Scott. In his day the word chambradeeze was still in use in some parts of the country. The chamber of des or dais was the retiring room adjoining the dais end of the hall; it was the bed-chamber of the master of the house, and to it the dais party, or principal guests, withdrew with their host, if they wished to converse in comparative privacy.”—John Warrack, Rhind Lecture, *The Scotsman*, 16th March, 1920.

He did not love their chattling noise
 In chamber where he lay,
 He thought an' he were out again
 He would show them some more play!

Out he gat, and doun Craignaw,
 As swift as any naig,
 The mountain dog was good and true
 And caught him by the craig.

Straquhan took him by the hin' heels,
 To a stane he laid his head:
 This red-dog that we got here
 I think he be no bairn,
 For he has bear'd the faid for us
 Through Straiton and Carsfairn.

“ This Ballad was transcribed by me from a manuscript copy sent to me, on 16th February, 1874, by my sister, Jessie Jane Macmath, then living in New Galloway, which had been written down by the late John Murray, shepherd at Knocknarling, in the parish of Kells, and Stewartry of Kirkcudbright—the paper of the original, which I was desired to send back by return of post, having the watermark ‘ 1823.’

It gives an account of a fox-hunt in the mountainous district in the north-west of the Stewartry and southern part of Ayrshire, conducted in the old Scottish fashion, as described in the fourth chapter of Vol. II. of *Guy Mannering*. Being at New Galloway, some time after I got the Ballad, I mentioned it to my old friend, Miss Hamilton M'Kie, who gave me this variation of the fifth stanza, as all she could remember. (Perhaps I should say ‘ this additional stanza.’)

‘ O let me aff this ae time,
 And at me hae nae faid,
 For mony a time I've provided
 Fresh kitchen for thy bread ’—

the fox alluding, I suppose, to the lambs, &c., which he had killed or injured, and been unable to carry off, and which had fallen to the shepherds.

I thought the verses, though of no poetical merit,

possessed of a certain quaintness of expression, and I was much struck by the mention of Maxwell of Straquhan, whose name had been previously known to me as a celebrated huntsman in Galloway, through the Song or Elegy on his death, which is said to have taken place by drowning in the River Fleet in November, 1699.¹⁹ The first reference I find to him in print is in *The Scottish Gallovidian Encyclopedia*, by John Mactaggart, 1824, pp. 496, 497 :—‘ Yelpers—Dogs which barked or yelped for some time through Galloway. They belonged to a huntsman of the name of Maxwell, who was drowned in Fleet. The people attached some superstition to these tykes. A verse of a song on the subject runs thus :—

‘ The night was dark, the water stark,
And nane to help the man,
Sae death accost, and sae was lost,
Brave Maxwell o’ Strawhan.’ ’

The Weddinge of the Frogge and the Mouse.

Inserted in the Macmath MS., and forming part of it, are copies of two versions of “ The Weddinge of the Frogge and the Mouse,” a nursery ballad known to have been in existence in the sixteenth century.²⁰ The first set was taken down in 1874 by Miss Helen Macmath from the joint recitation of her mother and her aunt, Miss Webster : the second was recovered by John, Duke of Roxburghe (1740-1804). A fragment of a third version has also a place in the collection.

¹⁹ The “ Song or Elegy ” will be found in *Fugitive Pieces* (p. 6), printed along with *The Rivers of Galloway* [by J. M. M’Culloch], Kirkeudbright, n.d., and in Nicholson’s *Historical and Traditional Tales*, Kirkeudbright, 1843, p. 344.

²⁰ An early version of “ this delightful old ditty,” as A. H. Bullen calls it, taken from Thomas Ravenscroft’s *Melismata*, 1611, will be found in *Lyrics from the Song-Books of the Elizabethan Age*, edited by Mr Bullen. The same set has a place in Robert Chambers’s *Popular Rhymes of Scotland*; but Chambers copied it from “ a small quarto manuscript of poems formerly in the possession of Sir Walter Scott, dated 1630,” not from any printed volume.

First Version.

Mr Frog²¹ would go and ride,
 Linkum tweedle, linkum tweedle,
 With his whip at his left side,
 Linkum tweedle lily,²²

Until he came to Lady Mouse hall:
 He did rap and he did call,

“ Mistress Mouse, are ye within?
 Here’s a wooer to your kin.”

“ Wooers I want nane ava,
 I hae children great and sma’.”

“ Of your children tak nae care,
 I’ll feed them to they be mair.”

In come Mistress Pussy Cat,
 And the kitlen on her back.

Soon she was on Ratten’s crown;²³
 The kitlen held the wee mouse down.

In came the duck, and then the drake;
 Oh, but they gied mony a squake!

In cam the Fox, and then his Mither;
 They ate the tane and worried the ither.

In cam the huntsman and his hound;
 Soon he brought them to the ground.

He play’d a tune and ran away,
 And swore ’t had been a bloody day!

Second Version.

[From a copy in the handwriting of John, Duke of Roxburghe, which was discovered by Mr Macmath on 20th December, 1900, in a bundle of papers that had belonged to the famous old collector.]

Frogie wad a wooing ride,
 Cuddy alone, Cuddy alone,

²¹ *Mouse* in MS.

²² To save space, I have omitted the burden in the verses which follow.

²³ The Ratton, or Rat, was doubtless introduced before this stanza, but neither Mrs Macmath nor Miss Webster could supply the missing lines.

Frogie wad a wooing ride,
 With Dirk and Pistol by his side.
 Syne, kick my Leerie, cow him down,
 Cuddy alone and I.²⁴

“ Mistress Mouse, I am come to woo;
 So Marriage ye man grant me now.”

“ Uncle Rat is not at Home,
 So marriage I can grant you none.”

“ Go, cover the Table, go cover’t wi’ Cloath,
 And here is a Penny to buy a white Loave.

Go, cover the Table, go cover it fine,
 And bring us a Bottle of Claret Wine.”

Now guess you who sat at the Heid of them a’,
 But Mistress Mouse, so jimp and sma’.

Then guess you, who sat at the foot of the Table,
 But Uncle Rat, so stout and able.

Then came the Duck ben and the Drake,
 And our Bridegroom gave mony a Quake.

Then came in the old black Cat,
 And the Kitlen on her Back.

The old Cat pulled the Rotten down,
 And the Kitlen clave the Mouse’s Crown.

Would it not make a Hale Heat²⁵ wae
 To see sick a Family so soon decay?

Fragment of a Third Version.

There was a frog bred in yon well,
 Kitty alone, Kitty alone,
 And a merry mouse in yon mill,
 Kitty alone and I.

There was a frog bred in yon well,
 And a merry mouse in yon mill;
 Cock ma carry, Kitty alone,
 Kitty alone and I.

Uncle Rat crap up the wall,
 Kitty alone, Kitty alone,

²⁴ In each of the ensuing verses I have omitted the third line (which is a repetition of the first), and also the burden.

²⁵ *Heart*, miswritten.

And swore the deil was amang us all,
 Kitty alone and I.
 Uncle Rat crap up the wall,
 And swore the deil was amang us all,
 Cock ma carry, Kitty alone,
 Kitty alone and I.

[Appended to this rhyme is a note by Mr Macmath:—
 “Taken down by me, 25th August, 1892, from the recitation of my aunt, Miss Jane Webster, Crossmichael, Kirkcudbrightshire. Learned by her more than fifty years ago from the singing of Rosanna M’Ginnies, at Airds of Kells.”]

Sarah Rae.

[Verses by G. M. (Rev. George Murray.)]

In yon green isle, beyond Argyle.

[The composition of James Hogg. See his *Scottish Pastorals, Poems, Songs, etc.*, Edin., 1801, p. 49.]

Where hae ye been, my guid auld man?

[A few lines derived by Jane Webster from her mother.]

I saw the snail draw the whale.

[A nursery rhyme.]

Fragment of another version of same.

The auld wife ayont the fire.

[The chorus of a song in Ramsay’s *Tea-Table Miscellany*, with variations.]

It’s of two brothers who were in the army.

[An English street ballad, in the handwriting of Miss Minnie Macmath, who derived it from Miss Webster. The story told in the ballad is similar to that of which Leigh Hunt makes so effective a use in his poem, “The Glove and the Lions.” A lady flings her fan into the lions’ den at the Tower of London (where there actually was a menagerie down to 1834), and asks her two lovers, who are brothers, to prove their affection for her by bringing it back. One of them enters the den and soon returns with the fan, which he does not fling in the face of the vain young woman, in the manner of De

Lorge, but gracefully presents to her, thus gaining the promise of her hand. The ballad is undoubtedly older than Leigh Hunt's well-known poem.]

Sawney, Sawney, what's the matter?

[An unprinted rhyme expressing sentiments similar to those of "Hee, balou, my sweet wee Donald" in *The Scots Musical Museum*.]

Lullaby.

The kye are to the good green woods,
 An' the calves are to the broom,
 An' the yell nowte's to the high mountains,
 An' they'll no be hame till noon.
 An' it's Ba birdie, croon,
 An' it's Ba birdie, croon,
 An' it's Ba, ba, ba, ba,
 Ba birdie, croon.

[This lullaby used to be repeated by Mr Macmath's father, Alexander Macmath.]

One day sitting in her bower window.

[A single verse, taken down from the recitation of Mr Macmath's aunt, Jane Webster, who learned it from her aunt, Minnie Spark.]

O Jamie, darling, I lo'e thee well.

[A song taken down by Mr Macmath from the lips of Jane Webster, who learned it from Minnie Spark. It contains verses from the old song, "Waly, Waly, gin love be bony."]

Near Bannockburn proud Edward lay.

[Clearly not old.]

The Nettle.

[A lyric, with the refrain, "Waly, so green as the breckan grows."]

But now my true love's dead.

[Verse from a song by George Linley, 1798-1865.]

Rise up, rise up, Leezie Lindsay.

[One verse.]

Queen Jeanie.

[“ In pencil, in William Motherwell’s handwriting, inside the cover of what appears to have been a first or early sketch of the Introduction to his *Minstrelsy Ancient and Modern.*”]

My name it is bold Captain Grant.

[The hero of this lay was hanged for robbery.]

She could shape and she could sew.

[A merry rhyme about a wife who was cured of dumbness by a doctor, at the request of her husband. She proves an intolerable scold; and her distracted husband goes back to the doctor, imploring him to withdraw from her the sadly misused power of speech. The physician replies that it is easy to make a woman speak, but almost impossible to silence her.

“ But since that you have come
I’ll advise you to go home,
Make the oil of the hazel pretty strong, strong, strong!”]

The Corbie and the Crow (with Music).

[A humorous song. Printed in Whitelaw’s *Book of Scottish Song*, where it is attributed to Alexander Carlile.]

May Collin is a bonny lass (a fragment).

[Derived from the recitation of Mary Cochrane (Mrs Garmory).]

She’s a bonny lassie, Annie.

[Received by Mr Macmath from Miss Webster.]

The Goulden Vanitee.

[In the handwriting of Peter Scott Fraser, Edinburgh, latterly of Stirling, who is described by Mr Macmath as “ a well-known and well-liked man, with a very large circle of literary, artistic, and other friends.”]

Music of *Uncle Rat Crap up the Wall.*

Music of *She’s a bonny lassie, Annie.*

Pretty Peggy.

“ Come down stairs, pretty Peggy, my dear,
Come tripping down stairs, pretty Peggy O,

Come tripping down stairs, comb back your yellow hair,
Take the last fare-weel o' yer Mammie O," etc.

[A song recited to Mr Macmath by Miss Webster on 21st August, 1895, as heard by her at Airds of Kells in her youth. The Macmath MS. contains the music as well as the words of the song.]

Epitaph on a Borthwick.

[This seventeenth century Epitaph was contributed by Mr Macmath to *Notes and Queries* of 28th June, 1873, and was cited in his article, "Borthwick, Lord Borthwick," in *The Scots Peerage*, II., 100 (1905).]

By the merry Landes dale ah [the original MS.]

[A Robin Hood ballad, in a seventeenth century hand, with a marking by the unnamed transcriber:—"This song was esteemed an old song before the rebellion broke out in 1641." It was found on 5th April, 1895, in a bundle of papers that had belonged to John, Duke of Roxburghe, and was presented to Mr Macmath by Mr (now Sir) George M. Paul. Mr Macmath at once sent a transcript of "By the merry Landes dale ah" to Child, but, as it exhibited only a few variations, of no great importance, from a copy of the piece which had already been given in *The English and Scottish Popular Ballads*, the Professor merely mentioned it.]

Verses on the Death of D'Arcy.

[From *The Scottish Journal of Topography, Antiquities, Traditions, etc.*

Edited by James Paterson. Edin., 1848, Vol. II., p. 160.

D'Arcy (the Delabautë of "The Complaynt of Scotlande," 1549²⁶) was murdered by the Laird of Wedderburn, near Broomhouse, in 1517. *Not* an ancient traditional ballad.]

²⁶ "god sen the duc hed byddin in France,
and delaubaute hed neuyr cum hame."

—Edition, *Early English Text Society*, pp. 64, 65.

Letter from Charles Watson, Dunse, to Paterson, on the subject of the D'Arcy ballad.

Popular Rhymes, noted for James Paterson.

The song of the ridsquare.

[Like Snuffy Davy in *The Antiquary*, Mr Macmath sometimes detected a ballad "among the leaves of a law-paper." "The song of the ridsquare," a ballad describing a Border skirmish fought in 1576, is one of the pieces he discovered among old deeds. It is an early copy of the ballad well known to readers of "*The Minstrelsy of the Scottish Border*" as "The Raid of the Reidswire." Getting a transcript of the "song" from Mr Macmath, the late Mr T. F. Henderson published the verses in his edition of the *Minstrelsy* (1902). The "song of the ridsquare" as given in the Macmath MS. is an exact copy of the original, page for page and line for line.²⁷]

Music of The Silly poor Harper.

[In 1883 Mr Macmath obtained for the great Ballad Book the set of "The Lochmaben Harper" to which reference has already been made. He could not at the time get the music to which the ballad was sung by Sarah Rae, but after Professor Child's death he received a copy of it from Sir Arthur Mitchell, and the air is given in the Macmath MS.]

The Flowers of the Forest.

[A copy of Jean Elliot's version, taken from *A Curious Collection of Scots Poems* (second title, *Ajax, His Speech to the Grecian Knabbs, Attempted in broad Buchans*), by R[obert] F[orbess]), Gent. Edin., 1767. It does not appear to be generally known that Jean Elliot's beautiful version of "The Flowers of the Forest" was published

²⁷ See Mr Macmath's account of the discovery of the ballad in *The Gordons of Craichlaw, etc.*, pp. 73, 74.

in a volume so early as 1767. The song is not included in the first edition of *Ajax* (1743).]

Three Ballad Fragments.

[These were derived from *Elizabeth De Bruce*, a long-forgotten novel by "The Author of *Clan Albin*" (Mrs Christian Isobel Johnstone). One of them is evidently a fragment of a version of "*The Cruel Mother*," a piece which suggested Allan Cunningham's fine ballad, "The Bonnie Bairns."]

Lord Bedmin, or Bateman.

[In the handwriting of a lady. There is no explanatory matter in connection with the version.]

There was a troop of Irish Dragoons.

[A set of "Pretty Peggy," written down in 1900 by Mr (now Sir) George M. Paul, Edinburgh, as all he could remember of a version familiar to him in Aberdeenshire in his youth.]

The Bonnie Lewes o' Fyvie.

[Another version of "Pretty Peggy."]

The Highland Laddie.

[One verse.]

Bonnie lass, come ow're the street.

[A fragment repeated by Stuart Glegg Robertson of Stonehaven.]

Oh! what is the blood down the meadows below?

[A gruesome ballad taken down by R. A. Scott Macfie from the lips of gipsy, 30th November, 1901.]

The Earth Goeth on The Earth.

[There is real distinction in this piece of verse, copied by Mr Macmath, in 1890, from an old tombstone in the churchyard which surrounds Melrose Abbey. The "epitaph" is a fragment of an early English poem, of which several versions are extant. It has often been quoted, but seldom correctly:—

The Earth Goeth
 On The Earth
 Glistring Like
 Gold
 The Earth Goes To
 The Earth Sooner
 Then It Wold.
 The Earth Builds
 On The Earth Cast
 les and Towers
 The Earth Says To
 The Earth All Shall
 Be Ours.]

At Winchester there was a Wedding.

[Taken by Mr Macmath from a written copy, dated 1749. The song will be found in D'Urfey's *Wit and Mirth, or Pills to Purge Melancholy* (1719), in *Philomel, being a Small Collection of only the best English Songs* (London, 1744) and in Yair's " *The Charmer*, Vol. II. (1751). Yair attributes it to Sir John Suckling.]

There were seven sisters of us a'.

[A ballad akin to "The Marchioness of Douglas," taken by Mr Macmath from an unsigned and undated slip inserted in a copy of Chambers's *Scottish Ballads* (1829), which at one time belonged to the late Mr David Douglas, Edinburgh. Mr Macmath did not add to his transcript of the verses any notes of his own.]

Guesses (Riddles) heard by me in my childhood, round the kitchen fireside of my grandfather's house of Airds of Kells.

Like a cherry, like a chess,
 Like a bonny blue gless,
 Like a cow amang the corn,
 Blawing Billy Buck's horn:
 Spell that wi' four letters.

Answer—T-H-A-T.²⁸

As I cam' oure yon misty moor,
 I met John-Eakam-Teakim-Tylam

²⁸ See a Roxburghshire rhyme printed in Jamieson's *Scottish Dictionary*, edit. 1879-87, Vol. I., p. 417.

Carrying away my wee Tambylum:
 If I had my rusty club,
 I'd make John-Eakam-Teakim-Tylam
 Lay me doon my wee Tambylum.

Answer—A fox carrying off a lamb.
 If I had my gun.²⁹

Jenny Whitepetticoat, wi' a red nose,
 The langer she stan's the shorter she grows.

Answer—A lighted candle.³⁰

As I cam oure the tap o' Tyne,
 I met a drove o' Heelan' swine;
 Some were black, and some were broun,
 An' some were riggéd oure the croon.

Answer—A hive of bees.

The bat, the bee, the butterfly,
 The cuckoo and the gowk,
 The myre-snipe, the heather-bleat;
 How many birds is that?

Answer—Two.³¹

The Indiscretion of Mr John Blunt.

[From *The Graphic*, Christmas Number, 1907.]

Up spak' the Laird o' Dunypace.

[Stanza from a version of "The Laird of Wariston."']

Blind buzzard, black beetle.

[Extracts from an English version of the song, "Our gudeman came hame at e'en."']

Ane ancient Ballad of Queen Jane.

[A set of "Queen Jeanie," from *The Collegian*, Glasgow, 1827, p. 103.]

Curious rhymes, etc.

[Scraps preserved by Miss Minnie Macmath.]

²⁹ A similar piece has been printed by Mr John Corrie in his "Folk Riddles" (*Trans.*, 1891-92, p. 83).

³⁰ See English version in Halliwell's *The Nursery Rhymes of England*, 1842, p. 93.

³¹ Macmath MS., Vol. II., pp. 77-79. I have omitted two or three guesses. Another version of the last rhyme will be found in Mr H. S. Gladstone's *The Birds of Dumfriesshire*, 1910, p. 389. Miss Minnie Macmath in her later years sometimes spoke of making a collection of riddles and other curious rhymes she had heard at Airds, but her intention was not carried out.

Thomas o' Winesberry.

[A ballad preserved by John Leyden.]

The Lads of Wamphray.

[This version of a well-known historical ballad was published for the first time, by Mr Tom Wilson, in *The Dumfries and Galloway Courier and Herald*," 6th August, 1910. In the Macmath MS. the following note by the compiler of the collection is appended to the ballad :—

“ Mr Wilson writes to me (August 25, 1910) :—‘ The version of the old ballad as given in my notice of the Johnstons of Wamphray is undoubtedly *genuine*. I copied it from the original manuscript, which, as stated in my article, was found among the papers of Wm. Johnston, the Laird of Roundstonefoot. There is no date upon it, but in all probability the date would be about 1786 or 1790. Wm. Johnston (who was Provost of Sanquhar) was a great friend of Robert Burns, and he assisted the Poet in the collection of old songs and ballads. He is the “ Trusty auld Worthy, Clackleith ” mentioned in the “ Postscript ” to “ The Kirk’s Alarm.” Clackleith is a farm near Sanquhar that was tenanted by Johnston.’ ”]

My mither she bade me gae him a stule.

[Fragment of a quaint Scottish song.]

Leezie Lindsay.

[A modern song, in the handwriting of James Ballantine.]

The Bonnie House o' Airlie.

[Short paper by Peter Begg, Dundee (1868), including a version of “ The Bonnie House o' Airlie.”]

I have now analysed the two volumes which form what is known as the Macmath MS.—a title bestowed on the collection by Professor Child—and I have but to say, in conclusion, that I am much indebted to the owner—Mr Macmath’s only surviving sister, Miss Agnes Macmath, Dalbeattie—for lending me the Manuscript and cordially granting me permission to print any of the notes or verses contained in it.

Fugitive Notes on Plants.

By S. ARNOTT, F.R.H.S.

THE COLCHICUM, OR MEADOW SAFFRON.

There are several interesting points about the Colchicum, or Meadow Saffron, frequently erroneously called the "Autumn Crocus," as there are some true Crocuses which flower in autumn, as do most of the species of the Colchicum. They belong to different natural orders, the Colchicum being a member of the Lily family and the Crocus one of the Iris family. The most marked characteristic when in flower is that the Colchicum has six and the Crocus only three anthers. The corms, or "bulbs," are very different also. The Colchicum is mainly a plant of temperate regions, and usually of comparatively high altitudes when found in Asia Minor. Practically all the species flower in autumn, and even into early winter. It is obvious that there would be grave risks to the ripening and deposit of the seeds if they were produced in the ordinary way immediately after the flowers, and that the frost would be liable to destroy the unripened seeds. Here Nature steps in and enables the Colchicum, like man, "to multiply and replenish the earth." The method adopted is not at all common with plants, although not confined to this plant alone. The ovary is deep down in the tube of the flower, and, after the flowering is over, the seeds remain there until the coming of spring, when, with the foliage, they are thrust out above ground and ripen in summer in a normal way. Few other plants do this as perfectly as the Colchicum.

Another feature of the Meadow Saffron is its broad, succulent foliage. In all probability if this had been produced with the flowers it would have been injured by the frost, and in time the "corm" or "bulb" would have become weakened, as sometimes happens with bulbs from warmer countries which flower very early in spring and have their leaves frequently seriously injured by late frosts. The succulent leaves of this plant would be likely to suffer even more,

and consequently they are not produced until spring. They are thus given time to mature and to ripen and elaborate the flowers which come in autumn after the foliage has withered.

But other sources of destruction arise in addition to that of frost. The leaves are broad and attractive to animals, and in pastures are particularly liable to be cropped by cattle and other browsing animals. This has been proved in some of the English shires, where the ordinary Meadow Saffron, *Colchicum autumnale*, is indigenous, and where the leaves and seeds have been eaten by cattle, whose natural sense of caution appears to have been blunted by a long course of domesticity. Many cattle browsing on these meadows have died or become at least seriously ill as the consequence of eating the leaves of the *Colchicum*, and the English Board of Agriculture thought it desirable to publish in their official journal suggestions for the extirpation of the plant. I look upon the possession of poisonous properties by the Meadow Saffron as Nature's protection against its destruction, as it is difficult to be satisfied with any other theory. The favourite one, that the poison, which is found in all parts of the plant, is created for the use of man, can hardly be accepted in view of scientific ideas at the present time, and by the analogies of other poisonous plants in the world's flora. It is rather remarkable, however, that domestic cattle in many cases fail to detect the dangers of eating the foliage of such a poisonous plant. As a rule wild animals seem to have a wonderful intuition or inherited instinct, as we may call it popularly, which prevents them from partaking of dangerous materials, especially when they occur in their ordinary pastures.

The *Colchicum*, by the way, is possessed of a very strong narcotic poison, which has been used in British medicine for many years.

Referring to this poisonous property I may mention that there is a case on record where the corms of the *Colchicum* were mistaken for Onions and cooked and eaten, with disastrous results. This is almost inconceivable, as there is no resemblance in form between the solid corm of the *Colchicum*, which is not a bulb but a corm, and the scaly parts

of the bulbs of the Onion, even if we overlooked the question of odour, which should have warned the cook that this was not an Onion at all. When one hears of an instance of poisoning in this way one is almost tempted to say: "It serves them right when they possess such crass ignorance!"

THE DEADLY NIGHTSHADE.

More discriminating than the cattle with the Colchicum are the birds with regard to the berries of *Atropa Belladonna*, the Deadly Nightshade. Even the town sparrow, which we could not anticipate would have a definite idea of what fruits were good and what were bad to eat, gives a wide berth to these attractive-looking berries. I have at present in my garden a plant of this Nightshade, and, as in former years, the birds, while taking toll of other berried plants, leave the berries of the Belladonna severely alone. These fruits are exceedingly attractive, and have been eaten by children with consequent illness, and sometimes death. In recent years the Glasgow Corporation was found liable in damages to the parent of a child who had eaten these berries, as the plant was grown in a place to which the public had access, although apparent precautions had been taken to protect the plant. I am referring to the Belladonna now to support the idea that most wild animals and birds refrain from eating plants of a poisonous nature. In concluding this note on *Atropa Belladonna*, I would respectfully suggest that teachers should give their pupils some instruction regarding poisonous plants they may be likely to meet with, such as, for example, the Laburnum, whose seeds are deadly.

ADAPTATION OF THE LEAVES OF THE WATER CROWFOOT.

It is impossible to look upon a mass of the Water Crowfoot, *Ranunculus aquatilis*, in a pond or a stream without feeling true delight in the beauty of its myriads of small white flowers floating on the surface of the water, and with their loveliness enhanced by the pretty little leaves of the plant.

But, as we look upon the Water Crowfoot, I fear that we, while admiring its beauty, have too much of the spirit of Peter Bell, to whom the Primrose was but a Primrose and nothing more. Yet this little wilding of our own country has at least one feature which entitles it to closer inspection. On examining the Water Crowfoot it will be discovered that there are two types of leaves. That on the surface of the water is of the usual character of the foliage of the family, but the lower leaves, which are immersed in the water, are practically attenuated skeletons. Those on the surface apparently provide what the plant requires to derive from the atmosphere, but it is not so easy to say with confidence what is the utility of the attenuated ones. Their skeleton-like formation is certainly an advantage in a plant which is found in water, very frequently in portions of swift-flowing streams, where the current striking against under-water leaves might dislodge the plants from their hold of the soil. But I have never been able to satisfy myself why these leaves exist at all. One can hardly think they are devoid of value, but what it is is rather a puzzle to me.

LEAVES OF WATER LILIES.

In relation to this subject I would point out that Water Lilies and many other aquatics have floating leaves on the surface but do not possess special foliage for complete immersion. The Water Lilies have the ability to lengthen the foot-stalk of the leaf to suit water of any reasonable depth, and I have been struck by seeing the rapid manner with which such plants send their leaves to the surface to obtain the light and air so needful for the plant. But this is a peculiarly intricate subject with endless possibilities for argument. In any case it adds to the interest we may take in plant life.

THE TEAZLE.

My last note refers to the Teazle, *Dipsacus Fullonum*, long in use for dressing cloth, but now, I believe, mainly

superseded by modern machinery. It is an old plant, which, by the way, once bore the name of the "Virgin Mary's Handbasin," from the legend that Mary on the journey to Egypt with the Infant Jesus performed her ablutions in the water which collects in the receptacle formed by the connate leaves of the plant, where there is usually water to be found. My object is not, however, to discuss the history, legendary or otherwise, of the plant, but to point out what does not seem to be generally recognised, that the Teazle is an insectivorous plant, and that this little reservoir of liquid is of use to it as forming a trap for insects which fall into it, and whose juices are absorbed by the plant. I have studied this for some years, and have satisfied myself that this is the case.

6th February, 1925.

Chairman—H. S. GLADSTONE, Esq., President.

Notes on Some Galloway Birds, 1919-24.

By Mr G. H. WILLIAMS.

My good friend, Captain Scott Elliot, has prevailed upon me to write a short paper on some of the Birds of Galloway, though I feel far from competent to do so, as in the first place I have only studied these birds for five years, and in the second place my observations have been almost entirely confined to the Stewartry. The only merit, if any, of this paper is the fact that these notes are the result of my own personal observation, for which reason I hope my audience will forgive the frequent use of the first person. I have not attempted to follow any scientific classification, but have adopted as far as possible the chronological order in which I observed the birds.

SNOWY OWL (*Nyctea Scandiaca*). A pair of these magnificent Arctic Owls took up their winter quarters in a certain moss in the Stewartry during the winter of 1919-1920. The moss is bounded on one side by two thick fir woods, and made

an ideal hunting ground for them. I first observed them on the 6th December, 1919, in broad daylight, quartering the moss like harriers. They showed no fear whatever of man, and came quite near me on the many occasions I went over to observe them or took friends over to see them. They are distinctly large birds, the wing spread of the female being about 35 inches. Two traits in these Owls were very noticeable. In the first place, unlike all Owls I am accustomed to (with the possible exception of the Little Owl (*Athene Noctua*), which I have seen flying by day), they seemed to see perfectly in broad daylight; the reason of this being no doubt that in their far Northern haunts they must perforce search for their food in summer in daylight, there being no night. In the second place, they had a peculiar trick of hovering a considerable time over a spot very much like Kestrels, though unfortunately I never saw them stoop after one of these hovers and secure their quarry. Their food on the moss probably consisted of rabbits. The last occasion I observed them was on 16th January, 1920. An ornithological friend of mine in the Island of Lewis informed me that these Arctic Owls frequently visited Lewis in the winter, and he showed me a fine specimen he had shot, but as far as I can trace they are exceedingly rare visitors to the mainland of Scotland.

WHIMBREL (*Numenius Phaeopus*). Several specimens of this migrant were observed on the sea coast during the spring of 1920. The bird is very similar to a Curlew in its habits, but much smaller. It seems to be entirely confined to the sea coast during its migration, and I have never seen any inland.

RAVEN (*Corvus Corax*). This bird is, in my experience, more often heard than seen. After generations of persecution it has become one of the wariest of birds, and is generally only spied in the distance. Though by no means common in the parts of Galloway I have frequented, I think there are rather more than people generally imagine. Shepherds detest the Raven, as they imagine it kills weakly sheep and lambs. I have questioned several of them as to whether they have ever actually seen the birds guilty of this malpractice, and the answer has always been in the negative, though they strongly

suspect it. My own conviction is that if the birds do so attack these weaklings, which I do not consider proved, they only hasten the poor creatures' inevitable end. The practice of the Crow family in attacking a dead sheep or lamb is generally to commence at the eyes. A wily old Highland keeper friend of mine took advantage of this practice to encompass the destruction of a great many Hooded Crows and a few Ravens. He simply substituted for the missing eyes of a dead sheep poisoned rabbits' kidneys, and as these disappeared renewed them. The Raven is an early nester, and often has eggs when the snow is deep on the ground. At the beginning of March, 1920, I observed a pair of Ravens frequenting some precipitous cliffs on the Galloway coast. A lady friend of mine expressed a great desire to have a young Raven as a pet, and in a weak moment I agreed to gratify her wish. The birds were exceedingly wary, and it was only by concealing myself in some whin bushes on the cliff edge about 400 yards away, and spending hours in a freezing wind, that at last I was able to locate the position of the nest on 11th March. The hen appeared to be sitting, so I gave her to 27th March before attempting to reach the nest. Now, though I have often watched cliff-climbing on the stupendous cliffs on the Yorkshire coast, I had never attempted it myself before. My chauffeur and I managed to enlist the services of the local lifeboat skipper and borrow the necessary ropes. The nest was on a ledge about 50 feet down and above 70 feet above the sea, a truly awful looking place. On 27th March half a gale was blowing, but as all our plans were made, my chauffeur, being the lightest, very bravely volunteered to descend. We made fast, gave him a thin signalling line, and lowered him away over a crow-bar. After a short time we felt frantic signals to pull him up. Now, it is one thing to lower a man down a cliff but quite another to pull him up without the proper gear, and it took the skipper and myself about as much as we could manage. When at last he arrived on the surface, pale and fatigued, he told us the wind had caught him on the under-hung cliff and spun him round like a cork at the end of a string, which gave him anything but a pleasant sensation. The descent, however, had

not been quite in vain, as he had been able, during his revolutions, to locate the exact position of the nest, and discovered I was a yard out in my calculation. On the 29th the gale had abated, and we attacked the cliff again. This time all worked according to plan, and up came my chauffeur with a lusty young Raven in a game bag. There were four in the nest. My lady friend was highly delighted, and named the bird "Elijah," while I may fitly close the tale of this adventure by saying with Edgar Allan Poe, "Nevermore."

CARRION CROW (*Corvus Corone*). This is the common Crow of Galloway, and personally I have never seen the Hooded Crow or *Corvus Cornix* here, though recently a keeper on the upper waters of the Dee informed me he had found it nesting, and pointed out the very fir wood in which he said he had harried three nests. I must confess, as a game preserver, I have the greatest antipathy to the Carrion Crow. They are the most inveterate egg robbers of any bird I know. A couple of instances will suffice. The birds almost invariably select a secluded spot, always near water, to which they carry the stolen eggs to break and eat. At one of such spots a keeper and I carefully counted the shells, which amounted to the grand total of 94, all pheasants' eggs. We could not be sure whether this was the work of a single bird or a pair. The curious thing about this particular bird was its decided preference for pheasants' eggs. The second instance refers to a spot I discovered showing the great variety of nests harried by these birds. During the course of three weeks I noted the following eggs, or rather shells, at this spot: — Pheasant, Curlew, Plover, Wild Duck, Teal, Blackgame, Grouse, Wood Pigeon, Thrush, and several hens' eggs. The best method of decreasing the number of Carrion Crows is to lay down poisoned eggs, but great care must be exercised. An artificial nest on a small island in a loch or on the top of a wall of some deserted cottage, or in a low tree in a wood, are good positions. I have shot a good many hen Carrion Crows by constructing a hide near their nests, and have found it saves many weary hours waiting if one gets a companion to accompany one to the hide, and while one slips in the other walks openly

away and is sure to be seen by the concealed birds. The hen then generally returns within half an hour. Carrion Crows are said to pair for life, but, like the present human distribution on these Islands, there would appear to be more females than males. On two occasions after I had shot a hen the sorrowing widower flew about for some days cawing dismally, but to my annoyance turned up shortly after with a new lady love, and started nesting operations in the same wood. Of course this is surmise, but from various tricks the male birds had, also from the fact that it was late in the season for Crows to nest, I feel fairly confident they were the same birds.

THE PEREGRINE FALCON (*Falco Peregrinus*). A pair of these magnificent Falcons haunted the same cliffs where the Ravens nested during my residence near them in 1919 and 1920, though I never discovered the nest. I was glad to see the male bird or tiercel during the spring of 1924, and trust the present proprietor is affording them the same protection that I did. They were very shy and wary, and I never actually saw them kill any bird, though I imagine they mostly lived on the Rock Doves, of which there were quantities. I often observed them take long flights out to sea, whether in search of prey or in pure delight of their power of flight I know not. I may note here an instance of this bird's wonderful turn of speed, which came under my personal observation. While shooting in the Island of Jura a Grouse came down wind at a terrific pace, hotly pursued by a hen Peregrine. Just before the Grouse reached us the Falcon struck with a sound somewhat like the loud crack of a whip. The result was that she cut the unfortunate Grouse's head clean off in mid air. On seeing us the Falcon hurriedly disappeared, and we gathered her prey.

