

III.

NOTICE OF AN AGREEMENT BETWEEN A VASSAL AND AN ECCLESIASTIC IN REGARD TO SUBJECTS ON THE WATER OF LEITH IN THE YEAR 1226. BY THE REV. WILLIAM LOCKHART, A.M., F.S.A. SCOT., MINISTER OF COLINTON PARISH, MID-LOTHIAN.

Subjoined is a translation of the document entitled "An Agreement between Thomas of Lastalric (Restalrig), and Master Ricard (Richard), parson of Halis (Colinton)," which is the subject of this notice.

"In the year of our Lord, one thousand two hundred and twenty-six, on the day of Saint Faith the Virgin ('*Die sanctae fidis virginis*,' 6th October), this final agreement is made between Thomas of Lastalric on the one part, and Master Ricard, parson of Halis, in name of the Church of Halis, on the other part, with the consent and assent of Lord William, Abbot, and the convent of Dunfermline; namely, that the foresaid Thomas and his heirs shall have their mill-dam (stagnum molendini) of Halis, as that dam was on the aforesaid day, so that they shall not extend their dam towards the church land beyond what it was on that day. Also the foresaid Thomas and his heirs shall have their mill with the Middlehope or Midlehope ('*Midelhope*') and Mill-croft (milne-croft) even to the great stone as the aforesaid Thomas had it on that day. Also they themselves and their men shall have free ish (free access) in going to and returning from the mill by the highway (magnam viam). On the other hand, the parson shall have, as representing the church, the whole residue of the land from the forementioned great stone up to the ditch which of old was made for the boundary with the half of Seyillum or Seyillorum ('*Seyillum*') towards Faleys ('*faleys*'),¹ as Lord H. (Hugh), bishop of Dunkeld, and Lord William, abbot of Dunfermline, provided on that day. And the foresaid Church shall have that small piece of land which lies between the garden of the church and the highway which leads towards the mill. Saving also to the church the lands and possessions of which on the aforesaid day it was in peaceful possession. It is agreed on both sides, otherwise that if either party wishes to resile from this contract, the Bishop of Dunkeld shall have power to compel the party resiling, on pain of excommunication, without appeal, to stand to the agreement which has been made. And that this agreement may remain sure for ever, the forementioned parties have in turn affixed their seals to this writing. And for the greater security of this matter Lord ('*H*') Hugh, bishop of Dunkeld, and Lord William, abbot of Dunfermline, and Lord

¹ Foulis (?).

William de Bosco, archdeacon of Lothian, and Lord Thomas Chancellor, and Master W. (William de Eden or Edenham), archdeacon of Dunkeld, have affixed their seals to each part of this writing" (*Regist. de Dunferm.*, No. 218, pp. 135-6).

This deed, which was executed during the reign of Alexander II., king of Scotland, evidently refers to subjects on the Water of Leith, because the ancient church of Halis stood near to that river, and Richard, the clergyman here referred to, was rector of that church and parish at this time. Not only so, but the Abbot and Convent of Dunfermline, whose "consent" and "assent" are here obtained, were superiors of the lands of Halis from about the end of the eleventh century down to the period of the Reformation (1560). The vassal here mentioned, Thomas of Lastalric, was in all probability one of the ancestors of the Logans of Restalrig, a family that figures somewhat conspicuously both in the history and romance of Scotland, and whose residence seems to have been for generations at the place above mentioned, although the surname, as was usual at this period, is not given. From another deed in the chartulary of Dunfermline Abbey (No. 300, pp. 190, 191), it would appear that the name of Thomas's father was Edward, and that the said Thomas obtained the above-mentioned lands, or others in the same district, "in feu and heritage, in lands and waters, in dams and mills," for a money consideration to be paid half-yearly, at the terms of Martinmas and Whitsunday, to the Monastery of Dunfermline. The said lands had apparently been held by a former vassal, Archibald, son of W. of Douglas ("*Douglas*"), from a period dating between the years 1178 and 1198, and on his resignation of them, and retirement into the monastery as a brother, they were given to the said Thomas, son of Edward of Lastalric. The date here mentioned (1178-1198) is ascertained from the fact that the Abbot A—— (Archibald or Erkenbald), referred to in the deed, held office between the years 1178 and 1198. Another member of the same Restalrig family, Sir John of Lastalrick, is mentioned in another deed in the same chartulary (*Regist. de Dunf.*, No. 230, p. 147), and he has a son and heir called Symon. This deed is dated the 30th June 1284.

