

III.

NOTICE OF AN INVENTORY OF THE GOODS AND HOUSEHOLD
PLENISHING AND RELATIVE WILL AND TESTAMENT OF
AGNES BETOUN, A DAUGHTER OF CARDINAL DAVID BETOUN
BY HIS REPUTED WIFE MARION OGILVY: ALONG WITH
NOTICE OF A CARVED OAK CABINET FROM ETHIE HOUSE
SAID TO HAVE BELONGED TO THE CARDINAL: AND IN
APPENDIX AN INVENTORY OF ANCIENT WRITS OF THE
LANDS OF KELLY. BY ALEXANDER HUTCHESON, F.S.A.Scot.

Several years ago there came into my possession a bundle of old papers which had been picked up at an auction sale in Forfarshire. Amongst them was a document of special interest, although only a copy of an older writ. It professes to be a transcript of a will and testament of Agnes Betoun, a daughter of Cardinal Betoun and Marion Ogilvy. The date of the transcript is not given, but it appears from the writing to have been made about the beginning of the eighteenth century. It bears to be recorded in "Wm. Pattillock's large Prothocoll to be found in the charter chest of the town of Aberbrothock." Inquiry, however, at the Town Clerk's office, Arbroath, did not result in the discovery of the protocol book.

The relations between David Betoun, Abbot and Commendator of the Abbey of Arbroath, subsequently Cardinal and Chancellor of Scotland,

and Marion Ogilvy, third child and only daughter of Sir James Ogilvy, afterwards the first Lord Ogilvy, of Airlie, by his second wife, a daughter of Archibald fifth Earl of Angus, are too well known to be more than referred to here, although, so far as known to me, the subject has not been exhaustively dealt with. Those curious to follow it up may refer to the literary sources of information regarding the private life of the Cardinal. The lands of Ethie originally belonged to the Abbey of Arbroath. The House of Ethie, "the principal place of Athy," with its granary, was in the Abbot's possession in 1510. Its proximity to the Abbey and natural amenities must have commended it as a place of residence for the Abbot, and it is highly probable that Betoun occupied it on succeeding to the abbacy. Dr Gordon suggests that Marion Ogilvy was in residence here about 1530. Here at any rate tradition asserts Betoun resided until he purchased Melgund and erected the castle there in 1542, as a residence for his family.¹ The Castle of Melgund is situated 8 miles north-east of Forfar and 1 mile east from Aberlemno.

The Cardinal's arms and initials and those of Marion Ogilvy are carved on certain stones in the castle. He conveyed the lands of Melgund to her in liferent and to his eldest son David in fee. After the Cardinal took up residence at Melgund, Ethie House appears to have been occupied by David, Master of Crawford, and his wife Margaret Betoun, because after the murder of the Cardinal in 1546 they "laid claim to the furniture in the mansion-house of Ethie, if not to the house itself."

In the year 1547, Margaret Betoun and her husband, David, Master of Crawford, summoned Patrick, fifth Lord Gray, and his brother James Gray to appear before the Queen and Council to answer for their wrongous and masterful spoliation by themselves and their accomplices of the Place of Ethie and the house thereof. The summons, dated 5th July 1547, is at Kinnaird.

The circumstances attending the death of the Cardinal are too well known to require more than mention here. He was murdered in the Castle of St Andrews on the 29th May 1546.

¹ Sir William Fraser (*History of the Carnegies of Southesk*, lxxix) refers to a tradition that here at a certain hour of the night a sound is heard, resembling the tramp of a foot, in certain of the apartments and passages at Ethie, popularly referred to as "the Cardinal's leg," but he does not explain the origin of such an extraordinary spiritual manifestation. Having, however, heard the tradition with many embellishments still current in the district, I am able to supply the hiatus. The reference to "the leg" is said to be due to the Cardinal while at Ethie having suffered from a severe attack of gout, which necessitated his wrapping up the affected limb and foot in flannel, which, when he moved about through the house, left the sound of one footfall inaudible, while the resiliency induced by pain in the affected foot caused the other foot to fall with an increased insistency which never failed to cause instant flight on the part of the hearers. Those who were able to refer, generally at second-hand, to encounters with the Cardinal always described him as a very stout, little, red-faced man attired in a red dressing-gown and with a belt round his waist, and having one foot thickly wrapped up in flannel.

Sir William Fraser records that "not long after the Cardinal's death, Lady Melgund got into trouble for 'falsit.' This falsity, it appears, consisted in her having added certain words in letters which had passed under the royal signet. To escape the penalties of this crime she fled, and was denounced rebel, and put to the horn." She concealed her movable goods in different houses and lockfast "lumys" (vessels or chests). A warrant was granted at the instance of John, Archbishop of St Andrews, as Treasurer, to open doors and kists, and to charge all and sundry lieges, havers, and reseters of the said goods to deliver the same to the Treasurer for the Queen's use, under severe pains.¹ See *The Carnegies of Southesk*, i. lxxviii, whence also I cull the following note:—"In 1552, Robert Carnegie of Kinnaird was named one of the procurators, by Marion Ogilvy of Melgund, for resigning the lands of Abdene, Kithyness, in the barony of Rescobie, for a re-grant to her natural sons, David and John Betoun."² This may have been a second David, the Cardinal's eldest son David being fiar of Melgund, and as such amply provided for.³

As we have seen, Marion Ogilvy had the liferent use of Melgund, but seems to have left it, for in 1565 she was in possession of Hospitalfield, about a mile west of Arbroath. She died in 1575; the date of her birth has not been ascertained, but her father, the first Lord Ogilvy of Airlie, died in 1504.

