

## **Hamiltons of Bardowie – First known superiors of the Kincaids for their ancestral lands.**

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While the Kincaids of that Ilk can be shown to have been of the lands of Kincaid from at least 1425, it is not clear who their immediate superiors were for the whole 15<sup>th</sup> century. In fact, the last known person to hold the Kincaid lands of the Earls of Lennox was Patrick Galbraith who got a grant of three quarters of the lands of Kincaid and a quarter of the adjacent lands of Balquharrage sometime between 1316 and 1333.<sup>1</sup>

It was not until 11 January 1504/5, that we find that John Hamilton of Buthernock held these lands of Matthew, Earl of Lennox. It was on that date that the Earl of Lennox granted to him:

- Berdowry - i.e. Bardowie about Bardowie Loch,
- Barnellane - i.e. Barnellan on northeast side of Bardowie Castle,
- Boghous - adjacent to Boghall House and shown on John Grassom's 1817 map of Stirlingshire<sup>2</sup>,
- Kirktoon - just below Baldernock Kirk as shown on Joan Blaeu's 1662 map of Dunbarton<sup>3</sup>,
- Bankell - above Baldernock Kirk and adjacent to Craigmaddie Reservoir,
- Blacharne - i.e. Blochairn on east side of Bankell,
- Fluchart - i.e. Fluchter just northeast of Barnellan,
- Blaiskaith - i.e. Blairskaith above Fluchter,
- Bankeir - just above Blairskaith and shown as Bankyir on the above noted Joan Blaeu's 1662 map of Dunbarton and as Bankeir on above noted John Grassom's 1817 map of Stirlingshire,
- Ballindrocht - shown as Badhindrocht on the above noted Joan Blaeu's 1662 map of Dunbarton and likely included Tower on the west side of Torrance,
- Hawistoun - i.e. Hayston,
- Birdston - on the south side of the main Kincaid estate,
- Barcharage - i.e. Balquharrage just above Hayston and west of Birdston, and
- Kincaid – the main estate where Kincaid House is located.

The Great Seal abstract reads (accents added):

- Apud Edinburgh, 29 Jan. {1504/5. 17 Jac. IV.} Rex confirmavit cartam Math, comitis de Levenax, dom. Dernlie,—[qua confirmavit **Johanni Hammiltoun de Buthernok**, et heredibus ejus quibuscunque,—terras de Buthernok, viz. Berdowry, Barnellane, Boghous, Kirktoon, Bankell, Blacharne, Fluchart, Blaiskaith, Bankeir, Ballindrocht, Hawistoun, Birdstoun, Barcharage, et Kincaid, in comitatu de Levenax, vic. Strivelin et Dunbertene ;—quas idem Joh. personaliter resignavit :—Reddend. annuatim dicto comiti 3 sectas ad 3 placita capitalia comitatus de Levenax, ac wardam, &c., cum contingerent :—Test. Adam dom. de Caldwell milite, David Lindesay dom. de Dunrod, Walt. Logane de Garconwall,

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<sup>1</sup> *Cartularium Comitatus de Levenax: Ab Initio Seculi Decimi Tertii Usque Ad Annum M.CCC.XCVIII.* Ed. James Dennistoun Jr. Edinburgh: Maitland Club, 1833. Published in Notices From The Local Records of Dysart. Glasgow: James Hedderwick & Son, 1853. p. 32-33, no. 31. See fuller discussion on his tenure in my paper titled "The earliest holders of the lands of Kincaid" privately published on kyncades.org on 27 June 2014.

<sup>2</sup> National Library of Scotland, Edinburgh, UK. Maps of Scotland: County Maps: Stirlingshire: 1817 - John Grassom, - To the Nobleman and Gentlemen of the County of Stirling. <http://maps.nls.uk/joins/679.html> (bottom left sheet).

<sup>3</sup> National Library of Scotland, Edinburgh, UK. Maps of Scotland: County Maps: Dumbartonshire/Dunbartonshire: 1662 – Joan Blaeu – Levinia – Dunbarton (Blaeu Atlas Major, 1662-5 Volume 6). <http://maps.nls.uk/view/108520476>.

Pat. Culquhone de Glyn, Rob. Striveling de Balglas, M. Rob. Hammiltoun rectore de Bedemolc, Rob. Menteth de Law, et Jac. Hammiltoun :—Apud Dernlie, 11 Jan. 1504] :—Test. Willelmus, Episcopus Aberdonensis, Secreti Sigilli Custos; Archibaldus, Comes de Ergile, Dominus Campbell et Lome, Magister Hospitii Regis; Patricius, Comes de Boithuile, Dominus Halis; Matheus, Comes de Levenax, Dominus Dernlie; Alexander, Dominus Hume, Magnus Camerarius; M. Gawinus Dunbar, Archidiaconus Sancti Andree, Clericus Rotulorum et Registri ac Concilii. [*Registrum Magni Sigilli Regum Scotorum: The Register of the Great Seal of Scotland A.D. 1424-1513.* Ed. James Balfour Paul. Edinburgh: H.M. General Register House, 1882. p. 598-599, no. 2816].

These were lands which the said John Hamilton had personally resigned for this new grant. His style 'of Buthernock' was referring back to the family's old designation as they mostly appear in 15<sup>th</sup> century records under the style 'of Bardowie' or spelling variants thereof. This will be shown below.

That John Hamilton of Buthernock was the same person as John Hamilton of Bardowie can be shown by other contemporary documents relating to some of the lands in this 11 January 1504/5 charter; wherein he is styled John Hamilton of Bardowie. On 22 September 1502, he dealt with the lands of Birdston, Barnellan, and Fluchter<sup>4</sup>; on 25 June 1507 the lands of Kincaid<sup>5</sup>; and on 7 February 1507/8 for the lands of Kirktown and Boghous.<sup>6</sup> Abstracts of these four documents are as follows (accents added as well as date in brackets at beginning when necessary):

- {22 September 1502} Instrument narrating that a noble woman, Margaret Houstoun (Lady Lyll), exonerates **John Hamiltoun of (Bardowy)** as to a certain point or clause contained in certain letters of indenture between them at Glasgow 22 September 1502, the tenor of the clause being that as soon as Margaret . . . shall obtain the favour of the Earl of Lennox, **John H. of Bardowy shall put John H., his "O" and apparent heir**, in the fee of his lands of . . . Byrdiston (?), Blarnellan, the Fluthart, with the mill . . . with others, "his old heritage and annuell rentis," and that he shall resign them, reserving his own liferent and all that pertains to said lands, "with courtis, playntis . . . merchetis, bludwetis and all dewiteis and do servis, with the d(onation of) the benefice of Bathernock for his tyme," entries of tenants and profits of wards, with a reasonable terce to his wife. The said lady shall pay the costs of the resignation of the lands and the giving to "his O and apperand air" by charter and sasine. Moreover, the said John Hamilton holds himself satisfied by the payment by the said Dame Margaret, Lady Lyll, of the sum of 36 merks contained in said letters, and exoners her as principal . . . Maxwell of Newark, the late Peter Houstoun, of that Ilk, Knight, their heirs, &c., as cautioners, and all others having interest, of said sum. Also the parties assert that they are content that the letters of indenture between them and acted in the books . . . of Glasgow shall cease and be destroyed, but other agreements shall stand. The said Dame Margaret exoners the late Patrick Kincade of that Ilk, and the late . . . Logan of Balwey, their heirs, &c. of the points contained in said letter. Done at . . . on 4 (?) April 1516. Witnesses, Mr. Robert Hamilton, rector of Covington, William Hastie, John Lyndissay, Nicolas Staple, . . . Brownsyde, N.P.

<sup>4</sup> "Protocol Book of Gavin Ros, N.P. 1512-1532." Ed. Rev. John Anderson and Francis J. Grant. Edinburgh: Printed for the Society by James Skinner & Company, 1908. Scottish Record Society. 29: p. 21, no. 134. Oe, O, Oye, Oye is a grandson in Scots.

<sup>5</sup> "Protocol Book of John Foular 1503-1513: Volume 1 (continued)." Ed. Marguerite Wood. Edinburgh: Printed for the Society by J. Skinner & Company, Ltd., 1940-1. The Scottish Record Society. 72 (December 1939): p. 56, no. 311.

<sup>6</sup> *Liber Protocolorum M. Cuthberti Simonis Notarii Publici et Scribae Capituli Glasguensis A.D. 1499-1513: Also Rental Book of Diocese of Glasgow A.D. 1509-1570.* Ed. Joseph Bain & Rev. Charles Rogers. Vol. I. London: Printed for the Grampian Club, 1875. p. 422, nos. 329 & 330.

- 25 June 1507.--**Elizabeth Kincaid of that ilk** resigned her lands of Kincaid in the county of Leven and sheriffdom, formerly of Stirling and now of Dumbarton, in the hands of **John Hamilton of Bardowly**, her lord superior, who gave sasine to the said Elizabeth and Patrick Kincaid, procurator of **Master Thomas Kincaid of Craigloukart, her spouse**, and the survivor of their heirs, whom failing to the heirs male of the said Thomas. Witnesses: Edward Maxwell of Tynwald, Robert Brus, William Craike, William Inglis, John Stewart, Michael Mcquhone, Master John Kincaid, chaplain, Vincent Strathauchin, John Smyth, William Glorat.
- {7 February 1507/8} Instrument on the resignation by John Stewart, brother to Matthew Earl of Lennox, from himself and his heirs for ever, of the lands of Kirktown, in the parish of Bothernock, earldom of Lennox and shire of Dumbarton, between the lands of Blarchian on the east, the lands of Dowan and Ballinkell on the west, the lands belonging to the provostry of Dumbarton on the north, and the place of Blarnellon on the south, into the hands of **John Hamyltoun of Bardowe**, as superior thereof; and on the sasine immediately thereafter given by the said John Hamyltoun of the said lands of Kirktown, to Mr David Coningham and his heirs, in terms of a free charter to be made to him thereupon. Done in the house of the official, in the city of Glasgow, 7th February 1507.

{7 February 1507/8} Instrument on the exoneration by John Stewart, for himself and his heirs, of the **said John Hamiltoun of Bardowie** and his heirs, respecting the giving of legal letters of reversion to the said John and his heirs, of lands of Boghows, with the pertinents, as was provided in the indentures made between them, declaring the same null and of no effect for ever. Done as above.

We see, from the 25 June 1507 instrument of sasine, that Elizabeth Kincaid of that Ilk surrendered her lands of Kincaid to John Hamilton of Bardowly, as her lord superior. Thus, the Kincaids were not a baronial house because of their tenure of the lands of Kincaid because they did not hold direct of the Crown for these lands. At the beginning of the 1500s, they held of John Hamilton of Buthernock who held of Matthew, Earl of Lennox, who held direct of the King.

So the question is - how long were the Hamiltons of Bardowie superiors to the Kincaids in their lands of Kincaid? An answer lies in an instrument by her successor, James Kincaid of that Ilk, dated 22 October 1561, wherein he acknowledges that the Lairds of Bardowie were the superiors of his predecessors since "the tym, of al and hail the landes of Kincades and Kinkel."<sup>7</sup> The document is as follows (accents added):

- Contract between James Striueling of the Keir and James Kincaid of that Ilk, 22nd October 1561.

