

II.

NOTICE OF AN ORIGINAL TACK OF TEMPLE LANDS IN 1461, BY SIR HENRY OF LIVINGSTONE, KNIGHT; COMMANDER OF THE ORDER OF ST JOHN OF JERUSALEM IN SCOTLAND. BY JOSEPH BAIN, F.S.A. Scot.

This document is among the fine collection of ancient charters once in the possession of the Livingstones, Viscounts Kilsyth, which came last century into the hands of the Edmonstones of Duntreath, when they acquired the barony of Kilsyth. Having¹ been afforded the opportunity of seeing some of these, I obtained permission to print the above and the "Warning" to the outgoing tenant to remove. I apprehend we know but little of the history of the Scottish branch of the Knights of St John of Jerusalem; and until some competent person undertakes this with the aid of the charters and papers at Calder House, as recommended by the late Dr John Stuart in his Report on Lord Torphichen's muniments, for the Historical MSS. Commission in 1871, we shall still be much in the dark. Mr Riddell, in his disquisition on the unique position of the Torphichen peerage,² as possibly the only surviving territorial barony in Scotland, the dignity of which he held to be inherent in the possessor of the "meane portion" and ruins of the old preceptory in Linlithgowshire, gives some interesting particulars as to their settlement at Torphichen as far back as the time of David I., with rights of regality, chancery, sanctuary, and other high privileges; adding the names of several of the preceptors, who were generally members of distinguished Scottish families, as Dundas, Lindsay, Livingstone, and others. He also remarks on the curious semi-laic semi-clerical position of the head of the house, who sometimes sat among the abbots and priors, and at other times among the lay barons, in the Scottish Parliament. In addition to these

¹ By the courtesy of Mr A. R. Duncan, advocate, son-in-law of Admiral Sir William Edmonstone of Duntreath.

² *Remarks on Scotch Peerage Law*, 1833, pp. 59-66; and *Peerage and Consistorial Law*, 1842, vol. i. pp. 88-97.

instances given by Mr Riddell, I may add one from a charter by James IV., under his Great Seal, dated 31st January 1504, ratifying an Act by the Lords of his Counsale, two days before, in favour of William, Lord Levingston, wherein William "Lord of Sanct John's"¹ appears at the end of the "Noble and mighty lords," and immediately before the "venerable faders in God" the Prior of St Andrews, Abbot of Dunfermline, and others (Kilsyth Charters).

Though their asserted Hungarian ancestry is probably as fabulous as that of the Drummonds, the Livingstones were an old and distinguished family, and made their mark in Scottish history during the minority of James II. They subsequently held two earldoms—those of Linlithgow and Callendar, and besides, the viscounty of Kilsyth,—all three forfeited for their holders' complicity in the Jacobite risings of 1715. As yet, they have found no family historian beyond what is contained in Douglas's *Peerage of Scotland*, which a casual glance shows might be amended in many particulars. The Earl of Errol is the lineal representative of the Livingstones, Earls of Linlithgow and Callendar, and curiously enough is the representative of another historic house—the Boyds, Earls of Kilmarnock, who suffered and bled in the romantic cause of the Stuarts.

The importance of the family is shown by their charter chest, from which we see that they represented an ancient race in the Lennox, the Calendars of Calendar, and besides their lands there and in Stirling and Linlithgow-shires, were considerable proprietors in Dumfriesshire in the fifteenth century, no doubt acquired through their alliance in the fourteenth with the house of the Douglases of Dalkeith. They were a clannish family, as in many of the deeds, Livingstones of various grades, cadets, and lesser landowners, chaplains, notaries, &c., are found in close attendance on the heads of the house. This clan feeling doubtless gave rise to the following deed by the Preceptor of Torphichen in favour of his two nephews. According to *Douglas's Peerage* (art. "Kilsyth"), the Preceptor

¹ This was the celebrated Sir William Knollis, the immediate successor of Sir Henry Livingstone, who governed the Order for half a century, and fell at Flodden.

was the second son of the first Livingston of Kilsyth, who himself was a younger son of the main stock of Calendar.

“Be it kend til al men be yir present lettres us Frere Henry of Levynngstone Knicht Commandour of ye Ordir of Sant John [of] Jerusalem within ye kynryk of Scotland to haf set and to male lattin and be yir present lettres setts and to male latts til our derraste cusings Williame of Levynngstone and Alisiandre of Levynngstone sonnys til umquhile our derraste brothir William of Levynngstone of Balcastell Al and Hale our lands callet ye Briggs lyand within the lordship of Tempil-liston, To be haldin and to be had al and hale ye saide lands of ye Bryggis w^t ye pertinence to ye saids Williame and Alisiandre and til ilk ane of yaim coniunctly and severali w^t al and syndry profyttis asiaments and commodities and richtwise pertinence and w^t syclike fredomes and profyttis as umquhil John Uchiltre had ye saids lands in maling of us, for al ye termez of thre yers next and togydd^r eftir folowing ye feste of Witsonday next eftir folowing ye date of yir present letteris, And enterand in tak of ye saide land w^t ye pertinence at ye said feste of Witsonday, yat is to say in ye zer of God a thousand foure hundreth sixty and twa yers ; With licence and power to mak subtenands under yam in ye saide lands induring ye termez of thre zers forsaide, Payand zerlie tel ws and our Hous of Torfichin ye saide William and Alisiand^r or quhilk of yam at happyins to occupy ye saide lands or yar subtenands, Ten pounds off ye usuale mone of Scotland at twa usuale termez of ye zer, yat is to say Witsonday and ye feste of Sant Martine in wynter be evinle porcionez w^t oyr do service acht and wont: In witnes of ye quhilk thing ye [common?] sele of our office is affixit to yir present letteris of assedacion at Torfichin ye xx day of ye monethe of September ye zer of our Lord a thousand four hundreth sexti and ane zers.”

