

I.

NOTES OF A CHARTER BY CHARLES I. TO JAMES, LORD CARNEGY, 1641, CONSTITUTING HIM KEEPER OF THE ABBEY OF ABERBROTHOCK; AND OF AN ORDER BY MR JOHN GARDEN, FACTOR ON THE PANMURE ESTATES (1746), CALLING THE TENANTRY OF EDZELL AND NAVAR TO BE ARMED AND READY TO REPEL A HIGHLAND RAID. COMMUNICATED BY THE LATE DAVID DAKERS BLACK, Esq., F.S.A. Scot. By JOHN STUART, Esq., LL.D., SECRETARY.

Before describing the documents communicated by Mr Black, I must be allowed to say a few words about our late Associate himself.

He became a Fellow of the Society of Antiquaries in the year 1852, but long before that time his tastes for historical research had manifested themselves, and in the year 1829 he published a history of his native city of Brechin, a volume which in his later years he issued in a second edition, with the fruit of its author's industrious research in the interval.

It is now thirty years since I first came to know Mr Black, at which time we met at the house of our mutual friend Mr Patrick Chalmers of Aldbar. Of the latter, it may be said that he was one of the most devoted and intelligent of our Scottish antiquaries; and being unable, from his infirm state of health, to visit the early remains in his neighbourhood, he availed himself of Mr Black's practical zeal, in superintending the excavations and measurements which he desired to have made.

It was thus that Mr Black came to report to Mr Chalmers, in the year 1846, on the vitrified remains on the Hill of Finhaven, and in describing them he refers to a previous inspection thirty-four years before that time, made when he must have been quite a youth.

In November 1845 he wrote to Mr Chalmers with a description of a recent excavation which he had made in the walls of the great Hill Fort, known as the *brown* Caterthun.

In the year 1842 he superintended an examination and digging in the Round Tower of Brechin, made at the expense of Mr Chalmers, the details of which have been deemed worthy of a place in Dr Petrie's great work on the "Round Towers of Ireland."

Throughout his life Mr Black maintained his interest in all questions of

antiquarian research, and was always ready to forward the interests of the Society of Antiquaries by furnishing communications, and otherwise.

A few weeks previous to his death he wrote to me a letter, communicating the copies of the documents which I am now to describe. It began with the following sentence:—"If you have got nothing else to do, you may read this letter. If otherwise, you may lay it aside, or burn it. Nothing will be lost."

This did not bespeak much interest in the papers, nor any assumption of importance in the writer; yet I cannot but think that Mr Black set an example which might be usefully followed by all our members, who have the opportunity, for these apparently unimportant and isolated scraps of historical documents, when they are made accessible to students by means of our Proceedings, frequently furnish most useful materials for the practical workman.

The first document in Mr Black's collection is a gift under the Privy Seal by King Charles I., dated 17th November 1641, to James, Lord Carnegy (afterwards second Earl of Southesk), by which he constituted him keeper for life of the houses, yards, and lands within the precincts and walls of the abbey of Arbroath, with a right after his death to his heirs male for the space of three nineteen years.

The letter narrates that these houses will become ruinous except some course be taken for upholding of the same; and the grantee is taken bound to keep up as many of the houses as the Lords Commissioners of Exchequer should think expedient, the same being first put into a state of repair by the said Lords.

The king, by a letter of earlier date (*viz.*, 10th October 1636), had disposed to the Bishop of Brechin the monastery of Arbroath, with the houses, biggings, yards, orchards, and others within the precincts of the same, together with an annual payment of 5000 merks out of the royal revenues in exchequer, and this grant was ratified in Parliament after the Restoration (September 9, 1662).¹

The Abbacy of Arbroath was erected in favour of James, second Marquis of Hamilton, in 1606, into a temporal lordship, which afterwards came by purchase into the possession of the Earls of Panmure, whose

¹ Acts of the Parliament of Scotland, vii. 432.

investiture in 1661 included the "manor place and precinct of the said lordship and abbacy of Arbroath, with the houses, yards, orchards, dovecots, and others their pertinents."¹

In the rental of the bishopric of Brechin for crop 1685, the "precinct of the Abbacy of Aberbrothock, bear and malt," is entered at L. 28, but it does not seem clear what was the effect of the grant to the Earl of Southesk, the term of which had not expired at this time. He survived till 1669, and the gift provided for a right to his heirs of fifty-seven years after his death.

It is to be regretted that this document had not come to light before the publication of Mr Hay's exhaustive "History of Arbroath," as it might have enabled him to throw some light on the point.

The other paper sent by Mr Black is a copy of an order by the factor on the estate of Edzell and lordship of Navar, then belonging to trustees of the York Buildings Company, dated 6th September 1746, requiring all persons, well affected to His Majesty's person and government in these districts, to have their arms in readiness when required, in order to repel by force any attack which might be made by the Jacobites, who are styled rebellious villains. The writer announces in the end that a party of regular forces will be sent to the district in a short time.