At Striueling, the twenty twa day of the moneth of October, the zeir of God 1M. VC. and saxty ane zeris; It is appoyntit and aggreit betuix honorable personis, thai ar to say, James Striueling of the Keir on the ane part, and James Kincaid of that Ilk on that other part, in maneir folloving, that is to say: *Forsamekil as the said James Kincaidis forbearis and predacessowres hes beyn tennentes and fre wassellis to the **lardes of Bardoven** for the tym, of al and hail the landes of Kincades and Kinkel, with the tower, mans, zardes, millis, and milland, mwltaris and sequelis thairof, with thair partinentis, extending to fyif pwnd land of ald extent, liand within the shirefdome of Striueling, haldyn of thaim immediatlie in chief for the payment of sax penneis zeirlie in name of blanch allanerlie, quhilkes landes the **saides lardes of Bardove** held immediatlie of the said James Striueling of the Keir, and vmquhill Jhon Striueling of the Keir hiis fader, for service of ward and releif: And now it is happynnit that the said James Striueling of the Keir hes conwenit with **Jhon Hammiltoun now of Bardowe**, and hes satisfeit him for hiis immediat superiorite and*

<sup>7</sup> Fraser, William. *The Stirlings of Keir: And Their Family Papers*. Edinburgh, 1858. p. 416-418, no. 191.

entres that he had of the saidis landes, quha resignit the sammyn, with tennandis and tennandrie, and service of fre tennandes, purelie and sympillie be staf and bastoun, in the handes of the said James Striueling of the Keir, as hiis indowtit superior thairof, in the speciall favowres of Williame Striueling of Dochewen, quha incontinent thairefter infest the said Williame in the saides landes, with tennand and tennandrie and service of fre tennandes, to be haldin of him and hiis aires, als frelie as the **said Jhon Hammiltoun of Bardowe** held the sammyn of the said James of befor: And now it is conwenit and thocht expedient be bayth the saides parteis, for the eis and weil of thame bayth, that the said mediat superiorite quhilk now parteinis to the said Williame Striueling salbe cuttit and perpetualie away tayn, swa that the said James Striueling of the Keir and hiis aires salbe onlie immediat superiouris to the said James Kincaid and hiis aires of the foresaides landes, with towr, mans, zardes, millis, and milland, nwlteris thairof, with thair partinence, to be haldin of the said James Striueling in fre tennandrie, for service of ward and releif, als frelie as the **said Jhon Hammiltoun of Pardowe** held the sammyn of befor, and with supplement of all faltes bigane. And for the completing thairof, the said James Striueling of the Keir bindes and oblis him to caws the said Williame Striueling to resing the saides landes, with tour, mans, zardes, millis, myln land, mowlteris, sequelis and thair partinence, in hiis handes as superiour thairof, ad perpetuam remanentiam, to the effect that he may infest the said James Kincaid and hiis aires in all and haill the foirsaides landes, with tower, mans, zardes, millis, myln land, mwlteres, sequelis and thair partinence, for service of ward and releif, in fre propriete perpetualie, and with supplement of all faltes bigane; quhilk infestment forsaid the said James Striueling of the Keir bindes and oblis him and hiis aires to mak seil subscriue and deliver sufficientlie, in dew form, to the said James Kincaid and hiis aires in all possible haist, to be haldin of the said James Striueling and hiis aires in chief, for service of ward and releif: For the quhilk infestment to be maid as said is, the said James Kincaid of that ilk sal instantlie efter resaving thairof renunce all other superiowres of the saides landes, towr, mans, zardes, millis, myln landes, mwlteris and sequelis thairof, with thair partinence, and oblis him and hiis aires to hald the sammyn of the said James Striueling and hiis aires in maner abon expremitt perpetualie, and als sal renunce all evidentes maid to his forbeares now partenyng to him of the saides landes, with all clame, rycht, titil of rycht that he may haif thairthrow in tyme cummyng for ever: And als the said James Striueling bindes and oblis him and hiis aires to warrand the said James Kincaid and hiis aires at the handes of all other superiowres of the saides landes that may ask or clame rycht thairto: And attour the said Williame Striueling comperand personalie befor the said James Striueling of the Keir, superior forsaid, and resignit and wpgaif all and haill the saides landes, with the towr, mans, zardes, millis, miln landes, mwlteris and sequelis thairof, and thair partinence in hiis handes as superior thairof, for fulfilling of that part of this contract, be staf and bastoun purlie and sympillie, ad perpetuam remanentiam for ever: And baith the saides parteis beand personalie present, consentit to the acking and registring of this present kontrak in the shirefis buikes of Striueling, haifand the strenth of hiis decreit, hiis auctorite interponit and executoriales to pas heyrupoun in form as efferis: In vitnes heirof bayth the forsaides parteis, and the said Williame Striueling for his part, hes subscribit thir presentes with thair awn handes, zeir, day, and place forsaid, befor thir vitnes, Robert Forestar of Balquhan, Master Patrek Graham persoun of Kilmoyr, Luik Striueling, Duncane Forestar of Qwenis Hawch, Jhon Striueling of Strabrok, Robert Kincaid, Patrik Atkin in Birdstoun, and Master James Blayr, with Jhon Graham of Baldorane and James Oswald notares publick with otheris diuers.

JAMES STIRLING of Keir.  
JAMES KYNCAID of that ilk.  
WILLIAM STRIUELING of  
Dalchlien.

However, this answer is not accurate. We know that the Hamiltons were not superiors since the time the Kincaid estate was created (i.e. since ‘the tym, of al and hail the landes of Kincades and Kinkel’). As stated above, Patrick Galbraith, held the lands of the Earls of Lennox, in the early 1300s. And prior to him it was held by the Grahams who got it from other Galbraiths.<sup>8</sup> So all that can be said is that for as long as the parties to the 1561 contract could determine, the Kincaids were free vassals of the Hamiltons. Thus, any clues about when the Kincaids became Hamiltons tenants has to come from looking at everything located about the early Hamiltons of Bardowie.

### The Hamilton of Bardowie patriarch

The first of the Hamiltons of Buthernock/Bardowie was John Hamilton who was granted the lands of Buthernock upon the resignation of Sir or Lord John of Hamilton. It reads (accents added):

- Carta terrarium de Buthernok Johanni de Hamilton.

OMNIBUS hanc cartam visuris vel auditoris Duncanus comes de Levenax salutem in Domino sempiternam. Vestra noverit universitas, nos dedisse concessisse et hac presenti carta nostra confirmasse, dilecto et fideli nostro **Johanni de Hamilton**, pro suo homagio et servitio, totas terras de Buthernok cum suis pertinentiis, jacentes in comitatu nostro de Levenax infra vicecomitatus de Strivelyng et de Dunbretane, quas **dominus Johannes de Hamilton** antea de nobis tenuit in capite, et quas **dictus dominus Johannes**, non vi aut metu ductus nec errore lapsus sed mera et spontanea voluntate sua, nobis per fustum et baculum in presentia plurium virorum nobilium apud Portglassach sursum reddidit, pureque et simpliciter resignavit, ac totum jus et clameum, que in eisdem terris cum pertinentiis ejusdem habuit vel habere potuit, pro se et heredibus suis omnino quietum clamavit in perpetuum : Tenendas et habendas dictas terras cum pertinentiis eidem Johanne et heredibus suis de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et divisas suas, in boscis planis, moris maresiis, pratis pascuis et pasturis, in viis et semitis, aquis stagnis et molendinis, aucupationibus venationibus et piscariis, cum tenendriis et tentium servitiis, una cum ecclesiarum advocacionibus, cum omnibus aliis libertatibus commoditatibus aisiamentis et justis pertinentibus quibuscunque, ad dictas terras cum pertinentiis spectantibus, seu quoquomodo juste spectare valentibus in futurum, libere quiete plenarie integre et honorifice, bene et in pace, sine retinemento quocunque : Reddendo inde annuatim dictus Johannes et heredes sui nobis et heredibus nostris dimidiam marcam argenti infra nundinas de Glasgw, et faciendo inde nobis et heredibus nostris servitium antedictum, et forinsecum servitium domini nostri Regis, cum evenerit, quantum pertinet ad tantas terras infra nostrum comitatum de Levenax, pro omni servitio seculari exactione et demanda. In cujus rei testimonium sigillum nostrum presenti carte nostre secimus apponi. Hiis testibus, dominis Johanne de Strivelyng, Umfrido de Cunyngham, militibus, Umfrido de Colquhoune, Waltero de Buchanane, Alexandro Logane seneschallo nostro, Johanne Menzies, cum multis aliis.<sup>9</sup>

<sup>8</sup> See my paper titled “The earliest holders of the lands of Kincaid” privately published on kyncades.org on 27 June 2014.

<sup>9</sup> *Cartularium Comitatus de Levenax: Ab Initio Seculi Decimi Tertii Usque Ad Annum M.CCC.XCVIII.* Ed. James Dennistoun Jr. Edinburgh: Maitland Club, 1833. Published in *Notices From The Local Records of Dysart.* Glasgow: James Hedderwick & Son, 1853. p. 71-72, no. 69 (xix. et cix.). A slight variant is found in: Hamilton of Bardowie, Dr. Francis. *Memoirs of the House of Hamilton, Corrected: With and Addition.* Edinburgh: John Stevenson, 1828. p. 6-7 & Riddell, John. *Reply to the Misstatements of Dr. Hamilton of Bardowie in his Late 'Memoirs of the House of Hamilton, Corrected.'* respecting the descent of his family: with an appendix of original matter, partly affecting the Hamiltons, and Stewarts, and representation of the old Earls of Lennox, &c. Edinburgh, 1828. Appendix: p. 5. Dr. Francis Hamilton of Bardowie cites ch. 19, p. 21 and ch. 109, p. 120 of the Chartulary of Lennox in the Advocates Library. John Riddell cites no. 39 of the

This charter is undated but was clearly during the tenure of Duncan, Earl of Lennox. Since Duncan was granted the earldom of Lennox on 8 May 1385<sup>10</sup> and was tried and executed on 25 May 1425,<sup>11</sup> it was between those dates. The charter can be further dated before 1407 and apparently before 10 May 1398. The witness Humphrey Colquhoun (Umfrido de Colquhoune) succeeded his father about 1390 and was deceased by 30 June 1407<sup>12</sup> while the witness Alexander Logan, steward of the Earl of Lennox, was knighted by 10 May 1398 (Alexandro Logane milite seneschallo nostro).<sup>13</sup> Given this, the charter was most likely between 8 May 1385 and 6 May 1394 when said John Hamilton, Lord of Buthernok, resigned his lands in favour of himself and his intended wife, Margaret Fraser. This 1394 charter is as follows (accents added):

- Omnibus hoc scriptum visuris vel audituris Duncanus comes de Levenax salutem in Domino sempiternam. Sciatis, nos cartam **Johannis de Hamilton domini de Buthernok**, factam et datam Margarete Fraser, non abolitam non rasam non cancellatam, nec in aliqua parte sui vitiatam, ac sigillo suo sigillatam, de terris de Buthernok, ratione conjuncti feosamenti, inspexisse audivisse et in hac forma que sequitur et per hec verba intellexisse: Omnibus hanc cartam visuris vel audituris Johannes de Hamilton dominus de Buthernok salutem in Domino. Vestra noverit universitas, me dedisse concessisse et hac presenti carta mea confirmasse, **Margarete Fraser**, sub spe matrimonii inter me et ipsam per Dei gratiam contrahendi, nomine conjuncti seosamenti, omnes et singulus terras meas de Buthernok cum pertinentiis, infra comitatum de Levenax: Tenendas et habendas mihi et dicti Margarete et nostrorum diutius viventi et heredibus nostris, in feodo et hereditate in perpetuum, de domino nostro comite de Levenax, adeo libere quiete honorifice integre et pacifice, sicut carta nobilis et potentis domini, ac domini nostri, domini Duncani comitis de Levenax, super dictus terris cum pertinentiis mihi confecta, continet et plene proportat, per servitia inde debita et consueta. In cujus rei testimonium presenti carte mee sigillum meum est appensum. Hiis testibus, dominis Roberto de Danielstone, Johanne de Strivelyng militibus, Alexandro Logan, Roberto Sympil, Finlaio de Erth, et aliis. Quamquidem cartam in omnibus articulis modis pertinentiis et consuetudinibus, forma pariter et effectum, approbamus ratificamus et in perpetuum confirmamus, salvis nobis et heredibus nostris servitiis nostris, cum usu ritu et debitis, ut in carta sua de nobis sibi confecta juste proportatur et testatur. In cujus rei testimonium presenti carte confirmationis nostre nostrum secimus apponi sigillum. Hiis testibus, Umfrido de Colquhoune domino de Luss, Waltero de Buchanan domino ejusdem, Duncano Campbell, Arthuro Campbell, Murdaco filio Malcolmi, et Willielmo Naper, cum multis aliis. Datum apud Inchmiryn, sexto die mensis Maii, anno Domini millesimo

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Chartulary of Paisley in the Advocates Library. All these sources are working off a transcription of the since lost Chartulary of Lennox, kept with the records of the Burgh of Dunbarton, made by Walter Macfarlane of that ilk. His 272 page work was divided into three sections to which the first section (pages 1 to 96) was known as the Chartularii Brittanodunensis and the third section was extracts from the Register of Paisley. Since there was two copies of this charter, one (ch. 19, p. 21) was to be found in Macfarlane's first section while the other (ch. 109, p. 120) in the third section.

