

Fundamental Charter of Stonehaven, 12 April 1624

[line 5]... At Fetteresso the Twelt day of Appryll the/

yeir of god Jajvic¹ twentie [and] foure years It is appoyntit agreeit [and] finally Ended Betwix ane Noble [and] potent Earll William Earl Marishall Lord Keith² one the ane pairt/

and the hail p[er]sons Inhabitants posessors of their tenements of Lands underwr[it]tin In Stonhave[n] p[er]ticularly efter mentioned viz Robert Keith Mr John Keith Georg Keith/

Alex[ande]r Keith William Ogilwie John Grag William Ramsay John Lowrie James Clerk David [and] James Massons Gilbert Nickelson Gilbert Kilgour John Kelly Andro Hunter/

James Ffindlo James Smith Gilbert Maison Georg Keith Alex[ande]r Webster Georg Richie Georg Anderson John Brigford Mr William Reid for Sara Leipers land Arch[ibald]

Wood Thomas Brigford John Gray John [and] Arch[ibald] Corsirs John Webster alias Thomson David Walker Alias Anderson W[illia]m Walker Alex[ande]r Marre Alex[ande]r Duckett David Mathis[on]/

Andro Kerre Gilbert Barcklay for Stephen Fforbes tenement one the w[the]r pairt In maner subsequēt That is to say ffor sameikell as the s[ai]ds Noble Earll ffor/

the sowmes of muneie to be wnderins[er]dett binds [and] oblisses ³him his airs [and] successors to dewly [and] lawfully Infeft the p[er]sons and ilk ane ⁴of them abownamed ther airs [and]/

assignes whatsomever heritable unredimable to be halden few of himself [and] his fors[ai]ds⁵ in all [and] hail thes tenements⁶ in Stonehave[n] howsses yards [and] p[er]tinents⁷ therof/

[.....⁸] them [and] to be Mett⁹ [and] designed in maner folowing Wiz every tenement to be Mett [and] Measured be two famus¹⁰ men be Ruids¹¹ as¹² they occupie estiming¹³/

¹ A corruption of Roman numerals – this should read as imvic (i.e. 1600) but handwriting became careless due to the increased speed of writing, and so this ‘misspelling’ perpetuated itself until it became the correct form. See www.ScottishHandwriting.com for more information on this aspect of dates.

² William Keith, 7th Earl Marischal

³ Obliges

⁴ Every one

⁵ The Inhabitants listed above are allowed to hold land by the permission of the Earl Marischal under a system called feu tenure, by which they pay a regular duty and give service to the Earl in return for use of the land.

⁶ A piece of occupied land that has been built upon

⁷ Something that belongs to or is connected with a piece of property

⁸ Text obscured in original version

⁹ Measured

¹⁰ Reputable

¹¹ Rods – a unit of measurement. 1 rod = 6.22 yards or about 570cm

every six Ruids of Lenth [and] three of breidth to be ane hundreth Merks¹⁴ feiu ffor payment yearly of six shillings eight penies feiu deuity att two termes yearlie/

alenarlie¹⁵ and every ane pro rato¹⁶ conform to the tenements as shall be Mett [and] designed [and] equivalent to the qwantity [and] measur therass ¹⁷as said is q[ui]lk p[er]sons/

and inhabitants that shall happen be be feiwars in the s[ai]ds towne in all tyme coming shall haw properly belonging only to the s[ai]ds feiwars [and] feiws therof the/

comonty¹⁸ [and] priuiledges efter mentioned Wiz in comonty of pasturag of all [and] haill the brays¹⁹ of stonehave as wind [and] weather shears²⁰ betwixt the common way that/

passes one the west end therof to Montross Estw[ar]t to the brig of Dunie w[i]t[h] Comonty of casting sew[er]ell feall [and] diffot [and] pastorag ²¹of all [an] haill the muir called the/

Smidie muir as shall be marched [and] meithed²² [and] w[i]t[h] moss leaw²³ to the haill Inhabitants yearly furth²⁴ of the Moss of Cowie ay [and] swa²⁵ long as the s[ai]ds Noble Earle/

[and] his fors[ai]ds ther right [and] possesione of the s[ai]d Moss shall subsist [and] susteine be lave²⁶ [and] w[the]rvays²⁷ ay [and] whill it be evicted²⁸ from them allenerly as lykways for upholding off/

of the common weall²⁹ of the s[ai]d towne of building bridges [and] calsows³⁰ the s[ai]ds Noble Lord for himself [and] his fors[ai]ds hes disponed³¹ [and] be their p[rese]nt[s] disponed w[i]t[h]/

