

## II.

NOTICE OF A DEED OF THE THIRTEENTH CENTURY SETTLING A  
CONTROVERSY IN CONNECTION WITH ST LEONARD'S HOSPITAL,  
EDINBURGH. BY THE REVEREND WILLIAM LOCKHART, M.A., D.D.,  
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The printed volume of the Chartulary of Dunfermline Abbey, out of which the deed referred to in this paper is extracted, like many of the registers of the religious houses of the Middle Ages, contains a great number of important ecclesiastical instruments, showing the manner in which land and other properties were obtained, held, and bestowed in Scotland, and disputes regarding them settled, in these comparatively dark ages of European history. In this goodly volume there is a record of many Papal privileges—royal charters, ecclesiastical writs, deeds of princes and nobles, and such-like, all referring to matters of national and local history, extending from the beginning of the twelfth century, and going back in narrative to the eleventh and down to the middle of the sixteenth.<sup>1</sup> And although this volume and others of a like kind may not be so well known or so generally read as books of a more popular description, yet it must be admitted that the people of Scotland owe a deep debt of gratitude to the members of the Bannatyne, Spalding, and other clubs for rescuing from oblivion the valuable records of the ancient monasteries, priories, and cathedral churches of the kingdom, and putting them in a printed form. As, however, most of these ancient muniments are not only written in Latin, but in contracted Latin, and therefore can only be easily and satisfactorily read and intelligibly understood by trained experts, they have not received and cannot receive that attention which their interest and importance necessarily demand. The time, therefore, seems to have come for at least suggesting that persons of affluence and public spirit, who are interested in the history of their country, and desirous that it should receive more minute treat-

<sup>1</sup> Regest. de Dunf. Pref., p. xviii.

ment than that which it has hitherto received, should combine to have these volumes translated into the English tongue. As a matter of commercial enterprise, such translations might not be a success, but then they would be welcomed by eager archæological inquirers throughout the country, who would find in them matter that would throw light on the origin and early history of many parishes, and afford valuable information in regard to land and its owners in former days, besides indicating localities the exact positions of which may be at present wholly, or at least but imperfectly, known.

The deed to which this paper more immediately refers, and which I have extracted and translated out of the Dunfermline chartulary, refers to a dispute about teinds which arose in the early part, or perhaps rather about the middle, of the thirteenth century, and it contains a record of the settlement of that dispute by the Abbots of Cupar in Angus and Aberbrothock and the Prior of Cupar. The parties to the dispute are the Brethren of St Leonard's Hospital, Edinburgh, and the Rector of the Church of St Cuthbert's Halis, now Colinton. And it would appear from the terms of the settlement that the dispute had been carried to Rome and referred to the Pope, for it was by his authority and mandate that the above-mentioned ecclesiastics acted and settled the controversy.

The following is the deed in question, viz. :—

“Concerning the teinds of the Mill of Dregern (Dreghorn).

“W. and R., by the grace of God Abbots of Cupar and of Aberbrothock, and W. Prior of Cupar, to all the faithful in Christ who shall see or hear these letters, Greeting in the Lord Everlasting. Be it known to you all that when, by the Mandate of our Lord the Pope, the controversy was brought before us between the brethren of the Hospital of Saint Leonard of Edinburgh, and Master Ricard [Richard], Parson of the Church of Halis, concerning the teinds of the Mill of Dregern, it is thus amicably concluded, viz. :—that the foresaid brethren of St Leonard of Edinburgh shall hold in perpetuity all the teinds of the Mill of Dregern from the Church of Halis, and for the sake of peace they shall pay in each year to the Church of St Cuthbert of Halis, for providing lights in the foresaid church, three shillings,

viz., eighteence at Pentecost [Whitsunday] and eighteence at the feast of St Martin [Martinmas], and thus all controversy shall cease for ever. And that this peace and amicable compromise may remain valid for ever, we, the judges appointed by authority of our Lord the Pope, execute, and by the appending of our seals, and the seal of the Abbot and Convent of Dunfermline, and of the parties, we have corroborated the same. Health to you all in the Lord."<sup>1</sup>

