

## IV.

NOTES ON FIVE DOCUMENTS RELATING TO THE LANDS OF  
FEOROULE IN ROXBURGHSHIRE, DATING FROM 1453 TO 1542.  
BY WILLIAM DOUGLAS, F.S.A.Scot.

Five old documents, which illustrate the ancient procedure of land conveyancing, as well as being of some topographical interest, have lately come into my hands among a number of charters relating to the extinct barony of Cleish. The first, a Letter of Reversion of the lands of Feoroule, written in the vernacular, is dated 1453, and has the grantor's seal attached. It is granted by Andrew Ker of Altonburn to Sir Robert Colville of Oxnam.

This Andrew Ker, the second of the name, was afterwards known as Andrew Ker of Cessford, and was an ancestor of the Dukes of Roxburgh.

Sir Robert Colville, to whom the letter was granted, was an ancestor of the Lords Colville of Culross.

The name Feoroule, in any of its many ways of spelling,<sup>1</sup> does not appear on our modern maps, but, according to Mr Tancred of Weens, there was an ancient barony of Feoroule which covered almost the whole breadth of Hobkirk parish, and included the lands of Town o' Rule, Hallrule, Harwood, Weens, and others lying round the Water of Rule. It is frequently alluded to in his book *Rulewater and its People*, but none of his references date so far back as 1453.

In this Letter of Reversion Andrew Ker relates that he obliges himself and his heirs of line or of tailzie, in the faith and truth of their bodies, that whenever the said Sir Robert or his successors shall warn him or them, upon forty days' notice, to come to the high altar of Jedworth Abbey to receive 200 marks of good and usual money of the kynryk of Scotland, he binds himself and his successors to come and receive the same, and to resign the lands of Feoroule into the hands of Sir Robert and his successors. To this he gives his bodily oath touching the holy evangel.

According to the *Scots Peerage*,<sup>2</sup> this Andrew Ker had much in common with Sir Robert Colville. In 1453 he entered into a mutual bond of manrent with Sir Robert against all others, the King and the

<sup>1</sup> Feoroule being the oldest form known to me, I have adopted it for this paper. The other forms are Feu of Roule, Fewtoule, Farroule, Feorowle, Fewroulie, Feuallroul, Fewreull, Fewrele, Fewrouell, and Ferrowle.

<sup>2</sup> Vol. vii. p. 322, and vol. ii. p. 541.

Earl of Douglas excepted, and in 1454 he received a similar bond from Thom Robson in exchange for a grant to the said Thom of his lands of Hownam for life. This Thom Robson appears as one of the witnesses to the Letter of Reversion.

In the spring of last year I visited the places named in these documents.

Altonburn, the ancient home of the Kers, which was in their possession since 1357,<sup>1</sup> has entirely disappeared, and a thriving farm now occupies its site. This farm, named Attonburn, lies some 4 miles above Yetholm on the Bowmont Water, with the ancient unenclosed burial-ground of Mow not far off. The few remaining tombstones in this cemetery are slowly being overgrown and are gradually sinking out of sight.

Cessford Castle still shows some evidence of its previous glory, and its ruins now stand grim, sombre, and massive on the farm lands of the same name. They are in a terribly neglected state, and although the walls are more than 13 feet in thickness and look as if they had been built to withstand the rage of men and gods for all time, yet the great south wall has now been rent in twain, and the interior, unroofed, is the nesting home for pigeons and wild birds.

From the fact that Andrew Ker calls Cessford "my manor place," we may take it that the castle had not then been built. Fourteen years later (1467) a sasine<sup>2</sup> is given at the gates of the castle, so probably it was erected between these two dates.

The site of Oxnam Castle, the home of the Colvilles since the middle of the twelfth century, is still pointed out, but nothing now is left except its grass-covered foundations. These rest on the summit of a grassy knoll rising steeply from the Oxnam Water, which flows round its base and which formed one of its defences. It is approached by a little pathway descending through fields and hedgerows from the present church of Oxnam. According to the *New Statistical Account*, a strong wall on the land side enclosed a spacious outer court, where in times of trouble the cattle of the vicinity could be secured.

In 1479 Margaret Ker renounces all right or claim she may have to succeed to her father or to her grandfather Andrew Ker, to the barony of Cessford, in favour of her uncle Walter Ker of Caverston, and in the lands thus resigned it is interesting to note that the "Feu of Roule" has a place among them.<sup>3</sup>

In 1495 Feoroule was granted by King James IV. to Jonet, daughter of Archibald, Earl of Angus.<sup>4</sup>

<sup>1</sup> *Scots Peerage*, vol. vii. p. 316.