Agnes Betoun, the maker of the will, was at this time a widow. She had married James Ouchterlony of that ilk. The will, a copy of which is subjoined, is dated 12th June 1562. Her husband's name does not appear in it, and the date of her marriage has not been ascertained. The marriage must have been after 7th December 1547, for on that date the Queen gave a charter to James Oughtterlony, son and apparent heir to Alexander Oughtterlony of that ilk, of the lands and barony of Oughtterlony, *alias* Kelly, in the county of Forfar, which the said Alexander assigned, with certain reservations in favour of himself, and terce to Isabella Cunnynghame, his spouse, or to any other spouse who might succeed.⁴ This may have been in view of his approaching marriage. At all events, James Ouchterlony was dead before 6th January 1561, as appears from an inventory of writs, also hereinafter printed, where Agnes Betoun is referred to as "relicta quondam Jacobi Ouchterlony de eodem."

The will mentions four sons, David, Alexander, Gilbert, and John, and two daughters, Elisabeth and Katrine. On a perusal, it will be

¹ The original discharge, dated 26th February, eighth year of Queen Mary's reign, 1549-50, is at Kinnaird.

² The original procuratory is at Pitcur.

³ Duplication of Christian names was common at this period. There were two Davids in the family of the Cardinal's father.

⁴ *Reg. Mag. Sig.*

observed that by the terms of the will she retains right of reformation "gife sche convalescis," but "gife she inlaks" it was to have effect. Results show that she "convalesced," for she subsequently married, as her second husband, George Gordon of Schivas. I have not traced the date of this marriage, but it was consummated before 22nd November 1577, as on that date the King confirmed a charter, whereby George Gordon of Schivas and Gight, in fulfilment of a promise made to the deceased Mariota Ogilvy, Lady of Melgum, gave to Agnes Betoun his wife (daughter of Lady Melgum), during her lifetime, the lands and manors of Little Geicht, to which Gilbert Auchterlony was witness at Geicht, 20th October 1577.¹ This Gilbert was no doubt the son of Agnes Betoun by her first husband and named in her will. The editor of *The House of Gordon*² supposes Gilbert to have been "possibly a relative" of this lady, apparently unaware that Agnes Betoun had a son so named. There was another link between the two houses of Gight and Ochterlony: George Gordon was succeeded in Schivas by his cousin William Gordon, who married Isobell Ochterlony.

On 10th December 1579, the King, to implement a contract of 18th and 22nd December 1578, granted to Patrick Cheyne of Essilmonthe a fourth part of the lands of Tullymald in the parish of Turriff in the county of Aberdeen, "quhilk George Gordon of Scheves and Agnes Beton his wife have assigned in favour of the said Patrick."³

Very shortly after this transaction, George Gordon came by a violent death. In consequence of a feud in which he became embroiled, he was, late in 1579 or early in 1580, slain "besyd the wund-milne vpon the shoar at the ferrie of Dundie, where the Forbesses shott him vnawars with musketts. He fought with them a long tyme after he wes shott and wounded, and pursued them eagerlie, vntil he wes oversuayed with ther multitude. So he died feighting with great courage among them, having killed some of them at that instant."⁴ Mr J. M. Bulloch says Gordon fought a duel with John Lord Forbes on the shore at Dundee.⁵ The Privy Council Register calls his antagonist Alexander Forbes, younger of Towie.⁶

Agnes Betoun, after the death of her second husband, married as her third husband (before January 1583) Sir Patrick Gordon of Auchindown Sheriff-Depute of Aberdeenshire, brother of Adam Gordon of Auchindown (the notorious Edom o' Gordon) and of the fifth Earl of Huntly. She was soon once more a widow, for Sir Patrick was killed at the battle of Glenlivat, called also Glenrinnnes, fought 3rd October 1594.⁷

¹ *House of Gordon*, i. 26.

² New Spald. Club, i. 26.

³ *Reg. Mag. Sig.*

⁴ Sir Robert Gordon of Gordonstoun's *History*, p. 174.

⁵ New Spald. Club, *The House of Gordon*, i. 192.

⁶ *Q.v.*, date 30th January 1580.

⁷ *House of Gordon*, i. 194.

On 26th July 1597, Dame Agnes Betoun, Lady Auchindoun, complained to the Privy Council that in 1595 certain persons named had stolen from her sixty-six widders. These were duly convicted of the theft and found cautioners for the payment of the prices of said widders. Subsequently, however, a long period having elapsed, she procured from the Council the denunciation of the said principals and cautioners as rebels.

This is the last notice that has been traced of Agnes Betoun. By her second husband, George Gordon, the Laird of Shivas and Gight, Agnes Betoun had only one child, a daughter, Elizabeth, who was served heir to her father 23rd June 1580. She was under the guardianship of her step-father, Sir Patrick Gordon of Auchindoun, and married Sir George Home of Spot, High Treasurer of Scotland, afterwards Earl of Dunbar, from whom many noble families of to-day are descended, justifying the remark attributed by Macfarlane to the Duke of Lauderdale, that "there was more of the Cardinal's blood running in the veins of the nobility of Scotland than of any one single man since his time."¹ Mr J. M. Bulloch has traced and supplies a number of these descents.²

I now come to notice a very remarkable curiosity at Ethie, which by the courtesy of the Earl of Northesk I am here enabled to illustrate and describe. This was an oak cabinet supposed to have belonged to Cardinal Betoun.³

We are indebted to Sir William Fraser⁴ for the only information about this interesting piece of furniture, as it originally stood in Ethie House. It is stated by Sir William, who was privileged to inspect the cabinet, to have been a fixture in one of the walls of a chamber, known as the "haunted room," the door of which was always kept locked. He thus describes it: "The front of the cabinet is beautifully carved. Similar carvings are to be seen in the Cathedral of Aberdeen, which was built by Bishop Elphinstone, and on the doors of the rood-screen in the church of Easter Foulis, in Perthshire." Sir William adds his opinion that "the carvings at Aberdeen and Foulis are probably older than those in the cabinet at Ethie." This opinion may be open to question, but will be considered later on when I come to deal with the Ethie carvings.

