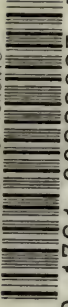


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# SCOTS PEERAGE

BY JOHN GIBSON, ESQ.,  
OF THE SCOTTS PEERAGE,  
AND BY JOHN GIBSON,  
OF THE SCOTTS PEERAGE.

IN TWO VOLUMES.  
THE FIRST VOLUME CONTAINS  
THE HISTORY OF THE SCOTTS PEERAGE,  
AND THE SECOND VOLUME CONTAINS  
THE HISTORY OF THE SCOTTS PEERAGE.

BY JOHN GIBSON, ESQ.,  
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OF THE SCOTTS PEERAGE.

## THE SCOTS PEERAGE



Volume I

LONDON: PRINTED BY RICHARD CLAY AND COMPANY, LTD.,  
BUNGAY, SUFFOLK.

1911

1911

1911

Edinburgh: Printed by T. and A. CONSTABLE

FOR

DAVID DOUGLAS

LONDON . . . SIMPKIN, MARSHALL, HAMILTON,  
KENT AND CO., LIMITED

CAMBRIDGE . . . BOWES AND BOWES

GLASGOW . . . JAMES MACLEHOSE AND SONS

Handwritten: P324

THE  
**SCOTS PEERAGE**

FOUNDED ON WOOD'S EDITION  
OF SIR ROBERT DOUGLAS'S  
**Peerage of Scotland**

CONTAINING  
AN HISTORICAL AND GENEALOGICAL ACCOUNT  
OF THE NOBILITY OF THAT KINGDOM

EDITED BY  
**SIR JAMES BALFOUR PAUL, LL.D.**  
LORD LYON KING OF ARMS

WITH ARMORIAL ILLUSTRATIONS



VOLUME VI

**EDINBURGH: DAVID DOUGLAS**

1909

Handwritten: 965-17 / 2/6/09

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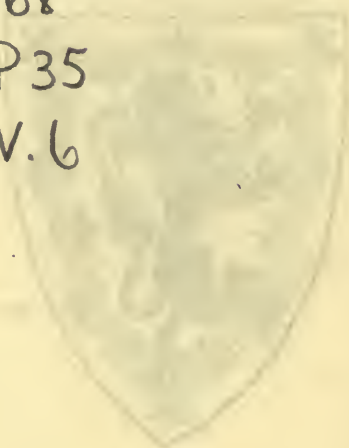
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## HUME, EARL OF MARCHMONT



IR DAVID HUME of Wedderburn, was a brother of Alexander Hume of that Ilk, and obtained the lands of Wedderburn in 1413 from Archibald, Earl of Douglas and Duke of Touraine. He acquired other lands from the same Earl, and also the lands of Wolflee, co. Roxburgh. He was alive on 28 February 1452-53,<sup>1</sup> and died between that and 1469. He married a lady whose Christian name was Alice. He had issue:—

1. *David*, who died *vitâ patris* before 1450. He married Elizabeth Carmichael, who survived to 1495.<sup>2</sup> He had issue:—

(1) *George*, who succeeded to Wedderburn, and married, in 1470, Mariota or Marion, elder daughter of John Sinclair of Herdmanston, and had issue.

(2) *PATRICK* of Polwarth, of whom below.

(3) *Sibilla*, married to Henry Haitly of Mellerstaines after 1 February 1478.<sup>3</sup>

2. *Alexander*, called to the succession in a Crown charter in favour of David Hume and Alice, his spouse, dated 16 May 1450.<sup>4</sup>

<sup>1</sup> *Hist. MSS. Com. Rep.*, Col. David Milne Home's mss., pp. 18, 20; *Reg. Mag. Sig.*, 28 February 1452-53. <sup>2</sup> *Ibid.*, *cit. ut sup.* 26, No. 25.

<sup>3</sup> *Hist. MSS. Com. Rep.*, *ut sup.* 24, No. 18. <sup>4</sup> *Reg. Mag. Sig.*, 16 May 1450.