<sup>10</sup> *Cartularium Comitatus de Levenax: Ab Initio Seculi Decimi Tertii Usque Ad Annum M.CCC.XCVIII.* Ed. James Dennistoun Jr. Edinburgh: Maitland Club, 1833. Published in *Notices From The Local Records of Dysart.* Glasgow: James Hedderwick & Son, 1853. p. 6-8, no. 6. Date was regnal: 'anno regni nostri quinto decimo.'

<sup>11</sup> Fraser, William. *The Lennox.* 2 vols. Edinburgh: n.p., 1874. 1 (Memoirs): p. 255-256.

<sup>12</sup> Fraser, William. *The Chiefs of Colquhoun and their country.* Edinburgh, 1869. Volume I, p. 22-25.

<sup>13</sup> *Cartularium Comitatus de Levenax: Ab Initio Seculi Decimi Tertii Usque Ad Annum M.CCC.XCVIII.* Ed. James Dennistoun Jr. Edinburgh: Maitland Club, 1833. Published in *Notices From The Local Records of Dysart.* Glasgow: James Hedderwick & Son, 1853. p. 73-74, no. 71. & Fraser, William. *The Lennox.* 2 vols. Edinburgh: n.p., 1874. 2 (Muniments): p. 58-60, no. 42.

tricentesimo nonagesimo quarto.<sup>14</sup>

Between 1825 & 1828, a controversy broiled over who the parties of these instruments actually were.<sup>15</sup> John Anderson in his *Historical and genealogical memoirs of the house of Hamilton* stated that the parties were Sir John Hamilton of Cadzow and John Hamilton, 1<sup>st</sup> of Bardowie. Dr. Francis Hamilton of Bardowie disputed the history of his family given by John Anderson and claimed the John's of the above undated charter of Buthernok were the same person.<sup>16</sup> The eminent genealogist John Riddell harshly responded to these claims with the opinion that it was Sir John Hamilton of Cadzow, son and heir of David Hamilton and Jonet Keith, who conveyed the lands to his younger brother, also John, in the first instrument.<sup>17</sup> It seems to me that there were two parties in the first instrument. One was styled 'dominus Johannes de Hamilton,' who was the granter, and the other simply 'Johanni de Hamilton,' who was the grantee. There could be no argument that the grantee became John of Hamilton, Lord of Buthernock. The key point made was that dominus preceding a forename is indicative of a Sir (or knight) while a dominus preceding a place name is indicative of a Laird. All in all though, for our purposes, it does not matter.

For reasons unknown, John Anderson, in his *Memoirs of the House of Hamilton* gave a crude abstract of the undated charter and dated it 1390.<sup>18</sup> Then he makes the 2<sup>nd</sup> of Bardowie another John of Hamilton. He seemingly based this on the same charter but cited it as one dating before 1423 as noted by George Crawford in his *Genealogical Collections*.<sup>19</sup> At the time, Dr. Francis Hamilton of Bardowie objected to this and believed that John Anderson's 1<sup>st</sup> and 2<sup>nd</sup> Hamiltons of Bardowie were one and the same person.<sup>20</sup>

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<sup>14</sup> *Cartularium Comitatus de Levenax: Ab Initio Seculi Decimi Tertii Usque Ad Annum M.CCC.XCVIII.* Ed. James Dennistoun Jr. Edinburgh: Maitland Club, 1833. Published in *Notices From The Local Records of Dysart.* Glasgow: James Hedderwick & Son, 1853. p. 72-73, no. 70.

<sup>15</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family.* Edinburgh: John Anderson Jr., 1825. p. 44-47, 209-215, 453-461. & Hamilton of Bardowie, Dr. Francis. *Memoirs of the House of Hamilton, Corrected: With and Addition.* Edinburgh: John Stevenson, 1828. & Riddell, John. *Reply to the Misstatements of Dr. Hamilton of Bardowie in his Late 'Memoirs of the House of Hamilton, Corrected.' respecting the descent of his family: with an appendix of original matter, partly affecting the Hamiltons, and Stewarts, and representation of the old Earls of Lennox, &c.* Edinburgh, 1828.

<sup>16</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family.* Edinburgh: John Anderson Jr., 1825. p. 455. & Hamilton of Bardowie, Dr. Francis. *Memoirs of the House of Hamilton, Corrected: With and Addition.* Edinburgh: John Stevenson, 1828. p. 253-261.

<sup>17</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family.* Edinburgh: John Anderson Jr., 1825. p. 456-461. & Riddell, John. *Reply to the Misstatements of Dr. Hamilton of Bardowie in his Late 'Memoirs of the House of Hamilton, Corrected.' respecting the descent of his family: with an appendix of original matter, partly affecting the Hamiltons, and Stewarts, and representation of the old Earls of Lennox, &c.* Edinburgh, 1828.

<sup>18</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family.* Edinburgh: John Anderson Jr., 1825. p. 209-210. He writes for the 1<sup>st</sup> of Bardowie: "He had a charter, in 1390, from Duncan, Earl of Lennox, " Johanni de Hamilton," of the lands of Buthernock." He then adds a footnote and cites the charters as follows: "Carta de terris de Buthernock facta Johanni de Hamilton, per Duncanum, Comitem de Levenax. Omnibus, &c. Noverit universitas vestra nos dedisse, &c. dilecto nostro et fideli Johanni de Hamilton, totas terras nostras de Buthernock, &c. quas Dominus Johannes Hamilton antea de nobis tenuit in capite et has dictus Dominus Johannes, non vi aut metu ductus, sue errore lapsus, sed mera et spontanea voluntate sua, nobis per fustum et baculum, in presentia plurium virorum nobilium apud Port-Glassach, sursum reddidit pureque et simpliciter resignavit, &c. : Tenendas et habendas dictas terras eidem Johanni et haeredibus suis, &c. Reddendo inde annuatim dimidiam marcam, &c. {and the services.} Hiis testibus, Johanne de Striviling, Umphredo de Colquhoun, Militibus, Waltero de Buchanan, Alexandro Logane, Senescallo nostro, Joanne Menzies, et multis aliis."

<sup>19</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family.* Edinburgh: John Anderson Jr., 1825. p. 209-210. He writes for the 2<sup>nd</sup> of Bardowie: "John de Hamilton of Butternock, who is mentioned by Crawford, in his *Genealogical Collections*, as having had a charter, on his own resignation, from Duncan, Earl of Lennox, of the lands of Butternock, before the year 1423."

<sup>20</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family.* Edinburgh: John Anderson Jr., 1825. p. 455. Dr. Hamilton of Bardowie's representative wrote:

It seems clear that they were indeed the same person and that the confusion arose with the two copies in the Chartulary of Lennox being interpreted by George Crawford as two charters and/or the undated charter being dated after the 1394 charter. If another charter existed it certainly would have been cited during the huge controversy that erupted by said Dr. Francis Hamilton of Bardowie with John Anderson and John Riddell.

### The 15<sup>th</sup> century Hamiltons of Bardowie

References to the early Hamiltons of Buthernock are few in number. Below are the publically available references located so far for the Hamiltons of Buthernock or Bardowie - up to the time they interacted with the Kincaids as superiors. Excluded from this is the above noted 22 September 1502 instrument where John Hamiltoun of Bardowie agreed to put his grandson and apparent heir, John Hamiltoun, in the fee of his lands of Birdston, Barnellan, and Fluchter.<sup>21</sup> Their references are organized to show the apparent succession of the Hamiltons of Bardowie.

I. Sir John Hamilton of Bardowie. In addition to the 1385-1394 & 6 May 1394 documents noted above, Sir John of Hamyltone, Lord of Bardwe (**dominis Johanne de Hamyltone, domino de Bardwe**), on 23 April 1411, witnessed an instrument by Duncan, Earl of Lennox (Leuenax) as to the fulfillment by John of Culqhwoone, Lord of Luss, of his obligation to marry Duncan's daughter Margaret.<sup>22</sup>

- In Dei nomine, Amen. Per presens publicum instrumentum cunctis pateat euidenter quod anno eiusdem millesimo quadringentesimo vndecimo, indiccione quarta, mensis Aprilis die vicesima tertia, pontificatus sanctissimi in Christo patris et domini nostri, domini Benedicti diuina prouidencia pape terciidecimi anno decimo septimo ; in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis et potens dominus, dominus Duncanus comes de Leuenax, allocutus est Johannem de Culqhwoone dominum de Luss super quibusdam obligacionibus, promissionibus et certis conuencionibus inter ipsum dominum comitem et eundem Johannem [per] ipsius Johannis litteras obligatorias patentes sigillatas sigillo juramentoque suo validatas, conuentis, initis et contractis in hunc modum ; videlicet, ut idem dominus comes, inter cetera, uoluit et asseruit quod prefatus Johannes ipsi domino comiti obligatus forma quod si extiterat quod Mergaretam filiam dicti domini comitis legitimam duceret in vxorem infra terminum duorum annorum, prout in ipsis obligatoriis inde confectis plenius continetur, si idem dominus comes prefatum Johannem de maritagio suo liberum faceret, secundum rationis seu legis formam, infra duorum annorum terminum supradictum, quod idem dominus comes facere se offerebat secundum formam legis prenotatam, per securitatem obligacionum seu bonorum et sufficientium plegiorum : quas literas obligatorias cum effectu idem dominus comes petebat in sua forma vigore pariter et effectu sibi ab eodem Johanne in omnibus obseruari : quodque ipse dominus comes, obligaciones, promissiones et conuenciones huiusmodi taliter initas, contractas et conuentas in quantum in se esse potuisset in forma et effectu, eidem Johanni obseruaret et perimpleret, sine dilacione, in omnibus punctis articulis et circumstanciis, prout in eisdem litteris obligatoriis plenius et efficacius continetur : et quod ipse dominus comes ipsum Johannem de Culqhwoone ita firmum tutum faceret et securum, ipsumque Johannem warrantizaret, sicut melius et

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“We may therefore conclude, that the II. John de Hamilton mentioned by Mr. Anderson (p. 210.) is the same person with the I. John de Hamilton, mentioned p. 209.”

<sup>21</sup> "Protocol Book of Gavin Ros, N.P. 1512-1532." Ed. Rev. John Anderson and Francis J. Grant. Edinburgh: Printed for the Society by James Skinner & Company, 1908. Scottish Record Society. 29: p. 21, no. 134. Oe, O, Oye, Oye is a grandson in Scots.