ROCK DOVE (*Columba Livia*). At the foot of the cliffs mentioned above, and only accessible at low tide, are two caves, one large and one small, with many ledges far above high water mark. These caves were inhabited by a large colony of Rock Doves in 1919 and 1920, though I was sorry to observe a great diminution in their numbers in the spring of 1924. I shot a few of these birds for identification, and in

every case they seemed to have the markings of the true Rock Dove, the two black bands on the wing coverts being very conspicuous. I may mention the shooting of these birds was no easy task. In the first place, the descent with a gun down the precipitous cliff was an arduous undertaking. Having got down, generally out of breath, the Rock Doves, warned by sentinels at the mouths of the caves, swarmed out in a flock. One very seldom could get off more than four shots. It was some of the most tricky shooting I have ever experienced, as each bird flying from the dismal recesses of the cave on reaching the light jinked up, and until one got accustomed to this it was impossible to hit them at all.

WOOD PIGEON (*Columba Palumbus*). During the winter of 1919-20 I shot a good many Wood Pigeons, and amongst them a fair percentage of birds which seemed to me to be distinctly smaller than our own local variety. The flight, too, of this smaller race was unlike that of our common Wood Pigeon. They were always in small flocks, and were obviously migrants. Unfortunately I did not take any measurements at the time, but in view of the fact that there is no mention of a small race of *Columba Palumbus* by either Mr Dresser, Mr Howard Saunders, or Mr Gladstone, whose books I have consulted, I only mention the matter here for future discussion. During my observation of birds in the British Isles, on the Continent, and in the East, I have made a special study of their songs, call notes, and alarm notes, and I think I may say, without any aspersion on any of the other songsters which delight us all in their annual spring concert, none thrills me more, nay, not even our glorious singer, the common Song Thrush, than the Wood Pigeon with its soft, oft-repeated "Tak' twa coos, Davy."

RUFESCENT TINAMOU (*Rhynchotus Rufescens*). I can imagine some of my audience being somewhat startled by the entry of this bird in my notes on Galloway birds. I will confess at once that I am not certain of my identification as to the species of the Galloway Tinamou, as there are many species of this South American bird. The facts, so far as I know them, are as follows :—In the summer of 1920 a Galloway proprietor

introduced some pairs of Tinamou from South America to see if they would inter-breed with his Pheasants. I went over and inspected the birds in their aviary before they were turned out. They looked to me somewhat like hen Pheasants, the cocks and hens being alike in plumage. In the spring of 1924 one of the keepers on the estate informed me that a pair of these birds had nested in a wild state, and had eggs of a deep chocolate colour and highly polished. The eggs of the Tinamou, some species of which I have examined at the South Kensington Museum, are remarkable in this respect, all having a glossy burnished surface. It will be interesting to learn the result of this experiment, but I feel dubious as to its success, for, according to Mr Ogilvie Grant, in the first place the male Tinamou alone incubates the eggs, so only a cross between a male Tinamou and a hen Pheasant could succeed, for we cannot imagine a cock Pheasant, however amorous, being prevailed upon by a hen Tinamou to incubate her eggs; and in the second place the Tinamous dislike using their wings, and prefer to escape by their powers of running. Anyone who has had anything to do with Pheasants knows their decided preference to run rather than fly, and any foreign strain which might increase this tendency would seem to me to be disadvantageous.

COMMON BUZZARD (*Buteo Vulgaris*). In 1899 Mr Howard Saunders stated that the epithet "Common" was annually becoming a misnomer for this species. During my peregrinations in Galloway I have only seen four specimens in five years. A pair frequented the hills above Dornells during the summer and autumn of 1921. While waiting for Wood Pigeons in the autumn of that year, I think the month was November, one of these birds flew into a high Scotch fir, and to my great sorrow I shot it mistaking it in the dusk for a Pigeon. Its mate then departed, and I never saw Buzzards again on the Dornells hills. I have, however, good news to come. In the wild district near Loch Dee, on 17th May, 1924, I heard the familiar "mew," which always reminds me somewhat of a cat. After a time I was able through glasses to observe a pair of Buzzards, and located the precipitous cliff, on which, I have

no doubt, they had their nest. On the 21st May I visited this cliff, but unfortunately it turned out a misty day, and though I saw both birds quite near, I could not locate the nest.

HARRIER. In the spring of 1922 I observed a Harrier quartering the moor near Dornells on two occasions. Having no glasses with me, and the bird being some distance off, I could not identify the species. This is the only Harrier I have seen in Galloway.

MAGPIE (*Pica Rustica*). The Magpie may be considered as a distinctly uncommon bird in Galloway, no doubt owing to its destruction by gamekeepers. A few pairs, which I protected, inhabited the woods at Dornells and bred there. There are also a few pairs to my knowledge in the woods at Orchardton.

THE BRITISH JAY (*Garulus Glandarius*). I only know of one colony of Jays in Galloway. It inhabits some of the dense woods of Orchardton, and regularly of past years when shooting there I have heard the familiar harsh cry, followed soon afterwards by the flitting forms of Jays escaping in front of the beaters. The keeper there informed me this colony has increased considerably of late years. The curious thing is that it has not, as far as my knowledge is concerned, spread to other suitable woods in Galloway.

WOODCOCK (*Scolopax Rusticula*). I only mention the Woodcock in connection with the controversy as to whether it carries its young when suddenly flushed. My late friend, Mr Tom Speedy, who had many opportunities of observing the birds, alleged they never do, and offered twenty guineas to anyone who would prove it. He even challenged the statement of that good observer, Mr Richard Kearton, who published in a footnote to his edition of White's Selborne that he had "seen a Woodcock carrying her young between her legs supported by the toes and claws of both feet in the Island of Mull." Mr Speedy requested a certain factor in Mull to shoot three Woodcock there in the supposed act of carrying their young. In no case was a chick found. A fair number of Woodcock breed at Dornells, so I thought I would look into this disputed point, and on 16th June, 1920, accompanied

by two witnesses, searched for a Woodcock with young. We were lucky enough to flush a bird which certainly appeared to be carrying its young, and alighted again about 50 yards off in a small patch of withered bracken. Now for the test. We carefully approached the bird, which flew off in the ordinary way without her chick, and from the very spot where she had alighted. We then searched that little square of bracken most minutely, but never found the chick. A neighbouring proprietor had informed me he had seen Woodcock carrying their young dozens of times, and when I mentioned my little experiment he was not shaken in his belief in the slightest, as he said he had *seen* them. There is a very pretty picture of a Woodcock carrying its young by that great bird artist, Mr Archibald Thorburn, entitled "A Labour of Love." Is this picture correct? Mr Speedy's theory is that the Woodcock depresses its tail like a lobster, thus making its flight laboured as a ruse to decoy intruders from the situation of its young in the same way that many birds sham broken wings and other disabilities when flushed from their young. I have not seen any recent discussions on this controversy, and do not know whether the point has been definitely proved or disproved.

THE WATER RAIL (*Rallus Aquaticus*). I flushed a few of these birds every winter while at Dornells, but never saw them in the spring or summer when carefully searching for their nests. In the spring of 1924 I observed one fly across the road near Tongland Bridge at the estuary of the Dee. The locality there appears to be ideal for this Rail to nest.

THE DOTTEREL (*Eudromias Morinellus*).

THE GREENSHANK (*Totanus Canescens*).

The late Mr Robert Service having expressed a belief that these two birds possibly bred on the Galloway hills, I have made as careful a search as time and opportunity permitted during the springs and summers of the last five years, but never saw a trace of either.

THE RING OUSEL (*Turdus Torquatus*). In my experience this bird is distinctly rare in Galloway. I have never seen it on Merrick or any of the high hills of that neighbourhood, and only know of one nesting pair, which I discovered with

young on 21st May, 1924, in the region near Loch Dee. Seeing that this bird is said to be abundant in the neighbouring county of Dumfries, it is curious that it has not spread to Galloway, where many suitable localities would appear to exist for its nidification.

THE GOLDEN PLOVER (*Charadrius Pluvialis*). This bird visits Galloway regularly every autumn and winter, and I have observed both small and large flocks or stands in various localities. I may mention here a dodge taught me when a boy by a keeper of how to approach these birds when settled and feeding in an open field. In the ordinary way if one attempts to approach them by walking straight at them they get up out of shot. If, however, one walks in a circle round them, gradually decreasing the distance, one may frequently approach within range. As a nesting species the Golden Plover is by no means common in the portions of Galloway I have searched. I only know of three localities, one elevated and two fairly low-lying. In one of the latter there were four or five pairs in the spring of 1924.

THE CORN BUNTING (*Emberiza Miliaria*). I was very pleased to observe a pair of Corn Buntings near my present residence during the summer of 1924, and am fairly confident they nested in a field of ryegrass, though I did not actually discover the nest. This is the only pair I have seen in Galloway. Why should the Corn Bunting be so local? I have seen many pairs in such widely separated places as Flamborough Head, Yorkshire, and Callanish in the Island of Lewis, and yet traversed many many miles of country without seeing one. The bird feeds on grain, so one would expect it to be common in Norfolk, Cambridgeshire, Essex, and Hertfordshire, but in my experience it is not. Mr Howard Saunders states it feeds its young on insects. Can it be that its young must have some particular insect which only exists in certain localities? It is not a bird that would be likely to pass unobserved, as its song, if it can be called a song, is so distinctive, also it is unlike any of our British birds except perhaps the Skylark, from which it may be distinguished at once

by its habit of perching on any convenient bush, and preferably telegraph wires.

THE CHIFFCHAFF (*Phyloscopus Rufus*). I see it stated in Mr Gladstone's excellent book, "Birds of Dumfriesshire," that the late Mr Robert Service suspected that the Chiffchaff was more common in Kirkcudbrightshire than in Dumfriesshire. If this is so, it must be very rare in Dumfriesshire unless I have missed the favoured localities in Kirkcudbrightshire. The well-known song, better syllabled as "Chaffchiff" than "Chiffchaff," is so distinctive that one would not be likely to miss it, and I have been much struck by its absence in the well-wooded districts of Galloway. Certainly I have both heard and seen the bird every year during the last five years, though the instances were seldom. The birds I saw appeared to be migrating, and I never found a nest.

THE LESSER REDPOLL (*Linota Rufescens*). A small colony of these delightful confiding little birds inhabited the shrubberies of Dornells during the springs and summers 1920, 1921, and 1922, and nested there regularly. The bird is by no means common, and the only other locality where I have seen them is near Douglas Hall, where I saw some family parties during the summers of 1923 and 1924, and have no doubt that these birds had been bred in the district.

THE STONECHAT (*Pratincola Rubicola*). This bird, though local in its distribution, would appear to be much more common in Galloway than it appears to be in Dumfriesshire. The coastal area, as far as I know it from Douglas Hall to Gatehouse-of-Fleet, would appear to provide the most favoured haunts, though I have seen many pairs inland too. To locate the nest requires careful searching, as the cock bird invariably gives the alarm to his sitting mate and does all he can to entice an intruder away from the site. On 31st May, 1924, while I was watching through glasses a pair of these birds with five well-grown youngsters, the hen suddenly dived into some high heather and stayed there. On searching the spot I found her sitting on six newly laid eggs. This would appear to prove that the first brood must have been hatched very early in the season. Also I was interested to observe that the

parent birds had not driven away their first brood, as is the usual custom of double-brooded birds.

THE NIGHTJAR (*Caprimulgus Europaeus*). As the Nightjar is crepuscular or nocturnal in its habits, I am unable to say whether it is a common bird in Galloway, though I have flushed it out of bracken a good many times while shooting. I only mention it here in connection with a curious experience I had with this bird in mid-September, 1924. While motoring back from Auchencairn to my present residence after dark, the road for about a mile was full of Nightjars. There had been recent rain, and the numerous pot holes in the road were full of water. The Nightjars appeared to be hawking some insect hovering about these pot holes, and, being blinded by the head lights, seemed to be incapable of getting out of the way. To avoid the chance of killing them, I had to stop the car several times and switch off the head lights to allow them to escape. This was the only occasion I have observed the Nightjar on that road at night, though I have been on it scores of times, and can only imagine the birds were migrating south, and there happened to be some particular good hatch of some insect on the road that night.

**Sheriff Court Book of the Sheriffdom of Dumfries,
1577-1583.**

Kept by ANDREW CUNNYNGHAME, Sheriff Depute.

Abstracted by Sir PHILIP J. HAMILTON-GRIERSON, LL.D.

INTRODUCTION.

Some portions of this Sheriff Court Book are exceedingly difficult to decipher owing sometimes to faded ink, sometimes to tears, sometimes to torn margins, and not infrequently to careless writing. I desire to express my thanks to Mr William Angus, Curator of the Historical Department, H.M. Register House, Edinburgh, for his ever ready assistance in dealing with these difficulties.

A large number of the entries in this Sheriff Court Book, in which one party acts himself or is acted to pay the other

party a certain sum or to deliver to him certain goods, contains the same formal clauses. In order to avoid repetition and save space I give here one of these entries (No. 44) *in extenso*, and, in writing the abstracts, I have omitted these clauses. For the same reasons and in pursuance of the same course I give here unabridged the will of the Letters in Four Forms (No. 102):—

No. 44.

The fyft day of August anno &c LX Sevintein zeirs.
Kirkhawch and bogrie.

“ The quhilk day comperit in presence of Andro Cunynghame schiref depute of Nythesdail petir davidsonne burges in drumfreis. Is becum of his awin propir grant & confessione actit in the sowm of ane hundreth & ten merkis money vsuale of this realme to John Kirkhawcht of bogrie. And be his awin grant and confessioun forsaid hes actit hym self, his gudis, geris, landis, heretage to pay and delyuer that sowm of ane hundreth and ten merkis money in lyke payment, as the same is delyurit to the said peter havand of payment for the tyme at lambes in the zeir of god ane thowsand fyve hundreth threscoir and sevintene zeris, and gyf it salhappin the said petir to pay the sowm of ane hundreth and fyve markis betwix this and candelmes nixtocum in the zeir of god jm ve threscoir sevintene zeiris the said John Kirkhawcht of the bogrie sall deleit the said act and discharge the said petir. Apone the quhilk grant and confessioun the said schiref depute interponit his decreit and ordanit act with executoriallis to pass thereapoun as effeirs, and in case the said John Kirkhawcht of bogrie inlaikis afoir payment of the said sowm abonewrittin the said money till appartene and be payit to Greseil Kirkhawcht his dochtir. petir davidsonne actit thereto.”

No. 102.

The ellevent day of July, 1580.

“ Our will is heirfoir and we charge zow straitlie and commandis that incontinent thir our lettres sene ze pas and in our name and authoritie command and charge our said cousing John lord maxvell to restore and enter the

said dame Catherine, to hir possession of hir said sone thrid of the land and milne medow abone expremit with the pertinentis to be peciablle broukit, joysit, occupyit, set usit and disponit be the said dame Catherine at her plesour in tyme cuming ay and quhill she be lauchfullie callit & ordourlie put therfra be the law efter the forme and tenor of the said decreit in all poyntis within thrie dayis nixt efter he be chargit be zow thereto under all heiest pane & charge that efter may follow. The quhilkis thrie dayis being bypast and our said cousing dissobeyand that ze charge him yit as of befoir to restore and enter, &c. [as above] in all pointis within uthir thrie dayis nixt efter he be chargit be zow thairto under the pane of warding of his person. And gif the said thrie dayis being bypast and our said cousing dissobeyand that ze charge him zit as befoir to restore and enter, &c. [as above] in all pointis within uthir thrie days efter he be chargit be zow thairto under the paine of warding of his persone. The quhilk thrie dayis being bypast [as before] or ellis that he within the samyn thrie dayis pass and enter his persone in warde within o^r castell of Dumbartane, therein to remane upoun his awin expenses ay & quhill he have fullfilled the command of thir our lettres and be fred be us under the pane of rebellione and puttin of him to our horne, and that ze cum to our secretar or his deputis keiparis of our signat & rasave our uthir lettres for his resait of ward within our said castell. The quhilkis thrie dayis being bypast and our said cousing dissobeyand ze charge him zit as of befoir to restore and enter, &c. [as above] in all pointis within uthir thrie dayis efter he be chargit be zow thairto, or ellis that he within the samyn thrie dayis pass and enter his persone within our said castell of Dumbartane, &c. [as above] The quilkis last thrie days being bypast & our said cousing dissobeyand & nocht fulfilland the command of thir our lettres that ze incontinent thereafter denunce him our Rebell and put him to our Horne and escheit and inbring all his movabill guidis to our use for his contemptioun, & siklyk that ze in our name & authoritie arrest appryss compell poynd distrenze our said cousingis rediest guidis & geir quhere evir the samyn may

be apprehendit, and failzeand of his movabill guidis that ze appryse his landis efter the forme and tenor of our act of parliament to the awaill and quantitie of the said sowm of threttie pundis for the expenssis foresaidis and that ze mak the said dame Catherine to be payit thereof conform to the said decreit, And geif our said cousing passes to our horne and geif any persone or persones deforceis zow in executione of zour office of poynding foresaid that ze within xv dayis nixt thereafter pas and present thir our lettres with zour executionis to our schiref of our schyr quhere our said rebell and deforcearis dwellis, his deputis or clerkis, & caus the samyn be registratt in our schiref court buikis according to our lait act of parliament maid thereupoun, and thairefter report the samyn to our thesawar & his clerkis that our said rebell & deforcearis escheites may be inbrocht to our use according to ordour usit in sik caussis as ze will anshir to us thereupoun. The quhilk to do we commit to zow coniunctlie & seueralie our full power be thir our lettres delyuering thame be zow dewlie execut & indorsit agane to the berar, gevin under our signet at Edinburgh the last day of March & of our reign the xii zeir, 1580."

"The superplus of the thirds of benefices," mentioned in No. 76, was in theory the balance of the one-third of the total revenues of the old Roman Catholic Church which remained after paying the stipends of the Protestant ministers throughout the realm, and which was appropriated to aid the Crown "to entertein and sett fordwart the commune effaris of the cuntrie." The other two-thirds were to remain in the hands of "the auld possessouris (*Reg. of the Privy Council*, Vol. III., 31 note. See Vol. I., pp. 192-4, 201-3).

The scholars referred to in No. 127 were bursars presented to chaplainries, in order to enable them to study at one of the universities (see the Acts, 1567, art. 9 (*A.P.* iii., 37), 1567, c. 13 (*A.P.* iii. 25), 1581 (*A.P.* iii. 210b), and *The Booke of the Universal Kirk*, Pt. i., p. 214).

The Act of Parliament referred to in No. 130 is the Act 1579, c. 13 (*A.P.* iii. 142).

"Kelt," "Wodschot," and "Cairsay" are mentioned

in No. 201. The first was a black woollen cloth; with regard to the second I have no information; the third is, of course, kersey.

As to the taxation mentioned in No. 202, see the Act 1580-81 (*A.P.* iii. 189).

As to the tax for repairing the bridge over the Tay at Perth, to which No. 224 refers, see the Act, 1578 (*A.P.* iii. 108), and the *Reg. of the Privy Council*, Vol. III., 121-2).

As to the Earl of Mortoun's non-appearance when summoned (No. 238), see *Reg. of the Privy Council*, Vol. III., 527.

SHERIFF COURT BOOK OF DUMFRIES,

1577-1583.

- 11) 21st April, 1577.
Kirkpatrik.
(Fragment) Ane horse and [] fensit in the hous of Kirkpatrik in Pothows of Dik Smithis [].
- 12) 21st April, 1577.
Compeared a nobil [] of Mabie and acted himself, his goods and gear to Master James Betoun, minister of [Glencarne] in £10 scots to be paid at Whitsunday under pain of doubling of the said sum.*
- 13) On the penultimate day of April, 1577, compeared John Watson in [], John Cowane of the Grene, younger, John Stewart in [], Michael Wallace in the Bank, and John Wallace in [], and were acted of their own "propir grant" to pay the sum of £26 3s 4d to John Fergusone of Ile and John Wallace of Carrezeill.
- 14) Same Day.
Fergusone and Wallace.
Peter Conhas (?) was acted to deliver to John Fergusone of Ile and John Wallace 10 pecks of good and sufficient meal, measure of Nith, at Martinmas.

* There is a separate receipt dated 24th June, 1577, by James Betoun, minister of Glencarne, in favour of Robert Hereis of Mabie for the above-mentioned sum.

[5] Same Day.

M'Kill.

William Bell, dwelling at the Brigend of Dumfries, was acted to pay John M'Kill in Glencarne the sum of 10s at Lammas and Yule, until the whole debt was paid. John Amuligane, Andrew Cunynghame.

[6] 10th September, 1578 (?).

Roger Greirson in [] as principal and Sandie Kirk his servant as cautioner was "condemnit" and charged under peril of law to pay the sum of 40 merks and deliver 18 [] measure of Nith to Ninian Greirson at Martinmas next.

[7] 19th [].

Wallace and [].

John [] in the parish of Glencarne became acted of his own "propir grant" to pay £15 to James Wallace, burghess of Dumfries.

[8] 23rd February, 1568-69.

Alexander Edzar in Dindestoun (?) acted himself, &c., to pay the sum of 35 merks to John Greirson in Gilmerstoun.

[9] 17th March, 1579-80.

Wilkin in Annan.

- Acknowledgment by Malie Gallowa in Annand of receipt from Herbert Wilkin of the sum of £11, in respect of which she put the said Herbert in possession of three roods of land in Annan called cairlel zardis for 11 years, with power thereafter to Cuthbert Fressie, her son-in-law, to enter into possession of the said lands on paying the said sum. Witnesses, John Maxwell called Quhit John [] and John Cuninghame.

[10] 17th March, 1577-78.

Jacksone in Muirsyd (Deleted).

Paule Cowane in Dalswontoun was acted to pay the sum of £10 and deliver [] of bere sufficient stuff and measure of Nith to John Jaksone in Muirsyde at Martinmas next.

- [11] 23rd March, 1577-78.
 Hanying, Smyth.
 David Hanying was acted in the Moss Syde to pay the sum of 50s 6d to John Hanying, smith in Gribtoun.
- [12] 25th March, 1577-78.
 Jaksoun.
 William Sturgeon produced a copy of a precept directed at the instance of John Jaksoun in Killeloun, he being cautioner for John M'Kie in Torrerie in an action regarding certain sheep or alternatively for £18. As no one appeared to pursue the cause, the said William protested for expenses "or he war furthir persewit thereupoun."
- [13] 11th April, 1578.
 Ramsay.
 Bond by John Lawsons, younger in Rowkane, to deliver to Alexander Ramsay a horse valued at £6 10s 6d, with 4s to the officer and 4s to the valuers, or else its value in money or goods. The sheriff ordered act.
- [14] 12th April, 1578.
 Fergusoun.
 John Maxwell of Lanridding became surety for a fence laid on silver in hands of [] Fergusoun of Craigdarroch by the laird of Dalquhat, which silver belonged to Fergus M'Knacht and his spouse [].
- [15] 30th April, 1577.
 Greirsonne.
 Roger Greirsonne in Bardennoch and Gilbert his son were charged to pay Robert Greirsonne brother of Roger Greirsonne of [] the sum of £40.
- [16] 12th May, 157 [].
 Lyin.
 John Fergusone of Ile to pay the sum of 50 merks to Thomas Lyin in Dalsontoun [].

[17] 13th May, 1577.

John Fressell, elder in Karell, acted himself to pay to his brother's son Archibald the sum of £20. The sheriff depute ordered act and interponed his decreit. Witnesses, John Wallace in Kerrezell, James [] and John Fressell, co-burgesses of Dumfries.

[18] 15th December [].

Moffat and Slowman.

Bond by William Sloman and Robert Moffat to abide by the terms o: the decreit arbitral by James [] John Schartoris in Kelwod, John Maxwell in Lanridding, and Andrew Cunynghame, relating to two oxen received by the said Robert from the said William. They became acted to abide by the said decree [].

[19] 26th May, 1578.

Andersone.

Matthew Nicolsoun in Blakschaw acted himself to pay to John Andersone the sum of [], and to deliver to him two pecks of good and sufficient groats.

[20] 2nd June, 1578.

John Maxwell, Quheit.

Fence and arrestment in the hands of Catherine Maxwell called goodwife [] of certain [] pertaining to William Sinclar of Auchinfranco to the [] of John Maxwell called quhite John in [] furthcoming to him to the time the said William [] John reckoning count and payment of all cravings [] at the least, conform to the order and act of parliament to [] within 40 days the said John has found []. Witnesses, James Geddes, Edward of Drumcoltrane, [] of Maby, and Sir John Bryce, vicar of Dumfries. Oswald Ahannay, one of the sheriff officers.

[21] 21st April 1578.

Frasell in Dumfries.

Ginking Lawsons and John Lawsons his son acted

themselves to pay the sum of £6 8s by certain instalments to John Frasell, burgess in Dumfries, in respect of a cow and calf which the said John Lawsons received from the said John Frasell.

[22] 27th May, 1578.

John Ranyng elder and John Ranyng younger appearing in the Kirk of Tinwald, to pay to John Anderson messenger the sum of £4 together with a firloft of meal, measure of Nith.

[23] 26th May, 1578 (?).

Kirko de Bogrie (Deleted).

John Greir of Dalgonir and Maisie Kirko his spouse acted themselves to pay the sum of 110 merks to John Kirko of Bogrie.

[24] Same Day.

Greirsons, brother to the laird of Lag.

Alexander Kirk in Bagarge acted himself to pay the sum of 16½ merks and to deliver a boll of good and sufficient meal measure of Nith to Robert Greirson brother to the laird of Lag.

[25] [] 1577. (Deleted.)

George Heres of [], having renounced the jurisdiction of Kirkcudbright and submitted himself to that of Nithsdale, as principal, and James Lindsay of B [] Maxwell, burgess in Dumfries, his cautioners acted themselves to keep the agreement underwritten* in all points under pain of horning and pointing. Deleted 26th June, 1577. Witnesses, John Greir in Dalskairth, Robert Maxwell in Reidbrae, and William Maxwell in Kargain.

[26] 27th May [].

Edzair.

John Bikkartone in Larglanglee, having renounced the jurisdiction of Kirkcudbright and submitted himself to that of Nithsdale, was acted to pay the sum of £25

* There is nothing underwritten.

together with 6 firlots of meal measure of Nith to Andrew Edzair; and bond by Marion M'Clellan lady Mabie to the said John Bikkartone in the premises.

[27] [] June, 1577.

Alexander Hanyng was acted for a fence laid on [] Scot and Robert Carnis upon 20½ merks [] M'Byrneis in Row to be answerable as law will. The sheriff depute ordained act.

[28] 8th June, 1577.

M'Brair.

Archibald M'Brair of Almygill constitutes as his procurators James M'Cawle, Mr Ninian Dalzell, John Edzar.

[29] Same Day.

Patrik Newall constitutes as his procurators Nicholl Newall and Amer Maxwell.

[30] Same Day.

M'Brair.

In the action of removing pursued by Archibald M'Brair of Almygill against Patrik Newall for removing the said Patrik from the lands of Ovir Nethervod, the said Archibald produced the precept of warning and his instrument of Sasine of the Lands of Ovir and Nethir Nethervod and Langholme with fishing of the water of Nyth, lying within the territory of the burgh of Dumfries between the Blakfurd on the north, the Kelton spring on the south, the lands of Conheith Keltoun on the east, and the lands [] the laird of Lag betwix the waters of Nyth on the west, granted by Robert M'Kynnel, baillie of Dumfries. He also produced a charter of the said lands under the common seal of [] Dumfries made by the community [] umqll Robert M'Brair [], "foir grandshir" to the said Archibald, dated 22nd January, 1453 (-54), an instrument of Sasine following thereon, three instruments of Sasine in favour of umqll Nicoll M'Brair [] and John M'Brair, his "granshir,

gudshir," and father, and a decree of Archibald Menzeis, commissary of Dumfries, ordaining the said Patrik to pay certain sums for pasturage of the said lands to the said pursuer. Patrik alleged that he had a heritable title to part of the lands, and found Nicoll Newall, his brother, as cautioner for production thereof; and the 25th June was assigned for production.

[31] Same Day.

Wallace and Maxwell.

Robert Maxwell and Homer Wallace willed the process between them to be annulled, as they had come to an agreement by arbitration before James Wallace and John Maxwell his brother.

[32] 10th June, 1577.

Cunynghame v. Wallace.

John Wallace, called Laird Wallace of the Brekanesyde, and James Wallace [] Dumfries, acted themselves to pay the sum of 106 merks, received from John Cunynghame in Brekanesyde, in name of Margaret Cunynghame, his daughter, being her bairn's part of gear, to the said Margaret eight days after Martinmas next, and the said John Wallace bound himself to infest the said Margaret in an annual rent of 12 merks until payment.

[33] Same Day.

Wallace.

Bond by John Wallace, laird of Brakanesyde, to relieve and keep scaithless James Wallace at the hands of Margaret Cunynghame, her heirs, executors and assignees.

[34] 25th June, 1577.

Nevall.

This day having been assigned to Patrik Nevall to produce to Archibald M'Brair of Almygill his title to the lands, he compeared and produced an instrument of sasine of three acres and three roods of land and

meadow and common pasture, dated 20th May, 1488, on resignation by Thomas Nevall into the hands of David Kirkpatrick of Rokelheid as bailie to the Bishop of Glasgow in favour of John Nevall, and also an other instrument of 40s of Conhithrig with meadow, houses and biggings, dated 23rd May, 1550, given on resignation of David Newall to James Nevall as bailie to Mr Gawine Hamilton, vicar general of Glasgow, in favour of Patrik Nevall and Helene Nevall his spouse, by resignation of David Newall and under the subscription of Schir Thomas Connelson, notary, and the other sasine under the subscription of John [] notary. On the other hand the said Archibald alleged that the said Patrik should be removed for he had given him legal warning, and the titles produced were no good answer to the pursuer's libel, for as regards the lands libelled Patrik had not produced any instrument in his own favour, while the 40s land of Conhaithrig is not part of the lands libelled.

[35] Same Day.

On this day John Maxwell of Conhaith produced a summons of removing executed and indorsed upon James Andersone of Sterrihaucht craving that he should be decerned to remove from three acres of land within the territory of the burgh of Dumfries, one of them on the Peisshill an other on the [] in the passage extending to the Mildamheid. He produced his precept of warning duly executed together with his service as oy and heir of umquhile Robert Maxwell his grandfather, a reversion made by William Maxwell of Blarloy brother of Edward Maxwell of Tynwall to the said Robert Maxwell, and an instrument granting that the said lands had been lawfully redeemed. The said James Andersone alleged that he ought not to be removed because he had a heritable title to the said lands, namely, an instrument of sasine given to him by the said William Maxwell of Blarby; and, at his request, a day was assigned to him to produce it.

[36] 6th July, 1577.

M'Brair.

In the action of removing pursued by Archibald M'Brair of Almagill, heritable proprietor of the lands of Nether Netherwod, against Patrik Newall, decree had, it seems, been given. Both parties appeared, and the decree was held to be in force.

[37] Same Day.

Maxwell.

In the action of removing at the instance of John Maxwell against James Andersone of Sterrihaucht, as the judge declared that he was not thoroughly advised, the case was continued to the Sheriff Court to be held at Sanquhar on 9th July, when sentence and decree were to be given.

[38] Same Day.

James Andersone of Sterrihaucht revoked his cautionry for unlaws on behalf of John Lawsone, elder, and John Lawsone, younger, in Rowkane, in the cause pursued by John Edzar; and the judge ordained caution to be found of new, and decerned the said James to be free of his obligation.

[39] Same Day.

John Lawsone compeared with John Maxwell of Lanridding, who bound himself as cautioner and surety for unlaws, costs, skaith and damages that may be obtained by John Edzar in the action of removing pursued by him against John Lawsone, elder, and John Lawsone, his son.

[40] Same Day.

John Lawsone, elder, and John Lawsone, younger, [] by these presents to keep the said [] and skaithless of the said [] John Maxwell of Lanridding.

[41] Same Day.

In the action of removing pursued by John Edzar against John Lawsone, elder, and John Lawsone

younger, John Lawsons, younger, compeared for himself and his father, with John Maxwell in Lanridding, surety foresaid, and also surety that John Lawsons, elder, should stand firm and stable in all proceedings in the cause. The judge continued the cause for sentence to the last day of the month to the court to be held at Sanquhar. For instruction of his claim, the said John Edzar produced a precept of removing together with a precept of warning duly executed and indorsed upon John Lawsons, elder, and John Lawsons, younger, in Rowkaine, and an instrument of sasine by Margaret Carnis, lady conjunctfear, of the lands libelled, dated 6th April, 1569, under the manuel of David M'Ghie, notary, and a letter of tack made by the said Margaret and James Kirkpatrick, then her spouse for his interest, dated 1st April, 1569.

[42] 15th July, 1577.

Michael M'Kitterik in Snaid.

Bond by Arthur Fergusone in [Glencroshe] to [Michael] M'Kitterik to give possession of an acre of meadow lying in Crawfordtoun carse in security of a sum of 11 merks. Witnesses, Alexander Ramsay, Adam Cairtell.

[43] 18th July, 1577.

Johnstone.

Arthur Fergusone in Glencrosche acted himself to repay to Oswald Johnstone in Twyn [] the sum of £20, received by him in loan, and gave to the said Oswald possession of an acre of meadow occupied by him until payment. The sheriff depute interponed, &c. [See Introduction.]

[44] 5th August, 1577.

Kirkhaucht of Bogrie.

Peter Davidsons, burgess in Dumfries, was acted to pay to John Kirkhaucht of Bogrie, whom failing to his daughter Grissell, the sum of 110 merks. If Peter paid 105 merks before Candlemas next he was to be

discharged. The sheriff depute, &c. [See Introduction for full transcript.]

[45] Same Day.

Kirkpatrik, Bogrie.

Thomas Kirkpatrik, younger of Closeburn, and Harrie Kirkpatrik in Auchinlek, were acted as sureties to keep skaithless Peter Davidstone at the hands of John Kirkhaucht of Bogrie, and to warrant him at the day fixed for payment. The sheriff depute, &c. [See Introduction.] Subscribed by Thomas Kirkpatrik before Roger Kirkpatrik of Auldgirith, John Walsche of Collistoun, and James Wallace, burghess in Dumfries.

[46] 8th September, 1577.

Gledstanis of Craigis (Deleted).

Robert Moffat in Ovir Craigis, dwelling in Gorpule, was acted to pay the sum of £24 to Walter Gledstanis, laird of Craigis, in two instalments. The sheriff depute, &c. [See Introduction.]

[47] 24th October, 1577.

Cunyngame (Deleted).

Thomas Fergusone, son and heir of Mecum Fergusone in Kadeloch, acted himself to pay to Cuthbert Cunyngame in Castelfarne the sum of 105 merks. The sheriff depute ordained act.

[48] Same Day (Deleted).

Gilbert Rorisone acted himself in Kirkcudbright to pay 100 merks to Cuthbert Cunyngame in Castelfarne. The sheriff depute, &c. [See No. 44.] This done before Andrew Greirson, burghess in Dumfries, and Malcolm Fergusone.

[49] Same Day (Deleted).

Bond by Andrew Roresoun, tutor of Bardannoch, to relieve and keep scaithless Gilbert Rorison of the sum of 100 merks, and acted himself to be apprised for the said sum if need be. The said sheriff depute ordered act.

[50] Same Day.

William Magowne and Fergusone.

