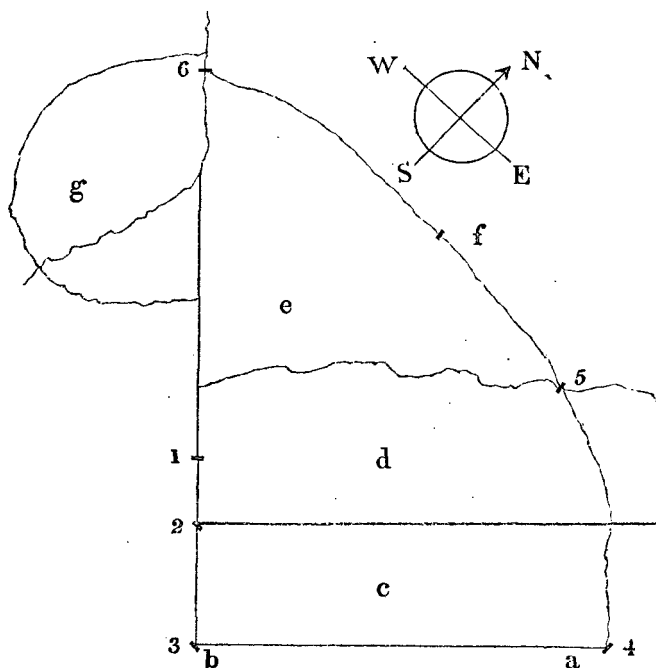


IV.

NOTICE OF A CURIOUS BOUNDARY OF PART OF THE LANDS OF BURGIE,
NEAR FORRES, IN A CHARTER OF KING ALEXANDER II., 1221. BY MR
JAMES B. BRICHAN.

In the REGISTRUM MORAVIENSE (printed for the members of the Bannatyne Club), Appendix, No. 4, we have a charter entitled "*Carta confirmationis regis Alexandri II. terre de Burgyn.*" It was printed from a copy of the original found among the manuscripts of Walter Macfarlane, now in the Advocates' Library. It is dated December 7, 1221.

In this charter King Alexander grants to the Monks of Kinlos "the land of Burgyn, which Earl Malcolm of Fif and Gillebert Archdeacon of Moray, and Andrew, the son of William Fresekin, and Archibald of Dufhus, and Alexander and Henry the brothers of Brice Bishop of Moray, and others his good men, by his order perambulated (*Scottice* 'redd') to them, and by the same boundaries by which they delivered it to them, namely, from the great oak in Malevin, which the foresaid Earl Malcolm at first caused to be marked with a cross as far as the Rune Pictorum, and thence as far as Tubernacrumkel, and thence along a sike as far as Tubernafein, and thence as far as Runetwethel, and thence along the rivulet which runs through the marsh as far as the ford which is called Blakeford, which is between Burgyn and Ulern."



[The above diagram of the district referred to, although necessarily not very accurate, will perhaps give some assistance in rendering the following remarks

more intelligible than they could otherwise be made. The line *ab* shows the supposed southern boundary of the ground perambulated; the letter *d* the ridge named the Hill of Burgie, and its western continuation the Mellan Hill, which may average about 500 feet in height above the level of the sea; *c*, the *sike* or bog on its south side, which is rather lower; and there is a gradual slope of some hundred feet towards *f* and *g*, the farms of Easter and Wester Laurencetown, on the north.]

Attached to the original charter was a parchment, apparently written in the same hand, from which Macfarlane furnishes the following translation of some of the above terms:—

“*Tubernaerumkel*, ane well with ane thrawin mouth, or ane cassin well, with ane cruik in it.

“*Tubernaefeyne* of the *Grett* or *Kemppis* men callit *Fenis* is ane well.

“*Rune Pictorum*, the carne of the *Pethis* or *Pechts Feildis*.

“*Malith*, the brow of ane hill.”