<sup>22</sup> Fraser, William. *The Lennox*. 2 vols. Edinburgh: n.p., 1874. 2 (Muniments): p. 58-60, no. 42.

efficacius in prefatis litteris obligatoriis eidem Johanni obligatur contra omnes mortales, secundum juris formam : Et si contigerit quod aliqui conarentur seu vellent vexare uel perturbare prefatum Johannem de Culqhwoone in aliquibus punctis in dictis litteris contentis contra juris formam, idem dominus comes offerebat facere in defensione huiusmodi vexacionis uel perturbationis sicut faceret in causa suam propriam personam tangente [in aliquo modo quo commode iuxta ibrmam promissis : Super quibus omnibus et singulis premissis idem dominus comes peccit a me notario publico infrascripto sibi conficere publicum instrumentum. Acta fuerunt hec iuxta cimiterium parochialis ecclesie Sancti Patricii Glasguensis diocesis, anno, die, mense, indicione et pontificatu quibus supra; presentibus nobiles viris, Johanne Senescalco domino de Dernley, **dominis Johanne de Hamyltone, domino de Bardwe**, Alexandra de Logane, domino de Catconwell, militibus, Hugone de Aldystone et domino Roberto Lang, rectore de Innyschallach, Glasguensis diocesis, et aliis testibus ad premissa vocatis specialiter et rogatis. Et me Celestino Macgillemichael clerico Ergadiensis diocesis publico imperiali auctoritate notario in sacris ordinibus constituto [etc. in forma communi.]

- II. Robert Hamilton of Bardowie. He appears as a witness on 2 October 1425. Furthermore, John Anderson in his *Memoirs of the House of Hamilton* cites George Crawford's *Genealogical Collections* wherein Robert Hamilton of Bardowie was 1) a witness, in 1454, to an inquest of retour of Lennox; and 2) was infeft, in 1468, in some lands which belonged to John of Butternock, his grandfather, by a precept from Lord Fleming.<sup>23</sup> The first is almost certainly the below noted retour of 8 October 1454 in favour of John of Lennox. The latter reference has yet to be located and is suspect given the holder of Bardowie was John Hamilton of Bouthernock in 1462 (see below). It may have been an error for the said 1462 reference. If not, one assumes there were two successive Robert Hamilton of Bardowie.
- On 2 October 1425, **Robert of Hamilton of Pardowy** served on an inquest held at Stirling which found Sir John of Halden, knight, heir to the deceased Sir Bernard of Halden, knight, his father, in the 10 merk lands of Kepdowry and Ardas in the sheriffdom of Stirling and earldom of Lennox.<sup>24</sup>
  - On 8 October 1454, **Robert of Hamilton of Bardowy** (Roberto de Hamilton de Bardowy) served on the jury which retoured John of Lennox, son and heir of Donald of Lennox, in the lands of Blargroch[i]r, Ballecorrachis, Ballyncloych, Thomboy, Inourtady, Kilmordony, and Corrifat[ri]k.<sup>25</sup>
- III. unknown Hamilton of Bardowie. He died before his father as, in 1462, John Hamilton of Buthernock was retoured heir to his grandfather, Robert of Hamilton, in some annualrents (see next). It is possible this was a maternal grandfather and the succession was from Robert Hamilton of Bardowie to John Hamilton of Buthernock.
- IV. John Hamilton of Bardowie. He was Lord of Buthernock/Bardowie from about 1462 to between 1502 and 1504. He was succeeded by his grandson, John Hamilton of Bardowie, who is the John Hamilton noted on 25 June 1507 as superior of the lands of Kincaid. It is important to note that by 1484 he was also superior to some lands of Balquharrage. As noted previously, three quarters of the lands of Kincaid and a quarter of the lands of Balquharrage were held by Patrick Galbraith in

<sup>23</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family*. Edinburgh: John Anderson Jr., 1825. p. 210. He writes "Robert Hamilton of Butternock, who, according to Crawford, as above quoted, was a witness, in 1454, to an inquest of retour of Lennox ; also that, in 1468, he was infeft in some lands which belonged to John of Butternock, his grandfather, by a precept from Lord Fleming."

<sup>24</sup> National Archives of Scotland, Edinburgh, UK. GD198/9.

<sup>25</sup> Glasgow City Archives, Glasgow, UK. Lennox of Woodhead Papers, T-LX 2/12/9.

the early 1300s. Furthermore, as will be shown below, Kincaids also held lands of Balquharrage in the mid 1400s.

- On 9 November 1462, **John of Hamilton of Bouthernock was retoured heir to Robert of Hamilton, his grandfather**, in an annual rent of ten merks forth of those annual rents out of the lands of Kers and Drips, belonging to Robert, Lord Fleming, Laird of Biggar, lying in the abbots land of Holyroodhouse and sheriffdom of Stirling.<sup>26</sup>
- On 28 May 1474, **John of Hamiltoun of Bardowy** was bailie of Robert, Lord Flemyng, in a precept of clare constat in favour of William of Kyncade, as son of the late Robert of Kincaid of that Ilk, for the lands of Inchbrek.<sup>27</sup>
- 17 October 1483. The accioun and cause persewit be Robert Mur' of Pokkelye and **Johne of Ha[m]miltoun' of Baldrowy** again Robert, lord Lile and Elizabeth Stewart, the spouse of umquhil Johne of Galbrat[h] of Balkindrocht, anent Johne of Galbrat[h], soune and air to umquhile the said Johne of Galbrat[h] of Balkindrocht, is continewit be the lordis auditouris to the ix day of Februare nixt tocum, with continuacioun of dais, and ordanis all the said partiis to bring sic evidentis and rightis with thaim to the said day as thai wil use in the said mater, and the said lordis has summonde all the said partiis to comperre the said day personally apud acte.<sup>28</sup>
- On 24 April 1484, an instrument of sasine was given in favour of William, Lord Graham as heir to William, Lord Graham, his father, in the lands of Balquharrage lying in the earldom of Lennox, sheriffdom of Stirling, to be held of **John Hamilton of Bardowie**.<sup>29</sup>
- On 6 June 1486, **John Hamilton of Bardowe**, as a bailie in the earldom of Lennox, was a witness to an instrument of sasine of a Great Seal charter, dated 29 May 1468, in favour of John Striveling, the king's particular squire, son and apparent heir of John Striveling of Craighbarnet, of the lands of Craighbernard, Balgrothquheris, Kirpatrick, Leythhedis and Balglas, in earldom of Lennox, following on resignation by John Striveling, elder, and reserving his liferent.<sup>30</sup>
- {14 January 1488/9} Discharge by Colin Campbell of Auchinhowe to William of Strewiling of Cadar, 15th January 1488. Be it kende till men be thir present letteris, me Colyne Campbell of Auchinhowe, till haue resaut be the handis of ane noble mane Vilzame off Strewiling off Cadar, the sowme off twenty pundis of gude and wsualle mone off Scotlande, for ane composicioun made to me be the said Vilzame for the releffe off the landis of the Branzet, Ballinkeir, Kyrkmychell and Blarnarne, the quhilkis vas appoyntit concordit and endyt betuex vs be for honorable personis, that ar to say, **Johne off Hamiltovne off Bardowe**, Johne off Strewiling sone and apperande air to Johne off Streviling off Cragbarnarde, Robert off Menteth and Robert Johnsonsone, with wtheris diuerss ; off the quhilk sowme off twenty pundis for the releffis of the landis forsaid, I halde me rycht veill content, assythit and fully pait, ande thair off the said Vilzame, his airis executouris and assignais, for me myne airis executouris and assignais, off the said sowme of twenty pundis quitclaims ande dischargis for now 'and euirmar be thir my present letteris : In vitness of the quhilk thingis, becaus I hade na seile of my ane in propir place present, I haff procuryt with instance the seill of ane honorable mane, Johne of Strewiling off Cragbarnarde, to be affixit to thir present letteris, at

<sup>26</sup> "Charter Chest of the Earldom of Wigtown, 1214-1681." Ed. Francis J. Grant. Edinburgh: Printed for the Society by James Skinner & Company, 1910. The Scottish Record Society. 36: p. 99, no. 828.

<sup>27</sup> Glasgow City Archives, Glasgow, UK. Lennox of Woodhead Papers, T-LX 1/12-6.

<sup>28</sup> The Records of the Parliaments of Scotland to 1707, K.M. Brown et al eds (St Andrews, 2007-2010), 1483/10/99. Date accessed: 13 August 2010.

<sup>29</sup> National Archives of Scotland, Edinburgh, UK. GD220/1/A/2/1/10.

<sup>30</sup> National Archives of Scotland, Edinburgh, UK. GD237/24/1.

Cragbarnarde, the xv day of Januar in the zere of God M". cccc° achty and acht zenis, be for thir vitnes, Johne of Strewiling, sone and apperande air to the said Johne of Streviling, Schir Valter Logane Chapillane and publist notar, Archbalde off Lenax, Adam off Corsby and Johne Morisone with diueris wthirris.<sup>31</sup>

- 18 June 1492. Instrument narrating that in Stirling sheriff court before Alexander Seton of Tullibody, sheriff of Stirling, John Haldane of Gleneagles appeared with James Haldane, his son and heir apparent, portioner and lord of fee of lands of earldom of Lennox, and James presented for execution a Crown brieve of division of said lands between him and John, Earl of Lennox and Lord Darnley and Matthew Stewart, his son and heir apparent, portioner and lord of fee of said lands. Whereupon also appeared said Matthew for himself and as procurator for his father, and Elizabeth Menteith of Ruskie, spouse of deceased John Napier of Merchiston, and in seeking the division of the previously undivided lands the Haldanes and Matthew Stewart consented to Elizabeth Menteith holding the quarter assigned to her by the earlier brieve of division. The sheriff when elected an assize for serving the brieve, who found that James Haldane and his heirs should have every third carucate of land, called 'le ryg', the third 'copula' of each house, called 'a cuppill', and the third penny of the whole profit of the three parts of the property lands of the earldom, the earl and his son having two parts of the said three parts; and the assize confirmed Elizabeth Menteith in her quarter of the lands. Assize: William, Lord Graham; John, Lord Drummond; William Menteith of West Kerse, kt; Archibald Edmondstone of Duntreath; Walter Buchanan of that ilk; Thomas Buchanan of Bultone; Malcolm MacClery of Garden; James Galbraith of Culcreuch; William Douglas of Ledcameroch; Walter Logan of Gartconnal; Peter Houston of that ilk; Patrick Hume of Polwarth; Thomas Napier of Ballikinrain; Andrew Cunningham of Drumquhassle; Humphrey Lennox of Branshogle; John Glenbog of that ilk; **John Hamilton of Bardowie**; John Lennox of Campsie; and Alexander Campbell of Ardoch. Witnesses: James Napier of Kilmahew; Robert Napier; Walter Macalpine of Finnick; John Denniston; and John Morison. Notary: Dougal Cossar, priest of St Andrews diocese. Seal of sheriff, good condition, appended.<sup>32</sup>
- 20 June 1496. Anent the accione and cawse persewit be Robert the Bruse of Erth agane Wilzeame of Menteith of the Kerse, knight, Archibald Menteith, his bruther, **Jhone of Hammylton of Bardowy** and Robert of Drummond of Crannoch, that is to say, the saidis Wilzeam and Archibald for the wrangus withhalding, nonpaying and deliuering of the sovme of vj merkis for ane halff yeris fee promittit and aucht be thame to the sustenacioun and funding of ane chapellane that sang and did devyne service in the kirk of Erth for the saule of vmquhile Jhone the Bruse, fader to the saide Robert, efter the forme of the appunctment and decret gevin betuex the sadis partiis be certane lordis of consale theruppoun, be the quhilk decret the sadis Wilzeam and Archibald war bund and ordanit to haf fundin ane preist to sing in the saide kirk for the saule of vmquhile the sade Jhone for certane yeris bigane and failyeit in the paying of his fee of ane half yere as is allegiit, and als for the wrangus failyeing and differring to find ane preist to haf song in the saide kirk for the saule of the saide vmquhile Jhone be the space of ane yeir last bypast with the mair, like as thai war bundin and ordanit til haf done efter the forme of the saide appoyntment and decret, and als to content and pay to the saide Robert the soume of twa hundreith merkis of the vsuall money of Scotland, efter

<sup>31</sup> Fraser, William. *The Stirlings of Keir: And Their Family Papers*. Edinburgh, 1858. p. 262-263, no. 59.