PATRICK, known familiarly as 'Lang Patrick of Pollart,' married, first, Margaret, younger daughter and co-heiress with her sister Marion of John Sinclair of Herdmanston, in the lands of Polwart and Kimmerghame. He had a charter from Archibald, Earl of Angus, to him and his wife in conjunct fee and the heirs-male to be procreated between them, etc., of half of the lands of Kimmerghame, 15 May 1470. It is traditionally related that the uncle of Marion and Margaret Sinclair, as heir-male of the family and their guardian, in order to prevent their marriage, and the consequent loss of those lands to the Sinclair family, removed them from Polwarth to his castle of Herdmanston across the Lammermuir Hills. The Humes, however, learned of their retreat, summoned their retainers, and riding to Herdmanston, forced the uncle, after an investment of his castle, to surrender his wards, whom they thereupon carried back to Polwarth and married.<sup>2</sup> Upon 6 November 1475 Margaret was served heir in special to her father in the half of Polwarth, and was infeft therein the same month.<sup>3</sup> Thereafter Patrick Hume was designed 'of Polwart,' as also in 1480 was David Hume, son and apparent heir of George of Wedderburn, his brother, by virtue of his mother's half of the inheritance.<sup>4</sup> Owing largely no doubt to his own merits, but also to his kinship to Alexander Hume of that Ilk, the Great Chamberlain, Patrick obtained a position of considerable importance in the country, and, as well for his valour 'in resisting of our auld inimies of England' as for his sage counsel in affairs of state, was rewarded with numerous grants of property. He held also the following appointments, viz.:—Chamberlain of Stirling and Strathern, 1489; Comptroller, 1499; Chamberlain of Fife and Kilmarnock, 1501; Keeper of Stirling Castle, 1494 and 1501. He obtained a charter of the lands of Brigamschelis from Alexander, Duke of Albany, 2 May 1483, for adhering to whose cause a summons of treason had been issued against him in 1478, and also a confirmation of that charter on

<sup>1</sup> *Acta Dom. Conc.*, 46, 18 January 1479. <sup>2</sup> *Hist. MSS. Com. Rep.*, *ut sup.* 4. <sup>3</sup> Original retour and seisin produced *in causa* Alexander H. Hume, Captain R.N., claiming the title of Earl of Marchmont, etc., 1822. <sup>4</sup> *Fourteenth Rep. Hist. MSS. Com.*, App. pt. iii.; Marchmont. MSS. No. 9.

28 June 1488.<sup>1</sup> He had further charters of Hetschawe, in the bailliary of Lauderdaile, 18 July 1496,<sup>2</sup> and of Rednach, *alias* Inchanach, Argathies, and Lundies, in the lordship of Menteith, on 19 June 1497,<sup>3</sup> which he resigned for new in-fetment personally when with the army at Upsedlington the same year,<sup>4</sup> and which the King on attaining the age of twenty-five excepted from his general revocation of gifts made while in minority.<sup>5</sup> In 1499 he was granted extra pay for collecting fees during the time of plague,<sup>6</sup> and the same year, for 'singular favour as well as for augmentation of his rental,' he had a charter of half of the lands of Strathbran, of half of Auchinvaid, and of Glenshee, co. Perth. On 19 October 1500 he had a charter of Vigorushalch, with the fishings on Tweed and Teviot, Bradeyardis, Horsemerkat, and a husbandland in Cessfurd, in the county of Roxburgh,<sup>7</sup> and the following year he obtained the lands of Castellaw, Estraw, Miltoun, Wodehouseleye, and Murehouse, in the county of Edinburgh.<sup>8</sup> He died in November 1503. He married, first, as above stated, Margaret Sinclair; and secondly, previous to 24 March 1490,<sup>9</sup> Ellen, daughter of Sir James Shaw of Sauchie, 'lady of Dirletoun,' widow of Archibald Halyburton, Master of Halyburton. She survived him, and was married, thirdly, to Sir Patrick Houston of that Ilk, and fourthly, in 1516, to Sir Robert Hamilton of Fingalton,<sup>10</sup> and was still alive in 1541.<sup>11</sup> He had issue by his first wife, Margaret Sinclair, one son:<sup>12</sup>—

1. ALEXANDER, who succeeded him.<sup>13</sup>

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.*, 5 August 1497. <sup>5</sup> *Ibid.*, 20 May 1498. <sup>6</sup> *Exch. Rolls*, xi, 259. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> *Ibid.*, 20 August 1501. <sup>9</sup> *Acta Dom. Conc.*, 193. <sup>10</sup> *Acta Dom. Aud.*, xxviii., 24 Jan. 1516, xxix. f. 14, *et passim.* <sup>11</sup> Marchmont Report, No. 19. <sup>12</sup> *Fourteenth Rep. Hist. MSS. Com.*, App. pt. iii.; Marchmont mss., No. 12. <sup>13</sup> On the sole evidence of a birth brief obtained in 1668 at the instance of Alexander Hume, younger brother of Patrick, first Earl of Marchmont, who was living abroad, it has been stated in several accounts of the family that Patrick, first of Polwart, was succeeded by a son Patrick, who married Mary, daughter of John Edmonston of that Ilk, who in his turn was father of Alexander. It is, however, definitely stated in a retour preserved among the Marchmont papers (*Fourteenth Rep. Hist. MSS. Com.*, App. pt. iii. No. 12) that Margaret Sinclair was the mother of Alexander Hume, whose heir he was in the half lands of Kymbyrgeame, etc., then in the hands of the Earl of Angus, as superior, by the death of the said Margaret and of Sir Patrick Hume, Knight, from the

