



# The Family of Cheyne

## and their lands in Northern Scotland

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Easter 2023



## The Family of le Chen (Cheyne):

### AND THEIR LANDS IN NORTHERN SCOTLAND.

**Abstract:** This paper provides historical, genealogical and heraldic information relating to the family of 'le Chen' (Cheyne) in northern Scotland, from the time of the Norman Conquest onwards. The primary focus is the branch of the family who were lairds of Inverugie. However, information is also provided regarding the 'cadet' families of Essilmont, Leagarth, Pennan, Pitfichie, Rannioustoun, Straloch, Tangwick and Vaila. Consideration is given to the lands which formed the estate of Inverugie and to the other estates possessed by the 'le Chen' lairds. Some details of the family's staunch adherence to the Roman Catholic Faith are given, especially regarding the ecclesiastical establishments which they helped to found. Finally, there is a collection of some of the heraldry used by the various individuals who bore the Chene/Cheyne name.

**Keywords:** Cheyne, le Chen, Inverugie, Straloch, Essilmont, Arnage, Tangwick, Vaila, Rannioustoun, Leagarth, Pennan, Pitfichie, Quesnay, Normandy, Battle of Hastings, Cheyne's Tower, de Moravia, Forse, Strathnaver, Dirlot, *an Shien Mhòir*, Tosny, Strabrok, Keith family, Earldom of Caithness, Ardlogy Priory.

**Introduction:** The research which has formed the basis for this paper was initiated as the direct consequence of other extended studies into the foundation of the [Tironensian House \(Priory\) of Ardlogy](#) near Fyvie in Aberdeenshire. One of the members of the family, who were known in north-east Scotland as 'le Chen' or 'Cheyne', was responsible for the Priory's foundation and he was also one of the main 'movers' in the foundation of the House of the Carmelite Friars in Aberdeen. Originally, the focus was on the period between the family's first arrival in the north-east up to the time of the Reformation. However, it was decided to continue the project and investigate the Cheyne family up to present times. This decision was made so that the time-frame could be extended to include the hundred years or so following 1560 – the commonly accepted date of the Reformation – when various family members were actively engaged in the support of the 'Papist Religion' and were very important contributors to that cause. Although, ultimately, a number of the male lines of inheritance died out, the Cheyne family provided a body of important contributors to Scottish society and it was felt that, to do full justice to the family, the study should continue up to the present time.

**Modus Operandi:** Any study of the Cheyne family must start with the work of Lieut. Colonel Archibald Ythen Cheyne, published in 1931.<sup>1</sup> Colonel Cheyne, who was attached to the Army in India for many years, spent his 'leave' collecting as much material as he could find to take back with him to India when he returned on active service, so that he could prepare as thorough a history of his family as possible. His endeavours are much to be admired and the book *The Cheyne Family in Scotland* contains nearly 150 pages of very detailed information about his family, going back as far as the 14<sup>th</sup>-Century.

However, it has been found that Colonel Cheyne's work does have its faults, many, if not most, of which, probably stemmed from the fact that, during most of the time when he was writing, he was at an enormous distance from his 'sources'. Consequently, in this paper, it has been decided to try to check each and every one of his quoted *references*, both for accuracy and to garner additional details previously edited out by him. There was a particular problem with the *references* which included the

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<sup>1</sup> Cheyne, A.Y. (1931). See Bibliography for a 'link' to an on-line version.



various volumes of the *Register of the Great Seal of Scotland*. On a number of occasions, the Colonel had only included "Reg. Mag. Sig." in the footnotes and had included neither the Volume number, nor the page number, where the quotation might be found. This resulted in numerous hours of research tracking these quotations down – a task helped immensely by the fact that so many of the volumes are now available in electronic (and searchable) format. The result has been the collection of a wealth of additional information about the family's history and what we hope is now a comprehensive listing of *references*.

Finally, we have been able to access a number of more 'obscure' and local sources which have revealed important new material to support our study. These now appear in a Bibliography which, for some reason, Colonel Cheyne omitted from his work. This Bibliography includes these new sources, an example of which is the very important volume of work published locally in 1894 by Mr. Thomas Mair entitled "*Narratives and Extracts from the Records of the Presbytery of Ellon, Part II., 1607-1628*"<sup>2</sup> Also, we have found a great deal of information contained in Mr James Godsmann's work, *A History of the Burgh and Parish of Ellon in Aberdeenshire*,<sup>3</sup> but the author did not choose to add any references and so, at times, it is extremely difficult to verify the information which he offers. However, the work is made the more fascinating by the author's adding sections giving detailed information regarding the *landed estates* of the parish of Ellon and also short records of the *tenantry* who occupied the various properties, mostly after the Second Reformation (1560). These two Chapters (numbers 9 and 10 of his work) are a veritable 'treasure-trove' for genealogists.

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<sup>2</sup> Mair (1894).

<sup>3</sup> Godsmann (1958).



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## THE FAMILY NAME AND ITS ORIGINS.

The family of CHEYNE, and those families which have similar names - Chedney, Chasteney, Chene, Cheney etc. – are believed to have a common origin in the medieval family of *Quesneto* or *Caisneto*, a Latinized form of *Quesnai* or *Caisnei*, a place-name in Normandy.



Figure 1: Location of Le Quesnay, Normandy

The village of *le Quesnay* lies a little to the south-west of Saint-Saëns, beneath the vast *Forêt d'Eawy*, in Normandy. In the early part of the 11th century, *le Quesnay* was part of the lands held by Roger de Mortemer of Duke William (d.1087). Roger's castle of *Mortuomari* (Mortemer or Mortimer), some 14 miles to the east, on the Ponthieu border, was the scene of a battle in 1054, and, owing to an indiscretion on his part after the battle, Roger forfeited his castle and its associated lands, including *le Quesnay*, and they became the property of William de Warenne.<sup>4</sup> This William already held land from his father Rodolf, and this included *Louvetot* in the canton of Caudebec and *Allouville-Bellefosse* in the canton of Yvetot; but, with the acquisition of Mortemer, he made *Bellencombres* the 'caput' of his honour.

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<sup>4</sup> In 1054, Roger Mortimer (d.1078), fought and won the battle of Mortemer for Duke William of Normandy (d.1087). His father-in-law, Count Ralph IV Montdidier of Amiens (d.1074) fought on the other side against Duke William and, in defeat, he would have expected imprisonment and ransom. After the battle, however, Roger entertained his father-in-law in Mortemer Castle and then released him. His overlord, Duke William, was astounded at what he saw as an act of treachery and seized Roger's estates. Later he restored all of Mortimer's lands except for Mortemer itself. At this point Roger resided at *St Victor-en-Caux* where he founded a priory which became an abbey in 1074. Mortemer Castle was given by Duke William to Roger's brother, Ralph (d.c.1074), who went on to found the Warenne family – the future Earls Warenne of Surrey, in England.

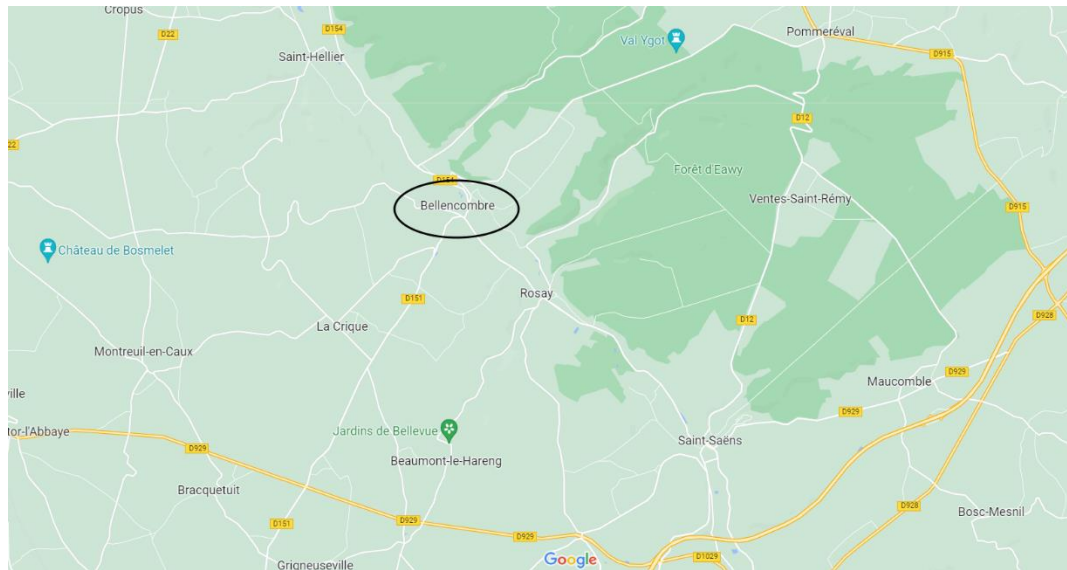


Figure 2: Bellencombre, 'Caput' of William de Warenne.

*Bellencombre*, which is about 8 miles north-east of *le Quesnay*, is situated on the *River Varenne* which rises just above *St. Saens* and fringes the oak-forest of *Eawy* on its way to the sea at *Dieppe*; and it was from a hamlet called *Varenne* near the mouth of this river that the name of 'de Warenne' originated.

As the use of surnames was then becoming the fashion, the holders of the 'fief de Quesneto' adopted a name that reflected their locality - an 'oak-wood' - and were known as 'de Quesneto' or 'de Caisneto' and sometimes 'de Querceto'. For several generations they remained under-tenants of the de Warenne family in Normandy, and later also in England. Another point to note here is that, in the French language, the word for "oak" is "*chêne*", e.g. "an oak table" would be "*une table en chêne*."

It has been established from the available evidence that William de Warenne, '*the loyal young vassal*,' was present with Duke William at Hastings in 1066.<sup>5</sup> It may be assumed that a significant number of his under-tenants accompanied him there and may also have fought in the battle. In compiling her three-volume masterpiece, *The Battle Abbey Roll*, Her Grace the Duchess of Cleveland commented that, "no name that I have had to deal with has puzzled my poor brains so effectually as this."<sup>6</sup> She was, of course, referring to the name of "Cheine" or "Cheney." She continues:

"In its present form it can only be an interpolation, as it is the fusion, in English parlance, of three perfectly distinct Norman names, *De Cahaignes*, *De Quesnay*, and *De Chenduit*; and, to add to the difficulties of the problem, has been sometimes confounded

<sup>5</sup> Cleveland 1901, iii., p. 262.

<sup>6</sup> Cleveland (1889), i., p. 257.



with *De Chanceux*. There is scarcely any part of England in which it is not to be met with; "a name so noble and so diffused in the Catalogue of Sheriffs," writes old Fuller, "it is harder to miss than to find it in any County;" and it has travelled across the Borders into Scotland."<sup>7</sup>

The Duchess also noted here that, "this ubiquitous name is twice repeated on the [Battle Abbey] Roll; once as Cheines, ... which I take to be Cheinel; and again as Koine."

Ralph and Osbern de Quesnai are amongst 475 names entered on the roll of Duke William's 'Companions' engraved onto a memorial located within the church of Dives-sur-Mer, Normandy – the *Dives-sur-Mer Roll*.<sup>8</sup> However, more conservative scholars have found only fifteen individuals who, without doubt, accompanied Duke William at Hastings – they are known as "[The Proven Companions](#)." William de Warenne is one of this group, as is [Raoul \(Ralph\) de Tosny](#), Lord of Conches and *gonfalonier* (standard bearer) of Normandy.

Regardless of the details contained in the various 'Rolls', it can not be questioned that the family of *le Chen* arrived in England at the time of the Conquest, perhaps even before the Battle of Hastings took place. What is certain is that before much time had passed, many of these various family members had achieved fame and fortune, and were to be found, spread across the English shires, as land-owners on a substantial scale. Their spread was so rapid that one can not avoid the suggestion that there was more than one family member amongst those who first arrived on English shores, each one then travelling to a separate part of the kingdom as lands were granted to them by the King.

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<sup>7</sup> *ibid.*, p. 257.

<sup>8</sup> Although the church of *Dives-sur-Mer*, in which William and his army are thought to have said mass before departing for England at the start of the Conquest, is an authentic 11<sup>th</sup>-Century building, the memorial plaque was only engraved in 1862, under the auspices of the French Archaeological Society. Osbern du Quesnai is number 297 in the list, Raoul du Quesnai (assumed to be his brother) is number 337. (There are 475 names in total). This list is supposedly of those nobles who assembled at Dives-sur-Mer prior to the army's embarkation but who may not all have actually fought at Hastings, some being otherwise engaged in furthering the ambitions of the army, but on home-soil. The Battle Abbey list is considered to include only the names of those who actually fought at Hastings. This list was formerly displayed within the Abbey at Hastings and contained some 645 names.

(see <http://www.bdhsarchives.com/Archives/Collectanea/R4.2a%20v2%20Companion%20Rolls%20of%20the%20Conquest%20v2%20.pdf> )





Figure 3 The Church of Notre Dame at Dives-sur-Mer.

[illegible]

Figure 4: The Dives-sur-Mer Roll.



## THE SCOTTISH BRANCH.

"There can be little doubt that the Cheynes in Scotland originated from one of the Norman families who came over to England at the time of the Conquest ...".<sup>9</sup>

In the *Zetland Family Histories*, there is the following: " Rabel del Chene witnesses charters by William de Vipont to the monks of Coldingham in North Durham between the years 1147 and 1160." ... and ... "William de Chesne witnesses charters granted, between 1198 and 1214, to the monks of Holyrood by William de Vipont, son and heir to William de Vipont and Emma de St. Hilary".<sup>10</sup>

## OVERVIEW.

"The *le Chen* (Cheyne) family is a very old one in Scotland. We can trace its beginning there to the early 1100s. [But] they appear to have come to Scotland from a Norman family that lived in England before the conquest."<sup>11</sup>

The Duchess of Cleveland admits that she is "unable to determine" the origin of the Scottish *Cheyney* family.<sup>12</sup>



But she does give their *blazon* of arms: *Azure* three cross crosslets fitchée *Argent*.

She notes that these arms are "entirely different" from those of the branches of the family that she had encountered during her research south of the Border.



It is worthy of note that the *blazon* given by the Duchess differs somewhat from that which is commonly accepted in Scotland today, namely: *Azure* a bend between six cross crosslets fitchée *Argent*.

As noted above, the earliest written record of the family in Scotland appears to be when William de Chesne witnessed certain charters granted, between 1199 and 1212,

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<sup>9</sup> Cheyne (1931), p. 1.

<sup>10</sup> Grant (1907), #### AbUniLib

<sup>11</sup> Chesney (1975), p. 1.

<sup>12</sup> Cleveland (1901), i., p. 259.

to the monks of Holyrood Abbey by William II de Vipont, son and heir of William I de Vipont and Emma de St. Hilary.

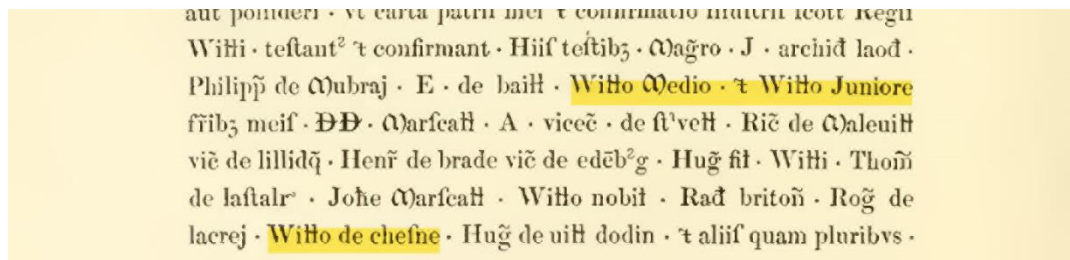


Figure 5: [Liber Holyrood, no. 33, p. 28] dated October 1199 x 1212.

It is believed that it was Bernard le Chen (*Bernardus Canis, filius Gulielmi Canis*) who first received the barony of Inverugie from King William the Lion.<sup>13</sup> It is not known exactly why the king gifted this property to Bernard, but William le Chen (whom we assume was Bernard's father) is found in the train of William de Vipont from 1168 to 1214. This William de Vieux Ponte (Vipont) was one of King William's nobles and he accompanied the king to the north during the royal expedition aimed at quelling the notorious rebels of *Murreff* (Moray). Vipont's signature as witness is found on a number of charters given by the King between 1187 and 1203.<sup>14</sup> In a later charter, dated 11 October, (probably 1205), the lands which the King had granted to William in Tynedale, Northumberland, were confirmed to his son *Yuone* (Ivo).<sup>15</sup> This reveals that, like the [le Neym](#) family, the *Viponts* held important 'marcher' lands close to the border.

It would be reasonable to assume that William le Chen would have been in the company of William de Vipont on many of the occasions described above. Colonel Cheyne suggested that Bernard, son of William le Chen, also made the journey north and, "that it would seem probable that it [Inverugie] was acquired from the king through his, or his father's, marriage with a daughter of Le Neym, which family is known to have held Inverugie (*vide infra*) before the le Chen family."<sup>16</sup>

Initially, then, the *le Chen* family gained the barony of INVERUGIE and this became the senior branch of that family in the north (indeed, in all of Scotland). Unfortunately,

<sup>13</sup> From a charter lately owned by the Earl Marischal; View, p. 420.

<sup>14</sup> RRS., ii., no. 146 (1174?) at *Northampton*; no. 181 (1173 x 1178) at *Jedburgh*; no. 189 (1175 x 1177) at *Dumfries*; no. 190 (1175 x 1178) at *Traquair*; no. 235 (1178 x 1188) at *Haddington*; no. 341 (1189 x 1195) at *Forfar*; no. 358 (1189 x 1195) at *Kincardine*; no. 395 (11 Oct, 1197 x 1203) at *Perth*.

<sup>15</sup> RRS., ii., no. 468, p. 432. The lands of William de Veteri Ponte in Tynedale were: *Elrington* (in Haydon parish, Northumberland [NGR: NY 861635]); *Alston* (Cumberland [NGR: NY 718465]) and *Kirkhaugh* (in Slaggyford, Northumberland [NGR: NY 694500]), held in feu and heritage, for the service of one knight.

<sup>16</sup> Cheyne 1931, p. 11.





this line died out after only a few generations as the result of a lack of male heirs. Nevertheless, cadet branches of the family had, by then, been established:

Cheyne of - **Straloch** from the *Inverugie* branch,  
**Essilmont** (Esselmont)<sup>17</sup> from the *Straloch* branch,  
**Arnage** from the *Straloch* branch,  
**Dundarg**, from the *Essilmont* branch.  
**Tangwick** (in Shetland) from the *Essilmont* branch,  
**Vaila** (Island, in Shetland) from the *Essilmont*, branch,  
**Raniestoun** from the *Arnage* branch.  
**Leagarth**, Island of Fetlar, Shetland, (modern).

Before long, the lines of STRALOCH and ESSILMONT also died out so that the male line of the *le Chen* (Cheyne) family in Scotland would appear to be continued through the Edinburgh descendants of the ARNAGE branch of the family, a number of whom emigrated to Australia.

## THE BARONY OF INVERUGIE.

As we have noted, the very first possessors of the Barony of Inverugie<sup>18</sup> appear to have been the Norman family of *le Neym*. It is thought that about 1200, the family

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<sup>17</sup> I choose to use the ancient form of this name – Essilmont – which is found in many of the older charters. Other historians prefer to use Esselmont or Esselmond.

<sup>18</sup> A [Barony](#) in the medieval world of which Scotland was a part, was directly associated with a piece of land (or an estate), the owner of which was called a *Baron* and within which was situated a particular parcel of land which was known as the *caput* or 'essence' of the barony. Whomsoever owned the *caput* was known as the Baron or, more usually, the 'laird of ...'. However, the individuals concerned were not members of 'the major Nobility'. They were not properly called 'Lords of ...'.

In Scotland, baronies were known from relatively early times and, by the early fifteenth century, there were about 350 of them, which very often corresponded to the local Parish boundaries. In 2015, this all changed when the then [Lord Lyon](#) determined that a barony was represented by a person, rather than an individual who happened to have possession of the *caput* within the barony lands. From that point on a Baron need not necessarily be in possession of any lands in order to be recognized in law as a Baron. It is important to realise that a baron was always a *minor noble* and did not have the right to use the styles of address that could only be used by a member of the [senior nobility](#) – 'Lord'. In writing, the correct form of address for a baron was (and still is) "John Smith, Baron (of) *Wherever*" or, "John Smith of *Wherever*." It was often the case that barons would be referred to, especially in conversation, simply as "*Wherever*", and would often sign themselves as such. Scottish barons of the medieval period were often called *lairds* and might be referred to as the 'Laird of *Wherever*,' but 'laird' always was a courtesy title and had no status in law.

It is completely wrong to refer to a baron as 'Lord of *Wherever*.' Neither were barons entitled to use the title 'Sir', unless they had been marked out by having received 'knighthood', usually from a Sovereign or an Earl. A knight was not necessarily a baron and, *vice. versa.*, a baron was not necessarily a knight.

Many supposedly reliable genealogical websites immediately *give the game away* by using an incorrect form of address for lairds, barons, and knights. It is a disgraceful – and completely disrespectful – practice! Personally, when I encounter such an instance, I immediately quit the



received from William the Lion the lands of Inverugie, St Fergus and Fetterangus.<sup>19</sup> There is a record that, at the start of the 13<sup>th</sup>-Century, the church of Inverugie [NGR: NJ 116508] dedicated to [St Fergus](#), along with its chapel at Fetterangus [NGR: NJ 981506], also dedicated to St Fergus, were given by one *Ralph le Naym* to Arbroath Abbey.<sup>20</sup> This gift was confirmed by King William the Lion (1212-1214), and by Bishop Adam of Aberdeen (1207-1222). The Pope (Honorius III) also confirmed the gift in 1220.<sup>21</sup> Also, a *Radulfo Namo* (le Neym) was a witness to three charters of King William the Lion given at Lanark, which are dated to 1165 x 23 September 1168.<sup>22</sup> Another *Ralph Nano* (le Neym) is found as a witness to a charter of King William given at Kinross, probably dateable to x1180.<sup>23</sup> It is not possible to say, with certainty, that the Ralph who gave his church of Inverugie to Arbroath Abbey was one and the same person as the Ralph Namo (le Neym) who witnessed King William the Lion's charters. However, there is evidence here to support the idea that the family of *le Naym* was of some considerable importance in Scotland during this period. A charter of King Alexander II relates that the father of *Ralph Namus* (le Neym) had perambulated certain of his lands<sup>24</sup> which he held between Kelso Abbey's lands of *Colpenhope* (now Coldsmouth in Northumberland) and *Yetholm*, in the border country. These lands (3 acres) were, confirmed by the King as a gift to Kelso on 16<sup>th</sup> May 1234.<sup>25</sup>

The barony of INVERUGIE came to include the estates of ST FERGUS, FETTERANGUS, and STRALOCH, all of which, though now in modern Aberdeenshire, were then administered as being in the Shire of Banff, possibly as a result of the fact that the Cheynes of Inverugie were hereditary Sheriffs of Banff.<sup>26</sup>

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page. If the author has not been sufficiently concerned to learn the correct *etiquette* then I can have little respect for, nor trust in, anything they have written!

<sup>19</sup> Godsman (1958), p. 92.

<sup>20</sup> RRS, ii., no. 513, p.461; Liber Arb., I., no. 199, p. 137.

<sup>21</sup> Cheyne 1931, p. 5.

<sup>22</sup> RRS, ii., nos. 81, 82, 83, pp.180-181. All three charters deal with gifts to Melrose Abbey.

<sup>23</sup> RRS, ii., no. 222, p. 267-8. This charter related to a gift of the king of two measured ploughgates of land to Coupar Angus Abbey. It is an important piece of evidence for our case since the other witnesses were: Alan [Fitz-Walter] (2<sup>nd</sup> High Steward of Scotland) (1177-1204), son of Walter [Fitz-Alan] (1<sup>st</sup> High Steward of Scotland); Duncan II, earl of Fife; Gervase Avenel, lord of Eskdale, Justiciar and Constable of Roxburgh (d.1219); Hugh Gifford (Giffard), lord of Yester; Philip, marischal of Scotland; Ralph de Vere; Ralph Namus (le Neym); Walter Barclay, the Royal Chamberlain (d.c.1193). Obviously, Ralph le Neym was in illustrious company! [POMS Database: <https://www.poms.ac.uk/record/source/710/> ]

<sup>24</sup> Godsman (1958), p. 92. "The *le Neyms* were probably the first Norman family to settle in Aberdeenshire. They had extensive possessions in Tweeddale, and their chief influence lay in the barony of Yetholm on the Bowmont Water."

<sup>25</sup> RRS, iii., no. 209. [POMS Database: [www.poms.ac.uk/record/source/2076/](http://www.poms.ac.uk/record/source/2076/) ]

<sup>26</sup> Cheyne (1931), p. 7.



Figure 6: Inverugie Castle in 1870.

The original castle - the *mensa* of the barony of Inverugie – stood on the north bank of the River Urie, “at its mouth, but no trace of it remains there now.”<sup>27</sup> The very first ‘castle’ here was of a motte-and-bailey construction, typical of the early earthwork castles of north-eastern Scotland. It stood on what is now known as *Castle Hill* {NGR: NK 10212 48661} and it may first have been built by the *le Naym* family.

The second castle was commonly called *Cheyne’s Tower* and it is most likely that it was built by that family to replace the old *motte and bailey*.

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<sup>27</sup> In 1931 Col. Cheyne said that it had stood close to the site of the club house of the Peterhead Golf Course. He commented that the extensive foundations “could still be traced in recent years.” [Cheyne 1931, p. 7] This comment does not agree with modern scholarship which places the ‘motte’ on top of Castle Hill {NGR: NK 10214866}.



Besides Straloch, Essilmont and Arnage, the *Cheyne* or *le Chen* family came to be associated with eleven other lands in the parish of Ellon, and thirty other possessions in East Aberdeenshire.<sup>28</sup> In the power vacuum left by the reduction of the Comyn family by King Robert the Bruce, the Cheynes had everything but a noble title!

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<sup>28</sup> Godsman (1958), p. 92.



## THE CHEYNES OF INVERUGIE.

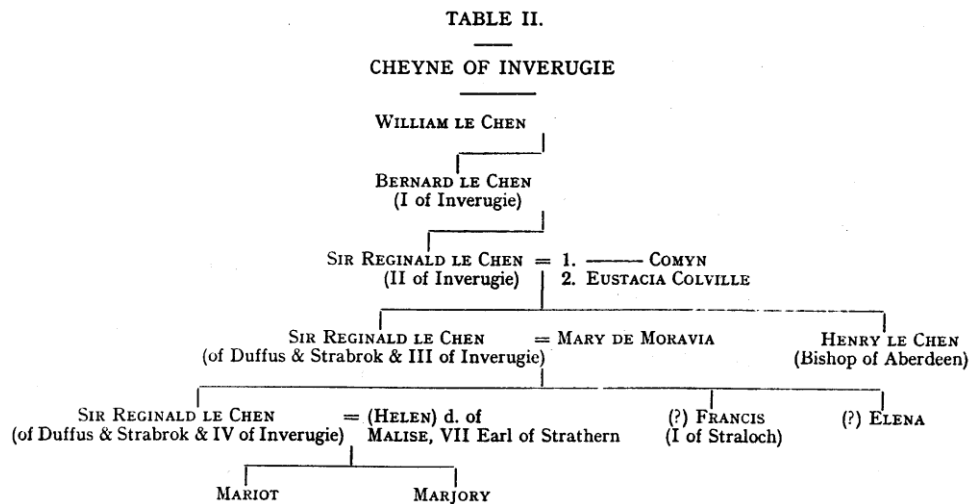


Figure 7: The Family Tree of 'le Chen of Inverugie'. From (Cheyne 1931, p. 4.)

**BERNARD, 1ST OF INVERUGIE.**

As we have already noted, it is believed by some historians that the Barony of Inverugie passed by marriage from a daughter of the le Naym family to Bernard le Chen who then became known as *Bernard le Chen, 1st of Inverugie*. However, there are those who consider that Bernard (or his father William) received the barony as a direct gift of the king.

Some historians put forward that there was a charter of William the Lion gifting Inverugie to Bernard le Chen.



**REGINALD I LE CHEN (*pater*), 2<sup>ND</sup> OF INVERUGIE (†1293).<sup>29</sup>**

It is presumed that Reginald le Chen *le pere* (the father) was the eldest son of the abovementioned Bernard le Chen. He is the first of the lairds of Inverugie about whom we have some detailed knowledge. "He played a considerable part in the affairs of the nation throughout his life."<sup>30</sup> His first marriage, to a daughter (unnamed) of John Comyn, Lord of Badenoch, brought him into the forefront of the troubles over the succession to the throne of Scotland, following the death of Alexander III., which led the country eventually into war with Edward I 'Langshankis', king of England. Cheyne says that Reginald's wife was a sister of John Comyn rather than a daughter and that her father was, in fact, William Comyn, Great Justiciar of Scotland in 1209, afterwards created Earl of Buchan.<sup>31</sup>

A number of genealogists have suggested that Reginald I le Chen married for a second time, his new wife being Eustacia, daughter of Sir William de Colville of Ochiltre(e) in Ayrshire. However, no children are recorded as having been born out of this suggested union. Cheyne notes that, "His second marriage must have taken place late in life for although Sir Reginald, an aged man, was dead by the year 1293 we still find his widow in 1316 conveying the patronage of the Church of Ochiltree to the monks of Melrose."<sup>32</sup>

The first reliable and dated reference to Reginald I le Chen (*pater*) is dated 1242 where he is described as being 'Sheriff of Kincardineshire'.<sup>33</sup>

In a brieve of King Robert the Bruce regarding the boundaries between the lands of Ardlogy and those of Fyvie, (the latter then held by the king), reference is made to the fact that Ardlogy was previously held, between 1250 and the end of the century, by Reginald le Chen (*pater*). From this, it would seem that the lands of Ardlogy, which were part of the *Thanage of Fermartyn*, had come into the hands of Reginald at some point in the second half of the 13<sup>th</sup> Century.<sup>34</sup>

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<sup>29</sup> It is a curiosity that, during their lifetimes, the names of Reginald and his son invariably appear in charters with the sobriquet *pater* or *fils*. Although curious, this use helps the historian greatly since it defines which of the two is being addressed – the father or the son.

<sup>30</sup> Cheyne (1931), p. 12.

<sup>31</sup> *ibid.*, 12.

<sup>32</sup> *ibid.*, 13; RRS, v., no. 100, "Robert, king of Scots, has granted that donation which Eustacia de Colville, widow of the late Reginald Cheyne, knight, the father, lady of Ochiltree, made to Melrose abbey of the advowson or right of patronage of the church of Ochiltree, holding in perpetuity as stated in Eustacia's charter."

<sup>33</sup> Temple 1894, p. 19.

<sup>34</sup> Reginald I le Chen (*pater*) is known to have held the Thanage of Fermartyn *in feu* of the king; Reginald was, in fact, *Firmarius de Fermartyn*, i.e. he held the Thanage on lease from the King, not hereditarily. "Computum eiusdem Reginaldi, firmarii de Fermartin, etc. De firma thanagii de Fermartin. Recepte, etc. Expense, etc. Item, per terram de Kilmclome datam burgensibus de Fyuyyn de illo anno, x marce." [Exchequer Rolls, i., p.21.] The term 'Firmarius' was used to refer to a person who held lands as a tenant. (Lat: *firmārius* m. (genitive *firmārīi* or *firmārī*) = 'tenant')



Sir Reginald does not appear to have engaged with either of the two parties who struggled for pre-eminence in Scotland in 1255.<sup>35</sup> However, he was one of the 'Magnates Scotiae' who, in March 1258, made a treaty with *Llwelyn ap Gruffydd*, Prince of Gwynedd, and his chiefs that, "neither the Scots nor the Welsh should make peace with the King of England without mutual consent."<sup>36</sup> It was only after this agreement had been reached, between Llwelyn and the Scottish nobility associated with the Comyn family, that Llwelyn began using the title *Prince of Wales*. There can be little doubt that Reginald's involvement in this episode of our national history is convincing proof of his high-standing amongst the nobility of Scotland.

We find Sir Reginald in 'grand' company on "the Friday next after the feast of St Matthew, Apostle and Evangelist, 1261," (23<sup>rd</sup> September, 1261). He was at Kelly in Buchan, in company with Richard, Bishop of Aberdeen; Alexander Comyn, earl of Buchan; William, earl of Mar; Sir William Comyn; a clerk (Ralph Lascelles) and the Official of Aberdeen diocese (Master R[ichard] de Stratheburg [Scartheburg]).<sup>37</sup> The whole company acted as witnesses to a charter of the earl of Buchan in which, for the sake of his own spiritual well-being, and that of his wife Ysabelle, and those of his ancestors, he provided for '*sex pauperibus prebendariis*' at the hospital of Newburgh in Buchan. His gift was of half an acre of land "*ad messuage et curtilage*"<sup>38</sup> which lay between the messuage of the chaplain serving the hospital, to the east, and the entry port of the same ville, to be held in pure and perpetual alms, freely, as others hold such property in Scotland. Also four 'celdras' and 14 bols<sup>39</sup> of oat flour annually from the earl's mill at Fyvie, for their sustenance, to be given to them by the earl's *bailey of Slains*. For their 'vestments' the earl provided eighteen shillings Sterling annually, at the feast of Saint Martin, and the *ferms* of the *ville* of Newburgh, to be provided by the Provost of the *ville* (burgh). They were also to have pasture for six cows and permission to cut peats in the locality, with free access to the peat mosses.

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<sup>35</sup> One party was led by Walter Comyn, Earl of Menteith, whilst the other had Alan Durward, Justiciar of Scotland, at its head.

<sup>36</sup> *Fœdera*, I., pt. 2, p. 37. (Ann. D. 1258. An. 42. H. 3. Lib. A. fol. 185. b. penes Camerar. Scaccar.) The signatories on the Scottish 'side' were:

Walter Cumin, earl of Mentieth;  
Alexander Cumyn, earl of Buchan and Justiciar of Scotland;  
William, earl of Mar;  
William, earl of Ross;  
John Comyn, Justiciar of Galloway;  
Amer de Maxwell, Camerarius Scotiae;  
Freskyn de Moravia;  
Hugh and Walter de Berkley (brothers);  
Bernard de Mohane;  
**Reginaldus Cheyn**;  
David Lochor [Lochore, Fife];  
John Dundemor [Denmuir, Regent (1249-1286)];  
William de Erch;  
Hector de Barrit.

<sup>37</sup> View, 371-372.

<sup>38</sup> "*messuage et curtilage*" – the house and the land immediately surrounding it.

<sup>39</sup> One *celdra* = One chaldar = 16 bolls of grain or flour. {At the Reformation 8 chalders of victual could be worth over £100.}



The chaplain of the chapel, which was in the process of being built, was to have the responsibility of supervising all these the earl's gifts. Also, the Bishop of Aberdeen was to have authority over the hospital in all things. This document has all the appearance of being the 'foundation charter' of the hospital.<sup>40</sup>

As already noted, Sir Reginald I le Chen was Sherriff of Kincardineshire for a period (possibly from 1242 to 1264). There is an account in the Exchequer Rolls for 1264, showing that he was reimbursed, from the Treasury, for one night's stay at Fetherkern (Fettercairn).<sup>41</sup>

From 1267-1269, Sir Reginald held the position of Lord High Chamberlain of Scotland, a position which would have brought him into regular contact with the monarch.<sup>42</sup>

In 1272, Alexander, Earl of Buchan, Justiciar of Scotland, founded a hospital for twelve poor men in Turriff.<sup>43</sup> Both Sir Reginald le Chen, and his son Reginald, were signatories of the foundation charter.<sup>44</sup>

In 1273, Reginald I le Chen (pater) granted an annuity to the Carmelites in Aberdeen of - "8 marks Sterling towards the construction of their buildings, [to be paid] annually at Pentecost, until these buildings be completed, namely, a church, cloister, refectory, dormitory, infirmary, and kitchen." Reginald continued, "I want also that the said sum shall be expended on these buildings only." This gift is known only because it was confirmed by King David II., on 7<sup>th</sup> May, 1361, after Friar Adam Sper, provincial of the Carmelite Order in Scotland, produced the original charter before the king.<sup>45</sup>

Sir Reginald's second wife, Eustacia Colville, is first mentioned in 1280 although it is probable that they had been married for some time prior to that date. Her father was Sir William Colville of Ochiltree and it would seem that Eustacia was his heiress for, in 1280, we find that she and her husband, Sir Reginald, came to an agreement with the Master and Brethren of the Hospitaler Order of St John of Jerusalem, at Torphichen, as regards the rights of patronage of the Church of Ochiltree in Ayrshire.<sup>46</sup> This Church was later gifted to Melrose Abbey<sup>47</sup> by the same Eustacia

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<sup>40</sup> Robertson (1843), p. 372.

<sup>41</sup> Exchequer Rolls, I., p. 20.

<sup>42</sup> The Lord High Chamberlain was the third great Officer of State. Before Scotland had a Treasurer it was the duty of the Chamberlain to collect the revenues of the Crown. He also had jurisdiction for judging all crimes committed within the burghs.

<sup>43</sup> Robertson (1843), p. 460.

<sup>44</sup> Robertson (1843), p. 467-470.

<sup>45</sup> The original of King David II's charter of confirmation is held in the Special Collections of the University of Aberdeen [MARISCHAL/1/6/1/3/2].

<sup>46</sup> Melr. Lib., i., no. 327, p. 288-291. <https://www.poms.ac.uk/record/source/4227/> (accessed 01/09/2022) This source does not make it clear if Eustacia and/or her husband were still alive when the judgement was given.

<sup>47</sup> K. St J., xxvii. "For a brief period in the thirteenth century the Hospitallers held the patronage of Ochiltree, but were obliged to renounce this (in return for £14 Stirling *per annum* in perpetuity) as

Colville, as is recorded in a deed of confirmation of Robert, king of Scots, dated at Dryburgh on 18<sup>th</sup> July, 1316.<sup>48</sup> Certain writers have concluded from this royal charter that Eustacia was, herself, still alive in 1316, but it was not uncommon for the royal confirmation of a gift to be given some time after the gift had actually taken place – sometimes a number of years after. This deed does not prove, nor does it say, that Eustacia was still alive on this date, only that she had made the gift at some date previous to the King's confirmation being given. But it does leave the possibility open, even though she would have been a very old lady since she is supposed to have been born c.1240.

On 29<sup>th</sup> March, 1285, Reginald le Chen witnessed a grant by King Alexander III to the Dominican brothers of Elgin.<sup>49</sup>

We now encounter a charter of John, earl of Caithness and Orkney, in which he records that he has, “granted and given and established for Reginald Cheyne the father, lord of Inverugie, his whole ounceland of *Nothegane* (Nottingham [NGR: ND 215355])<sup>50</sup> with the port of *Forse*, in Caithness, for his homage and service, rendering annually one pair of white gloves on the Nativity of St John the Baptist, and performing the service of the lord king called ‘Layyelde’ (or lay geld?).” The charter is dated to 1284x1293.<sup>51</sup>

Sir Reginald le Chen (pater), 2<sup>nd</sup> of Inverugie, and his son, were among the ‘Barons of Scotland’ who, on the 17<sup>th</sup> March, 1289-90, gave their assent to the marriage of Queen Margaret of Scotland with Prince Edward of England.<sup>52</sup>

*Forse Castle* is now a ruin which sits on a high rocky peninsula. It was once cut off from the ‘mainland’ by a ditch and drawbridge and is thought by some to be one of the first stone castles to be built in Scotland.<sup>53</sup>

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the result of a complicated legal wrangle which took place before 1296. £7 were to be paid on the festival of the Nativity of St John Baptist, and the other £7 on the festival of St Andrew.”

<sup>48</sup> RRS, V., no. 100. <https://www.poms.ac.uk/record/source/9797/> (accessed 01/09/2022)

<sup>49</sup> RRS, IV., no. 154. “Alexander, king of Scots, to the sheriff and baillies of Elgin, commanding them to pay to the Friars Preachers of Elgin, every year at feast of St Martin, from fermes of their bailliaries of Elgin, 2 chalders of grain, 2 of barley, and 2 of malt, which he has given them for their sustenance in perpetuity.” [This may have been Reginald II le Chen (le fils) rather than the father.]

<sup>50</sup> On the OS Six-inch 1<sup>st</sup> Series Map of 1843-1882, “Nottingham” is shown lying a little distance north-east of the modern *Forse House*. The “Port of Forse” is difficult to identify – it could be the small but important landing-place known as *Achastle-shore*, that was located below *Castle Swiney* [NGR: ND 232340], or it may refer to the larger, but later, harbour that existed at what is now *Lybster* [NGR: ND 244349]. Our belief is that the reference is to *Achastle-shore*.

<sup>51</sup> Dupplin Chrs., no. 138, ii. <https://www.poms.ac.uk/record/source/9414/> (accessed 02/09/2022) (Fig. 5)

<sup>52</sup> A.P.S., Vol. I., p. 3.

<sup>53</sup> Believed to have been built by Sir Reginald I le Cheyne (pater), *Forse* was later inherited by the Keith family, following the marriage of one of the Cheyne heritresses (Mariotta) to Sir John de Keith. Mariotta's son, Andrew, inherited the vast possessions of his mother with the exception of *Forse*, which was gifted to his sister Isabella. When she married Kenneth Sutherland, second son





Reginald would appear to have had two wives. The first was a daughter of the Comyn family. She was the sister of John Comyn, Lord of Badenoch. John had married Margaret, sister of John Baliol, one of the 'competitors' for the Scottish crown. His second marriage, which must have taken place late in Patrick's life, was to Eustacia Colville, heiress of Sir William Colville of Ochiltree in Ayrshire. There is a charter of King Edward I, dated at Berwick on the 3<sup>rd</sup> September 1296, in which Eustachia is named as the late Reginld's wife, to whom the king grants certain possessions which had been her 'dower'.<sup>54</sup>

It is believed that Reginald I le Chen died c.1293, leaving (by his first wife?):

- Reginald II, (*le fils*) who succeeded to the barony of Inverugie;
- Henry, who was, for some time, Bishop of Aberdeen and died in 1328.

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of William, 5<sup>th</sup> earl of Sutherland, Forse went with her and so was founded the historic line of the *Sutherlands of Forse*. From this time, up to 1771, seventeen successive generations of Sutherlands of Forse held the castle until it was finally abandoned and the family moved inland a little to Forse House {NGR: ND 213353}.

<sup>54</sup> S.C. Shires, IV., p. 605. "Edward, by the grace of God, King of England . . . To the sheriff of Are greetings. Because Eustace, who was the wife of Reginald le Chen, deceased whilst enjoying our peace having sworn to us the oath of fidelity, we charge you that if it is confirmed to you that the aforesaid Eustachia was the wife of the aforesaid Reginald, and the same Reginald, before the confederation between John de Balliol, late King of Scotland and King of the Franks, and Charles his brother, entered into and contracted against us and died, and that the same Eustachia had not afterwards been married to any of our enemies, then the lands and tenements which the aforesaid Eustachia had before the aforesaid confederation, as a dowry, which she had held of her inheritance in the aforesaid kingdom and land until the day when we took those lands and tenements into our hands, give to the same Eustachia, together with the lands and tenements existing in those lands but cause the forts with the appurtenances, if any, be given to the appointment of the guardians of the kingdom and of the land reserved in Scotland. Witnessed by the King at Berewyk on Tweed, on the third day of September in the twenty-fourth year of the King's reign."

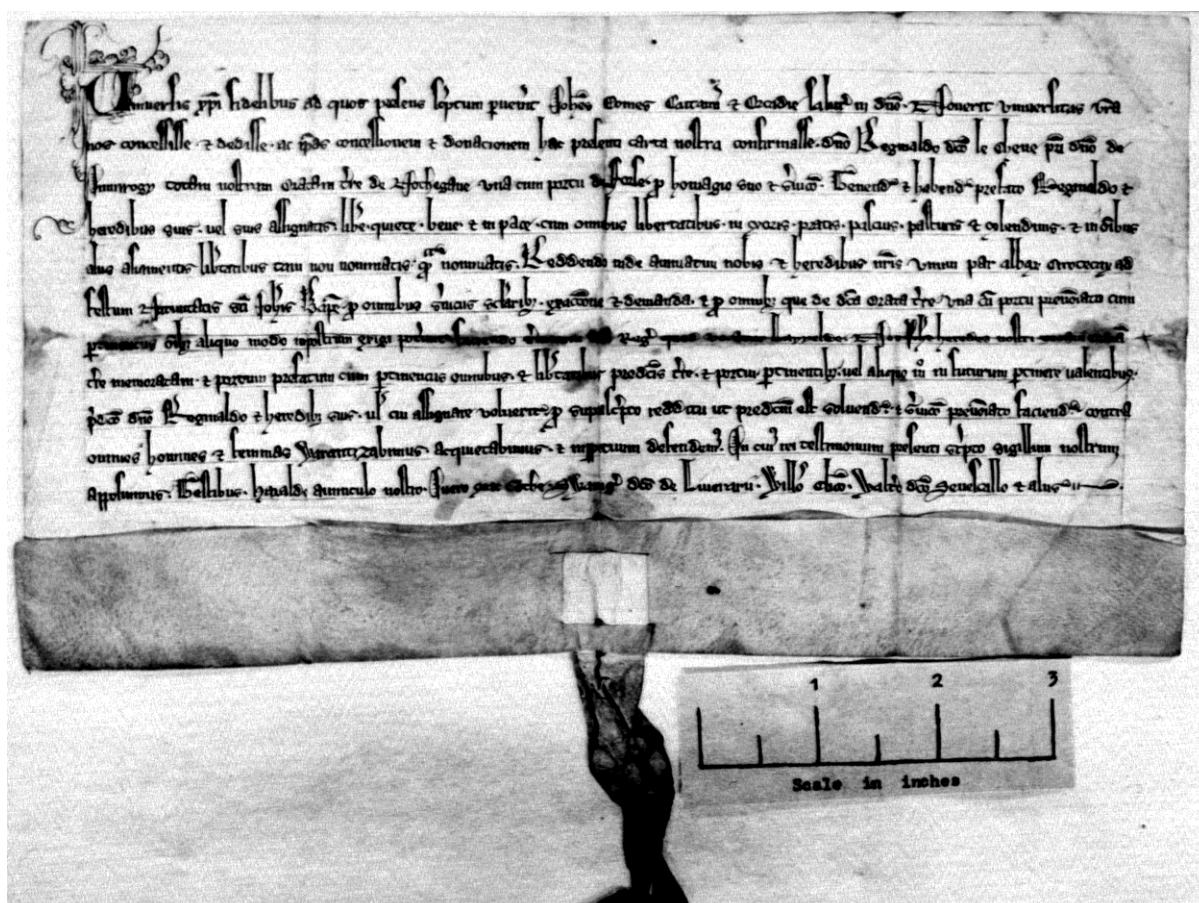


Figure 8: Charter of John, earl of Caithness and Orkney, to Reginald le Chen, of Inverugie (pater) of his 'oratum' of land at Nothegane with the harbour of Forse, 1284x1293. (© Scottish Records Office: Duplin Charters, bundle V, no. 138, ii.)



## SIR REGINALD II LE CHEN, (*le fils*), 3<sup>RD</sup> OF INVERUGIE (c.1235-1312)

Reginald (the son) made what must have been one of the most 'rewarding' marriages of his era. His wife was Mary de Moravia, elder heiress of that illustrious family of 'de Moravia', being the daughter of Freskin II de Moravia of Duffus (†1269). Reginald (*le fils*) inherited huge estates after the death of his own father, Reginald (*le père*) c.1293. However, when he married Mary, sometime after 1260 and before his father had died, she brought the 'heirship'<sup>55</sup> of the larger of two 'portions' of the substantial estates of Duffus in Morayshire and Strathbrock (Strabrok) in

<sup>55</sup> She was recognised as being *heir* to these lands but she did not yet have possession of them since her father did not die until 1269.

Lothian, all but four *dabhachs* of the province of Strathnaver in Caithness and half of the lands of the earldom of Caithness!

Mary de Moravia, was the eldest of two daughters. When their father Freskin de Moravia died, he was survived by his wife, Joanna of Strathnaver. She was in complete possession of the whole province of Strathnaver and also of half of the Earldom of Caithness in her own right. But, in 1260, Joanna decided to give half of her lands of Strathnaver to the Church of Moray<sup>56</sup> – this was after her daughter had married Reginald II le Chen.<sup>57</sup> The motivation behind Joanna's gift is set out quite clearly in her charter – to establish the finances required to support two chaplains in the cathedral at Elgin. The monetary income from the lands was sufficient to give each chaplain 6 merks Stirling per annum, half at Pentecost and half at the feast of St Martin. It is very probable (although not stated explicitly) that these two chaplainries were to be established for the sake of the souls of her recently deceased husband, her predecessors, and her heirs to come.

The lands of Strathnaver which were involved in the gift to the cathedral were those towards the south of the strath, namely – Langeval (*Langdale* {NGR: NC 699452}); Rossewal (*Rosal* {NGR: NC 689418}); the Tofts of Dovyr (?); Achenedess (*Achadh an Eas* {NGR: NC 667371}); Clibyr (*Cleithbric* {NGR: NC 587344}); Ardovyr (?); and Corynafern (*Meall nan Con* is at {NGR: NC 584301} marked as *Meal nan Eòin* on older maps), although *Coille Coire nam Feuran* {NGR: NC 664354} is a strong alternative. At each of these locations (those that have so far been identified) there is evidence of an ancient settlement and also, in most cases, of a nearby *cladh* (a graveyard or a chapel). These were never rich agricultural lands to stand on a par with the *Laigh o' Moray*, (including Reginald's barony of Duffus), and the population would have been somewhat thin on the ground, but such was all of Strathnaver! However, the area must have had its attractions since there are numerous ancient remains which date back to the 'dark age' period<sup>58</sup> as also a collection of Norse place-names which tell that the area held an attraction for the 'Vikings' also.<sup>59</sup> Strathnaver did, however, control important communication routes and had great 'tactical' value as a consequence. In addition, the lands of upper Strathnaver were well-suited for rearing the native breed of black cattle and *Mudale* (Morvadeil) {NGR: NC 530359} became famous in later years for the cattle markets that were held there. There, too, was an ancient 'drove-road' which led directly from the western end of Loch Naver, at Altnaharra, through Strath Vagastie to Loch Shin and the important market and communications center at Lairg. It is difficult to over-estimate the importance of this route that was used by travellers of all kinds for many centuries.

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<sup>56</sup> Moray Reg., no. 126. The charter is dated 9<sup>th</sup> May, 1260.

<sup>57</sup> Moray Reg., no. 126. Their marriage must have taken place before 9<sup>th</sup> May, 1260, when this charter was issued, in which Mary is described as being Reginald's wife.

<sup>58</sup> There is a great concentration of *hut circles*, *chambered cairns*, *burnt mounds* and *tumuli* scattered throughout the Strath and a significant collection of ancient *brochs*.

<sup>59</sup> *Mudale*, *Pol Harrauld Beag*, *Dailharrauld*, *Langdale*, would appear all to have Norse associations.





It is important to point out here that, in the Norse period, Strathnaver acquired an identity all of its own, which was completely separate from Sutherland (Dornoch, Golspie and Skelbo which formed the Norse *Suðrland of Cathness*).<sup>60</sup> Strathnaver was an independent province and, although it never became an earldom in its own right, neither was it ever 'owned' by either of the neighbouring earldoms of Caithness and Sutherland.

In 1269, we come across an event which, at first sight, seems to be most peculiar. We find that Archibald, Bishop of Moray, granted the lands, which Joanna de Strathnaver had given to the Cathedral (*vide supra*), back to her family in *feu-ferme* – that is, to Reginald II le Chen and his wife Mary de Moravia, (they being Joanna's son-in-law and daughter). It is quite possible that the issue here was one of management. The income which was allocated to support the two chaplains in the cathedral would remain intact, but the task of managing the lands which provided the income would pass to Reginald. It would have been a most appropriate gift for the bishop to make considering that the 'de Moravia' family had been, for many years, the secular 'backbone' of the diocese. The issue regarding the management of these lands was still relevant since, being at some considerable distance from Elgin, this would not have been an easy task for the Church to accomplish whereas Reginald already had an established management structure in the province.

At Aberdeen, on the 17<sup>th</sup> July 1269, Sir Renaud le Chien (Reginald le Chen) is recorded as having sworn fealty to King Edward I,<sup>61</sup> as did Hugh de la Haye, Robert le Faukener, Duncan de Ferndraghe (Ferendracht), and William de Innes.<sup>62</sup>

In a charter given by Gilbert de Umphraville, Earl of Angus, to Alexander of Alredas, of the lands (*dabhach*) of Inverquharity, in Kirriemuir, and dated 19<sup>th</sup> October, 1271, at *Ballendolach* (Ballindalloch Castle?), we find "Reginaldo le Chien filio" first among the witnesses.<sup>63</sup>

Reginald (*le fils*) and his father were witnesses to a charter of Alexander Comyn, Earl of Buchan, given at Kelly on 5<sup>th</sup> February 1273, in which Alexander granted certain of his lands to the *alms-house* that he had established at Turriff.<sup>64</sup>

On a date between 1281 and 1298, Reginald (*le fils*), was in the company of his brother, Henry le Chen, Bishop of Aberdeen, to witness the signing of a charter of Gilbert de Glencarny to Duncan of Ferendraucht, who was one of Sir Reginald's

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<sup>60</sup> Crawford (2000), p. 1.

<sup>61</sup> CDS, ii., no. 786, p. 182.

<sup>62</sup> CDS, ii., nos. 781, 782, 783,

<sup>63</sup> Fraser (1885), iii, p. 354. The charter is dated to "*die Lune proximo ante festum beati Luce Evangeliste anno Grace m<sup>o</sup>cc<sup>o</sup> septuagesimo primo*," i.e. the Monday after the Feast of St Luke (18<sup>th</sup> October) which is, therefore, 19<sup>th</sup> October, 1271. {The author would seem to be at error here dating the charter to 18<sup>th</sup> October.}

<sup>64</sup> Abdn. Reg., I., p. 34.

tenants in the county of Forfar.<sup>65</sup> In the charter, Gilbert gave, in 'free marriage' with his daughter Marjorie, the eastern *dabhach* of the land of Conynges, in the tenement (holding) of Abernethy, on Speyside, along with the homage and service of the tenants of his *dabhach* of Wester Conynges.<sup>66</sup>

Sir Reginald le Chen (*le fils*) of Duffus, with Mary his wife, granted a charter in 1283 to the Abbot and Convent of Kinloss, ceding all claim to the lands of *Runys of Kylbuthock*.<sup>67</sup>

In 1286, William of Federeth<sup>68</sup> and his wife, Christine de Moravia, the second of Freskin de Moravia's daughters, granted their four *dabhaichean* in (northern) Strathnaver to Reginald II de Moravia and his wife, Mary, as well as, "all other lands they might come to have in the future in Strathnaver."<sup>69</sup> Jumping ahead for a moment, it is interesting to note that William and Christine's grandson, also called William of Federeth, gave his quarter of Caithness to Reginald II and Mary's son, Reginald III de Moravia<sup>70</sup> (and apparently also some of his lands in Strathbrock, West Lothian, which came to him from his great grandfather Freskin de Moravia).<sup>71</sup> Reginald III was about 16 years of age and this 'gift' may well have marked his coming of age. In this way, most, if not all, of Joanna's original possessions found their way back into the hands of Reginald III de Moravia.

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<sup>65</sup> Chiefs of Grant, III., no. 11., p. 7-8; CDS, ii., no. 853, p. 224.

<sup>66</sup> It is believed that Conynges is Congash {NGR: NJ 054266}. In a Retour dated 25<sup>th</sup> February, 1464, Duncan Grant, knight, is declared heir to his grandfather, Gilbert of Glencairnie, in the lands of Kunnyngais (Congash). The land had been held for some time by the Crown, and in a second Retour, 7<sup>th</sup> February, 1468, it is stated that Gilbert had died about thirty years before, and the Sheriff was directed to take security for £60 of rents due, the rental being 40s annually. Then, in 1489, John Grant, who had succeeded to his grandfather, Sir Duncan, in 1485, was infefted into the half of Freuchie, the two Culfoichs, *the two Congashes, and Glenlochry*, including Aldcham, all in the Shire of Inverness. The infeftment was enacted on the 17<sup>th</sup> June at both Freuchie, and Congash, upon the soil and *messuages* of the same, which implied that there were mansions or manor houses at both Freuchie and Congash ("Chiefs of Grant," Vol. III., p. 37). The two properties can not have been too far apart either for the infeftment to have taken place at both on the same day. There have been great changes since then. Freuchie has become the Castle, and Congash has sunk into the farm-house. [<https://electricscotland.com/history/cairngorm/8.htm>]

<sup>67</sup> S.C. Shires, iv., p. 73. The *Cairn of Kilbuyak* (Kilbuiack) {NGR: NJ 0962 6033}, which is supposed to be the site of a possible motte and *Kilbuiack Castle*, lies about 1km. north-east of *Burgie Castle*. Kilbuiack Castle was the property of the Dunbar family – Dunbars of Kilbuyak. It is thought to have been built during the reign of King James II. Some historians claim that the cairn was the site of an ancient church rather than a castle. The lands of Burgie were, from very much earlier times, the property of Kinloss Abbey, having been given to the monastery by William the Lion. These lands formed part of the abbatial Barony of Kinloss.

<sup>68</sup> The three-dabhach estate of Fedderate was not far from the le Chen estates. It was situated about 3km. NNE of the modern community of New Deer at {NGR: NJ 897498}.

<sup>69</sup> Moray Reg., no. 263.

<sup>70</sup> Moray Reg., no. 263.

<sup>71</sup> Cheyne (1931), p. 40; CDS, iii, p. 341-2.



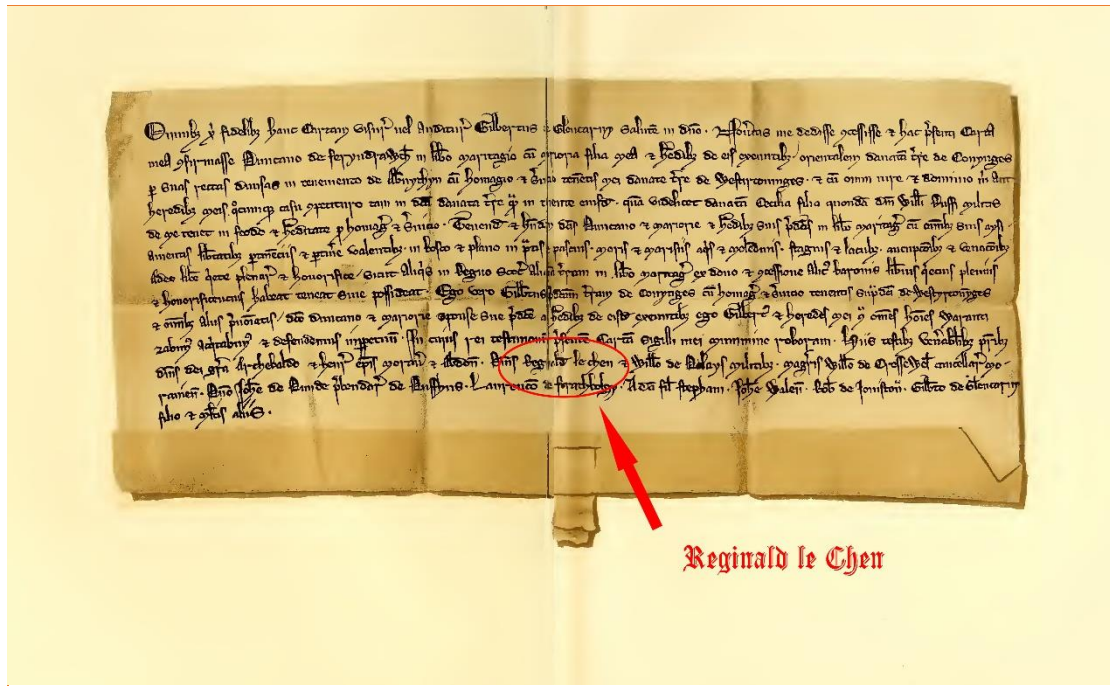


Figure 11: Facsimile of Gilbert of Glencarny's Charter (17 June 1282 x 9 December 1298). [Source: "Chiefs of Grant," vol. III, between pp. 8 & 9.]

The famous *Treaty of Salisbury*,<sup>72</sup> was agreed on the Sunday of the feast of St Leonard (6<sup>th</sup> November, 1289), it being an agreement regarding the Scottish succession following the death of Alexander III, King of Scots. This treaty was ratified on 18<sup>th</sup> July, 1290, at Birgham on the Scottish side of the Border near Coldstream, and we find that both Reginald, his father, and his brother, Henry, Bishop of Aberdeen, were named as being present.<sup>73</sup>

We find Reginald (*le fils*) acting as sheriff of Elgin on Sunday in the Octave of St Martin (18 November), 1291.<sup>74</sup>

King Edward I, in 1291, gave a gift of deer from his 'Forest of Spey' to both Reginald II (*le fils*) and his son Reginald III.<sup>75</sup>

At the beginning of February, 1292 [1291], Reginald (*le fils*) writes to King Edward I to inform him that the Bishop of Caithness has just died, and, as the custody of the bishopric during the *interregnum* belongs to the King, begs that he may have it during his [the King's] pleasure.<sup>76</sup>

<sup>72</sup> Translation available at <https://www.rps.ac.uk/trans/1290/3/1> (accessed 01/10/2022)

<sup>73</sup> To the copy of the Treaty signed at Birgham, Reginald subscribed, as "Renaud le Chen, le fitz, Baron du Realm." [Cheyne (1931), p. 20]

<sup>74</sup> CDS, ii., no. 546, p. 133.

<sup>75</sup> (details to be found under Reginald III le Chen below.)

<sup>76</sup> CDS, ii., no. 566, p. 136; Royal Letters, no., 3204.

At Roxburgh on 13<sup>th</sup> December, 1292, King Edward addresses a charter to his 'beloved' Reginald de Chyen, the father, sheriff of Invernairn, Kincardine and Fermartyn Invery.<sup>77</sup> "Be it known that those four hundred and ten and nine pounds, fifteen shillings, four pence, and an *obol*<sup>78</sup> in which you hold us from the arrears of your accounts from the time when you were sheriffs of the aforesaid counties, we have assigned to the venerable father Robert bishop of Glasgow . . . Witness the King at Rokesburgh on the 13th day of December in the twenty-first year of the King's reign."<sup>79</sup>

In 1297, on the 24<sup>th</sup> May, King Edward I writes from Portsmouth, to his nobles dwelling to the north of the Forth, specifically including Reginald le Chien (*sic.*), that: "Having resolved to cross seas as soon as possible after Sunday next following the octaves of the Nativity of St John Baptist, with his magnates and lieges, he has enjoined certain matters which he has much at heart on Hugh de Cressingham treasurer of Scotland, and Osbert de Spaldington, who will intimate these to Patrick son of Patrick earl of March, *viva voce*," and requires them to obey him on their allegiance.<sup>80</sup>

There is a charter dated 1295 from Sir Reginald le Chen and Maria his wife, which was found in the Hutton MSS., in the Advocate's Library, in Edinburgh. In it they made over to the community at Pluscardy (*sic.*) "*a place for a mill near where they have their mill of Elgin*," and giving them (the monks) the right to erect a mill there. The charter was given at Reginald and Mary's residence at Duffus.<sup>81</sup> One year later Sir Reginald was 'keeper of Elgin Castle'.

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<sup>77</sup> This is an interesting detail since it seems to imply that, as well as being Sheriff of Invernairn and Kincardine, Reginald was also Sheriff of "Fermartyn Invery". We know that Reginald, whilst sheriff of Kincardine, was also in charge of the thanage of Fermartyn in 1264 [Malcolm (1923), p. 138]. I can only assume that "Fermartyn Invery" was a scribal error for "Fermartyn Inverugie", Inverugie being the *caput* of Patrick's barony.

<sup>78</sup> In another mandate to Reginald, on the same page of the source, we find the sum of money involved stated as, "... centum et quinquaginta et novem libras et decem et novem solidos et quator denarios ...". From this it appears that Edward's accountants were, at that time, reckoning on an *obol/obulum* being equivalent to a quarter of a penny. In this mandate Reginald is addressed as Sheriff of Elgyn [Elgin] and Kentray [Kintrae].

<sup>79</sup> S.C. Shires, IV., p. 604.

<sup>80</sup> CDS, ii., no. 884, p. 232. The nobles "north of the Forth" were named: Malise earl of Stratherne, William earl of Sutherland, Nicholas de la Haye, Reginald le Chien, John de Argael, William de Moray of Tullebardy, Michael de Wemis, David de Wemis, William de Montalt, William de Clony, David de Beton, Robert de Beton, John de Kinros, William de la Haye, Morgan de Gleinysk, John de Garviach.

<sup>81</sup> Macphail (1881), p. 76; Latin text in Appendix O, p. 211. The witnesses were W. priore de Hurchard [Urquhard]; Hugh, Robert, Peter, John, chaplains; Robert the falconer, and others. It was signed on the day(festival) of Saint Urban, pope and martyr. [25<sup>th</sup> May]





On Sunday 2<sup>nd</sup> February 1303-04, the Prince of Wales dined at Perth in the company of some 60 of his knights, including Sir Reginald le Chien.<sup>82</sup> Reginald was keeping very good company!

At some point about 1304-1305, one Hamelyn de Trup [?Troup] *le fitz*, prays remedy of King Edward I of England and his Council, of the duresce (duress) which Sir Reginald le Chen has done him, in attacking his 'country' of Muytaundre where his force is, with the aid of Sir Duncan de Feringdraute (Ferendraucht), and wasting and consuming his crops in his land of Findon and Logyn, to his great damage, as he has no profit of his lands for those two knights, unless the King aids him. He prays for an enquiry by some of the King's good people of Scotland if this be true or not. The King added the 'endorsement': *Let the Lieutenant enquire and do justice.*<sup>83</sup>

That same year, we again find Hamelin de Trup appealing to the King and his Council: that Sir Duncan de Feringdraut who dwells in the Abbot of Arbroath's liberty,<sup>84</sup> maintains thieves and robbers there, who lately plundered Thomas le Graunt [?Grant] of his goods and chattels, and cut off one of his hands, and then betook themselves to Sir Duncan, and remain there against the King's franchise and all law and right. He prays for an inquiry into the truth by good men of Scotland. The King's reply is the same as for the case above.<sup>85</sup> These were obviously troubled times in Scotland!

We now find Reginald himself writing to the king. He styles himself "Ralf le Chene his bachelor" from which we can confirm that Rauf/Reginald had been knighted. He has not been found to use this title before so we can surmise that his knighthood had only recently been given to him. Rauf (Reginald) de Chene his bachelor prays the King, that as he gave him by letters patent, 200 oaks in his forests of Tarnaway (Darnaway) and Laudemorgond (Longmorn), of which the foresters will not give him delivery without the commands of the Earl of Carrick, their warden, he will issue his order to the warden. The King 'endorses' the petition as follows: *'A writ to the Chamberlain of Scotland, to write to the Earl to deliver the timber.'* This petition from Rauf (Reginald) is not dated but is considered to be from between 1304 and 1305.<sup>86</sup> The oaks were to be used to build Reginald's *manor of Duffus*.

Reginald writes again to King Edward I, saying that he: "who was thrice burned and destroyed, and thrice imprisoned for his faith to his liege lord the King of England. King Alexander granted him from his chamber when he was knighted, 20*l.* of yearly fee, till provided in land to that amount; which he received all that King's life, and

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<sup>82</sup> CDS, ii., no. 1516, p. 393. The dinner guests included: the Earls of Lancaster, Ulster and Warwick, Sirs John de Britannia, Hugh le Despenser, John de Mohun, William the Mareschal, Robert de Keth, Reginald de Chien, and Hugh de Cortenay, with divers others.

<sup>83</sup> CDS, ii., no. 1734, p. 468-9.

<sup>84</sup> 'liberty' here means the *Regality of Arbroath*, which included many lands in the north-east, especially near Ellon.

<sup>85</sup> CDS, ii., no. 1735, p. 469.

<sup>86</sup> CDS, ii., no. 1736, p. 469.

since during the King's time who now is, while the realm was in his keeping. Afterwards King John [de Balliol] gave him by charter instead of the fee, a small land called Drim(?) in the county of Elgin, only worth 10l. yearly, from which he has been ejected by John de Westone and James de Dalileye the King's clerks; therefore he begs the King of his grace either to restore him his land or his fee from King Alexander. Also some allowance for his losses and sufferings in his loyal adherence to his party. Regrettably, the petition is not dated, but it is thought to be of 1304-05. The King endorses the petition: "*Let the charter be examined, and a writ issued to the King's lieutenant to inquire as to the fee and his possession and the value of the land claimed and certify the King at next Parliament.*"<sup>87</sup> The lands called *Drim* in the county of Elgin have not yet been identified. *Drim* is a very common Gaelic word meaning 'a ridge'.

Shortly after 15<sup>th</sup> September 1305, The King issued an ordinance for the settlement of Scotland. Item two of this ordinance determined: "That there should be four 'pair' of justices, viz., in Lothian Sir John de l'Isle and Sir Adam de Gurdon; in Galloway Sir Roger de Kirkpatrick and Sir Walter de Burghdon; between Forth and the Mountains Sir Robert de Kethe and Sir William Inge; and beyond the Mountains [the Mounth] Sir Reynaud le Chien and Sir John de Vaux of Northumberland."<sup>88</sup> This was a significantly important appointment for Reginald le Chen and shows the great trust placed in both his loyalty and his judicial abilities. On 25<sup>th</sup> October 1305, the chamberlain of Scotland received a writ from the King to make payment to certain of the justiciars, including to "Reginald le Chien, colleague of John de Vallibus" beyond the mountains, of 20 marks.<sup>89</sup>

It is striking that Reginald II le Chen was such an ardent supporter of King Edward I of England. On numerous occasions he is found acting on that king's behalf and there is, as we shall see, the interesting detail that Reginald II, the father, acted as the king's Justiciar north of the Mounth whilst, only a generation later, his son, Reginald III (*le fils*), acted in exactly the same capacity, but for King Robert the Bruce, the sworn enemy of King Edward I of England!

An anonymous informant writing from Forfar on 15<sup>th</sup> May 1307, gave a report, "to some high official" about "the news of his neighbourhood." He wrote that, "... he believes assuredly, as he hears from Sir Renaud de Chien, Sir Duncan de Ferendrauth, and Sir Gilbert de Glenkerni, and others who watch the peace beyond and on this side of the Mountains, that if Sir Robert de Bruys can escape [north] ... he will find them all ready at his will more entirely than ever, unless the King will be pleased to send more men-at-arms to these parts ..." <sup>90</sup> It would appear from this report that Sir Reginald le Chen (Renaud de Chien), along with two other nobles whom we have come across before, held 'the peace' north of the Mounth. Whether

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<sup>87</sup> CDS, ii., no. 1737, p. 469.

<sup>88</sup> CDS, ii., no. 1691, p. 457.

<sup>89</sup> CDS, ii., no. 1706, p. 462.

<sup>90</sup> CDS, ii., no. 1926, p. 513.



this was in an official capacity we can not tell but, the other pieces of evidence that we have already encountered would seem to show that Sir Reginald was very much the English King's 'man'.

On 14<sup>th</sup> December 1307, King Edward II wrote from Westminster to various Scottish nobles that they should be obedient to the Earl of Richmond. Reginald le Chen was one of the addressees.<sup>91</sup> The King was about to embark for Boulogne and desired the peace to be kept in Scotland during his absence.

The heraldry employed by Reginald in various seals is attractive but shows some variance. Usually, he used the blazon illustrated at the start of this section, but there are suggestions that he also used a 'difference'. His regular shield is recorded as: On a field azure a semé of cross crosslets fitché argent, a bend dexter argent. But, there is a seal recorded showing much the same but with the additional difference of "three escallops (*d'or*) bendwise" on the bend.<sup>92</sup> In the case of the whole Essilmont branch of the family their arms have a "field azure." Other branches of the family used different *tinctures*, e.g. the le Chen family of Straloch used a field *gules*, as is shown at the start of the next section.

It is believed that Reginald II le Chen (*le fils*) died on 6<sup>th</sup> November 1312,<sup>93</sup> leaving:

- Beatrix le Chen, (1266-1300), who married Andrew Fraser of Touch Fraser;
- Reginald III, who succeeded to the barony as 4<sup>th</sup> of Inverugie;
- Elena le Chen (1272- ?), who married Sir William de Moubray;<sup>94</sup>
- Francis le Chen, (1275- ?), 1<sup>st</sup> of Straloch, who married Isabel Comyn of Buchan. (Sometimes referred to as 'Freskin'.)

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<sup>91</sup> CDS, iii., no. 29, p. 5-6.

<sup>92</sup> CDS, ii., no. 68, p. 540.

<sup>93</sup> Some writers, e.g. Godsman, believe it was in 1329. [Godsman (1958), p. 93.]

<sup>94</sup> Cal. Pap. Reg., Papal Letters, iii., 306. [Regesta vol. 191]. [Dated 6 May, 1349, at Avignon.]

<https://www.british-history.ac.uk/cal-papal-registers/brit-ie/vol3/pp300-311>

(accessed 08/10/2022)

Pope Clement VI gives a mandate to the Bishop of Moray to dispense William (Mombay), knight, and Elena (le Chien), to remain in the marriage which they contracted in ignorance that they were related in the fourth degree of kindred, declaring their past and future offspring legitimate.

John, Bishop of Moray had petitioned the Pope for this dispensation, in which Elena de Cheyn is described as a widow of his diocese. [Cal. Pet. i., 157]

[https://play.google.com/books/reader?id=O9ELAQAIAAJ&pg=GBS.PA156&hl=en\\_GB](https://play.google.com/books/reader?id=O9ELAQAIAAJ&pg=GBS.PA156&hl=en_GB)

(accessed 08/10/2022)



Barrow writes that the Cheynes, “belonged to a prominent Aberdeenshire family whose successive heads, the elder and younger Reginald Cheyne of Inverugie, were among [King] Edward I’s most consistent Scottish supporters.”<sup>95</sup> This is not an epitaph that would be at all appealing in modern Scotland but, as we shall see, the next Reginald did much to put the family amongst the company of those who supported the cause of the Scottish nation.



**SIR REGINALD III LE CHEN, 4<sup>TH</sup> OF INVERUGIE (1270 – 1345).**

The young Reginald showed a convincing determination to side with Scotland in the various troubles that the nation experienced in the late 13<sup>th</sup>-Century. However, this seems to have been sorely tried after the famous Battle of Dunbar where the Scottish forces were so heavily defeated.

King Edward I of England, Lord of Scotland, issued a charter dated at Thirsk on the 23<sup>rd</sup> August 1291, to A.<sup>96</sup> then Bishop of Caithness and Chancellor of Scotland, that “by [these] letters sealed with the seal of the king of the kingdom of Scotland, [he should] keep the forest of Spey in such order that he cause our beloved and faithful ones to have ten deer in the same forest to Reginald le Chen the elder, and six deer to Reginald le Chen the younger, as our gift ... .”<sup>97</sup> It is interesting that King Edward should consider Reginald II le Chen, 3<sup>rd</sup> of Inverugie, and his son Reginald III, to be such close allies!

Following this Battle at Dunbar, which took place on 27<sup>th</sup> April 1296, aged only twenty-six years, Reginald III le Chen was taken prisoner by King Edward’s forces and, on 16<sup>th</sup> May following, he was sent to be imprisoned at Kenilworth Castle.<sup>98</sup> Named as “Reginald son of Reginald le Chen, esquire,” he was accompanied by five other prisoners: Malcolm de Drummond, John de Cloggestone, knights, Thomas de Alyght, Nigel Kilpatrick, Reginald de St Clair, esquires.

On 7<sup>th</sup> April, 1299, King Edward I, at the prayer of Mary, ‘who was wife’ of William fitz Warin, and other friends of prisoners both in Scotland and England, empowers

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<sup>95</sup> Barrow (1962), p. 7.

<sup>96</sup> This would appear to be Alan de St Edmund, bishop of Caithness (1282-1291).

<sup>97</sup> S.C. Shires, IV., p.603-604.

<sup>98</sup> CDS, ii., no. 742, p. 177.



Anthony [Bek] bishop of Durham, John de Britannia<sup>99</sup> and William le Latimer senior,<sup>100</sup> to negotiate the exchange 'body for body,' of John de Kalentir<sup>101</sup> for Reginald le Chen, and another nine similar exchanges; or make better terms if they can, but as quickly as possible. Given at Westminster.<sup>102</sup>

It took a number of weeks for Reginald's release to be effected but, on 16<sup>th</sup> July, 1299, King Edward commanded the sheriff of Warwick (John Broughton) to receive from the constable of Kenilworth castle, "Reginald le Chen a Scotsman, in prison there," and take him to York by the Feast of St Peter *ad vincula* next (1<sup>st</sup> August). The King issued this command while he was at Canterbury.<sup>103</sup> That same day the King also commanded that a number of prisoners (including Reginald) should be brought to York by the Feast of St Peter *ad vincula* where certain magnates [including the Earl of March and Simon Fraser] were to give further instructions. In this command, Reginald le Chien is described as a *valet*.<sup>104</sup>

We can trace Reginald's progress home in further detail since there is a record that, on 3<sup>rd</sup> August, 1299, at York, he and four other Scottish prisoners were delivered to John Byronn, the sheriff of Newcastle, to be taken from thence to Newcastle.<sup>105</sup>

On 29<sup>th</sup> September, 1299, King Edward issued a warrant for John de Broughtone, sheriff of Warwick and Leicester, for monies paid to Malcolm de Drummond knight, Nigel de Kilpatrick, Reginald son of Reginald le Chen, and Reginald de St Clair, esquires, prisoners captured in Dunbar castle, in the castle of Kenilworth, from the morrow of Michaelmas 1298, till 2<sup>nd</sup> August 1299, 275 days, when Reginald son of Reginald le Chen was delivered to the sheriff of York; and for two horsemen conducting Reginald from Kenilworth to York, 4 days going, 1 day there (in York), and 3 returning, and a horse and groom to carry the prisoner, 4 days going and 3 returning; and to the remaining prisoners from 2<sup>nd</sup> August till 29<sup>th</sup> September thereafter.<sup>106</sup>

We have already noted how fascinating it is that Reginald III had almost opposite loyalties to his father. As we have seen, Reginald (*the father*) was very much the

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<sup>99</sup> John of Brittany (1239-1305) was Duke of Brittany and 4<sup>th</sup> Earl of Richmond in the Peerage of England.

<sup>100</sup> William le Latimer accompanied Prince Edward (later King Edward I) to the Holy Land in 1270 and he went on pilgrimage to Santiago de Compostela in 1275. He often went abroad in the service of the king and served in the king's wars against the Welsh and Scots.

<sup>101</sup> Sir John of Callendar (c.1269-1303). His family had been Thanes of Callendar.

<sup>102</sup> CDS, ii., no. 1062, p. 270. Mary was Mary de Ergadia (Argyl) and William fitz Warin was her third, of four, husbands.

<sup>103</sup> CDS, ii., no. 1076, p. 273.

<sup>104</sup> CDS, ii., no. 1077, p. 273. The prisoners were named: From Corfe Castle, William de Angus and Gilbert Macristi, valets; from Kenilworth, Reginald le Chien, valet; from Gloucester Castle, Henry de Sintcler, knight;

<sup>105</sup> CDS, ii., no. 1086, p. 275. The other prisoners were John de Munbray, Henry de Scyncler (Sinclair), and John Curry – all three knights; Reginald le Chen and William de Angus, both esquires.

<sup>106</sup> CDS, ii., no. 1099, p. 278-9.



English King's 'man', enjoying great favour and confidence. Reginald III however was an ardent supporter of the cause of Robert the Bruce. "Evidently, Reginald III's three years imprisonment had not induced any affection for the English or their cause in Scotland, for after his return he is not found taking any part in the political activities of his father and his uncle the bishop. He appears instead to have sought occupation in indulging his proclivities for the chase in the wilds and forests of Caithness, where he gained a reputation as a 'mighty hunter', which still exists in the Highlands to this day."<sup>107</sup> In the Gaelic he was called '*Morar na Shien*' which should possibly be "*an Shien Mhòir*", meaning the 'Great Shien' or the 'Great Chene'.<sup>108</sup>

It is not clear if Reginald fought at the Battle of Bannockburn on 23-24<sup>th</sup> June 1314. But his signature, with its seal, is 36<sup>th</sup> on the great *Declaration of Arbroath* of 1320.<sup>109</sup>



Figure 12: Picture of Reginald le Chen's seal attached to the Declaration of Arbroath. © King's Printer for Scotland.