<sup>32</sup> National Archives of Scotland, Edinburgh, UK. GD430/95.

the forme of the saide decret, because thai brak and failyeit in the completing and fulfilling of the poyntis and condicions contenit in the sammyn anent the fynding of the saide preist and vtherwayis, as is contenit in the saidis appoyntmentis and decret efter the forme and tenour of the sammyn, and the saidis **Jhone of Hammylton** and Robert of Drummond for the wrangus postponyng and differring to pay and deliuer to the saide Robert of Bruse the sovme of sexscore of pundis of the money forsaid to the bying of twelff merkis of yeirly annuale to the infetung of ane perpetuale preist to sing for the saule of the sade vmquhile Jhone in the sade kirk efter the forme of thair band and oblisng made to the sade Robert of Bruse hereapone, as is at maire lenth content in the summondis; the saidis Wilzeame, Archbald and Johne being personaly present, and the sade Robert Drummond being lauchfully summond, oftymes callit and nocht comperit, the richtis, ressons and allegacions of baith the partiis being herd, sene and vnderstand, the lordis auditouris decretis and deliueris that because it was grantit be baith the saidis partiis that the sade vj merkis was condycionaly remittit, that is to say, gif the remanent of the thing contenit in the endenture made betuex thame war observit the sade vj merkis suld be remittit and forgevin, and allegiit be the sade Robert of Bruse that it was nocht fulfillit, for the quhilk †it was nocht forgevin because the sade Archibald had nocht payit the thre yeris fee compleitlye for the saule †of the sade vmquhile Johne, and allegiit be the sade Archbald that it was payit and offerrit him to preif the sammyn, thairfore the lord[is] assignis to the sade Archbald the xiiij day of October next tocum, with continuacione of dayis, to preif sufficientlye that he has payit the sade thre yeris fee, and contynewis the actione of the vj merkis quhil the productione of the sade preiff that it may be consyderit in quhais defalt it is and quether the sade Archbald has brokin or nocht. And anentis the sovme of sexscore of pundis clamyt be the sade Robert apone the saidis Jhone of Hammylton and Robert of Drummond for the bying of xij merkis of annuale yeirely to the infetung of the sade chapellane perpetuale as sade is, the saidis lordis decretis and deliueris that the saidis Jhone of Hammylton and Robert of Drummond sall content and pay to the sade Robert of Bruse the sovme of fifty five merkis efter the forme and tenore of ane indenture made betuex the saidis partiis, subscrivit with the hand of Jhone of Tyri, and als be the confessioun of the sade Jhone and Robert of Bruse before the saidis lordis, and ordanis the sade Robert the Bruse to haf letters to compell and distrinze thare landis and gudis tharfore, and the sade **Jhone of Hammylton** to haf letters to call his warandis in this mater gif he plesis. And as to the sade sovme of ijC merkis to be payit to the sade Robert of Bruse, because thai brak and failyeit in the completing of the poyntis and condicions contenit of the sammyn, as saide is, the lordis herefore contynewis this punct of the summondis to the saide xiiij day of October next tocum, with continuacione of dayis, in the sammyn forme and effect as it is now withoutt prejudice of parte.<sup>33</sup>

- V. John Hamilton, younger of Bardowie. On 24 March 1486, the younger John Hamilton and his wife, Margaret Sproule, got a grant of the lands of Bankier from his father. However, he appears to have died before his father as the latter's heir in 1502 was his grandson, John Hamilton (see above noted documents dated 22 September 1502 & 11 January 1504/5); presumably John and Margaret's son since the grandson succeeded to the lands of Bankier.
- Apud Edinburgh, 7 Oct. {1487. 28 Jac. III} Rex confirmavit **cartam Johannis**

<sup>33</sup> The Records of the Parliaments of Scotland to 1707, K.M. Brown et al eds (St Andrews, 2007-2010), 1496/6/20. Date accessed: 13 August 2010.

**Hammyltoun de Bardowy,—[qua concessit filio suo et heredi apparenti Johanni Hammyltoun, et Margarete Spreule ejus sponse,—pro filiali dilectione et pro ejus benemeritis, &c.,—terras de Ballinkere, in comitatu de Levenax, vic. Striveling :— Tenend. dictis Joh. et Marg. et eorum alteri diutius viventi in conjuncta infeodatione et heredibus inter ipsos legitime procreatis, quibus deficientibus, dicto Joh. patri et propinquioribus heredibus suis quibuscunque, a dicto Joh. patre, de rege tanquam comite de Levenax :— Reddend. servitia debita et consueta, et wardam et relevium cum contigerint :— Test. Joh. Ogilvy filio et apparente herede Jac. O. de Erly militis. Joh. Striveling de Cragbernard, Rob. Brus de Westirbenyng, Rob. Menteth de Law, Rob. Danyeltoun, Rob. Buntyn, Dav. de Kincaid :—Apud Edinburgh, 24 Mar., 1486].<sup>34</sup>**

VI. John Hamilton of Buthernock. He would be the Lord of Bardowie who, as noted above, emerges as superior of the lands on Kincaid in 1507. John Anderson in his *Memoirs of the House of Hamilton* (see abstract below with emphases added) refers to unpublished writs of the family in which the first he gets a precept of sasine for the lands of Kincaid, Balquharrage, etc. upon resignation of his grandfather sometime before 1494.

- **John Hamilton of Butternock**, who obtained, upon the resignation of his grandfather, a precept of sasine, without date, from John, Earl of Lennox, who died in 1494, "Johanni Hamylton, nepoti et haeredi apparenti Johannis Hamylton de Buchernock," of the lands of Buchernock, viz. "Bardowie, cum lacu ejusdem, Barnellane, Fluchtart, Barskeith, Bankier, Birdston, Bankell, Blackairne, Balquharak, Balkyndroch, Kirkton, Hawistoun, et Kyncaid." He had another charter from Matthew, Earl of Lennox, "Johanni Hamiltoun, nepoti et haeredi apparenti Johannis Hamilton, senioris de Bardowie," dated 9th January 1502.<sup>35</sup>

Not all the lands granted to John Hamiltons of Buthernock on 11 January 1504/5 were in what would become Baldernock parish. Only Bardowie, Barnellan, Boghous, Kirkton, Bankell, Blochairn, and Fluchter were within the limits of Baldernock parish. The lands of Blairskaith, Bankeir, Ballindrocht, Hayston, Birdston, Balquharrage, and Kincaid were in the parish of Campsie. Brenziet burn divided the old parishes as defined in the early 1200s (then called the rivulet next to the lands of Blaescavy – i.e. Blairskaith).<sup>36</sup> It was not until 5 November 1649 that some of the Campsie lands were disjoined from Campsie Parish and annexed to Baldernock parish. They included "so much of the parochen of Campsie that lyes betwixt Carlstoun and the kirk of Baldernock on the nether syd of the Muir Be anexit to the Paroch of Baldernock viz Balchinedrocht Balmore Orchart temple of Orchart Barreston Bankeir eister Bankeir wester Blairskayth eister Bairskayth eister {sic – probably abstract typo for wester} and eister wester & middle Balgrochan."<sup>37</sup> From that date, only Hayston, Birdston, Balquharrage and Kincaid remained in Campsie parish.

This raises the question what was included in the total lands of Buthernok granted to John of Hamilton about 1390? We know the boundaries of the original Campsie parish as they are set out in a circa

<sup>34</sup> Registrum Magni Sigilli Regum Scotorum: The Register of the Great Seal of Scotland A.D. 1424-1513. Ed. James Balfour Paul. Edinburgh: H.M. General Register House, 1882. p. 355, no. 1686.

<sup>35</sup> Anderson, John. *Historical and genealogical memoirs of the house of Hamilton; with genealogical memoirs of the several branches of the family*. Edinburgh: John Anderson Jr., 1825. p. 210.

<sup>36</sup> *Registrum Episcopatus Glasguensis: Munimenta ecclesie metropolitan Glasguensis a sede restaurata seculo ineunte XII ad reformatam religionem*. ed. Cosmo Nelson Innes. Edinburgh: Bannatyne Club, 1843. Volume I: p. 88-89, no. 103.

<sup>37</sup> Abstract of the 'ratification of the agreement for dismembering the Parish of Campsie dated 28 November 1649' by John Lennox Peareth (1866-1932) of Lennox Castle and recorded in his research book 2 (in possession of Madame Arabella Kincaid of Kincaid) at pages 82-88.

1208-1214 record and the boundary with 'Buthirnok' parish was then cited (as noted above).<sup>38</sup> So the total lands of Buthernock seems to have been contained to the original Baldernock parish (i.e. the limits prior to 5 November 1649). Otherwise any lands in Campsie parish should have been noted separately to avoid any confusion. At the least, one is left with the impression that Blairskaith, Bankeir, Ballindrocht Hayston, Birdston, Balquharrage, and Kincaid came to the Hamiltons of Bardowie by means other than the circa 1390 charter.

Some of the Hamilton of Bardowie lands may have been inappropriately acquired from the Galbraiths of Balkindrocht. A decree made in 1510 shows that John Hamilton of Bardowie was involved in the pilfering of Thomas Galbraith of Balkindrocht's lands. The latter had a mental disability. At the very least, the 1510 decree shows that Galbraiths of Balkindrocht had an interest in some of the same lands as the Hamiltons of Bardowie in Baldernock parish:

- {8 November 1510} Decree Arbitral by William (Elphinstone), Bishop of Aberdeen, Andrew (Stewart), Bishop of Caithness, David (Hamilton), Bishop of Argyll, George (Hepburn), Postulate of the Isles, Matthew, Earl of Levinax, and Master James Henrison, of Straton Hall, justice clerk, arbiters chosen to consider what sums of money **John Hamilton of Pardowy**, and others, under-written, have disbursed upon Thomas Galbraith, of Balkindrocht, for the alienation made to them by him of the following lands, namely, to John Hamilton, 5l. land to Blacharne, to John Logan of Gartconvel 5l., land of Balkindrocht, to Uchrede Knox 5l. land of Kirkpennyland, to John Stewart of Black Hall 5l. land of Kirkpenny land, to Peter Colquhone 5 nobles worth of land of Kirktoun, and to plan {sic – possibly typo for Alan} Stewart 5 nobles worth of land of Bankell; finding that John Hamilton, John Logan, and others who had bought the lands named from Thomas Galbraith, had expended 600 merks for his sustentation, and ordaining them to pay the King 900 merks for confirming their rights, and to give the said Thomas reversions to the said lands, and the latter was to have a brieve of idiocy served upon him, and be interdicted from alienating his lands, and the said persons were, among them, to pay him 20l. yearly during his life for his support. Dated at Edinburgh, 8th November 1510. Witnesses, William, Earl of Montrose, Sir Alexander McCulloch, William Scot of Baluery, knights, Master John of Murray, and Robert Lauson of Hieriggs.<sup>39</sup>

The Campbell's of Galston, later Campbell's of Auchinhowie, also held some Buthernock lands. From the following references (accents added and relevant dates added in brackets at beginning) it seems that John Campbell of Galston was a successor to Sir William Keith of Galston, who was successor to Sir William Galbraith, in the lands of Kirkmichell, Drumfad, and Buthernock. This is because the John Cambel mentioned in the 1385 to 1425 (date based on Duncan being Earl of Lennox) charter to Murdoch, son of Malcolm, Laird of Leky, is contemporary with the John Cambell, Lord of the west part of Galstoun who had Sir William of Galbrath's charter of the lands of Kyrkmichele recorded in 1400. They are almost certainly the same person. Furthermore, the Sir William of Keth mentioned in the grant to Walter, Lord of Buchannane must have been the Sir William Keith of Galston.