By his second wife he had:—

2. *George* of Argaty and Lundies, who married Margaret Erskine, and had issue:—
  - (1) *Alexander*, who succeeded after July 1562, and died about 1574, leaving issue, whose descendants continued the family to George, the last male of this line, who, dying without issue in 1751, was succeeded by a sister Margaret, served heir to him on 11 September of that year.<sup>1</sup>
  - (2) *Patrick*, afterwards Sir Patrick of Correquhormbie, who died without issue in 1572.<sup>2</sup>
  - (3) *David*, convicted of treasonable intercommuning with the Earl of Mar and other traitors, and condemned to death on 8 December 1584.<sup>3</sup>
3. *Mr. Patrick* of Law, who married Margaret Wemyss, and had a son Patrick.<sup>4</sup>
4. *Alison*, married to Sir James Shaw of Sauchie.<sup>5</sup>
5. *Janet*, married, before 6 November 1501, to Sir Andrew Ker of Ferniehirst.<sup>6</sup>
6. *Marion*, married to Sir William Baillie of Lamington.
7. *Margaret*, daughter of Sir Patrick Hume of Polwarth, had a grant of the marriage of Sir John Stirling of Keir, to whom she had been contracted on 30 March 1501, and in January 1507-8 raised an action to have him decerned to marry her.<sup>7</sup>

ALEXANDER HUME, who succeeded, was on 18 May 1530 warded within the Castle of Dumbarton at the same time as similar restrictions were placed on the liberty of other Borderers,<sup>8</sup> and on 6 May 1532 he was fined for not appearing on an assize.<sup>9</sup> His death occurred shortly afterwards, for on 28 November 1532 the inventory of his estate was given up by his executors.<sup>10</sup> This consisted of his stock on the lands of Redbraes,

date of death of the latter six months previously (date of inquest 7 May 1504). <sup>1</sup> Case for Sir H. Hume Campbell, 42. <sup>2</sup> Additional Case for Francis Home, 26. <sup>3</sup> Records of Court of Justiciary quoted in Case for Sir H. Hume Campbell, 44. <sup>4</sup> *Fourteenth Rep. Hist. MSS. Com.*, App. pt. iii.; Marchmont mss., Nos. 19-21. <sup>5</sup> *Reg. Mag. Sig.*, 4 December 1506. <sup>6</sup> Cf. vol. v. 59. <sup>7</sup> *Stirlings of Keir*, 34, 272; *Acta Dom. Conc.*, xix. 98. <sup>8</sup> Pitcairn's *Criminal Trials*, pt. i. 147. <sup>9</sup> *Ibid.*, 159. <sup>10</sup> *Fourteenth Rep. Hist. MSS. Com.*, App. pt. iii.; Marchmont mss. No. 37.



Kimmerghame, Trottenshaw, North Berwick, Byrecleuch, and Channaybank. His goods, within the diocese of St. Andrews were valued at £878, 17s. Scots. He married, first, previous to 3 May 1503,<sup>1</sup> Margaret, said to have been a daughter of Lord Crichtoun of Sanquhar, who was alive in 1518.<sup>2</sup> Secondly, Margaret, 'Lady of Waughtone,' daughter of Sir Robert Lauder of the Bass. As she, however, was within the third degree of consanguinity, a dispensation was obtained for the marriage on 23 January 1520-21.<sup>3</sup> She survived her husband, and was one of his executors.<sup>4</sup> He also married, probably at an early date, Elizabeth Wardlaw, but the marriage was annulled by a decree of divorce extracted 8 October 1526, though it may have been pronounced many years previous. In the decree he is designed 'son and apparent heir' of Patrick Hume of Polwarth, and the marriage is declared 'ab initio fuisse et esse nulla et invalida.'

By his first wife he had issue:—

1. PATRICK, who succeeded him.

2. *Alexander*, who obtained from Isabella Hume, prioress of the nunnery of North Berwick, and Dame Margaret Hume, postulate or prioress-elect, and the convent thereof, for the great sums of money spent in repair of the nunnery, confirmation of a charter of the two milns of North Berwick on 21 January 1546-47, and on 28 September 1549 a confirmation from Margaret Hume,<sup>5</sup> then prioress, of a charter of the dominical lands of Heuch for the sum of £2000 spent in the repair of the abbey and for payment of the taxation due by her.<sup>6</sup> He died on 22 August 1563, leaving a natural son *Robert*, to whom he gave Heuch, and on whose behalf the Privy Council interfered to protect him from the molestation of Patrick Hume, younger of Polwarth, who had occupied his lands.<sup>7</sup> This Robert Hume's will, dated 26 May 1568,

<sup>1</sup> *Reg. Mag. Sig.*, 3 May 1503. <sup>2</sup> *Fourteenth Rep. Hist. MSS. Com.*, *ut supra*, No. 13. <sup>3</sup> *Ibid.*, No. 14. <sup>4</sup> *Ibid.*, No. 37. She was 'kenned' to her terce on 15 August 1533 (Protocol Book of T. Kene).