Fortunately, I am able to supplement Sir William Fraser's information, and to supply drawings of the carvings. How this came about will now be related. In or about 1890, it seems to have been resolved to have the cabinet removed to some one of the principal apartments, but, owing to its being

¹ Macfarlane's *Genealogical Coll.*, i. 10, Scottish History Society. ² *House of Gordon*, i. 194.

³ Mr A. O. Curle has suggested that this may have been an ambry. I think this extremely likely, in which case the chamber in which it was contained may have been used as an oratory. I have later referred to the beautiful little oratory in the old Castle of Auchinleck, only some ten miles distant from Ethie.

⁴ *The Carnegies of Southesk*, i. lxxix.

fixed as above mentioned in the walls of the "haunted room," it was found that only the front part, consisting of the carved doors, was available, and that a suitable framework would be necessary. With this view



Fig. 1. Left-hand Door of Ethie Cabinet.

the doors were removed to a cabinetmaker's premises, where I happened to see them. Naturally, I felt greatly interested, especially when I learned the origin of the carvings. Accompanying the doors were four carved oak

panels, suggestive of ecclesiastical work, which I was informed had been found in an apartment at Ethie House known as Cardinal Betoun's Chapel, then said to be used as a storeroom for spare furniture, books, etc.

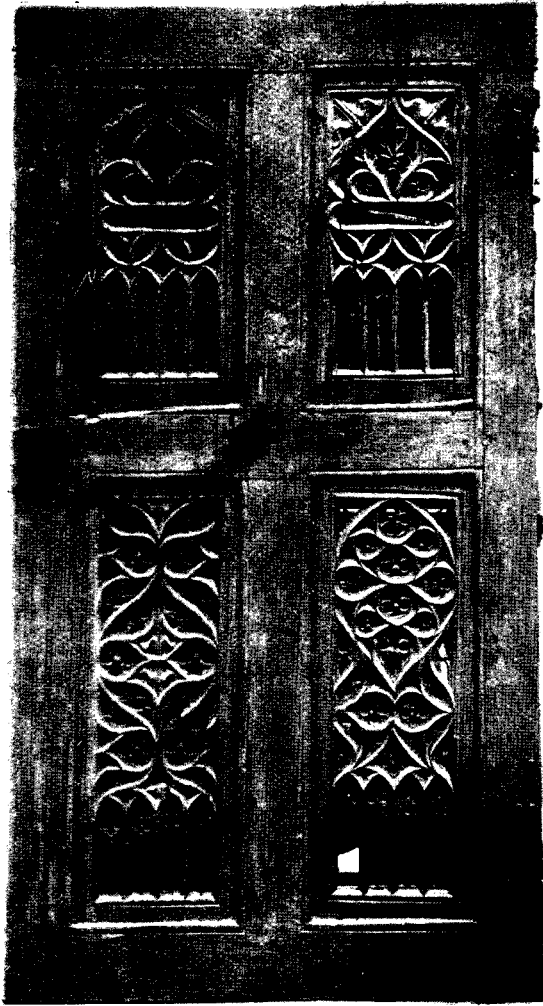


Fig. 2. Right-hand Door of Ethie Cabinet.

I was fortunate enough to procure photographs of the doors of the cabinet (figs. 1 and 2) and of the four panels (figs. 3 and 4), and have now pleasure in passing them on for reproduction in the *Proceedings* of the

Society. I have no doubt they will be regarded with much interest; and, so far as known to me, they have never before been published.



Fig. 3. Carved Oak Panels found in "Cardinal Betoun's Chapel," Ethie House.

The door of the cabinet, as will be seen from the illustrations, is in two leaves, four panels in each leaf and no two panels alike; the panels filled in with tracery.

The tracery is an imitation of that usual in stonework in the windows of ecclesiastical buildings. The style is Late Decorated, without, however,

any distinct trace of Perpendicular work, unless the two lower panels in the left-hand door (fig. 1) should be so regarded, but I think them more likely to be French in feeling, with a suggestion of the Flamboyant style. The introduction of a foliaceous ornament in some of the spandrils of the upper arches is not to be disregarded. The two upper panels of the right-



Fig. 4. Carved Oak Panels found in "Cardinal Betoun's Chapel," Ethie House.

hand door (fig. 2), having the transome-like openings each divided by a slanting shaft to form two spaces with their points right and left, and the semicircular heads not cusped, present a very curious and uncommon feature, possibly unique in its treatment. This curious feature has its origin in the neck-mould which forms an invariable adjunct to the conventional fleur-de-lis, in art and architecture. In this form it is repeated six times, on the front of a carved, traceried coffer of early fifteenth

century date in the Victoria and Albert Museum, South Kensington, and on the front of a cupboard in the Musée de Troyes.¹ The same transome-like figure, but ornamented with an oblique banded enrichment, occurs in the six upper panels of the rood-screen in King's College Chapel, Aberdeen.²

A careful examination suggests that the door panels are older than the framework, there being a certain want of co-ordination in their lines, particularly noticeable in the lower right-hand panel of the right-hand leaf of the door, which is distinctly out of line with the framing. That the framing is old, however, is indicated by the wooden pins with which it is put together.

The lock is not the original, as shown by the marks of a larger lock on both leaves, placed on the outside as usual in all old wood cabinets.