- {16 January 1278/9} 'Sir William of Galbrath' received from Malcolm, Earl of Lennox, by charter dated 16 January 1278/9, the lands of Kyrkmychell and Drummade {copy of reference to follow below}.<sup>40</sup>
- {bet 1342 and 1362} Donald, Earl of Lennox, conveyed to Walter, Lord of Buchanan, the whole

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<sup>38</sup> *Registrum Episcopatus Glasguensis: Munimenta ecclesie metropolitan Glasguensis a sede restaurata seculo ineunte XII ad reformatam religionem.* ed. Cosmo Nelson Innes. Edinburgh: Bannatyne Club, 1843. Volume I: p. 88-89, no. 103.

<sup>39</sup> Historical Manuscripts Commission. *Reports on the Manuscripts of the Earl of Eglinton, Sir j. Stirling Maxwell, Bart., C.S.H. Drummond Moray, Esq., C.F. Weston Underwood, Esq., and G. Wingfield Digby, Esq.* London, 1885. vol. 10, pt. 1, p. 69, no. 27.

<sup>40</sup> Fraser, William. *The Stirlings of Keir: And Their Family Papers.* Edinburgh, 1858. p. 205-206, no. 9.

lands of Drumfadae and Kyrkmichele which were formerly Sir William Keith:

- Omnibus hanc cartam visuris vel auditoris, Donaldus comes de Leuenax, salutem in Domino sempiternam: Nouerit vniuersitas vestra nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro, Waltero domino de Buchannane, totas et integras terras de Drumfadae et Kyrkmichele cum pertinenciis, jacentes in comitatu nostro de Leuenax et infra vicecomitatum de Dunbertane, que dicte terre fuerunt **domini Willelmi de Keth**, et quas idem Willelmus, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua nobis, et in manibus nostris per fustum et baculum coram pluribus apud le Balach sursum reddidit et resignauit, ac totum jus et clameum que in dictas terras cum pertinenciis habuit vel habere potuit, pro se et heredibus suis, omnimodo quietum clamauit imperpetuum: Tenendas et habendas omnes predictas terras cum pertinenciis eidem Waltero et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas et diuisas suas, in longitudine et latitudine, in boscis, planis, pratis, pascuis et pasturis, in piscacionibus, aucupacionibus et venacionibus, cum molendinis et multuris, cum merchetis et bluduitis, cum curiis et eorum exitibus, et cum omnibus aliis et singulis libertatibus, comoditatibus, asiamentis et iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam procul quam prope, ad dictas terras cum pertinenciis spectantibus sue de jure spectare valentibus quomodolibet in futurum: Reddendo inde nobis et heredibus nostris tres sectas curie ad tria placita nostra capitalia de Leuenax et heredum nostrorum, pro omni alio seruicio, consuetudine, exaccione seu demanda: Et nos vero Donaldus et heredes nostri predictas terras cum pertinenciis predicto Waltero et heredibus suis in omnibus et per omnia contra omnes homines et feminas varantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium presenti carte nostre sigillum nostrum fecimus apponi, apud le Balach, hiis testibus, Johanne de Danielston, Patricio de Graham, militibus, Ewaro Cambel, Gilberto de Carrik, Willelmo de Galbrath, et Finlao filio Roberti, cum multis aliis.<sup>41</sup>
- {bet 1385 and 1425} Duncan, Earl of Lennox, gave a confirmation charter to Murdoch son of Malcolm, Laird of Leky, of the lands of east Drumfadae and west Kyrkmychel recovered from John Cambel:
  - Omnibus hanc cartam visuris vel auditoris Duncanus comes de Leuenax salutem in Domino sempiternam. Noveritis, nos dedisse concessisse et hac presenti carta nostra confirmasse, Murdaco filio Malcolmi dudum domini de Leky, pro suo homagio et seruitio nobis et heredibus nostris impensis et impendendis, terras de Drumfadae et Kyrkmychel westry, cum suis pertinentiis, quasquidem dictas terras cum pertinentiis a **Johanne Cambel** nostro tenente ob defectum seruitii per processum recuperavimus: Tenendas et habendas predictas terras cum pertinentiis prefacto Murdaco, et heredibus suis de corpore suo legitime procreatis seu procreandis, de nobis et heredibus nostris, in feodo et hereditate in perpetuum, per omnes rectas metas et diuisas suas, ac cum omnibus libertatibus commoditatibus asiamentis et iustis pertinentiis suis, ad predictas terras spectantibus, seu spectare valentibus in futurum: Faciendo inde dictus Murdacus et heredes sui predicti forinsecum seruitium domini nostri Regis, quantum pertinet ad tantas terras infra comitatum nostrum de Leuenax, et nobis et heredibus nostris debitum ritum et seruitium antedictum. In cuius rei testimonium sigillum nostrum presenti carte nostre precepimus apponi. Hiis testibus, Duncano Campbell domino de Gaunan, Alexandro de Leuenax, Alano de Leuenax, Waltero de Leuenax, fratibus nostris, Gilberto de Galbraith, Arturo de Ardincapel, cum

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<sup>41</sup> Fraser, William. *The Lennox*. 2 vols. Edinburgh: n.p., 1874. 2 (Muniments): p. 25-26, no. 22.

multis aliis.<sup>42</sup>

- {10 October 1400} Instrument of Transumpt made in the Blackfriars Cemetery of Ayr, at the instance of **John Cambell, Laird of the west part of Galstonn**, of two Charters (1) Charter by Malcolm, Earl of Levenax, to **Sir William of Galbrath, knight**, and his heirs, of the lands of Kyrkmychell, and of Drummade, in the Earldom of Levenax, upon Levyn : To be held for payment of a pair of scarlet hose at the first entry of William and his heirs, at the manor of Belach, in name of blench-farm. Dated at Bullull, 16th January 1278-9. Witnesses, Sir William Bysset and Sir John of Bykyrton. (2) Declaration by Walter of Danuelstoun, Lord of Blackburn, that the **lands of Galstoun and Bothernok, belonging to John Cambell**, were no farther bound to him than his right to take therefrom 10 merks yearly, until John Cambell should pay him 100 merks on the high altar of the Kirk of Dunbretane. Dated at Dunbretene (Dumbarton) 10th October 1400. No witnesses. Transumpt dated 30th July 1405, Witnesses, Reginald of Fynvyk, John of Crawford, John Coll, Patrick Marschell, Nigel Dugalan, burgesses of Ayr. Walter of Ayr, notary.<sup>43</sup>
- In Dei nomine Amen. Vniuersis presend publicum instrumentum inspecturis uel audituris pateat manifeste, quod anno a nativitate Domini millesimo quadringentesimo quinto, Indictione duodecima, mensis Iulii die penultima, Pontificatus sanctissimi in Christo patris et domini nostri, domini Benedicti diuina prouidencia Pape terciidecimi, anno vndecimo: In mei notarii publici et testium subscriptorum presencia, personaliter constitutus nobilis vir, **Johannes Cambell dominus de Westpart de Galstoun**, quasdam literas quondam nobilium virorum Malcolmi Comitis de Levenax, et Walteri de Danyelstoun domini de Blacburn, sub sigillis suis propriis sigillatas, non rasas, non abollitas, nec aliqua parte viciatas michi tradidit perlegendas et a me notario cum instancia petiit sub signo publico fideliter copiarum, quarum quidem literarum tenores secunter in hunc modum videlicet: Tenor prime litere est talis: Omnibus hoc scriptum visuris uel audituris Malcolmus Comes de Levenax salutem in Domino sempiternam; Noueritis me dedisse, concessisse et hoc presenti Scripto meo, pro me et heredibus meis, confirmasse, **domino Willelmo de Galbrath militi**, omnes et singulas terras de Kyrkmychell et de Drummade, iacentes in comitatu de Levenax supra Levyn. Tenendas et habendas totas dictas terras cum pertinenciis predicto Willelmo et heredibus suis de me et heredibus meis in feodo et hereditate imperpetuum. Reddendo inde dictus Willelmus et heredes sui, michi et heredibus meis, vnum par caligarum de scarleto, ad primum introitum ipsius Willelmi et heredum suorum, apud manerium meum de Belach, nomine albe firme tantum, pro omni alio seruicio seculari actione demanda uel clameo que per me uel heredes meos in dictis terris cum pertinenciis aliquo modo in futurum exigere poterint uel requiri. In cuius rei testimonium Sigillum meum presentibus est appensum, apud Bullull decimo sexto die mensis Januarii, anno Domini millesimo ducentesimo septuagesimo octauo. Testibus, domino Willelmo Bysset et domino Johanne de Bykyrton militibus, et multis aliis. Item tenor secunde litere talis est. Beit knawyn til al men that thir presents letteris seis and heris, at I Walter of Danuelstoun lorde of Blackburn beris witnes, that **Johne Cambellis land of the Galstoun, and his landys of Bothernok**, ar na ferther oblist to me, na to myne

<sup>42</sup> *Cartularium Comitatus de Levenax: Ab Initio Seculi Decimi Tertii Usque Ad Annum M.CCC.XCVIII.* Ed. James Dennistoun Jr. Edinburgh: Maitland Club, 1833. Published in *Notices From The Local Records of Dysart.* Glasgow: James Hedderwick & Son, 1853. p. 77, no. 74.

<sup>43</sup> Historical Manuscripts Commission. *Reports on the Manuscripts of the Earl of Eglinton, Sir J. Stirling Maxwell, Bart., C.S.H. Drummond Moray, Esq., C.F. Weston Underwood, Esq., and G. Wingfield Digby, Esq.* London, 1885. vol. 10, pt. 1, p. 62, no. 2.

ayris, na to myne assignes, bot anyely to tak of tha landis ilke yher ten markis qwyll that John Cambell or his ayrys or his assignes pay to me, or to myne ayrys or to myne assignes, a hundreth markis of gude and vsuale monay of the kynryk of Scotland apou a day, in the parochie kyrk of Dunbretane on the he [altar]; And eftar that payement tha landys nevir to be distrenyt na pundyt throw me na myne ayris na myne assignes for that ten markis. In the witnes of this my sele is set at Dunbretane, the tend day of the month of October, in the yher of our lorde a thowsand and four hundreth. Acta sunct hec apud Are in cimiterio fratrum predicatorum eiusdem, anno, indictione, mense, die et pontificatu premissis; Presentibus ibidem prouidis viris Reginaldo de Fynvyk, Johanne de Crawford, Johanne Coll, Patricio Marschell, Nigello Dugalan burgensibus de Are, et multis aliis testibus ad premissa vocatis specialiter et rogatis.// Et ego Walterus de Are, Glasguenisi diocesis publicus apostolica et imperiali auctoritate notarius; Premissarum literarum traditioni et perlectioni vna cum prenominatis testibus presens interfui, ipsasque literas de verbo in verbum perlegi et in hunc modum copiaui, nil addens uel minuens, quod sensum viciare poterit aut variare intellectionem, hoc instrumentum manu propria scripsi hicque me subscripsi, et signo meo solito signaui, requisitus specialiter et rogatus in testimonium premissorum. W. ARE.<sup>44</sup>

- {3 August 1422} Letter of Wadset (mortgage) by **George Cambeel, Laird of the west part of the Gallystown**, to William of Strewyllyng, Lord of Cadar, of the lands of the Gallisholme, in the lordship of the west part of the Gallystown, and sheriffdom of Ayr : To be held until the said William should be paid the principal sum of 20 merks on the high altar of the High Kirk of Glasgow. Dated at Glasgow, 3rd August 1422. Witnesses, Mayster Johne Stewart, sodane (subdean) of Glasgu, Schir Johne of Dalgless, and Schir Thomas Wane, Sir Johne of Park, and Schir Recharde Gardener.<sup>45</sup>
- {24 April 1451} Instrument of Sasine (not notarial), written in the vernacular in the following terms “Sen meritabil and medful thing is to ber vitnes ti the schoutfastnes and mast in the cause qhuar in the consellyn of schutfastnes may hurt or ingenir pregatys till innocentis, her-for it is yat I Jhone of Dalzel of the Brakynreg and of the half of the Threpwode berries trow and schoutfast vitnes that I my schelf witht myn avne hande gaf heritabil stat and sesyn of forty selynvort of my landis of the Brakynreg of ald extent liand within the scherafdom of Lanark within the barony of Strathaven til Hochon Cambel brother to Schir Gorg Cambel, scheraf of Ayr, and to Katrina of Blar his spous and to the langar lefand of thaim and to the ayris and the assignas of the said Hochon fra me and myn arris in fe and heritage for euirmar efter the tenor of his charter the qhuelk I mad til hym and tham that apou befor thir vitnesqhuen I gaf the said Huchon and Katrina heritabil stat and sesyn in proper person, **Gorg Cambel of the Galston**, Gawyn the Rose of the Haynyn, Gorg Mur vmqhuel son til Allexander Mur, William Bard of the Kerkvode, Jamis of Cunigame son til Androw Cunigam of Grougar, Schir Robert Haste. In the witness of the qhuelk thing I the said Jhone of Dalzel has put to my sel with myn awn hand at the Brakynreg the four and thuenty day of the moneth of Aperil the zer of our Lord a thousand four hundretht fifte and ane zer. [Seal gone].<sup>46</sup>
- {7 December 1453} Procuratory of Resignation by John of Dalzell of Bracanrige,

<sup>44</sup> Fraser, William. *The Stirlings of Keir: and their Family Papers*. Edinburgh, 1858. p. 205-206, no. 9.