Thomas Fergusone, son of Malcolm Fergusone in Kadeloch, acted himself to repay the sum of 100 merks received from William Magowne and Marion Fergusone, his spouse; and to pay yearly to the survivor the sum of ten merks until repayment of the 100 merks.

[51] 29th October, 1577.

Poinded by Oswald Ahannay, sheriff officer, Dumfries, a branded ox pertaining to [] Newall at the instance of Archibald M' Brair of Almagill, provost of Dumfries, to the sum of 11 merks value of the said ox for the expenses contained in a decree of the sum of []. Mention of John Maxwell, Andro Moreson, John Moreson, Peter Davidson, and John Bratton, flesher.

[52] 13th December, 1577.

Kirkhaucht (Deleted).

John Kirkpatrik in Gilkreisland and Roger Kirkpatrik of Auldgirth and Richard Kirkpatrik, his brother, as cautioners for the said John Kirkpatrik, were acted to pay the sum of £20 to John Kirkhaucht of Bogrie. The sheriff depute, &c. [See Introduction.] Same day John Kirkpatrick acted himself to keep skaithless Roger and Richard at his hands.

[53] 13th January, 1577-78.

Maxwell, Conhaith (Deleted).

The term assigned to James Anderson of Sterrihauch to compear to hear sentence in the action of removing at the instance of John Maxwell of Conhaith against him. Maxwell's procurator, James M'Kawll, produced the summons duly executed and indorsed and craved process; and the case was continued, the defender and his procurator being warned to compear.

[54] Same Day.

The action by Thomas Edzar against John Edzar of

Ingliston as to taking cognition of a certain meadow continued to the 6th day of February.

[55]

Same Day.

Bond by John Edzar in Mule (?) and Andrew M'Kynney to abide by the decreet arbitral of John Welsch [], Cuthbert his brother, Fergus Greir-soun [] Gordoun in Lochenkit, regarding all disputes between them, and specially regarding the withholding of a "zow" from the said John by the said Andrew since the first of May preceding []. The arbiters to meet at Collistoun []. Witnesses, [] in Dumfries, John Newall there, Ringane [].

[56]

27th January, 1577-78.

Dowglas.

Roger Greirsonne of Bardannoch and Gilbert his son acted themselves to pay the sum of £20, and deliver a boll of meal, measure of Nith, to James Dowglas, brother of David Dowglas of Pynzerie, at St. Andrew's day next to come. The sheriff depute, &c. [See Introduction.]

[57]

Same Day.

John Newall, sheriff officer, passed at the command of Andrew Cunynghame, Sheriff Depute, to the booth of Andrew Baty, burgess in Dumfries, to fence six ells of "waikit quhyte," to remain in the hands of the said Andrew, to the challenge of Herbert [].

[58]

Same Day.

Greir.

William Halliday, burgess in Dumfries, was acted cautioner [] for a fence "lowsing" laid on by William Creichtoun in Offnane (?) at the instance of Geylis Greir on the goods [] of Alexander Johnstone in Pulhill (?).

[59]

31st January, 1577-78.

Grahame (Deleted).

John Baty, burgess of Dumfries, was acted to pay the

sum of £24 to Bessie the Grhame and John Creichtoun her son and the rest of the bairns. John Ahannay maltman was acted cautioner that the said sum should be paid to them at Candlemas, 1577. The sheriff depute, &c. [See Introduction.]

[60] Same Day (Deleted).

John Ahannay aforesaid was acted to relieve and keep scaithless John Baty of the foresaid obligation at the hands of the said Bessie her son and bairns. The sheriff depute ordained act [] John Wallace, Peter Dune, Mark Peris.

[61] 24th []

Charteris (Deleted).

Robert Lowrie and Robert Robsoun [] Robert of Brigend in Duncow, are [] jointly and severally in the sum of 40 merks to be paid on the Sunday after Beltane, 1578, for John Thomson in Dunkow to James Charteris. They submitted themselves to the sheriff depute who thereupon interponed his decree, all former acts between James Charteris and John Thomson to be deleted, annuited and of no effect in time coming and all other claims against John Thomson and Thomas Sharpro to be discharged simpliciter. Before Thomas Baty and James []. Deleted 24th February, 1577, before John Maxwell of Cowhill, John Charteris of [Lanred]wod, James Maxwell, Luk Wallas, Andro Glencross.

[62] Same Day.

Lowrie.

John Thomsonsone in Duncow acted himself to relieve and keep skaithless the said Robert Lowrie and Robert Robson of the Brigend of the sum of 40 merks to be paid to James Charteris, called James the Pledge. The sheriff depute, &c. [See Introduction.]

[63] 2nd February, 1577-78.

John Gluver and John his son are acted to pay the sum of £10 to John Wilkin at the Stepfuird milne at

Candlemas next. Witnesses, Andrew M'Kynney, smith [], Makausche in Speddoch and Adam Gluver and John Gluver his []. The sheriff depute, &c. [See Introduction.]

[64] 6th February, 1577-78.

Edzar.

Compeared Thomas Edzar in Holme [], a charter and instrument of two acres of meadow lying in the Carse of Inglistoun, within the barony and earldom of Glencarne sold by umquhile John Edzar in Inglistoun to umquhile [] Thomas, father, in July, 1557, under the said John's seal and subscribed by Sir John Lauder, notary public, together with the King's letters of cognition. The sheriff continued the case to the court to be held at Sanquhar on the 27th [].

[65] 3rd March, 1577-78.

Jamesone.

John Grierson in Muliganetoun, in the parish of Dunskoir, was acted to pay the sum of 22 merks 5 shillings to Sir John Jamesone, borrowed from him. The sheriff depute, &c. [See Introduction.]

[66] 10th March, 1577-78.

Frisell in Drumfres.

John Gluver son of Adam Gluver in Hemsfeild acted himself to pay the sum of 40 shillings received from John Fresell, burgess of Dumfries, and to deliver to him "ten turss of wyn hay in the lane medow." The sheriff depute, &c. [See Introduction.]

[67] Same Day.

Andersone (Deleted).

John Reid in Ryg and Robert Bek in [] were acted to pay the sum of £15, and that for certain beir "coft fra" John Anderson, messenger. The sheriff depute, &c. [See No. 44.]

[68] 1st May, 1578 (Deleted).

John Reid and Robert Bek "augmentit" £5 to the

said £15, the sum thus amounting to £20 to the said John Anderson. The sheriff depute ordained act.

[68a] Fragment relating to payment to Thomas Greir.

[69] 31st July, 1578.

Davidson and Hill.

Fence laid by John Newall [] in the house of John Sturgeone in Dumfries [] to William Gamorie in Cumbertries at the [] Davidsonsone and Fergus Hill in Cumbertries, John [], James Davidsonsone in Dumfries, Andrew Macgyrnie (?) grant receipt of part of the money extending to [] shillings, the rest of £4 in his [] which was " stollin " by one David Hill from the said James.

[70] Same Day.

Jaksone.

Bond by Thomas Paterson of Killelego to pay the sum of £6 15s to John Jaksone in Mursyd. The sheriff depute ordained act.

[71] Same Day.

Wallace.

Robert Maxwell in Kirkcubright [] John Maxwell callit Hagbusche who acted to pay £20 to John Wallace, son of umquhile David Wallace, by instalments. The sheriff depute, &c. [See Introduction.]

[72] 21st July, 1578.

Undertaking by Arthur Fergusone in Glencrosche to deliver his half acre of meadow, called half acre next adjacent to Michael Makkittrick, in the barony of Crawfordtoun, set by the said Arthur to the said Michael, to William Amuligene until the said Arthur has paid him 12 merks.

[73] 6th September, 1570.

Notarial instrument by N. [] Gardnar, son and heir of umquhile James Gardnar, burgess of Dumfries [], Isobel Wallis, his mother, of " ane back brunt tenement and land liand on the south pert of

the gait extendand to the Scullhouse of the said burgh betwix ane foirland pertinand to Sir John Rig on the west pert, the gait throw the . . . rawes on the est pert . . . on the sowth pert, and the gait to the Schwillhouse on the north pert, paying three shillings annull to the burgh of Dumfries " [] for all the days of her life without payment of rent.

[74] 2nd July, 1582.

Robert Hereis of Mabie, and renouncing all other jurisdictions in his case was acted to pay to Cuthbert Cunynghame in Castelfarne on behalf of Bessie Cunynghame and Herbert Lindesay, sometime tutor of Fairgirth, her spouse, for his interest, 200 merks at Martinmas next. The judge interponed []. Witnesses, Edward Hereis in Knokinshenoch, and John Hereis in Crochmoir.

[75] 23rd December, 1582.

John Valker in the £20 land of Cledane renounced all other jurisdictions and acted himself to pay to his brother Kongell the sum of £11 at the end of four years, and, failing payment at that day the " kyndness " of the half of the waulk mill to remain with Kongall for all time coming. Witnesses, David Velsche, John Velsche, and Andrew Cunynghame.

[76] Date?

Letters dated 21st October, 1578, and recorded [] directing that certain benefited persons be charged to pay the superplus to Adame, commendator of Cambuskenneth, constituted commendator general and universal collector of the superplus of the thirds of the benefices within the realm undisponed and unassigned to the ministers and readers, and of the fruits and rents omitted in the rentals of the benefices and pensions. and of the fruits of the benefices and pensions not given up in rental, and of all common kirks, common lands, rents, lands and places which formerly pertained to any

order kind or hue of friars, and of the whole sums of money and vidual assigned for the stipends of the ministers and readers of these churches where qualified persons had not been placed, with power to the said collector and his deutes to uplift the fruits and rents of the crops and years 1578-81, and so forth in time coming. The said letters directed the King's officers to pass to the market crosses of Edinburgh, Dumbarton, Glasgow, Paisley, Wigtown, Dumfries, Ayr, Lanark, and Hamilton, and other places as necessity required, and after publication made to all the lieges, to charge all bishops, abbots, priors, prelates, and other beneficed persons, their feuers, firmarars, tenants, tacksmen, parishioners, and all others indebted in payment of the thirds foresaid, and also all feuers, firmarars, tenants, tacksmen, parishioners, and intromittors with the teinds, fruits and rents of common kirks, common lands, rents, lands, places and yards of friars, since rentalled, benefices and superiorities omitted furth of the rentals, and all and sundry others indebted in payment thereof to answer and obey and make payment of the said superplus to the said commendator and Duncan Narne of Corsbie, and his officer under pain of rebellion and putting them to the horn and escheit of their moveable goods.

Indorsed thereon is the charge upon Mr Robert Douglas, provost of Lincluden and tacksmen of Glencarne, to make payment to the collector general and his officers for the superplus of the Kirk of Glencarne every year, the years within written, of £176 13s 4d, and for the unplaced reader's stipend at Glencarne the said years, each year, of £22, and for the whole third of the meal of the Provostrie of Lincluden, each year, the said years within written, of 7 cha meal, and for the superplus of the teind of the money of the said Provostrie, the said years every year of £8 6s 8d, and likewise for the unplaced reader's stipend at Carleverock, each year, the said years, of

£53 6s 8d, and for the whole of the two prebendaries of Lincluden, the '81 year, of the sum of £40, to be paid with 10 days under pain of horning.

- [77] 7th September, 1569.
John Bakstrar in Glengaber in parish of Holywood acted himself to pay 8 merks 6 shillings and 8 pence yearly for six years from Martinmas, 1569, in terms of a contract between him and William Makfadzeane. If he failed to pay rent for three years the lands to fall into her hands. The sheriff depute, &c. [See Introduction.]
- [78] [] November, 1579 (Deleted).
John Maxwell in Craigis and Robert Newall, his cautioner, were acted to pay the sum of 20 merks to Edward M'Kinnell in Auchinchie.
- [79] 15th December, 1579 (Deleted).
Thomas Wallace, son of umquhile John Wallace in D[], acted himself to pay the sum of £14 to John Wallace in Carziell. The sheriff depute, &c. [See Introduction.]
- [80] 27th December, 1579.
 Wilsonne.
A fragment. John Faris acknowledges receipt of £2 by the hand of John Wilsonne in Dunkow.
- [81] 19th October, 1579.
 Jaksone in Mursyde.
Acknowledgment by John Edzar in Killelego of receipt of 8 gimmer and dinmonts, viz., two dinmonts and six gimmer, from John Jaksone in Mursyde to be delivered to the said John before the next Whitsunday, and bond by him, in case of "inlaik," to pay the market price of each or all. He acted himself according, and the sheriff depute, &c. [See Introduction.]
Witnesses, Hew Herper and John Edzar.
- [82] 19th February, 1579-80.
 Gordone and Fergusone (Deleted).
Harbert Lindsay, tutor of Fairgerth, and Alexander

Gordone of Holme, acted themselves and granted receipt from Edward Fergusson, son of the laird of Craigdarroch, of the sum of £100, and that on behalf of Grissell, daughter of the laird of Holme, and John Fergusson, conform to a contract between [] of Holme on the one part, and Grissell, his daughter [] Fergusson in Glenjane and Martine Fergusson, his son; and the said Herbert Lindsay and Alexander Gordone bind themselves that the said sum shall be furthcoming to the utility of the said Grissell for her lifetime, and likewise to the said John Fergusson and his heirs, and submitted themselves to the jurisdiction of Nithsdale. The sheriff depute, &c. [See Introduction.]

[83] 11th January, 1579-80.

Logane-Fergusson (Deleted).

Bond by Andrew Roriesone in Over Kirkcudbright, his heirs, executors and assignees, to pay to Thomas Logane and Janet Fergusson, his spouse, and the longer liver of them, their heirs, executors and assignees, the sum of 105 merks at the feast of St. Martin, in winter, under peril of the law. The sheriff depute charged Roriesone, his heirs, &c., to pay the said sum at the time above written under peril of the law and poiding as effeired, and thereto interponed decree with precepts to pass thereupon in form of law. Thereupon Malcolm Fergusson, guidfather, required act before these witnesses, Cuthbert [], Herbert Anderson, and John Cunynghame.

[84] 3rd March, 1579-80.

David Corbat and Cunynghame (Deleted).

Contract dated and recorded 3rd March, 1579-80, between David Corbet, Nether Carse of Darestane, with consent of Herbert Corbat, his son, on the one part, and Marion Cunynghame, relict of umquhile John Ramsay, with consent of Alexander Ramsay, her son, on the other part, narrating that forasmuch as the

said David shall take the said Marion to wife in face of holy church before 1st May next, David obliges himself that Marion shall have occupation of the 5s land with house, &c., for her life, under certain reservations, and Marion grants to him the wadset of 20 merks she has over a fore booth in a tenement of Archibald Welsche's and 40s maill yearly from John Thomsons in a back tenement of her umquhile husband's. And if David "inlaikis," his moveable goods shall appertain to her with the "rowmes" foresaid while in the event of Marion "inlaikand" half of the goods shall go to her heirs. Clause of registration. This done by consent of Mr Peter Watson, commissioner of Nithsdale, and the following witnesses:—Christell Cunynghame, Andrew Cunynghame, ~~Thomas Reid, and John Cunynghame.~~

[85] Same Day.

Renunciation by the said Marion in favour of her son Alexander of all interest in a tack of an acre of ground in Cunyng hill, made to her by her brother, Andrew Cunynghame, and acknowledges receipt of £10 therefor. Clause of registration. The said Andrew has acted himself to pay the said sum, and Alexander binds himself to relieve the said Andrew. Witnesses, David Corbat, Harbert Corbat, Christell Cunynghame, and John Bek.

[86] 23rd March, 1579-80.

Greir in Dumfries.

Bond dated 22nd and recorded 23rd March, 1579-80, by John Kennane, burges of Dumfries, to pay Andrew Greir, burges there, the sum of £55 for certain "wairis" "coft" from him. Witnesses, William Dalrumpill [], John Glessell, Harbert Gillisone, and John Cunynghame [].

[87] 11th April, 1580.

Kirko of Bogrie (Deleted).

Adame Scot in Barquhregane, William Murheid and

Robert Murheid in Fardinrusche, acted themselves cautioners and sureties for Katherine Maxwell, relict of John Maxwell of Hillis, to pay the sum of 200 merks and £20 to John Kirko of Bogrie, together with all expenses incurred by him at Whitsunday, 1581. The sheriff depute, &c. [See Introduction.]

[88] Same Day.

Scott, Murheid, Smyth (Deleted).

Edward Maxwell of Hillis, with consent of his curators, viz., Edward Maxwell of Drumcoltrane, [blank], acted himself to relieve and keep scaithless Adame Scot in Barquhregane, William Murheid, Robert Murheid in Fardingrusche, and John Smyth there, cautioners and sureties for his mother, Katherine Maxwell, in eleven score and ten marks to be paid to John Kirko of Bogrie, Agnes Maxwell, his spouse, and Andrew Kirko, his son. The said Edward, with consent foresaid, acted himself to relieve the said cautioners at the hands of Kirko, and Kirko assigned the obligation to them. The sheriff depute, &c. [See Introduction.]

[89] 18th April, 1580.

Wallace and Wallace (Deleted).

Thomas Wallace, called Thom of Brunbank, acted himself to pay the sum of £30 to John Wallace in Kerrizeild, David's son, at fastronis day next. In security thereof he "laid in wod" to the said John an acre of land lying in the holm of Duncow, occupied by Stein Diksone and John Frissell. The sheriff depute, &c. [See Introduction.] Witnesses, Thomas Betie, Christell Wallace, David Welsche, and John Cunyng-hame.

[90] Same Day.

Andersone.

John Reid in Rig acted himself to pay £4 to John Andersone, messenger. The sheriff depute ordained act.

[91] 25th April, 1580.

Fergusone.

Peter Denname, laird of Crichaine, parish of Glencarne, acted himself to pay 110 merks at Whitsunday, 1581, to Thomas Fergusone, son of the laird of Craigdarroch. []. The sheriff depute, &c. [See No. 44.]

[92] Same Day.

Andersone, Messinger.

Ninian Fughome [but see No. 93] in Sanquhar, as cautioner for David Cowane and John Marche, within the barony of Sanquhar, acted himself to pay the sum of £7 to John Andersone, messenger, at Michelmas next. The sheriff depute, &c. [See Introduction.]

[93] Same Day.

Quhighom [but see No. 92.]

The said David Cowane and John Marche acted themselves to relieve and keep scaithless the said Ninian Quchigam.

[94] Same Day.

Cairlell.

Letters dated 8th March and xiii. year of Reign and recorded on 25th April, 1580, at the instance of John Lord Maxwell, Robert Cairlell, George Heres, William Maxwell, Archibald M'Brair, provost of Dumfries, Herbert Maxwell of Carrachchin, Mr David Maxwell, Alexander Livinstone, Robert Maxwell of Cowhill, Edward Maxwell of Hillis, Robert Maxwell [], Cowhill, John Maxwell in Bartessane, Alexander Sinclair in Cowhill, also Michael Cairlell, William Asloane, and Peter Cairlell, directing that John Edzar, son of Thomas Edzar of Bowhouse, [], Asloane, Edward Charteris of Ridinwod, David Clark, John Thomsone, Andrew Crosbie, Andrew Bikartoun, Edward Maxwell, Robert Millar *alias* reid Rob, Alexander Maxwell, James Coktart, [] Maxwell, John Zair, Patone Bell, John Keltone in Torthorwald, James Cow-

dane in Hemsfeild, Martin Glwver there, and John Carrutheris in Daltone, be denounced and put to the horn, &c., for non-compearance before the lords of Council to have borne leill and soothfast witness in so far as they knew or should have been " sperrit at thame " anent the proving of an allegation proposed by the sair lord and his " collegis " in an action of spulzie raised by George Douglas of Parkheid against them and certain allegations by the said Michael Cairlell, William Asloan, and Peter Cairlell, touching the spoliation of " cornes, cattell, insicht, plenishing, souns of money horss nolt, sheip," and other goods and gear furth of the place and mains of Torthorwald lying in the Sheriffdom of Dumfries in the month of May, 1579.

[95] 2nd May, 1580.

Jaksone (Deleted).

John Craik in Dumfries acted himself to pay the sum of £5 to David Jaksone in Mursyde. The sheriff depute, &c. [See Introduction.]

[96] 26th May, 1580.

Moresone, burgess.

Andrew Amuligane, in Hawhill, in the parish of Kirkpatrick Irongray, as principal, and Peter Curror and William Quhytheid, dwelling in the same parish, acted themselves to pay the sum of £22 10s to Andrew Moresone. The sheriff depute, &c. [See Introduction.]

[97] Same Day.

Curror and Quhytheid.

Andrew Amuligane acted himself to relieve and keep scaithless Peter Curror and William Quhytheid at the hands of the said Andrew Moresone of the said sum.

[98] Same Day.

Johnstone.

A fence of a horse laid on at the instance of John Johnstone called John of Neill Townheid, in the house of William Mirdwell, pertaining to Thomas Kerr in

Thornhill. Surety for the fence, Walter Gibsone in Castletoune of Drumlanrig, as also surety to follow the same.

[99] Same Day.

A fence laid on at the instance of Thomas Kerr, fore-said, upon a horse pertaining to John Johnstone, in the house of John Elphiesone. Surety for the fence, Robert Harrisone.

[100] 13th June, 1580.

Robsone, Maxwell, Edzar.

Acknowledgment by Andrew Edzar, burgess, of receipt of 18 pecks of malt and 8 pecks of bere from Robert Robsone, son of umquhile Gilbert Robsone in Du[] as surety for John Maxwell, elder, in Dunkow, in part payment of a sum of £6 7s 6d and a peck of bere, although Andrew would not consent to the deletion of the act until Jonet Glencorss had deponit his [] of the price of the malt and the said John had granted he owed to Andrew 21s 3d for the price of 2 pecks of stuff—whereupon the sheriff depute ordained act.

[101] 20th June, 1580.

Cunyngame.

Gilbert Greirson, laird of Dalmacurane, acted himself to pay the sum of 105 merks 6s 8d to Cuthbert Cunyngame in Castelferne, at Martinmas, 1580, and failing payment 8 days before Whitsunday, 1581, granted this act to have the force of a decree. The sheriff depute, &c. [See Introduction.]

[102] 11th July, 1580.

Letters of Four Forms, dated 31st March, xiii. year of reign, and recorded 11th July, 1580, narrating that Dame Catherine Ker, relict of umquhile Sir John Ker of Fairnihurst, knight, had obtained a decree of the lords of Council, dated 14th and 15th December, 1576, against Lord Maxwell in respect that he had done wrong in evicting her from her third, lying in the sun,

of her lands of St Thomas Chappell, her third of the mill called the Mill of Maxwellheugh, and her third of a meadow lying beside the said mill, in the sheriffdom of Roxburgh, pertaining to her by reason of terce, ordaining Lord Maxwell to restore the said lands to the said Dame Catherine. By these letters he was ordained to restore possession on pain, &c. [See Introduction for full transcript of the will.]

[103] 25th May, 1579.

M'Murdie in Helane? (Deleted).

John Edzar, in Glengaber, parish of Holywood, acted himself to pay the sum of £10, together with a boll of corn, measure of Nyth, to William M'Murdie before Candlemas next. The sheriff depute, &c. [See No. 44.]

[104] 9th November, 1579.

Arthur Fergusone in Glencrosche, and John, his son, acted themselves to pay the sum of 54 merks, six shillings, to Malcolm Fergusone []. The sheriff depute ordained act.

[105] 12th July, 1580.

Bryces (Deleted).

Compeared George Maxwell, Andrew Moresone, Symone Johnstoun, John Fleming, George Wollis, Cuthbert Imrie, John Braidfit, and Andrew Betie, co-burgesses of Dumfries, who, being sworn, "compryssit ane blak naig, ii oxin, and ane coddocht, two auld ky with ane kalf, iii zoung ky, quhilkis never had cais. All thir guidis ar preissit by the personis abone wryttin of Patrik Newellis guidis," at the instance of John Bryce and William Bryce, executors of umquhile Sir John Bryce as decreed and as the precept of poinding purports at greater length. John Anderson, messenger, and sheriff officer.

[106] 15th July, 1580.

Bryces bryther, executor of.

Compeared John Johnstone in Louchtheid, Thomas

Johnstone, Cuthbert Imrie, George Maxwell, Alexander M'Govn, Thomas Betie, and Robert Mychelstone, co-burgesses of Dumfries, and being sworn, "comprysit" the animals specified in the preceding entry. Ringane Cryton, sheriff officer.

[106a] 24th August, 1580.

Roresone and Fergusone.

Arthur Fergusone in Glencrosche and John, his son, acted themselves to pay 100 merks to John Roresone, son of Gilbert Roresone, at Martinmas next under peril of law. Whereupon the sheriff depute, &c. [see No. 44], and John Roresone discharged all other claims as between him and the said Arthur.

[107] Same Day.

Roresone and Fergusone.

Arthur Fergusone in Glencrosche acted himself to pay to John Roresone, son of Gilbert Roresone in Kirkcudbright, at Martinmas, 1582, the sum of 100 merks—the last part of his tochir promised by the said Arthur to the said John—and in warrandice thereof the said Arthur delivered to the said John a contract of assignation made between the said Arthur and John Fergusone, his son. The sheriff depute, &c. [See Introduction.]

[108] 15th September, 1580.

Mathesoun in Terrarren.

William Wilsoun in Marbrek, "submittand himself to the jurisdiction of Nithisdail in this caus," acted himself to pay to John Mathesoun in Terrarren the sum of £45 10s at Lady day, 1581. The sheriff depute, &c. [See Introduction.] Witnesses, Malcolm Fergusone, George Cunynghame, son of Cuthbert Cunynghame in Castelfairne.

[109] 17th September, 1580.

Welsche in Burnfit.

Thomas Bartane, John Wricht, Alexander Cairlell, and Thomas Bell, burgess in Annan, became cautioners and sureties for a fence laid by John Newall, sheriff officer,

upon two horses valued at £70, in James Coupland's house, pertaining to Emont Liddell, Englishman, dwelling in Wer[], at the instance of John Welsche of the Nether Mill of Cluden, by John Newall, one of the sheriff officers, and the said Emont with Thomas Patersoun, Englishman, and Thomas Bell in Sandels, bound themselves to relieve and keep scaithless the said Thomas Bartane, John Wricht, and Alexander Cairlell as well by the law of England as the law of Scotland. The sheriff depute, &c. [See Introduction.]

[110] 3rd October, 1580.

At the Sheriff Court of Dumfries held on that day by Andrew Cunynghame, sheriff depute thereof, specially constituted by commission of William Creichton, tutor of Sanquhar, sheriff principal of Dumfries, James M'Caul took note and act of the production and presentation of commission granted to the said Andrew Cunynghame for creating of deputes and mes[singeris] of court and protested for administration of Justice to him and his members created before his discharge.

[110a] Same Day.

The said Andrew made and enacted Robert Greir of Inglistoun [], Ninian Greir in Benbrok, sheriffs depute; Ewstiche Creichton, John Creichton, and William Phillop, clerks; John Newall, Ninian Creichton, William Creichton, and Cornelius Cuthbert, their officers; and Thomas M'Brair and John Creichton, dempsters.

[111] Same Day.

John Newall, officer, at command of Andrew Cunyngham, sheriff depute, passed to the Tolbooth door and called on all who had actions dependend by continuation or otherwise to this day to compear at the head court to receive administration of justice. None appearing the court was continued until the 11th October, in the Castell of Sanquhar.

[112] 17th October, 1580.

Wallace.

Bond by Henrie Wallace and Harbert, his brother's son, to pay at All Hallow day, 1581, the sum of £10 received from John Wallace, David's son, the said Henrie and Harbert giving in security the kindness of Newlandis daill, and acted themselves to pay the sum of 40s yearly until payment of the principal sum. The sheriff depute, &c. [See Introduction.] Witnesses, Peter Davidsons, John Michell, and John Cunynghame.

[113] 26th October, 1580.

Wallace and Wallace (Deleted).

Thomas Wallace called Thomas [] acted himself to pay at Candlemas, 1581, the sum of £45 received from John Wallace in Keirizeild, Sandy's son, the said Thomas "laying in plege and wod" six roods of [] of his oxgang of land in warrandice of the principal sum, and to give John possession of three roods of land called the Quheit Holme, beside the Castle. The sheriff depute, &c. [See Introduction.] Witnesses, James Herrone, William Cunninghame, John Cunninghame.

[114] 25th October, 1580.

Brattone, Cairlell, Wricht.

Appointment by Thomas Brattone and John Wricht, burgesses of Dumfries, of Alexander Cairlell as procurator for them to defend against and pursue John Welsche in Burnfit, anent a fence made by command of Andro Cunynghame, sheriff depute, by John Newall, sheriff officer, of two horses pertaining to Emont Liddell, Englishman.

[115] 15th September, 1579.

Greirsons v. Greirsons.

John Greir in the castell of [] acted himself to pay the sum of 50 merks and deliver a boll of meal, measure of Nith, to [] Greir in Murmolloch. The

sheriff depute, &c. [See Introduction.]

[116]

Same Day.

Maxwell and Amuligane (Deleted).

John Amuligane, son of John Amuligane, wricht, acted himself to pay the sum of £16 to Andrew Maxwell, burgess of Dumfries, at St. Andrew's day next. The sheriff depute, &c. [See Introduction.]

[117]

29th November, 1580.

Welsche in Collistoun (Deleted).

John Johnstone at Flestokis and John Irving, co-burgesses of Dumfries, as cautioners for William Johnstone in Templand, were acted in the sum of 100 merks, to be paid to John Welsche in Collistoun on St. Andrew's day, 1581. The sheriff depute, &c. [See Introduction.]

[118]

The Same Day.

The said William Johnstone acted himself to relieve and keep scaithless the cautioners above-named at the hands of the said John Welsche. The sheriff depute ordained act.

[119]

Same Day.

John Nichelstone in Quherrewod acted himself to pay the sum of 10 merks to Robert Nichelstone, his brother, at St. Andrew's day, 1581. The sheriff depute, etc. [See Introduction.]

[120]

Same Day.

Welsche in Collistoun.

John Welsche in Burnfit, Andrew Edzar [] in Dumfries, and John Jaksone in Killelong, as cautioners for Edward Irving called "lang Richers," acted themselves in the sum of 88 merks to be paid to John Welsche in Collistoun. The sheriff depute, &c. [See Introduction.]

[121]

12th November, 1580.

Fence pertaining to James Douglas.

William Maxwell in Car[] became acted cautioner

for a fence laid on by William M'Kynnay, sheriff officer, at the instance of James Douglas of Drumlanrig, for certain baronie teinds, and that at command of the sheriff and his deutes on all goods moveable and immoveable pertaining to umquhile Adame Kirko of Gleneslane and now pertaining to Merioun Maxwell, his relict. The said William acted himself in relief, and the sheriff depute ordained act.

[122] 18th October, 1580.

Ahannay.

Thomas Browne in Dumfries [] submitted [] acted himself to pay the sum of 8 merks at "Newer" day to William Ahannay. The sheriff depute, &c. [See Introduction.]

[123] 23rd November, 1580.

Gledstains.

Harbert Wallace acted himself to pay the sum of £11 15s to [] Gledstans in Dumfries [].

[124] 10th December, 1580.

Fergusone.

Letters dated November and recorded 10th December, 1580, directing that Thomas Roresone of Bardanoch, John Roreson called tutor John, servant to the said laird, James Roresone in Caldsyd, and Andrew Roresone in Kirkcudbright, be charged to compear before the Lords at Edinburgh on 17th December next, under the pain of rebellion and horning, on the complaint of Robert Fergusone of Craigdarroch, father's brother to [], and remanent, kin, and friends of umquhile Robert Fergusone, Edward Fergusone, son to the said Robert to [] Creichton of Eliok, King's Advocate, that the persons above named, with convocation of the lieges to the number of [], "boden in feir of weir with jakis [] jeddart stais, lang culveringis and pistolettis," contrary to the Acts of Parliament and Secret Council thereanent, upon the [] day of October last, having conceived

deadly enmity against the said Robert Fergusone, proceeded upon their knowledge that the said Robert was to pass early from the place of Craigdarroch to the barn [] on his lawful business, and, having attacked the said Robert, slew him and wounded Edward Fergusone. Witnesses to the executions indorsed on the summons, Andrew Fergusone, Cuthbert [] at the Waulk miln, Roger Gordon, John Hereis, Andrew Scot, [] Murheid, William Cunynghame.

John Welsche of Collistoun bound himself as surety for Andrew Roresone's compearance.

On 28th December Thomas Roresone, John Roresone, his servant, and Andrew Roresone were put to the horn. Witnesses, George Maxwell [] Bargawlie, John Welsche of Burnfit, and Hew Boiysis.

[125] 17th December, 1580.

James Zoung, son of Patrik Zoung, burgess of Dumfries, produced a writing subscribed by William Creichton, tutor of Sanquhar, which commanded incontinent after the sight thereof that all goods arrested as escheat [] to be delivered, the goods appertaining to John Johnstone, flesher, and to release the arrestment thereof, which goods should be delivered to the said [].

[126] Same Day.

Wattie Hill in Netherferd acted himself to pay the sum of £8 10s at Martinmas, 1581, to Dickie Murray, son of John Murray of Rottelskar; and the said Dickie bound himself to relieve the said Wattie at all other hands, brother, sister, and executors of umquhile John Murray foresaid, and found John Andersone as surety in warrandice of the same. The sheriff depute, &c. [See Introduction.]

[127] 19th December, 1580.

Letters dated 6th October, xiii year of reign, and recorded 19th November, 1580, directing that Archibald

M'Brair of Almagill and others be charged to compear before the King and his council on January 7th with their titles and particulars of claims, and that the said Archibald be relaxed. The letters proceed on the narrative that the said Archibald had possessed in heritage for sundry years a tenement of kirkland called the New Wark, having the high gate upon all parts thereof within the freedom of the burgh of Dumfries for payment yearly of the sum of £6 of feu with 13s 4d of augmentation, conform to the authoris infeftment made by umquhile Sir Mark Carruthers, chaplain of St. Nicholas' chaplaincy within the parish kirk of the said burgh, and duly confirmed by the Crown. By virtue of which and of the said complainer's own infeftment of the said tenement he has been in possession for three different years for payment of the said feu maill. John Sinklar, however, who was the reader of the said parish kirk, alleged that there had been assigned to him for his lifetime the sum of 10 merks to be taken out of the third of the said chaplaincy, and having purchased letters by deliverance of the lords of the council against all persons indebted in the fruits of the said chaplaincy charging them to answer and obey to him of the said third for divers years bypast, he by virtue of the said letters caused charge the said Archibald in special to make payment to him of the feu maills of the said lands and tenement yearly of the years 1577-79 and yearly in time to come under pain of rebellion and putting to the horn. These maills constituted the whole fruits of the chaplaincy, and the complainer had been in use to pay them to the chaplains during the said years, who were scholars provided by law and patrons who alleged that they "aucht na third," and yet paid the said reader the said ten merks for fear of the process of the horn. Further, Thomas M'Brair, son of Thomas M'Brair, burgess of Dumfries, alleged that having been "providit to" the said chaplaincy in the year 1575, he was

entitled to the said feu maills. The said complainer believing that the said Thomas had right thereto being a scholar and that the sum was given to him to keep him at the schools, paid it to him during the said years or some of them. Thirdly, Adam, Commendator of Cambuskenneth, alleged that as collector general he had right to the thirds of the said chaplaincy, and charged the said Archibald to make payment to him for the said years under pain of putting to the horn. Archibald declared that he had already made payment, that he is troubled by all three parties and knows not who has the best right. The said collector resides in a sheriffdom other than that in which the complainer and the other parties reside, and therefore cannot be called before the judge ordinary.