<sup>5</sup> *Reg. Mag. Sig.*, 21 January 1546-47. <sup>6</sup> *Ibid.*, 28 September 1549.

<sup>7</sup> *P. C. Reg.*, i. 245; *Acts and Decrees*, xxviii. 63.

preserved among the Marchmont MSS.,<sup>1</sup> contains mention of his wife Marion Hepburn and his son *Robert*, who succeeded him, and died before 27 June 1642.<sup>2</sup>

3. *Gavin*,<sup>3</sup> who had a natural son *Andrew*, who in his turn had a natural son *Thomas*. For the legitimation of both a precept was granted 22 April 1569.<sup>4</sup>
4. *George*,<sup>5</sup> for whom a provision for board 'pro mensa et cotagio' is contained in his father's will.<sup>6</sup>  
By his second wife he had :—
5. *Isabella*, married to Adam Hepburn of Craig.<sup>7</sup>
6. *Katherine*, married to Robert Hoppringle.<sup>8</sup>
7. *Margaret*, Prioress of North Berwick.<sup>9</sup>

PATRICK HUME had a charter of half of the lands of Kimmerghame 20 October 1532,<sup>10</sup> and on September 1536<sup>11</sup> a charter of confirmation to himself and his wife of the lands of Birgameschelis, Haitschaw, and Belschele, in the county of Berwick. He died between December 1577 and March 1579.<sup>12</sup> By his wife, Elizabeth Hepburn, a daughter of Sir Patrick Hepburn of Waughton, he had issue :—

1. PATRICK, who succeeded him.
2. *Alexander* of North Berwick, who succeeded to the dominical lands of Heuch,<sup>13</sup> and on 28 January 1568-69 had other charters<sup>14</sup> of subjects in North Berwick feued by his aunt, the Prioress Margaret. On 20 March 1587-88 he had a charter of the lands of the monastery of that place.<sup>15</sup> He was chosen Provost of Edinburgh in 1593, and sent as Ambassador to England by King James VI. He died without surviving issue previous to 1608.<sup>16</sup>

<sup>1</sup> *Fourteenth Rep. Hist. MSS. Com., ut supra*, No. 23. <sup>2</sup> *Reg. Mag. Sig.*, 27 June 1642. <sup>3</sup> It is possible that he was a son of Margaret Lauder. <sup>4</sup> *P. C. Reg.*, 22 April 1569. <sup>5</sup> *Fourteenth Rep. Hist. MSS. Com., ut supra*, No. 37. <sup>6</sup> *Ibid.* <sup>7</sup> *Ibid.* <sup>8</sup> Protocol Book of Robert Lawder, 8 March 1555 (Bannatyne Club). <sup>9</sup> Douglas calls Isabella abbess, and Margaret wife of Hepburn. <sup>10</sup> *Reg. Mag. Sig.*, 20 October 1532. <sup>11</sup> *Ibid.*, 1 September 1536. <sup>12</sup> *Ibid.*, 4 April 1565. <sup>13</sup> *Acts and Decrees*, lxxv. 190. <sup>14</sup> Confirmed 2 January 1569-70, *Reg. Mag. Sig.* <sup>15</sup> *Ibid.*, 20 March 1587-88. <sup>16</sup> *Ibid.*, 7 June 1609; *Acts and Decrees*, lxxvi. f. 329.

3. *Adam*, Parson of Polwart, is said to have died in 1596. He married Christian Dewar,<sup>1</sup> and left issue:—

- (1) *Alexander*, who was served heir to Alexander Hume of North Berwick, his uncle, on 23 June 1608, and possessed heritable property in North Berwick. He died without issue in November 1637,<sup>2</sup> having married Elizabeth Cockburn in 1623.
- (2) *Patrick*, who died without issue before 1643. He married Margaret, sister of William Wauchope of Gleghornie.<sup>3</sup>
- (3) *Margaret*, married, first (contract 11 July 1586) to Patrick, eldest son of William Hepburn of Eastcraig;<sup>4</sup> secondly, to Richard Addinstoun of that Ilk.<sup>5</sup>
- (4) *Helen*.

4. *Margaret*, married to John Baillie of Johnskirk.

5. *Anne*, married to Robert French of Thornydikes.

PATRICK HUME obtained a Crown charter of confirmation of the lands of Polwart therein incorporated into the free barony of 'Reidbrayes' on 18 March 1593-94.<sup>6</sup> He was a great promoter of the Reformation, and one of those who entered into an association to protect the preachers of the gospel in 1560. He was on the King's side, and is said to have been dangerously wounded in a skirmish with the Queen's party at Cairny on 2 June 1571.<sup>7</sup> He died 20 May 1599.<sup>8</sup> He married Agnes, daughter of Alexander Hume of Manderston, by whom he had issue:—

1. PATRICK, who succeeded.

2. *Mr. Alexander*, minister of Logie from 1597 to 1609.