¹² That

¹³ Estimating

¹⁴ Merk – unit of currency. 1merk = 13 shillings 4 pence Scots

¹⁵ Only, solely

¹⁶ Porportionally

¹⁷ This appears to be an assessment, wherby the land is to be parcelled into sections of equal value (in this case 100 merks), for which a standard feu duty (6 shillings 8 pence annually per parcel) is to be paid proportionally by the inhabitants of the parcels (e.g. 2 separate inhabitants in a parcel would pay 3 shillings 4 pence).

¹⁸ Common rights

¹⁹ Hills or hillsides

²⁰ Divides

²¹ Common right to dig turfs, thin turfs, and parts of pasture ground

²² Fixed and marked as a boundary

²³ Leave

²⁴ Beyond the limits of

²⁵ Always and so long as

²⁶ Law

²⁷ Otherwise

²⁸ Obtained or recovered by a legal process or right

²⁹ The good or welfare of the community

³⁰ Causeways

³¹ i.e. the Earl Marischal has ordered matters

In favore of the s[ai]ds Inhabitants to be employed as said is the haill land customs³² w[i]t[h] the s[ai]d towne [and] priviledges therof in all tym coming [and] ffor/

collecting Ingathering therof [and] furthering off all comone weals requisit [and] doing Justice for that effect to all p[er]sons having entress³³ It is speceallie/

condeshended that the s[ai]ds Noble Earll his bealzies³⁴ ane or mor w[i]t[h] ane nautrall³⁵ way chosen amongst the s[ai]ds Inhabitants who shall do it for them as conjunct³⁶/

beilye shall in ane woyce pronounce [and] give out sentence in all actions civil conferring the comone weill and w[i]t[h] liberty the s[ai]ds Inhabitants to mak choyse/

of the s[ai]ds balzies yearly termly or quarterly as they shall think ex[p]edient [and] the haill amesiments³⁷ to be employed to the common weills fors[ai]d alenarly [and] the/

[.....³⁸] hav speciallie inse[r]tt in the s[ai]ds dispositione of the s[ai]d tenements to be expedd³⁹ thereupon to haw liberty of selling of wyn aill bere/

[and] w[the]r comone merchandize [and] with speciall feiwes particularly designed abowsp[ecf]eit alenarly [and] the samen chartore to be expedd [and] done befor the feast of/

Witsonday⁴⁰ nixt to come [and] the fors[ai]d Inhabitants to enter to ther prior possesione of the s[ai]ds tenements respective priviledges [and] comonties fors[ai]ds In maner/

abowexpress for the q[ui]lk tenements [and] w[the]rs to be possest be them the s[ai]ds inhabitants [and] ilk ane of them pro rato for ther owne parts [and] occupations as they shall be/

Infeft they bind [and] oblisse them ther airs exe[cutor]s [and] assignes to pay at the s[ai]ds feast of Witsonday nixt [and] the haill sowms of grassume⁴¹ of the s[ai]ds taks⁴² equivalent/

³² The land duties for the town are to be employed for the benefit of the town, e.g. for building bridges and causeways

³³ a payment due for right of entry to land. In this case “all persons [subject to the Earl Marischal’s feu duties]”

³⁴ Bailies – the Baron’s deputies in a Burgh of Barony. Can also be municipal officers.

³⁵ Neutral

³⁶ Together

³⁷ Amercements, fines

³⁸ Unclear – obscured by the fold. Could possibly be “s[ai]ds Inhabitants to”

³⁹ To be completed and issued

⁴⁰ Whitsunday – 15 May

⁴¹ Grassum - sum of money paid or promised by a tenant to his landlord at the grant or renewal of his lease or by a feuar to his superior at the grant of the feu-right, in addition to the periodical rent or feu-duty stipulated for in the grant

⁴² Tak - A lease granting tenancy of land or property, the right to carry out some function, etc

to the feiwes being mett [and] paying for ilk six Ruid in lenth [and] three of bredth ane hundreth merks for provisione in cass of felzie in payment therof thankfull⁴³/

the s[ai]ds haill Inhabitants [and] ilk ane of them pro rato at the term presisely abow designed in that Caus the p[er]sons felziand⁴⁴ to haw renuned [and] overgiven⁴⁵/

and be thir p[rese]nts renunes [and] overgives the s[ai]d tenement fors[ai]d howss bigins⁴⁶ [and] haill p[er]tinents And priviledges belonging therto In favors of the s[ai]ds Noble earl/