At the period of the document we are considering (1226), when Edin-

burgh consisted almost solely of Holyrood, as a monastery, with its Austin canons,—of St Cuthbert's Church under the Castle,—the castle itself,—a St Giles' Church and houses probably on the Castle Hill,—there were scenes of industry towards the south-west, on the banks of the Water of Leith or the Water of the *Hollow*, for that seems to be the meaning of Leith or Leth or Led, as it is sometimes called. The mills were in all probability grain mills, and their existence proves that the art of husbandry or agriculture was being pursued by the people in this neighbourhood at that time. The roads, too, were not merely bridle-paths, but highways, for one such highway is mentioned in the Deed of Agreement above referred to. Where the exact spot is to which the deed refers, and where the mill and mill-dam and milne-croft, and highway and ditch and great stone were, it is perhaps impossible now exactly to determine. They must, however, have been between the present village of Colinton and what is known as Bog's Mill on the Water of Leith, about a quarter of a mile farther up the river than the village of Slateford, because the church of Halis was on land contiguous to and on the north side of the Water of Leith between these places. Middlehope, Seyillum or Seyillorum, and Falleys are evidently names of places of which all trace has been lost.

The deed begins by giving the date of the agreement very precisely, namely, the day of St Faith the Virgin, in the year 1226, it being then customary to fix dates by the festivals of the saints. This saint, St Faith, is probably better known in English than in Scottish ecclesiastical history, there being no churches north of the Tweed dedicated to her, so far as I am aware, although probably other deeds may be found where she is referred to.

She is said to have been a young and beautiful Christian female, belonging to Agen in Aquitaine, who along with others suffered death about the end of the third century, from the cruelty of Dacian, the pagan prefect of Gaul, under the Roman emperors Diocletian and Maximian. There was a church built to her memory in her native place in the fifth century. She is the titular saint of several churches in France, of the church of Longueville in Normandy, which was said to have been enriched by Walter Giffard, earl of Buckingham. St Faith

“was also patroness of the priory of Horsham, in the county of Norfolk, founded by Robert Fitzwalter and his wife Sybilla, and endowed with great privileges by Henry I.”¹ There are sixteen churches in England named in her sole honour, and Little Wittenhan, in Berkshire, in the names of St Faith and All Saints; whilst the crypt of Old St Paul’s in London was dedicated to this saint, and until the Reformation was called the church of the parish of St Faith. There is a robed figure of the saint to be seen in a brass in St Laurence’s Church, Norwich, with a crown on her head surrounded by “a glory,” and a book in the right hand, while the left holds a handle attached to a bed—it being on a brazen bed that the saint is said to have suffered martyrdom. Her emblem, therefore, is a bundle of rods or a brazen bed in her hand.² Since her festival day was the 6th October, we have no difficulty whatever in determining the day on which the Lord Abbot of Dunfermline, and the Lord Bishop of Dunkeld and others, concluded and ratified this agreement between vassal and ecclesiastic in regard to a mill-dam and other subjects in the Water of Leith.

¹ *Butler’s Saints*, 6th Oct., vol. ii. p. 600.

² *Calendar of the Prayer Book*, Parker, Oxford, &c., 1867 (pp. 108–9). The tyrant is said to have asked the young Christian what her name was, when she replied “Faith,” and what is your religion? to which she answered “Faith.”