There seems little doubt that Reginald was a most faithful supporter of King Robert the Bruce and, consequently, it is difficult to imagine that his relationship with his father could have been at all easy in their final years together!

In 1323, the Bruce granted to Sir Reginald III le Chen, knight, the lands of Strabrok resigned by his mother Mary le Chen, widow of the deceased Sir Reginald II

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<sup>107</sup> Cheyne (1931), p. 39.

<sup>108</sup> From a private conversation with the Very Rev. Dr A.E. Nimmo, Dean Emeritus of the Diocese of Aberdeen and Orkney, and Honorary Fellow of the University of Aberdeen.

<sup>109</sup> A transcript of the Declaration along with a list of the signatories can be obtained at: <https://www.nrscotland.gov.uk/files/research/declaration-of-arbroath/declaration-of-arbroath-transcription-and-translation.pdf> (accessed 05/10/2022)



(*le fils*).<sup>110</sup> William de Federeth, his uncle, appears to have also parted with most of his share of Strabrok to Reginald III by this time.<sup>111</sup>

In 1330 we find Reginald III acting as Robert the Bruce's appointee in the office of Justiciar of the North, assisting in an agreement reached between the monks of Pluscarden and the burgesses of Elgin.<sup>112</sup>

The year 1333 saw another battle being fought between the Scots and the English, at *Halidon Hill* on 19<sup>th</sup> July. The young King Edward III of England had recognised Edward Balliol's claim to the Scottish throne in preference to that of the 5-year-old King David II. And so, in the spring of 1333, the 20-year-old King Edward, accompanied by Balliol, headed north with an 8,000 strong army to lay siege to the Scottish town of Berwick. "*In the forward of Skotteland were these Lords whose names follows: The Erle of Moreffe [Moray]; James Friselle † [Fraser]; Simond Friselle † [Fraser]; Walter Styward [Stewart]; Ranolde Chene [Reginald III le Chen]; ... with forty knights new dubbed.*"<sup>113</sup> Even though the English forces numbered only some 8,000, and the Scots about 15,000, the fact that the English King had a large contingent of longbowmen, situated on top of an elevated position, meant that the Scottish ranks were decimated whilst the English losses were only slight.<sup>114</sup> One Scottish account says that, of the 203 men-at-arms who had been dubbed knights immediately before the battle, only 5 survived! However, as in many instances, these numbers may have been exaggerated. It is said that on the morning following the battle, 20<sup>th</sup> July, about a hundred Scots prisoners who had been taken prisoner – against the English King's orders – were beheaded.<sup>115</sup> It is, perhaps, extraordinary that Sir Reginald III survived to become a prisoner, considering that we have records showing that he fought in 'the first body', nominally commanded by John, the young Earl of Moray'.<sup>116</sup> This first body was, in fact, commanded by the two Fraser brothers who were older and more experienced than the earl, and both of them are recorded as having fallen on the field.

Although it is said that Reginald was taken prisoner, there are no *primary* sources which record his captivity.

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<sup>110</sup> S.C. Shires, iv., p. 611.

<sup>111</sup> CDS, iii., p. 341-42.

<sup>112</sup> Cheyne (1931), p. 40; S.C. Family of Innes, 57-59.

<sup>113</sup> Dalrymple of Hailes (1819), ii., 363-373; Cheyne (1931), p. 49.

<sup>114</sup> A map of the military deployments at Halidon Hill can be found at <https://www.battlefieldstrust.com/media/483.pdf> (accessed 06/10/2022)

<sup>115</sup> King (2002), p. 281.

<sup>116</sup> Dalrymple of Hailes (1819), ii, p.367. (It should be noted that Hailes, who had access to the annals of both Hemingford and Knyghton, does not record Reginald III le Chen as having been taken prisoner, although he does list others such as Robert Boyd and Thomas Kirkpatrick who were also in the 'first body'.) [https://play.google.com/books/reader?id=fDNkAAAAMAAJ&pg=GBS.PA367&hl=en\\_GB](https://play.google.com/books/reader?id=fDNkAAAAMAAJ&pg=GBS.PA367&hl=en_GB) (accessed 06/10/2022)



In the aftermath of Halidon Hill, Reginald fell even more into disfavour with King Edward III of England. Some time between 1335 and 1336 Reginald's lands of Strabrok were forfeited to the crown and bestowed upon Sir William de Mowbray, who had married Elena le Chen, probably a sister of Sir Reginald. To rub salt into the wound, K. Edward III described Reginald III and William de Federeth as '*inimici nostri*' (our enemies). It would appear that Reginald withdrew to his northern lands and was thereafter only involved, politically, in matters which related to the north of Scotland, and his rôle as Justiciar in the North (i.e. in that part of the country north of 'the Mounth').

One of the last acts in which Reginald was involved was when he acted as witness to a charter of the Earl of Moray which recorded the earl's gift of certain lands to Robert de Cheshelm. Reginald was one of two knights who signed the charter, the other being Jacobo de Kerdale.<sup>117</sup> It is dated to 1345 and is the last certain evidence we have of Reginald III.

It is believed that Reginald III le Chen, 4<sup>th</sup> of Inverugie, died in 1345<sup>118</sup>, leaving no sons and two daughters:

- Mariot(ta) le Chen, the elder daughter, married firstly John de Douglas, fifth son of Sir John de Douglas de Landon. They had no issue and after he died she married again, this time John de Keith, second son of Sir Edward de Keith, Great Marischal of Scotland. From this union sprang the family of Keith of Inverugie.
- Marjory le Chen, who married Nicol[as] Sutherland of Forbat, 1<sup>st</sup> of Duffus, son of Kenneth de Moravia, 4<sup>th</sup> Earl of Sutherland. From this union stemmed the family of Sutherland of Duffus.

Reginald III le Chen, 4<sup>th</sup> of Straloch, is one of the most fascinating characters of this period of Scottish history. He was the scion of a family who had been highly regarded and trusted by the English Crown and yet he swore his life to the service of Robert the Bruce! He was a man of his own mind and convictions. He was brave and not in any way found wanting when his King had need of his services. Certainly, he was what the highlanders would have called a 'bonnie fechter'! But he turned his back on all this and chose to live in the far north of Caithness, where life was hard, rather than to live on his more 'luxurious' estates in Aberdeenshire and Moray. He was the epitome of the 'country laird', liking nothing better than hunting, hawking and fishing across his beloved moors. Excessive pomp and circumstance seems

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<sup>117</sup> Familie of Innes, p. 59. This charter, although it had apparently nothing to do with the Innes family was, nevertheless, preserved in that family's charter chest.

<sup>118</sup> Some authors say that he died c.1350, but, the request for Papal Dispensation from King John of France for David de Grame, knight, and Helen, relict of Reginald Chene, knight, of the dioceses of Brechin and St Andrews, to intermarry, is dated 7<sup>th</sup> October, 1353.



never to have been part of his character and his choice of the tiny chapel of St Peter at Olgrinbeg as his final resting place, rather than some great cathedral or monastic church, shows a modesty that commands respect.

It is said that Reginald was so fond of his lands around Loch More {NGR ND 08313 46013} that he left instructions that his grave should be filled up with sand taken from the shores of that loch. There is absolutely no doubt where his heart lay!

His hunting lodge was only a few kilometres up river from the fabulous castle which the family had built at Dirlot, in the parish of Halkirk, in Caithness. It is a romantic exercise to imagine the funeral cortège carrying the great hunter, *an Shien Mhòir*, to his final resting place in the wee chapel at Ogrinbeg, with the sound of the pipes drifting across the moors and the solemn faces of the many people who would have gathered there, rich and poor, to accompany him on this his last 'hunt'. They would have prayed that he would be allowed to enjoy far greater and more bountiful hunting grounds in the next life!



Figure 13: Map showing the le Chen Castle of Dirlot and their Hunting Lodge on Loch More.



The Rev. S.R. Macphail wrote a singularly moving epitaph for this branch of the *le Chen* family: *"If tradition speak truly, Pluscardyn suffered at the hands of his [Edward I] soldiers ... . Thus little advantage came of the abject subjection of 1296. A better national spirit possessed the Chen or Cheyne family – among whom our Reginald [Reginald III le Chen] was famed as a "mighty hunter" in Caithness – before their name passed from history, and for their kindness to our monks, and their after leal-heartedness to Scotland's cause, we*



may pardon them their temporary defection in holding Elgin Castle for the English king against their countrymen. The 'Auld Brig o' Don' or 'Blairgownie' is the most enduring monument of the family and its repentance."<sup>119</sup>

The Knight of Gordonstoun (Sir Robert Gordon), writing about 1630, said:

*"In William, Erle of Sutherland his days, lived Reynold Cheyn, a Catteynes [Caithness] man, who during his time was a great commander of that cuntree: of whom many fables are reported amongst the vulgar sort of people and chiefly concerning his hunting wherein he much delighted. Doubtless the Cheins had sometime much possessions and were once of greatest command and power in that country: yet they were never Earles thereof. All the lands apperteyning to this Reynold Cheyn were divided among his daughters, which wes confirmed unto them by King David Bruce his charter of confirmation. One of Reynold Cheyn his daughters was married to Nicolas Southerland, (this Earle William his brother) with whom Nicholas had the Cheines third of the lands of Catteynes, and the third of the lands of Duffus, in Moray, whereby he became laird of Duffus, which his posteritie doth enjoy at this day. Bot the thirds of Catteynes were given by ane accord and aggriement with a daughter from the Southerlands to the Oliphant, who manie yeirs afterwards dis sell and alienat these lands to the Sinclairs."*<sup>120</sup>

It is related of Sir Reginald that he often resided at his castle of 'Birlot' (Dirlot) in Caithness, which is now a fragmentary ruin situated on top of an isolated crag close to a deep pool in the River Thurso known as "the Devil's Pool" {NGR ND 126486}. Here, the laird is said to have erected a *crieve* (cruive) and a bell, so constructed that when salmon entered the crieve chest it became entangled with the cord and announced its own capture by the ringing of a bell inside the castle! The Pool is said also to contain a treasure of gold guarded by a most fearsome water-horse! Dirlot was one of Sir Reginald's smaller castles but its position made it one of the most secure imaginable. The keep was visible from some 20 miles around – an obvious and potent symbol of power and authority.

The location also has very ancient links – there is supposed to have been a chapel here at Dirlot, dedicated to St Columba, and situated within the graveyard that stands just to the north of the castle {NGR ND 126487}. There was also a holy well dedicated to the same saint and called 'Tobhar Chalum-Cille' {NGR ND 126491}. Nearby, there are the remains of a number of hut circles, and five brochs lie downstream on

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<sup>119</sup> Macphail (1881), p. 81. The bridge is, of course, that of Balgownie which crosses the River Don at Aberdeen and which was built at the direction of Bishop Henry le Chen.

<sup>120</sup> Gordon (1813), 5.

the banks of the River Thurso, whilst Dirlot itself is the supposed site of a medieval township.



Figure 14: Aerial view of the remains of Dirlot Castle and the Chapel and Graveyard of St Columba (bottom left).

© [Caithness.org](https://www.caithness.org)

As we have seen, Reginald III le Chen also held other lands in Caithness<sup>121</sup> amongst which was Auldwick (Oldwick) where he inhabited a formidable castle originally built by the Norse Earls of Caithness in the mid 12<sup>th</sup>-Century. This castle of Auldwick was, for many generations, held by different families along with Berridale Castle {NGR ND 121224}.

As we have seen, Reginald, besides building Dirlot Castle in the 'flow country', also built a hunting lodge close to the shores of Loch More. This lodge was called '*Caisteal Morar na Shein*' on the OS Six-inch Map, 1843-1882. It stands on the north shore of the

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<sup>121</sup> At his death Sir Reginald owned the whole of the modern estate of LANGWELL and most of the parish of LATHERON, and WICK up to Keiss Bay and beyond Ackergill and Reiss; in WATTEN he had Lynegar, Dunn, Bilbster, and others; in HALKIRK, Sibster, Lieurary, Gerston, Baikcaik (Harpsdale), Scotsclader, North Calder, and Banniskirk; in REAY, Lybster, Borrowston, Forss, and part of Skaill and Brawlbin; in THURSO, Clairdon, Murkle, Sordale, Aimster, Ormlie, and Thurso fishings; in DUNNET, Rattar, Haland, Hallandmaik, Corsback, Ham and Swiney (Lochend) and in CANISBAY, Brabstermire, Duncansby and Sleiklie (Slickly).





River Thurso just where it flows out of Loch More {NGR ND 08319 46032}. It was said to have been in ruins when visited about 1769.<sup>122</sup>

Reginald had married a young woman when he was a relatively old man. His wife was Helen of Strathearn, daughter of Malise, 7<sup>th</sup> Earl of Strathearn. They had no children and, after Reginald had died, Helen married for a second time. Her husband was Sir David Graham of Kincardine & Old Montrose and they had two sons (Patrick and John) and a daughter (Elizabeth). Unfortunately, the couple had not realised that they were related 'in the fourth degree' and so required Papal Dispensation in order to legitimize their union and their children. This they obtained in 1353 with the aid of John, the King of France.<sup>123</sup>

This 'giant' of a man should really be better remembered in Scotland and deserves to have a more prominent place within those pages of history which are written by modern scholars. He is one of the 'old people' that leaves a student wishing that they could have had a chance to meet him face-to-face and enjoying his company in front of a blazing fire at the lodge on the shores of Loch More. The last of the male line of the family of Inverugie and, very possibly, the most fascinating!



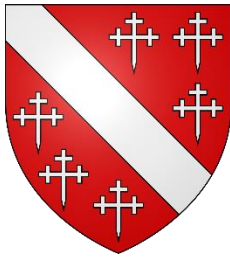
When the last of the Inverugie branch of the le Chen family died, the estate passed to the family of Keith, Earls Marischal of Scotland, by virtue of the fact that a son, Edward Keith, had married the heiress of Inverugie (Marjory le Chen).

About the close of the 16<sup>th</sup> century, it is said that the Keith family, then lairds of Inverugie, added greatly to the old castle there (which was known as *Cheyne's Tower*). George Keith, 5<sup>th</sup> Earl Marischal, in particular, added considerably to the building but, after the attainder of the Keith family in 1715, the castle buildings fell into gradual decay.



<sup>122</sup> Pennant, (1776), app. 5, p. 344-347.

<sup>123</sup> It is recorded that, on 7<sup>th</sup> October, 1353, the Pope, at the request of John, King of France, gave a dispensation, to David de Grame, knight, and Helen, relict of Reginald Chene, knight, of the dioceses of Brechin and St Andres, to intermarry, they being related in the fourth degree of kindred. [Cal. Pap. Reg., Papal Letters, iii.] [Regesta vol. 224]. [Dated 7<sup>th</sup> October, 1353, at Avignon.] <https://www.british-history.ac.uk/cal-papal-registers/brit-ie/vol3/pp500-516>. (accessed 08/10/2022)



## THE CHEYNES OF STRALOCH.

The lands of Straloch formed a part of the barony of Inverugie from a very early date and *Straloch House* still stands {NGR: NJ 882211}, although it has seen a number of changes of ownership since the days of the *le Chen* family. When the main line of heredity died out this, the Straloch branch, became the senior line.

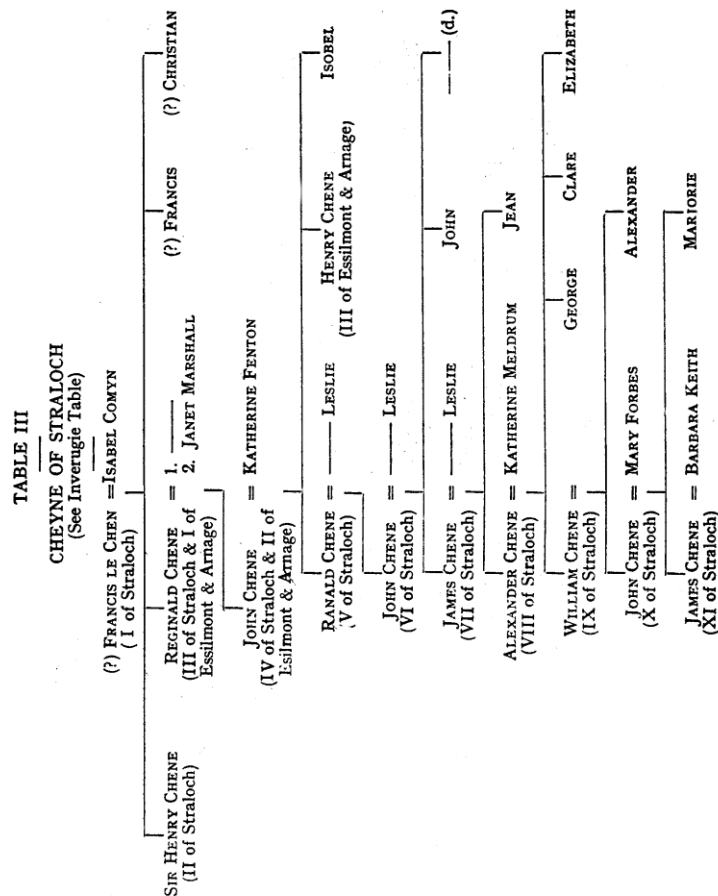


Figure 15: Family Tree of Cheyne of Straloch. From (Cheyne 1931, p. 46.)



**FRANCIS LE CHEN, 1<sup>ST</sup> OF STRALOCH. (1275- ?)**

It is believed that Francis le Chen was the second son of Reginald II le Chen (*le fils*), and Mary (Helen) de Moravia of Duffus and Strabrock. The difficulty here is that there is no definite record of the genealogical connection of the Straloch branch with the Inverugie branch of the family. Nonetheless, the suggestion which comes from heraldic studies is a strong one. The arms shown above are differenced from the Inverugie arms only in the 'tincture' used for the field – *gules* as opposed to *azure* – a single degree of 'difference' which suggests that the Straloch line is removed from the Inverugie line by only one degree. This would suggest that we should accept that Francis le Chen, 1<sup>st</sup> of Straloch was a younger brother to the main male line, i.e. a brother of Sir Reginald III le Chen, 4<sup>th</sup> of Inverugie. Their dates of birth would allow for such a relationship – Reginald was born c.1270 and Francis (Freskin) was born c.1275, indicating that they were of the same generation. Finally, we must allow that the personal 'first name' Freskin (Francis) was used by the le Chens from an early date, and this family showed itself to be singularly reluctant to deviate from a small selection of 'first names' throughout a considerable period of its history – very popular were Freskin (Francis); Reginald; and Henry. On balanced consideration, it must be allowed that the Straloch line is a 'cadet' of the Inverugie line of the family. We can not prove it, but the balance of opinion would seem to agree with the notion.

It would appear that Francis le Chen, 1<sup>st</sup> of Straloch, was the progenitor of a family which then continued for a significant number of generations.

Francis married Isobel, daughter of John Comyn, Earl of Buchan and High Constable of Scotland. It would appear that they had four children:

- Henry, who succeeded to the estates of Straloch;
- Reginald, who succeeded to the estates of Essilmont and Arnage and was progenitor of that cadet branch of the family. He also inherited the estate of Straloch when his brother, Henry, died;
- Francis (Freskin), who is commonly identified as being Dean of Aberdeen Cathedral, c.1321.
- Christian, who married Sir Alexander Seton of that Ilk, Governor of Berwick when it was besieged by the English in 1333.

**HENRY LE CHEN, 2<sup>ND</sup> OF STRALOCH. (†1376)**

We are told that in a Roll of missing charters of King David II there was one addressed to Henry Chene, "*ane annual of Straloch and Achstuckis*" in the sherifffdom

of Aberdeen.<sup>124</sup> About 1348, King David II granted Henry le Chen a yearly payment, of forty shillings sterling, from the lands of Straloch and Achstukis,<sup>125</sup> which grant was revoked in the Parliament of Scone in September 1357.<sup>126</sup> Achstukis<sup>127</sup> (i.e. Astuik, in the parish of Murtlach) was still in possession of Cheyne of Straloch in 1575<sup>128</sup> and then passed to the family of Gordon.

“The Straloch estate had retained some interest in the church lands of Inverugie, for, about 1350, there was a compact between the Convent of Arbroath, on the one part, and Sir Henry le Chen, knight, on the other,<sup>129</sup> by which it was agreed that the monks should have the tithes of the Church of Inverugie whilst the right of presentation to the whole *alteragium* should belong to Sir Henry and his heirs, subject to a payment of six shillings yearly to the bishop of St Andrews from the church lands.”<sup>130</sup>

<sup>124</sup> RMS.; Robertson's Index, 32; S.C. Shires. II., 263, note.

<sup>125</sup> Exchequer Rolls., I., p. 543; Cheyne (1931), p. 50.

<sup>126</sup> Exchequer Rolls., I., p. 545; Cheyne (1931), p. 50.

<sup>127</sup> The lands of Achstukis can not be determined with any certainty. However, there is a very full statement of the lands owned by the Duke of Gordon preserved in Parliamentary Register of 23 April 1685 [RPSDb (1685/4/92)] and this reveals that, in the parish of Mortlach, where these lands are supposed to be, the Duke's property was listed as: “of all and whole the lands of Glenrinnnes, comprehending therein the lands of Achnastank, Enoch and Belmarion, Achmore and Tom a' Chor, with castles, towers, fortalices, manor places, houses, biggings, yards, orchards, mills, woods, fishings, parks, tofts, crofts, outsets, insets, parts, pendicles and pertinents, and teinds both parsonage and vicarage thereof, lying within the parish of Mortlich and sheriffdom of Aberdeen.” It is possible that Achstukis is Achnastank {NGR NJ 27894 33714}.

<sup>128</sup> Cheyne (1931), p. 50.

<sup>129</sup> The last of the male line of Le Chen of Inverugie (Reginald III le Chen, 4<sup>th</sup> of Inverugie) died in 1345 and it has always been thought that the 'estate' passed to his three daughters – Mary, Marjory and Mariotta. This charter seems to show that Henry le Chen, 2<sup>nd</sup> of Straloch, had inherited his uncle's interests in the parish church which served Inverugie.

<sup>130</sup> Liber Arb., I. no. 273, p. 207: “Noverit omnes / ad quos presens scriptum pervenerit / quod com inter Abbatem et Conventum de Abirbrothoc ex parte una / et Henricum le Chen liletem ex altera / super advocacione ecclesie de Inverugy / eisdem monachis in usus proprios per sedem apostolicam et episcopos loci diocesanosconcesse et confirmate / coram Abbate de Der et Decanis de Abirden et de Ross a Domino Papa iudicibus delegatis controversia diucius verteretur / tandem in hunc modum conquievit · videlicet quod prefate partes ordinacioni et disposicioni prefatorum iudicum delegatorum / et Domini Alexandri episcopi Abirdonensis et tunc temporis loci diocesani se commiserunt · ratum et gratum ad invicem habiture quod predicti ordinatores inter eos dignum duxerint statuendum · post multas vero altercations hinc inde habitas / pro bono pacis inter partes irrefragabiliter observande / de virorum prudentum consilio / prefati ordinatores in hunc modum statuerunt · scilicet · quod tota decima garbarum prefate ecclesie de Inverugy in usus proprios eorundem monachorum integraliter in perpetuum quieta permaneant et pacifica / et predicto Hnrico et heredibus suis remaneat ius presentandi ad totum alteragium. Et sciendum quod ille qui idem alteragium tenuerit / et monachi qui garbas percipient / episcopalian et si forte alia emergant onera communiter sustinebunt et equaliter de eis respondebunt / exceptis sex solidis domino Episcopo Sancti Andree / de terra dicte ecclesie annuatim debitis / de quibus plenarie respondebit qui supradictum alteragium habuerit / providendo insuper ut eidem ecclesie honeste serviatur. Ut autem hec composicio sive amicabile ordinacio firma in perpetuum et illibata permaneant / super ea duplex consicitur instrumentum / unum penes supradictos monachos / aliud penes predictum militem remansurum / sigillis dictorum ordinatum et predictarum partium adinvicem confirmatum.”

Colonel Cheyne comments that, "Sir Henry le Chen, 2<sup>nd</sup> of Straloch, was succeeded by his brother Reginald."<sup>131</sup> Henry is thought to have died in 1376 and, it is said, he had no children, leaving Reginald, who is thought to have been his younger brother, as heir.



### REGINALD LE CHEN, 3<sup>RD</sup> OF STRALOGH AND 1<sup>ST</sup> OF ESSILMONT & ARNAGE.

Reginald is thought by some historians to have been born c.1301. However, if he was a younger brother of Henry (who died after 1376) then we are presented with something of a problem in that Reginald would have had to have been over 75 years of age when he inherited Straloch from his brother! Also, Reginald married Janet Marischal who brought with her, as her *dower*, the lands of *Essilmont* and *Arnage*, from her father (William Marischal of Essilmont & Arnage, b.c.1293). Janet is said to have been born c.1300 but this can not be, since her father would have been only 7 years of age! I would suggest that Both Reginald and his wife Janet might have been born somewhat closer to c.1320.

In 1367, a *Reginald Chene* is mentioned in a charter of William Landel, Bishop of St Andrews,<sup>132</sup> granting all his lands of *Kyldeleth*, in the parish of St Fergus, to John de Cragye, the Bishop's esquire, son of William Cragye deceased, and to three heirs male of his body, whom failing to Reinald Chene for his lifetime; for a yearly duty of £10 Sterling.<sup>133</sup> It can not be proved that the Reinald Chene recorded here is the same as Reginald le Chen, 3<sup>rd</sup> of Straloch, but it is worthy of note that the gift was of a property in the parish of St Fergus (*Keldyleth*), and was made by a Bishop of St Andrews, which bishops, as we have already noted, had an 'interest' in this part of Scotland in the time of Reginald's predecessor Henry.

We find more certain ground for our research in a charter which details that, on Thursday 24<sup>th</sup> October, 1381, *Reginaldus Chien*, who held the lands of *Little Clintree* [Little Clinterty {NGR: NJ 830120}]<sup>134</sup> from the Bishop of Aberdeen, was required to produce his charters as evidence to confirm his possession of these lands<sup>135</sup> to the Bishop's *curia* gathered in "the Chapel of St Thomas on the hill within the bounds of

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<sup>131</sup> Cheyne (1931), p. 50.

<sup>132</sup> [William de Landallis](#) († 1385), Bishop of St Andrews (1342-1385).

<sup>133</sup> Cheyne (1931), p. 50; Robertson's Index, p. 132, no. 33.

<sup>134</sup> The lands of *Clinterty* were part of the Episcopal lands of the Bishop of Aberdeen. There is still Bishopston at {NGR: NJ 840120}.

<sup>135</sup> Reg. Epis. Abdn., I., p. 135.

the chanonry of Aberdeen.”<sup>136</sup> The following year, on 5<sup>th</sup> July, again in the Chapel of St Thomas the Martyr on the hill beside the Chanonry, *Reginaldi de Chyne* swore fealty to the Bishop for the lands of *Clintree*, in the parish of Newhills, held by him of the Church for a yearly payment of either eight pence or a pound of wax.<sup>137</sup>

It has been suggested that Reginald was married twice – firstly, to an unknown wife and secondly, to Janet Marshall, heiress of Essilmont and Arnage.<sup>138</sup> As a result of the union, the estates of Straloch, Essilmont and Meikle Arnage were united. In 1307 the lands of Meikle Arnage had been bestowed on Malcolm Marshall by King Robert the Bruce<sup>139</sup> and, later, Malcolm resigned these lands and his son William received them. From this it would appear that William was Janet’s father.<sup>140</sup>

We have not yet found substantive evidence to inform us when Reginald died.



#### JOHN LE CHEN, 4<sup>TH</sup> OF STRALOCH AND 2<sup>ND</sup> OF ESSILMONT & ARNAGE.

This John le Chen is an elusive figure in the history of the family. It is recorded that in 1441 he divided his estates in favour of his sons, Ranald and Henry. In return for “thankful deeds and great labours” done for him by William Hay, Constable of Scotland, John is recorded as having resigned his lands of Essilmont and Mikle Arnage into the King’s hands so that John might secure his son Hary(*sic.*) le Chen in possession of them. This was done, “as be the infeftment planly is knawin.” He stipulated that should any of his heirs attempt to challenge this investment, then Henry should receive £500 from his lands of Straloch, Chrechies [Crichie {NGR: NJ 586427}] and Bothelnyis [Bethelnie, Oldmelrum {NGR: NJ 784305}] “and any [that he has] in Aberdeen.”<sup>141</sup>

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<sup>136</sup> *ibid.*, p. 135. “*Curia domini Ade Dei gratia episcopi Aberdonensis tenta apud montem capelle beati Thome Martiris juxta canoniam de Aberdon ...*.” The only site which corresponds to this description is that on which the [Wallace Tower](#) now stands in Tillydrone {NGR: NJ 936089}, close by the cathedrl..

<sup>137</sup> *ibid.*, p. 141. A notary public was required to prepare a ‘public instrument’ recording the event which was done in the presence of Symon, dean of Caithness; Robert Boyl, precentor of Aberdeen; John Barber, archdeacon of Aberdeen; and the nobles John Fraser, sheriff of Aberdeen; Patrick de Crawford, sheriff of Banff; Adam Forster, sheriff of Loudon; William de Meldrum, lord of Achneve; Alexander Irvine; Alexander Bannerman; William de Camera; and Adam Pyngyl. (The notary was William de Spyny, clerk of Moray diocese.)

<sup>138</sup> Cheyne 1931, p. 46.

<sup>139</sup> Temple (1894), p. 507.

<sup>140</sup> Robertson notes that there was a charter (now lost) of King Robert II to William Marshall, of the lands of Essilmont and Meikle Arnyuche, in Buchan, sheriffdom of Aberdeen, by the resignation of Malcolm Marshall his father. [Robertson’s Index, no. 103, p. 122.]

<sup>141</sup> S.C. Shires, III., pp. 6-7. Sealed at Esselmont, 20<sup>th</sup> April, 1441.



The result of the above was that John's son, Henry, received the lands of Essilmont & Arnage and his other (younger?) son, Ranald, received the lands of Straloch, in Aberdeenshire.<sup>142</sup>

On the 12<sup>th</sup> February, 1492, there is a plea moved regarding the lands of Meikle Arnage between John Cheyne of Straloch, son and heir of umquhile Ranald Cheyne, and Henry Cheyne of Esslemont.<sup>143</sup>

John le Chen married Katherine Fenton, daughter of the Laird of Fenton and had issue:

- Ranald, who succeeded to the estates of Straloch;
- Henry, who succeeded to the estates of Essilmont and Arnage and was progenitor of that cadet branch of the family;
- Isobel, who married Sir John Rose, 6<sup>th</sup> of Kilravock.

It is thought that John le Chen, 4<sup>th</sup> of Straloch, died between 1447 and 1450.



#### **RANALD LE CHEN, 5<sup>TH</sup> OF STRALOCK (1385 - 1475).**

We have seen that Ranald's father, before he died, had given him, as the eldest son, part of the estate of Straloch. In 1446 and 1447, Ranald was styled as 'of Crechie, which lands formed a considerable portion of Straloch, but the actual lairdship and other portions of the estate, remained with his father to his death. We must presume that, on the decease of his father, Ranald then received title to the whole estate of Straloch and it was then that, in the name of his son and heir, John, he made a challenge to his younger brother's possession of Essilmont and Arnage.

In 1450, Henry le Chen, 3<sup>rd</sup> of Essilmont and Arnage, who had received his lands when his father split the 'inheritance', faced a 'protestation' in the court of the Sheriff of Aberdeen presented by William de Rat [Rait], acting as procurator on behalf of the son and heir of *Reginaldi Cheyn* (presumably John, the son of Henry's brother, Ranald). But this was all to no effect. However, it was not until 1456 that the judges in the matter finally determined that the lands of Essilmont and Mikle Arnage belonged to Henry.<sup>144</sup>

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<sup>142</sup> Some 'careless' genealogical writers consider that Straloch is in Perthshire (see on 'RootsWeb' for instance). The 'le Chen' lands of Straloch lie north-west of Aberdeen [NGR NJ 862214].

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<sup>144</sup> S.C. Shires, III., pp. 8-9. Given at Edinburgh, 27<sup>th</sup> October, 1456.



In 1457, Ranald Chene 'of that ilk' was summoned, with others, to appear before the King at a justiciary court held in Aberdeen, to account for their wrong and unjust answer which they had given to a brieve of inquest served on them concerning the succession to the Earldom of Mar. After having been sworn on the Gospels, they stated that they had been "seduced by smooth words and feigned falsehoods" and that they now saw that they had erred in serving that brieve.<sup>145</sup>

In the same year, Ranald assisted at a perambulation aimed at determining the boundaries between the lands of the Lairds of Tarves and Udney, his near neighbours.<sup>146</sup> Udney was held at this time by William de Udney, and Tarves by the convent of Arbroath Abbey represented by Malcolm Brydy, the recently appointed abbot.<sup>147</sup> Previous to his election as abbot, Malcolm had been the Prior of Ardlogy Priory at Fyvie and so would presumably have had first-hand knowledge of the lands in question. The instruments were read and examined, being certified as correct, the Sheriff himself adding his signature to provide 'authority'. The names of a number of individuals are given as having been present as witnesses in the court of the sheriff in the burgh of Aberdeen, at about ten o'clock in the morning, and the first witness recorded is "*honorabilibus et circumspectis viris Ranaldo Chen.*"<sup>148</sup>

In 1461 and 1464, Reginald le Chen is shown in possession of an annual rent of five pounds from lands in the Castlegate of Aberdeen.<sup>149</sup> This fact accounts for part of Castle Street being considered as being a part of Banffshire, to which the barony lands of Straloch were attached as a consequence of their being an 'appendage' of the Inverugie estate.

The Barony of *Monycaboc* was centred round the ancient chapel dedicated to St Colm, lying just south-west of what is now the village of New Machar {NGR: NJ 879179}. Ranald le Chen was bailie of these barony lands but how long he held the position is not known. However, we are told that he had the right to hold the office for his whole lifetime should he wish. On 11<sup>th</sup> October, 1466, "Ranald Chene of Straloch", by his procurator, Andrew Turing, renounced "the office of balyery [bailiery] of the landis of the barony of Monycabo[k]."<sup>150</sup> The office of Baillie

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<sup>145</sup> S.C. Shires, IV., p. 205-213; S.C. Misc., V., 264-272.

<sup>146</sup> View., p. 346-347.

<sup>147</sup> Watt & Shead (2001), p. 6.

<sup>148</sup> View., p. 347. (Later, on 2<sup>nd</sup> September, 1469, Abbot Malcolm issued a charter to William de Udney at Arbroath, confirming the details of the lands which William held within the abbot's Barony and Regality of Tarves. They were said to lie between the cairn of Kilmorthan to the West as far as the black '*vadum*' to the east; and from the cairn of Kilmorthan by a straight line extending to the stream of Brone; and from the same cairn along a straight line extending to the matrix of small streams running out of the bog towards the north. [View., p. 349]) [The *Brony Burn* flows round *Cairn Fechel* {NGR: NJ 856 257}, about 2km WSW of Udney Castle.]

<sup>149</sup> S.C. Shires, IV., p. 645; Liber Arb., II., 117, 135-138.

<sup>150</sup> RPSDb, 1466/15 "The lords decree and deliver that, because Andrew Turing, procurator to Ranald Cheyne of Straloch, of his own free will and consent, granted before the lords that, if Robert [Fleming], lord Fleming, would promise that the said Ranald renounced and gave over to him the office of bailiery of the lands of the barony of Monycaboc(k), lying within the sheriffdom of Aberdeen, and granted to him for all



of the barony was handed over to Malcolm Fleming. Robert lord Fleming had both a brother and a son called Malcolm, but the brother is thought to have died c.1435, so it must have been the son, who was born c.1444, that was made Baillie of Monycaboc.<sup>151</sup>

Ranald was present in court once more on the 6<sup>th</sup> July, 1469, when the Sheriff of Aberdeen was again required to address the matter of the boundaries between the Abbot of Arbroath's regality lands of Tarves and the lands of Udny.<sup>152</sup>

He last appears on Monday, 31<sup>st</sup> July, 1475, as a witness to the King's grant of a pardon to his brother, Henry le Chen of Essilmont, for the slaughter of one Arthur Panton.<sup>153</sup>

It would appear that Ranald held the lairdship of Straloch up to the time of his own death, c.1475. We find that he married a daughter of Leslie of Balquhain whose first name has, as yet, evaded genealogists and the couple had a son:

- John, who succeeded to the estates of Straloch;

Many historians believe that this Ranald le Chen, 5<sup>th</sup> of Straloch, is one and the same as *Roland Cheyne*, the gallant young squire of Glenallan's Earl (of Mar), who figures in Sir Walter Scott's *Ballad of the Red Harlaw*, which Battle, fought in 1411, less than ten miles of the House of Straloch, was the final struggle between the Highlands and the Lowlands.<sup>154</sup>

#### THE BALLAD OF 'THE RED HARLAW'

THE HERRING loves the merry moonlight,  
The mackerel loves the wind,  
But the oyster loves the dredging-sang,  
For they come of a gentle kind.

Now haud your tongue, baith wife and carle,  
And listen great and sma',

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*the days of his life by the said Robert, he, the said Andrew as procurator to the said Ranald, should immediately discharge and give over the said office to the said Malcolm Fleming of [...]. Robert, lord Fleming, in the presence of the lords auditors of complaints, testified and swore that the said Ranald renounced and gave over the said office to him earlier. For which reason it was decreed by the lords auditors of complaints that the said Ranald should cease from all administration and execution of the said office in time to come, and immediately thereafter, in presence of the lords, the said Andrew Turing, procurator foresaid, gave over the said office and delivered up the letter of bailiary that was made to the said Ranald earlier."*

<sup>151</sup> Malcolm was of age in 1474 when, designed as "of Monycabo", and, as eldest son and heir-apparent of Robert, Lord Fleming, was nominated a *commissioner* to negotiate a marriage between James, Prince of Scotland, and Celia, daughter of Edward IV. of England, on 18<sup>th</sup> October, 1474. He is thought to have died certainly before 24<sup>th</sup> October, 1480. [Balfour-Paul, (1904) *The Scots Peerage*, volume 8, Edinburgh: Douglas.

<sup>152</sup> Liber Arb., II, p. 159.

<sup>153</sup> S.C. Shires, III., p. 10; Temple (1894), p. 507.

<sup>154</sup> Cheyne (1931), p. 53.



And I will sing of Glenallan's Earl  
That fought on the red Harlaw.

The cronachs cried on Bennachie,  
And down the Don and a', 10  
And hieland and lawland may mournfu' be  
For the sair field of Harlaw.

They saddled a hundred milk-white steeds,  
They hae bridled a hundred black,  
With a chafron of steel on each horse's head, 15  
And a good knight upon his back.

They hadna ridden a mile, a mile,  
A mile but barely ten,  
When Donald came branking down the brae  
Wi' twenty thousand men. 20

Their tartans they were waving wide,  
Their glaives were glancing clear,  
The pibrochs rung frae side to side,  
Would deafen ye to hear.

The great Earl in his stirrup stood, 25  
That Highland host to see.  
"Now here a knight that's stout and good  
May prove a jeopardie:

"What wouldst thou do, my squire so gay,  
That rides beside my reyne,— 30  
Were ye Glenallan's Earl the day,  
And I were Roland Cheyne?

"To turn the rein were sin and shame,  
To fight were wondrous peril,—  
What would ye do now, Roland Cheyne, 35  
Were ye Glenallan's Earl!"—

"Were I Glenallan's Earl this tide,  
And ye were Roland Cheyne,  
The spur should be in my horse's side,  
And the bridle upon his mane. 40

"If they hae twenty thousand blades,  
And we twice ten times ten,  
Yet they hae but their tartan plaids,  
And we are mail-clad men.

"My horse shall ride through ranks sae rude, 45  
As through the moorland fern,—  
Then ne'er let the gentle Norman blude  
Grow cauld for Highland kerne."

\* \* \* \* \*

He turned him right and round again,  
Said, Scorn na at my mither; 50  
Light loves I may get mony a ane,  
But minnie ne'er anither.

Sir Walter Scott (1771-1832)

As already noted, Ranald le Chen, 5<sup>th</sup> of Straloch, is known to have married a daughter of Sir Andrew Leslie, 3<sup>rd</sup> of Balquhain, who commanded the mounted division of the Earl of Mar's forces at the Battle of Harlaw described in Scott's poem above. It is said that six of Leslie's sons were killed during the battle.



**JOHN LE CHEN, 6<sup>TH</sup> OF STRALOGH (1425 - 1503).**

King James IV addressed John le Chen (Chene) on 16<sup>th</sup> May, 1490, as one of the Sheriffs of Elgin and Forres and Nairn, which office he still held in 1499.<sup>155</sup>

On 12<sup>th</sup> February, 1492, John resurrected the old 'problem' regarding the lands of Mikle Arnage when he charged his uncle, Henry, 3<sup>rd</sup> of Essilmont, with wrongly delaying to infest him, as heir to his father, in the lads of Mikle Arnage, whilst Henry accused John of withholding the sum of 1000 merks, according to the late Ranald's obligation regarding these lands.

That same year, 1492, saw John and his grandson, Alexander, who would have been only twelve years of age at the time, at Elgin, witnessing an indenture between the Thane of Cawdor and Rose of Kilravock. It is recorded that Alexander was acting as 'squire' to his grandfather, who was Hucheson Rose's 'baillie' in these parts.<sup>156</sup> The author of the first edition of 'The Family of Kilravock' notes that, "the kindness between the families of Duffus (le Chen) and Kilravock has been verie ancient and in several descents and is inviolable preserved to this day."<sup>157</sup>

In 1494, John Cheyne of Straloch was present on the inquest of Alexander Irvine of Drum.<sup>158</sup>

Seven years later, in 1499, when his grandson, Alexander, would have been on the cusp of manhood, his grandfather gave him the half-lands of Creichnalade, excepting Estir Crechie, Middle Crechie, and the Mill of Crechie, as is recorded in a confirmation by the King at Aberdeen on 4<sup>th</sup> October, 1499. The original gift had been made at Straloch, on 4<sup>th</sup> June that year.<sup>159</sup> The king addressed the *precept of seisin* to Walter Barclay of Towie; William Johnstone, son and heir of Alexander

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<sup>155</sup> Rose of Kilravock, p. 159.

<sup>156</sup> Cawdor, p. 78.

<sup>157</sup> Family of Kilravock, p. 31.

<sup>158</sup> Temple (1894), p. 319.

<sup>159</sup> S.C. Shires, III., p. 554

Johnstone of that Ilk; and Ranald Cheyne, baillies.<sup>160</sup> This gift to his grandson was made as a grant in 'joint fee' to Alexander and Katherine Meldrum, his wife, and to their legitimate heirs male, failing which to Alexander's nearest heirs.<sup>161</sup>

John's wife was a daughter of Sir William Leslie, 4<sup>th</sup> of Balquhain and Agnes Irvine of Drum, Leslie's second wife. Unfortunately her Christian name has not survived in history. He had two sons and one daughter by her:

- James, who succeeded to the estates of Straloch. ;
- John;
- \_\_\_\_\_, a daughter who married James Gordon of Cairbannoch, 3<sup>rd</sup> of Gicht. They had two sons – Alexander who succeeded his father, and William who was drowned in the River Bogie.



**JAMES LE CHEN, 7<sup>TH</sup> OF STRALOCH** (c.1455 - ante. 1518).

James Chene, 7<sup>th</sup> of Straloch, strides into history, c.1492, alongside his cousins of Essilmont, conducting a raid against their traditional enemies, the Hays of Ardendracht, for which assault he was decreed to pay his share of the damage the Chene family inflicted.<sup>162</sup>

One year later, in 1493, Essilmont Castle was attacked and burnt by the Hays of Ardendracht! Sadly, the causes of this feud have been lost in time which is somewhat surprising since it reached such epic proportions.

James' father was still alive in 1503, and James was dwelling on the Crechie estate, of which his father had given him *sasine*,<sup>163</sup> possibly as a death-bed inheritance. His

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<sup>160</sup> The original document was kept in the charter chest at Meldrum House.

<sup>161</sup> RMS, ii., no. 2504, p. 533.

<sup>162</sup> Acta Domin. Concilli, p. 296. In 1492 Henry Chene of Essilmont was accused of the destruction of the *Place of Ardendraught*, the seat of a cadet branch of the Hay family. *Aulton of Ardendraught* lies just south-west of Cruden Bay {NGR: NK 077354}. Nearby, further to the south, are the revealing place-names of *Hay Farm* and *South Hay Farm*. About ½ km. directly east of Ardendraught, on the edge of the sand dunes which are known as *Ardendraught Sands*, is the ancient and remarkable *Well of St Olaus* (St Olav's Well) {NGR: NK 083354}. It was once visited by many generations of pilgrims, its virtues being preserved in the rhyme:

"St Olave's Well, low by the sea,  
Where pest nor plague shall ever be."

<sup>163</sup> Cheyne (1931), p.57; Acta Domin. Concilli, p. 296.



lands comprised those of Easter Crechie<sup>164</sup> and Middle Crechie which formed a barony with its '*caput*' at the Manor House of Crichie. In the same year, James' son Alexander, who had recently come of age, was given *sasine* of 'the shady halves of these lands' and also half of the Mill of Crechie. This gift was confirmed by King James IV, under the Great Seal, at Aberdeen on 15<sup>th</sup> February, 1503.<sup>165</sup>

In 1504, James was in possession of the all of Straloch and, from that year to 1512, he appears regularly as a member of various assizes and inquests, performing his functions as one of the most influential lairds in this part of Scotland.<sup>166</sup> In 1504, he was present at the inquest of John Chalmer of Strichen,<sup>167</sup> and in 1512, he was a witness to the confirmation of a charter to Alexander Gray, burgess of Aberdeen, of the lands of Newton of Scheves.<sup>168</sup>

On 20 June, 1518, "the Duke of Albany, at the request of King Christiern (*sic.*) of Denmark, pardoned Alex. Hay of Ardendracht, Marquis Mowet, and their accomplices, for the murder of Alex. Bannerman. The King's Council was to restore their lands and goods."<sup>169</sup> It would appear that the Hays of Ardendraught had not been good neighbours to either the Chene of Essilmont or the Chene of Straloch families!

During this time, the lands of Straloch were held of the Keiths, who held the barony of Inverugie, and they were, consequently, considered to be a part of the Sheriffdom of Banff. In 1508, the King granted to Sir William Keith of Inverugie, the lands of Straloch, which had been returned into the King's hands because Sir William's forbears had given away the greater part of them to the predecessors of James Chene of Straloch. The King's charter re-united the lands of Straloch, "cum furca, fossa, sok, sak, thol, theme, infangtheiff, outfangtheif, pit et gallous",<sup>170</sup> to the Barony of Inverugie, discharged the Sheriff of Aberdeen from asking suit or service for them,<sup>171</sup> and gave leave to Sir William Keith to grant them to James Chene of Straloch and his heirs. It should be noted that this charter referred only to the actual lands of Straloch

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<sup>164</sup> Easter Crichie farm is at {NGR: NJ 7894 3489} and the *Manor House of Crichie* is thought to have stood at {NGR: NJ 7868 3538}. The burn which flows northwards down the *Den of Crichie*, flows into the River Ythan at the Ford of Minonnie {NGR: NJ 7907 3646}, which ford took the traveller straight into the lands of [Ardlogy](#) and the Priory there. The Mill of Crichie is at {NGR: NJ 76884 36876}.

<sup>165</sup> Cheyne (1931), p. 57; S.C. Shires, iii., p. 555.

<sup>166</sup> Cheyne (1931), p. 57. [e.g. S.C. Sheriff Court Recs., i., p. 81, Diet Books: Vol. 1., Apprisings – 9<sup>th</sup> January, 1504; *ibid.*, p. 114, Diet Books: Vol 1., Special Services – 15<sup>th</sup> March, 1507.]

<sup>167</sup> S.C. Shires, iii., p. 383-384.

<sup>168</sup> SC Shires, iii., p. 71.

<sup>169</sup> 'Henry VIII: June 1518, 16-30', in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 2, 1515-1518*, ed. J S Brewer (London, 1864), pp. 1311-1326. *British History Online* <http://www.british-history.ac.uk/letters-papers-hen8/vol2/pp1311-1326> [accessed 15 September 2022].

<sup>170</sup> S.C. Shires, IV., p. 616.

<sup>171</sup> This re-enforces that these lands were not under the civil jurisdiction of the Sheriff of Aberdeen, but rather that of the Sheriff of Banff.

itself and not to its 'outside' estates, which were held of other baronies, some of which **were** under the jurisdiction of the Sheriff of Aberdeen.

The last mention of James Chene, 7<sup>th</sup> of Straloch, seems to occur in 1518 when a precept of sasine is directed to him, amongst others, and he was present in the *ville* of Lethnot [Angus] on 18<sup>th</sup> May that year when sasine was given to him.<sup>172</sup> However, the actual date of James' death is not known.

James Chene had married his first cousin, the fourth daughter of George Leslie, 1<sup>st</sup> of New Leslie, but her given name has not survived in the historical record. They had issue:

- Alexander, who succeeded to the estates of Straloch;
- Jean, who married Alexander Con of Auchry<sup>173</sup>, grandson of Donald of the Isles;



#### ALEXANDER LE CHEN, 8<sup>TH</sup> OF STRALOCH (1480 - 1548).

We have already come across Alexander when, aged only twelve years, he was acting as 'esquire' to his grandfather John le Chen, 6<sup>th</sup> of Straloch, in Elgin.

When he was still young, Alexander married Katherine Meldrum and his grandfather John, who was still alive, gave him and his wife 'the shady half-lands' of Creichnalade excepting the lands of Easter Crechie and Middle Crechie and the Mill of Crechie.<sup>174</sup>

After his grandfather's death he was again given sasine of the shady half of Creichnalade which lies to the west of Crechie, this time including Ester Crechie, Middle Crechie and the Mill of Crechie.<sup>175</sup>

By 1519, Alexander was in possession of the whole of the Straloch estate and in that year he entered into a confederacy with the Earl of Huntly, the Earl of Athol, the Lord Forbes, and Duncan Thomson of Auchinhamperis, the country at that time

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<sup>172</sup> S.C. Shires, II., p. 364, n. 2; RMS., ii., no. 3264, p. 697.

<sup>173</sup> Auchry Castle is at [NGR: NJ 788507].

<sup>174</sup> Cheyne (1931), p. 58.

<sup>175</sup> Excheq. Rolls Scot., xiv., 573. "The Sheriff will answer for 18 merks of the ferm of half of the lands of Estir Crechy, Myddilcrechy, and the mill belonging to them, lying under his 'baillium' and which have existed in the king's hands for the space of three years and more and the sasine not recovered, and of the 12 merks of the same relief, due to the king by the sasine given to Alexander Chene. Dated at Edinburgh 23<sup>rd</sup> January, 1515."

being distracted by the rivalry between the Earls of Angus and of Arran, in either of which faction the whole of Scotland was enrolled.<sup>176</sup>

In 1521, Alexander 'became man and servant' to Alexander, Earl of Huntly, for all the days of his life. He affixed his seal to the letter of manrent, at Huntly, on the 29<sup>th</sup> of July, 1521.<sup>177</sup>

In 1527, the King confirmed to Alexander, for an annual payment, the lands of Straloch, held of the barony of Inverugie, and of *Bethelny* (Oldmeldrum), held of the barony of Meldrum. This confirmation was made for his good service towards the King.<sup>178</sup>

We find Alexander involved in 1537 and 1538 assisting in a settlement of the marches between the lands of Alexander Chene, 6<sup>th</sup> of Arnage, and Patrick Chene, 6<sup>th</sup> of Essilmont.<sup>179</sup> The following year, he took part in an agreement regarding a division of the lands of Auldmill and Chapelton of Essilmont.<sup>180</sup>

In 1546, Alexander, in company with his cousins of Essilmont and of Arnage, sat in judgement upon two 'cadets' of the house of Essilmont, who were accused by the baillies of Aberdeen of riot and blood-drawing.<sup>181</sup>

It is possible to be precise about Alexander's location on 7<sup>th</sup> February, 1549. John Cristisone's *Protocol Book* contains the following entry for this day:

"Instrument narrating that Alexander Cheyne appeared upon the ground of the sunny half of the lands of Ester Echt<sup>182</sup>, in the barony of Mvkal [Muchell = Cluny]<sup>183</sup> and sheriffdom of Aberdeen, with a precept of sasine from Andrew Fraser of Stanevod [Stoneywood], which he showed to John Curre, bailie, who, after the precept was read, passed to the lands and gave possession to Alexander Cheyne, choosing in token of sasine an ox of a reddish colour valued at 35s. Done on the lands 7<sup>th</sup> February 1549. Witnesses, Andrew Crag, Andrew Roust, Alexander Crag, Alexander Thome, John Sherauld and Sir John Cristisone (notary)."<sup>184</sup>

Andrew appears as witness to a number of 'instruments' in Cristisone's book between 1543 and 1550, at places such as - Blackhall in the Regality of the Garioch (now part of the town of Inverurie); Cluny Castle; Easter Echt; and Kintore Parish Church.<sup>185</sup>

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<sup>176</sup> Cheyne (1931), p. 58.

<sup>177</sup> S.C. Misc. vi., p. 197.

<sup>178</sup> Cheyne (1931), p. 59.

<sup>179</sup> S.C. Shires, iii., p. 17-18.

<sup>180</sup> S.C. Shires, iii., pp. 17, 18, 554.

<sup>181</sup> Cheyne (1931), p. 59.

<sup>182</sup> Easter Echt is at {NGR: NJ 764065}, about 2 km. south-west of the Loch of Skene.

<sup>183</sup> Macdonald (1900), p. 262.

<sup>184</sup> Lindsay (1930), no. 419, p. 97.

<sup>185</sup> Lindsay (1930), nos. 373, 379, 392, 406, 419, 423, 435.

Alexander le Chen, 8<sup>th</sup> of Straloch, was married to Katherine Meldrum of the house of Fyvie, by whom he had two sons and two daughters:

- William, who succeeded to the estates of Straloch;
- George of Bethelny, who married Catherine, natural daughter of John Leslie, 2<sup>nd</sup> of Wardes. They had a son William Chene of Baybushe, who married Elizabeth Troup of Begishill, and whose son John Chene became a burgess of Zacroczim in Masovia,<sup>186</sup> an important royal town and crossing-point of the Vistula River;
- Clare, who married William Gordon, 4<sup>th</sup> of Craig. On the remains of the Castle of Craig in Auchindoir parish there is still an escutcheon bearing the arms of Gordon of Craig and of Chene, with the date 1518 and the initials VG and CC for William Gordon and Clare le Chen ;
- Elizabeth, married George Striveling (Stirling).



**WILLIAM LE CHEN, 9<sup>TH</sup> OF STRALOGH** (1505 – aft. 1569).

William had inherited Straloch by 1550 - his father had died c.1548 – and in 1550 we find him, with his cousin Sir Patrick Chene, 8<sup>th</sup> of Essilmont, acting on the jury for the trial of 'the Mackintosh' for conspiracy against the life of the Earl of Huntly.<sup>187</sup>

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<sup>186</sup> S.C.Misc., v., p.325. "Birth Brieve from the Register of the Burgh of Aberdeen, 1637-1705. *In the presence of John Leslie, baillie, it wes sufficientlie verefeit and prowine be thir witnesses vnder written, be thair aithis solemnelie sworne, viz., Mr. Willeame Barclay, aduocat in Aberdene, George Mengzeis, burges of Aberdene, and John Bruce of Grayes Fortrie, that John Cheyne, burges of Zakroezim in Masovia, within the kingdom of Pole, is lawfull sone to vmquhill Willeam Cheyne of Baybushe, and vmquhill Elizabeth Troup his spous, procreat betuixt thame in honorable band of matrimonie, and that his guidshir, Mr. George Chene was sone to Alexr. Cheyne of Straloch, and so on the father syde he is lawfullie descendit of the houssis of Straloch, Fywie, and Wardes, and on the mother syde of the houssis of Hegishill, Leslie of that Ilk, and Ros of Kilraack, whairupon the baillie forsaid discernis a testimoniall to be gewin to the said John Cheyne in due forme as efferis.*"

This same source also records that on 3<sup>rd</sup> June 1646, a similar brieve was given to – "John Chein in Pitercow[Piętków], 'within the kingdom of Poll,' lawful son to Thomas Chein of Pitfichie and Catherin Fraser his spouse."

Members of the Chene family were obviously spreading merchant businesses into central Poland at this time.

<sup>187</sup> Shaw (1880), p. 209. William Mackintosh of Mackintosh was accused of threatening to take the life of the Earl of Huntly, the Queen's Lieutenant. The trial took place in Aberdeen on 2<sup>nd</sup> August, 1550, with the Earl himself acting as judge, and with the jury 'packed' with his own men. Amongst the thirteen jurors were William Cheyne of Straloch and Patrick Cheyne of Essemont (*sic.*), knight. Mackintosh was found guilty and sentenced to be attainted "of all his goods lands and heritage, and also his head to be struck off his body." It did not help Mackintosh's case that he tended towards the 'new religion' whereas Huntly was the most catholic of Catholics! The case was stopped in its tracks by the Provost of Aberdeen, Thomas

Neither of the Chene cousins came out of the infamous trial without great loss to their honour.

William, in the same year as the trial, received sasine of "half the shady lands of Creichnalade and of half Ester Crechie, Middle Crechie and the Mill."<sup>188</sup>

On 5<sup>th</sup> January, 1558/9, *Letters of Advocation* were issued in the Sheriff Court relating to a cause between William Cheyne of Straloch, John Cheyne his son and apparent heir and Mary Forbes, daughter of Alexander Forbes of Pitsligo and wife of John Cheyne, against William Seytoun (Seton) of Meldrum. A dispute had arisen between the parties about their rights in the Hill of Bethelny (north of Oldmeldrum) and had resulted in a '*deidlie feid*' (deadly feud).<sup>189</sup>

There is a record that, on 26<sup>th</sup> October, 1562, William Chene of Straloch gave surety on behalf of William Gordon of Craig, and of George Gordon of Gight, in 5000 merks for each.<sup>190</sup>

William was still alive in 1569 as is evidenced by the fact that his son, John, is styled 'apperand of Straloch' in a record in the Register of the Privy Council, dated 5 April, 1569.<sup>191</sup>

Sadly, the name of William's wife has not come down to us in the records, but we know that he left issue:

- John, who succeeded to the estates of Straloch and was married to Mary, daughter of Alexander Forbes, 5<sup>th</sup> of Pitsligo by Beatrix Fraser of Philorth;
- Alexander.<sup>192</sup>



## JOHN CHENE, 10<sup>TH</sup> OF STRALOCH (1530 - 1590)

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Menzies, who, seeing through Huntly's plan, appealed to Parliament in Edinburgh. However, Huntly placed Mackintosh in the custody of his countess at the Castle of Strathbogie, where she did the deed and gave Mackintosh to the axeman!

<sup>188</sup> Cheyne (1931), p. 60.

<sup>189</sup> Rec. Ab. Sheriff Court, i., p. 131, 168.

<sup>190</sup> Reg. Privy Council Scot., I., p. 220.

<sup>191</sup> Reg. Privy Council Scot., I., p. 653-655.

<sup>192</sup> I believe that this Alexander Cheyne is one and the same as "M. Alexandri Chene" who is found as a canon of the King's College in Aberdeen, and prebendary of the Snow Kirk [*St Mary ad Nives*] in October of 1581. [Reg. Mag. Sig., V., no. 881, p. 282.] He is found again styled "rectore a Nivibus" witnessing a charter of James Hereot of Trabroun, on 13<sup>th</sup> March, 1583. [Reg. Mag. Sig., V., no. 1151, p. 382.]





At the time that John and his father were concerned in the dispute with William Seton of Meldrum in 1559, he had already been married to Mary, daughter of Alexander Forbes, 5<sup>th</sup> of Pitsligo.

In 1569, John is found signing a Bond of Allegiance to the child-King James VI and the Regent Moray. He was joined in this act by Patrick Chene, 9<sup>th</sup> of Essilmont, and William Chene, 8<sup>th</sup> of Arnage.<sup>193</sup>

Colonel Cheyne suggests that John had succeeded to the estates of Straloch by 1570 since this was when his son James was put into possession of the half-lands of Creichnalade, Easter Crechie and Middle Crechie,<sup>194</sup> which act would have required the father to be in possession of Straloch.

At the royal palace of Holyrood House on 28<sup>th</sup> January, 1576-77, the King confirms certain lands in the barony of Findon, Kincardineshire, also lands in Easter Pitfiddellis [Pitfodels] in the barony of Pitfiddellis within the sheriffdom of Aberdeen, to Violete Forbes, daughter of Alexander Forbes of Pitsligo. The original charter was dated at Aberdeen, 9<sup>th</sup> June, 1571, and the first named witness was "Jo. Chaynen de Straloch."<sup>195</sup>

When a new Regent (Morton) was appointed to serve the country during the King's minority, John Chene again swore and signed a new Bond of Allegiance in company with the Lairds of Essilmont and Arnage. Two of his neighbours also gave their bonds – Bannerman of Waterton and Annand of Auchterellon.<sup>196</sup>

John was still engaged in the 'feud' with Seton of Meldrum in 1574, some twenty years after his father became engaged in it. The dispute related to the rights of common on the Hill of Bethelny [NGR: NJ 78\_30\_]. Seton, along with John Panton of Pitmedden and others, having obtained commissions as deputy sheriffs, attempted to apprehend John Chene of Straloch and David Chene of Tulliegrig on a charge of 'slaughter'. The two last named retaliated with a similar charge and, having obtained criminal letters, they imprisoned their accusers and took execution out against their tenants. The case came before the Privy Council where it was stated that this was all done 'at the season of oatsowing', in order that the accusers might be put to costs, charges, and expenses. The Privy Council, in its wisdom, determined to postpone the matter 'till a more convenient season'!<sup>197</sup>

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<sup>193</sup> Reg. Privy Council Scot., I., p. 654-655. Also present and giving their Bonds were, Alexander Seton apperand of Meldrum, Hucheoun Rose of Kilravock, William Gordon of Craig of Auchindoir, William Barclay of Towie, Robert Turing of Foveran, William Seton of Meldrum, and many others not as closely linked with the north-east and the Chene family.

<sup>194</sup> Cheyne 1931, p. 60.

<sup>195</sup> Reg. Mag. Sig., iv., no. 2636, p. 716.

<sup>196</sup> Cheyne 1931, p. 60.

<sup>197</sup> Cheyne 1931, p. 61.

In 1575 the King granted to Alexander Hay, amongst other rentals, a yearly rent from the lands and *ville* of Astuik in the barony of Straloch, belonging to John Chene and his brother Alexander.<sup>198</sup>

John's son-in-law, Walter Chene, heir apparent of Arnage, and his wife Marjorie Chene, gave a letter of reversion to him, in 1580, of the lands of Over Straloch otherwise called Meikletown of Straloch, and the lands of Crechie, and Easter Crechie. The outcome of this was that these lands, which had been for generations in the family of Chene of Straloch, and which had probably come in dower to Marjorie Chene, thus reverted to the Straloch branch of the family.<sup>199</sup>

John Chene, 10<sup>th</sup> of Straloch, died before 1590, leaving by his wife, Mary Forbes, a son and a daughter:

- James, who succeeded to the estates of Straloch;
- Mary, who married her cousin, Walter Chene, 9<sup>th</sup> of Arnage.



#### **JAMES CHENE, 11TH OF STRALOGH, (C.1560 – 1604).**

Strictly speaking, the biography of James Chene lies outwith the time boundaries of this paper, however, we have decided to include it because it gives a very good account of what life was like for a laird during this period. The life of James Chene encompassed the turbulence of the Reformation and gives us a very good example of what life was like as Scotland 'changed'. It should, of course, be remembered that although much of the country moved from Roman Catholic practices to Protestant ones, in matters of faith there was little difference. The differences were over issues of management structures, a move from the Roman Liturgy to Protestant forms of service, and the creation of services which emphasised the 'Word of God' and Bible study and preaching that Word. But both forms were very much an expression of the same Faith – Christianity. Of course, great changes were entailed in the dismantling of Church Property – buildings and, most importantly lands. Cynics might suggest that the whole Reform Movement was simply about the transfer of huge tracts of land, from the bishops and monasteries, into the hands of various avaricious local landlords. Some would go so far as to suggest that the whole process had nothing to do with Faith and was all to do with greed. But that is another subject and, in this paper, we are concerned only with how the family of Chene rode out 'the storm'.

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<sup>198</sup> Reg. Mag. Sig., iv., no. 2360, p. 633.

<sup>199</sup> Cheyne 1931, p. 61, 129.

We first find James acting as a witness for William Hay of Urie, in 1569.<sup>200</sup>

In 1570, James' father put him into possession of half of 'the shady part of Creichnalade and of Easter and Middle Crechie, along with the mill.<sup>201</sup> James resigned these lands into the hands of the King so that they might be re-granted to him *de novo*. In confirming these lands to James, at Aberdeen on 30<sup>th</sup> July, 1589, the King also gave him the advocation (patronage), of both the *rectory* and the *vicarage* of the Parish Church of Daviot in recognition, "for his prudence, and for his ardent zeal in propagating the Evangelic Gospel."<sup>202</sup> It would appear that, unlike his forbears, James was very much of the Protestant faith! That same year, James, along with the lairds of Essilmont and Arnage, swore themselves to a Bond in defence of the King's government and of the 'true religion', which latter pledge he appears to have adhered to more strictly and earnestly than did his two cousins! They promised that,

"We sall nocht ryde, assist, tak armes, ressett, supplee, nor grant meit, drink, house nor harbory to the saidis Erllis [Huntly and Erroll], Jesuits, papistis, and uthiris inemeyis to God and his Majestie during thair rebellious and dissobedience, bot salbe redde at all tymes to hasaird oure lyveis, landis and guidis, in the defens of the said trew religioun, his Hienes persone and estate, and quieting of the cuntrey, as we sall ansuer to God and to his Majestie upoun our allegiance and obedience, and undir the pane of twenty thowsand pundis to be upliftit of the pairtie failyear or doing in the contrair, and forder to be comptit faithles, perjurit, and nocht worthy to brouke office, honnour nor estimatioun, in tyme cuming, besydis the ordinair panes of the lawis to be execute upoun us in signne of oure defectioun frome God, his Hienes, and his authoritie ... " [Done at Aberdeen, 30<sup>th</sup> April 1580]<sup>203</sup>

This was a fearsome oath to take and James would appear to have taken the matter very seriously. The signatures of "Patrik Cheyne of Essilmont" and "Williame Cheyne off Arnage" follow after James' along with those of some 65 other notable "northland men," including certain chieftains [John Campbell of Cawdor and John Grant of Freuchie]. A number of individuals are singled out to stand surety and penalties are assigned to them to be paid in the event that the principal signatories should break their solemn oaths. "Andrew Harvy of Alrik, with J. Cheyne of Straloch," are to stand surety to the sum of 3000 merks; "Patrick Cheyne of Essilmonth, with Patrik Con of Auchry," 5000 merks; Williame Cheyne of Arnage, with (?Andro) Reid (?fiar) of Colleiston, 2000 merks; Williame Gordoun of Craig,

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<sup>200</sup> Cheyne 1931, p. 62.

<sup>201</sup> Exchequer Rolls, xxii., p. 437.

<sup>202</sup> RMS., v., no. 1680, p. 577-578. "Preterea Rex, ... per bonam experientiam prodentie dicti Jac. ac de ejus ardente zelo in propagationem Evangelii, ... univit dicte dimid. de Eister Creichie advocationem rectorie et vicarie ecclesie parochialis de Daviot, et fecit dictos Jac. &c. patronos ejusdem."

<sup>203</sup> Reg. Privy Council, iv., p. 377.

with Robert Cheyne of Straloch, 3000 merks.<sup>204</sup> Faced by such penalties, it is not at all surprising that 'the great and the good' of the north of Scotland became, at least at face value, Protestants and it is a measure of the character of the Earls of Huntly and Erroll that, in spite of these pressures, they remained true to their Catholic beliefs. It was now firmly established that those who did not accept the Protestant religion were to be counted as being the worst form of traitors to the Crown and could expect the most severe punishments imaginable if they could be found and captured. Many would consider that this was what was at the heart of the Reformation – it had little or nothing to do with 'belief' but, rather, was all about politics and secular power!

In 1590, we find James Cheyne of Straloch disposing of the whole lands of Straloch and there are letters of reversion in favour himself and his wife (Barbara Keith), by John Paton in Terrachie, of the lands of *Brunthill* {NGR NJ 848 230} and *Whiterashes* {NGR NJ 854 235}, only some 2.5km north of Straloch House, all in the parish of Old Machar.<sup>205</sup>

However, there must have been some doubt over James commitment to the oath he had taken since, around mid-winter of 1591, we find a record of, "a Caution in £1000 by John, Master of Forbes, for James Cheyne of Straloch, that he and those for whom he is answerable shall keep the King's peace."<sup>206</sup>

At Edinburgh, on the 17<sup>th</sup> April, 1593, we find James providing caution in 3000 merks, "for Patrick Cheyne of Essilmonth, that he and all for whom he is liable by the general band (sic.) shall do nothing in hurt of the state or the established religion, and shall not assist, reset or intercommune with George, Earl of Huntlie, and his associates, or the persons denounced for the burning of Donybirsell [Donybristle] and murder of the Earl of Murray, but shall join in pursuit of them, and that he shall appear before the King and Council when required upon eight day's warning, and meanwhile keep ward besouth the North Water [North Esk] till freed by his Majesty."<sup>207</sup>

Some nine days later, when James was still at Edinburgh, we find him becoming surety in 2000 merks for Patrick Barclay of Towie [his neighbour] as principal:

"James Cheyne of Straloch, as surety for him [Patrick], that he shall return to the King and Council by 31<sup>st</sup> May next a 'testimonial' of the presbiterie of the boundis quhair he duellis, testifeand that he has satisfieit the Kirk, gevin the confessioun of his faith, and subscrivit the articlis of the trew

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<sup>204</sup> Reg. Privy Council, iv., p. 378-380.

<sup>205</sup> Index of charters of Parkhill. The Parkhill Estate muniments are held in the Special Collections of the University of Aberdeen [MS 3860]

<sup>206</sup> Reg. Privy Council, iv., p. 705.

<sup>207</sup> Reg. Privy Council, v., p. 69-70.



religioun. Patrick was therefore relieved of 'his present ward' in Edinburgh."<sup>208</sup>

On 23<sup>rd</sup> September, 1594, there is a record in the Register of the Privy Council that,

"James Cheyne of Straloch for James Forbes of Fychill, Patrick Forbes of Brichtun, Williame Forbes of Logy, and Robert Forbes, prior of Monymusk, to pay, each of them, £100 for his escheat, or report nullity of horning against them for not paying to John, Lord Forbes, their parts of this present taxation for his relief of certain lands of the lordship of Forbes possessed by them."<sup>209</sup>

The King and his Privy Council were in Aberdeen on 7<sup>th</sup> November, 1594, when they took the sworn oaths of a collection of nobles, that they and each of them, "should faithfullie, leillie, and treulie concur, fortifie and assist," his Majesty's lieutenant of the north parts with their advice and force at all times and occasions, as they shall be required by his proclamations, missive letters or otherwise, in the execution of the following commission, read in their presence. The Laird of Straloch is recorded amongst the 33 lairds and chieftains.<sup>210</sup> At the same time, the King appoints his cousin, Ludovik, Duke of Lennox, his lieutenant and justice within the bounds of the shires of Aberdeen, Banff, Elgin, Forres, Nairn, Inverness and Cromarty.<sup>211</sup>

The King had become exasperated by the constant feuding within the country, including numerous murders, burnings and other attacks, and so, on 23<sup>rd</sup> December, 1595, he called a convention of all those who were 'at the horn' or 'excommunicated' to attend him at Holyrood House so that he might bring all such matters and the parties involved in them, to peace. He gave his word that the individuals concerned would lift all process of horn, or excommunication, or other sentence led against any of them, "during the time of their being with his Highness and for ten days after their departure [from Edinburgh]. Each individual named was also given permission to be accompanied by a stated number of 'persons'. James Cheyne was one of those

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<sup>208</sup> Reg. Privy Council, v., p.71.

<sup>209</sup> Reg. Privy Council, v., p. 637.

<sup>210</sup> Reg. Privy Council, v., p. 187.

<sup>211</sup> The Duke of Lennox's principal task was, "to search for and take, and either bring before his highness and Council or otherwise punish according to the quality of their offences, the following persons and classes of offenders: viz., George, sometime Earl of Huntly; William, sometime Earl of Angus; Frances, sometime Earl of Erroll; Masters James Gordon, William Ogilvie, Robert Abernethy, and all other Jesuits, papists, excommunicants and other treasonable practisers against the true religion, the King's person and crown, and liberty of this country; as also all persons 'at the horn' for the treasonable burning of Donybristle and murder of the Earl of Murray, and all resetters and assisters of them or of the foresaid treasonable practisers, and that aided them "on the fieldis in the lait conflict agais his Majesteis lieutenant" [the Earl of Argyll in the Battle of Glenlivet]; to apprehend "all thevis, revaris, somaris, violent and maisterfull oppressouris, hieland and lauland brokin men, and utheris quhilkis sall repair within the said boundis." [Reg. Privy Council, v., p. 187-188]



named and was given permission to appear, on 3<sup>rd</sup> March following, with “no more than 24 persons.”<sup>212</sup>

There is a record of a, “Registration, by the same procurator [Sir Patrik Murray of Geynis, gentleman of his Majesty’s chamber], of a bond of caution in a like sum [£20,000] by George, Earl of Huntlye, as principal, and Walter Ogilvie of Fynlater, William Gordoun of Geycht, Thomas Gordoun of Cluny, Johnne Gordoun of Petlurg, Johnne Gordoun of Carneborrow, Alexander Gordoun of Lesmore, Harie Gordoun of Dilspro, William Sutherland of Duffus, John Forbes of Brux, George Gordoun of Telperse [Tilypersie], James Cheyne of Straloch, and Alexander Murray of Cowbardie, as sureties for the said principal, to the fourfold effect abovementioned, including the entry of his eldest son as pledge with his Highness himself, or in such company as he shall appoint for his better education. Subscribed at Aberdeen, 24<sup>th</sup> June 1597, before My David Cuninghame, Patrik Blakburne, David Rait, George Glaidstanis, Robert Howp, Johnne Forbes, Patrik Murray, his Majesty’s commissioner.”<sup>213</sup>

On an unknown day in March 1597-98, there is the record of a, “Charge, subscribed *James R*, to John Andro to stay the booking or extracting of the protest obtained in favour of the Earl Mairshaell against James Cheyne of Straloch, and to present and give in his principal letters before his Highness the first Council day, to the effect the same may be called and justice administered therein. Holyroodhouse.”<sup>214</sup>

At Edinburgh, on 15<sup>th</sup> June, 1598, “James Cheyne of Straloch for Patrik Cheyne of Essilmonth, 500 merks, to answer upon the 10<sup>th</sup> July next to letters executed against him by Gilbert Baird of Auchmedden, touching the entry of James Cheyne of Pennen, Alexander Bruce, and George Broun, before his Majesty.”<sup>215</sup>

On 22<sup>nd</sup> June, 1598, James suffers a considerable financial loss. The Privy Council records that, “John Irwing of Turneschaw [Turnshaw],<sup>216</sup> pledge having been transported furth of Edinburgh Castle, and delivered to James Cheyne of Straloch, the said James had become bound, in 3000 merks, that the said pledge should keep ward with him and not escape till freed by the King and Council. As he has, nevertheless, departed home without his Majesty’s licence, charge had been given to Chene to enter Irwing, or the principal of his branch and gang, conform to his band [bond]. And now, Chene appearing personally but not presenting the said pledge or principal, the King and Council declare that Chene has incurred the said pain, and order as above.”<sup>217</sup>

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<sup>212</sup> Reg. Privy Council, v., p. 247-249.

<sup>213</sup> Reg. Privy Council, v., p. 745.

<sup>214</sup> Reg. Privy Council, v., p. 765. John Andro was Clerk of the Privy Council at this time.

<sup>215</sup> Reg. Privy Council, v., p. 692.

<sup>216</sup> Turnshaw lies on the south bank of the River Annan {NGR: NY 179727}, about 1km. downstream from Hoddum Church which lies on the north bank.

<sup>217</sup> Reg. Privy Council, v., p. 747.

At Edinburgh, on the 20<sup>th</sup> July, 1598, the Privy Council Register records, "James Cheyne of Straloch for Mr Robert Gardin, son of Mr Robert Gardin of Nether Blairtoun, 500 merks, not to harm Walter Wode of Fettercairne."<sup>218</sup>

Another appearance of James Cheyne in the Registers of the Privy Council relates that, on the 29<sup>th</sup> May, 1599, there was a "Registration, by Mr Thomas Gray, advocate, as procurator, of bond by James Cheyne of Straloch for Johnne, Master of Oliphant, £2000, not to harm Johnne Andersone at the Mylne of Newtyld." This deed was subscribed the previous April, "before William Lowrie, Patrik Leslie, Andro Reid, and Alexander Watsoun, servitor to Mr Thomas Gray, writer hereof."<sup>219</sup>

In 1600, James Cheyne of Straloch, with the consent of John Urquhart, tutor of Cromarty, and others, gave a charter to George Gordon of Chapelton of Schivas, his son, William, and his heirs, of the town lands of Nether Chiny, Brunthill, Whiterashes, the town and lands of Overstraloch, Overhill, and others, and whole lands, &c., in the barony of Inverugie and shire of Banff. There is also an instrument of sasine in favour of said George, spouse, and son, dated 23<sup>rd</sup> January, 1601. The said George Gordon resigns these lands in favour of Sir Thomas Gordon of Cluny, knight; the precepts of resignation is dated at Aberdeen, 11<sup>th</sup> June, 1603.<sup>220</sup> Sir Thomas Gordon of Cluny, by charter dated at Straloch, 24<sup>th</sup> June, 1606, gave to John Gordon of Pitlurg of the lands of Overstraloch, Overhill, Achinstinch, Nether Cornemill, and Over Cornemill, Brunthill, and Whiterashes, lands of Over and Nether Chinys, &c., &c., all in the parish of St Machar and shire of Banff.<sup>221</sup> This John Gordon was the brother of Sir Robert Gordon, who succeeded him in Pitlurg and Straloch. The last Gordon of Straloch was John Gordon Cumming, whose guardians sold Straloch, the last remnant of the Gordon Propert, in 1766, to John Ramsay of Barra.

James Cheyne was married to Barbara Keith, by whom he appears to have had no male heir. There is the slight possibility that he and Barbara had a son, Alexander, who pre-deceased him, however, James is considered the last of the male line of Straloch.

At the time of writing, the House and Estate of Straloch (comprising some 250 acres) are being advertised for sale.



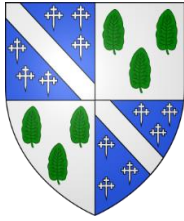
<sup>218</sup> Reg. Privy Council., v., p. 698.

<sup>219</sup> Reg. Privy Council., v., p. 728-729.

<sup>220</sup> Index of Charters of Parkhill. [Aberdeen University, [MS 3860]]; Temple (1894), p. 320.

<sup>221</sup> *ibid.*





## THE CHEYNES OF ESSLIMONT.

GEORGE CHEYNE OF ESSLIMONT, Bears quarterlie, 1st and 4th azure, a bend between six crosses fitchéé argent, for Cheyne; and 2nd and 3rd argent, three dock leaves slipped vert, for Marshall of Esslemont.

Crest, a cross patée fitchéé argent

Motto, "Patientia vincit".

Registered about 1678. We presume that the earlier family members also bore these arms.