There is no reason to think the four separate panels (figs. 3 and 4) were in any way a part of the cabinet. They bear a remarkable resemblance in design and execution to certain oak panels discovered shortly before 1881 in the garrets of an old house in Montrose, described and illustrated by the late John J. Reid, Queen's Remembrancer for Scotland.³ The thistle is treated in one of the Ethie panels, and is present on one of the Montrose panels, as well as on a famous panel in the ancient Abbot's House, Arbroath. A significant feature, suggesting identity of period for at least the framework of the Montrose door, is the existence on its central styles of the remains of small niches, surmounted by cusped tracery resembling that in the Ethie door panels. Had the styles of the Ethie doors been similarly ornamented, such would not have been incongruous, but, occurring as the niches do on the Montrose door, they are not in keeping with the panels there, which distinctly point to a more recent period than that to which the niches are due. Mr Reid, on the strength of a supposed identification of a coat-of-arms, assigned the Montrose panels to 1515—a date, in my opinion, much too early for them. I should be inclined to place the traceried panels at Ethie not later than 1480. Sir William Fraser seems to have confused King's College Chapel, with its exquisite wood-carvings, with Aberdeen Cathedral. As for the Foulis door which he thinks older than the cabinet carvings at Ethie, I would remark that the Foulis tracery is Perpendicular in feeling and therefore probably the more recent.

The following is a transcript of Agnes Betoun's will, with the Inventory of her goods, etc. By way of glossary, I have interpolated within square

¹ For drawings of these see Roe's *Ancient Coffers and Cupboards*, London, 1902, p. 70.

² See drawing given by Macgibbon and Ross, *Eccles. Arch. Scot.*, iii. 291; also Billings' *Baronial and Ecclesiastical Architecture*.

³ *Proc. Soc. Ant. Scot.*, xvi. 61.

brackets any explanations necessary; otherwise the transcript is given precisely as it appears in the document, except that, whereas in the original the items are run on, they are here for convenience of reference given in columnar order.

INVENTARIUM BONORUM AGNETIS BETOUNE.

Duodecimo die mensis Junij Anno Domini Millesimo quingentesimo sexagesimo secundo, Indictionæ quinta. In mei Notarij et testium subscriptorum presentia personaliter constituta proba Mulier Agnes Betoun Domina de Kelly in Angusia, viva voce et sana mente suum inventarium et bonorum omnium testamentum fecit et condidit apud Balmaddy in forma vulgari sequen.

In primis fatetur habere xliiii drawing oxen price of the peece v lib vj ss viii d. Summa ij^c xxxiiii lib xiii ss iiiid.

Item xxiii ky and ane buyll price of the peece v lib Summa j^c xx lib

Item xxx yeald cattell price of the peece iii lib Summa lxxxx lib

Item ane black horse the price vj lib xiii ss iiiid.

Item ane Brown meir the price vi lib xiii ss iiiid.

Item ane Black meir the price xl ss

Item iii young staggs price of the peece xl ss Summa viii lib

Item ane stag [staig, a horse in its first year] price iiiid lib

Item ane gray horse price xiii lib vi ss viii d.

Item v^{xx} viii [xx above the line indicates a score; 5 score and 8=108] ewes and gymmers [gimmers, ewes 2 years old; sometimes barren ewes are so named] price of the peece xii shilling Summa lxiiii [lib] xvi

Item lxxi waddars and dytmonds [weddars=castrated rams; dytmonds=weddars of the 2nd year] price of the peece xv ss Summa liii lib v ss

Item lv Lambs price of the peece vj ss Summa xij lib x ss.

Item Sawyn [sown] in Ballmaddy vij bolls wheat estimet to x bolls grouht [growth] price of the boll xl ss

Item Sawyn in Ballmaddy xix bolls beir estimet to xl bolls grouht price of the boll xxx ss

Item Sawn in Ballmaddy viii^{xx} and vj bolls of aitis [oats] estimet to twenty score bolls grouht price of the boll xx ss

Item Sawn in Ballmaddy ii bolls ry estimet to vj bolls ry price of the boll xxx ss

Item in Sawynd in Balcathie xx bolls of quheit [wheat] estimet to xl bolls of grouht price of the boll xl ss

Item Sawing in Balcathie xxii bolls Beir estimet to xl bolls of grouht price of the boll xxx ss

Item Sawyn in Ballathy viii^{xx} bolls aits estimet to xviii^{xx} bolls of grouht price of the boll xx ss

Utencils and domicils in Kelly and Balmaddy

Imprimis xx fedder beds with thair bowsters

Item xxx pair double and ii pair single blankets

Item xxii pair of lyning scheyts [linen sheets] and xx pair rownd schetys

Item foure werdders coweris to beddys [verdurus = i.e. flowered bedcovers]

Item xi Sewit coweris to beddys [sewed]

Item vj wowing coweris [woven covers] to beddys

Item xxv coddys [pillows]

Item three pair of heid scheitys

Item twa buyrd clayths of Dornyk [table-cloths of Dornick, a plain make of diaper]

Item xviii serviets of Dornyk [table napkins]