The large oval seal in red wax of the preceptor has been affixed on the face of the instrument, and, as usual in similar cases, has utterly perished. One, however, is preserved in Laing's *Scottish Seals* (1st series, 1850, p. 204, No. 1132)—described as “Full length female” figure, holding the Paschal Lamb, surrounded with the nimbus. At the

dexter side a rose, in the lower part a shield charged with a cross: *leg.* ‘Sigillum Comune de Torfiching’, appended to a charter by Sir Henry Livingstone to Thomas Buchanan of the temple lands of Letter, county Stirling, in 1461 (Kilsyth Charters). This seal is still extant, and was lately seen by the writer. The document is well and clearly written on paper with few contractions, but is much stained by water, and is worn in one or two places.

The “Warning” by the reverend knight’s bailiff follows thus:—

“Til al and sundre quhais knowlege thir present lettres sal to cum, Gawane of Levyingstoune greting in God. Forquin y^t meritable is to bere lele witnes to ye suthfastnes, herefore it is y^t til zoure universete be yir presents I mak it kend yat a certane tyme bigane I as baleyhe in yat part til a venerable and religius man Frere Henry of Levyingstoune, Kny^t, Preceptour of ye Ordre of Sanct Johne of Jerusalem wⁱⁿ ye kynrik of Scotland passit at ye commandment of ye said lord Preceptour w^t a letter of powere deliverit to me y^upon to ye land of ye Briggs w^t ye pertinents liand within ye lordschip of Tempil liston, and w^t me ye temple seriand of Liston and oyr certain witnes for ye sam cause, and there at ye chefe place of ye said lands eftir yat my lettres of powere gevin to me y^upon was red in plane audience, I chargit Alane of Lere-month yan occupare of ye said land to remufe and devoyd ye grund of al and sundrie his guds yare being, and I gart ye serjand pass in ye hous and put out¹ certain guds of ye said Alane, forbidding and chargeing him on ye behalve of oure Soverane Lord ye King of Scotland and on ye behalve of ye said Lord Precepto^r lord of the grund, to occupy ony manere of way ye said land in tyme cuming under all¹ payn and charge quhilk aferis of law And yan incontinent be ye powere and charge gevin to me I assignit William of Levyingston and Alexander of Levyingston brether germane, yare present, to ye tak and maling of ye said land w^t ye pertinents, and put yam in possession yarof eftir ye form and tenor of ye lettres of assedacion of ye said Lord Precepto^r made to yam y^upon And yis to al and sindri quhom it aferis I mak suthfastly

¹ Original mutilated.

knaw and beris witnes be yir present lettres In witnes of ye quhilk thing, because I had na sele of myne awne I have procurit with instance ye sele of a worthi man Alexander Hathwy baleye of Lithqu tae to put, at Lithqu ye secund day of ye moneth of June ye yhere of Oure Lord a thousand and foure hundir sexti and foure yheris In presens of James Cameron, William of Thorntone, John Yhung, and Johne Henrison w^t oysr sindry."

This document is also on paper, and though legible enough, is a good deal dilapidated. The seal which the bailiff borrowed from the bailie of Linlithgow is still affixed, and has survived the Lord Preceptor's, having been protected by a curious band of rush twisted round it—sometimes found in seals about that date. It is in red wax, rather coarsely executed, and shows a shield charged with two fleurs-de-lys in chief, and a hunting horn in base.

The racy vernacular of both documents well entitles their publication among the *Transactions* of the Society, and the writer believes he expresses the feeling of many members besides himself, in acknowledging the courtesy of the gallant Admiral, who owns the Kilsyth charter chest, in lending these interesting relics of a bygone day. It is now more than half a century since an eminent Scottish antiquary¹ said—"Little more than the name of the Templars and their successors, the Hospitallers, remains. . . . It is uncertain when the estates of the former were transferred to the latter. The charters and old chartularies connected with both Orders have been lost, and cannot now be traced." Thus, the little gleam of light thrown upon the everyday life of the military monks is welcome in the general dearth of information regarding their history in Scotland.

¹ The late James Maidment, Esq., in a privately-printed little volume, *Abstract of Charters, &c., recorded in the Chartulary of Torphichen*, from 1581 to 1596 (Edinburgh, 1830, 8vo), of which only thirty-five copies were printed.