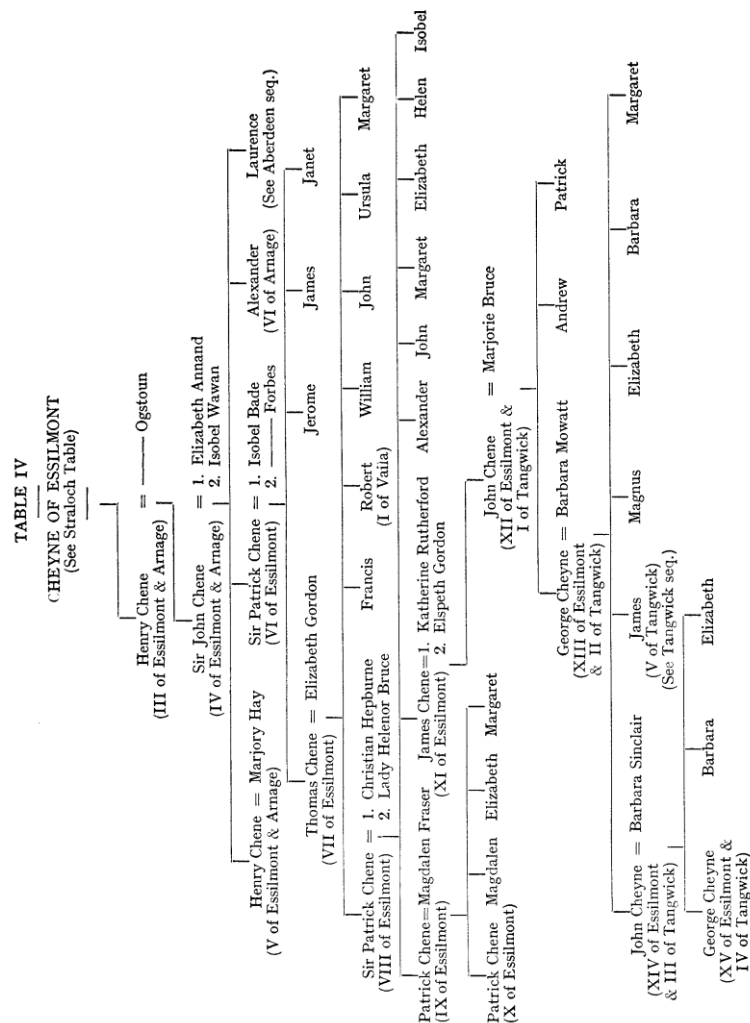


Figure 16: Family Tree of 'le Chen' of Esslimont. From (Cheyne 1931, p. 66.)



The estate lands of Essilmont are known of in the historical record from very early times. These lands were first given to the Comyn family, Norman Earls of Buchan and was often associated with the lands of Arnage. The first family known to have owned Essilmont (and Arnage) after the Comyns fell foul of King Robert the Bruce were the Family of Mareshal (Marischal). In the Roll of missing carters of King Robert,<sup>222</sup> is one to "Malcolmo Mariscallo de Meikle Averniche (Arnage) and Esselmont," which has been dated to about 1307.<sup>223</sup> Malcolm was succeeded by his son William, who, in 1377, received a charter from King Robert, as follows, "to William Marescalle, son of Malcolm Marescalle, of all the lands of Esselmont and Meikle Arnage." The Mareshal connection with Essilmont ended when the male line died out.

When Reginald le Chen, 3<sup>rd</sup> of Straloch, married for a second time he chose Janet Mareschal, heiress of William Mareschal of Essilmont & Arnage to be his wife.<sup>224</sup> The dowery lands that she brought to the union resulted in Reginald becoming known as 3<sup>rd</sup> of Straloch and 1<sup>st</sup> of Essilmont & Arnage, since he was the first of his family to possess the Essilmont & Arnage estates.

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<sup>222</sup> When Duncan wrote *Registrum Regum Scotorum* (RRS) vol. V., in 1988, he chose not to re-print those charters which had already been printed in the *Register of the Great Seal* (RMS, I) (1914). "Even once the reader has found this explanation, it is not necessarily easy to extract from this that there are a substantial number of texts of acts of Robert I printed in RMS, I, which are not noted in the main body of Duncan's edition. While the Table of the indices makes it immediately obvious that there are 691 indexed acts from the contents of the mostly missing rolls, it takes some deduction to come to the realisation that there are also a number of 'missing' full texts, surviving in the charter roll of Robert I." [Hammond, (2018)]

<sup>223</sup> Temple (1894), p. 507.

<sup>224</sup> Temple (1894), p. 507.



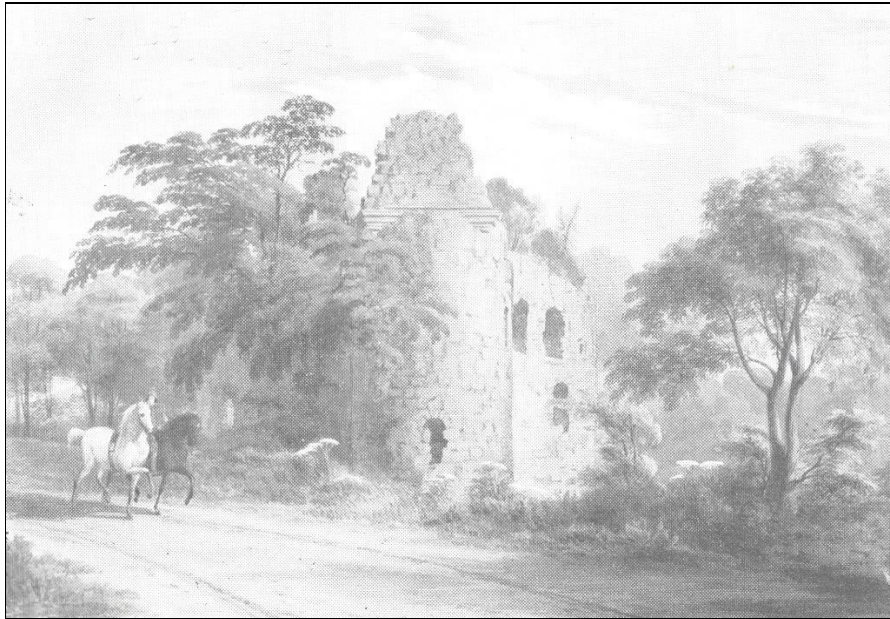


Figure 17: Essilmont Castle from the South-east. (J. Giles, 1840)

As we have seen, this cadet branch of the family was created as the consequence of the actions of John 4<sup>th</sup> of Straloch and 2<sup>nd</sup> of Essilmont & Mikle Arnage, who had inherited the estates of his father Reginald. John decided that he wished to give his younger son, Henry, a portion of the family inheritance so, c.1441, he divided his properties between his two sons, giving the younger son the lands of Essilmont and Arnage. The elder son, Ranald, inherited the Straloch estates and became Ranald le Chen, 5<sup>th</sup> of Straloch. There is no record as to why John decided to do this but it may be that the old Anglo-Norman rules of *primogeniture* did not sit comfortably with the father. Perhaps he wished to be sure that his second son was provided for as well as his first son, rather than the old custom that the oldest would get the whole inheritance whilst the second son would have to make his way in life, either from a career in the Church or the armed services. If this is true, then we can add John's name to the list of 'more enlightened' fathers of the day. The terms of the bond established by the father were quite strict in that he stipulated that, should Ranald or any of his heirs try to challenge Henry's possession of the 'share' that his father had given him, then they should be required to pay Henry, or his heirs, the substantial sum of £500, to be found out of the lands of Straloch, Crichtie, and Bethelny.<sup>225</sup> There is a suspicion here that the father's actions flew in the face of his eldest son's wishes and that he desired to forestall his eldest son's ambitions even after his own death. He would seem to have understood his eldest's ambitions very well! Only a short time after his father died, it would appear that, in spite of the terms of the 'bond', Ranald did indeed file a legal challenge to Henry's ownership of Essilmont & Arnage. A degree of animosity must have resulted between the two brothers which

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<sup>225</sup> S.C. Shires, III., p. 8-9.



would have coloured their relationships for a considerable time, if not for the remainder of their lives.

### SIR HENRY LE CHEN, 3<sup>RD</sup> OF ESSILMONT AND MIKLE ARNAGE (C.1390-1494)

After successfully beating off his elder brother Ranald's intentions, Henry seems to have been able to settle down to a prosperous life. But, in 1492, Ranald's son John raised the whole issue again when he charged his uncle Henry with wrongly delaying to infeft him in the lands of Mikle Arnage, whilst Henry at the same time charged John with withholding the sum of 1,000 merks, according to the late Ranald's obligation regarding the said lands.<sup>226</sup>

It is important to note that on 22<sup>nd</sup> July, 1460, William Hay, earl of Errol, Hereditary Constable of Scotland, issued a charter in which he declared that he held the lands of *Meikle Arnage* (Arnynche), in feu and heritage, of the King.<sup>227</sup> This adds another facet to the great feud that took place between the families of le Chen and Hay over an extended period.

On 12<sup>th</sup> August, 1467, Henry was witness to a grant, by Nicholas, 2<sup>nd</sup> Earl of Errol, to Gilbert Hay his uncle, of the lands of Wry (Urie).<sup>228</sup>

There exists a copy of a charter, dated 1475, which was found within the charter room of Slains Castle (the seat of the Earls of Errol) recording that:

*"In the presence of my notary public and the undersigned witnesses, the noble man Henry Chene of Essilmont personally established a certain release of our supreme lord the King written on parchment and sealed with his great seal. It was graciously granted to him for the cruel murder of the late Arthur Panton and the other causes contained therein. In the midst [of them] he produced and showed the same to a discreet man, Patrick Badenoch, deputy sheriff of Aberdeen, for the execution and proclamation of the same. Whereas the said Patrick, having received into his hands a threefold proclamation, duly demanded execution at the Crucem Fori [market cross?] of the burgh of Aberdeen, and publicly manifested and proclaimed it in his mother tongue. By virtue of which release the said deputy delivered the staff of peace to the said Henry, and gave Henry himself to the peace of our said lord the King. And for the satisfaction of the part of the slain Arthur himself, the said Henry Chene truly desired and pointed out a certain sum of gold and silver to any one willing to receive it of the kindred of the said Arthur. These things were enacted at the Cross of the said burgh of Aberdeen at three o'clock in the afternoon or thereabouts in the year and month above mentioned [1475]. Done in the presence of the noble men Master Gilbert Hay de Ury; master David Hay; Reginald le Chen of Straloch; John Wormet;<sup>229</sup> Thomas Prat; Robert Prat presbyter of Aberdeen diocese and notary public."*<sup>230</sup>

On 13<sup>th</sup> December, 1479, the Lords in Council assigned the forthcoming 17<sup>th</sup> January to Henry Chene of Essilmont to prove [his possession] of certain lands of Essilmont,

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<sup>226</sup> Cheyne (1931), p. 67.

<sup>227</sup> S.C. Shires, III., p. 10.

<sup>228</sup> Barron (1892), p. 186; Reg. Mag. Sig.

<sup>229</sup> Wormet was a merchant of substance in Aberdeen.

<sup>230</sup> S.C. Shires, III., p. 10-11.



Carnehill, Crag Hede, and the half of Fortrie of Essilmont, as contained in the Charter made by the said Henry to his son John and Elizabeth Annand, his spouse, were worth £20 and ordained him to have letters to summon his witnesses: in the meantime the Council considered an action between Henry and the Bishop of Moray (William Tulloch, 1477-1482) over the sum of 5 merks.

In 1493, the original castle of Essilmont was destroyed in the course of the bitter and protracted feud which had gone on between the Cheynes of Esslemont and the Hays of Ardendracht for many years; and on 22nd June in that year the Lords of Council ordained that William Hay should pay to Henry Cheyne of Esslemont and John his son, "for the dampnage and scatht sustenit be thaim in the destructioun of the Place of Essilmont, xx [ten] pundis."<sup>231</sup> The Hays are recorded as having laid waste to the lands of Essilmont for a period of three years past, stealing livestock and destroying crops. It has to be said, however, that the Cheynes had been equally active in the feuding and are recorded to have carried out a raid on the Hay's property of Slains during which they robbed the parson of Slains and some fifteen others, taking away considerable quantities of household goods, and other property.<sup>232</sup>

In 1494, the Abbot of Cambuskenneth, Henry Abercrombie, who was at the time Royal Treasurer, issued a document recording that he had quitclaimed and discharged Huchon Ross of Kilravock and his 'borrows'; that is to say Sir Alexander Gordon of Midmar, Henry Chene of Essilmont, and John the Ross of Auchinlosk, of the sum of forty-two pounds. The document was issued by the abbot at Stirling on the 8<sup>th</sup> of February, 1494, but the business seems to have been carried out previously at Inverness.<sup>233</sup>

Towards the end of the 15<sup>th</sup> century, the laird of Essilmont bears the title of a knight, being addressed as "Sir Henry Cheyne", which title he probably obtained as the result of his proficiency in warfare; of his hankering after bloodshed and rapine some scanty evidences remain. He was probably a man of violent temper and took well with the nature of the times.<sup>234</sup> His murder of Arthur Panton in 1475 is a measure of Sir Henry's temper. Towards the end of his life he was still very much the same man – he became incensed against the Hays of Ardendrat in Cruden, near relatives of the Earl of Erroll whose *caput* was the immense stronghold of [Old] Slains Castle {NGR: NK 052300}, on the coast just north of Colliestown, and at no great distance from the House of Ardendrat (Ardendraught) {NGR: NK 077354}. The 'new' Castle of Slains, built by the 9<sup>th</sup> Earl of Erroll, is situated near Cruden Bay {NGR: NK 102361}. In this matter, Sir Henry was only able to contend with the formidable forces of the Hays because he had allied himself with certain members of the Forbes, Seaton and Leslie families, all of whom were found to be ready allies for

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<sup>231</sup> View, p. 304.

<sup>232</sup> Cheyne (1931), p. 69.

<sup>233</sup> Family of Rose, p. 163-4.

<sup>234</sup> Mair (1876), p. 17.

such work as they had on hand.<sup>235</sup> Sir Henry did not long survive the conclusion of the raids on Ardendraught and it is interesting to note that his son and heir John formed a strong friendship with Gilbert Hay of Ardendraught even to the point when marriages were contemplated between the two families.

Godsman writes that, "There is nothing in the records to show that he [Henry] ever received the honour of knighthood, though he has been designated 'Sir Henry Chene' by various historians."<sup>236</sup>

In 1494, having reached an advanced age, Henry Cheyne, 3<sup>rd</sup> of Essilmont, died. He left two sons by his wife Elizabeth Ogston,<sup>237</sup> who was a daughter of Ogston of that Ilk:

- John, (c.1435-1505), who succeeded to the estates of Straloch and was married to Elizabeth Annand;
- Henry, who appears in various documents in 1497, 1501,<sup>238</sup> and 1506.



#### JOHN LE CHEN, 4<sup>TH</sup> OF ESSILMONT AND MIKLE ARNAGE (C.1435 - 1505)

By 1479, and before he inherited his father's estates, John married Elizabeth Annan of Auchterellon. It is possible that, at the time of their marriage, John's father gave the couple the lands of Carne Hill, Crag Hede,<sup>239</sup> and the half of Fortrie of Essilmont (Fortree {NGR NK 949295}).

It can be deduced from historical records that it was this John, 4<sup>th</sup> of Essilmont, who promoted the family feud with the Hays since his father was, by then, of an age that would have prevented him having any active part in the raids, but was still, more than likely, a very active supporter of the whole affair. Colonel Cheyne suggests that the father could have done little more than, "lend the countenance of his

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<sup>235</sup> Mair (1876), p. 18.

<sup>236</sup> Godsman (1958), p. 94.

<sup>237</sup> Godsman (1958), p. 96. The family of Hogeston, Ogiston, or Ogston, were a Norman family settled in Moray in the 13<sup>th</sup> century. [The lands and parish of Ogston lie to the east of what is now the estate of Gordonstoun School {NGR NJ 193689}.] They also held the lands and barony of *Shethin* 2km. north-east of, and within the parish of Tarves {NGR NJ 886326}, and *Ironhill* {NGR NJ 914655} and *Coburty* {NGR NJ 920644}, in the parish of Aberdour. From the Shethin and Coburty Ogstons are descended members of the family still living in Aberdeenshire.

<sup>238</sup> S.C. Shires, ii., p. 354.

<sup>239</sup> It is possible that *Carne Hill* and *Crag Hede* represent lands round the Craig of Auchindoir.



approval.”<sup>240</sup> However, even that would have been quite enough to encourage the torches to fly to the thatch!

John was given sasine of the lands of Essilmont in 1494, the same year that his father died.<sup>241</sup> He was already a relatively old man. At this juncture, an end was brought to the ancient feuds and an indenture was signed at Edinburgh, with the participants swearing their oaths on a copy of the Gospels. A copy of this indenture was found amongst others in the Charter Room of Slaines Castle and it is of sufficient interest, recording, as it does, the cessation of such a lengthy and destructive feud, that we choose to incorporate it in the Appendix of this work.<sup>242</sup>

John gave to Henry, his son, the lands of Essilmont and Mikle Arnage on 11<sup>th</sup> July, 1497.<sup>243</sup> He did this to recognise the boy's coming of age (at 13) and in accordance with the agreement with the Hays, that Henry should marry Margaret Hay, although the marriage did not, in fact, take place until 1501 (*vide infra*).<sup>244</sup>

In the accounts of the Lord High Treasurer of Scotland there appears: “Item, cum £80 pro introitu Johannis Chene in terris suis de Essilmont, Arnage et Chappeltoune ex compositione secum facta ut patet in compoto vicecomitis de Abirdene reddito dicto 1498.”<sup>245</sup> [... with £80 for John Chene's entry into his lands of Essilmont, Arnage and Chapleton, out of a settlement made with him as appears in the sheriff of Aberdeen's account of the aforesaid rent of 1498.]

The tenure upon which part of the estates of Essilmont were held can be better understood by studying, “*Ane Band of Manrent maid be Jhone Chene of Essilmont to Wilyeam, Erll of Erroll.*” This document, from the *Erroll Papers*, was dated at the Chapel of Laske (Leask {NGR NK 030326}) on 11<sup>th</sup> September, 1499. It reads:

*“Be it mayd kend till all men be thir present lettris me Jhon Cheyne of Essilmont till be bundyn and oblist / and to be becumyn man and servoand / to my Lord of Erroll for all the days of myn lyfe / myn allegeans acceptit allanerly to our Soverane Lord the Kyng / And at I shall noder heyr nor wyt the scatht of my said lort bot I shall warne hym thaitof and let it at my power / And I sall gyf hym the best consall at I can gif he ony askis / And I sall consall gyf he ony schawis me / And at I sal ryd and gang with my said lord in peax and in weyr alss ready and awfauld at my power as ony man serving his lord within the reawlme with my kyn and men and frendis at will do for me / And to the leill observing and keip heroff I bynd and obliss me be the fatht in my*

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<sup>240</sup> Cheyne (1931), p. 70.

<sup>241</sup> Excheq. Rolls Scot., x., 770.

<sup>242</sup> Appendix A.

<sup>243</sup> RMS., ii., no. 2140, p. 453; RMS., ii., no. 2367, p. 504. These charters would lead us to believe that Henry had reached his majority (13 years of age) by this date. John reserved a free tenement for himself and his wife's 'terce'. The charter was given at Edinburgh and the witnesses were: Master Walter Drummond, dean of Dunblane; Henry Chene, John Chene's brother germain; Bartholomeo Wawane; Alexander Wawane, son and heir of Thomas Wawane of Stevinstone; Hugh Wawane; John Wawane; and Gilbert Quent.

<sup>244</sup> Cheyne 1931, p. 71.

<sup>245</sup> Cheyne 1931, p. 71-72; Dickson 1877, p. 272.





*body and in the stratast form of manrent / In witness of the quhilk thing I haf  
subscriwyt this writ and letter of manrent with my hand At the Chapell of Laske<sup>246</sup> the  
xj day of Septembir the yer of God a thowsand fowr hundredth nyntie and nyne yeris  
Before thir witness William Hay of Ardendracht / Master Alexander Cabell person of  
Banchry / and Gylbert Hay / and under my seill.”<sup>247</sup>*

JOHN CHEYNE of Essilmont

*manua propria*

Mair (Mair 1867) makes a comment here which reveals his sense of humour: “A facsimile of his signature to this [bond of manrent] is preserved; and unless he [John Chene] could handle his sword better than the pen, the Earl would have found him of little use as a soldier.”<sup>248</sup>

On 27<sup>th</sup> July 1500, the King issued a royal licence authorising John Cheyne, 4<sup>th</sup> of Esselmont, and his heirs:

*“to big apoun his landis of Essilmond a toure and fortalice quhair he or thai thinkis  
mays expedient, and to raiss the samyn to quhat hicht thai empleissis, and thairippon  
tomak bertasing, battaling, machevling, irn yettis, portculais, draubriggis, fowssis,  
and all other defens and strenchtis as thai think mayst ganyng and conuenient thairto;  
and for the keepingthairof to haue watchmen, garitouris, portaris, jevillours and all  
vthir officiaris neidfull.”<sup>249</sup>*

“... to build upon his lands of Essilmont a tower and fortalice where he or others may think most expedient, and to raise the same to whatever height they please, and thereupon to make breastwork, embattlements, cunning devices, iron gates, portcullis, drawbridges, fosses, and all other defences and strengths as they think most useful and convenient thereto; and for the keeping there to have watchmen, garitours (Scots. ‘watchmen on a tower or wall’), porters, and jailers and all other officers required.”

In 1499 and 1501 John was appointed one of the arbiters to settle a dispute over the bounds between Tibberty and Fechil.<sup>250</sup>

<sup>246</sup> This is the Chapel of Leask {NGR NK 030326}.

<sup>247</sup> S.C. Misc., ii., p. 261.

<sup>248</sup> Mair 1867, p. 23.

<sup>249</sup> View, p.317-8.

<sup>250</sup> S.C. Shires, II., 428. The King had issued a mandate, to Andrew Torry, sheriff in those parts, for him to execute, to arrange for the perambulation of the boundaries between the lands of Tybbertay and Fechil. Sir Johnnes de Ogilvy appeared before a notary public (Walter Falconer, presbyter of Brechin diocese, notary by Apostolic and Royal authority) to see that the mandate was executed. John Cheyne of Essilmont appeared as a witness to the perambulation – on the side of the laird of Fochwern and his son. Also on the laird’s side were Gilbert Hay of Dalgaty, William Hay of Urie, the parson of Banchory, the laird of Colliestone, and Alexander Reid. [See Appendix B for the full record of this perambulation.]

As noted above, the year 1501 saw the matter of the marriage John's son (Henry) to Marjory, the daughter of Gilbert Hay, son of William Hay of Ardendrat, brought to a conclusion. Henry, having now reached the age of sixteen years, seems to have been married at some point during the year. On 15<sup>th</sup> January, 1501, a bond was entered into by William Hay of Ardendrat and Gilbert Hay, his son and heir, to pay to John Chene of Essilmont six score ponds, in part payment for the completion of the marriage between Henry Chene, son and heir of John Chene, and Marjory.<sup>251</sup>

John Chene of Essilmont and Henry, his son, are both entered in the List of Burgesses of the City of Aberdeen, 1500-01.<sup>252</sup> The entries are:-

Cheine, John of Esselmond Council Register VII., 1076

Chene, Henry, son of John C. of Esselmont      Council Register VII., 1076

This would lead to the conclusion that Henry Chene was made a Burgess at what some would consider the remarkably young age of 16 years.

The year 1501 also saw John Chene ask for a notarial Instrument in the name of William, Master of Erroll, on account of merchandise sold by the Dutch captain of a wrecked vessel, to the said Master of Erroll, through John Chene of Essilmont.<sup>253</sup>

Colonel Cheyne records a letter of reversion, of £200 on the lands of Little Arnage and the mill, by Thomas of Kynnard, son and heir of Allan of Kynnard, dated 1501, wherein John Chene, his wife Isobel Wawan, and Henry, their son were ordained as Thomas's assignees.<sup>254</sup> This letter is a matter of substance since many writers suggest that John Chene was married only once, and that his wife was Elizabeth Annand. It is now thought possible, by some, that John was married twice – firstly to Elizabeth

<sup>251</sup> S.C. Shires, ii., 354.

*"Be it kend til al men us Wilyeam Hay of Ardendracht and Gilbert Hay my son and appearand ayr to be bundin to our traist friend Jhone Chene of Essilmont in the soume of sex score of poundis vsual money of Scotland to be pait to the said Jhon in pairt payment of a mair soum for the compleitig of a marriage betuixt Henry Cheine son and appearant ayr to the said Jhon and Marjorie the Hay dauchter to me the said Gilbert · In witness hereof becaus I the said Wilyeam Hay had na seil proper present of my awn I have procurit the seile on an honorabill man David Strauquhan of Thornton to thir presentis to be affixit · and I the said Gilbert the Hay has set to my seile with subscriptionis of our handis at Ardendracht the fyftein day of January a thousand and fyfe hundredth yeris · Before the witness Thome the Hay / Maister James the Hay sonnys to the said Willyam · Henry Chene · Andro Hay · Andro Tullidaff · with others diuers."*

W<sup>m</sup> Hay of Ardendra  
Gilb<sup>t</sup> Hay

<sup>252</sup> Misc. New S.C., i., p. 40.

<sup>253</sup> S.C. Aberd. Council Reg., I, 428. (See Appendix C. for the full text.)

<sup>254</sup> Cheyne 1931, p. 72; S.C. Shires, iii., 12. "Be it kend till all men me Thomas of Kynnard son and ayre of umquhill Allane of Kynnard of that ilk to have ordanit an honorabill man John Chene of Esselmont / Isobel Wawan his spouse / and Henry Cheine thar son and apparent ayr my assignays to a letter of reversion ... ." (See Appendix D. for the full text.)

Annand and secondly to Isobel Wawan<sup>255</sup> – and Colonel Cheyne was of that opinion.<sup>256</sup>

On the 10<sup>th</sup> December, 1501, we find “Joannem Chein de Esilmont,” with other lairds of the shire, gathered in the Sheriff Court of Aberdeen to take part in an inquisition relating to William Fraser of Philorth.<sup>257</sup>

In the accounts of the Lord High Treasurer of Scotland for 1502-04 there is recorded a remission to John Chene and Jacob Black, of £66.<sup>258</sup> These same accounts, for the year 1505, show a command to Richard Wallas to summon “Johne Cheyn of Essilmond”, *whilk wes under panes*, to appear before the in 1504 before a Court of Justiciary, and to summon an assise for the samyn matter ...<sup>259</sup>

We can appreciate the measure of esteem that John was held in at the Royal Court from the fact that he was knighted about the year 1503 and in that year, in a charter dated 3 October, 1503, we find Sir John Chene of Essilmont (amongst others) acting as testator for the widow of his former adversary, William Hay of Ardendracht.<sup>260</sup>

That same day, 3<sup>rd</sup> October, 1503, Sir John, with other lairds and gentlemen, took part in an ‘inquisition’ into the inheritance of Elizabeth Ogstoun, from her deceased father, Walter Ogstoun of that Ilk.<sup>261</sup>

In 1505, Sir John Chene, 4<sup>th</sup> of Essilmont died. It is not certain which of his children were born to which wife (assuming that there were two), but he left:

- Henry le Chen, 5<sup>th</sup> of Essilmont (c.1484-1507), who married Marjory Hay, and died without children;
- Patrick le Chen, 6<sup>th</sup> of Essilmont (c.1486-bef.1559), who married Isabel Bade;
- Laurence le Chen (1490-1543);
- Alexander le Chen, 6<sup>th</sup> of Arnage, who married an unknown daughter of the Forbes of Tolquhoun family.



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<sup>255</sup> Godsmen (1958), p. 96. Isobel Wawan was the daughter of the Laird of Stenstoun (Stevinstoun, Presbytery of Irvine, Ayrshire).

<sup>256</sup> Cheyne 1931, p. 73.

<sup>257</sup> S.C. Shires, iv., p. 94.

<sup>258</sup> Paul 1900, p. 168.

<sup>259</sup> Paul 1900, p. 431.

<sup>260</sup> S.C. Shires, iii., p. 126.

<sup>261</sup> S.C. Shires, iii., p. 170-171.

**HENRY LE CHEN, 5<sup>TH</sup> OF ESSILMONT AND ARNAGE (1484-1507)**

Henry le Chen, 5<sup>th</sup> of Essilmont and Arnage, was something of an unfortunate individual. We have already seen that his marriage to Marjory Hay had been settled whilst Henry was but a boy, and was actually celebrated when he was just sixteen at which time he was also entered into the ranks of the Burgesses of Aberdeen. The poor lad then died aged only 23 years and before he had had any children. In the bond of marriage (see *Appendix A*) arranged by his father there is what might be a revealing clause, "... and failleing of the said Henry by decease before the compleating of the said marriage. Patrick Chene his brothir sal marie the said Marjory ... ." Is there an indication here that Henry was a somewhat sickly child? The parents seem to have anticipated that Henry might not survive to see the marriage take place and so they created an 'insurance clause' that stated that the younger son, Patrick (b.c.1486), would be Marjory's husband in place of Henry, should it be required. The fact that Henry only lived to the age of 23 years seems to support this supposition.

It is not surprising that, given Henry's relatively short life, few records survive of him.

It would appear that Henry was not put into full possession of his father's lands of Essilmont and Arnage until about 1506 when, on 2<sup>nd</sup> June of that year, we find him as Laird of Essilmont, giving his Bond of Manrent to William, Master of Erroll, for four merks yearly:<sup>262</sup>

*"Be it kend tyll all men be thir present lettirs me Henry Cheyne of Essilmont to be becumis man and sarwand / and be the tenour of this writ becomis man and sarwand / to ane rycht nobill man William Hay Master of Erroll for all the dais and terms of my lyf ·*

*In witness heiroyf I haf affyxt my seill to this writ · At Slanis the secund day of Junij the year of God j<sup>m</sup> five hundreith and sax yeris · Befor thir witnes Sir Gilbert Hay of Ardendraicht knyght / Patre Cheyne / and Androw Strathaquhin / with wtheris dyuerss.*

HENRY CHEYNE OF ESSILMONT."

Of course, Sir Gilbert Hay of Ardendracht was his father-in-law and Patre (Patrick) Cheyne was his brother.

Three days later, on the 5<sup>th</sup> June, Henry signed another bond along similar lines to the first, but giving some additional detail:<sup>263</sup>

*"Beit kend tyll all men be thir present letteris me Henry Chene of Essilmond / that forsamekyll as my master Wyllyeam Hay Master of Eroll is bundin to me in the*

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<sup>262</sup> S.C. Misc., ii., XVII., p. 262.

<sup>263</sup> S.C. Misc., ii., XVIII., p. 263.

*paiment of the sowme of ten poundis yeirly after the deseiss of my lord his fader for all the dais of my lyf for my manrent and seruice bundin to my said master for the said termis / nochtwithstanding I grant that I haf dischargit / and be this my writ dischargis / my said master of the paiment of fourti schillingis of the said ten pundis yeirly for all the dais of my lyf / sua that I get gud thankfull paiment of tuelf merkis of the said ten pundis yeirly for all the dais of my lyf eftir the deseiss of my Lord of Eroll that now is leifand / In witness of the quhilk thing I haf subscrywit this writ with my hand · At Essilmond the fyft day of Junij the yeir of God jm fyf hundreith and sax Yeiris · Befor thir witness Schyr Gylbart Hay of Ardendraicht knyght / Henry Chene / Andro Strathaquhin / and Andro Makane / with wtheris dyuerss.*

HENRY CHEYNE of Esselmont."

According to a charter of 7<sup>th</sup> August 1560, a copy of which was found in the charter room at Slains, Henry Chene of Esselmont and William Master of Errole, came to an agreement on 21<sup>st</sup> April 1506, regarding the marches between the Hay lands of *Ardlthein* (Ardlethen {NGR: NJ 916316}) and the Chene lands of *Chapelstown* {NGR: NJ 924282} and *Aldmill* of Essilmont {NGR: NJ 927289}.<sup>264</sup>

There is a charter dated 5<sup>th</sup> June, 1506, recording a bond of 'manrent' made by Henry Chene of Essilmond to Wilyeam Master of Errol, for 12 merks of money yearly. A Henry Chene also signs as witness.<sup>265</sup>

It is known that Henry le Chen, 5<sup>th</sup> of Essilmont, had died before 27<sup>th</sup> February 1507 for, on that date, his wife was described in a judgement as 'his widow'.<sup>266</sup> In this judgement Marjory Hay, '*relict Henrici Chene*', was judged to have rightful possession of the third part of the two lands of Essilmont and Little Arnage, excepting the lands of Fortrie of Essilmont.<sup>267</sup>

The couple had not had any children when Henry died and so he was succeeded by his brother Sir Patrick in Essilmont and a younger brother, Alexander, in the lairdship of Arnage.



<sup>264</sup> S.C. Shires, iii., p. 20.

<sup>265</sup> S.C. Misc., ii., p. 263. Henry would appear to be the younger son of Henry le Chen 3<sup>rd</sup> of Essilmont and Arnage. (For some strange reason, though mentioned in the text, Colonel Cheyne does not include Henry in his 'Cheyne of Essilmont' genealogical table – Table IV on page 66.)

<sup>266</sup> S.C. Shires, iii., p. 14.

<sup>267</sup> S.C. Shires, iii., p. 14.





### SIR PATRICK LE CHEN, 6<sup>TH</sup> OF ESSILMONT (1486-1560)

As we have already noted, we first hear of Patrick as a young boy in 1494 when it was agreed with the Hay family that he should be the husband of Marjory Hay should his brother, Henry le Chen, die prematurely.<sup>268</sup> He was also a witness to his brother's bond of manrent to the Master of Erroll in June 1506.<sup>269</sup>

Patrick had been knighted by 1507 when an interesting event took place. On 5<sup>th</sup> June 1507, in the Town House of Aberdeen, before the Sheriff (John Mar), Patrick protested that his 'brother' Alexander could not succeed to any of the heritage of his father on account of illegitimacy.<sup>270</sup> Patrick appointed Master John Lindsay, vicar of Culsamond, as his prolocutor to oppose the brieve of Alexander on these grounds and, on 28<sup>th</sup> June, the case was transferred to the competent court. In the meantime the lands remained in the hands of the King and a settlement was not arrived at until 1516 when it was agreed to divide them – Patrick receiving the lands of Essilmont, and Alexander those of Arnage.<sup>271</sup> As a consequence, Essilmont and Arnage became separate estates, each with its own laird. Therefore, on 26<sup>th</sup> January 1516, Patrick received a crown charter of the *dominical lands* of Essilmont with the tower and other lands, the lands of Crag Hede, Corstane, Miltoun with the Mill of Essilmont, the third part of Chapelton, and the half of the *ville* of Fortrie of Essilmont.<sup>272</sup> A charter of the lands of Carnehill and Corstane was also conferred on Sir Patrick and Isobel Johnestounn, alias Bade, his wife.<sup>273</sup>

The fishings on the River Ythan were a valuable possession and in 1510, Sir Patrick was present at the process of giving sasine of them to Alexander Ogilvie. These fishings had originally been sold to the Ogilvies by William St. Clair of Newburgh, in 1474 but, on this day, Patrick was acting as witness to the giving of sasine to an Ogilvie heir.<sup>274</sup> Patrick himself would come to acquire these fishings a few years later. They extended from the *Sak or Seggie ford*<sup>275</sup> of Fyvie to the *Machar ford* at Ellon, and so comprised a considerable portion of what was a renowned fishing river. This process is of considerable interest and sheds light on a facet of the medieval world about which little is known. Consequently, I have transcribed the description of the event into Appendix E. at the end of this paper.

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<sup>268</sup> S.C. Shires, ii., p. 353.

<sup>269</sup> S.C. Misc., ii., p. 262.

<sup>270</sup> S.C. Shires, iii., p. 14.

<sup>271</sup> S.C. Shires, iii., p. 15; Reg. Mag. Sig., iii., nos. 60, 66, p. 13, 14.

<sup>272</sup> Accts. Lord High Treasr. Scot., V., p. 59. "*Et de xl li., in completam solutionem compositionis carte nove infeodationis facte Patricio Chene super terris dominicalibus de Essilmont, cum fortalicio et loco earundem, terris de Cragheid, Carnehill, Corstane, Miltoun, cum molendino de Essilmont, cum tertia parte et tribus terciis alterius tertie partis terrarum de Chapelton, et cum medietate terrarum ville de Forthtree de Essilmont, cum pertinentibus.*"

<sup>273</sup> Cheyne 1931, p. 75.

<sup>274</sup> Mair 1876, p. 39.

<sup>275</sup> I can only suggest that this was an old ford across the Ythan somewhere in the vicinity of *Seggat* {NGR: NJ 75\_42\_}

On 23<sup>rd</sup> May 1516 he gave his 'Bond of Service' to William, Earl of Erroll, and his heirs, to be his bound man and servant, to 'ride and gang' with them in peace and war, in return for which service he was infeft for his life in the town and lands of *Tawarty* (Tarty {NGR: NJ 991280}) by the Earl, to whom he gave a reversion for the infeftment.<sup>276</sup> This confirms that the bond of loyalty between the Hay and Cheyne families was destined to continue.

On 29<sup>th</sup> March 1518, the Abbot (Thomas) and Convent of Kinloss granted to Patrick Chene of Essilmont, Isobelle Bade<sup>277</sup> his wife, and their heirs, all their (the Abbey's) all their church lands of Lethnot (in the parish of Gamry) in perpetual fee for 10 merks yearly. Charter of sasine was given on the same date.<sup>278</sup> The lands of 'Lethenoth' are described as "three oxgangs, lying bythe sea, between the church of *Gamery* [St. John's Parish Church, Gamrie {NGR: NJ 791645}] and *Troup* [Troup Head is at {NGR: NJ 82872}]." However, if we accept the above eastern limit then we have what surely results in far more than three oxgangs. It would make more sense to interpret this as, "from the church to the boundary of the estate of Troup," which would have been somewhere in the region of the eastern end of the village of Gardenstown. This suggestion is supported by the place-name *Lichnet* {NGR: NJ 807649}, which is still to be found on modern maps and is possibly a corrupted form of Lethnot. These lands were given to Kinloss Abbey by Robert Corbet, probably in the reign of King David I. The gift was confirmed by King Alexander II in 1226.<sup>279</sup> These lands appear in the records of Kinloss Abbey where they are called Leithnocht and Lethenoth.<sup>280</sup>

Sir Patrick granted the lands of Essilmont to his son and heir, Thomas, on 19<sup>th</sup> September, 1521, reserving to himself the frank tenement during his own lifetime, and a terce to his wife Isobel or any other wife. Patrick's charter was signed at Essilmont and the King gave his confirmation at Glasgow on the 3<sup>rd</sup> October.<sup>281</sup>

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<sup>276</sup> S.C. Misc., ii., p. 267. "*Be it kend til al men be thir present lettres me Patrik Chene of Essilmont to be bundyn and oblist / and be thir my lettres and the fathe and treuth in my body bindis and oblissis me and becummys man / till and noble and potent lorde Williame Erll of Eroll, Lord Hay and Constable of Scotlande / and til his airis male gottin of his body thai beand of xiiij yeris of age / That I sal be lelle trew and afauld to him and to thame . . . . . Because my said gude lorde and mastir has infeft me in his landis of Tawarty for all the dais of my life / In witnes of the quhilk thing to thir my lettres of manrent I have affixit my sele and subscriuit the samyne with my hande At Slains the cciij day of May the yere of Gode jm vc and sextene yeris.*

PATRIK CHENE of Essilmont  
with my hand etc."

<sup>277</sup> In a charter of confirmation of the King, dated at Edinburgh, 7<sup>th</sup> July 1516, Isobel is described as, "Isobel Johnnestoun alias Bad." [Reg. Mag. Sig., iii., no. 82, p. 17]

<sup>278</sup> S.C. Shires, ii, p. 364-5, note; Stuart 1872, p. 141-142.

<sup>279</sup> Stuart 1872, p. 115.

<sup>280</sup> Stuart 1872, p. 37, 115.

<sup>281</sup> Reg. Mag. Sig., iii., no. 207, p. 46.

At Aberdeen, on 23<sup>rd</sup> September, 1525, Sir Patrick signed, as a witness, a charter of Hugh Rose of Kilravock, as did a "M. Wil. Chene," and also Joh Chene of Arnage.<sup>282</sup>

In 1527, on 5<sup>th</sup> July, Patrick Chene and Efobelle (Isobel) Bad, his wife, received from the Abbey of Arbroath a nineteen year lease of the lands of Carnefechil {NGR: NJ 862262}, Auchlech, and the Mill of Fechil {NGR: NJ 868253}, "cum rynmart<sup>283</sup> myln swyn custum wedder caponibus et pullis de ly can de dictis terris et molendine,"<sup>284</sup> in the Barony of Tarves and sherifffdom of Aberdeen. These lands were part of the abbey's *Regality of Arbroath*.

In 1534, all of the fishings of the River Ythan were sold, under a reversion, to Patrick Chene of Essilmont by Alexander Ogilvie of that Ilk.<sup>285</sup>

At Aberdeen, on the seventh day of April, 1535, Patrick Chene of Essilmont was a witness to a charter of Alexander Chalmer of Balnacraig. A "Johanne Cheyne in Drumquhendill" was also a witness.<sup>286</sup>

On 15<sup>th</sup> November 1535, in the Protocol Book of (Sir) John Cristisone, notary, we find mention of Patrick Cheyne of Essilmont as follows:

"Instrument narrating that William Mortimair of Cragivair and James Forbes of Auchintovil alleged that they had agreed, in a cause arbitral between them, on the one part, and Alexander Gordoun of Brachauch, on the other part, to abide by the decree of William Leslie of Boquhane, Robert Lummisdane of Madlayr, Nicholas Ros of Auchclossyne, James Skeyne of Auquhorsk. on behalf of Mortimer and Forbes, and of John Gordoun of Botare, Patrick Cheyne of Essilmont, James Gordoun of Haldauch, Mr. James Gordoun, rector of Lunmay, and of John Lesle of Vardaris [Wards].

Done on the ground of the disputed lands 15th November 1535, the said William and James offering themselves ready to fulfil all things in said agreement.

Witnesses, John Bissait in Lauchtsanze, John Patricii, Thomas Merinis, John Cromme, George Mortimar and Ingram Mortimar."<sup>287</sup>

At last William and James duly required James Skeyne of Auquhorsk, Patrick Skeyne in Carnglas and Mr. William Forbes, burgess of Aberdeen, whom they chose as their arbiters for the division of certain lands in dispute between the lands of Auquhorty and Brachauch in the sherifffdom of Aberdeen and parish of Innerovry, according to an agreement of date 27th September in the instant year ; which arbiters accepted upon them the burden of decision and swore to give decree according to their consciences and understandings.

On 1<sup>st</sup> March 1537 dispute was settled which had arisen between Patrick Chene of Essilmont and Thomas his son and heir on the one part, and Master Alexander

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<sup>282</sup> Reg. Mag. Sig., iii., no. 336, p. 75.

<sup>283</sup> Dictionary of the Scottish Language [https://www.dsl.ac.uk/entry/dost/rin\\_mart](https://www.dsl.ac.uk/entry/dost/rin_mart)

<sup>284</sup> Liber Arbr., ii., p. 464.

<sup>285</sup> Paul 1905, p. 170. "Et de xxx li., compositionis licentie concessae Alexandro Ogilvy de eodem ad alienandum totam et integram piscariam suam super aqua de Ithane, Patricio Cheyne de Essilmont infra vicecomitatem de Abirdene."

<sup>286</sup> S.C. Shires, i., 576 -567.

<sup>287</sup> Lindsay (1930), p. 42.



Chene of Arnage and Johannes Chene his apparent heir, on the other, over the divisions of the lands of the Old Mill and Chapeltoun of Essilmont.<sup>288</sup>

There is a record of a King's writ addressed to Mr. Alexander Strachan of Thornton, Justice Depute and Lieutenant to the Earl of Argyll which resulted in a brieve being issued on 8<sup>th</sup> August, 1537, for the perambulation of the boundaries between the lands of Lethnot and Troup raised at the instance of Patrick Cheyne of Essilmonth. The perambulation resulted in a lengthy document detailing the boundaries – Patrick holding Lethnot in feu of the Abbot and Gilbert Keith of Troup holding Troup of William Keith the Earl Marischal. Because of its length, we have included it in the Appendix F of this paper.

At the cathedral church of Kirkwall, on 28<sup>th</sup> October 1544, Robert Reid, Bishop of Orkney issued a charter recording "*the Foundation and Election of certain offices in the Cathedral Church of Orkney for the service of God.*" "Patrick Chene of Essilmounth, knight", appears first in the list of witnesses appended to this important charter. It would appear that Sir Patrick's attentions were already turning towards the north and that he was already accepted as a major noble by the bishop, Robert Reid, who was also Commendator of Kinloss Abbey at this time.

On 8<sup>th</sup> September, 1547, two days before the Battle of Pinkie,<sup>289</sup> Sir Patrick received from the Earl of Erroll the gift of the no-entry of the town and lands of Tawarty<sup>290</sup> with the discharge of the reversion held on these lands. It is to be assumed that Sir Reginald rode in the train of the Earl at the battle, when he was taken prisoner by Sir Thomas Daker of Lynardcost.<sup>291</sup> There is a quittance, by Sir Walter Scott of Braxom, dated 2<sup>nd</sup> March 1547 (1548) at Edinburgh, for the sum of eight score English nobles, for which Sir Walter was obliged to pay to –

*"Thomas Daker of Lynardcost, knyght, Inglisman, taker of the sade Schyr Patrick at the field of Inuerask<sup>292</sup> (the Field of Pinkie) for his ransoume of the quhilk soume forsade I hald me weill contentit and payit [etc.] In witnes whairof I have subscrivit thir my letres of acquittaunce vith my hand."*<sup>293</sup>

This, Sir Patrick gained his freedom again but at what personal as well as national cost!

In the year 1550, Sir Patrick Cheyne of Essilmonth, knight, with the consent of Thomas Cheyn his son and heir, gave to the eight chaplains of the choir of the King's College of the University of Aberdeen, an annual rent of eleven marks Scots from his

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<sup>288</sup> S.C. Shires, iii., p. 17.

<sup>289</sup> The day of the battle was long known in Scotland as *Black Saturday*.

<sup>290</sup> I believe that "*Tawarty*" is the small community now called *Tarty* (Meikle and Mains of) lying just to the north of the *Tarty Burn* [NGR: NJ 98\_27\_].

<sup>291</sup> This would appear to be Thomas D'Acre, illegitimate son of Thomas, 2<sup>nd</sup> Lord D'Acre of Lanercost.

<sup>292</sup> The battle field lay in the parish of Inveresk.

<sup>293</sup> S.C. Shires, i, "View", p. 318.



lands of *Nedder* [Nether] or *Graye Fortree*, or *Fairley*, with the mills, lying beside the water of Ythan, within the barony of Ellain [Ellon] and regality of St. Andrews.<sup>294</sup>

In 1551, there is an agreement by David Chalmers of Balbithain and John Chalmer in Kintore, to affirm a decree arbitral, given between them by Sir Patrick Cheyne of Essilmont, knight, Thomas Menzies of Pitfoddels, and William, Earl Marischal.<sup>295</sup>

At Elgin, on 22<sup>nd</sup> February, 1554, "Patrick Chene de Essilmonth milite" witnessed a charter of Patrick Mowatt recording his sale of certain lands to Magister Malcolm Halcro, provost of the cathedral of Orkney.<sup>296</sup>

On 17<sup>th</sup> June, 1559, Walter [Reid], the then Commendator Abbot of Kinloss, issued a Letter of Bailiery appointing "Patrick Cheyne of Essilmonth, knight, and Thomas Cheyne his son and appearand heir and their heirs conjunctly and severally, lauchfull and undoutit Baillies of all and hail our lands of our Regality of Lethnocht (Lethnot) and Ellone (Ellon)." The letters of Bailiery were to endure for a period of five years.<sup>297</sup> This is an interesting record, falling as it does on the very eve of the Reformation when many a 'canny' churchman was taking steps to ensure, as best they could, the safety of their properties and lands. It made sense for these church lands to be placed under the protection of the most influential (and Catholic) nobles in the lands where their properties lay. What better choice was there than the family of Cheyne as represented by Sir Patrick and his son Thomas. At the time of this appointment, Walter Reid was aged only nineteen years. He had been appointed Commendator Abbot of Kinloss in 1553 (aged only 13-years!) in succession to his uncle Robert Reid who, as we have seen above, was well-known to Sir Patrick.

This, though, is the last that we hear of Sir Patrick, although it is possible that he lived for some time longer. But it would have been a very uncomfortable existence for the head of such a renowned Roman Catholic family.

There is a notice in the parish records of Ellon which informs the reader that, "The Cheynes are departed from Esslemont. There is but scanty notice of them after 1600. They are not mentioned in the Books of the Session, and they seem to have held on to the Roman Catholic religion."<sup>298</sup> Among the overtures of the General Assembly in 1608, is, "ninthly; that his Majestie give order for the downcasting of Gicht's Chapell, and the house of John Cheine in Essilmonth, who receipts all Jesuits and seminarie priests." And in a list of Papists under process of excommunication about 1625, is the mutilated or imperfect entry " . . . the spouse of umquhile John Cheyne in . . ." (probably "Essilmont").<sup>299</sup>

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<sup>294</sup> S.C. Shires, iii., p. 18, note; *Fasti Aberdonenses*, no. 84, p. 122. [see Appendix

<sup>295</sup> Temple (1894), p. 348.

<sup>296</sup> R.M.S., IV., no. 898, p. 201. The lands in question were six pennylands of the township of Ockingill (Auckingill) in the barony of Freswick, Caithness {NGR: ND 365643}.

<sup>297</sup> Stuart 1872, p. 149-150, S.C. Shires, I., *View*, p. 313-314.

<sup>298</sup> Mair 1876, p. 89.

<sup>299</sup> Mair 1876, p. 89.



As we have seen, Sir Patrick had passed his lands of Essilmont to his son Thomas at an early date and so he was not as 'tied' to the estate as he might otherwise have been. It is possible that, viewing the storms of the Reformation gathering on the horizon, Sir Reginald may have been the one who moved the *locus operandi* of the family to the Northern Isles.

About 1630, the lands of Essilmont came into the possession of the Earls of Erroll, and after this time, the Cheynes of Essilmont were to be found having moved to Orkney.<sup>300</sup>

Sir Reginald Cheyne, 6<sup>th</sup> of Essilmont died sometime after 1559, leaving by his wife Isobel Bade 3 sons and one daughter:

- Thomas (c.1510-1564), who succeeded as 7<sup>th</sup> of Essilmont;
- Jerome, a priest who became Archdeacon of Zetland (†1684) [see John Cheyne, 7<sup>th</sup> of Arnage];
- James;<sup>301</sup>
- Janet (1520-1556), who married John Forbes, eldest son of William Forbes, 5<sup>th</sup> of Tolquhoun.

#### THOMAS CHEYNE, 7<sup>TH</sup> OF ESSILMONT (C.1510 - 1564)

In 1537 we first find Thomas Chene, with his father, on the 1<sup>st</sup> March, coming to an agreement with Alexander Chene of Arnage and John Chene, his apparent heir, regarding the division of the lands of the Old Mill at Chapeltown of Essilmont. Thomas Annand of Ochterellon and John Chene of Drumquhendill took the part of Reginald and Thomas Cheyne and William Forbes of Tolquhoun and Alexander Fraser jnr. of Durris took the part of Alexander Chene of Arnage and his son. The matter was recorded by Robert Egew, notary public of St Andrews Diocese.<sup>302</sup>

In the year, 1539, he is shown as being one of the baillies of the church lands of the Abbey of Deer.<sup>303</sup>

Thomas' father, in 1540, granted to him and his wife, Elizabeth Gordon, daughter of James Gordon 4<sup>th</sup> of Haddo and Methlick, the lands of Chapeltoun of Essilmont, Old Milltoun of Essilmont, and Over Fortrie. The King confirmed this gif at Linlithgow on 2<sup>nd</sup> January, 1540.<sup>304</sup>

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<sup>300</sup> Mair 1876, p. 89.

<sup>301</sup> This is, perhaps, the same James Cheyne, who became a burgess of Aberdeen, and acquired the estate of Crabstoun by 1536.

<sup>302</sup> S.C. Shires, III., p. 17-18.

<sup>303</sup> S.C. Shires, IV., p. 698.

<sup>304</sup> Reg. Mag. Sig., III., no. 2060, p.462.

In the same year we find Thomas paying the sum of £13 6s. 8d., in expenses due for a pardon granted to him on account of certain offences he had committed.<sup>305</sup> Unfortunately, no information is given about the nature of the offences.

On 5<sup>th</sup> December, 1541, he received the Kings charter of confirmation, as son and heir of Sir Patrick Chene of Essilmont, of all the domestic lands of Essilmont, with the fortalice and manor there, the lands of Craighead, Corstane *lie Auld Mylntoun* with the mill of Essilmont, part of Chepeltoun of Essilmont, and the half lands of Fortrie of Essilmont, reserving the free tenement to Patrick for his life, combined with the infeudation of Carnehill and Corstane, along with a reasonable third of the said dominical lands.<sup>306</sup>

In the year 1550, Sir Patrick Cheyn of Essilmonth, knight, with the consent of Thomas Cheyn his son and heir, gave to the eight chaplains of the choir of the King's College of the University of Aberdeen, an annual rent of eleven marks Scots from his lands of *Nedder* [Nether] or *Graye Fortree*, or *Fairley*, with the mills, lying beside the water of Ythan, within the barony of Ellain [Ellon] and regality of St. Andrews.<sup>307</sup>

On 29<sup>th</sup> July, 1551, we find Thomas, acting for his father, in an agreement to alter the old 'marches' between Nether Ardlthen and the Old Mill of Essilmont, arranged by his grandfather and the late Master of Erroll in 1506.<sup>308</sup> This agreement was again ratified on 7<sup>th</sup> August, 1560. A charter was found in the charter room at Slaines Castle recording that Andrew, master of Erroll, had ratified the marches between his lands of Ardlthein ({sic.}) on the one side, and the lands of Chapeltown and Aldmill of Essilmont, belonging to Thomas Chene of Essilmont, on the other, as they are set down in the deed referred to in the text, of 21<sup>st</sup> April, 1506: "*Acta erant hec super solum dictarum terrarum presentibus ibidem sidedignis viris Jacobo Gordon de Haldo, William Auchinleck de Schery, Joanne Hay de Moichillis, Thomas Hay rectore de Drummaik etc., Henrico Birney artium magistro notario publico.*"<sup>309</sup>

On 21<sup>st</sup> June, 1557, Thomas and his father were members of the jury at a trial in the Sheriff Court at Aberdeen. Thomas is recorded as "Thos. Cheyne younger Laird of Essilmond."<sup>310</sup> The following year Thomas appears as procurator for Andrew Wood of Colpnay, in the matter of a dispute, with Johnne Wod of Balbegyno, over certain lands between Colpnay and Under Blairtoun.<sup>311</sup>

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<sup>305</sup> Accts. Lord High Treas. Scot., VII., p. 243. "*Et de xiiij lib. vj s. viij d., in completam solutionem compositionis remissionis concesse Thome Chene pro certis criminibus in eadem specificatis.*" [in full payment of the settlement of the remission granted to Thomas Cheyne for certain charges therein specified.]

<sup>306</sup> Reg. Mag. Sig., Vol. 3, no. 2526, p. 577.

<sup>307</sup> S.C. Shires, iii., p. 18, note; Fasti Aberdonenses, no. 84, p. 122. [see Appendix K].

<sup>308</sup> S.C. Shires, iii., p. 20.

<sup>309</sup> S.C. Shires, iii., p. 20 note.

<sup>310</sup> S.C. Abd. Sheriff Court Recs., I., p. 128.

<sup>311</sup> S.C. Abd. Sheriff Court Recs., I., p. 171-172.

Colonel Cheyne gives Thomas as a witness in 1559,<sup>312</sup> but in his references he quotes simply *Reg. Mag. Sig.* but, after much endeavour, we have failed to find this reference.

In a letter dated 5 January, 1559, Frances and Mary, King and Queen of Scots, address "their beloved Andrew Cheyne and Thomas Cheyne, Sheriffs in that part [of Scotland], conjunctly and severally, specially constituted, greetings."<sup>313</sup>

Thomas and his father appear as members of the jury at a significant number of trials at the Sheriff Court in Aberdeen. He, along with William Cheyne of Arnage, was a jury member on 3<sup>rd</sup> April, 1559.<sup>314</sup>

At Kinloss Abbey on 17<sup>th</sup> June, 1559, Walter [Reid] the abbot of the community issued Letters of Bailiery to Patrick Cheyne of Essilmont, knight, and his son and apparent heir Thomas (see above – *Patrick Cheyne, 1559*).

On 17<sup>th</sup> June, 1560, Robert Cheyne appoints Thomas Cheyne, "young laird of Essilmond, William Cheyne of Arnage" and Mr Gilbert Murray [procurators] in all his actions.<sup>315</sup>

In 1560 Thomas acted as procurator for Robert Chene of Tullidask,<sup>316</sup> and also in 1563 for William Hay of Delgattie.<sup>317</sup>

In a charter of confirmation of the Queen, dated at Edinburgh, 31<sup>st</sup> January, 1558, we find that Tomas had a daughter called Ursula.

Thomas Cheyne married Elizabeth Gordon, daughter of James Gordon, 4<sup>th</sup> of Haddo and Marjorie Menzies, whose father was at one time Provost of Aberdeen. She had been married before to William Leslie of Warthill. Thomas and Elizabeth had seven children:-

- Patrick, who succeeded as 8<sup>th</sup> of Essilmont;
- Ursula, who, at Aberdeen, on the 20<sup>th</sup> December, received two parts of the plough-lands of Ardwyne, in the Regality of the Garioch from her father. One of the witnesses to this was Sir Patrick Cheyne of Essilmont, her grandfather;<sup>318</sup>
- Francis Cheyne of Cragye;
- Robert Cheyne, 1<sup>st</sup> of Vaila;
- William Cheyne, "brother -german of Patrick";<sup>319</sup>
- John Cheyne, sometime in Claymires.

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<sup>312</sup> Cheyne (1931), p. 79.

<sup>313</sup> S.C. Abd. Sheriff Court Recs., I., p. 168-170.

<sup>314</sup> S.C. Abd. Sheriff Court Recs., I., p. 137.

<sup>315</sup> S.C. Abd. Sheriff Court Recs., I., p. 147.

<sup>316</sup> S.C. Abd. Sheriff Court Recs., II., p.

<sup>317</sup> S.C. Shires, III., p. 30.

<sup>318</sup> *Reg. Mag. Sig.*, IV., no. 1242, p. 276.

<sup>319</sup> S.C. Shires, IV., p. 647.

**PATRICK CHEYNE, 8<sup>TH</sup> OF ESSILMONT (c.1548 – 1588)**

Patrick Cheyne, 8<sup>th</sup> Laird of Essilmont, succeeded to the estate soon after the death of his grandfather, Sir Patrick, the 6<sup>th</sup> Laird, in 1560. His own father, Thomas, died only shortly after having inherited the estate, in May of 1564.

As a young lad, Patrick is first mentioned in a charter of 2<sup>nd</sup> August, 1557, given at Schethin, when he was accompanying his grandfather. He signed with him as a witness.<sup>320</sup>

Patrick received sasine of the barony, towers, fortalices, &c., on 23<sup>rd</sup> June, 1564, only a matter of weeks after the death of his father Thomas.<sup>321</sup> Colonel Cheyne says that Patrick also inherited the position of Baillie of Kinloss Abbey's lands of Ellon. Both his father and grandfather had held the same appointment.<sup>322</sup>

In 1565, Patrick and his cousin, William Chene, 8<sup>th</sup> of Arnage, were both members of a jury which was gathered to judge Marjory (Margaret) Urquhard, wife of Alexander Lyon, burgess of Aberdeen, she being charged with the "slaughter" of one, John Wo[o]d of Colpna.<sup>323</sup> However, the King and Queen sent letters by a messenger to the court on 7<sup>th</sup> September, inhibiting the Sheriff depute to proceed with the trial. They required that she should be tried on the "third day of the Ayre to be held at Edinburgh." Pitcairn's entry tells us that all were acquitted by an Assize on 12<sup>th</sup> October that year.<sup>324</sup>

Patrick Cheyne married his first wife, Christian Hepburn, on 11<sup>th</sup> April, 1566.<sup>325</sup>

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<sup>320</sup> Reg. Mag. Sig., IV., no. 1201, p. 268. This transaction regarding lands of Dulcruife, Drumcarne and Clochouch, within the estate of Methven, sheriffdom of Perth, was confirmed by the Queen at Newbattle [Abbey], on 11<sup>th</sup> August, 1557.

<sup>321</sup> Exchequer Rolls., XIX., p. 527. "Vicecomes respondebit pro £40 de firmis terrarum et baronie de Abirdene. Essilmonth, turris, et fortificii ejusdem, [cum] universis et singulis suis annexis, connexis, pendiculis etc., jacentium intra balliam suam, existentium in manibus regine per spatium unius anni ultimo elapei sasina non recuperata, et pro £40 de relevio earundem, regine debitis per sasinam datam Patricio Chene.[Edinburgh, 23 June.]"

<sup>322</sup> This is confirmed in [RMS., v., no 382, p. 119].

<sup>323</sup> "Colpnaw" formerly possessed by Wood of Colpnaw, who was Chief of the name." [Collections on the Shires of Aberdeen and Banff.]

This place was at one time Called "Colpnaw" or "Colpna," but the name is now obsolete, and the whole estate is now known only as "Orrock." It is in the parish of Belhelvie. [O.S. Name Book <https://scotlandspplaces.gov.uk/digital-volumes/ordnance-survey-name-books/aberdeenshire-os-name-books-1865-1871/aberdeenshire-volume-08/38> ]

<sup>324</sup> Pitcairn's Criminal Trials, Vol. I, Part 1, p. 470.

<sup>325</sup> Cheyne (1831), p. 87;



There is an interesting record dated 5<sup>th</sup> December, 1567, which tells that an Instrument was issued, whereby the Laird of Essilmont was required 'to serve' the Master of Erroll (Andrew Hay) during the time that Parliament was meeting.<sup>326</sup> This was a renewal of a bond agreed by his grandfather and the then Earl of Erroll. It is made very clear that there would be serious consequences if Patrick did not ride to Edinburgh with the Master to attend there beginning the 15<sup>th</sup> day of December. The Instrument was witnessed by a Magistro Francisco Cheyne. Patrick, it seems, protested and refused to ride with the Master of Erroll, but the disagreement in regard to the terms of the bond of manrent was satisfactorily settled.<sup>327</sup>

At the monastery of Paisley, on 6<sup>th</sup> April, 1564, John [Hamilton] who was bishop of St Andrews and Abbot of Paisley, with the permission of the chapter of St Andrews Cathedral, granted to Patrick Chene de Essilmonth in return for his good services, the lands and manor of Fortrie alias Fairlie, with its mill, multures, mill lade, on the south bank of the River Ythan, in the lordship of Ellon called the *Scolarland* [Scholarland], with the house and garden built there (between the lands of Agnes Hay, widow of Gilbert Annand, and those of Alexander Bannerman of Wattertoun), in the regality of St. Andrews, in the Sherifffdom of Aberdeen. This was in recognition of his good service to the bishop acting as his baron baillie within the barony of Ellon, responsible for the profits there, within the aforesaid Regality and Sherifffdom. The position was to be held hereditarily by his male heirs born legitimately of his body, and by his assignees, holding the arms of Chene of Essilmont. The bishop stated that a single act of sasine would be sufficient for all of the stated lands and offices. Confirmation was given by the King at Holyrood on 20<sup>th</sup> March, 1582.

The year 1568 was a most eventful one. Mary Queen of Scots, was a prisoner in Lochleven Castle, and the country was being ruled by The Earl of Moray as Regent. Now the Earl, James Stewart, was a supporter of Queen Mary since she was his half-sister, and he was Regent on behalf of Mary's infant son James, who would, in time, become James VI of Scotland. Mary had powerful supporters, particularly amongst the Catholic nobility and, on 2<sup>nd</sup> May, by various means, she escaped from her confinement. Only a matter of days later, on 8<sup>th</sup> May, the adherents of the 'Queen's Party' subscribed to 'The band (bond) of 9 erles, 9 bischoppes, 18 lordes and others for the defence of the Queen of Scottis'. Amongst the signatories we find "Essilmont" which must have been Patrick. Colonel Cheyne comments that Patrick, along with the earls of Huntly, Errol, and the laird of Gicht, "appear to be the only Buchan names."<sup>328</sup> Patrick Cheyne declared to all and sundry his loyalty and obedience to Mary Queen of Scots and, in doing so, set another seal upon the Cheyne family tradition of devotion to the Roman Catholic Faith.

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<sup>326</sup> S.C. Shires, III., p. 21. (The original was in the charter room at Slaines.)

<sup>327</sup> Temple (1894), p. 507.

<sup>328</sup> Bain's Cal. State Papers, II., no. 650, p. 403-404.



However, the dream of returning Mary to the Scottish throne soon died! By 1569 she was a prisoner again, this time of the English Queen, and her tragic history from that point on to her execution at Fotheringhay on Wednesday, 8<sup>th</sup> February, is well known. Patrick and his family had a decision to make and on 15<sup>th</sup> April, 1569, he, along with William Chene of Arnage, and John Chene, heir apparent of Straloch, signed a bond of allegiance, pledging themselves to Mary's infant son James and the Regent, the Earl of Moray.<sup>329</sup>

In charter of William lord of Borthwick, dated at Leith on 23 October, 1570, Patrick is shown as holding certain lands of the barony of Aberdour in feuferme of William.<sup>330</sup> A year later, on 17<sup>th</sup> July, 1571, William sold the whole barony of Aberdour to Patrick and his heirs male of entail bearing the surname and arms of Cheyne, namely: the manor and ecclesiastical residence (manse) of Aberdour with its tofts and crofts and the mill there; the villages and lands of Clintartie, Ardlayhill, Killequharn and Pennan,<sup>331</sup> including their harbours, boats, fishings, and quarries; the lands of Tyrie<sup>332</sup> with its tofts and crofts, mill, and other belongings; the lands of Mekill Auchrie (Meikle Auchry)<sup>333</sup>, Balthangy {NGR: NJ 835 519}, Middilhill of Balthangy {NGR: NJ 835 492}, the lands of Gullye with its mill-lands ... multures and *lie knaiffchip cum lie outsettis*<sup>334</sup> ... and all his belongings to be incorporated into one unified and free baronie to be known as the Barony of Abirdour, within the shire of Aberdeen. Patrick's wife, Christine Hepburn, was to have the free tenement of the barony for her lifetime.<sup>335</sup> This charter recording the sale of the barony was confirmed by King James VI by charters under the Great Seal, at Leith, on the first day of November, 1571,<sup>336</sup> and again, at 'Halyrudhous', on the twenty ninth day of July, 1587.<sup>337</sup> On the fifteenth day of August, 1587, the King granted the lands and barony of Aberdour *de novo* (of new) to Patrick, to be held of Essilmont, and his heirs male of entail bearing the surname and arms of Cheyne, of the King, in fee and free

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<sup>329</sup> Reg. Privy Council Scot., First Series., Volume 1., p. 654-655.

<sup>330</sup> Reg. Mag. Sig., IV., no. 1974, p. 511.

<sup>331</sup> Clintartie = Clintery (Farm at {NGR: NJ 872646}); Ardlayhill = Ardlawhill {NGR: NJ 877624}; Killequharn = Killyquharn {NGR: NJ 892627}; Pennan = Pennan {NGR: NJ 845655}.

<sup>332</sup> Towie Parish Church is at {NGR: NJ 930631} Within the church is the fabulous 'Raven Stone' – a Pictish symbol stone.

<sup>333</sup> Auchry Castle is at {NGR: NJ 788 507} and Auchry House is at {NGR: NJ 80357 51043}. In early times Auchry was the home of the Con family. William Con, grandson of Macdonald of the Isles, who was defeated at the Battle of Harlaw, came to Auchry through the good offices of William Hay of Delgaty. The Con family were passionate Roman Catholics. William Con married Jean Cheyne, daughter of James Cheyne, 7<sup>th</sup> of Straloch and Patrick Con married Isobel Cheyne, daughter of Thomas Cheyne, 7<sup>th</sup> of Essilmont, showing that the two families were very close.

<sup>334</sup> "knaiffchip" = knaveship ~ a small customary due formerly paid in meal to the miller's servant at a thirlage mill in return for grinding a quantity of grain; "outsettis" = outsets(pl.), outset(s.) ~ a pendicle, or croft of the outlying parts of a farm or estate.

<sup>335</sup> S.C. Shires, IV., p. 674.

<sup>336</sup> S.C. Shires, IV., note 1., p. 674.

<sup>337</sup> Reg. Mag. Sig., V., no. 1311, p. 447.



barony, for a rose yearly at the feast of St John Baptist.<sup>338</sup> Somewhat remarkably, the King adds:

*"Moreover - moved through His good experience of the said Patrick's honesty and zeal for the propagation of the truth of the Gospel, He has united the said barony with the right of patronage to the rectory of the parish church of Abirdour."*

Considering Patrick's famous adherence to the Roman Catholic Faith, this statement of the King is somewhat puzzling, to say the least!

We need to take care here of a possible cause of confusion in that there is a famous barony, also called Abirdour, within the sheriffdom of Fife, and a careless search of the charters might produce references which relate to this 'southern' barony of Abirdour rather than to that which came into the possession of the Cheynes.

At St Johnston (Perth), on 22<sup>nd</sup> July, 1571, George Hay, Earl of Erroll, for the special favour, love, and kindness, which he bore to 'our trust cousin and servand Patrick Cheyne, now of Esselmont, *oy and ayre levand* immediately after the deceise of Schir Patrick his guidshire', released him from the bond of service given by the said deceased Sir Patrick, and ratified the gift to him of the non-entry of the town and lands of Tawarty, with the discharge of the reversion of the said lands, made at Musselburgh on September 8<sup>th</sup>, 1547.<sup>339</sup>

On the 17<sup>th</sup> July, 1571, William, Lord Borthwick, sold to Patrick Cheyne of Esselmonth, the barony of Aberdour, to wit, the manor and kirk manse of Aberdour, with the mill, the towns and lands of Clintertie, Ardlayhill, Killequharn, Pennan, with the sea ports, boats, fishings, and bait, huik and lyne, and the lands of Tyrie, Meikle Auchrye, Balhangy, Gullye, all united into the barony of Aberdour.<sup>340</sup>

At Aberdeen, on 25<sup>th</sup> May, 1579, Patrick Cheyne and his son Robert Cheyne of Cauldwallis (Coldwells) witnessed a charter of Gilbert Reid of Collieston. Colonel Cheyne dates this 1586, but this is an error. The King confirmed the charter at Holyrood on 9<sup>th</sup> December, 1586, but, as was quite common in this era, that was some time after Patrick and Robert witnessed its issuance.<sup>341</sup>

On the 5<sup>th</sup> March, 1582, Patrick Chene of Essilmont sold to Alexander Fraser of Philorth, his heirs and assignees, the lands of Kirkton of Tyrie, with the mill, multures, etc., in the barony of Aberdour, and sheriffdom of Aberdeen; to be held of the King for a rose on St John Baptist's day yearly in name of blench ferme.<sup>342</sup>

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<sup>338</sup> Reg. Mag. Sig., V., no. 1355, p. 468.

<sup>339</sup> S.C. Shires, III., p. 22.

<sup>340</sup> SC Shires, IV., p. 120.

<sup>341</sup> Reg. Mag. Sig., V., no. 1120, p. 371.

<sup>342</sup> Reg. Mag. Sig., XXX., no. 462. The Charter, dated at Aberdeen is witnessed by (amongst others) "William Chene, brother-german of the said Patrick Chene of Essilmont."

Patrick and John Cheyne appeared in the Sheriff Court of Aberdeen on 30<sup>th</sup> November, 1584, to act as procurators for Robert [Philip]. However, since “they allegis that all actions and sute to be maid be persones on the Northe syid of thhe Watter of For the is continewit to the xxij day of Januar nixit cumis be ressoun of the present pest continewand yit as abefoir quhairthrow the said Robert can noch obtene his former letters of diligence to be callit befor the lordis befor the calling of the quhilk thai will grant na utheris letters of diligence ...”<sup>343</sup> This is a fascinating record since it relates that communications from Aberdeen (and elsewhere north of the Firth of Forth) to Edinburgh were not possible because of ‘the present pest’ – an outbreak of the Plague! An outbreak of the Plague in Edinburgh in 1575 had been short-lived and there was then a respite of about ten years. However, two episodes of the disease occurred in south Fife and Perth during this period and visitors from there were denied access to Edinburgh.<sup>344</sup>

On 20<sup>th</sup> March, 1587 [1588], Patrick Cheyne of Essilmont had a charter of the lands of Fracafeld (Frakkafeld) {NGR: HU 436427} and all and sundry of the lands lying in the parish of Tingwall in the ‘fauderie’<sup>345</sup> of Shetland. “Our souerane lord—ratifies—the tua charteris—to umquhile Patrick Cheyne of Essilmont ;—off all and sundrie the landis lyand within the parochin of Tingwall and *fauderie* of Yetland.” “The uther—of all the temporall landis—lyand within the diocie of Orkney, within the fauderie of Orkney and Yetland.”<sup>346</sup>

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<sup>343</sup> SC Sheriff Court Recs., Vol. 1., p. 326.

<sup>344</sup> MacLennan (2001), p. 258.

<sup>345</sup> Jamieson (1825), Vol. 2., p. 292-293, at “Foud”. The ‘*foud*’ was the name given to the president of the Supreme Court formerly held in the Orkney and Shetland Island. The President or principal person in the *Lawping* was named the Great *Foud* or *Lagman*, and subordinate to him were several little *fouds*, or under sheriffs or bailiffs.”

<sup>346</sup> RPS., 1592/4/170. “Our sovereign lord, for sundry good and reasonable causes and considerations moving his highness, with advice of his estates of parliament, ratifies, approves and, for his highness and his successors, perpetually confirms the two charters and infeftments made by his highness after his perfect age of 21 years, to the late Patrick Cheyne of Esslemont, his male heirs and of tailzie, the one of the said charters, of all and sundry the lands lying within the parish of Tingwall and *foudery* of Shetland, which the late Master Jerome Cheyne, archdean of Shetland, acquired and conquest from certain persons, extending in the whole to thirty merk land, and of the advocation, donation and right of patronage of the archdeanery of Shetland, as the said charter relating thereto of the date 20 March 1587 [1588] purports; and the other charter, of all and sundry the temporal lands, isles, fishings, mills, multures, outsets and others which pertained of before to the said archdeanery of Shetland, lying within the diocese of Orkney, within the *foudery* of Orkney and Shetland, as the charter thereof of the date 29 July 1587 bears; and all and sundry other heads, articles, passages, conditions and clauses of the said charters, and either of them, as if the same were at length, word by word, inserted in this present act after the forms and tenors thereof in all points. And our sovereign lord wills and grants and, with consent foresaid, for his highness and his successors, decrees and ordains that the said charters and infeftments is and in all time coming shall be sufficient and valuable rights and securities to Patrick Cheyne, now of Esslemont, son and heir of the said late Patrick, his male heirs and of tailzie for holding, enjoying and possessing of all and sundry the said lands, isles, fishings, mills, multures, advocation, donation and right of patronage, privileges and immunities whatsoever specified in the said charters, and either of them, intromitting with and taking up of the mails,



On 6<sup>th</sup> May, 1587, at an inquisition regarding Patrick Barclay of Tolly, we find Patrick Cheyne acting as a jury member.<sup>347</sup>

In 1587, Patrick also appears as a party in two actions before the Sheriff Court of Aberdeen. On 23<sup>rd</sup> June, he presented a case for 'removing' of Marjory Mitchell and John Petrie her *guidsone* from certain lands (not named); the defenders alleged that a year's tack was still to run and referred to the Pursuer's oath, who being present and sworn, denied their averment and obtained a decree in his favour.<sup>348</sup> The second case, on 28<sup>th</sup> November, 1587, involved a case between William Menzies of Boighoill and his wife, and Mr Thomas Menzies of Durne along with Paul Menzies of Kinmundy. It would appear that Messrs. John and Patrick Cheyne had been appointed Paul Menzies' curators in the case. The Court now was being required to consider a 'Revocation of Procuratory' and it was stated as follows: "Recall the procuratory granted to Messrs. John and Patrick Cheyne to act for Paull Mengzeis in foregoing action. Paull protests and asks the Sheriff to appoint curators *ad lites* to him." It would appear from the next entry in the Sheriff Court records that Thomas Menzies was trying to have William Menzies and others 'removed' from a property (not named).<sup>349</sup>

The Cheynes of Essilmont became less prominent towards the end of the 16<sup>th</sup> century.

It is thought that Patrick Cheyne died sometime before 28<sup>th</sup> December, 1608,<sup>350</sup> however Colonel Cheyne considered that he "died before the end of the year 1588, by which date his son Patrick had succeeded to the estates of Essilmont."<sup>351</sup> A later date might be considered if we entertain the idea that Patrick, 9<sup>th</sup> of Essilmont was

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ferms, profits, duties, teinds and fruits thereof now, and in all time coming, notwithstanding whatsoever acts, constitutions, revocations, special or general, made or to be made by his majesty now after his lawful and perfect age of 25 years complete; regarding the which his highness, for his majesty and his successors, dispenses for ever, renouncing by this ratification and transferring all action, right, title, interest and claim which his highness, his predecessors or successors had, has or may have to the said lands, isles, mills, fishings, advocation, donation and right of patronage and others specified in the said charters, and either of them, with their pertinents to and in favour of the said Patrick Cheyne, now of Esslemont, his male heirs and of tailzie, so that he and they may hold, enjoy and possess the same in all time coming, without stop, trouble or impediment to be moved to them therein in any way. Moreover, our said sovereign lord, with consent of the said estates, decrees and ordains, if need be, new infeftment and security to be made by his highness or his successors to the said Patrick Cheyne, now of Esslemont, and his male heirs, of the said lands, mills, isles, fishings, right of patronages and others mentioned before, to be held in such ample form and manner as is contained in the said new infeftments and other securities made to the said late Patrick and his predecessors thereupon, and to be extended with all clauses necessary as appropriate."

<sup>347</sup> S.C. Shires, III., p. 541-542.

<sup>348</sup> S.C. Abd. Sheriff Court Recs., I, p. 298.

<sup>349</sup> S.C. Abd. Sheriff Court Recs., I, p. 316.

<sup>350</sup> North Isles Family History Database. "Patrick Cheyne."

<sup>351</sup> Cheyne (1931), p. 87.

given his inheritance before his father died rather than afterwards. However, we have yet to find evidence to point either way.

Lady Bruce, following the death of Patrick Cheyne, appeared in negotiation with Sir Walter Ogilvie of Findlater over the salmon fishings in the River Ythan, which were in her right as Lady of Essilmont. These fishings “from the Sak or Seggie ford of Fyvie to the Machar ford” were sold by William St Clair of Newburgh to the Ogilvies in 1474. They were afterwards sold to the Chenes of Essilmont under a reversion by which they could return to Ogilvy or his heirs on the giving of forty days notice and the laying down of 1000 merks between sunrise and sunset in the kirk of Ellon and the giving of a ten-year lease for £61 yearly. The Chenes thus held these valuable fishings from father to son for about sixty years, and it was on the occasion of Sir Walter Ogilvy seeking to put the reversion into force and to redeem the fishings that the dispute arose in 1600 between him and the Lady Essilmont, who seemed unwilling to surrender them. In an action before the Lords in Council, Sir Walter showed that his procurator ‘had tauld down and thousand merks in gold, to wit 133 five pund pieces’, in the kirk of Ellon but, being uncertain if Dame Helenor’s procurator, who claimed it, had a right to the money, and Patrick Cheyne (9<sup>th</sup> of Essilmont), her step-son, being outlaw, he had lodged the money in the hands of William Udny of that Ilk, son-in-law of Lady Helenor, he being ane landit gentleman. The Lords decided the case in favour of Sir Walter Ogilvy.<sup>352</sup> In 1606, Lady Helenor renounced her rights to the salmon fishings of the Ythan between the Machar Ford on the said water and the Soge [Segge] Ford of Fyvie, in favour of Sir Walter, receiving a consideration of 200 merks per annum for her lifetime. These fishings “from the Sak or Seggie ford of Fyvie to the Machar fuird,” as the old chronicles love to repeat, seem to have been of great importance [in olden times].<sup>353</sup>

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<sup>352</sup> Mair (1876), p. 39.