<sup>45</sup> Historical Manuscripts Commission. *Reports on the Manuscripts of the Earl of Eglinton, Sir J. Stirling Maxwell, Bart., C.S.H. Drummond Moray, Esq., C.F. Weston Underwood, Esq., and G. Wingfield Digby, Esq.* London, 1885. vol. 10, pt. 1, p. 62-3, no. 5.

<sup>46</sup> Historical Manuscripts Commission. *The Manuscripts of the Duke of Hamilton, K.T.* London, 1887. vol. 11, pt. vi, p. 25, no. 42.

appointing Amer Gledstanys and Hebert Gledstanys, William Barde of Kirkwoude and William Mowate his procurators, with full power to resign the lands of Brownside lying in the lordship of Elanetown in the barony of Stathavan and sheriffdom of Lanark into the hands of a noble same Katrine of Seton, lady of Elanetown and of Carlauerok, superior of the lands, with all claim of right or possession, quitclaiming the same for himself and his heirs of line and tailzie so that neither they nor their assignees nor any one in their name may make any claim to the lands. Dated at Glastir in Louson, 16<sup>th</sup> October 1453 ; witnesses, Sir John Loudon, chaplain, Henry Mur, Thomas Hastie, and John Donaldson. Seal appended. [This write was followed, on the same day, by another formal resignation, and also by a quitclaim and discharge for Dalzell and his heirs of line and tailzie, of all right he had in the lands of Brownside in favour of Hugh Cambell and Katrine his wife. On 7<sup>th</sup> December 1453, at Glaster in Loudon, and on the 19<sup>th</sup> of same month at Brounside, two charters (duplicates) of the lands of Brounside were renewed to Campbell and his wife. The witnesses to the second charter and to a resignation or quitclaim of same date, were **George Campbell of Galston**, Robert Lokart of Batt, John Cambell, son of Duncan Campbell, James Conygam, son of Andrew Conygam of Drippis, Andrew Conygam, William Barde of Kirkwod and Adam Hamylton. These charters were followed by resignations, &c., ut supra].<sup>47</sup>

- {31 December 1487} Instrument of Sasine by Colin Campbell of Achinquhoye to William Stirlyng of Cadder, of the lands of Kirkmichell Stirlyng, 31st December 1487. In Dei nomine Amen. Per hoc presens publicum instrumental cunctis pateat euidenter, quod anno ab Incarnacione Domini millesimo quadringentesmo octuagesimo septimo, Indictione sexta, die vero vltimo mensis Decembris, Pontificatus sanctissimi in Christo patris et domini, domini nostri Innocencii, prouidentia diuina pape octauu anno quarto: In mei notarii publici et testium subscriptorum presencia, honorabilis vir **Colinus Campbell de Achinquhoye**, dominus superior terrarum de Kirkmichell Stirlyng, jacentium in vicecomitatu de Dunbertane, et infra comitatum de Lenax, personaliter accessit ad dictas terras de Kyrkmichell Stirlyng, et ibidem idem Colinus Campbell, dominus superior dictarum terrarum, statum et sasinam hereditariam, necnon possessionem realem actualem et corporalem omnium et singularum terrarum predictarum de Kyrkmichell cum pertinenciis et Blarnarne, honorabili viro Villemo Stirlyng de Caddar, filio et heredi domini Villelmi Stirlyng de Caddar militis, secundum suum antiquum fundamentum et formam carte sue desuper confeete, tanquam vero filio et heredi legitimo dicti domini Villelmi Stirlyng de Cadder militis, et heredibus suis, per terre et lapidis tradicionem, ut moris est in talibus fieri, suis propriis manibus dedit, contulit, exhibuit, et deliberauit, saluo jure cuiuslibet. Super quibus omnibus et singulis, idem Villelmus Stirlyng a me notario publico subscripto sibi fieri petiit vnum seu plura, publicum seu publica, instrumentum seu instrumenta. Acta erant hec super solum dictarum terrarum de Kirkmichell, apud principale mansuegium earundem, anno, die, mense, indictione, et pontificatu suprascriptis. Presentibus testibus ibidem, Magistro Vmfrido Stirlyng, Roberto Danzelstoun, Donaldo Gilaspysone, Donaldo Howat, Andrea Martyn, Johanne Glenay, Patricio Mcilmwn, Duncano Mcilmwn, Valtero Glenay et Alexandro Spang, cum multis aliis testibus ad premissa vocatis pariter et rogatis. Et ego Georgeus Galbrath presbyter Glasguensis diocesis publicus auctoritatibus imperiali et regali notarius &c. Et ego G. de G.<sup>48</sup>
- {15 January 1488/9} Discharge by Colin Campbell of Auchinhowe to William of Strewiling of Cadar, 15th January 1488. Be it kende till men be thir present letteris, me

<sup>47</sup> Historical Manuscripts Commission. *The Manuscripts of the Duke of Hamilton, K.T.* London, 1887. vol. 11, pt. vi, p. 26-27, no. 46.

<sup>48</sup> Fraser, William. *The Stirlings of Keir: and their Family Papers.* Edinburgh, 1858. p. 262, no.58.

**Colyne Campbell of Auchinhowe**, till haue resauit be the handis of ane noble mane Vilzame off Strewiling off Cadar, the sowme off twenty pundis of gude and wsualle mone off Scotlande, for ane composicioun made to me be the said Vilzame for the releffe off the landis of the Branzet, Ballinkeir, Kyrkmychell and Blarnarne, the quhilkis vas appoyntit concordit and endyt betuex vs be for honorable personis, that ar to say, **Johne off Homiltovne off Bardowe**, Johne off Strewiling sone and apperande air to Johne off Streviling off Cragbarnarde, Robert off Menteth and Robert Johnsonsone, with wtheris diuerss ; off the quhilk sowme off twenty pundis for the releffis of the landis forsaid, I halde me rycht veill content, assythit and fully pait, ande thair off the said Vilzame, his airis executouris and assignais, for me myne airis executouris and assignais, off the said sowme of twenty pundis quitclaims ande dischargis for now and euirmar be thir my present letteris : In vitness of the quhilk thingis, becaus I hade na seile of my ane in propir place present, I haff procuryt with instance the seill of ane honorable mane, Johne of Strewiling off Cragbarnarde, to be affixit to thir present letteris, at Cragbarnarde, the xv day of Januar in the zere of God M.° cccc.° achtly and acht zeris, be for thir vitnes, Johne of Strewiling, sone and apperande air to the said Johne of Streviling, Schir Valter Logane Chapillane and publist notar, Archbalde off Lenax, Adam off Corsby and Johne Morisone with diueris wthirris.<sup>49</sup>

- {25 July 1493} Charter by Colin Campbell of Achowye to William Styriling and his spouse, of the Lands of Kyrkmechall and Blarnarne, 25th July 1493.// Omnibus hanc cartam visuris vel audituris, **Colinus Campbel de Achowye**, ac dominus superior terrarum de Kyrkmechall et Blarnarn, Salutem in Domino sempiternam. Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse, dilectis meis Vilelmo Styriling, filio et heredi apparenti Vilelmi Styriling de Cadder, et Elisabeth Bochquhanne sponse sue, et eorum alteri diucius uiuenti, Totas et integras terras meas de Kyrkmechall et Blarnarn cum pertinenciis, jacentes in comitatu de Leuenax, infra vicecomitatum de Dunbertane, que fuerunt hereditarie Vilelmi Styriling de Cadder, et quas terras cum pertinenciis idem Vilelmus . . . in presencia plurium, per procuratorem suum . . . in manibus meis per fustem et baculum . . . resignauit . . . Tenendas et habendas prefatas terras . . . dicto Vilelmo et Elisabeth sponse sue, et eorum alteri diucius uiuenti, in coniuncta infeodacione, et heredibus inter eosdem procreatis seu procreandis, quibus forte deficientibus, heredibus legitimis predicti Vilelmi quibuscunque, de me et heredibus meis . . . secundum tenorem carte antique infeodacionis sue. Reddendo inde annuatim . . . michi et heredibus meis, seruicium prout predicta antiqua carta dictarum terrarum continet et proportat. In cuius rei testimonium sigillum meim est appensum, apud Kyrkmechall, vicesimo quinto die mensis Julii, anno Domini millesimo quadringentesimo nonogesimo tercio, eoram hiis testibus, Valtero Danystoun, Jacobo Galbrath, Patricio Galbrath, Donaldo McCorkatill, Patricio McGilmon, Donaldo Mechelson, et domino Valtero Nory capellano, cum diuersis aliis. Seal — Gyrony of eight pieces, the first and fifth charged with two Mulletts in bend : Legend 'S. Collini Cambel'.<sup>50</sup>
- {11 Mar 1515/6} On 11 March 1515, sasine was given to **Colin Campbell of Auchinhowe**, of the lands of Auchinhowe, Downen, Blairskaith, Branzet, and Ballinker following upon a charter to him by John, Earl of Lennox, dated at Glasgow 20 February 1515.<sup>51</sup>
- {11 March 1515/6} Instrument narrating that John (Logan) of Gartconall, bailie in that part of John, Earl of Lennox, having a precept under the Earl's seal, gave sasine and possession

<sup>49</sup> Fraser, William. *The Stirlings of Keir: and their Family Papers*. Edinburgh, 1858. p. 262-263, no. 59.

<sup>50</sup> Fraser, William. *The Stirlings of Keir: and their Family Papers*. Edinburgh, 1858. p. 263-264, no. 60.