- Item twa weschin towellis of Dornyk [washing towels, kitchen towels]
 Item x buird clayths of small lyning [table-cloths of small linen]
 Item of round lyning ix buird clayths
 Item xxii small lyning serviets
 Item xxii sewit servietis
 Item xxii servietis of rownd clayth
 Item xxii servietis mirkit with sylk [marked, possibly embroidered, with silk]
 Item vii sewit weschin towlys [washing towels]
 Item xii onsewit weschin towlys
 Item v pair of Sey cowrtingis [sey, a kind of woollen cloth made by families for their own use; here used as curtains, probably for beds]
 Item twa pair of Scottis cowrtingis
 Item ane pair of lyning cowrtingis
 Item ii pair of cannobers ane yrof grene ane other of lyning [two sets of bed-canopies; pair at this time meant a set]
 Item in the new Chamber of Kelly ane akyn bed [oak bedstead] with ane wairstall [a night-stool]
 Item in the said Chalmer ane other bed and copalmery of ayk [oak; "copalmery" is usually explained as a cup-ambry or cupboard; such seems scarcely applicable to a bedroom, and a wardrobe may be intended]
 Item in the galry chalmer ane bed with ane falling bed, wairstall and ane taiffill of ayk [table of oak]
 In the heiche [high] chalmer ane bed and wairstall of ayk and ane Bed of fyr
 Item in the hall chalmer ane bed and cannoby of planetree with ane taiffill and ane furme
 Item in the how [hollow, perhaps arched] chalmer under the hall twa beddys and ane almyr of fyr
 Item in the lang chalmer three beddys and ane wairstall of fyr with ane greit kyst of ayk
 In Kelly ane coffer of ayk
 Item in the hall of Kelly ane desbuyrd [dish-board, or perhaps a plate-rack] and three syd buyrds ane copalmery ane langsadill [long-settle, an early form of sofa framed of timber, and possibly made up as a bed at night] twa furnis and ane cheyr [chair]
 Item in Balmaddy ane bed of ayk three letycambis [a portable or folding bed; Fr. *lit de champ*]
 In the neither chalmer vj beddys of fyr twa gritt kysts of ayk ane kyst of fyr twa cofferis
 Item in the hall of Balmaddy ane desbuyrd twa syd buyrdis twa furnis twa cheyris ane almyr of ayk and ane copbuyrd
 Item v compter clayths [possibly counterpanes]
 Item xi cowsings of sett work [cushions of sewed work; the "sett" of tartans means arrangement of pattern]
 Item four new cowsings of sett work
 Item twa cowsings of grein velvet
 Item four wowing and four sewitt cowsings [woven and sewed]
 Item in Kelly and Balmaddy xi Bressyn pottis and v bressyn pannys [brass pots and pans; the Scots pronunciation is still "bress"]
 Item ane copper cattyll [kettle] and ane bressyn cattyll
 Item ane brew laid [a brewing utensil probably made of lead] and ane bow kettyll [kettle with bow handle?]
 Item ane bressin mortar twa maskyn fatts [vats for brewing, a mash-tun]
 Item fave [five] geill fattys [jelly-vats] xv aill barrillis
 Item v aill rubberis [usually defined as barrels; but these being already named "barrillis," something else may be intended] and twa wyne rubberis

- Item twa watter standis
 Item vj greit skeilis [tubs] and four litle skeilis
 Item v cheis fatts [cheese presses] three kye ligs [?] and twa kytts [small wooden tubs]
 Item vj yron cruiks [iron crook, hook and chain for suspending pots over fire in kitchen]
 Item four spetys [an iron prong on which meat was roasted] and four lantrons
 Item ane small yron brander [gridiron] and twa yron laddles
 Item v ynglis [English] pewter platis and xlix of Scottis pewter platis
 Item twa pewter dychis [dishes] and v sawcerys [saucers]
 Item xviii tyn trounscheers [trenchers] and twa bassings [basons] of tree
 Item twa saltfaltis [salt-foots, old term for salt-cellars] of tyn
 Item three quarts and ane pynt stopys [stoups] of tyn
 Item three water pottys of tyn and viij yron tayngys [iron tongs]
 Item ane half gallone and four quart stoppys of tree [wooden stoups]
 Item three glessis and ane Lawer of gless [laver, a bowl of glass]
 Item ane treying copé [possibly a measuring cup] of ane siller futt [with silver foot] with X aill coppys [ale-cups] and ane bycker of tree [tree=timber; a wooden drinking-cup called a bicker]
 Item viij bressine chandelers [brass candlesticks] w^t three boxis [possibly candle-boxes, usually made of tin, to preserve the candle from mice] and ane tyn flachon [flagon]
 Item v cannessis [a piece of canvas was called a "cannis"; the word is still in use in Forfarshire]¹ and ix sekkys [sacks; this is precisely the Scots pronunciation still in use]
 Item v flesche fatts [flesh or beef-tubs] and vij toubbys for fische² [tubs for salted fish] three cuddys [small tubs or pails]
 Item vj dry war standys and twa dry war barrilis
 Item twa meil granalis [meal-girnals] and ane candill kyst and twa palzeonis [this is usually explained as meaning pavilions or tents, but seems strangely inapplicablé here]
 Item vij wanyys v plews ane cart and vij pair harrowys wih all gangand geir [harness furnishings]³

¹ I knew a jobbing gardener who in going to and from his work carried his tools wrapped up in what he called his "cannis," which served the purpose of keeping his tools firmly together, but his main object was to provide a piece of cloth useful for collecting leaves and rubbish.

² Salted fish. This was at this time the only form in which fish could be got in inland places. In 1488, fish salted and barrelled are mentioned in an Act of James IV. In 1540, the fish usually barrelled were salmon, herring, and cod. (Roger's *Social Life in Scotland*, i. 412.)

³ "Wanyys" may have been waggons of some sort. A four-wheeled market-cart is in England termed a wain, but seven waggons seems rather a large order for a rural district in Scotland at this period. Jamieson (*Scottish Dicty.*) cites only one reference to the word "Wane," and suggests a waggon drawn by oxen. Carts are mentioned (1534-5) for the conveyance of stones to the reparation of Linlithgow Palace, but whether wheeled or sledges does not appear (Ferguson's *Linlithgow Palace*, p. 309). Roger, who quotes valuable references (*Social Life in Scotland*, i. p. 142), says "agricultural carts had no wheels until about 1770." The first wheels were solid, made of oak, three feet in diameter and wholly unprotected by iron. The axle-tree turned with the wheels, which were thence termed "tumbler-wheels" (Roger, i. 218). That in the will, "wanyys" are associated with "plews and ane cart" would seem to suggest vehicles, but it is doubtful if there were many wheeled vehicles in Scotland then. Certainly there would be none in rural districts, nor for long after this, because of the want of roads.

The mention here of "wanyys and cart" implies a distinction, and probably signifies that neither were wheeled carriages, but what were known as "slypes," such as even to the present day are in use in the Highlands for taking home hay or peats over fields where no roads are available for wheeled conveyances.