<sup>353</sup> Mair (1876), p. 39. “The process of giving Sasine of the fishings to an heir, or purchaser, was a great solemnity; thus in 1510, Alexander Ogilvy gets Sasine. A distinguished assemblage is present; Alexander Bannerman, sheriff deputy and notary public; the Abbot of Kinloss; Gilbert Hay of Ardendracht, Kt.; Patrick Chene, 6<sup>th</sup> of Essilmont; &c., &c.; they proceed to the river-side “between the church of Ellon and the *cruffwall* to the west about 9 before noon ... and give hereditary possession by the delivery of water and earth, nets and boat vulgarly called ‘le coble,’ haiks [hooks] and other instruments used in fishing”; to the fishings were attached four rigs of land called “Pantoun’s Rigs”.



Patrick married first Christian Hepburn, probably of the family of Smetoun.<sup>354</sup> He then married Lady Helen Bruce, widow of George, Earl of Erroll, on 4<sup>th</sup> November, 1575.<sup>355</sup> She, herself, was deceased by 12<sup>th</sup> November, 1608.<sup>356</sup>

Patrick left a host of children. By his first wife, Christian Hepburne, he left:

- Patrick, who succeeded as 9<sup>th</sup> of Essilmont;;
- James of Pennan who later succeeded as 11<sup>th</sup> of Essilmont;
- Alexander of Ardlahill, who was an advocate, sometime in Edinburgh. In 1602, his presence in that town allowed him to assist in procuring the release, upon bail, of his brother, James Chene of Pennan, who had been incarcerated in the tolbooth there;
- John at Andat, who was a witness against a witch in Ellon;
- Margaret, who married Alexander Annand of Auchterellon, and whose memorial is still to be seen in the old church of Ellon;
- Elizabeth, who married Patrick, Master of Oliphant. She was dead by 1634;

By his second wife, Lady Helenor Bruce, he had:

- Helen, eldest daughter, who married William Udny of that Ilk;
- Isobel, who married (1) Patrick Hay of Megginch. (2) George Hay of Keillor.



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<sup>354</sup> Cheyne (1931), p. 87.

<sup>355</sup> Reg. Mag. Sig., IV., no. 2525, p. 680-681. "The KING, etc., confirmed the charter of Patrick Chene of Essilmont,—[which,—for the fulfillment of the marriage contract dated at Megginch, 4 Nov. 1575,—gave to Lady Helene Bruce his future wife, then in her widowhood, in life rent,—for the maintenance of her third, both more or less, etc.—his barony of Essilmont, that is, the Manis of Essilmont with lands, fortalice, and within the estate, the lands of Craigheid, Auldmylne, Carnehill, Corstane, Wollaw, with a half of Ovir Forthre, with the *Murefaldis*, mill and mill multures, and the land of Chapelton belonging to the said barony., and the *custumis, canis, areagis, careagis, tenentibus*, etc., in the lordship of Essilmont, sherifffdom of Aberdeen. HOLDING of the King:—with the precept of sasine directly from M. Francisco Chene:— TEST. John Charteris of Kinfauns, George C[heyne] his son and apparent heir, Masters Gilberto and Francisco Chenis, James Hepburn of Furde burgess of Perth, Patrick Chene senior and junior, serving the said lord of Essilmont, Thomas Rattray, Andrew Bowie notary public:—Given in the burgh of Perth, 7 Nov. 1575]: SIGNED by the King at Holyrood House, 1 March 1575 [1576]."

<sup>356</sup> Cheyne (1931), p. 88; New S.C. Abdn. Sheriff Court Records, Vol., II., 141.

**PATRICK CHEYNE, 9<sup>TH</sup> OF ESSILMONT (c.1567 – Nov. 1606)**

On 28<sup>th</sup> November, 1588, Patrick Chene succeeded to the estates of Essilmont, and in the same year was served as heir to his father Patrick in the fishings of the Ythan, beginning from the Machar Ford.<sup>357</sup> This ford was situated at a shallow point of the river at the seaward end of the *Machar Pool* – the river was tidal at this point. There were four fords/ferry-boats across the Ythan between Ellon and the sea.



Figure 18: Ferries/fords across the R. Ythan downstream of Ellon.

Patrick also received a charter of the lands of Fracafield in Shetland, which had once pertained to his great uncle Jerome when he was archdeacon of Zetland.

In 1588, there was another interesting event which involved Patrick. There had been a dispute over the fishings on the River Dee at 'Midchingle'.<sup>358</sup> A number of families were involved in the dispute and, most importantly Mr Thomas Leslie, Burgess of Aberdeen. In the Registers of the Privy Council we find the following:—"The said Leslie has obtained privy letters under the King's signet, and has proclaimed them at the market cross of Abirdene, charging the complainers, under pain of treason, not to intromit with the teind salmon fish of the said fishing, but to permit Patrick Cheyne of Essilmont, "as ane neutral persone," to uplift and retain the said teind fish till it be decided to whom they justly belong. The said letters also charge the complainers to deliver the teind fish to George Wobstar, residing in Aberdeen, under the paid foresaid. Now, Thomas Manaris, messenger, executioner fo the said letters,

<sup>357</sup> The Machar Ford was at the eastern end of the River Ythan, almost at the sea. The pool immediately downstream from the "War Memorial Bridge," which joins the lands of Auchmacoy with Logie Buchan, is still, to this day, known as the *Machar Pool* [NGR: NK 000290].

<sup>358</sup> The *Midchingle Salmon Fishings* were immediately downstream of where the Wellington Suspension Bridge was constructed over the R. Dee. See <https://maps.nls.uk/view/216443214>

had refused to deliver to the complainers a copy thereof, nor did he affix any on the market cross, “be the quhilk the contentis of the said charge mycht cum to thair knowlege;”—besides which, the chare to deliver the teind fish to George Wobster is illegal, his name not being engrossed in the letters, and Cheyne having no power “to substitute any persone under him,” and there being chance of great prejudice to the complainers if they handed over the fish to a person who would not be obliged to answer for the same. Farther, the letters are unjust in respect of their threatening the pain of treason in such a matter as this; “quhilk is ane civile caus, requirand the tryale first tane of the ordinaire juge.” When brought before the Lords of Council the letters were suspended simpliciter, the same having been “sinisterlie purchest and inordourlie past and [were] direct against the laws and Acts of Parliament and Council.” Eventually, this matter was remitted to the decision of the justice-general and his deputies.” What is of great interest to us is that Patrick Essilmont was considered a good choice to be trusted with these teinds while the matter was pending in the courts. It reflects that he was a man of considerable ‘standing’ in the community even though he was a catholic sympathiser.

On 15<sup>th</sup> April, 1589, a band [bond] was written to be subscribed by a number of ‘faithful subjects’, in defence of the true religion and of the King’s Government. Recorded is a very extensive list of nobles and members of the gentry who took the oath, and amongst them is Patrick Cheyne of Essilmont for whom Patrick Con of Auchry stood surety of 5000 merks. The point of interest here is that of all those who appear on the list, Patrick’s surety was one of the largest – typically other sums involved were in the order of 1000 – 2000 merks. Looking at those others whose surety was so high we find: a number of members of the Gordon family; Alexander Seton of Meldrum (£5000); James Seton of Tullibody. It would appear that these individuals were known as ‘papists’ and that, therefore, to secure their adherence, the sums involved had to be significantly higher.

On 10<sup>th</sup> July, 1589, at Aberdeen, we find John Pantoun of Pitmeddane finding caution in £2000 for Patrick Cheyne of Essilmonth, that John Keith, fiar of Troupe, shall be harmless of him, and also that the said Patrick shall remain within his “awne lugeing” till “ordour be tane be the prevey Counsaill anent the late accident quhilk happynnit betuix him and the said John.” Alexander Hay of Degatty found caution in £2000 for the said John Keith to the same effect.<sup>359</sup> What the ‘accident’ was we are not told but there had been a feud between the two families for some time.<sup>360</sup>

In the same year (1589) Patrick Chene granted to William Mar, burgess of Aberdeen, the sunny plough of the shady half of the lands of Tawarty in the parish of Logy

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<sup>359</sup> Reg. Priv. Council, IV., p. 402.

<sup>360</sup> Cheyne (1931), p. 90.

Buchan, and, in warrandice, the sunny plough of the shady half of Bourishill [Bourhills] in the parish of Ellon.<sup>361</sup>

Within the Exchequer Rolls of Scotland we find that, at Edinburgh, on 7<sup>th</sup> April, 1589, Patrick received sasine of the lands of Fortrie alias Fairlie, with various properties, all in the parish of Ellon. He also received the lands of Towie in the parish of Clatt, and certain property in the Chanonry of Aberdeen.<sup>362</sup>

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<sup>361</sup> S.C. Shires, III., p. 89. (Originals in the Pitsligo Charter Chest.) "On the thirteenth day of May, 1589, Patrick Cheyne of Essilmonthe granted the sunny plough of the shady half of the lands of Taaertie in this parish, and in warrandice the sunny plough of the shady half of Bourishill in the parish of Ellon, to William Mar, burgess of Aberdeen. On the thirtieth day of May, 1599, the same Patrick Cheyne granted to Alexander Tulideff the shady half of the lands of Taaerti. On the eighteenth day of July, 1605, William Mar sold his right to John Urquhart of Craigfintray. He, in the year 1609, conveyed his right to John Forbes of Pitsligo, who, in the same year, succeeded by purchase to the right of Tullidef." Taaertie = Tarty {NGR: NJ 975270}. Tullidef = Tillyduff {NGR: NK 064557}.

<sup>362</sup> Exch. Rolls. Scot., XXII., p. 514. "The treasurer will answer for 36s. by duplicating the feufirm of the whole of the lands of Fortry, otherwise called Fairley, with its mills, built and to be built, along with the multures and *lie wattir draucht* (mill-lade), and any appurtenances, lying on the south side of the Ythan, within the *regality* of Saint Andrews, together with the houses, buildings, tenements, and gardens lying in the town of Ellon, within the county of Aberdeen, since they were formerly held of the bishop of Saint Andrews in chief; and also for £44 by duplicating, all and whole, the feufirm of the lands of Towie, lying in the parish of Claitt [Clatt] within the aforesaid sherifffdom of Aberdeen, formerly held of the bishop of Aberdeen; and also for £14 by doubling the feufirm of the whole and entire manor [manse] of the former rector of Kincardine, lying in the Chanonry of Aberdeen, formerly the tenement of the rector of Kincardine; due to the king by the sasine given to Patrick Cheyne." Colonel Cheyne's translation is somewhat erroneous here – it was not 'lands in Kincardine' but rather the 'manse of the rector of Kincardine which lay within the Chanonry of the Cathedral of Aberdeen' that was involved. *Fortry* or Fairlie is at {NGR: NJ 949295}; *Towie* is at {NGR: NJ 534273}. The name Towie is very common across Aberdeenshire and the casual reader will be drawn, perhaps, to Towie (Towie Barclay) on the banks of the Ythan. However, the entry in the Exchequer Rolls tells us specifically that the Towie in question lay in the parish of Claitt [Clatt] and it is this detail which points us to the lands of Towie which lie half-way between Clatt and Kennethmont.





Figure 19: Photograph of the lands of Towie looking towards the lands of Leith Hall and Knockandie Hill beyond. © [Anne Burgess](#), and reproduced with her permission.

In 1590, Patrick received sasine of the lands of the barony of Aberdour<sup>363</sup> which his father had held before him (*vide supra*). In this year he also granted to Alexander Tullidaff the shady half of the lands of Tawarty.<sup>364</sup>

On 16<sup>th</sup> August, 1591, the King confirmed a charter of John, Master of Forbes, within which, with the consent of the Lady Jonete Seton, his wife – for the fulfilment of the [marriage] contract between them, with the consent also of the said John on the first part, Patrick Cheyne of Essilmont in the second part, the Lady Elizabeth Forbes, the bride of Henry the Lord Sinclair, Elizabeth Sinclair, eldest daughter of Henry and Elizabeth Forbes, Patrick Leysk in Haddoch on the third part, on this date presented – granted to Elizabeth Forbes the lands of Towies [Towie], “in baronia de schira (de Clat)”, vic. Abirdene. The grant was made in Edinburgh, 12<sup>th</sup> August, 1591.<sup>365</sup> Towards the end of the charter, the lands involved were described as “the lands of Auchlyne.” A farm called *Meikle Auchlyne* lies just 2km. east of Towie at {NGR: NJ 556268} and another farm called *Yonderton of Auchlyne* is a further 0.5km. north-east, at {NGR: NJ 560272}.

In 1592, Patrick received a ratification from the Crown of the two charters of the Archdeaconry of Zetland, granted to his father in 1587.<sup>366</sup> “At this time he is also

<sup>363</sup> Exch. Rolls. Scot., XXII., p. 437.

<sup>364</sup> S.C. Shires, III., p. 89.

<sup>365</sup> Reg. Mag. Sig. Scot., V., no. 1923, p. 650.

<sup>366</sup> Acta. Parl. Scot., III., p. 616.



shown to be in possession of lands near Old Aberdeen."<sup>367</sup> In actual fact, we know from previous charters that these lands were not "near Old Aberdeen", they were in the Chanonry of the Cathedral and comprised those belongings which were once the manse and grounds ascribed to the Prebendary of Kincardine O'Neil.<sup>368</sup>

At this time, a most bitter feud broke out between the Earl of Huntly and the Earl of Moray, which culminated in the assassination of "the Bonnie Earl" of Moray on 7<sup>th</sup> February, 1592, aged only 27 years. At this time also, the earls of Erroll and Huntly were inciting the King's displeasure because of their renewed attempt to restore the Catholic religion in Scotland with the aid of the King of Spain. Patrick Cheyne's participation in these events is evidenced by James Cheyne of Straloch finding surety on 17<sup>th</sup> April, 1593, that Patrick himself, and all whom he is obliged to answer for [as laird of Essilmonth] by the laws of the realm, shall behave themselves as dutiful and obedient subjects and that they shall not take part with George, Earl of Huntly, nor with other Jesuits under pain of 3000 merks. It was agreed by Patrick that neither he nor his shall do anything in hurt of the state or the established religion nor intercommune with the Earl of Huntly or the murderers of the Earl of Moray, but shall join in pursuit of them. Patrick himself is to keep ward 'besouth the North Water' till freed by His Majesty.<sup>369</sup> In respect hereof, that part of the Act which obliges Alexander Annand, apparent of Auchterellon, for the entry of the said James in ward in Edinburgh, is discharged.<sup>370</sup>

In 1594, when Huntly, Erroll, and Angus were arraigned for treason, Patrick and his cousin Walter Cheyne, 9<sup>th</sup> of Arnage, were summoned to appear before the King and Council to answer for food rule and loyalty, and Patrick took oath to assist His Majesty's lieutenant.<sup>371</sup> That same year, on 20<sup>th</sup> September, 1594, Patrick received sasine of the Archdeaconry lands of Zetland.<sup>372</sup> He also sold to one Robert Chene, the mill lands of Mikle Auchry.<sup>373</sup> This Robert is most probably Robert Cheyne, 1<sup>st</sup> of Vaila.

Patrick appeared in the Sheriff Court at Aberdeen on 1595 as pursuer in a case involving the mill and mill-lands of Aberdour.<sup>374</sup>

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<sup>367</sup> Cheyne (1931), p. 90.

<sup>368</sup> (*vide supra*) note 328.

<sup>369</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 69-70.

<sup>370</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 48. Dated 4<sup>th</sup> March, 1593: "Patrick Cheyne of Essilmonth, as principal, and Alexander Annand, apparent of Auchterellon, as surety, in 3000 merks: that the said principal shall enter in ward within the burgh of Edinburgh upon 11<sup>th</sup> instant and remain there until duly liberated."

<sup>371</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 187.

<sup>372</sup> Exchequer Rolls, xxii., p. 563. The lands are enumerated in detail.

<sup>373</sup> Reg. Mag. Sig., vi., no. 754, p. 245. Charter of sale dated at Aberdeen, 19<sup>th</sup> May, 1594; King's confirmation given at Holyrood, 23<sup>rd</sup> July, 1594. The Waukmill of Auchry stood at {NGR: NJ 812513}, just to the east of Auchry Castle.

<sup>374</sup> Cheyne (1931), p. 91.

On 24<sup>th</sup> June, 1596, Patrick Cheyne of Essilmont appeared as one of the jury at the trial of John Stewart, Master of Orkney, brother-german of Patrick, Earl of Orkney, was accused of 'consulting with' a certain Margaret Balfour, a witch, for the destruction of Patrick, Earl of Orkney, by poisoning. The Master of Orkney is said to have repeatedly conspired to the murder of his brother in 1593. In the *dittay*, Margaret is called 'Alysoune Balfour', "ane knawin notorious Wich and execute to the death for Wichcraft"; and that on numerous occasions, within the said Alyson's house in [the township of] Ireland (Yreland, in the parish of Stennes) in Orkney, they had determined how they might bewitch the Earl, and "berief him of life" by Sorcerie and Wichcraft. Alyson is said to have confessed to having done this jest before she was put to death. John had also passed, with others, to his brother's house with the intend of seeing how he might poison his brother. He hired his servant, Thomas Palpla to administer the poison, to which Thomas confessed, and was executed. This was all devised to be done at a banquet at David Moncrief's [houese] in Kirkwall. For whatever reasons, the plot fell through, although John is accused of having planned to pass into his brother's chamber in the 'Palace of Birsay' with the intent of killing him. Three days later, on the 27<sup>th</sup> June, the King signs a warrant, ordering John, Master of Orkney, to appear before the Court to answer the charges that he had plotted and devised the 'slaughter' of Patrick, Earl of Orkney. The Master of Orkney submitted a Declaration which he desired to be inserted in the Court records: he claimed that Allyson's confession had been secured under torture for a space of forty-eight hours, and so was not reliable. He claimed that Allyson's husband, who was said to be 91 years of age, her eldest son and her daughter, were all kept at one and the same time, in ward [prison], beside her, and put to torture at the same time; the father being placed in the 'lang Irnis' of fifty stones of weight; the son given fifty-seven lashes; the daughter, being seven years of age, was put in the 'pinnywinkis'.<sup>375</sup> This was all done to the effect that her said husband and bairns, being so tormented beside her, might move her to make any Confession for their relief. Immediately after Allyson made a Confession and was released from torture, she revoked it; and thereafter, before the whole town and the Assise, and at the time of her execution, she declared openly, that the said Confession was altogether false and extorted. And as to the Confession made by Thomas Palpa, the same was in like manner extorted of him, he being kept in the 'caschielawis'<sup>376</sup> for eleven days and eleven nights; during which, twice each day, or the space of fourteen days, he was flogged, he being naked in the meantime, and scourged with ropes, so that they left neither flesh nor hide upon him: In the extremity of which the pretended Confession was drawn out of him: Which pretended Confession he ever revoked and recanted, immediately he was free of the torture; and at last, publicly, at the time of his execution, he openly revoked the, which was referred to the Assise.<sup>377</sup> Since Allyson

<sup>375</sup> *Pinnywinkis* (pilliwinkis) were thumbscrews. [<https://www.dsl.ac.uk/entry/dost/pinnywinkis>].

<sup>376</sup> *Caschielawis* – an instrument of torture whose design is not known, but possibly similar to a Witches Bridle. [<https://dsl.ac.uk/entry/dost/caschielawis>]

<sup>377</sup> Pitcairn's Criminal Trials, Volume I., Part 1., p. 373-377.

made a Declaration "at the place of her execution", we can only assume that the sentence was carried out. What is of considerable interest is that she seems to have been executed at Kirkwall, upon the 'Heding-hill', on 16<sup>th</sup> December, 1594.<sup>378</sup>

Patrick Chene of Essilmont was one of the jury (assize) called, on 29<sup>th</sup> July, 1596, to hear the case of Patrick Barclay of Towie, accused of 'slaughtering' William Mure, messenger in Deir [Deer], in the month of February last. James Cheyne of Straloch was also called to be a member of this jury. Towie is said to have acted with certain employees/servants of the Lady of Erroll. Towie was acquitted of the crime.<sup>379</sup>

Patrick was again involved in a case of suspected witchcraft in 1597, at which time Aberdeenshire was alive with witchcraft trials.<sup>380</sup> From the records of the Presbytery of Ellon, we hear that a certain Marjorie Mutch in Corstane,<sup>381</sup> wife of William Robertson, who both lived on the Essilmont estate, was put on trial for practicing "... te develische airte of sorcerie and witchcrafte by instigation ... of the Devill her maister ... at Ruid day bygane, being in the Mekill Milne of Esselmonthe grinding sum meill, she discordit [fell out with?] for the room of the mill with ... William Cowpar ... who gave her ane schot (or push) with his hane fra the happer [hopper] ... She said she should put a schott in his side which should do him greater harm ... She keist [cast] her sorceries and witchcraft upon him ... he contracts ane deidlie sickness ... half of the day he waxit cauld like ice ... the other half sweating and melting away like ane fiery furnace ... until he depairtit this present life." The parish records list a veritable litany of instances of witchcraft against poor Marjorie. She was taken before "one named Mann, at Portsoy<sup>382</sup>" and he declared her to be a "manifest witch". His judgement was based on his identifying "the devil's mark under her left lug in her craig" or neck; and "ane prein (a pin) having been thrust in by the Laird of Essilmonthe, "she could nocht feel the same." We can only wonder how 'willing' Patrick was to act as *witchfinder*!

Also in 1597, Patrick was one of those who provided surety in a bond of £20,000 for the Earl of Erroll for his good behaviour and non-communication with Jesuits.<sup>383</sup>

We might be correct in suggesting that Patrick Cheyne's financial situation was not all that he would have wished. We find that in 1597, he sold to Malcolm Sinclair of

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<sup>378</sup> Pitcairn's Criminal Trials, Volume I., Part 1., p. 376.

<sup>379</sup> Pitcairn's Criminal Trials, Volume I., Part 1., p. 381-385.

<sup>380</sup> Mair (1876), p. 42. "The panic was at its height in 1596 - 97, and in tat year no fewer than 24 were burned at Aberdeen - 23 women and 1 man."

<sup>381</sup> I believe that *Corstane* is what is now called *Cross Stane* [NGR: NJ 954279], which is on the Essilmont Estate, some 3km. from the corn-mill known as *Littlemill of Esslemont* [NGR: NJ 926289]. The

<sup>382</sup> Mair (1876), p. 45. Andrew Man(n) who lived at Portsoy was described as " ... a famous detective of witches in that place ...."

<sup>383</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 745.

Condell<sup>384</sup> certain lands in Orkney, and in *Tawarty* {NGR: NJ 984273}.<sup>385</sup> and that, with the consent of Sir Alexander Fraser of Fraserburgh, his father-in-law, he sold to Duncan Forbes of Byth the lands of *Gullie* in Aberdour, and of *Carnehill* in Essilmont {NGR: NJ 942278}.<sup>386</sup>

On the 17<sup>th</sup> June, 1598, the following appears in the Register of the Privy Council, "James Cheyne of Straloch for Patrick Cheyne of Essilmounth, 500 merks, to answer upon the 10<sup>th</sup> July next to letters executed against him by Gilbert Baird of Auchmedden, touching the entry of James Cheyne of Pennan, Alexander Bruce, and George Broun, before his Majesty.<sup>387</sup> Baird had accused Patrick Cheyne of harbouring James Cheyne of Pennan, Patrick's brother, who had been outlawed at the instance of Baird.<sup>388</sup> Patrick, since he neither appeared to answer the charge nor produced his brother, was himself denounced a 'rebel'.<sup>389</sup>

Thomas Mair also comments that, "It should have been mentioned of Patrick Chene, that a short time before he entered on the device of fabricating his own coinage at Essilmont, (or at least before it became patent to the public) that he was the cause of raising some great "strublans" or disturbance in the Burgh of Aberdeen, owing to some feud between his house and the Keiths of Ludquharn. The town was kept in a state of alarm for some days, for the quarrel was extending; Gordon of Karnburrow, and "sum [others] of the name of Gordon," [who were] espousing the cause of the Cheynes, while the Earl Marischal, the head of the house of Keith, was rousing on behalf of his kinsman. The Magistrates, "per saiving [perceiving] the ... trubill liklie to aryse ... and that the said parties were convocat and their friendis on ather syd to cum to the calsay (causeway) and trubill the town and invade utheris" ... the inhabitants are charged to appear in arms, "speciale in lang wappynis," to follow the Provost and baillies to stay the "trubill," and prevent bloodshed. 9<sup>th</sup> November, 1598."<sup>390</sup>

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<sup>384</sup> I believe that this could be Malcolm Sinclair of Quendale (1545-1618). He was buried in the Cross Kirk graveyard where also were buried certain members of the Cheyne family.

<sup>385</sup> Reg. Mag. Sig., vi., no. 1081, p. 366. The lands comprised, "*Ardres* and *Sillibuster* (Sellibister) {NGR: HK 721438} in the ville called *Lantes*; lands called *Four-penny-land* in the ville of *Burrounnes* [Burness] {NGR: HK 668446}; the lands called *Ane-penny-land* and *Half-penny-land* in the ville of [Hallihow](#) (Helliehow) {NGR: HY 695456}, lying in the Island of Sanda[y], all in the sherifffdom of Orkney; also, in the same special warrant, the ploughlands called *Middilthird* extending to 8 bovates in te ville and lands of *Taertie* [Tawarty] 9occupied by Thomas Cowper), in the Parish of Logy-buchane, sherifffdom of Aberdeen: PAYING to Patrick one penny in 'albe firme': REDEEMABLE for 1000 merks in the church of Logy-buchane upon 40 days' notice, or by consignment into the hands of Lord Sinclair or his heirs. Amongst the witnesses to the original charter when it was given at Aberdeen, on 30<sup>th</sup> April, 1597, were William Cruickshank 'servitor' of the said Patrick Cheyne, Alexander Cheyne, son of William Cheyne of Orchertoun, Wiliam Cheyne of Collisiter. The King confirmed this charter at Holyrood, on 25<sup>th</sup> October, 1597.

<sup>386</sup> Reg. Mag. Sig., vi., no. 643, p. 211.

<sup>387</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 692.

<sup>388</sup> Cheyne (1931), p. 92.

<sup>389</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 459.

<sup>390</sup> Mair (1876), p. 41.

The Cheynes of Essilmont became less prominent after the end of the 16<sup>th</sup> century. Patrick, 9<sup>th</sup> of Essilmont, with the object perhaps of retrieving the waning fortunes of his house, seems to have tried his ingenuity and is found, in 1599 forging and uttering base coin—"forging ... outputting and exchangeing ... foull and adulterit money." In this he was aided by five other burgesses of Aberdeen!<sup>391</sup> Patrick failed to appear before the Privy Council and so was pronounced 'rebel'. Being 'put to the horn,' or outlawed, he seems to have then made himself very scarce!<sup>392</sup>

There is a charter of sale, which was given at Aberdeen on 25<sup>th</sup> June, 1600, by Patrick Cheyne of Essilmont, with the permission of John Cheyne of Pitfichie, his heir, of Orchardtown to George Annand. Temple notes that Patrick had sold Orchardtown, in the barony of Tulliedaff, to Mr. John Cheyne of Pitfichie. He continues, "the one must have had the superiority and the other the *dominium utile*."<sup>393</sup>

In Aberdeen on 20<sup>th</sup> August, 1600, Patrick mortgaged to John Chene of Petfichie, his heirs and assignees whomsoever, the lands and barony of Essilmont: the town and lands of Orchardtown in the barony of Tullidaff: the Mains of Aberdour with the corn mill: Killiquharne with its ports, boats, fishings, quarries and with the advowson of the rectory of Aberdour, all these in the Sheriffdom of Aberdeen: and the lands of Fracleafdill, Deill, and others in the Foudry of Shetland, with the advowson, gift, and right of patronage of the Archdeaconry of Shetland. All this was confirmed by the King (James VI), at Holyrood, on 27<sup>th</sup> October, 1600.<sup>394</sup>

On 17<sup>th</sup> October, Patrick granted a charter to Arthur Sinclair of Aith of certain lands in the parish of Tingwall in Zetland and of *Taerties*, in the parish of Logy-Buchan.<sup>395</sup>

The 'selling spree' continued and 21<sup>st</sup> October, 1600, at Aberdeen, Patrick, with the consent of John Cheyne of Pitfichie, sold to Henry Annand, third son of Alexander Annand of Auchterellon, his heirs and assignees, with right of *reversion*, the *ville* and lands of Orchardtown and the Smiddiecroft there, with the marshes, tenements, &c. (which William Cheyne and Alexander Reith occupy) in the parish of Logybuchane, barony of Essilmont by annexation, sheriffdom of Aberdeen;—and, by special warrant, the lands of Wollaw of Essilmont, in the parish of Ellon, sheriffdom of Aberdeen. REDENDO to the King, 2 pence in *albe firme*:— with precept of sasine:—

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<sup>391</sup> Reg. Privy Council Scot., First Series., Volume 6., p. 613. On 18<sup>th</sup> July, 1599, at Edinburgh, before the Privy Council, "Alexander Jaffray, merchant burges of Abirdene, for William Lorymer, burges there, in 3000 merks, John Fyffe and William Craigheid, burgesses there, in 1000 merks each, to answer when required before the King and Council touchin the 'forging, fenceing, prenting, haneing, outputting and exchangeing amangis his Majesteis subjectis of fals[e] and adulterat money." It can not be determined tat these individuals, all fellow burgesses of Aberdeen, were amongst the 'five' who were supposed to be involved with Patrick Cheyne in a similar attempt at forgery, but it does show that some of Aberdeen's burgesses were not averse to trying the law!

<sup>392</sup> Mair (1876), p. 39.

<sup>393</sup> Temple (1894), p. 473.

<sup>394</sup> Reg. Mag. Sig., VI., no. 1083, p. 368.

<sup>395</sup> Cheyne (1931), p. 93; quoting Acta. Parl. Scot. V. 439.



Witnesses: Alexander Annand, apparent of Auchterellon; M. Alexander Cheyne in Old Aberdeen; Alexander Willecock burgess dyer of Aberdeen; Gilbert Leslie, son of M. Thomas Leslie burgess there; George Barroun notary public (writer of the charter); Davide Kempt burgess baker of Aberdeen.<sup>396</sup>

On 3<sup>rd</sup> November, 1600, again with the consent of John Cheyne of Petfichie, Patrick, “for the sums and tenements in the name of dowries and letters paid to him by Lord Alexander Fraser of Fraserburgh, the grandfather of the said Patrick Cheyne the younger,” granted to Patrick Cheyne, his lawful son by his wife Magdalen Fraser, who was the daughter of Sir Alexander, and to Patrick’s heirs and assignees the manor place of Mains of Aberdour, with the fortalice of Dundarg; the towns and lands of Ardlahill, Killiequherne (Killquharne), Clentertie (Clinterty), Baddiscoller, Greindyk, Pennand (Pennan) and its quarry, with the mill of Aberdour and its lands &c.; the white-fish fishings and boats of the townships mentioned above &c.; the patronage [advowson] of the rectory and vicarage of the church of Aberdour, with its tenements, in the barony and parish of Aberdour, sheriffdom of Aberdeen: reserving the frank [free] tenement of the said Patrick, senior, during his lifetime. Paying to the King one penny in *albe firme*:—with precept of sasine from Thomas Duff in Aberdour.”<sup>397</sup> This transaction was confirmed by the King, at Edinburgh, on 25<sup>th</sup> July, 1610.<sup>398</sup>

At Aberdeen, on 17<sup>th</sup> April, 1601, Patrick is recorded as having demitted part of Mikle Auchry to Alexander Pantoun in Seilliscruik of Mikle Auchry, for his life only to be inherited on his father’s death by Alexander Pantoun, his second-born son, legally begotten of his body, failing which to the heirs male or assignees of Alexander, without reversion,—the sunny ploughlands of the sunny part of the *ville* and lands of Mekill Auchry commonly known as *Seilliscruik*, in the barony of Aberdour, parish of Turriff, sheriffdom of Aberdeen. One of the witnesses was Patrick Cheyne, *servitore* of Patrick Cheyne of Essilmont. This transaction was confirmed by the King at Holyroodhouse on 12<sup>th</sup> May, 1603.<sup>399</sup>

The year 1602, saw Patrick’s troubles continue. On 16<sup>th</sup> December, 1602, a complaint was lodged before the Privy Council against him that he, accompanied by other members of the Cheyne and Gordon families, to the number of sixteen, including John Gordon, son of Robert Gordon of Saphok, and Patrick Cheyne, brother of John Cheyne, sometime of Crowie, all armed with “jacks,<sup>400</sup> steel bonnets, swords,

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<sup>396</sup> Reg. Mag. Sig., VI., no. 1131, p. 388. Charter confirmed by the King at Holyroodhouse, 12<sup>th</sup> Jan, 1601.

<sup>397</sup> Reg. Mag. Sig., VII., no. 347, p. 130.

<sup>398</sup> Reg. Mag. Sig., VII., no. 347, p. 130. The King’s confirmation is dated here as “*an. reg. 44 et 8.*” However, *Regist. Secreti Sigilli*, lib. lxxix., fol. 74, allows the King’s confirmation to be dated to 1610.

<sup>399</sup> Reg. Mag. Sig., VI., no. 1460, p. 532.

<sup>400</sup> The “jack” (as in a ‘Black Jack’) was a weapon used in *melee* or close-quarter combat. It was a form of baton or cudgel, and was sometimes ‘loaded’ with lead for greater effect.

gauntlets, lances, hagbuts and pistols", came at night, on 28<sup>th</sup> August last, to the dwelling place of John Leslie of Balquhain called the *Fynes*,<sup>401</sup> and there, "as mad men and overtane [overtaken] with drink, raid [rode] throw his haill coirnis of the said town of Fynes, and eitt and dirtroyit the same with thair horse feit, and turnit and raid about the said place on all pairtis, dilaschet [discharged] and shote the saidis hacquebuttis and pistollettis in at the windois and yet [gate] of the said place and persewit the said Johnnes servandis of thair lyveis; lykeas they reft, spuilyeit and away tuke ane fyne horse furth of the saidis landis, pertending [belonging] to the said John Leslie: sua that, be thair uproir and malicious dailling, [Johanna] Erskene,<sup>402</sup> spous to the said Johnne, taking feir and dredour of the said tumult, and not being weill [well] in hir helth, bot grite with bairne, they not onlie gaif hir occasioun to have pairtit with the saymn, bot also to have tane sic displeasour quhairof scho mycht nevir haif convalescheit [recovered]." The complainers appeared by their procurator, Mr Williame Broun. The order of the Court was to denounce the Said Cheyne for non-compearance.<sup>403</sup>

In 1603, Patrick, amongst others, was cited by the Presbytery as a 'papist'.<sup>404</sup> However, in that same year a stent roll prepared by the parish authorities of Ellon was made out, and a warrant was signed by the "Commissionar" on the back – the signature being "Mr. Patrick Chene, Messenger at Arms."<sup>405</sup> It is possible that this was, in fact, Patrick Chene, 10<sup>th</sup> of Essilmont, rather than being an instance his notoriously papist father working for the Presbyterian parish of Ellon!

It was shewn in 1604, in a case before the Sheriff Court of Aberdeen, that tenants in Tawarty had got their holdings from Patrick Cheyne of Essilmont in 1603 but that a decree of Removing had been passed against him in July 1601, at the instance of Walter, son of the late James Maitland of Monaltie.<sup>406</sup> Patrick had, therefore, given them their holdings when he had no right to them, perhaps defrauding them in so doing.

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<sup>401</sup> "Fynes" is difficult to locate. The Leslies of Balquhain held the lands of Fetternear and also parts of Fintray – it may be one of these that is being referred to.

<sup>402</sup> John Leslie of Balquhain married three times. His third wife was Johanna Erskine, sister to the first Earl of Kelly. [Leslie (1861), p. 13]

<sup>403</sup> Reg. Mag. Sig., VI., p. 499.

<sup>404</sup> Mair (1876), p. 50.

<sup>405</sup> Mair (1876), p. 64.

<sup>406</sup> S.C. Abd. Sheriff Court Recs., II., p. 21. "**Violent Profits.** Walter Maitland, lawful son of the late James Maitland of Monaltie *v.* John Wilkeyn, Isobell Auchinlek and John Arthour, all in Tartie. These defenders had, in June 1603, got their holdings from Patrick Cheyne of Essilmont, against whom decree of removing had passed at Maitland's instance on 18<sup>th</sup> July, 1601, and Cheyne was called for his interest in this action. The value of the grain decerned for was "according to the feir of the crop 1603." The value of the pasturage of 20 sheep was fixed at 5 merks yearly, of 10 nolt [cattle] 50/-, and of 2 horses 10/-."

In March 1605, Elspeth Couper in Tawarty appeared before the presbytery of Ellon and confessed *delinquency* with Patrick Cheyne of Essilmont and was ordained to repentance 'nyne Sundayis in goweis and sackcloth, at ye kirk of Logybuchan'. The following 3<sup>rd</sup> April, Patrick himself, who had been summoned also, was reported to be "out of the country." On 3<sup>rd</sup> July he compeared not, although a libelled summons had reached him. On 17<sup>th</sup> July, however, he came forward and, being charged with his delinquency with two women in Tawarty, he denied both cases: and when the presbytery were urging him to confess and shewing that in the case of one his guilt was so notorious that it could not in conscience be denied,—'the said Patrick outrageouslie and contemptuouslie on a suddentie depairtit, refusing to purge himself be his aith and shifting further tryell.' He was decerned guilty and to be excommunicated if he 'abade his contumacie'. On 20<sup>th</sup> November the process of excommunication against him was stayed, as George Gordon in Tawarty had promised in his name that he would satisfy. Mr Mercer, minister of Ellon, also stated that Annand of Auchterellon was to 'travell' [remonstrate] with him. But at the next meeting it was ordained that the process should go on, as he ad given no offer of obedience. However, the minister and Auchterellon were to endeavour to have a meeting with Patrick 'gyf he suld resort to Tawartie'. Soon after this a blank occurs in the presbytery records and the case is lost to us.<sup>407</sup>

When Patrick was excommunicated by the Church, the secular authorities, as was custom, also pronounced him 'outlaw' (he was *put to the horn*) which resulted in all of his lands being taken into possession by the King. His Majesty could then do what he wished with them!

In 1605, a *Charter of Appreciation* under the Great Seal was granted to Alexander Fraser, heir apparent of Philorth, of the lands and barony of Aberdour and of others, that had belonged to Patrick Cheyne of Essilmont.

Also, in 1605, Alexander Fraser made a complaint that, on 11<sup>th</sup> September last, Patrick Chene of Essilmont, James Chene of Pennan his brother, Alexander Cheyne, Gilbert Gray, Andrew Strachan, William Curriour, James Walker, all servants of Patrick, as well as Andrew Black in Aberdour, with others in arms, had come to Alexander's lands of Aberdour, trampled his corn with their horses, demolished dykes and *houghed* certain of his oxen. The complainer appeared by his procurator Robert Stewart, but the defenders did not appear and were thus judged to be denounced rebels.<sup>408</sup> As a consequence of the judgement, John Forbes of Pitsligo, Patrick Hepburn of Aberdour, and Hector Forbes of Auchlin were bound over not to 'commune' with them.<sup>409</sup> Furthermore, to add to Patrick's troubles, in April, 1605, Alexander Seaton also lodged a complaint against him for *rebellion*.<sup>410</sup> In the

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<sup>407</sup> Cheyne (1931), p. 94; Mair (1894).

<sup>408</sup> Reg. Priv. Council, First Series, VII., p. 138.

<sup>409</sup> Reg. Priv. Council, First Series, VII., p. 619, 620, 621.

<sup>410</sup> Reg. Priv. Council, First Series, VII., p. 40.

following year, James Chene in Pitsligo was similarly bound over not to commune with Patrick Cheyne.<sup>411</sup>

Only days later, on 19<sup>th</sup> April, 1606, James Chene in Pitullie was bound over not to intercommune with Patrick since the latter had been put to the horn and also owed John Forbes of Auldmylne 500 bolls of oats.<sup>412</sup>

On 2<sup>nd</sup> May, 1608, the lands of Over and Nether Pittullies, the barony of Outlawe, the lands of Tippetie and Skatterie, the Mains of Aberdour with the manor of Dundarg, the lands of Pennan, Killiquharne, Clintertie, and Ardlahill, with the patronage of benefices and chaplainries, the lands of Rothnachie, etc., were sold by Alexander Fraser, junior of Philorth, to Andrew Fraser, son of John Fraser of Querrilbus. Andrew Fraser and his wife Isabella Gordon reserved the liferent to themselves. This transaction was confirmed by the King at Edinburgh on 18<sup>th</sup> May, 1608.<sup>413</sup> On 16<sup>th</sup> October, 1624, the recipient – Andrew Fraser, son of John Fraser – granted the lands of Aberdour, Dundarg, Pennen, Kilquharne, Clintertie, and Ardlayhill, with the Mill of Aberdour, and right of patronage, etc., and two ploughs of Taertie, to John Fraser, eldest son of the deceased Sir Alexander Fraser of Fraserburgh, knight. On the 25<sup>th</sup> January, 1630, Alexander Fraser, younger of Philorth, granted the town and lands of Aberdour, the tower and fortalice of Dumdarg, and the lands of Kilquharne, Ardlayhill, Clintertie, and Pennen, to Alexander, lord Forbes of Pitsligo. In the year 1635, Alexander, lord Forbes of Pitsligo, granted the lands of Clintertie and Pennan to George Baird of Auchmedden.<sup>414</sup> One can imagine the smile that must have spread across the face of the laird of Auchmedden's face having now obtained the lands of a family who were once his bitter enemy!

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<sup>411</sup> Reg. Priv. Council, First Series, VII., p. 632. "Robert Forbes of Auldtoun-Wardes for James Cheyne in Pitsligo and Martene Vaan there, not to reset or intercommune with Patrick Cheyne of Essilmonth, James Cheyne of Pennan, Alexander Cheyne, Andrew Strachan, Walter Gordoun, William Torriour, Andrew Blak, servitors to the said Patrick, and James Walker, declared rebels, conform to the charge given to them at the instance of Alexander Fraser, apparent of Philorth, under the pain therein specified.—The band, registered by Mr Umphra Blinsele, advocate, and written by Magnus Ogstoun, notary, is subscribed at Pitsligo, 10<sup>th</sup> April, 1606, before Norman Forbes, son of the late John Forbes in Auchannassie, Robert and William Forbes, sons of the late Mr Arthour Forbes, portioner of Wardes, and the said Magnus Ogstoun, writer hereof,—the last subscribing for the principals."

<sup>412</sup> Reg. Priv. Council, First Series, VII., p. 633. "Robert Stewart of Innernorth for Alexander Fraser, younger of Philorth, 1000 merks, and for John Findlattir in Pettulli, James Cheyne there, James Finnie there, and Cauthbert Findlattir there, 300 merks each, not to reset, supply or intercommune with Patrick Chene of Essilmonth while he remains unrelaxed at the process of horn to which he has been put for not paying to John Forbes of Auldmylne 500 bolls of oatmeal, with a peck to each boll thereof.—The band, registered by James King, advocate, is subscribed at Fraserburgh, 14<sup>th</sup> April, before Alexander Stewart in Ballagartie, Alexander Ogstoun and Andrew Fraser, servitors to the Laird of Philorth, younger."

<sup>413</sup> Reg. Mag. Sig., IV., no. 2081, p. 760.

<sup>414</sup> S.C. Shires, IV., p. 120-121, note 1; SC Shires, IV., p. 676-677. (The originals were to be found in the charter chest of Sir John Stuart Forbes of Pitsligo and Fettercairn, baronet.)

It would seem that the world was growing smaller by the day for Patrick, both in terms of his estates and the number of 'friends' he could call on for support in the neighbourhood. He must have been but a shadow of the man he once was and, in spite of his doughty spirit, he must have been sorely afflicted by depression.

In 1608, we find Patrick selling the lands and barony of Essilmont to Patrick Hepburn of Smetoun, and to answer for 'contempt' the same year Patrick Cheyne and Hepburn '*pro ejus interesse*' sold to another Patrick Hepburn, this one at the Mill of Aberdour the town lands of Auld Mylntoun and the little mill of Essilmont.<sup>415</sup>

The records of the Presbytery of Ellon show that, in March of 1608, instructions were issued from the Synod to proceed against the Laird of Essilmont as soon as he returned into the country and he, having done so in July, compeared not, although personally summoned, to answer for 'contempt of the Word and Sacrament, never coming to ony kirk on the Saboth day: for recepting in his service John Chein, Claymires, (his uncle): and likewise to see and heir ye proces of excommunication, lawfullie les agains ye said Patrick as he was decernit gilty with Elspet Couper in Tawartie and convict of contumacie in refusing to satisfie'. All the ministers were to proceed against him with excommunication the three following Sundays. At a meeting of the 8<sup>th</sup> September following, William Chene in Essilmont presented a letter to the presbytery from Annand of Auchterellon in favout of Patrick Chene, Annand's brother-in-law. At this meeting Patrick is reported to be out of the country.<sup>416</sup> Annand's letter follows:— 'Rycht honorable forsamekil as I sie Mr Robert Mersir and I doubt not ye remanent brethren of ye presbyterie proceiding with proces of excommunication against ye Laird of Essilmont, he being absent and out of ye country, wherin gif thai pronounce ye sentence it will be thocht not onlie be himselff but also be others to be verie rigoros and hard deilling. Wherefor I have taken occasioun heirby to earnestlie request you to continew (suspend) and fordes Deilling agains him to his Hame Cuming, that we quha are his friends may have occasion to confer and reasoun with him for moveing of him to obedience and he be made inexcusable in case he contempne. Quhilk my reasonable request in his favors in yat eirand nather befoir ye sentence nor eftir. Quhilk with all forder I will refer to the sufficiencie of ye beirar. Committing you all and your travells most hartlie to

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<sup>415</sup> Reg. Mag. Sig., VI., no. 2038, p. 741. "REX confirmavit cartam Patricii Cheyne de Essilmounth,—[*qua, pro perimptione contractus de data presentium, vendidit M. Patricio Hepburne de Smetoun, heredibus ejus et assignatis quibuscunque, —terras et baroniam de Essilmont* (viz. the 'dominical' lands of Essilmont with its castle and manor house, the lands of Craighead, Corstane, the Old Miltoun with the mill of Essilmont, 1¾ third parts of the lands of Chapeltown of Essilmont, half the lands of the ville of Forth(r)y of Essilmont, with the forests, fish, mills and tenements &c., all in the Sherifffdom of Aberdeen:—PAYING to the King one penny in *albe firme*:—with precept of sasine:—Witnessed by John Young in Benholme, Walter Hay servant of the said Patrick Cheyne, Samuel Blackburn merchant burgess of Edinburgh, Robert Alshunder scribe of Edinburgh (writer of this charter), William Mure servant of the said Samuel:—Given at Edinburgh, 21<sup>st</sup> January, 1608. The charter was confirmed by the King at Edinburgh on 25<sup>th</sup> February, 1608.

<sup>416</sup> Its is possibly that this meant that he was at his estates in Zetland.





God and restis:— [at] Essilmont, ye 7 of September 1608 yeirs at all pa ... (?) et sic subscribitur Alex. Annand of Ochterellon'. The succeeding paragraph is among the instructions of the following October Synod:— "The Laird of Essilmont is presentlie in Scotland, sa sane as he returns the presbytery to conclude the process of excommunication agains him in case he satisie not'.<sup>417</sup>

It is most difficult to keep track of the many and varied land transactions carried out by Patrick Cheyne at this time. The records are confused and the same properties are called by differing names. Often, we find that certain properties were soon sold on very quickly to various other families. However, the end result was that the barony lands of Essilmont and Aberdour became somewhat fragmented, although it should be noted that Patrick seems to have retained his 'title' – Cheyne of Essilmont.

However, on 8<sup>th</sup> March, 1609, the following appears in the records of the Presbytery of Ellon:— 'Comperit conforme to his citation, William Chene, indweller within the paroch of Drumblait,<sup>418</sup> and being accusit for sklanderig Magdalen Fraser, relict of umquhill Patrick Chein of Essilmont, of adulterie in her husband's time with the Erll of Orkney and as airt and pairt of the murdering of his said umquhill husband. Denyit ye sklander and was sumond (as also promeisit) to compeir ye next meiting of ye presbyterie'. There is no mention of this at the next meeting nor can another word on the matter be found in the records of the Presbytery.<sup>419</sup> This Earl of Orkney, who was also called Patrick, was an incarnation of cruelty and lust, and the doing to death of the now vagabond Laird of Essilmont would have sat lightly on his conscience. It is a question, however, whether William Chene denied having uttered the slander, or that he meant that it was no slander and that he would prove what he said.

Patrick, the ninth Laird of Essilmont, died in November 1606,<sup>420</sup> aged only about forty years and, in the period immediately prior to this untimely death, his life appears to be "a continual record of evasion of justice and the squandering of his estates."<sup>421</sup>

By his wife, Magdalene Fraser, he had four children:-

- Patrick, who succeeded as 10<sup>th</sup> of Essilmont;
- Magdalen, who married Alexander Hay. As Alexander was a 'Papist' the presbytery refused to celebrate the marriage. They seem to have got themselves married and lived together for

<sup>417</sup> Cheyne (1931), p. 95-96; quoting Mair's Ellon Presbytery. ###

<sup>418</sup> The Parish of Drumblade lies east of Huntly. The Parish Church is at {NGR: NJ 586403}.

<sup>419</sup> Cheyne (1931), p. 96.

<sup>420</sup> SC Ab. Sheriff Court Records, II., p. 60. [May 16, 1609. **Special Service:** (*Inq. Spec. Abd. No. 122*)

Thomas Grig to James Grig at Mill of Fuddes (Fiddes), his father. The sunny plough of Ullaw in the Barony of Essilmont. Held blench of the heirs of Patrick Cheyne of Essilmont. In non-entry since death of ancestor in November 1606.]

<sup>421</sup> Cheyne (1931), p. 92.

some time. Having reconciled themselves with the Presbytery, a Mr Rattray was ordained to marry them;<sup>422</sup>

- Margaret, who is said to have married Robert Bruce of Sumburgh;<sup>423</sup>
- Elizabeth, who married James Sinclair of Brew.<sup>424</sup>



### **PATRICK CHEYNE, 10<sup>TH</sup> OF ESSILMONT. ( bef.1600 – bef.1631)**

As we have already seen, in November of 1600, Patrick's father settled upon him the Mains of Aberdour with all the lands of the barony of Aberdour.<sup>425</sup> Patrick was still a minor at the time of the death of his father and on 28<sup>th</sup> November 1608, his uncle, the infamous James Cheyne of Pennan, was served Tutor of Essilmont.<sup>426</sup>

In 1610, Patrick Cheyne had a charter of confirmation of the lands of the barony of Aberdour and a ratification of the two charters granted to his father of the Archdeaconry lands, and others in Shetland.<sup>427</sup>

In 1612 it would appear that Patrick was living in Fortrie in Essilmont {NGR: NJ 949295}, since he is described as "incumbent" there.<sup>428</sup>

Patrick continued his father's policy of parting with the family properties and, in 1614, the King confirmed the possession of the lands and baronies of Essilmont and Aberdour to John Forbes of Pitsligo.<sup>429</sup>

In 1623, the King granted to Francis, Earl of Erroll, "terras sominicales de Essilmonth cum turre comprehen. duo aratra per Dominam Elenoram Bruce dominam de Essilmonth occupata et villas et terras de Wowley [Ulaw] et Bourhills, parochia de Ellone, vic. Aberdene, que ferunt Alexandri Annand, aliquando de Auchterellon, tunc de Arduthie, per alienationem ei factam per Wil. Keith de Ludquharne cum

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<sup>422</sup> Cheyne (1931), p. 97.

<sup>423</sup> Families of Zetland, "The Cheynes of Essilmont".

<sup>424</sup> Families of Zetland, "The Cheynes of Essilmont".

<sup>425</sup> Reg. Mag. Sig., VII., no. 347, p. 130.; SC Shires IV., 676.

<sup>426</sup> SC Abd. Sheriff Court Recs., II., p. 59.

<sup>427</sup> Grant (1893), "Patrick Cheyne of Essilmont".

<sup>428</sup> Reg. Mag. Sig., VII., no. 701, p. 261.

<sup>429</sup> Reg. Mag. Sig., VII., no. 1032, p. 378. "... que fuerunt Patricii Scheyne tunc de Essilmonth, filii et heredis quondam Patricii S. de E.; et, cum quibusdam aliis, 18 Maii 1613 (compareut dicto Jo. cum M. Rob. Paip et M. Will. Andersone ejus prolocutoribus), appreciate fuerunt pro 8832 merc. dicto Jo. debitis, et pro 441½ merc. pro feodo Thome Couttis nuncii, vicecomitis in hac parte..." The said John Forbes of Pitsligo as assignee obtained decree of transference as against said Pat. Cheyne younger, of date 7 Mar 1610, with £10 for expenses and 40s. collector's money in each of the three actions of transference.



consensu Alex. de Nath. Keith (redimabiles per Patricium Chene, tunc de Essilmont pro 5000 merks), necnon Johannis Gordun de Buckie, et quas dicti Alex. Annand et Johannis Gordoun resignavit in dicti Francisci favorem tanquam assignati per Jo. Bruce apud magnum molendinum de Essilmont, ad cujus instantiam dicta reversio a dicto Patricio Chene appreciate erat, constituti ad dictam reversionem et declaraturam redemptionis de super obtentam. Redend unum den. albe firme.”<sup>430</sup>

Then, in 1628, the King again granted to Francis [Hay], Earl of Erroll, Great Constable of Scotland, the towns and lands of Corstane, Carnehill, Chapelton of Essilmont, the small mill, the dominical lands of Essilmont, the tower and manor, the towns and lands of Bourhills, Wowlaw, Gray Fortrie alias Fairlie, and the mill, town and lands of Aberdour, Clinterty, and Pennan with the manors, mills, fishings, &c.: which dominical lands of Essilmont, with the tower and pertinents, ‘comprehen. duo arata olim per Dominam Helenorum Bruce dominam de Essilmont possessa et Wowlaw et Bourhills idem comes resignavit et quas. D. Alex. Hay de Foresterseit, miles, unum senatorum collegii justitie, resignavit in favorem dicti comitis, tanquam assignati Joannis Gordoun de Buckie ad literam procuratorialem de data 3 April 1628.”<sup>431</sup>

It would appear that Patrick Cheyne, 10<sup>th</sup> of Essilmont, left no issue and was possibly deceased before 1631, in which year his uncle, James Chene of Pennan (who had been Patrick’s tutor) succeeded to the title ‘of Essilmont’.

If we are to believe Mr Mair’s analysis then we should accept that Patrick Cheyne, 11<sup>th</sup> of Essilmont, passed his last days in Shetland, only visiting the mainland on occasion. The fact that Aberdour was the property of a member of the Cheyne family at that time, may have made a ‘secret’ passage from the islands very much easier. The minute of the October meeting of Ellon Presbytery records that, “The Laird of Essilmont is presentlie in Scotland, sa sane as he returns the presbytery to conclude the process of Excommunication agains him, in case he satisfie not.”<sup>432</sup> This would appear to be the last mention of him in life. It is believed that Patrick was murdered on the orders of the Earl of Orkney. Patrick’s wife, Magdalen Fraser, is reported as having been in an adulterous relationship with the Earl for some time, even before Patrick’s death. It is even suggested that she had ‘air and pairt’ in the murder of her husband. Colonel Wolrige Gordon, a ‘modern’ Laird of Essilmont, is reported to have said that “at one time all the writs and papers of the house [of Essilmont], old and new of every kind, were gathered together and consigned to London for examination and arrangement.”<sup>433</sup> He continues, “after every endeavour to recover them he has, to his great regret, been forced to the conclusion that they are

<sup>430</sup> Reg. Mag. Sig., VIII., no. 431, p. 151.

<sup>431</sup> Reg. Mag. Sig., VIII., no. 1276, p. 439.

<sup>432</sup> Mair (1958), p. 71.

<sup>433</sup> Mair (1958), p. 71.



irretrievably lost." This being the case, the final days of Patrick Cheyne may never be recorded in history and the suspicion of murder will not ever be proved.

Mair concludes that, "There is ample evidence here to show that this last Patrick Cheyne was a loose and unprincipled liver," and ... that there are "grounds for suspecting that his wife, Magdalen Fraser, (whoever or whatever she may have been), was no better."<sup>434</sup>

So the Aberdeenshire estates of the family of Cheyne of Essilmont had now entirely passed into other hands. The title 'of Essilmont' was retained by that branch of the family who were now resident in Shetland and they came also to use the addition 'of Tangwick' to that of Essilmont.



**JAMES CHEYNE, 11<sup>TH</sup> OF ESSILMONT – SEE JAMES CHEYNE OF PENNAN.**

**JOHN CHEYNE, 12<sup>TH</sup> OF ESSILMONT – SEE JOHN CHEYNE, 1<sup>ST</sup> OF TANGWICK.**

**GEORGE CHEYNE, 13<sup>TH</sup> OF ESSILMONT – SEE GEORGE CHEYNE, 2<sup>ND</sup> OF TANGWICK.**

**JOHN CHEYNE, 14<sup>TH</sup> OF ESSILMONT – SEE JOHN CHEYNE, 3<sup>RD</sup> OF TANGWICK.**

**GEORGE CHEYNE, 15<sup>TH</sup> OF ESSILMONT – SEE GEORGE CHEYNE, 4<sup>TH</sup> OF TANGWICK.**

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<sup>434</sup> Mair (1958), p. 71.

## ESSILMONT CASTLE.



*Figure 20: Ruins of the Tower of Essilmont c.1870.*

The estate of Essilmont was, in ancient times, held of the Crown in blenche ferme, for a yearly payment of one penny Scots, and one red rose, payable at the feast of St John the Baptist (24<sup>th</sup> June), "on the ground of any part of said lands in name of free blench if asked only." Before 1306, Essilmont was possessed by a family of the name of Marshall.<sup>435</sup>

It is believed that the old Castle of Essilmont was built by John Chene, 4<sup>th</sup> of Essilmont, son of the fierce Sir Henry.<sup>436</sup>

During the troubled times immediately after the Reformation (1560) the manor of Essilmont, having passed from the Cheyne family, became the property of [George Jamesone](#) (1588-1644), the famous painter. Then, in 1646, the castle was occupied by a party of Covenanters, but some of the Royalist garrison of Fyvie, under Captain

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<sup>435</sup> Temple (1894), p. 507; SC Shires, III, p. 160.

<sup>436</sup> Mair (1876), p. 22.



Blackater (?Blackadder), descended on Essilmont and drove them out killing "*thirtie sex of them, and brought away ther horses and armes, with such other stufe as they had.*"<sup>437</sup>

The Earls of Erroll (Hay), who had acquired the estate after Jamesoune's death, sold it early in the eighteenth century to James Gordon of Ellon, who in turn disposed of it, in 1728, to Robert Gordon of Hallhead,<sup>438</sup> in the hands of whose descendants it has since remained. The modern House of Esslemont, which lies about half a mile north of the ancient castle, was erected in 1799 and rebuilt in 1866.<sup>439</sup>

In the course of 1937, after the then owner, Captain Robert Wolrige-Gordon of Hallhead and Esslemont,<sup>440</sup> had cleared the site of what was thought to be the old castle, Dr W.D. Simpson of Aberdeen University, carried out extensive excavations and survey work. He revealed the 'stump' of a strong and massive tower-house of an L-planned shape – a very typical design in the north-east of Scotland. A full report was published in the Proceedings of the Society of Antiquaries in 1944.<sup>441</sup>

Unlike the usual Anglo-Norman arrangement, the manorial chapel which served Essilmont Castle did not closely adjoin the capital messuage. It stood at *Chapleton*, a good mile to the south, at {NGR: NJ 924282}.



## THE CHEYNES OF PENNAN

### JAMES CHEYNE, OF PENNAN (C.1570 - 1634 )

We first find James Cheyne of Pennan involved in a standing feud between the Cheynes of Essilmont and the Baird family of Auchmedden. In 1598 Gilbert Baird, a close neighbour, whose castle stood just south of Pennan at {NGR: NJ 851647}, lodged a complaint before the Privy Council in that James Cheyne of Pennan and two others, Alexander Bruce and George Broun, put to the horn (outlawed) at his instance on

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<sup>437</sup> Gordon (1844), p. 176; Simpson (1944), p. 100-105.

<sup>438</sup> The Castle/House of Hallhead, which has recently been renovated, is in Cushnie parish at {NGR: NJ 525091}.

<sup>439</sup> Simpson 1944, p. 100.

<sup>440</sup> Patrick Wolrige-Gordon was born in 1935 the son of Captain Robert Wolrige Gordon MC and Joan (née Walter). He was the younger by 40 minutes of identical twin brothers, the other being John, 29<sup>th</sup> Chief of MacLeod of that Ilk, who, after changing his surname, inherited the Dunvegan Castle Estate from their grandmother, Dame Flora Macleod of MacLeod. He was educated at Eton and New College Oxford. In a by-election in 1958, held while he was still and undergraduate, he was elected as Conservative and Unionist MP for East Aberdeenshire and became the youngest MP in the House of Commons at the age of 23.

<sup>441</sup> Simpson 1944, p. 100-105.

16<sup>th</sup> April, 1597, for not finding caution that Baird and his men should be harmless of them, the said persons remain as yet at the horn and are maintained 'in house and herborie [harboured]' by Patrick Cheyne, 9<sup>th</sup> of Essilmont, brother of James. The said complainer appearing personally, the said Patrick Cheyne, in 1598, for neither appearing before the Council nor having entered the said rebels, as charged, is to be denounced rebel.<sup>442</sup> On the 17<sup>th</sup> June, that year, the following appears in the Register of the Privy Council, "James Cheyne of Straloch for Patrick Cheyne of Essilmouth, 500 merks, to answer upon the 10<sup>th</sup> July next to letters executed against him by Gilbert Baird of Auchmedden, touching the entry of James Cheyne of Pennan, Alexander Bruce, and George Broun, before his Majesty.<sup>443</sup> Unfortunately, there is no entry in the Register for the 10<sup>th</sup> July to tell us the outcome of this case. But, in the meantime, we should not imagine Gilbert Baird an 'angel'! On 30<sup>th</sup> December, 1598, "Mr Robert Leirmonth as procurator, registered a band by Thomas Baird of the Shawis for Gilbert Baird of Auchmedden, 1000 merks, not to harm Alexander Anderson, servitor to Mr Alexander Barclay, burgess of Banff, as by letters of *lawborrows* dated at Edinburgh 1<sup>st</sup> November last."<sup>444</sup> However, Mr Baird seems to have been in the habit of being something of a 'thug' himself (*vide infra*)!

James Cheyne of Pennan was made tutor of Essilmont on 28<sup>th</sup> November, 1608. James' brother, Patrick Cheyne, 9<sup>th</sup> of Essilmont had died leaving a son, Patrick 10<sup>th</sup> of Essilmont as his heir. But the son was only a minor at this time and James was chosen as tutor (guardian) to the boy.

Like his brother, James was an ardent supporter of the Roman Catholic cause and it is not uncommon to find him being denounced by the local Presbytery as a 'papist' and being 'put to the horn' for failing to conform to the Reformation church.

James appears to have married twice – firstly to Katherine Rutherford, sister of Alexander Rutherford of Rubislaw, sometime Provost of Aberdeen. James and Katherine were divorced about the end of 1598, after great care had been taken to arrange for the destination of the moneys secured under the marriage contract<sup>445</sup>; - and secondly to Elspet(h) Gordon whom he married c.1599. She was a daughter of one of James' close neighbours and fellow 'papist', John Gordon of Gight. The entry in the Ellon Presbytery records recites that they were married by a certain James Chene who had performed the ceremony, "he having no function in the ministrie."<sup>446</sup> I am convinced that the James Cheyne who performed the ceremony was the Dr James Cheyne who was instrumental in founding the Scots College in Douai.<sup>447</sup> I would suggest that this James may have returned to Scotland (he was of the family of Cheyne of Arnage) and, whilst here, performed the marriage ceremony

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<sup>442</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 459.

<sup>443</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 692.

<sup>444</sup> Reg. Privy Council Scot., First Series., Volume 5., p. 713.

<sup>445</sup> Misc. New S.C., i., p. 114.

<sup>446</sup> Mair (1876), p. 32; Bulloch (1903), i., p. 68.

<sup>447</sup> See Appendix H.

for the couple. Being a Roman Catholic priest, he would certainly have received the Ellon Presbytery's approbation on 11<sup>th</sup> February, 1600.

In 1601, when there was a suspension of certain letters which had charged a number of the inhabitants of Aberdeen not to 'intercommune' with a number of named persons who were then 'at the horn', (many of whom were *papists*), it is no surprise to find that amongst these 'criminals' who were to be shunned were James Cheyne of Pennan and Alexander, son of William Cheyne of Orchartoun.<sup>448</sup> Colonel Cheyne considered that this Alexander Cheyne was a kinsman of the laird of Pennan, and "was his constant abettor in crime and companion in disgrace."<sup>449</sup> On 21<sup>st</sup> February, 1601, Mr Robert Udnie of Tulliquhorthie and Mr James Forbes of Wodland found £500 and £1000 respectively for William Udnie of that Ilk, not to reset or intercommune with a long list of individuals, amongst whom we again find James Cheyne of Pennane, and Alexander Cheyne, son of William Cheyne in Orchartoun.<sup>450</sup>

In the same year, a complaint was placed before the Privy Council by Alexander Coupland and Williame Duffus, inhabitants of Turriff, along with Raulff Anislie, servitor to Francis, Earl of Erroll, and Alexander, Master of Elphinstone, treasurer for his Majesty's interests, against Gordon of Gight and a large party, including James and Alexander Cheyne, for oppressing the town of Turriff at night, armed with long guns, spears, and pistols.<sup>451</sup> The details of the skirmish are given in (Appendix R) at the end of this paper and they show that, for some reason, James and Alexander had not been summoned to Edinburgh along with the other 'perpetrators' to appear before the Court. This 'feud' had dragged on for some considerable time. On 16<sup>th</sup> February, 1604-1605, we find, "George, Earl Marischal, for Mawnis [Magnus] Mowatt,<sup>452</sup> fiar of Boquhollie,<sup>453</sup> 5000 merks, not to harm William Gordoun of Geycht."<sup>454</sup> The following 12<sup>th</sup> March, we find, "George, Marquis of Huntly, &c., for William Gordoun of Geicht and — his servant, 5000merks, not to harm Magnus Mowat, fiar of Boquholly.<sup>455</sup> That this 'vendetta/feud' was of long-standing is demonstrated by a letter of Dame Elizabeth Gordoun, Lade of Gycht, to the Earl of Morton. She writes from Fetterletter on the 21<sup>st</sup> October, 1597, as follows:—

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<sup>448</sup> Reg. Privy Council Scot., First Series., VI., p. 223.

<sup>449</sup> Cheyne (1931), p. 99.

<sup>450</sup> Reg. Privy Council Scot., First Series., VI., p. 678. *Mains of Orchartoun* lies just to the south of Essilmont Castle, at {NGR: NJ 917260}.

<sup>451</sup> Reg. Privy Council Scot., First Series., VI., p. 284.

<sup>452</sup> Magnus Mowatt of Freswick obtained a charter from his father, Patrick Mowatt of Balquholly and Freswick, in 1602. He married Isabella Cheyne, relict of John Kennedy of Kermuick, Aberdeenshire, and died in 1634, leaving two daughters.  
<http://fionamsinclair.co.uk/genealogy/Grantsfamilies/Balquholly.htm>

<sup>453</sup> Ab. City Archives, *Towie Barclay Estate*, Title Deeds Bundle 4. (AET/5/8/2/5), Instrument 3.

<sup>454</sup> Reg. Privy Council Scot., First Series., VI., p. 815.

<sup>455</sup> Reg. Privy Council Scot., First Series., VI., p. 819. *Boquholly* is now *Balquholly* {NGR: NJ 717453} a little to the south-west of Turriff.

*"My Lord eftir my maist hairtlie commendationes of service I haif desyrit the Laird of Bolquhallie to spek[to] your lordship sundrie tymes lyk as I spak your lordship with the Laird Bolquhollie in Aberdein at your lordships last being ther with the King's Maiestie for the Waird landis of Fetterlettir and Lethinthie and will maist ernistlie requiest your lordship to latt me haif eis and eis thairin as your lordship hes done to utheris obefoir. And your lordship sail find me as freindlie and thankfull thairin as ony wtheris that hes delt with your lordship. And thairfoir I send this Lettir with the young Laird Bolquhollie to your lordship luiking for favor and ressonabill eis herin seing the samyne hes been left and na effect takin therin. I will request your lordship for ane favorabill answer with this berar in writt wtherwayis your lordship may appordone me to sek the best reminde I may for my landis as wtheris wassellis to my Lord Buchan hes done afoir, quhilk I will be lothe do except your lordship refus ressone quher of your lordship hes nocht bene in us."<sup>456</sup>*

On 3<sup>rd</sup> / 4<sup>th</sup> February, 1602, John Levingstoun of Donypace [Dunipace],<sup>457</sup> Williame Menteith, younger of Kers, Sir Alexander Drummond of Carnok, Williame Congiltoun of that Ilk, and Robert Home, younger of Heuch, for James Cheyne of Pennan, 10,000 merks, on being relieved furth of his present ward in the tolbooth of Edinburgh, to remain in Edinburgh till freed by his Majesty. James' brother Andrew was present when the bond was registered and subscribed at Holyroodhouse, on 3<sup>rd</sup> February.<sup>458</sup>

Only nine days later, on 12<sup>th</sup> February, 1602, Adam Hepburn of Ponhard [?Bonhard] became surety in 1000 merks for James Cheyne not to harm Gilbert Baird of Auchmedden<sup>459</sup> Alexander Cheyne, James' brother, was again present at the giving of this bond, when he was styled 'of Ardlahill', a property near his brothers at Pennan. In a letter from James Baird, Sole Commissary of the Ecclesiastical Court in Edinburgh, and brother of Gilbert Baird of Auchmedden, dated 17<sup>th</sup> March, 1631, he writes that, "John Cheyne came to this town" and, "with the help of some of his Sutherland friends purchased a suspension of your [Gilbert's] Decreit till the fifteenth of June next. But it seems that John was sent to the tolbooth, "for his friends are dealing with me to accept of ane Mr Patrick Cheyne, an Shetland gentleman, to be cautione," but Baird had refused this. He did, however, accept as cautioner, "Mr Robert Hume, of the Heuch, an sufficient landit discreet gentleman in East Lothian."<sup>460</sup>

James Cheyne is remembered in history as one of the most violent and dangerous members of his family. We have taken the liberty of including the following extracts

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<sup>456</sup> The House of Gordon, Vol. 1., p. lxxvi.

<sup>457</sup> John Livingstone of Dunipace (†1619) garnered much influence by being a regular at the court of King James VI.

<sup>458</sup> Reg. Privy Council Scot., First Series., VI., p. 515. In the margin of the Register the date is given as 4<sup>th</sup> February.

<sup>459</sup> Reg. Privy Council Scot., First Series., VI., p. 718. "The band, registered by Mr Johnne McGill, advocate, is subscribed at Edinburgh, 12<sup>th</sup> February, before Mr Alexander Chene of Ardlahill, Jon Young, Edward Mekiljohnne, and Alexander Wylie, servitors to James Prymrois (Primrose), Clerk of the Secret Council." The property known as Ardlahill was in the region of Aberdour {Ardlawhill: NGR: NJ 877622} only some 5.0km. from Pennan.

<sup>460</sup> Fraser (1857), p. 62.



from the Register of the Privy Seal in order that the writer may judge for himself what order of man James was.

On 12<sup>th</sup> March, 1602, we find James presenting the following twelve actions against Gilbert Baird of Auchmedden:

1. In April 1594 Gilbert Baird of Auchmeddan, accompanied by George Baird, his brother, Patrick Baird, Johne Sym, George Thomesoun, James Middletoun. William Foirsay, Johne Reid, Johne Baird, James Baird, Williame Burne, John Essilmonth, Thomas Scot, Williame Muiriesoun, Alexander Baird, Johne Bowie, Johne Broun, Alexander Mitchell, Johne Foirsay, Andro Broun, and Patrick Broun, wit others, all armed with hagbutts and pistolets, came to the Moss of Pennan, where the pursuer was causing his servants cast his peats, and there pursued him, and slew the horse on which he was riding.
2. The said Gilbert, in June 1597, accompanied by John Keith, fiar of Troup, with "certain notorious murtheraris and treasonable fyre-raiseris," to wit Johne Bowy, Williame Ros, William Ker, Johne Fraser, Thomas Scot, Alexander Keith. Johne Bruce, George Thomesoun, Enwy , James Baird, George Keyth, Robert Home and others, to the number of 60 persons, all armed with unlawful weapons, came to the complainer's place of Pennan, and besieged him and his family therein, shooting hagbutts and pistolets in at the windows and doors.
3. In April 1595, the said Gilbert, finding after many assaults "that he mycht not gett him sua cuttit af," took in company with him one Johne Bowie, —a notorious murderer, who slew Mr Williame Mure while executing the King's letters, —and harboured him for two years, the two doing all they could during that time to murder complainer.
4. In the month , and year 158 , the said Gilbert, immediately after the "tressonable burning" of the place of Crufie [Cruive by Pennan] by the said Laird of Troup, came at night, with the said Laird and other "brigantis and lymmaris," to the complainer's place of Pennan, surprised the same, reft his whole moveables therein, and "stoggit the beddis" for his slaughter, "thinking he had bene hid thairin."
5. In the month of and year , the said Gilbert, with Johne Keyth, fiar of Troup, and others, all armed with forbidden weapons, passed to the lands of Fintray, and murdered Gilbert Kirkpatrik, and thereafter reft from the tenants of the said lands a piece of linen, which they "dowkit and dippit in the said umquhill Gilbertis blude, and affixt and pat up the bludy claithe as ane pensell [flag] of victorie upoun the top of the Laird of Troupis awne house," —after which the said Gilbert took the committers of the said murder to his own forrowis upoun the said complainer and his tenants.
6. In the month of 1601, the said Gilbert, with 20 others, all armed in manner foresaid, came to the pursuer's lands of Pennan, houghed of his



goods pasturing there, shot hagbuts and pistolets at himself, and “sua feircelie persewit him that at length he wes constrainit for his saiftie to flie to the craigis of the sea [sea cliffs].”

7. Yearly, since 1588, the said Gilbert has caused his shepherds, assisted by 20 brigands and limmers, to drive to the said lands of Pennan and hold thereon all his and his tenants' sheep and cattle, amounting to 3000 head, just as if the lands and grass belonged to himself.
8. The said Gilbert caused 12 others of his men to pass daily on horse and foot in the summer tide through the complainer's corns, consuming and destroying them in great quantity.
9. Upon 15<sup>th</sup> December last, Gilbert knowing that the complainer was imprisoned in Edinburgh, came to his lands of Pennan and reft out of his stable his best horse, of gray colour, and assaulted his wife, who thereby “contractit sic a feir that sho partit with bairne and lay long lang thairefter bedfast.”
10. In the month of      last, Gilbert and his accomplices came to the lands of Pennan, cast down the complainer's marches, and trod down his corns.
11. Upon 10<sup>th</sup> October last, Gilbert, being advertised that the complainer was upon the lands of Pennan, hounded out George Baird, his brother, John Forsyth, Alexander Mitchell, Thomas Brabner, Alexander Watt in Grendyk, Patrik Will, Thomas west, James Kid, and Archibald Broun, who, all armed with unlawful weapons, waylaid the complainer and cruelly wounded him, especially “in the rycht lug,” —“for they dang down the same, quhairby sensyne upon that syde of the heid he is made senseles and is ane unprofitable member unto him, quhilk may be instantlie be verifeit and schawne.”
12. In violation of the Acts of Parliament, Gilbert, from the Feast of Whitsunday 1600 to that of 1601, daily resettet [harboured] in his house Mr Alexander Leslie of Peill, and, from the month of      1601 to Whitsunday thereafter, Thomas McKie, called Williame Law's son in Fyfe, who are notorious seminarie preistis,” and who said mass in his house and administered the sacraments to him and his wife,—“feinyeand and dissimuland [pretending and disguising] thamselffis to be medicineris [medicinars or doctors] and come to cuir the said Gilbertis wyfe of some disessis.”—The pursuer and defender both appearing, the Lords assolzied [absolved of guilt] the defender from the articles 1, 4, 6, 7, 8, 9, 10, 11, and from the part of article 12 concerning the reset of Thomas M Kie, and decern him to be quit therefrom in all time coming, because, the said points having been found relevant and admitted to the pursuer's probation, and divers witnesses having been examined, pursuer has failed in proving the same ; and they remit the other points of the libel to the Justice for decision.<sup>461</sup>

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<sup>461</sup> Reg. Privy Council Scot., First Series., VI., p. 360-361.

Although in the margin of the Records we read, "*Decree for the defender, pursuer having failed in his probation,*" which meant that the Council had determined that James Cheyne had not sufficiently proved his case, the actual text of the 'record' states that this was only partially true, and that they had referred points 2, 3, 5, and part of 12, "to the Justice for decision." In modern Scots Law, the Council's decision might have been, "*not proven* on 8 points and part of a ninth, but that guilt on the remaining points was to be determined by a higher authority." Their decision was not a comprehensive acquittal of Gilbert Baird.

We should not be surprised to find that Gilbert responded with a counter-charge against James, and in the interest of impartiality we reproduce his claim here:

**Hamesucken.**— Besieging House of Auchmedden. James Chene in Pennan. 20.7.1602. The quhilk day James Cheyne being enterit as pannel, dilatit, acusit and persewit of the crymes efter specifeit,— they are to say— For contravening of our Souerane Lordis Actis of Parliament, in bringing and weiring hagbuttis and pistolettis upone his person and in his cumpany, oppinlie, outwith houssis, in the moneths of September, October, November, December, Januar, Februar and Marche the yeir of God 1597, upon the landis of Pennan, Auchmedden and diverse utheris boundis within the sherefdome of Abirdene, item, forsamekill as he accompaneit with diuerse utheris his complices, sorners and brokin men, all bodin in feir of weir [war] with hagbuttis and pistolettis and utheris wappynis [weapons] inuasine, in contrair to the tenour of the Acts of Parliament, laitlie in the month of March the yeir of God 1597, haifing consuat ane deidlie feid [feud], rancour, and malice agais Gilbert Baird of Auchmedden and Liliass Baird his spouse, cam by way of Hamesucken, under sylence and cloud of nycht to the said Gilbertis dwelling place of Auchmedden, quhair the said Liliass Baird was for the tye in sober and quyet maner, accompaneit with her bairnis and servandis (her husband being absent), and there clam the cloise dykes of the said place, pullet out the stanchellis (iron stanchions) of the kitchen wyndoys, brak up sum duris [?doors], and assageit the said Liliass and her servandis within the said place be the space of thre houris or thairbye ; clam up to the tops of thair houssis, cst in stanes [stones] at the chymney, and shot in hagbuttis and pistolettis at the durris and wyndoys of the said place : schot the said Liliass threw the claithis, sche being grit with barne : for feir of the quhilk she shortly thairafter pairtit with the said barne, quhilk was cruellie slane by the said James, and sua ye committit Hamesucken, Assageing of Houssis under sylence and cloud of Nycht and hes contravenit the tenour of the saidis Acts of Parliament in beiring, weiring and schuting with hagbuttis and pistolettis."<sup>462</sup>

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<sup>462</sup> Cheyne (1931), p. 101-102; Fraser (1857), p. 84.



On July 30<sup>th</sup>.— The Justice produced his Majesty's will, which was to the effect that James Cheyne "sall be banisht."— Subscribed at Falkland, the 27<sup>th</sup> July 1602.<sup>463</sup>

JAMES REX.

In addition we should note that, in the proceedings leading up to the King's judgement, James Cheyne had also been accused of abducting one Marjory Cuke [Cook], daughter of William Cuke in Vrinach,<sup>464</sup> taking her to his home at Pennan where he ravished and raped her. In reply, James said that he had previously, and with her consent, had carnal relations with Marjory; that she had gone willingly with him to Pennan, and had stayed there, in company with Marion Cullen and Helen Whyte, for a period of fourteen days during which time James was elsewhere on business, so she had been free to return to her father's house and that her father and friends had had free access to her during all of this time. He, being some thirty-two miles away, had sent to Aberdeen to buy her clothes and she had taken her kists and coffers and such gear as she pleased to his house. It was only afterwards that she had been persuaded by her father and Richard Vgiftoune (Ogstoun) to affirm that she was ravished. James entered the defence of "consent".

