

*In Pownall
from P.S. 1914*

NOTES AND TRADITIONS
CONCERNING
THE FAMILY OF SPALDING



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NOTES AND TRADITIONS "CONCERNING THE FAMILY OF SPALDING



ILLUSTRATED WITH FOUR PLATES

The Tower, Ashintully Castle

The Tower, Ashintully Castle

LIVERPOOL
HENRY YOUNG & SONS

1914

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1914

TO THE MEMORY
OF
CHARLES FERGUSSON OF NAIRN,
WITHOUT WHOSE KINDLY INTEREST AND HELP THESE
NOTES HAD NEVER BEEN COLLECTED, THIS
BOOK IS GRATEFULLY INSCRIBED
BY
F. J. S. AND M. S.

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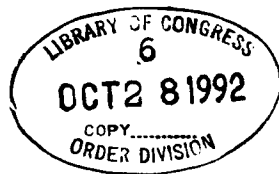
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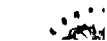
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NOTES AND TRADITIONS

CONCERNING

THE FAMILY OF SPALDING

THE first Spalding, of the name, from Spalda in Flanders, came to England at the time of the Norman Conquest: possibly in the train of Mathilda of Flanders, wife of William I. He received a grant of lands at Berwick-on-Tweed.

Dates and References.

According to an old tradition a Spalding took part in a crusade under Richard Cœur de Lion, and there was made noble.

Dorst's Schlesiſcher Adel.

In 1225 Radulpus de Spalding is a witness to a deed relating to the Mill of Caterline.

"In the wall of the churchyard of Caterline is a fragment of an old armorial, which I believe to be a Spalding one. . . . Near Caterline is yet to-day a place called Spalding's Stables (in the adjoining parish of Fern) and Spalding's Loan on the road between Shandford and Balquhara."

Letter from E. Wolff of Bromberg, 14/5/08.

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Register of
Sasines,
Forfar.

In 1292 Sir Osbert de Spaldingtone was appointed Justice in Scotland.

In 1296 the same Sir Osbert was appointed Sheriff of Berwick-on-Tweed.

*History of
Berwick,*
J. Scott,
pp. 20, 24.

In 1290 Osbert de Spaldington was detained in Scotland twenty-two days hearing complaints in the Courts there, and received for his work £1, 18s. 1d.

In 1296 Edward I ordered Osbert de Spaldington to have in readiness in the East Coast of England, from Tyne to Tweed, a fleet of 100 vessels, well-manned, and ready to co-operate with his land forces.

1296.

Symon de Spalding, parson of the church of Ochiltree, in Ayrshire, payed homage to King Edward I of England, at Berwick-on-Tweed. His brother, John Spalding, was rector of Ochiltree, Ayrshire.

1304.

Sir John de Spalding was canon of the Cathedral Church of Elgin.

1311.
Register of
Sasines,
Forfar.

Richard Spalding named "Esq^r" at Berwick. Peter de Spalding mentioned as "Esquire among the men at arms."

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"Among scions of notable families who held leases from the Abbey were members of the house of Spalding." Register of Coupar Abbey, vol. ii, 24-25.

In *The Chronicles of England, Scotlande, and Ireland*, by Raphael Holinshed, London, 1577. Holinshed's Chronicle. 1318. First edition, vol. i. page 321, line 26, — year 1325.

"After this, Thomas Randol, Earle of Murrey, the second day of Aprill recovered the towne of Berwicke out of the Englishe men's handes, whiche they had held for the space of twentye years before. It was taken now by practise, through means of one Spaldeyn, who for his labour had certain landes given him in Angus, which his posteritie enioyeth unto these dayes."

In the second edition of Holinshed, London, 1587, vol. ii. page 221, line 73, and page 222 and following, the name is spelled "Spaldein" and the date is given as 1318, the year of the birth of Robert Stewart, son of Marjorie Bruce and Walter Steward.

"King Robert the Bruce determined to proceed with the siege of Berwick, a town which, as the Key to England, was fortified in the strongest" Tytler's History of Scotland, vol. i, p. 133.

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manner. Fortunately for the Scots, King Edward had committed its defence to a Governor whose severity, and strict adherence to discipline, had disgusted some of the Burgesses: and one of these, named Spalding, who had married a Scotch-woman, was seduced from his allegiance. He determined, on the night when it was his turn to take his part in the watch rounds, to assist the enemy in an escalade. This intelligence he communicated to the Marshall and he carried the news direct to Bruce himself, who was not slow in taking advantage of it. Douglas and Randolph, along with March, were commanded to assemble with a chosen body of men at Dun's Park in the evening, and at night, having left their horses at the rendezvous, marched to Berwick, and by the assistance of Spalding, fixed their ladders, scaled the walls, and took the Town."

From *The Border History of England and Scotland, &c.*, by the late George Ridpath, Minister of Stitchill, revised and published by the author's brother, Philip Ridpath, Minister of Hutton, London, 1776.

"In the following March, 1318, a commission

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from the King of England was given to eight persons, at the head of whom were the Archbishop of York, and Gilbert de Umphrville, Earl of Angus, to enter into a treaty with Commissioners from the King of Scotland, for confirming the truth ordained by the authority of the Pope and the Apostolic See. It is affirmed in the Papal Bull of excommunication afterwards emitted against Robert Brus, and in the letters of the King of England to the Pope, that this appointment of Commissioners was made at the request of Robert Brus, and that the place agreed on for this meeting was Berwick, circumstances by which Robert's enemies sought to support their charge against him of treachery, as well as the most flagrant contempt of the Papal authority manifested in his taking Berwick not many days after the commission just mentioned was given."

(Note that the Pope's Bull affirms that the place was taken the more easy by reason of its being treacherously assaulted at a time when the King could not suspect that it was in the least hazard. The same Bull says that the Scots committed a great and cruel slaughter both on the King's gar-

Sketches of Strathardie, C. Fergusson.



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ri-son and the inhabitants, and Edward, in his letter to the Pope and Cardinals in 1325, still insists that the Scots treacherously seized Berwick at a time when he, in obedience to the Holy Father, was strictly keeping the truce enjoined on him.)

The English writers relate that Berwick was betrayed to Robert Brus by the governor, Peter Spalding, for a sum of money. But Barbour, the rhyming historian of Brus's achievements, relates the event in a different manner.

C. Fergusson. (Note, Barbour says that all Scotland was then subject to Robert Brus, from the Red Swyre to Orkney, except Berwick.

"Fra the Red Swyre unto Orkney
Was nought of Scotland fra his fay
Out-taken Berwick, it alone.")

According to his (Barbour's) account, Peter Spalding, a burgess of Berwick, who was married to a cousin of Sir Robert Keith, Marshall of Scotland, entertaining a violent resentment against the governor of the town for the malignity and cruelty he showed to all Scotchmen, formed a project of betraying the place to the Scots. With this view he proposed to the Marshall that, on a night when

it was his (Spalding's) turn to keep watch on the wall adjacent to Cowgate, a sufficient body of Scots should enter it on that quarter by means of scaling ladders. The Marshall, having informed the King of the proposal, measures were concerted for carrying it into execution; and the chief captains, Randolph and Douglas, were ordered, with sufficient bodies of their followers, to repair on the evening prefixed to a place called Duncie Park where the Marshall and his men joined them. (Note, the Marshall's men were the best of Lothian, of which county he was sheriff.) Having left their horses a considerable distance from the town, they advanced to the appointed place of the walls, and entered the town unperceived by any but their friend Spalding, who conducted them to a place where they remained concealed till daylight. The lust of booty made many of the Scots scatter through the town, and too much weakened the force that remained with their leaders, which occasioned sharp conflicts with some parties of the garrison that were able to unite: but the assailants at last everywhere prevailed and were completely masters of the town about noon.

*Sketches of
Strathardle,
C. Fergusson.*

In reward for this service we find, in *The History of the Carnegies, Earls of Southesk*, page 482, that Spalding received from King Robert the Bruce, on 1st May 1319, in exchange for his lands and tenements at Berwick, the lands of Ballourthy and Petmethy in Forfarshire, together with the Keepership of the Royal Forest of Kilgerry.

Charter of King Robert Bruce to Peter Spalding of the lands of Ballowthy and Petmethy, with office of Keeper of the King's forest of Kilgerry. 1st May, 1319.

“Robertus Dei Gratia Rex Scotorum omnibus probis hominibus toe instenae suae salutem : sciatis non dedisse, concessisse et hac presenti carta nostra confirmasse Petro de Spalding, dilecto et fideli nostro pro homagio et revoicio, suo, in escambuim omnium terrarum, tenementorum et reddituum in burgo Berwici super Twedum per nos alias sidem concessorum, omnes terras de Ballourthy et Petmethy cum pertinenciis in vicicomitatis de Forfare, una cum custodia forestiae nostrae de Kilgerry et foggaggio ejusdem salvis nobis et haredibus nostris veridi et venatione ita quod dicta forestra nostra

bene custodiatur, et quod non habeatur supra reliqui cursores nisi justiciarii nostri tantum ; tenedas et habendas dictas terras una camcustodia dictae forestae nostrae de Kylgerry et forragio ejusdem ut pudictum est eidem Petro et herendibus suis de nobis heridibus nostris in feodo et hereditate, per omnes rectas metas et divisas dictarum terrum cum-pertinenciis, libre quiete, plenarie et honorifice, cum bondis earundem terrarum et omnibus aliis libertatibus commoditatibus, aisiamenis, et pertinenciis suis : Faciendo inde nobis et heredibus nostris pudictus terris cum pertinenciis debitum et consuetum. In cujus rei testimonium presenti castae nostrae sigillum ; nostrum precipimus appororis testibus Bernodo, abbate de Aberbrothoe, cancellario nostris Scociae, Thoma Ranulphi, comite moraviae et dominus Manniae et Vallis tunandiae nepote nostro Rarissimo, Jacobodomino de Douglas, Alexandro Fraser, Gilberto de Haid, cometatarario nostro, et Roberto de Keth, mareschallo nostro militibus, apud Aberbrothoe primo die Mayi anno regni nostro quarto decimo.”

King Robert Bruce gave Peter de Spalding, after the taking of Berwick, a flag with a gate upon it

*Sketches of
Strathardle,
C. Fergusson.*

having a portcullis half raised, and the motto "Nobile Servitium," together with the estates in Forfarshire.

This was their first footing in the North. Hardyng, in his *Chronicle*, page 308, tells us "that Spalding, after betraying the town, went into Scotland, and was afterward slain by the Scots." His name was Peter de Spalding, and I do not find any other mention of his "being slain by the Scots," though it is exceedingly likely, as most of his race died a violent death. In 1397 his son was slain by Sir Alexander Moray of Abercairney, who, as we read in the *Scottish Nation*, vol. ii. page 205, "had the misfortune to be concerned in the slaughter of one Spalding, and was obliged to plead the privilege of Clan Macduff, as being within the ninth degree of consanguinity to the noble family of Fife, and the privilege was granted to him."

Law of Clan Macduff.

"When the revolution was accomplished, in which Macbeth was dethroned and slain, Malcolm, sensible of the high services of the Thane of Fife,

*Minstreisy
of the Scot-
tish Border,
Sir Walter
Scott, vol. iv,
p. 266.*

is said, by our historians, to have promised to grant him the first three requests he should make. Macduff accordingly demanded, and obtained, first, that he and his successors, Lords of Fife, should place the crown on the King's head at his coronation; secondly, that they should lead the vanguard of the army, whenever the royal banner was displayed, and lastly, this privilege of clan Macduff, whereby any person, being related to Macduff within the ninth degree, and having committed homicide in *chaude melle* (without premeditation) should, upon flying to Macduff's Cross, and paying a certain fine, obtain remission of their guilt. . . . The reader is presented with an old document, in which the law of clan Macduff is pleaded on behalf of one of the ancestors of Moray of Abercairney; transcribed from an original deed, in the hands of the late Mr. Cuming, of the Herald Office, Edinburgh, by Messrs. Brown & Gibb, librarians to the Faculty of Advocates. The blanks are occasioned by some parts of the deed having been obliterated.

"In nomine domini, amen. Per presens publicum instrumentum cunctis pateat evidenter quod anno ejusdem domini mo.cco. nonagesimo primo, indic-

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tione quinta decima Pontificatus sanctissimi in Christo Patris, ac domini nostri Clementis divina providentia Papæ septimi anno quarto decimo, mensis Decembris die septimo. In mei notarii publici et testium subscriptorum presentia personaliter constitutus nobilis et potens vir Dominus Alexander de Moravia, miles, cum prolocutoribus suis, Domino Bernardo de Howden, milite, et Johanne de Logie, vocatus per rotulos indictamentorum super interfectione *Willielmi de Spalden* coram Justiciariis; viz. Johanne de Drummond milite, Mauricio de Drummond. Filium Willielmi in judicio sedentibus apud Foulis et potestatus erat, quod ex quo semel pro interfectione dicti hominis antea fuit per indictamentum . . . judicio vocatus et replegiatus ad legem de clan Macduff, per Dominum Robertum Comitem de Fyfe non tenebatur coram quocunque alio . . . de dicta interfectione judicari, quousque dicta lex de clan Macduff suo intermerata privilegio de ipso ut prædicitur ad ipsam legem . . . atto. Petens ipsum legaliter deliberari, et per ipsos vel eorum indictamentis sic indebite ulterius non vexari. Quiquidem judicis . . . nolle dictum Dominum Alexandrum deli-

berarie si ipsum bene vellent respectuare eousque quod dominus de Brochepen justiciarius capitalis . . . dicta actione ordinaverunt . . . quod sibi et suo concilio expedientius videretur, quiquidem Dominus Alexander et sui prolocutores eorum petitione et prestatione et predictorum judicum responsione, petierunt a me notario publico infra scripto præsentium . . . acta fuerent hæc apud Foulis, in itinere justiciario ibidem tento anno mense die et pontificatu prescriptis per nobiles et discretis viris Dominus Mauricio Archidiacono Dumblan, Willielmo de Grame, Vinfrido de Cunyngham, David de . . . Militibus, Moritio de Drummond, Waltero de Drummond, Walter de Moravia, Scutiferis, testibus ad præmissa vocatis specialiter et rogatis.

“Et ego Johannes Symonis Clericus Dunkelensis publicus imperial. notarius prædicti Domini Alexandri comparatione ipsius petitione et protestatione desuper justiciariorum responsione omnibusque aliis et singulis dum sic ut priusquam . . . et agerentur una cum pronominatis testibus presens interfui eaque sic fieri vidi . . . et in hanc formam publicam, redigi manuque mea propria scripsi

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requisitus et roga . . . om omnium premissorum siguo meo consueto signavi."

1342. Richard de Spalding was collector of the royal Customs of Dundee in 1342. He was appointed receiver of the King's revenues from 1372-1379.

1400. Richard de Spalding had a charter of confirmation (which means that the original charter had been granted long before) from Prince David, the unfortunate Duke of Rothesay, eldest son of King Robert III of the lands of Lumblathen and Craigaw in Fifeshire.

Scottish Nation,
p. 493.

1398. William Spalding is mentioned in the Burgh record of Aberdeen in 1398, and Patrick Spalding was Dean of Aberdeen soon afterwards.

1400.
Index of
Charters,
149.

In 1400 King Robert III gave James Spalding a charter of the lands of Fermell and Fornachty in Forfarshire.

1426-1456. In 1456 David Spalding sat in the Parliament of Scotland for the Burgh of Dundee; he was collector of Dundee, 1426-1454, and made a pilgrimage to Rome, 1453.

1460-1469. From 1460-1469 David Spalding was one of

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the customars of Dundee, and rendered accounts of the revenue thereof to the King's Exchequer.

*Exchequer
Rolls.*

The King, James III, confirms a charter granted by David Spalding, burgess of Dundee, and Isabella, his spouse, to the monastery of Lundores, of their land in the market-gate of Dundee, and an annual rent of thirty shillings out of a toft of the Abbot of Aberbrothok, lying between the vennel called Spalding's Wynd, and the land of the late Thomas Leis. Dated at Dundee, July 6, 1471. Confirmed, February 22, 1476-1477.

1471-1477.
*Register
Mag. Sig.*

John Spalding, Dean of Brechin, 1456-1484 possessed Craigaw. The King, James III, calls him his "Councillor, Confessor, and Master of his Chapel" when asking the Pope to make him Bishop of Dunkeld.

*Spaldings in
Germany.*

Coupar Abbey granted part of lands of Kirk Glenisla to Alexander Spalding of Petrago in 1467.

Alexander Spalding of Auchinarry, in Forfarshire, is named in the rental book as receiving in lease the Kirk of Glenisla, 1467. He died 1471.

In 1499 Thomas Spalding was Provost of Dundee.

"In the Rent Roll of Coupar Abbey, 1467-1560, C. Fergusson.

I find that, from the above tacks in 1467 to the Reformation, when the abbey was demolished, the Abbots let lands to about forty different Spaldings about Coupar, Glenisla, Strathardle, &c. All these must have been men of substance and good means, as the rules given in *The Register of Cupar Abbey*, 2 vols., are exceedingly strict as to choosing only first-class tenants."

1530.
Small's
Family Tree. In the family tree of the Smalls of Dirnanean, it is recorded that, in 1530, Small of Dirnanean was married to Annabel, lawful daughter of Spalding of Ashintully. His name is believed to have been Andrew Spalding.

The first mention of the estate of Ashintully in any deed is believed to be the following:—

2. VIII. 1590. "A Lien at the instance of George Wishart, nearest and lawful heir to the deceased George Wishart, brother german of the deceased John Wishart of that Ilk, against James Lindsay and Andrew Spalding of Ashintully for registration of a bond by the said Andrew Spalding of Ashintullie to the pursuer for 300 merks secured in an annual rent out of his lands of Assindallie dated 22. V. 1572, cautioners to which were the said James

Lindsay and James Spalding, burgesses of Dundee, and John Spalding of Drumilun."

William Spalding sat in Parliament for the burgh of Dundee, and in 1584 represented Forfar.

The Strathardle and Glenshee Fergusons, with Spalding of Ashintully, and Rattray of Dalrulzion, became so lawless and powerful that though the Queen had given the Earl of Athole the commission to be chief judge of Strathardle, yet even that powerful nobleman was quite powerless to quell them and restore order with his own followers, so Queen Mary had to issue a proclamation to the Sheriffs of Perth and Forfar, Strathearn and Menteith, to raise all men within their bounds between the ages of sixteen and sixty, "to be reddey to pass with the Earl of Athole to suppress the mony hershippis, slaughteris, and depredationis committit in Athole and Strathardle."

This was a year of war and want in Strathardle, bad harvest, very severe winter and spring, and great war between the Earls of Athole and Argyle. The Strathardle men, being very bitter against Argyle, joined Athole in great force, and so fierce did the war rage that the Regent Morton had to

1543.
1584.
1565.
Sketches of
Strathardle,
C. Fergusson.
Records of
the Privy
Council,
vol. i, p. 383.

1576.
C. Fergusson,
Sketches of
Strathardle,
Part IV.

issue an order to stop hostilities.—*Privy Council Records*, Appendix, vol. ii. p. 533.

1577.
*Sketches of
Strathardle,*
C. Fergusson.

From the almost continual wars, raids, forays, and slaughter, which we have seen taking place in Strathardle for many years back, we would have thought that the Strathardle men would have had enough fighting; but no, their martial spirit was so strong that, not content with all the hard fighting at home in Scotland, they must needs go abroad for more. So we find in this year Captain David Spalding of Ashintully raising a body of Strathardle Highlanders to go to Flanders to fight for the King of Spain, who had granted a colonel's commission to the chief of the Spaldings on condition that he recruited a regiment amongst his clan and countrymen, "certane cumpanyis of futemen," and he was to choose his own officers. Spalding had to apply to the Regent Lennox and the Privy Council for a licence to raise these men for foreign service. It was granted, and the Privy Council passed a special Act authorising Ashintully to: "Stryke drummis, display ensigns, and lift and collect the saidis companyis of futemen and to depart to the wars of Flanders." So successful was Spalding in recruit-

ing that he very soon raised his full complement of officers and men, and many a brave, strapping Strathardle lad left for Flanders that never returned. The Act of licence to Spalding is preserved in the *Records of the Privy Council*, vol. ii. pages 641 and 736, and is as follows:—

"Holyrood House, October 10th 1577. Act anent the departing of the men of war to Flanderis anent the supplication presented to my Lord Regent's Grace, and Lords of Secret Counsale by Captain David Spalding. That quhair thair is certain commissions laitlie brocht in this realme in name of the King of Spayne, and the Estates of his Low Countries appointand the said Captain David Spalding as Colunnel ower certane cumpanyis of futemen of this nation under his regiment to be levyed and transported to the said Low Countries for the service of the said Estaitts humlie desyring thairfor license to stryke drummis, display hand-enseignes, and lift and collect the said companies of futemen, and at first commodite to transport them.

". . . The Regent's Grace therefore with advice of the Lords of the Secrete Counsale grants and

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gives license to the said Captain David Spalding and the Captains elected and chosen by him under his regiment to stryke drummis, display enseignes and lift and collect the saidis companyis of futemen at the first commodite to transport thame at their pleasour."

1583.
C. Fergusson.

Going to the war in Flanders, in 1577, with his Strathardle lads, proved a paying venture to Colonel Spalding, who, out of the pay and plunder got there, built Ashintully Castle, on the plan of the neighbouring ancient Castle of Morcloich, on Whitefield. Above the door is the date 1583, surmounted by a shield bearing the Spalding Arms impaling Wemyss.

The blazon of the Ashintully shield reads: *Dexter*, a two-handed sword, or possibly a cross crosslet fitché in pale point downwards, charged on the guard with three crescents.

W. Balfour
Paul,
Lyon Office,
Edinburgh.

Sinister, quarterly, 1st and 4th, or, a lion rampant gules; 2nd and 3rd, argent, a lion rampant sable.

Above the shield are the words, "The Lord defend this Hous"; and the initials "A. S." are carved on either side of the shield.

The Ashintully Shield

In this year the Scots Parliament passed an important Act for the quieting of the Highlands and Islands. To this Act is appended: "A roll of the names of the landlordis and baillies of landis in the Hielands and Iles, quhair broken men hes dult and presentlie duellis 1587." There is also another roll added to this Act: "The roll of the clannis in the Hielandis and Iles, that has capitanes, cheiffis, and chiftanes quhome on they depend, oft tymes agains the willis of thair landis lordis, and of sum speciale personis of branchis of the saidis clannis, 1587." There are four Strathardle Clans named in this black list:— "Clandonoquhy in Athoill, and pairtis adjacent" —the Robertsons of Struan and Straloch; then in Glenshee we have three clans named: "The Clan McThomas or McCombies, the Fergussonis, and the Spaldingis."

These clans kept Glenshee in a very disturbed state. Spalding of Ashintully since building the new castle had become very turbulent and ruled with a high hand, so much so that we read that the Baron Ruadh of Straloch had to go to church on Sundays with a piper playing and a large body

of armed men to "prevent or quell tumults occasioned by Rattray of Dalrulzean and Spalding of Ashintully."

1590.
C. Fergusson. In an Act of Caution for good behaviour of this year, I find Sir John Murray of Tullybardine becoming surety in 1000 merks each for the following Strathardle lairds:—"Johnne Robertson of Straloch alias Barroun Reid; Andro Spalding of Aschintully; Walter Robertson of Downy; Walter Leslie of Morecloich; Johnne Rattray of Dalrulyan; Alaster Stewart of Cultalories; James Wemyss at Mylne of Werie; and Barroun Fergusson."

1598.
Historic Scenes in Perthshire,
Dr. Marshall. In November 1598 a band of nearly thirty persons, among whom were Sir James Stewart of Auchmadies, Patrick Butter of Gormack, and Patrick Blair of Ardblair besieged the Place of Ashintully and took Andro Spalding, the laird, their prisoner. When delated for this outrage before the Court, His Majesty's Advocate produced the Royal Warrant for postponing the trial for a month. John, Earl of Athole, became cautioner for the appearance of Auchmadies and others of the culprits. On the day fixed for the trial only five of the accused appeared. For the

non-appearance of those of them for whom he had made himself surety, Athole was "unlawit," the fine exacted from him being a hundred merks for each of them. "Lykeas the saidis persones principallis wer adjudgeit to be denouneit rebellis, and put to the horne, and all their movabill guidis escheit, as fugitives."

Pitcaim's Criminal Trials,
vol. ii, p. 63.

At this time the feud between the Robertsons of Straloch and the Spaldings of Ashintully was at its height, and so great was the slaughtering and plundering that the Privy Council had to interfere, and by an Act of Caution, dated Edinburgh, February 17, 1590, John Robertson of Straloch became surety for £500 for his three leaders—John M'Concill, alias Duncanson in Larig; John Adamson (MacAdie or Fergusson), younger in Larig; and John Reid, alias Fleming in Minoch, not to harm Andro Spalding of Ashintullie or David Spalding.

Privy Council Records,
vol. v, p. 714.

And on March 10 Henry Balfour, procurator, registered at Edinburgh a bond by James Wemyss of Weriemyln for Andrew Spalding not to harm John Robertson of Straloch, John Robertson his son, John Fleming in Minoch, John M'Intoshe in Lair,

and John Adamson there; whilst Spalding himself gave a bond to the same effect, in 300 merks each, for Edwin Cunnyson, Ronald Malcolm, Donald M'Wattie, — Gillandreis, and John Mitchell — all in Ashintullie; John M'Indewar in Dallwoid; Patrick Grant, John M'Allane, Andrew Spalding, Donald M'Condoquy, and John M'Cairtney—in Dalhaugan; and John M'Coneill Grassick, in Spittal, not to hurt John Robertson or his men.

C. Fergusson. The Spaldings were always such a wild, restless race, and were so often in trouble, that it was found necessary here, as usual, to lay a double fine on Spalding, and it will always be noticed that in all cases of caution or fines, however lightly the other Strathardle lairds got off, the Spaldings always got extra heavy penalties.

1601. Of all the wild and warlike race of Spaldings, the then chief Andrew, and his son David, were the most noted. They were never out of trouble, and for many years, about this time, there were several cases both for and against them at every meeting of the Privy Council, and there are scores of Acts of caution binding them to keep the peace, to which they paid no heed whatever.

In this year they were before the Privy Council many times, especially for a raid they made on the lands of Catgibban, but they got off for want of proof.

But of all the raids of this stirring period the ^{1602.} most unfortunate for Strathardle took place on August 4th of this year, when Alexander M'Ranald of Gargavach, the tenth chief of the M'Donnells of Keppoch, with 200 men, consisting of the M'Donnells of Keppoch and Glengarry, the Mackintoshes, and the Macgregors of Glenstrae, made a raid on Glenisla, Glenshee, and Strathardle, slew many of the people, plundered and burnt their houses, and carried off 2700 cattle and 100 horses.

After Alastair and his Lochaber men had harried Glenisla, they journeyed west through Glenkilry and Strathardle with their plunder, driving the cattle and horses before them. The Glenisla men had sent word of the raid, and asked the assistance of the Strathardle people, so the fiery cross was sent round, and a party of Strathardle men under the Baron Ruadh of Straloch, and Spalding of Ashintully, attacked the Lochaber men near En-

nochdhu, where a fierce and bloody battle took place. The Baron Ruadh, a wise and prudent soldier, seeing the enemy in such force, was following them up in the rear, waiting till all his people should have time to gather; but Spalding of Ashintullie, always hasty and headstrong, coming up with a few men at once began the battle, so to save him the Baron had to join in also, but, though they fought with desperate valour, the Strathardle men were so few in numbers that they got badly cut up before the main body of their men could gather. There were sixteen gentlemen of the district slain in this attack, besides a great many men, as we are told in the *Privy Council Records*. "They slew the nowmber of sextene special gentlemen of the countrie, hurtit and wounded to the deid a grite nowmer of uthir persons." But the Strathardle men began to gather in force from all directions, and fought so bravely that Keppoch soon saw that he would have to retreat and leave all his spoil. "And because they could nocht guidlie get the said guidis caryit away with thame, they maist barbarouslie and crewellie hochit, slew, and gorrit the maist

part of the said cattel to the great hurt and prejudice of the common weal." At last the Lochaber men were totally defeated with great slaughter, and fled up Glenfernate, pursued to the marches of Badenoch by the enraged Strathardle men. The following complaint was laid before the Privy Council by the Strathardle lairds on December 16, 1602.

"Complaint by John Robertson of Straloch, Andrew Spalding of Ashintullie, Lauchlan Farquharson of Bruchdearg, John Rattray of Dalrylane, Walter Rattray of Borland, Colin Campbell in Glenisla, Archibald Campbell of Persie, John Ogilvie of French, and the other good subjects in Strathardle and Glenshee, as follows :

*Privy Council
Records,
vol. vi, p. 500.*

"Upon 4th August last, Alexander M'Randal of Gargavach, Donald and Ranald M'Ranald, his brothers, John Dow M'Ranald, Allane and Angus M'Ranald, his sons, Allester M'Eane M'Innes, John, Angus, Donald and Ranald his sons, with others to the number of 200 persons, all theives and sorners of the Clan Chattan and Clan Gregor, and all Donald M'Angus of Glengarry's men, armed with bows, habershons, hagbutts and pis-

tolets, came to Glenyla, and there reft all the goods within the said bounds, consisting of 2700 nolt, 100 horses and mares, with the plenishing of the country, whereupon the 'affray being rissen in the country' the complainers, in obedience to the laws and acts of Parliament anent rising at affrays, and following of theives 'convient thamsellfs togidder, sa mony as they could mak on a suddene, and followed the said theives and lymmers of purpose and intention to have relewit the geir, and to have apprehendit and presentit the offendours to justice. And so many of the said complainers as were convenient for the time having enterit with the said theives, they maist crewellie and unmercifullie set upon the said complainers, slew the nowmer of fyftene or sextene special gentlemen of the country, hurtit and wounded to the deid a grite nowmer of uthir personis, and because they could not guidlie get the said guidis caryit away with thame, they most barbarouslie and crewellie hochit, slew and gorrit the maist pairt of the said guidis to the gret hurt and prejudice of the common weal."

C. Fergusson. Now, George, Marquis of Huntley, and Lachlan

MacIntosh of Dunauchtane ought to enter the defenders because they are their men and dwell upon their lands. Charge had been given to the Marquis to appear himself, and enter the said men, as also the said Donald M'Angus of Glengarry, and to Allastair M'Gregor of Glenstrae to appear and answer, and now Andrew Spalding of Ashintullie appearing for himself and the other pursuers, but none of the defenders appearing, and the said malefactors not having been entered, the order is to denounce Huntley, Glengarry and Glenstrae as rebels. The letters of horning are, however, to be suspended to Candlemas next, that the King and Council "may yet understand quhat diligence the said Marquis will do" in the entry of the said Allester by that time towards the redress of the complainers.

Still another raid on Strathardle, as Andrew Spalding of Ashintullie lodges a complaint with the Privy Council, on February 8th, against John, Earl of Montrose, whose men had raided his lands of Ashintullie. Andrew Spalding of Ashintullie and his son David are, as usual, tied down by several Acts of Caution this year not to harm their

1603.
C. Fergusson.

neighbours. About this time Duncan Campbell of Glenlyon made a sudden raid on Glenshee and the Braes of Ardle, when some desperate fighting took place. The Campbells, being a very strong party, got off with the spoil by slipping quickly up Glenderby and Strathtay into the Breadalbane country, before the Strathardle men, who were mostly all away at a great wedding at the lower end of the Strath, could be gathered to pursue them. Spalding of Ashintullie complained to the King, and the Captain of the Guard "was orderit to hae Duncan Campbell, apparent of Glenlyon, and his associates apprahendit for stealing frae William M'Nicoll in Little Fortere, 70 head of oxen and kye out of Rowenry in Glensche, and 44 oxen grazing in Glen Tirrie belonging to Spalding of Ashintullie."

1606.
Sketches of
Strathardle,
C. Fergusson.

The Spaldings of Ashintullie being at feud with Chalmers of Drumlochry they assaulted him in his place of Cloquhat, and did a lot of damage there. Drumlochry complained to the Privy Council, and the Spaldings were ordered to appear, but of course did not, so on March 20, the Council decreed: "That A. Spalding and others being

persewed be Drumlochrie for oppressioun and not compeirand, decret is given against thame, and they are ordainit to be chargit—be oppin proclamation at the Mercut Croce of Perth, because they are brokin hielandmen, to enter in wardie within XV days under paine of rebellion." As usual they paid no heed to the terrors of the law. As this was the golden age of cattle-lifting in Athole, when everyone either "lifted" or "was lifted," it is only natural that some men would come to the front in this, as it was then reckoned, honourable profession. Strathardle's foremost thief who flourished at this time was the famous Fain Dhu MacSheoc—John Dhu MacJokie or Spalding, in Bleaton, who is described in the *Privy Council Records* as "Johnne Dow M'Jokie alias Spalding, a notorious thief."

*Records of
the Privy
Council,
vol. viii,
p. 274.*

It was this MacSheoc or MacJokie, "the son of Little John," that first originated the well-known Strathardle proverb:—"Mur biodh mu 'n phoit ach Mac Sheoc's an liadh"—"If there were none about the pot but MacJokie and the ladle." The origin of this proverb was at a grand feast given by the chief of the Spaldings at his Castle of Ashintully, to

which not only were Spaldings invited, but also the Baron Ruadh, Small of Dirnanean, Rattray of Dalrulzion, and all the other great men of the Strath. After the dinner was over, MacJokie, who had been away on some of his cattle-lifting expeditions, arrived on the scene, and the chief of Ashintullie, with whom he was a great favourite, at once proceeded to get him some food, and offered him his choice of all left on the table. MacJokie, looking round, espied a large pot sitting beside the great hall fire, containing some warm broth, which he at once lifted on to a side table, and, getting hold of a large silver ladle, he proceeded to help himself therewith out of the pot. Ashintullie also brought him a huge sirloin of beef, and, as he did not see a carving-knife about, he drew his own richly mounted silver dirk, and laying it beside the beef, told MacJokie to help himself when ready, and passed on to attend to his other guests. Now it so happened that a very near relation of Ashintullie's, who had long coveted his beautiful dirk, happened to come that way, and seeing the dirk there, and, as all the other guests were otherwise engaged, and MacJokie exceedingly busy with his ladle and his

head deep down in the big pot, could not resist the temptation ; so he quietly lifted the dirk and slipped it into the folds of his plaid. Ashintullie, coming round soon after, missed the dirk and asked MacJokie for it, who truly told him he knew nothing about it. The hot and hasty chief did not believe this, and at once got in a towering passion and accused MacJokie of stealing his dirk, and it very likely would have ended, in his usual way of settling these matters, by ordering MacJokie to be hanged, had not Small of Dirnanean, a very shrewd, observant gentleman, who had seen the whole performance from a quiet corner, stepped forward, and laying his hand on Ashintullie's shoulder, said : "Mur biodh mu'n phoit ach MacSheoc's an liadh" — "If there were none about the pot but MacJokie and the ladle." Then he gave the guilty man a long steady look which made him look very guilty and confused, and Ashintullie, at once guessing how matters stood, finished the sentence by adding : "cha robh mo Chiodag air chall" — "then my dirk had not been lost." Not wishing to bring public disgrace on his own family he turned away and ordered his piper to strike up a Highland reel,

and, very curiously, when the dance was ended, the dirk was found stuck upright in the sirloin of beef, and after that all was mirth and fun.

Ever since that night, when one loses anything and does not like publicly to accuse their neighbour, they use the careful, canny expression of the old Laird of Dirnanean—"If there were none about the pot but MacJokie and the ladle"—and, like him, they leave the rest unsaid.

1607. Andrew Spalding of Ashintully died November 30, 1607. He was born about 1545, succeeded his father David in 1583, and probably completed the building of Ashintully Castle, as his initials, A. S., are carved on each side of the coat-of-arms over the principal doorway. Andrew married first Janet, third daughter of John, Baron Ried-Robertson of Straloch, and of his wife Marjory Robertson of Clunie. Janet's elder sisters married Farquharson of Invercauld and Rattray of Dalrulzean. By his first wife Andrew Spalding left one son, David, who succeeded him, a daughter Margaret, who married James Wemyss and left a son and daughter, and another daughter, name unknown, who married P. Stuart and left two children. Andrew Spalding

married for the second time Helen Whitelaw, who survived him. By her he had one daughter, Anabel, who married John Ogilvie of Milhaugh. The will of Andrew Spalding, made by him on October 29, 1607, is still preserved among the Edinburgh Testaments, vol. 45, and a copy of the same is given here. It was proved June 22, 1609.

*Testament Testamentar and Inventar of
Andro Spalding of Essintullie, 22nd June 1609.*

The Testament testar and Invetar of ye guido geir sowmes of moey and Dettis pteing to umqle Andro Spalding of essintillie whin ye pachin of Kirkmichael and Sgrefdome of pth ye tyme of his deceis Quha decessit upon ye last day of November ye yeir of god Jajojc 1607. & sevin yeirs Faylie maid & gevin up be fairly. himself opsoun ye XXIX day of October ye Yeir of God Jajojc & sevin yeirs foirsaid Befoir yir Witnessz Johnne Ogilwie of Mylnehauch, James Creiftoun sonne to umqle Capi- Crichton. tane David Creyttoun of Eisle craig, James

Weymis at ye Mylne of Werie & Rot. Croun
noter wt vy is divz.