The said Agnes in perfeit witt and knowledge maid constitute nemit and ordanit honourable persons, Marion Ogilvy hir modir Lady of Melgound Alexander Betoune hir Brodir Archiden of Lowdiane and Alexr Lyndesay in wayne [Vayne] hir undoutit tutors and factors and defenders to David, Alexander, Gilbert and John Ouchterlonys, hir sonys, and to Elisabet and katrine Ouchterlonys hir dochteris and also hir executors and intrometters with hir haill gudis and geir and proffit of the ward of Kelly and mariage of hir sone the Lard of Kelly To be intromittit usit and disponit be yame to the utilitie weill and profeit of hir said barnys in manner followand That is to say the haill gudis and geir and profeit of the said Ward to be equalie disponit amangis hir said four sonys and the haill proffit att ma be hade be my said executors for the marriage forsaid to be geivine to the marriage of hir said twa dochteris committand power to hir said executors to supple the marriage of hir said dochteris with sune part of the profeit of the said Ward gif they think it neidfull and for the mair securite of the weill and profeit of hir said barnys, sche maid constitute and ordanit hir saidis foure sonys hir undoutit assignais and cessionars coniunctlie and severallie to the haill próffets of the said ward ordynand the tyme thyrof and in lykweis maid and nemit hir said twa dochteris assignais to the proffets of the mariage of hir said sone the Lard. Reservand to hir gife sche convalescis, reformationne att hir plesor of this hir letter Will, and assignatione, and gife she inlaks to have effect and streinth as said is and attoure constitute and ordanit David Rosse and Gilbert Auchinleck of the Ylks oure men (oversmen) to see att this Will be fullfillit to hir said baryns, And also sche testifeit att Umqll the Lard hir husband lent and deliverit his chene of Gold to the Lard of Melgound in keping to be furthcumand to his sone and air. Actum apud Balmaddy horam circiter under unam ante meridiem presentibus, Jeronimo et Edwardo Ouchterlonys Waltero Lyndesay, et Adam Symmer.

Willielmus Pattillok Notarius Rogatus ad Premissa

This is recorded the 160 leaf of Wm. Pattillok's large Prothocoll to be found in the charter chest of the town of Aberbrothock.

The will, as may be seen, contains some interesting items, but little in the inventory is specially remarkable. In fact, it is more noteworthy in what it omits, which would seem to indicate for the plenishing of the two houses of Kelly and Balmady a meagreness not easily reconcilable even with the plain living of those times; as, for instance, we find that in the house of Kelly there was only one chair and that it stood in the hall. Are we to suppose that this was a special chair, a chair of state, and that any other chairs may have been regarded as negligible? In the hall at Balmady there were two chairs and two "furmes," but no other seats throughout the house.

There were also forms at Kelly. Perhaps the "kysts" were used as seats. Another remarkable feature casting a strange light on the social life of the times is that, with one exception, each chamber, other than the hall, contained two or more beds. In Kelly, the new chamber had two beds; the gallery chamber, a bed and a folding-bed; the "heich," or high, chamber, two beds; the chamber under the hall, two beds; and the long chamber, three beds. This was, however, nothing to what obtained at Balmady, which had apparently only three apart-

ments, the hall and two bedrooms, one of which contained four beds, and the other six! The kitchens were supplied with abundance of brewing and cooking utensils and dishes, besides beef and fish tubs and meal girnals, but nothing in way of furniture; neither seats, tables, dressers, nor beds for servants. There is evidence of sewed work in cushions and flowered bedcovers, but no mention of tapestry, silver plate, or personal jewellery, with a solitary exception where notice is taken of a gold chain lent by the lady's husband during his lifetime to the Laird of Melgund (David Betoun, her brother) in keeping only, to be forthcoming to his son and heir. This son was David, mentioned in the list of Agnes Betoun's sons given in the will.

David Betoun, the Laird of Melgund, Cardinal Betoun's eldest son, and brother of Agnes Betoun, married Margaret, second daughter of John, fifth Lord Lindsay of the Byres, her elder sister having married Norman Leslie, the assassin of the Cardinal.¹ The dates of these marriages respectively have not been ascertained.

The Ouchterlony's are believed to have been in possession of Balmady about 1480, but before this the family were in possession of Kelly, a part of which was received in exchange for Preyston, in Ayrshire, about 1442, at which date they were designed of Kelly. The name of this estate they changed to that of Ochterlony, as appears by a deed of 1468, bearing to have been granted by William Ouchtirlowny of that ilk at his house of Ochterlony or Kelly.² A different relation is, however, given by John Ochterlony of Guynd, who wrote an *Account of the Shire of Forfar*, about 1682, and may have had access to family records not now available. He describes Balmaddie as "the mannor house of the family, and their buriall was at the kirk of Rescobie, until they purchased the lands of Kelly, where, having built ane house, they changed both dwelling-place and burial." Balmady must, however, have had its attractions for James Ochterlony and his wife Agnes Betoun, who seem to have made alterations on the house, as shown by certain old stones, believed to have originally been in the walls of the house, but which are now in some of the outbuildings. They bear the initials J. O. and A. B., along with the arms of Ochterlony and Betoun of Balfour.³

¹ The dagger with which, as tradition affirms, Norman Leslie stabbed Cardinal Betoun is preserved at the House of Rothes, Leslie, Fife.

An engraving and description of the dagger are given in Gardiner's *Miscellany*, published at Cupar, Fife, in 1841. It is described as follows: "The sheath is of silver, richly chased, and the handle of ivory, studded with star-like silver nails. The blade is somewhat raised in the centre." The ornament on the sheath as shown in the engraving suggests Persian work. "The star-like silver nails" represent each a flower of six petals, corresponding with the floriated ornamentation of the sheath.

² Jervise's *Memorials of Angus and Mearns*, p. 336.

³ Warden, *Angus or Forfarshire*, v. 86.