The case went badly for James, but I wonder if the matter was so one-sided! Indeed, in Pitcairn's Criminal Trials, we find that James was, "pronunceit and declarit ... Clene, innocent and acquit of the rapt and reveissing (rape and ravishing) of the said Mariory Cuik, dochter to William Cuik in Vrinach ; and of detening of hir in captiuitie, be the space of *xij* dayes ; and of the deforceing of hir, ..." but he was found guilty " and convict of the lying with hir in the place of Pennan, at the tyme foirsaid, without violence."<sup>465</sup>

James' lawful wife, Katherine Rutherford was alive during all of this,<sup>466</sup> but she can not (surely) have been living at Pennan. It is also stated that James and Katherine were not divorced!<sup>467</sup>

<sup>463</sup> The full text of the King's instructions to the Court were: "Justice, Justice-clerk and your deputies: We greet you heartily well: for as much as James Cheyne of Pennan, being accused before you for sundry crimes, he voluntarily subjected himself to our will, for the crime of Adultery and sundry oppressions committed by him. Therefore it is our will, that you shall give forth 'doom' [sentence] against the said James, that he shall be banished from this country, and shall in no way return, unless given our Licence, under the pain of death, to be incurred by him, and for the sum of three thousand merks to be incurred by his cautioner, whom you shall order him to find as surety of his remaining outside of the country; and that before he is given his liberty [to go abroad]. In these matters this letter shall be to you sufficient Warrant. Subscribed with our hand, At Falkland, the 27<sup>th</sup> day of July, 1602. (Sic subscribitur) JAMES REX" [Pitcairn's Criminal Trials, II., p. 400]

<sup>464</sup> There is a Brinach within the Fraser lands of Lovat, near Beaully, but I am not certain that this fits at all with the above. Some might suggest this refers to Birnie (Brennath) in Moray.

<sup>465</sup> Pitcairn's Criminal Trials, II., p. 398.

<sup>466</sup> Cheyne (1931), p. 102.

<sup>467</sup> Pitcairn's Criminal Trials, II., p. 400.

Colonel Cheyne comments that “James therefore remained out of sight for about two years.”<sup>468</sup> However, in 1605, it would appear that he was back to his old ways! That year, Alexander Fraser, heir apparent to Philorth, laid the following complaint before the Privy Council: “Complaint. ... that upon 11<sup>th</sup> September last, Patrick Cheyne of Essilmonth, James Cheyne of Pennane, Alexander Cheyne, Gilbert Gry, Andro Strauchane, William Curriour, James Walker, all servitors to the said Patrik, and Andro Blak in Abirdoure, with uthers in arms, came to the pursuer’s lands of Abirdour, and there with their horses tramped down a great quantity of his corn, demolished the dykes of his said lands, and barbarously houghed (hamstrung) certain of his oxen.—Complainer appearing by Robert Stewart, the defenders, for non-appearance, are to be denounced rebels.”<sup>469</sup> This would have been a serious blow to Fraser, not only destroying his crops for that year, which would have been a major blow to his income, but also hamstringing “certain” oxen, by which, we can assume that the assailants had attacked Fraser’s ploughing-teams to the end that he would have had to spend large amounts of money to replace before he could cultivate his lands again.

On 12<sup>th</sup> November, 1605, at Aberdeen, a band (bond) was registered before William Innes, brother of the Laird of Innermerky, James Forbes, his servant, George and Normond Forbessis, servitors to John Forbes of Pitsligo. Robert Innes of Innermarky for John Forbes of Pitsligo, 1000 merks, not to reset or intercommune with Patrick Cheyne of Essilmonth, James Cheyne of Pennan, Alexander Cheyne, Andro Straquhin, William Turnour, James Walker, and Waltir Gordoun, servitors to the said James Cheyne, put to the horn at the instance of Alexander Fraser, apparent of Philorth, for not answering before the Council to his complaint.<sup>470</sup> On 4<sup>th</sup> December that year (1605), Robert Home, apparent of the Heuch, gave surety in £500, for Patrick Hepburn in Aberdour, not to reset or intercommune with the same group of individuals.<sup>471</sup> On 6<sup>th</sup> December John Grant of Endowry stood surety for Hector Forbes of Auchlin, £500, for the same.<sup>472</sup>

At Edinburgh, on the 18<sup>th</sup> April, 1606, Robert Forbes of Auldtoun-Wardes for James Cheyne in Pitsligo and Martin Vaan there, not to reset and intercommune with Patrick Cheyne of Essilmonth and the others named before.<sup>473</sup> On the following day: “Robert Stewart of Innernorth for Alexander Fraser, younger of Philorth, 1000 merks, and for John Findlattir in Pettulli, James Cheyne there, James Fynny there, and Cuthbert Findlattir there, 300 merks each, not to reset, supply, or intercommune with Patrik Chene of Essilmonth while he remains unrelaxed at the process of horn to which he has been put for not paying to Johne Forbes of

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<sup>468</sup> Cheyne (1931), p. 102.

<sup>469</sup> Reg. Privy Council Scot., First Series., VII., p. 138.

<sup>470</sup> Reg. Privy Council Scot., First Series., VII., p. 619.

<sup>471</sup> Reg. Privy Council Scot., First Series., VII., p. 620.

<sup>472</sup> Reg. Privy Council Scot., First Series., VII., p. 621.

<sup>473</sup> Reg. Privy Council Scot., First Series., VII., p. 632.



Auldmylne 500 bolls of oatmeal, with a peck to each boll thereof.—The band, registered by James King, advocate, is subscribed at Fraserburgh, 14<sup>th</sup> April, before Alexander Stewart in Ballagartie, Alexander Ogstoun and Andrew Fraser, servitors to the Laird of Phillorth, younger.<sup>474</sup> The band had been signed originally at Pitsligo on the 10<sup>th</sup> April.<sup>475</sup>

But James could not avoid the Courts forever, and, indeed, there is evidence to cause us to think that he was well aware that his end was nigh and that he was quite content to meet it face-to-face. Certainly, his loyal companion throughout all these troublous events, the ever-present Alexander Cheyne, was eventually brought to trial where he was charged with, **“Falset’ – Perjury – ‘Man-Swearing’ – cruel Oppression.”** On 15<sup>th</sup> March, 1606.—Alexander Cheyne, in the Haltoun of Balhalvie (Halltown of Belhelvie), Alexander Wastland [Westland] his servant, and Alexander Croy, servitor to the Laird of Auchterellon, were brought before an assise of the Lords of the Privy Council in Edinburgh. Alexander Cheyne and Alexander Wastland were both sentenced to death however, because of his ‘gentility’ Chene was to be beheaded whilst Wastland, being of lower ‘stock’ was to be hanged. Because Croy had been the first to tell the truth he was sentenced to be ‘scourged through the town’. It is not clear if he would have survived this ordeal. And so the loyal accomplice of James Cheyne disappears from history.

Unsurprisingly, little or nothing is heard of James himself, after the execution of Alexander Cheyne. It is not until 28<sup>th</sup> December, 1608, as brother german of the late Patrick Cheyne, 9<sup>th</sup> of Essilmont, we hear of him being appointed Tutor (Guardian) to his brother’s son and heir, his nephew Patrick, who was then still a ‘minor’.<sup>476</sup> We must wonder what sort of an example James would have been for the young boy!

It is not clear whether James had actually been absent from Scotland for a time but if so, it is probably safe to assume that he returned when his older brother Patrick died. During the minority of his nephew, James would have been required to administer the Essilmont estates on the boy’s behalf, as well as looking after his own interests at Pennan. It certainly does appear that there had been a period of absence since it was only at this point that Alexander Fraser, junior of Philorth, chose to raise his complaint of 1605 (*vide supra*) again, and pursue James through the Court of the Privy Council. It is quite possible that James had taken the King’s order of ‘banishment’, pronounced on 27<sup>th</sup> July, 1605, to heart, and travelled abroad.

At last, on 12<sup>th</sup> January, 1609, when he eventually appeared to answer Fraser’s charges, James was able to enjoy a little good fortune. On appearing, James

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<sup>474</sup> Reg. Privy Council Scot., First Series., VII., p. 633.

<sup>475</sup> Reg. Privy Council Scot., First Series., VII., p. 632-633.

<sup>476</sup> S.C. Abd. Sheriff Court Recs., II., p. 59.



complained that he had been put to the horn for not answering regarding the destruction of Fraser's corns, but stated that he was never lawfully charged and that he had never heard of the complaint until after being denounced as a rebel. Alexander Fraser did not appear in the Court that day and so the letters of outlawry against James were thereupon suspended.<sup>477</sup>

In January, 1609, James Chene of Pennan is cited with excommunication by the presbytery of Ellon for living in the house of James Chene in Claymires,<sup>478</sup> with excommunicated papists, but he keeps himself away from the presbytery members.<sup>479</sup> John Cheyne himself was a 'notorious' papist but his wife Elspet Garioch was an equally adherent to the Catholic Religion, if not more so. Both John and Elspet, and their son John, had been summoned to appear before the Presbytery on 16<sup>th</sup> December, 1607, but had failed to compear, "to give confession of the faith and subscribe to the same, as ... delaitted of papisterie and Idolatrie, of receipting Jesuits and priests and contemptening ye word ... ." On the 30<sup>th</sup> December, John appears in answer to his summons. He says he has already subscribed, and will attend church and cause his servants to do so, but he cannot answer for his wife— "she would do nothing for him in that poynt, nor wald not be moneit be him to be obedient to the voce of the kirk" and the same with regard to his son. The Minister ... has to report that they refuse "in ony wayes to cum to the kirk to heir preiching and Doctrine," and they are to be excommunicated.

On 30<sup>th</sup> March, 1608, the process of Excommunication led by the minister of Ellon is written out at great and formal length. The three admonitions, and three tyimes prayed for, occupy six different Sundays, and, besides that it is in the presence of the general congregation, the names of three or four special witnesses are given for each time. In the end, Elspet Garioch, "contumax and obstinate papist," is declared "and rotten member of the Misticall body of Christ, noysum and hurtfull to the

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<sup>477</sup> Reg. Privy Council Scot., First Series., VIII., p. 224.

<sup>478</sup> Claymires is about 1km. north of Turriff at {NGR: NJ 727511}.

<sup>479</sup> Mair (1894), p.65. "In Jan. 1609, when the Papists are being pressed, James Cheyne in Piltachie promises to conform. [Piltachie was on the lands of Coldwells {NGR: NJ 755204}, (Bertie 2000, p. 225)] John Cheyne himself has been before several successive meetings to answer for non-attendance at church, and for receipting the excommunicated Laird of Gicht. He confessed that he had not communicated since Mr Mercer came as Minister. He had entertained Gicht and would do so again. He also makes a somewhat irrelevant charge, intended probably to show that Protestant Ministers are no better than other people. '*The said Johne appinlie and publiclie in presence of the presbyterie and utheris ... said that the minister of Tranent fellit and murderit his Wyiff, and tuik in hand to prove ye same.*' Soon after this John is accused that a marriage had been made in his house betwixt Patrick Chein, merchant, and Jane Butter, daughter to Patrick Butter of Elrick. He denied, and said the marriage was made by his brother James, and not in his house. When James, having been summoned, appeared, he denied that he made the marriage, but John, who was present, reasserted that he did. Asked where it took place, he answered, '*at ane mekill gray stane besyde ye Laird of Foveran's new hous in Mekill Tibbertie.*' Being inquirt wha wes present, answerit nane except the said James, the twa pairties, and John Chein, excommunicant sone to the said Johne." It was determined that the matter should go before the Synod.

congregation, and behoveit to be cut off as ane Rotten member." Then follows a similar and equally long process against her son.<sup>480</sup>

The tale continues, as does James Cheyne's behaviour towards his 'neighbours'. In 1609, Alexander Annand of Auchterellon complained to the Privy Council that James Chene of Pennan with others of the name of Chene, namely John Cheyne in Claymires, John Cheyne his son, William Cheyne in Claymires, Andrew Garioch there, and Gilbert Chalmer in Bogholl, armed with pistols, hagbuts, and other weapons, came with convocation of the lieges to Mains of Essilmont, belonging to the said Alexander, and "raid athort the growand coirnis thairof", and destroyed the same [rode through and destroyed his corns]. That again, on Sunday 7<sup>th</sup> May last, they came to his place of Essilmont (sold to him by Patrick, 9<sup>th</sup> of Essilmont) and, finding him 'walking before his awne yet' (gate), they attacked him with drawn swords. Farther, on 10<sup>th</sup> and 11<sup>th</sup> May last, armed as above, they lay in wait for him in his own meadow, of purpose to take his life. In fact, every month since July last year, they have almost daily carried pistols and hagbuts and use them for 'their particular revenge' against all with whom they have quarrel.—Pursuers appearing, but not defenders, the Lords of Council found them guilty, but only of carrying firearms and they were ordered into ward in the Tolbooth of Edinburgh. The Cheynes were *assoilzie* [acquitted] of the other points of the complaint. It is no surprise to find that they did not appear at the Tolbooth!<sup>481</sup>

In the following year, Beatoun of Carsgowrie found surety for James to appear to answer upon this charge of 'ryding athort [to and fro in various directions] the grouand [growing] cornis' of Essilmont and of pursuing Alexander Annand with hagbuts.<sup>482</sup>

At about the same time, Gilbert Baird of Auchmedden was bound over in 1000 merks not to harm James Chene of Pennan, showing that this age-old dispute between the two was still simmering.<sup>483</sup> The text runs, "Hew Crawford of Quhytehill for Gilbert Baird of Auchmedin, 1000 merks, not to harm James Cheyne of Pennan. The band, registered by Mr Robert Lermonth, advocate, had been subscribed at Edinburgh, 18<sup>th</sup> July, 1598, before Mr Alexander Cheyne, brother of the Laird of Esselmonth, and Walter Leslie in Banff." This document is recorded in the Register of the Privy Council at date of 15<sup>th</sup> /16<sup>th</sup> March, 1610. It is

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<sup>480</sup> Mair (1894), p. 65.

<sup>481</sup> Reg. Privy Council Scot., First Series, Vol. VIII, p. 314.

<sup>482</sup> Reg. Privy Council Scot., First Series, Vol. IX, p. 653. "David Beatoun of Carsgownie and Beatoune for James Cheyne of Pennan, 500 merks, to answer before the Council on 22<sup>nd</sup> November next to the complaint of Sir Thomas Hammyltoun for his Majesty's interest, and of Alexander Annand of Auchtorellen(*sic.*), for "ryding athort the grouand cornis" of the lands of Essilmont and pursuing the said Alexander with hagbuts; also to pay the Treasurer 20 merks for his escheat within 40 days hereof."

<sup>483</sup> Reg. Privy Council Scot., First Series, Vol. VIII, p. 723.

not uncommon for there to be such lengthy gaps between a band being drawn up and it being registered by the Privy Council.

In Jan. 1610, three tenants on the Essilmont lands who had been “resorting, eiting and drinking in Claymires with Elspet Garioch, excommunicated papist,” had to give bonds to the presbytery in £10 each that they shall not do so again.<sup>484</sup>

At long last, on 28<sup>th</sup> July, 1610, the King granted letters of pardon to James Chene of Pennand for the carrying of pistols and hagbuts and that the letters were to have effect for the remainder of James’ life.<sup>485</sup>

This very generous pardon seems to have encouraged James to reform his ways and to have induced him to lead the life of an ordinary member of the class of genrty. This lasted for about six years and from 1611 to 1616 we only find record of his being occupied in usual family and estate matters.<sup>486</sup>

Seven years later, in 1617, John Cheyne and his wife are given as “recepters of Jesuitts,” and it was shown by the Bishop [Alexander Forbes?] that there were three “trafeking papistes hanting ... Claymires, of surname supposed, Ogilvie, Gordoun and Cant. Ye said John Chein being bailie deput to the bishop of Saint Androis.” The brethren were all advised to take heed of them, and also of Gilbert Chalmer, a recusant, haunting at Claymires; also of one Brown, *alias* Makkie, lately retrned, who was expelled the country not to return under pain of hanging. Yet again five years [later], viz. in 1623, John is charged afresh for apostacy, and this time disregards the summons, and in June of 1624, Mr Mercer of Ellon, in reporting concerning papists, says—“And as to John Chein in Claymires, in respect he had na hope of his satled conformity since his wyf was excommunicated and his hous a receptakle for priests and Messmongers, and him self haid oft tymes promiseit and sumtymes begun to heir, bot ever haid fallin bak thairfra, he had summoned him to be a libellit summons to this day.” But he appears not.<sup>487</sup>

It was not only in the ecclesiastical world that trouble re-appeared.

As we have seen, there is ample evidence to support the contention that James Cheyne of Pennan was, himself, one of the most ‘unruly’ members of his family and it would appear that his second wife Elspet was not averse to following her husband’s example. On 23<sup>rd</sup> March, 1619, John Gordon of Buckie made a series of complaints to the Privy Council about Elspet and her husband. The full complaint is

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<sup>484</sup> Reg. Privy Council Scot., First Series, Vol. VIII., p. 314.

<sup>485</sup> Reg. Mag. Sig., Vol. VII., no. 352, p. 132. At Edinburgh. “REX dedit literas remissiounis JACOBO CHEYNE in Pennand, pro eius vita duraturus,—pro gestatione et jaculatione machinarum et bombardarum et *lie hagbuttis, pistolettis et gwnis*, 7 Maii 1609, aut quovis die dicti anni, aut quovis tempore ante diem date.”

<sup>486</sup> Cheyne (1931), p. 103.

<sup>487</sup> Mair (1894), p. 66.



included in *Appendix Q* of this paper.<sup>488</sup> The case against the Cheynes failed since John Gordoun did not appear in court to support his charges. James, who was present before the Lords in Council on the appointed day, protested that, as the pursuer had not appeared, he should not be held to answer further without a new charge, which protest the Lords admitted and James was acquitted.

In his later years, James is described as “sometime of Pennan,” for the estate, along with the barony of Aberdour, had passed out of his hands. It is thought that he migrated to the Shetland Islands where the family had property. By 1631, his ‘pupil’ Patrick, 10<sup>th</sup> of Essilmont, had died leaving no issue. Consequently, James of Pennan inherited the title ‘of Essilmont’ becoming James Cheyne, 11<sup>th</sup> of Essilmont, on 10<sup>th</sup> March, 1634.<sup>489</sup> He died only a few months later.

By this second marriage James had a son and heir John Cheyne (b. c 1601) just a year after the marriage took place. He inherited the title ‘12<sup>th</sup> of Essilmont’ although for four generations after him whilst still using the title, the family were domiciled in Shetland. John Cheyne 12<sup>th</sup> of Essilmont became also ‘1<sup>st</sup> of Tangwick’ and we continue the family history in the “Cheynes of Tangwick” section of this paper.



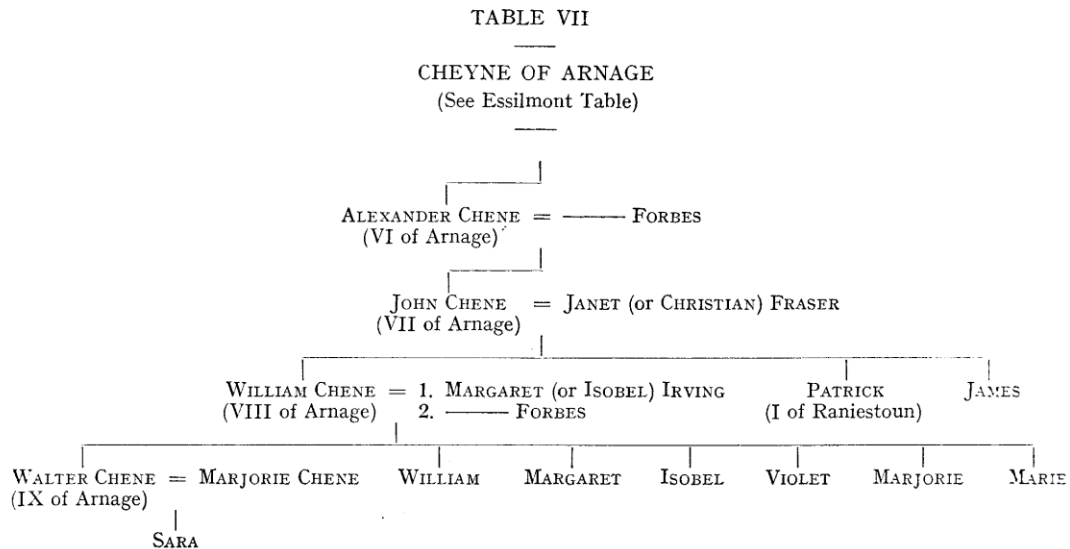
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<sup>488</sup> Reg. Privy Council Scot., First Series., Vol. XI., p. 551. “Edinburgh, 23<sup>rd</sup> March, 1619. John Gordon of Buckie against James Cheyne and others for continued molestation of himself and his tenants of the lands of Esslemont.”

<sup>489</sup> Inq. Retorn. Abbrev. Gen. no. 2039, xii, 144.



## THE CHEYNES OF ARNAGE



(The ensuing Cheynes 'of Arnage' were not in direct descent, and acquired the estate by purchase from Walter, IX of Arnage).

Figure 21: Family tree of Chene of Arnage. From (Cheyne 1931, p. 123.)

The estate of Arnage is ancient and has its roots in the time of the Celtic *Mormaers* of Buchan. The lands of Arnage passed by marriage to the *Comyns*, Norman Earls of Buchan. As in the case of Essilmont, Arnage became the property of Malcolm Mareschal in 1307. Shortly afterwards Arnage passed to the Cheynes when Janet Mareschal became the second wife of Reginald le Chen, 3<sup>rd</sup> of Straloch and 1<sup>st</sup> of Essilmont and Arnage. Arnage remained a joint estate with Essilmont till 1516, when, as we shall see, by a family arrangement, the lands were divided.

This branch of the family was descended from John Cheyne, 4<sup>th</sup> of Essilmont and Arnage. John determined to divide his estates between his two sons - Henry, who became 5<sup>th</sup> Laird of Essilmont, and Alexander, who received the estate of Arnage. It is commonly believed that Alexander was an illegitimate son.<sup>490</sup>

<sup>490</sup> S.C. Shires, iii., p. 14.



The estates of Essilmont and Arnage first came to the Cheyne family when Reginald le Chen, 3<sup>rd</sup> of Straloch, married, as his second wife, Janet Marischal, daughter of William Marischal (b.c.1293) of Essilmont and Arnage.

It is believed that the Cheynes built a castle here, at Arnage {NGR: NJ 935370}, on the foundations of an earlier 'motte' or 'keep'. Parts of the 16<sup>th</sup> century z-plan 'castle' of Arnage remain incorporated into the present country house, which, having been modified on a number of occasions, is still a very comfortable residence situated about 9km. north of Ellon.



*Figure 22: Arnage Castle from the west. (J. Giles, 1841)*



*Figure 23: Arnage Castle today © Canmore HES*

**ALEXANDER CHEYNE, 6<sup>TH</sup> OF ARNAGE (C.1488 - C.1539)**

John le Chen, 4<sup>th</sup> of Essilmont and Arnage, would appear to have had four sons – Henry, the eldest, who inherited on his father's death in 1505; Patrick the second son (?); Alexander; and Laurence. Sadly, Henry died in 1507, only two years after his father. Both estates (Essilmont and Arnage) would normally then have been inherited by Patrick, as second son. However, there ensued a lengthy dispute between the brothers, which was not resolved until 1516 and which had an interesting outcome. Patrick received Essilmont only and Arnage was passed to his brother Alexander who, it was claimed, was 'illegitimate'. It is difficult to imagine why this dispute arose unless Alexander, an 'illegitimate' son, was older than Patrick. If he had been younger then it would not have been in keeping with the laws of inheritance for him to challenge Patrick's right. It would appear that Alexander might have considered himself to be Henry's rightful heir, as being the eldest of the remaining brothers. Patrick appears to have discounted Alexander's right because he claimed his brother was illegitimate.

The estates had belonged to their father John in *liferent* and then to the brother Henry in *fee*, and had passed (on Henry's death) into the hands of the King through the 'non-entry' of the true heir. Colonel Cheyne says that, "they [the brothers] had agreed to divide them [the estates]." <sup>491</sup> However, it might be more accurate to say that the two brothers had agreed to the decision of the courts that the estates should be divided between them. The dispute had lasted some ten years and it is difficult to imagine that relationships between the two brothers were too friendly!

During this time it would appear that Alexander had qualified as an advocate since, from 1507, he is continually designated as "Mr. Alexander," a prefix in those days only accorded to ministers and lawyers. When witnessing a charter of lands in Udny, dated 27<sup>th</sup> October, 1508, Master Alexander Chene is described as a burgess of Aberdeen. <sup>492</sup>

When the brothers' dispute was finally resolved in 1516 – it had not been possible for anyone to prove Alexander's illegitimacy – Arnage was assigned to Alexander by the courts. His estate was described as the whole lands of Mikle Arnage, namely Arnage to the Arquhadlaw with the two mills thereon, and a third part of the

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<sup>491</sup> Cheyne 1931, p. 123; R.M.S., iii., no. 60, p. 13.

<sup>492</sup> S.C. Shires, iii., p. 80.



lands<sup>493</sup> of Chapeltoun of Essilmont.<sup>494</sup> Alexander received a crown charter of this 'third' on 27<sup>th</sup> February, 1516.

On succeeding to the Arnage estate, Alexander, who had been an advocate in Aberdeen for at least eight years, ceased to practice law, but his legal knowledge stood him in good stead in the management of his lands.<sup>495</sup>

On 26<sup>th</sup> March, 1516, almost as soon as he received the lands of Arnage, Alexander Cheyne alienated those of Towie, lying in the barony of Mikle Arnage, to William Forbes, his brother-in-law.<sup>496</sup> The King confirmed this gift on 8<sup>th</sup> September, 1516, at Edinburgh.<sup>497</sup>

In 1527, Alexander witnessed a charter granted to his niece Janet Cheyne and her husband, John Forbes, his nephew, son of William Forbes of Tolquhon, of the lands of *Minonie*, in the barony of Formartyne.<sup>498</sup>

We must pass to the year 1535 before we find mention of Alexander Cheyne again.<sup>499</sup> In this year he was an assessor in a cause between William Strachan of Glenkindie and the Lord Elphinstone, and was named as "Master Alexander Chene de Arnage."<sup>500</sup> We have already read Colonel Cheyne's opinion that Alexander Cheyne was commonly addressed as "M. Alexander Chene" and that this indicated that he had become a lawyer. This may well be the case, but, in many instances, he is referred to as Magister Alexander Chene and experience shows that this form of address was used for those who had received a Master of Arts degree from a University. It does not necessarily indicate the individual's occupation, although the two things were, as in Alexander's case, often linked.

Two years later, in 1537, a settlement of the boundary lines of Fortrie and of Essilmont was arrived at.<sup>501</sup> The following year, on 1<sup>st</sup> March, 1537/8, an agreement was arrived at between Alexander and his brother Patrick of Essilmont regarding the boundaries between the Auld Mill of Essilmont and Chapletoun of Essilmont.<sup>502</sup> It is obviously the case that the two brothers were still at odds over the 'settlement' of

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<sup>493</sup> It is probable that the lands of Chapeltown of Essilmont were divided between the three remaining brothers.

<sup>494</sup> Cheyne 1931, p. 123. There are four farms marked on the OS Six-inch 1<sup>st</sup> Edition maps (1843-1882) which bear the name *Auquhadlie* – Wester, Upper, Nether and Easter. I would suggest that Auquhadlie is co-terminous with Arquhadlaw. The middle farm (Nether Auquhadlie) is at {NGR: NJ 946387}. Arnage House {NGR: NJ 935370} is some 2km. south-west of Nether Auquhadlie.

<sup>495</sup> Godsman (1958), p. 110.

<sup>496</sup> Alexander Cheyne married a daughter of Malcolm Forbes, 4<sup>th</sup> of Tolquhoun, whose first name has not come down to us.

<sup>497</sup> R.M.S., iii., no. 94, p. 19.

<sup>498</sup> Godsman (1958), p. 111; Temple (1894), p. 381; S.C. Shires, iii., p. 66.

<sup>499</sup> Cheyne 1931, p. 124.

<sup>500</sup> S.C. Shires, iv., p. 469.

<sup>501</sup> S.C. Shires, iii., p. 16.

<sup>502</sup> S.C. Shires, iii., p. 17.

their father's estate and here we have them trying to set out the boundaries in some detail, in the hope of avoiding further argument.

Alexander Chene, 6<sup>th</sup> of Arnage, died very soon after the events noted in the paragraph above. A number of authors give the year of his death as 1539.<sup>503</sup>

Alexander left by his wife, who was a daughter of Malcolm Forbes, 4<sup>th</sup> of Tolquhoun, but whose first name has not come down to us,<sup>504</sup> one son:

- John (d.1548), who succeeded as 7<sup>th</sup> of Arnage;



### JOHN CHEYNE, 7<sup>TH</sup> OF ARNAGE (†c.1548)

On 23<sup>rd</sup> September 1525, John Chene "in Arnage" was a witness to a charter of Hugh Ross of Kilravock, given at Aberdeen, recording the sale of the lands of Easter Kilravock to David Falconer of Halkerstoun. Patrick Chene of Essilmont and a Magister William Chene (John's son?), were also witnesses to the charter.<sup>505</sup> This sale was confirmed by the King at Edinburgh on 4<sup>th</sup> October that same year.<sup>506</sup>

On 6<sup>th</sup> August, 1540, the King, at Falkland, granted to John Chene, son and heir apparent of Master Alexander Chene of Meikle Arnage, the lands of Meikle Arnage, viz. Towy [Towie], Carnnadaly, Kirkhill, *granorum et fullonum* of the Mill of Meikle Arnage,<sup>507</sup> the lands of Archaidlaw [Ardquhadlaw], with the tenants &c., half of *Fortre* [Fortrie] de Essilmont, a third part and a fourth part of another third part of *Chapelton* of Essilmont. Alexander reserved a free tenement for himself during his lifetime. According to the King, Alexander had resigned these lands into his hands and, in return for the good services John had done for him, the King 'incorporated' these lands into the "free barony of Mekill Arnage."<sup>508</sup>

John appears at a tribunal held in Aberdeen on 19<sup>th</sup> March, 1546, to deliberate upon the misdeeds of Magister Jerome Chene<sup>509</sup> and his brother James Chene, both sons of Sir Patrick Chene, 6<sup>th</sup> of Essilmont. Both brothers were charged by the baillies of Aberdeen, in the name of the whole town, of violence towards one of the town's officers. The whole process of their appearance before the court is given in detail in

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<sup>503</sup> For example, Godsman (1958), p. 111.

<sup>504</sup> Godsman (1958), p. 111, states that her first name was Margaret.

<sup>505</sup> Probably John Chene of Arnage's son.

<sup>506</sup> R.M.S., iii., no. 336, p. 75.

<sup>507</sup> Both the grain mill (*molendinum granorum*) and the 'waulk-mill' or fulling mill (*molendinum fullorum*.)

<sup>508</sup> R.M.S., iii., no. 2185, p. 495.

<sup>509</sup> (see Appendix J).

the Aberdeen Council Register<sup>510</sup> and, because of its length, we have chosen to include it in Appendix G at the end of this paper. Both Magister Jerome and his brother James claimed that the process was not legal since they were both in [Holy] Orders as 'clerks' and could, therefore, only be tried before an ecclesiastical court. Magister Jerome, after holding the rectory of the church of Torry/Nigg<sup>511</sup> from about 1554, had become Archdeacon of Shetland by 1577, a post which he held till the end of his life in 1584.

John left by his wife, Janet (or Christian) Fraser,<sup>512</sup> daughter of the Laird of Duires (Durris):

- William, who succeeded as 8<sup>th</sup> of Arnage;
- Patrick, progenitor of Cheyne of Raniestoun;
- Dr. James Cheyne. (see [Appendix H](#))

Janet Fraser, relict of John Cheyne, 7<sup>th</sup> of Arnage, afterwards married Robert Forbes of Echt, apparently a brother of her daughter-in-law.<sup>513</sup>



### **WILLIAM CHEYNE, 8<sup>TH</sup> OF ARNAGE (c.1510 – aft.1592)**

William Cheyne received sasine of the lands and barony of Mikle of Arnage on 14<sup>th</sup> March, 1548.<sup>514</sup> His marriage charter, dated 15<sup>th</sup> January, 1555, at Aberdeen, and confirmed by the Queen at Edinburgh on 12<sup>th</sup> January, 1558, granted to his wife Margaret Irvine, sister of Alexander Irvine of Drum,<sup>515</sup> the manor lands of Mikle Arnage, reserving one third of these lands to his mother during her lifetime.<sup>516</sup> A charter recording the grant was given at *Auchnacant* {NGR: NJ 960264} on

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<sup>510</sup> S.C. Aberd. Burgh Reg., i., pp. 228-231.

<sup>511</sup> I believe this was the church of Nigg in the barony of Torry, across the River Dee from Aberdeen. Administratively, it was in the Deanery of the Fotheric, St Andrews Diocese. But this is difficult since there was also a parish called Torryburn in Fife, which was in the Deanery of the Mearns and was often called just 'Torry'.

<sup>512</sup> After the death of John Chene, his widow married again, this time to Robert Forbes of Echt.

<sup>513</sup> Lumsden (1819), p. 47.

<sup>514</sup> Exchequer Rolls, xviii., p. 426

<sup>515</sup> Godsman (1958), p. 112, states that Margaret was daughter (not sister) of Alexander Irvine of Drum. The fact is that her father was named Alexander as also was her brother, so both statements are true. Her father was killed at the Battle of Pinkie in 1552 having married Elizabeth Ogilvie, daughter of the laird of Findlatter, in 1526. His eldest son, Margaret's brother, Alexander Irvine of Drum, succeeded his grandfather.

<sup>516</sup> RMS., iv., no. 1233, p. 275.





6<sup>th</sup> September, 1557 and was confirmed by the Queen at Edinburgh on 6<sup>th</sup> October, 1577.<sup>517</sup>

On 10<sup>th</sup> January, 1558-9, William and Robert Cheyne<sup>518</sup> were the subjects of an action taken by Elizabeth Meldrum, widow of Alexander Gray, burgess of Aberdeen. William and Robert had appointed Mr. Robert Lumsden as their procurator 'in all actions whatsoever'.<sup>519</sup> The 3<sup>rd</sup> April, 1559, saw William doing jury service.<sup>520</sup> On 17<sup>th</sup> June, 1560, Robert Cheyne appointed Thomas Cheyne "Young Laird of Essilmont", William Cheyne of Arnage, and Mr Gilbert Murray, procurators in all his actions.<sup>521</sup>

On 5<sup>th</sup> April, 1569, at Edinburgh, William, 8<sup>th</sup> of Arnage, swore allegiance to the three-year-old King James VI (James Stewart, Earl of Moray, being then Regent). In the same company was James Chene 'apperand of Straloch'.<sup>522</sup> William again swore allegiance at Aberdeen in 1574 (in the time of the Regent Morton) when King James VI was just eight.<sup>523</sup>

William is listed as a member of a Jury of Inquest on 31<sup>st</sup> July, 1574.

On 6<sup>th</sup> October, 1574, he took suit against Barbara James and James Lamb, (who became James' spouse), and Robert Anderson, to try to remove them from the lands of Tullidesk in the Barony of Kelly,<sup>524</sup> but the defendants were able to prove their title and no Decree of Removal was made against them.<sup>525</sup>

In 1581, the Abbot of Kinloss is said to have granted the 'tack' of certain lands belonging to the monastery to William Chene of Arnage, Walter his eldest son, and their heirs, so long as the name of Chene bore arms.<sup>526</sup>

Colonel Cheyne (Cheyne 1931, p. 127) states that William was married twice, firstly, as we have seen, to Margaret (Isobel) Irvine, and secondly to a daughter of Robert Forbes 5<sup>th</sup> of Echt, whose first name is not known.

William was still alive in 1592 when the King granted the barony of Arnage to his son, Walter Chene.<sup>527</sup> It would appear that William had resigned his lands into the hands of the King in order that his son could then receive them from the Crown.

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<sup>517</sup> RMS., iv., no. 1211, p. 270.

<sup>518</sup> I believe that this was Robert Cheyne (1544-c.1599) who became '1<sup>st</sup> of Vaila'. He was the son of Thomas Cheyne, 7<sup>th</sup> of Essilmont.

<sup>519</sup> Rec. Ab. Sheriff Court, i., p. 134.

<sup>520</sup> Rec. Ab. Sheriff Court, i., p. 135.

<sup>521</sup> Rec. Ab. Sheriff Court, i., p. 147.

<sup>522</sup> Reg. Privy Council Scot., I., p. 655.

<sup>523</sup> Cheyne 1931, p. 126.

<sup>524</sup> Tulliedesk (Tillidesk) {NGR: NJ 958363}.

<sup>525</sup> Rec. Ab. Sheriff Court, i., p. 214.

<sup>526</sup> Godsman (1958), pp. 111-112.

<sup>527</sup> Cheyne 1931, p. 129.

Walter continues to be called 'younger of Arnage' for some years so his father may have lived on for some time.

William left seven children when he died, namely:

- Walter, who succeeded as 9<sup>th</sup> of Arnage;
- William, an advocate who appears in 1604 and 1608;
- Margaret, who married Andrew, son of William Reid of Colliestoun<sup>528</sup>, receiving from her father in 1579 the lands of Little Drumquhindill (Drumwhindle) {NGR NJ 924353}, the mill, multures and *knaveship* of the same, with the salmon fishings and fish on the Ythan, all in the parish of Methlick in the sheriffdom of Aberdeen, as her dower;
- Isobel, who first married John Kennedy of Carmuk (Constable of Aberdeen) and, secondly, Magnus Mowat, heir apparent of Balquholly on 3<sup>rd</sup> November, 1592. (Balquholly Castle has been known as Hatton Castle since 1814 {NGR: NJ 758469});
- Violet, who married Andrew Meldrum of Tillicarne {NGR: NJ 837312} and Auchneif (Auchneive, Auchnave) {NGR: NJ 829307};
- Marjorie (Marion), who married John Gordon of Coldwells {NGR: NJ 958374}, sometime of Tilliedesk {NGR: NJ 958362};
- Marie, who married Alexander Gardyne (Gurdin) of Blackfurd {NGR: NJ 703357}.

If we accept that William was married twice then it is a matter of uncertainty which of his children were born to which wife.



### WALTER CHEYNE, 9<sup>TH</sup> OF ARNAGE (b.c.1535 )

Although Walter's life falls outside the timescale adopted for this paper, we have chosen to include him since his life includes various episodes which throw light on post-Reformation society in the north-east of Scotland.

In 1580 we have a letter of reversion by Walter Chene, heir apparent of Arnage, and Marjorie Chene his spouse, in favour of John Chene of Straloch, his wife's father, of the lands of Over Straloch {NGR: NJ 86455 22305} otherwise called the Meikletown of Straloch, and the lands of Crechie {c.NGR: NJ 77061 19449 (or NJ 95975 44116)}, and Easter Crechie {NGR: NJ 78695 35358}.

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<sup>528</sup> Reg. Mag. Sig., V., no. 1120, p. 371.

The King granted to Walter Chene the barony of Arnage in 1592:<sup>529</sup> this was during the lifetime of his father, who appears to have resigned the estate into the King's hands in order that the King could, at his pleasure, pass the barony on. Walter Chene continues to be designated as 'younger of Arnage' for some years.

In 1593, William's uncle, Patrick Chene (of Raniestoun), a baillie of Aberdeen, found security for Walter Chene, amongst other 'Northland men' including Patrick Chene of Essilmont, that they would not assist the Earls of Huntly and of Erroll, or others, guilty of the Jesuit or Spanish conspiracy or of the murder of the late Earl of Moray.<sup>530</sup>

In the following year, 1594, amongst various 'North country men' who had been summoned to appear before the King and the Privy Council, were Walter Chene and his cousin Patrick Chene of Essilmont. At the same time Sir Walter Skrymgeour of Dudof found surety in £1000 for Walter Chene, not to assist any of the conspirators against the declared religion or any persons denounced for the murder of the Earl of Moray.<sup>531</sup>

On 20<sup>th</sup> April, 1596, Robert Watsoun in Carnadellie in the Barony of Arnage, renounces Carnadellie in favour of Walter Cheyne of Arnage and transfers his whole 'stocking' and effects to James Buchane in Ullaw of Esslmonthe in relief of his cautionary obligation for the rents of Carnadellie.<sup>532</sup>

Walter Cheyne was the last laird at Arnage when the estate was sold. The majority of the funds went by circuitous routes to what later became the Scots College at Douai.

Called before the Presbytery of Ellon in 1626 for 'failure to attend the services of the Kirk,' he was recorded as 'sum tyme of Arnedge, now in Tilliedesk'.<sup>533</sup> Six years later he was again accused of 'apostacie and defection from ye treuth'. Walter Cheyne represents in his person the shift from castles to hidden chapels (like Scalan) as the old Catholic gentry lost their estates to the penal laws. Alasdair Roberts recorded that he, "... was able to track down Walter's masscentre last year. The farmer's wife at Tilliedesk, a mile to the east of Arnage, confirmed that one of the outbuildings had been a chapel but did not know it was one of ours! [i.e. Roman Catholic]."<sup>534</sup>

The families 'of Arnage' continued as owners of the estate for some generations. But the Cheynes of Arnage, who, like the other branches of the family, also seem to have retained a hankering for the 'old religion,' disappear from Arnage in the second half

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<sup>529</sup> Cheyne 1931, p. 129.

<sup>530</sup> Cheyne 1931, p. 129.

<sup>531</sup> Cheyne 1931, p. 129.

<sup>532</sup> Rec. Ab. Sheriff Court, i., p. 354. 'Carnadellie' (Cairnadailly) {NGR: NJ 942362} lies between the Castle of Arnage and Mains of Arnage and is only 1km. west of Tillydesk.

<sup>533</sup> Tillydesk is about 2km. east-south-east of Arnage {NGR: NJ 958363}.

<sup>534</sup> Editor's notes added to, Macqueen, A.T. 'Arnage and Douai,' in *Scalan News*, No. 5., December 1992.



of the seventeenth century.<sup>535</sup> It is recorded that, "the Cheynes were one of the families of east Aberdeenshire who fought under the 'Popish Earls' of Huntly and Erroll in 1594 at the Battle of Glenlivet (a costly victory, in terms of what followed) and who lost their estates over the next half century."<sup>536</sup> The editor, Alasdair Roberts, commented in the same edition of *Scalan News* that, "Waiter [Walter] Cheyne was the last laird at Arnage when it was sold, the funds going to what later became Scots College Douai." The Arnage family were inextricably involved in the establishment of the Scot's College at Douai, which establishment Mary, Queen of Scots, called "Cheyne's Seminary."<sup>537</sup>

In 1607, Walter mortgaged to Robert Irvine of Montcoffer the 'ville and the mains of Arnage, with the manor and its ponds and other property of Cardounhill, Old Cotter Crofts and Adamshill.' In 1609, he resigned the lower mill of Arnage {NGR NJ 92995 34442}, with *Mylntoun of Arnage*, and parts of *Tillydesk* and *Elphin* {NGR NJ 95810 36301 and NJ 95474 35540}, in the Barony of Arnage, which the King then granted to Mr. Robert Paip.

In 1610, Walter finally parted with the whole of the Barony of Arnage, which the King granted anew to John Chene of Petfichie, possibly an uncle of Walter. Walter then retired to his remaining lands of *Tillidesk*, which he held directly from the Abbot of Kinloss, and lived there for the remainder of his life. It is known that he had a chapel there where Mass was celebrated in the old Roman way. Walter, I am sure, was always a Roman Catholic at heart and suffered much for his Faith. He was hounded by the local presbytery at Ellon for non-attendance at the parish church, he was an energetic supporter of the various 'popish' plots which were aimed at returning the 'old faith' to Scotland, and ultimately, he had to yield his barony of Arnage so that he could retire and lead a quiet life at Tillidesk enjoying the comfort of the Mass in his old age.

In June of 1638, in a dispute over the teind sheaves of Tillidesk, Walter produced, in support of his title, the 'Tack' granted in 1581 by the deceased Walter Abbot of Kinloss in favour of Wm. Cheine or Arnage and Walter Cheine, his eldest son, and the longest liver [of the two] after 19 years and thereafter so long as the name of Cheine should bear arms, dated 14<sup>th</sup> May, 1581. Walter also produced a Ratification by Mr Edward Bruce, Abbot [Commendator] of Kinloss and Parsone of Ellon, dated 19<sup>th</sup> August, 1592 in support of his case.<sup>538</sup>

Walter made a last appearance in 1640 when, in his old age, he was once more summoned before the presbytery [of Ellon] for apostacy.<sup>539</sup>

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<sup>535</sup> Mair 1876, p. 89.

<sup>536</sup> Macqueen, A.T. 'Arnage and Douai,' in *Scalan News*, No. 5., December 1992.

<sup>537</sup> (See Appendix H. at the end of this paper.)

<sup>538</sup> **S.C. Abd. Sheriff Court Recs., II.**, p. 494.

<sup>539</sup> Mair (1876).

Having married his cousin, Mary or Marjorie Chene, daughter of John Chene, 10<sup>th</sup> of Straloch, and Mary daughter of Alexander Forbes, 5<sup>th</sup> of Pitsligo, the couple had a daughter Sara. In 1622, she was excommunicated by the presbytery of Ellon, for unlawful cohabitation with William Udney of that Ilk, husband of Helen, daughter of Patrick Cheyne, 8<sup>th</sup> of Essilmont!<sup>540</sup> It is uncertain that she received anything from her father and she passes from history, a sorry *post script* to the Cheynes of Arnage.



#### JOHN CHENE, OF PETFICHIE, FORTRIE AND 10<sup>TH</sup> OF ARNAGE

[see below “Chene of Petfichie”]

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The lands of Arnage were held for a time by one Rickart of Arnage. In 1710, Provost Ross of Aberdeen is styled as ‘of Arnage’.<sup>541</sup>



## THE CHEYNES OF PITFICHIE AND FORTRIE

#### JOHN CHEYNE, OF PITFICHIE (FORTRIE). (? - 1623)

As we have seen, Walter Cheyne, 9<sup>th</sup> of Arnage, disposed of his estates, in 1610, to a John Cheyne of Petfichie (Pitfichie). Colonel Cheyne considered that this John, who was also known of as ‘of Fortrie’, was probably a scion of the family of Arnage, but commented that “it is difficult to trace his exact connection.” He continued that, “being also ‘of Fortrie’, he was possibly a son of John Cheyne, 7<sup>th</sup> of Arnage.”<sup>542</sup>

The small estate known of as *Fortrie* was located just south of the River Ythan {NGR: NJ 949295} between (and perhaps including) the *Croft of Ulaw* and *Hillhead of Fechil*. That of *Pitfichie* is situated beside the River Don, close to Monymusk, at {NGR: NJ 678169}. The 16<sup>th</sup>-Century castle of Pitfichie was unroofed in 1796 and then lay as an uninhabited ruin for centuries before being completely renovated in 1986.

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<sup>540</sup> Godsman (1958), p. 113.

<sup>541</sup> Mair (1876), p. 147.

<sup>542</sup> Cheyne (1937), p. 131.





Just prior to the First Jacobite Rebellion its resident laird was John Forbes who was crucial in raising funds for the Earl of Mar to underwrite the rebellion.

On 23<sup>rd</sup> June, 1584, John Cheyne of Fortrie is found in a case of advocacy before the Sheriff Court of Aberdeen – the nature of the case is not recorded.<sup>543</sup>

In 1585, John Chene of Fortrie was a witness to a charter which was also attested by several of the family of Cheyne of Arnage.<sup>544</sup>

At Holyrood House on the 1<sup>st</sup> December, 1586, the King confirmed a charter of Jacobi Cultis, burgess of Aberdeen, in which he sold, to John Cheyne of Fortrie, the lands called the *Stryppis* and the half of *Mamewlay* in the parish of St Machar.<sup>545</sup>

Shortly before 2<sup>nd</sup> January, 1593, Alexander Fraser had applied for *lawborrows* (lawburrows) against a number of individuals including Mr. John Cheyne of Fortrie, the Provost of Aberdeen, and John Collison and others, including the Baillies of Aberdeen, who had taken steps against him.<sup>546</sup> As a consequence, the Provost appeared personally before the Privy Council at Edinburgh on 26<sup>th</sup> January, 1593, and stated that:

“Mr. Alexander (Fraser) is not 'ane free subject,' having been denounced rebel upon 5th March, 1592, at their instance for not delivering to them the protocol book of the late Mr. Johnne Kennedy, common clerk of the said burgh. Remaining 'maist prouddie and contempnandlie' at the horn, he had been charged to enter in ward and to deliver his dwelling houses under pain of treason, but had 'verie tressounable' disobeyed that command also. He is, therefore, not a person to whom the complainers ought to be obliged to find caution.”<sup>547</sup>

At first sight, the following entry in the Aberdeen Burgh Accounts would seem somewhat trivial, however, it records that John Cheyne went to meet the King at Cowie at some point during the financial year 1592-1593. “Item, to ane boy to gang

<sup>543</sup> S.C. Sheriff Court Recs., Volume I., p. 301.

<sup>544</sup> Cheyne (1931), p. 131. (Unfortunately this a “Reg. Mag. Sig.” reference which lets us down since after extensive searches of the Privy Council Registers for 1585, the extract has not been found.)

<sup>545</sup> S.C. Reg. Mag. Sig., Vol. V., no. 1093, p. 360. *Mamewlay* is Mameulah, just north of New Machar at [NGR: NJ 884202]; there is a farm, 835m. NNE of Mameulah called *Strypes* [NGR: NJ 888209].

<sup>546</sup> S.C. Sheriff Court Recs., Volume I., p. 471. *LAWBURROWS* is a little-known civil action in Scots Law initiated by one person afraid of another's possible violence towards him. The *Lawburrows Act 1429* remains in force today and says:

“Item: It is statute ande ordanit that gif ony of the kingis liegis haf ony doute of his life outhir [either] be dede or manace or violent presumcioun ande he ask souerte of thaim that he doutis the schiref sal tak souerte of the party that the complante is maid apoun sa that the party playntife mak prufe of the dede or of manance or of the violent presumcioun maid or done till hym.” [<https://www.legislation.gov.uk/aosp/1429/20/paragraph/p1/1991-02-01>].

<sup>547</sup> S.C. Sheriff Court Recs., Volume I., p. 471.

with Mr. Jhone Cheyne, to gett the townis dispensatioun, witht in meting the kyng at Cowye,<sup>548</sup>

There is another fascinating piece of history attached to John Cheyne of Fortrie at this time, involving a further complaint that he, and others, attempted to kill a certain George Abercrumby outside the Grammar School, which was at that time situated beside King's College in Old Aberdeen. Abercrumby's complaint, dated 1593, as presented to the Privy Council is lengthy but, because it sheds light on an episode in the life of John Cheyne, we include it in Appendix N at the end of this paper. We are left with the impression that John, although an advocate and sometime working for the 'Commissariat of Aberdeen,' was not averse to violence in spite of his standing in the community. If true, this extraordinary event shows a darker side to John's character than has been seen heretofore – his attempt to solve a 'problem' by violence. At Aberdeen on 15<sup>th</sup> May, 1593, a bond of caution by Walter Cheyne, younger of Arnage, was found in £2000 for Mr John Cheyne of Fortrie not to harm Mr George Abercrumby, writer to the signet,<sup>549</sup> and Alexander Meldrum of Bogheidis for George Meldrum, fiar of Dumbrek, also found caution for 1000 merks not to harm John Chene.<sup>550</sup> At Edinburgh on 16<sup>th</sup> June, 1593, Mr Robert Irwing, advocate, as procurator for the parties, registered a band of caution in £2000 by Walter Cheyne, younger of Arnage, for Mr John Cheyne of Fortrie, not to harm Mr George Abircrumbie, writer to the signet, ordinary solicitor and agent for the treasury, and commissary of Aberdeen. Subscribed at Arnage, 18<sup>th</sup> May, before Alexander Irwing, James Couttis, Andrew Chalmer and Mr Thomas Gordon.<sup>551</sup>

Only a few months later, on 14<sup>th</sup> January, 1592-95, we find Mr Johnne Cheyne of Fortrie appearing as one of the witnesses/jury in the Sheriff Court at Aberdeen, in a case of registration, by Mr Umphra Blensill as procurator, of a band by Thomas Fraser of Durris for Alexander Fraser, apparent of Durris, his son, £1000, and other bands involving members of the Fraser family. An Alexander Middleton, servitor to Mr Johnne Cheyne of Fortry was also one of the subscribers.<sup>552</sup> At about the same time, on 16<sup>th</sup> January, 1592-95, we find a registration, by Mr Thomas Rollock as procurator, of a band by Alexander Buchane of Auchmacoy for Alexander Fraser, fiar of Durris, 500 merks, and for William Fraser in the Ord, Thomas Fraser in Pitcoltoun, Adam and John Fraser, sons of Thomas Fraser of Durris, £200 each, to answer upon the last day of February next to a complaint against them by John Irwing of Pitmurthie. Subscribed at Auchmacoy and Aberdeen, 15<sup>th</sup> and 16<sup>th</sup> January, before Mr John Cheyne of Fortrie, Alexander Middleton, servitour to the said Mr Johnne, writer hereof, Johnne Nycolsoun, notary public, Thomas

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<sup>548</sup> S.C. Misc., Vol. 5., p. 116.

<sup>549</sup> Reg. Privy Council Scot., First Series, Volume 5, p. 590.

<sup>550</sup> Reg. Privy Council Scot., First Series, Volume 5, p. 588.

<sup>551</sup> Reg. Privy Council Scot., First Series, Volume 5, p. 593.

<sup>552</sup> Reg. Privy Council Scot., First Series, Volume 5, p. 671.

Menzies, burgess of Aberdeen, Mr George Anderson, burgess there, and Johnne Nicolson, notary.<sup>553</sup>

On 3<sup>rd</sup> January, 1593, it is recorded in the Accounts of the Burgh of Aberdeen that, “be vertew of ane ordinance of counsall, ... [was] debursit to Mr John Cheyne, prouest [provost], for macking of his expensiss, he being commissioner for this burght, for keping of the conventioun of estatis haldin at Edinburgh in the said moneth of Januar, 80 merks.”<sup>554</sup> This is unchallengeable evidence that John had a period of office as Provost of Aberdeen at this date.

We then find John successfully presenting an action for ‘Removing’, in the Sheriff Court at Aberdeen, on 31<sup>st</sup> July, 1595. The action was against the Representatives of Patrick Gordon in Smithistoun of Nothe and involved his removal from the town and lands of Quhythilok in the Barony of Auchindore.<sup>555</sup>

In 1597, John Urrie of Petfichie sold to John Cheyne of Fortrie and Janet Coult, his wife, the lands of the Mains of Petfichie in the parish of Monymusk, which sale was confirmed by the King at Falkland Palace on 27<sup>th</sup> July, 1595.<sup>556</sup> The sale included, “the domestic lands of Mains of Pitfichie, with fortalice, manor, mill, mill lands, woods and salmon fishings on the River Don, the lands of Ordheid (Ordhead) {?NGR: NJ }, Ordwood(?Woodhead), Ordhaiche, Ordmill {NGR: NJ 678178}, Milnedowrie (Mildowrie) {NGR: NJ 668188}, Over and Nether Balquhorks (?Balvack), and Rowrandell (Rowrandle) {NGR: NJ 656184}, *cum tenentibus* &c., multures and fishing, [all] in the parish of Monymusk, Regality of St Andrews, county of Aberdeen. John and his wife were to hold the property in feuferme. From this point onwards John uses the ‘title’ John Cheyne of Petfichie. That same year, John settled the lands of Mains of Petfichie upon his wife.<sup>557</sup> At a later date John was to change his ‘title’ again when he acquired the estate of Arnage by purchase.

We are given a little glimpse into the life of a laird in these times when we come across John finding caution in 1000 merks for his neighbour, John Forbes of Monymusk, that he would not kill salmon in forbidden times in the rivers Dee or Don.<sup>558</sup>

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<sup>553</sup> **Reg. Privy Council Scot., First Series, Volume 5**, p. 672. Auchmacoy {NGR: NJ 992309} is the ancient seat of the Chief of the Clan Buchan (Buchan of Auchmacoy).

<sup>554</sup> S.C. Misc., Vol 5., p. 57.

<sup>555</sup> S.C. Sheriff Court Recs., Volume I., p. 335. “Quhythilok in the Barony of Auchindore” is Whitehillock in Auchindoir {NGR: NJ 448253}.

<sup>556</sup> S.C. Reg. Mag. Sig., Vol. VI., no. 598, p. 198. Witnesses were: Alexander Chalmer of Cults, Gilbert Chalmer his son, Gilbert Dovie, Gilbert Thomson, Mr. Aud. Clerk burgess of Aberdeen, George Barron servitor of Mr Patrick Cheyne burgess of Aberdeen (writer of the charter), at Aberdeen, ..... 1597.

<sup>557</sup> Colt (1887), p. 53.

<sup>558</sup> **Reg. Privy Council Scot., First Series, Volume 6**, p. 629. “Johnne Cheyne of Pitphythie for William Forbes of Monimusk, in 1000 merks, not to slay salmon fish in forbidden time on the Die or Don, conform to the King’s letters dated at Edinburgh, 30<sup>th</sup> October, 1589. Band, registered by Mr

In 1599, we find “Maister Johnne Cheyne of Petfechie” listed amongst the burgesses of the town of New Aberdeen.<sup>559</sup>

It is believed that John died in 1623.<sup>560</sup>



Figure 24: Modern Picture of Pitfichie Castle © [Iain Laird](#).

We hear of John twice in 1600: (1<sup>st</sup> February) Johne Cheyne, commissioner chosen to Edinburgh in the matter of Stirling money, for macking of his expenses, conforme to ane act of counsall, of the dait the first of Februar, 1600, 66 lib. 13 s. 4 d.; and (25<sup>th</sup> February) John Cheyne, commissioner chosis for keeping of ane conventioun at Edinburgh, and also for keeping of the conventioun of estates at Perth, for macking of his expensis at the saids conventiouns, conforme to ane act of counsall, of the date the xxv of Februar, 1600, 200 lib..<sup>561</sup>

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Alexander Pebbillis, is subscribed at Munimusk, [...] September, before Willime Garich, Alexander Forbes, and Mr Alexander Forbes, —Mr Thomas Andersoun being writer hereof.”

<sup>559</sup> S.C. Aberd. Burgh Reg., II, p. 193.

<sup>560</sup> Godsman (1958), p. 114.

<sup>561</sup> S.C. Misc., Vol 5., p. 126.



We now come to a particularly important event in the history of the Cheyne family. In June, 1600, Patrick Cheyne, 9<sup>th</sup> of Essilmont, mortgaged to John Cheyne of Petfichie and his heirs, the lands and barony of Essilmont, the lands of Mains of Aberdour, and his lands in Zetland in the northern isles.<sup>562</sup> The entry in the Records of the Privy Council are detailed and extensive and we have chosen to include them in *Appendix P* at the end of this paper. What is not made clear is the motive behind this transaction (which Colonel Cheyne prefers to call a mortgage).<sup>563</sup> Patrick is said to have died in 1608.<sup>564</sup> He is known to have settled the Mains of Aberdour, with all the lands of the barony of Aberdour, on his young son Patrick - who was to become 10<sup>th</sup> of Essilmont - in November 1600.<sup>565</sup> James Cheyne of Pitfichie's mortgaged lands must therefore have been reduced at that time. It is most probable that Patrick mortgaged his properties since he was approaching old age, he was living the life of a 'fugitive' from the Reformers, mostly in Shetland, and his own son and heir presumptive was yet a child. Patrick would have needed a mature and trustworthy person to control the estates until his son was older. Indeed, when Patrick died in 1608, his son was still 'a minor' and, on 28th November of that year, his uncle, James Chene of Pennan, became Tutor (Guardian) of Essilmont.<sup>566</sup> The information above is drawn from entries in the Register of the Privy Council.

Forbes of Monymusk and John Cheyne of Pitfichie appear not to have been the best of friends, since, at Monymusk on the 1<sup>st</sup> October, 1600, we find that James Gordon, fiar of Newtoun, bound himself for William Forbes of Monymusk, in 2000 merks, not to harm Mr Johnne Cheyne of Petfequhie, Mr Robert Paip, advocate, burgess of Aberdeen, and others as contained in the King's letters. Mr David Guthrie registered the band, which was written [out] by James Murray, notary public, and witnessed by Alexander Forbes, son of the laird of Monymusk, William Merser in Cowbeg, Mr William Johnnestoun and Magnus Lindsay, servitors to the said William Forbes, and the said writer of the charter, James Murray.<sup>567</sup>

In 1601, John Cheyne of Pitfichie is mentioned in a process for the suspension of letters which had charged a number of inhabitants of Aberdeen not to 'intercommune' with certain outlawed persons, including James Cheyne of Pennan.<sup>568</sup>

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<sup>562</sup> S.C. Reg. Mag. Sig., Vol. VI., no. 1083, p. 368.

<sup>563</sup> Cheyne (1937), p. 132.

<sup>564</sup> Cheyne (1937), p. 98.

<sup>565</sup> *ibid.*

<sup>566</sup> S.C. Abd. Sheriff Court Recs., II., p. 59, Diet Books: Vol. VIII., Part II., Contents, 28:11:1608.

<sup>567</sup> Reg. Privy Council Scot., First Series, Volume 6, p. 665. Entered into the Records of the Privy Council at Edinburgh on 6<sup>th</sup> October, 1600. Also Bulloch (1903), p. 295.

<sup>568</sup> Reg. Privy Council Scot., First Series, Volume 6, p. 222. James Cheyne of Pennan was a brother of Patrick Cheyne, 9<sup>th</sup> of Essilmont and it would appear that he was as strong an upholder of the 'Old Religion' as Patrick.





On 19<sup>th</sup> December, 1601, Mr John Cheyne of Petfichie is shown to own land in the *Guestrow* of Aberdeen.<sup>569</sup>

In the Sheriff Court of Aberdeen on 9<sup>th</sup> March, 1603, William Wat in Glenkyndie, for whose appearance this day William Straquhan of Glenkyndie had become surety, had been charged with stealing a doublet from a servant of Mr. John Cheyne of Petfichie. In addition to the absence of a prosecutor, it was avowed by one Patrick Gordon at the Kirk of Cluny, who was in Court, that he had taken the doublet and that it was his own at the time he took it. Case continued until new citation.<sup>570</sup>

At Kintore, on 15<sup>th</sup> October, 1604, George Leslie of Hilbray entered into a bond for John Leslie of Pitcaple, not to slay salmon on the Dee or Don in the forbidden time with any kind of engine, under pain of horning, conform[ing] to the charge given to him at the instance of the provost and baillies of Aberdeen, of date 1<sup>st</sup> September last.—The band, registered by Mr Alexander Peblis, advocate, and written by Mr Andrew (?Walter) Abercrumby, minister at Rayne, is subscribed before Mr Johne Cheyne of Petfichie, George Leslie, apparent of Kincraigy, and the said writer hereof. In the very next entry in the records of the Privy Council we find: John Leslie of Chapeltoun for Mr John Cheyne of Pitfichie, also to the effect foresaid, under pain of horning.—Peblis registers the band, written by Mr William Cheyne, and subscribed before James Lumsdail of Newbiging, James Cheyne son of the said Mr John, James Gray servant to the said principal, and the said writer hereof.<sup>571</sup>

On 30<sup>th</sup> July, 1605, at Edinburgh, we find William Forbes of Corsindae for Robert Johnnestoun of Cayismylne, £1000, not to harm Mr Johne Cheye of Pitfechie, John Seytoun [Seton] of Schethin, Johne Gordoun of Tulliehowdy, John Leslie of Petcaple, or Thomas Cheyne of Ranestoun.<sup>572</sup> The 'minute book' of the Privy Council makes note in 1605 of a complaint being lodged by the same Robert Johnston of Cayismyln against Johne Cheyne, &c., for "Riot and wearing forbidden armour."

However, we should not get carried away with any ideas that John Cheyne was a significant 'criminal' for, in 1606, he is to be found serving as a member of the Head Court of Aberdeen.

On 7<sup>th</sup> January, 1606, at the Head Court, both Sheriffs depute being on the bench, Mr John Cheyne of Petfichie presented Mr Arthur Watt, Advocate, as suitor for the Laird of Essilmont.<sup>573</sup>

In the Sheriff Court of Aberdeen, on 14<sup>th</sup> July, 1606, John Cheyne of Petfichie became Cautioner in a case between Gordon Blalak and John Gordon of Tillachoudie, regarding the peats cast in 1606 by Tillachoudie and his tenants in the moss and

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<sup>569</sup> S.C. Sheriff Court Recs., Volume II., p. 50.

<sup>570</sup> S.C. Sheriff Court Recs., Volume II., p. 14.

<sup>571</sup> **Reg. Privy Council Scot., First Series, Volume 7**, p. 573.

<sup>572</sup> **Reg. Privy Council Scot., First Series, Volume 7**, p. 609.

<sup>573</sup> S.C. Sheriff Court Recs., Volume II., p. 5.

muir of Logie and Brune Hill.<sup>574</sup> Eight days later, John Cheyne of Petfichie was himself involved in a Sheriff Court case with Henry Mowtray in Pervinnes [Perwinnes], John Gordon of Craibistoun and James Anderson in Chappiltoun of Steaniewoid [Chapelton of Stoneywood].<sup>575</sup>

On 16th April, 1607, in Aberdeen Sheriff Court, appeared Mr. John Cheyne of Petfichie and George Setoune of Auchinhuiff, as curators of Patrick Cheyne son of the late Robt. Cheyne at Myll of Auchry v. Gawand Urquhart at Myll of Auchry. The claim was for the alleged "out putting of the said Patrick furth of the toune and lands of the Mylltoun of Auchry." Cautioner Thomas Myll, burgess of Abd.<sup>576</sup>

In the Sheriff Court of Aberdeen, on 17th December, 1608, there was a case for Loosings of Arrestments: Mr. John Cheyne of Petfichie v. Thomas and Alexander Gordone in Fechill. Claim for the rents of the "fyift part of the towne and landis of Tanerae" in Logybuchan. Cautioner Alexr. Pantone in Cragie.<sup>577</sup>

In the years 1610 and 1611 John was a Justice of the Peace for Aberdeenshire.<sup>578</sup>

In 1610, John Cheyne of Pitfichie purchased from Walter Cheyne, 9th of Arnage, the estates of Arnage, namely the dominical lands of Arnage called *the Auld Mains of Arnage*, with the manor and 'stagnis' [ponds], Cardoniehill, Auld Cotterscrofts, and Adamshill, etc., occupied by Walter Cheyne of Arnage and his tenants, with the town and lands of Towie with the manor and tower, the town and lands of Cairncaysie, Cairndaylie and Brewcroft, the town and lands of Arquhadleis, the upper Mill of Arnage, the lands of Mylnetoun, the town and lands of Lammermure in the parish of Ellon, which (partes existentes terrarum et baronie de Mekill Arnage) William Cheyne of Arnage and Walter Cheyne his son, 'feodarius de Arnage', resigned and which (Cardoniehill, Auld Cotterscrofts, and Adamshill) Robert Irving of Moncoffer, with consent of the said Walter, resigned.<sup>579</sup>

A case of *Curatory* was heard in the Sheriff Court of Aberdeen, on 6th March, 1611, on behalf of William Turing of Foveran. The next of kin who were called included Mr John Cheyne of Petfichie, Thomas Cheyne of Raniestoun, and others.<sup>580</sup> That same year, John Cheyne de Petphechie, with the consent of George Seton of Schethin, in fulfilment of a contract dated 1st January, 1607, granted to Alexander, Master of

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<sup>574</sup> S.C. Sheriff Court Recs., Volume II., p. 89.

<sup>575</sup> *ibid.*

<sup>576</sup> S.C. Sheriff Court Recs., Volume II., p. 100.

<sup>577</sup> S.C. Sheriff Court Recs., Volume II., p. 142.

<sup>578</sup> S.C. Reg. Mag. Sig.

<sup>579</sup> S.C. Reg. Mag. Sig., Vol. VI., no. 347, p. 130.

<sup>580</sup> S.C. Sheriff Court Recs., Volume II., p. 63. William Turing of Foveran died c.1613. His father was Gilbert Turing of Foveran and his mother was Helen Cheyne, of unknown ancestry, but the fact that the lairds of Pitfichie and Raniestoun were called as 'next of kin' suggests that she was related to either or both of these individuals.

Elphinstone, his right to the manor of Dunbrek [Drumbreck],<sup>581</sup> with the tower, etc..<sup>582</sup>

At the Sheriff Court of Aberdeen, on 6<sup>th</sup> September, 1611, we find the case of Patrick Barclay of Towie and Michall Clark at Mill of Drumquhendill v. Thomas Sewane in — . The Cautioner was Mr. John Cheyne of Arnage. Multures claimed.<sup>583</sup> This is the first reference we have found of John Cheyne using or being known by the title “of Arnage so, although not in itself a momentous entry in the Sheriff Court Book, it is of great significance to our history of Mr John Cheyne.

John appears again as “of Arnage” on 4<sup>th</sup> February, 1612, in Aberdeen Sheriff Court: Patrick Barclay, younger, of Towie v. Alexander Folla in Towie. Cautioner John Cheyne of Arnage.<sup>584</sup>

In the Accounts of the Burgh of Aberdeen in the year 1612-1613 we find, “Item, gave to Mr. Jon Cheyne of Petfechye, for raising lettres to charge the shireffis to resave the tvva pirattis, according to ane ordinance, 7 lib.”<sup>585</sup>

On 11<sup>th</sup> October, 1613, we find John Cheyne of Arnage involved in a case at the Sheriff Court v. Wm. Lyntoune in Wastfeild. Cautioner was Patrick Hendersone, Wobster [weaver] in Carnfeild. There was here in addition to a general arrestment, a special arrestment of " ten hydds within the said Williams bark pott." <sup>586</sup>

In 1614, John was twice appointed by the crown as a Special Commissioner.<sup>587</sup>

On 1<sup>st</sup> October, 1616, John Leslie *fiar* of Balquhane and Mr John Cheyne of Arnage (as he had now become) were chosen at the Michaelmas Head Court to be Commissioners to Parliament and General Conventions.<sup>588</sup>

On 1<sup>st</sup> October, 1617, an action of Spulzie, Alexander Buchane in Lamermuir v. Mr. John Cheyne of Arnage, Alexander Follay there, Mr. Patrick Cheyne there, Thomas Schewan in Towie Arnage and Thomas Simsone in Carnedellie. The Procurator for the Defender, produced a discharge dated 2 June, 1615, and registered in the Commissary Court Book 23 July, 1617. The Defender got until October 31 to object. At that diet no objections were produced and the term was circumduced.

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<sup>581</sup> The lands of *Dumbrek* lie about 1.5km north-north east of Pitmedden {NGR: NJ 89\_29\_}, bordering the lands of Essilmont. Dumbreck Castle was at {NGR: NJ 8982 2888} but the site has disappeared.

<sup>582</sup> m cd. Confirmation of the King is dated at Edinburgh, 28<sup>th</sup> July, 1612. James Cheyne's charter was dated 31<sup>st</sup> May, 1611 and was witnessed by Thomas Cheyne of Ranyestoun, Arthur Seytoun, Francisco Cheyne *servitore dicti* George [Seton of Schethin], Andrew Robertson, and Patrick Leslie (*scriptore carte*), at Schethin.

<sup>583</sup> S.C. Sheriff Court Recs., Volume II., p. 174.

<sup>584</sup> S.C. Sheriff Court Recs., Volume II., p. 177.

<sup>585</sup> S.C. Misc., Vol. 5., p. 87.

<sup>586</sup> S.C. Sheriff Court Recs., Volume II., p. 200.

<sup>587</sup> **Reg. Privy Council Scot., First Series, Volume 10**, pp. 248, 267..

<sup>588</sup> S.C. Sheriff Court Recs., Volume II., p. 6.

In the Records of the New (Marischal) College of Aberdeen we find:

"Followis the names of the persones in quhais the said mortifiet silver is presentlie restand to be payit at Martimes nixt 1618:

*Item in the handis of Mr Johnne Cheyne of Arnage and James Cheyne of Petfeuchie his sone, George Settoium of Schethin and Thomas Skeyne of Raniestoun thair cationeris [cautioners] ... aucht hundreth thriescoir sex lib. "589*

It is of interest to find that during the lifetime of his father, John was known as 'of Pittfichie'.

In a case of *Curatory* in the Sheriff Court of Aberdeen, on 20<sup>th</sup> December, 1617, we find John Cheyne being called as next of kin to Cristiane Cheyne, only bairne and lawful dochter to the late Mr. Francis Cheyne sometime of Craigie. The next of kin called were Mr. John Cheyne of Arnage, Thomas Cheyne of Ranestoune, Andrew Meldrum of Tillicairne and Patrick Meldrum of Frosterhill. The Curators chosen were Andrew Meldrum of Tillicairne and William Craig in Tarves, who accepted office and became cautioners for each other.<sup>590</sup>

On 26<sup>th</sup> May, 1623, John Cheyne and Mr. Wm. Lumisden, Bailzies of Auld Abd. *v.* Thomas Watsons in Dubfuir [Dubford]. Cautioner Alexander Meinzies, lawful son of the late Mr. Thomas Meinzies of Balgownie. Peats, &c., upon the "Comontie of Corshill."<sup>591</sup>

On 11<sup>th</sup> December, 1627, in a case of *Loosings and Arrestments*, we find Mr. John Cheyne and Alexr. Rolland, burgess of Abd. *v.* Alexr. Smart in Kyntoir [Kintore]. Cautioner Thomas Kellie, elder, Baxter, burgess of Aberdeen.

Life in north-east Scotland was far from peaceful in the early 17<sup>th</sup>-Century as is illustrated by the details of a complaint lodged before the Privy Council on 1618. The complainant was a Thomas Crombye, one of the ordinary writers to the signet, who recounted as follows:—

On 29<sup>th</sup> September last (1617), while the pursuer was riding to the to the burgh of Abirdene "amongis sindrie utheris personis in company with George, Marques of Huntlie, schireff principall of the schirefdome of Abirdene, who wer going thair to hald ane heid courte, " and was "in discourse and conference be the way with some of the justiceis of peace of the said schirefdome, especiallie with Mr Johnne Cheyne of Pitfechie, thair convenair, " Thomas Davidsoun, notary in Auld Abirden," with whome the said complenair stood in verie good termes of freindship and familiaritie, and quho evir did profes all outward schawis of love and kyndnes," came up to him, and without any warning struck him on the head with a baton "quhilk he had prepairit and maid for the purpose," and seriously wounded him. Whereupon the Laird of Pitfechie, "taking verie just cause of

<sup>589</sup> New S.C. Marischal Coll., Vol. 1, Endowments, p. 141.

<sup>590</sup> S.C. Sheriff Court Recs., Volume II., p. 228.

<sup>591</sup> S.C. Sheriff Court Recs., Volume II., p. 268.

offence for that the said Thomas durst presume in his sight and presence , being ane justice of [the] peace , and in the company of the said Marques of Huntlie , being the chief and principal officer of the countrey," to commit such an assault, ordered his servants to apprehend him. Bot he by speed of his horse, and be supplie of divers personis who tooke his defence, raid away and eschaiped. And, efter thair comeing to the burgh of Abirdene, informatioun being maid to the said Marques of the foirsaid insolence and injurie done and commitit in his company, he causit inquire and searche be maid for the said Thomas, and, but ony complaint maid or gevin in be the said complenair, bot onlie for the said Marques awne satisfactioun for the wrong done in his company, causit committ the said Thomas Davidsoun to ward within the tolbuith of the burgh of Abirdene, quhair he remanit some certane space. During the quhilk space of his remaning in ward he directit and send to the said complenair sindrie offeris of satisfactioun and willinglie gaif his band for performance thair of. Bot, howsoone he wes put to libertie, he nevir sensyne acknowledgeit the said complenair or performit ony point of the offeris and conditionis maid be him, bot rather in forder disdane and contempt he vantis [boasted] of the insolence and indignitie foirsaid commitit be him aganis the said complenair, sua that now the said complenair is constranit to have his recourse to the Lordis of Secrite Counsaill and to seik redress and satisfactioun for the said wrong, to whome the said complenair still reservit this his greif and complaint; for , gif the said complenair, who is the saidis Lordis servand and ane of the memberis of the Colledge of Justice, may not in suirtie travell throw the cuntrey in tyme of vacance to gif accompt to sic personis as imployis him of the proceeding of thair adoies [affairs] in tyme of sessioun, the saidis Lordis may considder how fer thay wilbe disapointit of the trew informatioun of the estate of thair adoies, and quhat disgrace it salbe to his Majesteis Senat quhen the memberis, servandis and officeris thair of are so disgracefullie usit in thair progres throw the cuntrey." - Pursuer and defender appearing personally , the Lords , " inrespect of the notorietie of the offence and insolence," which defender could not deny, order defender to be detained in the Tolbooth of Edinburgh at his own expense during their Lordships ' pleasure .<sup>592</sup> This passage also reveals John Cheyne of Pittfichie's high standing as 'convener of the justices of the Peace of Aberdeenshire.'

John was again appointed a Commissioner for Aberdeenshire in 1620.<sup>593</sup>

He is to be found in a number of cases heard in Aberdeen Sheriff Court in the course of 1621.<sup>594</sup>

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<sup>592</sup> Reg. Privy Council Scot., XI., p. 294-295.

<sup>593</sup> Reg. Privy Council Scot., XII., p. 313.

<sup>594</sup> S.C. Sheriff Court Recs., Volume II., p. 249. For instance: **Case of Loosings and Arrestments**. Mr. John Chein of Arnage and James Chein, his eldest son *v.* Thomas Schewan in Arnage. Cautioner Patrick Strauchen of Kinnadie. [21<sup>st</sup> May, 1621] : **Case of Loosings and Arrestments**. John Leslie, Fiar of Balquhain *v.* Mr. John Chein of Petfichie. Cautioner Thomas Chein of Raniestoune. [8<sup>th</sup> June, 1621]



John must have died in 1623, possibly a little while before 12<sup>th</sup> November, 1623, since his son James was served as his heir at this time.<sup>595</sup>

We know that John Cheyne of Arnage married Janet or Jean Coult, daughter of Oliver Coult of that Ilk (an advocate) and Isobel Henryson (Henderson) of Fordel.<sup>596</sup> Janet was still alive in 1632.

John Cheyne and his wife left issue:

- James, who succeeded his father in 1623;
- Marjorie (b. c. 1575), who married John Leslie, 6<sup>th</sup> of Pitcaple;
- Elizabeth, who married John Gordon of Tolphoudie;
- an unknown daughter (possibly Agnes), who married Alexander Forbes of Abersuithack, 3<sup>rd</sup> son of Sir William Forbes, 3<sup>rd</sup> of Monymusk;
- Janet, who married William Seton of Schethin – she is supposed to have been a daughter of this John Chene of Arnage.



#### JAMES CHEYNE, OF ARNAGE.

James's father had become known as 'of Arnage' after his purchase of that estate (*vide supra*). Consequently, when he inherited as firstborn son, James was also known as 'of Arnage'.

We first find James in 1604 when he acted as witness to his father's bond.<sup>597</sup> From this time onwards he is frequently mentioned as a party in cases brought before the Sheriff Court in Aberdeen and as witness to various charters and cautioner for other persons.<sup>598</sup>

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<sup>595</sup> Inq. Ret. Abbrev., no. 21, Aberd. viii., 255 : 22.11.1623.

<sup>596</sup> Colt (1887), p. 53. In this work the family name is given as 'Colt' rather than 'Coult'.

<sup>597</sup> Reg. Privy Council Scot., VII, p. 573. "Johnne Leslie of Chapelton for Mr Johne Cheyne of Pitfichie, also to the effect foresaid (not to slay salmon fish on the Die or Don in forbidden time with any kind of engine), under pain of horning. Peblis (Alexander Peblis, advocate) registers the band, written by Mr William Cheyne, and subscribed before James Lumsdail of Newbiging, James Cheyne, son of the said Mr Johne, James Gray, servant to the said principal, and the said writer hereof."