He was a man of considerable literary ability, and author of various works in prose and verse, among others a volume entitled 'Hymes or Sacred Songs wherein the right use of Poesie may be espied,' Edinburgh 1599,<sup>9</sup> and 'The Day Estival.'<sup>10</sup> His library and his musical instruments are mentioned in his will, dated 8 August 1609, wherein he ordered with singular forethought that, of his books, 'nane of them be lent furth upon quhatsumevir promeis,' as they to

<sup>1</sup> *Reg. of Deeds*, xxxix. 188. <sup>2</sup> Additional Case for Francis Home, April 1842, p. 16. <sup>3</sup> *Gen. Reg. of Inhib.*, 10 July 1620. <sup>4</sup> *Reg. of Deeds*, xxxix. 188. <sup>5</sup> *Reg. Mag. Sig.*, viii. 933. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> In Crawford's *Peerage*, 313, it is stated that he was killed on this occasion. In the first edition of the same work, however, he is said to have died in 1592. <sup>8</sup> *Edin. Tests*. <sup>9</sup> Reprinted for the Bannatyne Club in 1832. <sup>10</sup> Reprinted in Leyden's *Scottish Descriptive Poems*.

whose custody he leaves them 'shall answer to God.'<sup>1</sup> He died in December 1609.<sup>2</sup> By his wife Marion, daughter of Mr. John Duncanson, Dean of the Chapel Royal of Stirling, he had issue a son, *Caleb*, and two daughters,<sup>3</sup> *Dina* and *Naomi*, all mentioned in their father's will. He had another daughter, older, described in his will as the 'Goodwife of Chesters.'

3. *Gavin* of Johnscleuch, who acquired the lands of Johnscleuch from his uncle Alexander Hume of North Berwick in March 1596-97.<sup>4</sup> He died before March 1610. He married Helen, daughter of Alexander Acheson of Gosford and Helen Reid his wife,<sup>5</sup> and left issue:—

- (1) *Alexander* of Johnscleuch.
- (2) *Archibald*, served tutor to his elder brother on his becoming insane in March 1627.<sup>6</sup>
- (3) *John*.<sup>7</sup>
- (4) *Anne*, married, 28 December 1641, to Thomas Aikenhead, one of the Commissaries of Edinburgh.
- (5) *Helen*, married, 30 December 1641, to John Acheson,<sup>8</sup> Writer, Edinburgh.

4. *John*, called as a substitute in a charter of the lands of North Berwick in favour of Alexander Hume his uncle, 20 March 1587-88,<sup>9</sup> to whom he succeeded in 1597. As Sir John Hume, Knight, on 7 June 1609,<sup>10</sup> he obtained a charter of confirmation of these lands which formerly belonged to the abbey, and were excepted from the act of annexation. He and his sons sold North Berwick in 1633 to William Dick. He acquired lands in the county of Fermanagh in Ireland, called Tully Castle,<sup>11</sup> and died in September 1639. He married Margaret —, who died in September 1612, and had issue:—

- (1) *Alexander*, alive in 1615, when he was witness to a discharge by his father.<sup>12</sup>
- (2) *Sir George*, said to have been created a Baronet about 1638. He was served heir to his father in 1642, and principally

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<sup>1</sup> *Fourteenth Rep. Hist. MSS. Com., ut supra*, No. 85. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.*  
<sup>4</sup> Instrument of sasine quoted in Case for Sir Hugh Hume Campbell, 15 note b. <sup>5</sup> Proc. of Resig. *ibid.*, note c. <sup>6</sup> Bond recorded in *Reg. of Deeds, ibid.*, note c. <sup>7</sup> *Ibid.* <sup>8</sup> Marginal note copy of Minutes of Evidence, in Signet Library. <sup>9</sup> *Reg. Mag. Sig.* <sup>10</sup> *Ibid.* <sup>11</sup> Obligations recorded in *Reg. of Deeds*, 21 January 1620. <sup>12</sup> Case for H. Hume Campbell, 28 note b.

resided at Tully Castle. He died about 1657, having had by his wife Mary, daughter of Sir William Maynard of Curri-  
glasse, two sons:—

i. *Sir John*, who married Sidney, daughter and co-heir of James Hamilton, of Manor Hamilton, co. Leitrim, and had issue four sons and six daughters, of whom Elizabeth was married in 1697 to Patrick, Lord Polwarth, eldest son of the first Earl of Marchmont. Sir John died July 1695.

The last of the sons, Sir Gustavus, died 25 October 1731, predeceased by his own male issue, and by his three brothers, who died without issue.<sup>1</sup>

ii. *George*, Rector of Inis M'Saint, Ireland, died in February 1698-99, leaving issue a son, *Charles*, who succeeded to the Baronetcy.<sup>2</sup>

(3) *Patrick* of Hutton Bell, who married, first, about 1628, Elizabeth, daughter of William Hume of Hutton Bell, and secondly, previous to May 1644, Anne Cockburn. He had by his first marriage four sons and two daughters, and by his second four sons and a daughter.<sup>3</sup>

(4) *Anna*, styled eldest daughter, married (contract 19 September 1625) to Sir John Seton of Barns.<sup>4</sup>

5. *James*, mentioned in the charter of the lands of North Berwick of 1587, and presumed to have died before 1609.