[and] his fors[ai]ds in all tym coming efter the s[ai]ds falzie to be disponit be thim at ther pleasur in all tym ther efter renuncing all remead⁴⁷ of Law In the/

Contrar⁴⁸ [and] notw[i]t[h]standing of the Clause of bel[ze]rlie form [and] maner of Justice [and] determination abowsp[ecif]et the s[ai]ds haill parties in ane woyce have conde/

shended [and] be thir specilie agreis [and] condeshends that ther shall be only two belzies the s[ai]d town yearly to be presented be the Inhabitants to the s[ai]d Noble earl/

they being only burgess⁴⁹ of the s[ai]d burgh⁵⁰ [and] only elected [and] chosen be the s[ai]ds Noble earl for the spac of ane year [and] fra year to year in all tym coming w[i]t[h] whos/

election no Judg nor Judges shall have office in maner fors[ai]ds [and] being elected shall hav pow[e]r to choise ther members and hold courts [and] decern anent⁵¹ ther owne/

civill [and] comone effairs in maner abowsp[ecif]eit alenerlie [and] belzes to be admittit be the s[ai]d Noble earl shall be allways burgess Inhabitants [and] Residents/

w[i]t[h]in the s[ai]d towne during ther s[ai]d office attover⁵² the s[ai]ds feiwes shall be all vays astricted⁵³ at every ane of ther air or airs Entress or Succesor to ther/

feiwereis to pay the s[ai]ds Nobl earl [and] his fors[ai]ds ane Resnoble for ilk tenement abowdesigned [and] shall be astricted in bodily service to the s[ai]ds Noble earl/

⁴³ “in case of failure of satisfactory payment thereof”

⁴⁴ Failing

⁴⁵ Relinquished

⁴⁶ Biggings - buildings

⁴⁷ Page: 4

“Remeid” - redress for a grievance through appropriate legal channels

⁴⁸ In opposition to

⁴⁹ Burgess – a citizen or freeman of a burgh

⁵⁰ Burgh

⁵¹ About

⁵² Moreover

⁵³ Legally bound

[and] his fors[ai]ds [and] to loaden [and] loss⁵⁴ his howshold stufe plininshing⁵⁵
[and] furnishing his houss when it shall be transported fra or to the s[ai]d port
In all tym/

coming [and] shall pay taxations as occurs [and] heirto both the s[ai]ds parties
binds and oblisses them [and] ther fors[ai]ds in maner abow writin [and] for the
mair security they ar content [and] consents thir p[rese]nts be Ins[e]rt [and]
reg[ist]ratt In the books of Counsell [and] session or Shireff court books of
Kincarden to have/

the Strenth of ane decreit w[i]t[h] ex[ecutori]ells of horning [and] punding [and]
warding all to pass on ane simple charg of six days alenarlie [and] to that
effect constituts/

John Wishart [and] James Auchenleck _____⁵⁶ thir p[rese]nts
promittin derato in witness q[uhai]rof they hav subscrivet⁵⁷ thir p[rese]nts
written be Patrick Austien/

Nottar with ther hands as folows day year [and] pleace fors[ai]d befor thir
wittness S[i]r Robert Arbuthnet feuire of that ilk Mr W[illia]m Reid in Cowe⁵⁸ Mr
James/

Wood S[e]rvitor to the s[ai]d Noble Earll Normand Arbuthnet S[e]rvitor to the
s[ai]d S[i]r Robert John Wishart [and] the s[ai]ds Patrick Austaine Nottars Sic
Sub[scribitu]r⁵⁹/

Marshall Mr W[illia]m Reid w[i]t[h] my hand Mr John Keith James Clerk w[i]t[h]
my hand John Kelly w[i]t[h] my hand W[illia]m Ramsay w[i]t[h] my hand John
Lowry Alex[ande]r Keith Georg Keith/

Extract of the S[he]reff Court books of the s[ai]ds S[he]reffdome be me Clerk
subscrivand/

⁵⁴ Carry and transport the lords luggage to and from the port

⁵⁵ Plenishing – goods, gear, effects etc.

⁵⁶ Actual gap in original

⁵⁷ Signed

⁵⁸ Cowie

⁵⁹ Thus underwritten