<sup>51</sup> National Archives of Scotland, Edinburgh, UK. GD97: Papers of the Edmonstone family of Duntreath. Edmondstone, no. 41.

of the £9 lands of Auchinhowy, Dowane, Blarskaith, Brankeit and Ballinker, to **Colin Campble**, in terms of a charter of new infeftment made by the Earl thereupon. Done on the ground of the lands of Auchinhowy at the principal mansion of the same. Dated 11 March 1515. Witnesses, John Logan, John M'ldownie, Thomas (Campbell), Alexander Campbell and Robert Campbell,<sup>52</sup>

- On 5 April 1526, John, Earl of Lennox granted to William Livingstone of Kilsyth of the superiority and tenantry of the whole lands belonging to **Colin Campbell of Auchhowy**, in property and in tenantry; viz: the lands of Auchoway, Dowane and Baresketh belonging to him in property and Kirkmichael, Blairnarne, Branzet and Ballinkeir belonging to him in tenantry and sasine followed on May 14, 1526.<sup>53</sup>

Thus, John Campbell of Galston would have been a co-heir with Jonet Keith, wife of David Hamilton of Cadzow, of Sir William Keith of Galston, apparent heir of Sir William Galbraith. Since there is no evidence that John Campbell of Galston, or his successors, had an interest in the lands of Kincaid or Balquharrage, one is led to conclude that John Hamilton, 1<sup>st</sup> of Buthernock, did not inherit the lands of Kincaid or Balquharrage from his mother. He, or a successor of his, must have acquired them by 1) marriage to the heiress of one of Patrick Galbraith's successors before the Hamiltons of Bardowie; or 2) by new grant from the Earl of Lennox due to the forfeiture or illegitimacy of the previous owner.

The fact that later Hamiltons of Bardowie carry on their coat of arms the 'bear's head' heraldic device common to the Galbraiths could suggest such a marriage alliance.<sup>54</sup> However, it was claimed that this was due to descent from Jonet Keith, wife of David Hamilton of Cadzow, and daughter of Sir William Keith of Galston, heir of Sir William Galbraith.<sup>55</sup>

As far as a new grant due to forfeiture or illegitimacy of a previous owner, the forfeiture scenario is more likely. As noted above, the Earl of Lennox was executed on 25 May 1425. While he was not forfeit, legal title to much of the earldom was in disarray for the rest of the century. After the execution of Duncan, Earl of Lennox, his daughter, Isabella, was allowed to take possession of her inheritance, the earldom fell into the hands of the King due to the non-entry of Isabella and the subsequent legitimately born heirs of Duncan, earl of Lennox.<sup>56</sup> Subsequent to her death, King James III, on 4 May 1471, granted a liferent of the earldom to Andrew Stewart, Lord Avandale, the eldest illegitimate son of Isabella's then deceased son Sir James Stewart. Lord Avandale enjoyed his tenure until his death in 1488.<sup>57</sup> After Lord Avandale's death, the legitimately born heirs of Duncan, earl of Lennox, proceeded to secure their rights to their share of the earldom free of Lord Avandale's claims. However, wrangling over the respective property rights of the legitimately born heirs of Duncan, earl of Lennox continued and this was only finally settled on 13 July

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<sup>52</sup> "Protocol Book of Gavin Ros, N.P. 1512-1532." Ed. Rev. John Anderson and Francis J. Grant. Edinburgh: Printed for the Society by James Skinner & Company, 1908. Scottish Record Society. 29: p. 20, no. 131.

<sup>53</sup> National Archives of Scotland, Edinburgh, UK. GD97: Papers of the Edmonstone family of Duntreath. Livingstone, nos. 71-74.

<sup>54</sup> Laing, Henry. *Descriptive Catalogue of Impressions From Ancient Scottish Seals: royal, baronial, ecclesiastical, and municipal: embracing the period from A.D. 1094 to the commonwealth: taken from original charters and other deeds preserved in public and private archives.* Edinburgh: The Bannatyne Club, 1850. p. 223, no. 1222. James Hamilton of Bardowie: from a seal appended to a procuratory of resignation in the year 1595 "A chevron surmounted with a bear's head erased, between three cinquefoils pierced."

<sup>55</sup> Riddell, John. *Reply to the Misstatements of Dr. Hamilton of Bardowie in his Late 'Memoirs of the House of Hamilton, Corrected.' respecting the descent of his family: with an appendix of original matter, partly affecting the Hamiltons, and Stewarts, and representation of the old Earls of Lennox, &c.* Edinburgh, 1828. p. 12 footnote. He writes: "The arms of Bardowie are quite consistent with the idea, being those of the House of Cadzow differenced by an annulet, and a chevron having one, and not three bears heads, (the insignia of Galbraith) the whole being the appropriate bearing of a younger son of David Hamilton of Cadzow, and his wife Janet, representative of Galbraith."

<sup>56</sup> Fraser, William. *The Lennox.* 2 vols. Edinburgh: n.p., 1874. 1 (Memoirs): p. 267, 280-281.

<sup>57</sup> Fraser, William. *The Lennox.* 2 vols. Edinburgh: n.p., 1874. 1 (Memoirs): p. 279-280, 283.

1493.<sup>58</sup> With the non entry of the legitimate heirs and the superiority of the earldom of Lennox in dispute from 1460 to 1493, it is no surprise that there are gaps in title documents for the lands of Kincaid and Balquharrage. However, the above noted grants to John Hamilton of Bardowie in 1494, 1502, and 1504/5 makes no references to prior grants nor to previous illegitimate or forfeited owners. The grants are simply upon their own resignation. With the absence of an original grant to them for these lands one has to assume they acquired the lands of Kincaid and Balquharrage by maternal inheritance.

In looking at all the evidence above, it seems that it was John Hamilton, 4<sup>th</sup> of Bardowie, who obtained Balquharrage, Hayston and Kincaid, before 1484. This is because ‘prior to that’ we have no indication that the Hamiltons of Bardowie were superiors to any lands other than their original Buthernock lands. We do know that, prior to 1484, the Kincaids were by all accounts holding the lands of Kincaid from at least 1425. Furthermore, members of the family also held Balquharrage. On 4 July 1460, Johne Kyncade de Balchayriagis {i.e. Balquharrage} witnessed an instrument of sasine in favour of Robert de Kyncade de eodem of the lands of Inchbelly, in the lordship of Altermony, Stirlingshire.<sup>59</sup>

There is a record that suggest that John Hamilton, 4<sup>th</sup> of Bardowie, or his father, acquired some or all his lands in Campsie Parish (i.e. Hayston, Balquharrage, and Kincaid) by marriage to Margaret Kincaid. In 1446 a papal mandate was issued for legitimization of the marriage and offspring of one John Hamilton and Margaret Kinkadi.<sup>60</sup> It reads as follows:

LATERAN REGESTA, VOL. CCCCXXX. 16 EUGENIUS IV.

1446. To the bishop of Glasgow. Mandate to dispense John Hamilton, layman, and  
9 Kal. May. Margaret Kinkadi (?),\* of his diocese, after imposing penance upon them,  
St. Peter's, notwithstanding the impediment of spiritual relationship arising from John's  
Rome. (f. 110.) mother having been godmother to Margaret at her baptism, to remain in the  
marriage which, aware thereof, they formerly contracted *per verba legitime  
de presenti* and consummated, and had offspring which, with the offspring to  
be born of the marriage, is to be decreed legitimate. *Oblate etc.* (An. and G.  
*de Elten*. † | An. xviii. de Adria.)

\* The two surnames especially are damaged by water-stains.

† Almost invisible.

From my paper on the Lairds of Kincaid, I noted that Robert Kyncade of that Ilk, who held Kincaid from at least 29 June 1448, was the son and heir of William of Kincaide of Craiglocart, but possibly not the same person as Robert of Kincade who was a witness on 2 October 1425.<sup>61</sup> It is interesting that his father was styled ‘of Kincaide of Craiglocart’ and not simply ‘Kincaid of Kincaid’ or ‘of that ilk’. This could suggest he was not the heir to the Kincaid lands. In fact, the timeline could support this.

- On 2 April 1444, Robert of Kincaide, son of William of Kincaide of Craiglocart, squire to Patrick Lyon, Lord Glamis, gets from the latter a lease of the lands of Inchbrek and mill of Antermony.<sup>62</sup>
- On 23 April 1446 (9 Kalends May), Margaret Kincaid and John Hamilton had their marriage and

<sup>58</sup> Fraser, William. *The Lennox*. 2 vols. Edinburgh: n.p., 1874. 1 (Memoirs): p. 267, 288-311.

<sup>59</sup> Glasgow City Archives, Glasgow, UK. Lennox of Woodhead Papers, T-LX 1/12/2.

<sup>60</sup> *Calendar of Entries in the Papal Register Relating to Great Britain and Ireland: Papal Letters Vol. IX. A.D. 1431-1447*. Ed. J. A. Twemlow. London: H.M. Stationery Office, 1912. p. 574.

<sup>61</sup> Kincaid, Peter Anthony. “Documents pertaining to the Lairds of Kincaid, 1425-1914.” Privately published on kyncades.org on 29 June 2014.

<sup>62</sup> Glasgow City Archives, Glasgow, UK. Lennox of Woodhead Papers, T-LX 1/12/1. For an abstract see: “Documents pertaining to the Lairds of Kincaid, 1425-1914.” Privately published on kyncades.org on 29 June 2014.

- children legitimized.<sup>63</sup>
- On 29 June 1448, the above noted Robert of Kincaide, son of William of Kincaide of Craiglocart, started be styled 'of that Ilk' (i.e. de eodem).<sup>64</sup>

As one can see these all fall within a couple years of each other; and it was only from the latter date that the style 'of that Ilk' emerges. Could Margaret Kincaid have been the heiress of the 1425 Robert of Kincaide and brought the superiority of the Hamiltons' Campsie lands to her husband? It certainly fits that her cousin, Robert of Kincaide, son of William of Kincaide of Craiglocart, is then infeft in the fee of the Kincaid and Balquharrage lands and his posterity are thereafter Kincaids of that Ilk. Her husband, John Hamilton, of the diocese of Glasgow to which Campsie Parish was a part of, had to be a person of note to afford a papal dispensation. He easily fits as the unknown son of Robert Hamilton, 2<sup>nd</sup> of Bardowie. Dying before his father he could have been simply known as John Hamilton.

A further compelling argument for the Hamiltons of Bardowie acquiring the lands of Kincaid and Balquharrage by marriage to Robert of Kincaide's heiress, is that 1) John of Kyncade's wife was wet-nurse for King James II's 2<sup>nd</sup> son (Alexander Stewart, Earl of March and later Duke of Albany) in 1456 & 1457<sup>65</sup> and 2) John of Kyncade, himself, was Keeper of Linlithgow Palace in 1461.<sup>66</sup> How did the family rise to such a high status position if the main line were then merely feuars of a chief tenant of the heirs of Duncan, Earl of Lennox. It makes more sense that they were themselves originally the chief tenant of the Earl's heirs for the Kincaid lands.

All in all though, this review of the material located to date, shows that it remains unknown how the Hamiltons of Bardowie acquired the superiority of the Kincaid lands before John Hamilton, 4<sup>th</sup> of Bardowie. We are mainly left with the most probably scenarios of 1) one of the Hamiltons of Bardowie married the eventual heir of Patrick Galbraith and/or 2) that John Hamilton, 4<sup>th</sup> of Bardowie's father acquired it by marriage to Margaret Kincaid. Hopefully, more evidence will emerge with new references.

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<sup>63</sup> *Calendar of Entries in the Papal Register Relating to Great Britain and Ireland: Papal Letters Vol. IX. A.D. 1431-1447.* Ed. J. A. Twemlow. London: H.M. Stationery Office, 1912. p. 574.

<sup>64</sup> *Registrum Magni Sigilli Regum Scotorum: The Register of the Great Seal of Scotland A.D. 1424-1513.* ed. James Balfour Paul. Edinburgh: H.M. General Register House, 1882. p. 138, no. 618.

<sup>65</sup> *Rotuli Scaccarii Regum Scotorum: The Exchequer Rolls of Scotland.* Ed. George Burnett. Edinburgh: H.M. General Register House, 1883. VI. (A.D. 1455-1460): 232-234, 286, 321-322.

<sup>66</sup> *Rotuli Scaccarii Regum Scotorum: The Exchequer Rolls of Scotland.* Ed. George Burnett. Edinburgh: H.M. General Register House, 1884. VII. (A.D. 1460-1469): 47-49.