<sup>3</sup> *Ibid.*

<sup>2</sup> *Hist. MSS. Com. Roxburgh*, p. 17.

<sup>4</sup> *Reg. Mag. Sig.*, 22nd December 1495.

The second and third documents are Notarial copies of an Instrument of Resignation, dated 1499, by which Sir William Colville of Oxnam (a grandson of Sir Robert) resigns into the hands of William Douglas of Cavers, as lord superior, half the lands of Feoroule, in favour of Andrew Ker of Over Crailing; and of charter following, dated 1500, in which William Douglas grants these lands to the said Andrew.

The fourth document is a grant, dated 1541, by Elizabeth Colville (great-granddaughter of Sir Robert and daughter of the Sir William Colville mentioned above), with consent of Patrick Colquhoun of Pemont, her spouse, giving to her son-in-law, Robert Colville<sup>1</sup> of Cleish, the Reversion of the lands of Feoroule. This grant is written in the vernacular, and has the seals of Elizabeth and Patrick Colquhoun attached. It is given for the special love and favour she bears to the said Robert, her gude-son.

The fifth is a Crown letter, given under the Privy Seal of James V., of date 15th April 1542, which retells the whole story, and ordains that when the redemption money is paid, Elizabeth, Lady Pemont, is to have free regress and ingress again to the lands of Feoroule.

In 1574 the lordship of Feoroule (Fewroulie) was in the hands of the king "throw the proces and dome of forfaltour ordourlie led and deducit aganis Thomas Ker, sumtyme of Phairnyhirst, knight, for certane crymes of tressoun committed by him."<sup>2</sup>

What happened to the lands after that I do not know, but from the Letter of Reversion, being still among the Colville of Cleish papers, it would seem that the right of redemption had not been exercised.

I am indebted to my friend Mr John M'Gregor, W.S., for much assistance in making the following transcripts and translations.

I.—1453 June 10. LETTER OF REVERSION granted by ANDREW KER of Altonburn to Sir ROBERT COLVILLE laird of Oxnam for redemption of Feoroule.

Be it kennyt til al men be thir present lettres me Andro Ker of the Altonburn to be oblist and be thir my present lettres oblissis me and myne ayeris and successouris of lyne or of talze myne or thair assignys in the fathys and throuthes of our bodyise with out fraude or gyle til ane honorabill man Sir Robt Colvele lord of Oxnam his ayeris and successouris of lyne or of talze his or thar assignys that quhat tyme it sal happyn the sayd Sir Robt his ayeris and successouris of lyne or of

<sup>1</sup> Robert Colville was a natural son of Sir James Colville of East Wemyss. He rose to high power in the service of Regent Moray, and died attacking the French at the siege of Leith in 1560. He was the ancestor of the Lords Colville of Ochiltree, a title now extinct.

<sup>2</sup> *Reg. Privy Council*, vol. ii. p. 384.

talze his or thar assignys to warn or ger warn me the sayde Andro Ker myne ayeris or successouris of lyne or of talze myne or thar assignys at my man<sup>r</sup> place of Cessward or in ony uthir place quhar myne or thair chef dwellyng is in the tyme of the sayd warnyng or in ony uther place with in the realme of Scotland quhar I or thair forsaide may be bodely fundyn, but fraude or gyle upon fourty dayes warnyng to cum and to ressafe tua hundreth markis of gude and usuale mone of the kynryk of Scotlande and gyff our the landis of the Feoroule with the pertinents To the quhilk I the sayd Andro oblyssis me myne ayeris and successouris of lyne or of talze that we sal comper at the sayde daye in the abbaye of Jedworth and ressafe the sayde somme of mone on the he altar of that ilk, gyff thair will deliver it with out fors or strentht in hindering of us, but fraude or gyle, than and incontenent efter the ressavynge of the saide somme of mone, I the saide Andro myne ayeris and successouris of lyne or of talze myne or thair assignys sal upgyff purly and sympliciter resyn with staff and baston the said landis of the Fewroule with the pertinents in the handis of the sayd Sir Robt his ayeris or successouris of lyne or of talze hys or thair assignys al ryth and clame, charter and evident togyddyr with fee properte and possession fra me and myne ayeris forsayde to the sayd Sir Robt hys ayeris and successouris of lyne or of talze his or yair assignys in fre fee and heritage for evirmar Sua that nouthur I myne ayeris or successouris of lyne or of talze myne or thair assignys na nane utheris in my name sal be herd in tyme to cum in na clame questione nor demand in na to the sayd landis na in na part of thaim bot al uttirly excludit for evirmayr And gyff it happynys me the sayd Andro or myne ayeris or successouris of lyne or of talze myne or thair assignys wylfully or fraudfully to absent us and will nouch cum to the sayd daye off warnyng to ressiff the sayde somme of mone as is foirsayd the sayde Sir Robt or his ayeris or successouris of lyne or of talze hys or thair assignys lefand the sayd soume of mone behynde thaim upon the he altar in the sayde abbay befor notar and wittnes but fraude or gyle than and frathyn furth it sall be leful to the sayde Sir Robt his ayeris or successouris of lyne or of talze his or thair assignys to resaffe and resayse the sayde landis of the Feoroule with all thair pertinents as is contenyt in the charter of the sayde Andrew Ker at thair awyn handis in fre fee and heritage for evirmar with out ony obstakyll questione or demand lik as or be me the sayd And<sup>e</sup> myne ayeris or successouris of lyne or of talzie myne or thair assignys and her attour gyf it happins me the sayd And<sup>e</sup> myne ayeris or successouris of lyne or of talze myne or thair assignys to pass of the realme of Scotland nouch lefand assignys ane or ma behynd us with full powar to resaffe the sayde somme of mone and gyf our the sayde landis of the Feoroule