(?) In ye first ye said umqle Andro Spalding of
Essintillie had ye guidis geir sowmes of moey and
dettis of ye awail and pces eft following pteing
to him ye tyme of his deceis foirsaid viz: Item
XX oxin by ye airschiipe pce of ye pece orheid
£400. XX¹ Swa llj^c 1^{te} Ite xvj ky yof nyne haif and cair
and sevin wt calf price of ye pece orheid xvj xij^s
oxen. iii^d Swa ii^c lxvj^{te} xij^s iij^d Item thrie quoyes and
thrie Stottis of thrie yeir auldis price of ye pece
orheid x^{te} Swa lx^{te} Ite mair thrie stottis & thrie
quoyis of tua zeir auldis price of ye pece orheid vj^{te}
swa xxxvj^{te} Ite ane gray meir wt ane foill in
essintillie price xl mkes. Ite ane brovn meir wt
ane foill price xl mkes. Ite ane black meir price
xx mkes. Item ane gray meir in glenfaivney price
Glenfer-
nate (?). xl mkes. Item ane soir meir pce xl mkes. Item
ane blak meir wt hir foill price xx^{te}. Item ane
hors staig y mirk gray price xx mkes. Item three
meir Staigis yr all gray price of ye pece orheid xx
Unbroken
horse. mkes Swa xl^{te} Item tua wark naigis pce of ye pece
xx^{te} Swa xl^{te} Item in ye barne & Barneyaird
xlvij bolls beir price of ye boll wt ye fodder iij^{te} vj^s

vij Swa ij^c viij^{te}. Item mair in ye barne and barne
yaird ten scoir ten bolls of small black aittis price of
ye boll wt ye fodder being small blak hieland aittis
xliij^s iij^d Swa iij^c L^{ib}. Item mair xliij auld scheipe
price of ye pece orheid xl^s Swa lxxxvij^{te} Ite in
utencilis & domicilis in his place of Essintillie be ye
airschiipe estimat to j^c mkes. Item gevin up by ye
exer. Ite in utencilis & domicilis wt ye abvilzemcts
of his bodie in his place of Myln hauch estimat to
fyve hundret mkes.

Abulziements
= furnishings.

Swma of ye Invetar ij^m j^c xlij^{te}.

Followis ye Dettis awin to ye Deid.

Item yr was awin to ye said umqle Andro Spalding
of essintillie be Alexr. Rotsone broy to barroun
reid j^e xx^{lo} Item be Lenward Robertsoun his broy
xl mkes. Item be Joh. Rattray of Dalrilliane lx^{te}.
Item be gawin Weymis for his maill 1606 x^{te}. Item
mair be him for his maill 1607 ten mkes. Ite be
War. Tailzier for his maill four mkes. Item be
Jon. Giffen for his maill in ano 1607 v^{te}. Item be
McAllesteris Wyff ten mkes. Item be Jon. Moir
wobst resten xxxij^s iij^d. Item be Johne bruce
fyve mkes. Item be Wa McInroy xxxij^s ij^d Item
be Johne Gow eldar xxxij^s iij^d Item be Jon.

Maill=rents.

Wobst=
weaver.

Cuneson,
probably
family of
Cuneson of
Edradone.

McCallum resten aught mkes. Item be Allest
Cwnesoun xij mkes. Item be Thomas Dow iiiij^{te}.
Item be Johne Glaschin xl^s Ite by Alexr.
McCome for his maill xx mkes. Item be Rot
Dow lxxxiiij mkes. Item be Johne Spalding
McAyvige j^c mkes Item be Alexr. Rattray for ane
bybill ten to — Item be Jon. Ogilwie of Mylne-
hauch xxiiij bolls victuall resten be ye space of fyve
yeiris extending to sex scoir bolls wictual price of
ye boll yeirlie orheid x mkes. Swa j^m ij^c mkis.
Item gevin up be ye Exe^r awin be Ronnald, flescher
at ye brigend of Jth lxxx mkes.

Swma of ye dettis awin to } j^m ii^c xvij^{te} vj^s 8^d.
ye deid

Swa of ye Invetar w ye } iij^m iij^c lix^{te} vj^s 8^d.
Dettis

Followis ye Dettis awin be ye Deid.

Item y was awin be ye said Umql^e Andro Spalding
of Essintillie to Alexr. Forrest in Aley^t iiiij^c mkes.
Item to James Croket in balharrie foir bolls beir
price xl mkes. Item to James Weymis of Werie
xlj mkes. Item to James Creyltoun xl mkes viij^s.
Item to John Ogilwie his sone in law xl mkes. Ite
to Andro Mumeter, John Spalding, John Bruce

Alyth.

John Spalding younber Johne Gokar & Alexr.
Dow ilk ane Servandis for y^t fies ten mks. Swa xl^{te}
Item to M^t Falick, Elspeth bisset and Issobell bruce, Margaret.
Jonet Millar, Jonet George, Issobel haillis servandis
ilk ane of ya for ane zeiris fie ten mkes Swa xl^{te}
Item to Neill Grant for corne & fodder xxxvj mkes.
Item to Jonet banff xx mkes. Item to Elspet Gray
xx^{te} Item to James Croket at ye mylne of balharrie
iij^c mkes. Item mair to Elspeth Gray ten mkes.
Item to Elspeth Skyner auch^{li}. Item to Ewffame
qtlaw xxiiij^{te}. Item to Ro^t butler ten mkes.

Swma of ye dettis awin be } vij^c lvij^{te} x vj^d.
ye deid

Restis of frie geir ye dettis } ij^m vj^c ij^{te} vs 4^d.
deducit

To be dividit in tua ptis } j^m iij^c i^{te} ijs vj^d.
deid p^t is

Q^r of ye quot¹ is composit for — — — xl mks.

Followis ye deidis Legacie & L^{re} Will.

Upoun ye xxix day of October ye Yeir of God
Jm. vj^c sevin yearis The q^{lk} day ye said Andro

Quotta
Componitar
xl mks.

Latter Will.

¹ The Quotta was the 20th part of movables (anciently computed without deduction of debts) to which the Bishop or commissar was entitled.

Spalding of Essintillie maid his Legacie & 1^{re} Will as eft followis viz :

Item ye said Andro Spalding knawing nathing mair certane nor Deith and mair une tane nor ye time he Smittis his saull to God almightie his bodie to be honestlie bureit in ye earth hopeing to be savit throw ye Dey^t & passioun of o^r Salvior Chryst and be yir pntis he noiates & constitutis helene Quhytlaw his spous and David Spalding his sone equal & alyke exer^s cindetlie & introrig w^t his haill guidis geir & dettis to intromit y^r wt use & dispone y^r upone and to pay and outred his dettis & legacies in ane amicabill forme as they will asy^r to God and procure his blissing and for avoyding of all questioun or contraversie y^t may happin to aryse or breid amagis yame or ony oy^r of his freindis he noiata Johne Ro^tsone of Strawchen, thomas fergusoun of balliezowcan & David Murray of Soilzerie orisme visitoris & Judges to Judge & dec^{ie} y^r into and ordane ye said David his sone atto^r all oy^rthingis to gif his cair to serve god and to keip amitie concord & friendschipe w^t his freindis and nybouris In sa far as he can or may And to follow ye advyse & counsall of ye saidis orisme^r and

nominates.

Executors
conjunctly
and intro-
mitters.

Struan.

overman.

beyond.

his on^r wyse freindis in all materis questionabill betuixt him and onie psone or psounes of onie man manner.
of wecht or Importance as he will procure his blessing and mair he ordaine Immediatl^{ie} eft his deceis ye said David his sone to en^t to ye law^{ll} poss^{er}.
sessioun of ye place and Mainz of Essintillie to labor & saw ye samy to his awin use and ye said samy=same.
helene his spous to ent to ye peciabill possessioun of West Inmuthe q^{lk} ye said David pntlie possess^t Ennoch (?).
to be laborit be hir to ye Dme of Witsunday Jm term.
vjc aucht yeiris at the q^{lk} terme of Witsunday sche salbe peciablie possessit w^t hir haill cjuvctfie lands conjunction.
and w^t y^e Myle of Spittell And y^e said David to haif ye proffeit of ye said mylne to ye said Dme notwithstanding it be hir cjuvctfie and na oy^r wayis. other.
Item he Levis in Legacie to James Weymis Dock^t Weymis
Anabill¹ four hundret mks and befoir ye ressait yrof appears to be
ye said James & his spous to gif sufficient acquit- a son-in-law
tances & dischargis of all patrimonie bairnes pt of of A. S.
geir Legacie or Dett y^t may be askit or cravit be yame y^r airis exer^s assgis of ye said Andro his airis

¹ Annabella was a common Ashintully family name. Andrew, the first Small of Dirnanean, temp. 1500, is said to have married Annabella, dau. of Ashintully.

oyis = grand-sons of Andrew Spalding.

or exers—To Patrick Stewart his tua sounes his oyis ane hundred betuixt yame. Item to kathrene Spalding his bastard Dockter gif sche use hirself honestlie be syt of freindis ane hundret mks. To Elspeth Spalding his sis^t xx mks. To Joⁿ Spalding his broder naturall xx^{li} Item xl mks in Leonard rotsoun his hand he levis xx yrof to Alexr. his broder and ye oy^r xx he dischargis himself. To Andro Spalding vyrvayis callit McKayvieve xx^{li} Johnne Spalding als moir xx mks. To Cristiane Murray ten mks To David Murray of Solzerie fiftie mks To Thomas fergusoun of ballezowcan fiftie mkis—Item to Joⁿ rotsone of Stralochie fiftie mks To Anabill Spalding his Dochter and Johnne Ogilwie hir spous j^c mks To George Spaldingis bairnes xx mks Andro & Colene and to W^a Spalding sone to George xx mks—and yis his testamet lre Will & legacie qlk Legacie he ordains to be tane furt of his tua pt of ye guids geir & dettis foirsaid In taiken qrof he hes sub^{int} y^e samy w^t his hand being written be ro^t brown not day yeir & place foirsaid Befoir yir witness above speit sic sub^r Andro Spalding of Essintullie Joⁿ Ogilwie Witnes James Cry^toun Witnes James Weymis

other.
otherwise.
alias.

Notary.
Specified.

Witnes—We Mrs. Joⁿ Avthor &c. and gevis and Smittis ye intromiss w^t ye samy to ye said David Spalding onlie ese^r testa^r acceptand ye said office upon him noiat be ye said umqle Andro Spalding his fader In respect ye said helene quhy & law y^e oy^r exer above noiat Is be or Decreit secludit fra all useing of ye said office Resgvand comp^t to be maid be him y^r of as accordis of ye law quha being sworne &c and David Kynmouth of Craighall Is becu cauten &c. as ane act beiris.

compt =
account.

become
Cautioner.

David Spalding succeeded his father, Andrew, as 1607.
Laird of Ashintully. In Gaelic he was called
“Daidh Dēas.” The word “Dēas,” as here used, C. Fergusson.
requires half-a-dozen English words to give the
full meaning—ever, or very, restless, ready, brave,
wise, &c. Dēas means south, and is a relic of
Druid sun-worship. Everything if south or sun-
wards was perfect.

At this time, and for three years after, we find 1609–1612.
David Spalding of Ashintullie once more in trouble
with the Privy Council for harbouring and resetting
Alexander Ruthven of Freeland, who, along with
the whole race of Ruthven, was outlawed by King

James for the Gowrie Conspiracy. Spalding had to appear four times before the Council—"for the allegit tressonable resetting, supplying and maintaining of Alex. Ruthven, His Majestie's declared tratour, within his dwelling places of Essintullie and Enoche." As there was no evidence against Spalding these trials were always adjourned, and at last were quietly dropped.

Pitcairn's
*Criminal
Trials*,
vol. iii, p. 72.

On January 10th of this year the lands of Ashintullie were erected into a free barony in favour of David Spalding, with many privileges, among which were, that he was to have the ancient free burgh of Barony of Kirkmichael, "of old erected," with the privilege of holding a weekly market there, to be held on the lands of Balnakille and Balnauld. Spalding also got the privilege of holding two yearly fairs on the same lands. One of these "ane yeerlie free ffair, on the penult day of Sept callit Michaelmas ffair," which was to last for five days, was the origin of the famous "Feill Mhicheil," Michaelmas market, which, for two hundred years, was the greatest market in all Scotland, where all the Highland drovers met their customers from the Lowlands, who came

1615.
*Sketches of
Strathardle*,
C. Fergusson.

there to buy cattle to carry into England or the South of Scotland.

As this Ashintullie Charter is a very interesting and valuable document, I may give the most of it here:—

"Hereby, our Sovereign Lord, with the advice and consent of the Lords Commissioner of the Treasurie—Gives, grants, and dispones, to the said David Spalding of Ashintullie, and airs male of his body, whilks failying to his airs male whatsomever, and their assigneys heretable and irredeemable all and haill the said David Spalding his third part of the Lands of Strathardell, comprehending the lands, and others particularly underwritten viz.—all and haill the Mains of Ashintully, towns and lands of Over and Nether Weries, with the mill, mill-lands, multures, and sequalls of the same. The town and lands of Spittal, with the mill thereof, mill-lands, multures, and sequalls of the same, with the crofts called the Chappell Crofts: the glen commonly called Glenbeg; town and lands of Cammis, of Tomyacharrow, of Dathnagane, of Soilyeries, over and Nether Tomenamowen, Tomphin and Ballach-

raggan. The lands of Pitviran, towns and lands of Easter Downie, of Balnald, of Balnakillie, of Glengenat (Glen Derby), of Dalreoch, of Wester and Middle Inverchroskie, of Kirktoune, commonly called Kirkhillock, alias Tomchlachan (Kirk-michael). With all and sundrie their towers, fortalices, manor-places, woods, fishings, annexis, connexis, dependances, tennents, tennendries, services of free tenants, pairts, pendicles, and universal pertinents whatsoever of the aforesaid third part of the saids lands of Strathardell, alswell not named as named within the Sherifffdom of Perth. With the privilege of ane yeerlie free ffair to be holden upon the ground of the said lands of Kirktown, commonly called Kirkhillock, or upon the said lands of Balnauld or Balnakille, the penult day of Sept. called Michaelmas ffair. And ane weeklie mercat together with the Burgh of Baronie of Kirktooun, vulgarly called Kirkhillock, alias Tomchlachan, of old erected, together also with the advocation, donation, and right of patronage of the Paroch Church and parochin of Kirkmichael, with the teinds, parsonage, and vicarage of the same, and which haill lands, Burgh of Baronie, patronage

and others above disponed, with the pertinents, are erected in one haill and free Baronie, to be called the Baronie of Ashintully, conform to this charter granted by us under our Great Seal in favour of David Spalding of Ashintully upon this date, 10th January 1^m VI^o and XV years." This charter was again ratified and confirmed in 1674, and again more fully in 1681, when more lands in Strathardle were added, with more privileges by James VII.

With the view of stopping the continual feuds and fightings in the Highlands, the Scots Parlia-
ment had passed an Act forbidding the carrying of firearms, to which Act, however, the clansmen paid no heed whatever, but went on with their raids and feuds as usual for some years, till the Privy Council at length resolved to prosecute any defaulters they could lay hands on for contravening this Act. So, as Strathardle lay just inside the Highland border, and as its leading men were in the constant habit of visiting the Lowlands, always, of course, fully armed, contrary to this new law, it was easy for the authorities to get proof against them. So we find in this year, 1618, the Council

1618.
*Sketches of
Strathardle,
C. Fergusson.*

*Records of
the Privy
Council.*

prosecuting the following worthies "for having for six years carried hagbuts and pistoles, against the law":—David Spalding of Ashintullie; Patrick M'Leith in Camis, Glenshee; Richard M'Endowie in the Spittal; George M'Eane Vc. Condoquhy and Allister M'Condoquhy in Cuithill; Allister M'Phatrick Vc. Comis in Stornloyne; Robert M'Intoshe in Dalvungie; William Spalding and Allister Anderson in Innedrie; William Ferquhair in Fayingang; Patrick Tairlachson in Laiz; John M'Intoshe alias M'Ritchie in Soilzerie; David Wemyss, son of James Wemyss, Mill of Werie; Allister Robertson of Downie; Robert Robertson Rioch in Cultulonie; John Neilson, son of John Dow Neilson in Dalnagarden; Duncan Robertson in Kirkmichael; Allister Robertson, son of Duncan Neilson, sometime in Mill of Inverchroskie; Alexander Robertson of Straloch; John M'Intoshe alias M'Eane in Dallcharnich; Allister Wilson in Craiginache; John Stewart, son of P. Stewart, Straloch; John Fleming, portioner, Wester Inverchroskie; and John D. . . . Wester Dalnabrick. All these were found guilty and fined. Spalding of Ashin-

tully, as usual, seems to have been the worst offender, as he was fined £40, while Robertson of Straloch and all the rest got off with a fine of only ten merks. After the preceding trial, the whole of these men were again summoned before the Privy Council, and they had to find caution, one for the other of them—"not to carry hagbuts or pistols, or to shoot fowl or venison." Here again the Council found it necessary to tie the redoubtable Spalding of Ashintully tighter than his neighbours, as Allister Robertson of Downie had to become cautioner for £500, while Allister himself, Straloch, and all the rest got off for £100.

*Records of
the Privy
Council,
vol. xi, p. 364.*

No sooner was the ever-restless David Spalding of Ashintully back from attending the meetings of the Privy Council in Edinburgh, and paying his fines, than he and his crony and cautioner, Allister Robertson of Downie, "sought pastures new" in the way of breaking the laws. No doubt, as the Privy Council had objected to their carrying hagbuts and pistols, and shooting either men, wildfowl or venison, they thought just for a little change this time to try some more peaceful occupation. So they shouldered their axes (and

*Sketches of
Strathardle,
C. Fergusson.*

no doubt took their hagbuts and pistols as well) and, calling their men, set off to the Braes of Mar, and began cutting down "certain great growing trees belonging to the Earl of Mar," in the great pine forests there. As they had neither bought the timber, nor asked the Earl's permission for it, this was of course against the law, so the Earl objected, and they had to appear once more before the Court, and we find it recorded:

Pitcairn's
*Criminal
Trials,*
vol. iii, p. 458.

"Nov. 18th, 1618. David Spalding of Essintullie and Alexander Robertson of Myddill Downie, dilaited of airt and pairt of the cutting down of certain grit growand treyis, and away-taking thereof furth of Johnne, Erle of Mar his Forrestis and woidis within the boundis of Braemar, Cromar, Strathdie and Glengairn. In respect of their compeirance offerit thame selffis to the tryall of the Law, as altogidder innocent thairoff, and protestit for thair cautioneris releif, and that thai sould nocht be trubillet or chargit for the said allegit crymes." They pleaded innocent, and as there was either not enough proof, or the Earl did not wish to press matters too far, the affair was allowed to drop.

The gypsies, or "Egyptians," as they were then

called, had become so numerous in Scotland about the beginning of the seventeenth century, and were so much given to thieving, robbery, and murder, that King James, in 1609, passed an Act of Parliament against them forbidding any of his subjects to "resset, supplie or entertain" any of them. All the district of Atholl, and especially Strathardle, had a full share of "lymmaris and vagabondis," and we now find Alexander Rattray of Dalrulzion and our old friend, David Spalding of Ashintullie, getting into trouble for harbouring them as follows:—"Complaint by the King's Advocate that the Act of Parliament of 28th June, 1609, forbidding any one to "ressett, supplie, or entertain ony of these vagabondis, thieves, sornaris, and lymmaris callit Egyptians, after the 1st day of August thairastir under pain of confiscatioun, had been contraved by David Spalding of Ashintully, Alexander Rattray of Dalrullion, Finlay M'Inroy in Moulin, and Thomas Arioche in Brae of Tullymet. By thir contempt of law thae saidis counterfoote thieves, sornaris, and vagabondis, are encourageitt to remain within this countrie agains the tenour of the saidis Act of Parliament and to continew in

*Sketches of
Strathardle,*
C. Fergusson.

*Records of
the Privy
Council,*
vol. xii, p. 562.

52 THE FAMILY OF SPALDING

their accustomat and wicket trade of thift, sorning, and abewsing of his Majestie's guid subjects." The Advocate appearing personally, as also David Spalding and Alexander Rattray, the Lords assoilze David Spalding; remit Alexander Rattray to be taken order with by the treasurers, and depute and order the other defenders to be denounced rebels. So Spalding once more got clear of the law, and still continued to harbour Egyptians, in whom he found valuable allies, as they were ever ready to engage in all the desperate enterprises in which he took part.

*Sketches of
Strathardle,
C. Fergusson.*

It was during this time, when David Spalding had so many cases before the Privy Council in Edinburgh, that he, in his hot-blooded haste and anger, slew his famous serving man—"Dàidh Crom"—Crooked Davie, so called from his being hunchbacked, a faithful clansman, and the fleetest runner ever known in all Atholl. In justice to Spalding I must say that he committed this foul deed under a misapprehension, and that he ever regretted it, and always declared that of all the men he had ever slain, Davie was the only one that he wished alive again.

NOTES AND TRADITIONS 53

Ashintully received a message from the Privy Council saying that unless certain papers were lodged in Edinburgh before sunset on such a day, he would be outlawed, and all his estates and goods confiscated. Now, owing to some delay, he only got the message late on the night before the appointed hour, so he at once got the papers, tied them up in a packet, and gave them to his fleet-footed retainer, Davie, telling him to start betimes in the morning, as he must deliver the packet in Edinburgh before sunset next evening. Now as Edinburgh is about seventy miles from Ashintully, even as the crow flies, by Perth and Queensferry, I am afraid most of the degenerate retainers of the present day would as soon undertake a journey to the proverbial Jericho as go such a distance on foot. Not so the light-footed Davie; he thought nothing of it; he had often done it before. But it so happened that there was to be a great feast and a dance at the Castle next night, and naturally such a lightfooted youth as Davie was very fond of dancing; and, besides, had he not a sweetheart there, a bonnie, comely lassie, who did not care though Davie's back was

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a little crooked, for she knew his heart was not. Davie thought of all this and a great deal more, but those were not the days when a clansman dare grumble or disobey the orders of his Chief, least of all such a haughty Chief as that of the Spaldings. So Davie Crom took the papers quietly, but instead of waiting till daylight, he at once slipped out of the castle gate and made a bee-line for Edinburgh, faster than ever he had done before, over hill and dale. He arrived there in good time, delivered his packet of papers, got another packet in return, at once set off on his return journey, and arrived at Ashintully late in the afternoon of the same day. As the laird was out hunting on the hills, Davie sought the great hall of the Castle where he had some food, after which he lay down, and stretched his tired limbs on the floor under the huge table, and was soon fast asleep. It so happened that Ashintully had had bad luck and poor sport that day and so returned to the Castle in a very surly mood, and upon entering the great hall the first thing he saw was crooked Davie curled up fast asleep under the table, among a lot of hounds, with a packet

NOTES AND TRADITIONS 55

of papers clasped in his hand. It at once struck him that Davie had never yet started for Edinburgh, and that the important papers, which were to have saved his estate, were still there, undelivered. So, blind with rage, he drew his dirk and plunged it in the heart of poor sleeping Davie. It was only when he lifted the blood-stained packet of papers, and saw it was the answer *back* from Edinburgh, which the fleet-footed messenger had brought him in such an incredibly short time, that Ashintully saw, when too late, his fatal mistake, and that his ever-ready dirk had sent poor Davie on the last long journey from which there is no return. There was no feasting nor mirth in the Castle that night, as all mourned for Davie, and even the proud Chief himself unbent so far as to admit that Davie, of all the men he had ever slain, was the only one he wished alive again. Aye, and I have heard old men tell that as long as there were Spaldings in Ashintully, before any of the family died, travellers between Ashintully and Kirkmichael were often startled by seeing a hunchbacked young Highlander with flowing tartans, and a packet of papers in his hand, flash

past them like lightning. It was the ghost of Crooked Davie bearing the summons of death to some one of the Spaldings of Ashintully.

*Records of
the Privy
Council,
vol. xii, p. 562.*

Edinburgh, 10th August 1621.—Caution by James Weymis of the Mill of Werie, that David Spalding of Eschintullie shall pay to Arch. Primrose, writer in Edinburgh, and Arch. Campbell, brother to Sir James Campbell of Lawers, commissioners appointed by the Lords of Council for uplifting of the fines imposed by the resettlers of the Clangrigour, and with the consent of Archibald, Earl of Argyll, donator of the fines, the sum of 2000 merks as the fine imposed upon the deceased Johnne Robertson of Straloch, for which the said Spalding became cautioner if found liable. With clause of releif.

(Signed) JAMES WEIMYSS, Cautioner.
“ David Spalding.”

*Records of
the Privy
Council,
vol. xii, p. 562.*

Edinburgh, 10th August, 1621.—Caution by David Spalding of Eschintullie for James Weymes of the Mill of Werie, that he will pay to the said Commission the fine of 1000 merks imposed upon

Thomas Fergusson of Belleyewcane for the resett of the Clangregour, for which he became caution if he be found liable. With clause of releif.

(Signed) DAVID SPALDING, Cautioner.
“ James Weimes.”

1629. At Holyrood. Charter to Andrew Spalding of Borland of lands mentioned above, which were resigned by the said David, and which the King of new erects into a free barony: reserving the life rent of the said David; to be held by the said Andrew and the heirs male of his body, whom failing David Spalding of Drumfork and the heirs male of his body, whom failing to revert to the said David Spalding of Ashintully and his heirs and assignees whomsoever.

1629.
Register of
Great Seal,
1393.

The King grants a remission to David Spalding of Ashintullie for resetting Alexander Ruthven, burghess of Perth, lawful son of Alexander Ruthven of Freeland, after he was convicted of treason.

1630.
Register of
Great Seal,
1548.

King Charles he confirms to David of Ashintullie the lands as in the Charter 1393, which the said David & Andrew Spalding of Boreland resigned, and the King ratifies the enjoyed erection

1631.
Register of
Great Seal,
1816.

of Kirktoon or Kirktulloch (Kirkmichael) into a burgh of barony, to be held by the said David & the lawful heirs male of his body, whom failing to the said Andrew Spalding and the heirs male lawful of his body, whom failing to David Spalding of Drumfork and the heirs male of his body, whom failing to the heirs male and assignees of the said David Spalding of Ashintullie whomsoever.

1640. Stodart's Scottish Arms.
During the incursion of Argyle into Perthshire to enforce the Covenant, David Spalding of Ashintully was taken prisoner, and kept at Dunstaffnage until a payment of 4000 merks and his signature to the Covenant procured his release.

C. Fergusson. After burning "the bonnie House of Airlie" and all Glenisla, the Campbells burnt all Glenshee, Strathardle, Athole, and Lochaber. In coming from Glenisla to Strathardle they would have to pass quite close to Ashintully Castle, which they took and plundered, carrying off the laird, his cousin and successor, William Spalding, and forty-eight chief gentlemen of Athole. All of these Argyle sent to "the Tables," the Estates Council in Edinburgh, and made them sign the Covenant.

"About this sam tyme he (the Erll of Argyll)

takis David Spaldynge, barroun of Ashintullie in Strathardell, for his loyaltie to the King, and wardit him in the castell of Dunstaffnage, whill he payit to him 4000 merks and subscrivit the covenant. 1640.

Thairefter he is put to libertie, deceissis but airis of his bodie, to whom succedit William Spaldynge, who for his standing to the covenant, Montrose in his warris, as ye have heirefter, burnt his castle of Ashintullie, plunderit and heiryit his ground pitifullie."

David Spalding of Ashintully did not long survive his imprisonment at Dunstaffnage, dying in 1641. He was born about 1570, and, dying without legitimate issue, was succeeded by his second cousin, William Spalding of Borland and Runavey. The wife of David Spalding was Jean Mercer, as we learn from a deed dated two years after the death of her husband, viz. :—

March 2nd 1643. A lien at the instance of William Spalding, sometime of Bordland and now of Ashintully, heir of tailzie retoured to the deceased David Spalding of Ashintully, William Spalding of Rannavite heir male retoured to the said David, and John Wemis at the Mill of Weirie, sister's son

Memorials of the Troubles in Scotland and in England,
John Spalding.

and executor dative to the said deceased David Spalding, against Alexander Mylne, merchant burghess of Dundee, and Jean Mercer, widow of the said David Spalding, for delivery of the Charter Chest and writs of the said deceased David Spalding. There was produced for the pursuers a Sasine in favour of the said William Spalding, heir of tailzie foresaid in the third part lands and barony of Strathardill dated 2 ix 1641 and retoured in favour of the said William Spalding of Rinavey as heir male dated 16 vii 1642 and the Testament dative of the said deceased David Spalding appointing the said John Weymss executor dative dated 16 vii 1642 in Commissary of Dunkeld. The Lords order the defenders to deliver.

1641. William Spalding of Borland and Runavey, who succeeded to Ashintully on the death of David Spalding, was the son of Andrew Spalding of Borland, whose father, William Spalding of Borland, was brother to Captain David of 1577.

1642. In the Service of Heirs (Gen.: 2721. Special 498), William is mentioned as "nepotis fratris avi," "Grandson of the brother of his Grandfather."

Williemus Spalding, filius legitimus oc hæres

masculus debite deservitus quondam Androæ Spalding de Boirland, hæres tallicæ et provisionis Davidis Spalding de Aschintullie consanguinei.—in tertia parte terrarum de Strathardill comprehendente terras et terras dominicales de Aschintullie villas et terras de Over et Nether Wemis cum molendino de Nether Wemis—villam et terras de Spittill cum molendino, et croftis hujus—modi nuncupatis Chappill—croftis, Glen vulgo nuncupato Glenbeg—villam et terris de Camines, villam et terras de Tomzecharron, villam et terras de Dalhaggan, villam et terras de Soilzeans, Over et Nether Tomamone, Tomphin et Bellichragan, terras de Petverren, villam et terras de Eister Doune, villam et terras de Boolmald,—villam et terras de Belmakeilzie, Glengenet—villam terrasque de Dalreach, villas et terras de Wester et Middle Innerchroskie, et villam et terras de Kirktown vulgo nuncupatas Kirkhillok alias Tomeclachan erecta in burgem baronice et privilegio annaue nundine et foie heptomadarie omnes cum burgo baronice erectas in baroniam de Aschuntullie.

William Spalding, as before mentioned, had signed the Covenant at the same time as his pre-

Retours of
Perth,
July 28, 1641.

1644-1646.

decessor, David. When the Marquis of Montrose assembled his army at Blair in Atholl in 1644, the influence of the Baron Ried-Robertson of Straloch, a rigid Covenanter, prevented the Strathardle men from joining the rest of the Atholl clansmen, who flocked to Montrose's standard. All the inhabitants of Strathardle suffered in consequence, all the houses in the strath were burnt; among them Baron Ruadh's new house of Balvarron, and Ashintully Castle, of which only the entrance tower of the original building remains.

1649.
Early
History of
Strathardle,
C. Fergusson.

We have, preserved in the Acts of the Scots Parliament of this year, one of the most valuable and interesting records connected with this period of Perthshire history, and which, of course, is authentic, viz. "The Rentall of the County of Perth, by Act of the Estates of Parliament of Scotland, 4th August, 1649."

Parish of Kirkmichael

	£	s.	d.
William Spalding of Ashintullie for his lands in the parish	540	0	0
John Robertson for Easter Straloch	240	0	0
Laird of Kirkmichael	300	0	0
Andrew Rattray for his lands	80	0	0

	£	s.	d.
Alexander Rattray for Dalrulzian	100	0	0
William Spalding for Runavey	70	0	0
Robert M'Kintosh for his lands	90	0	0
John M'Kintosh for Fairneazaird	90	0	0
Andrew Leslie for Mornloch (now Whitefield)	80	0	0
Jean Herring for her lands	80	0	0
James Robertson for his part Cultalories	70	0	0
John Cutts & his Goode Sister for their thereof	16	0	0
John Robertson for Lenochnore	25	0	0
Robert Flemynge for his part Binzean	25	0	0
Duncan M'Kenzie for his part yreof	15	0	0
John Rattray for Boirlands	66	13	0
John Stewart for his half of Dalvouzie	20	0	0
The said John Stewart for Cuithill	30	0	4
John Spalding for one quarter of Inneredrie	12	0	0
Richard M'Kintosh for part Cambus & Inneredrie	35	0	0
David Farquharson for Broichdarge	70	0	0
John Robertson for Bleaton	130	0	0
John Rattray for Mylne of Ennoch	60	0	0
John Robertson for half of Wester Ennoch	40	0	0
John Murray for Balnabriche	60	0	0
John Dowlich for his part Balmyle & Markland	33	6	8
John Stewart for his half Balmyle	15	0	9
John Easson for his half yreof	30	0	0
John Robertson for Stronymuick & oyr lands	110	0	0

	£	s.	d.
John Stewart for Easter Bannateym	24	0	0
Janet Robertson for her part Balma- crochie	36	0	0
Patrick Fergusson for his part yeof	24	0	0
John Mustard for his part yeof	4	0	0
John Brae for his part yeof	8	0	0
The said John Brae for Dalnabroick	45	0	0
John M'Kenzie for his part of Dalna- broick	20	0	0
Fergus Shaw for his half yeof	20	0	0
Alex. Bruce for his lands & Mylne of Pit- carmick	66	13	4
John Bruce for Wester Pitcarmick	66	12	4
John Bruce for Tomnamone	16	13	4
George Small for Dalreoch	50	0	0
John Eviot for his part Wester Inner- chroskie	30	0	0
Alex. Spalding for his part yeof	30	0	0
John Red-Gow for his part yeof	30	0	0
Robert Fleming for his part Innerchroskie	45	0	0
Andrew Spalding for his part yeof	25	0	0
Lachlan M'Keich for his part yeof	25	0	0
Patrick Robertson for Glengennett & oyres	210	0	0
Patrick M'Kintosh for Cammis	36	0	0
Alex. Mackenzie for Taine	40	0	0
Anaple Murray for Solzearie	60	0	0
Earl of Atholl for Few-dewties	150	0	0
Earl of Airlee for his Teynd-dewties	160	0	0
Laird of Teyllin for his Few-dewties	260	0	0

William Spalding of Ashintully died in 1661. 1661.
By his wife, daughter of Campbell of Crunan, he had three sons: Andrew, who succeeded to Ashintully; David, afterwards of Whitehouse; William of Runavey, who died in 1649, leaving a son, Alexander.

The Retour of Andrew of Ashintully as given in vol. xi., *Inquisitiones Speciales*, is as follows:—

Nov. 13, 1661.

Andrew Spalding de Ashintully heeres masculus et tallice William Spalding de Ashintully patris— in tertia parte terrarum de Strathardle comprehendente terras, et terras dominicales de Ashintully;—Villas et terras de Spittal cum croftis nunc capatis Chapil, Crofts, et terras Canis; Villam et terras Tomzechurrow: V. et t. Dallehangis; V. et t. de Solzerie; Obir et Nether Tomnamorie, Tomphin, et Ballacruggan: terras de Pitverren: V. et t. Easter Dounie, V. et t. Balnauld: V. et t. Balnakillie et Glengennet: V. et terrasque Dalreoch: V. et t. Wester et Middle Inverchroske: V. et t. Kirkton vulgo nuncupat Kirkhillock alias Tomchlachan unitas in Baroniam de Ashintullie cum nundinis et foris et villa de Kirktown erecta in burgum baronie.

*History of
Strathardle,
C. Fergusson.*

A. E. £10 N. E. £40
 (Means Ancient Estate (do. New Estates.)
 Death rates.)

Letter from
 C. Fergusson,
 3/5/03.

Andrew Spalding, from being deeply marked with smallpox, and from his fierce nature, was known throughout Strathardle as "Madadh Brae" or "the Pox-marked Wolf." His first wife was daughter to Sir Patrick Maxwell of Teeling; by her he had one daughter, who married the Rev. Francis Piersone, minister of Kirkmichael. In 1662 Piersone was in trouble with the Government, and accused by the Privy Council of "labouring to keep the hearts of the people from the present Government of Church and State." He was summoned again next year before the Privy Council, but conformed and was allowed to preach again. In 1669 Andrew Spalding married as second wife Jean Mackintosh, daughter of William Mackintosh of that Ilk, and Margaret, daughter of Graham of Fintray. By this marriage Andrew had two sons, David, who succeeded to Ashintully, and Andrew, afterwards of Glenkilry. There were also three daughters: Helen, who married her cousin Andrew Spalding of Drumfork

in 1706; Margaret, married her cousin Patrick Mackintosh of Cames; and Catherine, married John Dawlick of Markland.

Spalding Clan Tunes. No date given.