It only remains to be noted that one of the trustees constituted under the will was Alexander Betoun "hir Brodir," Archdean of Lothian, who, it is said, subsequently became a Protestant. He succeeded in the Archdeanery to Walter Betoun, his father, the Cardinal's brother. Another trustee was Alexander Lindsay of Vayn, married to a sister of Agnes Betoun; Macfarlane, who does not name this sister, says she was the Cardinal's third daughter by Marion Ogilvy.¹ There is, however, no doubt she was Elizabeth, as appears from the confirmation by the Queen, in favour of Alexander Lindsay of Vane and his wife Elizabeth Betoun, of the lands of Scryne in the barony of Panmure, Forfarshire, dated 31st Aug. 1547.²

The Lindsays were in possession of Skryne before this, as Walter Lindsay of Skryne appears as commissioner in a retour of service to John Carnegie of Kinnaird and Euphame Strachin his wife, 1509-1513.³ David Rosse of that ilk, one of the oversmen under the will, may have been the same David Rosse of that ilk, or a son of his, who appears in a retour of service of James, Lord Ogilvy, 5th May 1506. Gilbert Auchinleck of that ilk, the other oversman, belonged to an old family, hereditary armour-bearers to the Earls of Crawford. The old castle of Auchinleck, or Affleck, as it is now called, is in good preservation, and has lately been acquired under the Ancient Monuments Act by H.M. Office of Works. The castle is specially interesting as containing an oratory, with ambry and piscina. It is situated close to Monikie waterworks, the property of the city of Dundee. I have not traced Adam Symmer, one of the witnesses. He was probably a member of the family of Symmer of Balzordie at this period. The other witnesses, Jeronimo and Edward Ouchterlony, are mentioned in the inventory of the writs of Kelly, found also in the bundle of old papers which contained the will, and which on account of its interest in casting a light on the family connections is printed as an appendix to this paper *in extenso*. Unfortunately, the dates of the respective writs are not given. The inventory, however, contains one or two specially interesting items. These are, first, a charter by Malcolm Canmore — its purport is not mentioned; and second, two copies of the register of Aberbrothock; also a confirmation by King David, but which one is not indicated. It is interesting to note that in 1848 a manuscript which "probably belonged to the Cardinal" was found in a closet at Ethie. This MS. was supposed to be a portion of the original register of the Abbey of Arbroath, and was said to have been of great service in the printing of the *Registrum Vetus* from the MS. in the Advocates' Library, which

¹ *Geneal. Coll.*, i. 10.

² *Reg. Mag. Sig.*

³ *Fraser's Carnegies of Southesk*, i. 22.

was supposed to have been only a transcript from the above. Could these copies of the register which were amongst the writs of Kelly be traced, they would be valuable for comparison.

APPENDIX

INVENTARIUM EVIDENTIARUM DE KELLY

Sexto die Januarij anno Millesimo quingentesimo sexagesimo primo Agnes Betoun relicta quondam Jacobi Ouchterlony de eodem, coram me notario publico, et testibus subscriptis, ex consensu Alexandri Lyndesay de Wane, Davidis Rosse de eodem, Patricij Gardyne de eodem, Willielmi Ouchterlony de Seatoune, Joannis Ouchterlony in Neitherkelly et Jeronimi Ouchterlony in Ethmuthie, presentium et consentientium deliberavit, subscriptas evidencias Gilberto Auchinleck de eodem in firma custodia ad utilitatem successorum dicti quondam Jacobi Ouchterlony de eodem. Et primo, litteras reversionum Willielmi Ouchterlony super terras de Bonnytoune, Item Reversionem Mariota Ogilvy de terris Balmady et Chapletoune, Item Cartam Kennymeikle factam Jacobo Ouchterlony et Agneti Beton, Item Cartam de Pittcunray, Preceptum et sasinam Willielmi Ouchterlony, Perambulationem morum inter Panmure et Kelly Procuratorium ad resignandum Balmady et Chapletoune in manibus superioris, Reversionem de Neitherkelly, Item conformationem Baronie de Kelly, Cartam Willielmi Ouchterlony Baronie de Athirmeikylie, Cartam Elisabethæ Lermouth Preceptum sasinæ Jacobi Ouchterlony, Cartam feodi Jacobi Ouchterlony baroniæ de Kelly, Cartam dicti Jacobi de Shannaly Reversionem factam Alexandro Ouchterlony de eodem, Literam actornatus Jacobi Ouchterlony de eodem, Literam Interfectionis Domini de Woodwray sasinam Alexri Ouchterlony Baronie de Kelly Reversionem Walteri Lyndesay annui redditus de Balmirmor, Revocationem dicti annui redditus, Cartam preceptum et sasinam de Shannaly tentam per Jacobum Ouchterlony de Alexandro ejus patre, Item Sasinam Alexri Ouchterlony de Kennymeikle, Sasinam Willielmi Ouchterlony de quinque mercis annui redditus de Panmure, Confirmationem Willielmi Ouchterlony baronie de Kelly Cartam villæ de Ouchterlony, Confirmationem Willielmi Ouchterlony sasinam Alexri Ouchterlony de Balcathie, Reversionem de Balmady et Chapletoune, Instrumentum inter Dominum de Kelly et Scrymgeour de Fardill, Cartam de Pittcunray, Sasinam Alexri Ouchterlony baronie de Kelly, Sasinam Willielmi Ouchterlony baronie de Athermeikylie Instrumentum inter Dominos Panmure et Kelly penes Pittcunray, Preceptum et literam Balivatus Alexri Ouchterlony super Athermeikyle Cartam de Shannaly, Literam Balivatus Agnetis Douglas, Instrumentum Agnetis Douglas, Instrumentum terrarum de Ouchterlony, Preceptum de Pittcunray, Copiam contractus inter Dominum de Kelly et Mariotam Ogilvy, assedationem Davidis Barclay, Cartam Agnetis Douglas, Cartam Archibaldi Crawford, Sasinam Domini Jacobi Ouchterlony de Roscoby, Confirmationem de Pittcunray, Sasinam Willielmi Ouchterlony de Kennymeikle, Instrumentum inter Dominos, Panmure et Kelly, Sasinam de Pittcunray, Obligationem Douglas, Cartam Barclay super tertiam partem de Kelly, Renunciationem de Knox, Cartam de Kenny, Ratificationem reversionis de Balmady, Principale instrumentum Margaritæ Gardyne, Preceptum Sasinæ de Kenny, Sasinam de Pittcunray, Indenturam inter Kelly et Panmure, Confirmationem Domini de Panmure, Cartam de Greenfoord, Cartam Malcolm Cammore, Preceptum de Pittcunray, Confirmationem David Regis, Instrumentum Magistri Joannis Auchinleck, Cartam de Kennymeikle, Preceptum de Shannaly, Cartam datam per comitem Angusiæ, Instrumentum