[128] Penult 30th December [] (probably written in error for November).

Murray of Cokpule.

[First part obliterated.] Charge by Nicoll Newall, messenger and sheriff in that part in virtue of the King's letters upon Mr Homer Maxwell, Commissary of Dumfries, and John M'Ghie, his clerk, to extract the said decree and sentence, acts and process, and deliver a copy thereof to the complainer, under pain of rebellion, &c.

[128a] 12th December [].

The witnesses to the messenger's execution of this date were David Murray, vicar of Anweithe, James [], officer, and James Maxwell.

[128b] 19th December, 1580.

On which day the said Nicoll Newall denounced the said persons as rebels at the market cross of Dumfries, put them to the horn, and ordained their moveables to be escheat. Witnesses, David Murray, vicar of Anweithe, David Johnstone, son of Gibbie Johnstone of Preisvodsyd (Preistwodsyd), Mr David Maxwell, and Arthur Tod, officer.

[129] Same Day.

Cunyngame in Castellfarne (Deleted).

George Herreis of Madinpaip, who submitted himself to the jurisdiction of Nithisdail in this case, acted himself to pay the sum of 200 merks to Cuthbert Cunyngame in Castellfarne, at Whitsunday, 1581. The sheriff depute, &c. [See Introduction.]

[130] 2nd January, 1580-81.

Mr Homer Maxwell.

Letters dated 7th February, 1579-80, and recorded 2nd January, 1580-81, directing that sheriffs and their clerks be charged to receive certain documents. The letters proceed on the narrative that, as shown by William Lord Ruthven, William Murray of Tullibardine, knight, controller [], our late general controller, and Adam Commendator of Cambuskenneth, present collector general of the superplus of the thirds of benefices, and John Leirmonth and Robert Dennistoun, procurators fiscal of the consistorial jurisdiction of Edinburgh, it was statute and ordained by the Act of the last Parliament that all letters of horning executed and indorsed before the publication of the said Act should within the space of 15 days after the denunciation be brought to the sheriff-clerk of every sheriffdom who should register the same in the sheriff court books, and deliver the principal executed and indorsed and written on the back, otherwise the said letters should be held not lawfully executed and execution thereon should be null, that the Act had been disregarded, that it would be more trouble than necessity demanded to record the whole of the letters and executions, seeing that the main object of the Act was that the names of the persons at the horn and the causes for which they had been denounced should be presented to the Lords of Council and Session. The letters directed that the sheriffs and their clerks be charged to receive from the said complainers the catalogues of the names of the persons

rebels with a brief note of the cause for which they had been denounced.

[131] The names of the persons orderly denounced in Nithisdail at the market cross of Drumfries, being the head burgh within the sheriffdom of Dumfries by Gilbert Weir, messenger, 8th July, 1579, for non-confirmation of the testaments of the persons are the following; to wit:—

Marion Maitland and Robert and John Douglas, her sons, intromittors to umquhile David Douglas of Pinnarie, her spouse.

James Douglas in Castell of Mortone, intromittor to umquhile Patrik Douglas, bailzie of Mortone, his father.

Conny Johnstone in Lochmaben and John Johnstone, her spouse, for his interest, intromittors to umquhile Sir David Maxwell, vicar of []bane, her spouse.

Bessie Greirsone and James Lindesay of Wauchope now her spouse for his interest intromittors to umquhile John Greir of [], her spouse.

Thomas Edzar in Bowhous intromittor to Agnes Johnstone his spouse.

Thomas Edzar in the Holme intromittor to Catherine Watsone his m[].

Andrew Cunynghame of Dardaroch intromittor to umquhile Marion Douglas, his spouse.

Catherine Crawford and the said Andrew Cunynghame her spouse for his interest to umquhile Patrik Douglas, bailzie of Mortone, her [blank].

[132] 2nd January, 1580.

John Gellie, elder, in Loche, and John, his son, were acted to pay the sum of 105 merks, 6s 8d, to Cuthbert Cunynghame in Castelfarne, [] days before Martinmas, 1581, and failing therein to pay by certain instalments. The sheriff depute, &c. [See Introduction.]

[133] Same Day.

Nikoll Hechoun, dwelling in Quarrellwod, acted himself to pay the sum of £3 to John Thomesone in Quarrellwod, at Martinmas, set fifteen fall of lands for the space of three years in Kirkregis lands in security, and failing payment as above bound himself to pay by certain instalments.

[134] Jonet Gordone and John Maitland, her son, intromittors, to umquhile John Maitland of Auchingassil her spouse.

Geillis Irwing in Eirmortoun (Earsmortoune) intromittor to umquhile John Douglas, *alias* John of the Steppis, her spouse.

Duncane Hunter of Ballagane, intromittor to umquhile Jean Craufurd his spouse.

John Hunter in Trawgirell, intromittor to Duncan Hunter, his brother, "deit" in Ballagane.

Agnes Heslop and John M'Call, younger, in Chanlochfute, intromittors to umquhile John M'Call, elder, her spouse.

John M'Call, younger, there, intromittor to umquhile Agnes Douglas, his spouse.

Robert Martin in Auchingrane, intromittor to umquhile John Martin, his father.

Gilbert Kirko, now of Sundaywell, intromittor to umquhile John Kirko, his father.

Cuthbert Kirko, of Schaipell, younger, intromittor to umquhile Agnes Dowy.

[] in the schaw (?) of Glencairn, intromittor to Patrik Cunynghame.

Bessie Amuligane and Thomas Anderson, her son, intromittors to Patrik Andersone in the Holme, her spouse.

Bessie Waiche, intromittor to umquhile to Harbert Jardine of []girthe, her spouse.

James Lindsay of Wauchope, bailzie of Dumfries, intromittor to umquhile Katherine Rig, his spouse.

John Pane in Cargane, intromittor to umquhile John Pane, wabster.

Thomas Paterson, elder, in Kidymenzane beside Drumlanrig, intromittor to umquhile Edward Paterson, his brother there.

The names of the persons orderly denounced in Nithisdail at the market cross of Dumfries, being the head burgh within the sheriffdom of Nithisdail, by Gilbert Weir, messenger, upon 28th September, 1579, for non-confirmation of the testaments of the persons defunct respectively after following: to wit—

In the first, James Douglas, now of Drumlanrig, and Robert Douglas, provost of Lincludane, universal intromittors, with the goods and gear of umquhile Sir James Douglas of Drumlanrig, knt., Christian Montgomerie [], Drumlanrig, elder, his spouse, and umquhile William Douglas, younger of Drumlanrig, his son.

Jonet Dowglas, lady Empsfeild, elder, and John Charteris of Empsfeild, universal intromittors, with the goods and gear of umquhile John Charteris, elder of Empsfeild, her spouse and his father.

[135] 8th January, 1580-81.

Morisoun in Dumfries (Deleted).

William Quhytheid, dwelling in the parish of Kirkpatrick Irongray in Ovir Clowdene, who submitted to the jurisdiction of the sheriffdom of Dumfries, acted himself to pay the sum of £25 to Andrew Morisoun, burgess in Dumfries, as cautioner for Andrew Amuligane his guidson, and Janet Quhytheid his daughter, intromittor with the said Andrew's goods, obliged themselves to relieve the said William of liability for the said sum. The sheriff depute, &c. [See Introduction.]

[136] 9th January, 1580-81.

Cunynghame of Birkshaw.

Letters of four forms dated 15th November, 1579, and recorded 9th January, 1580-81, narrating that Andrew

Cunynghame, heritor of the lands underwritten, had obtained a decree of the Lords of Council charging Barthell Smart and James Smart, his son, to flit and remove from the $2\frac{1}{2}$ merkland of Marquharne, in the barony of Glencarne and sheriffdom of Dumfries, and charging the said Barthell and James, his son, to remove under pain, &c. [See Introduction.] Witnesses to the executions, John M'Crierie and John Greir.

[137] 21st April, 1580.

Protestation by Mr Thomas Watstone, procurator of Andrew Cunynghame of Birkschaw. He produced a copy of the King's letters, whereby the said Andrew was summoned at the instance of James Smart, servant to James Gibsone in Clauchsiechine (?), touching the production before the Lords of Council of the decree and letters in four forms charged upon Barthell Smart in Marquharne, father to the said James, and the said James to flit and remove from the $2\frac{1}{2}$ merkland of Marquharne under pain of rebellion and putting to the horn, and the letter of caption past thereupon, that these might be considered by the said Lords, and that the said Andrew should hear and see the same. The pursuers did not compear, and the said Andrew's procurator protested that he need not appear personally until summoned of new and his expenses paid, and that the decree in his favour, the letters of four forms and the letters of caption should have effect; and this protestation the Lords admitted. On 2nd January, 1580-1, Barthell Smart and James, his son, were put to the horn at the market cross of Dumfries. Witnesses to the proclamation, William Asloane servant to the Provost of Dumfries, John Grier of Swyre, and Andrew Cunningham, sheriff depute.

[138] 10th January, 1580-81.

Maxwell and M'Ghie, relaxation.

Letters dated 18th October, 1580, and recorded 10th January, 1580-81, directing that Mr Homer Maxwell, commissary of Dumfries, and others be charged to com-

pear, and that the commissary and his clerk be relaxed. The letters proceed on the narrative that Charles Murray of Cokpule, alleging that an action at his instance against Patrik Murray in Sellodzt (?), Janet Campbell, lady Auchingassil, his spouse, and John Maitland of Auchingassill, was depending before the said commissary for certain sums of money, and that absolviter *prout* the libel had been pronounced, obtained other letters from the Lords of Council, and caused charge the said commissary and his clerk to extract, deliver, and draw out at his reasonable expense an authentic copy of the whole process and sentence for libelling [] of reduction thereupon, within a certain space under pain of rebellion and horning, and for alleged disobedience expressed his intention of purchasing [] to cause put again to the horn. [] But true it is that the said Charles Murray, shortly after absolviter was pronounced in the said matter as it was libelled, came to the clerk of court and received from him the principal libel, together with all his pieces and writings, declaring that he would reform his libel and [] his action of new, the which things the commissary and his clerk were ready to refer to the said Charles, and, if he should happen to deny the same, they were ready to deliver the copy as craved, and pay expenses. Charles Murray was charged to compear before the Council. The King and Council suspended the said letters, so that if the commissary and his clerk had been put to the horn they should be relaxed and restored to the King's peace and the wand thereof should be delivered to them.

[138a] 2nd January, 1580-81.

The witnesses to the relaxation were John Thomsone, Thomas Brattone, and William Bety, burgess of Dumfries.

[138b] [] January, 1880-81.

Citation of Charles Murray at the place of Cokpule.

[139] 16th January, 1580-81.

Fergussonne in Girbruch.

Arthur Fergussonne in Glencrosche, as principal, and Cuthbert in Drumlief, brother to the laird of Dammarane, as cautioner for the said Arthur, acted themselves to pay the sum of £24 to Thomas Fergussonne, dwelling in Girbruch, at Candlemas, 1581, the said Arthur giving to the said Thomas possession of one acre of meadow in Tempilland in warrandice of that sum, with further conditions in event of failure to pay.

[140] 3rd February, 1580-81.

Bishop of Glasgow.

Mr Homer Maxwell, commissary of Dumfries, renouncing all other jurisdiction and privilege of law, acted himself to pay on behalf of Mungo Johnstone in Lockerby, Andrew Johnstone, Merting Johnstone in Myrheid, and John Johnston in Greinsyde, the sum of £30 at the next Whitsunday and termly thereafter during the space of 19 years, as contained in a letter of tack made by James Boid, archbishop of Glasgow. The sheriff depute, &c. [See Introduction.]

[141] 6th February, 1580-81.

William Maxwell in Greinmers became acted as cautioner for a fence laid by command of [] Creichton, tutor of Sanquhar, by William M'Kinnell and John Newall in Creichtoun, upon the goods and gear of Marioun Maxwell, relict of umquhile Adam Kirkhaucht of Glineslan, Hew Kirkhaucht his son, and George Gordoun now her spouse for his interest, and to be answerable at the challenge of Cuthbert Kirkhaucht of Glineslan. The sheriff depute ordained act.

[142] 7th February, 1580-81.

Dun in Dumfries.

Peter Davidson, cautioner for John Kirkpatrick in Michelslakis, became acted to pay to John Dun, merchant, the sum of 26½ merks at Whitsunday, 1586.

Done in the writing house of Andrew Cunynghame, sheriff depute, before Alexander Eltaine, Gawine, Lorymer, and Robert Richardson. The sheriff depute interponed decree and ordained act.

[143] 1st May, 1581.

The said John Kirkpatrik delivered possession of five cows to the said Peter Davidsons.

[144] Same Day.

John Kirkpatrik in Nether Michelslakis, and Thomas Kirkpatrik in Over Michelslakis, became acted to relieve Peter Davidsons in the sum of 53 merks to be paid to John Dun. The sheriff depute ordained act.

[145] 8th February, 1580-81.

William Bell, flesher, acted himself to pay the sum of £5, and deliver a firloft of meal, measure of Nith, to Margaret Maxwell, spouse of John Corsbie, at Martinmas, 1581. The sheriff depute, &c. [See Introduction.]

[146] 13th February, 1580-81.

Finnane—Twa Brither.

William Wallace, son of John, laird Wallace of Brekansyde as principal and the said laird Wallace as cautioner, acted themselves to pay 50 merks to Andrew Finnane and John Finnane at Martinmas, 1581, with 40s annually until payment of the principal sum.

[147] Same Day.

William Wallace, son to John Wallace of Brekansyde and Margaret Cunynghame, his spouse, acted themselves to relieve and keep scaithless the said John Wallace at the hands of Andrew and John Finnane.

[148] Same Day.

Finnanes—Twa Brither.

John Wallace acted himself to pay the sum of £5 to John and Andrew Finnane at Whitsunday, 1582.

[149] 14th February, 1580-81.

John Marting in Empsfeild was acted to pay the sum

of £9 to Margaret Maxwell, spouse to John Corsbie, at Mertinmass next.

[150] 20th February, 1580-81.

John Ranying of Tinwald as principal, and John Maxwell of Lanridding as cautioner, were acted to pay the sum of £8 to John Andersone, messenger. The sheriff depute, &c. [See Introduction.]

[151] 6th April, 1580 (Deleted).

Robert Maxwell in Keltoun was acted as cautioner for John Maxwell in the sum of 50 merks to be paid to Mr William Somerwell, vicar of Kilbane. The sheriff depute, &c. [See Introduction.]

[152] Same Day (?) (Deleted).

John Maxwell, laird of Kirkconnell, acted himself to relieve and keep scaithless Robert Maxwell in Keltoun at the hands of the said William Somerwell. The sheriff depute, &c. [See Introduction.]

[153] 18th March, 1580-81.

Kirko.

Comprising by John Wallis, flesher; John Fleming, merchant; John Herreis, tailor; Herbert Maxwell, Hew Boigis, and Wm. Bell, of [] "ky, a cow, and ane coddoch," at the sum of £22, at the instance of Cuthbert Kirko of Gleslan, which pertained to Marioun Maxwell, George Gordoun, now her spouse, and Hew Kirko, executor of umquhile Adame Kirko of Gleslan, and of 10 bolls of [] attached at the instance of the said Cuthbert, modified to 5 merks the boll. William M'Kynnay, officer. With intimation made at the market cross of Dumfries that if any person or persons would come [] receive or [] the same it would be made furthcoming as law required. No person compearing the sheriff depute and his officer delivered the said goods to the parties. Witnesses, John Robson, John [], officer, and David Moffett.

[154] 20th March, 1580-81.

Wallace and Wallace.

Thomas Wallace called Thom of Drumbank acted himself to pay £68 to John Wallace in Kerzeild, David's son, at Candlemas, 1581, the said Thomas laying "in plege and wod" his half oxgang of land in the holm of Duncow, and giving him possession of six roods of land in further security, "qlkis Steue Dikson had in possession callit the quhet holm beside the castelhill." The sheriff depute, &c. [See Introduction.] Witnesses, James Herron, William and John Cunynghame.

[155] 5th April, 1581.

Letters against the Tyndingis.

Letters of horning against John Tinding and others, dated 31st March, 1580-81, and recorded, with the executions thereof, 5th April, 1581, proceeding on the complaint of James Price in the Howiss, William Price there, his brother, and Gilbert Price there, and narrating that in a Court of Justiciary held in the tolbooth of Edinburgh, on the [] instant, John, Lord Maxwell, as cautioner and surety, was outlawed in the pain contained in [] for not entering John Tinding in Howiss, John Tinding in Spittell, John Tinding, son of James Tinding in Howiss, and Florance Tinding before the King's justice clerk or his deputes the said day and place to underlie the law for convocation of the lieges, "bodin in feir of weir" and coming by way of hamesucken to the said complainers' dwelling-house in the Howiss and invading of them for the slaughter, wounding, and mutilation of the said James Price, mutilation of Gilbert Price of his right leg and wounding of William Price in his legs and arms to the effusion of blood in the month of August last preceding. The Tindingis did not appear, and were of new adjudged in the said court to be denounced rebels and put to the horn, and their goods to be escheated. Witnesses: Robert Henderson, chirurgion in Edinburgh, James Lowrie, William Layng, John Johnston, brother to

Robert Johnstone of Newbie, Abrahame Johnstone, his brother, Herbert Maxwell, Thomas Edgar, and David Raa, burgesses of Dumfries.

[156] 10th April, 1581.

Kirko of Gleslan and Cunynghame.

Cuthbert Kirko of Gleslan was acted to pay the sum of £21 to Robert Cunynghame, brother of Andrew Cunynghame of Birkshaw at Martinmas, 1581. The sheriff depute, &c. [See Introduction.]

[157] Same Day.

Boid.

John Reid in Spittelfield and Thomas, his son, and Robert Bek in Killilong, acted themselves to pay at Candlemas, 1581, the sum of £29 8s to Robert Boid in Nidheid [] £20 land of Clowdane of "me Lord Sanquhar landis," pledging his three acres of land lying nearest William Reid, his brother in warrandice, of that sum and the rentell of the vicar of Dumfries for relief of Robert Bek. The sheriff depute, &c. [See Introduction.]

[158] 15th April, 1581 (Deleted).

Andersoun.

William Steill, burges of Dumfries, was acted as cautioner for Robert Makinnell in the sum of £3 to be paid to Thomas Anderson, messenger, at Whitsunday next, and the said Robert granted a bond of relief in favour of the said William.

[159] 24th April, 1581.

Richardson and Martine, his relief, against

Michael Frud and Elizabeth M'Brar, half dark.

John Richardson, burges of Dumfries, became (acted) surety for Elizabeth, daughter of John Martine in Ardis in Corsmychell, to be answerable to the law touching the claim of the said Michael and the said Elizabeth of any things may justly be craved of the [blank]. Surety for relief of the said John Richardson, the said John Martine.

[160] 8th May, 1581.

Greirsonne et Greirsonne.

Roger Greir in Bardannoch and [blank] his son and heir apparent acted themselves to pay the sum of £24 to John Greir, brother of the laird of Lag, at Candlemas next, together with a boll of beir, sufficient measure of Nyth. The sheriff depute, &c. [See Introduction.]

[161] 8th May, 1581.

Anderson, Messenger.

Robert Bek in Killilong was acted to pay the sum of £6 10s to John Anderson, messenger, at Michelmas next. The sheriff depute, &c. [See Introduction.]

[162] 15th May, 1581 (Deleted).

M'Murdie.

Roger Greir, cautioner for Thomas Greir in Pundland, acted himself to pay the sum of £20 and deliver half a boll of meal, good and sufficient, measure of Nith, to John M'Murdie at Whitsunday, 1582. The said Thomas granted bond of relief to Roger.

[163] 19th May, 1581.

Letters against George Douglas of Parkheid
and his servants.

Letters dated 17th April and recorded 19th May, 1581, proceeding on the complaint of Mr Robert Creighton of Eliok, King's Advocate, and directing that George Douglas of Parkheid and others be charged to find caution to compear. The letters narrate that on 18th March last letters were directed to Robert Maxwell, messenger and sheriff in that part, to charge George Douglas of Parkhead, James, his son and heir apparent, John Cairlell, James Twedy, Mr James Ross, James Inglis, in Torthorwald, servants all, " keiparis and withholdaris " of the castle of Torthorwald, lying within the sheriffdom of Dumfries, to render and deliver the same to the said Robert Maxwell and to remove themselves and their servants therefrom within 6 hours next after the charge under

pain of treason. On the 27th day of the said month the said Robert Maxwell presented himself at the said castle to do execution upon the said persons, and oftentimes demanded that it should be delivered. But the said persons refused to render it, and continued in possession thereof treasonably and contemptuously. By these letters they were charged to find caution to compear; and on 8th May they were denounced as rebels and put to the horn. Witnesses: At Torthorwald, John and Nicol Thomson; at Dumfries, Nicol Newall, messenger, Mr David Maxwell, Herbert Rayning, bailie and William Crawford, servant to Sir John Ireland [] Galloway, chapman, Wattie Fenlaw, John Burgess, Willie Robsone [] of Dowglass.
8th May, 1581.

John Charteris of Mussald became security to enter George Dowglas of Parkhead. Witnesses: Heless Welsh, "surrigenar," Thomas Aitkene, walkar, John Charteris in Keltone, John Charteris in Reddingwod, John Annand, Dalmakar, and Gavin Johnstone, one of the brothers of Kirkton.

[164] 15th June, 1581.

David Morrain in Forest (Deleted).

Thomas Edzar in Glengaber was acted to pay the sum of £11 to David Morrain in Bishopforrest at Martinmas, 1581. The sheriff depute, &c. [See Introduction.]

[165] Same Day.

Amuligane.

Alexander Edzar in Beirdwell was acted to pay the sum of £10 to Oswald Amuligane, the said Alexander putting the said Oswald in possession of an acre of land with house and yard and a cow's grass and grass for five sheep for the space of three years. On repayment the bond as to the land and house to be redeemed, and that for the yearly payment of twenty shillings with six days' shearing. Witnesses: Andro Glencorse and John Nicelson.

[166] Same Day (Deleted).

John Bek, called laird Bek beneath the burn in Duncow, was acted to pay the sum of 20 merks to John Michelsoun in Castlehill at Lammas, 1582, the said John Bek laying in wod to the said John Michelsoun his land, house, and toft beneath the burn in Duncow, but retaining occupation for three years. If he failed to pay the 20 merks and 4 merks each year, Mitchelsoun should have the lands, &c., and pay the laird of the ground. Andrew Hill and John Cunyngham, writer, witnesses.

[167] Same Day.

Fence laid on at the command of Andrew Cunynghame, sheriff depute, by John Newall, officer, upon the goods and gear of Adame Corrie in the hands of Thomas Soutar, at the instance of Symone Johnstone in Auld-girth. Cautioner that the said geir shall be furthcoming as law required, Roger Corrie, brother to the said Adame. The sheriff depute ordained act.

[168] 18th July, 1581.

Letters dated 1st and recorded 18th July, 1581, directing that Andrew Cunynghame and others be charged to compear, and that the said Andrew be relaxed. The letters proceeded on the complaint of Andrew Cunynghame of Birkshaw, and narrated that by letters raised by Mr John Leirmonth and Robert Danielston, procurators fiscal of the Commissariat of Edinburgh, the said Andrew was charged to exhibit before the Commissaries of Edinburgh the inventories of the goods and gear of umquhile Marioun Douglas, his spouse, and of umquhile Patrik Douglas in Morton, and for alleged non-exhibition thereof was denounced and put to the horn. The said Andrew professed himself ready to give up an inventory of the said Marioun and to have her bairns confirmed executors dative and to find caution. Touching the inventory of the said Patrik, the said Andrew alleged that he neither was of kin to him nor had he intromitted with his goods;

that Mr Robert Douglas, provost of Lincluden, and James, his son, were his executors nominate, and had intromitted with and were in possession of his goods. The fiscals were charged to appear before the Lords of Council, and the said Andrew Cunynghame was relieved from the process of caption and horning. Witnesses to relaxation, Mr James Fallis (?), George Herreis of Terrauchie, and John Herreis, Roger Greirson in Snaid, Alexander Kirkpatrick in Vod, and John Richardsoun.

[169] 21st July, 1581.

Letters dated 17th and recorded 21st July, 1581, directing that Robert Maxwell of Cowhill and others be charged to compear, and that the said Robert be relaxed. The letters proceeded on the complaint of Robert Maxwell of Cowhill Lowk [] in Dunkow, John Charteris in Reddingwod, and the remanent parishioners of the parish church of Kirkmahon, and narrated that John Stewart, son of umquhile Sir Alexander Stewart of Garlies, alleging his right to the said parsonage, obtained a decree from the Lords of Council to cause him to be answered and obeyed conformably thereto, and thereupon raised general letters in all the four forms against all and sundry the parishioners, &c., intromittors, with the fruits of the said parsonage, to cause him to be answered and obeyed of the crop of 1580 and all future years, charging them to make payment to him, and put them to the horn wrongously and unjustly, as he had no right to these fruits, the benefice having been set by him to umquhile Sir Alexander Stewart, his father, for his life, who had assigned the tack to the said Robert Maxwell of Cowhill, on which he had had possession for seventeen years; the said Sir Alexander having died in January last, the fruits of the said parsonage for 1580 were not John Stewart's but Robert Maxwell's.

[170] Date (?).

Acknowledgment by Andrew Cunynghame of Birkshaw

of receipt of 160 merks from Arthur Fergusone of Glencrosche, he having been the said Andrew's cautioner in a debt due to umquhile William, Master of Glencarne.

[171] 7th January, 1581-82.

James Heron was acted as cautioner for John Murheid in the sum of £[] 16s to be paid to John M'Kynlie at St. Andrew's day.

[171a] 5th January, 1581.

John Irens taking burden on himself for Hab[] on the one part, has chosen John Heris, Matthew Dickson, Robert P[] chosen John Bryce, Andrew Maxwell, [], and John Marchell, oversman; and to convene on Sunday afternoon and accept and decide within twenty days, and they are sworn to abide at their determination, and thereupon asked instruments. Helis Welshe, Gilbert Edgar, William M'Kynell and Herbert Cunynghame.

[172] 5th January, 1581-2.

Memorandum to make a [] to Robert Korinr (?) upon Michael Newall for the sum of £13 10s for the price of 3 bolls of corn at Martinmas; and John, Michael's brother, binds himself to pay the said sum.

[173] 5th March, 1581-82.

Corsbie.

John Voll, cordiner in Hemsfeild, acted himself to pay the sum of £5 to John Corsbie in Dumfries and Margaret Maxwell and others at Martinmas next.

[174] 2nd March, 1581-82.

Compeared Herbert Gillesoun and John Curror in Midtoun, his cautioner, John Russell and Robert Curror in Dalquharne, his cautioner, Agnes Scot and Adam Scot, her cautioner, James Turnour and Herbert Boyd, his cautioner, John Cammok and John Thomson in Cruk (?), his cautioner, Blase Quhyteheid and John Sinclare, elder in Lag, his cautioner, and acted themselves to quit and pay to Margaret Douglas, Countess

of Mortoun, 26 bolls of meal and five sheep, and to Sir John Tailzour 4 bolls of meal, measure of Nith, of good and sufficient stuff, of the crop of the years 1581-82, together with 24 bolls during the said space as for the fermes of the mains of Inglishtoun and Cogenshaw, within the £20 land of Kirkpatrik, each principal and his cautioner to pay the sixth part. The principals were bound to relieve the cautioners.

[175] 21st July, 1581.

Fragment of letters and execution recorded on above date, proceeding on the complaint of Marion Neill, the relict, together with the bairns, kin and friends of umquhile James M'Nacht, in a park of Auchincas, and Robert Creichton of Eliok, King's Advocate, against Mungo Johnstone, son of Robert Johnstone, parson of Lochmaben, Robert and Patrik Grahame, sister's sons to the said Robert, and Jok Jarding, his servant, with their complices, who, with convocation of the lieges to the number of 8 persons or thereby, " bodin in feir of weir with jakis, steill bonattis, jedart stalffis, secreittis, pistolattis and daggiris," expressly prohibited to be borne or used by various statutes under heavy penalties, having conceived deidly rancour and extreme malice against the said James, came to the lands of park of Auchincas to spuillzie a horse belonging to him, and having sure knowledge that he had conveyed the said horse to his dwelling-house in the park of Auchincas, went thither, and, by way of hamesucken, broke down the walls, and shot the said James through the body, when he was peaceably sitting with his family, and who died the same night.

[176] 25th December, 1581.

Letters of relaxation of Robert Cunynghame, dated 20th and recorded 25th December, 1581, proceeding on the narrative that the said Robert, brother of Andrew Cunynghame of Birkshaw, had been put to

the horn for non-compearance before the King's Justice to underlie the law for oppression of the lieges in receiving of "occur," and having thereafter found security for his compearance should be relaxed from the horn. Witnesses to the relaxation, Andrew Cunynghame, sheriff depute, John Cunynghame in Kollege, David Haliday in Brigend, and David M'Math, officer.

[177] 19th June, 1581.

Letters of four forms, dated 18th [blank] and recorded together with the executions on 19th June, 1581, proceeding on the narrative that the Lords of the Council by their decree decerned and ordained that these letters should be directed at the instance of James Johnstone, son of John Johnstone of that ilk, commendator of the Abbey of Holywood, in all four forms, each form to be executed 48 hours after the other, and the warding to be in the King's castle of Blakness in case of disobedience, charging all and sundry feuars, firmorars, tacksmen, tenants, possessors and occupiers of lands, mills, fishings, and teindsheaves pertaining to the said Abbey, and all intromitters with the maills, teinds, carriages, customs, arriagis, &c., thereof, and parish churches annexed thereto, and indebted in payment of the same to make payment thereof to the said James Johnstone's chamberlain under pain, &c. [See Introduction.]

[178] 20th June, 1581.

Letters dated 13th and recorded 20th June, 1581, directing that Robert Maxwell of Cowhill and others be charged to compear, and that the said Robert be relaxed. The letters proceed on the complaint of Robert Maxwell of Cowhill that whereas James, now Commendator of Holywood, claiming right to complainer's feu maills of Mekillfeild, Muirsyd, Glengoure, Touneheid, Fischar Holme, Moss Syd, Newtown, Skrauchholme, Lochfute land of Nether Killilong, Cowhill, Hilltoun, Gullihill and certain other lands and

reinds of the said Abbey, pertaining to the said complainer in fee and heritage, by virtue of letters purchased by him, the said Commendator, to cause him to be answered of the fermes, &c., of the Abbey, caused charge the said complainer to answer, obey, and make payment to him of the feu maills of the said lands for the crop of 1580, and finally put him to the horn. Yet true it is that in February, 1578, the feu wards and other duties of the said lands pertaining to the Abbey were disposed by umquhile Thomas, commendator of the said Abbey, with consent of the convent thereof, to Archibald, Robert, and Robert Maxwell, lawful sons of Archibald Maxwell in Cowhill, in name of pension to them for their lifetime, which disposition was ratified and approved by the Crown with new gift of the same. The said complainer, accordingly, made payment of the said feu maills, &c., to Archibald, his father, including those of the crop of 1580, long before the charge was given, and he holds acquittance therefor. Witnesses to the execution: Robert Maxwell in Kelton, John Thomson, burges in Dumfries, and Richard Edgar in Crestenhill.

(179) 20th June, 1581.

Letters dated 27th April, xiiii year of reign, and recorded 20th June, 1581. " Forsamekill as we with awyse of the Lordis of o^r secreit counsale have maid constitutit and ordaint o^r traist cousing and counsellour Johne Lord Maxwell,oure wardane of West Marcheis, of o^r Realme foranent englande,oure will is heirfore, and we charge zow straitlie and commandis that incontinent thir o^r lettres sene ye pas and in o^r name and autoritie command and charge John Johnstone of that ilk o^r lait wardane of the said West Marche, to deliver all scrollis, rollis, and bandis maid to hym as wardane for entrie of q^tsumever personis, as alsua all personeris remanyng presentlie in ye plage chalmer, to o^r said cousing John Lord Maxwell or his deputtis upone the fyft day of Maij

nixtocum under ye pane of rebellione and putting of hym to o^r horne, and geve he failzie therein the said day being bypast that ze incontinent denunce hym o^r Rebell and put him to o^r horne, and escheit and inbring all his mowabill guidis to o^r use yair upon, The qlk to do we commit to zou conjunctlie and seueralie o^r full power be y^r o^r lettres delyvering thame be yow dewlie execut and indorsit agane to ye beiar, gevin and subscrivit with our hand at Halyruid Houss the xxvii day of Apryle, and of o^r reing ye xiiii year."

Johnstone charged on 25th April, 1581; and on 19th June following: "I, Robert Maxwell, messenger wthin wrytin, past at the command of o^r souerane lordis lettres to ye mercat croce of Drumfreis and thair becaus ye said [John Johnstone] dissobeyit I denuncit hym o^r souerane lordis Rebell and put hym to his hienes horne be given of thrie blastis y^rin and that becaus he had nocht obtemperit, fulfillit nor obeyit the comand of ye said lettres na poynttis, and yis I did befoir yir witness, Robert Maxwell in Keltone, John Thomsone, burgess in Drumfreis, and Richart Edzar in Chrysteneheill. . . ."

[180] 1st July, 1581.

Letters dated 1st and recorded 1st July, 1581, directing that Janet Douglas, Lady Amisfeild, and John Charteris of Amisfield, and others be charged to compare, and that the said Janet and John be relaxed. The letters proceed on the complaint of Janet Douglas, Lady Amisfeild, relict of umquhile John Charteris of Amisfeild, and John Charteris, now of Amisfeild, and narrate that by letters purchased by Mr John Leirmonth and Robert Dannelstoune, fiscals of the Commissariat of Edinburgh, they were charged to deliver and exhibit before the Commissary of Edinburgh the inventory of the goods and gear of the said umquhile John Charteris of Amisfeild for confirmation, and were informed that for alleged non-exhibition thereof they had been denounced and put to the horn. Yet true it

is that long before the charge the inventory of the said deceased had been given up by Robert, Archibald, Nicoless, and Agnes, his bairns unforisfamiliar, who had been decerned his executors dative.

Witnesses to charge and relaxation, Martine Gluver, servant to the laird of Amisfeild, James Hairstanis and James Coupland, burges of Dumfries, and Cuthbert Forrest, servant to the said Mr John [Leirmonth], James Hairstaines and James Coupland, burgeses of Dumfries, and James Adame, messenger.

[181] 5th July.

Lease dated 5th May and recorded 5th July, 1581, between Janet Douglas, Lady Amisfeild, tackswoman of the lands underwritten, on the one part, and James Barbour, occupier of the other half of the said lands and goods as follows: The said Lady Amisfeild had set in steel-bow to the said James Barbour, Janet Creichton, and Robert Craig and John Craig, her sons, the $2\frac{1}{2}$ merkland of Auchinstrowane, in the barony of Crawfordstoune, parish of Glencairn, sherifffdom of Dumfries, together with 6 score of milk "zowis" of 4 and 3 years old, five score sheep [], 24 wedder of 3 years old, 30 dinmonts of 2 years old, 10 auld "zowis," [] gimmers of 2 years old, 20 hoggs, [] ky, with calf, and 6 farrow ky, but stirks in [steelbow] to be equally divided, the one half of the lands and goods to James Barbour, and the other half to Janet Creichton and her sons, for 5 years at a rent of £102 14s 8d. Herbert Anderson, notary.

[182] 7th July, 1581.