Two very good old tunes had their origin in C. Fergusson. a way very characteristic of the times and the men. During the bitter feud between the Red Barons of Straloch and the Spaldings of Ashintully, the latter made a raid on Braemar and carried off a large prey. The Baron heard of this, and, as the Farquharsons of Invercauld were his own relations, he gathered his men and lay in wait in a hollow called "Coire na froig," on the way to Glenshee. The Spaldings came, and, being taken by surprise, were routed, many of them were slain and buried on a little hillock there. The Baron at once restored the cattle to Invercauld. So ends Act I. Act. II.—Scene, Ashintully Castle. Time, the celebration of the marriage of a daughter of the Spalding Chief. As this was over two years after the skirmish of "Coire na froig," that event, which to these worthies was a mere trifling everyday

occurrence, was forgotten and forgiven, and the fun was fast and furious. But after things got lively, as was usual on these occasions, Ashintully announced that his famous fiddler had composed a new dance-tune, which he would now play for the first time. In honour of this, the Baron of Straloch danced with the bride; the time "waas goot," and so pleased him that he asked Ashintully the name of it. Now the Baron of Straloch, like all his race, was very musical and a famous fiddler himself, so the haughty Chief must needs have a sneer at fiddlers, and replied: "I know not the name of the tune, as the sound of a musket is sweeter music to me than all your fiddles, and I know more about handling a claymore than a fiddle-bow; so you had better ask the composer, as he says that the tune has a special reference to you, Baron." The Baron saw mischief was brewing, and wishing to avoid it, simply said: "Right enough, right enough Ashintully, but though you might slip in past St. Peter with an old fiddle under your arm, yet deil a fear of him allowing musket or claymore." Then turning to the fiddler, he asked, "What is the name of your grand new tune, Donald?" "It is

not baptized yet," says Donald, "but the words of it go"—

Gaelic. "Gun dhannsaìdh sinn air
Tom-na-croiche
A dheainaidh a na thain oirn
Gun dhannsaìdh sinn air Tom-na-croiche
Nan robh sibh comtraid Cham oimn."

English. "We would lightly dance on Tom-na-croiche
Tho' Fate, just now, may frown on us,
We would lightly dance on Tom-na-croiche
If you were looking 'down' on us."

Now, as "Tom-na-croiche" is the famous Gallows Hill near Ashintully, on which for centuries stood the gallows of the Barony of Ashintully, which was seldom without "a tassel," it was very suggestive that the Spaldings would like to "lightly dance" with the Baron looking down on them—of course from the gallows. The Baron took it all in, but only laughed and said to the fiddler, "No wonder that bairn of yours is not named, as it has not come into the world yet." After a quiet talk in a corner with his own piper, the Baron told the Chief that *his* piper had also composed a new tune. Of course Ashintully at once asked the piper to play it, and after dancing very heartily to it he

asked the piper the name of it. "Oh," says the piper, "it is like Donald's tune, not baptized yet, but the words of it go"—

Gaelic. "Nan rachain dhannsa air crocan gorm
Ann braighe Coire na froig
'S coina menr cois 'S bar sron
Chaidheadh suas ri bonn mi bhroig."

English. "Were I to dance in Coir-na-froig
On a hillock that I could choose,
Many tips of toes, and points of nose
Would point up to the soles of my shoes."

Referring of course to the buried Spaldings in that place, above whom it was possible *now* for the Robertsons to dance should they so incline, whereas the Spaldings had not yet got the Baron on their gallows so as to be able to dance under him. Seeing he was paid back with interest in his own coin, Spalding laughed, and turning to the piper, said, "You lazy rascal, only to get that bairn baptized to-night and it over two years old!" And so, thanks to the Baron keeping his temper, the night passed in feasting and dancing instead of in bloodshed and slaughter, as was too often the case in those days, especially with the gallant fighting race of Ashintully.

*Ratification in favors of Andrew Spalding
of Ashintully of the mains of Ashintully.* 1681.

"Our Sovereigne Lord with the advice and consent of His Estates of Parliament ffor the good faithfull & gratefull Services done & performed to His Majestie & his most Royal progenitors in times past By Andrew Spalding of Ashintullie & his predicessors And for diverse other good respects & Considerations Moveing His Majestie thereto Be thir presents Ratifies approves & perpetually confirms to the said Andrew Spalding & his airs & assigneyes after specified Ane Charter of the date At Whitehall the first day of July M V J sevintie sevin years & now exped the Great Seale of his highnes ancient Kingdome of Scotland proceeding upon the said Andrew and his own Resignation And Signature & warrand under His Majesties Royal hand Whereby our said Sovereign Lord with the speciall advice & consent of the Lords Commissioners of his Majesties Thesaurie & Exchequer of the said Ancient Kingdome Gave granted & disponed And for his Hignes & suc-

Scots Acts of
Parliament.

cessors perpetually confirmed to the said Andrew Spalding of Ashintully & airs male of his bodie whilks failieing to his airs male whatsoever whilks all failieing to his airs whatsoever & their assigneyes heretable & Irredeemabllie All & Hail the said Andrew his third pairt of the lands of Strathardell Comprehending the lands & others particularly underwritten viz.—All & Hail the Mains of Ashintully.

And which hail lands Burgh of Baronie patronage & others above disponed with the pertinents were by His Majesties Royal Grandfather of ever blessed memorie Erected in ane hail & frie Baronie To be called the Baronie of Ashintullie Conforme to ane Chartor granted by his Majesties said Grandfather Under his Highnes Great Seale In favors of the deceist David Spalding of Ashintullie thereupon of the date the tenth day of January Im VJc & fifteen years Moreover His Majestie for the causes above specified & with consent of the said Commissioners of Thesaurie & Exchequer Of new gave granted disponed & perpetually confirmed to the said Andrew Spalding & his forsaid The foresaid Baronie of Ashintullie Comprehending the par-

1615.

ticular towns lands patronage Burgh of Baronie
 And further His Majestie with consent of the said Lords of Thesaurie & Exchequer Erected the Hail woods, Glens, hills & watersides of the saids lands & others above specified & of the other lands & others aftermentioned disponed to the said Andrew Spalding & his foresaid By Sir Patrick Maxwell of Newark & George Maxwell his eldest son in maner after exprest In ane hail & free fforrestrie In all time comeing To be called the fforrestrie of Ashintullie with the privileges specified in the said Charter & likewise of new erected & the saids lands & others above resigned & disponed In ane hail & free Baronie of Ashintullie Ordaining the mannor place of Ashintullie to be the principall messuage of the said Baronie, And that ane seasing to be taken thereat or upon the ground of any pairt of the saids lands Then & in all time comeing shall be sufficient for the hail As if ane particular seasing were taken upon each pairt & portion thereof Albeit not so done & without respect to their discontiguitie Anent all which his Majestie dispenses to be holden the saids lands Baronie, Burgh of

Baronie weekly mercat yearly faires fforrestrie & others to the said Andrew Spalding and his foresaids of our Sovereign Lord & His Royall Successors as Superiors in frie Barony Burgh of Barony ffree fforrestrie fie & heritage for ever with the privileges exprest in the said Charter Givesand yearlie the said Andrew Spalding & his foresaids To his Majestie & Royal Successors the dewties underwritten

That notwithstanding thereof It shall be lafull to the said Andrew Spalding his airs successors & assigneyes & in their power peacable to possess & enjoy the same ffor payment of the soume of ffourty pounds scots money yearlie for the ward Alsmuch for the Nonentrie.

And the airs & Assigneyes of the said Andrew Spalding are empowered in all time coming to obtaine themselves served & retoured airs in speciall to their prediccors in the saids lands & others above mentioned.

And in likemaner his Majestie with consent foresaid ratified approved & perpetually confirmed the Right and Disposition of the date of the Elevinth and dayes of July Im VJc Sevintie four years

Granted by the said Sir Patrick Maxwell & his said sone with one consent And als with the consent of the other persons therein mentioned In favors of the said Andrew Spalding and his foresaids heretable & irredeemable of all & sundry the lands & others underwritten, viz.—Off all & haill the townes & landes of Eister and Wester Belmacruchies The lands and townes of Delnabrick easter & wester the townes and lands of Pitcarmo Easter & Wester with the Corn Milne thereof the townes & lands of Belnabroich, with these lands called Merkland, The lands of Balmoile, the townes and lands of Easter & Wester Ballentin, the townes & lands of Easter & Wester Blaittownes, the lands of Enochs Easter & Wester with the Cornmilnes thereof milnelands multures & sequells of the same. And of all & haill the lands of Laire & Cray, the lands of Brochdarge, the Lands of Corridon with all & sundrie their houses biggings yairds Orchyairds mannor places woods fishings tennents tennendries Services of free tennents pairts pendicles & pertinents thereof whatsoever. All lyand within the Baronie of Balmacruchie & Shirefdome of Perth & Siclike off All & Sundrie the lands &

Baronie of Newark with the mannor places houses biggings & universall pertinents belonging thereto lyand within the Shirefdome of Renfrew And that in special warrandice & securitie to the said Andrew Spalding & his foresaids of the Superioritie of the saids townes lands & others above disponed & the saids Sir Patrick & George Maxwells their right thereto In case of evicition in maner specified in the said disposition Whereby they are obleist to infest the said Andrew & his foresaids in the saids lands & others above written principall and warrandice.

And our said Sovereigne Lord with the advice & consent of his saids Estates of Parliament decernes & ordains this present general rattification & confirmation of the said Charter & Seasing were To be als valide & sufficient And of als great force strength & effect for all intents & purposes to the said Andrew Spalding & his foresaids as if the said Charter & Seasing were word by word herein infert albeit not so done Whereanent & with all that may follow thereupon Or that can any wayes be objected against the validitie thereof or any fault nullitie & imperfection therein our

said Sovereigne Lord with advice & Consent of his Highnes Estates of Parliament His dispensed And be thir presents for his Highnes & Royal Successors dispenses And hereby overgives & renunes the saids nullities & imperfections And all benefite thereof in their owne favors for ever.

At this time, David Spalding, only brother to the Laird of Ashintully, married Margaret, daughter of Baron John VII of Straloch, and bought the estates of Whitehouse and Morcloich or Whitefield Castle, from Ashintully. On his death he left the latter estate to his eldest son, Charles, and the former to his second son, David.

^{1665.}
Sketches of
Strathardle,
C. Fergusson.

In 1686 Andrew Spalding of Ashintully married, ^{1686.} for the third time. His last wife was Grizel Carnegie, daughter of David Carnegie of Balmachie. She survived him: dying about 1733. By this marriage Andrew had three sons: Charles, who died 1715; John of Mormount, who married Susanna Small, and left a son, Alexander; William of Balno, who married Janet Adam, daughter of Andrew Adam of Braestown. There were also two daughters, Grizel, who married James Robertson of Dounie,

James for the Gowrie Conspiracy. Spalding had to appear four times before the Council—"for the allegit tressonable resetting, supplying and maintaining of Alex. Ruthven, His Majestie's declared tratour, within his dwelling places of Essintullie and Enoche." As there was no evidence against Spalding these trials were always adjourned, and at last were quietly dropped.

Pitcairn's
*Criminal
Trials,*
vol. iii, p. 72.

On January 10th of this year the lands of Ashintullie were erected into a free barony in favour of David Spalding, with many privileges, among which were, that he was to have the ancient free burgh of Barony of Kirkmichael, "of old erected," with the privilege of holding a weekly market there, to be held on the lands of Balnakille and Balnauld. Spalding also got the privilege of holding two yearly fairs on the same lands. One of these "ane yeerlie free ffair, on the penult day of Sept callit Michaelmas ffair," which was to last for five days, was the origin of the famous "Feill Mhicheil," Michaelmas market, which, for two hundred years, was the greatest market in all Scotland, where all the Highland drovers met their customers from the Lowlands, who came

1615.
*Sketches of
Strathardle,*
C. Fergusson.

there to buy cattle to carry into England or the South of Scotland.

As this Ashintullie Charter is a very interesting and valuable document, I may give the most of it here:—

"Hereby, our Sovereign Lord, with the advice and consent of the Lords Commissioner of the Treasurie—Gives, grants, and dispones, to the said David Spalding of Ashintullie, and airs male of his body, whilks failying to his airs male whatsomever, and their assigneys heretable and irredeemable all and hail the said David Spalding his third part of the Lands of Strathardell, comprehending the lands, and others particularly underwritten viz.—all and hail the Mains of Ashintully, towns and lands of Over and Nether Weries, with the mill, mill-lands, multures, and sequalls of the same. The town and lands of Spittal, with the mill thereof, mill-lands, multures, and sequalls of the same, with the crofts called the Chappell Crofts: the glen commonly called Glenbeg; town and lands of Cammis, of Tomyacharrow, of Dathnagane, of Soilyeries, over and Nether Tomenamowen, Tomphin and Ballach-

raggan. The lands of Pitviran, towns and lands of Easter Downie, of Balnald, of Balnakillie, of Glengenat (Glen Derby), of Dalreoch, of Wester and Middle Inverchroskie, of Kirktoone, commonly called Kirkhillock, alias Tomchlachan (Kirk-michael). With all and sundrie their towers, fortalices, manor-places, woods, fishings, annexis, connexis, dependances, tennents, tennendries, services of free tenants, pairts, pendicles, and universal pertinents whatsoever of the aforesaid third part of the saids lands of Strathardell, alswell not named as named within the Sheriffdom of Perth. With the privilege of ane yeerlie free ffair to be holden upon the ground of the said lands of Kirktown, commonly called Kirkhillock, or upon the said lands of Balnauld or Balnakille, the penult day of Sept. called Michaelmas ffair. And ane weeklie mercat together with the Burgh of Baronie of Kirktown, vulgarly called Kirkhillock, alias Tomchlachan, of old erected, together also with the advocation, donation, and right of patronage of the Paroch Church and parochin of Kirkmichael, with the teinds, parsonage, and vicarage of the same, and which haill lands, Burgh of Baronie, patronage

and others above disposed, with the pertinents, are erected in one haill and free Baronie, to be called the Baronie of Ashintully, conform to this charter granted by us under our Great Seal in favour of David Spalding of Ashintully upon this date, 10th January 1^m VI^e and XV years." This charter was again ratified and confirmed in 1674, and again more fully in 1681, when more lands in Strathardle were added, with more privileges by James VII.

With the view of stopping the continual feuds and fightings in the Highlands, the Scots Parliament had passed an Act forbidding the carrying of firearms, to which Act, however, the clansmen paid no heed whatever, but went on with their raids and feuds as usual for some years, till the Privy Council at length resolved to prosecute any defaulters they could lay hands on for contravening this Act. So, as Strathardle lay just inside the Highland border, and as its leading men were in the constant habit of visiting the Lowlands, always, of course, fully armed, contrary to this new law, it was easy for the authorities to get proof against them. So we find in this year, 1618, the Council

1618.
*Sketches of
Strathardle,*
C. Fergusson.

prosecuting the following worthies "for having for six years carried hagbuts and pistoles, against the law":—David Spalding of Ashintullie; Patrick M'Leith in Camis, Glenshee; Richard M'Endowie in the Spittal; George M'Eane Vc. Condoquhy and Allister M'Condoquhy in Cuithill; Allister M'Phatrick Vc. Comis in Stornloyne; Robert M'Intoshe in Dalvungie; William Spalding and Allister Anderson in Innedrie; William Ferquhair in Fayingang; Patrick Tairlachson in Laiz; John M'Intoshe alias M'Ritchie in Soilzerie; David Wemyss, son of James Wemyss, Mill of Werie; Allister Robertson of Downie; Robert Robertson Rioch in Cultulonie; John Neilson, son of John Dow Neilson in Dalnagarden; Duncan Robertson in Kirkmichael; Allister Robertson, son of Duncan Neilson, sometime in Mill of Inverchroskie; Alexander Robertson of Straloch; John M'Intoshe alias M'Eane in Dallcharnich; Allister Wilson in Craiginache; John Stewart, son of P. Stewart, Straloch; John Fleming, portioner, Wester Inverchroskie; and John D. . . . Wester Dalnabrick. All these were found guilty and fined. Spalding of Ashin-

*Records of
the Privy
Council.*

tully, as usual, seems to have been the worst offender, as he was fined £40, while Robertson of Straloch and all the rest got off with a fine of only ten merks. After the preceding trial, the whole of these men were again summoned before the Privy Council, and they had to find caution, one for the other of them—"not to carry hagbuts or pistols, or to shoot fowl or venison." Here again the Council found it necessary to tie the redoubtable Spalding of Ashintully tighter than his neighbours, as Allister Robertson of Downie had to become cautioner for £500, while Allister himself, Straloch, and all the rest got off for £100.

No sooner was the ever-restless David Spalding of Ashintully back from attending the meetings of the Privy Council in Edinburgh, and paying his fines, than he and his crony and cautioner, Allister Robertson of Downie, "sought pastures new" in the way of breaking the laws. No doubt, as the Privy Council had objected to their carrying hagbuts and pistols, and shooting either men, wildfowl or venison, they thought just for a little change this time to try some more peaceful occupation. So they shouldered their axes (and

*Records of
the Privy
Council,
vol. xi, p. 364.*

*Sketches of
Strathardle,
C. Fergusson.*

no doubt took their hagbutts and pistols as well) and, calling their men, set off to the Braes of Mar, and began cutting down "certain great growing trees belonging to the Earl of Mar," in the great pine forests there. As they had neither bought the timber, nor asked the Earl's permission for it, this was of course against the law, so the Earl objected, and they had to appear once more before the Court, and we find it recorded:

Pitcairn's
*Criminal
Trials,*
vol. iii, p. 458.

"Nov. 18th, 1618. David Spalding of Essintullie and Alexander Robertson of Myddill Downie, dilaitit of airt and pairt of the cutting down of certain grit growand treyis, and away-taking thereof furth of Johnne, Erle of Mar his Forrestis and woidis within the boundis of Braemar, Cromar, Strathdie and Glengairn. In respect of thair compeirance offerit thame selffis to the tryall of the Law, as altogidder innocent thairoff, and protestit for thair cautioneris releif, and that thai sould nocht be trubillet or chargit for the said allegit crymes." They pleaded innocent, and as there was either not enough proof, or the Earl did not wish to press matters too far, the affair was allowed to drop.

The gypsies, or "Egyptians," as they were then

called, had become so numerous in Scotland about the beginning of the seventeenth century, and were so much given to thieving, robbery, and murder, that King James, in 1609, passed an Act of Parliament against them forbidding any of his subjects to "resset, supplie or entertain" any of them. All the district of Atholl, and especially Strathardle, had a full share of "lymmaris and vagabondis," and we now find Alexander Rattray of Dalrulzion and our old friend, David Spalding of Ashintullie, getting into trouble for harbouring them as follows:—"Complaint by the King's Advocate that the Act of Parliament of 28th June, 1609, forbidding any one to "ressett, supplie, or entertain ony of these vagabondis, thieves, sornaris, and lymmaris callit Egyptians, after the 1st day of August thairaftir under pain of confiscatioun, had been contraved by David Spalding of Ashintully, Alexander Rattray of Dalrullion, Finlay M'Inroy in Moulin, and Thomas Arioche in Brae of Tullymet. By thir contempt of law thae saidis counterfoote thieves, sornaris, and vagabondis, are encourageitt to remain within this countrie agains the tenour of the saidis Act of Parliament and to continew in

*Sketches of
Strathardle,*
C. Fergusson.

*Records of
the Privy
Council,*
vol. xii, p. 562.

52 THE FAMILY OF SPALDING

their accustomat and wicket trade of thift, sorning, and abewing of his Majestie's guid subjects." The Advocate appearing personally, as also David Spalding and Alexander Rattray, the Lords assoilze David Spalding; remit Alexander Rattray to be taken order with by the treasurers, and depute and order the other defenders to be denounced rebels. So Spalding once more got clear of the law, and still continued to harbour Egyptians, in whom he found valuable allies, as they were ever ready to engage in all the desperate enterprises in which he took part.

*Sketches of
Stratharale,
C. Fergusson.*

It was during this time, when David Spalding had so many cases before the Privy Council in Edinburgh, that he, in his hot-blooded haste and anger, slew his famous serving man—"Dàidh Crom"—Crooked Davie, so called from his being hunchbacked, a faithful clansman, and the fleetest runner ever known in all Atholl. In justice to Spalding I must say that he committed this foul deed under a misapprehension, and that he ever regretted it, and always declared that of all the men he had ever slain, Davie was the only one that he wished alive again.

NOTES AND TRADITIONS 53

Ashintully received a message from the Privy Council saying that unless certain papers were lodged in Edinburgh before sunset on such a day, he would be outlawed, and all his estates and goods confiscated. Now, owing to some delay, he only got the message late on the night before the appointed hour, so he at once got the papers, tied them up in a packet, and gave them to his fleet-footed retainer, Davie, telling him to start betimes in the morning, as he must deliver the packet in Edinburgh before sunset next evening. Now as Edinburgh is about seventy miles from Ashintully, even as the crow flies, by Perth and Queensferry, I am afraid most of the degenerate retainers of the present day would as soon undertake a journey to the proverbial Jericho as go such a distance on foot. Not so the light-footed Davie; he thought nothing of it; he had often done it before. But it so happened that there was to be a great feast and a dance at the Castle next night, and naturally such a lightfooted youth as Davie was very fond of dancing; and, besides, had he not a sweetheart there, a bonnie, comely lassie, who did not care though Davie's back was

a little crooked, for she knew his heart was not. Davie thought of all this and a great deal more, but those were not the days when a clansman dare grumble or disobey the orders of his Chief, least of all such a haughty Chief as that of the Spaldings. So Davie Crom took the papers quietly, but instead of waiting till daylight, he at once slipped out of the castle gate and made a bee-line for Edinburgh, faster than ever he had done before, over hill and dale. He arrived there in good time, delivered his packet of papers, got another packet in return, at once set off on his return journey, and arrived at Ashintully late in the afternoon of the same day. As the laird was out hunting on the hills, Davie sought the great hall of the Castle where he had some food, after which he lay down, and stretched his tired limbs on the floor under the huge table, and was soon fast asleep. It so happened that Ashintully had had bad luck and poor sport that day and so returned to the Castle in a very surly mood, and upon entering the great hall the first thing he saw was crooked Davie curled up fast asleep under the table, among a lot of hounds, with a packet

of papers clasped in his hand. It at once struck him that Davie had never yet started for Edinburgh, and that the important papers, which were to have saved his estate, were still there, undelivered. So, blind with rage, he drew his dirk and plunged it in the heart of poor sleeping Davie. It was only when he lifted the blood-stained packet of papers, and saw it was the answer *back* from Edinburgh, which the fleet-footed messenger had brought him in such an incredibly short time, that Ashintully saw, when too late, his fatal mistake, and that his ever-ready dirk had sent poor Davie on the last long journey from which there is no return. There was no feasting nor mirth in the Castle that night, as all mourned for Davie, and even the proud Chief himself unbent so far as to admit that Davie, of all the men he had ever slain, was the only one he wished alive again. Aye, and I have heard old men tell that as long as there were Spaldings in Ashintully, before any of the family died, travellers between Ashintully and Kirkmichael were often startled by seeing a hunchbacked young Highlander with flowing tartans, and a packet of papers in his hand, flash

past them like lightning. It was the ghost of Crooked Davie bearing the summons of death to some one of the Spaldings of Ashintully.

*Records of
the Privy
Council,
vol. xii, p. 562.*

Edinburgh, 10th August 1621.—Caution by James Weymis of the Mill of Werie, that David Spalding of Eschintullie shall pay to Arch. Primrose, writer in Edinburgh, and Arch. Campbell, brother to Sir James Campbell of Lawers, commissioners appointed by the Lords of Council for uplifting of the fines imposed by the resettlers of the Clangrigour, and with the consent of Archibald, Earl of Argyll, donator of the fines, the sum of 2000 merks as the fine imposed upon the deceased Johnne Robertson of Straloch, for which the said Spalding became cautioner if found liable. With clause of releif.

(Signed) JAMES WEIMYSS, Cautioner.
“ David Spalding.”

*Records of
the Privy
Council,
vol. xii, p. 562.*

Edinburgh, 10th August, 1621.—Caution by David Spalding of Eschintullie for James Weymes of the Mill of Werie, that he will pay to the said Commission the fine of 1000 merks imposed upon

Thomas Fergusson of Belleyewcane for the resett of the Clangregour, for which he became caution if he be found liable. With clause of releif.

(Signed) DAVID SPALDING, Cautioner.
“ James Weimes.”

1629. At Holyrood. Charter to Andrew Spalding of Borland of lands mentioned above, which were resigned by the said David, and which the King of new erects into a free barony: reserving the life rent of the said David; to be held by the said Andrew and the heirs male of his body, whom failing David Spalding of Drumfork and the heirs male of his body, whom failing to revert to the said David Spalding of Ashintully and his heirs and assignees whomsoever.

1629.
Register of
Great Seal,
1393.

The King grants a remission to David Spalding of Ashintullie for resetting Alexander Ruthven, burghess of Perth, lawful son of Alexander Ruthven of Freeland, after he was convicted of treason.

1630.
Register of
Great Seal,
1548.

King Charles he confirms to David of Ashintullie the lands as in the Charter 1393, which the said David & Andrew Spalding of Boreland resigned, and the King ratifies the enjoyed erection

1631.
Register of
Great Seal,
1816.

of Kirktown or Kirktulloch (Kirkmichael) into a burgh of barony, to be held by the said David & the lawful heirs male of his body, whom failing to the said Andrew Spalding and the heirs male lawful of his body, whom failing to David Spalding of Drumfork and the heirs male of his body, whom failing to the heirs male and assignees of the said David Spalding of Ashintullie whomsoever.

1640. Stodart's Scottish Arms. During the incursion of Argyle into Perthshire to enforce the Covenant, David Spalding of Ashintully was taken prisoner, and kept at Dunstaffnage until a payment of 4000 merks and his signature to the Covenant procured his release.

C. Fergusson. After burning "the bonnie House of Airlie" and all Glenisla, the Campbells burnt all Glenshee, Strathardle, Athole, and Lochaber. In coming from Glenisla to Strathardle they would have to pass quite close to Ashintully Castle, which they took and plundered, carrying off the laird, his cousin and successor, William Spalding, and forty-eight chief gentlemen of Athole. All of these Argyle sent to "the Tables," the Estates Council in Edinburgh, and made them sign the Covenant.

"About this sam tyme he (the Erll of Argyll)

takis David Spaldynge, barroun of Ashintullie in Strathardell, for his loyaltie to the King, and wardit him in the castell of Dunstaffnage, whill he payit to him 4000 merks and subscrivit the covenant. 1640. Thairefter he is put to libertie, deceissis but airis of his bodie, to whom succedit William Spaldynge, who for his standing to the covenant, Montrose in his warris, as ye have heirefter, burnt his castle of Ashintullie, plunderit and heiryit his ground pitifullie." *Memorials of the Troubles in Scotland and in England, John Spalding.*

David Spalding of Ashintully did not long survive 1641. his imprisonment at Dunstaffnage, dying in 1641. He was born about 1570, and, dying without legitimate issue, was succeeded by his second cousin, William Spalding of Borland and Runavey. The wife of David Spalding was Jean Mercer, as we learn from a deed dated two years after the death of her husband, viz. :—

March 2nd 1643. A lien at the instance of 1643. William Spalding, sometime of Bordland and now of Ashintully, heir of tailzie retoured to the deceased David Spalding of Ashintully, William Spalding of Rannavite heir male retoured to the said David, and John Wemis at the Mill of Weirie, sister's son

and executor dative to the said deceased David Spalding, against Alexander Mylne, merchant burgess of Dundee, and Jean Mercer, widow of the said David Spalding, for delivery of the Charter Chest and writs of the said deceased David Spalding. There was produced for the pursuers a Sasine in favour of the said William Spalding, heir of tailzie foresaid in the third part lands and barony of Strathardill dated 2 ix 1641 and retoured in favour of the said William Spalding of Rinavey as heir male dated 16 vii 1642 and the Testament dative of the said deceased David Spalding appointing the said John Weymss executor dative dated 16 vii 1642 in Commissary of Dunkeld. The Lords order the defenders to deliver.

1641. William Spalding of Borland and Runavey, who succeeded to Ashintully on the death of David Spalding, was the son of Andrew Spalding of Borland, whose father, William Spalding of Borland, was brother to Captain David of 1577.

1642. In the Service of Heirs (Gen.: 2721. Special 498), William is mentioned as "nepotis fratris avi," "Grandson of the brother of his Grandfather."

Williemus Spalding, filius legitimus oc hæres

masculus debite deservitus quondam Androæ Spalding de Boirland, hæres tallicæ et provisionis Davidis Spalding de Aschintullie consanguinei.—in tertia parte terrarum de Strathardill comprehendente terras et terras dominicales de Aschintullie villas et terras de Over et Nether Wemis cum molendino de Nether Wemis—villam et terras de Spittill cum molendino, et croftis hujus—modi nuncupatis Chappill—croftis, Glen vulgo nuncupato Glenbeg—villam et terris de Camines, villam et terras de Tomzecharron, villam et terras de Dalhaggan, villam et terras de Soilzeans, Over et Nether Tomamone, Tomphin et Bellichragan, terras de Petverren, villam et terras de Eister Doune, villam et terras de Boolmald,—villam et terras de Belmakeilzie, Glengenet—villam terrasque de Dalreach, villas et terras de Wester et Middle Innerchroskie, et villam et terras de Kirktoon vulgo nuncupatas Kirkhillok alias Tomeclachan erecta in burgem baronice et privelegio annauce nundine et foie heptomadarie omnes cum burgo baronice erectas in baroniam de Aschuntullie.

William Spalding, as before mentioned, had signed the Covenant at the same time as his pre-

Retours of
Perth,
July 28, 1641.

1644-1646.

decessor, David. When the Marquis of Montrose assembled his army at Blair in Atholl in 1644, the influence of the Baron Ried-Robertson of Straloch, a rigid Covenanter, prevented the Strathardle men from joining the rest of the Atholl clansmen, who flocked to Montrose's standard. All the inhabitants of Strathardle suffered in consequence, all the houses in the strath were burnt; among them Baron Ruadh's new house of Balvarron, and Ashintully Castle, of which only the entrance tower of the original building remains.

1649.
*Early
History of
Strathardle,*
C. Fergusson.

We have, preserved in the Acts of the Scots Parliament of this year, one of the most valuable and interesting records connected with this period of Perthshire history, and which, of course, is authentic, viz. "The Rentall of the County of Perth, by Act of the Estates of Parliament of Scotland, 4th August, 1649."

Parish of Kirkmichael

	£	s.	d.
William Spalding of Ashintullie for his lands in the parish	540	0	0
John Robertson for Easter Straloch	240	0	0
Laird of Kirkmichael	300	0	0
Andrew Rattray for his lands	80	0	0

	£	s.	d.
Alexander Rattray for Dalrulzian	100	0	0
William Spalding for Runavey	70	0	0
Robert M'Kintosh for his lands	90	0	0
John M'Kintosh for Fairneazaird	90	0	0
Andrew Leslie for Mornloch (now Whitefield)	80	0	0
Jean Herring for her lands	80	0	0
James Robertson for his part Cultalories	70	0	0
John Cutts & his Goode Sister for their thereof	16	0	0
John Robertson for Lenochmore	25	0	0
Robert Flemynge for his part Binzean	25	0	0
Duncan M'Kenzie for his part yreof	15	0	0
John Rattray for Boirlands	66	13	0
John Stewart for his half of Dalvouzie	20	0	0
The said John Stewart for Cuithill	30	0	4
John Spalding for one quarter of Inneredrie	12	0	0
Richard M'Kintosh for part Cambus & Inneredrie	35	0	0
David Farquharson for Broichdarge	70	0	0
John Robertson for Bleaton	130	0	0
John Rattray for Mylne of Ennoch	60	0	0
John Robertson for half of Wester Ennoch	40	0	0
John Murray for Balnabriche	60	0	0
John Dowlich for his part Balmyle & Markland	33	6	8
John Stewart for his half Balmyle	15	0	9
John Easson for his half yreof	30	0	0
John Robertson for Stronymuick & oyr lands	110	0	0

	£	s.	d.
John Stewart for Easter Bannateym	24	0	0
Janet Robertson for her part Balma- crochie	36	0	0
Patrick Fergusson for his part yeof	24	0	0
John Mustard for his part yeof	4	0	0
John Brae for his part yeof	8	0	0
The said John Brae for Dalnabroick	45	0	0
John M'Kenzie for his part of Dalna- broick	20	0	0
Fergus Shaw for his half yeof	20	0	0
Alex. Bruce for his lands & Mylne of Pit- carmick	66	13	4
John Bruce for Wester Pitcarmick	66	12	4
John Bruce for Tomnamone	16	13	4
George Small for Dalreoch	50	0	0
John Eviot for his part Wester Inner- chroskie	30	0	0
Alex. Spalding for his part yeof	30	0	0
John Red-Gow for his part yeof	30	0	0
Robert Fleming for his part Innerchroskie	45	0	0
Andrew Spalding for his part yeof	25	0	0
Lachlan M'Keich for his part yeof	25	0	0
Patrick Robertson for Glengennett & oyres	210	0	0
Patrick M'Kintosh for Cammis	36	0	0
Alex. Mackenzie for Taine	40	0	0
Anaple Murray for Solzearie	60	0	0
Earl of Atholl for Few-dewties	150	0	0
Earl of Airlee for his Teynd-dewties	160	0	0
Laird of Teyllin for his Few-dewties	260	0	0

William Spalding of Ashintully died in 1661. 1661.
By his wife, daughter of Campbell of Crunan, he had three sons: Andrew, who succeeded to Ashintully; David, afterwards of Whitehouse; William of Runavey, who died in 1649, leaving a son, Alexander.

The Retour of Andrew of Ashintully as given in vol. xi., *Inquisitiones Speciales*, is as follows:—

Nov. 13, 1661.

Andrew Spalding de Ashintully heeres masculus et tallicæ William Spalding de Ashintully patris— in tertia parte terrarum de Strathardle comprehendente terras, et terras dominicales de Ashintully;—Villas et terras de Spittal cum croftis nun capatis Chapil, Crofts, et terras Canis; Villam et terras Tomzechurrow: V. et t. Dallehangis; V. et t. de Solzerie; Obir et Nether Tomnamorie, Tomphin, et Ballacruggan: terras de Pitverren: V. et t. Easter Dounie, V. et t. Balnauld: V. et t. Balnakillie et Glengennet: V. et terrasque Dalreoch: V. et t. Wester et Middle Inverchroske: V. et t. Kirkton vulgo nuncupat Kirkhillock alias Tomchlachan unitas in Baroniam de Ashintullie cum nundinis et foris et villa de Kirktown erecta in burgum baronie.

*History of
Strathardle,
C. Fergusson.*

A. E. £10 N. E. £40
 (Means Ancient Estate (do. New Estates.)
 Death rates.)

Letter from
 C. Fergusson,
 3/5/03.

Andrew Spalding, from being deeply marked with smallpox, and from his fierce nature, was known throughout Strathardle as "Madadh Brae" or "the Pox-marked Wolf." His first wife was daughter to Sir Patrick Maxwell of Teeling; by her he had one daughter, who married the Rev. Francis Pierson, minister of Kirkmichael. In 1662 Pierson was in trouble with the Government, and accused by the Privy Council of "labouring to keep the hearts of the people from the present Government of Church and State." He was summoned again next year before the Privy Council, but conformed and was allowed to preach again. In 1669 Andrew Spalding married as second wife Jean Mackintosh, daughter of William Mackintosh of that Ilk, and Margaret, daughter of Graham of Fintray. By this marriage Andrew had two sons, David, who succeeded to Ashintully, and Andrew, afterwards of Glenkilry. There were also three daughters: Helen, who married her cousin Andrew Spalding of Drumfork

in 1706; Margaret, married her cousin Patrick Mackintosh of Cames; and Catherine, married John Dawlick of Markland.

Spalding Clan Tunes. No date given.

Two very good old tunes had their origin in C. Fergusson. a way very characteristic of the times and the men. During the bitter feud between the Red Barons of Straloch and the Spaldings of Ashintully, the latter made a raid on Braemar and carried off a large prey. The Baron heard of this, and, as the Farquharsons of Invercauld were his own relations, he gathered his men and lay in wait in a hollow called "Coire na froig," on the way to Glenshee. The Spaldings came, and, being taken by surprise, were routed, many of them were slain and buried on a little hillock there. The Baron at once restored the cattle to Invercauld. So ends Act I. Act. II.—Scene, Ashintully Castle. Time, the celebration of the marriage of a daughter of the Spalding Chief. As this was over two years after the skirmish of "Coire na froig," that event, which to these worthies was a mere trifling everyday

occurrence, was forgotten and forgiven, and the fun was fast and furious. But after things got lively, as was usual on these occasions, Ashintully announced that his famous fiddler had composed a new dance-tune, which he would now play for the first time. In honour of this, the Baron of Straloch danced with the bride; the time "waas goot," and so pleased him that he asked Ashintully the name of it. Now the Baron of Straloch, like all his race, was very musical and a famous fiddler himself, so the haughty Chief must needs have a sneer at fiddlers, and replied: "I know not the name of the tune, as the sound of a musket is sweeter music to me than all your fiddles, and I know more about handling a claymore than a fiddle-bow; so you had better ask the composer, as he says that the tune has a special reference to you, Baron." The Baron saw mischief was brewing, and wishing to avoid it, simply said: "Right enough, right enough Ashintully, but though you might slip in past St. Peter with an old fiddle under your arm, yet deil a fear of him allowing musket or claymore." Then turning to the fiddler, he asked, "What is the name of your grand new tune, Donald?" "It is

not baptized yet," says Donald, "but the words of it go"—

Gaelic. "Gun dhannsaìdh sinn air
Tom-na-croiche
A dheainaidh a na thain oirnn
Gun dhannsaìdh sinn air Tom-na-croiche
Nan robh sibh comtraid Cham oirnn."