with the pertinents in maner and fourme as is befor sayd than it sal be leffull to the sayde Sir Robt his ayeris or successouris of lyne or of talze his or thair assignys to resaffe the sayd landis of the Feorule with the



Fig. 1. Seal of Andrew Ker.

pertinents and to resayse as is befor sayde at thir awyn handis in fee and heritage for evirmar the forsayd somme of mone beand left upon the he altar of the sayd abbay befor notar wittness as is forsayd be the sayde Sir Robt his ayeris or successouris forsaide and at all the conditiounis artikyll and poyntmentis lely and treuly sal be kepit in all maner fourme and effect as is befor wryttyn I the sayd Andrew Ker for me and myn ayeris forsayde haly evangell tuychyt has gyffyn a bodelik acht And to the mar sekyrte to this my present lettres of rever-sione has hungyn my sele in the toune of Jedworth the tend daye of the moneth of June the yher of god a thousande four hundreth fyfty and thre yheris befor thir wittnes John of Aynisle of Dolphynston, Maister Philip [torn] Gilbert Elwald, Thom Robson, Sir Patk. of Fotheringham priest and public notary and many uthirs.

I have been permitted to compare this seal with one attached to a

Procuratory of Resignation of 18th February 1480 which is much more clearly defined. The chevron carries three mullets and the helmet above the shield bears a stag's head. The legend is S. ANDRE KAR [or Car?].

II.—1499 Dec. 24. INSTRUMENT OF RESIGNATION by WILLIAM COLVILLE of Oxnam, of the half lands of Feoroule, in favour of ANDREW KER of Over Crailing.—A notarial copy on paper.

[*Translation.*]

In the name of God, amen. By this present public Instrument, be it manifest and known, that in the year of the incarnation of our Lord

one thousand four hundred and ninty nine years, the month of December and day twenty fourth, In the third Indiction, In the eighth year of the pontificate of the most holy father in Christ and our Lord, lord Alexander the sixth by divine providence the Pope. In presence of me Notary public and witnesses underwritten, personally compeared an honourable man William Colvile of Oxname knight, who by staff and baton gave up all and sundry his lands of the half part lands of Fewtoule with tenants, tenandries and service of free tenants of the foresaid half part lands with pertinents lying within the barony of Cavers and sherifffdom of Roxburgh, into the hands of an honourable man William Douglas laird of the barony of Cavers knight, as the lord superior thereof, and purely and simply resigned all right and claim in property and possession which he had or might have in any way in future in the foresaid lands with tenants tenandries and service of free tenants with pertinents, for himself his heirs and assignees to William Douglas laird of the barony of Cavers knight, and quitclaims for ever, for the infetting of the honest man Andrew Ker of Ovir Crealing heritably in the same. Upon all and sundry the foresaid William Douglas laird of the barony of Cavers knight, asked of me the Notary public underwritten, public Instruments. These things were done in the Cathedral church of Jedworth, the tenth hour before noon, under year, month, day, Indiction & pontificate as above. Present there these honest men William Cranstoune of that ilk, William Ker of Langle, Randolph Ker, and William Cranstoune with divers other witnesses to the premises called & likewise required.

The Notary being Patrick Atzensone, M.A., and clerk of the diocese of Glasgow, and he gives the usual notarial docquet.