The initial letters W. and R., which designate the ecclesiastical dignitaries who settled this dispute, evidently refer to William and Ralph or Robert, as Abbots of Cupar and Aberbrothock respectively, and the other, W., evidently refers to William, the Prior of Cupar, for it often happened that in the same monastery there was both an Abbot and a Prior. Where this mill was situated cannot now be definitely ascertained, but probability would seem to point either to the village of Colinton, on the Water of Leith, or to some spot near Dreghorn Castle, on what is now known as the Bonaly Burn; and if this latter, then it might be at Lave-rockdale, or, as it is sometimes called, the Bleachfield, or near the Lodge on the Redford Road, at the entrance to Dreghorn Castle. The thirteenth century, as the date of the deed, is determined by the name of the rector, Ricard or Richard, who in another deed is mentioned in connection with the year 1226, as well as by the names of the Abbots and Prior above referred to, all of whom lived about this time,—in what particular year, however, it is impossible now to determine. Walcot, in his *Ancient Church of Scotland*, page 272, mentions a William as Abbot of Cupar, who succeeded to the abbacy somewhere about the year 1240, and who died in 1258, and another William, who was chosen about 1258, and was deposed about 1272. The time of the appointment of this latter William is confirmed by a statement in the *Chronica de Mailros*, which is referred to in the Rental Book of the Abbacy of Cupar-Angus, where the foresaid deed of settlement is also mentioned (vol. i. pp. 13–15). If this latter William be the dignitary who was engaged in the settlement of the dispute, then the R. mentioned could not be Ralph or Radulphus de Lamley, Abbot of Aberbrothock, because he was Abbot on 30th March 1226, and became Bishop of Aberdeen in 1239, when he

<sup>1</sup> Regest. de Dunfermlyn, p. 237, No. 220.

probably resigned the abbacy.<sup>1</sup> And therefore the R. must refer to Robert, who was Abbot in December 1261, and who it is said was shamefully expelled from the convent by his monks in 1267. So that the date of the deed must be taken to be somewhere between the years 1226 and 1267.

How the Hospital of St Leonard, Edinburgh, could have made any claim to teinds in the parish of Halis does not appear from any statement in the document in question. In all probability a grant of the teinds of this Mill of Dregern had been made by the Abbot and Convent of Dunfermline, to whom St Cuthbert's Church and parish of Halis belonged, at the request of the Sovereign, or some charitable member of the Royal Family, and this grant was resisted by the rector of the parish, who complained, and ultimately carried his complaint to the Pope, and thus brought about the appointment of the three ecclesiastics above referred to, who, in virtue of a mandate received from his Holiness, took up the matter, and finally settled the dispute in terms of the deed recorded in the chartulary of Dunfermline Abbey. It is not surprising that disputes of this nature should have arisen in the Church about this time; for we know that the parochial clergy of Scotland, and indeed of most countries in Europe, were very much harassed and annoyed, and had their rights and privileges very much interfered with by the encroachments of the Mendicant Orders, the Dominican, Franciscan, and other Friars, who rose up in the thirteenth century, and produced a kind of revolution throughout the whole Church. The controversy above referred to was in a certain sense decided against the rector of Halis; but yet, although he lost his teinds—whether parsonage or vicarage is not mentioned (in all probability vicarage)—he succeeded in maintaining his *right* to them, by the concession of an annual sum of money, which was ordered to be paid to his church by the brethren of St Leonard's Hospital, Edinburgh, in half-yearly instalments at the terms of Whitsunday and Martinmas in each year.

This ancient hospital, with which the rector of St Cuthbert's Church

<sup>1</sup> On the 8th of the ides of March (18th March) 1233, the Abbey Church was dedicated, having been somewhat more than half a century in building (*Chronica de Mailros*).

and parish of Halis had this controversy in the thirteenth century, has long since disappeared from the city of Edinburgh. It is said to have "stood on an eminence at the foot of St John's Hill, at the base of Salisbury Crags, not far from Umphraville's Cross, which marked the spot where one of that old border family was slain. Not a fragment of the hospital survives." (Walcot, *Ancient Ch. of Scotland*, p. 386.) Sir Daniel Wilson, in his *Memorials of Edinburgh in the Olden Time* (vol. ii. pp. 93-94), thus refers to this district of the city, and the hospital that once existed there:—"St John's Hill and the village of Pleasance form a portion of the long ridge which skirts the valley at the base of Salisbury Crags. The whole of this ground appears to have been ecclesiastical property in early times, and appropriated to various religious foundations, all of which were subject to the Canons of Holyrood. St Leonard's Lane bounded it on the south, separating it on that side from the Borough Moor.<sup>1</sup> At the junction of those lands there stood in ancient times a cross, which is understood to have been erected in memory of one Umphraville, a person of distinction, who was slain on the spot in some forgotten contest. The shaft of the cross had long disappeared, having probably been destroyed at the Reformation; but the base—a large square plinth with a hollow socket in which it stood—was only removed in the early part of the present century.<sup>2</sup> On an

<sup>1</sup> David I. is said to have given the Borough Moor to St Leonard's.