English. "We would lightly dance on Tom-na-croiche
Tho' Fate, just now, may frown on us,
We would lightly dance on Tom-na-croiche
If you were looking 'down' on us."

Now, as "Tom-na-croiche" is the famous Gallows Hill near Ashintully, on which for centuries stood the gallows of the Barony of Ashintully, which was seldom without "a tassel," it was very suggestive that the Spaldings would like to "lightly dance" with the Baron looking down on them—of course from the gallows. The Baron took it all in, but only laughed and said to the fiddler, "No wonder that bairn of yours is not named, as it has not come into the world yet." After a quiet talk in a corner with his own piper, the Baron told the Chief that *his* piper had also composed a new tune. Of course Ashintully at once asked the piper to play it, and after dancing very heartily to it he

asked the piper the name of it. "Oh," says the piper, "it is like Donald's tune, not baptized yet, but the words of it go"—

Gaelic. "Nan rachain dhannsa air crocan gorm
Ann braighe Coire na froig
'S coina menr cois 'S bar sron
Chaidheadh suas ri bonn mi bhroig."

English. "Were I to dance in Coir-na-froig
On a hillock that I could choose,
Many tips of toes, and points of nose
Would point up to the soles of my shoes."

Referring of course to the buried Spaldings in that place, above whom it was possible *now* for the Robertsons to dance should they so incline, whereas the Spaldings had not yet got the Baron on their gallows so as to be able to dance under him. Seeing he was paid back with interest in his own coin, Spalding laughed, and turning to the piper, said, "You lazy rascal, only to get that bairn baptized to-night and it over two years old!" And so, thanks to the Baron keeping his temper, the night passed in feasting and dancing instead of in bloodshed and slaughter, as was too often the case in those days, especially with the gallant fighting race of Ashintully.

*Ratification in favors of Andrew Spalding
of Ashintully of the mains of Ashintully.* 1681.

"Our Sovereigne Lord with the advice and consent of His Estates of Parliament ffor the good faithfull & gratefull Services done & performed to His Majestie & his most Royal progenitors in times past By Andrew Spalding of Ashintullie & his predicessors And for diverse other good respects & Considerations Moveing His Majestie thereto Be thir presents Ratifies approves & perpetually confirms to the said Andrew Spalding & his airs & assigneyes after specified Ane Charter of the date At Whitehall the first day of July M V J sevintie sevin years & now exped the Great Seale of his highnes ancient Kingdome of Scotland proceeding upon the said Andrew and his own Resignation And Signature & warrand under His Majesties Royal hand Whereby our said Sovereign Lord with the speciall advice & consent of the Lords Commissioners of his Majesties Thesaurie & Exchequer of the said Ancient Kingdome Gave granted & disponed And for his Hignes & suc-

Scots Acts of
Parliament.

cessors perpetually confirmed to the said Andrew Spalding of Ashintully & airs male of his bodie whilks failieing to his airs male whatsoever whilks all failieing to his airs whatsoever & their assigneyes heretable & Irredeemabllie All & Hail the said Andrew his third pairt of the lands of Strathardell Comprehending the lands & others particularly underwritten viz.—All & Hail the Mains of Ashintully.

1615.

And which hail lands Burgh of Baronie patronage & others above disponed with the pertinents were by His Majesties Royal Grandfather of ever blessed memorie Erected in ane hail & frie Baronie To be called the Baronie of Ashintullie Conforme to ane Chartor granted by his Majesties said Grandfather Under his Highnes Great Seale In favors of the deceist David Spalding of Ashintullie thereupon of the date the tenth day of January Im VJc & fifteen years Moreover His Majestie for the causes above specified & with consent of the said Commissioners of Thesaurie & Exchequer Of new gave granted disponed & perpetually confirmed to the said Andrew Spalding & his forsaid The foresaid Baronie of Ashintullie Comprehending the par-

ticular towns lands patronage Burgh of Baronie
 And further His Majestie with consent of the said Lords of Thesaurie & Exchequer Erected the Hail woods, Glens, hills & watersides of the saids lands & others above specified & of the other lands & others aftermentioned disponed to the said Andrew Spalding & his foresaid By Sir Patrick Maxwell of Newark & George Maxwell his eldest son in maner after exprest In ane hail & free fforrestrie In all time comeing To be called the fforrestrie of Ashintullie with the privileges specified in the said Charter & likewise of new erected & the saids lands & others above resigned & disponed In ane hail & free Baronie of Ashintullie Ordaining the mannor place of Ashintullie to be the principall messuage of the said Baronie, And that ane seasing to be taken thereat or upon the ground of any pairt of the saids lands Then & in all time comeing shall be sufficient for the hail As if ane particular seasing were taken upon each pairt & portion thereof Albeit not so done & without respect to their discontiguitie Anent all which his Majestie dispenses to be holden the saids lands Baronie, Burgh of

Baronie weekly mercat yearly faires fforrestrie & others to the said Andrew Spalding and his foresaids of our Sovereign Lord & His Royall Successors as Superiors in frie Barony Burgh of Barony ffree fforrestrie fie & heritage for ever with the privileges exprest in the said Charter Givesand yearlie the said Andrew Spalding & his foresaids To his Majestie & Royal Successors the dewties underwritten

That notwithstanding thereof It shall be lafull to the said Andrew Spalding his airs successors & assigneyes & in their power peacable to possess & enjoy the same ffor payment of the soume of ffourty pounds scots money yearlie for the ward Alsmuch for the Nonentrie.

And the airs & Assigneyes of the said Andrew Spalding are empowered in all time coming to obtaine themselves served & retoured airs in speciall to their prediccors in the saids lands & others above mentioned.

And in likemaner his Majestie with consent foresaid ratified approved & perpetually confirmed the Right and Disposition of the date of the Eleventh and dayes of July Im VJc Sevintie four years

Granted by the said Sir Patrick Maxwell & his said sone with one consent And als with the consent of the other persons therein mentioned In favors of the said Andrew Spalding and his foresaids heretable & irredeemable of all & sundry the lands & others underwritten, viz.—Off all & hail the townes & landes of Eister and Wester Belmacruchies The lands and townes of Delnabrick easter & wester the townes and lands of Pitcarmo Easter & Wester with the Corn Milne thereof the townes & lands of Belnabroich, with these lands called Merkland, The lands of Balmoile, the townes and lands of Easter & Wester Ballentin, the townes & lands of Easter & Wester Blaittownes, the lands of Enochs Easter & Wester with the Cornmilnes thereof milnelands multures & sequells of the same. And of all & hail the lands of Laire & Cray, the lands of Brochdarge, the Lands of Corridon with all & sundrie their houses biggings yairds Orchyairds mannor places woods fishings tennents tennendries Services of free tennents pairs pendicles & pertinents thereof whatsoever. All lyand within the Baronie of Balmacruchie & Shiredome of Perth & Siclike off All & Sundrie the lands &

Baronie of Newark with the mannor places houses biggings & universall pertinents belonging thereto lyand within the Shirefdome of Renfrew And that in special warrandice & securitie to the said Andrew Spalding & his foresaids of the Superioritie of the saids townes lands & others above disponed & the saids Sir Patrick & George Maxwells their right thereto In case of evicition in maner specified in the said disposition Whereby they are obleist to infest the said Andrew & his foresaids in the saids lands & others above written principall and warrandice.

And our said Sovereigne Lord with the advice & consent of his saids Estates of Parliament decernes & ordains this present general rattification & confirmation of the said Charter & Seasing were To be als valide & sufficient And of als great force strength & effect for all intents & purposes to the said Andrew Spalding & his foresaids as if the said Charter & Seasing were word by word herein infert albeit not so done Whereanent & with all that may follow thereupon Or that can any wayes be objected against the validitie thereof or any fault nullitie & imperfection therein our

said Sovereigne Lord with advice & Consent of his Highnes Estates of Parliament His dispensed And be thir presents for his Highnes & Royal Successors dispenses And hereby overgives & renunes the saids nullities & imperfections And all benefite thereof in their owne favors for ever.

At this time, David Spalding, only brother to the Laird of Ashintully, married Margaret, daughter of Baron John VII of Straloch, and bought the estates of Whitehouse and Morcloich or Whitefield Castle, from Ashintully. On his death he left the latter estate to his eldest son, Charles, and the former to his second son, David.

^{1665.}
Sketches of
Strathardle,
C. Fergusson.

In 1686 Andrew Spalding of Ashintully married, ^{1686.} for the third time. His last wife was Grizel Carnegie, daughter of David Carnegie of Balmachie. She survived him: dying about 1733. By this marriage Andrew had three sons: Charles, who died 1715; John of Mormount, who married Susanna Small, and left a son, Alexander; William of Balno, who married Janet Adam, daughter of Andrew Adam of Braestown. There were also two daughters, Grizel, who married James Robertson of Dounie,

and Magdalen, married to Andrew Rattray of Wester Ennoch.

1689.
*Sketches of
Strathardle,
C. Fergusson.*

In the time of the Revolution, when William of Orange came over and took possession of the throne of James VII, almost every man in the district of Atholl was a staunch Jacobite. In Strathardle it was different; there the chief leader of the district, the Baron Ruadh of Straloch, was a very keen Whig, so that his influence at this time was strong enough to keep even that Ishmael of Highland chiefs, Spalding of Ashintully, from joining Dundee. The latter had ordered Halliburton of Pitcur, Stewart of Ballechin, Fullarton of that ilk and others, to take possession of the strong castle of Blair Atholl and garrison it. They having done so accordingly, King William commanded Lord Murray to raise his father's men to dislodge that people. Lord Murray accordingly raised all the fencible men in Atholl and Strathardle, and, assisted by the Baron Ruadh and Spalding of Ashintully, kept up the siege of Blair Castle for a time, till Dundee sent a party of his men under Alexander M'Lean to relieve the place.

1689.

For the Laird of Clunie in Baddnoch,

BLAIR CASTLE, *July 26th.*

*Transactions
of the Gaelic
Society,
vol. xx.*

SIR,—My Lord Murray is retyred doun the contrey. All the Atholl men have left them saive Stratherel, Achintully, and Baron Reid Straloch, and they will not byd my doun coming to morow. They will join us, and I supose to morow you will have ane answer, so if you have a mynd to preserve yourself and to serve the King be in arms to morow that when the letter comes you may be here in a day. All the world will be with us, blessed be God—I am, Sir, your most humble
Servant,
DUNDIE.

My service to all the Loyall gentry of baddnoch.

Shortly after the massacre of Glencoe, Breadalbane proposed to King William to raise a body of 4000 Highlanders, under 40 officers, to aid in case of insurrection at home or invasion from abroad. Among them Spalding of Ashintully was to furnish 30 men. However, this was not carried out.

1692.
*Sketches of
Strathardle,
C. Fergusson.*

1698.

In this year the Marquis of Atholl sent a large body of men, with his sons Lords James and Mungo Murray, to the north to deliver his daughter, Lady Amelia Murray, from the hands of Simon Fraser, claimant to the estates of Lovat.

Two strong companies of Strathardle men accompanied this expedition—the one of the Robertsons of Straloch, under Leonard Robertson of Wester Straloch, and the other consisting of 80 men of the Spaldings, under the command of David Spalding, yr. of Ashintully, as Lachlan Rattray in his MS. tells us: “At this time the Marquis of Atholl got a warrant from Parliament to raise all the shires in arms to go to Lovat country, and young Spalding of Ashintully was ordered by his father to go there with fourscore men, of which William Farquharson, Sanders Rattray and I were appointed to be officers, till we were disbanded after Candlemas that year.”

1700.

In this year the heritors of Perthshire presented a petition to Parliament setting forth the damages and loss which had resulted from the constant warfare, and praying for the encouragement of trade with the African and Indian Company. Among

the Strathardle lairds who signed the petition were Andrew Spalding of Ashintully, and his brother David of Whitehouse.

When the lands of Ashintully were, by Act of Scots Parliament, created into a barony in 1615, among the many privileges conferred thereby was the right of “Pit and Gallows”—*i.e.* imprisonment and execution. Of this the Spaldings took full advantage, so that many a poor wretch was hung on the old ash-tree on the gallows-hill—“Tom-na-croiche”—at Ashintully, without any trial but the laird’s whim, though no doubt often enough innocent of the crime laid to his charge. Thus these warlike barons of Ashintully increased in wealth and power, and ruled with a high hand on the Braes of Ardle till after the ’45; but at the beginning of the eighteenth century their power began to decline, they gradually lost all their extensive lands, and for the last two centuries it has been one of the best-known traditions of the Strath, and firmly believed in to this day, that their then chief, Andrew Spalding, and his brother David of Whitehouse, brought a judgment on their race by a dark deed of murder done by them, for which they

*Sketches of
Strathardle,
C. Fergusson.*

blamed and hanged an innocent man. At that time there lived at Bleaton a farmer of the name of Andrew Fleming (ancestor of the late Alexander Fleming, Davan), who was a great drover, and in the habit of buying all the spare cattle in the district and taking them to the southern markets. There he sold most of them to the famous Rob Roy Macgregor, who was a great crony of his, and who used often to visit him at Bleaton, on which occasions they both always went and spent a night with Spalding at Ashintully Castle, where the room in which they slept is called Rob Roy's room to this day. Having taken an extra large drove of cattle to the south and sold them at a large profit, Fleming was returning home up Strathardle with a large sum of money in his possession, when he was waylaid at Whillie's Burn, near the Bridge of Cally, by Spalding of Ashintully and his brother David of Whitehouse, who knew when he was to return. They murdered and robbed him, and threw his body into the burn.

Spalding had arranged that his butler should go to Blairgowrie on that day, and return about the same time as Fleming, and, as he was the only one

seen passing that way after Fleming, he was accused of the murder by the Spaldings, who had him tried, condemned, and hanged at Ashintully. From that day began the decline and fall of the family. Everything seemed to go against them: their power and lands dwindled away, so that at last, sad to tell, the widow of the last laird became a homeless wanderer, begging bread from door to door in Strathardle; and I have heard old men, whose grandfathers had given her food and shelter, relate how, to the last, her proud spirit and masculine temper were a terror to the goodwives and children in the houses she frequented: she also was a big, powerful woman, and always carried a huge stick, which she freely used when occasion required.

Andrew Spalding of Ashintully died January 1705. He was survived by his third wife, Grizel Carnegie, and a numerous family. His eldest son, David, whose mother was Jean Mackintosh, succeeded to Ashintully.

David Spalding of Ashintully to his father Andrew thereof who died—January 1765. Heir male Special in a third of Strathardell, viz. Ashintully, Weirs, Spittell, &c. Perthshire. Dated 20th

C. Fergusson.

*Service of
Heirs in
Scotland,
vol. i, p. 24.*

August 1707. Date of recording 3rd Nov. 1707.

David Spalding of Ashintully to his father Andrew Spalding of Ashintully who died January 1705. Heir male Special in Balmacrochies, Perthshire, and Newark, &c. Renfrewshire in security. Dated 10th October 1711.

C. Fergusson. The Strathardle men, like all the rest of the Atholl Highlanders, were very much opposed to the Union with England, and one of the greatest gatherings ever seen of the men of the strath took place at this time, when all the different septs rose to a man under their various chieftains and marched over the hills to Blair-Atholl to join the Duke of Atholl, who mustered his full strength to oppose the Union. General Stewart of Garth tells us: "In 1707 his Grace took the field with 7000 men of his own followers, and others whom he could influence, to oppose the Union with England. With this force he marched to Perth, in the expectation of being joined by the Duke of Hamilton and other gentlemen of the south; but as they did not move he proceeded no further, and disbanding his men, he returned to the Highlands."

Sketches of the Highlanders,
vol. i, p. 70.

Roll of the Duke of Athole's fencible men for 1705. fighting & hunting, 1705:

"5 merk land. Drumfork. Andrew Spalding of Drumfork—armed & his 7 men all fully armed."

Families of Tullybardine and Atholl, Duke of Athole.

The Duke adds the following note at the end of the roll: "Spalding of Ashintully was not a vassal of the Duke's but frequently followed him."

In August of this year the Duke of Athole held one of those great "Tinchels," or deer hunts, for which the Atholl Forest was so famous. In 1711 another great deer hunt took place, when orders were issued on August 17th to the parishes of Blair and Strowan, Moulin, Kirkmichael, Taywood and Forest of Cluny, Glenalmond, Guy, Kilmorich, Logierait, Fortingall, Weem, Strathummel, Dull and Balquidder, desiring the vassals and fencible men out of every merkland to parade at Blair Castle on August 21st in the evening. Spalding of Ashintully being in bad health and unable to attend, wrote as follows to excuse himself:—

1710.
Sketches of Strathardle,
C. Fergusson.

ASHINTULLIE, August 21st, 1711.

"May it please yr Grace,—In obedience to yr. Grace's desyre I have sent about ane hundereth

86 THE FAMILY OF SPALDING

men to yr. Grace's hunting Quch is all possable for me to get appointed in cloathes and armes, considering the very short advertisement, for I only received yr Grace's letter on Sabbath Quch if I had got sooner I would have endeavoured to have sent als monie more, and would have waited on yr Grace myself according to my dewtie wer it not that I have been tender of a long tyme, so that I cannot traivell without my hurt and prejudice. And this from, may it please yr. Grace, your Grace's most obt. and most humble svt,

"D. SPALDING."

C. Fergusson. Very many of the Spaldings were not regular followers of Ashintully, being settled on the different estates in Strathardle and Glenshee. I have counted all the different names on the Duke of Atholl's Roll for that district, and the Spaldings come fourth, without counting Ashintully. Of course each estate, according to its value, had to send so many of its best picked men, led by the laird or a relation.

1715. In September 1715 the Earl of Mar wrote to Lord Tulliebardine as to raising forces to march

to Athole "to attend the King's Standard." He says, "I incline to think you had best come to Strathardle to us . . . I have sent an order & also wrote now to Ashintully.—MAR."

Mar wrote to David of Ashintully, after he had raised the standard on the Braes of Mar, to meet him with all his men at Spittall of Glenshee three days after. From Letter II, in Jacobite correspondence of the Atholl family, we know that Andrew Spalding of Glenkilry (own brother to Ashintully) took out the Ashintully men in 1715, but they do not seem to have been ready to join Mar in Glenshee or Kirkmichael for some time. The first lot of Strathardle men were raised by the Master of Nairne and Captain Peter Farquharson, and were divided between the regiments of Lord Nairne and Lord Charles Murray. They joined Mar at Perth, and, with the Spaldings, were sent to Lord George Murray's regiment, and fought at Sheriffmuir, where Charles Spalding, half-brother to Ashintully and Glenkilry, is supposed to have been killed.

John Spalding to his brother Charles Spalding, son of Andrew Spalding of Ashintullie, heir general.

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Dated 25th August 1715. Date of recording January 17, 1717.

Letter from
Mr. James
Stewart of
Kirkmichael.

In a note by a spy in the Record Office, London, it is mentioned that the Earl of Mar, on his way north before the rising, stayed a night or two at Ashintullie Castle and unfolded his plan to Spalding, getting his help and a number of men. He conferred on Spalding, or rather made him Lieut.-Colonel, and Spalding also offered to send a fiddler—a piper it would most likely be. They seem to have had a royal time of it according to the spy's description.

About this time David Spalding seems to have been obliged to part with several of the minor properties on the estate, as shown in the following Sasines.

Records of
Invercauld.

“Instrument of Sasine in favor of John M'Kenzie of Delvin of that part of Glenbeg called Rindorach, proceeding upon a Contract of Wadset between him and the said David Spalding, dated 16th May 1715.”

“Contract of Wadset between the said David Spalding and Andrew Stuart in Glenshee, by which David Spalding wadsets to the said

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Andrew Stewart the town and lands of Craigdarg for 3080 merks Scots, dated 13th November 1719.”

“Contract of Wadset between the said David Spalding and the said John Farquharson whereby the said David Spaldin, Wadsets for the sum of £7633, 6s. 8d. Scots the said lands of Glenbeg, Ridarach, Spittals, and astricted multures thereof, dated June 2nd 1722.”

“Ext. Disposition from the said David Spalding to the Duke of Athole of the lands of Sett Spittals with the Mills and Multures thereof etc, dated 3rd July 1727 and Registred in the Books of Session 28th November 1733.”

A contemporary of David Spalding, viz., Lauchlan Rattray, in his MSS., alludes frequently to the bad reputation and unscrupulous character of the Laird of Ashintully, and a letter from the Rev. James Ferguson of Keith to Mr. Peter Shaw of Fingard, dated 1841, enlarges on traditions of the same nature. Among other facts he reports “That he (David Spalding) enjoyed at one time much favour at Court, as well as in the Halls of some of the distinguished Nobles of the land. And that,

in character, he was a compound of pride, vanity, cruelty, and want of principle."

"That Ashintully condemned and executed many most unrighteously, particularly a man of the name of Duncan, who was drowned in a sack in what is still called 'Duncan's Pool.' And a man of the name of Buchan was first confined in a dungeon, in the Castle, for three days, up to the neck in water, and afterwards hanged on the Gallows Hill. This man, Buchan is said to have seen Spalding killing a man. Ashintully persuaded Buchan to confess that *he* had done it, promising that he would bring him off, but sentenced him to death as soon as he got him to make the confession. It is said that Buchan sang the 109th Psalm when in the dungeon, and that the curses denounced in that Psalm were almost literally executed on the family of Spalding of Ashintully."

"That David Spalding was admitted into the Society of the Earl of Strathmore, and that he might at one time have received the Earl's daughter in marriage. That on one occasion he was present at, and carried off the palm, at a match at Putting the stone at Glamis Castle; and that the

Earl's daughter wiped the stone with her apron before he threw it."

It is not known whom David Spalding first married. He had a son David, but the date of his birth is uncertain. He had also a natural son by Grissal Lyon, called Daniel, born 1720.

Wills in
Chancery
Office,
Edinburgh.

A Sasine, to which both these sons were witnesses, is dated October 17, 1740.

"1740. October 17. Sasine on Charter by David Spalding of Ashintully in favour of James Spalding of Bonymilns, of the town and lands of Wester Bleaton, extending to twelve merkland of old extent, lying in the barony of Balmackcrichie. Dated at Moultershill 29 September 1740. Daniel Spalding writer in Edinburgh, son of the said David Spalding, granter and writer of the Charter, is a witness."

Perth Sasines,
vol. xxii,
fol. 395.

"Sasine on 6 October 1740, before these witnesses, Robert Gardiner, writer in Edinburgh, Thomas Spalding, tacksman of Leith Mills, David Spalding, lawful son of the granter, and George Tod, writer in Edinburgh."

Farquharson of Invercauld had acquired from the Athole family the superiority of several of his

Records of
Invercauld.

Perthshire properties, as well as of some adjoining lands which he contemplated purchasing when an opportunity presented itself. Spalding of Ashintully was superior of Glentatnich, a fine grazing glen adjacent to Invercauld's property in Kirkmichael, hence his desire to acquire it; but, from previous transactions with Spalding, he did not care to have him as the superior. In a letter to Invercauld from his agent, Thomas Bisset, dated Kirkmichael, May 20, 1740, the latter says: "Barrone Reid and James Spalding, flax dresser in Edinburgh, are both competing for the Glen, but have not on offer yet exceeded 25 years purchass, being the price Lord George payd over head for the whole: and I believe it may end in or about 26 years' purchass . . . I know you'll not incline to hold of Ashintully (as superior). But to prevent that, you can take it holden Immediately blench of Downie and he to hold it of Ashintully."

In another letter to Invercauld, dated from Kingcraigie, 13th January 1741, his agent writes, "I find Ashintully's lands must now soon be sold, and all his Wadsetters and other creditors are warned that you should be the purchasser Being affrayd

of coming into James Spaldings hands. Please let me know If you'll incline it, and I shall lay myself out to serve you therein accordingly."

David Spalding of Ashintully died 1744. He was seventy-four, having been born in 1670. His eldest legitimate son, David, enlisted in the first Highland Regiment raised by the Earl of Loudon, and among the list of officers whose commissions were dated the 8th June 1745 we find his name as Ensign David Spalding of Ashintully. By the breaking out of the Rebellion this regiment was called to the field without being disciplined. Three companies were present at the battle of Preston in September 1745. Every man and officer was taken prisoner.

*Sketches of
the High-
landers,
Maj.-Gen.
Stewart.*

David Spalding is never again mentioned, so is supposed to have perished during his first campaign.

His father, David, must have married Grizzel Lyon between 1740 and his death in 1744, as in subsequent deeds she is mentioned as his widow. This late marriage, according to Scotch law, made legitimate Daniel, born 1720, a daughter named Elizabeth, and a younger son Peter, who became

Stodart's
*Scottish
Arms.*

a goldsmith in the Canongate, Edinburgh. The latter, while an apprentice, was one of the persons wounded when Captain Porteous fired on the Edinburgh populace during the riots of 1736. Peter Spalding married Joan Fulton, heiress of a merchant burgher of Edinburgh, and left a daughter, Catherine, who was served heir-general to her mother, March 19, 1747.

*Service of
Heirs.
1700-1750.*

1745.

Daniel Spalding, upon David's death, or disappearance, after Preston Pans, claimed the right to lead the Ashintully men in the forces of Prince Charles Edward. But his father's brother, Colonel Andrew Spalding of Glenkilry, who had led the clansmen through the '15, was appointed to the command of them on this occasion also. The following letters are taken from the "Jacobite correspondence of the Atholl family, during the Rebellion, MDCCXLV-VI."

p. 13.

Spalding of Glenkilrie to the Duke of Atholl.

May it please your Grace,—I had the honor of two letters directed by your Grace to me, the one came to my hand the third and the oyr the eight instant, and I may verry freely say that I did

exert myself, as farr as my present state of health ^{1745.} and situation could allow, to obey your Grace's commands. I am verry sorry that I have to say that their is greater difficultie to raise the men of this Countrie than ever I seed before, and that it seems to me that nothing will raise them to purpose without a pairty, it will be understood betwixt this and tomorrow night or Thursday morning who will go out voluntirly.

Mr. Ogilvie, younger of Shanyvey, spooke to me yesterday, and told me his father is engadged with Lord Ogilvie to answer for his lands in Glenisla. I desired his son to raise his fayr's men in Glenshee and the neighbourhood there: he promised me to doe so and to go forward tomorrow the eleventh, but he expects to be an officer (I mean an subaltern comission), I encouraged him in his demand, and I doubt not he will impliment his promise if the men rise for him. Mr. Murray of Soilary went off in the afternoon yesterday with a few in order to hasten more to follow him: I expect some moe have followed this morning. Their shall be nothing neglected that lyes in my power in this matter. I am sorry

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1745. that my bad state of health hase not allowed me to wait on your Grace shooner, but I would fain think and hoope that my distemper may shoon wear over so as that I may have that honnour and pleasure. I thing your Grace or any man els needs no doubt of my activity and good inclinations to that good cause, and my constancy in serving that noble and ollusterous family of Atholl. I doe think with submission, that Mr. Murray of Soilary is a person qualified to command a company, for I found him aboundantlie frank to join in that service. I can say no more at this time untill I see how the countrie raises, and then, I believe, some moe gentlemen will goe alongst with them, and in the meantime, I wish all prosperity and success to the just and honest cause. I am, your Grace's most humble and most obedient Servant,

AN. SPALDING.

GLENKILRIE,
ye 10th Sept. 1745.

1745. *Spalding of Ashintully to the Duke of Atholl.*

MY LORD DUKE,—Had I not been persuaded by some people, who I now believe are unfriendlie

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to me, to delay it untill your Grace were farther advanced in ye Country, I would have gone and meet your Grace upon your arrival. After your Grace came to Atholl, I was ashamed to go without some men, and therefore went to Perth in order to have got a party: when I had the honour of waiting on my Lord George Murray, your Grace's Brother, who ordered me to wait on your Grace and his own favour. I went to Dunkeld in order to have gone to Blair, but by misfortune I sickened, which obliged me to return home. I no sooner recovered than I desired all my vassals and tenants to make ready, otherways I would put ye party on them, there was one in ye Country from your Grace at the time of my Ouncle Mormount bailed to answer, under ye pain and penalty of twenty pound for each man that failed, how soon I would be ready but how soon ye party was gone they were all unwilling. Upon hearing your Grace was marched I followed after; but after I went to Edinburgh I learned your Grace was returned. The day before the Batle I spoke to Lord Nairn, who desired me to go to my Lord George of a new, your Grace being absent; but, finding his

G

Lordship was with the Prince, I could not presume to demand access by reason of the hurry they were in, therefore went on with a relation of my own, who commanded a Company in ye Duke of Perth his regiment, having transiently met with him. After ye engagement meeting with my Lord George he desired me to return to ye Country to wait on and attend your Grace: which order I have accordingly obeyed. I beg your Grace will send to the Commander of ye party here, or send an oyr to assist me in raising ye men who have deserted from Edin. and such as have not gone forward, and unwilling to go. I reckon your Grace has been informed of my misfortune, altho' my Commission from ye Usurper is date ye eight of June last, I never received but ten pounds, which I got for recruiting, and is all exhausted; and my Lord George desired me to apply to Mr. Mercer for subsistence to myself and men. I expect your Grace will honour me with an answer, and am, with ye greatest respect,—My Lord Duke your Grace's most faithfull, most obedient and very humble servant,

DAN. SPALDING.

ASHIN. *Sept. 30th* 1745.

I beg your Grace will examine my papers, and I believe I have been misrepresented to your Grace. I wish my accusers and I were in your Grace's presiance at ye same time, I would think it the best way to vindicate myself.

The Duke of Atholl to Spalding of Ashintully.

SIR,—I received yours of the 30th of Sept. yeasterday; I am surprised you left the Prince who, if necessary, would certainly give you a comission to H. R. H. his declaration: Tho' I have been for some time in these parts without having the satisfaction of seeing you, yet, for your Father's son there's nothing possible that's proper that I wouldn't do: Therefor, must leave it to Glenkillrie to inform me of what you reasonably expect, which shall be accordingly performed by,—Sir, your most affect. humble Servt.

BLAIR CASTLE, *October 2nd* 1745.

1745. Extract from letter of Lord George Murray to Neil M'Glashan, secretary to the Duke of Athol :

EDINR. 4th October, 1745.

“ I should think Glenkildrie woud be a very proper person to be at Perth with Lord Strathallan as he could be assistant in bringing and keeping men there, except the Duke of Atholl thought it more proper to keep him at Logierate, where certainly there must be a guard, and some person appointed who will have the charge of ye Country as well as the prisoners there ; my only objection is that I am afraid that Glenkildrie, as he's old, has not activity enough for such a command.”

Spalding of Ashintully to the Duke of Atholl.

MY LORD DUKE,—I referred to Glenkilrie to inform your Grace of what I reasonably expect conform to your Grace's desire ; but as he has proved dilatory, I beg live to inform your Grace myself. I am, my Lord, a poor dependant, although young, and am therefore willing to obey directions : and I likewise hope your Grace will make me

equall with some of my Inferiors, at any rate, if I 1745. am as deserving, and I do believe I have a claim. In the first place I was an Officer in the oyr. Army, where I had full pay ; secondlie, in going to Glads-muir a Volunteer ; and, fourthly, I have some men along with me ; and I also believe there is none of the Gentleman with whom I have been upon command since I came here can reflect much upon me. May it therefore please your grace to preferr me to an Company, and to give me such pay as I can live upon without being too much scrimped, especially when I go on party. I have now the experience of traveling ; and am, with the greatest respect, my Lord Duke your Grace's most faithfull and most obliged humble servant

DAN. SPALDING.

PERTH, Oct. 23rd 1745.

Spalding of Ashintully to the Duke of Atholl.

MY LORD DUKE,—I beg your Grace will be pleased to receive a complent etc.

Ever since I went to England I could not have a billet once in ten days, altho' unwell, as I informed your Grace while in Glasgo, and I demand a

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foreloof (furlough) which, as Major Ratson told me, I would have so soon we advanced the length of Stirling. When I came there I sent to the Major to know if I could have one, but received no answer untill Rob. Stewart the agitant robbed me of my pay, as I refused to deliver it out of my hand. I know (no) reason for this, seeing I attended and did my duty while I had a man under my command of my own: I may say I had non after ther was an oyr joined with me, for at any time I could not have a servant altho' oys had two who did no duty and were mostly my men. My Lord George desired me to march before ye small number of my own remaining: Fascallie desired me to march with Solrie, and Solrie desired me to march in the rier with his Lieutenant: this disoblged me, but this your Grace knew naught of; my men was and is willing to follow me, and I am willing to serve the Prince: I am now, (as I got neither Lewtenant or Ensient to assist me, which, with the advise they got, as ye men tells me, had (been) the occasion of their deserting, together with double duty) resolved to place all officiers myself, as I have relations of my own who will be as obdient as any your Grace

has; but I hope your Grace will send me the ^{1746.} money that was taken out of my pocket, and an oyr week's pay, seeing I stayed and borrowed untill I got my expences in loan from such as came along with me: It is conterary to ye Prince's manifesto to refuse me a commission, as had one from ye Usurper, besides ye men I brought along, and is a thing your Grace would never have consented too, altho' I had not got a letter, by his Highness's orders from ye Secretary, assuring me of his favour. I expect your Grace will honor me with an answer, and am, with the greatest respect, my Lord Duke your Grace's most obdient and oblged ser.

DAN. SPALDING.

ASHIN. *Jany.* 22, 1746.*Spalding of Ashintully to Dr. Cobville.*

SIR,—I received yours Saturday last, and as for answer please know that, it was Impossible for me to answer ye contents in such a suden, considering one will not draw Equallie with one another. You may believe they are concealing ye arms, which will be found after a search. Some of the deserters would have a second fee, altho'

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not a one fortnight from home. Last, I do think there may be two companys raised within ye Barronys of Ashintully and Balmachruchie, without hurting ye Laboring much when joined with such as are in ye Prince his service already: and by haveing ye assistance of a party I will double ye number I can possiblie have willingly, and it is impossible for me to preveal with one of them to quarter on one an oyr, altho' they have the Inclination. I would therefore, the Duke of Atholl would be pleased to order a partie for this Country, which with ye greatest submission I humblie beg would be rouled by me, which I think will find armes, men, and money. I counted for the money I received last, and acknowledged ye same to my Colonell: but I am afrighted every one did not so. The Minister posses a fourt of Dounie. I think it is a pity he should be Exeemed, considering ye great opposition he makes, and ye corses he pronounces. Your answer is expected, and am, Sir, your obdient and very faithfull ser.

DAN. SPALDING.

ASHINUTLLE, 28th (Jan.?) 1746.

P.S. excuse paper.

Robertson of Bleaton to Dr. Colville.

1746

SIR,—I had a letter from Drumachine, sabath last, Desireing me to march the first and readiest of the men of this country this Day, and that he had sent for a party of the Brae of Rannoch men to bring up the rest, upon which I convened betwixt 40 and 50 of them, and was come this day on purpose to be at Blair wt them tomorrow morning.

But Major Rattray has just now brought me a verball commission from the Duke not to come forward with a small part of them, but to stay and bring up the whole, altho' it should take three or four days longer. I thought fitt to obey the Major's orders, as I would wish to bring up the heall in a body, but have run this Express to tell you that it is Impossible for me, or any person els to near do the thing without a party. Therefore I hope you will show this to his Grace, that he may Immediately order a Partie here, and I shall give a very good account of the country in a few days. I would certainly come forward with I had ready, had I not got the above new commission

by Major Rattray, and if you think it amiss that I stayed, I shall upon receipt of your answer, march up what is ready. There is one thing you will mind in your answer, which is Desiring I should bring up the late Ashintyllie men with the rest, for if they be referred to his worthless bastard son, his Mother and he will spoil the whole affair by pretending to have the only power of them by which they are taking bribes or compliments to pass some of them, which I do not like. I wait your answer and the party, and am, Sir, wt Esteem,
Your most humble Servt. DAVID ROBERTSON.

KIRKMICHAEL, 28th Jany 1746.

Spalding of Glenkilrie to Dr. George Colville.

DR SIR,—I had the pleasure of 2 or 3 letters from you lately by the Duke of Atholl's orders about the raising of the Strathardle men to go to Perth. Bleaton would have been at Blair Castle some days ago wt a part of the men had not the first orders been countermanded by a message from his Grace, pr, Major Rattray of Corb;—Your last letter only came to my hands this day about

11 o'clock, where Bleaton & some oyr Gentlemen and I was convining the men to be sent forward to Perth; & I hope we shall send forward this night the number his Grace appoints, & the rest as soon as possible, either voluntarily or by party (as) they can be raised; and I hope the most part will be got raised voluntarily, so that a small party, with what we shall join to them, will serve to raise the Refractory. As the Duke of Atholl's command was always very agreeable to me, so at this Juncture, nothing in my pour shall be awanting to serve his Grace and the good cause he is engaged in. As to what you mentioned in one of your former letters wt respect to my assisting Daniell Spalding, a son of Ashintullie's, & John Spalding, a son of Whitfields, in raising the men, I have given assistance and shall continue to do; but as to Daniell Spalding, and his accomplice's behavior and conduct in raising the men, reather retards than forwards the matter, of which his Grace will soon be informed. There are several country gentlemen that have agreed to go along with the men, which I think would be best for keeping the men out, but if any of them does not incline to go,

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his Grace shall be acquainted, that he may appoint oyr. Officers in their place. As to my going to Perth, I never heard a word of till this day: I must consult both my health and capacity to manage such ane affaire, being an old man: but so soon as I see all the men here out, I shall wait of his Grace at Blair Castle. I have thoughts to send my son to Perth after the men, tho' he be but young, yet his presence there may be of use to keep the men I am most concerned with together. Please show this to his Grace, untill I have the honour of seeing him.—I am, Dr Sir, your most faithful and affectionate humble servant,

AND. SPALDING.