III.—1500 May 26. CHARTER by Sir WILLIAM DOUGLAS of Cavers, in favour of ANDREW KER of Over Crailing, of the half part of the lands of Feoroule. A notarial copy, on paper, made by PATRICK ATZENSONE, Notary.

[*Translation.*]

To all who shall see this charter, William Douglas laird of the barony of Cavers knight and sheriff of Roxburgh, Greeting in God everlasting. Know that I have given, granted and by this my present charter confirmed, as I by this my present charter give, grant and confirm to an honest man Andree Ker of Uvir Crailing all and sundry the land of the half part lands of Fewruele with tenants, tenandries and service of free tenants of the foresaid half part lands with pertinents,

lying within the barony of Cavers and sheriffdom of Roxburghe. Which lands with tenants tenandries and service of free tenants belonged heritably to an honourable man William Colville of Oxname knight and which he the said William neither led by force nor fear nor falling into error, but of his own free and spontaneous will personally resigned into my hands at the church of Jedworth and by staff and baton upgave and purely and simply resigned all claim of right of property and possession which he had or might have in any way in future in the said lands with tenants tenandries and service of free tenants with pertinents and quit claims same for himself his heirs and assignees for ever for infesting the said Andrew heritably in the same. To have and to be held, all and sundry the foresaid land of the foresaid half part lands of Fewrouell with tenants tenandries and service of free tenants with pertinents, by the foresaid Andrew Ker and his heirs, of me and my heirs in fee and heritage for ever, by ward and relief throughout all their right marches old and divided as they lie in length and breadth in houses buildings woods plains moors marshs ways groves ponds rivers parks meadows young woods & timber, with hawkings huntings fishings peats turfs coal & coalheughs and stone & lime quarries, rabbits and warrens, pigeons & dovescots smithies breweries & brewhouses mills multures and their sequels with courts and their fines herezalds and merchets of women with common pasturage and free entry and exit and with all other and sundry liberties commodities profits easements and their just pertinents whatsoever as well not named as named as well under the earth as above the earth, far and near belonging to the foresaid lands with pertinents with tenants tenandries and service of free tenants, or which in any manner of way may justly belong to them in future, freely quietly fully wholly well and in peace. Paying therefor annually the said Andrew Ker & his heirs the annual suits at the courts of the foresaid barony of Cavers, Reserving to me and my heirs the marriage of the heirs of the said Andrew Ker in place of all other exactions secular service or demands which could in any way be exacted or required for the half part lands with pertinents tenants tenandries and service of free tenants. In witness hereof my seal is appended to this my present charter At Jedworth the 26th day of May 1500 before these witnesses George Douglas and Sir Walter Douglas vicar of Hassenden my uncles and Archibald Douglas.

Copy certified by Patrick Atzensone, Notary public.

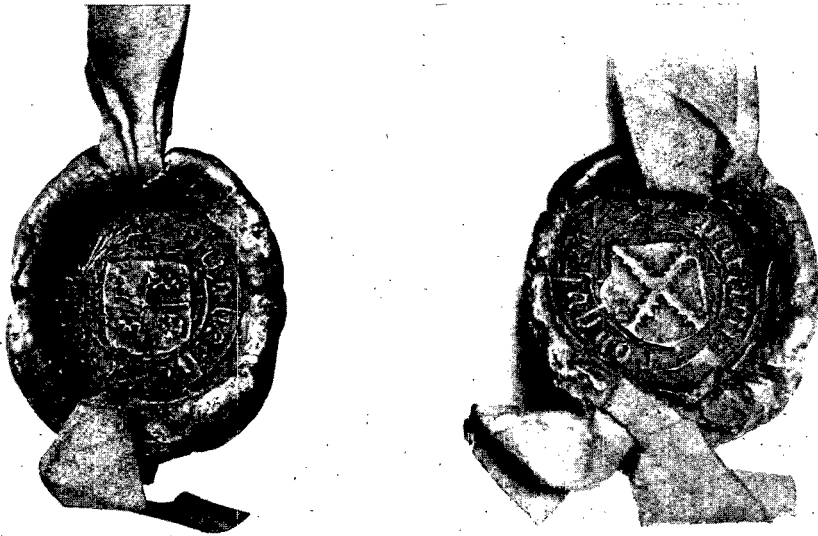
IV.—1541 May 13. LETTER OF GIFT by ELIZABETH COLVILLE, wife of Sir PATRICK COLQUHOUN of Pemont, to their son-in-law ROBERT COLVILLE of Cleish, of the Reversion of Feoroule.