inter Barclay et Douglas, Confirmationem Kennymeikle, Cartam Roberti Ouchterlony de eodem, Instrumentum Willielmi Ouchterlony super Shannaly, Licentiam Craigy Wallace, Procuratorium Agnetis Douglas, Assedationem Agnetis Douglas, Cartam super Balmaddy et Balpetry, Sasinam Domini de Woodray, Instrumentum super Shannaly datum per Magistrum Joannem Ballentine, Copiam Registri de Aberbrothock, Preceptum Jacobi Ouchterlony super Shannaly, Cartam . . . liquam de Kelly, Obligationem Domini de Glamiss, Cartam Agnetis Douglas, Preceptum super Kelly, Aliam Copiam Registri de Aberbrothock Instrumentum exonerationis Willielmi Scott, Copiam confirmationis, Acquitantiam Domini de Woodray, Testamentum Alexri Ouchterlony, Aliam exonerationem de Woodray, Compositionem Justiciarij, Aliam acquitantiã de Woodray, Testimoniale Renunciationem Murray et Margaritæ Gardyne de Balmaddy, Contractum inter Alex^{rum} Ouchterlony et Joannem Auchinleck, Processum Curie, Acquitantiã Woodray, Instrumentum Alexri Kyd officarij de Athermyklic, Copias contractus, Literam Balivatus de Kelly, Duas lie Rettours, Instrumentum de Kennymeikle, Assignmentem Magistri Joannis Auchinleck, Copiam Cartæ Margaritæ Gardyne, Obligationem Magistri Joannis Auchinleck, Cartam antiquam de Kelly, Preceptum vicecomitis, Contractum inter Dominum de Kelly et Mariotam Ogilvy, Contractum inter Dominum et Joannem Ouchterlony, Inventarium Bonorum datum per Mariotam Keith, Procuratorium Domini de Kelly, Copiam Cartæ de Kelly (*sic*), Reversionem de easterknox, Licentiam Davidis Guthrie, Appunctuamentum inter Dominum et Dominam de Kelly, Literas arrestamentorum, Acquitantiã Consanguineorum de Woodray, Copiam Indorsationis literarum autoritatis, Cartam de Balmaddy et Chapletoun, Sasinam ejusdem, preceptum ejusdem, Reversionem Joannis Farrar de Kenny, Renunciationem de Knox, Renunciationem Christinæ Bowack de Rottenraw, Duas Reversiones Alexri Ouchterlony super Greenfoord et lyn, Renunciationem Thomæ Ogilvy de Greenfoord et lyn. Præfatus Gilbertus Auchinleck fatebar se recipisse omnes et singulas prenomi-natas evidentiã respective, a prefata Agneti Beton, in forma custodia ad utilitatem successorum dicti quondam Jacobi Ouchterlony, Obligando se et suos successores in forma uberiori, ad producendum, vel deliberandum omnes et singulas predictas evidentiã, seu aliquam partem earundem toties quoties, per dictam Agnetem vel heredes dicti quondam Jacobi pro utilitate suorum successorum, requisiti vel requisiti fuerint, Et ad hunc effectum, Constituit Magistros Joannem Abircromby et Davidem McGill, Suos procuratores, ad registrandum premissa in libros consilij Dominorum, ad habendum vigorem acti dictorum Dominorum pro conservatione premissorum, super quibus dicta Agnes petiit unum seu plura instrumenta, Acta erunt hæc apud Kelly, horam circiter quintam post meridiem, Presentibus ibidem Patricio Gardyne de eodem, Davide Rosse de eodem, Alexandro Lyndesay de Wane, Richardo Melvill, Joanne Ouchterlony in Neitherkelly, Willielmo Ouchterlony fratre germano dicti quondam Jacobi, Alexro Ouchterlony alio ejus fratre, Edwardo Ouchterlony, Jeronimo Ouchterlony, et Willielmo Ouchterlony de Seatoun, Eodem die tempore et loco Agnes Beton relicta quondam dicti Jacobi confessa est se habuisse in custodia, Cartam, preceptum, et Sasinam Baronie de Athermeikyle cum molendino, Item cartam preceptum et Sasinam de Kenny, Et Cartam cum precepto et sasina de Shannaly, de quibus predictis evidentijs, suis manibus prefata Agnes obligavit se, in forma uberiori ad deliberandum Instrumentum transumptum, proximioribus, Consanguineis heredibus, et ad inveniendum sufficientem Cautionem quod predictæ principales evidentiæ de Kenny, Athermeikyle, et Shannaly post suum decessum perveniant ad utilitatem heredis succedentis, dicto quondam Jacobo. Et ad hunc effectum constituit et nominavit, Magistros Joannem Spence et Davidem Borthwick, ad registrandum

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singula premissa pro sua parte, in Libris Concilij. Ibi habenda vim acti
Dominorum Actum Coram festibus prescriptis.

Willielmus Pattillok Notarius Rogatus ad Premissa.

This is recorded the 149 leaf of Wm. Pattillok's Prothocol to be found in the
Charter Chest of the town of Aberbrothock.