GLENKILRIE, 31st Jan. 1746.

Robertson of Bleaton to the Duke of Atholl.

My LORD DUKE,—The bearer, Robert Stewart, came to me yesterday wt. your Grace's orders about marching the men of this country directly for Perth. I likewise received a letter from Dr Colville wt. the same directions, and that I would set out wt. them this day; but as (upon your Grace's verball commis-

sion by Major Rattray not to come up wt. any part of the men until the whole were ready) I had dispersed those I had ready, till there would be a party sent to bring up the whole; it will be impossible for me to geather them so as to march this day, but, God willing, I shall sett out tomorrow. But I wish there had been a party sent before I left the Country; however I shall make use of what I have already risen, by way of partie, on the rest of the country, till I make out 100; and so soon as I set out, shall send an exact list of those that marches wt. me, that your Grace may know how to send up the difficients when the partie comes. There is three or four Gentlemen in this country that are ready to joyn us by my persuasion; and I wish that any vaccancie among our own countrymen were kept for them, rather than be bestowed on strangers like George Scott, as your Grace has ordered, as it would be the best way to keep out the men to have their own country Gentlemen wt them. I hinted in my letters to Drumachie and the Doctor, that Ashintullie's naturall son, if he had any power given him, would spoil the raiseing of his Father's men, for his mother and he takes compli-

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ments from some, and others are not willing to follow him, as I most really say he is but a worthless drunken fellow; and as far as his advise will go will not allow any to march wt. me untill he be ready, which will not be on heast; he is the only man gives me disturbance, and had it not been for him, I had had 100 ready ere now; Your Grace may do in this as ye see proper, I take the freedom to subscribe wt. veneration and esteem, Your Grace's most humble and most obdient Servant,

DAVID ROBERTSON.

BLEATON, 31 *Jany* 1746.*The Duke of Atholl to Glenkilrie & Straloch.*

As the Campbells are come into Atholl to the number of between 4 & 500, and that all the people of the country are resolved to go along with me that they be quickly repulsed. This is positively ordering and requiring you, according to what was demanded two or three days ago by the Crosstarie (fire-cross, or signal of war) to send out all the fencible men, with the best arms in the country, and join us tomorrow by mid-day; or at farthest two or three hours at Moulinarn, as you regard

everything ought to be dear to us, which must forever make me have a singular esteem for you, who am Gentleman In a most affectionate manner
Your most humble servant.

BLAIR CASTLE, 8th *February* 1746.

To Colonel Spalding of Glenkilrie, or any other Commanding Officer of the Strathardle men who is in the Country.

Since writing the above I was prodigiously surprised at Mr Rt Stuart, Adjut. of Lord George Murray's Regt.'s arrival, who was sent with a party of the Appin men to raise the Country; but it most surprisingly appears that none amongst you have thought fit to obey the most positive pressing orders that could be sent. Therefore, without further rigour, This is requiring you, on your allegiance, and the duties due from you to King & Country, that you forthwith send to join us, at least the 200 men who have received his R. H. arms and pay: which at your peril you are immediately to perform, without waiting for any other advertisement, as you will be answerable both before God and man.

1746.

To Mr Spalding of Glenkilrie, and Mr Robertson of Straloch, with all the other honest people in Strathardle.

Spalding of Ashintully to the Duke of Atholl.

My LORD DUKE,—I wrote Dr Colvill of the success I would have had with ye Strathardle men, were not the camp removed from Stirling so soon, and although I could not have the use of a partie, the Vassals and Tenants of Ashintully agreed to give fourscore and ten men (a part of which is Bleaton's company) and altho' there was no men left in Blair Castall, I would have prevealed with a good many, provided I had not been obliged to flay under night, from a strong party of the Usurper's men that is just now in that country; it is now a hardshipe if ye Prince will not allow me a reasonable subsistance, being so situated as I have it not myself. I humbly presume to lay this my condition before your Grace, on whom I wholly depend, and am with ye greatest respect, My Lord Duke Your Grace's most faithfull and obliged humble Servant DAN. SPALDING.

INVERNESS, 24th Feby. 1746.

Memorandum for Dr. Colville.

1746.

That it may be demanded of a great many of Bleaton's company how many went home and followed after Glenkilrie, after he had conveyed the Duke of Atholl to Edin.—

Secondly it may be asked of John Spalding and Andrew Rattray, Lieutenant and Ensign to Bleaton, if it was by his interest such of my men as are there was raised.

It may also be asked, whether John Spalding was present when Peter Ayson and his brother Alex. told they were advised home; they can tell by whom themselves etc.

If the Duke of Atholl were once in Atholl it may be asked of Mormount whether he was present when his brother Glenkilrie said had he been Bleaton he would have kept a guard for himself, but that he would have returned home the rest.

It may also be asked Alex. White whether Glenkilrie proposed to produce ye letters he had, offering commissions to him by Lord George &c. And it may be asked ye said Alex. and Donald M^cKenzie

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in Kirktown if or not there was a joint letter wrote by so many Gentlemen of ye country, to Lord James Murray, who are believed to be friends here.

Spalding of Ashintully to Dr. Colwill.

SIR,—Altho' my friends stood by the Campbells when Lord James and they were in compition about ye estate of Ashintullie, I did not, until Commissary Bisset, who managed his Lordship as he had a mind, was like to trifle me out of ye Eases obtained from ye creditors for supporting my Farger's familie &c: my love is more extensive towards the Duke, who has the true right, and as I always had, and has, my whole dependance on ye noble Familie of Atholl, and haith no farther to say in any petition I can give in to ye Secretary than to tell I had a commission from the Usurper, he therefore may neglect to mention my name to ye Prince, if his Grace the Duke of Atholl will not speak in my favours himself which would do the affair at once. Sir, I forgot to tell you it was not so Easie for me to raise men when Glenkilrie was

taking money from such as should have given 1746. me men.

To witt, from Clerk Chalmers five pounds, which ye clerk told me in prescence of witnesses: and I told him he behooved to git a man to me however: and, as he told me he would not, I confess—I buffed him.

He got money from oysr. also as well as from ye clerk.

I would willingly reward your trouble if you would preveall with his Grace to do for me out of bygone arrears at Leat, and think it well laid out, my enemies are so many, altho' I have a right, I have none. I am, with respect Your much obld. Servt

DAN. SPALDING.

After the ruin of the Jacobite cause at Culloden, there are few records of the Spaldings of Ashintully. In deeds relating to the sale of the property, Daniel, the son of David, is referred to as "an idiot," "the fatuous son," &c., and his mother, Grizel Lyon, "through all their misfortunes partly lost her reason, and for many years wandered about the country: and, as she was a very strong, power-

Letter from
C. Fergusson,
Jan. 27, 1903.

ful person, and of a very hasty temper, and always carried a huge stick, she became a terror to women and children."

Old Law
Paper, Edin.
First Division,
Feb. 15, 1814

. . . The affairs of David Spalding of Ashintully having fallen into disorder, a process of ranking and sale of his estate was raised in Court on Feby. 17th 1742.

David Spalding died in May 1744. He was survived by his widow Grizel Lyon, and by a son, Daniel an idiot, and by a daughter named Elizabeth.

In 1751 these three parties were called in a supplementary action of ranking and sale: but as the estate was bought bankrupt they took no concern in the action.

In the year 1766, the estate was judicially sold for £8900 sterling, bearing interest from Whitsunday that year. This price was above the value of the property, considered as territory for which tenants were to pay rent, but Spalding of Ashintully, being the representative of an ancient family, held extensive superiorities, and rendered the estate an object of political ambition, in consequence of

an approaching contested election in the county of Perth.

The estate of Ashintully was bought by the late David Bruce of Kinloch. . . . Mr. Bruce was joined in his bond for the price of Ashintully by two cautioners, the late General Graeme of Gorthie, and the late James Murray of Dollarie. Upon lodging this bond, a decree of sale was pronounced in favour of Mr. Bruce.

Mr. Bruce disposed his purchase of Ashintully, etc. to General Graeme under burden of paying the contents of the bond which had been granted for the price; and on this date General Graeme conveyed the lands and baronies to the late Mr. Robert Macintosh, advocate, under the same burden. . . . It is not improbable that the purchase was originally made in trust for Mr. Macintosh. . . . It so happened, that the price obtained at the judicial sale already mentioned, for the estates of the deceased David Spalding of Ashintully, considerably exceeded the amount of his debts, and a reversion remained for his family. Hence no scheme of division was made out, nor was the process of division proceeded in. The creditors

March 30,
1767.

severally applied to the court, and obtained warrants on Mr. Macintosh for payment of their respective debts.

None of the debts were paid by Mr. Macintosh until June 30th 1769; he then paid a small debt. He made no further payments until the 3rd January 1770, and between that period and the 3rd December 1773 he paid the greater number of the debts on warrants granted by the court. Several warrants were afterwards granted by the Court previous to Martinmas 1780 against the purchasers, for payment of three small debts, and of alimentary sums to the representatives of Spalding of Ashintully. These sums were paid by General Graeme and Mr. James Beveridge, writer in Edinburgh, for behoof of Mr. Macintosh.

1777. Mr. Macintosh's affairs having gone into disorder, in 1777 a process of ranking and sale of his estates was raised, including the estates of Ashintully.

At that time the family of Ashintully consisted of the widow and the fatuous son Daniel, the daughter Elizabeth having died about 1774. Nobody appears to have taken much charge of their affairs; on which account the heir was not

ranked, in the ranking of Mr. Macintosh's creditors, for the balance of the price which was due to him, which ought to have been done.

At the second judicial sale, that is, at the sale^{1780.} brought forward by the creditors of Mr. Macintosh, the estate of Ashintully was purchased by Mr. James Rutherford, writer to the Signet, for £7400, bearing interest from Martinmas 1780. . . . In preparing a new scheme of division of the price of Ashintully among the creditors of Mr. Macintosh it appears to have been held that Mr. Macintosh had paid the whole price of Ashintully to the heirs and creditors of Spalding, excepting a balance of £3823, 10s. od. Accordingly, in the decree of the division of the price payable by Mr. Rutherford, among the creditors of Mr. Macintosh, Mr. Rutherford was decerned to pay £3823, 10s. od. sterling to General Graeme and Mr. Bruce, for behoof of the heirs and creditors of Spalding of Ashintully, with interest from Martinmas 1780.

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In 1788, Daniel Spalding, the fatuous heir of the^{1788.} original proprietor of Ashintully died; and when

the affairs of the family came to be looked into, it was found that, after taking into account all the payments made to creditors under warrant of the Court, and after taking into account all the payments made under similar warrants towards the subsistence of the widow and the fatuous heir of Ashintully, there remained a reversion, as at Martinmas 1780, of £4490, 14s. 5d. But the sum claimed in the ranking of Mr. Macintosh's creditors, by General Graeme and Mr. Bruce, and left in the hands of Mr. Rutherford, amounted, as already noticed, only to £3823, 10s. od.; being £667, 4s. 5d. less than the true balance.

1792.

The process of division, at the instance of the creditors of David Spalding was not proceeded in, and fell asleep; but it was awakened in 1792, and the present process of multiplepoinding was remitted to, and conjoined herewith, and these conjoined processes depended, first, before Lord Stonefield, Ordinary, and at a future period they were remitted successively to Lord Armadale, Lord Balgray, and Lord Alloway.

In these conjoined processes, various proceedings have occurred, consisting chiefly of discussions concerning the interest of the executors of the

apparent heir; the claims of the widow; the rights of the heir of Spalding of Ashintully; the judicial factor, etc.; and it has been only recently settled to whom the balance of rents, and price of David Spalding's estate belongs.

No settlement has ever yet taken place with any of the purchasers of Ashintully; and Mr. Macintosh and General Graeme having died during the dependence of these processes, they were transferred against the only child of Mr. Bruce; but she does not represent her father.

During the discussions that occurred relative to the affairs of the family of Ashintully, it came to be very clearly discovered, that the sum already mentioned of £667, 4s. 5d. must be paid ultimately by the representatives of Mr. Macintosh. . . . Mr. Rutherford paid away to the creditors of Macintosh the whole of his price, excepting the sum already mentioned, of £3823, 10s. od., which had been fixed in his hands for behoof of Spalding's heirs and creditors on the application of General Graeme and Mr. Bruce. . . . From the mode of calculating the debt remaining due by Mr. Macintosh to the heir of Spalding of Ashintully, that debt was unduly diminished in its amount, and too small a sum was

the respective periods when the same were *de facto* made ; and remit to the Ordinary to proceed accordingly. In respect thereof &c. RO. FORSYTH.

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set apart for its extinction, in dividing among Mr. Macintosh's creditors the price which the estate of Ashintully brought at the second judicial sale.

The defenders seem to allege that the balance due to the heirs of David Spalding was ascertained in the division of Mr. Macintosh's estate, and that having so ascertained it is incompetent now to resume the discussion. . . .

To all this is answered that it is in vain to waste words about lapse of time, so long as the legal plea of prescription is stated, &c. &c. &c. (Then follows a long list of similar cases.)

Upon the whole the claimants submit that your Lordship should find, that the Trustees of General Graeme, and the Trustees of Mr. Macintosh, are conjointly and severally liable in payment of the price for which the estate of Ashintully was judicially sold in 1766, with the legal interest thereof from Whitsunday 1766, under deduction of all payments made to account thereof ; and that in accounting for the said price, and the interest thereof, they are only entitled to take credit for the different payments which were made to account thereof, at

APPENDIX

Summons of Multiplepoinding Bruce and Others against Spalding, &c.

GEORGE, &c. WHEREAS it is humbly meant and ^{1789.} shewn to us by our lovites, — Bruce, daughter and only child of the deceased David Bruce of Kinloch, and — Keir, Esq. her husband, for his interest, General David Graeme of Gorthie, James Murray of Dullary, Robert Macintosh of Dalmonzie, Esq. advocate, and James Rutherford, Writer to our Signet, pursuers ; That the lands and baronies of Ashintully and Balmacrakie and others, which belonged to the late David Spalding of Ashintully having, in consequence of a process of ranking and sale, been exposed to judicial sale in presence of our Lords of Council and Session, the same were purchased by the deceased David Bruce, as highest offerer, at the price of £8900 sterling : That the said David Bruce as principal,

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and the said General David Graeme and James Murray as cautioners, sureties and full debtors, for him and with him, acted in the books of Council and Session, by their bond bearing date the 9th and 11th days of November 1766, bound and obliged themselves, conjointly and severally, and their heirs, executors and successors, to content and pay the foresaid sum of £8900 sterling to the creditors of the said David Spalding of Ashintully, as they stood ranked by the decret of ranking extracted in the said process of ranking and sale, and that at and against the term of Lammas 1767, with a fifth part more of liquidate penalty in case of failzie; together with the due and ordinary annual rent of the said sum of £8900 sterling, from the term of Whitsunday 1766 to the foresaid term of payment, and yearly termly and proportionally thereafter during the non-payment which bond still remains in the custody of the Principal Clerks of Session: That the said lands of Ashintully and others were conveyed by the said David Bruce to the said Robert Macintosh, who became bound to pay the foresaid price; and sundry creditors of the said Robert Macintosh having afterwards brought

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process of ranking of his whole creditors, and sale of the said lands of Ashintully, and others then belonging to him, the said lands were again sold in presence of our said Lords, and purchased by the said James Rutherford, who *inter alia* became bound to pay such parts of the sum contained in the bond above narrated as had not been paid in terms thereof: That after the first sale to David Bruce, it having been found that there would be a considerable reversion, after paying all the creditors of the said David Spalding, these creditors, at different periods, upon application to our said Lords, obtained warrants upon the purchasers for the payment of their debts: That applications having been made to our said Lords for Grizel Lyon, relict of the said David Spalding, and for Daniel Spalding, his only son and apparent heir, who was fatuous and cognosced, certain alimentary provisions were modified and granted by our said Lords to the said Grizel Lyon and Daniel Spalding. That in virtue of these warrants, all the debts due by the said David Spalding have been paid and, after deduction of these debts, and of the alimentary provisions paid to Grizel Lyon the

widow, and Daniel Spalding the son of David Spalding, there is a considerable reversion of the sums of money contained in, and due by, the original bond still resting unpaid ; which reversion will be specially condescended on in the process hereupon to follow, and for payment of which reversion the pursuers, or one or other of them, is liable: That the said Daniel Spalding having died lately in a state of apparency, without having made up any titles to his father, or to the reversion of his estate, the said reversion is now claimed from the pursuers by the following persons, viz.

The said Grizel Lyon, George Spalding of Glenkilry, nephew of the said David Spalding by the father's side, and cousin-german to the said Daniel Spalding; Rebecca Spalding sister-german to the said George Spalding of Glenkilry, and wife of Alex. Farquharson in Blairgowrie and niece by the mother's side to David Spalding, and cousin-german to Daniel. And that the pursuers are not in safety to pay the said reversion to either of these claimants, without the authority and decret of our said Lords for so doing: Therefore, the said Grizel Lyon, George Spalding, Rebecca Spalding and Alexander Farquharson,

her husband, for his interest, Grizel Rattray, and Andrew Falconer her husband, for his interest, ought to be convened before our said Lords, and ordained to produce before them their respective rights and titles to the foresaid reversion, and dispute their preferences thereto :

And it ought and should be Found, and Declared, by decret of our said Lords, that the pursuers are liable only in once and single payment of the said reversion to the person, or persons, who shall be found to have the best right thereto ; and that the pursuers are entitled to retain in their hands the expence thereof, and of the process of multiplepinding and decret hereupon to follow ; and all other persons shall be discharged from troubling the pursuers anent the said reversion in time coming.—Our will is herefore, etc.

Dated and signeted 28th March 1789.

St. Andrew's Testaments (Vol. xxvi.).

May 8,
1789.

The Testament Dative and Inventory of the goods etc. of umquhile Daniel Spalding of the parish of — County of Perth, lawful son of

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umquhile David Spalding of Ashintully, at the time of the said Daniel's death, which was on the — day of — 1788. Given up by Rebecca Spalding spouse to Alexander Farquharson residing at Foulis, and he for his interest, sister german of George Spalding of Ashintully, niece by the father's side of the said David Spalding and cousin german to the said Daniel Spalding, Executors Dative qua nearest of kin decerned to said Daniel. There was given up for Confirmation the sum of £1000 stg. principal and the like sum of interest part of the principal sum of £8900 stg. and interest due thereon, contained in and due by Bond dated 4th & 11th September 1766 by David Bruce of Kinloch, purchaser of the lands and estate of Ashintully in the parish of Kirkmichael and shire of Perth, at a judicial sale thereof before the Court of Session, and by General David Graeme of Gorthy and James Murray of Dollary his cautioners. Confirmed 5th May 1789. Thomas Farquharson Esqr. of Piery and Mr. Thomas Mitchel at Craig are cautioners.

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St. Andrew's Testaments (Vol. xxiii.).

May 9,
1774.

Testament dative of Elizabeth or Betty Spalding, daughter of the deceased David Spalding of Ashintully, in the parish and shire of Perth, who died on . . . 177. given up by Robert Robertson, John Wedderspoon and Samuel Stewart, junior, all merchants in Perth, as creditors. The defunct executed a disposition in their favour on 3 July 1771 of all her goods at her death. Her estate was her plenishing valued at £37, 19s. Scots.

Confirmed, Laurence Wanless, merchant in Perth, cautioner.

With the judicial sale of the Castle and estate of Ashintully, in 1766, the long connection of the place with the family of Spalding came to an end; but minor properties, which had been settled upon cadet branches, still continued in their possession. Among these were Whitehouse, Glenkilry, and Drumfork, whose owners will be referred to later.

The following description of Ashintully appeared in the *Blairgowrie Advertiser*, but the date of issue is unknown.

*Blairgowrie
Advertiser.*

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"A little further on, the road to Kirkmichael branches off to the left. Still farther on the Kirkmichael road is the entrance to the Castle of Ashintully. The avenue is lined with fine trees said to be several hundred years old. The older portion of the Castle bears the date 1583. Above the main entrance, and above the date, is the legend, 'The Lord defend this Hous.' The gables of this older part are 37 ft. high; the front and back walls being 34 and 32 ft. respectively. It contains over a dozen rooms some of which deserve notice. The 'Thief's Hole' is the place where the Spaldings—the old Barons of Ashintully—kept their prisoners before trial. Tom-na-Croich, 'Gallows Hill,' on the farm of Touloud, still indicates the place of execution. 'Green Jane's Room' is where legend says the said lady was murdered. She was not altogether unavenged, as her ghost kept possession, to the exclusion of others, for many years. One or two events in which the Spaldings of Ashintully took part are worth mentioning. In 1597, an attack was made upon the House of Ashintully, and its Laird, Andrew Spalding (whose wife was third daughter of John,

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fifth Baron Robertson of Straloch) was taken prisoner by an armed company of about thirty Perthshire gentlemen with whom he had a feud. On Nov. 24th 1598 in the records of Court of Justiciary, Sir James Stewart of Auchmadie, Sir James Stewart of Ballechin, Patrick Buttar of Gormack; Alex. Robertson of Fascally, Patrick Blair of Ardblair, William Chalmer of Drumloch; David Arnot of Incheok (near Alyth), Archibald Herring of Drimmie; Geo. Campbell of Crunan, David Campbell, Denhead; Patrick Campbell, Kethick; Archibald Campbell, Persar; and others were delated for besieging the Place of Ashintully and taking of Andrew Spalding of Ashintully—committed the November of 1597. (The Campbells were sons of Donald, last Abbot of Coupar; and Campbell of Denhead was father of Elizabeth, wife of John M'Intosh, alias M'Comie of Forfar and Grandart in Glenshee—better known as M'Comie Mor.) Gormack, Ardblair, and Drumloch would seem to have been leagued in strict confederacy for purposes of violence. When parties were delated for this outrage before the Court, the King's Advocate—Mr. Thomas Hamil-

ton—being prosecutor, the accused parties, most of whom had found caution for their attendance, did not appear. The prosecutor then produced his Majesty's warrant for continuation of the diet to Dec. 15th following. Campbell of Denhead, Chalmer, Herring and two others, offered themselves to the assize, dissenting to the continuation, and asked instruments. After John, Earl of Athole, was repeatedly called as surety and cautioner for Auchmadies and others, to have entered and presented them, but no appearance being made, his Lordship was amerced in 500 merks for each of the parties; and the others 'wer adjudgiet to be denouneit rebellis, and put to the horne, and all their movabill guidis escheit, as fugitives.' On 15th Dec. the case was again brought before the court, but was continued to the 16th, 19th, 20th and 21st, on which date it was further continued to the 23rd, when the matter was settled by private agreement as no further proceeding appears on the record."

The following, from *The Barons Ried-Robertsons of Straloch*, refers to the above-mentioned Andrew, and tells a strange incident of the times:—"John

the sixth, Baron Ruadh, called Cutach, was of a genteel, generous disposition, loved to live high, and to make a figure in the world, he went with a piper and retinue attending him, and so fond was he of that attendance, that I have heard it said that he commonly went to church on Lord's Days with his piper playing before him. The Protestant religion was beginning to take footing in Strathardle, and the Baron, being not only a Protestant but the principal man in the country, it was necessary for him to go to the kirk in a warlike manner to protect the minister Mr. Sylvester Rattray of Persie and Kingseat, his brother-in-law, and also to prevent and quell tumults occasioned by Rattray of Dalrulzean and Spalding of Ashintully." The minister and the lairds were married to sisters of the Baron. This Sylvester, who died in 1686, was the eldest son of Sylvester Rattray of Persie and Kingseat, minister of Rattray, who was the eldest son of Rattray of Craighall, and his wife Isobell, daughter of Ramsay of Bamff. David Spalding, the successor of Andrew, had also the distinction of appearing in Pitcairn's *Trials* in connection with the so-called "Gowrie Conspiracy." The events of the

fatal Tuesday of August 5, 1600, must be familiar to every reader of history: the sudden visit of the King to Perth caused, as he declared, by Alex. Ruthven's story of a suspicious stranger with a pot of foreign gold; the apparent surprise of Gowrie on hearing of the King's approach; the late and scantily-provided dinner; the retiring of the King with Alexander Ruthven to the turret chamber; the baseless rumour which arose of the King having taken horse and ridden forth on the road to Falkland; the cry for help from the turret window above the court; the sudden affray and the slaughter of the two brothers under their own roof; the rage of the populace when they heard that their provost (Earl Gowrie) was slain; the flight of the King from the town, about eight o'clock at night, under a heavy rain. But over these events there was spread a veil of mystery which centuries of research have been unable to dispel. Superstition too had its wonders to relate. On the Sabbath after the event, Calderwood says: "There was seen, in the lodging where the fact was committed, men opening and closing the windows with great flapping, coming to the

windows, looking over and wringing their hands; and the day following such mourning heard that the people about were terrified." On the sea strange phenomena were seen. On Monday the tide in the Firth of Forth ebbed and flowed three times; the water between Leith and Burntisland was blackish; and "ships in Leith haven were troubled with the swelling of the water." James Melville, in his diary, notes: "That a little before, or hard about the day, the sea at an instant about a low water, debooded and ran up aboon the seamark, higher than at any streamtide, athort all the coast of Fife: and at an instant retired again to almost a low water, to the admiration of all, and skaith done to some." The King solemnly protested that his life had been threatened in revenge for the death of Gowrie's father; but confirming evidence was sadly wanted. The severity of James against the house of Gowrie was extreme. The Privy Council, sitting at Falkland on August 7, 1600, addressed a mandate to the Bailies of Perth, commanding them to "preserve and keep the bodies of the said umquhill Earl and Mr. Alexander unburied, ay until they understand further of his

Majestie's will and pleasure thereanent": the purpose being that the two bodies might be brought to the bar of Parliament when the summons of treason should be called; such being the legal formality of the day. On November 15 following, the corpses were carried into Parliament House, Edinburgh, and arraigned as though they were living men. Forfeiture was pronounced; the name of Ruthven was proscribed; the name of Ruthven Castle was changed to Huntingtower: and to conclude the last act of this tragedy, the 19th of the same month, the bodies of Gowrie and his brother were dragged through the streets of Edinburgh, with this sentence, "there to stand till the wind did blow them off." Their quarters were sent to Stirling, Perth, and Dundee, as appears in the books of the Lord High Treasurer: "Item, for carrying the quarter of the late Earl of Gowrie and his brother, to be affixt on the maist eminent places of Stirling, Perth, and Dundee, and for a creelpay and salt, £875. Item, to ane boy passing with His Majestie's warrants, to be delivered to the Magistrates of the said burghs, for this effect, £4."

The utter destruction of the House of Gowrie

did not satisfy the King's vengeance, its accomplices were made signal monuments of his severity. Alexander Ruthven of Freeland, younger son of the second Lord Ruthven, ancestor of the Earls of Gowrie, was accordingly proclaimed a rebel and a traitor, and all loyal subjects were forbidden, on pain of being held rebels also, to harbour him or do him any act of kindness.

The charge against David Spalding of Ashintully was that of "treasonable resetting and supporting with money and other entertainment," Alexander Ruthven of Freeland, "he being his Majesties declairit Traitour. fforfault in Parliament, and fugitive, for airt and pairt of the treasonabil assisting and pairt-taking with Johnne, sumtyme Earl of Gowrie, &c at Perth, the 5th August 1600." David appeared four times to answer this grave charge; but as often was the diet either continued or "deserted." Against this he always protested or took instrument. Gowrie had been denounced by the minions of James, both clerical and lay, as a "dessemulat hypocrite, ane profound Atheist, ane incarnate devil in the coat of an angel, ane studier of magic, a conjuror

of devils, and to have had sa many at his command."

If the treason of Gowrie was susceptible of plain, legal proof, what did it matter whether he was wizard, Papist, atheist, incarnate devil, or anything else? These fabrications disgusted the public, and accordingly, when Spalding appeared the fourth time before the court, the prosecution was dropped, as we may reasonably infer, from no more being recorded of the case. This same David Spalding, along with Alexander Robertson of Middle Downie, appeared at the bar of the Criminal Court in November 1618, accused of cutting down and carrying away growing timber furth of the Earl of Mar's woods and forests, within the bounds of Braemar, Cromar, Strathdee, and Glengare. The "dittay" appears to have been fallen from, as the records tell nothing more of the case.

*The Barons
Reid-Robert-
sons of
Straloch,
Rev. James
Robertson,
1887.*

Concerning a cousin of the aforesaid David, *The Family of Straloch* previously quoted from, says: "David Spalding, only brother-german to the Laird of Ashintully, came in suit of her (Margaret Robertson, daughter of Baron Ruadh), but her Father would by no means consent to the match.

However ther was contracted underhand such a familiary between them as was followed by a runaway marriage. He (the Baron) could never be fully reconciled to them, even to the day of his death. When he had occasion to speak of his son-in-law, he commonly designated him by the title of Davy Rizzio, or Seignior David. This David Spalding, who yet lives (1728), first purchased the lands of Whitehouse from his brother Andrew, and afterwards Morcloich. His wife brought him many children of whom three only lived to be men and women—to wit, Charles, David, and Margaret. Charles Spalding of Morcloich is yet unmarried. David, the second son, has been married many years ago, and has children living in Whitehouse, Blacklunans, which his father disponed to him. Margaret Grizell was married to John Rattray of Borland and has brought him sons and daughters."

Charles Spalding of Whitefield, mentioned above, was out with Prince Charlie in 1745. Was taken prisoner at Kilsyth, November 1745, and was at the battle of Prestonpans. He died at Whitefield Castle, 1760.

Mr. James
Stewart,
Kirkmichael.

Whitefield is a modern name; the old name that is still used in Gaelic being Morcloich (the Castle of the Big Stone), from a large boulder on an eminence in the vicinity. This Castle afterwards passed into the possession of a branch of the Clan Spalding of Ashintully. It is now a fine old ruin.

*Blairgowrie
Advertiser.*

The estate of Ashintully passed from the Spaldings to the Rutherfords of Glendevon, the last of whom was Miss Rutherford of Ashintully, who was succeeded by her nephew, the late Captain Ayton. At one time the proprietors of Ashintully held the superiority of fishing in river and lake in the district: but these rights were lost in a lawsuit raised by the Miss Rutherford named above.

Letter from
E. Wolf of
Bromberg,
May 14, 1908.

Branches of the Spaldings settled in Germany, Pomerania, and Sweden are descended from George Spalding of Grange, a younger brother of Andrew who built Ashintully Castle.

Andrew Spalding, believed to be son to George of Grange, emigrated about 1600 from Milhaugh to the little town of Plau in Mecklenburg, and became the progenitor of one of the two German lines; his brother William of the other, and a third brother, George, became Justice-President of Got-

tenburg in Sweden. The sons of the latter obtained a birthbrief from Charles II in 1675 verifying their descent. Of this document the following translation relates to the Spalding family:—

Registrum
Magni Sigilli,
Lib. ix,
No. 314.

“They were descended from the famous and highest-born families: all were distinguished by magnificence of race and valour. And by our former most illustrious Kings of the Scots, by reason of their splendid performances against enemies, and their proved faithfulness towards their country, were rewarded with great honours, functions and gifts from almost every record by right and desert, etc.”

*Spaldings in
Germany.*

The Rev. H. M'Leod, M.A., of Edinburgh, writes as follows: “The quality of the Spaldings mentioned in the birthbrief appears to be that of ‘lesser barons.’ That is, they had not the title of barons, but their position, and the value of their lands was such that they were next to the barons. Hence they are styled Comarcha, that is in our language Laird, or in English Lord of the Manor. Toparcha means chief of the family or clan; Phylarcha has the same meaning. These titles are all equivalent to the style of ‘lesser baron’ in our Scottish grades of social rank.”

*Certificate granted by the Lyon Office, Edinburgh,
December 28, 1900*

I, Sir James Balfour Paul, Lord Lyon King of Arms, hereby certify that having examined the proofs of descent submitted to me by Herr Edward, Augustus Spalding auf Gloedenhof im Kreise Greifswald, find that he is descended from progenitors of the name of Spalding, owning lands in the County of Forfar in the Kingdom of Scotland in the 16th century; that a certain Peter de Spalding had a charter from King Robert the First, dated 1st May 1319: that as the name appears in charter only in connection with a very restricted local area, it is probable that Peter de Spalding was a progenitor of that George Spalding in Grange who is styled in a birthbrief, granted by King Charles the Second to John and Gabriel Spalding in 1675, "phylarcha gentis antiquissimae et nobilissimae Spaldingorum": that there is reason to believe, from the matrimonial alliances made by various members of the family with persons of undoubted noble descent, as set forth in the above-mentioned birthbrief, that the said progenitors of Edward Augustus Spalding must have

been in a social position equal to that of the families with whom they intermarried, and who belonged to the rank of lesser barons of Scotland.

J. BALFOUR PAUL,
Lord Lyon King of Arms.

SIGILLUM OFFICII
LEONIS REGIS ARMORUM
1673.

After the death of David Spalding of Ashintully (1744), and his sons David and Daniel, the Spaldings of Glenkilry became the leading branch of the family. Andrew Spalding, second son of Andrew Spalding of Ashintully (1661-1705), was the first of Glenkilry, and led the Spaldings throughout the Jacobite risings of 1715 and 1745, having the rank of colonel. He married in 1718 Katherine Balneavis of Glencorse, and had two sons, George, born 1726, and Andrew, born 1728. There were also two daughters, Rebecca, who married Alex. Farquharson, and left two children, and Barbara, who married George Hume.

George Spalding, the elder son, married Bethia Nairne, daughter of Sir Thomas Nairne of Dunsinane. He was proved heir to his father, Andrew,

in 1755, and to his uncle, David Spalding of Ashintully, in 1790. He died in 1804. His younger brother, Andrew, was out in the '45, and, as there is no further record of him, may have died during the campaign. Rebecca Farquharson was associated with her brother, George Spalding, in claiming what was left from the wreck of the Ashintully property after the death of Daniel Spalding in 1788.

William Spalding, elder son of George, married his cousin, Wilhelmina Nairne Mellis of Newhall.

John Spalding, the second son of George, went to Jamaica, where he died at Maverly Estate about 1795. His son Charles, a lieutenant in the Royal Artillery, died February 20, 1800.

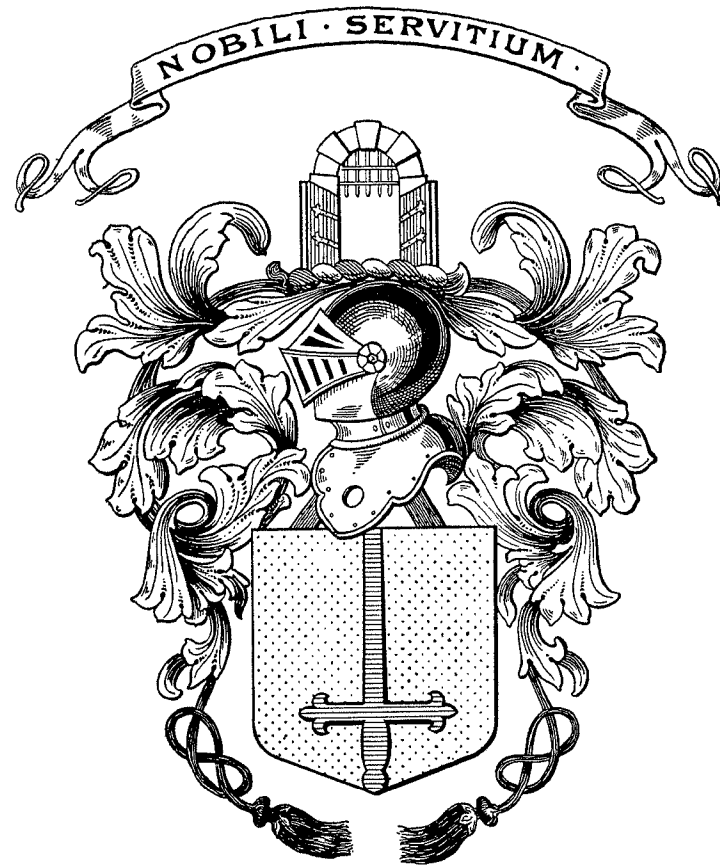
St. Andrew's
Register,
Jamaica.

Andrew Spalding, third son of George, died unmarried in 1795.

Ann Spalding married Andrew Small in 1780.

Katherine Spalding married John Robertson of Coupar Angus.

William Mellis Spalding, son of William Spalding, married Mary, daughter of William Gordon of Halmyre. Glenkilry was sold during his minority. He left a son, Henry, who died unmarried in 1900,



GLENKILRY.

and two daughters, Louisa and Flora, in whose possession is the banner, with the Spalding arms upon it carried before the clan in the risings of 1715 and 1744.

SPALDINGS OF DRUMFORK.