6. *David* of Rollandstoun, mentioned in 1602 as being then affianced to Elizabeth, second daughter of David Hume, portioner of Blacadder.<sup>5</sup> He died previous to August 1604, when George, his brother, was appointed tutor to his son Alexander.<sup>6</sup>

(1) *Alexander*, who was married twice, and by his second wife Lillias, daughter of Sir James Dundas of Arniston,<sup>7</sup> had issue.

7. *George* of Drumchose, who, in 1623, obtained a grant of lands in the county of Fermanagh in Ireland, which he 'planted with trew honest Scottish men.'<sup>8</sup> He was alive on 5 August 1634, when he signed a bond as witness to the signature of Sir Patrick Home of Polwarth.<sup>9</sup>

8. *Elizabeth* or *Isobel*, married, first, to Thomas Cranston

<sup>1</sup> Case for Sir H. Hume Campbell, 29. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.*, 36 *et seq.* <sup>4</sup> *Reg. of Deeds*, cccxc. 249. <sup>5</sup> *Reg. Mag. Sig.*, 14 February 1602. <sup>6</sup> *Inquis. de Tutela*, No. 60, iv. 156. <sup>7</sup> *Gen. Reg. Sas.*, xlvi. 40. <sup>8</sup> Certificate from the Archbishop of Cashel, quoted in Case for Sir H. Hume Campbell, 18 *note.* <sup>9</sup> *Reg. of Deeds*, recorded 25 October 1637. For presumption as to his descendants, see Case for Sir H. Hume Campbell, 20.

younger of Corsbie (contract 3 March 1576-77<sup>1</sup>); secondly, to Mr. James Home, brother of Sir George Home of Wedderburn, who inhibited her in 1599.<sup>2</sup> He died April 1601.<sup>3</sup>

9. *Jean* or *Janet*, married to Patrick Home of Law.
10. *Alison*, married to David Edmonstone of Woolmet (contract 22 April 1586).<sup>4</sup>
11. *Margaret*, Prioress of Northberwick.<sup>5</sup> She was appointed Prioress by James VI., 7 August 1568.<sup>6</sup>

SIR PATRICK HUME was served heir to his father on 24 October 1599. Previous to his father's death he had become a man of note in the King's service, and had been rewarded with several grants of land. On 3 March 1585-86 he had a charter of Carculanrig, *alias* Kingisrig, in the bailliary of Lauder,<sup>7</sup> and on 29 July of the following year he was granted four husband lands of the Eister Lawis of Whitsum in the county of Berwick at the King's gift by the forfeiture of James, formerly Earl of Bothwell.<sup>8</sup> In 1587 he was one of the King's carvers.<sup>9</sup> On 24 October 1591, as servitor to the King, he received a charter of the lands of Northfield of Coldinghame conjunctly with Patrick Murray, designed 'dapifer regis,' and in December of the same year as Gentleman of the Bedchamber he was rewarded with the lands of Fishwick in the sheriffdom of Berwick, and Reddane, in the regality of Kelso, part of the forfeited estate of Francis, Earl of Bothwell.<sup>10</sup> Besides other emoluments, he enjoyed a yearly pension of 20 chalders from the superplus of the thirds of the Priory of St. Andrews ratified to him in 1592.<sup>11</sup> In 1591 he was appointed Master of the Household, and also held the posts of Gentleman of the Bedchamber and Warden of the Marches.<sup>12</sup> Previous to 15 February 1592 he had been appointed keeper of the castle of Tantalloun, his commission setting forth the servants he was to have and their allowances.<sup>13</sup> This

<sup>1</sup> *Reg. of Deeds*, xvi. 92. <sup>2</sup> *Edin. Inhib.*, xi. 162. <sup>3</sup> *Edin. Tests*. <sup>4</sup> *Reg. of Deeds*, lxvi. 358. <sup>5</sup> *Acts and Decrees*, xlvi. 226, where Dr. Adam Home and Alexander Home, formerly Chamberlain of Northberwick, are said to be her father's brothers. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> *Ibid.*, 3 March 1585-86. <sup>8</sup> *Ibid.*, 29 July 1587. <sup>9</sup> *Reg. Sec. Sig.*, lv. 174. <sup>10</sup> *Reg. Mag. Sig.*, 9 December 1591. <sup>11</sup> *Acta Parl. Scot.*, iii. 1592. <sup>12</sup> Crawford's *Peerage*. <sup>13</sup> *Fourteenth Rep. Hist. MSS. Com.*, *ut supra*, No. 104.