<sup>598</sup> S.C. Sheriff Court Recs., Volume II., for 1618, 1620-21, 1623, 1624, 1626, 1627-28, 1632, 1633, 1635, 1636, 1638, 1642; S.C. Marischal Coll. p. 141; S.C. Misc., III., p. 99, 101.



The year 1615 was a happy one for John – it marked his marriage to Isabel, a daughter of Alexander Burnett of Leys. The marriage contract was dated at Crathes Castle.<sup>599</sup>

On 26<sup>th</sup> July, 1615, in the Records of the Sheriff Court of Aberdeen, we find the following entry: “**General Service.** James Cheyne to John Cheyne, at one time portioner of Bathelnie (or ?Belhelvie), his father.”<sup>600</sup>

We have seen that in the Records of the New (Marischal) College of Aberdeen both James and his father John, c.1618, were holding a capital sum of £866 xiiij s. iiij d. on behalf of the New College. It is of interest to find that at this point, during the lifetime of his father, James was here called ‘of Petfeuchie (Pitfichie)’.<sup>601</sup>

On 31<sup>st</sup> January, 1623, in the Records of the Sheriff Court of Aberdeen, we find the following entry: “**Loosings of Arrestments.** James Cheyne of Arnage v. John Glennye in Rannyeshill. Cautioner Thomas Gleyne, occupier of 8 oxengait there.”<sup>602</sup>

Similarly, on 21<sup>st</sup> April, 1623, we find the following entry: “**Loosings of Arrestments.** James Cheyne of Arnage v. Andrew Moreis in Auchterellone. Cautioner James Beatoune, occupier of 8 oxengait of Ardlane.”<sup>603</sup>

Again, on 30<sup>th</sup> May, 1623, we find the following entry: “**Loosings of Arrestments.** James Cheyne of Arnage and James Blackhall in Memewlie v. William Johnstoune, alias Muck, in Memewlie (Mameulah). Cautioner William Symmer, occupiar of 10 oxengait of Easter Disblair.”<sup>604</sup>

On 7<sup>th</sup> September, 1624, we find the following entry: “**Loosings of Arrestments.** James Cheyne of Arnage v. Andrew Beanis in *Pettimuck*. Cautioner Alexander Murray in Tilleeve.”<sup>605</sup>

On 23<sup>rd</sup> September, 1626, the following: **Loosings of Arrestments.** James Cheyne of Arnadge(*sic.*) v. Patrick Reid in Cornabo. Cautioner Mr Alexander Reid, burgess of

<sup>599</sup> Burnett (1901), p. 40.

<sup>600</sup> S.C. Sheriff Court Recs., Volume II., p. 71. Actually, Bethelney or Bethelnie is the name of the old township of Oldmeldrum at {NGR: NJ 787312}. It is where the medieval parish church of Bethelnie (Oldmeldrum) stood.

<sup>601</sup> New S.C. Marischal Coll., Volume 1, Endowments, p. 141. “Followis the names of persones in quhais hands the said mortifiet silver is presentlie restand to be payit at Martimes nixt 1618.”

<sup>602</sup> S.C. Sheriff Court Recs., Volume II., p. 266.

<sup>603</sup> S.C. Sheriff Court Recs., Volume II., p. 268. The lands of *Auchterellon* are centred on {NGR: NJ 944311}.

<sup>604</sup> S.C. Sheriff Court Recs., Volume II., p. 269. Mameulah lies at {NGR: NJ 885201}; the lands of Disblair lie 2km. to the West of Mameulah at {NGR: NJ 863198}.

<sup>605</sup> S.C. Sheriff Court Recs., Volume II., p. 279. *Pettymuick Moss* lies at {NGR: NJ 907239} and the township of *Pettymuck* was a ‘ribbon development’ centred on {NGR: NJ 903241}.

Aberdeen. Crop sown upon and “alledgit pairt of the lands of Balquhorsk callit the Warmestain [or Warniestain] thair.”<sup>606</sup>

In the Records of Aberdeen Sheriff Court on 28<sup>th</sup> March, 1638, we find the following: **“Forthcoming.** Alexr. Cheyne of Rainestoune *v.* Mr. Thomas Gray, Bailzie, burgess of Aberdeen and Patrick Meldrum of Iden [Aden] for his interest. By Bond dated 4 Jany., 1628, Patrick Meldrum, therein styled Fiar of Iden, James Cheyne of Arnadge and Wm. Scattoune [? Seton] of Schethine became bound to pay to Alexr. Meingzies, second lawful son of Thomas Meingzies of Balgownie the sum of 1000 merks of principal and 30x3 merks of penalty. This Bond was assigned to the Pursuer by Assignment, dated 24 Decr., 1634. No interest appeared to have been paid since Whitsunday 1632, and the decree against Gray, in whose hands arrestments had been used was for 5000 merks.”<sup>607</sup>

That same year, on the 5<sup>th</sup> October, 1638, in the Aberdeen Sheriff Court, it is recorded that William Seton of Schethin and James Cheyne of Arnadge had, on 29<sup>th</sup> May, 1632, become cautioners for Patrick Meldrum for 1000 merks.<sup>608</sup>

One of the later entries in the Records of the Aberdeen Sheriff Court gives us details regarding James Cheyne of Arnage's second wife. She, named Dame Helen Urquhart, is described in 1633 as being James's wife and the widow of Sir James Gordon of Newtoun of Garrie.<sup>609</sup>

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<sup>606</sup> S.C. Sheriff Court Recs., Volume II., p. 291. *Cornabo* is at {NGR: NJ 647178} within the lands of Pitfichie.

<sup>607</sup> S.C. Sheriff Court Recs., Volume II., p. 450.

<sup>608</sup> S.C. Sheriff Court Recs., Volume II., p. 457. **“Registration.** *Jean and Janet Ross, daughters and co-heirs of Findlaw Ross at the Brigend of Kinairmit and John Wallace in Littelcolpe, the husband of Jean Ross, and Andrew Home at Brigend, husband of Janet Ross, for their interest v. Patrick Meldrum, sometime of Iden [Aden], Wm. Seattoune of Schethin, James Cheyne of Arnadge, John Forbes of Cask, John Barnet in Bolmaleid and Robert Wat in Kinnintie. Three bonds in favor of the deceased Findlaw or Findlay Ross, were ordained to be registered for execution at the instance of his heirs, viz.: (i) Bond for 1000 merks by Meldrum, as principal, and Seattoune and Cheyne, as cautioners, dated 29 May, 1632. (2) Bond for 100 by Forbes, as principal, and Barnet, as cautioner, dated at Turreff, 11 Novr., 1632, and (3) Bond for 100 merks by Wat, dated at Delgatie, 16 June, 1629. One of the witnesses to the laird of Iden's bond was Mr. George Seattoune, brother of Wm. Seattoune of Schethin. To Forbes of Cask's bond one of the witnesses was Patrick Forbes his "oye," while the witnesses to the third bond were Gawin Urquhart in Corsewoodheid, Wm. Gordone, younger, in Buquhynochie and Mr. James Skeine, Notary Public.”* Schethin (Shethin) lay at {NGR: NJ 886326}.

<sup>609</sup> S.C. Sheriff Court Recs., Volume II., p. 467. **“Wrongous Intromission.** John Leith of Balquharne and Mr. Andrew Massie, at Drumblait *v.* Dame Helen Urquhart, widow of Sir James Gordone Newtoun of Garrie and wife of James Cheyne of Arnage. By Disposition and Assignment dated 10 May, 1633, the deceased Sir Alexr. Gordone had made over certain live stock, crop in the corn yard, growing crop and arrears of rent of his lands in Drumblait, Kineedvard and Gamrie to Alexr. Gordone of Johnsleyis and the said John Leith equally between them. By Translation dated 4 July, 1633, Alexr. Gordone of Johnsleyis made over his half to the Pursuer Mr. Andrew Massie. The Pursuers now sued for the restoration of, or payment for, a quantity of the grain in the corn yard railing under the Disposition by Sir Alexander, which the widow had taken



James Cheyne appears in the Sheriff Court Records again on 9th November, 1642, as follows: "James Cheyne of Arnage *v.* Wm. Broun in Boigis of Badinscothe. Cautioner Wm. Lindsay, younger, burgess of Aberdeen."<sup>610</sup>

Colonel Cheyne avers that James Cheyne did not have any offspring by either of his wives. However, there is a suggestion that he did have one son at least since. In 1642, in the Records of the Sheriff Court, there is an entry which reads: "Alexander Smithe of Blairdaff *v.* Alexr. Cheyne of Petfichie and his tenants. Cautioner Walter Cheyn of Tillibin. Peats in the Moss of Blairdaff."<sup>611</sup> However, Colonel Cheyne believed that the Alexander Cheyne mentioned in the above was the son of Thomas Cheyne of Ranniestoun whom we have noted under the Ranniestoun branch of the family. The Colonel was of the opinion that Thomas had purchased Pitfichie from James Cheyne of Arnage before 1642. The estate of Pitfichie then passed to Thomas' son, Alexander Cheyne, 3<sup>rd</sup> of Raniestoun, after his father's death which occurred not long after 1642.

Thus reduced by the sale of the Pitfichie estate, James Cheyne of Arnage continued his occupancy of the Arnage estates. We find him in 1653 having certain privileges reserved to him in the peat mosses around Petcapil (Pitcaple).

It is assumed that James died not long after 1653.

As we have already noted, although he married twice, there is no certain knowledge of any offspring. He married his first wife about 1615 – she was Isabel Burnett, daughter of Alexander Burnett, 11<sup>th</sup> of Leys and Katherine, daughter of Alexander Gordon of Lesmoir.<sup>612</sup> Before the year 1639, he married his second wife – she was Dame Helen Urquhart, widow of Sir James Gordoune of Newtoun of Garrie,<sup>613</sup> and daughter of the Sheriff of Cromarty according to the *Balbithain* MS., but daughter of Sir Thomas Urquhart of Cromarty according to the Harperfield descent of the family.<sup>614</sup>



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possession of. The values were fixed by the "Feares" prices, as proved by Extracts from the Sheriff Court Books."

<sup>610</sup> S.C. Sheriff Court Recs., Volume II., p. 505.

<sup>611</sup> S.C. Sheriff Court Recs., Volume II., p. 505. Dated 27<sup>th</sup> June, 1642. The *Church of Blairdaff* is at {NGR: NJ 697179} and just to the east of it is *the Red Moss*.

<sup>612</sup> Burnett (1901), p. 40.

<sup>613</sup> Rec. Ab. Sheriff Court, ii., p. 467. The entry in the Records was made on 15<sup>th</sup> February, 1639, but there is a note in the margin (out of date, i.e. out of order).

<sup>614</sup> Bulloch (1903), p. 210.





## THE CHEYNES OF VAILA

The Island of Vaila has been inhabited for thousands of years as is shown by the presence of tumuli close beside Vaila House {NGR: HU 22706 46877 and HU 22414 46941}. By about 1450, a number of Norwegian landowners held major estates in Shetland, mostly based on the isles of Papa Stour {NGR: HU 177601}, Noss {NGR: HU 531410} and Vaila.

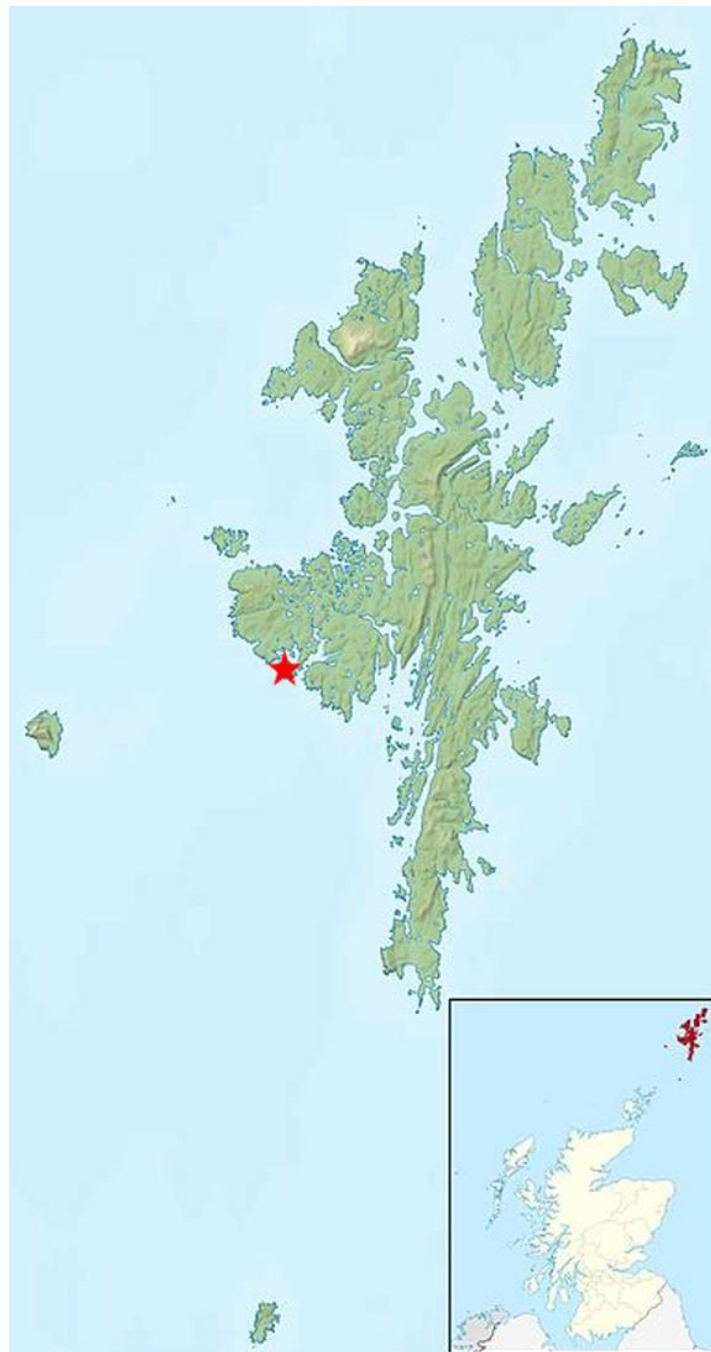


Figure 25: Location of the Island of Vaila, Shetland.



Figure 26: Detailed Map of Vaila. © Ordnance Survey Six Inch 1843-1882.

### ROBERT CHEYNE, 1<sup>ST</sup> OF VAILA. (b. c.1550)

Following generations of Norwegian ownership, Vaila was passed to *Gorvel Fadersdottir* (1509-1605)<sup>615</sup> who, in turn, granted a lease to *Robert Cheyne*. This was confirmed by King James VI in 1576. Consequently, Robert Cheyne became known as Robert Cheyne 1<sup>st</sup> of Vaila. Previously he had been known as Robert Cheyne of Urie and was a younger son of Thomas Cheyne, 7<sup>th</sup> of Essilmont. He was also the brother of Francis Cheyne of Craigentarves.<sup>616</sup> Robert had held the position of Baillie of Tingwall in 1568,<sup>617</sup> and may have been the same Robert Cheyne who was dispatched by the Crown in 1566 as a messenger to Papa, in Shetland, and to Norway.<sup>618</sup>

Patrick Cheyne of Essilmont, sold to one Robert Chene, the mill lands of Mikle Auchry.<sup>619</sup> This Robert is most probably Robert Cheyne, 1<sup>st</sup> of Vaila.

<sup>615</sup> Gorvel is thought to have been born in Hjulsta Manor, Uppland, Stockholm.

[https://en.wikipedia.org/wiki/G%C3%B6rvel\\_Fadersdotter\\_%28Sparre%29](https://en.wikipedia.org/wiki/G%C3%B6rvel_Fadersdotter_%28Sparre%29)

<sup>616</sup> Families of Zetland: Cheyne of Viala.

<sup>617</sup> Families of Zetland: Cheyne of Vaila.

<sup>618</sup> Reg. Privy Council Scot., XIV, p. 260.

<sup>619</sup> Reg. Mag. Sig., vi., no. 754, p. 245. Charter of sale dated at Aberdeen, 19<sup>th</sup> May, 1594; King's confirmation given at Holyrood, 23<sup>rd</sup> July, 1594. The Waukmill of Auchry stood at [NGR: NJ 812513], just to the east of Auchry Castle.

Robert Cheyne at the Miln of Auchry was, involved in a summons of *wakening*<sup>620</sup> versus Duncan Forbes of Byth, in the Sheriff Court of Aberdeen, on 23<sup>rd</sup> June, 1584.<sup>621</sup> The principal cause was one regarding Mill Multures which it was desired should be *awakened* and proceeded with where it left off.

Robert Cheyne's possession of *Vaila* ( also known as *Vallay* and *Valey Guidis*) did not go unopposed and we find Andrew Hawick of Scatsta proposing a challenge. Robert, Earl of Orkney, summoned them both to appear before him, at *Scalloway bankis*, on 27<sup>th</sup> July, 1586, and to bring what proof they had to uphold their claims. Hawick presented nothing in writing but Robert Cheyne was able to show a charter of the King of Scotland dated 18 October 1580, which proof was sufficient for the Earl to find in his favour and grant warrant for his infeftment.

By 1590, when Robert was acting as Commissioner for Zetland, he made a complaint to the Privy Council that certain individuals had obstructed him whilst he was administering justice, by striking him on the head and shoulders with their swords to the great effusion of blood.<sup>622</sup>

In 1594, Patrick Cheyne, 9<sup>th</sup> of Essilmont sold the lands of Mikle Auchry to Robert Cheyne.<sup>623</sup> This Robert is most probably Robert Cheyne, 1<sup>st</sup> of Vaila.

Robert Cheyne, 1<sup>st</sup> of Vaila, was married to Margaret Strang, and they had three children:-

- Thomas, (c.1575 – June 1626), who succeeded his father.
- Alexander.
- Harry of Stapness (†December 1643).



### THOMAS CHEYNE, 2<sup>ND</sup> OF VAILA (? – 1626)

Thomas Cheyne, 2<sup>nd</sup> of Vaila, created an even larger estate for himself in Shetland, making numerous purchases of land in Walls, Aithsting, Fetlar, etc.. He died in June

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<sup>620</sup> A summons of 'wakening' was the means of reviving a legal action which had lain dormant for a year and a day. [Scottish Archive Network: Research Tools.  
[https://www.scan.org.uk/researchtools/glossary\\_w.htm](https://www.scan.org.uk/researchtools/glossary_w.htm) ]

<sup>621</sup> S.C. Sheriff Court Records, Vol. I., p.301.

<sup>622</sup> Reg. Privy Council Scot., XIV., p. 260; Reg. Privy Council Scot., Series I., Vol. IV., p. 546-547.

<sup>623</sup> Reg. Mag. Sig., vi., no. 754, p. 245. Charter of sale dated at Aberdeen, 19<sup>th</sup> May, 1594; King's confirmation given at Holyrood, 23<sup>rd</sup> July, 1594.

1626, having married Agnes, daughter of James Strang of Voesgarth, by whom he had:

- Patrick, (b. aft. 1600 – 16 Dec 1643), who succeeded his father.
- Laurence of Gutabrid. (d. July 1648)
- James of Raevock. (b. c. 1602)
- Robert. (b. c. 1603 – 14 June 1641)



### **PATRICK CHEYNE, 3<sup>RD</sup> OF VAILA.**

Patrick Cheyne, 3<sup>rd</sup> of Vaila, was appointed a Justice of the Peace in Shetland in 1634.<sup>624</sup>

On 13<sup>th</sup> January, 1642, James Mowatt of Ollaberrie in Shetland, placed a supplication before the Privy Council that he and two others – Ninian Neven of Windhouse [in Yell], and John Neven, his brother – should be liberated from the tolbooth of Edinburgh as they had been relaxed from the sentence of outlawry executed against them at the instance of Patrick Cheyne of Vaila and his brothers Laurence and James. They had been convicted of the mutilating of Mr Patrick Cheyn of Valay(*sic.*) and Laurence Cheyn.<sup>625</sup> The Earls of Morton and Lauderdale were deputed to deal with the processes between the two parties<sup>626</sup> and James Mowatt and his accomplices were convicted of the mutilation of Patrick and Laurence Cheyne. They were sentenced to a fine of £1000 to be paid to the mutilated parties and of £300 to be paid to the crown. They were also obliged to find surety for the keeping of the peace.<sup>627</sup> Colonel Cheyne suggested that the assault was probably the outcome of a dispute that had taken place the previous year. James Mowatt had supplicated Parliament against two certain persons, one the late minister at Tingwall, disaffected against his fellow clergy, and consequently suspended by the local presbytery. It would appear that the minister had combined with Patrick Cheyne and others and forged a scandalous libel in order to obtain a warrant from the Committee of Estates against him, James Mowatt. He therefore claimed protection from the Crown.<sup>628</sup>

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<sup>624</sup> Reg. Privy Council Scot., V., p. 389.

<sup>625</sup> Reg. Privy Council Scot., Second Series, Volume VII., p. 312, 517.

<sup>626</sup> Reg. Privy Council Scot., Second Series, Volume VII., p. 304.

<sup>627</sup> Reg. Privy Council Scot., Second Series, Volume VII., p. 312; Cheyne (1913), p. 117.

<sup>628</sup> There is reason to believe that this case was subject to significant differences of opinion. Even as late as the 1890s, there were two articles published in the Proceedings of the Society of Antiquaries of Scotland which represented very different views. [See Goudie, PSAS, Vol. 25 (Dec 1891) and Spence, PSAS, Vol. 27 (1893)].

He died on 16<sup>th</sup> December, 1643, having added greatly to the family estates. He had married Janet, daughter of Gilbert Gifford of Hogsetter, and left issue:

- Thomas, (b. c. 1624), who succeeded his father.
- Patrick, (b. c. 1625).
- Walter.
- Agnes.
- Catherine.
- Christian.
- Marjorie.



#### THOMAS CHEYNE, 4<sup>TH</sup> OF VAILA.

Thomas Cheyne, 4<sup>th</sup> of Vaila, was still a minor when his father died in 1643. When he achieved his majority, he held the estates for some forty-five years. From a charter we find that the extent of the family possessions included land in Walls (160 merks), in Sandness (161<sup>3</sup>/<sub>4</sub> merks), in Sandsting (81 merks), in Weisdale (18 merks), in Northmaven (6 merks), in Fetter (Fetlar) (74<sup>1</sup>/<sub>4</sub> merks), and in Unst (102 <sup>7</sup>/<sub>8</sub> merks), making in all a total of 603<sup>7</sup>/<sub>8</sub> merks.<sup>629</sup>

Thomas married Barbara Umphray, and had issue:

- Patrick, who succeeded his father on 3<sup>rd</sup> October, 1695.
- Theodore Cheyne of Footabrough.
- Barbara, who married Magnus Cheyne of Hogsetter.



#### PATRICK CHEYNE, 5<sup>TH</sup> OF VAILA. (b. c. 1660)

By the time that Patrick Cheyne, 5<sup>th</sup> of Vaila inherited the estate it had been heavily *wadsetted*, principally to James Mitchell of Girlesta. In 1696, Vaila was passed to James Mitchell of Girlesta who built the Old Haa, the old laird's house, on the island and it then passed to his descendants, the Scotts of Melby.

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<sup>629</sup> Cheyne 1931, p. 118.



Patrick was compelled to dispose of his estates, piece by piece, to Mitchell and, on 1<sup>st</sup> March, 1698, he seems to have finally parted with what remained to him. Patrick's younger brother, Thomas, in a petition to the Court of Session in 1738, described him as being, "born blind, and a weak and facile man, and addicted to drinking, whereby he was easily imposed upon to dilapidate his substance."

It is thought that Patrick's wife's name was Agnes.



### THEODORE CHEYNE, OF FOOTABROUGH, 6<sup>TH</sup> OF VIALA. (b. c. 1661)

Theodore Cheyne, the younger brother of the above Patrick Cheyne, succeeded him in the representation of the family 'of Viala'. Theodore seems to have been born about 1661.<sup>630</sup> In 1692 he had acquired the estate of *Footabrough* but he was soon to part with it (again to James Mitchell). However, on 4<sup>th</sup> June, 1718, he was served heir to his grandfather Patrick Cheyne, 3<sup>rd</sup> of Vaila,<sup>631</sup> in lands of Milbrie, and in the lands of Sandis, Breck, Burraland, Stell, Cloggonorderhouse, Stand, Longhouse, etc., in Shetland. A little later, on 4<sup>th</sup> June, 1724, he was also served as heir special to his great-grandfather, Gilbert Gifford of Hogsetter, in the lands of Hogsetter (Hougster), Detting (Delting), and Isbister, all in Shetland.<sup>632</sup>

However, it took Theodore some considerable time and effort to recover what his brother had disposed of by the time of his death. In his petition to the Privy Council he complained of, "being now reduced to great straits by the meanness of his circumstances," and that he was, "not in a condition to defray his charge and expense of this process, as appears by a certificate of severalls of the Justices of the Peace and other gentlemen in Zetland herewith given in. May it therefore please your Lordships, etc. - Theodore Cheyne."<sup>633</sup>

Theodore became a man of some means but he seems to have died without issue.



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<sup>630</sup> The Cheyne Family Website. <https://sites.rootsweb.com/~cheyne/pd7091.htm>

<sup>631</sup> Certain sources quote "his great-great-grandfather, Patrick Cheyne, 3<sup>rd</sup> of Vaila" but this is obviously a mistake.

<sup>632</sup> *Service of Heirs in Scotland, Volume 1., 1730-1739*, p. 7.

<sup>633</sup> Grant (1893), 'Cheyne of Vaila,' VI: Theodore Cheyne.



## CHEYNES OF TANGWICK.

It is not certain which of the members of the 'le Chene' family first took up residence in the Shetlands Islands. However, their reasons for moving were clear: they wished to escape the rigours of the Reformation and, in the case of James, 11<sup>th</sup> of Essilmont, he had lost his lands, both of the barony of Essilmont and that of Aberdour. In effect, he and his wife Elspeth<sup>634</sup> were homeless and for a time they tried to subsist as best they could not fearing to resort even to blackmail and violence! He was brought before the Privy Council to answer for the terrible way that he had treated certain of his former tenants. Luckily for him, the complainants did not appear at the trial and the case was dismissed. And it was not just James that was to blame for the situation. Elspeth his wife, who was a sister of George Gordon, 5<sup>th</sup> of Gight, when challenged by one of their 'victims' – a man called John Petrie who lived in a house in Essilmont – she, "in the hight of her distemperit passioun [anger and displeasure] and unreulie humour, pat [put] violent hand on him and schamefullie and unhonnestlie strak him and dang him with hir handis and feit in sindrie [sundry] pairtis of his body and left him for deid."<sup>635</sup>

Other members of the family of 'le Chen' settled in Shetland and were ancestors of several families of the name, viz. Cheyne of Vaila, of Leagarth and of Tangwick, most of whom had parted with their estates on 'the mainland'. James Cheyne of Pennan is thought to have left for Shetland about the year 1631. James' nephew, Patrick, 10<sup>th</sup> of Essilmont, had died without issue at about the same date, and therefore, James Chene of Pennan was served heir of Essilmont, on 10<sup>th</sup> March, 1634. But by now this was a 'title' devoid of any property and James died only a few months after he gained his inheritance.<sup>636</sup>

The family retained their title 'of Essilmont' for a number of generations after this time but, because of their new estates, they were known as 'of Essilmont and Tangwick'.

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<sup>634</sup> Bulloch 1903, i., p. 68. Elspeth and James were married in 1600. James was, at that time, known as 'of Pennan' which was the last part of the estates which remained to him. There is a record that James Chene of Pennan and his wife were married by a James Chene (possibly of Esslemont) he being charged by the Ellon Presbytery (Feb. 11, 1600) with having performed the ceremony, he "having no function in the ministrie." Considering the comments made by the Presbytery, it is difficult to imagine that the wedding took place in the Parish Church, but there were numerous 'popish' chapels scattered across the Chene's estates where it could have taken place. [I wonder if the marriage was performed by James Chene of Arnage rather than 'of Essilmont', on a return from Tournai Cathedral? Ellon Presbytery would not have 'recognised' him since he was a Roman Catholic priest.]

<sup>635</sup> Bulloch 1903, p. 68.

<sup>636</sup> Cheyne 1931, p. 105.

**JOHN CHEYNE, 12<sup>TH</sup> OF ESSILMONT AND 1<sup>ST</sup> OF TANGWICK**

It is supposed that John Chene, the first to appear as 'of Tangwick', spend his youth in Shetland<sup>637</sup> where his father, Patrick Chene, 8<sup>th</sup> of Essilmont had considerable lands. We have already seen that the Chene family had become rebellious and the notices of John's earlier life are a continued series of acts of bloodshed and violence!

In 1631, we find John in Aberdeenshire, when he and Patrick Stewart, a messenger, applied for a summons against Henry Maissie in Auchterellon and others, whom they accused of deforcing the messenger in the discharge of his office, in that when he had poinded [impounded] three horses from Henry Maissie on his grounds of Auchterellon at the instance of the said John, to whom Maissie owed 800 merks they [Maissie's servants] violently attacked him [the messenger] and took the horses back. It would appear that servants of the lairds of Udney of Auchterellon who were also present, became threatening. The Records of the Privy Council contain a supplication by Patrick Stewart, messenger, and John Cheyne, lawful son of James Cheyne [10<sup>th</sup>] of Essilmonth, as follows:

"The said messenger on 29<sup>th</sup> June last, had poinded a brown horse, a black horse and a gray mare from Henry Maissie in Ochterallane upon his grounds of Ochterallane at the instance of the said John Cheyne, to whom Maissie was due 600 merks of principal and 200 merks of expenses, and having appraised the said goods he took them again to the said Henry to offer to him for the appraised prices: but he, on hearing of what had been done, came, accompanied by Thomas Maissie, his brother, George and Patrick Maissie, his sons, and Adam Ga in Ochterallane, all armed with swords, gauntlets, steel bonnets, corn-forks and other weapons, and violently reft the goods from him. When, in token of his being deforced, the said messenger brake his wand, the said George in contempt of his Majesty's authority bade him put up his wand and go hang himself and all messengers so far as he was concerned. The said messenger then having gone to the fields where the said Henry's oxen and sheep were pasturing to have poinded them, he and the persons foresaid with Robert Arbuthnet, George Leslie, John Gordoun, and Robert Harper, all servants to Alexander Udnie of Achterallane, Gavin Huntar, Alexander Tailyeour, George Low and George Pyat and others, came to him and threatened to take his life if he offered to poind any goods there. They crave summons against these persons. [On the back] "*Apud Halyrudhous, 19 July, 1631. Fiat ut petitur.*"  
GEO: CANCELLOR."<sup>638</sup>

The same year, a complaint was lodged before the Privy Council by George Baird of Auchmedden and George Gregour, his servant, against John Chene, as follows: They had cited John Chene in Essilmont before their Lordships for "ane insolence"

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<sup>637</sup> Cheyne 1931, p. 99.

<sup>638</sup> Reg. Privy Council Scot., Second series, Vol. 4, p. 657-658.



committed by him against them, which, being found proven, he was ordained to enter into 'ward' in the tolbooth of Edinburgh. James had disobeyed the summons, and 'passed to the horne' (become outlawed). It would appear that John made a representation to the Lords that the charges were unlawful since, at the time, he had been in Zetland, and consequently the Lords suspended his 'horning' "till 9<sup>th</sup> June next; which representation was said to be false as the charge was executed against him personally, "and his sole intention is to give the complainers fresh trouble." However, "seeing that he is presently in this Burgh it is expedient the suspension be discussed now." The pursuers compearing by Patrick Rankene, servitor to one James Baird, their procurator, and the defender, John Cheyne, also compearing, there was produced the decree by their Lordships finding that "the said JohnCheyne, with a drawn sword wounded the said George Gregour on the cheek in the belief that he was attacking George Baird, his master, on whom he had threatened to be revenged, and ordaining him therefore to be warded withing the tolbooth of Edinburgh." In the face of this evidence, the Lords thereupon committed John to ward in the tolbooth till he should pay the expenses of the witnesses produced in the first complaint, and should find caution acted in the books of Secret Council for the indemnity of the said George Baird, his men, servants, etc., in £1000.<sup>639</sup>

It would appear that John Cheyne was admitted to the church of Kinkell prior to 1<sup>st</sup> November, 1633, and remained there until 1643. "William Gray in Armurdo declarit that he had restand owing to him, two hundred merks, by Mr John Cheyne, parson of Kinkell."<sup>640</sup>

By 1634 John's father, James Chene, 11<sup>th</sup> of Essilmont, had died and in October of that year John was served as heir to his grandfather, Patrick Cheyne, 8<sup>th</sup> of Essilmont.<sup>641</sup> From that time onwards he was known as John Cheyne, 12<sup>th</sup> of Essilmont and 1<sup>st</sup> of Tangwick.

John had returned to Shetland by 1636 when he is recorded as having become cautioner for James Maxwell of Mariekirk, who had been charged with deforcing a messenger.<sup>642</sup>

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<sup>639</sup> Reg. Privy Council Scot., Second Series, Volume 4, p. 170-171.

<sup>640</sup> S.C. Misc., iii., pp. 73, 92; Temple (1894), 356.

<sup>641</sup> Cheyne (1931), p. 106.

<sup>642</sup> Cheyne (1931), p. 106.

In 1640, John Chene 'of Essilmont' and Tangwick, received a grant of lands in Cullivoe {NGR: HP 542026} from James Scott of Voegarth {NGR: HP 618083} in Unst<sup>643</sup> and Janet Pitcairn, heiress of Skerpo,<sup>644</sup> his spouse.

John married Marjory, daughter of Alexander Bruce of Cultmalindie, Perthshire. She died on 4<sup>th</sup> April, 1645.<sup>645</sup> He left three sons:

- George Chene, of Essilmont and 2<sup>nd</sup> of Tangwick;
- Andrew Chene of Havera, who married Barbara Sinclair, and disposed lands in Little Havera to Stewart of Bigtoun in 1697;
- Patrick.



### GEORGE CHEYNE, 13<sup>TH</sup> OF ESSILMONT AND 2<sup>ND</sup> OF TANGWICK

George Chene in 1661 was appointed Commissioner for the Sherifffdom of Orkney and Shetland,<sup>646</sup> and he appears again as such in 1685, 1689, 1696,<sup>647</sup> and 1698 whilst, in 1663, he appears as having been appointed Justice of the Peace within the shire of Orkney and Zetland.<sup>648</sup>

In 1653 and 1678 the arms of George Cheyne of Essilmont were entered in the Lyon Register. They appear above at the start of the chapter "The Cheynes of Essilmont."

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<sup>643</sup> This is probably the same as James Scott, son of Sir James Scott of Harden, Roxburghshire, who came to Shetland in 1630, and was Chamberlain for the Crown in these Islands. He obtained the lands of Voegarth from James Strang about 1640. His grandson James was commissioner of Supply for Zetland in 1696, and 1704, and was unfortunately drowned along with his eldest surviving son, on 15<sup>th</sup> November, 1716. [**Families of Zetland**, "Scott of Voegarth"]

<sup>644</sup> **Families of Zetland**, "Pitcairn of Skerpo." Janet was served heir to her grandfather on 13<sup>th</sup> Spetemer, 1642. The lands of Skerpo consisted of 195½ merk-lands in Unst; 12 in Fetlar; and 25½ in North Yell.

<sup>645</sup> **Families of Zetland**, "Alexander Bruce of Cultmalindie." On the Island of Unst lies [Muness Castle](#) {NGR: HP 629012} Britain's northernmost castle, built by [Laurence Bruce \(1547-1617\)](#), a deeply unpopular *foud* (Sheriff) of the Shetland Islands. Laurence was born in Perthshire, the son of John Bruce of Cultmalindie and Euphemia Elphinstone. His mother was also a mistress of King James V of Scotland and as a result in 1533, Laurence became the half brother of Robert Stewart, who would later be appointed 1st Earl of Orkney and Lord of Zetland. Laurence Bruce died in his bed at [Muness Castle](#) in August 1617 and is buried the old churchyard at Sandwick on Unst. His lands of Cultmalindie in Perthshire were inherited by his eldest son Alexander whilst his second son, Andrew, inherited Muness.

The lands of Muness were the property of the Norwegian Benedictine abbey of [Munkeliv](#), at Nordnes, near Bergen, before the Reformation.

<sup>646</sup> A.P.S., VII., p. 94.

<sup>647</sup> A.P.S., X., p. 30.

<sup>648</sup> A.P.S., VII., p. 508.



George married Barbara, eldest daughter and coheiress of James Mowat of Ollaberrie.<sup>649</sup>



#### JOHN CHEYNE, 14<sup>TH</sup> OF ESSILMONT AND 3<sup>RD</sup> OF TANGWICK

John Cheyne was witness to the disposition by Patrick Cheyne of Vaila to James Mitchell of Girlesta, of the 18 merks land in Melby (Melbie) {NGR: HU 191576} called "the Gifford's Last," on 1<sup>st</sup> March, 1699.

John married Barbara Sinclair and left issue:

- George Chene, of 14<sup>th</sup> of Essilmont and 3<sup>rd</sup> of Tangwick;
- Barbara;
- Elizabeth.



#### GERGE CHEYNE, 15<sup>TH</sup> OF ESSILMONT AND 4<sup>TH</sup> OF TANGWICK

In 1704, George Cheyne, described still as "of Essilmont", is recorded as Commissioner for the Stewardry of Orkney and Zetland,<sup>650</sup> and in 1698 and 1707 was Commissioner for Supply for Shetland.<sup>651</sup>

By 5th April 1733, George Cheyne of Esslemont had become so reduced in circumstances that he appeared before the Kirk Session of Tingwall, in Shetland, in great distress asking for charitable supply, and was granted a crown out of that day's collection!<sup>652</sup>

George Cheyne appears to have left no issue, and so, with him, ended the illustrious succession as 'Cheyne of Essilmont'. He was succeeded in the estates of Tangwick by his uncle, James Cheyne, 5<sup>th</sup> of Tangwick.

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<sup>649</sup> Families of Zetland: "The Cheynes of Essilmont".

<sup>650</sup> A.P.S., XI., p. 151.

<sup>651</sup> Families of Zetland: "The Cheynes of Essilmont".

<sup>652</sup> Simpson (1944), p.105.

**JAMES CHEYNE, 5<sup>TH</sup> OF TANGWICK**

James Cheyne of Tangwick, was the son of George Cheyne, 9<sup>th</sup> of Esslemont. He married Grizel, daughter of Thomas Leslie of Ustaness, and had issue,

- Patrick Cheyne, who succeeded;
- Jean.

**PATRICK CHEYNE, 6<sup>TH</sup> OF TANGWICK**

Patrick Cheyne, *fiar* of Tangwick, married (first) in 1736, Jean, daughter of William Henderson of Gairdie, and (second) Mary, eldest daughter of Rev. James Buchan, minister of Northmaven. He was the father of:

- James Cheyne, who succeeded.

**JAMES CHEYNE, 7<sup>TH</sup> OF TANGWICK (1737 - 1821)**

James Cheyne 7<sup>th</sup> of Tangwick (1737-1821), was seised as heir of his father in 1765 and died on 19th March, 1821. He was married to Ann (1735-1815), daughter of John Gifford, Sheriff Clerk of Zetland, and had issue:

- John, his heir;
- Arthur of Ollaberry;
- Mary, who married Robert Hoseason of Udhouse and Mossbank, on 20<sup>th</sup> August, 1809;
- Jane, married 29<sup>th</sup> September, 1796, Gilbert Henderson of Bardister.



### JOHN CHEYNE, 8<sup>TH</sup> OF TANGWICK (? – 1840)

Very little is known of this individual except that he died in 1840 and was succeeded by his son Henry.<sup>653</sup> John is said to have been the last resident Laird of Tangwick. After his death, his son Henry having left to go to Edinburgh, a caretaker looked after "[the Haa](#)", successive lairds only occasionally returning in the summer up to the time of the First World War.



### HENRY CHEYNE, 9<sup>TH</sup> OF TANGWICK (1804 – 1868)

Henry Cheyne of Tangwick was born on 24<sup>th</sup> August, 1804.

He went to Edinburgh and was admitted a Writer to the Signet in 1829.

He died on 27<sup>th</sup> February, 1868, having married on 7<sup>th</sup> May, 1840, Barbara, eldest daughter of William Hay of Laxfirth. They had issue:

- John, his heir;
- William, born 30<sup>th</sup> January, 1842, died 4<sup>th</sup> March, 1856;
- Arthur, born 1<sup>st</sup> January, 1844, was a merchant in London. He married Frances, third daughter of Donald MacLeod Gordon, merchant of Calcutta, in 1883;
- Harry of Girlsta, born 2<sup>nd</sup> March, 1845, admitted Writer to the Signet, 1868. He married Dora, daughter of George Todd Chiene, C.A., Edinburgh, on 20<sup>th</sup> July, 1876. They had issue, Harry and a daughter.
- Joseph Gordon Clunes, born 3<sup>rd</sup> October, 1847, Assistant Secretary Scottish Widows Fund, Edinburgh.
- Margaret;
- Anne.



### JOHN CHEYNE, K.C., LL.D., 10<sup>TH</sup> OF TANGWICK (1841 – ?)

Joh Cheyne, 10<sup>th</sup> of Tangwick, was born in February, 1841. He was admitted Advocate in 1865; appointed Sheriff Substitute of Forfarshire in 1870; Sheriff of

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<sup>653</sup> Families of Zetland: "Cheyne of Tangwick".

Roxburgh, Berwick and Selkirk in 1885; and of Ross, Cromarty and Sutherland in 1886; and of Renfrew and Bute in 1889. He was Procurator of the Church of Scotland in May 1891, and was appointed Vice Dean of the Faculty of Advocates in June 1892.

John married (first) Margaret, daughter of Archibald Simson of Commeapore, Bengal, on 20<sup>th</sup> March, 1871. She was born 1<sup>st</sup> March, 1846, and died 10<sup>th</sup> February, 1872. They had one daughter – Maria Helen. He then married his second wife, Mary, eldest daughter of James Edward of Balruddery, in June of 1875, and they had one daughter – Margaret Frances.

On the death of James, the line of Tangwick passed to his brother, Sir Harry Cheyne, whose son Harry, on his death, left only a daughter. Thus, the representation of the family of Cheyne of Inverugie, Straloch, Essilmont, and Arnage, was diverted to that branch of the family who had established themselves in Edinburgh. They were descended from Patrick Cheyne, 1<sup>st</sup> of Raniestoun.



Figure 27: The Old Haa at Tangwick (left of picture), looking south-east towards Booth Stack.

The [\*Old Haa of Tangwick\*](#), which was recently converted into a museum, was the laird's house for the estate of Tangwick in Eshaness {NGR: HU 23245 77701}. The estate was situated in the parish of Walls. It was built by the Cheyne family in the late 1600s. There is a fine shingle beach below *the Haa* which would have provided an excellent landing-place through the centuries. Long before Shetland was 'blessed'

with roads and commerce its need for regular communications and trade relied on easy access to the sea.



Figure 28: Ruins of the 'Cross Kirk' within its graveyard.

In later times the Cheynes of Tangwick were buried in the graveyard which surrounds the ancient Cross Kirk at Eshaness {NGR: HU 21236 78065}, only a little distance (2km.) west of *the Old Haa*.





## CHEYNES OF RANNIESTOUN.

Ranniestoun (Rannieston) is an estate to the east of Pitmedden in Aberdeenshire {NGR: NJ 937262}. The estate marched with the southern limits of the Essilmont Estate. This branch of the Cheyne family descended from the Cheynes of Arnage.



Figure 29: Picture of the 'modern' Rannieston House

### PATRICK CHEYNE, 1<sup>ST</sup> OF RANNIESTOUN (C.1540 - 1602)

Patrick Cheyne was a younger son of John Cheyne, 7<sup>th</sup> of Arnage. He was admitted to the Society of Advocates of Aberdeen in 1570.<sup>654</sup> However, Norval Clyne noted that, "he became distinguished in a fashion curiously inconsistent with the character of a legal practitioner."<sup>655</sup> The very same year that Patrick's name appears in the Matriculation Book of the Society as having been admitted as 'advocate' he, along with two other persons, had a quarrel and a fight with one William Annand and one other, and Annand was killed. "We learn these particulars from a venerable parchment writ, in the possession of the present Society, being a *Respite* granted by the Crown, of date January 16, 1588, and, apparently, a renewal of a previous writ of the same nature."<sup>656</sup> It is a fascinating document but somewhat lengthy and so we have chosen to give it in full in Appendix I., at the end of this paper, rather than here. From this writ it appears that Patrick had been provided with a 'writ of respite' from the King (in return for a financial *consideration*?) and was, therefore, immune from prosecution for what was a most serious crime - murder!

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<sup>654</sup> Bulloch 1888, vol. i., no. 3, (August 1887), p. 42.

<sup>655</sup> Bulloch 1888, vol. i., no. 3, (August 1887), p. 42.

<sup>656</sup> Bulloch 1888, vol. i., no. 3, (August 1887), p. 42-43.

At Aberdeen on the 25<sup>th</sup> May, 1579, we find Patrick signing, as witness, a charter recording the gift of Gilbert Reid of Collieston of certain of his lands to his son Andrew who was about to marry Margaret Cheyne, daughter of William Cheyne of Arnage. Robert Cheyne of Cauldwallis [Coldwells] was also signed as a witness. This charter was confirmed by the King at Holyrood House on 9<sup>th</sup> December, 1586.<sup>657</sup>

In 1582, Patrick's name appears where he is described as a burghess of Aberdeen.<sup>658</sup>

On 5<sup>th</sup> April, 1585, the King confirmed a charter of John Gordon of Geycht, within which there is a statement of the lands of the barony of Scheves (which included Gight and Mekill Ardoch cum molendino). The charter had been given in 1582 [details missing] and a "Pat. Cheyne, advocate" was present and acted as witness, as did a "Jo. Cheyne, advocate."<sup>659</sup> It would appear that this was Patrick Cheyne, while he was living in Ferryhill in Aberdeen.

In 1590, he is designated as 'of Ardo'. Presumably he had moved out of Aberdeen itself and either purchased or rented the estate of Ardo, near Belhelvie {NGR: NJ 928210}. (Note that this is not the Ardo Estate on the south bank of the River Dee.)



*Figure 30: Ardo House, Belhelvie. © the present owner and reproduced with their permission.*

We find Patrick in 1593, as a Baillie, signing a bond on behalf of the Council of Aberdeen promising the loyalty of the burgh and its non-complicity with the Earls of Huntly and of Erroll and other traitors.<sup>660</sup> Earlier that same year, Patrick became surety in £1000 for his nephew Walter Cheyne, younger of Arnage, to the effect that

<sup>657</sup> Reg. Mag. Sig., V., no. 1120, p. 371.

<sup>658</sup> Cheyne 1931, p. 136.

<sup>659</sup> Reg. Mag. Sig., V., no. 801, p. 248.

<sup>660</sup> Reg. Privy Council Scot., First Series, Vol. V, p. 51.

the said principal and all for whom he was responsible ... shall do nothing in hurt of His Majesty's government and the true religion, nor take part with George, Earl of Huntly, William, Earl of Angus, Frances, Earl of Erroll, Sir Patrick Gordon of Auchindoun, Sir James Chisholm of Dundorne, Mr James Gordon, Mr William Ogilvie, Mr Robert Abercrombie, "nor na utheris jesuitis, seminarie preistis, trafficquing papistis, nor na utheris his Hienes declarit tratouris, rebellious and annaturall subjectis, tressounable practizaris and conspiratouris agains the state of the said trew religioun, his majesteis persone, crowne, and libertie of this countrey, nor yit with the personis denunceit or that salbe denunceit to the horne, or declarit fugitive fra his Hienes lawis for the tressounable fyre-raising and birning of the place of Dynnibirsill, and murthour of umquhile James, Erll of Murray."<sup>661</sup>

Patrick was acting as Sheriff of Aberdeen on 20<sup>th</sup> October, 1593, alongside Alexander Irvine, jnr., of Drum, in a matter relating to certain Baronies (Forbes, Alford, Fiddes, etc.).<sup>662</sup>

In 1594, Patrick put his second son, Thomas, into possession of the sunny half of the town lands of Ardoch [Ardoe] in the Parish of Banquhorie, Kincardineshire, along with the fishing in the River Dee, the mill, mill lands, and multures, which had been part of the patrimony of the monastery of Arbroath and lay within that house's Regality.<sup>663</sup> The gift was ratified by the King at Stirling on 22<sup>nd</sup> July, 1594. This would have been a very valuable gift for Thomas to receive.

Patrick appears again as a baillie of Aberdeen in 1595<sup>664</sup> and 1597<sup>665</sup>; from 1595<sup>666</sup> to 1599 he also appears as a member of the Burgh Council. There can be no doubt that he was one of the foremost men of the City.

On 21<sup>st</sup> October, 1597, John Fraser of Ferryhill sold to Patrick Cheyne, the sunny half of the town and lands of Ferryhill, the Alehouse, the Smiddy Crofts, the mill with the mill lands, etc. in the Parish of St Machar.<sup>667</sup> From this time, Patrick is to be found called 'Patrick Cheyne of Ferryhill'.

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<sup>661</sup> *ibid.*, p. 47.

<sup>662</sup> S.C. Shires, Vol. 4., p.770; **Exch. Rolls.** 22, p. 490.

<sup>663</sup> R.M.S., vi., no. 126, p. 46. These are the lands of Ardoe in the parish of Banchory Devenick, on the south bank of the River Dee. {NGR: NJ 904022}

<sup>664</sup> S.C. Shires, III., p. 556. Witness to a charter recording the sale, by John Robertson in Monquhiche, of certain lands within the barony of Crechie, to Alexander Ewin (?Irvine) and his heirs. Patrick's son Thomas is also a witness.

<sup>665</sup> S.C. Misc., I., pp. 96-97; 102-104. As a baillie and 'justice of these parts', on 17<sup>th</sup> February 1596, he sits in judgement at an assize where the accused, Janet Wischart, was charged with witchcraft: she was found guilty and condemned to death by burning. On the second occasion, on 22<sup>nd</sup> March 1596, Patrick again sits in judgement at a trial for witchcraft against Janet Wischart's husband John Leyis, and their three daughters, Elspeth, Janet, and Violet. They were absolved but were still banished from the burgh.

<sup>666</sup> **S.C. Aberd. Burgh Reg., II.**, p.128-131; 136; 146; 151; 153; 191; 193; 194; 195; 227.

<sup>667</sup> R.M.S., vi., no. 636, p. 208; S.C. Shires, III, p. 195-196. In the year 1597, David Menzies, the cousin and heir of Patrick Menzies, granted the sunny half of these lands to John Fraser, the fourth son

In Aberdeen, on 17<sup>th</sup> May, 1600, Patrick extended his ownership to include the lands of Kirkhill, in the parish of Nigg, and barony of Torry, which was part of the Regality of St Andrews in the sheriffdom of Kincardine.<sup>668</sup> The transaction included the very valuable fishings in St Moffat's Bay (an old name for what is now called the Bay of Nigg), permission to build mills (either using tidal power or power from fresh water springs), the garbal teinds derived from the said fishings, and the *cruivies* and *yairis*<sup>669</sup> on the south side of the Ness of Abirdene (Girdleness). Patrick also had the right to build harbours for ships and boats, (along with the privilege of collecting timber brought in by the sea) and to erect the same into a free port, taking sasine at the manor of Kirkhill for all of the above. It is interesting that, at the time of writing, the Aberdeen Harbour Board is constructing a new harbour in exactly this vicinity.

But Patrick was, in 1601, with other significant citizens of Aberdeen, charged not to *intercommune* with persons, including certain Cheynes of Essilmont, who were under sentence of outlawry.<sup>670</sup> However, Patrick's colleagues<sup>671</sup> successfully argued their case before the Privy Council.

Patrick Cheyne of Ferryhill, and 1<sup>st</sup> of Raniestoun, died on 6<sup>th</sup> October, 1602, having only recently acquired the lands of Raniestoun, which then descended to his son and heir, Thomas. Before Patrick's acquisition, the lands of Raniestoun, in the barony of Tullidaff, had been held by the family of Tullidaff for four generations. Alexander Tullidaff, 3<sup>rd</sup> of Raniestoun was married to an Isobel Cheyne. In 1595, one Helen Fraser was tried for witchcraft in Foveran for having 'abstracted the love and affection of the late Andrew Tullidaff from his wife Isobel to a harlot, Margaret Neilson, and so mightily bewitched him that he could never be reconciled to his wife.'<sup>672</sup> It is not clear how Patrick Cheyne acquired the estate of Raniestoun but it was most likely by sale.

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of Thomas Fraser of Durris, and to Anna Lorymar his wife; and the shady half of the lands to the same John Fraser himself, who, in the same year, granted both halves to Patrick Cheyne, burgess of Aberdeen. In the year 1616, Thomas Cheyne of Raniestoun, the son of Patrick Cheyne and Katherine Fraser (Chalmer) his wife, sold the lands for the sum of 8100 merks Scots to Patrick Hepburne, whose son, Patrick Hepburne, in the year 1629, with the consent of his brother William Hepburne and others, granted them to Doctor Patrick Dun, Principal of the New College of Aberdeen. (Originals in the archives of the City of Aberdeen.) On the third day of August, 1631, Doctor Patrick Dun bequeathed the lands for the maintenance of the masters of the Grammar School of the Burgh of Aberdeen. (*Ibid.* Mortifications under the charge of the Provost, Magistrates, and Town Council of Aberdeen, pp. 83, 87. Aberdeen 1849.)

<sup>668</sup> R.M.S., vi., no. 1055, p. 359. The lands of Kirkhill (North, South and East) lay between St Fittick's Church and the mouth of the River Dee and comprised what is now the western end of the Municipal (Balnagask) Golf Course {NGR: NJ 960052}.

<sup>669</sup> Both *cruivies* and *yairis* were forms of fish-traps.

<sup>670</sup> **Reg. Privy Council Scot., First Series, Volume 6**, p. 222-224. Amongst the 'outlaws' were James Cheyne of Pennane (Pennan) and Alexander Cheyne son of William Cheyne.

<sup>671</sup> The case was presented before the Council by Alexander Rutherford, provost of Aberdeen, John Cheyne of Pitfichie and George Knowis, all three appearing for themselves and the other complainers, and the Master of Elphinstone being also present, the Lords did suspend the letters.

<sup>672</sup> Temple (1894), p. 543.



Patrick and his wife, Katherine Chalmer<sup>673</sup>, had issue:

- The name of the eldest son does not survive. Presumably he pre-deceased his father.
- Thomas, said to be the second son, who succeeded as 2<sup>nd</sup> of Raniestoun;
- Patrick, an advocate and a burgess of Aberdeen. On 28<sup>th</sup> October, 1609, Patrick Cheine, burgess of Aberdeen, was charged by the Crown with the slaughter (manslaughter) of one Walter Mowat in Colpe. Mr John Cheine of Petfechie was cautioner in 300 merks for the accused's appearance at court to answer this charge. No further notice of him appears in the records!
- Walter, the founder of that branch of the family which became domiciled in Edinburgh. He became Walter Cheyne of Tillibin.



#### THOMAS CHEYNE, 2<sup>ND</sup> OF RANNIESTOUN (c.1565 – c. 1642)

In 1594, Thomas, second son of Patrick Cheyne, received from his father the 'sunny half' of the town and lands of Ardoch [Ardo], in the parish of Banchory-Devenick.

Throughout his life, Thomas Cheyne was the most staunch of Papists and, in all probability it is he who is referred to in 1595 as having travelled through Italy in connection with the Jesuit and Spanish conspiracy, plotted by the Earls of Huntly and Erroll. The expediency of his being sent to Spain was also discussed.<sup>674</sup>

An Elspet Cheyne, supposed daughter of Thomas Cheyne of Raniestoun, was baptized at the parish church of St Nicholas, Aberdeen, on 19<sup>th</sup> December, 1606.<sup>675</sup> It is suggested that she was buried in the graveyard of the same church on 13<sup>th</sup> March, 1607.<sup>676</sup> However, since the suggested mother and therefore wife, of Thomas, is

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<sup>673</sup> Colonel Cheyne says that Patrick's wife was Katherine, daughter of Gilbert Chalmer of Balnacraig. [Cheyne (1931), p. 137, quoting S.C. Misc., V., p. 329, and S.C. Shires, III., p.195]. However, the Birth Brieve dated 3<sup>rd</sup> June, 1646, draw up by Baillie George Cullen and sealed with the Town's 'Secret' Seal, records the sworn testaments of two burgesses of Aberdeen – James Robertson and Andrew Birny – that John Chein of Pitercow within the kingdom of Poland, {where he was a merchant}, was the son of Thomas Chein of Pitfichie and his wife Catherin Fraser; that John's father's mother {i.e. John's grandmother and the wife of Patrick Cheyne} was Katherine Chalmer, daughter of Gilbert Calmer of Balnacraig; and that John's mother, Catherine Fraser, was the daughter of Michael Fraser, the laird of Muchalls, and his wife Isobel Forbes, daughter of the laird of Monymusk.

<sup>674</sup> Cal. State Papers Scot., II., 683.

<sup>675</sup> Family Search. [Elspett Cheyne, "Scotland Births and Baptisms, 1564-1950" • FamilySearch](#)

<sup>676</sup> Maxwell, A. Strath, *St. Nicholas' Church, Aberdeen: burials register, transcription* – MS 2747, Aberdeen University Special Collections, p. 20.





given as Nanse [Nancy] Robertson, we suggest that these records should be disregarded.

Thomas Cheyne of Raniestoun appeared in the Sheriff Court of Aberdeen on 6<sup>th</sup> March, 1611, in the 'curatory' matter regarding the care of William Turing of Foveran. Thomas was accompanied by John Cheyne of Pitfichie and James Cheyne of Pennan. All were said to be 'next of kin' to William.

On 28<sup>th</sup> July, 1612, at Edinburgh, the King confirmed a charter of John Cheyne of Pitfichie, given with the consent of George Seton of Schethin, which bore as witnesses Thomas Cheyne de Ranyestoun, Francisco Cheyne (*servitor* of George Seton of Schethin<sup>677</sup>), which had been signed at Schethin on 31<sup>st</sup> May, 1611.

The King confirms a charter of Thomas Cheyne of Ranystoun, "by which he released to Katherine Fraser, his wife, in life rent, the lands of Ranyiston, etc.." The King's charter was dated at Edinburgh, 18<sup>th</sup> July, 1617, and Thomas' charter was dated at Aberdeen on 24<sup>th</sup> May, 1616.<sup>678</sup>

Also, in 1617, Thomas was called as next of kin to Christian, only child of the deceased Francis Cheyne (c.1550-1604)<sup>679</sup> of Craigie (or Craigie-Tarves).<sup>680</sup>

Old habits die hard and, in 1624, Thomas Cheyne again became *apostate* and was excommunicated by the Ellon presbytery.<sup>681</sup> He remained obdurate and is found in 1628 in a list compiled, by the Privy Council of Scotland, of people of *good family* who were under censure of excommunication and are denounced rebels and put to the horn for "not conforming to the religion presentlie professed within the kingdom and for thair scandalous behaviour otherwayes to the offence of God, disgrace of the gospell and misregard of his Majesteis auctoritie ... ." The 'principals' of Elgin and

<sup>677</sup> Parts of the old Castle of Schethin are supposed to be incorporated into the farmhouse which still stands at [NGR: NJ 885326], within the parish of Tarves.

<sup>678</sup> Reg. Mag. Sig., VII., no. 1657, p. 601.

<sup>679</sup> Francis was the brother of Thomas Cheyne, 7<sup>th</sup> of Essilmont.

<sup>680</sup> **S.C. Abd. Sheriff Court Recs., II.**, p. 75, 228. On 20<sup>th</sup> December 1617, Thomas Cheyne, 2<sup>nd</sup> of Raniestoun and John Cheyne of Pitfichie, were called in a case as one of the next of kin to Christian.

"**Special Service** (*Inq. Spec. Abd. No. 154*) Christiane Cheyne to Mr Francis Cheyne of Craigie, her father. The town and lands of Craigie-Tarves {NGR: NJ 890347} and 'Grein hills of Craigie,' &c. in the Regality of Arbroath. Held in feu farm of the Marquis of Huntly and his successors as Barons of the Barony of Tarves, for payment of £10 19s. 10d., and with performance of certain feudal services. In non-entry since death of ancestor in October 1604." [75]

"**Curatory.** Cristiane Cheyne, only bairne and lawful dochter to the late Mr. Francis Cheyne sometime of Craigie. The next of kin called were Mr. John Cheyne of Arnage, Thomas Cheyne of Ranestoune, Andrew Meldrum of Tillicairne and Patrick Meldrum of Frosterhill. The Curators chosen were Andrew Meldrum of Tillicairne and William Craig of Tarves, who accepted office and became cautioner for each other." [228]

<sup>681</sup> Mair (1898), p. #####



Forres are ordered by the Council to apprehend them. Their escheats and life rents were also wholly to be intromitted and brought into his Majesty's use.<sup>682</sup>

In the February of the following year, 1629, the list had become much smaller, but it still commanded, "officers of arms to charge certain Papists in Aberdeen to surrender their lands and goods under penalty of forfeiture." Thomas Cheyne was one of those still listed who were given letters direct from the Council charging them, and all havers, keepers and detainers of their castles, towers, manor places, and fortalices, to render and deliver the same to the officers, executors of the said letters, and to remove themselves and their servants furth thereof within twenty four hours, under the pain of treason, unless they could show reasonable cause why the same should not be done. At some point between February 1628 and July 1629, the Privy Council writes to the Bishop of Aberdeen indicating that Alexander Guthrie, Marchmont Herald, had charged Thomas Cheyne of Raynistoun and other Papists to render and deliver their dwelling houses unto him which seems - to have been done by a significant number of them. The Lords of Secret Counsell then gave the Bishop Patrick full power, warrant and commission to appoint and place two persons in every one of the rebels' houses to be keepers thereof in his Majesty's name during the time of their rebellion.<sup>683</sup> There is also an order of the Privy Council given at this time for the seizure of the houses of certain Papists, including that of Thomas Cheyne of Raynistoun.<sup>684</sup>

On 4<sup>th</sup> September 1629, Thomas Cheyne of Raynistoun petitioned the Privy Council that he should be released from his horning since he had now embraced 'the true religion'.<sup>685</sup>

Thomas Cheyne, 2<sup>nd</sup> of Raniestoun witnessed the burial of "a daughter of Thomas of Raniestoun Cheyne", on 30<sup>th</sup> December 1632, in the kirkyard of the parish church of St Nicholas in Aberdeen. This was surely his own daughter.

However, in 1640, Thomas was again an 'apostate' and he was brought into Aberdeen as a 'Papist', and "forced to swear and subscribe the covenant and so wan home."<sup>686</sup>

At some point before his death, Thomas had acquired the estate of Pitfichie. Alexander, his son and heir, is described as 'of Pitfichie' on 27<sup>th</sup> June, 1642, when he is recorded in a case in the Sheriff Court at Aberdeen, involving Alexander Smith of Blairdaff, regarding the cutting of peats in the Moss of Blairdaff. Walter Cheyne of Tillibin is cautioner in the case.<sup>687</sup>

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<sup>682</sup> **Reg. Privy Council Scot., Second Series, Volume 2.**, p. 497-499.

<sup>683</sup> **Reg. Privy Council Scot., Second Series, Volume 3.**, p. 93.

<sup>684</sup> **Reg. Privy Council Scot., Second Series, Volume 3.**, p. 179.

<sup>685</sup> The full text of his petition is given in Appendix M.

<sup>686</sup> Spalding (1828), p. 211.

<sup>687</sup> **S.C. Abd. Sheriff Court Recs., II.**, p. 505.

In a genealogical descent of his younger son John, proved on 3<sup>rd</sup> June, 1646, Thomas Cheyne is himself described as 'of Pitfichie'.<sup>688</sup>

As we have seen, Thomas Cheyne, 2<sup>nd</sup> of Raniestoun, married Catherine Fraser (c.1565 - ? ), daughter of Michael Fraser, laird of Muchals. They had issue:

- Alexander who succeeded;<sup>689</sup>
- Arthur (c.1610- ? 0), went abroad at the age of seventeen and studied in foreign colleges from 1627 till 1633, when he returned on account of ill health. Arthur was made heir to his elder brother Alexander.
- John, who emigrated to Pitercrow in Poland, and was a merchant there. Many other Scots emigrated to Poland at this time and were mostly engaged there in trading ventures.
- a daughter (c.1620 – bef.30 Dec 1632), whose name has not come down to us and who appears to have died at a young age. However, see comment above.



#### ALEXANDER CHEYNE, 3<sup>RD</sup> OF RANNIESTOUN (c.1600 – aft. 1649)

Alexander Cheyne was registered as a burgess of Aberdeen in 1607<sup>690</sup> and as a burgess of Kintore in 1608.<sup>691</sup>

On the 23<sup>rd</sup> November, 1632, "Katerine Fraser, wife of Thomas Cheyne of Raniestoun, renounced her rights to the lands of Raniestoun in the parish of Logy-Buchan in favour of Alexr. Cheyn, "the eldest lawful son of her and her husband." In exchange she received a Bond for 500 merks per annum granted by Alexr. Cheyn, her son, as principal, and James Cheyn of Arnage as cautioner.<sup>692</sup>

On a number of occasions we find Alexander knows as 'of Pitfichie', e.g. in 1636, 1638,<sup>693</sup> and 1642.<sup>694</sup>

Alexander seems to have parted with the estates of Raniestoun by the time of his death about 1649, when his brother Arthur succeeded as his legal heir.<sup>695</sup> It seems that Alexander had not married and had no children.

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<sup>688</sup> S.C. Misc. V., 329.

<sup>689</sup> S.C. Abd. Sheriff Court Recs., II., p. 327.

<sup>690</sup> Misc. New S.C., i., p. 104. Dated 22<sup>nd</sup> September, 1607.

<sup>691</sup> Reg. Privy Council Scot., First Series, Volume 8., p. 196.

<sup>692</sup> S.C. Abd. Sheriff Court Recs., II., p. 327.

<sup>693</sup> S.C. Abd. Sheriff Court Recs., II., p. 450. Dated 28<sup>th</sup> March, 1638.

<sup>694</sup> S.C. Abd. Sheriff Court Recs., II., p. 505. Dated 27<sup>th</sup> June, 1642.

<sup>695</sup> Cheyne (1937), p. 140.

**ARTHUR CHEYNE, 4<sup>TH</sup> OF RANNIESTOUN (c.1600 - ?)**

Arthur went abroad at age 17 and studied at the Scots Colleges of Douai and Rome with the intention of becoming a Roman Catholic priest. He, Arthur Cheyneus, is recorded on 7 December, 1627, aged 17 years, as Student No. 193 at the Scots College at Pont-à-Mousson/Douai.<sup>696</sup>

On 11<sup>th</sup> October 1629, at the Scots College at Rome, "*Arthurus Cheyn, Aberdonensis. Fecit juramentum 29 Novembris 1630, studuit philosophiæ annos tres, theologiæ unum.* {'He took the oath on 29 November, 1630, and studied philosophy for three years and theology for one'}. 1 Martii 1633. Discessit ob infirmam valetudinem {'he left because of poor health'}.<sup>697</sup>

On 2<sup>nd</sup> May 1633, *Arthurus Chineus "admissus pro theologia, abiit in Scotiam initio Augusti"* {'was admitted (to the Scots College at Douai) for theology, he went (returned) to Scotland at the beginning of August'}.<sup>698</sup>

Arthur was obviously destined for the priesthood but, after his studies were cut short by ill health whilst in Rome he seems to have returned to Douai where he tried to continue his studies. However, after only two months, he was forced to return to Scotland.

There is no evidence to support that Arthur was ordained a priest but, following his return to Scotland he seems to disappear from the historical record for a period.

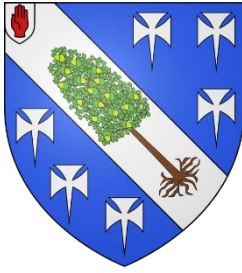
However, we do know that on 8<sup>th</sup> September, 1649, Arthur Cheyne inherited Raniestoun as heir to his older brother Alexander. Since we then hear nothing further of him, it would seem that Arthur died not long after this, and, since neither he nor his older brother had had any children, it would appear that the male line of 'Cheyne of Raniestoun' died out at this time.



<sup>696</sup> S.C. Scots Coll., I., no. 193., p. 22. In the Register of the Scots College at Mussipontani et Duacenses (Pont-à-Mousson and Douai).

<sup>697</sup> *ibid.*, no 111, p. 109. In the Register of the Scots College at Rome.

<sup>698</sup> *ibid.*, no. 239., p. 28. In the Register of the Scots College at Mussipontani et Duacenses (Pont-à-Mousson and Douai).



## CHEYNES OF LEAGARTH, FETLAR.

This branch of the family is a 'modern' establishment. Much of what remains of the Cheyne property on the island of Fetlar today was built for the eminent Scottish physician, Sir William Watson Cheyne. Leagarth House itself was completed about 1901.

**SIR WILLIAM WATSON CHEYNE, 1<sup>ST</sup> OF LEAGARTH, C.B., K.C.M.G., M.B., C.M.,  
HON. D.SC. (OXON), HON. LL.D. (EDIN.), HON. LL.D. (BIRM.), F.R.S., F.R.C.S.,  
HON. F.R.C.P. (EDIN.), HON. F.R.C.S. (EDIN).**

William was born on 14<sup>th</sup> December, 1852, off Hobart Town, Tasmania,<sup>699</sup> his father, Andrew Cheyne of Ollaberry (b. Nov 1817) being the owner of ships trading in the South Sea Islands.<sup>700</sup> His mother was Eliza Watson, the daughter of Rev. William Watson who had been Cheyne's local minister, but was then on the island of Fetlar.<sup>701</sup> A month after his marriage Cheyne left Shetland for the other end of the earth, and to the lasting horror of the Shetlanders took his young bride with him! In London they awaited the fitting out of the large ship put under Cheyne's command – the *Lady Montagu* of 763 tons. The cargo, probably the most profitable one Cheyne ever carried, was a strange one for a Pacific trader – 280 male convicts for the penal settlement at Hobart Town, who embarked on 31 July 1852. It must have been a most uncomfortable first voyage for poor Eliza, who was well advanced in pregnancy when they left Plymouth on 9<sup>th</sup> August for Van Diemen's Land via the Cape of Good Hope.<sup>702</sup> The ship's departure was commented upon (somewhat scathingly) in an article in *the Leader* dated 28 August 1852.<sup>703</sup> The ship carried a 'surgeon' – Samuel Donnelly – and his journal, which is kept at Kew in the National Archives [ADM 101/254/1H], records that, during the course of the voyage, nine

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<sup>699</sup> Plarr's *Lives of the Fellows of the Royal College of Surgeons of England*, RCS: E000222.

<sup>700</sup> For a detailed treatment of Andrew Cheyne's career, see Shineberg (1971). Also note an article from the *Colonial Times and Tasmanian*, Thursday April 16, 1859, which may be relevant.  
<https://trove.nla.gov.au/newspaper/article/8767006> (accessed 23/12/2022)

<sup>701</sup> A building now called 'The Glebe' was formerly the Manse on Fetlar, built in 1756 at [NGR: HU 609906].

<sup>702</sup> A complete list of the convicts carried on the voyage can be seen at:  
<https://convictrecords.com.au/ships/lady-montagu/1852> (accessed 13/12/2022)

<sup>703</sup> *The Leader*, 28 August, 1852, at the foot of column 2.  
[https://ncse.ac.uk/periodicals/1/issues/cld\\_28081852/page/11/](https://ncse.ac.uk/periodicals/1/issues/cld_28081852/page/11/) (accessed 13/12/2022)



convicts died of illnesses such as dysentery, pulmonary tuberculosis (phthisis), diarrhoea and bronchitis and, on arrival at Hobart, a further three were sent directly to Hospital at Hobart Town.<sup>704</sup> The ship arrived at Hobart on 10<sup>th</sup> December, 1852. Four days later, Eliza gave birth, on board, to their first and only child, a son, who was named after her father at a ceremony performed by the Reverend John Lillie<sup>705</sup> of St Andrew's Scottish Church, Hobart Town.<sup>706</sup>



Figure 31: The Clipper Ship 'the Lady Montague'.<sup>707</sup>

The convict cargo unloaded, Captain Cheyne apparently decided that, since he had to return his wife and infant son to Shetland, he would do so by way of the Pacific Ocean. The couple finally completed their journey around the world in November 1854, and on the nineteenth of that month they registered the birth of William Watson, now nearly two years old, at his grandfather's church at Fetlar. Eliza was by

<sup>704</sup> Medical Journal of 'the Lady Montague' National Archives: ADM 101/254/1H (Summary: <https://discovery.nationalarchives.gov.uk/details/r/C11542124> accessed 13/12/2022)

<sup>705</sup> Rev. Lillie was the second settled minister of the congregation. He arrived in 1837. <http://www.scotschurch.com.au/wp-content/uploads/2019/08/Scots-Memorial-History.pdf> (accessed 13/12/2022)

<sup>706</sup> Shineberg (1971), p. 15-16.

<sup>707</sup> Clipper Ship 'Lady Montague' / painted by James A Flood.

The Clipper ship *Lady Montague* is one of the artist James A Flood's few fictional ships. This was not the *Lady Montagu* captained by Andrew Cheyne which acted as a 'convict ship' as described in the text, although she would probably have looked quite similar to the ship depicted in Flood's painting.

James actually named the ship after the wife of the first Earl of Sandwich, Edward Montagu (an older spelling of the name) (1625 - 1673), a man he came to greatly admire through the writings of Samuel Pepys (1633 - 1703). James, after coming across a picture of Montagu's wife, Jemima and finding her most beautiful, decided that an equally beautiful ship must be her namesake, and thus *Lady Montague* came into existence.

<https://www.facebook.com/tallshipalliance/photos/a.1699992413430609/3211916158904886/?type=3>



now very ill, and the parishioners never forgave the captain for taking her on such a long hard sea voyage.

In October 1855, Andrew left Eliza and their son in the care of her sister, Christian, who was married to the Reverend David Webster, and set out for the Pacific once more as commander of the *Wild Wave*. Sadly, he never saw his family again. Eliza died of consumption a few months after Andrew's arrival in China, on 25<sup>th</sup> July, 1856,<sup>708</sup> and the Websters apparently never allowed any communication between father and son, for the boy was never given the name Cheyne and did not know who his father was until after Andrew's death in early 1866.<sup>709</sup>

Using the name William Watson, Andrew Cheyne's son was educated first at the 'local grammar school' until 1864, when he went to the Grammar School in Aberdeen. He remained there until the summer of 1870. He entered the University of Edinburgh in May 1871, resuming his full name of William Watson Cheyne, but symptoms of incipient tuberculosis prevented him from taking the full medical course. He devoted himself therefore to chemistry and obtained the first university prize in the subject in his first year and again in his second year.

He was anxious to go to sea at this time but was unable to afford the preliminary expense, and he continued his medical studies, hoping to get the position of a ship's surgeon. In 1872 he won medals for anatomy, physiology, and chemistry, becoming the possessor of twelve such medals before he graduated.

The courses of surgery, physiology, and practical anatomy were so arranged as to leave the hour, from 12.00 – 13.00, free. One wet day in October 1872 during this interval he, for the sake of shelter and warmth, drifted into Joseph Lister's lecture room. He was fascinated by what he heard - the chemistry of anaesthetics - and attended the full course in 1872-73. At the end of the course it happened that the examinations for the physiology and the Lister class prizes were held on the same day. Cheyne entered for both, tied with his chief competitor in physiology, both obtaining 99 per cent marks, in the morning and gained the Lister prize with 96 per cent marks in the afternoon!<sup>710</sup>

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<sup>708</sup> Death certificate from the Parish Records of Fetlar, which implies that Eliza (and her son?) were living with her father on Fetlar when she died.

<sup>709</sup> Shineberg (1971), p. 19; 24. Andrew Cheyne was strangled and beaten on the head and breast with a stone until he died, after landing at Koror, Pulau, where he had a house and had set up a business exporting *bêche-de-mer* (sea-cucumbers) and sandalwood – January/February 1866.

<sup>710</sup> Plarr's *Lives of the Fellows of the Royal College of Surgeons of England*, RCS: E000222.

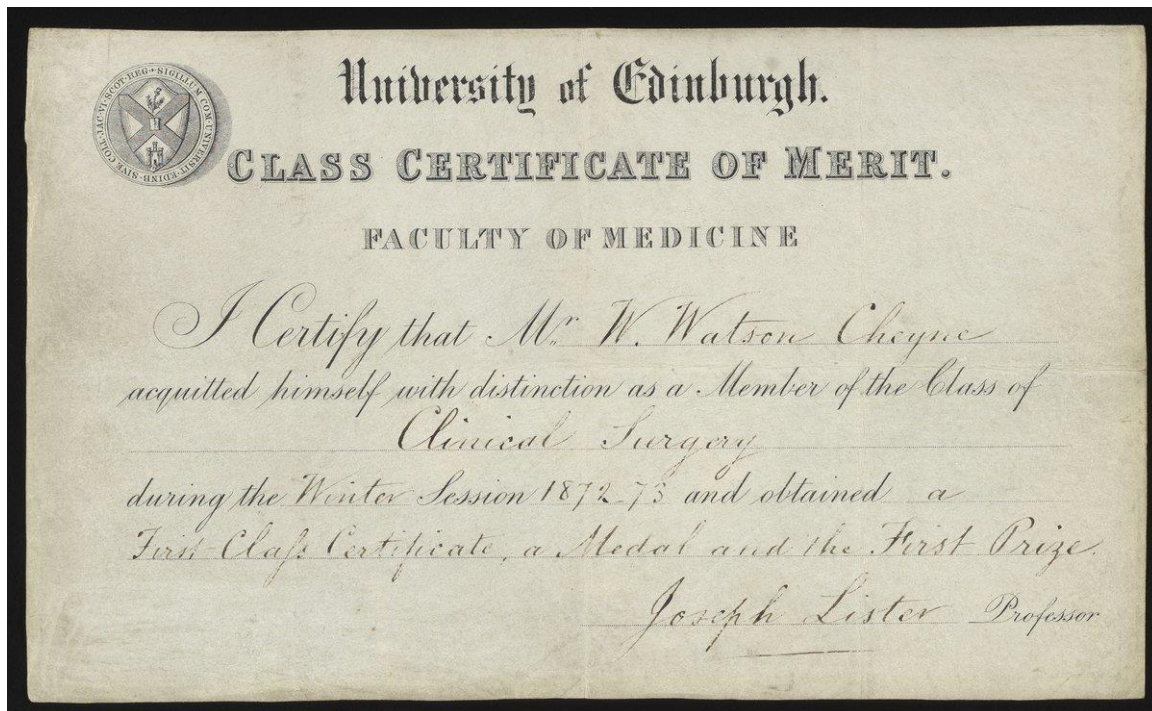


Figure 32: First Class Certificate in Clinical Surgery awarded by Edinburgh University. Signed by the world-famous Professor Joseph Lister.

William Cheyne graduated in medicine (M.B.) from Edinburgh University and also, later, with a Master of Surgery (C.M.). He fought in the Boer War between 1900 and 1901 where he was Consulting Surgeon to the British Forces in South Africa and was 'mentioned in dispatches'. He was Professor of Clinical Surgery at King's College Hospital, London and held the office of Honorary Surgeon-in-Ordinary to HM King George V in 1910. He was assistant and successor to the world-famous Lord Lister, who pioneered the development of antiseptic surgery.

In 1908 he had received a commission as surgeon Rear-Admiral in the Royal Naval Reserve and saw active service during the war of 1914-18, first with the fleet in the Dardanelles and afterwards at the naval hospital in the lines at Chatham. For these services he was created a K.C.M.G.<sup>711</sup>

Sir William was created 1<sup>st</sup> Baronet of Leagarth in 1908. He was also a member of parliament (1917 - 1923).

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<sup>711</sup> Plarr's *Lives of the Fellows of the Royal College of Surgeons of England*, RCS: E000222.



*Figure 33: Sir William Watson Cheyne in his uniform as Rear-Admiral.*

In 1919 he was appointed Lord Lieutenant of Orkney and Shetland (1919 - 1930) and was also promoted to the rank of Vice-Admiral in the Royal Navy.<sup>712</sup>

Sir William married (firstly) Mary Emma, daughter of the Rev. William Servanté, of Plumstead, Kent, on 29<sup>th</sup> January 1887, and he died on 19<sup>th</sup> April 1932 aged 79.