Letters dated 7th June, xiii year of reign, and recorded together with the executions on 7th July, 1581, directing that the feuars, &c., specified below be charged to make payment to Hercules Stewart, reidar. The letters were purchased at the instance of Hercules Stewart against Adame, Commendator of Cambuskenneth, Collector General, and all and sundry the feuars, fermorars, tenants, tacksmen,

and parishioners indebted in payment of the sums, rents, and emoluments of the vicarage of Holywood. The said Hercules was lawfully provided to the vicarage pensionary of Holywood, lying within the sheriffdom of Nithisdail and diocese of Glasgow, and had become entitled thereto on the death of Mungo M'ghie, late vicar and possessor. Albeit the feuers and others above mentioned would in no ways make answer or obey or make payment to him of the rents, etc., without compulsion. The names of those charged were: George Edzar in Gribtoun, Janet Hanyng his spouse, Janet Jaksone in Burnfuitt, John Welsche her son, fermorar of the [] and mills of Holywood, George Maxwell in Glengaber, William Hanyng there, John Carsone there, John Edzar and John Hanyng there.

[183] 11th October, 1581.

Acknowledgment by Edward Maxwell of Stanehaus of receipt of 12 merks from William Hornare, being the rent of a barn and yard lying " under the zairds " which pertained to umquhile Sir James Maxwell, his brother. The sheriff depute, &c. [See Introduction.]

[184] 30th October, 1581.

John Reid in Rig and his son Thomas were acted to pay the sum of 10 merks, the price of " ane blak spangit ox " to Habbie and [Noy?] Boyd, sons of Mungo Boyd in Glengour, together with 18 pecks of meal, good and sufficient, measure of Nith, at Martinmas, 1584.

[185] Same Date.

John Corsane was bound as cautioner in a fence laid upon a mare pertaining to Thomas Dargavell in the house of John Ahannay that the said mare shall be furthcoming to Paite Makclellane in [], Thornhill, at whose instance the fence was laid on. The sheriff depute ordained act.

[186] 10th July, 1581.

Letters dated 2nd and recorded together with the executions on 10th July, 1581, proceeding on the complaint of Thomas Edzar in Bowhouses and Thomas Edzar, son of umquhile Kathren Watsone in Holme, and others charged to compear, and directing that the complainers be relaxed. The letters proceed on the narrative that letters had been purchased by the procurator fiscals for the Commissariat of Edinburgh, alleging non-exhibition of the inventories of the said Kathren, wife of umquhile Robert Edgar in Holme, and of Agnes Thomsons, wife of Thomas Edzar first-mentioned, albeit these inventories had been already exhibited. Witnesses to the relaxation, Richart Edzar in Chrystenehill, Hew M'Culloch, and Nicoll Newall, messenger.

[187] Same Day.

Roger Kirkpatrick in Clinstoune acted himself to pay £23 to Andrew Hiddlestoune, younger, in Haliday Hill, at Martinmas, 1582. The sheriff depute, &c. [See Introduction.]

[188] 14th July, 1581.

Letters in four forms dated 3rd June and recorded together with the executions 14th July, 1581, proceeding on the narrative that the Lords of Council had decerned letters to be directed at the instance of John Stewart, son of umquhile Sir Alexander Stewart, in all four forms, with warding in Dumbarton Castle in case of disobedience, charging all and sundry the parishioners of the kirk of Kirkmahoe and all intromittors with the fruits thereof, to obey and pay to the said John Stewart's factors, the teinds and teindsheaves of the crop of 1580, and of future crops, and charging the said parishioners and intromittors to make payment within 48 hours after the charge under pain of warding, rebellion, and pouding. [See Introduction.] The following persons were charged : Alexander Kirkpatrick of

Kirkmichell, William Kirk in Glenmaid, John Kirk, Harbert Kellok in Awchincarne, John Kellok and John Scot there, Herbert Gud there, Robert Scott and Henrie Howet there, all personally apprehended, Robert Maxwell of Cowhill, Roger Kirkpatrick of Glendinholme, Arthur Kirk in Glenmaid, Patrik Hutcheone in Auchincarne, Thomas Kellok and Gilbert Scot there, Cuthbert Gray there, John Ireland there, Peter Charteris and Harbert Howat there, William Wilson in Leyis, and Peter Watson there, charged at their dwelling-house because they could not be charged personally. Witnesses to the executions, Harbert Lowrie, John Cowand, Robert Welsch, John Fleming, Andrew Maxwell, glover, burgess of Dumfries, Herbert Anderson, notary, John Fergusson of Ile, Nicoll Newall, messenger, Mr James Ramsay, minister of Dalgarnok.

[189] 18th September, 1581.

Anent the fence laid on certain gear in John Rig's booth, Thomas Bell found Symon Johnstone cautioner that 10 pieces of kelt and 3 pieces of blue wodshot which pertained to him should be answerable to all persons having interest, and in special at the instance of Thomas Mairtine; and likewise Peter Davidson became cautioner for 2 pieces of kelt and two nolt hides which pertained to Robert Hogwn (?), that the same should be answerable at Thomas Mairtine's instance; and likewise John Johnstone, called Litill John, became cautioner for 5 pieces of black kelt, whereof one piece was cut, and a piece of gray kelt, which pertained to John Bell, merchant, which should be answerable at Thomas Mairtine's instance, and all others having interest. These goods were delivered by the sheriff depute to the cautioners; and, as to a piece of green (see 201), the same was delivered to John Bell, and thereafter, upon agreement between the six parties, with consent of the said Thomas Mairtine, the whole fences were loosed and the goods delivered to the parties.

[190] 21st September, 1581.

Agreement dated 20th and recorded 21st September, 1581, between Thomas Martine, burges in Dumfries, and John Bell, merchant and traveller in England, to the effect that as Bell owed Martine 360 merks and was unable to pay, Bell should pay 40 merks at Whitsunday and Martinmas every year until the whole sum was paid. Subscribed with their hands "led at the pen be Herbert Cunningham, notary." Witnesses, John Johnstone in Burnheid, burges of Dumfries, and Thomas Bell, burges in Annan.

[191] 23rd January, 1581-82.

Letters dated [] and registered with the executions on 23rd January, 1581-2, directing that certain persons be charged to render inventories and take out confirmation on pain of horning. The letters proceed on the complaint of Maisters John Leirmonth and Robert Donelson, procurator-fiscals, and Duncan Levingstoun, co-notary, of the Commissariat of Edinburgh, that the persons underwritten, intromittors with the goods of the following persons deceased, had neither confirmed their testaments nor produced inventories of their goods before the Commissaries of Edinburgh, viz. : Herbert Ranying, elder, merchant, burges of Dumfries, intromittor with the goods of umquhile Adame Raa, burges of the said burgh. The said Herbert, in consequence of his disobedience to the charge, was put to the horn. Witnesses, John Fleming, Robert Morton, William Swan, burgesses of Dumfries, and Adam Makilrue.

[192] 6th January, 1581-82.

Roger (" Gilbert " deleted) Greirsonne of Dalmacurane became acted as cautioner for Arthur Fergusone of Glencrosche in 100 merks to be paid to Cuthbert Cunynghame in Castellfarne, nine days before Whitsunday, 1582, and on Cuthbert's failure to pay 5 merks 6s 8d along with the principal. Witnesses: Heles Welsh, Robert Paine, Herbert Cunningham, notary.

- [193] Same Day.
Bond by the said Arthur Fergusone to relieve and keep scaithless the said Roger in respect of the said sum.
- [194] 8th January, 1581-82.
Harbert Wallace in Cairzeld was acted to pay the sum of £6 to John Jaksone in Muirsyde in Holywood, the said Harbert in warrandice thereof putting the said John in possession of an acre of land in the Kirkland of Kirkmahoe. Witnesses:—John Wallace in Cairiezeld, John Wallace, son of Harbert, John and Herbert Cunynghame.
- [195] 15th January, 1581-82.
William Reid, glover and burges of Dumfries, renunsend all uthir privilages of lawes and submitting himself to this court in this causs, acted himself to pay the sum of £24 to John Makinnell, brother of Edward in Hauchincaythe, on 15th January, 1582. The sheriff depute ordained act.
- [196] 5th March, 1581-82.
Bond by Robert Watson in Casselhill to pay the sum of £4 lent money to John Wallace, David's son, the said Robert in warrandice thereof entering the said John in the possession of a [] in the meadows of Dunkow, between John Robson and John Baik. Witnesses:—John Jaksoun and Martin Glouver.
- [197] 8th September, 1581.
[See No. 199 below, which contains the entry of the transaction in more complete form.]
- [198] 9th September, 1581.
Anent the Sheriff of Nithisdail's precept of poinding upon a decree at the instance of Robert Lundie in []. Thomas Hunter, officer and executor of the said precept, produced to the Market Cross, Dumfries, 39 sheep "comprisit" by [], John Heres, Gilbert Edzar *alias* Barnecleuch, and Cuthbert [], burgeses of Dumfries, at £33 10s, and a black mare "comprisit" at 6 merks—goods and gear pertaining

to Adam Glendoning in Windihillis, in the parish of Close[], and pointed on his ground for the sum of 41 merks, and made proclamation that if the said Adam or any in his name would appear and pay the sum of 41 merks, "obtenit as said is," he or they should have the said goods, or if any one should make faith that the goods were his he should have them. And as no one appeared or claimed the goods they were delivered to the said Robert Lundie and [] Davidson, burgess of Dumfries, cautioner for [].

[199] Same Day.

Davidson.

Anent the arrestment laid on certain peas pertaining to Peter Davidson at the instance of Mr Thomas Maxwell, vicar of Dumfries, the said Peter compeared in the presence of the sheriff depute and found James Hairstanis, burgess of Dumfries, cautioner for the interest of the said Mr Thomas or any other person for loss sustained by them through loosing the arrestment, and bound himself to relieve his said cautioner. He asked act, whereupon the sheriff depute, &c. [See Introduction.]

[200] 12th September, 1581.

Letters dated 25th May and recorded with the executions 12th September, 1581, directing that certain officers be charged to compear and render their accounts. The letters proceed on the narrative that the accounts of the Exchequer had not been returned in due time as formerly, so that the Lords of Exchequer had been "frustrate" in the payment of the King's rents, for the furnishing and upkeep of his house and estate. Accordingly it was thought expedient that the "chakker" should begin on 1st August, 1581; and, because of the great and long-continued disobedience of sundry sheriffs, stewards, baillies, provosts, aldermen, and others, these officers should be charged to appear before our Lords auditors at the day appointed to make compt in the chakker, under pain of rebellion and putting to the horn.

Horning upon my Lord Maxwell for chaker maills. On 29th June, 1581, John, Lord Maxwell, was charged by John Adie, messenger, to make compt of the Stewartry of Kirkcudbright and Annandale before these witnesses—Robert Gordoun of Airds, Robert Murheid [] to the same lord, Robert Charteris of Kelwod, John Andersone, [], Gordoun, laird of Troquhain, and Donald Adie, his servant; and on 12th September he was put to the horn. Witnesses, John Calder, pursuivant, and John Anderson, messenger.

[201] 15th September, 1581.

Anent the fence laid on a booth pertaining to John Rig, Peter's son, and on the gear therein belonging, as it was alleged, to John Bell, merchant, at the instance of Thomas Martine, compeared in presence of the sheriff depute, Thomas Bell, who alleged that he had certain gear in the said booth, that he had opened the door, and that there were 17 pieces of kelt, three pieces of blue wodschof called peevy, and a piece of green of cairsay grene, and that, the door being locked again, Niniane Creichtoun, officer of the said sheriff, commanded John Rig that "he sould not lat the geir depert out of his hous qlk cawtion war fundin as law will under perell of law. And he said yt the buth wes thair and baid thaime do yrwith as thai plesit he will have nocht ado yrwith and protestit of ane notar that he incurrit na skaith yrthrew." Notwithstanding he was commanded of new again to keep the gear in his booth, and that an inventory should be made thereof; and thereafter Archibald M'Brair protested that it should remain there, and be answerable at his instance, because the said John Bell was indebted to him, and thereupon took act.

[202] 17th July, 1581.

Letters dated 6th of [] and recorded 17th July, 1581, directing Mr Thomas Maxwell, vicar of Dumfries, and others to be charged to compear and Mr

Thomas to be relaxed. The letters proceed on the complaint of Mr Thomas Maxwell, vicar of Dumfries, that he had been charged to make payment to John, Earl of Montrose, Collector-General appointed for ingathering the taxation of £40,000 of all the lieges of the sum of £8 15s as the tax for the vicarage of Dumfries, and of £4 3s as the tax for Trailtrow and Reidkirk, within 15 days after the charge. The sheriff officer put him or intended to put him to the horn, and left the district, so that Mr Thomas, although ready to pay, could not " apprehend " him to make payment.

[203] [] August, 1581.

Letters of removing dated 22nd June and recorded, with the executions, [] August, 1581, narrating that William Hammiltoun of Ellershaw had obtained a decree before the Lords of Council against Andrew Johnstone, Finlaw Johnstone, his brother in Kirkton, Robert Johnstone in Mossope, William Johnstone there, John Johnstone in Eirshak, Wilking Johnstone, Gawine Johnstone, John Johnstone in Middelgill, John Halliday in Ruffus, Bernard Haliday in Middelgill, Thomas Merjoribanks there, and William Blaklaw in Ruffes, James Galloway in Litell Mossope, Adam Galloway there, Adam Henderson there, Thomas Lowrie there, Martin Hendrie there, Patrick Lowrie in Hartupe, Adam Glendonyng in Kendelheid, Michael Makvitie in Ovir Clinche, Gawine Makvitie in Kendelheid, James Graham there, John Thomsone in Langvidden, and David Ewart in Middelgill, tenants and occupiers of the 6 merkland of Sweitschaw, the two merkland of Cruikburne, called Quhyutsyde, and the half merkland of Cruikburneheid called Queitholme, parts and pertinents of the 20 merkland of Ellershaw, within the barony and parish of Crawford Douglas, and Sherifffdom of Lanark. The defenders were charged to remove and were eventually put to the horn. Witnesses to the exe-

cutions, John and Walter Hammiltoone, David Willisone in Crawfordjohn, John Blak, Herbert Anderson, John Johnstone, Thomas Johnstone, and Andrew Creighton.

[204] 12th March, 1581-82 (?).

Letters of relaxation of John Porter in Glenslan, dated [] March, and recorded 12th March, 1581-82, proceeding on the narrative that the said John had been put to the horn for non-compearance before the King's Justice or his deputes on a certain day appointed to underlie the law for being art and part in the mutilation of Gilchrist [] day in Glencarne of his right hand, and also for the alleged oppression of the lieges in the receiving of okir, and that as he had found caution he should be relaxed.

[205] 19th March, 1581-82.

Letters of relaxation of Roger Greirson of Lag, dated 8th and recorded 19th March, 1581-82, proceeding on the said Roger's complaint that James Johnstone, son of John Johnstone of that ilk, commendator of the Abbey of Holywood, had, by general letters in all four forms, purchased at his instance against the feuers, rentallers, tenants, occupiers, &c., of the lands, maills, teinds, profits, emoluments, &c., belonging to the said Abbey, charged the said Roger as tackman of the teind sheaves of the parish church of Tynron, pertaining to the said Abbey, to make payment of the duties contained in his tack amounting to £30 for the year 1580 and for future years during his lifetime conform to his provision under pain of rebellion and putting to the horn. Johnstone put the said complainer to the horn or intended to do so. At the same time William Creighton, son of William Creighton of Luberre, alleged that he was provided in a pension of 10 merks yearly to be uplifted out of the said profits, &c. In this state of matters the said Roger was relaxed.

[206] 11th May, 1582.

Maxwell of Dinwuddie.

Letters dated 30th April and recorded 11th May, 1582, directing that Sir Robert Maxwell of Dinwuddie and others be charged to compear, and that Sir Robert be relaxed. The letters proceed on the complaint of the said Sir Robert that Henrie Levingstoun, son of John Levingstoun of Atonne, had a gift of the goods and gear belonging to the complainer which had been escheated in consequence of a charge upon him at the instance of Adame, commendator of Cambuskenneth, collector general of the teinds of the benefices within the realm, to pay the sum of 20 merks for the whole parsonage of Annan, assigned to an unplaced minister out of the crop of 1581, and in respect of his alleged failure to pay the sum of £14 for the parsonage of Kirkmahoe, assigned in the said year to an unplaced minister out of the foresaid crop. Howbeit the letters and executions thereon were evil executed, because the collector-general had no right to the sum for Annan, because Andrew Bartoun had ever since July, 1560, the date of his provision, been undoubted parson of the said parsonage, and had letters of the Lords of Council entitling him to the emoluments thereof for his lifetime. Secondly, as to Kirkmahoe, John Stewart, son of umquhile Alexander Stewart, had been parson of the said parish long before the alleged charge upon the complainer, and had obtained letters from the Lords of Council, entitling him to the emoluments for his lifetime. Witness to the relaxation, Herbert Maxwell of Lochflatt [].

[207] 11th May, 1582.

Letters dated 1st and recorded 11th May, 1582, directing that Sir Robert Maxwell of Dinwuddie and others be charged to compear, and that Sir Robert be relaxed. The letters proceed on the complaint of the said Sir Robert, feuer of the lands of Muirsyde and Mekilfeild, and John Hand and Hew Harper, tenants thereof

respectively, that James Johnstone, commendator of the Abbey of Holywood, son of John Johnstone of that Ilk, alleging right to the feu maills of the said lands, charged the complainers to pay them to him for his lifetime, conform to his provision. On the other hand, Archibald, Robert and Robert Maxwell, sons of Robert Maxwell of Cowhill, alleged that they were entitled to a pension of £32 16s 8d for their lives to be uplifted out of the emoluments of the abbacy, and the following lands were assigned for payment thereof, viz. : The merkland of Mekillfeild, the merkland of Muirsyde, the merkland of Glen[], the 10s land of Tounheid, the merkland of Fischeholme, the 24s 4d worth of land of Moss-syde, the 5 [] adjacent to the lands of Tounheid, the 7s 6d worth of land and half merkland of Strauchholme, the 40s land of Lochfut, the 14s land of Straid, the 40s land of Killelong, the 2½ merkland of Ovir Killelong, the 40s land of Cowhill, the 20s land of Hoiltoune, the 20s land of Gulliehill, the feu maills of the fishings of the water of Nyth, and troubled, molested, and poynded the complainers for the said maills. Sir Robert professed himself ready to make payment to the party found entitled. Witnesses : Patrick Vans of Barnbarroch, Thomas Kennedy of Culzean, tutor of Casselis; John, abbot of Salsyde; Herbert Maxwell of Lochflatt.

[208] 4th June, 1582.

Letters of suspension recorded on above date proceeding on the complaint of Archibald M'Brair of Almagill that there pertained to him in heritage, a tenement of Kirkland called the New Wark, for payment yearly of £6 13s 4d, and that John Sinclair, reader at the Kirk of Dumfries, troubled him for payment of 10 merks which he alleged had been assigned to him as part of his stipend for the crops and years 1578-1579, furth of the chaplaincy of St. Nicholas, situated within the said parish kirk, to which the said lands and tenement pertained as the whole patrimony of the same; further,

that Thomas M'Brair, son of umquhile Thomas M'Brair, burghess of Dumfries, as chaplain of the said chaplaincy, compelled the complainer to make payment to him of the feu maills of the said tenement; and, thirdly, that Adam, commendator of Cambuskenneth, as collector-general, claimed right to the third part of the said feu maills, and charged the complainer to pay the said third under pain of rebellion and putting to the horn. Further, the complainer alleged that on his complaint the Lords of Council decerned him to make payment to Thomas M'Brair as having the best right, and prohibited the other parties from troubling him in the said matter. Accordingly all letters were suspended except those purchased by the said Thomas.

[209] 25th June, 1582.

[] Wallace in Kerzeild was acted to pay the sum of £6 with a firloft of beir of the first of the new corn to David Jaksone in Muirsyde, at Michaelmas next. The sheriff depute ordained act. Witnesses, James Jaksone in Carzeild and Herbert Cunynghame, notary.

[210] Same Day.

John Wallace in Drumbank was acted to pay to Michael Wallace and Archibald Wallace, both in Drumbank, the sum of £80 equally between them, by certain instalments, for completing of a bill of marriage between Jenet and Bessie Wallace, his daughters, in name of tocher. Witnesses: John Wallace in Carzeild; John, William, and Robert Wallace, there brother.

[211] Same Day.

Letters (date obliterated), recorded 25th June, 1582, directing that James Rob, Thomas Rob, John Cammok, John Scott, Thomas Corson, and others be charged to compear, and that the parties above named be relaxed. The letters proceed on the complaint of James Rob, Thomas Rob, John Cammok, John Scot, and Thomas Trustrie that Robert Douglas, provost of Lin-

cluden, alleged superior, obtained decree from the Lords of Council against the said complainers that they should compear and produce the evidents of the lands underwritten, and charged them thereupon. The complainers were always ready to produce the writs in question, and indeed did produce them to the Lords of Council, viz. : Charter, precept and instrument of sasine of a 40d land, the 6 merkland of Ovir Dauchtie, granted by the provost and prebendaries of Lincluden to James Rob; a charter, precept and instrument of sasine of another 40d land of Ovir Dauchtie by the same granters to Thomas Rob; a charter, precept and instrument of sasine of 10s land of the said 6 merkland of Ovir Dauchtie by the same granters to John Cammok; a charter, precept and instrument of sasine of a 22½ pennyland of Staikfuird by the same granters to John Scot; and a charter, precept and instrument of sasine of a 45d land of Staikfurd and a 10s land in Troqueer by the same granters to Thomas Trustrie, all lying in the barony of Drumsleit and Stewartry of Kirkcudbright. Witnesses to the relaxations : David Welsh; his servants, John Shortrig, Gilbert Crokot and James Sloane; William Mosman, John Mosman, William Murray, William Lang, Alexander Reid, Herbert Anderson, John M'Ghie, notary; Andrew Moresoun, John Maxwell, Patrik's son, and John Morin, James Rob, and John Scot, burgesses of Dumfries.

[212] 2nd July, 1582.

Robert Hereis of Maby acted himself to pay to Cuthbert Cunynghame of Castelfarne, at Martinmas next, the sum of 200 merks on behalf of Bessie Cunynghame and Harbert Lindsay, tutor of Fairgirth, her spouse for his interest. Present (?), Edward Hereis in Knokinshenoch and John Hereis in Crochmoir.

[213] 22nd July, 1582 (Deleted).

Castelfarne.

John Batye, burgess in Dumfries, acted himself to pay

the sum of 200 merks at Candlemas [] to Cuthbert Cunyngham in Castellfarne, as cautioner for Edward Caton (?) in Gordistoun. The sheriff depute, &c. [See Introduction.]

[214] 25th May, 1579.

Macmordye in Hilane.

Thomas Edzar in Glengaber, parish of Holywood, acted himself to pay the sum of £10 to William Macmordye, together with a boll of meal, measure of Nith, between Yule and Candlemas next. The sheriff depute, &c. [See Introduction.]

[215] 15th September, 1581.

Protest against Andrew Cunynghame's refusal to record letters of horning at the instance of [] Birkschaw against Bartholomew Smart and John Smart, his son, in respect of their disregard of a charge to remove from the lands of Makquharren. Witnesses, Michael Cairlell, M. Asloan, M. David Maxwell.

[216] 25th September, 1581.

Andrew Cunynghame of Birkschaw personally premonished Thomas Kirkpatrik, brother of Friercars, to compear at the time and place contained in a reversion for release of an annual rent of 20 merks which the said Thomas had secured on the said Andrew's lands.

[217] [] October, 1581 (?).

Roger Greirson in Bir[] acted himself to pay the sum of [] merks to Ninian and Andrew Greir in Birgerhill. Andrew bound himself to repay the said sum of 40 merks at Martinmas, 1582, and he and Ninion bound themselves to deliver certain bolls of meal.

[218] 10th October, 1581.

Welsche (Deleted).

John Johnstone, burges in Dumfries, [] litill John, as cautioner, and William Johnstone, [] acted themselves to pay the sum of 100 [] to

[] Welsche in Collistoun. The sheriff depute ordained act.

[219] Date (?).

Agreement dated, at Dumfries, 20th September, 1581, between Thomas Martin, burgess in Dumfries, and John Bell, traveller and merchant in England. Bell owed 360 merks to Martin, and, being unable to pay, bound himself to pay the sum of 40 merks down and the sum of 40 merks at two terms yearly until the whole sum was paid. The parties consented to registration in the Sheriff Court Books. Witnesses, John Johnstone, Townheid, burgess in Dumfries,* and Thomas Bell, burgess of Annan.

[220] 17th June, 1580.

Bond by Harbert Wallace, son of William Wallace in Carrezeld, to pay the sum of 10s, together with 10 pecks of bere, sufficient, measure of Nith, to Adam Lawder (?).

[221] Date (?).

A fence laid on in the house of John Birkmair at the instance of Edward (?) Makin.

[222] Date (?).

Letters dated 9th August, 1582, and recorded [], directing that John, Earl of Mortoun, Lord Maxwell, be charged the value of certain cattle. The letters proceeded on the complaint of George Tindell (?) of Woyle burgess of Jedburgh, that 40 "ky and oxin" had been violently taken from his steading of Woyle by certain persons, tenants and dependants of the said Earl, and that he had charged the said Earl upon other letters to pay the value of the animals taken. The Earl, however, disregarded the charge. On 14th August, 1582, the said Earl was put to the horn. Witnesses to the executions, Duncan Ritcheson, William Smyth, Nicoll Newall, messenger, James Coplace, and Harbert Maxwell in Quhitehill, burgesses of Dumfries.

[223] [] March, 1580-81.

Executions of charge [date obliterated] recorded as above upon letters purchased by James Johnstone, commendator of the Abbey of Holywood, upon John, Lord Maxwell, John Maxwell in Baltarsane, Roger Greirson of Lag, Robert Kirkpatrik of Brekauche, and Robert Maxwell of Cowhill, Baltersane being tacksman of the meadow and mains of Holywood, Lag of the teinds of the parsonage of Tynron, and Brekauche of the teindsheaves of Brekauche, to make payment to him of all dues for the year 1580. Witnesses to the executions, James Faress, John Maxwell, Thomas Edzar in Holme, Mr William Houstone, Cuthbert Greirson in Lag, Thomas Scot, Robert Mathisoune, David Maxwell, Wattie Scot of Cowden, and Thomas Scott, messenger.

[224] Date (?).

Tax for the Brig of Tay.

Letters of King James. . . . Forasmuch as we and the three estates of our realm, understanding that the Brig of Tay foreanent our burgh of Perth, has fallen into decay, and that the provost, council and community thereof have already disbursed for help and support of the same, not only their common good but sundry taxations and voluntary contributions. These did not suffice, and the Parliament ordained that a general taxation of 10,000 merks should be uplifted out of the whole levies of the realm for maintaining the same, conform to the said Act. And, seeing that delay may be prejudicial, it has accordingly been ordained that money be uplifted betwixt and first June next of all the lieges in the following proportions, viz. : £2424 4s 10d of the spiritual estate, £2424 4s 10d of the Baronies and Feus, £1212 2s 5d of the burghs, and £606 16d in complete payment of the said taxation by the feuers, tenants, and occupiers of our property. Our will is that ye charge all abbots, priors, and other beneficed persons to make payment of their

proportions, and for relief of the said prelates and beneficed men charge their feuars, freeholders, vassals and sub-vassals, ladies of terce, conjunct fears and liferenters to make payment of their part of the tax *pro ratâ*, and for bringing in of the baronies' and freeholders' part there shall be uplifted 2s 6d out of every poundland. Instructions follow addressed to sheriffs, stewards, magistrates, &c., as to uplifting the tax, stenting the inhabitants of burghs, &c. (Date obliterated.)

On 8th March, 1582-83, William Creightoun, tutor of Sanquhar, sheriff of Dumfries, was charged and put to the horn with escheat of his goods. Witnesses, Archibald Cunynghame, Archibald Gardener, James Creichtoun of Kirkconnell, Peter Davidson, Herbert Ranying, younger, Archibald Gordone, Archibald Newall and Nicoll Newall, messengers; John Herrone in Altoun; Ritchie and John, servants to the said Tutor.

[225] 19th June, 1581.

Letters of Horning dated 18th and recorded 19th June, 1581, at the instance of the Commendator of the Abbey of Holywood, against his tenants in respect of non-payment of the rents, &c., for the year 1580.

[226] 19th September, 1582.

Letters dated [] xv year of reign and recorded 19th September, 158[], directing that John Maitland of Auchingassil and others be charged to observe a decree of cognition and division. The letters proceed on the complaint of John, Earl of Mortoun, Lord Maxwell, against John Maitland of Auchingassil, Marion Makcawill of Eschetries, John Maitland, her spouse, John Mulikane of Blakmyr, William, Earl of Gowrie, Lord Ruthven, King's Treasurer, and Mr David M'Gill of Nesbit, King's Advocate. The said Earl of Mortoun had obtained a decree before certain Commissioners constituted sheriffs in that part to cognose and divide the lands of Greinholme (mention made of a bank " be

Sanct Cillie well rak as the same ryns to the Water of Nyth ") within the barony of Mortoun specified in an action of molestation pursued by him against the parties aforesaid, concluding that they should desist from troubling him and his tenants in their possession of the said lands. The defenders were charged to observe the said decree, and, on their failure to do so, were put to the horn.

Witnesses to the executions, John Ireland, John Kirkpatrick, Mungo Douglas in Hillhous, James Douglas, his son, Andrew Murheid, Thomas Bayte, George Aikman, burges of Edinburgh, Archibald Boid, tailor, Andrew Maxwell, glover, and David Raa, burgeses of Dumfries.

[227] 9th October, 1582.

Letters dated 10th December, 1578, and recorded 9th October, 1582, commanding certain persons to satisfy the requirements of the Commissaries of Edinburgh, under the pain of rebellion, &c., purchased by John Leirmonth and Robert Daunelstone, procurators-fiscal, and Duncane Levingstone, co-notary of the Commissariat of Edinburgh, against the following persons who had failed to present inventories and confirm to the estates of certain persons deceased, viz. : Robert Douglas, provost of Lincluden, universal intromitter with the goods of umquhile Patrik Douglas, baillie of Mortoun; Katherine Maxwell oy and executor and intromittor with the goods of her gudschire, George Maxwell, burges of Dumfries; Thomas Kirkpatrick, guidman of Friercars of Aleisland in Dunscore parish, intromittor to umquhile Janet Gordone, his spouse; Jonet Greirson and Robert Neilsoun, her son, executors and intromittors to umquhile John Neilson of Barnsoul, her spouse and his father. Witnesses to the executions, William Lytbodye, Hew Douglas, William Cunynghame, John M'Ghie, Archibald Weir, William Edzar, Herbert Wod, and Philip Kirkpatrick, burgeses of Dumfries, and Alexander Blak.

[228] 29th October, 1582.

Letters dated 14th and recorded 29th October, 1582, directing that William Creichton, tutor of Sanquhar, and others be charged to compear, and that the said William, on production of certain documents, be relaxed. The letters proceed on the complaint of the said William that William Creichtoun of Libree, son and heir of umquhile Edward Creightoun of Libree, alleged that he had obtained a decree of the Lords of Council against the complainer with other letters in four forms, charging him as sheriff wardane of Dumfries to deliver to him the principal decreet arbitral presented before the said tutor at a sheriff court held on 3rd July, 1578, by the said Edward for instruction of his action against John Fischar for defence of his lands, with expenses, under pain of rebellion and putting to the horn. The complainer craved to be relaxed on production. The complainer was relaxed. Witnesses to the relaxation, James Makcall, William Sinclair, younger of Auchinfranco, John Sinclair, his brother, Hercules Stewart, vicar of Holywood.

[229] 20th November, 1582.

Letters undated and recorded 20th November, 1582, at the instance of Adame, commendator of Cambuskenneth, collector of the thirds of benefices resting undisposed and unassigned to ministers and readers, and of the rents omitted to be given up in rentals, pensions, &c., ordaining that after proclamation made at the market crosses, Dunbarton, Glasgow, Paisley, Wigton, Dumfries, Lanark, and other places, all bishops and other prelates, and all fermorars, rentallers, tenants, and intromittors, with all lands, kirks, teinds, rents, &c., should be charged to make payment to the complainer. Witnesses to the executions of charges against John Johnstone of that ilk for the superplus of the Abbacie of Holywood, 1581, and the unplaced ministers' stipends of Moffat and Kirkpatrick-Juxta: John, Lord Hereis, for the super-

plus of [] and the unplaced reader's stipend at Kirkmabrek and the unplaced minister's stipend at Kirkgunzeon; Robert Dowglas, provost of Lincluden, and William Creichton, tutor of Sanquhar, [] Lincluden, [], Glencarn, [] Car-laverock, and Sanquhar; Gilbert Johnston of Wamfrey and [] Graham of Gillesbie, of the unplaced minister's stipend of Wamfrey, and the unplaced reader's stipend at Hutoun; Robe Ewart in Litill Aidrie and Matthew Clerk in Netherkill (?) for the unplaced reader's stipend at Kirkbean; John Kennedy of Bargaltoun, Matthew M'Crobar, John Cogan, William Sinclair of [], John Newall and Robert Wytman, burgesses of Dumfries.

[230] 11th December, 1581.

Letters dated 11th November and recorded 11th December, 1581, directing that John, Lord Heris, and others be charged to compear, and that his lordship be relaxed. The letters proceed on the complaint of John, Lord Heris, and Edward, commendator of Dundranane, his son, that they had been charged by John, Earl of Montrose, collector of the taxation of £40,000, to pay for the Abbey of Dundranane and parsonage of Kirkgunzeane, and their lands of Terreglis, Kirkgunzeane, Ur, Spottes, Barnbachell, and Tomnycht (?), and for alleged non-payment had been wrongeously put to the horn, as they have been informed. Yet true it is that before the said denunciation, the complainers had paid the full taxation, and hold acquittances therefor. Witnesses to the relaxation, Nicol Maxwell of Arklandis, Thomas Cant, maltman, Herbert Anderson, Sir John Sinclair and James Carrok, browster to Lord Maxwell.

[231] 10th September, 1582.

John Murdoch in Braidwell acted himself to deliver to Robert Murdoch in Dumfries a cow and a coddoch pertaining to the said Robert which were in the said John's possession.

[232] 15th March, 1582-83.

Moryng.

Roger Greirsonne in Barquhragane was acted cautioner for Thomas Greirsonne of Poundland to pay to Peter Moryng in Moryngstoun in Holywood the sum of £22, the said Thomas binding himself to relieve the said Roger.

[233] 12th March, 1582-83.

Maxwell in Barshell.

Bond by Herbert Wallace, son of umquhile William Wallace in Carzeld, and Isobel Jaksone, his spouse, to pay to Herbert Maxwell, son of James Maxwell in Barshell, and to Janet Jackson, his spouse, the sum of £20 and to deliver to him 18 pecks of beir, measure of Nith. Witnesses, Andrew Cunynghame, John Jackson in Muirsyde, Robert Grier in Straquhan.

[234] 25th November, 1582.

James Craik acted himself to pay to John Jackson in Muirsyde 37s, being the value of []. Thomas Maxwell, younger of Kelton (?), John Johnstone, lytell John; [] Maxwell in Bordland.

[235] 15th January, 1582-83.

Bond dated 6th June, 1581, and registered* 15th January, 1582-83, by John Howat in Twenty Shillingland to pay to Gilbert Kirkhaucht of Sodaywell the sum of £91, and that on behalf of Andrew Cunynghame of Birkschaw, who was indebted in that sum as cautioner for Cuthbert M'Conker. The said Cuthbert bound himself to free and keep scaithless the said John at the hands of the said Gilbert. Witnesses, Robert Maxwell in Fourmerkland, Robert Cunynghame in Snaid, Sir John Lauder, notary public, and Andrew Cunynghame of Birkschaw.