The boundary begins “from the great oak in Malevin,” No. 1; and “Malith” (evidently only a component part of Malevin) is interpreted “the brow of ane hill.” The straight line in the above sketch, marked with the figures 6, 1, 2, 3, represents a portion of the older boundary of the Burgie property, which runs across the ridge still known as the Mellan Hill. Malith is a misreading of Malich, a Gaelic word signifying the eye-brow, and of course only in composition with the word represented by the syllable *vin*, signifies “the brow of ane hill.” A glance at the ridge now known as the Mellan Hill—a prominence somewhat lower than the top of the main ridge—would at once satisfy any one of the propriety of the old name Malevin. It seems scarcely possible to doubt that the “great oak” must have stood on or near the spot marked in the sketch as No. 1. There are now no remnants of the old oak forests of Scotland on or near the spot, but large trunks of oak have been dug up at various parts of the ridge. It may not be irrelevant to notice that the surname Melvin (so nearly resembling Malevin) is in the neighbourhood of the locality pronounced *Mellan*.

The next point in the boundary is the *Rune Pictorum*, or “carne of the *Pechts Feildis*.” Its probable site was at or near the spot marked No. 2. No cairn now exists there, but immediately on the west of it there stretches an extensive moor (now partly cultivated), and once abounding with cairns. An old man, who had seen many of the cairns, and who was alive in 1851, informed the writer that he understood the moor to be ground which had been under cultivation by the Picts. The writer is unable to pronounce any opinion as to the historical accuracy of such a tradition; but the Hill of Pluscarden, rising to

the south-east of the ground in question, is still extensively covered with small cairns, apparently agricultural, though locally ascribed to a different source.

From the point marked No. 2 (the south angle of the wooded and enclosed part of the Hill of Burgie, shown in the diagram by the line running eastward from fig. 2), the boundary runs straight through a moss, and across a hill which shall be subsequently noticed. At the point marked No. 3, on the south side of the moss, is the well named the *Deer's Peel (Pool)*.

It would perhaps be too much to affirm that this is the veritable *Tubernacrumkel*—but certainly the *Deer's Peel* corresponds to the very letter with the interpretations of *Tubernacrumkel* given by Macfarlane from the old parchment attached to the Burgie charter. If "cassin" means "dug," the well has every appearance of having been formed with the spade in a spot most aptly described by the Latin word *scaturigo*. It has an outlet "*thrawin*," or "*with aue cruik in it*," which is a most singular coincidence, if it is not the well of the charter.

There are no wells in the locality except that just described, and another named *Willie's Well*. To reach the latter from our supposed *Tubernacrumkel*, leaving the western boundary of the *Burgie* property, we proceed *per sicum* to the point marked No. 4. There we meet a more extensive *scaturigo*, situated in moory ground, in the middle of which lies the well, which in all probability is the ancient *Tubernafein*. Independently of the interest attached to the ancient boundary now in question, the word *Tubernafein*, as explained above, has an interest of its own. It indicates and commemorates the former existence of a race of men, whosoever they may have been, known in 1221 as the *Kemppis men* or *Fenis* (and still spoken of in some parts as the *Fingalians*), and whose name and memory, even in the thirteenth century, seem to have existed solely in the form thus indicated. To the eastward of *Willie's Well* lies the part of the Hill of Pluscarden above noticed, which is thickly strown with small cairns, locally believed to mark the scene of a battle, but not, so far as is known, covering in any instance human remains.

The site of *Runetwethel* is a matter of mere conjecture. There is now no cairn in the line of any supposable course which the boundary may have here taken. The point No. 5 is therefore marked merely as hypothetical. But it is well known that numerous cairns have been removed from the neighbourhood. *Twethel*, as appears from other documents copied by Macfarlane, was a landholder in the district of Moray, and *Runetwethel* is of course *Twethel's Cairn*. It appears to the writer that *Twethel* is a misreading of *Twechel*. The western portion of the ridge of which the Hill of Pluscarden forms a part, terminates in a rounded eminence 843 feet above the sea-level, named the Hill of

Tulloch, lying immediately on the south of the ground marked out by King Alexander's charter. By a very common transposition *Twechel* in the lapse of ages may have become *Tulloch*. The *Runetwethel* of the charter must have stood on the slope of the Hill of Burgie, which, though bearing a distinct name, is in fact a part of the same ridge. It may also be noticed here, although not directly bearing on the subject in hand, that the top and southern slope of the Hill of Tulloch are studded with the remains of numerous cairns opening to the east, through the middle of which runs a zigzag dike of dry stone, whether a mere enclosure, a defence, or an ancient *tinchell*, the writer is not qualified to say.