The first mention of Drumfork is a charter dated 1593, by John, alias Kiel Spalding, portioner of Wemyss Kinnoch, for fulfilment of a contract between him and John Spalding portioner of Aulawa Spalding of Eshinville and his wife, granting to them a lease of certain lands, among them 'that part of the barony of Drumfork' in the barony of Halesrowparish, parish of Perth. Witnesses: Arch Spalding of Eshinville, James Wemyss of Wemyss, Walter Rattray, portioner of Rattray, Blacklunan, John and Alexander Dundas alias Dundasone in Layir, and Donald Garg, notary public.

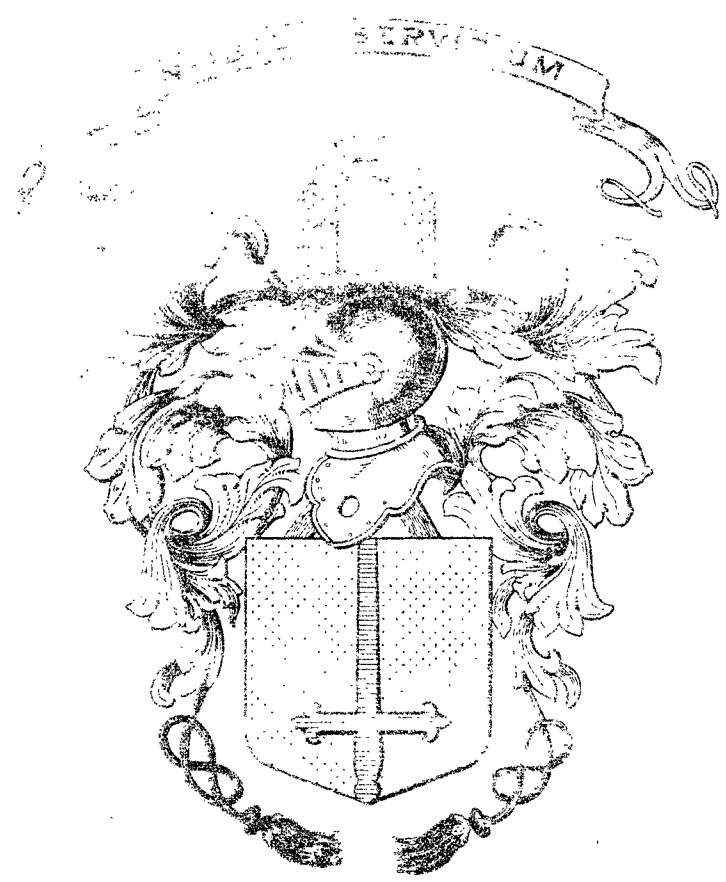
The charter is again signed by John Spalding, 1593, at Kirktown of Rattray, witnesses being Mr. Sylvester Rattray of Parsie, David Murray Solarie, &c.

and two daughters, Louisa and Flora, in whose possession is the banner, with the Spalding arms upon it, carried before the clan in the risings of 1715 and 1745.

SPALDINGS OF DRUMFORK.

The first mention of Drumfork is a charter dated 1591 by "John, alias Kiel Spalding, portioner of Wester Ennoch, for fulfilment of a contract between him and John Spalding, natural brother of Andrew Spalding of Eshintullie, and Isobella Jamesone his wife, granting to them in liferent and their heirs certain lands, among them 'that field of land called Drumfork' in the barony of Balnacrewquhie and shire of Perth. Witnesses: And. Spalding of Eshintullie, James Weymes of the Mill of Weirye, Walter Rattray, portioner of Boirland in Blacklunans, John and Alexander Malcomtoischies alias Duncansone in Layir, and Donald Cargill, notary public."

The charter is again signed by John Spalding, 1593, at Kirktown of Rattray, witnesses being Mr. Silvester Rattray of Parsie, David Murray of Solarie, &c.



CLENKILBY.

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1600.
Register of
Privy
Council,
vol. vi, p. 649.

In 1600 William Spalding in Bordland became cautioner for Andrew Spalding in Drumquhirk (Drumfork).

William Spalding, of Bordland, and Andrew Spalding, of Drumfork, were both younger brothers of Captain David Spalding of Ashintully, who in 1577 raised troops for the war in Flanders, and both became sureties for him in his enterprise.

Great Seal
Charters,
1629-1639,
Lib. 52,
No. 145.

David Spalding of Drumfork, son of Andrew, is mentioned in a charter under the Great Seal as being (after Andrew of Borland, son of William) the next of kin to David Spalding of Ashintully.

*Charter to Andrew Spalding of Bordland of the
Lands and Barony of Aschintullie.*

Charles by the grace of God King of Great Britain, France and Ireland, Defender of the Faith, To all prudent men of our whole land clerics and laics, greeting; Wit ye us with consent of John Earl of Mar, etc: To have given, granted, disposed and by this present charter to have confirmed as by the tenor hereof we give, grant, dispo, and for us and our successors for ever confirm to our lovite Andree Spalding of Bordland

NOTES AND TRADITIONS 147

and the heirs male of his body lawfully procreated or to be procreated: which failing to David Spalding of Drumfork and the heirs male of his body lawfully procreated or to be procreated, which failing to David Spalding of Eschintullie and his lawful and nearest heirs male and assignees whatsoever; heritably the third part of the lands of Strathardill, comprehending the lands and Mains of Aschintullie Over and Nether Weries, lands of Spittell, Glenbeg, etc: which by Charter of King James VI were incorporated into the Barony of Aschintullie, but were before in the barony of Wemyss by annexation in the Shire of Perth. Which pertained of before to said David Spalding of Eschintullie and were resigned by him for charter to be given under the Great Seal and new infestment thereof to the said Andrew Spalding and his foresaids: Dated at Halyruidhouse 1st April 1629.

In a list of proprietors in 1630, in connection with Teinds, Andrew Spalding is mentioned as of Drumfork; and in another list for the same year Drumfork is stated to have belonged to Andrew and David Spalding.

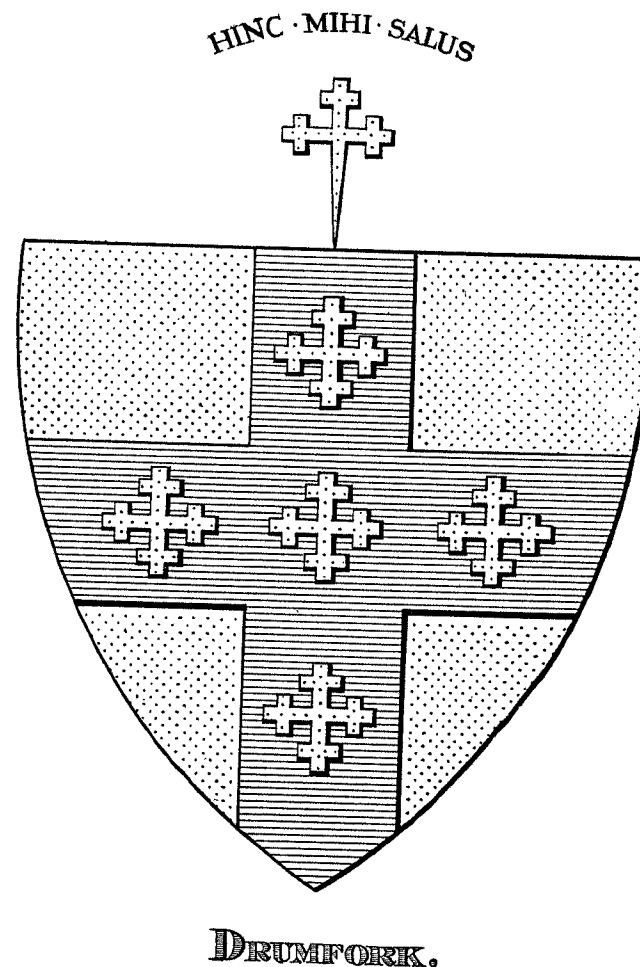
Letter from
Mr. Shaw,
Edin., May
1904.

1631.
Crown
Charters,
No. 1816.

The Charter of 1624 was confirmed in 1631.
July 16th

From the possession of Andrew of Drumfork
to David. The latter is
in the possession of Mr. Shaw
representative of the
Dalruizian. "Dis-
charge of Andrew Spalding to Alrick, second lawful
son of David Spalding Lord of Drumfork, in
presence of Andrew Ratteray of Dalruizian, dated at
Edinburgh the 20th day of December 1657."

"I have also seen in the possession of Mr. Shaw
of Auchenleish, another descendant of the family of
Dalruizian, a Discharge dated 22nd June 1659 by
Andrew Ratteray of Dalruizian in favour of a
person unnamed who had become bound to defray
certain debts due by A. R. Including, among other-
1500 merks with a year's interest due by me
(A. R.) to David Spalding son-in-law to David
Spalding of Drumfork, he oblig^d of the date the
said debts of 1500 merks. Both deeds probably
refer to the same debt of 1500 merks. Alrick is in
Glentworth parish about two miles distant from
Drumfork."



1631.
Crown
Charters,
No. 1816.

The Charter of 1629 was confirmed in 1631, July 16th.

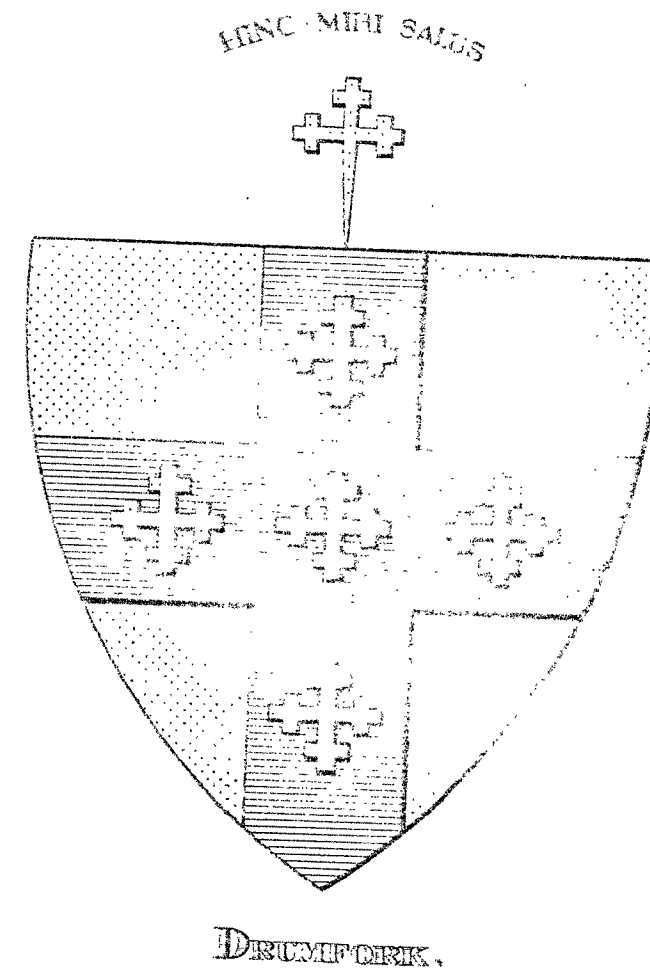
David Spalding, son of Andrew of Drumfork had two sons, Andrew and David. The latter is referred to in a deed in the possession of Mr. Shaw Maclaren of Shawfield, a representative of the ancient family of Rattray of Dalrulzion. "Discharge by David Spalding in Alrik, second lawful son to David Spalding portioner of Drumfork, in favour of Andrew Ratteray of Dalrulzean, dated at Boirland the 26th day of December 1657."

Letter from
Mr. Shaw,
Edin., Sept.
1904.

1657.

"I have also seen in the possession of Mr. Shaw of Auchenleish, another descendant of the family of Dalrulzion, a Discharge dated 22nd June 1659 by Andrew Ratteray of Dalrulzean in favour of a person unnamed who had become bound to defray certain debts due by A. R. Including, among others, '500 merks with a year's proffit addebted by me (A. R.) to David Spalding, son laull to David Spalding of Drumfork, be obligⁿ of the dait the . . . daye of J . . . & yearis.' Both deeds probably refer to the same debt of 500 merks. Alrick is in Glenisla, Forfarshire, about two miles distant from Drumfork."

1659.



“In the Duke of Atholl’s book *Chronicles of Athole and Tullibardine* there is a note that Athole feued Drumfork to Andrew Spalding in 1687. That may refer to some Charter by progress.”

Letter from
Mr. Shaw,
May 1904.

David Spalding of Drumfork, second son of David and brother to Andrew, must have married a Steill of Dundee, as in May 1698 his son Andrew Spalding of Drumfork was served heir of Thomas Steill, burgess of Dundee, his uncle.

Inquisitionem Retornatarum, vol. xlvii., *Registrum*
1698-99.

Haec Inquisitio facta fuit in pretorie burgi de Dundie vigesimo primo die mensis May anno domini millesimo sexcentesimo nonagesimo octavo coram his viris honorabilibus Thomas Mudie et Alexandro Bell duobus ex ballivis dicti burgi per hos probos et fideles viros burgenses subscript per quos rei veritas melius sciri poterit viz: Jacobum Man, Georgium Crocket, et Patricium Yeaman nuper ballivos dicti burgi de Dundie Jacobum Crichtone tinctorum, Jacobum Rodger et Thomas Crichtone polentarios Joannem Thorne et Andream

Thomsone mercatores, Alexandrum Fleinan et Thomam Pearson polentarios Gulielmum Ried Thomam Pearsons et Gulielmum Oliphant mercatores et Henricum Crawford de Monorgane et Samuelam Morisone tinctorem Qui Jurati Dicunt Magno Sacramento interveniente Quod quondam Thomas Steill polentarius burgeii dicti burge de Dundie avunculus Andree Spalding de Drumfork latoris presentium, obiit ultimo vestit et sasit ut de feodo ad fidem et pacem S D N Regis, Et quod dicti Andreas Spalding est legitimus et propinquor heares dicti quondam Thomas Steill sui avunculi, Et quod est legitimo aetatis Cetera membra brevis indeservita manent quia nihil amplius in petitione latenus Confecta continebatur In cuius rei testimonium presentibus brevi Regio incluso sigillum Comune dicti burge, unacum sigillis dicti personarum qui dicti inquisitioni aderant sunt appensa, anno, die, Mense et loco suprascript, Extractum pro me sic subscribitur.—A. WEDDERBURNE.

June 14, 1698.

Translation of Retour of Andrew Spalding of Drumfork to his Uncle Thomas Steill, burgess of Dundee.

This Inquisition was made in the Tolbooth of the Burgh of Dundee on the 21st day of the month of May, in the year of the Lord a thousand six hundred ninety-eight, Before these honourable men Thomas Mudie and Alexander Bell two of the bailees of the said Burgh. By these worthy and faithful men, burgesses, underwriters, by whom the truth of the matter might be the better known, namely James Man, George Crocket and Patrick Yeaman, lately bailies of the said burgh of Dundee, James Crichtone dyer, James Rodger and Thomas Crichtone, millers, John Thorne and Andrew Thomsone, merchants, Alexander Fleiman and Thomas Pearsons, millers, William Reid, Thomas Pearsons and William Oliphant, merchants, and Henry Crawford of Monosgane, and Samuel Morisone dyer, Who having been sworn on their great oath, Declare that the late Thomas Steill, miller, burgess of the said burgh of Dundee, uncle of Andrew Spalding of Drumfork bearer of the presents, died last

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vested and seized us of fee at the faith and peace of our sovereign Lord the King, And that the said Andrew Spalding is lawful and nearest heir of the said late Thomas Steill his uncle : and that he is of lawful age. The other members of the Brieve remain unserved, because there was nothing more contained in the petition, made thereanent. In witness of the truth of which thing, to these presents, the royal brieve being included, the common seal of the said Burgh, together with the seals of the said persons who were present on the said Inquisition, are appended, on the year, day, month and place above written. Extracted by me (so it is subscribed) A. WEDDERBURNE, *clerk*.

June 14, 1698.

1705.

Roll of the Duke of Atholl's Fencible Men for fighting and hunting 1705.

Drumfork. 5 Merk Land.

Andrew Spalding of Drumfork—armed.

And his 7 men all fully armed.

From *Families of Tullybardine and Atholl*.

Duke of Atholl.

C. Fergusson.

On very few estates in Atholl were all the men fully armed. I have counted all the different

NOTES AND TRADITIONS 153

names on the Duke's Roll for that district, and the Spaldings come 4th, without counting Ashintully. Of course each estate, according to its value, had to send so many of its best picked men led by the Laird or a relation.

In 1706 Andrew Spalding of Drumfork married ^{1706.} his kinswoman, Helen Spalding, daughter of Andrew Spalding of Ashintully by his second wife, Jean Mackintosh.

1706. Andrew Spalding of Drumfork and Holon ^{Register of Alyth.} Spalding, lawfull daughter of ye last Laird of Ashintully in parish of Kirkmichael, were sulogistically contracted and proclaimed ye 24 of November 1706 & married on 5 of December 1706 but not here.

Andrew and Helen Spalding had two sons, Charles, who succeeded to Drumfork, and Andrew, born in 1712. After the death of Andrew Spalding of Drumfork, his widow, Helen, married James Durham, by whom she had a daughter, Katherine.

Charles Spalding of Drumfork, elder son of Andrew and Helen, is one of the parties to a Sasine dated March 12, 1736. He is also mentioned as the writer of a Bond dated Oct. 31, 1741, at Bridgend of Drumfork.

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Register of
Deeds, Durie,
vol. 229.

Charles Spalding of Drumfork married Margaret, daughter of Colonel John Ramsay, of the Scots Guards. The date of their marriage is not certain, but in a heritable Bond, given by Charles Spalding to David Fleming and dated 30th May 1750, his wife's name is coupled with his as a consenting party. Also in an earlier Bond dated at Drumfork, 29th December 1735, drawn in favour of Helen Spalding, mother of Charles and Andrew.

Letter from
Mr. Shaw,
Nov. 14, 1904.

In 1758 Drumfork is described as pertaining to Charles Spalding and "formerly pertaining to Andrew Spalding one quarter and to David Spalding three quarters."

1762.

Charles Spalding of Drumfork died in 1762. By his wife, Margaret Ramsay, he left two children, a son Andrew and a daughter Katherine. The latter married Charles Rattray, and left a daughter, Margaret Rattray, who married Simon Fraser in Corb. Their daughter Bethia Fraser married M'Kenzie of Borland, from whom Mr. Charles M'Kenzie and others are descended.

Andrew Spalding of Drumfork succeeded his father, Charles. He never married, and, becoming insolvent, the estate of Drumfork was purchased,

at the judicial sale for the benefit of Andrew Spalding's creditors, by Andrew Stewart of Blacklunans in 1788. Margaret and Elizabeth Stewart 1788. were served heirs to their father, Andrew Stewart, in 1800. They married Peter and James Shaw, and mortgaged Drumfork and Blacklunans to William Spalding of Glenkilry. The lands fell to his son, William Mellis Spalding in 1832, and were sold, probably at the same time as the other Glenkilry properties. Drumfork in 1888 belonged to James Duncan.

Andrew Spalding, second son to Andrew Spald- 1712. ing of Drumfork and Helen Spalding of Ashintully, was born in 1712. He is mentioned in a deed dated August 6, 1736.

1770. March 28th. Disposition by Helen Spald- Register of ing, relict of the deceased Andrew Spalding of Deeds, Durie. Drumfork, to Andrew Spalding, second lawful son procreate betwixt said Helen and Andrew Spaldings of Drumfork, her first husband, and to Cathrine Diram, only lawful daughter procreate betwixt her and the deceast James Diram in Drumfork, her second husband, narrating that the said Charles Spalding, eldest son to said Helen Spalding, with

consent of Mrs. Margaret Ramsay, his spouse, paid to said Helen the sum of 800 merks due by him conform to his Heritable Bond dated 29th December 1735, and whereby said Helen disposes the annual-rent of same to saids Andrew Spalding and Cathrine Diram. At Creich of Drumfork, 6th August 1736, Witnesses, Andrew Spalding of Glenkelly and John Smith, writer in Alyth.

1770. March 28th. Disposition and Translation by Andrew Spalding, Flaxraiser at Tea-Bridge, to David Fleeming in Blackhall of Forrest narrating that the said Helen Spalding by Disposition and Assingation dated 6th August 1736 sold and disposed from her to and in favors of the said Andrew Spalding and Cathrine Diram her daughter, procreate betwixt her and the deceast James Diram her second husband, now spouse to John Robertson in Creich, their heirs or assignees equally all and haill the annual-rent of 40 merks money foresaid or such an annual-rent less or more, as should effer to the foresaid principal sum of 800 merks and whereby the said Andrew Spalding for a certain sum equivalent to the equal half of said sum of 800 merks, paid by the said David Fleming, sells

and dispons to him the annual-rent of 20 merks scots, being the equal half of 40 merks money contained in foresaid Bond and other writs before narrated. At Alyth 4th July 1735, Witnesses, David Ogilvie, vintiner in Alyth, Robert M'Intosh of Balurgain and William Chalmers writer in Alyth.

Andrew Spalding married Agnes, or Ann, Campbell, daughter of Mungo Campbell of Monzie and his wife, Christian Stewart of Urrard, near Killiecrankie.

Stewart of Urrard.

This is a branch of the royal house of Stewart. (See Brown's Tree of the Stewarts.) John Stewart, the first of Urrard, was lineally descended from John Stewart, progenitor of the Atholl Stewarts, who was fourth son of Alexander, Lord Badenoch and Earl of Buchan (known as "the Wolf of Badenoch"), a younger son of King Robert II. John Stewart married a daughter of M'Gregor and was father of Robert Stewart of Urrard.

Craig Urrard is situated behind Blair Castle, and the site of Urrard House is still to be seen

*Commoners
of England,
Burke, 1838.*

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*Sketches of
Strathardale,
C. Fergusson.*

in the park at Blair. The noise of the Battle of Killiecrankie was so terrible around Urrard House that a boy, son of the proprietor, died of fright.

Andrew and Ann Spalding had two sons and three daughters. The eldest son Robert was born 1752 and died 1792.

The second son Stewart, born 1756, died in 1803.

The eldest daughter Mary, born 1754, married — Scott, farmer at Grantully, Perthshire.

Christian, born 1751, married John Adamson of Rosedevon, Elie, Fife.

Helen, born 1764, married John Aitken of Elie in 1785, died 1842.

1787.

Andrew Spalding died in 1787, as recorded in the Register of Deaths, Elie, 1783-1806: 1787. Wednesday, June 6th. Mr Andrew Spalding late Tidesman in Elie, St Monance and Pittenweem, sometime ago superannuated, died this day and was buried on the eighth. He was married.

*Register of
Deaths, Elie.*

1801. February 11th. Agnes Campbell daughter of the late Mungo Campbell Esq. of Monzie near Crieff in Perthshire and Relict of the late Mr Andrew Spalding, Tidesman at Ely, died here this

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day and was buried in Ely Churchyard on the 14th.

Robert Spalding, elder son of Andrew Spalding and Agnes Campbell, went out to Jamaica to his uncle, James Campbell of Monzie; at that time a resident planter on the island. Robert Spalding practised his profession of physic and surgery; was much respected, and on May 18, 1788, married, at St. Andrews, Jamaica, Sarah Groves Browne, daughter of James Browne, Esq., and Elizabeth Burnside. John Pool, rector of St. Andrews, married them. Robert Spalding is believed to have introduced the plough into Jamaica, and at one time adopted it as his crest. His family consisted of:

*From Notes in
Family Bible.*

*St. Andrew's
Register,
Jamaica.*

Maryanne, born March 21, 1779, died April 1, 1802.

Sarah, born March 17, 1782, died April 28, 1783.

Sarah II, born January 27, 1784, died at Elie, Fife, 1791.

Edward, born September 6, 1785, died at Elie, 1791.

Helen, born January 7, 1788, died at Elie, 1791.

Hinton, born December 31, 1789, died at Bremen, 1853.

Robert (posthumous), born September 25, 1792, died 1793.

In 1790, four of these children, viz. Sarah, Edward, Helen, and Hinton, were sent with their mother to their grandmother at Elie. Three of them died there—Sarah and Edward in 1791, and Helen the same year.

Register of
Deaths, Elie.

1791. Saturday April 2nd. Edward, eldest son and third child of Dr Robert Spalding, Physician in Jamaica, died here this day, and was buried on the 4th.

N.B. He was in Ely with his Friends for his health and Education.

Disease—Croup. Age 5 years.

1791. Tuesday May 10th. Helen third daughter and fourth child of Dr Robert Spalding, physician in Jamaica, died here this day, and was buried on the 12th. Disease—Croup, age three years 103 days.

On Margin—Born January 28th 1788.

St. Andrew's
Register,
Jamaica.

Robert Spalding died at Friendship in Liguania, Jamaica, in 1792, aged forty. His only brother

Stewart died without issue Oct. 2nd 1803. Stewart's wife, Ann . . . died at Hall's Delight, Jamaica.

Sarah Groves Spalding, widow of Robert, married James Rattray in 1794, and by him had three daughters—

Eleanor Groves, born 2nd May 1795, died 1806.

Isabella, born 23rd May 1787, died in Edin.

Jane, born 22nd May 1890.

Sarah Groves Rattray, died at Greenock 1805.

Hinton, only surviving son of Robert Spalding and Sarah Groves Browne, was born at Liguana, Jamaica, December 31, 1789. Sent to Elie with his mother and family in 1790, he remained in Scotland for education, after his father's death and the re-marriage of his mother. He studied medicine in Edinburgh, and there took degree of M.D. and F.R.C.S.E. On April 2, 1811, Hinton Spalding married Jane, daughter of John Rankin, Esq., of Greenock, and Elizabeth M'Larty, or MacLaverly. Elizabeth MacLaverly's mother, Jane Johnson, was the great-granddaughter of MacIan of Glencoe, killed in the Massacre of Glencoe, 1692.

Hinton and Jane Spalding had a numerous family, some of whom were born in Edinburgh, others in Jamaica.

From Family Bible.

Robert Spalding, born at No. 4 Charlotte Square Edinburgh, April 24th 1812, died of cholera, then a prevailing pestilence, at Pemberton Valley, St. Mary, Jamaica, January 11th 1851 at 10½ p.m., universally lamented.

John Rankin Spalding, born at No. 5 Hill St. Edin. Feby. 10th 1814, died Feby. 27th 1814.

Eliz. Spalding, born at Hill St. Feby. 17th 1815, died Feby. 24th 1815.

Ann Ogilvie Maxwell Spalding, born at Kingston, Jamaica, January 29th 1817, died at Guernsey, December 31st 1881.

Hinton Spalding, born March 23rd 1818, at Kingston, Jamaica, died at Arunjuez Penn, Jamaica, March 1856.

William Shand Spalding, born at Kingston, Jamaica, January 16th 1822, died at Mount Atlas, Parish of St. Andrew, Jamaica, July 10th 1839.

Helen Spalding, born at Mount Atlas, Parish of St. Andrew, Jamaica, died in Spanish Town, October 22nd 1863.

Charles Arthur Spalding, born at 28 Royal Circus, Edinburgh, June 25th 1825, died August 27th 1861 at Arthurlie, Renfrewshire.

Colin Alexander Spalding, born at 3 Ainslie Place, Edinburgh, November 20th 1827, died at Lundie's Retreat, Jamaica, May 27th 1863.

Elizabeth Jane Spalding, born at 3 Ainslie Place, Edinburgh, March 23rd 1829.

Dr. Hinton Spalding frequently resided in Jamaica when superintending his properties there. Eventually he settled in the island, was made M.C.P. for the parish of Metcalf, and Custos Rotulorum for the Parish of St. Andrew. Like most West Indian estate owners, Dr. Spalding found the value of his property much depreciated by the passing of the Act for the Abolition of Slavery. He died at Bremen, June 3rd 1853, while on a business visit to that place, and was buried in the cemetery there. His widow, Jane Rankin, born 1789, survived him until May 19th 1861, when she died and was buried at Elie, Fife.

None of Dr. Spalding's sons lived to the age of forty, and only two, the eldest and the youngest, left any descendants.

The marriages and descendants of Dr. Spalding's daughters are as follow :

Farquharsons.

Farquharson. Ann Ogilvie Maxwell Spalding, born January 29th 1817, married Charles Miller Farquharson, of Persie, Perth, Barrister-at-Law, June 11th 1839, died at Guernsey, December 31st 1881, leaving issue :

Jane Helen Farquharson, born March 4th 1840, died January 22nd 1899.

Charles Keir Farquharson, born July 15th 1841, married Mary Susan Crane in 1867, died April 13th 1903, leaving one son and one daughter.

Marianne Farquharson, born February 2nd 1843, married Henry Murray, Lieut.-Col., in 1880, died October 3rd 1903, leaving one son and one daughter.

Edith Amelia Farquharson, born November 27th 1844.

Hinton Spalding Farquharson, born August 21st 1846, married Adèle Florence Morgan in 1880, died September 13th 1885, leaving one son and one daughter.

Myers.

Helen Spalding, born August 16th 1823, married Myers. William R. Myers, April 29th 1845, and died October 22nd 1863, leaving issue :

William Wickham Myers, born February 16th 1864, married Alice Jones in 1872, and has one son and three daughters.

Helen Ann Thomasina Myers, born September 20th, 1847, married Captain Geo. Chrystie, July 27th 1869, died January 19th 1909, leaving four sons and four daughters.

Eva Mabelle Myers, born June 15th 1849, died April 18th 1883.

Constance Susan Mary Myers, born July 9th 1850, married Alex. Dunlop, eighth son of Henry Dunlop, of Craigton, Lanarkshire, in 1873, and has two sons; and one daughter, deceased.

Hinton Spalding Myers, born June 1852, married Margaret, sixth daughter of Charles Cuninghame Scott, of Halkhill, Ayrshire, in 1890. She died in 1892.

Hugh Morison Myers, born 1853, died February 20th 1854.

Shands.

Shand.

Eliza Jane Spalding, born March 24th 1829, married her cousin, Captain John Shand, Madras Army, February 24th 1859, at Munich, died in London 1905, and is buried at Elie. Left issue as follows:

Jane Eliza Helen Nathalie Shand, born January 4th 1861, at Vellore, Madras, married, 1886, Edward Fleet Alford, afterwards knighted for services in China, and has one son and a daughter. Lady Alford, becoming a widow, married E. Russell Burdon in 1906.

Charlotte Shand, born February 11th 1863, died February 12th 1863.

Elsie Anne Shand, born April 23rd 1865, died May 8th 1865.

Lilian Susan Alexina Shand, born May 9th 1866.

Grace Wilhelmina Jean Shand, born July 26th 1867, married her cousin, Henry Dunlop, in 1895, and has one son and one daughter.

Particulars relating to the younger sons of Dr. Hinton Spalding are as follow:

Hinton Spalding, born in 1818, was educated at

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the Edinburgh Academy from 1825 to 1827, and again from 1828 to 1834. He took the degree of M.D., and practised the profession of medicine in Jamaica, dying there, unmarried, in 1858.

Register of
Edinburgh
Academy.

William Shand Spalding, born 1822, was educated at the Edinburgh Academy from 1830 to 1835. He died in Jamaica 1839.

Academy
Register.

Charles Arthur Spalding, born in 1825, lived chiefly in Jamaica; but, after his father's death, came to Scotland with his mother, and died, unmarried, at Arthurlie, Barrhead, Renfrewshire, in 1861.

Colin Alexander Spalding, born in 1827, was educated in Edinburgh, and given an appointment, under Government, in Jamaica. He married, on 11th February 1857, at St. Thomas' Church, Douglas, Isle of Man, Agnes Eliza, third daughter of J. T. E. Flint, Esq.; and died at Lundie's Retreat, Jamaica, 27th May 1863. His widow survived him until 1889, when she died, and was buried at Tunbridge Wells, leaving two daughters.

Jane Spalding, born at The Nicoll Pen, Liguana, Jamaica, 10th September 1858.

Agnes Eliza Spalding, born 19th January 1861.

Robert Spalding, eldest son of Dr. Hinton Spalding, born in 1812, was one of the earliest pupils of Edinburgh Academy, entering the school in 1824 (the year of its foundation) and remaining until 1827. He was intended for the medical profession, but eventually went out to Jamaica and introduced an improved system of filtering and refining the juice of the sugar-cane. Robert Spalding married 19th October 1843, Frances Ann Swire, daughter of Roger Swire, of St. George, Jamaica. Roger Swire was descended from the Swires of Cononley, Yorkshire; his wife, Frances Lydia Cox, was great-granddaughter of the last Earl of Stirling, her mother being Miss Alexander.

Robert Spalding died of cholera at Pemberton Valley, St. Mary, Jamaica, 11th January, 1851. His widow, Frances Ann Spalding, born 18th December 1825, died at Edinburgh, 20th April 1899, and is buried in the cemetery, Largs, Ayrshire.

Their children are :

Anne Spalding, born 4th June 1845, married John, eldest son of Charles Cuninghame Scott of

Halkhill, Largs, at Sundrum, Ayrshire, 8th September 1864.

John Scott, died 19th May 1903; his widow died 20th December 1906.

Their children are as follow :

Charles Cuninghame Scott, born 30th January 1867, married Jean Crum-Ewing 1898, and has four daughters.

Robert Lyons Scott, born 1st October 1871.

John Hamilton Scott, born 19th August 1873, died 13th April 1891.

Frances Ann Swire Scott, born 25th March 1877, married 18th January 1909, Herbert James Hoare, I.C.S., and has one son and one daughter.

Christopher Robert Scott, born 24th May 1882, died 16th January 1897.

Hinton Spalding, elder son of Robert Spalding, was born at Hopewell, Jamaica, 25th October 1846. He was educated at Walton School, and went to sea at the age of eighteen. Continuing at sea for eighteen years, he then came to Liverpool, and established a coaling station on Perim Island, in the Straits of Bab-el-Man-deb, Red Sea. Hinton

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Spalding married, 17th July 1884, Margaret Thornely, only daughter of Frances Thornely of Liverpool; died 20th May 1900, at Aigburth, Liverpool, and is buried in Toxteth Cemetery, Liverpool. The issue of this marriage is as follows:

Robert Gordon Spalding, born 5th April 1885.

Marjorie Hinton Spalding, born 17th May 1887.

Frances Hinton Spalding, born 21st October 1889, died 7th December 1890.

Hinton Spalding, born 13th March 1893.

Robert Roger Swire Spalding, born 24th April 1848, was also educated at Walton, and secured a post under Government in the Inland Revenue Department. He died unmarried 24th August 1899.

Francis Jane Spalding, born 25th March 1850, married Robert Sinclair, third son of Charles Cuninghame Scott at Halkhill, Largs, 4th December 1873. Robert Sinclair Scott died 1st March 1905, leaving two sons:

Harold Henry Sinclair Scott, born 21st Novem-

ber 1874, married, September 1901, Frances Dorothy Kirsop, and has one daughter.

Cedric Cuninghame Sinclair Scott, born 16th December 1886, married, 7th June 1911, Selina Mary Amelia Alexander, and has one daughter and one son.

APPENDIX

APPENDIX

Extract from "The Bruce, or the History of Robert I, King of Scotland," written in Scottish verse by John Barbour, 1489.

Gret glaidship than wes in the land ;
All than wes wonyn till hys hand ;
Fra the Red Swer to Orknay
Wes nocht off Scotland fra hys fay ;
Owtakyn Berwik, it allane.
That tyme tharin wonyt ane,
That capitaine wes off the toun.
All Scotts men in suspicioun
He had, and tretim thaim rycht ill ;
He had ay to thaim hewy will,
And held thaim fast at undre ay.
Quhill that it fell apon a day,
That a burgess, Syme off Spalding,
Thought that it wes rycht angry thing
Swa gate ay to rebutyt be.
Tharfor intill hys hart thocht he,

Vol. iii,
Buke xvii,
Line 11.

That he wad ferly mak cowine
 With the Marchall, quhayis cosyne
 He had weddyt till hys wiff;
 And as he thought he did belyff.
 Lettrys till hym he send in hy
 With a traist man all prively;
 And set hym tym to hym a nycht,
 With leddres, and with gud men wycht,
 Till the Kow yet all prively;
 And bad hym hald hys traist trewly,
 And he suld mete thaim at the wall,
 For hys walk thar that nycht suld fall.

Quhen the Marschell the lettre saw,
 He unbethoucht hym than a thraw;
 For he wyst, be hym selwyn, he
 Mycht not off mycht na power be
 For to escheyff sa gret a thing;
 And giff he tuk till hys helping,
 Ane othyr lettre suld writtyn be.
 Tharfor rycht to the King yeid he;
 And schawyt it him, betwix thaim twa,
 The lettre and the charge alsua.

Quhen that the King hard that this traine
 Spokyne wes untill certayne,
 That hym thought tharin na fantiss;
 He said hym " Certs thow wroucht as wiss,
 " That has discoveryt the fryst to me;
 " For giff thow had discoveryt the
 " To my newo, the Erle Thomas,
 " Thow suld displess the Lord Dowglas;
 " And hym alsua, in the contrer.
 " Bot I sall wyrk on sic maner,
 " That thow and thyne entent sall be,
 " And haff off nane off thaim mawgré.
 " Thow sall tak kep weill to the day;
 " And with thaim that thow purches may,
 " At ewyn thow sall enbuschyt be
 " In Duns park, bot be privé.
 " And I sall ger the Erle Thomas,
 " And the Lord alsua off Dowglas,
 " Aythir with a sowme off men,
 " Be thar to do as thow sall ken."