He had three children by his first marriage:

- Lt.-Colonel Sir Joseph Lister Watson Cheyne, M.C., 2<sup>nd</sup> of Leagarth, b. 12 Jan 1888, d. 20 Sept 1957, formerly i/c. 16/5<sup>th</sup> Queen's Royal Lancers;
- William Hunter Watson Cheyne, b. 26 Jun 1889, d. 19 Apr 1957;
- Mary Frances Cheyne, b. 10 Jul 1891, d. 4 May 1892.

He had a further three children by his second wife, Margaret Smith (d. 9 Apr 1922), daughter of George Smith of Lerwick:

- Grace Ella Margaret Watson Cheyne, b. 30 Oct 1895, d. 28 Jan 1931;
- George Basil Watson Cheyne, b. 12 Oct 1898, d. 2 Jul 1922;
- Julia Millicent Watson Cheyne, b 25 Apr 1900, d. 22 Feb 1901.

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<sup>712</sup> Plarr's *Lives of the Fellows of the Royal College of Surgeons of England*, RCS: E000222.





Figure 34: Sir William Watson Cheyne, 1st Baronet of Leagarth

Sir William retired to Leagarth in 1920, when he added a large veranda to the House. After his father's death, the doctor's son (who had been named 'Lister') gifted part of the House, known as *the Hall*, to the local community so that the tradition of dances and local events, which his father had encouraged, could be continued.



Figure 35: Leagarth House, Fetlar. © [Undiscovered Scotland](#)





**SIR JOSEPH LISTER CHEYNE, 2<sup>ND</sup> OF LEAGARTH, (1888 – 1957)**

Joseph was born in Marylebone, London, on 12<sup>th</sup> January 1852 and died on 19<sup>th</sup> April 1932. On 19<sup>th</sup> June Joseph married Nelita Manfield Pringle (1886 – 1977) at Banstead Parish Church, (All Saints), Surrey. At the time of his marriage, Joseph was a Lieutenant in the 16<sup>th</sup> Lancers.<sup>713</sup> Joseph had risen to the rank of Captain in his regiment by 1915. His wife, Nelita, was two years his senior and was the daughter of Andrew Pringle, 'gentleman', of Basing House, Banstead. In the 1911 Census she is shown as a Nurse at the Children's Hospital, Paddington Green, London. Joseph inherited the Baronetcy on 19<sup>th</sup> April 1932.

Joseph and Nelita had two (possibly three) children:

- Joseph (1914 - 2007) OBE, who succeeded as 3<sup>rd</sup> of Leagarth. He was in the Diplomatic Service in Rome (1968-76), after which he was Curator of the Keats-Shelley Memorial House in that same city (1976 - 1990);
- Brig. William Watson Cheyne (1920 – 1970) DSO, MBE. As Colonel, Queen's Own Highlanders, he was awarded the DSO for service in Borneo. He was Brigadier of the Gurkha Brigade in Malaysia, 1966.<sup>714</sup>;
- Andrew Watson Cheyne (1921 - ). He was a civil engineer (F.I.C.E.) and served in the Royal Engineers in WWII with the rank of Captain.

**SIR JOSEPH LISTER WATSON CHEYNE, 3<sup>RD</sup> OF LEAGARTH, (1914 – 2007)**

Joseph was born in Banstead on 10<sup>th</sup> October 1914 and died on 16<sup>th</sup> February 2007. He inherited the Baronetcy on 20<sup>th</sup> September 1957. Joseph was educated at Stowe School and Corpus Christi College, Cambridge, where he was awarded a degree in History with Honours in 1936. During WWII he served with the rank of major in the Light Infantry. He then served in the British Embassy in Rome from 1968 to 1976, being 1<sup>st</sup> Secretary from 1970. He was awarded the OBE in recognition of his services in 1976. Having left the Diplomatic Service he became the Curator of the Keats-

<sup>713</sup> Their marriage certificate gives Joseph's address (and that of his father) as Harley Street, London.

<sup>714</sup> Film of Brigadier Cheyne presenting the Gurkhas for inspection to Dato and Datin Ningkan to be found at <https://www.britishpathe.com/video/VLVA76GUUWZZRKL09MXY0XPSHDKH6-SARAWAK-SARAWAKS-CHIEF-MINISTER-NINGKAN-BIDS-FAREWELL-TO-THE/query/malayan+emergency>



Shelley Memorial House beside the Spanish Steps in Rome.<sup>715</sup> It is said that he, “will be remembered for the vision and enthusiasm with which he made a previously little-visited shrine to the Romantic poets into a museum with the world-wide reputation it enjoys today.”<sup>716</sup> He published a book “*Guide to the Keats-Shelley Memorial House*” in 1988. Joseph retired from this post in 1990, and seems to have spent much of the remainder of his life in Shetland where he died on 16<sup>th</sup> February, 2007. Joseph’s first wife was Mary Mort Allen, by whom he had two children:

- Ann Caroline Lister Cheyne, b. 3<sup>rd</sup> March, 1939;
- Patrick John Lister Cheyne, b. 2<sup>nd</sup> July, 1941, who inherited from his father;

His second wife was Cicely Metcalf, by whom he had:

- John Joseph Peter Cheyne, b. 17<sup>th</sup> March, 1956;
- James Andrew Watson Cheyne, b. 20<sup>th</sup> August, 1957;
- Helen Margaret Watson Cheyne, b. 14<sup>th</sup> June, 1959.



#### **SIR PATRICK JOHN LISTER CHEYNE, 4<sup>TH</sup> OF LEAGARTH, (1941 - )**

Patrick was born on 2<sup>nd</sup> July 1941. He inherited the Baronetcy on 16<sup>th</sup> February 2007 on the death of his father. Educated at Lancing College, Patrick became an auctioneer after serving a Short Service Commission in the Royal Navy. He married Helen Louise Trevor Smith and they had 4 children:

- Elizabeth Henrietta Louise Cheyne, b. 9<sup>th</sup> November, 1969;
- Louis Richard Patrick Lister Cheyne, b. 25<sup>th</sup> March, 1971, heir to the baronetcy;
- Mary Catherine Fleur Cheyne, b. 1974;
- Catherine Victoria Alice Cheyne, b. 12<sup>th</sup> July 1979.



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<sup>715</sup> 26 Piazza di Spagna, Rome.

<sup>716</sup> The Times of London, April 04 2007, obituary.

## THE CHEYNES AND ROMAN CATHOLICISM.

At every opportunity we should remind ourselves of the Norman ancestry of the Chene family because, for many generations, it is that Norman heritage which gave character to the lives of successive members of the family. The ideals of *chivalry*, *honour* and *duty to God*, were the foundations upon which everything was built. From a young age, youths were trained in the ways of chivalry, particularly in the skills of warfare. A man (and his wife) were of no substance at all if they lost their honour or even if their honour was only slighted. However, particularly as old age approached, an individual's focus was very much upon doing whatever was possible to ensure a contented 'afterlife'. For instance, it was important - to procure burial in as holy a place as possible so that the person would have a 'superior' position amongst his grave-fellows at the Resurrection; to leave money and goods to an institution where priests would say masses in their remembrance, particularly on their 'anniversary', in order that their souls would be forever nourished in the afterlife; and to provide for the commemoration of deceased family members and of those yet to come. What better way was there to accomplish these aims than to found a church, a chantry chapel, a collegiate church, or even a monastic institution, where there would be an opportunity to amplify the potential good that would be done - and the 'degree' of benefit that would be obtained was, of course, in direct proportion to the munificence of the foundation!

There is little doubt that the family of 'le Chen' was as good (or as bad) as any other of its Norman neighbours and that this *Normanness* resulted in the complex set of motivators which drove them towards the foundation of - monasteries ([Ardlogy Priory](#); the Carmelite Friary in Aberdeen); chapels (in the Parish Church at Olgrinbeg); chantry chapels (in their Castles); general acts to benefit cathedrals (chantry priests at Elgin Cathedral and King's College, Aberdeen). Of course, the most mighty lords of Scotland, particularly the Royal family, could accomplish these endowments on a much grander scale because of the immense store of 'resources' which were available to them. However, against any measure, the Chene family can be said to have 'punched above its weight'. The sad epitaph, though, is that so little of their benevolence is remembered by today's historians.

Before the time of the Second Reformation (c.1560)<sup>717</sup> the whole population of Scotland was, at least in principle, Roman Catholic. However, the Second Reformation required people to make a choice - either to continue to support the Roman Catholic Faith or to 'reform' and join the Protestant cause. The easy route to

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<sup>717</sup> It is our *editorial policy* to call the changes brought about by the Scottish Queen (known as Saint Margaret), the First Reformation, when the Early Church in Scotland was replaced by the Roman Catholic Church; the change from the Roman to the Presbyterian order, c.1560, we call the Second Reformation.

follow was to become a Protestant whilst those who chose to remain Roman Catholics faced great trials and an arduous path to Salvation.

These troubles continued for some time, as is recorded by the editor of Blackhall's "Brief Narration," Mr John Stuart, who said in the Preface to the work,

*"Even in the reign of Charles I. the ancient faith was held by the Marquis of Huntly and the chief men of his own name [Gordon], such as the Lord of Aboyne, the lairds of Craig (Auchindoir), Gight, Abergeldie, Lesmore, and Letterfourie; by the Earl of Errol [Hay] and his kinsmen of Delgatie and Fetterletter, and by many other ancient and powerful houses such as the Leslies, Bissets, and Blackhalls in the Garioch, the Irvines and Couttses in Mar, the Cheynes, Cons, and Turings in Buchan."*<sup>718</sup>

These families, together, formed the first-line of defence for the *Old Religion* and many are the tales told of the doughty obstinacy that they showed towards the *Reformed Religion* and its adherents!

Thomas Mair (Mair 1876) wrote that, in the early 17<sup>th</sup>-century, "The Annands were in Auchterellon – Bannermans in Waterton – Cheynes in Essilmont and Arnage – and Kennedy in Kermuck. The latter three seem to have still been ardent Papists, but Annand and Bannerman attend Church very regularly as elders, as also Henry Annand of Orchardtoun and William Leask of that Ilk."<sup>719</sup>

National feelings towards Catholics swelled and receded like the tide and,

*"on the accession of James VI. to the English throne, a larger measure of indulgence seems to have been meted out to the Roman Catholics, or perhaps rather it should be said, to the more influential of their number, and their measures for some time were bolder. The Marquis of Huntly and Gordon of Craig were the first to receive the Royal sanction for the private exercise of their religion. From this period the Roman Catholics maintained an agent, or resident, at London, to negotiate for them, and thereby screen themselves from the interference of the Established Church."*<sup>720</sup>

It is well known that the cadet branch of the Family of Gordon, known as the "Gordons of Gight", were not to be shaken from their religion and the poor ruins of their castle still sit, not far from Fyvie, as a forceful reminder of the high price that the family paid for their adherence to the Catholic cause. It was the same with many of the branches of the Cheyne family who stubbornly adhered to their Roman Catholic faith. For instance, Dr James Cheyne (b. c.1545-1602)<sup>721</sup>, brother to William,

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<sup>718</sup> Blakhal 1844, Editor's Preface, pp. xix-xx.

<sup>719</sup> Mair 1876, p. 49-50.

<sup>720</sup> Blakhal 1844, Editor's Preface, p. xx.

<sup>721</sup> Cheyne 1931, p. 126. Dr James Cheyne was, at first, parish priest of Aboyne, and then went to Paris, where he taught philosophy with a high reputation. From Paris he went as professor of theology to Douai in Flanders, and thence to St Barbes College, Paris, where he became professor of philosophy. He was afterwards Rector of the College. He was appointed Canon and Grand Penitentiary of the Cathedral of Tournai, where he founded a small seminary for his countrymen. He died there in 1602 and was buried in that cathedral under an inscribed marble monument.

the Laird of Arnage, in Buchan, established, according to Archbishop Beaton, a seminary at his own expense in *Tournai*, which afterwards became incorporated into the *Scots College at Douay*. Dr Cheyne was a Canon and Grand Penitentiary of the Cathedral of Notre-Dame at Tournai.<sup>722</sup> A brief biography of James is to be found in '[Appendix H](#)' of this paper.

As the storms of the Reformation passed it became apparent to many that the 'old Religion' would not return. Some, like Dr. Cheyne, carved out a new life for themselves on the Continent - in France, Flanders, Spain and Italy - but, for a number of the Cheynes, it would appear that the 'northern isles' held a stronger attraction, Shetland in particular. We have seen that a member of the Cheyne family was, for a considerable period of time, the Archdeacon of Zetland (Shetland) and we should remember that the geography of the islands required that the Archdeacon had almost the same powers as the diocesan bishop.<sup>723</sup> Thus, Archdeacon Cheyne, who operated from a 'base' at *Tingwall* {NGR: HU 418434}, could provide his relatives with lands and employment with a singular degree of freedom.<sup>724</sup>

The tenor of Parliament's actions in 1560 when the new *Confession of Faith* was approved laid the way for the subsequent treatment of those, such as the Cheynes, who adhered to the 'Old' Faith. For example, amongst the *verities* lately born and pointedly announced was the discovery that "oyle (oil), salt, spittle, and such like, in baptism, are but man's inventions." The authors of this *Confession of Faith* refused to receive or admit any tenets or ceremonies, even if sanctioned and received by councils, realms, and nations, "if repugnant to a plain text of Scripture or yet unto the rule of charity."<sup>725</sup> The extent of the *charity* of those who framed this system, and the meaning they attached to the word, are rendered obscure by their preceding assertion: "We utterly abhor the blasphemy of them that affirm that men who live according to equity and justice shall be saved, whatever religion they profess,"<sup>726</sup> and also by the subsequent enactment, which declares that, any person<sup>727</sup> saying mass, being present or hearing mass, should for a second offence be banished, and for a third be put to death.<sup>728</sup> It was, therefore, highly necessary that they should point out, as they did in their own queer form of expression, "the marks, signs, and assured tokens whereby the immaculate spouse of Christ Jesus (i.e., their own

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<sup>722</sup> Blakhal 1844, Editor's Preface, pp. xii, xxvi.

<sup>723</sup> The Bishop of Orkney was the actual 'diocesan' but he seldom left the security of his cathedral or palace on Orkney.

<sup>724</sup> Macgregor 1987, p. 19. "[Tingwall] has a very fertile central settlement spine in addition to the more usual pockets of costal settlement at the heads of inlets and bays. It has also been the site of the main Shetland assembly, the *Alping*, held at Tingwall and near here resided the archdeacon of Shetland who had the core of his landed wealth in the parish."

<sup>725</sup> A.P.S., II., p. 531.

<sup>726</sup> A.P.S., II., p. 530.

<sup>727</sup> "Confession of Faith Ratification Act 1560", Acts of the Old Scottish Parliament, 1560, c. 1., *Of the notis by the quhilk the trew Kirk is decernit fra the fals and quha salbe iuge of the doctrine.*  
<https://www.legislation.gov.uk/aosp/1560/1/part/18> (accessed 08/05/2023)

<sup>728</sup> A.P.S., II., p. 535, and III., p. 36.



dogmas) is known [apart] from the horrible harlot, the Kirk malignant." It was this *charity* which was to be shown to Papists for years to come!

An Act of the Parliament of King James VI (1567-1625) states, in reference to the Mass, that *"The which day, forasmuch as almighty God, by his most true and blessed word, has declared the reverence and honour which should be given to him, and by his son Jesus Christ has declared the true use of the sacraments, willing the same to be used according to his will and word, by the which it is openly and perfectly known that the sacraments of baptism and of the body and blood of Jesus Christ have been in all times past corrupted by the popish kirk and by their usurped ministers, and presently, notwithstanding the reformation already made according to God's word, yet nonetheless, there is some of the said pope's kirk that stubbornly persevere in their wicked idolatry, saying mass and baptising according to the pope's kirk, profaning through this the sacraments aforesaid in quiet and secret places, thereby neither regarding God nor his holy word; therefore it is statute and ordained in this present parliament that no manner of person or persons, in any time coming, administer any of the sacraments aforesaid, secretly or in any other manner of way, except those that are admitted and have power to that effect; and that no manner of person nor persons say mass, nor yet hear mass, nor be present thereat, under the pain of confiscation of all their goods, moveable and immovable, and punishing of their bodies at the discretion of the magistrate within whose jurisdiction such persons happen to be apprehended, for the first fault, banishment from the realm for the second fault, and justifying to the death for the third fault; and ordains all sheriffs, stewards, bailies and their deputes, provosts and bailies of burghs and other judges whatsoever within this realm to take diligent suit and inquisition within their bounds where any such usurped ministry is used, the saying of mass or those who are present at the doing thereof, ratifying and approving the same, and take and apprehend them to the effect that the pains above-written may be executed upon them; and therefore, of new, decrees and ordains the contraveners of the same in any time hereafter to be punished according to the pains of the aforesaid act above-rehearsed."*<sup>729</sup>

It is against this 'background' that the Cheyne family, and many others who held to the Old Faith, tried to continue their place in society.

#### EXAMPLES OF CHEYNE PATRONAGE.

The following examples of the 'patronage' exercised by the Cheyne family are listed by the name of the recipient establishment rather than by date. This is because a number of establishments received more than one act of benevolence.

**Ardlogy Priory.** There has been much debate amongst historians regarding the identity of the founder of this daughter-house of Arbroath Abbey, however, this study has determined beyond doubt that the founder was Reginald I le Chen (*pater*), 2<sup>nd</sup> of Inverugie. Reginald's brother was Henry le Chen, Bishop of Aberdeen, and, in

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<sup>729</sup> A.P.S. iii., 22, c.5. dated 15 December, 1567, at Edinburgh.

<https://www.rps.ac.uk/trans/A1567/12/4> (accessed 08/05/2023)

1285, he added to Ardlogy Priory's income by granting to the house all the returns and proceeds of the *vicarage* of Fyvie, together with all the offerings pertaining to the said vicarage.<sup>730</sup>

On the Feast of St Luke, (18<sup>th</sup> October), 1285, Reginald II le Chen (1235-1312) gave the lands of *Ardlogy* and *Leuchendy* (Lethindy), and certain other lands, to Arbroath Abbey – “to the monks of that monastery perpetually serving and thirsting for God in the religious house built at *Ardlogy*, near the parish church of St Peter at *Fyvie*.”<sup>731</sup> The wording here leaves us in no doubt that the priory was already in existence when Reginald II le Chen made this gift, i.e. the priory had been founded earlier by his father.<sup>732</sup>

Reginald I le Chen was Thane of Fermartyn, of which the lands of Ardlogy were a part, and the establishment of [Ardlogy Priory](#) was one of the most important ecclesiastical ‘gifts’ in the whole history of the Cheynes.

**Church of Ochiltree.** The second wife of Reginald I le Chen was Eustacia de Colville, daughter of Sir William de Colville of Ochiltre[e] in Ayrshire. Initially, the patronage of Ochiltree Parish Church was gifted by Sir John Colville (William's brother) to the hospital of Torphichen but, after the death of her husband, Eustacia gifted the patronage of the church to Melrose Abbey, in 1316. This gift, by a member (by marriage) of the Cheyne family, was confirmed by both King Robert I and Robert, bishop of Glasgow in that same year, the cure to be held, as it remained, by a vicar pensioner.<sup>733</sup>

**Church of Olgrinbeg.** The last of the Lairds of Inverugie, Reginald III le Chen, 4<sup>th</sup> of Inverugie, who died in 1345, was buried in the church/chapel of St Peter at [Olgrinbeg](#). The Cheynes, who had built the castle of Dirlot nearby, were patrons of the church and the last of the male line of Inverugie was buried there.

**Aberdeen Carmelites.** The ‘house’ provided for the Carmelite Order, near the Green, in [Aberdeen](#) was funded mainly by the Cheynes. In 1273, Reginald I le Chen (*pater*) granted an annuity to the Carmelites in Aberdeen of - “8 marks Sterling towards the construction of their buildings, [to be paid] annually at Pentecost, until these buildings be completed, namely, a church, cloister, refectory, dormitory, infirmary, and kitchen.”<sup>734</sup>

**Elgin Cathedral.** In 1260, Joanna (wife of Freskin II de Moravia) decided to give half of her lands of [Strathnaver](#) to the Church of Moray<sup>735</sup> – this was after her daughter

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<sup>730</sup> Liber Arb. I., no. 235, p. 167-168; Robertson (1843), p. 194.

<sup>731</sup> Abdn. Reg., I., xxvi.; Liber Arb., I., 234, p. 166.

<sup>732</sup> Confirmation that it was Sir Reginald I le Chen (*pater*) who founded the priory is given in Liber. Arb. I., 235, p. 167-168.

<sup>733</sup> RRS., v., no.100.

<sup>734</sup> The original of King David II's charter confirming this ‘gift’ is held in the *Special Collections* of the University of Aberdeen [MARISCHAL/1/6/1/3/2].

<sup>735</sup> Moray Reg., no. 126. The charter is dated 9<sup>th</sup> May, 1260.

had married Reginald II le Chen.<sup>736</sup> The motivation behind Joanna's gift is set out quite clearly in her charter – to establish the finances required to support two chaplains in the cathedral at Elgin. Reginald II le Chen, 3<sup>rd</sup> of Inverugie, and his wife supported this gift to the cathedral.

**King's College, Aberdeen.** In the year 1550, Sir Patrick Cheyne of Essilmonth, knight, with the consent of Thomas Cheyne his son and heir, gave to the eight chaplains of the choir in the King's College of the University of Aberdeen, an annual rent of eleven marks Scots from his lands of *Nedder* [Nether] or *Graye Fortree*, or [Fairley](#), with the mills, lying beside the water of Ythan, within the barony of Ellain [Ellon] and regality of St. Andrews.<sup>737</sup>

**Ellon Parish Church.** During the period just previous to the Reformation, (from 17<sup>th</sup> June, 1559), and carrying through to just after the 'upheavals', Sir Patrick Cheyne, 6<sup>th</sup> of Essilmonth, and his son Thomas, were successively Baillies of all of the lands belonging to the Abbey of Kinloss in the vicinity of Ellon, including the Parish Church. The Abbot/Commendator was well aware that the Abbey's properties were going to need a very strong 'local' individual to protect them through the coming 'storms'.

The 'old' Parish Church of Ellon had a choir and two aisles or transepts, the north aisle for the Cheynes of Arnage, and later the Rosses who came to own Arnage; the south aisle for the Bannermans of Watertown, and later the Forbeses. Both were used as chantry chapels and also as burial places for the families. As was the custom, the chancel was separated from the rest of the church by a chancel (or rood) screen. When in residence at the Abbotshall on the banks of the Ythan, it is said that the chancel of the parish church was reserved for the devotional exercises of the Abbot and the other members of the Abbey of Kinloss who were in attendance upon him. The only remaining structural relic of the 'old' church is a fragment of the chancel wall which stands to the east of the present church, and carries the magnificent Annand monument. Of the many ornate monuments which once adorned the old parish church, the Annand memorial is the only one to have survived. Along with the Annand coat of arms and motto "*Sperabo*," it bears the initials "D.A." (David Annand of Auchterellon).<sup>738</sup> The right-hand panel of the monument commemorates Alexander Annand and his wife Margaret Cheyne, and bears their arms. Margaret's armorial shows the Cheyne of Essilmonth arms. The dates of their deaths were never added to the monument since by that time they had both moved to the Northern Isles where they died.<sup>739</sup>

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<sup>736</sup> Moray Reg., no. 126. Their marriage must have taken place before 9<sup>th</sup> May, 1260, when this charter was issued, in which Mary is described as being Reginald's wife.

<sup>737</sup> S.C. Shires, iii., p. 18, note; Fasti Aberdonenses, no. 84, p. 122. [see Appendix

<sup>738</sup> There is a wonderful 'zoomable' image of the monument on the CANMORE Website at <https://canmore.org.uk/collection/2055186> (accessed 15/05/2023)

<sup>739</sup> Godsmán (1958), p. 243. The author suggests that Alexander Annand and his wife, Margaret Cheyne, had departed the lands of Auchterellon for Orkney. This is very likely since her brother, Patrick Cheyne, 9<sup>th</sup> of Essilmonth, also had interests in Orkney - on 24<sup>th</sup> June, 1596, Patrick Cheyne

## DISPUTES WITH THE REFORMED KIRK.

After the Reformation, Scotland was 'blessed' with numerous *Presbyteries* which exercised considerable authority over the local populace. Each Presbytery was required to keep detailed records of its meetings – the wrongdoings corrected, the enforcement of Church Law, the enthusiastic denunciation of witches to the Sheriff, and the imposition of *excommunication* on those who failed to heed the warnings given by the ministers and elders. These presbyteries met roughly every month and, in the case of the Cheyne family, often involved the Presbytery of Ellon which encompassed many of the territories of the lairds since it comprised the parishes of Ellon, Udney, Tarves, Methlick, Logie-Buchan, Cruden, Foveran, and Slains. It will be seen that many of these parishes were 'home' to some of the most stubbornly papist families to be found in the north-east – Gordons, Hays, Cheynes, Turings, etc.

The Cheynes were particularly clever at avoiding direct conflict with the local presbytery, but in the records we still find numerous examples of members of the family who are to be found, 'sailing close to the wind', and being occasionally excommunicated as a result.

This 'sentence' was of great consequence to an individual since it had both ecclesiastical consequences,<sup>740</sup> and also civil. A person who was excommunicated by the Church was also, *ipso facto*, 'put to the horn' as an outlaw and his life could be taken at will by anyone with impunity. In addition, the individual's lands were forfeited to the Crown, resulting in a loss of both house and home, and also, of course, income, which had profound consequences for his family as well as himself. Another consequence could be that the individual would be banned from the Country, and suffer shunning and shame. Anyone found assisting an excommunicated person would also be liable to severe penalties.

**1607.** At the meeting of Ellon Presbytery in April 1607, much time was spent discussing 'taking trial of witches and *delating* them to the Sherriff, and executing the order of the Synod against the Laird of Essilmont howsoon he comes into the country.' At that same meeting, the assembly ordained that certain individuals were to visit the Earl of Eroll who was 'presentlie in the countrie' and require his lordship to 'communicat [and] conform to his often promises. And put Mr. Arthor Pantoun, railing papist, out of his lordship's companie. And in case of refusal or delay the presbyteries of Ellon and Turriff to proceed against his lordship *pari passu* in the

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of Essilmont appeared as one of the jury at the trial of John Stewart, Master of Orkney, who was accused of 'consulting with' a certain Margaret Balfour, a witch.

<sup>740</sup> The loss of the right to receive the Sacraments, or Christian burial, being the most important since these would prevent any hope of an 'afterlife' – something which was of vital importance to even the most lowly servant.

sentence of excommunication.<sup>741</sup> On 14<sup>th</sup> April, 1607, the earl replied by letter to the presbytery, "Ryt. traist friends, pleis understand that at ye provinciall desire and yours I have removeit Mr. Arthur Pantoune furth altogidder of my companie, sa yat heirafter there sall be gevin na occasion un of offence to you nor them. Neither sall ye neid to use ye censurs of ye kirk agains him in yat behalf."<sup>742</sup>

**1607.** Patrick Chein, messenger, succeeded, as officer of the kirk of Ellon, Thomas Catto who had died.<sup>743</sup>

**1607.** Although the presbytery gave a good report on the parish of Logy (Logy Buchan), there was a complaint on Alexander Buchan of Auchmacoy, that he absents himself from meetings of the Session and causes the elders on his lands to do the same.<sup>744</sup> It was also noted that, "Forsamekill as the kirk wes ruynous and not watterthicht be resoun yat ye sklattis wes brokin and reiffin," tax masters were appointed to levy funds for the necessary repairs. The names of these individuals reveal other families of note at that time in Logy-Buchan parish – Turing of Foveran; William Le[a]sk of that Ilk; William Strathachin of Tibbertie and James Allardes of Arthrochie. They were also to see that the kirk dykes be repaired.

**1607.** During the summer, the presbytery made visitations to the other parishes, giving good reports. However, Mr Mercer, [minister of Ellon] complained of Walter Cheyne of Arnedge that, though oft admonished, he will not come to the kirk, even though the Ministers of Tarves and Udny had bee appointed to "travell" with him.<sup>745</sup>

**1607.** From this year, and for a period of 10 years and more, we have a series of actions by the presbytery against John Cheyne in *Claymires* and his wife Elspeth Garioch, who appears to have been an even more staunch 'papist' than her husband! John was a son of Thomas Cheyne, 7<sup>th</sup> of Essilmont and so an uncle of Patrick Cheyne, 8<sup>th</sup> of Essilmont. The presbytery records indicate that John Cheyne had lived formerly in *Mains of Essilmont* {NGR NJ 93046 29621} a substantial property immediately south-west of Essilmont Castle. On 16<sup>th</sup> December, John, his wife and his son John, had been summoned to appear before the presbytery, but they failed to appear, "to give confession of the faith and subscryve to the same, as ... delaitted of papisterie and Idolatrie, of recepting Jesuitts and priests and contemptening ye word." On the 30<sup>th</sup> December, John does appear in answer to his summons. He says he has already subscribed, and will attend church and cause his servants to do so, but he cannot answer for his wife — "she would do nothing for him in that poynt, nor wald not be moneit be him to be obedient to the voice of the kirk" and the same with regard to his son. The Minister, who along with the laird of Ochterellon and William Chein in Esselmont "travell" with them, has to report that they refuse "in

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<sup>741</sup> Mair (1894), p. 61.

<sup>742</sup> Mair (1958), p. 62.

<sup>743</sup> Mair (1958), p. 62. This may have been Patrick Cheyne, 10<sup>th</sup> of Essilmont, but it is not certain.

<sup>744</sup> Mair (1958), p. 63.

<sup>745</sup> Mair (1958), p. 64. In this sense "travell" means to try to persuade.





ony wayes to cum to the kirk to heir preiching and Doctrine," and they are to be excommunicated.

**1609.** In January, when the Papists are being pressed, James Cheyne in Piltachie promises to conform. James Cheyne of Pennan, summoned for living in Claymires with excommunicants, keeps out of the way. The abovementioned John Cheyne has been before several successive meetings to answer for non-attendance at church, and for receipting the excommunicated Laird of Gicht. He confessed that he had not communicated since Mr. Mercer had come as Minister [to Ellon]. He confessed that he had entertained Gicht and that he would do so again!

**1609.** Thomas Cheyne, 2<sup>nd</sup> of Ranistoun, being pressed, comes reluctantly to swear and subscribe to the Confession and give bond to the Bishop to take communion.

**1626.** In November of this year, [Walter Cheyne](#), formerly of Arnage and now in Tillydesk,<sup>746</sup> was summoned before the presbytery of Ellon for absenting himself from divine service. He made 'sundry excuses, pretending his age and inability', and stood his ground until he was on the verge of excommunication when he eventually promised to communicate. In 1632, he was again summoned before the presbytery for 'apostacie and defectione from the truth'.<sup>747</sup> It is known that Walter had a chapel at his home at [Tillydesk](#) where he heard Mass regularly.

Finally, it should be understood that certain members of the Cheyne family were certainly not 'paragons of virtue,' being shamefully oppressed and bullied by the Kirk. As we have seen previously, they were not averse to violence, even to death, and were capable of carrying out feuds against their 'neighbours' involving fire-raising, pillage, and physical assault. It is also of note that a number of marriages were made with 'strong-willed' women who were very much a match when compared to their husband's character.

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<sup>746</sup> *Tillydesk Farm* is located at {NGR: NJ 958363}. The OS Six-inch 1<sup>st</sup> Series Map of c.1843 shows that Tillydesk was a small community consisting of a Post Office, a School, the farm, and the remains of the Chapel.

<sup>747</sup> Mair (1894); Cheyne (1931), p. 130.



## SOME NOTES ON HERALDRY.

Before leaving the world of the family of 'le Chen' it would be valuable to take note of some matters of heraldry.



The arms of the senior male line (Inverugie) of the le Chen family are well-established, namely:

Blazon - *Azure a bend between six cross crosslets fitchée Argent.*



However, some writers insist that the ancient, or original, arms of the family in Scotland were: *Azure six cross crosslets fitchée Argent.*

It would appear that when a crest was displayed with the arms of 'Cheyne', it was of the form of a "cross pattée fitchée". This is an interesting point since one might have expected a "cross crosslet fitchée" as was employed in the arms.



Throughout history, all branches of the family seem to have used the motto "Patientia Vincit" which would be interpreted as 'PATIENCE WINS' or 'ENDURANCE CONQUERS' - the latter being, perhaps, preferable. However, we should note that mottoes did not first begin to be shown with arms in Scotland until the 14<sup>th</sup> and 15<sup>th</sup> centuries, and were not in general use until the 17<sup>th</sup> century. Thus the oldest coats of arms generally do not include a motto. Even in modern times, many families have chosen not to display a motto as part of their arms and, therefore, many grants of arms do not incorporate one.

In passing, we should also note the great similarity between the arms of Chene and those of the Earldom of Mar illustrated below:



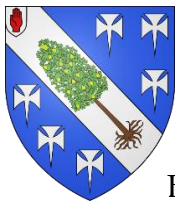
Arms of the Earldom and Province of Mar.

Blazon - *Azure a bend between six cross crosslets fitchée Or.*

The blazon of the Earldom of Mar would seem to be the 'senior' in that it employs the *tincture* 'Or' rather than 'Argent'.

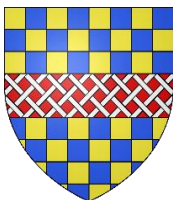
Under normal circumstances, such a similarity would imply that the two 'families' might be related in some way. However, to-date, it has proven impossible to determine a 'familial link' – if there is one.

In later times, a number of Cheynes matriculated arms with the appropriate authorities. They include:

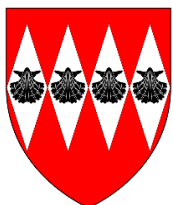


Arms of Cheyne of Leagarth, Fetlar, North Yell. (These are the arms of Sir William Watson Cheyne, created 1<sup>st</sup> Baronet of Leagarth). These were registered by the Lord Lyon on 1<sup>st</sup> July 1908.<sup>748</sup> (The image provided to me by the Lyon Clerk does not include the 'badge' of a

Baronet of Nova Scotia but confirms that the 'cross crosslets fitchée' had been replaced by six 'cross patée fitchée *argent*.)



Arms of Cheyne of Newhaven (Charles Cheyne, created 1<sup>st</sup> Viscount Newhaven in Scotland, 1681).



Arms of Cheyne of Broke (Sir Ralph Cheyne KG of Brooke, Wilts, c.1337 – 1400.)

It is possible that these arms were also born at some point by the Cheneyes of Bodannon (more correctly the Chenduit family), the

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<sup>748</sup> Public Register of All Arms: Vol. 019, 080A-080B. Personal communication from Lyon Clerk Hunter, 7/11/2022.



Cheneys of Up-Ottery in Devonshire, and the Cheneys of Little Cheny in Dorsetshire.<sup>749</sup>

However, we should note that the Chenduit family are also known to have borne the following:



The first of these, Chenduit (of Cornwall), is found in Bay 23 of the cloister of Canterbury Cathedral (number 10 in the picture illustrated below).

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<sup>749</sup> Cleveland 1889, i., p. 237

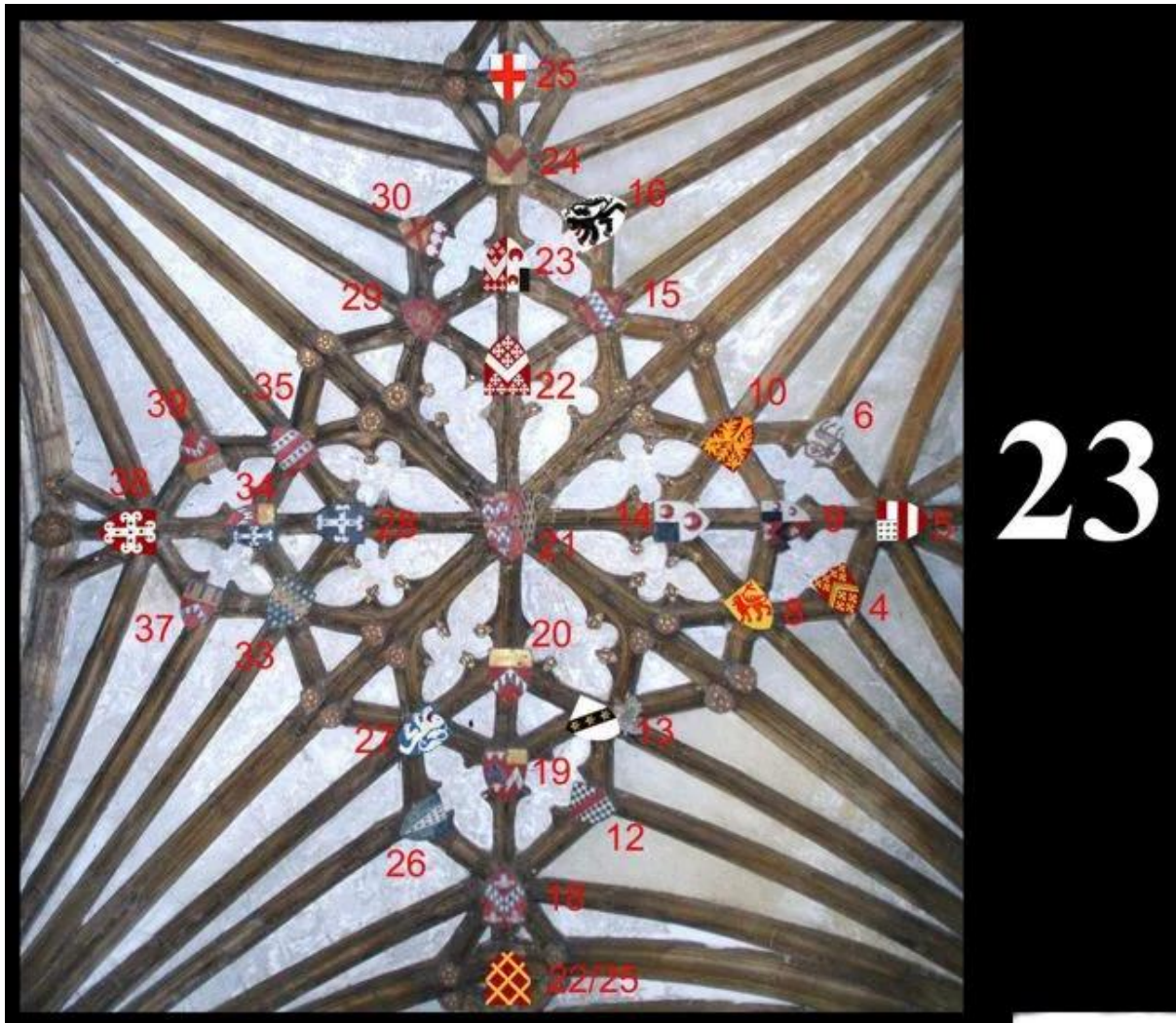


Figure 36: Photograph of the ceiling of Bay 23 in the Cloisters of Canterbury Cathedral. © [Dr Paul Fox FSA](#) and reproduced with his permission.

At the time of Domesday, the Chenduit family are thought to have held the manor of Shenley (Shenleybury), in the County of Hertfordshire. An individual called Ranulph held it of the Count of Mortain and it is thought that there can be little doubt that he was a 'Chenduit'. His son, William, was more certainly known as William Chenduit.<sup>750</sup> Ranulph (Rannulf) was, in fact, a serjeant of the Count of Mortain and, as well as Shenley, he also held the manor of King's Langley in Hertfordshire, and also Swanbourne, Pitstone, Cheddington and Wavendon in Buckinghamshire, in 1086.<sup>751</sup> It would appear that the Chenduits, like many gentry families, held their estates not from the King directly as tenants-in-chief, but as sub-tenants.<sup>752</sup> Christopher Tilley's paper (Tilley 2012) is a good starting point for any

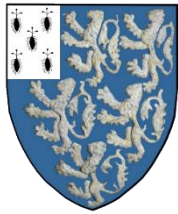
<sup>750</sup> Page (1908), pp. 264-273, Parish of Shenley.

<sup>751</sup> Tilley (2012), p. 2.

<sup>752</sup> Tilley (2012), p. 3.



who wish to pursue this 'English' family of Chenduit, who are, most probably, a branch of what has become known as the family of Cheyne.



Sir Robert Cheyne of Shurland Hall in Kent (d.1361). This version of the arms of Cheyne, also found in the cloister of Canterbury Cathedral, is the second device used by the Kentish branch, whose original arms were, *quarterly or and gules with a label of five points for difference*, and was derived from the arms of the family of Say. The label they used has been recorded both as *argent* and *azure*, but should probably be *sable bezanty*.<sup>753</sup> This branch of the family produced some important individuals, such as: Sir John Cheyne, 1<sup>st</sup> Baron Cheyne, Knight of the Garter, (c.1442-1499), Master of the Horse to King Edward IV of England; Sir Thomas Cheyne KG., PC., Lord Warden of the Cinque Ports, High Steward of the lands of the archbishopric of Canterbury.



The Duchess of Cleveland, in her section about the "Cheines", included a *blazon* of arms which she said represented the "Norman Du Quesnays." This *blazon* was: "*Palé d'argent et de gueules, au chef d'azur, chargé d'une molette d'éperon d'or, accosté de deux merlettes de même.*"<sup>754</sup> (Per pale Argent and Gules, on a chief azure a mullet Or pierced, between two martlets of the same.)



In the same section of her book, the Duchess also gave the *blazon* of "the English Chenels" whom she equated with the Cheines and Cheinel families. She considered that these arms were "almost precisely the same" as those of the Norman Du Quesnays shown above, although some would consider her statement to be somewhat questionable. The *blazon* she gave was: "*Paly of six, Argent and Azure; on a chief Or three martlets Gules.*"<sup>755</sup>

It is said that the family of the name 'de Quesnai' derived their heritage from the Roger de Quesnai (c.1044 - c.1086) who, as we have seen in the 'Overview' of this paper, was mentioned in the *Dives Roll*. Dugdale called him "Raphe de Caineto" i.e. Cheney and said that he, "came into England with King William the Conqueror; but from him I have not seen any Descendants, other than Females." Ralph de Caineto, or Cheyneys, was lord of Ling, in Eynford Hundred, Norfolk. He held these lands of

<sup>753</sup> Fox 2020, p. 190-192.

<sup>754</sup> Cleveland 1889, i., p. 265.

<sup>755</sup> Cleveland 1889, i., p. 265.

Alan, son of Geoffrey, Earl of Britain in France, who commanded the rear of the Norman army at Hastings. Ralph was succeeded by John, his son, whose sister and co-heir, *Sibill*, married *William Fitz-Robert*, alias *de Cheney*, and had by him three daughters who were co-heirs.<sup>756</sup>



Towards the end of his work, Col. Cheyne added certain notes which he had gleaned about the Cheynes who lived and worked in Edinburgh. Amongst them he notes that, "The latest record of registered arms in the Cheyne family is that of the eminent physician Dr. George Cheyne of Bath, a scion of Essilmont, who was born in 1671 at the farm of Auchincruve<sup>757</sup> and died in 1742. It shows: *Gules*, a bend between six cross crosslets fitchée *argent*, with a bordure *ermine* : Crest, a cross pattée or : Motto, '*Patientia Vincit*'."

These arms, as recorded in Nisbet's Heraldry,<sup>758</sup> are shown on the following page:

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<sup>756</sup> Blomfield 1808, pp. 248-252. "This Alan (Earl of Richmond) was a son of Geoffrey Earl of Britain in France, and came into England with William Duke of Normandy, and commanded the rear of his army in the decisive battle and victory of Hastings, and was rewarded with the great earldom and honour of Richmond, which Edwin Earl of Mercia was deprived of: he married Constance, a daughter of King William I. and at the time of survey, known as Domesday, we find him possessed of the following lordships in this county:

In South-Greenhow hundred, Suaflham, Nerford, Fouldon, Pagrave, Pickenham, North and South Cressingham.

In Launditch hundred, Mileham, Stanfield.

In Fourhow hundred, Cossey, Babergh, Thorp, Barford, Easton, Huningham, Wramplingham, Brandon, Runhale, Carlton, Merlingford, Tokethorp.

In Mitford hundred, Tudenham, Apthorp, Yaxham, Baskeney, Flockthorp, Westfield.

In Brodecross hundred, Sistern, Rudham.

In Holt hundred, Bruningham, Hunworth, Batheley.

In North Greenhow hundred, Dalling, Warham, Holkham.

In North Erpingham hundred, Matingeless, Suffield, Gunton.

In West Flegg hundred, Somerton, Martham, Repps, Bastwick,

In Eynford hundred, Weston, Ling, Tudenham, Baldreswell, Below, Bec, Foxley, Billingford, Swanington.

In Taverham hundred, Taverham, Felthorp, Attlebrigg.

In South Erpingham hundred, Saxthorp, Scothow.

In Tunstede hundred, Worstede, Dilham, Panxeford.

In Happingham hundred, Hickling, Stanham, Ingham, Waxham.

In Clacklose hundred, Bycham.

In Frebridge hundred, Ilsington, Middleton, Wike, Bawsey, Walton.

In Shropham hundred, Baconsthorp.

In Gilcross hundred, Herling, Keninghale.

In Earsham hundred, Aldbergh, Shelvanger.

In Happing hundred, Hapesbergh, Ludham, Catfield.

In Humbleyard hundred, Hederset, Dunston, Erleham, Florendon, Cringleford.

In Deepwade hundred, Carleton, Kekelington, Wacton, Tibenham, Aslacton, Moulton, Stratton, Tasbergh, Tanaton, Middleton, Mourningthorp.

In Clavering hundred, Thurverton.

<sup>757</sup> Auchincruve 'belongs' to Tarves, though it is annexed to Methlick, and stands on the Buchan side, or north, side of Ythan [NGR: NJ 866373]. 'Tis but a farm'. On modern maps it is called Auchencrieve.

<sup>758</sup> Nisbet (1816), I., Plate 23.



Figure 37: Arms of Dr. George Cheyne.

There is little doubt that these arms have been based on the arms of the Straloch branch of the ancient family of Cheyne rather than those of Essilmont since they employ the tincture *gules* rather than *azure*.

Colonel Cheyne continues that, "This bearing has been assumed by some present-day descendants of the Cheynes in Edinburgh, but no record appears in the Lyon College of Scotland or in the Heralds College of England to justify their claim."<sup>759</sup>

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<sup>759</sup> Cheyne (1931), p. 147.



## A BRIEF BIOGRAPHY OF LT. COLONEL ARCHIBALD YTHEN CHEYNE.

Throughout Lt. Col. Cheyne's military career, there was some confusion regarding his middle name. In successive military documents his name was given as 'Ythen' rather than 'Ythan'. This started from the day that he first enlisted. Whether this 'middle name' was the result of his parents employing an old, historical spelling of the name of the River Ythan, is not known, but this river formed such central part of the history of the family, over many generations, that it would come as no surprise if this was the case. But we should note that in a number of 'civilian' records his middle name does appear as Ythan.<sup>760</sup>

Archibald Cheyne was born on 18<sup>th</sup> June, 1872. He had four brothers, and a sister.<sup>761</sup> Since Archibald's baptism is recorded as having taken place only a matter of days later, on 25<sup>th</sup> July, 1872, at Mhow,<sup>762</sup> in the Indore district of Madhya Pradesh, Bengal, it would appear that he was born in that same city, in India. In the parish records, his father is named as Charles Cheyne and his mother as Harriett Maria Cheyne (*née* Morphy). Charles was an engineer who had joined the Public Works Department of the Indian Government. It is believe that he was involved in the construction of the first Nerbuddah Bridge<sup>763</sup> which carried the railway across the river of the same name, some little distance to the south of Mhow. Archibald had an elder brother – Reginald Edmonstone Cheyne – who was also a serving officer in the Indian Army, principally engaged in the Boer War in South Africa, and who also rose to the rank of Lieutenant Colonel.

Archibald was commissioned as 2<sup>nd</sup> Lieutenant into the Welsh Regiment on 29<sup>th</sup> November, 1890.

On 1<sup>st</sup> January, 1895, he was promoted to 1<sup>st</sup> Lieutenant in the Welsh Regiment.

On 26<sup>th</sup> November, 1896, he was transferred to the Indian Staff Corps, still as 1<sup>st</sup> Lieutenant.

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<sup>760</sup> 1921 Electoral Register for the City of Westminster (where his address is given as 1 Pall Mall Place); 1929-1930 East Sussex Electoral Register (where his address is Mostyn Hotel, Eastbourne); interestingly, a transcription of the parish records of Felpham, where he was buried on 30<sup>th</sup> July 1935, is said to have recorded his middle name as 'Ithan', but on viewing the original this is clearly an error for 'Ythan'.

<sup>761</sup> Family details can be found at <https://sites.rootsweb.com/~cheyne/p2689.htm>

<sup>762</sup> Mhow has always been a major location for the Indian Army and this is still true at the time of writing, being home to an Infantry College, Army War College, and Military College of Telecommunications Engineering. Up to the end of World War I Mhow was an important base for the British Army. In World War II the famous '[Chindit Force](#)' of General Orde Wingate was trained around Mhow.

<sup>763</sup> Cheyne (1931), p. 146. This would correspond to the 'Nerbudda (Hoshangabad) Bridge of the Bhopal-Itarsi Railway (later part of the Great Indian Peninsula Railway).

On 9<sup>th</sup> August, 1897, Lieutenant Cheyne took part in the Battle of Shabqadr Fort where he was slightly wounded and his horse was shot. He distinguished himself in the fighting and was 'mentioned' in the official dispatches recording the action in the *London Gazette*.<sup>764</sup> These records show that he was then part of the 13<sup>th</sup> (Duke of Connaught's) Regiment of Bengal Lancers. The Regiment won the 'battle honour' *Mohmand Expedition 1897* as a result of this and other actions. In the summary of those in his regiment who were injured, it is recorded that Lieutenant A.Y. Cheyne was slightly wounded by a sword cut and a bullet.<sup>765</sup> Records show that Archibald was awarded the India Service Medal with clasp 'Punjab Frontier 1897-98'.



Figure 38: India Service Medal with clasp.

On 10<sup>th</sup> July, 1901, he was promoted to the rank of Captain, still in the Indian Army.

At some point in 1902, Archibald was sent to join the forces fighting in South Africa, just as that war was drawing to a conclusion. It is to be assumed that he then returned to the Northwest Frontier.

On 11<sup>th</sup> June, 1903, it was recorded that Archibald, then a Captain of the [15<sup>th</sup> Bengal Lancers](#), had been awarded the Queen's South Africa Medal with three clasps –

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<sup>764</sup> London Gazette, January 4, 1898, p. 4. (A full account of the action is printed in the Gazette although it should be noted that throughout, Lt. Cheyne is said to be in the 13<sup>th</sup> Lancers!)

<sup>765</sup> London Gazette for 4 January, 1898, p. 3 – 6, at page 5.

<https://www.thegazette.co.uk/London/issue/26926/page/5>



"South Africa 1902"; "Transvaal"; "Orange Free State". The record states that he was at that time part of the 'Remount Department'.<sup>766</sup>



Figure 39: Queen's South Africa Medal with 3 clasps.

On 11<sup>th</sup> November, 1904, he was initiated as a Mason in the Wahabor or Benevolent Lodge, Sialkot.

On 29<sup>th</sup> November, 1908, he was promoted to the rank of Major, still in the Indian Army.

On 5<sup>th</sup> September, 1910, he was appointed Brigade Major and served as such until 4<sup>th</sup> June, 1915.

In 1911, he was awarded the Delhi Durbar Medal. In the Medal Roll of the 15<sup>th</sup> Lancers (Cureton's Multanis) Major Cheyne is described as being "Extra Aide-de-Camp to His Honour the Lieutenant Governor".<sup>767</sup>

<sup>766</sup> [https://www.ancestry.co.uk/discoveryui-content/view/1571888:1686?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&\\_phsrc=tLQ17&\\_phstart=successSource](https://www.ancestry.co.uk/discoveryui-content/view/1571888:1686?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&_phsrc=tLQ17&_phstart=successSource)

<sup>767</sup> [https://www.ancestry.co.uk/discoveryui-content/view/2371556:1686?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&\\_phsrc=tLQ20&\\_phstart=successSource](https://www.ancestry.co.uk/discoveryui-content/view/2371556:1686?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&_phsrc=tLQ20&_phstart=successSource)



Figure 40: The Delhi Durbar Medal (silver).

On 17<sup>th</sup> December, 1914, Major Cheyne, was recorded as being 2<sup>nd</sup> in-command of his Regiment (15<sup>th</sup> Lancers) at *Bethune* and *Givenchy*, France.<sup>768</sup> (The Regiment had been transported by ship to Marseilles, and thence to the war theatre.) Two days later, on 19<sup>th</sup> December, Major Cheyne was wounded in the foot and was succeeded by Captain Bannerman who was himself seriously wounded in the left thigh by shrapnel on 22<sup>nd</sup> December. Having been a prisoner of the enemy for about 5 hours, Captain Bannerman was rescued by the Manchester Regiment and was eventually sent back to the clearing hospital at *Lillers*.<sup>769</sup>

On 31<sup>st</sup> May, 1915, Major A.Y. Cheyne was in command of two dismounted squadrons who were in action at *la Croix Barbée*, Flanders.

On 1<sup>st</sup> July, 1915, Major Cheyne signed the regiment's war diary as A.Y. Cheyne, Major, Commanding 15<sup>th</sup> Lancers."<sup>770</sup> This would appear to have been a temporary measure since, on 1<sup>st</sup> August, 1915, a new commanding officer signs the diary – Lt. Col. H.C. Ricketts.<sup>771</sup>

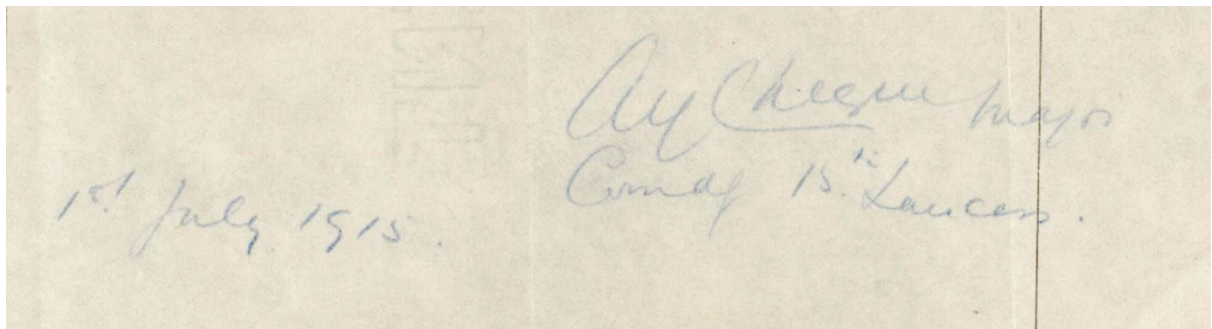


Figure 41: Signature of Major A.Y. Cheyne.

<sup>768</sup> **Diary**, I., page13.

<sup>769</sup> Army records indicate that this was the '4<sup>th</sup> Casualty Clearing Station' which had only moved to *Lillers* on 3<sup>rd</sup> December, 1914.[WO95/413/1]

<sup>770</sup> **Diary**, I., p. 36.

<sup>771</sup> **Diary**, I., p. 39.

On 29<sup>th</sup> September, 1915, "Major A.Y. Cheyne, 2<sup>nd</sup> in command, who had been sick in England since the beginning of July, re-joined the regiment."<sup>772</sup>

On 14<sup>th</sup> April, 1924, the Commanding Officer of the 20<sup>th</sup> Lancers (then incorporating the 15<sup>th</sup> Lancers) certified that Lt. Colonel A.Y. Cheyne, at that time "Retired on Pension", was entitled to the General Service Medal with Clasp for "South Persia".<sup>773</sup>



Figure 42: General Service Medal with "S. Persia" clasp.

Being awarded the General Service Medal also entitled him to the "1914-15 Star", the "British War Medal", and the "Victory Medal". However, having already won the "Mons Star", he wore this in place of the "1914-15 Star" (*vide infra*).

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<sup>772</sup> *Diary*, i., p. 47.

<sup>773</sup> [https://www.ancestry.co.uk/discoveryui-content/view/1660469:1686?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&\\_phsrc=tLQ16&\\_phstart=successSource](https://www.ancestry.co.uk/discoveryui-content/view/1660469:1686?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&_phsrc=tLQ16&_phstart=successSource)



Figure 43: War Medal.



Figure 44: Victory Medal.

Indian Army Records confirm that Lt. Col. A.Y. Cheyne of the 15<sup>th</sup> Lancers was eligible for the "1914 Star" (27-9-14) and that the Government of India had awarded a "clasp and roses".<sup>774</sup> A "rose" showed that a recipient had come under enemy fire whilst in action.

<sup>774</sup> [https://www.ancestry.co.uk/discoveryui-content/view/3203692:1262?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&\\_phsrc=tLQ22&\\_phstart=successSource](https://www.ancestry.co.uk/discoveryui-content/view/3203692:1262?tid=&pid=&queryId=42fdef42b476010a34e5aca13596a491&_phsrc=tLQ22&_phstart=successSource)







## APPENDIX A.

### INDENTURE BETWEEN GILBERT DE HAY OF DELLGATTIE AND JHON CHEYNE OF ESSELMOUNTH.

"This indentur maid at Edinburcht the nynt day of Junij ·jm . iiije . lxxxiiiij ·yeris beris witnes that it is appontit betuex honorabill men Gilbert the Hay of Dellgattie and Jhon Chene of Esselmont that eithir of the saidis parteis sal in al tym to cum stand to othir in tender and herty luffe freind schip lautie and kyndnes for al the dayis of thair lyfe and that nathir of tham heir nor wit the tothirs peril nor scaith but he sal warn him tharof and stop the samen at his power and that eithir of tham sal gif to othir the best counsal thai can and to stand for othir in al thair honest and leful actiounis aganis al othir personis thare allegiance to our soue rane lord the King and thar manrentschip to thar lordis that thai ar now bundin to allenarlie exceptit . And als it is appointit that Henry Chene son and appeirant air to the said Jhon Chene sal God willing marrie and haue to wife in visage of Haly Kirk Marjorie the Hay dauchter to the said Gilbert and faillieing of the said Henry by decease befor the compleating of the said mariage Patrik Chene his brothir sal marie the said Marjorie quhilk mariage sal be completit as sone as the said Henry and failying of him the said Patrik comis to the age of xiiij yeiris . For the quhilk mariage the said Gilbert sal pay to the said Jhon the sowme of thre hundreth and twenty merkis vsual money of Scotland . Alsua the said Jhon Chene sal put the said Henrie in the fee of his landis of Esselmont and Arnage reseruand to the said Jhon the frank tenement of the said landis for al the dais of his lyfe and the resonabil terce of the same to his spous togidder with twenty merkis worth of the said landis for al the days of her lyfe Lykeas the said Henry Chene sal incontinent efter the mariage betuix him and the said Margerie geif to her twelff merkis worth of the said landis and the said Jhone sal geife ovr to tham the frank tenement of the samen xij merkis worth of land to thair sustentatioun and leiving . To the fulfylling of all the poyntis abouewrittin the saidis parteis are bundyn be the faithis and treuthis in thair bodeis the Haly Ewangellis tuichit and in witnessing tharof thai haue interchangeabillie affixit thair seillis with the subscription of thair handis to thir indenturis day yeir and place aboue expremit "

[Abridged from a copy in the charter room at Slaines.]

Reference: Cheyne 1931, p. 71.

## APPENDIX B.

### PERAMBULATION BETWYX TYBBERTAY<sup>775</sup> AND FECHIL.<sup>776</sup> ( A.D. 1499 ET A.D. 1501. )

In Dei nomine · Amen · Per hoc presens publicum instrumentum cunctis pateat evidenter / quod anno incarnationis Dominice millesimo quingentesimo primo / mensis vero Julii die decimo septimo Indictione quarta [ etc. ] · In mei notarii publici et testium subscriptorum presentia personaliter con stitutus nobilis vir Johannes Ogilwye de Fyngask miles / de mandato et compulsione litterarum Supremi Domini nostri Regis · per Andream Torry in hac parte vicecomitem executarum · de quibus litteris michi notario subscript olucide constabat · copiam cujusdam decreti arbitralis · inter venerabilem in Christo patrem Jacobum permissione divina abbatem monasterii de Dere et hujusmodi loci conventum ex una / et Johannem Turing de Fowerne et Willelmum Turing ejus filium et apparentem heredem partibus ab altera · lati · manu ipsius Johannis scripti et subscripti ac subscriptione nobilis et potentis domini Willelmi Comitis de Erroll sub scripti / ut asseruit prefatis abbati et conventui in autentica forma dandam et deliberandam decrevit / et hujusmodi principale decretum copiandum et in publicam et autenticam formam redigendum michi notario publico sub scripto tradidit et deliberavit · Cujus decreti tenor de verbo ad verbum sequitur in vulgari et est talis ··

WE William erll of Erroll and Johne of Ogilwye of Fyngask knycht / ovirmen ewynlie chosin and sworn betwix the Abbot and convent of Dere on the ta part / and Johne of Turing of Fowerne<sup>777</sup> and William of Turing his sone and apperand air on the tothir part tueching the merchis and divisis betwix Mekle Tebertaw and Fochille / avisit with the Abbatis chartour and depositionis of the witnessis producit be baith the parteis and with the deliverance of the twelff personis chosin be the saidis parteis / that is to say / for the Abbot / Walter Ogilwye of the Boyne the / lardis of Meldrome<sup>778</sup> / Towye<sup>779</sup> / and Bochquholye<sup>780</sup> / Patrick Gordone and Alexander Bannerman / and for the lard of Fochwern and his sonne / Gilbert the Hay of Dalgate / Johnne Cheyne of Essilmont / William Hay of Urye / the persone of Bankquhorye / the lard of Collistone / and Alexander Reid · decretis and deliveris and for sentence gevis for oucht that we have yeit seyne that the gret gray stane on the west syd the syk above the Cragfurd<sup>781</sup> / and fra it ascendand be stracht line as we sall set propis to the gret Lammyrhillok that the Abbot raid fyrst to / and to wthir twa Lammyrhillokis qubylk are affirmyt be all the twelf personis and the

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<sup>775</sup> Tybbertay – is *Tipperty* {NGR NJ 968267}.

<sup>776</sup> Fechil – “*Hillhead of Fechil*” is at {NGR NJ 958296}. There was of old a ford across the Ythan at Fechel, downstream of Ellon, which is now impassable owing to a change in the bed of the river.

<sup>777</sup> Fowerne – is “*Foveran*” {NGR NK 00\_23\_}.

<sup>778</sup> Meldrome – is “*Meldrum*”.

<sup>779</sup> Towye – is *Towie* (Towie Barclay).

<sup>780</sup> Bochquholye – (*Logie Buchan?*)

<sup>781</sup> Cragfurd – is “*Craigieford*” {NGR NJ 972284}.



depositionis / and west fra thame to the carne quhar we satt the quhilk is callit be part of the witness the Gledcarne / and fra it to the Crawcarne<sup>782</sup> as we sal gar set the stanis on the heid of the hillokis / and the Gledcarne and the propis betwix thame the quhilk sal be corsit with mell and chesaile and the north syd to be brukyt be Fochil and the south syd to Tebertaw<sup>783</sup> · And this our deliverance we refer be ws to be correkyt within ane year / or ony of ws gif it happenis the tane to deceiss within the said yeir / gif we can get ony uthir verificatioun na we now have · Gevin writtin and rede the sevin day of September the yere of God [ four hundreht ] nyntyte and nyne yeris / at the carne callyt the Gledcarne and subscrivit with our handis · Williame erle of Erroll · Johnne Ogilwye of Fyngask · ·

POST cujus decreti deliberationem dompnus Willelmus Wod ejusdem loci monachus / nomine et ex parte dictorum abbatis et conventus / sibi fieri petiit instrumentum publicum seu instrumenta publica · Acta fuerunt hec in publica platea opidi de Edinburgh hora quasi tertia post meridiem sub anno mense die [ etc. ] suprascriptis · Presentibus ibidem honorabilibus viris / videlicet Malcolmo Ogilwy · Archibaldo Ogilwye · magistro Georgio Striveling de Brekkye et Johanne Stewart cum diversis aliis testibus ad premissa vocatis pariter et rogatis · Et ego Walterus Falconer presbyter Brechinensis diocesis publicus sacra apostolica et regia auctoritatibus notarius . Quia [ etc.]

**Source:** Robertson, J. (1848) *Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff*, Aberdeen: Printed for the Spalding Club, 4 vols., vol. ii., pp. 428-430.  
[https://play.google.com/books/reader?id=oCIXAAAacAAJ&pg=GBS.PR2&hl=en\\_GB](https://play.google.com/books/reader?id=oCIXAAAacAAJ&pg=GBS.PR2&hl=en_GB)  
(accessed 17/10/2022)

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<sup>782</sup> Crawcarne – *Crowcairn*?

<sup>783</sup> Tebertaw – is *Tipperty* {NGR NJ 968267}.



## APPENDIX C.

### SHIPWRECK AT CRUDEN BAY – 23<sup>RD</sup> MARCH, 1501.

The saide day, comperit Albert Gerardson, Hollander, master, under God, of ane brokin schip of Skedame, quhilk, throw storme of sey, happin to brek, and the wrak of hir come in on the cost of Croudane, in Buchan, quhilkis wrak, nethis, saile, takill, and towis, and ale stuf being with the saide schip as scho come to lande, he grantit he had sauld to ane nobile lorde, William Master of Eroll, for xv Frenche crounis of golde, quhilk he resautit in numerit golde, in the nayme of the saide lorde, be the handis of Johne Chene of Essilmonde and Sir Johne Baxtar, and dischargit and quietclomit the saide lorde, his mene seruandis, ther ayris, executouris, ande assignes; and all uthiris quhome it efferis, for him, his ayris, executouris, ande assignes. And all uthiris quhome it efferis, now and for euar, witht consent and assent of Adriane Clayssone, Adriane Cornelson, James Melisone, Johne Zensone, and Cleyss Williamsone, and utheris marinaris and schipmen, being in the saide schip; apone the quhilkis Johne Chene of Essilmonde, in the name of the said lorde, askit instrument at me, Sir Johne Stirueling, notar publict, under the secret seil procurit therto, be the saide Albert, befor the witnes, Alexr. Menzes, aldirman, Johne Cullan, Androw Cullane, Jonhne Wormet, Johne Mar, Daudid Mar, balzeis, Johne Steuinson, Jonhne Fechat, burgessis of Aberdene, Geyss Okertoune, Cornelius Petersone.

**Source:** Stuart, J. (ed.) (1844) *Extracts from the Council Register of the Burgh of Aberdeen, Volume 1., 1398-1570*, Aberdeen: printed for the Spalding Club, p. 428.

[https://play.google.com/books/reader?id=HjpCAQAAMAAJ&pg=GBS.PR3&hl=en\\_GB](https://play.google.com/books/reader?id=HjpCAQAAMAAJ&pg=GBS.PR3&hl=en_GB) (accessed 18/10/2022)

#### Notes:

- ✦ The ship, which is unfortunately unnamed, was Dutch and its home port was given as Skedame. Schiedam was a very famous port and was known as the “*Jenever* (Gin) *Capital of the Low Countries*.”
- ✦ The vessel was obviously a total wreck. The master, who bore the brunt of the financial loss (there was no system of marine insurance in those days), would have been faced with having to recoup as much as he could by selling the wreckage and whatever remained of the cargo. He obviously had some of his crew with him and he would be faced with the expense of returning them, and himself, back home.
- ✦ What was the vessel carrying? It would be tempting to suggest that there was at least some gin on-board! Why else would the Master of Erroll pay such a large sum (in gold) for it? It is difficult to imagine that the wreckage carried any value in itself.



## APPENDIX D.

### THE ASSIGNACIOUN OF THE REVERSION OF LITTLE ARNAGE. (1501)

“Be it kend till all men me Thomas of Kynnard son and ayre of umquhill Allane of Kynnard of that Ilk to have ordanit an honorabill man John Chene of Esselmont / Isobel Wawan his spouse / and Henry Cheine thar son and apparent ayr my assignays to a letter of reversion maid be umquhill Maister Gilbert Hay of Urie to the said umquhill Allane Kynarde my fader for the redemyng of the landis of Little Arnage and myll of the same with the pertinentis lying in the baronie of Slains within the schirefdom of Aberdene sald by the said Allane my fader to the said Maister Gilbert for the soum of twa hundredth poundis usual mone of Scotland · with ful power to my assignayis to pass to the presence of the prior and convent of the Freris Carmelites of the burgh of Aberdene gyff thar presence can be eisily apprehendit and failleing tharof to thar kirk and to mak warning to them apoun the space of tuentie dayis to comper within thar said kirk and thar upon the hie altar to receive the said sown of twa hundreth pundis · And after the payment of the said sowm to the sayd prior and convent to requyre the ayris and assignayis quhatsumewer of the sayd Maister Gilbert the Hay and als the prior and convent of the Freris Carmenlites of Aberdene to resign and quyte claim to my said assignays all and sundry the forsaid landis · In witnes of the quhilk thing I haf hungyn my propir sele to thir present lettres and subscryvit the samyne with myn hande at Edinburgh the · xj · day of March the yere of God · j<sup>m</sup> and five hundreth yeris · Befor thir witnes Maister Waltere Drummonde dene of Dumblane and clark to our Sovereign Lordis register · Maister William Wawane officiale of Louthian · Maister William Irland · Bertilmo Wawane · Daudid Kynnard of Kininmont and Richard Meikle nottar publict.”

**Source:** Robertson, J. (ed.) (1857) *Antiquities of the Shires of Aberdeen and Banff: Illustrations of the Topography and Antiquities of the shires of Aberdeen and Banff*, Volume 3, Aberdeen: printed for the Spalding Club, p. 12.

<https://archive.org/details/illustrationsto02robegoog/page/12/mode/2up>  
(accessed 28/10/2022)





## APPENDIX E.

### SASINE OF THE FISHINGS ON THE YTHAN.

“ The process of giving Sasine of the fishings to an heir, or purchaser, was a great solemnity; this in 1510, Alexander Ogilvie gets sasine [of the fishings on the River Ythan from the Machar fuird upriver as far as the Sak or Seggie furd of Fyvie]. A distinguished assemblage is present; Alexander Bannerman, sheriff deputy and a notary public, the Abbot of Kinloss, Gilbert Hay of Ardendracht, Kt., Patrick Chene of Esselmont, &c. &c.; they proceed to the river side ‘between the church of Ellon and the *cruffwall* to the west about 9 before noon . . . and give hereditary possession by the delivery of water and earth, nets and boat vulgarly called ‘le coble,’ haiks [hooks] and other instruments used in fishing”; to the fishings were attached four rigs of land called “Pantoun’s rigs”. [p. 39]

By Ogilvy they were sold to Bannerman of Waterton; there is a minimal feu-duty of 6s. at the feasts of Pentecost and St. Martin if asked for. In 1614, the ceremony of investiture is gone through, “near the Fische house at the principal messuage of the barony of Waterton, called Abbots-hall,” and again at the *Cruives* of the Salmon fishings; and once more upon the soil of “Pantoun’s Riggs”; “present, Mr Robert Messer minister . . . of Ellon” . . . Bannerman, &c. [p. 40]

**Source:** Mair, T. (1876) *Records of the Parish of Ellon*, Aberdeen: A. Brown & Company.  
[https://play.google.com/books/reader?id=MeEGAAAAQAAJ&pg=GBS.PP5&hl=en\\_GB](https://play.google.com/books/reader?id=MeEGAAAAQAAJ&pg=GBS.PP5&hl=en_GB) (accessed 29/09/2022)

**Notes:** “Mr Robert Messer minister . . . of Ellon”; this was Robert Mercer, fourth and youngest son of James Mercer of Newton; he was a licentiate 21<sup>st</sup> December, 1604. He died on 6<sup>th</sup> January, 1638. {Fasti., vol. 6., p. 190}



## APPENDIX F.

### DECREIT ANENT THE MERCHES BETWYX LETHNOT AND TROUP. (A.D. 1537.)

TILL al and sundry quhais knowledge this present write sal to cum Mr. Alexander Strathauchine of Thornton Justice Deput and Livetennant to ane nobill and mighty Lord Archbald Erle of Argill, Lord Campbell and Lorn, greit Justice till our Soveraigne Lord the King's grace oure al his haill realme, greeting in God everlasting. Witt your universities that in ane Justice court haldin by me the aught day of the month of August the year of God a thousand five hundred thirty and seven yeirs for the serveing of ane Breive of perambulation rasis at the instance of Patrick Cheyne of Essilmonth fewar and proprietar of the lands of Lethnot Robert Abbot of Kinloss and convent of the same his superiors on the ane part Gilbert Keith of Troup and ane nobill and mighty Lord William, Earl Marshall, his superior on that other part to perambil the right meiths and marches of the foresaid lands of Lethnot and the lands of Troup, the Court beand lauchfully affirmit, the Brive beand duely proclaimit indorsat and the parties lauchfully summonit to the said day, there was chosen and sworn Robert Innes of Innermarky, John Gordon of Lumgare, James Gordon of Culquhodstane, George Gordon of Cairnborrow, Walter Barkalay of that ilk, Alexander ffraser of Philorth, John Duff of Maldeiuuet, George Baird of Ordinhuff, James Gordon of Methlick, Thomas Menzies of Pitfodles, Thomas Urquhart of Cromarty, Robert Stewart of Lauthoris, Maister Andrew Tullidaff of Ranistoun, Alexander Irvine of Lonmey, John Allardice of that ilk, Robert Allardice of Baddinschot, Patrick Barclay of Towie, Master James Barclay of Kynneromsquhy, and George Crawford of ffetherat, to pass upon ane assys and admittit be the said parties. Quhilkis Assiss the rights of the parties vizt. ane Band and Charter of the saids lands of Lethnot of the date, at Troup, 1319 yeirs the twenty-ninth day of May produced be the said Robert, Abbot, and there after reading of the said Band, Patrick and Gilbert on their great aithes, and other allegations and probations had, seen, and understood, thairwith ripely avisit compeirit in Judgment, and thair be the mouth of the said Robert Innes Chancellor, all in ane voice with consent and assent of baith the said parties pronuncit and deliverit that the said Patrick and his heirs as fewars to the said Abbot and Convent and thay as his superiors sal bruik and joice in property frae the lang furd where the said Patrick begoutht to rid quhilk is the midmest furd of the thrie furds ascendand up the hill of ffindon and to the north side of the same on to the Cairnslaw callit Clochtyne alias Teorie Clamchyne and frae thin west to the high gate to the heid of Pollisdone and in Commonty frae the said gate of the heid of Pollisdone ascendand up the hill of ffindone on to the Law upon the height of the same where there sal be put ane Staincross, and frae than descendand down to the brek of the Moss callit the Cross-slacks as it is partit and merchit and frae the said Cross-slaks south to the Todlaw as sal be partit and merchit be the saids parties, swa that it sal be leisum to the said Gilbert and his heirs to laboure and mannure be west the said merches of Cross-slacks and Todlaw with cornes or ony other ways, and it

sal not be leisum to the said Gilbert nor his heirs nor successors proprietars of the said Barony of Troup to labour nor mannure the commond mure lying betwixt the Halkden and the Todlaw, and quhair the said Gilbert or his aires makes ony corn lands within the said boundis nocht exceptit or within the said Barony of Troup where it is now common pasture to the said Patrick and his tenants it sal be leisum to the said Patrick his heirs and tenants of Lethnot to eit the girss of the said corn land the yeir it beirs corn frae Allhallowday furth in Commonty and sicklike all tyme when it lyes ley as thay do now and the said Patrick his ayris and tennents and the said Gilbert his heirs and tennents sal cast fewell at their pleasure ony part of the said hill of ffindon outwith the said Patrick's property and outwith the said Gilbert and his tennents Commonty landis and sicklike in the commond mure or ony other place within the said Barony of Troup conform to the said Abbot s infeftment of Lethnot and Brakakis and dome of Court given herupon be the mouth of Alexander Duncansone, Dempster, and ordanit to be put in publick forme, under myne and a part of the said Assiss seills, and act and instrument taken therapon, supra quibus omnibus et singulis dictus Patricius Cheyne et Gilbertus Keith a nobis notariis subscriptis hinc inde eiis fieri petierunt unum vel plura publicum seu publica instrumentum aut instrumenta. Acta erant hec omnia apud dictas terras debatabiles inter predictas partes hora quarta post meridiem aut eo circa sub anno die mense quibus supra iudictione decima pontificatus sanctissimi in Christo Patris ac domini nostri Domini Pauli diuina providentia pape tertij anno tertio presentibus ibidem assise prenominate cum multis diversis aliis testibus ad premissa vocatis pariter et rogatis.

Nota Notaij. *Et ego vero Patricius Duncani clericus Abredonensis diocesis publicus auctoritate apostolica notarius. Quia premissis, etc.*

Nota Notaij. *Et ego vero Dominus Thomas Cristisone clericus Abredonensis diocesis publicus auctoritate apostolica notarius. Quia, etc.*

**Source:** Stuart, J. (ed.) (1872) *Records of the Monastery of Kinloss: with illustrative documents*, Edinburgh: Society of Antiquaries of Scotland, pp. 143-146.



## APPENDIX G.

### THE CASE BROUGHT AGAINST MASTER JEROME CHENE AND HIS BROTHER JAMES BY THE BAILLIES OF ABERDEEN IN 1546.

“for the strublande of this guid town and bluid dravin committit by thame within the same and fredome thairof, tha beyng dotit with priuilege of bluidweik and vnlaw thairof, and askit them to deny or grant; and the said Maister Jerome and James allegit that tha aucht not to answer in this court, nor yit the bailzeis ar nocht iugis competent to tham, because tha ar clerkis and within ordouris, and be that priuilege is nocht astrikit to ansueir bot afor thair iuge ordinar. Nochttheles, vnder protestatioun, that it be nocht preiudiciale to thame nor thair priuilege, desirit ane lauchfull day, and tha thai aucht nocht to haue ane day to ansuys in the said mater, because the bluid was recently committit within ane priuileget towne, and the actioun is priuilegit in the self, and the commond practik and consuetud of this town in sic casis, in all tymes bygane, we and is, that thecommittit of sic recent crimes of bluid wes instantly, but postposition, causit ansuir for his offensis, and thairfor chargit the said Master Jerome and James, be John Crag, thair officar, to consult with thair procutouris, James Ogilvy and Master Thomas Annand, and wtheris, thair freyndis now present, and to deny or grant the said cryme. And because the saidis Maisteris Jerome and James wald nather deny nor grant, beand oft and syndry tymes chargit thairto be the said officar, bot contempnanly refusit and dissobeyit the said charge, the said officar brak his vand of office vpoun the said Maister Jerome and James, and tha war instantly conuikit for the makin of the said deforciament, and contemptioun of the bailzeis and officeris in executioun of thair office, and chargit to remain in vard, quhill tha set cautioun for the vnlaw of deforciament with all that may follow thairupoun; and for to compeir on Momonday nixt cumis, to ansuer for the said cryme of bluid committit be thame, at the townis instance, as law vill; and als to ansuer at the instance of party for the said bluid, quhen and quhair it sall pleis him persew the same; and forder, that this guid towne and all the inhabitantis thairof salbe harmles and skaythles of thame, and all that tha may let in tyme cumyng, bot as law vill. And thairefter, Robert Cullane and John Chene become cautioneris, soureteis, and lauboris, coniunetly, for the said Maister Jerome and James, in forme and maner forsaid, and for all poyntis, as is aboun writin, and the said Maister Jerome and James oblegit thame to releif thair said souerteis.”