The remaining part of the old boundary described in the charter of King Alexander runs, as we have seen, from the *Runetwethel* "along the rivulet which runs through the marsh as far as the ford which is called Blakeford, which is between Burgyn and Ulern." The rivulet and marsh no longer exist; but *above* Easter Laurencetown there are more than one imaginable channel in which the rivulet may have run; and *below* Laurencetown is a field formerly a marsh, *naturally* drained to the westward, and whose *artificial* drains also take the same direction, which is that indicated in the charter. Following the supposed rivulet and marsh, we thus reach the point No. 6, at which, within the last few years, was an old ford, where the former road from Laurencetown to Forres crossed a small stream descending from the south, and partly forming the old western boundary of *Burgie*. The ford and remains of the old road have now disappeared in the embanking of the stream. The ford had latterly no known designation, but there can be little doubt that it was the *Blakeford* of the charter. It lay, as we have seen, exactly on the boundary of the *Burgie* lands, and was thus situated as described, *inter Burgyn et Ulern*. About the name *Burgyn* there is no difficulty. *Ulern*, though found in that very ancient orthography, is undoubtedly *Blervie*, the old castle and lands of which lie immediately to the west of the ground in question. It is the place at which Fordun and other chroniclers affirm that King Malcolm I. was slain by the men of Moray, and whose name they variously spell *Ulum*, *Uluern*, *Ulrin*, *Ulroun*, *Ulerin*, and *Ulyryn*. It occurs in its old form but twice in the *Registrum Moraviense*; once, as we have seen, in 1221, when it is spelled *Ulern*, and again in 1238, when it takes the form *Vlerin*.¹ In the same Register it assumes, in the sixteenth century, the form *Blare*, in which it appears also in records of the two following centuries. It is hardly necessary to notice the common interchange of the letters *b* and *v* in words of Celtic origin, or the well-known fact that many or most of our modern names ending in *ie* had of old the termination *in* or *yn*.

¹ Regist. Morav. No. 40.

It is remarkable that the boundary above traced does not end in the charter, as was usually the case, at the point at which it began. There cannot, however, be a doubt that the remaining portion was that indicated by the line between Nos. 6 and 1, which is still partly the boundary, and which runs in nearly a straight line from the site of the old ford to the *Mellan Hill*, two points distinctly within sight of one another.

The farm of Wester Laurencetown is now part of the Burgie property, and the western boundary of the former is now of course that of the latter. The fair of Saint Laurence was formerly held on the spot marked *e* in the above sketch *e*, and the laird of Burgie was superior of that fair. At a period which the writer has not been able to ascertain, Burgie exchanged his privileges connected with the fair for the farm of Wester Laurencetown, belonging to the town of Forres, to which the fair was removed, and at which it is still held. The foundations of the old booths existed till very recently, when they were removed by the present occupant of the farm of Easter Laurencetown. The fair has its name from Saint Laurence the Martyr, the patron of the town and parish of Forres.

The ground whose boundaries are defined in the charter of King Alexander II. the writer believes to be "the ploughgate in the *landella* of *Burgin*, lawfully measured," granted to the monks of Kinlos by King Malcolm IV. (1153-1165), confirmed to them by Richard Bishop of Moray (1187-1203), and confirmed by King Alexander a second time in 1225, three or four years after the perambulation which is the subject of the present paper.¹ It lies considerably to the south of the modern road from Forres to Elgin (which at that part appears to correspond with the ancient line), and is quite distinct from the grant of another part of Burgie by King William (1172-1178), the latter being described as lying on the *north* side of the King's highway between Elgin and Forres.² It is, however, well known that at *Kelbuthac* (now *Kilbuyack*), the eastern termination of the land granted by King William, the old road diverged from the present line, and ran on somewhat higher ground, and upon the south side of the *Knock of Alves*, an old hill fort now topped by an insignificant modern tower.

¹ Regist. Morav. App. Nos. 3, 5.

² Regist. Morav. App. No. 2.