post he held until 1595, when he was exonerated for his services on rendering up his charge.<sup>1</sup> For his long, true, and faithful service, on 17 June 1608 he was admitted a member of the Privy Council. This honour he did not long enjoy, and died 10 June 1609. He married, previous to 18 December 1598,<sup>2</sup> Julian, daughter of Sir Thomas Ker of Ferniehirst, who, surviving him, was married, secondly, between 18 and 26 September 1613, to Sir Thomas Hamilton, afterwards Earl of Haddington (*see that title*), and lived till March 1637.<sup>3</sup> Sir Patrick left issue:—

1. SIR PATRICK.

2. *Thomas* of Coldstream, baptized in January 1605.<sup>4</sup>  
Died before 1628.<sup>5</sup>

3. *John*, fought in the Scottish army against the English in 1644; married.<sup>6</sup>

4. *James*, alive in 1671.<sup>7</sup>

5. *George*, who owned Bedshiel in 1637, and acquired the lands of Kimmerghame.<sup>8</sup> He died in 1659, leaving by his wife Isabel Hume three sons.<sup>9</sup>

*Robert*, the eldest son, died before 1684, leaving by his wife Katherine Hume two sons and a daughter.

*George*, the eldest son, died 26 September 1705; married, 26 May 1691, Margaret, daughter and heiress of Sir James Primrose of Barnbogle, and had a son,

*Robert*, to whom on his death without issue, in 1710, Patrick, first Earl of Marchmont, was served heir.

6. *Robert* of Hawkslaw, who died without issue before 12 April 1623, when his brother George obtained a precept of clare constat as his heir.<sup>10</sup>

7. *Elizabeth*, married first to Sir James Carmichael of that Ilk; secondly, to John Maxwell of Knock and Garrarie.<sup>11</sup>

8. *Jean*, married to Christopher Cockburn of Choicelee.

9. *Sophia*, married to Joseph Johnston of Hilton.

SIR PATRICK HUME was served heir to his father on

<sup>1</sup> *P. C. Reg.*, v. 243. <sup>2</sup> *Fourteenth Rep. Hist. MSS. Com.*, *ut supra*, No. 69. <sup>3</sup> *Haddington Book*, i. 184. <sup>4</sup> Certificate quoted in Case for Sir H. Hume Campbell, 22. <sup>5</sup> *Deeds*, ccccl. 284. <sup>6</sup> Case for Sir H. Hume Campbell, 22. <sup>7</sup> *Ibid.* <sup>8</sup> Charter September 1637 quoted *ibid.* 25. <sup>9</sup> *Retour* quoted in the Additional Case, 15. <sup>10</sup> Additional Case, 14. <sup>11</sup> *Edin. Sas.*, xxiv. 120; *Gen. Reg. Sas.*, xlv. 411.

1 February 1611. On 31 July 1623 he obtained confirmation under the Great Seal of a charter of half of the lands of Polwart, etc.,<sup>1</sup> purchased from Sir David Hume of Wedderburn for 40,000 merks, this being the half of Polwart which Marion Sinclair brought to the laird of Wedderburn on her marriage in 1475.<sup>2</sup> On 20 August 1623 he was created a Justice of Peace for the county of Berwick,<sup>3</sup> and was on the Committee of War 1643, 1646, 1647.<sup>4</sup> He was created a Baronet by King Charles I. 28 December 1625, and died in April 1648. He married, between 4 June and 19 August 1636, Christian, youngest daughter of Sir Alexander Hamilton of Innerwick and Ballencrieff, Knight,<sup>5</sup> granting a life-rent charter to her as his future wife, 4 June 1636.<sup>6</sup> She married, secondly, Robert, second Lord Jedburgh, and died at Ferniehirst in 1688,<sup>7</sup> leaving issue by her first husband:—

1. SIR PATRICK.

2. *Alexander*, born in 1644, became a colonel in the Russian service, and died unmarried at Moscow in 1675.<sup>8</sup>

3. *Julian*, married (contract 13 August 1668) to Richard Newton of that Ilk.<sup>9</sup>

4. *Anne*, married to Alexander, son of John Home of Manderston.

I. SIR PATRICK HUME, born at Redbraes on 13 January 1641, was brought up under the guardianship of his mother. In the year 1665 he entered on his political career, being returned to the Scottish Parliament as representative for the county of Berwick. Here he strenuously opposed the schemes of the Duke of Lauderdale over a long period, and in 1674 accompanied the Duke of Hamilton and others to London to complain in person to the King of the grievances under which the nation was suffering at the hands of his favourite minister. For remonstrating against the summary proceedings of the Privy Council in placing garrisons in the