<sup>2</sup> The particular individual whose death in this "forgotten contest" a cross once commemorated is not now known. There was an Umphraville, Earl of Angus, in the days of Edward I., King of England, who along with others was ordered by him to put down the so-called rebellion in the time of Wallace. (Burns, *War of Independence* (vol. ii. p. 2). Sir Ingram de Umphraville, a renowned knight, and who had carried before him on a lance a *red bonnet* as a token that he had attained the highest point in chivalry, was, along with Sir John de St John and 1200 followers, defeated by Sir Edward Bruce in 1308 on the banks of the Cree, between the counties of Kirkcudbright and Wigtown. (*Ibid.*, vol. ii. p. 271.) Sir Ingelram de Umphraville, a conspicuous knight in the army of Edward III., took part in the Battle of Bannockburn, and after the battle was with others taken prisoner. (*Ibid.*, vol. ii. pp. 325 and 334.) Mr George Forrest, in his *History and Antiquities of St Leonard's, Edinburgh* (Maclachlan & Stewart, 1865, pp. 30-31), says that the family of Umphraville acquired their possessions from William the Conqueror when he subdued Northumberland in 1069, in virtue of their defending the district and of their destroying wolves. There seemed to be many of the name, all probably springing from a great North-

eminence at the end of the lane stood the Chapel and Hospital of St Leonards, but not a fragment of either is left, though the font and holy-water stoup remained in Maitland's time, and the inclosed ground was then set apart as a cemetery for self-murderers. The hospital was one of those erected for strangers and the maintenance of the poor and infirm, and near to it there was another on the road betwixt Edinburgh and Dalkeith, founded by Robert Ballantyne, Abbot of Holyrood, for seven poor people. Of these hospitals, which were governed by a superior, who bore the title of Magister, Spottiswoode enumerates twenty-eight in Scotland at the period of the Reformation. St Leonard's Chapel was the scene of a traitorous meeting of the Douglasses, held on the 2nd February 1528, to concert the assassination of their Sovereign, James V. They were to enter the palace by a window at the head of the King's bed, which was pointed out by Sir James Hamilton, one of their accomplices, who used to be the King's bed-fellow, according to the homely fashion of the times. The energetic measures which were adopted on the discovery of this plot greatly tended to secure the peace and good government of the capital."

The ancient hospital therefore referred to in the above-mentioned deed in course of time disappeared, having been either destroyed or allowed to fall into decay. Another hospital, however, to which a chapel was attached, was founded on or about the same spot by Robert Dean Bellenden or Ballantyne, who for sixteen years was Abbot of Holyroodhouse. This chapel and hospital were for six poor and infirm old men (Sir Daniel Wilson, as quoted above, says seven); and the charter of their foundation was confirmed by James IV. on 5th January

umbrian family. One became Earl of Angus by marriage with Matilda, a countess in her own right, and he is witness to a charter granted by William the Lion to the Abbey of Holyroodhouse, and in a subsequent charter he bestows a carucate of land (100 acres, as much ground as a plough could till in a year and one day), in Kinnaird, on the Abbey of Holyroodhouse. Sir Robert Umphrville, Vice-Admiral of England in 1406, invaded Peebles on a market-day, doing great damage, and seized and destroyed much merchandise. One of the latest descendants, says Mr Forrest, was Mr William Umphrville, keeper of St Nicholas' Workhouse, Newcastle, who died in great indigence in 1789, and who while living had the sword of that Sir Robert who devastated Peebles.

1493-4.<sup>1</sup> All traces of these later foundations have also disappeared. But although these relics of the past, these charitable foundations of former generations, have vanished from the scene, they have in a sense left a mark upon a populous and thriving district of the city of Edinburgh; which can never, to all appearance, be effaced. As far as the name goes, the old hospital has developed itself into many flourishing institutions; and although it has gone, streets and lanes and houses preserve the title by which it was known. Among the municipal wards of the city there is that of St Leonard. A parish, with a beautiful church, is known by the same name. Important industries are carried on around the old spot, whilst thousands and tens of thousands of human beings now live on the ground where at one time the inmates of the hospital were the only occupants. Is it unreasonable, then, to suggest that, when the authorities of the city are so laudably at times marking out and designating spots in the ancient capital of Scotland associated with historic names, such as Queen Mary, John Knox, Sir Walter Scott, Lord Brougham, and others, they may also endeavour to find out and mark the spot where this and other religious houses of the Middle Ages once stood, as marks of respect for the past, and as objects of interest to the many who from all parts of the world desire to look upon scenes that are associated with much that is good and great in the history of the country?