[236] 1st December, 1582.

Letters dated [], 1582, and recorded 1st December, 1582, directing that John, Lord Maxwell, and

* In the clause of registration Nicoll Newall is mentioned as one of the Sheriff Deputes of Dumfries.

Michaell Cairlell be charged to deliver the Castle of Torthorwald to George Douglas of Parkheid, and proceeding on the narrative that in March, 1580, the said George Douglas, being in peaceable possession of the Castle of Torthorwald, had been charged by the King's authority to deliver it to the messenger executing the charge, and to remove himself and his servants from it; that he delivered it to the said messenger, who, by the King's command, conveyed it to John, Lord Maxwell, and Michael Cairlell; and that the King desired to restore the said George Douglas to the offices and lands of which he had been deprived. Witnesses to the executions, Gavine Douglas in Wattersyde, Edward Neilsoun, servant to the said Michael Cairlell, William Smyth, writer and procurator to the said Lord Maxwell, John Maknacht of Kilquhanedie, James Rig, chirurgeon, Alexander Walker, James Haliday, servants to the said Michael. Eustace Creichton, messenger, passed to Lord Maxwell's dwelling-place in the Castle of Drumfries, and offered the charge to Dame Elizabeth Douglas, his spouse, and to John M'Knacht in Kilquhanedie, his servant, who refused the same; and at Torthorwald he commanded Grisell Maxwell, spouse to Michael Cairlell, to remove and deliver it to him, to George Douglas or his procurators, James Ingles in Waterside and William Ingles in Rendshaw.

[237] 5th December, 1582.

Horning upon the Armstrangis.

Letters dated 22nd November and recorded 5th December, 1582, directing that certain Armstrongs be charged to find security for their compearance and on failure to be put to the horn, and proceeding on the complaint of John Menzies of Coutarris (Culterhallis) and John Blak, his servant, Robert Brown in Coutar, Andrew Creichtone there, George Weir in Libertoun, Hew Aitkene there, William Fyschar there, John Mossman there, Alexander Pain there,

Symon Mossman there, Thomas Somerwell there, Mychaell Thomsons there, James Mossman there, James Clerk there, James Clerk, younger, there, John Somerwell there, Symond Fyschar there, and Mr David M'Gill of Nesbit, the King's advocate, against Sandiis Ringane Armstrong, brother germane of Will of Kynmont, Sandiis Fergie Armstrong in Kirtillheid, Sandiis Rob Armstrong, Sandiis Jok Armstrong called Wallis, Jok Armstrong called Castellis, Geordie Armstrong, Francie and Thom Armstrong, sons to Will of Kynmont, John Armstrong of Hollhouse (Hoilhouse), Christie Armstrong of Barcleis (Barngleis), his brother, Sym Armstrong of Ralsonne (?), Hew Maid Ringand Armstrong, bastard son to Will of Kynmont, James Armstrong of Cannabie, Ringanis Thom Armstrong, young Christie Armstrong of Auchingavill, Christie Cowart, Jok Moffett of Helbekis (Hilbykis), James Armstrong of Cabilgill, Robert Heleday, and Ronnie Armstrong in Carrentoun, who, with a great number of thieves and broken men to the number of 100 or thereby, bodin in feir of weir with jakis, spears, steilbonets, &c., forbidden to be borne or used by Acts of the King's Secret Council, having conceived deadly rancour against the complainers came to the lands of Libertoun, and took away 12 score sheep. This having come to the complainers' knowledge, they convened themselves quietly and soberly and followed the said thieves for two days, till they came to Glengayre shiel. There the said thieves attacked them and took them captive to the places of Kirtileheid, Auchinbeg, Barcleis (Barngleis), Carcane, and Auchingavill, and held them for ransom. Witnesses to the executions, John Blythe (?), John Andersoun, Cuthbert Shairp, James Maxwell, John Graham, brother of Gelesbe, Herbert Bell, George Maxwell, John Irving [], burgesses of Dumfries.*

* For full transcript see these *Trans.*, 1910-11, p. 298-302.

[238]

31st December, 1582.

Letters of horning dated [. . .] and registered 31st December, 1582, directing that John, Earl of Mortoun, Lord Maxwell, be put to the horn for failure to compare when summoned together with John, Lord Heres, James Douglas of Drumlanrig, Robert Douglas, provost of Lincluden, John Johnstone of that Ilk, and Alexander Jardine of Apilgerth, before the Lords of the King's Secret Council on a certain day bypast to give them good advice and counsel for putting an end to stouthis, reiffis, herschippis," &c., of the thieves and broken inhabitants of the Borders of the realm, and for establishing good rule, under pain of rebellion and putting to the horn. Drumlanrig, the Provost of Lincluden, Apilgerth and Johnstone, compeared personally and gave advice in writing touching the quieting of the Border, and Lord Heris compeared by William, master of Hereis, his son, who had also given his advice in writing; but the Earl failed to compare. Witnesses to the execution, Archibald M'Brair, provost, Robert M'Kynnell and John Marshall, bailies, William Johnston, Robert Raa.

[239]

14th January, 1582-83.

Letters of arrestment and inhibition dated 7th August, 1582, and recorded 14th January, 1582-83, against Alexander Cairlell, called reid Alexander, dwelling in the Kirkland of Pennersax, proceeding on the complaint of Cristell Irving of Bonshaw, who had obtained decree of the Lords of the King's Council decerning the said Alexander to have violently evicted the said Cristell furth of the £10 land of Egilfechane, *alias* Bellochheid, with house, &c., lying in the Stewartry of Annandale and sheriffdom of Dumfries, in August, 1569, and withheld them and the profits thereof until 7th November, 1581, and that he should desist therefrom, and pay the profits which he had uplifted during that space of time to the said complainer. The letters direct that the said Alexander's

goods, especially the rents of the said lands, should be arrested, and that he should be inhibited from disposing of the lands or giving tacks thereof. Witnesses to the executions, John Johnstone, John Irving, John Smyth, John Thomsone, Patrik Johnstone, John (?), David Johnstone in Milnbank, John Andersone, Patrik Moffett in Canonbie, Roger Lattimer, Archibald M'Brair, provost of Dumfries, Thomas Edzar of Bow-hous, John Irving, burgess of Dumfries, Nicoll Newall, messenger, and Herbert Anderson.

[240] 15th January, 1582-83.

Letters dated 10th and recorded 15th January, 1582-83, directing that certain letters be suspended, and that William Creichton, tutor of Sanquhar, be relaxed. The said William complained that William Creichton of Libere, alleging that the said William had by contract agreed to dispone to him the right, kindness and tacks of a piece of land in the Mains of Sanquhar called the Brumelandis, and to fulfil divers other obligations under the said contract, had raised letters and caused charge the said complainer to keep the said contract, intending to put him to the horn; and that wrongously because the said letters did not specify any particular clause which he would have fulfilled by the complainer, and the said complainer knew not of any clauses which he had not fulfilled. Accordingly, the complainer, being uncertain what he had to answer, craved that the letters should be suspended and the complainer should be relaxed. Witnesses to the relaxation, James Johnstone and William Bell, flesher [].

[241] 20th January, 1582-83.

Letters dated [] and recorded 20th January, 1582-83, directing that the goods of Robert Johnstone, parson of Lochmaben, be arrested and brought in to John Carrutheris, son of George Carrutheris of Holmends, on his complaint that albeit he was entitled by the King's gift to the

escheat of the goods moveable and immoveable which pertained to Robert Johnstone at the time of his denunciation to the horn, and by deliverance of the Lords of Council upon other letters for non-delivery to Nicolas Douglas, relict of umquhile John Johnstone of that Ilk, of the house of Lochhouse with its contents, yet the intromittors therewith would not answer or obey to the said complainer as donator. Witnesses to the execution, George Carruthers of Holmends, Symon, his brother, Thomas Gilheggie in Carnesalloch, Andrew Maxwell, glover, called Mr Andrew, Walter Gledstanis of Craigis and Adam Walker, burgess of Dumfries. And passing to the personal presence of John, Earl of Morton, and Sir Robert Maxwell of Dunwuddie, John Anderson, messenger, arrested all sums of money owing to the said Robert Johnston especially 100 merks for the last terms duties of the Kirk of Lochmaben. Witnesses : Mr William Houstone, parson of Castlemilk, and John Edgar, seneshall to Lord Morton.

[242] Date (?).

Letters dated 4th February, 1582-83, and recorded 8th March, proceeding on the narrative that the lords auditors of Exchequer had, at the desire of William Murray of Tullibardine, knight, late controller to the King, assigned him the last day of June bypast for making count, reckoning and payment of his intromissions with the rents and duties of the Crown's property for the term of Martinmas, 1581, and the arrears pertaining thereto, and that certain sheriffs, stewarts, provosts, chamberlains, and intromittors with the said rents, &c., who were bound to compear yearly for inbringing of their accounts, had fraudulently absented themselves and failed to make count, reckoning and payment since the date of their last discharge, and that in consequence thereof the said controller was unable to make count, reckoning and payment of the debts contracted by him, directed that the persons

underwritten be charged to compear and make count, reckoning, and payment, viz. : John Campbell of Cadboll, sheriff of Nairn, Patrick, Master of Gray, sheriff of Forfar, Wm. Douglas of Cavers, sheriff of Roxburgh, John Stewart, sheriff of Bute, Matthew Campbell of Lowdene, sheriff of Ayr, Patrick Agnew of Lochnew, sheriff of Wigton, William Stewart of Monkton, sheriff of Lanark, the Earl of Bothwell, Dame Margaret Douglas, Countess of Bothwell, his spouse, Walter Scott of Branxholm, hir son, and James Scot of Quithop, chamberlains and receivers of the King's duties of Ettrick; William Creichton, tutor of Sanguhar, sheriff depute of the sheriffdom of Dumfries, Alexander Lowhome, chamberlain of the Earldom of March, [] Patrik, Lord Drummond, Stewart of Stratherne, [] chamberlain of Linlithgowshire, Thomas Kennedy of Culzean [] Cassilis, receivers of Carrick, Leswalt and , and David Crawford, receiver of the customs of Air.

On 8th March, 1582-83, the said William Creichton was put to the horn. Witnesses, Nicoll, Newall, James Mathison, messengers, Herbert Ranyng, younger, and Mr Homer Maxwell, Commissary of Dumfries.

[243]

Date (?).

Letters dated 29th March, 1582-83, and recorded [], directing the parties mentioned below to compear and John, Lord Maxwell, and Michael, Lord Cairlell of Torthorwald, to be relaxed. The letters proceed on the complaint of the said Lords that whereas they had been charged to deliver the Castle of Torthorwald to George Douglas of Parkheid, or to anyone in his name within a certain time after the charge under pain of rebellion and putting to the horn, the said George Douglas had denounced or intended to denounce the said complainers and put them to the horn upon other letters, and that wrongously, for the said complainers had

been given no opportunity of stating their defences; besides they were ever ready to deliver the said castle in obedience to the said charge without prejudice to their heritable right thereto; and, further, they had delivered the said castle to Eustache Crychtone, the executor of the said charge, Captain Andrew Lamby, who with his men was to keep the castle, and James and George, sons of the said George Douglas. Witnesses to the execution: Edward Maxwell of Drumcoltram, Mr Homer Maxwell, commissary of Dumfries, Archibald M'Brair, provost thereof, Herbert Anderson and Herbert Cunningham, notaries.

[244] 6th May, 1583.

Ninian Creichton, sheriff officer, poidned two "naigis" pertaining to Cuthbert Mattercur (?) as principal debtor, at the instance of John Howat, cautioner for him to Gilbert Kirko of Sundaywell in the sum of £91 2s, under an obligation registered in the Sheriff Court Books, and to which the sheriff depute had interponed his interlocutor.

[245] 28th May, 1583.

Letters dated 14th October, 1576, and recorded 23rd May, 1583, directing that the tenants of the lands underwritten be charged to make payment of the maills thereof to Symon Johnstone, brother of John, commendator of Saulset, and discharge Alexander Kirkpatrik of Kirkmychell and his curators from molesting them under pain of rebellion and putting to the horn. The letters proceed on the complaint of the said Symon that John Johnstone in Raahill, James Johnstone, Matthew Burnie, Nicoll Johnstone, John Patersone, Richard Patersone, and the remanent tenants and occupiers of the lands of Molene Raahill, Cranzantoune and Wolfgillis, lying in the parish of Garwell and sherifffdom of Dumfries, called and convened (1) Alexander Kirkpatrik of Kirkmychell, Margaret Carnis, his mother, Roger Kirkpatrik of Cloisburne, and Thomas Kirkpatrik of Elisland, tutors and

curators to the said Alexander, for their interest; (2) the said Margaret Carnis; and (3) the said complainer, touching the production of their titles to be seen and considered by the Lords of Council, so that the said Lords might determine which of them had best right to the rents of the lands above mentioned, and to ordain the tenants to pay to the party found entitled. The Lords decerned the tenants to pay to the said Symon Johnstone, conformably to the charter, dated 29th April, 1564, granted in his favour by umquhile Sir William Kirkpatrick of Kirkmichell. Witnesses to the executions, Edward Maxwell of Tinwald, Andrew Johnstone, servant to the Abbot of Saulset, Herbert Kirkpatrick, Adam Cather, servant to Lord Seytoun, Adam Harlaw at the West Port, Hew Kennedy, Roger Kirkpatrick of Closeburn, Richie Edzar in Cristenehill, David Edzar in Guliehill, Herbert Anderson, notary, and George Rig.

[246] 28th May, 1583.

Letters dated 2nd December, 1576, and recorded 28th May, 1583, proceeding upon the complaint of Symon Johnstone, brother of John, commendator of Soulset, that he has obtained decree of removing against the persons underwritten, being tenants of his lands of Melane, Cranzantoun, and Wolfgillis, lying within the barony of Kirkmychell, and directing that they be charged to remove, viz. : John Johnstone in Raahill, Nicoll Johnstone, his brother, Matthew Burnie, Thomas Lowrie, Herbert Paterson, Robert Paterson, James Coipland, tenants of the lands of Raahills; Symon Johnstone in Cartarton, Robert Grahame, William Lawrie, Gavin Little, Jonet Wilsons, tenants of the lands of Cranzantoun; Jonet Johnstone, relict of umquhile Thomas Johnstone in Molene; David Johnstone and Roger Johnstone in Molene; and David Johnstone in Nether []. Witnesses to the executions, Andrew Johnstone, John Johnstone in Cowrance, Roger Schitlingtoun, Thomas Eskdaill, Richie Edzar

in Cristenehill, Herbert Anderson, notary, William Johnston in Cokrigs, and George Rig.

[247] 12th April, 1583.

Letters dated 12th February, 1582-83, and recorded 12th April, 1583, directing that John Maxwell of Monreith and Herbert Anderson be charged to discharge certain lands held by them under reversion and all right thereto. The letters proceed on the complaint of John Maxwell of Conhaith, heir of umquhile Robert Maxwell of Conhaith, his guidischir, narrating that he had obtained a decree of the Lords of Council against the said John Maxwell and Herbert Anderson as heir of James Anderson, his father, and his tutors and curators if he any has, regarding his claim to three merks of land lying within the territory of Dumfries, which had been leased to umquhile Patrik Sharp, burges of Dumfries. Of these lands one acre lay between those of Mr John M'Conzie, parson of Castelmilk, and those which umquhile Edward Johnstone, burges of Dumfries, had on tack; another one lay on the Punderhill, between the half acre of land leased by umquhile John Makgrayne and an acre of land leased by umquhile John Ramsay; and a third acre lay on the Peishill between the land leased by the said Edward Johnstone and the land occupied by John Rig, burges of Dumfries. The three acres, above specified, was claimed by the complainer conform to a reversion made by William Maxwell, brother of umquhile Edward Maxwell of Tinwald, to the said Robert Maxwell, guidischir of the complainer, containing a sum of 27 merks, together with a letter of tack of the said lands for 5 years. Witnesses to the executions, William Swan, William Carrutheris, burges of Dumfries, John Douglas, junior [] tailor in Terrauchty, William Smyth at Cargenbridge, Gilbert Blak in Terrauchty, millar, William Shortrig in Dumfries, James Macmillan, Edward and William Swan in Dumfries, Robert Phelop, Nicoll

Newall, messenger, Adam Walker and John Fresscher, burgesses in Dumfries.

[248] 6th June, 1583.

Letters dated 2nd May and recorded 6th June, 1583, directing that the persons underwritten be charged to find security for their compearance under pain of rebellion and horning on the complaint of John Carrutheris, younger of Holmendis. The said complainer alleged that Alexander Cairlell, called reid Alexander, in Sowpillbank, Francis and Alexander, his sons, Jeaffray (?), Irving in Turnshaw, Herbert and Adam, his sons, William Irving in Mylneflatt, and Heb Irving, son to Richard Irving in Mylneflatt, accompanied by [] Grahame called Hucheonis, Raane " Inglisman " and divers others Englishmen, their complices, with convocation of Scottismen and Englishmen to the number of 16 persons or thereby, " all bodin in feir of weir, with jakis, speiris, steillbonattis, Jeddard staiffis, lang culveringis, daggis and pistolettis, prohibited to be borne, worne, usit, or shot with, alsweil byoure actis of Parliament as byoure actis of secreit counsell respectivelie under divers painis specifit in the samyn, laitlie upone ye nyntent day of March last bypast, haveing consavit ane deidlie hatred & malice aganis ye said complainer tresonable brocht in ye said english within our realme to ye landis of torthorwald lyand within our shireffdom of Drumfreis, q^r thai umbesett the he way and passage to ye said Johne as he was in sober and quyet maner doand his lefull affairis & bissynes, traisting na ewill furinenor [] or pursuite of ony personis bot to have levet under godis peace & o^{rs}; and thair, alsweill ye said scottismen as inglishmen [] upoun him and crewallie invadit him for his slauchter chasand him be ye space of thrie quarters of ane myle to John Tuidingis hous, and eftir apprehensione of the said complainer hurt and woundit him with

yair drawin swerds in the right scholder to ye effusioun of his bluid in greit quantitie and left him lyand for deid." Witnesses to the executions, John Haliday, chapman, in Daltoune, John Carrutheris, son to Robert Carrutheris, Archibald M'Brair, provost of Dumfries, Archibald Newall, notary, Symon Johnstone, and Thomas Muirheid, burgesses of Dumfries.

[249] 8th June, 1583.

Letters dated 27th May, xvi year of reign, and recorded 8th June, 1583, directing that Mr Homer Maxwell, commissary of Dumfries, and John M'Ghie, his clerk, and Adam Murray, vicar of Troqueer, be charged to compear, and that the previous charge upon the said commissary and his clerk be suspended and that they be relaxed from the horn. They complained that the said Adam Murray, having raised an action before the said commissary against Robert Hereis of Maby, George Hereis of Maidenpaip, Herbert Maxwell in Reidbrae, William Maxwell in Airds, and Edward Greir in Langwodheid for restoration to him of certain lands spuizied by them pertaining to the said vicar, in which action divers defences and answers had been produced by the said parties and interlocutors pronounced thereupon, had charged the said complainer and his clerk to extract and deliver an authentic copie thereof under pain of horning, that a reduction might be raised. After the first charge the complainer, who was in Edinburgh at the time, directed his clerk to extract as required and bring the extract to Edinburgh, and is ready to deliver them, but the vicar absents himself and caused the vicar of Kirkbene, his mother's brother, to file the charges.

[250] 20th June, 1583.

John Irving in Rokell was acted to pay the sum of 21 merks to Andrew Bigarton, servant to Mr Luke Heris, before Whitsunday, 1584. Witnesses, William [] and John Cuaynghame.

[251]

17th June, 1583.

Letters dated 22nd April, 1582, and recorded 17th June, 1583, directing that Alexander Jardine of Apilgarth be charged to make certain payments to Jane Hammiltoun, Lady Lamingtoun, in the following circumstances. On 18th February, 1580-81, the said Jane Hammiltoun had obtained a decree of the Lords of Council decerning the said Alexander to have done wrong in his violent and unlawful occupying, labouring, manuring, and withholding from her the lands of Litill Gill, lying within the sheriffdom of Lanark, during the years 1579 and 1580, contrary to the warning and decree of removing of the Lords of Council, by which the said Alexander was decerned to pay to the said Jane Hammiltoun the profits of the lands during the said years with expenses. She then purchased letters of poynding; upon which the said Alexander and certain wicked persons, his complices, on the 30th March last, "came to hir place of hir said landis of litill gill and under silence of ny^t purposelie to have putt thair violent handis on the persons of hir spous and sones being thairintill for y^r slauchteris qlk thai wad no^t have faillit to perform war not godis providence and [] defence, and than thair wikkit intentione not taikin they restit no^t y^rfra, but upoun the morning yaireftir being past [] at none tyme of day or ane o^r thereftir at the fardest rasit fyir and brunt the said Jane's hail movabillis, being within the said place w^t the said office houss, barnis, byris, ky, cornis & utheris guidis being than thairintill, to utter wrak and hairschip, q^rthrow sho dar na wayis repare yrto in the contrey, likas na officaris will tak vpon hand is pas o^r saidis lettres of poynding to executione againes him for feir of y^r lyffis."

Apilgerth was decerned and charged to pay the profits to the said Jane Hammiltoun, together with the expenses of the plea. On his failure to pay he was put to the horn. Witnesses to the executions,

John Lindesay of Covington, Bartrand Lindesay, his brother, Matthew Bailzie, John Cunningham, [] Creichtoun, younger of Newhall, William Cunyng-hame, Alexander Foulls, messenger, William Millar in Annan, James Makquistoun, Richard Creichtoun, [] Bailzie in Quhithill, Matthew Bailzie, son to Sandars Bailzie in Litill Gill, John Maxwell, messenger, and James Newall, wright.

[252] 20th June, 1583.

Letters dated 6th March, 1582-83, and recorded 20th June, 1583, directing that Adam Johnstone, now of Cowrance, be charged to infest Symon Johnstone, son of umquhile Cuthbert Johnstone of Cowrance, in an annual rent. The letters narrate that the said Symon had obtained a decree of the Lords of Council against the said Adam oy and heir of the said umquhile Cuthbert, transferring the act made in the Commissary Books of Lothian, bearing that on 12th June, 1558, the said Cuthbert granted him to have borrowed from Sir John Johnstone, his son, commendator of Saulset, the sum of 200 merks, with which, together with a sum of 100 merks, he purchased an annual rent of 20 merks from umquhile John Carmichaell of Medowflatt. The said Cuthbert was " monesit " by the said act, in which he submitted himself to the jurisdiction of the official of S. Andrews, to infest the said Symon, his son, and brother to the said Commendator, in an annual rent of 20 merks to be uplifted out of the said Cuthbert's lands until he paid Symon the sum of 200 merks, and the said Adam was now bound to fulfil the said Cuthbert's obligation. Witnesses to the execution, William Johnstone of Elsiecheillies, John Johnstone of the Laird, Robert Ewart, baillie of Lochmaben, Jock Smyth, Thom Johnston, officers; Thomas Johnstone, Edward Maxwell of Tinwald, Thomas [], Daniel Anderson, James Craig, Thomas Briarly (?), Roger Greirson in Bardannoch, John Johnstone, litill John, and Thomas Johnstone, flesher, burges of Dumfries.

[253] 21st June, 1583.*

Bond by John Michelsoun in Dalswintoun, Robert Raa there, and Thomas Newall, Gilbert Newall and John Shortrig, indwellers in Garneselloch, to pay to John Shortrig in Marrholm the following sums, viz. : John Michelsoun, £46 6s 8d; Robert Raa, £43; Thomas Newall, 25 merks, 6s 8d; Gilbert Newall, 23 merks; and John Shortrig, 23 merks.

[254] 21st January, 1582-83.

Letters dated 27th December, 1582, and recorded 21st January, 1582-83, directing that John, Earl of Mortoun, Lord Maxwell, late Wardane of the West Marches, Harbert Andersoun, and Mr David Maxwell, his clerks, be charged to deliver to John Johnstone of that Ilk, Wardane and Justice of the West Marches, all scrolls, rolls, bands, &c., relating to the said office, seeing it is needful that before he enters upon it the said Johnstone should understand the present estate and condition of the Border, and what complaints between the wardens of both realms, rest unanswered. Witnesses to the executions, Robert Maxwell, baillie of Dumfries, [] of Kelwod, James Fareis, Archibald M'Brair of Almagill, Provost of Dumfries, George Hereis of Tarachtie, and Harbert Ranying, younger.

[255] 2nd May, 158[].

Letters dated 22nd April and recorded 2nd May, 158[], at the instance of Alexander [], with the remanent kin and friends of umquhile [] in Thornhill, directing that Robert Hunter, son of James Hunter in [], James Munches, son of John Munches in Grenheid [], be charged to find security to compear before the King's Justice to underlie the law in respect of the slaughter of the said [], alleged to have been committed by them and their complices. Witnesses to the executions, John M'Murshe, William Hunter, brother of James Hunter

* John Corsane is mentioned as Sheriff Depute of Dumfries.

in Drumshinoch, Cuthbert Hunter, son of John Hunter in Clonach, John Wallace, Greneheid, Thomas Wallace, his son, Herbert Smyth [?] in Penpont, Andrew Edzar in Dumfries, Andrew Greir in Glenjane, David M'Math, officer, John Beyte [] burgess in Dumfries, Herbert Hunter, son to James in Drumschinoch.

[256]

15th July, 1583.

Letters dated [] June and recorded 15th July, 1583, directing that the parties after mentioned be charged to compear, that a previous charge upon John Maxwell of Kirkconnell be suspended, and that he be relaxed. The letters narrate that the said John Maxwell had been charged upon letters purchased at the instance of John Bannatyne of Corhous to relieve and keep him scaithless at the hands of Mr William Somerwell, vicar of Kirkbane, anent the payment of the sum of 844 merks, for payment of which Robert Maxwell of Curstanis, as principal, and the said John Bannatyne, and Mr Homer Maxwell, commissary of Dumfries, were acted to the said Mr William Somerwell in the Commissary Court Books of Lanark on 19th August, 1580. The said John Maxwell became surety for Robert Maxwell aforesaid anent payment of the said sum within a short space after the charge under pain of horning; and the said John Bannatyne intended to put him to the horn although the debt had been completely paid. Witnesses to the execution, Thomas Brown of Lochhill (?), John Fleming, burgess of Dumfries, and [] M'Clellane called of Nathir Thrid.

[257]

19th July, 1583.

Letters dated 7th June and recorded 19th June, 1583, directing that Nicholas Douglas, relict executrix and intromittor with the goods and gear of umquhile John Johnstone of that Ilk, be charged to make restitution or, at the least, to hold count, reckoning and payment in the following circumstances. Robert Johnston, parson of Lochmabene, executor of umquhile Elizabeth Jardine, had obtained a decree before the Commissary

Court of Edinburgh against the said Nicolas Douglas, with the precept of poinding thereupon, by which the said Nicolas was charged to make restitution of the third part of the goods, gear, sums of money, &c., intromitted with by the said John Johnstone, and which pertained to the said umquhile Elizabeth, who died in December, 1543, or at the least to hold count, reckoning and payment of the said goods and of the value and quantity to the said Robert Johnstone as executor. The list of the goods is as follows: In the barn and barnyards of Thornhill and Lochwod 30 score bolls oats, measure of Annandale, or in Lothian measure, 15 score, price of the boll with the fodder, Lothian measure 13s 4d, Total £200; also 40 bolls beir, Annandale measure or in Lothian measure, 20 bolls, price per boll, 20s, Total £20; in the barn and barnyards of Rekardrig 30 score bolls oats, and 40 bolls beir, measures and prices as above; upon the land and ground of Thornhill ten oxin "price of the pece o^r heid," £5, Total £50; the same upon Rekardrig; on the ground of Holmeshaw "24 ky w^t calfs and sterkis" "price of the pece o^r heid" £4, Total £96, and 20 "zeld nolt, queyis and stotis than three or four zeir auld, price of the pece o^r heid" 50s, Total £50; on the ground of Morygep and Brudenholme [] and 20 zeld nolt, queyis and stotis, prices as above; on the ground of Southwodheid 24 milk "ky" price overhead £4, and young calves, three year olds, 20 queys and stots []; on the ground of Hoilhaus 24 "ky with calves and stirks and 20 zong nold queyis and stotis" of three and two years, price overhead 40s, Total £40; on the ground of Branrig 24 milk ky w^t their followers, price as above, and 30 score "zounger and elder of sheip, price of the scoir o^r heid" £13 6s 8d, Total £400; on the ground of Nycelslacks 24 milk ky, price as above, and 30 score auld sheip, price overhead 13s 4d, Total £400; on the ground of Kindilheid 12 ky, and 20 nolt of two and three years, prices

as above; on Holmeshaw and Holmesheid 24 ky with followers, and 20 young nolt, prices as above; on the ground of Harthope 30 score sheep, prices as above; on the ground of Racleuch 400 sheep, prices as above; on the ground of Hawcleuchis, Over and Nether, old sheep, 800 [], £13 6s 8d; in the Neiss 400 hoggis and lambis, price [], Total £140; 200 stones of cheese, price per stone 8s, Total £80; 80 stones of butter, price per stone 10s, Total, £40; in the place of Lochwod of unshapen linen cloth 18 score ells, price of the score 40s, Total, £36; of linen "zeirin" 18 score ells, price of the ell, 2s, Total, £6 [sic]; 12 stones of "cleine swingillet lynt, price 13s 4d, Total £8; "lettit woll" []. Owing by the tenants of Johnstoneholme for the year 1544, 110 bolls wittual, meill and beir measure of Annandale; owing by the tenants of Johnstonemylne 120 bolls of meal; by the parishioners of Johnstone 140 bolls of meal; by the tenants of Johnston Tenement and Cowgries who are in Kirkpatrick parish of fermes, teinds, and multures 180 bolls beir and 18 bolls meal measure of Annandale; with the sum of 40 merks "expenses of pley," an estimated total of 2209 merks. Witnesses to the executions, David Welsh, servant to the provost of Lincluden, James Rigg, notary, Andrew Moresoun, agent for the laird of Drumlanrig, John Makmillane [], Stevin Creichton, son of Edward Crichton, William Lytbody, John Maitland of Auchingassel, Hew Boig, steward there; [] Hunter in Auchenbenzie, Peter Davidson, Herbert Cunningham, burgesses of Dumfries; Adam Murray, vicar of Troqueer; Robert Welsh, Alexander Thomson, servant, and Archibald Douglas, brother of James Douglas of Pinzarie.

[258] 19th July, 1583.

Fragments. Letters dated [] and recorded 19th July, 1583, proceeding on the complaint of Janet Johnstone, Lady Jeriswood, cessioner and assignee constituted by Robert Johnstone, parson of Lochmabene,

in and to the sums of money underwritten, and William Levingstoun of Jeriswood, her spouse, for his interest, that Nicolas Douglas, relict, executrix, and intromittor with the goods and geir of umquhile John Johnstone of that ilk, had been found liable by the decree of the Commissary of Dumfries to pay to the complainer and her spouse, for his interest, the sum of 200 merks.

[259] Date (?).

Letters dated 12th October, xvi year of reign [1582], and recorded [], directing that certain letters be suspended, and that William Creichton, tutor of Sanquhar, be relaxed. The letters proceed on the complaint of the said William, and narrate that William Creichton, son and heir of Edward Creichton of Liberre, alleging that he had obtained a decree of the Lords of Council, with other letters in the four forms thereupon, charged the said William, as sheriff wardane of Dumfries, to deliver a "compromit decret arbitral" or contract, which had been produced to the said William in a sheriff court held by him at Dumfries on 9th July, 1578, by the said umquhile Edward Creichton for "instencing" of his action there pursued by him against John Fyschar as his proper evident for the defence and security of the lands contained therein, and to pay to him the sums of 40s and £6 13s 4d, expenses of the plea, conform to the first decree in all points, under pain of rebellion and putting to the horn; and, in consequence of his failure to obey, had put the said William to the horn. Yet true it is that the said William offered by his procurator the only "compromit decret arbitral" which he had, viz., one between the said William and the said umquhile Edward, relating to a 19 years' tack of the teinds of the town of Sanquhar, together with the sums above specified. The letters directed William Creichton, the son of umquhile Edward Crichton of Liberre, to be charged to compear before the King and his Council on first December, bringing with him the said decree and the

letters following thereupon, and to hear and see the said letters and the horning thereon suspended. Further, the letters directed that the said William be relaxed and restored to the King's peace, and that the wand of peace be given him.

[260]

17th November, 1581.

Walter Gledstaines, Laird of Craigis, as principal, and William Gledstaines, burgess of Dumfries, and John Maxwell in Craigis, his cautioners, were acted to pay to Nyniane Greir, son of umquhile Andro Greir in Bagriehill, 70 merks at Martinmas, 1582, and for relief of the said William Gledstaines John Maxwell bound himself, his lands, etc., in warrandice, and the said Walter bound himself to relieve the said John Maxwell. The Sheriff, &c. [See Introduction.]



“ THE BUSSONIS ”
 (BASSOONS).

A fragment of music on the back of a document in the Sheriff Court Book of Dumfries, dated
 17th November, 1581.

Exact size.

See pp. 225 and 224.

The following are loose papers in the volume. Where these refer to entries in the Sheriff Court Book the number has been given. We reproduce the writing on the reverse of Nos. 75 and 260. Though of the veriest ephemeras they will not be without interest to Dumfriesians for the fragments of verses and music which they give us.—ED.

No. 75 (reverse), dated 24th December, 1582.

It is obvious that Will Cunyngham, one of the Sheriff's clerks, has been idly practising penmanship on this day before Yule. He wrote out a complete alphabet, with six or seven examples of each letter, and then jotted down the following verses :—

In my defence god me defend
 & bryng my saul to ane gud end.
 Tak tyme in tyme and [not defer*]
 ffor tyme may cum and mak it vor.

Gif yow ane gud vryter wald be
 Tak gud tent to ther coppie.

In to ane park I saw ane peir
 And egit man quhilk drew me neir
 His beird was veill thrie quhairtiris lang,
 His heir downe owe[r] his schewderis hang.

Be me will cunyngham w^t my hand at the pen.
 The xxiiij. day of desember.

No. 260 (reverse), dated on front 17th November, 1581.

The words

The Bussonis (basoons)
 are followed by a bar of music.

No. 188.

Traist freind I command me to zou Wat ze y^t yeir menis
 namis follouing hes agreit w^t me ye quhilk is robart
 gud and James Kellok patrick huhsoun harbar Kellok
 Jhone Kellok Jhone Arland peter scharteris harbart houd
 cudbar gray Jhone scot robart scot gilbart scot, quhar
 for draw yame and I sall put yame out of the principall
 letters.

Jhone Stewart persoun off Kerkmahou.

* Possibly.

No. 188.

Traist freind ze sall vnderstand y^t ye Lard of Kermeichall and I is appentit for ye payment of ye zeir y^t he is put to the horne for quharfor I requeist zou to draw him accordeing to ye order & I sall causs him to be drawin fourth of ye principall letteris and yis I desyeir zou to do keipand my hand wreit for zour warrand.

Jhone Stewart persoun off Kerkmahoe.

No. 191.

To my asseuret frind Andro Cunynghame Scheref depute of ny^tdisdell delyuer yis.