The people of Glenesk, like their neighbours along the braes of Angus, were adherents of the cause of the Stuarts. We learn, however, from Mr Jervise's interesting volume on the "Land of the Lindsays," that they were visited about the time in question by a party of Argyle Highlanders, under Major de Voisel, whose duty it was to purge the country of Jacobites, and from whom they experienced more tyranny and oppression, under the guise of royalty, than had ever been inflicted on them in the most severe days of feudalism. In the words of Mr Jervise—"As the common attendant of a selfish general and reckless army, infamy and crime in its most revolting shape stalked supremely over the land for a brief period: and while the Episcopal churches fell under the devouring element, the gleam was prolonged by the mattresses of the worthy pastor and his faithful adherents, and their wives and daughters became the hapless victims of the base and vitiated habits of their heartless persecutors."²

¹ Regist. de Panmure, vol. ii. p. 334.

² Land of the Lindsays, p. 57.

The factor's letter was addressed to Robert Gold, as ground officer of the lands in 1746.

The original document was found in the repositories of the late Mr Gold of the Hillside of Edzell, and when seen by Mr Black it had found its way to a grocer's shop as waste paper.

I must again express a hope that our members will do what they can to rescue such scraps and communicate them to the Society for the benefit of themselves and of all historical students:—

I. CHARTER BY CHARLES I. TO LORD CARNEGIE CONSTITUTING HIM KEEPER OF THE ABBEY OF ABERBROTHOCK.

Charles be the grace of God King of Great Britane, France and Ireland, Defender of the Faith, To all and sundrie our liedges and subjects whom it effeires to whose knowledge this our write shall come Grittin Forsamickle as we considering that the houses within ye precinct of our Abbay of Aberbrothoc will become ruinais except some course be taken for ye upholden of ye samene And now being assured of the fidelitie of our right trustie and weille lovit James, Lord Carnegy [*sic*] Therefore wit ye us to have nominatted and appointed Likyas as we be yis writ do nominat and appoint our said right trustie and weille lovit James Lord Carnegy during his lyfetye keiper of the sames houses yardis and lands within the said precints and walls of our Abbay which were of old the Abbay yardis, and after his deceise our said right trustie and weille lovit James Lord Carnegy his airs maill and assignayes during all the dayes space and yeares of three nynteine yeares compleit With power to him and his deputtis for whom he shall be answerable to occupy and possess ye saidis houses yardis and landis within the precinct and abbay walls as were of old the abbay yardis for his and their own proper use Hes entrie yairnto to have above and beyond yt ye feast and term of Whitsunday Jajvie &c and fourtie yeares And from thence fuirth the same with all profeties and commodities and the sundries yeroff To be peaceable possessit and enjoyed be the saids James Lord Carnegy [*sic*] and his saidis airs maill and assignees above specified during the whole space and yeares above mentioned but contradiction or impediment whatsoever Our said right trustie and weile lovit James Lord Carnegie keeping up als manie of ye saidis houses and tenements as the Lords Commissioneries of our Excheker shall think expedient The same being first repaired sufficientlie be our saidis Lords Commissioneries of our Excheker and delivered to the said James Lord Carnegy and his forsaidis And being so ricaved and delivered shall be uþ holden be hym and

his forsaidis upon yr own propper charges during the space foresaid should the ston wallis or timber rouffes of ye saids houses and buildings faile which ar always to be repaired be our saids Lords Commissioners of our Exchequer for ye time Given under privie seile at Haliruidhaus the seventeine day of November Jaiviz and fourtie ane yeares

Per signaturam manu S. D. N regis
supr

Two tags attached, cut out of the charter ; the larger one with about half a seal thereon, the smaller one without any seal. The charter has been indorsed on the back, but nothing is legible except 1641. There seems also to have been some four lines of writing at a corner of the back, but wholly illegible. In a more modern hand the back of the grant is indorsed thus—31 of ye Inventare.

II. ORDER TO ARM THE TENANTRY OF EDZELL AND NAVAR 1746.

BRECHIN, *6th September 1746.*

Robert Gold,—Being informed that a parcel of Rebels lurking about the head of Clova and other parts adjacent thereto are sending spies down through the Laigh Countrey and that they are meditating an attack upon this Town and upon several well affected people in the countrey, and having good ground to believe from what has happened in other places that this warning ought not to be neglected, least we should all repent it when 'tis too late : Therefore I desire & require all persons well affected to his Majestie's person and government within the estate of Edzell and lordship of Navar to have what arms they are possessed of in readyness & to be upon a call in order to repell by force any attack that may be made upon them or any of his Majestie's loyal Subjects by these Rebellious Villains whether by Night or Day—In a short time there will be a party of Regular Forces sent hither.—I am your friend

Sic subscribitur [*sic*]

JOHN GARDEN ffactor

To

Robert Gold and other Ground
Officers of Edzell, Lethnot,
and Navar.