St Leonard, or Lienard, or Leonardus, who gave his name to this hospital, and whose name is perpetuated in so large a portion of the city of Edinburgh, was a Frenchman, and by Butler (*Lives of the Saints*) he is called a hermit. From the proximity of England and Scotland to France, the churches of these countries had in the Middle Ages much intercourse, and many French saints have been commemorated by the names given to places and ecclesiastical buildings both in North and South Britain. It was to St Martin of Tours that our countryman Ninian betook himself after leaving Rome in the fourth century, and so great was the affection of the Scottish saint for his brother of France

<sup>1</sup> *Liber Cartarum Sanctæ Crucis*, and *An Account of the History and Antiquities of St Leonard's, Edinburgh*, by George Forrest. Edinburgh, Maclachlan & Stewart, 1865, pp. 10-20.

that he named his church at Whithorn after him, an example that was followed in after times by ecclesiastics both in England and Scotland, as the number of "St Martin's" churches in both countries at present testify; and our well-known *term* of *Martinmas* comes from the same individual. After the Norman conquest of England, French ecclesiastics of all kinds were found in the churches and religious houses of our country, and it is to them that we are indebted for some of those splendid edifices which, even in their ruins, have been and are the admiration of mankind. Leonard, it is said, was a French nobleman of high esteem in the court of Clovis I., who in his early manhood was converted to Christianity by St Remigius, sometime after the battle of Tobiac. In consequence of this he left the royal household, and took the habit in a monastery at Micy,<sup>1</sup> in the territory of Orleans in France. Seeking greater solitude, however, he retired from this, and after wanderings and years spent in retirement he settled down in a forest in Limousin, four leagues from Limoges, where a prosperous monastery subsequently rose, called St Leonard le Noblat.<sup>2</sup> There can be no doubt but he must have been a man of great mental power—an effective preacher, and a thoroughly kind and charitable individual. He is said to have spent much of his time in works of benevolence—visiting prisoners and evil-doers, endeavouring to reclaim them; and devoting much attention to the poor, so as to supply their wants and better their circumstances in life. He died about the year 559, and was apparently buried in the church connected with his work and solitary home. It is but a meagre account of the life and doings of St Leonard that has come down to us as far as the English language is concerned, and one which does not seem to justify his great and enduring fame throughout the Christian world. But this arises probably from the circumstance that the *Acta Sanctorum*, the noble work of the Bollandists, does not come down at the present time further than the third of November, whilst the festival-day of the saint is the sixth of that month. We must therefore wait until the appearance of the next volume, which it is said will soon be issued, and, like all

<sup>1</sup> Afterwards called St Mesmin's.

<sup>2</sup> St Leonard is sometimes called Abbot of Noblae or Nobiliae.



its predecessors, in Latin, before we can obtain what may be regarded as full and complete particulars of the life and character of St Leonard.

In the meantime, we cannot but express surprise at the fact that so many of those mediæval saints have left such powerful and enduring marks upon the history and civilisation of Europe. Churches, colleges, hospitals, schools, and towns still bear their names, and associate themselves with individuals that belong to centuries that are long since past and gone. Here, in Edinburgh, there is a St Leonard's Ward, a St Leonard's Church and Parish, a St Leonard's Street, and a Lane, a Hill, a Bank, and a House bearing the same name. In the Middle Ages there was a St Leonard's Church near Perth. The College at St Andrews, which was founded by Prior John Hepburn in the year 1512, assisted by Archbishop Stuart, natural son of James IV., who was killed at Flodden in 1513, and which now forms part of the United College, was called St Leonard's, whilst a church and parish there still bear the same name. In England there is the town of St Leonard's-on-Sea, near to Hastings, and in the neighbourhood of the spot where in 1066 William the Conqueror gained that decisive battle which secured for him the crown of England. Other places on the Continent, as well as in Canada and America, bear the same name. And the same thing applies to many other saints. Whilst monarchs, statesmen, warriors, and such-like are to a great extent only remembered in history, the names of mediæval saints not only connect themselves with the religious and charitable houses of former generations, but mingle themselves still with the life and industry, and habits and associations of multitudes of people at the present day, in all the countries of Europe. How are we to account for this? How are we to explain this striking peculiarity in the history of civilised mankind? The only answer, as it appears to me, that can be given to such a question is, the *powerful influence which religious ideas have had on the lives and doings of men*. These saints who have left their names upon so many of the institutions and places of Europe were pre-eminently religious persons. Ideas of the Supernatural and the Unseen appear to have been constantly filling their minds, and giving more than a natural strength to their actions, so that the world of mankind around them wondered at their strange and mysterious lives.

It was, no doubt, some such ideas that gave existence and grandeur to the sacred temples of Assyria, Babylon, and Egypt. This strong devotional feeling, too, doubtless prompted the minds of the great masters of Greek and Roman sculpture ; whilst those immortal paintings that at this day decorate so many of the galleries of Europe, and which are the product of the Christian ages, no doubt owe their existence not merely to the genius of the men, but to those feelings of awe and reverence and sublimity which religion is so well calculated to inspire. And this we believe had something to do with the perpetuation of the names of ancient saints in connection with the churches, colleges, cities, and districts of Europe that exist at the present day.