The Marchell but mar delay
 Tuk leve, and held furth on hys way;

And held hys spek privé and still,
 Quhill the day that wes set hym till.
 Than off the best off Lothiane
 He hym till hys tryst has tane ;
 For schyreiff tharof then wes he.
 To Duns park than with his menye
 He came, at ewyn prively.
 And syne, with a gud cumpany,
 Sone eftyr come the Erle Thomas,
 That wes met with the Lord Dowglas.
 A rycht fayr cumpany thai war,
 Quhen thai war met togyddyr thar.

And quhen the Marschell the covyn
 To bath the lords, lyne be lyne,
 Had tauld, thai went furth on thair way,
 Fer fra the toun thair horss left thai.
 To mak it schort swa wroucht thai then,
 That, but seyng off ony men,
 Owtane Syme off Spaldyne allane,
 That gert that deid be undretane,
 Thai set thair leddres to the wall,
 And, but persawing come up all ;

And held thaim in a nuk privé,
 Quhill that the nycht suld passit be.
 And ordaynyt that the maist party
 Off thair men suld gang sarraly
 With thair lords, and hald off stale.
 And the remanand suld all hale
 Skaill throw the town, and tak or sla
 All the men that thai mycht ourta.
 Bot sone this ordynance brak thai.
 For alsone as it dawyt day,
 The twa parts off thair men, and ma,
 All skailt throw the toun gaw ga ;
 Sa grede war thai to the gud,
 That thai ran rycht as thai war woud,
 And sesyt houss, and slew men.
 And thai that saw thair fayis then
 Cum apon thaim sa sedanly,
 Throw the town thai raissyt the cry ;
 And schot togyddir her and ther :
 And ay, as they assemblyt wer,
 Thai wald abid, and mak debate.
 Had thai bene warnyt wele, I wate,
 Thai suld haiff sauld thair deds der ;
 For thai war gude men ; and thair wer

Fer ma than thai wer that thaim foucht.
 Bot thai war scalyt that thai moucht
 On na maner assemblit be ;
 Thar war gret mellyss twa or three.
 Bot Scotts men sa weile thaim bar,
 That thair fayis ay ruschyt war ;
 And contraryt at the last war swa,
 That thai haly the bak gan ta.
 Sum got the castell, bot not all ;
 And sum are slydyn our the wall,
 And sum war intill hands tane,
 And sum war intill bargane slane.
 On this wyss thaim contenynt thai,
 Quhill it wes ner none off the day :
 Than thai that in the castell war,
 An othyr that fled to thaim thar,
 That war a rycht gret cumpany,
 Quhen thai the baners saw simply
 Standand, and stuffyt with a quhone,
 Thair yatts haff thai opnyt sone,
 And ischyt on thaim hardyly.
 Than Erle Thomas, that wes worthy,
 And the gud Lord als off Dowglas,
 With the few folk that with thaim was,

Met thaim stoutly with wapnys ser ;
 Quhar men mycht se, that had bene ner,
 Men abandoune hardely.
 The Inglis men faucht cruelly ;
 And with all thair mychts gan thaim payn
 To rusche the Scotts men agayn.
 I trow thai had sua done perfay
 For thai was fewar fer thaw thai,
 Giff it na had bene a new maid knycht,
 That till hys name Schyr Wilyam hycht
 Off Keyth, and off Gallistoun
 He hycht, throw difference offournome.
 That bar hym till sua hard assay,
 And sic dynts about hym dang ;
 That, quhar he saw the thykkyst thrang,
 He pressit with sa mekill mycht,
 And sua enforsely gan fycht,
 That he maid till his mengue way ;
 And that ner war by hym ay
 Dang on their fayis sua hardely,
 That thai haff tane thair bak in hy,
 And till the castell held the way.
 And at gret myscheiff entryt thai,
 For thai war pressyt thar sa fast,
 That they fele lesyt of the last.

Bot thai that entryt, not forthy
 Sparyt thair yatts hastely ;
 And in hy to the walls ran
 For thai war not all syker than.
 And had na hop of reskewing,
 Thair war abaysit in gret thing.

Bot thai the castell not forthy
 Held thaim fyve dayis sturdely ;
 Syne yauld it upon the next day ;
 And till thair countré syne went thai.

Thus wes the castell, and the toun,
 Till Scottsmenys possessioun
 Broucht : and sone eftre the King
 Come rydand with his gaddryng
 To Berwik ; and in the castell
 He wes herbryt bath fayr and weil ;
 And all hys Lords hym by.
 The remanand comonnaly
 Till herbery till the toun ar gan.
 The King has than to consaill tane
 That he wald not brek doun the wall ;
 Bot castell and the toun withall,

Stuff weil with men, and with wictaill
 And al kyn othyr apparail
 That mycht awaile, or els mystre
 To hold castell, or toun off wer.
 The Toun was takyn on this wyss
 Throw gret worschip and hey pryss ;
 And all the gud that thar fand
 Wes sesyt smertly intill hand.
 Wictaill thai fand in gret foysioun ;
 And all that fell to stuff off toun,
 That kepyt thaim fra destroying.
 And syn has word send to the King ;
 And he wes of that tything blyth,
 And sped hym thydderwart swyth ;
 And as he throw the countré raid
 Men gadryt till hym, quhill he had
 A mekill rout off mychty men.
 And the folk that war wonand then
 Intill the Merss and Tewidaill,
 And in the forest als all hale,
 And the est end off Lothiane,
 Befor that the King come, ar gane
 To Berwik, with stalwart hand,
 That nane that wes that tyme wonand

On yond half Tueid durst weill apper.
 And thai that in the castell wer,
 Quhen thai thair fayis in sic plenté
 Saw forouth thaim assemblyt be,
 And Waltre Stewart off Scotland,
 That than wes young and awenand.
 And syne in laucht wes to the King,
 Had sa greit will and sic yarning,
 Ner hand the merches for to be,
 That Berwik to yemsell tuk he.
 And resawit off the King the toun,
 And the castell, and the dungeoun.

*Charter of King Robert Bruce to Peter Spalding of
 the lands of Ballowthy and Petmethy, with
 office of keeper of the King's forest of Kil-
 gherry. 1st May. 1318.*

ROBERTUS Dei Gratia Rex Scotorum omnibus
 probis hominibus toe instenae suae salutem: sciatis
 nos dedisse, concessisse et hac presenti carta nostra
 confirmasse Petro de Spalding, dilecto et fideli
 nostro pro homagio et revoicio suo, in escambuim

omnium terrarum, tenementorum et reddituum in
 burgo Berwici super Twedum per nos alias sidem
 concessorum, omnes terras de Ballourthy et Pet-
 methy cum pertinenciis in vicicomitatis de Forfare,
 una cum custodia forestiae nostrae de Kylgerry et
 forragio ejusdem, salvis nobis et hæredibus nostris
 veridi et venatione ita quod dicta forestra nostra
 bene custodiatur, et quod non habeatur supra
 realiqui cursores nisi justiciarii nostri tantum;
 tenedas et habendas dictas terras una cum custodia
 dictae forestae nostrae de Kylgerry et foggaggio
 ejusdem ut pudictum est eidem Petro et herendibus
 suis de nobis heridibus nostris in feodo et here-
 ditate, per omnes rectas metas et divisas dictarum
 terrum cum pertinenciis, libre quiete, plenarie et
 honorifice, cum bondis earundem terrarum et
 omnibus aliis libertatibus commoditatibus, aisia-
 mentis, et pertinenciis suis: Faciendo inde nobis
 et heredibus nostris pudictus terris cum pertinenciis
 debitum et consuetum. In cujus rei testimonium
 presenti castae nostrae sigillum; nostrum preci-
 pimus appororis testibus Bernodo, abbate de
 Aberbrothoe, cancellario nostris Scociae, Thoma
 Ranulphi, comite moraviae et dominus Manniae et

vallis tunandiae depote nostro Rarissimo, Jacobo-domino de Douglas, Alexandro, Fraser Gilberto de Haid, cometatarario nostro, et Roberto de Keth, mareschallo nostro militibus, apud Aberbrothoe primo die Mayi anno regni nostro quarto decimo.

Translation of Charter by King James VI to David Spalding of Aschintullie of the Third part of lands of Strathardill, etc. 10 January 1615.

Reg. Mag.
Sig., Lib. 47,
Fol. ,
No. 398.

JAMES by the grace of God, King of Great Britain France and Ireland, Defender of the Faith, To all prudent men of his whole land clerics and laics greeting wit ye us, with advice and consent of our beloved Councillor Sir Gideon Murray of Elibank Kt. our Treasurer, Keeper of our Rolls and Collector of our new augmentation, Treasurer by us deputed to our Kingdom of Scotland, and one of the Lords of our Secret Council, etc. ; to have given, granted, and disposed and by our present Charter confirmed, and by the tenor of this our

present Charter to give, grant, dispone and by this present Charter confirm to our lovite David Spalding of Aschintullie his heirs male and assignees whatsoever, heritably, of the third part of the lands of Strathardill with the fortalice, mill and fishings, with the advocation of the rectorage and vicarage of Kirkmichael, lying in the barony of Weymes and by annexation in the shire of Perth: Which lands pertained of before to Sir John Wemys of that Ilk, Kt. in liferent and John Wemys fiar of that Ilk his lawful son in fee, heritably; and which were by them with consent of Dame Marie Stewart spouse of the said Sir John and Dame Jean Gray spouse of the said John Wemys younger resigned in favour and for new infestment to be given by the King to the said David Spalding, and his fore-saids comprehending the lands and Mains of Aschintullie lands of Over and Nether Wereis etc. (No further proprietors or relationships of Spaldings mentioned.) Dated at Edinburgh 10 January 1615.

Translation of Crown Charter to Andrew Spalding of Bordland, of the Barony of Aschintullie and others. Dated 1st April 1629.

Same Charter over again in 1631 (July 16th) by King Charles (1816).

1638. Mention of Resignation made in favor of David of Ashnilley (deceased) in 1643? (41?), which resignation William of Runavey heir male of the said David, assignee of Alex. Robertson younger, fear of Middle Downie of 5, 6 & 14 June 1643. (1376).

Lib. 52,
No. 145.

CHARLES by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, To all prudent men of our whole land clerics and laics, greeting; Wit ye us with consent, of John Earl of Mar, etc: To have, given, granted, disposed and by this present charter to have confirmed as by the tenor hereof we give, grant, dispone, and for us and our successors for ever confirm to our lovite Andree Spalding of Bordland and the heirs male of his body lawfully procreated or to be pro-

created; which failing to David Spalding of Drumfork and the heirs male of his body lawfully procreated or to be procreated, which failing to David Spalding of Eschintullie and his lawful and nearest heirs male and assignees whatsoever; heritably the third part of the lands of Strathardill, comprehending the lands and Mains of Aschintillie Over and Nether Wereis, lands of Spittell, Glenbeg, etc. which by Charter of King James VI were incorporated into the barony of Aschintullie, but were before in the barony of Wemys by annexation in the shire of Perth. Which pertained of before to said David Spalding of Eschintullie and were resigned by him for charter to be given under the Great Seal and new infestment thereof to the said Andrew Spalding and his foresaids: Dated at Halyruidhouse 1st April 1629.

Copied from Scots Acts of Parliament, A.D. 1681.

Ratification in favor of Andrew Spalding of Ashintully of the mains of Ashintully.

Our Sovereigne Lord with the advice and consent of His Estates of Parliament ffor the good

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faithfull and gratefull Services done & performed to His Majestie & his most Royal progenitors in times past By Andrew Spalding of Ashintullie & his predecessors And for diverse other good respects & Considerations Moveing His Majestie thereto Be thir presents Ratifies approves & perpetually confirms to the said Andrew Spalding & his airs & assigneyes after specified Ane Charter of the date At Whitehall the first day of July 1^m vj^c 7^o sevintie sevin years & now exped the Great Seale of his highnes ancient Kingdome of Scotland proceeding upon the said Andrew his own Resignation And Signature & warrand under his Majesties Royal hand Whereby our said Sovereign Lord with the speciall advice & consent of the Lords Commissioners of his Majesties Thesaurie & Exchequer of the said Ancient Kingdome Gave granted & disposed And for his Hignes & successors perpetually confirmed to the said Andrew Spalding of Ashintully & airs male of his bodie whilks failieing to his airs male whatsoever whilks all failieing to his airs whatsomever & their assigneyes heretablie & Irredeemablie All & Haill the said Andrew his third pairt of the Lands of Strathardell Comprehending

the lands & others particularly underwritten viz—
All & Haill the Mains of Ashintully.

And which Haill lands Burgh of Baronie patronage & others above disposed with the pertinents were by His Majesties Royal Grandfather of ever blessed memorie Erected in ane haill and frie Baronie To be called the Baronie of Ashintullie Conforme to ane Chartor granted by his Majesties said Grandfather Under his Highnes Great Seale In favors of the deceist David Spalding of Ashintullie thereupon of the date the tenth day of January 1^m vj^c 7^o & fifteen years Moreover His Majestie for the causes above specified & with consent of the said Commissioners of Thesaurie & Exchequer Of new gave granted disposed & perpetually Confirmed to the said Andrew Spalding & his foresaids The foresaid Baronie of Ashintullie Comprehending the particular towns lands patronage Burgh of Baronie . . .

And further His Majestie with consent of the said Lords of Thesaurie & Exchequer Erected the Haill woods, Glens, hills & watersides of the saids lands & others above specified & of the other lands & others aftermentioned disposed to the said Andrew Spalding & his foresaids By Sir Patrick

Maxwell of Newark & George Maxwell his eldest son in maner after exprest In ane haill and free fforestrie In all time comeing To be called the fforestrie of Ashintullie with the privileges specified in the said Chartor & likewise of new erected & the saids lands & others above resigned & disponed In ane haill & free Baronie of Ashintullie Ordaining the mannor place of Ashintullie to be the principall messuage of the said Baronie, And that ane seasing to be taken thereat or upon the ground of any pairt of the saids lands Then & in all time comeing shall be sufficient for the haill As if ane particular seasing were taken upon each pairt & portion thereof Albeit not so done & without respect to their discontiguitie Anent all which his Majestie dispenses To be holden the saids Lands Baronie, Burgh of Baronie weekly mercat yearly faires fforestrie & others to the said Andrew Spalding & his foresaids of our Sovereign Lord & His Royall Successors as Superiors in frie Barony Burgh of Barony ffree fforestrie fie & heritage for ever with the privileges exprest in the said Charter Giveand yearlie the said Andrew Spalding & his foresaids To his Majestie & Royal Successors the dewties underwritten.

That notwithstanding thereof It shall be lafull to the said Andrew Spalding his airs successors & assigneyes & in their power peacablie to possess & enjoy the same ffor payment of the soume of ffourty pounds scots money yearlie for the ward Alsmuch for the Nonentrie.

And the airs & Assigneyes of the said Andrew Spalding are empowered in all time coming to obtaine themselves served & retoured airs in speciall to their prediccursors in the saids lands & others above mentioned

And in like maner his Majestie with consent foresaid ratified approved & perpetually confirmed the Right and Disposition of the date the Eleventh and dayes of July 1^m vj^c Sevintie four years Granted by the said Sir Patrick Maxwell & his said sone with one consent And als with the consent of the other persons therein mentioned In favors of the said Andrew Spalding & his foresaids heretablie & irredeemablie of all & sundry the lands & others under written, viz—Off all and haill the townes & landes of Eister & Wester Belmacruchies The landes & townes of Delnabrick easter & wester the townes & lands of Pitcarmo Easter &

Wester with the Corn Milne thereof the townes & lands of Belnabroich, with these lands called Merkland, The lands of Balmoile, the townes & lands of Easter & Wester Ballentin, the townes & lands of Easter & Wester Blaittownes, the lands of Enochs Easter & Wester with the Cornmilnes thereof milnelands multures & sequells of the same. And of all & haill the lands of Laire & Cray, the lands of Brochdarge, the Lands of Corridon with all & sundrie their houses biggings yairds Orchyairds mannor places woods fishings tennents tennendries Services of free tennents pairts pendicles & pertiments thereof whatsomever All lyand within the Baronie of Balmacruchie & Shirefdome of Perth & Siclike off All & Sundrie the lands & Baronie of Newark with the mannor places houses biggings & universall pertinents belonging thereto lyand within the Shirefdome of Renfrew And that in special warrandice & securitie to the said Andrew Spalding & his foresaids of the Superioritie of the saids townes lands and others above disposed & the saids Sir Patrick & George Maxwells their right thereto In case of eviction in maner specified in the said disposition Whereby they are obleist to

infest the said Andrew & his foresaids in the saids lands & others above written principall & warrandice

And our said Sovereigne Lord with the advice & consent of his saids Estates of Parliament decernes & ordains this present general rattification & confirmation of the said Charter & Seasing To be als valide & sufficient And of als great force strength & effect for all intents & purposes to the said Andrew Spalding & his foresaids as if the said Chartor & Seasing were word by word herein infert albeit not so done Whereanent & with all that may follow thereupon Or that can any wayes be objected against the validitie therof or any faulte nullitie & imperfection therein our said Sovereigne Lord with advice & Consent of his Highnes Estates of Parliament Hes dispensed And be thir presents for his highnes & Royal Successors dispenses And hereby overgives & renunes the saids nullities & imperfections And all benefite thereof in their owne favors for ever.

COMMISSARIOT OF DUNKELD.

*Testaments.*Volume I,
1687-1696.

Testament, Dative and Inventory of the goods &c., pertaining to umquhile Donald Bruce in Spittal of Gleanshie and Marion Spalding his spouse, who died in November 1688, Given up by David Spalding of Whytehouse and Robert Grant in Dalrunzeon in name of Donald, Elspeth and Magdalene Bruces, lawful bairns and Executors Dative decerned to the said Defunct.

Debt due to James Dog in Grainge of Aberbothrie.

Confirmed at Dunkeld 10th February 1691, John Robertson of Bleattone is cautioner.

Volume II.,
1712-1725.

The Testament Dative and Inventory of the goods &c., that pertained to umquhile Andrew Spalding in Knockinreach in the ground of Drumfork the time of his decease which was in the month of July 1714, Given up by Elizabeth Ratray relict of and Executrix Dative qua Creditrix decerned to said defunct by the Commissary of

Dunkeld upon the day and date of these presents and that in payment and satisfaction to her of the sum of £25-6-8 as one years duty resting by the Defunct the time of his decease and since paid by the Executrix to Andrew Spalding of Drumfork and that for Cropt 1714 and £4 as a part of the cropt 1713 conform to Drumfork's Receipt dated 29th December 1714 and also in payment and satisfaction to her of £26 money foresaid as two years wages paid by her to Andrew Robertstone in the ground of Drumfork conform to his receipt dated 9th October instant and likewise in payment to the Executrix of £4 money foresaid paid by her to Anna White in Killock conform to receipt dated 9th October instant. Item paid by her to John Smith Notar in Litfie conform to receipt, dated 15th October instant, Item to John Stimzeur, chirurgeon Apothecary in Alyth. Item to James Forrester, merchant in Alyth conform to receipt dated 9th October instant. Item to Alexander M'Dougall of Bordland receipt dated 9th October instant and lastly in payment and satisfaction to said Executrix of the expenses of this present Confirmation as the Decreet Dative following on ane Edict more fully bears.

Debts due by Charles Spalding of Moreclaith, Robert Robertson of Wester Bleaton, and John Duncan in Buttergask.

Confirmed at Dunkeld 23rd October 1716 Alexander M'Dougall of Bordland is cautioner.

Volume III,
1723-1735.

Testament Dative and Inventory of the goods &c., which pertained to the deceased Charles Spalding eldest lawful son of the third marriage to the deceased Andrew Spalding of Ashintully the time of his decease which was in the month of — Given up by John Spalding of Moremount brother german and Executor Dative *qua* nearest of kin decerned to the said defunct by the Commissary of Dunkeld upon 17th March last as the Decreet Dative following on an Edict at more fully bears.

Imprimis. There is given up belonging and resting to said defunct time foresaid of his decease 1000 merks of Principal resting unpaid since the defunct attained the age of 16 years and that as his part and share of 8000 merks provided to the bairns of the marriage betwixt the said deceased Andrew Spalding and Grissel Carnegie eldest lawful daughter to the deceased David Carnegie of

Balmachie by Contract of Marriage past betwixt them upon 15th February 1686.

Confirmed at Dunkeld 10th March but extracted 17th November 1730. Charles Spalding in Drumfork is cautioner.

Testament Dative and Inventory of the debts and sums of money that pertained to unquhile David Spalding of Ashintully the time of his decease which was in the month of — j^m vij^c — years, Made and given up by John Robertson of Balnakeillie Executor Dative *qua* Creditor decerned to said Defunct by the Commissary of Dunkeld upon the day and date of these presents and that in payment and satisfaction to him of 200 merks scots money contained in Bill drawn by said John Robertson upon and accepted by the said defunct dated 14th May 1723. Item another Bill drawn by said John Robertson upon and accepted by said Defunct dated 14th March 1733, lastly in payment to the said Executor of the expenses of this present confirmed Testament, as the Decreet Dative following on an Edict duly Executed and indorsed in itself more fully bears.

Volume V,
1747-1764.

Imprimis. There is given up resting to the said Defunct the time of his decease 2000 merks scots by John Spalding of Mormount and John Baillie W.S. who or either of them were factors appointed by the Defunct on the estate of Ashintully prior to the Sequestration. Item by James Scott, merchant in Edinburgh sometime factor on said estate appointed by the Lords of Session. Item by John Farquharson of Invercauld as the bygone Cess of the lands in Glenshee purchased by him from the Duke of Atholl and which originally belonged to the said Defunct. The Cess or land Tax whereof the defunct was in use of paying till the year 1743 the estate was sequestrated.

Confirmed at Dunkeld 11th February 1748 Alexander Rattray of Tullicurran is cautioner.

Volume VI,
1764-1776.

Testament Dative and Inventory of the debts and sums of money which pertained to and was resting the deceast Alexander Spalding of Dalvey the time of his decease in the month of December 1771. Given up by John Spalding now of Dalvey brother german to the said Defunct and only Executor Dative *qua* nearest in kin decerned to

him by the Commissary of Dunkeld upon the day and date of these presents as the Decreet Dative following on an Edict more fully bears.

Imprimis. There is given up pertaining and belonging to said deceased by Alexander Rattray of Tullichcurran £32-8 sterling per his accepted Bill to the said defunct dated 6th February 1771.

Confirmed at Dunkeld 6th April 1775, Patrick Small of Dirnanean is cautioner.

Testament Dative and Inventory of the goods &c., which pertained to David Spalding of Ashintully who died — Given up by Grizell Rattray wife of Andrew Falconer in Blairgowrie and lawful daughter procreate of the marriage between Andrew Rattray of Wester Ennoch and Magdalene Spalding his spouse and the said Andrew Falconer for his interest, and Executrix Dative *qua* nearest in kin decerned to said Defunct David Spalding her uncle by the mother's side.

1789-1811.
March 31,
1789.

Confirmed 31st March 1789, John Hagart Esq. of Cairnmuir is cautioner.

Testament Dative and Inventory of the goods &c., 1771-1780.

which pertained to the deceased John Spalding of Dalvey parish of Kirkmichael who died — Given up by John Spalding now of Dalvey lawful son and only Executor Dative nearest in kin to his said deceased father.

In Inventory appears a Bill drawn by said Defunct and accepted by James Ratray in Meikle Innerchroskie dated 28th June 1764, Bill by the Defunct upon and accepted by Patrick Small of Dirnean dated 20th February 1760.

Confirmed 23rd November 1778 John Robertson is cautioner.

Volume II,
October 27,
1712.
October 14,
1725.

Testament Dative and Inventory of the goods &c. that pertained to the deceased James Durrain in Drumfork, who died in May last by past: Given up by John Smith writer in Litfie and Robert Farquharson of Acharachan Co-Executors Dative *qua* creditors decerned to said defunct, and that in payment and satisfaction to the said John Smith of £100 & £66-11-4 contained in Decreet dated 18 August 1724. In payment and satisfaction to said Executor of £21-1/- contained in Bill by William Farquharson of Brugdarg payable to him-

self and accepted by said defunct dated 9 January 1724. In payment to said Executor of £28 contained in Bill drawn by George Dempster merchant in Dundee and accepted by said defunct dated 20 May last. Bill drawn and payable to Sir James Kinlock of that Ilk dated ———: In payment to said Robert Farquharson of Acharachan of £35 contained in Bill dated 12 July 1723.

Inventory

inter alios The third part of the household plenishing in the defunct's custody to which *Helen Spalding* his relict has right by her contract of marriage betwixt her and her first husband and so falls *jure mariti* to the defunct estimate to £20 all scots money.

Summa Inventory

Confirmed at Dunkeld 18 August 1724. Robert Abercrombie officer of Excise at Dunkeld is cautioner.

LINLITHGOW, 29th September, 1601.

Privy Council
Register,
Acta, Fol.
680, 1601-2.

The 15th October next is assigned to James Moill in Catgibbun for proving an allegation in his action against Andro Spalding of Eschintullie, and David Spalding his son and apparent heir, anent the entry before the Council of Andro Spalding servitor to the said David, who had stolen from the pursuer, from his lands of Catgibbun, on the night of 9th September, 1600, three kye with calf and a bull: which pursuer alleges, were brought to the lands of Eschintullie belonging to the said Andro and resetted there by his herds for eight days together.

BRECHIN 20 April, 1602.

Ibid.

Complaint by James Moyll in Catgibbun, that upon 9th September, 1600, Andro Spalding, servitor to David Spalding apparent of Eschintullie, with others, came to the lands of Catgibbun at night and stole from complainer three kye with calf and a bull, and carried them to the lands of Eschintullie, belonging to Andro Spalding of

Eschintullie, where they were resetted eight days.

As the said Andro is not answerable, the Laird of Eschintullie and his said son ought to be obliged to enter him. The complainer appearing by — Ramsay, servitor to Maxwell, and the defender appearing personally the Lords assoilzie the defenders, because the pursuer has failed in his proof. P. 853-4.

EDINBURGH 26 November, 1622.

Complaint by Sir William Oliphant, King's Advocate, that in contravention of the laws against fire-arms, Andrew Spalding in Innerchroskie and others, have during the years 1618 to 1622 worn hagbuts, and pistolets and shot wild fowl and venison. The Lords order the said Andrew to be denounced rebel for non-compearance.

Decreta,
1621-23,
Fol. 1536.

Caution in 300 merks each by — Spalding of Aschintullie and others, all appearing personally, that the persons for whom they appear will desist from use of hagbuts and pistols.

Fol. 154 .

Acts and Deceets.

Volume 419,
Fol. 315.

1629 March 28. Summons at the instance of William M'Charlie, Robert Cunnishe, etc., in-dwellers in the South East quarter lands of Inner-rudrie, David Spalding of Eschintullie their author, for his interest, against Duncan Macrichie *alias* M'Intosche, William Ferguson of Derculich, John Murray son and heir of the late William Earl of Tullibardine anent a right of way past the mill belonging to the said Duncan M'Intosche.

Register of Retours.

1640 Aug. 28. John Spalding, Heir General of Mr Andrew Spalding minister of Rescobie his father.

xvi 174.

1642 July 16. William Spalding of Runavey heir general of David Spalding of Eschintullie grandson of the brother of his grandfather.

xvii 125.

1661 July 28. Andrew Spalding of Aschintullie heir male and of taillie of William Spalding of Aschintullie his father in the lands and mains of Aschintullie, etc.

1641 July 28. William Spalding son and heir male of the late Andrew Spalding of Boirland as heir of taillie and provision of David Spalding of Aschintullie his cousin in the third part of the lands of Strathardall comprehending the lands of Aschintullie etc., all erected into the barony of Aschintullie.

1679 January 14. Alexander Spalding portioner of Runavy, M.G. of William Spalding portioner of Runavy his father.

xxxiv 132.

1698 May 21. Andrew Spalding of Drumfork heir of Thomas Steill, miller burgess of Dundee, his uncle.

xlvi 231

Particular Register of Sasines: Perth.

1664, August 9. Sasine on Charter of Novodamus granted by Sir Patrick Maxwell of Teling and New-wark, Knight, in favour of Andrew Spalding now of Aschintullie, his heirs and assignees, of the toun and lands of Corriedoune sometime occupied and possessed by the late James Spalding AND HIS TENANTS, with houses, biggings, etc., also of the shadow half of the lands and town of Wester Enoch, with houses biggings, etc., sometime per-

Volume II,
Fol. 376.

taining to the late (sic) John *alias* . . . Spalding occupied . . . both lands lying in the parish of Balmacrewchie and shire of Perth. Dated at Tealing 23 February 1657, and Sasine given on 31 July 1664 to the said Andrew Spalding present and accepting the same.

Volume II,
Fol. 377.

1664 July 30. Sasine on charter granted by Andrew Spalding now of Aschintullie, son and heir of the late William Spalding of Aschintullie, in favour of David Spalding in Corriedone, Margaret Campbell his spouse and George Spalding their son, of the lands of Corriedone sometime occupied by the late James Spalding and his tenants and now by the said David Spalding and his tenants and cottars, with houses, biggings, etc., lying in the barony of Balmacrewchie and shire of Perth. Dated at Alyth 27 January, 1664, and Sasine given on 30 July 1664 in presence of Alexander Peattie in Easter Enoch and others.

Volume II,
Fol. 378.

1664 August 9. Sasine on Precept of Clare Constat granted by Sir Patrick Maxwell of Teling and Newark, Knight, in favour of Andrew Spalding now of Aschintully as lawful and nearest heir of the late William Spalding of Aschintully his

father, of that his part of the Town and the lands of Easter Enoch, as the same is now divided, with parts, pendicles and pertinents, as the same was sometime occupied by the late Andrew Spalding of Aschintully, lying in the barony of Balmacrewchie and shire of Perth. At Cupar 19th February 1657, George Campbell of Crunane is a witness. Sasine given on 30 July 1657.

1666 February 16. Sasine on Charter of Alienation and Vendition granted by Andrew Spalding of Aschintully in favour of Alexander Spalding portioner of Wester Innerchroskie in liferent, and Andrew Spalding his eldest lawful son and apparent heir in fee heritably, of the lands of Wester Innerchroskie, with tofts, crofts, pendicles, etc., as presently occupied by the said Alexander and his subtenants extending to a 44 shilling and six penny land, lying formerly in the barony of Easter Downy, now in the barony of Aschintully, and the shire of Perth, Dated at Aschintully 10 January 1666, in the presence of Andrew Spalding in Mylnetoune of Weiry and Robert Mylnetoune of Weiry and Robert McKenzie, student in Tomnalachine. Sasine is given on 12 February 1666.

Volume III,
Fol. 196.

*Register of Sasines: Perth.*Volume IX,
Fol. 110.

1681 March 17. Sasine to Patrick Spalding of the Whythous, of lands of Morgonstoune and Burnsyd, on Disposition by Euphame Campbell daughter of Archibald Campbell of Persie.

Fol. 367.

1736 March 12. Sasine to the Kirk Session of Alyth, of an annualrent furth of the wester half of the Mains of Bleatoun contained in Heritable Bond by Robert Robertson of Wester Bleatoun to John Stewart son of John Stewart of Collaroch and his Sasine therein and Disposition and Assignation thereof granted to him by Charles Spalding of Drumfork and the Translation and Disposition granted by him with consent of Andrew Spalding his brother to John Smyth writer in Alyth, etc.

Volume
XXIV,
Fol. 188.

1746 June 6. Sasine on Heritable Bond by Andrew Spalding of Glenkilry to James and David Campbells lawful children of the late James Campbell in West Forrest and their tutors, whereby he bound himself to infest them in an annual rent of 40 merks to be uplifted out of the toun and lands of Easter Garriemore, etc., lying in the parish of Kirk-

michael. At bridgend of Drumfork 7 December, 1743. Sasine in 15 May 1746.

Morrison's Dictionary of Decisions (Vol. xix.
pp. 16485-16488.)

1671 Dec. 4. Macintosh *against* Farquharson and Spalding.

Effect of detention in a private House.

In a Reduction of a Bond granted by Robert, Alexander, and James M'Intoshes to Spalding of Ashintully, assigned by him to Farquharson, upon this reason that their Father John M'Intosh, being taken with caption, and carried to a private House in the Highlands, notwithstanding he had a standing suspension and intimate, the persuers sons finding their Father kept under guard a close prisoner, did grant this Bond for his liberation. The Lords did sustain the Reduction.

Stair reports this case.

Robert Farquharson of Burghdarge having obtained a Bond of 1700 merks from John, Robert,

Alexander, and James M'Intoshes, and having assigned the same to Andrew Spalding. He charges thereupon and they suspend. Yet Farquharson, with a number of his accomplices came to M'Intosh the Fathers House, and notwithstanding of the suspended caption upon the Decree of Spuilzie, took him violently out of his House, and carried him to the mountains of Glenlee, and there detained him and menaced him, until he was forced to send for his four sons, who gave this Bond to liberate their Father.

Dictionary of Decisions (Vol. xix. pp. 16487-16488).

Murray *against* Spalding of Ashintully.

1672 June 28. A Bond of Corroboration given by a person under caption for the Debt found to be unchallengeable.

Andrew Spalding being debtor to Alexander Rattray in the sum of 500 merks, he to make compensation thereof, took assignation to the sum of £100 Scots due by the said Alexander Rattray,

who to evite the compensation, assigned the said sum of 500 merks to Robert Murray his good brother to his own behoof, at least without any onerous cause, whereupon Robert Murray did apprehend Ashintully with caption in a public market unexpectedly, and obtained from him a Bond of Corroboration of the first Bond of 500 merks, bearing £500 of penalty and obligeing him never to suspend.

Assintilly being now charged upon the Bond of Corroboration, suspends for this reason, that the Bond of Corroboration did not import his homologation of the First Bond, or any transaction thereanent, because it was an act necessary that he could not shun.

The Lords of Council repeal the reason of compensation in regard of the Bond of Corroboration, excluding suspension, but suspended the penalty of £500 in the Bond of Corroboration.

Notes of Search in Particular Register of Sasines: Perth.

1700 July 3. Sasine on Disposition granted by George Spalding, only lawful son of Andrew

Volume XIII,
Fol. 456,
July, 1700.

Spalding, only lawful son of Andrew Spalding in Conglerg, in favour of the said Andrew Spalding his father, of the town and lands of Conglerg, with houses, etc., with this provision, that in case the said George Spalding should happen to be prevented by death before his said father without heirs one or more procreated of his own body in lawful wedlock, and not otherwise, as the said Disposition of date 30 September 1675 more fully contains. Sasine is given on 26 May 1700, in presence of David Spalding, lawful son of David Spalding of Whythouse, David Spalding of Whythouse and others.

Volume XIII,
Fol. 457.

1700 July 3. Resignation by John Fraizer in the Milntowne of Werrie, procurator and in name of Andrew Spalding of Conglerg, of the town and lands of Conglerg lying in the barony of Ashintullie, parish of Kirkmichael and shire of Perth, in the hands of Andrew Spalding of Ashintullie as superior, to the effect the right of property of said lands might remain with the said Andrew Spalding of Conglerg and be consolidated in the person of the said Andrew Spalding of Ashintullie

ad perpetuam remanentiam. Done in the house of the said John Fraizer in presence of Paull Spalding in Ballinloig, and others.

1701 December 24. Resignation of Alexander Easson, procurator and in name of David Spalding of Whythouse, in favour of Andrew Spalding of Ashintully superior, of the corn mill of Enoch, mylne lands, etc., thereof in his third part lands of Eister Enoch, in the barony of Ballmacruichie and shire of Perth. Witnesses, Charles Spalding fiar of Whythouse and others.

Volume XIV,
Fol. 128,
Dec. 24, 1701.

1701 December 24. Sasine on Disposition by Andrew Spalding of Ashintully in favour of Andrew Spalding his second lawful son his heirs and assignees of the corn mill of Enoch. Disposition is dated 4 November 1701, David Spalding of Whythouse, Charles Spalding his son fiar thereof, and Mr. James Chalmers, schoolmaster at Kirkmichael, are witnesses. The said David Spalding of Whythouse and Charles his son, as also Andrew M'Intosh in Enoch are witnesses to the Sasine given on 3 November 1701. Thirlage of Brochderg and Corredone Reserved.

Volume XIV,
Fol. 129.

Volume XIV,
Fol. 284. 1703 February 17. Sasine on Bond of Provisions granted by David Spalding of Whythouse and Charles Spalding his son fiar thereof, in favour of Margaret Robertson spouse to the said David Spalding, elder, and mother to the said Charles, of the half of the town and lands of Easter Bleattone, to wit an annual duty of £80 upliftable from the said lands. Bond of Provision is dated 6 November 1702, Andrew Spalding of Ashintully and certain others. Sasine is given on 29 January 1702 in presence of Andrew Spalding of Driffork, Andrew Spalding of Brownhill, and others including John Robertson of Easter Enoch, David Spalding second lawful son of the said David Spalding of Whythouse is attorney for the said Margaret Robertson.

Volume XIV,
Fol. 256. 1704 October 13. Sasine on Contract of Marriage between Andrew Rattray, portioner of Wester Enoch, and Magdalen Spalding with consent of Andrew Spalding her father on the one and other parts, whereby the said Andrew Rattray obliged himself to infest the said Magdalen his spouse in liferent and conjunct fee in the two part lands of

the half lands of Wester Enoch. Dated 2 June 1703 David Spalding of Whitehouse and others as witnesses. Sasine given on 25 August 1704 in presence of Andrew Spalding of Broomhill and John Robertson portioner of Wester Enoch, and others.