On 21<sup>st</sup> March, 1546, following, there is an entry in the Register which reads:



“The said day, the bailzeis forsaied, for thameselffis and in name of the hail towne of Abirdene, and Alexr. Ratray for himself, be Thomas Menzies of Petfoddellis, oblesand for him de rato, and Amrouse Tailzeour for him self one that ane part, and Maister Jerome Chene, and James Chene, his brother, on that wther pairt, ar compromittit in iugment to stand and abid at the decreit and ordinance of thir personis vnderwritin, that is to say, Maister John Gordoun, Mr Robert Lummsiden, Gilbert Menzies, bailzie, and William Rolland elder, or ony tua of thame, for the part of the said towne of Abirdene, Alexr. Ratray, and Amroise Tailzeour ; and James Gordoun of Methlik, Thomas Chene, zoung lard of Essilmont, Alexr. Chene of Stralocht, and John Chene of Arnage, or any tua of thame, for the part of the saidis Maisteris Jerome and James, with avise counsale of Thomas Menzeis of Petfoddellis, odman and ouerraan, equally nemmit and chosin be bayth the saidis pairtiis, tuching the bluid dravin of the said Alexr. Ratray, done and maid be the saidis Maisteris Jerome and James the xix day of Marche instant, within the said burgh, and the strubance of thame be the said Alexr., and the strubance of the said towne be the saidis Maisteris Jerome and James thairthrow, and deforsing of John Crag, officiar in iugment, and dissobeing of the bailzeis charge in iugment, sa far as concernis the townn, and sa far as tha may proceid thairupoun be thair auctoritie ; and tuching the hurting and bluid draving of the said Amrouse Tailzeour, and mutilation of him of his left hand, allegit done be the said Maister Jerome the xiiij day of Aprile, the yeir of God ane thousand five hundreth fourty five yeris, vnder silence of nycht, in the quenis grace and tovnis vache, and the vrang done to the said towne thairthrow; and tuching all wther actionis and querelis that ather of the saidis pairtiis hes to say to wtheris, afor the day and dait herof. Quhilk pairtiis, with tua of the four arbiteris forsaied for ilk pairty, with the odman abounwritin, sail conuein in the grey freris of Abirdene, the secund day of Aprile nixt cumis, at tene houris afor novne, and accept the said materis on thame, and be sorne thairto, and to cognosce thairintill, and finaly to gif furth thair decreit and ordinance thairintill that same day or the sone ganging to, with full powar to the said arbiteris to prorogat thair decreit and ordinance to quhatsumeuer wther day or dais as thai sail think expedient ; and for the obseruing, fulfilling, and keiping of all and sindry the premisses, ilkane for thair avin part, ather of the said pairtyis, viz. the saidis Maister Jerome and James and Amroise, for thame selffis, present in iugment, and the bailzeis forsaied for the said towne, and the said Thomas Menzeis for the said Alexr. Ratray, oblesand him de rato, in name of the said Alexr., as said is, ar sorne the grit ayth in iugment, but appellatioun, reuocatioun, or reclamatioun ; and forder, Robert Cullane is becumyn cautioun for the saidis Maisteris Jerome and James, that tha sall keip the day aboun writtin, with tua of the arbiteris nemmit be tham, and als sall vnderly fulfill and keip the decreit and deliuerance of the said





arbiteris and ouerman, how euer tha deliuer in the premisses, and the said Thomas Menzies caution for the said Alexr. Ratray that he sail do the same ; and forder, the said Robert Cullane is becumin lawbouris for the saidis Maisteris Jerome and James, that the said Alexr. Ratray sal be skaythles of thame and all that tha lett in tymes cuming, bot as law vill, and Thomas Menzeis is becumin lawbouris for Alexr Ratray, that the saidis Maisteris Jerome and James sal be skaythles of him and all that he may lett in tymes cumyng, bot as law vill; and the said Maister Jerome and James oblegit thame to releife the said Robert, on the quhilkis bayth the saidis pairtyis tuik act of court and instrumentis afor thir vitnes, Maister John Bell, Maister James Torre, John Malisoun, and Maister John Kennedy.”

**Source:** Stuart, J. (ed.) (1844) *Extracts from the Council Register of the Burgh of Aberdeen, 1398-1570*, Aberdeen: for the Spalding Club, Volume 1, (1844), pages 228-231. [S.C. Aberd. Burgh Reg., i.]

<https://archive.org/details/extractsfromcoun01aber/page/n5/mode/2up> (accessed 07/11/2022)



## APPENDIX H.

### DR. JAMES CHEYNE (1545-1602) AND THE SCOTS COLLEGE AT DOUAI.

James Cheyne is included in these pages because he was the first of the Scottish family of Cheyne to gain a measure of international fame in the 'modern era.' He lived on 'both sides' of the Reformation and his life was very much affected by those troublesome times.

Born about 1545, it is believed that James first attended university at Aberdeen. He studied divinity under John Henderson, a famous theologian, after having first read grammar and philosophy. He is then said to have been the parish priest of Aboyne, on Deeside, for a short period of time. The church there<sup>784</sup> was within the grounds of Aboyne Castle, home of a cadet branch of the Gordon family, and thus it might have been considered a relatively 'safe' place for a Roman Catholic priest to be.

As the storms of the Reformation approached ever closer, James withdrew to Paris, along with his teacher, John Henderson, where he taught philosophy and gained a considerable reputation for himself.

From Paris he went as professor of theology to the embryonic Scots College at Douai in the Spanish Netherlands and he was a notable benefactor to this college's foundation in its early years. It is important to note that the college's superiors were Scots Jesuits up until the suppression of the Society of Jesus in 1764.<sup>785</sup> A casual historian might infer from this that James himself was a professed Jesuit. However, he is singled out by Dempster's comment that:

*"Jacobus Cheynaeus, nobili familia Arnagia, prope Aberduniam, oriundus, Parisiis docuit in Barbarano, tanto apilausu ut unicus haberetur qui inter seculares societatis, patribus tum maxime florentibus, coinponeretur."*<sup>786</sup>

[“James Cheyne, of the noble family of Arnage, near Aberdeen, a native of Paris, he taught in the college of Sainte-Barbe, [Paris], with such great praise that he was considered the only one who, among the seculars of the society, was placed in the same place as the most famous fathers.”]

It would seem then that James may not have become a Jesuit himself but, rather, he worked amongst and with them as a secular priest. Farge comments, “One method of concentrating on the more active graduates, however, is to establish the

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<sup>784</sup> St Adomnán's Church at Formaston [NGR: NJ 541001] lies 1.5km. east of Aboyne Castle.

<sup>785</sup> Scots College, Douai. GB 3380 The Scottish Catholic Archives. (Held in the Special Collections of Aberdeen University SCA CA/2)

<sup>786</sup> Dempster 1829, i., p 193.

distinction between the seculars (diocesan priests) and the regulars, or "religious" (members of religious orders), since the seculars were far more active than the religious."<sup>787</sup> Although Farge's comments were directed at the University in Paris, it is probable that they would reflect the situation in Saint-Barbe's just as well.

The Scots College at Douai, the oldest of the Scots Colleges abroad, was finally established about 1580. The College benefited from having a number of important early benefactors, including, as we have said, James Cheyne himself. The College also had very strong links with Mary, Queen of Scots: she was a generous benefactor of what she called "Cheynes Seminary." There were other Scottish donors: "the college building, which still stands, though in altered condition, was built from a fund bequeathed by Hypolitus Curle, a son of Gilbert Curle, Queen Mary's secretary and his wife Barbara Mowbray, a lady-in-waiting to the Queen. The Curle family were responsible for the monument erected to Mary Queen of Scots in the parish church of St Andrew in Antwerp in 1620 and, among other benefactions, they gave the Scots College at Douai the miniature portrait they had received from the Queen herself, upon which the "Blairs portrait" was based."<sup>788</sup> This world-renowned portrait of Mary, which used to hang in Blairs College, Aberdeen, was rescued from the Scots College at Douai.

From Douai, James returned to Paris, to the Collège Sainte-Barbe, where he became professor of philosophy. He afterwards became Rector of the College.

He was then appointed a Canon and Grand Penitentiary of the Cathedral of Tournai, where he founded a small seminary for his countrymen.

James died in Tournai in 1602 and was buried in the cathedral under a marble monument with an inscription. He left behind a number of publications which were much used in many schools of the day.<sup>789</sup> Thomas Dempster, who was his scholar at

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<sup>787</sup> Farge 1985, p. 55.

<sup>788</sup> 'The Lesser Collections of Archives,' in *The Innes Review*, December 1977, Vol. 28., Issue 2: pp. 95-105.

<sup>789</sup> According to the Dictionary of National Biography [DNB volume 10.djvu/227] his works are:

1. '[De priore Astronomiæ parte, seu De Sphæra, libri duo](#),' Douay, 1575, 8vo. Dedicated to Louis de Berlaymont, archbishop and duke of Cambrai.
2. '[De Sphæræ seu Globi Cœlestis Fabrica brevis præceptio](#),' Douay, 1575, 8vo.
3. 'Orationes rhetoriæ,' Douay, 1576, 8vo.
4. '[De Geographia libri duo](#),' Douay, 1576, 8vo.
5. 'Analysis et scholia in Aristotelis xiv libros de prima et divina philosophia,' Douay, 1578, 8vo; Hanover, 1607.
6. '[Succincta in Physiologiam Aristotelicam Analysis](#),' Paris, 1596, Dedicated to Mary Queen of Scots.
7. '[Scholæ duæ de perfecto philosopho, et de prædictionibus astrologorum](#),' Douay, 1587, 8vo.
8. 'Analysis in logicam, physicam, et ethicam Aristotelis,' printed at Paris according to Dempster.
9. 'Analysis in Aristotelis metaphysicam.'
10. 'De audibus philosophiæ.'

(See also [https://www.prdl.org/author\\_view.php?a\\_id=6277](https://www.prdl.org/author_view.php?a_id=6277) )



Douai for three years, describes him as, “a person of singular learning, great probity, candour, and sweetness of disposition.”<sup>790</sup>

Another observer, George Conn [*De duplici statu Religionis*, p. 167, *infra*, No. 33] wrote that James was, “a man of exceptional erudition, and of great prudence; and by his many and subtle writings in philosophy and mathematics, he acquired a great reputation.”

We should never forget the countless benefactions that the Roman Catholic Church received from that group of Scottish nobles who swore their lives and estates to ‘the cause’, both at the time of the Second Reformation in Scotland and later, when the French Revolution required that they sought ‘safety’ back in their home country. This was a formidable ‘testing’ which the nobles, priests, and congregations were required to undergo. Regardless of what faith (or none) a historian of the period belongs to, there can be no doubt in their minds that the courage and tenacity which was shown by these individuals, especially in the north-east of Scotland, is something which has to be admired. For some, it cost them their lives!

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<sup>790</sup> DNB., vol. 10.djvu/227.

[https://en.wikisource.org/w/index.php?title=File:Dictionary\\_of\\_National\\_Biography\\_volume\\_10.djvu&page=227](https://en.wikisource.org/w/index.php?title=File:Dictionary_of_National_Biography_volume_10.djvu&page=227)

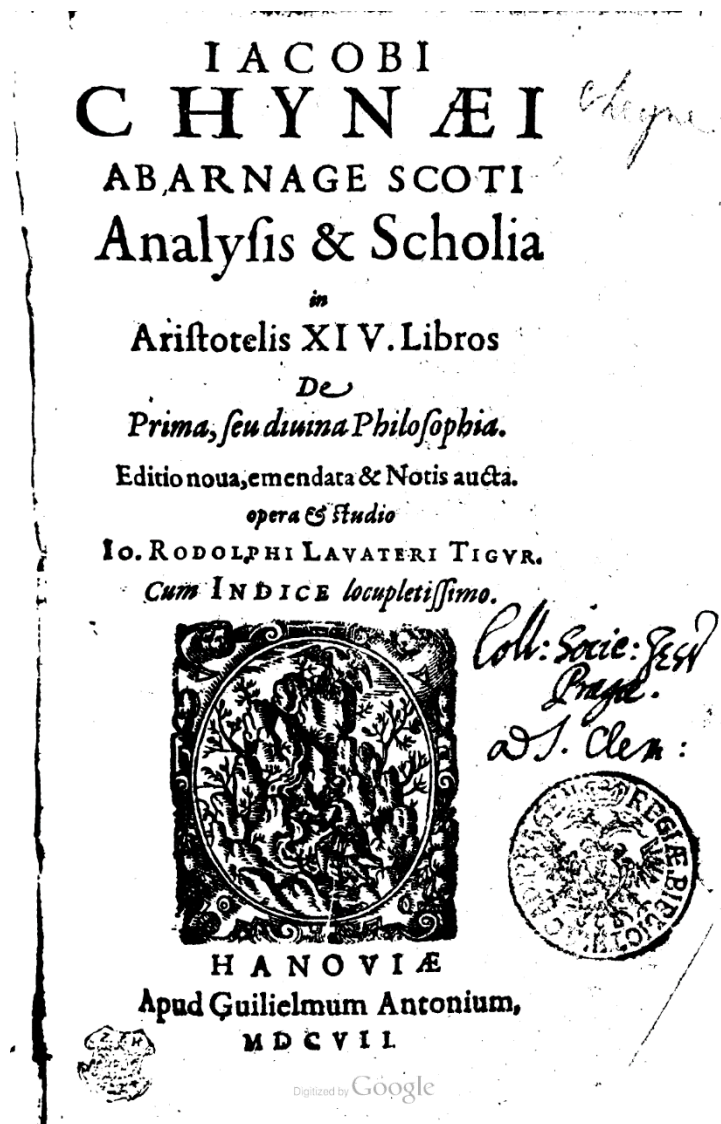


Figure 47: Title Page of one of James Cheyne's Published Books. (No. 5 in List.)





## APPENDIX I.

### WRIT OF 'RESPITE' FROM THE CROWN REGARDING PATRICK CHEYNE, ADVOCATE.

"James, be the grace of God, King of Scottis, To all and sindrie oure Justices, Sheriffs, Stewartis, Justice Clerkis, Crownars and thair deputies, Provistes, Aldermen, and Bailles of our burrowis, ad all utheris our officaris, leigis and subdittis, quhome it effeiris, quhais knowledge thir our lettres sal com greting. Wit ye us of our speciall grace and merci, to have respitt and be thir our lettres in the law and by the law speciallie respittes Mr. Patrick Chene, *Advocat in our burgh of Abirdene*, Alexander Gardin of Blackfurde, and Johnne Chene, sone to Robert Chene in Caldwellis, for airt and pairt of the slaughtir of umquhil Williame Annand, and mutilation of Patrick Annand, in Clayhills, comittit in the moneth of \_\_\_\_\_ the yeir of God fifteen hundred threscoir ten yeris, upoun foirthocht felony or suddantie, and for all actioun or cryme that may be imput to thaim thairthrou, and that may follow thairupoun, To be onhurt, unharmit, unattachit, unarreistit, unfollowit, unpersewit, unsomminit, unvexit, and undisturbit, in thar persones, landis or guidis thairfor be you or ony of you, our officaris, liegis and subdittis foirsaidis, during the tyme of thir our lettres; Quhairfore we chaarge straitlie and commandis you all sindrie our officaris liegis and subdittis foirsaidis that nane of you tak upoun hand to do or attempt onything in contrair or breking of thir our lettres of speciall respitt during all the tyme thair of, under all hiest pane charge and offence that ye and ilkane of you may commit and inryne against our majesties in that pairt thir our lettres of speciall respitt for the space of nyntene yeris incommin efter the day and dait of the samyn, but only revocation to indure, because the said cryme was committit land befor our last Act of Parliament made against the granting of respittis or remissionis for slaughteris to be committit effter the dait of the said Act, and als our thesaurer his sene quhair the partis is assythit.

Gevin under our privie seill at Halierud-hous, the sextene day of Januare, the yeir of God jm v fourescoir aucht yeris, and of our reigne the twentie twa yeir.

Per signaturam manu S D N Regis  
subscriptam."

#### Source:

Bulloch, J., (1888) *Scottish Notes and Queries: Volume 1., June 1887 to May 1888*, Aberdeen: D. Wylie & Son., p. 43. [https://play.google.com/books/reader?id=D-oGAAAAYAAJ&pg=GBS.PA42&hl=en\\_GB](https://play.google.com/books/reader?id=D-oGAAAAYAAJ&pg=GBS.PA42&hl=en_GB)

**Note also:**

*Act No. 136, of the eighth Parliament of James the sixth, 22<sup>nd</sup> May, 1584:-*

“The Kings Majestie considdering that slaughters, fire-raisinges, and uthers odious crimes, hes bene sa commounly committed, throw all parts of this Realme, and a great part of the occasion theirow supposed to be the ready granting of his Hienes respettes [respites], and remissiones to the committers theirow, upon in-opportune suittes maid to his Majestie theirfoir ; His Heines remembering how greivous sick slaughters, fire-raisinges, and uthers odious crimes ar in Gods sight, and how offensive to the Estate of the commoun weill of his Realme, followand the gude and lovable example of his maist noble Progenitours in like case, at the instant request of his three Estaites, assembled in this present Parliament ; And for the better eschewing of trespasses, and enormities against the safetie of his Lieges, and commoun profite of his Realme, of his special grace and favour, hes granted, and in the worde of a King promitted to close his hands, and cease fra granting of onie respettes, or remissiones, for ony maner of slaughters, fire raising, or ony uther odious crimes, that sall happen to be committed, for the space of three zeires nixt-to-come, after the dait hereof ; that in the meantime his Realme may be put in peace and rule, and his Lieges live in suretie.

And gif ony remissiones beis given or granted for auld actiones, that it sall be exprimed [expressed] and provided in the same that the trespassed was committed before this present Parliament, and that his Hienes and his Thesaurer hes sene quhair the partie is assithed [assized] ; and gif the contrare beis found, the remission or respet to be of nane availe.”

Also quoted from Bulloch (1888), note \* at the foot of page 43.

[https://play.google.com/books/reader?id=D-oGAAAAYAAJ&pg=GBS.PA42&hl=en\\_GB](https://play.google.com/books/reader?id=D-oGAAAAYAAJ&pg=GBS.PA42&hl=en_GB)



## APPENDIX J.

### JEROME (HIEROME) CHEYNE, ARCHDEACON OF ZETLAND c.1577 – 1584. BIOGRAPHY

Jerome Cheyne was the son of Sir Patrick Cheyne, 6<sup>th</sup> of Essilmont. He may have been the second son, the eldest being Thomas who was heir. He was a somewhat 'rebellious' youth but was academically quite able.

Jerome is known to have studied at a university<sup>791</sup> and afterwards to have taken Holy Orders.<sup>792</sup> He was first a [Clerk](#) in Aberdeen Diocese and we then find him as Rector of Torry.

In a charter of sale of 2 merklands in Deerness, dated 27<sup>th</sup> April 1531, the name of *Master Malcome Hawcro ersdene of Zetland*, appears as a witness.<sup>793</sup>

On 20<sup>th</sup> March, 1587, Patrick Cheyne, 8<sup>th</sup> of Essilmont, had a charter from the King, of the lands of Frakafeild [Fracafield] and all and sundry of the lands lying in the parish of Tingwall in the 'fauderie' of Zetland which his uncle, the late Mr. Jerome Cheyne, Archdeacon of Zetland, had had, 'coft and conquest fra certaine personis', and which extended in all to thirty merks of land. With it was included the advowson, donation, and right of patronage of the Archdeaconry of Zetland. Patrick was to have these lands, as also his lawful heirs male, failing which, the legitimate male heirs who bore the name and arms of Chene. These lands of Fracafield comprised: 4 merks of Fracafield itself; 5 merks in Daill; 2 merks in Strand; 1 other merk in Strand; 3 merks in the *ville* of Strand; 4 merks in Gott; 2 merks in Ley; 3 other merks in Ley; 1 further merk in Ley; other 4 merks in Gott; further 1 merk land in Gott.<sup>794</sup>

Later the same year (1587), Patrick Cheyne also received a charter of all and sundry, "temporale landis Iles fischings mylnis multuris outsettis and utheris qlkis pertenet of befoir to the said Archdeanerie of Zetland lyand within the diocie of Orkney in the fauderie of Orkney and Zetland." This comprised certain lands in the Island of Sanday, in Whiteness, Weisdale, Burra, Tingwall, Trondra, Nestling. Quhalisay alias Selchiskerrie, Aithsting, and Walls.<sup>795</sup>

#### Notes:

1. Fracafield lies to the east of the Loch of Tingwall at {NGR: HU 435427}.

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<sup>791</sup> He is frequently called "Magister Jerome" in charters, which 'title' is commonly used to designate individuals who have graduated Master from a University.

<sup>792</sup> In a case in the Sheriff Court of Aberdeen, Jerome, along with his co-accused, his (younger?) brother James, claimed immunity from prosecution since he was in [\[Holy\] Orders](#), serving as a 'Clerk' in Aberdeen Diocese.

<sup>793</sup> Clouston 1914, p. 215.

<sup>794</sup> RMS, v., no. 1502, p. 514.

<sup>795</sup> (See Appendix L.)



2. Dail lies almost directly east of the old church of St Magus {NGR: HU 433433}.
3. Gott lies north-east of the parish church {NGR: HU 431453}.
4. Strand lies north of Gott {NGR: HU 433462}.
5. Ley is as yet unidentified. (In Shetland "ley" land is idle land where the tenant is absent.)



## APPENDIX K.

**SIR PATRICK CHEYNE, 6<sup>TH</sup> OF ESSILMONT - GIFT TO KING'S COLLEGE, ABERDEEN.  
(TRANSLATION)**

Annual rents (income) from Fairley, 1st December, 1550.

*Omnibus hanc cartam visuris vel audituris Patricius Cheyn de Essillmontht miles et dominus proprietatis terrarum omnium et singularum de Nedder Fortry alias Graye Fortre seu Fairley cum pertinentiis salutem ... cum expresso consensu Thome Cheyn filii mei senioris et apparentis heredis noveritis me*

To all who shall see or hear this charter, Patrick Cheyn of Essillmontht, knight, and lord of the freehold of all and whole the land of *Netherer Fortrie* {NGR: NJ 950285}, otherwise known as *Gray Fortrie* or *Fairley*, with its appurtenances, greeting ... with the express consent of Thomas Cheyn, my eldest son and heir apparent, know that I

*... dedisse ... discretis viris oct capellanis chori regalis collegii universitatis Aberdonensis modernis et eorum successoribus Totum et integrum unum annuum redditum undecim mercarum usualis monete regni Scotie annuatim per eosdem levandum ... de totis et integris terris meis de Nedder Fortree alias Graye Fortree seu Fairley cum molendinis et pertinentiis eiusdem jacentibus infra vicecomitatum de Aberdene et regalitatem Sancti Andree et baroniam de Ellain apud aquam de Ythan ad duos anni terminos ... pro quadam certa summa pecunie quam dicti capellani ... mihi ... persolvebant ...*

... have given ... to eight distinguished men, chaplains of the choir of the royal college of the new university of Aberdeen, and to their successors, All and whole of one annual rent, of eleven merks of the usual money of the kingdom of Scotland, to be levied annually by the same ... of all my lands of Nedder Fortree otherwise Gray Fortree or Fairley with the mill and the appurtenances of the same lying below, in the viscounty of Aberdeen and the Regality of St. Andrews and the barony of Ellain [Ellon] at the water of Ythan, for the term of two years ... for a certain sum of money which the said chaplains ... paid me ...

*Tenendum ... in feodo et hereditate imperpetuum ... In quorum omnium et singulorum fidem et testimonium veritatis premissorum sigillum meum proprium unacum mea subscriptione manuali necnon subscriptione dicti Thome Cheyne in signum sui consensus et assensus presentibus est appensum apud Aberdene primo die mensis Decembris anno Domini millesimo quingentesimo quinquagesimo coram testibus venerabili viro magistro Jacobo Wawane rectore de Owyne, magistris Johanne Chalmer, Andrea Heroy, Andrea Mathou et Martino Howesone cum diversis aliis.*

To be held ... in feu and inheritance forever. ... In whose faith and testimony of the truth of the foregoing, my own seal, together with my manual signature and the signature of the said Thomas Cheyne, in token of his consent and assent to the present, was affixed at Aberdeen on the first day of December in the year of the Lord





one thousand five hundred and fifty, before the witnesses: the venerable master James Wawane, rector of Owyn; masters John Chalmer, Andrew Hervey, Andrew Mathew, and Martin Howeson, with divers others.

Pat<sup>k</sup> Chene of Esselmont kny<sup>t</sup>.

Thomas Cheyne vy<sup>t</sup> my hand.

**Source:** Innes, C. (ed.) (1854) *Fasti Aberdonenses: Selections from the Records of the University and King's College of Aberdeen*, Aberdeen: for the Spalding Club, no. 84, p. 122.

Given at Aberdeen on 1<sup>st</sup> December, 1550.

#### Witnesses:

- ✠ Master James Wawane – James was Prebendary of Ellon in 1521 and was succeeded by Thomas Sutherland c.1526. [*The Thanage of Fermartyn*, p. 482.] On 9<sup>th</sup> September 1552, James Wawane, rector of Owyne [Oyne], and Alexander Galloway, rector of Kinkell, both canons of the Cathedral of Aberdeen are appointed judges delegate, by John, Archbishop of St Andrews and Legate, in a matter concerning letters of reversion of the lands of Knoksudderon [Knoksodrun] in the diocese of Dunkeld,. [NRS GD172/1372] <https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/browseTreeview.aspx?reference=GD172/1372&st=1&tc=y&tl=n&tn=n&tp=n&k=&ko=a&r=gd172&ro=c&df=&dt=&di=y>
- ✠ Master John Chalmer
- ✠ Master Andrew Harvey
- ✠ Master Andrew Mathew
- ✠ Master Martin Howesone

#### Notes:

- **FORTREE [FAIRLEY]** – The lands of Fortree lay on the south bank of the River Ythan {NGR: NJ 950295}. It is not uncommon to find land grants of this era where parts of a land are described as “the sunny side of ...” or “the shady half of ...”. Here we have a the place-name “Gray Fortre” which would seem to mean the shady or north-facing part of the lands of Fortre [Fortree].



## APPENDIX L.

### ZETLAND LANDS HELD BY PATRICK LE CHEN, 8<sup>TH</sup> OF ESSILMONT.

We have seen that Patrick Cheyne, 8<sup>th</sup> of Essilmont, came to hold those lands in Shetland that were once held by Jerome Cheyne, former Archdeacon. The King, at Holyrood House, on 29<sup>th</sup> July, 1587, “after completing his age of 21 years,” declared a *general revocation* in Parliament, and, having many temporal lands, which formerly belonged to the Church within his kingdom, but were now annexed to the Crown by a special act of parliament, the King had enacted a *special dissolution* which allowed him to set these lands at *feu* (rent) as he would in the case of a fiefdom. It is recorded that the King “let go to the fiefdom of Patricio Chene of Essilmonth,” certain lands &c. which formerly belonged to the archdeaconry of Zetland.

There is a lengthy record in the Register of the Great Seal of Scotland which records these lands in minute detail and we give these details in tabular form below:

LAND	PARISH	EXTENT	
Belista		10 merks	
Birganes		3 merks	HU 344774
Bixsetter	Authsting	1 merk	HU 534975
Bleusta		6 marks	
Brek (?Breckans)		½ merk	(HU 353777)
Brindista		3 merks	
Browagarth (?Brugarth)		2 merks	(HU 391468)
Clebester	Sanday Island		
Corkiesatter		6 merks	
Croce-yle		2 merks	
Dekeron		1 merk	
Eistnes		2 merks	
Glasbo		3 merks	
Gott		22 merks	HU 430453
Groundewell		3 merks	
Hagrista (?Haggersta)		6 merks	(HU 388483)
Halbuster		1 merk	
Halligarth	Wes(d)ell	1 merk	
Hammirland (?Hamarsland)		3 merks	(HU 401478)
Hildesay (Hildasay Is.)	Quhytnes	4 merks	HU 358408
Houknabrak		6 merks	
Houscurd		2 merks	
How	Sanday Island		HY 654392
Howgaland (Hjogaland)	Burra	4 merks	HU 371337
Howgaland	Tingwall	2 merks	HU 398365
Howland (?Orkney)		12 merks	(HY 663437)
Howll		2½ merks	



LAND	PARISH	EXTENT	
Hwgalland (Hogaland)	Whiteness	6 merks	HU 395470
Kebuster		12 merks	HU 457453
Kekeron		3 merks	
Kirkgothie		9 merks	
Langtayis	Sanday		
Linksetter in Dunrossness		6 merks	
Mowsawell		2 merks	
Mustovie (Schiltoun)		3 merks	
Neisbister		1 merk	HU 397451
Nethir Sound		7 merks	
Nethir Sound		1½ merks	
North-Garth		9 merks	HU 411745
Ovirabusk		2 merks	
Oxna-ile	Tingwall	4 merks	HU 354376
Quhalisay (Selchiskellie)		3 merks	
Ringista		5 merks	
Satter		9 merks	
Schortoun		2 merks	
Sepsetter	Wais	1 merk	
Setter (?Isle of Noss)		5 merks	HU 542398
Skalloway (Scalloway)		12 merks	HU 404393
Sound		2 merks	HU 453833
Sowth-Caldcluiiff		12 merks	
Sowtsatter		15 merks	
Staniswell (Steinswell)		7 merks	HU 392526
Strand		3 merks	HU 661916
Strome		1 merk	
Stromnes		5 merks	HU 384457
Stronfurde (?Stromfirth)		3 merks	(HU 407511)
Swynasetter (?Swinister)		10 merks	(HU 419245)
Tingwell & Grista			
Tow		3 merks	HU 432295
Trondera (Trondra)	Tingwall	2 merks	HU 394373
Tussavell		2½ merks	
Utrisland	Nesting	1½ merks	
Wadbuster (Wadbister)	Whiteness	4 merks	HU 393465
Wassetter		3 merks	
Weik		14 merks	
Weisgarth		15 merks	
Weisland		3 merks	
Westbister		1 merk	
Wormadell (Wormadale)	Whiteness	12 merks	HU 400460
Wrisland		23 merks	
		<b>TOTAL -</b>	<b>352½ merks</b>

Figure 48: Table of Archdeaconry lands given by the King to Patrick Chene, 8th of Essilmont.

### Notes:

1. This is an impressive list of lands but we should remember that the majority are quite small reflecting the fact that many were the result of gifts to the Church from individuals or families who belonged to the 'crofting class.' They did not have much to give but were determined to play their part in endowing the Archdeaconry, so paving their way to eternity!
2. Such a large number of small parcels of land, scattered across the islands, would have been a nightmare to administer and so, in most cases, these lands were let out to local crofters/land-lords and the archdeacon simply received the rents from them on an annual basis.
3. Land in Shetland was not of great value because of its limited use for agriculture, so the archdeacon would not have received large amounts of money from these rentals. But, since the archdeaconry also enjoyed the ownership of many fishings on its properties, this made certain possessions much more valuable.
4. In addition to possession of these lands, the King also, for the good service of the said Patrick, incorporated all these lands into one *tenandry* or *lordship* of 'Tingwell'. The Archdeacon's mansion, houses and gardens in Tingwall, were reserved to Patrick "for the place of his habitation" and he was given permission to build and inhabit mansions, fortifications, and ramparts, both fortified and unfortified, in any other part of Tingwall and other parts, for defence against the violence and oppression of thieves, plunderers, pirates and any other oppressors.
5. Everything was to pass to the lawful heirs male of Patrick's body, failing which to the nearest heirs male, and failing that to whomsoever, bearing the name and arms of Cheyne, may be assigned, according to the kingdom of Scotland, without division, neither among children or relatives by use, nor the order of Zetland by partition.
6. The record in the Register also makes reference to 'lands in Orkney', also held by Patrick of the King.



## APPENDIX M.

### PETITION OF THOMAS CHEYNE OF RANNIESTOUN TO THE PRIVY COUNCIL.

Having been excommunicated for nonconformity to “the trew religioun” he was at their Lordships’ direction put to the horn, and in virtue thereof Alexander Guthrie, Marchmont Herald, and Robert Mercer, messenger, having seized upon his house, cattle and goods, gave his house in keeping, by the direction of the Bishop of Aberdeen, to Alexander Leslie, the said Mercer’s son-in-law, although the petitioner had procured the Lairds of Pitcaple and Arnage, and David Edie, burgess of Aberdeen, as cautioners to them that the goods in his house and his growing corn would be forthcoming to his Majesty’s use. Moreover, they have comprised four horses of his at 10 merks each, though each was worth 50, two mares at 10 merks each, though each was worth £20, two staigs<sup>796</sup> worth £10 each at 5 merks each, six “quoyakes”<sup>797</sup> each worth £5, at 40s. each, 24 hogs worth 30s. each at 10s. the piece, and 2 bolls of beir worth £10 the boll at \_\_\_, some of which goods they keep for their own use, and the rest they have sold to others to the great prejudice of the petitioner. “And whereas now it hes pleased God so to deale with the said supplicant that upon the acknowledgement of his erroneous professioun and publict repentance made for the same, and upon his subscriptioun of the Confessioun of Faith and promise to continue constantlie in the professioun of the trew religioun, he wes dewlie and ordourlie relaxt from the sentence of excommunicatioun pronounced aganis him be Mr Patrick Guthrie, his ordinarie pastour, at the command and directioun of the presbyterie of Ellone, as his said pastours testificat, togidder with the Bishop of Aberdein his letter shown to the Lords of Privie Counsell beiris; and, seing the said supplicant perswades himselffe that the scope and ayme of the saids Lords thair legall and most equitable course used aganis him is onlie his conversioun and conformitie to the trew religioun, whilk he hes unfainedlie testified,” he craves command from their Lordships to the said Aexander Guthrie, Alexander Leslie and Robert Mercer, to restore to him his house of Raynistoun, with all the goods therein, and also the goods they comprised from him which are in their own possession, and the prices of such as they sold, and to deliver to his said cautioners the bonds they gave them as above mentioned. The Lords having seen the act and report of the presbytery of Ellone, “bearing that upon the said Thomas Cheyne his repentance and acknowledgement of his former errorrs, and upon his oath given to stand constantlie to the trueth of religioun and trew worship as it is receaved within the kirk of Scotland, wes absolved fra the fearefull sentence of excommunicatioun,” and a missive from Patrick, Bishop of Aberdein, to the same effect, recommend and remit the ordering of this whole business to the said Bishop, desiring him “to take suche ane equitable and good course therein as may incourage others to foregoe thair former errorrs and embrace the trew religioun presentlie profest within this

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<sup>796</sup> Staig - a young, unbroken horse.

<sup>797</sup> Quoyake - a heifer.





kingdome"; also to take caution from the petitioner not to haunt nor converse with Jesuits and priests, and to compear before the Council when lawfully cited; and to see that the expenses of those who have kept the said house be paid and exoneration given them. They also desire the Lords of Counsell and Session to grant to the petitioner relaxation from his said horning.

At Holyrood House, 4<sup>th</sup> September, 1629.

[Source: **Reg. Privy Council Scot., Second Series, Volume 3.**, p. 276-278.]



## APPENDIX N.

### COMPLAINT OF MR. GEORGE ABERCRUMBY TO THE PRIVY COUNCIL, 10<sup>TH</sup> MAY, 1593.

" Complaint as follows by Mr. George Abercromby, writer to the signet, ordinary solicitor and agent for the King's treasurer, and lately provided to the office of one of the commissaries of Abirdeine by presentation of the Lords of Council and Session : Having repaired lately to the burgh of Abirdeine for performing 'certane effairis concerning the office of thesaurarie ' entrusted to him by [Sir Robert Melvill of Murdocairny](#), treasurer-depute, and also for certain affairs concerning the Lords of Council and Session committed to him by [Alexander Hay of Easter Kennat](#), Clerk of the Register, who has 'chaarge of the saidis Lordis in thair effairis within the boundis of the jurisdiction of the Commissariat<sup>798</sup> of Abirdeine,' the complainer had expected no injury from any, partly because he had offended none, partly because of the service in which he was employed, and chiefly because George, Earl of Mershall, his Majesty's commissioner between the North Water and Spey, 'movit Mr. Johnne Cheyne of Fortrie (that laitlie had travellit for the said office of commissariat) and the said Compleinar to schaik handis.' Nevertheless, the said Mr. Johnne Cheine, 'forgetfull of the reconsiliatioun, and seiking new occasioun to tak the said compleinaris lyf, first reprochit him oppinlie within the tolbuith of Abirdeine, and thaireftir besett his gait at the south end of Auld Abirdeine, besyd the auld grammar scuile, quhair he wes retuirnand fra the auld town to the new toun in peaceable maner,' and then, in the same place, accompanied by Mr. Williame Reid, notary in Abirdeine, Mr. Andro Clerk, Mr. Andro Irving, Mr. George Innes, and Gilbert Dowye, 'cruellie invadit the said compleinar behind his bak for his slauchter, hurt and woundit him in the hind heid to the grit effusioun of his bluid, and had slaine [him] wer not the providence of God and help of certane weill-willairis that saiffit him ; quhilk is not samekle to be respectit for his persoun as for the service that he occupyit under the said Thesaurair and Lordis of Counsale and Sessioun, and that this dishonest persuit is done be sic a man as is advocat befor the saidis Lordis, and sa faine wald be a judge, not taryand to decyd his controversie, gif ony wer, be his awin craft of the law, bot taking his advantaidge be armes and violence, in hie and proud contemptioun of his Hienes autoritie and lawes, and to the evill example of ignorant and lawless people to attempt mischeiffis be force quhen thay sail see professouris of the law to begyn to ly at await as briganis for innocent menis lyves.' Mr. Williame Reid and Gilbert Doye having been charged to appear this day and answer, and not appearing, while the complainer appears personally, are to be denounced rebels."

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<sup>798</sup> In pre-Reformation Scots Law a "commissary" court was a jurisdiction which represented a part of that of the bishops' courts ([consistorial courts](#)). It covered the confirmation of testaments, the registration of wills and inventories, and was regularly executed by an appropriate Sheriff Court within the diocese. However a lay-person could be appointed as a *commissary* to execute the office on behalf of the Chancellor of the diocese.

Eighteen months later (22<sup>nd</sup> August, 1594), we find Mr. George Abercromby and Mr. William Reid signing together as witnesses to a bond of caution in a case of lawborrows. On the list of the Society of Advocates, he appears as William Reid of Barra, admitted in 1589.<sup>799</sup>

The version of this matter which is recorded in the Records of the Privy Council<sup>800</sup> gives us a little more detail:

“Complaint as follows by Mr George Abercromby, writer to the signet, ordinary solicitor and agent for the King’s treasurer, and lately provided to the office of one of the commissaries of Abirdene by presentation of the Lords of Council and Session:- Having repaired lately to the burgh of Abirdene for performing “certane effairis concerning the office of thesaurarie,” entrusted to him by Sir Robert Melvill of Murdocairny. treasurer-depute, and also for certain affairs concerning the Lords of Council and Session, committed to him by Alexander Hay of Easter Kennat, Clerk of the Register, who has “chaarge of the saidis Lordis in thair effairis within the boundis of the jurisdiction of the commissariat of Abiedeine,” the complainer had expected no injury from any, partly because he had offended none, partly because of the service in which he was employed, and chiefly because George, Earl of Merschall, his Majesty’s commissioner between the North Water and Spey, “movet Mr Johnne Cheyne of Fortrie (that laitlie had travellit for the said office of commissariat) and the said compleinar to schaik handis.” Nevertheless, the said Mr Johnne Cheine, “forgetfull of the reconsiliatioun, and seiking new occasioun to tak the said compleinaris lyf, first reprochit him oppinlie within the tolbuith of Abirdeine, and thairefter besett his gait at the south end of Auld Abirdeine, besyd the auld grammar scuile, quhair he wes retuirnand fra the auld town to the new toun in peaceable maner,” and then, in the same place, accompanied by Mr William Reid, notary in Abirdeine, Mr Andro Clerk, Mr Andro Irving, Mr George Innes, and Gilbert Dowye, “cruellie invadit the said compleinar behind his bak for his slaughter, hurt and woundit him in the hind heid, to the grit effusioun of his bluid, and had slaine [him] wer not [for] the providence of God and help of certane weill-willairis that saiffit him; quhilk is not samekle to be respectit for his persoun as for the service that he occupyit under the said Thesaurair and Lordeis of Counsale and Sessioun, and that his unhonest persuit is done be sic a man as is advocat befor the saidis Lordis, and sa faine wald be a juidge, not taryand to decyd his controversie, gif ony wer, be his awin craft of the law, bot taking his advantaidge be armes and violence, in hie and proud contemptioun of his Hienes authoritie and lawes, and to the evill example of

<sup>799</sup> S.C. Abd. Sheriff Court Recs., I., pp. 473-474.

<sup>800</sup> Reg. Privy Council Scot., First Series, Volume 5, p. 77-78.

<https://babel.hathitrust.org/cgi/pt?id=msu.31293027205800&view=1up&seq=187&q1=Fortrie>  
(accessed 10/01/2023)



ignorant and lawles people to attempt mischeiffs be force quhen thay sall see  
professouris of the law to begyn to ly at await as briganis for innocent menis lyves.”

Mr William Reid and Gilbert Dovyne having been charged to appear this day and  
answer, and not appearing, while the complainer appears personally, are to be  
denounced rebels.

## APPENDIX P.

### AN ACCOUNT OF THE LANDS MORTGAGED BY PATRICK CHEYNE TO JOHN CHEYNE OF PITFICHIE, 1600.

On 27<sup>th</sup> October, 1600, the King confirmed the charter of Patrick Cheyne of Essilmont who had sold (*vendit*) to M. Joanni Cheyne de Petfichie, his heirs and assignees,

—the lands and barony of Essilmont (*viz.* the domestic lands of Essilmont with the castle and manor, the lands of Craighead, Carnehill, Corstyne, the Old Milltown with the grain-mill of Essilmont,  $1\frac{3}{4}$  third-parts of the lands of Chappeltoun of Essilmont, half the lands of the *ville* of Fortrie of Essilmont, with woods fishings, mills, and the tenants &c.), all in the sheriffdom/county of Aberdeen;

the *ville* and lands of Orchertoun, in the barony of Tulliedaff, sheriffdom of Aberdeen;

the lands of Mains of Abirdour, with the grain-mill, Killiquharne with its harbours, fishing boats, fishings, bait-hooks, lines, and stones, the advocation of the rectory of Aberdour, in the sheriffdom of Aberdeen;

the lands, as follow, in the arable land of Scheitland (Zetland), *viz.*, 4 merks in Deill, 2 merks in Strand, another merk-land in Strand, 3 merks in the village of Strand, 4 merks in Goitt, 2 merks in Ley, [another] 3 merks in Ley, a market in Ley, 4 merks in Goitt, [another] 1 merk in Goitt, together extending in total to 30 merks of land, united in one tenandry, with the advocation [patronage] of the archdeaconry of Orkney and Zetland;

as well as lands, islands, fishings, mills, &c. specified below, *viz.* the lands of Celebester, Lantayis, How, in the island of Sanda, sheriffdom of Orkney;

villages and 38 merks of land at Tingwall and Grista, 3 merks of Glesbo, 9 merks of Sattir, 15 merks of South Satter, 6 merks of Corkiesatter, 9 merks of North Garth, 7 merks in Staniswall, 12 merks in Howland, 6 merks in Howknabrek, 12 merks in Skalloway,  $2\frac{1}{2}$  merks in Howll, 3 merks in Tow, 12 merks in Kebuster, 3 merks in Weisland, 14 merks of South Cald(c)luiff, 2 merks in Mowsawell, 15 merks in Weisgarth, 23 merks in Urisland, 22 merks in Goitt, 3 merks in Strand, 3 merks in Grindewell, 10 merks in Swynasetter, 3 merks in Wassetter, 4 merks in Wadbuster, 7 merks in Nether Sound, 14 merks in Weik, 2 merks in Schortoun, 2 merks in Sound, 5 merks in Setter, 3 merks in Brindista, 6 merks in Linksetter in Dunrosnes, 6 merks in Bleusta, 5 merks in Angista (Ringista?), 2 merks in Cross-Isle, 4 merks in Oxnaisle, 4 merks of Hildasay in the parish of Whiteness, 12 merks in Wormadell, 1 merk in Neisbister, 2 merks in Eistnes, 3 merks in Burganes, 5 merks in Stronnes, 6 merks in Howgaland, 6 merks in Hagrista, 1 merk in Stroime, 1 merk in Halygarth in the parish of Wes[d]ell, 9 merks in Kirkgothie, 3 merks in Hamirland,  $\frac{1}{2}$ merk in Brek, 3 merks in Stronfurde, 2 merks in Browgarthe, 1 merk in Halybuster, 3 merks de Mustowie alias Scheiltoun, 3 merks in Kakeron, 1 merk in Dekerone, 2 merks in



Houscourde, 2½ merks in Tussavell, 1½ merks in Nethir Sound, 2 merks in Overabusk, 1 merk in Westbister, 4 merks in Howgaland in the parish of Burra, 2 merks in Howgaland in the parish of Ti(n)gwell, 2 merks in Trondera, 2½ merks in Utrisland in the parish of Nesteyne, 3 merks in Quhaliesay alias Selchiskellie, 1 merk of Bigsetter in the parish of Auchsting, 1 merk of Sexsetter in the parish of Wais, with the tennants &c., and all anchorages, profits, food for eating, in the diocese of Orkney and Zetland.

Paying the customary dues and services to the King viz. for the barony of Essilmont one silver 'den.' [?denarius], and for Aberdour and Kellequharne one 'rosam', in the name of albe firme (alba firma)<sup>801</sup>

*Witnesses:* Mr Patrick Cheyne of Ferriehill,<sup>802</sup> Mr Alexander Cheyne in Auld Abirdein, Alexander Cheyne in Toddahill, Walter Maitland son of the late Jacobi Maitland de Manlaittie, George Barron notary public, Patrick Copland student in the 'new academy of Aberdeen' (writer of the charter):—at Abirdein, 25 Jun. 1600.

[Source: S.C. Reg. Mag. Sig., Vol. VI., no. 1083, p. 368.]

It will be seen that these are the same 'archdeaconry' lands which Patrick obtained in Zetland from the King on 29<sup>th</sup> July, 1587, and which are detailed in *Appendix L.*, but now with the additional lands of the baronies of Essilmont, and Aberdour and Killiquharne. The lands detailed in the table in Appendix L are identical with those listed above except that Belista is missing from this later list, and the spelling of some of the names differs somewhat from the earlier list, but this is to be expected of a 'writer' based in the Royal Household at some considerable distance from Shetland!

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<sup>801</sup> "*Alba firma*" was a yearly rent payable to the chief lord (e.g. the King) in white money, i.e. silver or 'white money'. It could also be called white rent or blanch farm (*blanche ferme*).

<sup>802</sup> Patrick Cheyne, 1<sup>st</sup> of Ranniestoun, who had obtained Ferryhill, in Aberdeen, by sale from John Fraser of Ferryhill in 21<sup>st</sup> October, 1597 (*vide supra*).



## APPENDIX Q.

### COMPLAINT OF JOHN GORDON OF BUCKIE AGAINST JAMES CHEYNE OF PENNAN AND HIS WIFE. 23<sup>RD</sup> MARCH, 1619.

Complaint by Johnne Gordoun of Buckie , as follows : – “The town and lands of Essilmonth belong to him heritably. Of late James Cheyne, sometime of Pennane , and Elspet Gordoun, his spouse, sister of George Gordoun of Geycht, have troubled him and his tenants. Whenever pursuer happens to be absent, defenders molest his said tenants, “compelling thame with oppin force and violence to yeild unto quhatsumeir is demandit of thame.” On the night of \_\_ May last, defenders went to the dwelling house of Johnne Petrie in Essilmonth and Issobell Tilliry, his spouse, broke up the doors, made themselves masters of the house, opened lockfast “loomes” &c., and took away “the haill meite, drink, meill, beiff, and muttoun being within the same.” When the said tenants requested them to depart, the said James set upon the said Johnne with a sword and dagger, and would have slain him, had he not escaped from the house. Thereupon the said James “cryit for fyre,” and endeavoured to burn the house. He was prevented by some neighbours who had gathered together. On \_\_ July last, the said James went to pursuer's lands of Corstane and assaulted Johnne Ligertwood, another tenant, whom he felled to the ground. He then demanded some meal and malt from Johnne Ligertwood, but was refused. Thereupon, [the] defender went to Johnne's house and took a large number of hens, capons, and other fowls. He swore that if he were again denied he should neither eat nor drink till he had taken the said tenant's life. When Ligertwood raised letters of lawburrows against defender, the latter vowed that he would take his life” in caise he gaif his aith that he dreidis him bodelie barme.” On \_\_ June 1617 , the said defender went to the dwelling house of Alexander Anysoun in Cairnhill, another tenant of pursuer, assaulted him in a very cruel manner, and swore that he would have his life, unless he removed from that town and the lands of Essilmonth or paid “in name of blakmaill” a number of cayne fowls and a yearly pension. From November till February last the said James, his wife and servants, have gone to pursuer's barnyard of Essilmonth and taken away corn for the use of their horses and cattle. The said John Petrie having asked the said Elspet Gordoun to “forbeir suche unseamelie forme of doing,” she thereupon,” consaueing ane heich offence aganis him, in the hicht of hir distemperit passioun and unrewlie humour, pat violent hand in him, and schamefullie and unhonnestlie strak and dang him with hir handis and feit on sindrie pairtis of his body, and left him for deid. ”Her husband has so often threatened to burn pursuer's houses, cornyards, &c., that his tenants and servants intend to “leave af the labouring of his lands, and to cast the same in his hands.” – Pursuer appearing , and the said James Cheyne appearing for himself and his said wife, the Lords assoilzie [acquit] the defenders, because pursuer has failed to prove the foresaid charges.”

[Source: Reg. Privy Council Scot., First Series., XI., p. 551.]



Although James Cheyne of Pennan and his wife were acquitted in the Court of the Privy Council, they were left with a much poorer reputation.



## APPENDIX R.

### COMPLAINT OF ALEXANDER COUPLAND AND OTHERS AGAINST JOHN GORDON, SECOND SON OF THE LAIRD OF GIGHT, REGARDING A SKIRMISH AT TURRIFF, ON 18<sup>TH</sup> JULY, 1601.

"Complaint by Alexander Coupland and Williame Duffus, inhabitants of Turriff, Raulff Anislie, servitor to Frances, Earl of Errol, and Alexander, Master of Elphingstoun, treasurer, for his Majesty's interests, as follows:— Upon 18<sup>th</sup> July last, Johne Gordoun, second son of the Laird of Geicht, accompanied by Patrick Gordoun, servitor to the said Laird, and George Troupe, burgess in Aberdeen, came to the town of Turriff, and pursued Coupland and Anislie for their lives, wounding Anislie beyond hope of recovery. Williame Gordoun of Geicht being informed of what had happened, and having "enterit in communing" with George Hay, parson and minister at Turriff, the said minister had given him his word that the whole of the inhabitants of the said town should be answerable for any injury done to himself, his son, or any of his company; whereupon the Laird of Geicht had departed, and all the inhabitants, thinking themselves thereby secure for the time, had returned to rest. Yet, in spite of this agreement, Williame Gordoun of Geicht, George Gordoun, his son and apparent heir, Williame and Adame, also his sons, Williame Ker, George Davidsoun in Badichill, Robert Dalglesch in Staniehouse of Geicht, Walter Young, Walter Maitland, Patrick Gordoun, George Gordoun at the Brigend, George Baird, Johne Craufurd, and George Troupe, all servitors to the Laird of Geicht, Alexander Strauchane, apparent of Glenkyndy, James Gordoun in Blakhillokis, Androw Meldrum, son of the Laird of Dumbrek, George Greif, George Mylne, Mr Robert Maitland of Auchincreif, Andro Hill in Geycht, Thomas Hervie, David Pratt, Williame Prat, David Wilsoun in Carnoorie, Robert Wilsoun, Andro Wode at the Myll of Ardoche, Williame Scot, [Alexander Cheyne](#), [James Cheyne](#), Adame Strauchin, brother of the said Alexander, David Torrie, James Sinckler, came to the town of Turreff that same night at 12 o'clock, all armed with long guns, spears and pistolets, and "opprest the haill toun." More especially, they went to the dwelling house of Williame Duffus, and "thair tuik him furth of his bed and brocht him to the gait, he being sark allane; quhair the Laird of Geicht, seeing him, drew his sword, and had slaine him unless ane of his cumpany keppit the straik upoun and lang gun. Thairefter the said Williame Duffus fled for feir of his lyfe; quhilk the Laird of Geicht persaveing cryit, 'Let him not away, bot schuite him'; quhairupoun dyvers schottis wer schot at him with pistolettis, muscattis and hacquebuttis. In the end he wes schot with ane muscat with nyne bullotis in dyvers pairtis of his body' quhairby the said Williame remains in sic danger of his lyfe as na man knawis quhat houre he sall die. Be the quhilk progres in all thir actionis, it is evident that the said Laird of Geichtis bigane impunitie for his former bluidis hes procureit this contempt in him." — Charge had been given to the defenders abovewritten (with the exception of Mr Robert Maitland, Robert Wilsoun, Williame Scot, Alexander Cheyne and James Vheye), and also to Williame Wilsoun in Faldunhill, and Johne Gordoun, son of the

Laird of Geicht, to appear this day and answer; and now, the said Williame Duffus appearing for himself and the other pursuers, and passing from the pursuit of the said Alexander Strauchin, the Lords ordain the rest of the defenders to be denounced rebels for non-appearance.

**Source:** Reg. Privy Council Scot., First Series., Volume 6., p. 284.

It is to be regretted that the 'record' of the complaint, as shown above, is not dated more accurately.

However, on 30<sup>th</sup> October, 1601, at Falkland, a commission was issued to the Earl of Erroll of justiciary, "against Gordon of Gight and the rebels who adhere to him." In the Privy Council Register we find an account telling that one Mawnis [Magnus] Mowat, apparend of Boquhallie, along with Williame Duffus in Turreff and Mr Thomas Hamiltoun of Drumcairne, had together been responsible for the 'putting to the horn' of Williame Gordoun of Geicht and his sons Adame and Williame, along with certain of his servants, and Andrew Meldrum, son of the Laird of Drumbrek. The 'outlaws', no doubt in retribution had come by way of 'hamesucken'<sup>803</sup> to Mowat's property of Boquhallie<sup>804</sup> "and there shooting hagbuts, muskets and pistolets through the windows for the slaughter of the said Mawnis, and also for having come, at 11 o'clock at night, to the town of Turreff, and there, "by way of hamesucken and brigancie," broken up the doors of many houses and searched for Alexander Coupland and Raulf Anislie to murder them in their beds, and shot "aucht dropis of leid" in the body of Williame Duffus (this is the event described above. We are now to believe that Duffus was shot eight times rather than six, as was stated in the Register extract above! There were another four charges listed in the complaint which ends:—"Therefore the King, with advice of his Council, grants commission to Frances, Earl of Errole, to convocate the lieges and to search for and apprehend the said rebels, with power to do all things necessary for the execution of this commission."

[Reg. Privy Council Scot., First Series., Volume 6., p. 298.]

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<sup>803</sup> In old Scots Law, *hamesucken* was "the felonious seeking and invasion of a person in his dwelling house."

<sup>804</sup> *Boquhollie* or *Boquhallie* is thought to be an alternative name for the estate of *Lescraigie* [NGR: NJ 760455]. According to the map provided by the CANMORE database, the *Burn of Balquholly* flows through the lands known as *Lescraigie*, some 9.5km. north-west of the Castle of Gight [<https://canmore.org.uk/site/19141/lescraigie>]. The Aberdeenshire HER (Historical Environment Record) places what is thought to be the site of "the Manor of Lescraigie" at [NGR: NJ 757456]. This would be an easy ride for Gordon of Gight and his followers.





## APPENDIX S.

### ACCOUNT OF THE TRIAL OF ALEXANDER CHEYNE AND HIS SENTENCE TO DEATH.

#### **'Falset' – Perjury – 'Man-swearing' – Cruel Oppression.**

Mar. 15.—ALEXANDER CHEYNE, in the Haltoun of Balhalvie (Belhelvie), Alexander Wastland, his serveand, and Alexander Croy, servitour to the Laird of Auchterallane.

Dilaitit of Periurie [perjury] and menswairing of thame selffis, in presence of the Lordis of Secreit Counsall.

DITTAY, at the instance of Sir Thomas Hamilton of Monkland, Advocat.

FORASMEKILL as thay and thair complices, being persewit befor the Lordis of his hienes Secreit Counsall, for coming upon the xxvj day of December last, at midnight, to George Duncanis dwelling hous in Ardo, quhair he, with his wyffe and famelie, wer in peciabill and quyet maner for the tyme, taking the nychtis rest, lipning [trusting] that no injury nor oppression to would be offered to thame ; and thair, violentlie brak up the dur of the said Georgis dwelling house, enterit thairinand tuik the said George and his wyffe, sche beig grit with chyld, out of thair naikit beddis, band [bound] them with coirdis, and most crewallie [cruelly] and unmercifullie, but [without] pitie or compassioun of the said George wyffis estait, she being grit with chyld, as said is, strak and dang thame with rougis [cudgels] and batonnis brought with thame for the purpose ; sa that the said Georg's wyfe almaist [almost] pairtit with bairne ; and having maist schamefullie strukin and leischit [lashed] the said George himself with with beltis : Committing thairby maist open Oppressioun. For the quhilk Oppressioun, the said George, having raised our sovereign lordis Letteris, and thairwith summoned the said Alexander Chene to compeir [appear] before the Lordis of his hienes Secreit Connsall, the fourtene day of March instant, to answer the the said Complaint ; and having, by vertew of the saidis Letteris, likewise summoned the said Alexander Westland and Alexander Craig to bear witness in the said matter ; quhom the said Alexander Cheyne, having falsely subornit to perjure and mensweir themselves, to depone falsely against thair knowledge and conscience in the said matter, and to conceill [conceal] the treuth thairof : The said Alexaander Cheyne and remanent persons , compeirand [appearing] before the Lordis of Secreit Counsall, the said xiiij day of March instant, and being deeply sworn, by their great oaths, to depone and tell the treuth in the said matter, and to bear loyal and faithful witnessing thairin ; being unmindful of their dewtie towardis God, and haifing na regaird nor reverence to our sovereign lordis auctoritie and lawis, and his hienes maist honorabill Counsall, falslie, be thair Depositiones, Perjureit and Mensweir thame selffis ; the said Alexander Croy and Alexander Wastland deponing, that they wer nather present att the said deid, nor knew nathing in the said matter ; and the said Alexander Chene, be his Depositionis, declarit, that he should be content to be hangit, in caice it suld be provin or tryit that he strak the said George Duncan or his



wyffe : And lykewyse denying that he had subornit the saidis witnessis, or instructing thame to deny or conceill the treuth : And nochtwithstanding thair of, the said Alexander and the saidis witnessis being re-examinat, hes all deponit that they wer all present att the said ffact and Oppressioun, and that the said Alexander Chene strak the said George Duncane with ane rung, and beltit him naikit with ane sword-belt ; and wer all present att the said manifest Oppressioun : And als confessit, that the said Alexander Chene instruetit, seducit and subornit the saidis Alexander Crow and Alexander Wastland to Periure and Mensweir thame selffis, and depone before the Lordis of Secreit Counsall, that they wer nocht present with him att the said fact, and knew na thing thair of : AND SA, thay and ilk ane of thame hes nocht only committit manifest Oppressioun be the said fact and hes Perjuret and Mensworne thame selffis : bot alfs, hes committit manifest ffalsett ; and as perjureit and fals personis ar nocht worthie to leve ; aucht and sould be puneist, conforme to the Lawis of this realm and to the Commoun-Law ; in terrour and example of utheris saull-les [*devoid of conscience*] persounes, to committ the lyke Perjurie and ffalest in tyme cuming.

ASSISA.

Robert Hog, sometime servitor to my Lord of Marschell [Earl Marischall],

John Ramsay of Quhytehill [Whitehill],

David Wood, brother to the Laird of Balbegnocht,

James Stewart, agent for my LadyAtholl,

Robert Crawford of Caverhill,

John Mowbray, portioner of Crammond [Crammond],

The remainder are burgesses, &c.

VERDICT. The Assise, be the mouthe of the said Johnne Ramsay, chancellor, ssand, pronunceit and declairit the pannell to be ffylit, culpable and convict of the crymes above writtin, conforme to thair Depositionis and Confessioun.

SENTENCE. The Justice-depute, be the mouth of James Stirling, dempstar of Court, decermit and ordained the said *Alexander Chene* to be tane to the mercat croce of Edinburghe, and thair his heid to be strikin fra his body : And the said *Alexander Wastland* to be tane to ane gibbet beside the mercat croce of Edinburghe, and thair to be hangit quhill he be deid : And the said *Alexander Croy* to be skurgeit throw the toune ; as he that fyrst confest the veritie : And all thair movable guidis to be escheit and inbrocht to our soverane lordis use, as fugitive fra the lawis for the saidis crymes.

[Pitcairn's Criminal Trials, Vol. II., p.453-455.]

## APPENDIX T.

### PAPER PRESENTED BY MAJ. A.Y. CHEYNE TO THE BUCHAN CLUB.

We know from Colonel Cheyne's own hand that he wrote his major work (Cheyne 1931) whilst 'on service' in the Indian army in various locations.<sup>805</sup> Officers were entitled to return home on leave at various intervals and it is apparent from this paper that Major Cheyne (as he then was), around 1911, spent some of his leave back home in Britain. We know that his home was in southern England, but the contents of this paper reveal that he had spent some of his leave visiting the north-east of Scotland, no doubt collecting further material for his 'family history'.

On "Some Heraldic Records of Buchan" by Major Archibald Ythan Cheyne, 15<sup>th</sup> Bengal lancers, Risalpur, N.W.F.P., India.

#### No. 1. *Fyvie Church (Coloured Wooden Panel).*

Or, within a double tressure fleury counterfleury, 3 crescents, and on a chief gules 3 cinquefoils argent. Crest: a crescent. Motto: "Semper." Inscribed, Alexander Seton, Lord Fyvie, 1603.

The Setons were proprietors of Fyvie for about a century. Alexander (3<sup>rd</sup> son of George, 6<sup>th</sup> Lord Seton) acquired the estates by purchase from the family of Meldrum in 1596. He was created Lord Fyvie in 1598, and Earl of Dunfermline in 1605. He became Lord Chancellor under James VI. and died in 1622. He was married to Liliass, daughter of Patrick, 3<sup>rd</sup> Lord Drummond.

#### No. 2. *Fyvie Church (Wooden Panel).*

3 cushions and in base 3 buckles. Inscribed R.D. and M.L., 1671, and ornamented with 3 roses.

A record of Richard Dunbar of Monkshill, and his wife Marjorie Leslie. Dunbar of the House of Cospatruck bore varying numbers of roses within a bordure and the roses shewn here are probably in this allusion. The Leslie buckles are here added to the coat of Dunbar in honour of his wife.

#### No. 3. *Fyvie Churchyard.*

On the dexter side, quarterly : 1st. 3 boars' heads couped (Gordon) : 2nd, 3 lions' heads erased (Badenoch) : 3rd, 2 crescents within the royal tressure (Seton) : 4th, 3 cinquefoils (Fraser) : over all, an inescutcheon. The shield impales quarterly : 1st and 4th, a demi-otter rampant, issuing from a bar wavy (Urquhart) : 2nd and 3rd, 3 crescents (Seton). Crest: a buck's head. Supporters: 2 deerhounds. Mottoes: "Bydand" (Gordon) and "By sea and land" (Urquhart). Inscribed: D.G.G. and D.E.V., 1685.

#### No. 4. *In the wall of Fyvie Castle.*

In the wall is a shield displaying the Seton Arms, as in No. 1, and impaling the 3 bars wavy of the Drummonds. It bears the date 1599 and is inscribed A.L.F. for Alexander Seton, Lord Fyvie, and D.L.D. for Dame Liliass Drummond, his wife (see No. 1).

#### Nos. 5 and 6. *Old Deer Churchyard.*

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<sup>805</sup> Cheyne (1931), *Author's Preface*.

No. 5 is a very broken and obliterated slab shewing a fesse: in chief, a mullet : in base, apparently a hand appaumée. Inscribed , C.C. 1603. This is stated to be the shield of Charles Crawford of the Annochie branch, cadets of the Crawfords of Fedderat.

No. 6 is still more obliterated but bears a similar date and initials, presumably those of the same Charles Crawford.

No. 7. *Old Deer Churchyard.*

A buckle between 3 boars' heads, within an embattled border ( Ferguson ), impaling a cross moline ( Deans ). Crest : a hand issuing from a cloud and holding a broken spear. No date. To commemorate James Ferguson of Kinmundy and his first wife, Elizabeth Deans. This James Ferguson purchased in 1723 the estates of Kinmundy, which still remain in his family. He married secondly Margaret Irvine of Aramford and died in 1777.

No. 8. *Old Deer churchyard.*

A cross potent, square pierced, with initials M.A.S., and an almost illegible inscription, testifying to the virtues of Magister Abraham Sibbald, the second minister of Old Deer, who was entered in 1586. He was of the family of Sibbald of Keir in the Mearns. The same initials with the Sibbald arms are to be found in Longside Church (No. 13).

No. 9. *Old Deer Churchyard.*

Built into the wall of the old church is a coat-of-arms shewing a chief paly of six : in dexter base, a heart : and in sinister base a crescent. Initials, A.K. and C (?) K. Dated 1603, with two quaint effigies of the owners of the initials . Above is an obliterated inscription to Andreas Keith, who died in 1603. This is the only sculptured example I have found of the Keith arms shewing their more ancient bearing of 6 pales, 3 pallets on a chief being the usual later form. The legend of their origin is well known, how that one Robert, a chieftain of the Catti (from whom the Keiths), at the Battle of Panbride in 1006 saved the life of Malcolm II. by slaying the Danish king Camus, in recognition of which act Malcolm drew three fingers, dipped in the blood of the slaughtered king, down the shield of the aforesaid Robert. The Keith arms at Bruxie House , dated 1598 (No. 18) , also display a heart and crescent, whilst James Keith of Bruxie, in 1718 , bears a heart (No. 15 ); probably, therefore, this Andrew Keith was one of the Bruxie branch . The Keith of Tilligone also display a man's heart in base.

No. 10. *Old Deer Churchyard.*

Also built into the wall of the church are the Keith arms with 3 pallets and an inscription without date to George, Earl Marischal, Lord Keith and Altrie , and patron ( of Deer). This would commemorate the Earl who founded Marischal, College, Aberdeen , in 1593.

No. 11. *Longside Churchyard.*

3 bears' heads (Forbes ), impaling a chevron between 3 crozses patées (Barclay) . Crest: a crescent. Motto : "Spero".

The Forbes arms are here charged with a crescent for a difference. Nisbett quotes this difference to have been borne by Forbes of Savoch, near by, a cadet of Tolquhoun, The wife's arms are charged with a bear's or boar's head for a difference, and she may have been a Barclay of Towie.



No. 12. *Longside Old Church.*

Dated 1620. This is stated by Jervise in his " Epitaphs and Inscriptions " to be the Keith and Cheyne arms quartered , but the arms in the 2nd and 3rd quarters, though hard to interpret, are certainly not those of Cheyne. They appear to be men's hearts, ensigned with crowns.

No. 13. *Longside Old Church.*

A square stone displaying a cross potent square pierced, with the initials A.S. , perhaps a record of the same Abraham Sibbald, minister of Old Deer, noted in No. 8..

No. 14. *Longside Old Church.*

The Bruce Arms, a chief and saltire , with the initials G.B.. Stated by Jervise to bear the date 1620.

No. 15.

Let into the bridge over the stream near the Abbey of Deer are the Keith arms charged with a heart, and inscribed I.K. and E.R., 1718. Below is an inscription to James Keith of Bruxie,<sup>806</sup> who erected the bridge. I am unable to trace the name of his wife, E.R.<sup>807</sup>

No. 16. *At the House of Faichfield* {NGR: NK 065466}.<sup>808</sup>

A stag's head cabossed, and on a chief a cross crosslet fitchée between 2 spur revels. Motto : " Patientia et gratia vinco." These are the arms of the family of Thomson, who acquired Faichfield after the Frasers, cadets of Muchil. [These arms were above a moulded doorpiece . A new manor house was built here c.1700 on, or near, the site of the original.]<sup>809</sup>

No. 17. *New Deer Churchyard.*

On the upper shield, 3 boars' heads couped, with initials and name of David Gordon, 1595 : on the lower ( presumably for his wife ), a lion rampant and initials I. M. Perhaps a Gordon of Barak, near by, whose wife, from her arms, was probably a Mowatt. The slab is ornamented with a fleur-de -lis and a catherine wheel, and bears the exhortation " Sver nocht" (Swear not) .

No. 18. *Bruxie Farm.*<sup>810</sup>

In the wall of a barn is a slab bearing the Keith arms charged with a heart and a crescent in base ( see Nos. 9 and 15 ) . Inscribed G. K. , 1596. The stone is ornamented with 2 crescents but is broken away at the top.

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<sup>806</sup> The lands of Bruxie lie either side of the South Ugie Water {NGR: NJ 94548\_}.

<sup>807</sup> Possibly Isabel Rutherford. [The E.R. might, in fact, be I.R.]

<sup>808</sup> Faichfield House was demolished July/ August 1969. <https://canmore.org.uk/site/77093/faichfield-house>

<sup>809</sup> <https://online.aberdeenshire.gov.uk/smrpub/master/detail.aspx?Authority=ASH&refno=NK04NE0020>

<sup>810</sup> *Mains of Bruxie* farm is at {NGR: NJ 950484}.



Nos. 19 and 20.

In a bridge near Cruden Bay Station<sup>811</sup> are two shields, each dated 1697. One is that of Bishop Drummond, erector of the bridge, and bears the Drummond arms ( 3 bars wavy) , impaling on the dexter side the now effaced arms of his see : the shield is surmounted by a mitre and the whole is placed over two pastoral staves in saltire. It is inscribed B.I.D. for Bishop James Drummond, Presbyter of Muthil , who, in 1685 , was preferred to the See of Brechin , of which he was the last bishop. He died in 1695 and was buried in Cruden Church . The second shield bears the 3 inescutcheons of the Hays, surmounted by an earl's coronet and inscribed E.I.E. for John, 11<sup>th</sup> Earl of Erroll.

No. 21.

This wooden panel , now in the possession of Ferguson of Pitfour, is in excellent preservation , and was found in the ruins of Inverugie Castle. It bears the arms of Keith, impaling the Douglas arms, which are - quarterly : 1st and 4th, a man's heart ensigned with an imperial crown, and on a chief 3 mullets (Douglas): 2nd and 3rd , a chief and issuant there from, 3 piles , the 1<sup>st</sup> and 3<sup>rd</sup> charged with a mullet (Douglas of Dalkeith ). It bears the date 1660 with the initials E.W.M. for William , 7th Earl Marischal, and A.C.M. for his second wife Anne Douglas, Countess Marischal, a daughter of Robert Earl of Morton. Earl William died in 1661 without male issue, leaving four daughters by his first wife Elizabeth, daughter of George, Earl of Winton. He was succeeded by his brother George as 8th Earl Marischal.

Nos. 22 and 23.

The first of these, dated 1616, is to be seen on the wall of a house on Keith Inch , Peterhead, and the second, dated 1606, on a house facing the North Harbour. They each show a lion rampant on a curiously shaped shield , one bearing the initials A.G. and the other E.G. The family arms of Gray are a lion rampant within an engrailed border, and from the shape of the two shields It is probable that the engrailed border is here intended and that they are records of the Gray family, who owned property in Peterhead . The initials E.D. on No. 22 are perhaps for Elspeth Duncan, who married into the Gray family about that time.

No. 24.

In the back wall of a cottage near Inverugie Castle is a further record of William , Earl Marischal, and Anne, Countess Marischal, dated 1666 and inscribed E.W.M. and C.A.M. (see No. 21 ).

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<sup>811</sup> This bridge, for obvious reasons, is known as the Bishop's Bridge. {NGR: NK 072367}. The old parish church is situated about 150m. to the south-west of the bridge. In 2014, after repeated damage being caused to the bridge when one of the shields was struck into the river, Aberdeenshire Council proposed to institute a permanent Prohibition of Vehicular Traffic Order that would limit traffic over the bridge to pedestrian, solo motorcycle and cycle traffic. The Bridge is currently a listed building. The Council's action was precipitated not in and outburst of altruism in order to protect a Scheduled Monument, but rather because the costs of repair were becoming significant! [Bishop's Bridge Report.]

No. 25.

On the Salmon House near the Mouth of the River Ugie are the Keith arms, dated 1585, with the initials G.K. The Salmon House is stated to have been built by George, 5th Earl Marischal, about this date.

No. 26.

In the possession of Mr Blake, New Pitsligo, is a wooden panel shewing within a border, on a fence a hawk's head erased: in chief, 3 mullets, and in base, a boar passant. Motto: "My Trust." Initials, G.B.

This coat of arms is evidently a relic of the Baird family, but differs from that of Baird of Auchmedden, which does not show shew the fesse or the hawk's head.

No. 27.

Built into the wall of Ellon Church are the arms of William Forbes of Tolquhoun -- quarterly 1st and 4th, a bear's head muzzled (Forbes): 2nd and 3rd, an unicorn's head couped (Preston): impaling the arms of his wife Jean Ramsay, viz. ..: an eagle displayed and in chief 3 mullets. MOTTO: "*Salus per Christum vive ut vivas.*"

William Forbes of Tolquhoun acquired the lands of Waterton from Bannerman of Elswick about 1633. He married Jean Ramsay, daughter to the Laird of Balmain, and an inscription shews their son, John Forbes of Waterton, to have erected this monument to their memory when building the Waterton Aisle of Ellon Church in 1637, which was rebuilt in 1755 by their great grandson Thomas Forbes of Waterton and his wife Margaret, daughter of Montgomery of Asloas, who sold the lands of Waterton to the Earl of Aberdeen about 1770.

Nos. 28 and 30. *Ellon Churchyard.*

The Annands of Auchterellon also had an aisle in Ellon Church and a memorial of the family remains on part of the old church wall. In the centre (No. 28) is a very ornamental representation of the Annand Arms, viz.: a chief and saltire in the collar point 3 spots of ermine and in the flanks and base point a mascle. Supporters, 2 pegasi. Crest: a demi-falcon(?) displayed. Motto: "Sperabo." Inscribed, *D.D.A. obiit 1326*. On the left of this are the Annand arms, impaling those of Fraser of Philorth (see No. 47), but much obliterated, with an inscription to Alexander Annand of Auchterellon, who died on July 9th, 1601, and his wife Margaret Fraser, daughter of Philorth, who died in 1602. On the right (No. 30) are the arms of Alexander Annand of Auchterellon, son of the above Alexander, died ..... (no date), impaling those of his wife Margaret Cheyne, daughter of Esslemont, died ..... (no date). The Cheyne arms shew: quarterly 1st and 4th, a bend between 6 crosslets fitchées (Cheyne): 2nd and 3rd, 3 laurel leaves sprigged (Marshall). This stone bears the initials A.A. and M.C. and the motto "*Mors Christi vita rostra.*"

The Annands appear in Auchterellon about 1500 and were probably descended from the Angus family of that name. The whole monument was apparently erected by the last named Alexander before his death and that of his wife, for the dates of their decease are left blank, and the family of Udny was in Auchterellon by 1626. The Dominus D.A., to whose memory the central monument was erected, was probably the founder of the family and in all likelihood the progenitor of Dominus David de Annandia de Mylis, who occurs in 1359 and 1380.

No. 29. *Ellon Tolbooth (Chapel House).*

3 boars' heads erased and, on an inescutcheon, a galley : the whole placed over 2 keys in saltire. Crest : a blackberry spray. Motto : “ *Veniunt fœlicius uvæ* . The slab is further ornamented with 2 keys in saltire and a blackberry spray. This appears to be a memorial of the family of Kennedy of Kermuck, hereditary Constables of Aberdeen, to which office the crossed keys are in allusion .

No. 31. *Aberdour Churchyard.*

A martlet disclosed and in chief 3 quatrefoils(?). Initials, I.Q. and an inscription to “Hone Quhyt in Ardlahill,” who died in 1590.

This is the tombstone of John Whyte, tenant in Ardlahill, to George Baird of Auchmedden. In an action for removing, brought against him by Baird, John Whyte and his predecessors are stated to have been “kindly possessors“ of these lands for 1000 years. John Whyte also held the lands of Cowburtie from Fraser of Philorth.

Nos. 32 and 33. *Aberdour Churchyard.*

These are records of Mr George Clerk, minister of Aberdour, and of his two wives. No. 32 shews for Clerk a *fesse chequée*, in chief a crescent between 2 mullets and in base a boar's head: it impales the 3 bears' heads of the Forbes. This slab bears the initials M.F. and shews the resting place of the first wife Magdalen Forbes, probably of Pitnycalder, as they were elders in the parish at the time : she is shewn in the inscription to have died in 1629. No. 33 displays the Clerk arms as above, impaling for Ogstone 2 lions rampant in chief and 3 lozenges in base, This bears the initials M.G.C. for Magister George Clerk, and I.O . for Jean Ogstone, his second wife, and the inscription states him to have been entered as parson of Aberdour in 1614, and to have died in 1644. The Session Records shew Jean Ogstone to have been of the family of Auchmaleddie, near Strichen : she survived her husband .

No. 34. *Aberdour Churchyard.*

In chief 3 mullets : in base a boar passant. Initials , G.B. and an inscription to " George Bairde de Auchmennen,” who died in 1593, in his 76<sup>th</sup> year.

No. 35. *Aberdour Churchyard.*

In chief, a double-headed eagle : in base, 3 leisters (pitchforks). Initials, M.W.R. and an inscription to Magister William Ramsay, who was entered as parson of Aberdour in 1651 and died in 1690. Other ministers of the same surname are found in Aberdour in the latter half of the preceding century.

No. 36. *Aberdour Churchyard.*

A slab, dated 1659, shewing two shields, one bearing the Baird arms (a boar passant), supported by an eagle displayed, with the initials I.B. The second shield displays the quartered arms of Ogilvy, viz. : 1st and 4th, a lion passant guardant (crowned ?) : 2nd and 3rd , 3 crescents. Initials, C.O. These initials and arms refer to James Baird of Auchmedden and to his wife Christian Ogilvy, daughter to William Ogilvy of Boyne. An inscription shews the monument to have been erected by him to his forbears, whose bodies are there interred, viz. : Andrew, George, Gilbert and George, who died in 1543, 1593, 1620, and 1642, and to his mother Ann Fraser, daughter of Lord Saltoun, and to his grandmother Elizabeth, daughter of Keith of Troup. The erector of this monument was High Sheriff of Banffshire, and was knighted by Charles II. The Bairs held Auchmedden from 1534 till 1750, when it was sold to Lord Haddo by

William Baird, who joined in the rebellion of 1735. The property has since come into the hands of the Bairds of Gartsherrie.

No. 37. *Turriff Churchyard.*

This slab displays the shield of Mr Walter Hay (3 inescutcheons and charged with a mullet) and that of his wife, S. Innes (3 mullets), with the inscription "Tumulus clari viri M. Valteri Hay qui obiit XX. Augusti 1589."

No. 38. *Turriff Churchyard.*

This monument bears an inscription to the immortal names of the distinguished Mr John Forbes of Gask, who died October 15th, 1653, and Isabel Urquhart his spouse, who predeceased her husband August 5th, 1647 : and likewise of Christian Dalgarno, a pious woman, wife of Patrick Forbes, Laird of Craigfintrie, who, on May 1st, 1661, erected this stone although his honourable ancestors are interred elsewhere among the original Forbes in the Church of Kerne."

Three shields are shewn : that on the left under the initials I.F. and I.W. shew the arms of John Forbes of Gask (3 bear's heads couped muzzled, charged with amulet for a difference), impaling the arms of his wife Isabel Urquhart (3 boars' heads erased). In the centre, under his initials, is the shield of Patrick Forbes of Craigfintrie charged with a dagger for a difference. The third shield shews on the dexter side the impaled arms of Dalgarno (a *fesse chequée* between 3 boars' heads erased) under the initials C.D. for Christian Dalgarno, wife of Patrick Forbes and widow of the Laird of Culter. On the sinister side of her shield is impaled a mullet between 2 ladders and in chief 2 mullets, under the initials B.I.

Patrick Forbes probably acquired Craigfintrie through his mother, as it was Urquhart property until 1654.

No.



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## Maps.

Aberdeen Harbour — Plan and Sections of Proposed Alteration of Part of Slope of Left Bank of River Dee at Midchingle Salmon Fishings near the Wellington Suspension Bridge.

1875. <https://maps.nls.uk/view/216443214>

## Databases.

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## Software.

A number of the coats of arms illustrated in this paper have been created by the author using "[Coat of Arms Maker](#)"

This is an excellent and easy-to-use resource.