Be it kend to all men be thir present lettres Me, Elizabeth Colvile lady Pemonth air and successor of umqle Robert Colvile of Oxnem with avis and consent of Patrik Culquhone of Pemonth now my spous for his interes To have maid constitute and ordinit and be thir present lettres makis constitutis and ordinis my welbelovit gude-sone Robert Colvile of Clesche and his airis my verray lauchfull undoutit & irrevocable cessionaris and assignais in and to ane lettir of reversioun maid to the said umqle Robert his airis and assignais or successoris of lyne or taillie be umqle Andro Ker of Altounburn for him his airis and assignais upoun the redemptioun and outquiting fra him or thame of all and hale the landis of Farroule with the pertinentis liand within the Shirefdome of Roxbur<sup>b</sup> for the soum of twa hundreth markis usuale money of Scotland as at mair lenth is contenit in the said reversion. And als in and to the redemptioun of the saidis landis with the pertinentis with all richt tittill interes and clame of ryt quhilkis I my airis or assignais had hes or ony wiss may clame or have thairto be virtew of the said reversioun Gevand grantand and transferrand fra me my airis executouris and all utheris my assignais the said lettir of reversioun and all richt titill interes privilege and clame of richt that I or thai hes or ony wiss may clame or have thir throw to the redemptioun of the saidis landis in maner aboune writtin In and to the said Robert and his airis my anerlie cessionaris and assignais foirsaidis to be brukit joisit and usit be thame siclike and als frelie in all thingis as I my<sup>b</sup> have usit the samin myself befoir the making of this my assignatioun but ony revocatioun of me or my airis or ony utheris in myne or thir names or be myne or thir richtis be any maner of way in tyme cuming And I forsuth and my airis sall warrand acquiet and defend to the said Robert and his airis the said lettir of reversioun hale in the self uncancellat undefesit or dischargait in ony wiss to the redemptioun of the saidis landis for the soum abouewrittin And in signe and takin of this my assignatioun I have deliverit the said letter of reversioun to the said Robert to be usit be him and his airis to the effect above writtin And that for the speciale lufe and favoris that I have and beir to the said Robert my gude-sone and for certane utheris gratitudis and pless<sup>is</sup> done be him to me thir fore In witnes of the quilk thing to thir my lettres of assignatioun subscrivit with my hand my sele is hungin togiddir with the sele and subscriptioun of my said spous in signe of his consente to the premissis At Clech the xiii day of



May. The zeir of god ane thousand five hundreth ffourtyane zeris  
Befoir thir witnes James Kynloch Morass Englas, Donkane Donkane  
with uthirs dyweris

ELAZABHT COLLWELL lade pemont with my hand  
PATREK COWQUHOWNE off Pemont



Figs. 2 and 3. Seals of Elizabeth and Patrick Colquhoun of Pemont.

V.—1542 April 15: LETTERS OF REGRESS to ELIZABETH COLVILLE to  
the lands of Feoroule.

[*Translation.*]

James [the 5<sup>th</sup>] by the grace of God king of Scots. To all his good  
men to whom these present letters may come Greeting. Know ye that  
although the deceased Robert Colville of Oxnem sold and heritably  
alienated by charter and sasine All and whole the lands of Feorowle  
with pertinents lying within our Sheriffdom of Roxburgh to the deceased  
Andrew Ker of Altounburn. To be held of us and our successors. And  
upon the said alienation the said deceased Andrew gave and delivered  
to the foresaid deceased Robert a letter of reversion, with a certain  
sum of money mentioned therein, as the said letter more fully purports.

Nevertheless we, for good and faithful & grateful service rendered to us by Elizabeth Colville Lady Pemont, heir and successor of the said deceased Robert, ordain and promise for us and our successors to the said Elizabeth and her heirs and assignees, whensoever the sum contained in the said reversion shall be fully and completely paid to the heirs and successors of the deceased Andrew heritable possessors for the time being of the foresaid lands of Feorowle, and the terms of the reversion in all its points are fully and completely fulfilled and kept according to the tenor of the same. The foresaid Elizabeth or her heirs and assignees shall have full and free regress and ingress again to the said lands of Feorowle with pertinents. And we now as then and then as now, receive, admit, ratify and approve the said Elizabeth her heirs and assignees as heritable tenants to us in the same as freely to be holden in future as the deceased Robert held of our predecessors before the said alienation was made, without any impediment prejudice forfeiture or escheat loss or risk whatsoever to the said Elizabeth her heirs and assignees whomsoever in future. Given under our Secret Seal. At Stirling [Striveling] 15 April A.D. 1542 and of our reign 29.