Traist freind efter hartlie commendatioun Pleis John Maxuell zo^f nychbo^f haiveing lamentit y^t his spous was prerenigit (? porengit or prereingit) of hir just thrid y^t befell to hir be decess of wmq^{le} adam rae obteint letters fra me to charge ye ex^{ts} of ye guids and gear to confirme ane testament quhilks Lettre I dellyuerit to him vnder conditioun y^t he suld not causs register ye Lettres of horning wytout ane speciall command of me albeit he hes done ye contrair to my gryt dishonour Seing ye parteis hes satisfeit me in all thingis lang befor ye denunciatoun And y^ffor I mon requyst zoue lyk as I salbe reddye to do zoue plesso^f againe to deleit out of zo^f buik the horning execut be him contrair harbert rayning elder To the effect ze sall onderstand my guid will and mynd y^anant ze sall refuiss ye principall Lettrs of Horning wy^t ye executiounis to y^t effect traistane y^t ze will do yis my request lyk as I salbe redy to do zoue ye lyk pleshor And sua committis zoue to ye eternall god ffrome Ed^r ye last of merche.

Zors at power

Maister Jhone Leirmont.

The xvij. of July, 1581.

The qlk day comperit in presenc of Andro Cunnygham sheref deput of Drumfres Kudbert Kirko in Scheband of his awn proper grant grantis him to have resaut fra John Haslop in blakmark xj pundis money for ye

vitsunday maill of blakmark & be ye tenor heirof ye said coudbert bundis & obliesses him self his airs & assigneis to vorand ye said Jhone & his at all handis had and havand enteress; befor yir witnesses Jhone Wolls Robert Makcum.

? date.

Agreement between James Maxwell of the Park and John M'Fadegan and Brattell Perie [? Perce] by which the two latter shall have tak & assignation of the 35s land of Newtown in "half manor" with "half aittis, half beir, half of all corins growing upon the said ground, 6 soumes of pasture" and certain kye. Maxwell to deliver ten bolls of oats to remain on the ground, the partners to leave so many threaves of corn & fodder & at the end of the tak they to give Maxwell the "sawin of ane spek of lent seid w^out daill gevin therfor to the said James four ells of leinyng. Each to pay his own share of multures, maills and "teinds to the Kirk seit."

? date.

Fence laid on £4 & 10 merks of malt silver pertaining to John Trenor (? Trevor) of Torthorwald at the instance of John Brown in the house of Mans Raa.

Fence laid on certain money in the hands of John laird Fergusson pertaining to [] at the instance of J. Bell cautioner for the same John M'Intyre, burgess of Dumfries.

With regard to the fence laid on by William Hornar & John Hanway's wife for the sum of £10 7s of Thomas Gaw's geir in the hands of Symon Adamson the latter alleges it was resumed before the fence. Cautioner for the said Symon, James Rig.

13th July, 1581.

The qlk day Kirtheine Edzar and Elesobat Edzer grantis tham to be contentit and payit completle of y^r barinis pert of guidis and geir be [] legesie as vthir geir and be tham selfis and all vtheris in ther nammis exoneris and

deschergeis Marion Baik and Thome Edzer hir sone
 executoris to vmqle Harbert Edzer in Wod and all vtheris
 clemis quhat sum evir and that ye may clame be deseis of
 y^r vmqll fadir and the said Harbert y^r brodir.

2nd January [? date].

The qlk day Herbert Mertein in Herbuss Andro Corbet
 in Hemsfelde are acted to pay to John Anderson messen-
 ger £5 at Martinmas next.

for John Johnston of Heslebreis att Drumfrees these.

Jedburgh [] 162[4?].

Dear Sir,

I wonder that you have not sent me that Cloath or
 this but if you have not sent it or this Com to your hand
 I pray you send with the bearer what you Can git and
 doe not faill let it be what ever you can git*send and a
 Coat and all that belongs to it about tweile or 13 shilling
 the ell and tow pair of stokin lairg and good not boath of
 on Color and if thear be ony thing to spare send it in
 kelt and in thir doeing you will obledg him who shall be
 ride to sare you who is

Your humble serv^t

Will Holden.

Young dailybyre and George mortin and I ar drinkin your
 hilt give my sering to your wife.

Rainfall Records for the South-Western Counties for the Year 1924.

SUPPLIED BY THE METEOROLOGICAL OFFICE, EDINBURGH.

	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
DUMFRIESSHIRE.													
Ruthwell, Comlongon Castle	4.64	.38	.98	2.35	3.70	1.39	3.20	3.15	3.50	2.64	1.71	6.59	34.23
Dumfries, Crichton Royal Inst.	4.42	.24	1.21	2.85	3.39	1.43	3.75	3.67	4.42	3.23	2.54	7.39	38.59
Amisfield, Glense	4.49	.39	1.39	2.69	4.51	1.31	5.22	4.98	4.57	3.61	3.05	7.46	44.17
Moniaive, Glencrosh	6.15	.34	1.32	3.44	3.71	1.53	5.36	5.19	6.99	5.00	3.75	9.21	52.54
Maxwellton House	6.63	.64	1.38	2.71	3.79	1.53	4.53	4.53	6.11	4.36	3.78	8.22	48.26
Durisdale, Drumlaurig Gdns.	5.55	.65	1.40	3.00	4.45	2.14	5.40	4.41	5.58	4.74	3.39	8.85	49.56
Dalton, Whitecroft	4.88	.58	1.34	3.45	4.96	2.30	4.76	4.53	5.42	3.70	2.80	7.70	46.40
Kirkwood	5.57	.81	1.46	4.30	5.86	2.26	5.23	6.14	6.08	4.34	3.29	8.36	54.20
Ecclefechan, Burnfoot	5.19	.84	1.21	3.02	5.00	2.36	4.86	5.39	4.36	4.53	3.24	7.79	42.81
Lockerbie, Castlemilk	4.91	.62	1.23	3.27	5.05	2.00	4.83	5.19	4.90	4.25	2.73	7.60	42.40
Thornbank	5.85	.35	.85	2.90	4.20	1.65	4.05	4.02	4.80	3.42	2.97	7.65	45.75
Lochmaben, Esthwaite	5.03	.75	1.39	3.56	3.99	1.93	4.06	5.31	5.64	4.75	3.50	7.00	46.13
Canonbie, Byreburnfoot	5.13	1.00	1.50	2.50	5.50	3.00	4.25	3.63	4.37	5.11	3.87	7.86	51.92
Irvine House	5.54	.95	1.41	3.15	5.67	3.25	5.07	5.16	4.88	5.11	4.70	8.58	53.17
Langholm, Broomholm	5.68	1.09	1.53	2.99	5.72	3.06	5.33	5.07	5.16	4.70	4.53	9.71	55.67
Drove Road	6.28	1.30	1.38	3.18	5.89	3.08	6.42	4.49	5.71	4.71	3.75	10.53	55.00
Ewes, Sandy Haugh	5.93	1.27	.90	3.11	5.91	4.44	6.48	4.08	5.89	4.71	3.75	10.53	55.00
Eskdalemuir Observatory	6.89	1.42	1.03	3.87	5.65	3.10	5.57	6.58	7.13	4.57	5.13	11.30	62.24

230 RAINFALL RECORDS FOR THE SOUTH-WESTERN COUNTIES

	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
WIGTOWN.													
Loch Ryan Lighthouse	3.25	.93	1.16	2.18	2.50	1.56	2.56	3.33	5.72	2.35	4.02	3.01	33.06
Mull of Galloway	4.07	.54	1.99	1.72	2.32	2.68	2.98	2.68	4.67	1.36	2.15	2.58	30.04
Logan House	5.81	1.09	2.53	2.41	3.47	3.91	3.34	3.91	6.03	2.27	3.82	4.16	42.56
Killartrangan Lighthouse	3.33	1.14	.85	1.69	1.95	2.90	1.97	6.20	4.45	2.29	2.85	4.15	33.32
Corsewall	3.61	1.76	2.37	2.66	2.95	3.45	2.73	3.57	6.18	3.95	5.61	7.03	45.90
Port-William (Monreith)	5.49	.92	1.86	1.90	3.31	2.84	4.21	4.02	6.07	2.89	2.67	4.78	40.96
Stoneykirk (Ardwell House)	5.50	1.03	2.15	2.67	3.31	2.69	4.31	3.64	5.86	1.94	3.97	4.45	41.52
Glenuce (Ladyburn)	6.78	.98	1.83	2.72	3.73	3.15	4.96	4.17	6.12	3.16	2.88	5.22	45.70
New Luce (Public School)	6.83	1.51	1.72	2.91	3.55	3.44	4.45	5.77	6.76	3.03	4.32	5.35	50.44
Whithorn (Physgill)	4.89	.90	1.85	1.87	3.36	2.57	4.20	3.94	5.84	3.25	2.46	3.04	39.07
" (Glasserton)	5.60	.92	2.05	1.86	3.58	2.65	4.45	4.09	6.15	3.22	2.56	4.44	41.57
Kirkcowan (Craighlaw)	6.31	1.09	1.72	2.51	4.40	3.39	5.38	5.10	8.61	3.61	4.08	6.85	53.55
KIRKCUDBRIGHTSHIRE.													
Borquo (Knockbrex)	5.62	.93	.73	2.01	4.44	2.26	4.24	5.43	5.96	3.90	2.63	6.41	44.76
Palnure (Bargaly)	6.98	1.62	.89	2.39	4.55	2.95	5.43	5.40	7.78	4.02	3.94	7.56	53.51
Little Ross Lighthouse	7.96	.50	1.36	1.65	3.01	1.89	3.59	3.70	5.04	3.65	1.32	3.92	37.59
Moss lall (Hensol)	7.56	1.08	1.20	3.36	4.31	2.65	5.57	5.49	7.87	5.20	4.57	9.25	58.61
New-Galloway (Glenlee Park)	8.00	1.41	1.39	4.02	4.26	2.85	5.02	5.15	7.68	4.74	4.27	9.14	57.93
Dalry (Glendarroch)	7.99	.83	1.22	3.56	4.06	2.63	5.31	4.82	7.68	4.55	3.76	8.34	55.25
" (Garroch)	6.99	.95	1.29	2.82	4.25	2.99	5.53	4.66	8.99	4.82	4.57	11.17	59.03
" (Forrest Lodge)	9.80	1.47	1.55	3.71	4.09	2.82	6.38	4.97	9.92	5.11	4.25	10.74	64.31
Carsphain (Shiel)	10.73	2.63	1.66	3.33	4.72	3.13	6.52	6.66	10.08	4.55	4.73	12.54	73.65
" (Knockgray)	8.43	1.03	1.11	3.53	4.72	2.77	5.33	5.13	8.31	4.15	4.26	10.40	59.27
Auchenair (Torr House)	6.40	.98	1.70	2.97	5.06	2.41	4.79	5.46	7.52	4.92	3.72	7.93	53.86
Dalbeattie (Southwick House)	4.67	.80	1.21	3.16	5.32	2.09	4.32	4.43	5.83	3.88	3.22	7.30	47.86
" (Kirkennan)	5.41	.67	.95	3.53	4.96	2.85	5.18	5.95	6.42	4.61	3.80	7.90	52.08
" (Drumstinchall)	5.49	.32	1.01	3.26	4.30	1.58	4.05	5.23	5.47	4.14	2.62	7.71	45.41
Kirkpatrick-Durham (Glennair)	6.10	.72	1.26	3.03	5.18	2.54	5.46	6.05	6.84	5.09	3.57	8.18	54.97
Dumfries (Cargen)	5.31	.61	1.51	3.33	4.68	1.73	4.93	4.67	5.80	3.89	2.92	9.42	48.80
Lochnaton (Dumfries W.W.)	5.82	.67	1.54	3.11	4.65	2.32	5.68	5.27	6.02	4.39	4.24	9.03	52.63
Dumfries (Llancluden House)	4.68	.49	1.46	3.00	3.85	1.63	4.42	4.39	5.16	3.82	3.13	7.50	44.03
" (Jardington)	5.15	.50	1.59	3.24	4.07	1.73	4.43	4.72	5.04	3.66	3.14	7.45	44.72

Field Meetings.

13th JUNE, 1925.

Locharbriggs and Amisfield.

This excursion was held in conjunction with the Dumfries and Galloway Geographical Association. At Locharbriggs the quarries were explored under the guidance of Mr A. Cameron Smith, who pointed out the features which led to the conclusions in the following paper :—

The Locharbriggs Sandstones.

By Mr A. CAMERON SMITH.

The problem of explaining the origin of these sandstones is one not to be approached by an amateur without fear and trembling. Therefore all that I have attempted has been to study the memoirs of experts and interpret them to the best of my understanding. As you know, these New Red Sandstones are of very limited distribution, being confined to a number of patches scattered from Mauchline on the north, through Nithsdale and Annandale, to the English side of the Solway on the south. To the eyes of the ordinary layman they are so similar that he would naturally assign them to the same general group. This is not the view of the geological experts. They distinguish sharply between the Nithsdale group and the Annan group. The names are only roughly self-explanatory, for the Corncockle stone in Annandale and the Ballochmyle-Mauchline quarries fall into the Nithsdale group. These are believed to have been laid down under *desert* conditions in the *Permian* Age. The Annan sandstones, on the other hand, were deposited in *water* in the *Jurassic* Age, the age succeeding the Permian in time. Between these and the overlying gravels there come the ages in

which the great chalk formations so abundant in England were produced. There is nothing to represent these here.

I now endeavour to summarise the main lines of evidence. If a fragment of sandstone from these quarries is crushed and placed under the microscope the grains present a distinctly rounded appearance characteristic of desert sand. Every change of the wind works the grains into movement until the angles are rubbed off and the particles, at least the majority of them, assume the appearance under the microscope of so many marbles. The sand is, of course, quartz or silica, the miniatures of white "chuckstones," and have been produced by the destruction of older rocks which contained other substances besides silica. Grains of iron have gradually been dissolved and re-deposited as part of the cementing material which joins one grain to another in the stone. When the crushed grains are treated with strong hydrochloric acid the red colour disappears by the solution of the iron. Mica is another substance occurring in the older rocks, but in a desert the winnowing action of the wind removes it. Manganese oxide, owing to greater specific gravity, remains and collects in streaks and pockets. As this is the very durable black oxide, there are produced black blotches and lines such as occur in modern deserts and also in the Nithsdale type of sandstone. All these features are typically absent in the Annan stones. There the grains are much more angular; mica is abundant and the black streaks are comparatively rare.

These are the main microscopic differences. There are also large-scale or microscopic features to be expected in a desert-formed sandstone. In certain places stones lie half-buried in sand, because owing to funnels or gaps the strength of the wind prevents the permanent accumulation of sufficient sand. Under these conditions the exposed part of the stone is polished flat by the constant action of a gentle sandblast. Eventually stones and sands are cemented to form an extremely coarse sandstone called a breccia. Such stone is not quarried, but it happens that such a breccia within these same sandstones has been exposed in a railway cutting south-west

of Dumfries. According to Dr. Horne, of the Geological Survey, many of these stones have been faceted by a sand-blast on a stormy desert. Sand is laid down in water in layers very nearly parallel, and they are not disturbed except in localities where strong currents exist. On a desert, on the other hand, the characteristic feature is the sand-dune, sand being blown up the windward side and collecting in the lee. Even where dunes are not present the points where accumulation is going on constantly alter with every change of wind. In this way there is produced a great deal of "false-bedding" so characteristic of some of the "Nithsdale" quarries, but rare or only local in the Annan sandstones. Water action, in fact, is much less capricious than wind action.

Footprints in the Sand.

Fossils properly so called are extremely rare in sandstones, and particularly under desert conditions where life is meagrely represented. The occasional footprints that have been found in Corncockle are attributed to lizards of Permian type. I have also seen a stone, preserved at Kirkton by Mr John Robertson, which seems to show clearly the print of a vigorous but brief thunder shower of hail or of rain which left the surface indented and sufficiently hardened to preserve a print. Desiring to have an authoritative opinion, I sent a description and drawing to Dr. Horne with my suggestion (Mr Robertson's really). The answer was that the "pits were due to raindrops in the course of a heavy shower in the desert." So that may be considered as settled. Another stone, which the Rev. Mr M'Dowall has preserved at the U.F. Manse close by, shows a track of prints, contained in two parallel straight lines and arranged in pairs opposite, not alternate, to each other. The description has been submitted to an authority on reptilian markings. There must be many stones of equal interest in the neighbourhood. Should we not say in passing—All honour to the worthy quarryman who has the wit and good feeling to turn his pick aside and spare these tablets of geological history.

Between the New Red Sandstone and the gravel above them there is but a step in space—untold ages in time. In

the interval all the immense chalk beds in England were laid down, reptiles developed from small hopping creatures to huge flying dragons. These again disappeared, and the first birds appeared with feathers and hollow bones. Last of all came the great Ice Age. There are no rocks remaining, if they ever existed, younger than these Red Sandstones. Recent deposits may be grouped in backward order in this way—(1) The holms of Nith formed by the modern river working from one side to another of its valley. The river has in this way worked down to a level plain the older formations, next referred to. (2) A peculiar succession of hummocks of gravel, greatly developed about Dumfries, Locharbriggs, Kirkmahoe, and elsewhere. One of these is exposed at the present moment near Kirkton. On looking at this we see that no stream has worked upon it. The curved layers of gravel are nearly similar and parallel to the surface of the ground. In other words it remains pretty much as it was originally laid down. Had the hollows been scooped out by river action the layers would have been truncated. These mounds are the incidents in the bed of an immense flood which must have filled for an age the whole vale to perhaps the present 100 foot contour on both sides. Burns called his farm of Ellisland the “ riddlings of Creation,” and there is a good deal of truth in the description, though he did not speak as a geologist. (3) On the hillsides all around we find another formation. Our hills have a peculiar soft and rounded outline which scarcely betrays any evidence of the solid core of Silurian rock which supports them. They are all puttied and plastered over with boulder clay, a solid red mixture of clay and stones, which the pick penetrates with great difficulty. So red is this “ clay ” that hill farmers have been known to use a few barrowfuls to give an orange-red tint to the dipping water through which they pass their lambs. Springs rising from these tills bring out great masses of carbonate of iron, which is the colouring matter of these sub-soils.

A Polar Parallel.

All these deposits are explained by the theory of a Great Ice Age. For a modern parallel of the earliest condition we must go not to Switzerland but to Iceland and the Polar

regions where ice is so all-extensive that it is difficult to know whether land or sea is beneath. The evidence consists in the fact that great boulders of Cairnsmore granite are found near Langholm and towards the Tyne Valley. There was then a general eastward trend which is supported by observation of rock scratches, for instance, on the tops of the Keir hills. During this stage the ice-sheet was too majestic or the valleys were too insignificant, and the ice flowed up hill and down dale towards the Tyne-gap and the North Sea. Nature changes slowly and seldom by cataclysms. Slowly but surely the ice diminished, and glaciers, no longer covering the highest hills, yielded to the persuasion of the valleys and flowed each in its own course towards the sea. These gave the last touches to our hills. When a glacier meets a rocky snag it leaves a record of its course and of its direction of flow. On the side which obstructs there is tremendous pressure. That side is ground bare and steep, and stones and detritus are forced into the bottom of the ice. When the ice has surmounted an obstacle the reverse takes place, easy pressure and the stones and detritus drop out and a long drum of boulder clay is left on that side. This is the phenomenon of "crag and tail" well exemplified in all ice regions. I call your attention to the Tinwald hills, the Watchman (Kirkmahoe), and the long tail by Auchencairn, the smaller Wardlaw and its tail, and next the Moloch. In the last case the tail has been washed away to some extent. I am just coming to the explanation. If this evidence is to be trusted, the last local glaciers flowed almost due south in this region. In the next stage, as the general temperature of the climate recovered from Arctic conditions, there came a time when snow accumulated during the winter and just disappeared in summer, leaving no balance to accumulate from year to year. This was the period of immense floods which ground out the Auldgirith gap, cut off the tail of the Moloch and deposited the gravelly mounds which are a conspicuous feature from Dalswinton to Dumfries. Lochar Moss and the whole of the vale below Dumfries was probably the estuary of this annual flood. Gradually the floods decreased and the valley became a net-

work of river courses. Finally Nith in the course of Nature and lastly under the compulsion of the lairds of Kirkmahoe restricted itself rather reluctantly to a definite channel.

Locharbriggs Hill.

On the historical side the strategical nature of the place was pointed out. Here the Militia met in Covenanting times, and continued to meet up till the Napoleonic period. The Amisfield gap, through which a Roman road ran, was the only outlet towards England, and consequently Locharbriggs Hill was an important point then. The hill was also notorious as the gathering place of the witches, reference to which was made by Allan Cunningham, " Ride, ride for Locharbriggs Hill," and also, according to Mr Shirley, in some of the Presbytery minutes.

Kilbean.

During the visit to Kilbean (given on the Ordnance Survey map and generally known as Kilblain) Mr Smith objected strongly to the changing of the name. The right name was Kilbean, and the place had nothing to do with St. Blain. The tradition that there was a chapel there to St. Blain was false. That tradition was started in the Statistical Account of 1835, and the Ordnance Survey and others had followed it. The real Kilblain was in Caerlaverock. Mr Shirley had identified the chapel there, and whenever Kilblain was mentioned that was the place referred to. " Bean " meant " white " and " Kil " house—the white house—the same as " Kirk " or " Kir " bean. Possibly this was in contrast to the houses built of stone and soil. Kilbean was the seat in the 16th century of a family of Maxwells, who were an offshoot of the Maxwells of Carnsalloch. A daughter, Bethia, now of Milnhead, married Brown of Bishopton, and the Browns were succeeded by Maxwells who possessed Milnhead to within living memory. The most probable site of the old tower was examined, after which the journey was continued via the main road to Æ Bridge and thence up the Æ valley as far as the suspension bridge near Wood Farm. The charabancs were left there, and all the party crossed the some-

what tremulous and tricky bridge to the other side, where lunch was taken.

Glenæ Tower.

Following lunch something of the nature of an eliminating two-mile walk took place to Glenæ Tower. Going on the flat was good, but soon the party struck off into the bush, where bracken, heavy with rain that fell as the party advanced, bogs and burns, ditches, dykes, and fences all sorted out the keen from the less keen. Fully half the company arrived, however, and were rewarded for their pains by an excellent view. Far above the valley, almost opposite Glencorse, sits all that remains of this ancient fortalice. Little is known of Glenæ Tower except that it was the home of the Dalzells of Glenæ, who after the fifteenth century acquired and moved to Kirk-michael Tower, after which Glenæ Tower seems to have fallen into disuse. The most famous member of the family was General Dalzell, known as the "Muscovy Beast," because of his persecutions of the Covenanters and the fact that he had served in Muscovy. Glenæ of the present day, it was remarked, was a modern mansion, having no connection with the fort. Time did not permit a visit to the Covenanters' cave, sometimes called Wallace's cave, further up the river than the fort, so the return trek was begun for the 'bus. This time a much easier route was found.

Charteris Family of Amisfield.

Amisfield Tower was reached by way of the road across the hill from Glencorse. A minute inspection of this old fortress was made, previous to which the account of it in the records of the Ancient Monuments Commission was read by Mr Smith. The initials "J. C." and "A. M." were pointed out, these standing for John Charteris and his wife, Agnes Maxwell, who was a daughter of Lord Herries. The style of architecture was noted, also its similarity to Elshields. It was the national Scottish style, and had resisted the innovations which were coming in from abroad about that time (1600). In the interior attention was called to a coloured plaster frieze, and the view from the Tower was greatly admired. Commenting on the Charteris family, Mr Smith said

that Charteris of Amisfield were amongst the very oldest families in the Records. The names of the heads of the family went back to the early 13th century. They had played a part in all the great contests that went on in the country. The family was now extinct, the male line declining after 1600 and ending in the female not so long ago. One of the last was the "Merry Widow," young Lady Amisfield, who was seen often about Dumfries, and about whom and a certain Dumfries Provost many tales were told. Colonel Francis Charteris, said to be the greatest blackguard in the British Army, was male heir of this family, though the estates fell to an heiress. He accumulated a great fortune by dicing and usury. His good point was his affection for his only daughter, who married into a noble family and became the ancestress of the Earl of Wemyss. The female line of the family of Charteris married, and the name of Charteris was adopted. Charles Charteris was mentioned in a recent volume as having been kidnapped during a political election in Dumfries. The last of the line he could trace were two old ladies who lived in Dumfries seventy to eighty years ago in very humble circumstances.

Mr and the Misses Johnstone were heartily thanked for their courtesy in showing the party round, and also for their public spirit in preserving the place.

The journey was continued to Airdmhoire, where the party were most kindly entertained to tea by Dr and Mrs Burnett.

25th JUNE, 1925.

Wigtown, Whithorn, and St. Ninian's Cave.

This formed a portion of an itinerary to places of historical interest in Galloway by the members of the Cumberland and Westmorland Antiquarian and Archaeological Society. The tour was planned by Mr R. C. Reid and the Rev. Dr. J. King Hewison, who acted as a local committee. A party of eighty members of the C. and W.A.A.S. started on Wednesday afternoon from Dumfries and visited Sweetheart and

Dundrennan Abbeys, Kirkcudbright and Anwoth, spending the night at Newton-Stewart. On the 25th they were joined by some thirty members of this Society for the day, and Wigtown, Whithorn, St. Ninian's Cave, and Monreith were visited. On Friday the visitors returned to Dumfries via Minnigaff, Dee Bridge (where, near Clatteringshaws, The Deil's Dyke was pointed out), Kenmure Castle, Balmaclellan and Moniaive.

The following addresses and papers were delivered *en route* :

" Sweetheart Abbey "	...	Mr M. H. M'Kerrow.
" Dundrennan "	Rev. A. H. Christie.
" Kirkcudbright "	Mr R. C. Reid.
" Anwoth "	Mr R. C. Reid.
" Samuel Rutherford "	Rev. Dr J. King Hewison.
" Pre-Reformation Wigtown "	...	Mr R. C. Reid.
" The Wigtown Martyrs "	Rev. Dr J. King Hewison.
" The Story of St. Ninian "	Mr W. G. Collingwood.
" The Isle of Whithorn "	Rev. R. S. G. Anderson.
" St. Ninian's Cave "	Sir Herbert Maxwell, Bart.
" Minnigaff "	Mr R. C. Reid.
" The Deil's Dyke "	Mr W. G. Collingwood and Rev. Dr. J. King Hewison.
" Kenmure Castle. "	Mr R. C. Reid.

Full accounts of the excursion will be found in the local papers of 27th June, 1925, and in *The Transactions of the Cumberland and Westmorland Antiquarian and Archæological Society*, Vol. xxvi., N.S. As containing new information, and not given fully elsewhere, the following are here printed :

Some Notes on Pre-Reformation Wigtown.

By R. C. REID, Esq.

It is my intention to briefly allude to the three principal features of early Wigtown—the Castle, the Monastery, and the Church. Of these no features whatever are now visible of castle or monastery; whilst only a few architectural details remain of the church of pre-Reformation times.

Of the early history of Wigtown very little is known, and that little is full of doubts and difficulties. Even its origin as a place-name is in dispute. Sir Herbert Maxwell¹ favours an Anglo-Saxon derivation, *wic-tún*—the town on the bay. The late Sir Andrew Agnew,² also no mean authority, boldly finds a Norse prefix in the name—the vic or Vikings' town. It is not for me to enter into competition with these authorities, but I will point out that Mr Collingwood,³ whilst not committing himself to either Norse or Anglian derivation, ascribes the prefix Wig to some personal name beginning with Vigg and shortened to Vigga (Wigga). Its earliest form is Wyggeton (1296). There we must perforce leave it.

Early Wigtown certainly contained some topographical features of interest. Its castle and its church, perhaps, too, its monastery, lay outside the town, not uncommon in Scotland, but much rarer in England. Both Kirkcudbright and Dumfries are parallels. There are no indications or traditions of the town ever having been walled or even protected by ditch and stockade. It is true it had two narrow "ports," but these were more useful for levying custom and enclosing cattle on Fair days than indications of defence. The only other feature to which I will allude is that the castle was down on the flat land by the river, whilst the town, and church, was on the hill, an inversion of the usual arrangement. The castle undoubtedly was erected to protect the port, in the early days when shipping came up to Wigtown. The town may well be of later date. Indeed we don't know when it first became a Royal Burgh. It is very doubtful if it had a Burgh's jurisdiction before the Wars of Independence. After Bannockburn, Galloway still remained within the sphere of influence of the Balliols, till in 1341 Sir Malcolm Fleming received a grant of Wigtownshire, including the Burgh of Wigtown, and was created Earl of Wigtown.⁴ A

¹ *Studies on the Topography of Galloway* (1887), p. 311.

² *Hereditary Sheriffs of Galloway* (1893), I., 27.

³ *Dumfries and Galloway Natural History and Antiquarian Society*, 1919-20, p. 113.

⁴ *R.M.S.*, Vol. I., App., 119.

few years later Archibald Douglas, the Grim, was created Lord of Galloway east of the River Cree. Fleming's grant created Wigtownshire into a Regality, with "the place of Wigtown" as the principal manor. If, therefore, Wigtown had been a Royal Burgh, it was in 1341 lowered to the status of a Burgh of Regality. Fleming's grandson, the second Earl, found the inhabitants of his patrimony too troublesome and disorderly, so he sold his whole rights of superiority in Wigtownshire, including his title, to Archibald Douglas, Lord of Galloway, in 1372, for the sum of £500.⁵ In this way Archibald became Earl of Wigtown, and amalgamated both parts of Galloway. The position of Wigtown still remained that of a Burgh of Regality. It was held by the Earls of Douglas and Wigtown by payment of a red rose at Wigtown on St. John the Baptist's Day.⁶ In 1455 the Earls of Douglas were overthrown, and Galloway was annexed to the Crown. Two years later (1457) the Burgh received a Royal Charter definitely establishing its status as a Royal Burgh.⁷ Three or four years later its commissioners appear for the first time in Parliament.

Of the castle much less is known. The tower (*turris*) in Wigtown mentioned in a charter of 1451 probably referred to it—then no doubt in a partly ruinous condition.⁸ This is the only reference known to me after the 13th century. Its convenience as a quarry accounts for its total disappearance. It was excavated by Captain Robert M'Kerlie in 1830, but no account of the results has survived. But a drawbridge and gateway were found. The writer of the statistical account, 1841, says that though the walls were not traceable, mortar and remains were still to be observed, and that the fosse was then quite discernible. It was therefore clearly not an earth-

⁵ *Charter Chest of Earldom of Wigtown*, Nos. 7 and 30. The sale was only of superiority. The same year the Crown granted possession of the lands of the Lordship of Wigtown, except the barony of Carnysmul (Kirkinner) to Sir James de Lyndesay on Fleming's resignation (*R.M.S.*, Vol. I., Nos. 414 and 527).

⁶ *R.M.S.*, 1424/1513, 503.

⁷ G. Fraser, *Wigtown and Whithorn* (1877), pp. 9-10.

⁸ *R.M.S.*, 1424/1513, 503.

work or mote, but a 13th century stone castle of the enceinte type, perhaps triangular in shape, and probably akin to and contemporary with the castle of Kirkcudbright. At any rate it was of sufficient importance to be handed over to Edward I. in 1291,⁹ who entrusted it to the keeping of Walter de Corrie. The names of several of its keepers are recorded in the English records, but no other particulars are vouchsafed.

We do not know when it was last inhabited, but an account of its retaking by the Scots has been preserved by Blind Harry. Wallace had raised the standard of revolt against Edward I., and had descended upon Minygaiff parish. At Boreland, where there is still a site called Wallace's Camp, he gathered his followers for an attack on Wigtown. His successful attack on the mote of Minygaiff may have filled the garrison of Wigtown Castle with alarm. The castle may have been undermanned. At any rate when Wallace approached Wigtown he found that the garrison had fled. So he placed a garrison there under the command of Sir Adam de Gordon, the forebear of the Gordons of Lochinvar.

It is probable that Wigtown Castle was destroyed by Bruce in conformity with his usual practice.

The monastery at Wigtown was founded, according to Wyntoun, by Dervorgilla, Lady of Galloway, founder of Sweetheart Abbey. Less authoritative is the date, 1267, usually assigned to the foundation. It was a house of Dominican or Black Friars, but very little is known of it. Even its exact site has not been clearly established. It is stated to have lain on the east of the burgh on an abrupt ridge overlooking the bay.¹⁰ Elsewhere it is assigned to the south-east of the burgh,¹¹ on a low eminence near the old mouth of the river.¹² Whatever its exact site, not a vestige remains. History, too, is almost as mute over the monastery as over the castle, yet a few gleanings can be made.

⁹ Chalmers in his *Caledonia* says 1261—a manifest slip.

¹⁰ *Statistical Account*, 1841.

¹¹ Chalmers's *Caledonia*.

¹² M'Kerlie, *Lands and Their Owners*. The Friary is not mentioned by Harper, *Rambles in Galloway*, whilst the *Inventory of Ancient Monuments* is significantly silent.

In temporal wealth the monks seem to have been poorly endowed. King Alexander III. is stated to have granted to the preaching friars of Wigtown a large portion of the firmes paid by the Burgh of Wigtown,¹³ and traces of payment of 10 merks annually to the Friars can be found in the Exchequer Rolls.¹⁴ From a number of small annual rents in the burgh a small income was derived—no doubt the benefactions of the devout. Apart from the Friar lands, of which Monkhill, where now stands the manse, survives as a place-name, they owned some property of value in the fishings of the River Bladnoch.¹⁵ Of the members of the Friars we know nothing, though research might bring much information to light. But we have the names of four of their Priors.¹⁶ Their conventual buildings must have been in a bad way early in the 16th century when their house made a convenient stopping place for Royal and humbler pilgrims, £10 being granted out of the Exchequer towards the repair of their place (*sui loci*) in 1528.¹⁷ The pilgrims would follow the old pilgrims' way from Edinburgh to Whithorn, part of which you will see to-morrow. In 1506/7 the Queen had given birth to a son, and was in danger of her life. The King at once set off on a pilgrimage to St. Ninian's Shrine at Whithorn. Such was his anxious contrition that he made the journey on foot. I, who in company with Mr Collingwood have walked—nay floundered and struggled—some three miles of that route, can bear testimony that his Majesty must have earned ample and lasting penance for his sins. At least he was rewarded, for his Queen recovered.

At the Reformation the Friars' lands passed into the hands of the Earls of Galloway.

¹³ Chalmers's *Caledonia*, citing *Rot. Scot.*, I., 40, obviously a misquotation.

¹⁴ Vol. XII., p. 96.

¹⁵ *R.M.S.*, 1593/1608, 1340. Apart from the above, they owned the lands of Corwar (extent not given), in Sorbie parish.

¹⁶ Friar William Dea, Prior 1504 (*Ex. Rolls*, XII., 274); Friar John Donaldson, Prior 1515 (*Ex. Rolls*, XIV., 111); Friar Alex. Barcar, Prior 1525 (*Ex. Rolls*, XV., 189); Friar Robert Lyle, Prior 1527 (*Ex. Rolls*, XV., 370).

¹⁷ *Ex. Rolls*, XV., 428.