1708 January 1. Sasine on Precept from Chancery in favour of David Spalding now of Ashintully as lawful and nearest heir male of the late Andrew Spalding of Ashintully his father, of the third part of the lands of Strathardell, comprehending as therein described town and lands of Kirkton called Kirkhillock, etc., all of new erected into the barony of Ashintully. Dated at Edinburgh 3 November 1707. Sasine given on 7th November 1707, Mr. John Peirson minister of Kirkmichael and others are witnesses.

1709 September 16. Sasine on Bond by Charles Spalding of Moreclough in favour of William Spalding in the West Forrest, of an annual rent of £20 out of the said Charles Spalding's lands of Easter Bleatton, in the parish of Rattray and shire of Perth; Also out of Moreclough; redeemable by

Volume XV,
Fol. 261.

Volume XVI,
Fol. 19.

payment of 500 merks. Dated at Alyth 31 December 1706, and Sasine given on 3 August 1709.

Volume XVI,
Fol. 39.

1709 November 30. Sasine on Contract of Marriage between James Robertson, eldest son of Mr. Gilbert Robertson of Douine, with consent of his said father and Helen Crichton his mother, on the one part, and Grizell Spalding, with consent of Grizell Carnegie, relect of Andrew Spalding of Eshintully her mother, and David Spalding now of Eshintully her brother on the other part, on date 11th November 1709, in favour of the said Grizell Spalding promised spouse to the said James Robertson in liferent, of the Maines of Middle Douine, manor place thereof, etc., and in the Brea of Douine, etc., in the parish of Kirkmichael and Dukedom of Athole, shire of Perth: reserving the liferent of the said Mr. Gilbert Robertson and Isobell Creigh-toun. Mr. Leonard Robertson of Straloch and others are witnesses to the Contract. Sasine given on 20th November 1709, John Robertson in Brea of Douine and others are witnesses. Charles Spalding lawful son of the deceased Andrew Spalding of Eshintully is attorney.

1710 November 14. Sasine on Disposition by Charles Spalding of Mortleich, in favour of James Robertson of Douine, of the four merk land of Wester Dounie Croy, in the parish of Kirkmichael. Disposition is dated 26 July 1710. David Spalding of Whitehouse father to the granter, Alexander Robertson of Easter Straloch and David Spalding of Easter Straloch are witnesses. Sasine on 9th November 1710.

Volume XVI,
Fol. 140.

1710 December 29. Sasine on Bond by David Spalding of Whitehouse, and Charles Spalding of Mortleich, his son, in favour of John Spalding, elder, in Bridgend of Mortleich, and John Spalding younger his son, of an annual rent of £40, out of the pendicle of land called the Bridgend of Mortleich, in the parish of Kirkmichael, in security of 1000 merks. Bond dated 29 November and Sasine on 4 December 1710. David Robertson in Westerton of Ashintully and Thomas Robertson wad-setter of Balnakeillie are witnesses.

Volume XVI,
Fol. 151.

1711 August 24. Sasine on Heritable Bond granted by James Robertson of Douine, to Charles

Volume XVI,
Fol. 210.

Spalding eldest lawful son of late Andrew Spalding of Eshintullie, procreated betwixt him and Grizell Carnegie his spouse, of an annual rent of £48 upliftable out of the lands and Maynes of Douine, Douine Croy and Brewhouse croft. The Bond is dated at Douine 4 May 1711, Master Gilbert Robertson of Douine and Alexander Robertson his son are witnesses. Sasine on 17 July 1711, in presence of Alexander and William Robertson, lawful sons of the said Master Gilbert.

Volume XVI,
Fol. 256.

1712 January 18. Renunciation by William Spalding in West Forrest in favour of Charles Spalding of Morcloich, of an annual rent of £20, upliftable from the town and lands of Easter Bleaton, contained in a bond of date 31 December 1706, for the sum of 500 merks, granted by the said Charles to the said William; which said sum is hereby discharged. Dated at West Forrest 10 December 1711, Alexander Fleming, Servitor to David Robertson of Easter Bleaton is a witness.

Volume XVI,
Fol. 350.

1712 December 29. Sasine on Bond by David Spalding of Whitehouse, and Charles Spalding of

Mortcleich his son, in favour of John Spalding elder at the Bridgend of Mortcleich, and John Spalding younger his son, of an annual rent of £40, out of that pendicle of the lands of Morcloich called the Craig of Mortcloich, in the parish of Kirkmichael. Dated at Tulnagairne 8 November 1712, Thomas Robertson of Balnakeilly, and others, witnesses. Sasine on 8 December 1712.

1714 March 4. Sasine on Letters of Servitude granted by Charles Spalding, fiar of Mortloch, with consent of David Spalding of Mortloch his father, granting in favour of David Spalding of Ashintully liberty of pasturage of cattle upon the lands of Richirrell, and on the Allanmoor, in the lordship of Atholl and parish of Kirkmichael. Dated 8th April, 1710, Captain Leonard Robertson of Straloch is a witness. Sasine on 26 January, 1714.

Volume XVI,
Fol. 439.

1716 August 9. Sasine on Bond by Charles Spalding of Morcloich, with consent of David Spalding of Whitehouse his father, in favour of William Bruce of Tomnamoan, of an annual rent of £20, out of the said Charles's lands of Easter

Volume XVII,
Fol. 36.

Shannavaill, in the parish of Kirkmichael. Dated at Balchrosk 21 November 1712, and Sasine on 23 August 1716.

Volume XVII,
Fol. 126.

1717 July 15. Sasine on Charter of Confirmation by John Duke of Atholl, in favour of John Spalding lawful son of Andrew Spalding of Ashintully and Grizell Carnegie his last spouse, confirming an Heritable Bond, dated 4 May 1711, granted by the deceased James Robertson of Douine to the deceased Charles Spalding eldest lawful son procreate betwixt the said uncle Andrew Spalding of Ashintully and Grizell Carnegie his said last spouse, whereby for the sum of 1200 merks as at Martinmas then last (notwithstanding of the date) borrowed and received from the said Charles Spalding with consent of his curators therein named, the said James Robertson obliged him to seize the Said Charles Spalding, in an annual rent of £48, out of the lands of Maines of Douine, Douine Croy, Brewhouse Croft, in the manner mentioned in said Bond, together with the instrument of Sasine that has followed thereupon, dated 17 July 1711, and registered 24 August thereafter; as the said Charter,

containing Precept of Clare Constat in the end thereof, more fully bears. To wit that the said Charles Spalding died last vest and seized in the said Annual rent, and that John Spalding now eldest lawful son procreated betwixt the said deceased Andrew Spalding and the said Grizell Carnegie his last spouse is nearest and lawful heir to the deceased Charles Spalding his brother german in the said annual rent, as being heir served and retoured to him before the Bailies of Edinburgh, on 25 August 1715. Charter is dated at "our house of Dunkeld": 9 July 1717. Paul Farquharson of Rochakill and other witnesses. Sasine on 12 July 1717, David Spalding elder of Whitehouse and William Robertson of Brewhouse Croft as witnesses.

1717 November 8. Sasine on Bond by David Spalding of Ashintully in favour of Alexander Kae in Bellino, of an annual rent of 80 merks, out of the mill of Ashintully. Dated at Milntown of Ashintully the 19 April 1717, Andrew Spalding of Glenkilrie, brother german to the said David Spalding of Ashintully, is a witness. Sasine on 1st October 1717.

Volume XVII,
Fol. 173.

Volume XVII,
Fol. 213.

1718 February 28. Sasine on Wadset right by David Spalding of Ashintully in favour of Andrew Spalding of Glenkilrie and William Spalding in Thristlefield of West Forrest equally betwixt them, of the town and lands of Kirktown of Kirkmichael and Teind Sheaves thereof, as the same are presently possessed by Mr. John Peirson, minister of Kirkmichael, James Spalding James Aysone, and others; under Reversion of 4000 merks. Dated 23 January 1718, and Sasine given on same day.

Volume XVII,
Fol. 318.

1718 December 1. Renunciation and discharge by Katherine Balneavis of Glencarse, now spouse to Andrew Spalding of Glenkilry, with his consent, in favour of George Brown of Ligertlaw, of an annual rent of £80, secured over the lands of Ligertlaw and Maikle Buttergask, in the parish of Cargill: and discharge of the sum of 2000 merks contained in a bond, dated 16 November 1695, granted by George Brown of Ligertlaw to the late Mr. Alexander Balneavis of Cambaddie, Dean of Dunkeld, grandfather to the said Katherine: and which sum is hereby discharged. Katherin Reid spouse to the late Mr. Alexander Balneavis and grandmother

to the said Katherin Balneavis is mentioned. The Bond is registered in the Sheriff Court of Perth on 17 December 1698. Renunciation is dated at Easter Ennoch 29 November 1718.

Volume XVII,
Fol. 335.

1719 January 16. Sasine on Disposition by John Spalding elder and younger in Bridgend of Moreclach, with consent of David Spalding of Whitehouse and Charles Spalding of Moreclach, in favour of Thomas Fleming in Thommanenan, of an annual rent of £40, out of that pendicle of the lands of Moreclach called Craig of Moreclach in the parish of Kirkmichael. Dated at Bridgend of Moreclach 11 November 1718, and Sasine given on 12 December 1718 in presence of Thomas Spalding son of the Laird of Ashintully, James Spalding son of Andrew Spalding of Glenkilry, and John Robertson son of Andrew Robertson in Toleon.

Volume XVII,
Fol. 448.

1719 August 19. Sasine on Bond by Charles Spalding of Moreclach in favour of John Campbell of Minnach and Donald Campbell his son, of an annual rent of £40 out of the town and lands of

Bridgend of Moreclach. Dated at Bridgend of Moreclach 11th November 1718, David Spaldings elder and younger of Whythouse are witnesses.

Volume XVII,
Fol. 473.

1719 October 28. Sasine on Wadset Right by David Spalding of Ashintully in favour of John Spalding lately in Bridgend of Morecloich now in Westertown of Ashintully, and John Spalding younger in Westertown of Ashintully his son, of the Wester half of the town and lands of Westertown of Ashintully with the half of the ward; also of the town and lands of Easter Burnside of Ashintully; likewise of the two acres of lands of the Easter Brea of Ashintully called Buallbreik, with teinds, etc. Under Reversion of £1450 contained in the said contract of Wadset dated at Ashintully and Alyth 24 and 25 June 1719. James Spalding natural son of Andrew Spalding of Glenkilry and others are witnesses.

Volume XVII,
Fol. 519.

1719 December 29. Sasine on Wadset Right granted by David Spalding of Ashintully in favour of William Spalding in Balno, of these parts of the lands of Balno lying on the East side of the town

of Balno and be-east that little hill lying on the North side of the said town of Balno called the Knock of Balno, together with the said Hill of itself; and two acres be-west the said Hill called Craytaknock, with that little croft lying on the North West side of the corn yard of Balno, in parish of Kirkmichael. Dated at Ashintully 17 April and at Alyth 28 April 1719, John Spalding in Bridgend of Moircloich, James Butter in Mains of Ashintully and William Spalding Servitor to the said David Spalding, and others are witnesses. Under Reversion of the sum of 1200 merks.

1720 February 12. Sasine on Wadset Right by David Spalding of Ashintully in favour of William Small of Kindrogan, of the towns and lands of upper and neither Craigbegs, in the parish of Kirkmichael: under Reversion of 1000 merks contained in the contract of Wadset, of date at Kirkmichael 21 December 1719. Sasine on 21 January, 1720 in the presence of John Spalding natural son of the said David Spalding and James Spalding Servitor to the said David.

Volume XVII,
Fol. 543.

Volume
XVIII,
Fol. 130.

1721 June 9. Sasine on Charter under the Seal appointed to be used in Scotland by the Treaty of Union in the place of the Great Seal, in favour of an honourable man, David Spalding of Ashintully, his heirs and assignees whomsoever, of all and whole the lands and barony of Balmachruchie, comprehending Easter and Wester Balmachruchies, Dalnabirks, Bleatons, Eunochs, and others in the parish of Kirkmichael and shire of Perth; declaring always that the said Charter shall in nowise prejudice John Duke of Athole's Right of superiority of Balnacruchie which he and his predecessors have had in virtue of Charters and Infestments previously acquired by them; the lands of Pitbraban being also reserved in this Charter: and which lands and others pertained to the said John Duke of Athole; and were by him and his procurators, in virtue of an Procuratory of Resignation, contained in Letters of Alienation granted by him in favour of the said David Spalding, and his fore-saids, of date 21 August 1719, resigned in the hands of the Lords Barons of Exchequer in Scotland, as in the hands of the King, superior thereof, in favour of and for the said David Spalding and

his foresaids. Dated Edinburgh 13 February 1721, in presence of William Melville and Anthony M'Lean at the mill of Ennoch. Robert Mercer in Breda is Attorney for David Spalding of Ashintully.

1722 January 15. Sasine on Disposition by David Spalding of Ashintully, in favour of Patrick M'Intosh and Margaret Spalding his spouse, and grandchild to Alexander M'Intosh sometime of Cames, of the town and lands of Cames, and pendicle thereof called Dalvrack. Reserving always to the said Alexander M'Intosh and Margaret Spalding his daughter in law their liferent of the two parts of the free rent of what shall be over the payment of the feu duty, teinds duty, and the annual rent of any debts either resting by the said Alexander or Lachlan M'Intosh, and public dues whatsoever. Dated at Edinburgh 4 February 1708 before these witnesses, David Spalding of Whitehouse, Robert Cathro, Notary, and others. Sasine on the 20 December 1701 in presence of Charles Spalding of Morecloich, John Spalding of the same place, Patrick of Spittle of Glenshee, Charles

Volume
XVIII,
Fol. 227.

M'Intosh in Leanach. The said John M'Intosh in Leanach is Bailie.

Volume
XVIII,
Fol. 280.

1722 May 17. Renunciation by Mr. John M'Kenzie of Delvine in favour of David Spalding of Ashintully, of that part of the head of Glenbeg called Riedorach and Riecheslie coming from the burn of Riedorach to the March of Mar including the shielling of Cragansoin presently possessed by John M'Intosh of Ballachraggan, in the parish of Kirkmichael. Wadset by Contract of Wadset between the said parties of date 19 April 1715. Renunciation is dated at Delvine 15 May 1722, before these witnesses, Andrew Spalding of Glenkildry, Neil M'Glashan at the Mill of Enoch and others.

Volume
XVIII,
Fol. 348.

1722 November 20. Sasine on Charter of Resignation by the King, with consent of the Barons of Exchequer, in favour of David Spalding of Ashintully, his heirs and assignees of the corn Mill of the new mill of Tullienyddies with the astricted multures of Tullienyddies Easter and Wester, and other multures and sequels: also the

lands of Easter Another Fornocks, with manor place, etc., in the parish of Clunie and shire of Perth: which said subjects were resigned by Mr. John Ramsay of Tullienuddies and Christian Ramsay his eldest lawful daughter, with consent of Katherine Saintserf spouse to the said Mr. John Ramsay in virtue of Procuratory of Resignation contained in Letters of Alienation made by them in favour of the foresaid David Spalding, of date 16 May 1721. Dated at Edinburgh 26 July 1721, and Sasine given on 2 November 1722. John Spalding in Westertown of Ashintully and others are witnesses.

1723 May 2. Sasine on Bond by George Ogilvie of West Forrest in favour of William Spalding in West Forrest, of an annual rent of 50 merks out of the lands of West Forrest in the parish of Alyth: under Reversion of 1000 merks. Dated at Meikleour 12 March 1723, and Sasine on 23 March 1723.

Volume
XVIII,
Fol. 423.

1724 June 16. Sasine on Bond of Provision granted by William Spalding in Thirsle fauld of

Volume XIX,
Fol. 19.

West Forrest, whereby in implement of his obligation contained in the Contract of Marriage between him and Janet Adam youngest lawful daughter to the deceased Andrew Adam sometime in Bruetown, he bound himself to infest the said Janet Adam his future spouse, for her liferent use allernaly in an annuity of 100 merks, furth of the just half of the town and lands of the Kirktown Kirkmichael, in the parish thereof; by two several manner of holdings, as therein mentioned; at Alyth 14 April 1724. Sasine given on 29 April, 1724.

Volume XIX,
Fol. 85.

1724 November 10. Renunciation by John Chalmers fiar of Nether Clowhat, to Andrew Spalding of Glenkilry his heirs and assignees, of the sunny third part lands of Wester Innercroskie lying in the barony of Ashintully and parish of Kirkmichael; and Discharge by the said John Chalmers to Andrew Spalding of the sum of 1900 merks, contained in Contract of Wadset between them of date 23 January 1718, whereby for the said sum the said Andrew Spalding sold the said lands to the said John Chalmers in liferent and to William Chalmers his eldest lawful son procreated

between him and Eupham Spalding then spouse to the said John, now deceased, and the heirs lawfully to have been procreated of his body, which failing to any other heirs male to have been procreated or to be procreated of the said John Chalmers his body, which failing to the heirs female lawfully to have been procreated between him and his said spouse, which all failing to his nearest and lawful heirs whatsoever heritably: at Whytehouse of Middle Callie 6 November 1724.

1725 January 1. Sasine on Heritable Bond granted by David Spalding of Ashintully in favour of Andrew Spalding of Glenkilry his brother german, of an annual rent of £100 Scots, furth of the said David's lands of Ashintullie, the Easter half of the town and lands of Milntown of Ashintullie lying in the barony thereof and parish of Kirkmichael in security of £2000 Scots: at Milntown of Ashintullie 3 January 1719. Witnesses James Durham in Drumfork, Thomas Oliphant in Milntown of Ashintullie: Sasine given on 7 November 1724 Robert M'Intosh servant to the said Andrew Spalding of Glenkilry is a witness.

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Fol. 129.

1727 March 13. Sasine on Charter of Confirmation containing a Novo Damus, and an original feu right, granted by David Spalding of Ashintully undoubted lawful superior of the lands underwritten, in favour of Andrew Spalding of Glenkilry his brother german, and the heirs male procreated or to have been procreated betwixt him and Catherine Balneavis his spouse, which failing to the heirs male of his body in any subsequent marriage, which also failing his other nearest and lawful heirs male all which failing to the said Andrew Spalding and his other nearest and lawful heirs and assignees whatsoever, heritably and irredeemably, of the two parts of the pendicle pertaining to the lands of Easter Enoch called Dallinot, sometime possessed by David Rae, thereafter by John M'Nab and now by —; extending to four acres of infield land; and the two parts of the pendicle called Easter Garriemore sometime possessed by Alexander Grant thereafter by James Chalmers and now by —; being a part of the said David Spalding his lands and barony of Balmacreuchie, lying in the parish of Kirkmichael; which were originally conveyed and feued by the deceased

Andrew Spalding of Ashintully father to the said David Spalding, to the deceased James Chalmer of Over Clowhaft; and are now disponed by Andrew Chalmer son and heir to the deceased James Chalmer of Dallinoil, in favour of Andrew Spalding of Glenkilry, conform to the several rights thereof: also the first sunny third part by Rumrig of the lands of Wester Innerchroskie sometime possessed by Alexander Spalding portioner of Innerchroskie and his tenants, and now by —; extending to a 44/6d land of old extent, lying in the barony of Easter Downie, and thereafter in the barony of Ashintully by annexation; which did of before pertain to the said Alexander Spalding portioner of Innerchroskie, and Andrew Spalding his eldest lawful son, and are now disponed and conveyed to the said Andrew Spalding of Glenkilry by David Spalding of Whitehouse, who had right thereto from the said Andrew Spalding and John Spalding his son; and also the corn mill of Enoch, with mill lands, etc., and the third part of the town and lands of Easter Ennoch, as the same are now possessed by the said Andrew Spalding of Glenkilry; which corn mill, etc., did formerly pertain heritably to

John and David Rattrays and were by him conveyed to David Spalding of Whitehouse, and being by him resigned ad remanentiam in favour of the said deceased Andrew Spalding of Ashintully, were by him disposed to the said Andrew of Glenkilry; likewise the sunny third part of the two third parts of Easter Ennoch, in the barony of Balmachreukie: which were originally disposed by the said Andrew Spalding of Ashintully to Patrick M'Intosh and Janet Stewart his spouse in liferent, and Alexander M'Intosh their son, and are now conveyed to the said Andrew Spalding of Glenkilry by Margaret M'Intosh only sister and heir to the said Alexander M'Intosh; and sicklike the lands of Stilemouth of Easter Ennoch, which formerly pertained to John Bruce and adjudged by him from David Spalding of Whitehouse, who disposed the same to the said Andrew Spalding of Glenkilry; Like as the said David Spalding of Ashintully disposed in feu ferm to the said Andrew Spalding of Glenkilry and his heirs ut supra of his own town and lands of Corklarig, contained in a Contract of Division between the said David Spalding of Ashintully his authors and Baron Reid, which were of before feued and

disposed by the said Andrew Spalding of Ashintully to Andrew Spalding of Milntown of Weirie and George Spalding his son, and were by him resigned back to the said Andrew Spalding of Ashintully ad perpetuam remanentiam, as the same were possessed by the saids Andrew and George Spaldings and now by —. At Kirkmichael 18 October 1723. John Spalding of Moremount and William Spalding his brother german are witnesses. Sasine given on 28 January 1727. Andrew Spalding lawful son to William Spalding in Balno is a witness.

1728. August 21. Sasine on Disposition by David Spalding of Ashintully to Andrew Spalding of Glenkilry, his heirs and assignees whatsoever heritably and irredeemable, of the lands of Easter and Wester Enoch, with the corn mill, etc., also with the teinds parsonage and vicarage, all lying in the barony of Balmacreuchie, and parish of Kirkmichael, etc., providing that it shall not be lawful for the said Andrew to dispone the superiority of said lands. At Ashintully 29 May 1728. Sasine given on 8 July 1728. Charles Stewart of Colrach,

Volume XX,
Part I,
Fol. 102.

David Robertson of Easter Bleatoun and John Robertson his son.

Volume XX,
Fol. 173.

1729. April 15. Sasine on Charter of Adjudication granted by James Duke of Athole to John Spalding in Westertoun of Ashentully his heirs and assignees whatsoever heritably and under reversion of the town and lands of Easter Stronmuck, both sunny and shadow halves, lying in parish of Kirkmichael. At Dunkeld 11 March 1729. Sasine given on 17 March 1729. William Bruce of Tomnamoon, Lauchlan M'Intosh of Ballinchranggan and Paul Shaw in Wester Kinraigie are witnesses.

Volume XX,
Fol. 176.

1729. April 21. Sasine on Disposition granted to Lauchlan M'Intosh of Ballechranggan, by James Duke of Athole, of the teinds great and small parsonage and vicarage of the eight merkland of Stronamuck, comprehending the Eastertoun and Westertoun thereof, and of the 20/- land of Ballachraggan, in the parish of Kirkmichael: also on Disposition of date 8 March 1729 by the said Lauchlan M'Intosh to John Spalding in Westertoun of Ashintully, of the half of the foresaid teinds etc. And on a mutual

agreement between the said John Spalding and Lauchlan M'Intosh, whereby the said lands of Stronamuck are divided by them, so that each had a four merk land of the one of Easter and the other of wester Stronamuck: At Dunkeld 28 January 1729. Sasine given on 17th March 1729. William Bruce of Tomnaman and Lachlan M'Intosh of Ballichraggan are witnesses.

1731. February 26. Sasine on Feu Contract between James Duke of Athole on the one part, and Andrew Spalding of Glenkilry on the other part, whereby the said Duke disposed in feu ferm to the said Andrew his heirs and assignees, the lands of Corridon and Dalhangan, lying in the parish of Kirkmichael, with teinds etc. with a Declaration that the said Andrew's acceptance that right of the lands foresaid shall not prejudice his questioning and impugning David Spalding of Ashintully's title to the said lands which his grace purchased from him the said David Spalding. At Dunkeld 20th November 1730. Sasine given on 8 January 1731. Andrew Spalding youngest lawful son of William Spalding in Newtoun of Ashintully is a witness.

Volume XX³,
Fol. 396.

Volume XX²,
Fol. 404.

1731. March 2. Sasine on Disposition by James Duke of Athole to Andrew Spalding of Glenkilry his heirs and assignees heritably and irredeemably of the touns and lands of Lares, easter and wester lying in the barony of Balma-cruichy parish of Kirkmichael; also the touns and lands of Broughdarg lying in the saids barony and parish, which heritably pertained to David Spalding of Ashintully and were disposed by him to the said Duke, with reservation to John Robertson of Straloch and William Farquharson of Broughdarg proprietors and vassals thereof. At Dunkeld 20th November 1730. Sasine given on 8 January 1731. Andrew Spalding youngest lawful son of William Spalding in Newtoun of Ashintully, is a witness.

Volume XX²,
Fol. 412.

1731. March 15. Sasine on Disposition by David M'Nab brewer in Kirkmichael with consent of Margaret M'Dougall his spouse and Thomas Stewart of Middle Ballantoyne to William Spalding eldest lawful son to William Spalding in Balno, his heirs and assignees, of the east quarter land of Ballintoyne, with teinds, etc. lying in the parish of

Kirkmichaell. At Kirkmichaell 19 February 1731. Sasine given on 20 February 1731.

1733. July 17. Sasine on Wadset Right granted by David Spalding of Ashintully in favour of John Spalding his brother german, of the town and lands of Moremount commonly called Croftvickindun, with houses, etc. sometime possessed by William Connachar and the late James Butter, thereafter by the said John Spalding himself, lying in the parish of Kirkmichael: Under Redemption for payment of 4000 merks contained in the Contract of Wadset of date 18 October 1723. William Spalding brother german to the said John Spalding, and others are witnesses. Sasine on 24 May 1733 in presence of Andrew Spalding in Ballnoe and Donald Brown in Fardoch.

Volume XXI,
Fol. 49.

1733. July 17. Sasine on Wadset Right by David Spalding of Ashintully in favour of Andrew Spalding of Glenkilry, of the town and lands of the Mains of Easter Downie and Ballinluig, with the manor place of Downie, as the same were lately possessed by the deceased Grissell Carnegy Lady

Volume XXI,
Fol. 49.

of Ashintully. Under Reversion of 5,500 merks contained in the Contract of Wadset, of date 10 March 1732, William Spalding in Easter Dounie is a witness. Andrew Spalding in Ballinoa is witness to the Sasine on 25 May 1733.

Volume XXI,
Fol. 367.

1736. March 12. Sasine on Disposition by John Stewart lawful son of John Stewart of Cellaroch in favour of Charles Spalding of Drumfork, his heirs and assignees, of an annual rent of 50 merks, out of the Wester half of the Mains of Bleatone or out of the easter half of said Mains, all in the parish of Kirkmichael; contained in an heritable Bond granted by the late Robert Robertson of Wester Bleatone to the said John Stewart, of date 5 November 1729: Redeemable conform to the Clause of Reversion in said Bond from the said Charles Spalding: Proceeding also on a Disposition and Translation by the said Charles Spalding, with consent of Andrew Spalding his brother german to and in favour of John Smyth, writer in Alyth, of the said annual-rent of 50 merks, under reversion as said is: Proceeding likewise on a Disposition and Assingation of date 13 December

1735, granted by the said John Smyth to and in favour of Mr. Adam Warden, schoolmaster in Alyth, and James Anderson, merchant there, two of the members of the Kirk Session of Alyth, and their successors, for the use and behoof of the poor of the said parish, of the said annual-rent of 50 merks, upliftable as aforesaid. Dated at Haddington 21 May 1733 before these witnesses, Mr. Charles Murray, writer in Edinburgh, and Andrew Spalding weaver in the Linen Factory in Haddington. Sasine on 20 February 1736, Donald Robertson in Conglerg is a witness. Alexander Spalding in Easter Ennoch is bailie.

(Blank in Minute Book and Record 1736 October 2nd to 1738 April 4th.)

1740. October 17. Sasine on Charter by David Spalding in Ashintully in favour of James Spalding of Bonymilns, of the town and lands of Wester Bleaton, extending to twelve merkland of old extent, lying in the barony of Balmackcrichie. Dated at Moultershill 29 September 1740, Daniel Spalding writer in Edinburgh, son of the said David

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XXII,
Fol. 395.

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Spalding, granter, and writer of the Charter, is a witness. Sasine on 6 October 1740, before these witnesses, Robert Gardiner, writer in Edinburgh, Thomas Spalding, tacksman of Leith mills, David Spalding lawful son of the granter, and George Tod, writer in Edinburgh.

Volume
XXIII,
Fol. 276.

1743. May 9. Sasine on Disposition by David Robertson only son of the deceased David Robertson of Easter Bleaton, nearest and lawful heir male served and retoured in general to the deceased Duncan Robertson of Stronamuck his grand uncle's grandson; in favour of John Spalding in Westertoun of Ashintully, and Duncan M'Intosh son of the Deceased Lauchlan M'Intosh of Ballachraggan equally and proportionally, of all and whole the lands of Stronamuck in the parish of Kirkmichael and shire of Perth. Dated at Easter Dounie 24 March 1743, and Sasine on 24 March.

Volume
XXIII,
Fol. 344.

1743. November 29. Sasine on Disposition by Thomas Spalding of Leith mills, writer in Edinburgh, acquirer thereof by Disposition and Sasine from David Spalding of Ashintully late proprietor

APPENDIX

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of the same, in favour of Thomas Bisset of Glenilbert, late Commissary of Dunkeld, of these parts and portions of the lands and barony of Ashintully, viz. the lands of Wester Burnside of Ashintully, Cragincral, Lecknafir, East Brae of Ashintully, Cratfarick, Donadacaik, Bualvaick, Bualfarick, Glenkilrybeg and Tominturen. Dated 18 November 1743, and Sasine given on 23 November 1743, in presence of Charles Fleming in Westertoun of Ashintully, etc.

1747. January 14. Sasine on Wadset Right by David Spalding of Ashintully in favour of Andrew Spalding of Glenkilry, of the town and lands of the Mains of Easter Downie and Balinluig, with manor place, etc. as lately possessed by the deceased Grizell Carnegy Lady Ashintully, in the parish of Kirkmichael: Under Reversion of 5,500 merks conform to Contract of Wadset, dated 10 March 1722. William Spalding in Easter Downie is a witness. Sasine on 8 January 1747.

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XXIII,
Fol. 248.

1747. January 14. Sasine on Wadset Right granted by David Spalding of Ashintully in favour

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XXIII,
Fol. 249.

of John Spalding, his brother german, of the town and lands of Moremount commonly called Crofirck-induin, sometime possessed by the said John Spalding: Under Reversion of 4000 merks contained in the Contract of Wadset between the said now deceased David Spalding and the said John his brother german, of date 18 October 1723. William Spalding brother german to the said John Spalding is a witness. Sasine on 8 January 1747.

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XXIII,
Fol. 294.

sic.

1747. April 21. Sasine on Heritable Bond granted by Andrew Spalding of Glenkilry, in favour of John Stewart of Markland and Katharine Spalding his spouse, in conjunct-fee and liferent and the children of the marriage procreate betwixt them; and failing of any of them by death, to the survivors *heir* heirs and assignees in fee, as the said John Stewart and spouse at the sight of friends, of an annual-rent of £50, out of the lands of Dillanond, etc., in the parish of Kirkmichael: Written on stamped paper by Charles Spalding of Drumfork at Bridgend of Drumfork 31 October 1741, before these witnesses, Charles Spalding of Drumfork, writer of the Bond and Fergus Farquharson,

brewer at Bridgend of Drumfork. Sasine on 25 March 1747. Charles Stewart in Wester Enoch is procurator and attorney for the said spouses.

1748. June 21. Sasine on Disposition by Andrew Spalding of Glenkilry in favour of John Murray of Lintrose, narrating that by Contract of Wadset betwixt the now deceased David Spalding of Ashintully and the said Andrew Spalding his brother, the said David for the sum of 5,500 merks borrowed at Martinmas then preceding, disposed to the said Andrew Spalding under Reversion the lands after mentioned; and subsuming that the said John Murray has made payment to the said Andrew Spalding of a certain sum of money equal to the foresaid principal sum and annual-rents thereof; therefore the said Andrew Spalding disposed in favour of the said John Murray his heirs, etc. under Reversion in manner mentioned in said Contract of Wadset, the town and lands of Mains of Easter Dounie and Balinluig, with manor place, etc. as some time possessed by the late Grizell Carnegie Lady Ashintully. Dated at Coupar Angus 10 February 1748, and Sasine on 30 May 1748.

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XXIV,
Fol. 424.

THE SPALDING ARMS.

Extract from Stodart's "Scottish Arms" (A.D. 1370-1678).

Published 1881.

Spalding. . . . This is also given with the addition of three crescents gules, and another entirely different coat, argent, on a cross azure, five crescents or. The seal of John Spalding, 1484, has a cross charged with a crescent: that of David de Spalding, burgess of Dundee, 1445, is a cross charged with a cross-crosslet fitchée, or perhaps a sword, as here represented, but with the point downwards. In the Lyon Register, 1672-1678, are Mr. John Spalding's arms, or, on a cross azure, five cross-crosslets of the field; and a little later Andrew of Ashintully, co. Perth, or, a two-handed sword paleways azure. No crest nor motto is entered, but those represented on an old flag, in the possession of the present representative of the chief family of the name, are a gate-way proper, with the portcullis half-raised, gules, and motto, "Nobile Servitium."

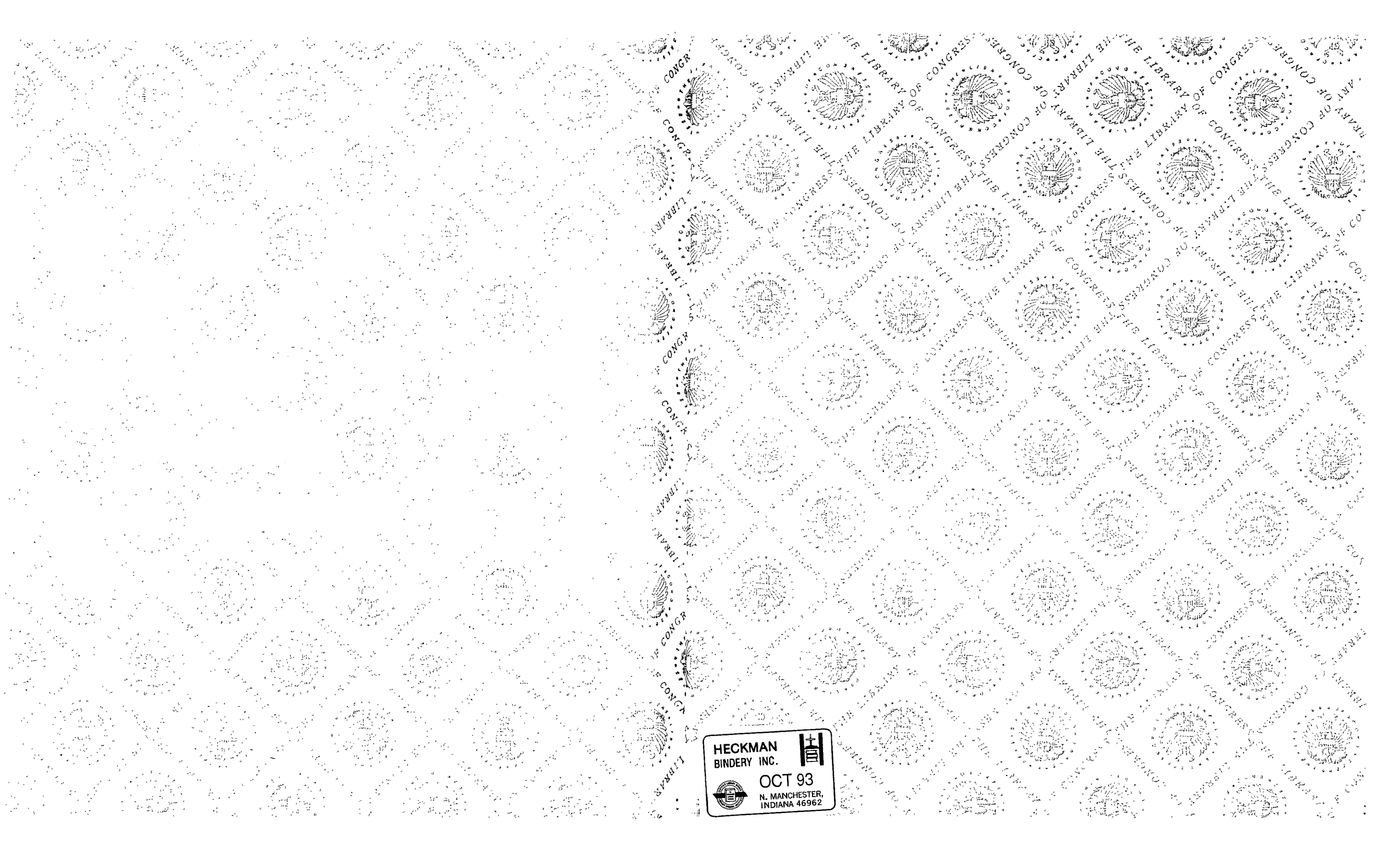
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