The last pre-Reformation object of interest in Wigtown is its church. The now roofless and picturesque ruin, though for the most part of later date, undoubtedly contains some early work, though the present remains cannot be taken to represent the pre-Reformation Church. The buttresses which you see and the string course along the eastern gable belong to the original edifice. On one of the buttresses is carved a defaced animal sculptured on an intake. These details indicate that the old church belonged to the First Pointed period. The church was dedicated to St. Machutus, a Welsh saint, who was educated at St. Malo in Brittany, and died there a bishop in 627 A.D. If we could locate in early Wigtownshire some family of Norman extraction whose forebears could be traceable to the district of St. Malo, then we would with some certainty be on the tracks of the man who first built and endowed a church here, and possibly lived in the castle. The church, we know, had two chapels dedicated to the Virgin Mary and St. Ninian. They were established in 1495 by the Vicar of Penninghame and endowed with a tene-ment in the burgh.¹⁸ Prior to the 14th century the church was a rectory till granted by Edward Bruce (1312-18) as Lord of Galloway to the priory of Whithorn.¹⁹ It was certainly a rectory in 1308, when Sweetheart Abbey petitioned Edward II. for the gift of the church of Wigtown in redress for the burning of their granges and destruction of their goods.²⁰

At the close of the 15th century the advocacy of Wigtown must have been withdrawn from Whithorn, for it again appears as a rectory and remained thenceforth in lay patronage.²¹

Of its incumbents, four were men well known in their

¹⁸*R.M.S.*, 1424/1513, 2273. The Vicar's name was Mag. Wm. Makgarve.

¹⁹*R.M.S.*, Vol. I., App. I., 20. There is, however, a reference to S. dean of Wiketon in 1257, which awaits explanation (*Reg. of Papal Letters*, I., 344).

²⁰Bain, III., 69.

²¹The following names of its incumbents have been recovered:—George Vans, before 1483 (*Acta Aud.*, 126); Schir Alexander Scott,

day. One of them was Alexander de Carnys (Cairns), rector of Forest, Provost of Lincluden, Ambassador and Royal Commissioner on many important occasions, whose fractured tombstone can still be seen at Lincluden. Another of them, George Vans, became Bishop of Galloway in 1482; another was Alexander Scott, who was Clerk Register in 1484. The third was Sir Patrick Vans of Barnbarroch, obviously a lay rector, who was the Royal Ambassador sent to Denmark in 1584 to arrange a marriage between the young King and a Danish princess.

Of one other cleric of this church a record survives. In 1510 the Vicar was kept out of his own house by a ruffian named Patrick Mure. In the mellay that ensued the Vicar found himself thrown down his own staircase. Those who are familiar with the narrow circular stone stairs known as newel stairs will realise that the Vicar must have received a good many bumps before he arrived at the bottom. With the sorry spectacle of this bruised and perhaps broken Vicar we will take leave of pre-Reformation Wigtown.

Minnigaff.

By R. C. REID.

You have been brought to this site not only because it is, like two other church sites you have already visited, a place of peaceful charm and singular beauty, but also for its historic interest as the feudal and ecclesiastical centre of the parish of Monygaff. I am not going to offer any solution of the derivation of the singular name of this parish.

rector, 1484 (*Laing Charters*, 193); Mr Patrick M'ulloch, vicar 1542 (*ibid.*, 408); Mr John Vans, rector, 1543 (*R.M.S.*, 1513/46, 2931); Patrick Vans, rector, 1545 (*Correspondence of P. Vans*, II., 551); Mr Richard Aikenhead, vicar, 1510 (*Hereditary Sheriffs*, I., 333); Alexander de Carnys, 1420 (*Papal Letters*, VII., 143); Hugh Kennedy (died 1454), rector (*Papal Letters*, X., 725); Gilbert Smerles (vicar of Inche), rector, 1454 (*ibid.*); William Heries (dead by 1463), rector (*ibid.*, XI., 498).

As may be imagined, it is spelt in old times in an infinite variety of ways. If our most cautious authority, not perhaps without a little hesitation, suggests that it signifies "the thicket of the smith," we will not quarrel with him.

This church site has few points of semblance to Wigtown. Here we find both church and fortress on the summit of a hill and the village below. Here, too, we have the true parochial origins of Norman times. Within a hundred yards of this ruin is a mote, the sure hall-mark of the Norman settler. Close to it, sheltering, as it were, in its strength, we would expect its occupant to have a chapel, rude and simple, perhaps, but yet the rudimentary beginnings of what later was to be founded and endowed by him or his descendants as a parish church. For such were our parochial origins. We do not know who that first Norman settler was, for we have no Domesday Book in Scotland. But whoever he was we may be almost certain that his mote was still inhabited in 1297, as I shall explain to you when you inspect it.

Fully a century before this date must have occurred the founding of the first parish church. It is known that, thus constituted, the parish often followed the fortunes of its parent lordship; and that when a large lordship was split into several smaller ones it was found desirable that each smaller one should have a separate church. If such a conjecture is followed up in this instance, what may have happened? The early Norman may have found his rock-girt mote adjoining here too cramped. We know that in many instances it was not long before the stone Edwardian castle took its place. Such an edifice entailed a move elsewhere. The new castle would naturally be on low land by the mouth of a river. Our Norman may well have moved to Wigtown; but the parent mote, with its newly-founded parish church, would not be forsaken, and may well have been the patrimony of a younger son. The new castle at Wigtown would also require a place of worship, which also would become a parish church. All this is, of course, conjectural, but the indications, such as they are, would point to Monygaff as being the earlier of the



MEMORIAL STONE TO UCHTRED M'DOWALL
AT MINNIGAFF.

By courtesy R. Dinwiddie, Dumfries.

two church foundations. At any rate, it was a parish by the year 1209, when its first recorded parson attested a deed. But we have definite evidence that for at least a century earlier Christian interments were made on this site. These two early crosses will, I hope, be the subject of some comment by Mr Collingwood, who, I believe, dates them about 1100. We may therefore be certain that some early chapel, if not a parish church, existed here at that date.

Of the history of this building or of this site as a place of worship, nothing practically is known. It ceased to be used as a church in 1836. Though the site is clearly pre-Reformation, little is left in the building to indicate its age. The reconstructor has been at work. I have been unable to find out the dedication of the church. Monygaff was a rectory in the 13th century, when a cleric named Durand was its parson. At some later unknown date it was granted to the Abbey of Tongland, and must thereafter have been served by a vicar till the Reformation. Of these vicars the names of only three have survived, and Andrew Menzies, vicar of Monygaff in 1602, must have been the last incumbent, a survivor of the upheaval at the Reformation.

Apart from the crosses, two stones built into the wall of this church deserve a passing notice. One is dated, the other is not. Both refer to the M'Kie family. The undated one is an interesting example of an heraldic mural tablet, bearing in Gothic lettering the inscription:—"Hic jacet Patricius M'Ke de Cālodā me fieri fecit." Camlodan is the modern Cumloden, the seat of the Earl of Galloway. The other stone has no heraldic device, but has in its place a crest of two ravens transfixed by a dart, with underneath the letters P.M.K., standing for Patrick M'Kie, and the injured date 164--. Now no attempt has ever been made to identify the persons named on these stones. It is high time it was essayed. This is not a suitable occasion to state one's reasons, but I can at least express the faith that is within me. The heraldic stone is monumentary in spite of the fact that it was taken from a mantelpiece in the Hermitage at Kirroughtree. It has only in recent years been most properly placed in its present

position. The origin and history of the other stone is not so clear. But the heraldry given is a clue. The lion rampant crowned is the arms of the M'Dowalls. The three boars' heads stand for Gordon. At the close of the 16th century two Patrick M'Kie's of Larg married heiresses of those families. The heraldic stone is therefore 17th century, and probably refers to Sir Patrick M'Kie of Larg, who ruined the family fortunes in the Covenanting period. The other stone may refer to his only son and heir, Patrick M'Kie, younger, of Larg, who was killed in his father's presence at the battle of Newcastle in 1640 immediately after his personal capture of the Royalist standard. On the latter stone the crest of two ravens transfixd by an arrow recalls the part played by the founder of the family of M'Kie in the most important tradition of the district through which you are to pass this morning.

From the Penkill burn below this rock you pass through some two miles of rich, flat, alluvial country, which stretches to Palnure Burn. You then turn up into the hills till you reach the De'il's Dyke. The triangle of land within these limits preserves one of the most romantic traditions relating to the Wars of Independence. Hard by the De'il's Dyke, yet just out of sight from the road, lies the farm of Craigen-callie. Robert the Bruce was then hiding in the hills of Galloway. His fortunes were at a low ebb. The tide had not yet turned. He was being hunted by Edward's troops, and was accompanied only by a few faithful friends. One night he came to the cottage of a poor lonely widow at Craigen-callie. Suspecting he was a person of superior rank, she challenged him, and he divulged to her who he was. She at once welcomed him in, and gave him a plate of porridge and goat's milk. Whilst he was eating it her three sons came in and were invited by Bruce to join his service. In reply to his inquiries they stated that their bows and arrows were the only weapon known to them. So Bruce asked them to display their skill. The eldest son, whose name was M'Kie, seeing two ravens perched on a rock, let fly and transfixd them both with one arrow. The second son, Murdoch, brought down a raven on the wing. The third son, named M'Lurg,

could not emulate his brothers, and failed to add to the bag. Bruce at once enlisted them, and was rewarded by receiving from them a few days later advice as to a stratagem which he adopted to attack his English pursuers, then on Raploch Moss. The stratagem was successful, and the English defeated. You will this afternoon pass along the edge of Raploch Moss, where you will see a large boulder called the King's Stone, against which Bruce leaned after the fight. Tradition is supported by finds of old swords and weapons near that stone.

After Bannockburn Bruce is said to have asked the widow what reward he could give to her and her sons. She replied : —“ Just give me the wee bit hassock of land atween Palnure and Penkiln.” That wee bit hassock was five miles by three of the best land in the district. The widow knew what she was about. It was divided between the three sons, who originated the families of M'Kie of Larg, Murdoch of Cumladen, and M'Lurg of Kirroughtree. All three families have died out, the properties of the first two belonging now to the Earl of Galloway, whilst Kirroughtree passed from the M'Lurgs by marriage to the Herons, and again by marriage to the family of Heron Maxwell, baronets, by whom it was sold in recent years.

You will pass it shortly on the left hand behind a fine stone wall that enclosed the deer park. In that park tradition places the site of two battles. The first one between the Romans and the natives we may safely disregard, as there is no definite evidence of the Romans in Galloway. The second battle took place in 1308, when Edward Brus descended from Ayrshire and totally defeated Sir Ingelram de Umfraville and Sir John de St. John with 1200 followers, somewhere on the Cree, and made them take refuge in Buittle Castle. In the deer park of Kirroughtrie are numerous cairns; and swords and other arms have been frequently dug up to substantiate tradition.

Reference has already been made to this Mote, which is a good example of its class, namely, a naturally defensive mound artificially strengthened by trench and rampart.

Within the Stewartry of Kirkcudbright there are no less than 26 mote hills, a large number of which are like this one, a simple truncated cone without any base-court or bailey. At one time I used to think that the mote without a bailey was a later form or development of the mote with a bailey. But having visited most of the motes in Dumfries and Galloway, I can find no reason to assign any priority to either form.

This mote is oval in form, following the contour of the tongue of land formed by the confluence of the River Cree and the Penkill Burn. With steep precipitous rocky banks running down to these streams, it was naturally a first-class defensive position. The hand of man has strengthened its defence by increasing what may have been a natural hollow cutting it off from the rest of the promontory. Whether this hollow is entirely artificial or partly natural it must at one time have been a much deeper cutting, with a correspondingly steeper glacis. The cutting varies from 50 to 60 feet wide. The summit of the mote was in olden times surmounted by a palisade of stakes and logs, within which the Norman dwelt. The entrance must have been the narrow pathway by which the approach is still made. From this pathway must have sprung the wooden drawbridge that spanned the cutting. On the summit of the mote, some ten feet back from the edge, are traces of a stony bank, or foundation of a building. Stone building (if, indeed, this is what we have here) is not associated with the early forms of the Norman mote. But it must be remembered that in Scotland there is evidence that motes were inhabited as late as the 15th century; and this foundation would imply a late occupation here. I ask you then to mark these features, a precipitous rock surrounded on two sides by water, surmounted by a Norman mote of wood, with timber gates and drawbridge, the whole indisputably on "the wattir of Cre."

Now, I ask you to turn your mind back to the year 1297. The "Hammer of the Scots" held Scotland under an iron heel. Every important castle, such as Wigtown, every place of strategical value, was in his hands. Every Scot of any value had sworn fealty, though some not without a struggle.

One man alone stood out against him, and he was in hiding in Jedburgh Forest, the rallying centre of the more desperate of his countrymen. In January, 1297, the seething discontent boiled over, and a rising took place which ended in the ignoble surrender on 9th July at Irvine. Wallace, of course, participated in the rising, but not in the surrender. He descended on Galloway from his hiding-place, and encamped on the Water of Cree. Within half-a-mile of this mote is a fortified site still called Wallace's Camp, but the origin of which was probably centuries older than Wallace. There he laid his plans.

We have only the crude poem of Blind Harry to rely on for what happened. It is the fashion to treat the reliability of that poem with derision. But within recent years many of its episodes have been shown to be substantially correct in the main facts, even though it is the obvious product of patriotic hero-worship. An examination of the episode on the Cree goes far to vindicate its blind but unknown author. I am not going to quote the 30 lines of vernacular in which the episode is given, but the opening lines enable us to identify the spot without hesitation.*

“ A strenth thar was on the Wattir of Cre
 With in a rock, rycht stalwart wrocht off tre;
 A gait befor myecht no man to it wyn,
 Bot the consent off thaim that duelt within.
 On the bak side a rick and wattir was,” etc.

Now you may search the banks of the Cree from its source in the mountains to its junction with the sea for any other site save this mote, which fits this description. From whatever source Blind Harry derived his facts, his informant must have been familiar with this site. Mark the accuracy—a strength within a rock, “ wrocht off tre,” i.e., a timber stockade upon a rock. A gate in front that no man could win without leave of the occupants. We who stand within that gateway and look down on the wide steep-sided cutting below, now partly filled up by the hand of time, can readily believe in the apparent impregnability of this “ strenth.” And yet it was won by William Wallace. I will briefly tell you how.

* *The Wallace Book*, VI., 803-833.

Wallace himself set out to reconnoitre. He set an ambush of his forces. There could be only one place for an ambush—in the present kirkyard. One can almost visualise those desperate outlaws hiding amongst the trees and lurking amongst such cross slabs and gravestones as marked the site of the kirkyard. A price was on their heads; but murder was in their hearts. Dispossessed and therefore desperate, reckless, as well as ruthless, they lay hid waiting the signal to attack. It was evening—"quhen the nycht was dym"—so the Scots could creep close to the edge of the yawning ditch. Then Wallace took with him two faithful henchmen—Steven of Ireland, and Kerlie—"that couth clyme thè wattir under; and clame the rock so strang." Whether he climbed the rock on the side of the Cree or Penkiln we do not know, but he probably swam the Cree and scaled up that side. Within the "strenth" all was unsuspecting. A solitary watchman stood by the drawbridge. The hardy Scots had no difficulty in mounting the stockade, and crept forward to the bridge. Wallace himself smote the porter or watchman, who fell dead into the ditch—"Dede our the rock in to the dik he fell." To lower the drawbridge and blow his horn took Wallace but a moment. The ambush rushed forth—"The buschement brak and come in all thar mycht"—and the "strenth" was won. Sixty Englishmen were slain, and only an old priest and two women—"sympill wemen twa"—survived. The "ane auld priest" doubtless officiated in the parish church. Great booty was found. Wallace demolished the "strenth"—

"Brak down the strenth, bath brig and bulwark all;
Out our the rock thar gert the temyr fall."

Drawbridge and bulwark (or stockade) were torn up and thrown into the river.

Such is the story as it survives to us in the pages of *Blind Harry*, and we who visit this site to-day must marvel alike at the accuracy with which tradition, as presented by the blind author, has preserved the topographical details, and also at the astonishing fact that more than six centuries since

Wallace's death have been allowed to pass before his exploit has been identified with this historic site. I should add that this identification is incomplete without an acknowledgment to Mr M'Cormick for its original suggestion. The brain wave was M'Cormick's, the presentation my own.

13th AUGUST, 1925.

Closeburn, Morton, and Tibbers.

About thirty members spent a very interesting and enjoyable afternoon in Mid-Nithsdale, visiting, under the able and genial guidance of the Rev. Dr. J. King Hewison, some of the more notable scenes in the district, including the old Castles of Closeburn, Morton, and Tibbers.

At Brownhill and Kirkpatrick.

Travelling by motor, the first place of call was Brownhill farm, situated by the way-side a little south of Closeburn village. This farm, as Dr. Hewison explained, was formerly an inn. In the eighteenth century it was a halting place for stage coaches on their way to Glasgow and Edinburgh. Dr. Hewison referred to its connection with Burns and "lovely Polly Stewart." Bacon, the landlord in Burns's day, was brother-in-law of William Stewart, the factor of Closeburn, then living in the Castle, and father of Polly, who used to meet Burns here. The Poet wrote verses about both of them. A broken soldier passing by inspired Burns to write "The poor and honest soldier."

At Kirkpatrick, Dr. Hewison pointed out the green ridge on which formerly stood the chapel of St. Patrick, now obliterated. The font is preserved in the Grierson Museum at Thornhill. This chapel probably existed long before Ivo de Kyrkepatrick was transferred from the Kirk of Patrick in Annandale to the Lake-dwelling, or moated grange of Closeburn, in the thirteenth century, the Celtic church of Osbiorn being then in existence as a mission of the Northumbrian church.

Closeburn Church and Castle.

Going on to Closeburn Church, situated in beautiful,

sylvan surroundings, the company had their attention drawn by Dr. Hewison to the churchyard, loaded with headstones dating from the seventeenth century and later, cut by "Old Mortality." Among other memorials are the Mausoleum of the Kirkpatricks, with heraldic arms and motto, "I mak' sure"; and the monuments of Captain James Douglas of Birkhill (1701); John Mathison, the Covenanter, who returned from slavery in New Jersey and died in 1716; William Wallace, father of John, the founder of Wallace Hall School; the learned scholars, the Fergussons, and many other notables who were friends of Burns. One gable of the former church, built in 1740, remains, and supports a belfry and a bell which was cast by George Hog in the Potterraw, Edinburgh, in 1606. The present elegant church was designed by Mr James Barbour, Dumfries, and houses some early sculptured Celtic stones. Closeburn Castle was the next place visited, and there the Secretary gave an account of the building and of the family of Kirkpatrick. Motoring along the main Closeburn road to Thornhill, and thence to Morton Old Castle, the site of the original village of Closeburn, and of its cross (now in the Grierson Museum), the location of Trigony Fort, Buchan Ha', New Cample farm, and Tempeland farm, all associated with the Buchanites, and other places of interest, were pointed out by Dr. Hewison. The extended course of the Deil's Dyke was also shown.

At Morton Castle, Dr. Hewison said that Dunegal, the name of the local chief who is first mentioned in records in connection with Stranith, and whose descendants possessed the vale, was probably a Gall, and either gave his name to or took it from the Dun, which later was called Mor-ton, i.e., the great "ton" or residence of a chief. There is no other "ton" at hand; but the stream nearby, called Kettleton, suggests the residence here of one of the many Viking Ketils who swarmed up the Solway. In 857 there existed a Ketil Finn or Caittil Bjornson, a chief of the Isles and king of the Gall-Gael, whose influence and territory may have extended to Nithsdale, and had both a local habitation and a name here. The adjacent lands of Eris—or Ersch—Morton also suggests

some connection with the Irish invaders styled the Galls. The displacement of the descendants of this family by the Douglasses in the fifteenth century resulted in the building of Morton Castle about the middle of that century.

Of Morton Castle, Mr R. C. Reid gave the following historical account.

Morton Castle.

By R. C. REID, Esq.

The Castle of Morton is an interesting example of a 15th century castle. It is of course possible that there may have been an earlier castle or fortified site, but we have no evidence that such existed. Both architecture and history agree in placing it in the 15th century. Here was the *caput* or principal messuage of the barony of Morton. When the early documented history of Nithsdale commenced the district comprised within the parish of Morton belonged to a native chieftain named Dunegal. It is improbable that it was then, at the close of the 12th century, a barony; for the division of lands into baronies and lordships was an introduction of the feudal period. But Dunegal's descendants married into Norman families, his great grandson, Thomas Randolph, becoming Earl of Moray and marrying a sister of Robert the Brus. There is no doubt whatever that Thomas Randolph owned Morton. He is indeed mentioned, on inconclusive evidence, in connection with the Castle of Morton; but if there was a castle then, it must have been another edifice. For, as will be indicated, this building possesses none of the characteristics of a 13th or early 14th century castle. Indeed Thomas Randolph was never styled Lord of Morton, but rather as Lord of the Valley of Nith. His family ended in two heiresses, both of whom married into the Dunbar family, their respective shares of Morton being united in 1363 in the person of George Dunbar, 10th Earl of March. The Earl's sister married Sir James Douglas of Dalkeith, and received in dower the Barony of Morton, which was held from the Earls of March as superiors. The Earl

was forfeited in 1433, and shortly after James Douglas, Lord Dalkeith, obtained a new infeftment of Morton, to be held in regality direct from the Crown. It seems probable that it was in connection with this grant of regality that the Lord Dalkeith built this castle. Such, indeed, was to be expected from a powerful baron who a few years later was to be created Earl of Morton—a title derived not from this parish, but from Morton in Caldercleir.

The New Castle.

The new castle would seem to have been completed by 1456, when we have a definite reference to it. That year Robert Dalziel of that Ilk, desiring infeftment in the lands of Bellibucht hard by, presented himself with the necessary legal documents at the outer gates of Morton Castle—where we now stand, for, as you will learn, there must have been an inner gate—and there sought infeftment, offering the usual feudal dues and services. But instead of the Baron he was interviewed by the Baron's mother—a widow lady, very difficult to deal with. The widow examined the documents, and, finding they were not addressed to her, waxed wrathful, annexed them, and had Dalziel driven away. He came back again next month with a fresh batch of documents directed to the lady. But perhaps some pleasantries had passed at the previous interview, for the widow a second time refused to have anything to do with him. Dalziel at once retaliated by despoiling her lands of Morton, the damage amounting in value to £400. Dalziel may have slaked his anger on her property, but he did not get infeftment till ten years later.

Now we may be absolutely certain that this is the Castle of the Widow of 1456, and that it was built some time after 1440 by the Lords of Dalkeith. It remained in the hands of the Douglasses of Dalkeith, Earls of Morton, till 1680, when it was acquired along with the barony by the Earl of Queensberry. But long before that date it had been in actual possession of the Douglasses of Drumlanrig, for the Earls of Morton can have had little to do with it after the commencement of the 16th century. The Drumlanrig family, at some

date unknown, obtained from the Earl a lease of the whole barony, and in 1554 granted a sub-lease of the castle to a younger son, Patrick Douglas. In 1608 the lease had terminated, and the Earl feued the barony to the Douglasses of Coshogle, from whom a few years later the feu was purchased by the Douglasses of Drumlanrig.

Meanwhile Patrick Douglas seems to have continued to reside in the castle. Certainly his daughter-in-law made her testament there in 1607. His son was still a tacksman or tenant of Morton in 1620, but it was held by his grandson in 1624 as a feu from the Queensberrys. One member of this family, Captain William Douglas of Morton, was a noted persecutor of the Covenanters, dying at the ripe age of 80 in 1707. Living during the troublous times of the Covenant, he got into financial difficulties, and had to sell his estates to the Earl of Queensberry. But his descendants prospered and multiplied elsewhere, being distinguished in the military and episcopal records of their country, as every reader of Mr Adams's *Douglas of Morton* can learn.

With the departure of this family from Morton Castle the edifice must have gone rapidly to ruin. In 1789, when Grose visited it, it was much as it is to-day, with a row of hovels, now removed, outside its southern wall.

The castle in its original condition probably covered the whole of this triangular spit of ground, but of this triangle only the base line and angles remain. Towers stood in the angles, and the gateway was situated between two towers in the south-eastern angle. Only one of these gate towers remains. It is a D-shaped tower, the flat side of the D forming the side of the entrance gate. The level of the entrance was about 10 feet above where we stand. From the sill of the entrance a drawbridge spanned the fosse, which must have been of built stone work. The drawbridge was recessed back, so that the fosse extended back some seven feet between the towers. The far side of the fosse was some 16 feet from the front wall. The drawbridge must therefore have had a considerable span. When drawn up it stood within a recess up against the gate, thus strengthening the defence. On the western side of the drawbridge was formerly another

D-shaped tower, forming the other jamb of the gate. It would have a similar elevation to the surviving tower. Entry to the castle was through a pointed arch, the pier from which it springs being still in situ. Above the arch was a chamber, as at Caerlaverock, from which the drawbridge was raised and the portcullis lowered. Under the arch was a gate opening apparently outwards. It therefore could not be opened when the drawbridge was up. Behind the gate was a portcullis, and behind that again was an inner gate opening into an arched alley way, known to architects as a *pend*. This must have been the only vaulted part of the building as we now see it. How far this vaulted roof extended we do not know, but it is unlikely to have gone the whole length of this passage, for the wall on its right has been restored, and the curtain wall on the left has disappeared.

The passage opened into a courtyard at the far end, having on the right hand a porch, now gone, approached by two steps still in situ. Within the porch must have been a wooden staircase, by which the occupants mounted to the upper storey—the only visible method of access—through a fine pointed arch. The present doorway beneath it has been restored, but must have existed in the original castle.

On entering the main wing we have on the right some unexplained features. Two walls have stretched across the western end from the north-west corner, both of which must have been cut by doors. The intervening space, forming a curious triangle, has been probably open to the sky. Two deep pits have been dug between the walls, leaving a narrow gangway of solid earth between the connecting doors. I think that we must regard this unusual feature as part of the defensive system. Some sort of communication must have been possibly between the ground floor of the main building and the south-west tower, but it is not apparent. It was a five-storied tower, the top three stories communicating with the upper floor of the main building by means of a spiral staircase in the tower, which, however, did not descend to the ground floor. Some details in this tower are worth pointing out. The south window on the first floor has a seat in its west jamb and a garderobe on the east jamb, from which a

flue discharges outwards and downwards through the wall directly into the fosse. The sanitary arrangements of the middle ages are always worthy of notice, and in the case of this castle are remarkably well preserved. The floors of the tower were of wood, the joists being carried either on the scarcement or on corbels. Even the dungeon was not vaulted. It was no doubt much deeper than now, debris having fallen into it. Access to it must have been through a hatch in the floor. The only wall opening is an upward flue for ventilation—a grim and murky hole. Into this dungeon it is supposed that a Covenanting prisoner was cast, having been captured whilst sick of a fever. It is stated he was “carried to a dungeon sixteen steps of a stair underground, where was no light of the day, and the ground being so wet and the unwholesomeness of the pit had almost choked him, yet it pleased the Lord to make a way of escape, it being on Saturday night” (Adams, p. 162). The dungeon may be deeper than it looks, and may have had a wooden ladder. It being a Saturday night, the guard may have been lax; but in any case the Covenanter was to be congratulated. There is, of course, no certainty that the dungeon referred to is this one. The chamber directly over the dungeon cannot have been a guard chamber, for it has no communication with the gate. Its two windows have what are known as stepped soles, a feature common to the other windows of the castle. A squint in the west wall commands the entrance pend.

Turning now to the main wing, it has consisted of two stories, the upper carried on a wooden floor supported by corbels. We do not know whether there were any divisions in these big rooms, but there were probably arras hangings somewhere in the middle. The two stone basins with slope drains discharging through the walls rather indicate a division. You will notice that the windows on the ground level are all set at a considerable height above the floor level with stepped soles. This is, of course, for defensive purposes. The windows of the upper floor are set at a lower level, and are much bigger. Comfort could be considered upstairs, where attack was less likely. There was only one fireplace at the east end, now robbed of its jambs and projecting hood.

The floor above was entered, by means of a wooden stair outside, through the fine archway at the north-west. Architecturally it has been described as "a pointed arch head with arch and hood mouldings dying on a discontinuous impost, the jambs having three continuous rounds, derived from the engaged shaft, and received on continuous splayed bases" (Hist. Mon. Com. Report, p. 178). In all there were four windows on the north side, though the central one has disappeared. The upstairs fireplace was on the south wall, and one of the south windows has been a later insertion, being on a slightly lower level.

It is obvious from the state of this main building that at some period its inhabitants have had to be content with a much humbler dwelling than this castle must have provided when in perfect condition. There are foundations of what look like cottages within these walls, and there are indications of weather tabling of a low roof running north and south that can only indicate a later occupation when these walls were partly ruinous. This perhaps belongs to the period of Captain William Douglas, the persecutor, whose position can scarcely have been of sufficient affluence to have permitted residence in this castle before its decay set in.

The south-eastern tower provides another illustration of sanitary methods. It was entered from the ground floor through an angled passage, having in the angle a ground hatch provided with a grate, which is obviously a soil outlet. This drops straight into a drain, cutting right through the foundation of the tower, open at either end, so as to enable it to be sluiced out with water and emptying down the steep eastern bank into the lake. The outlet is big enough to admit human beings, and it was formerly blocked by a heavy iron grating, as castles have been known to have been captured by an enemy entering through such a passage. To reach the ground level of the tower beyond, entrance could only be effected through this angled passage, whence a wooden hatch gave access to the basement of the tower. The upper stories of the tower were entered from the upper floor of the main building.

One last point of interest may be pointed out. Just

within the entrance of this angled passage the roof is composed of a large freestone flag, having on its surface what looks like fossilized imprints of some sort. I draw attention to it in the hope that someone better qualified than myself can explain the markings on this stone.

Little now remains to add to this account of Morton Castle. Curtain walls, now disappeared, probably ran along the margin of the lake, terminating in a northern tower at the end of the spit of land. Outside this main wing facing north were other structures, both built up against the outer face. The westerly one, as is evidenced by the corbelling and weather table, was a one-storey lean-to, the easterly one was of two stories, and on the upper floor must have communicated with the main wing, though it is not quite clear how the communication was effected.

This castle was therefore built about the year 1450. It is difficult to believe that some sort of castle did not exist within the barony of Morton before that date, and an examination of the muniment room at Drumlanrig may throw some light on the problem. But it is just possible that this site may have been originally a Norman mote, having the mote at the southern end now covered by these buildings, and the bailey court on the spit of land to the north. There appears to be no remains of a mote elsewhere in the barony.

The Deil's Dyke.

Attention was also drawn by Dr. Hewison to the clear outline of the Deil's Dyke, as it sweeps from Durisdeer Village along the hill-faces above Gateslack and on East Morton Hill, ascending through the Hass—an earthen rampart here, but on the Par and Bellibucht hills appearing as a high well-built wall with a grassy road in front of it, as it descends over Cample into Closeburn parish.

Drumlanrig Castle and Tibbers.

At Drumlanrig, which was afterwards visited, Dr. Hewison explained that the present castle was erected on the site of the "House of the Hassock," and was built by William, first Duke of Queensberry, between 1678 and 1688, as dates cut on it indicate.

At Marr Burn, nearby, he drew attention to the place-name reminiscent of the days of Thomas, thirteenth Earl of Marr (1377), whose sister, the Countess Margaret, brought Drumlanrig estate to the Douglasses.

The ruins of Tibbers Castle, situated in the neighbourhood, were also visited. The name Tibbers, as Dr Hewison explained, was usually connected with the Gaelic word "tiobar," signifying a well, and there is a well within Tibbers Castle. Blind Harry, in his poem on "Wallace," mentions the castles of Durisdeer, Enoch, and Tybristoun, and also Drumlanrig. In 1298 Sir Richard Siward was holding "le Mote de Tibris" for King Edward I., who visited the castle on 3rd September, 1298. It became the property of the Earls of March, then of the Maitlands, and next of the Douglasses.

After tea at Thornhill the Grierson Museum was visited under Dr. Hewison's guidance, which was greatly appreciated, and he was accorded the most hearty thanks of the visitors.

10th SEPTEMBER, 1925.

Naworth, Roman Wall, Aesica, Triermain, and Lanercost.

About 50 members of the Society accepted the invitation of the Cumberland and Westmorland Antiquarian and Archæological Society to join them in their visit to the Roman Wall. The company met their hosts at Brampton, and visited Naworth, of which an historical account was given by Lady Dorothy Henley. The excavations at Willowford Bridge and their results were lucidly described by Mr R. G. Collingwood, M.F., F.S.A., and the same service was rendered by Mr F. G. Simpson, M.A., Hon. F.S.A.Scot., at the fort of Aesica. On the return journey Triermain was visited and described by Mr W. T. M'Intyre, B.A., and the excursion concluded at Lanercost, the features of which were elucidated by Mr J. H. Martindale, F.S.A.

A fuller account of the excursion will be found in the *Transactions* of the C. and W.A.A.S., Vol. XXVI., N.S.

Exhibits.

10th October, 1924.—The Secretary—Drawing of a flint arrowhead found in July, 1924, by Miss Hope, c/o Principal Patterson, Buckrig Farm, Beattock, on Buckrig Farm, near the Moat on New Farm. Light blue-grey, barbed, very regular in shape and perfect in point and edge, $1\frac{3}{8}$ in. long by $\frac{9}{16}$ in. across barbs.

Mr William Irving—Feather from an owl's nest among sedges in Crawfordjohn—identified by the President as that of the short-eared owl.

21st November, 1924.—Mr William Wilson, Tynron Kirk—A collection gathered from among rabbit scrapings on Tynron Doon, consisting of vitrified material, animal teeth, and two small fragments of filigree work in yellow metal. Mr J. P. Milligan, jeweller, considered these to be common Indian work, parts, perhaps, of a brooch, but the authorities at the Scottish National Museum of Antiquities, while considering the fragments too small to determine the matter, are inclined to regard them as belonging to the Iron Age.

Presentations.

10th October, 1924.—Mr John M. Corrie, Dalry, Ayrshire—Flint cores, scrapers, and flakes, with fragments of urns collected at Torrs Warren, Dunragit.

Colonel James Monteith Hannan, East Tinwald House—Specimen of the Vendace from Lochmaben.

Miss Annie Lorrain Smith—*Lichens*, Cambridge, 1921.

7th November, 1924.—Mr John Turner, Session Clerk, Martyrs' U.F. Church, Dumfries, on behalf of the Kirk-Session—Four Communion Cups and Two Flagons of Pewter, dated 1745, which were originally the property of the Church at Quarrelwood, also 4 Communion Tokens of the same. To be retained in the custody of the Society until such time as a Public Museum was established in Dumfries, to which they were to be handed over.

Abstract of Accounts

For year ending 30th September, 1925.

I.—ON ACCOUNT OF CAPITAL.

Sum Invested at close of last Account ...	£283	17	6
One Life Member's Subscription ...		5	0 0
		£288	17 6

II.—ON ACCOUNT OF REVENUE.

CHARGE.

Balance brought forward from last year...	£59	8	6
Annual Subscriptions ...		109	5 0
Interest on Investments ...		15	5 8
<i>Transactions</i> sold and Donations ...		9	2 9
"Notes on Birds of Dumfriesshire" ...		2	4 4
Miscellaneous ...		7	12 2
		£202	18 5

DISCHARGE.

Rent and Insurance ...	£13	6	0
Books Bought and Cost of <i>Transactions</i> ...		12	3 6
Advertising and Stationery ...		12	15 7
Miscellaneous ...		18	3 0
Transferred to Branch I. ...		5	0 0
Transferred to Branch III. ...		9	2 9
		70	10 10
		£132	7 7

III.—DONATIONS TOWARDS PUBLICATION.

Sum at close of last Account ...	£132	16	9
Sum transferred from Branch II. ...		9	2 9
		£141	19 6

M. H. M'KERRROW, Hon. Treasurer.

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