<sup>1</sup> *Reg. Mag. Sig.*, 31 July 1623. <sup>2</sup> It was, perhaps, in connection with this purchase that Sir Patrick had himself served heir to the grandfather of the mother of his great-great-grandfather John Sinclair of Herdmanston in June 1630. <sup>3</sup> *P. C. Reg.*, xiii. 342. <sup>4</sup> *Acta Parl. Scot.*, vi. 1. <sup>5</sup> *Reg. Mag. Sig.*, 17 March 1645. <sup>6</sup> *Gen. Reg. Sas.*, xliv. 333. <sup>7</sup> *Marchmont and the Humes of Polwarth*, 25; cf. *ante*, vol. v. 78. <sup>8</sup> *Fourteenth Rep. Hist. MSS. Com.*, *ut supra*, No. 127. <sup>9</sup> *Edin. Sas.*, xiv. 127.



houses of several gentlemen, particularly in his native county, and for refusing contributions for that end, he was summoned before the Council in 1675, and, with the approval of the King, declared to be 'a factious person, having done what may usher in confusion, and therefore incapable of all public trust.' He was imprisoned in the castle of Edinburgh<sup>1</sup> where he remained for some months, being thence removed in succession to Dumbarton and Stirling. On 29 February 1676, however, the Council, by command of the King, issued an order for his release. Realising how insecure was the peaceful enjoyment of his property owing to his active Presbyterian sympathies under a Government whose scarcely veiled religious motives were daily becoming more apparent, he entered into a scheme, along with sundry other Scottish noblemen and gentry whose position was becoming equally precarious, to emigrate to North America. The original plan under consideration was the purchase of New York in conjunction with an English Presbyterian for £15,000 sterling. This, however, was abandoned in favour of a settlement in Carolina.<sup>2</sup> The details of the scheme were well advanced, and the King's approval obtained, when in 1683 the discovery of the mysterious conspiracy known as the 'Ryehouse Plot' was sprung upon the country, and several of the promoters of the projected emigration, including Sir Patrick Hume, being declared participant, the scheme was at once stopped. Sir Patrick remained in concealment in the vault of Polwarth Church for a month, while his wife by the hands of his heroic daughter Grisell, then a girl of eighteen, supported him nightly with the necessaries of life from his mansion of Redbraes. From this gruesome retreat he ventured at length to move to more congenial quarters in his own house, having a hole prepared for his concealment under the floor, but the rise of water there forced him to take to the open country. After various adventures he succeeded in reaching London and escaping to Holland. Here, under the protection of the Prince of Orange, he established himself and his family at Utrecht, where were many other Scottish refugees waiting the turn of the tide. In 1685 he associated himself with the ill-

<sup>1</sup> *Fourteenth Rep. Hist. MSS. Com., ut supra*, No. 123.    <sup>2</sup> *Ibid.*, 129.

conceived and badly manœuvred rebellion under the leadership of the Earl of Argyll intended to assist the rising on behalf of the Duke of Monmouth in the south. On the final ruin of the expedition Sir Patrick was concealed in the house of his friend Mr. Montgomery of Lainshaw, whence he found means to escape to Bordeaux, and eventually rejoin his wife and family at Utrecht. His narrative of this melancholy exploit is well known.<sup>1</sup> A decree of forfeiture was passed against him, his estates confiscated, and, under burden of a small jointure to Lady Hume, granted on 22 May 1685 to Lord Seaforth. At the revolution Sir Patrick, along with his eldest son, accompanied the Prince of Orange to England, when his confiscated estates were speedily restored to him, the forfeiture being rescinded by Act of Parliament 22 July 1690. The same year he was made a member of the Privy Council, a commissioner for the then projected union, and by patent dated at Kensington 26 December 1690 was created a peer of Scotland with the title of LORD POLWARTH, to him and the heirs-male of his body, and to the heirs of those heirs, and received from the King a yearly pension of £400.<sup>2</sup> As a particular mark of the royal favour to his house, the King granted as an addition to his arms an orange proper, ensigned with an imperial crown. In 1692 he was appointed Sheriff of Berwick, and the following year one of the Extraordinary Lords of Session; in 1694 bailiff of Lauderdale, and on 2 May 1696 Chancellor of Scotland. By patent dated 23 April 1697 he was raised to the rank of Earl, with the titles of EARL OF MARCHMONT, VISCOUNT BLASONBERRIE, LORD POLWARTH OF POLWARTH, REDBRAES, and GREINLAW to him and his heirs-male whatsoever, and in the same year was appointed one of the Commissioners of the Treasury and Admiralty.<sup>3</sup> In 1698 he filled the important post of Commissioner to the Parliament of Scotland, and

<sup>1</sup> Marchmont Papers, iii. <sup>2</sup> The letter, a very characteristic epistle, conveying the news of his elevation to his wife, and giving directions as to her bearing in her new position, is to be found in the *Hist. MSS. Rep., Marchmont*, 120, No. 147. <sup>3</sup> A letter from the Earl to Secretary Ogilvy shows that he would have preferred the title of March, but that he refrained from asking it, thinking it had been reserved by the King as a royal title (Marchmont Papers, iii.).

for his services received very ample approbation under the Great Seal 19 April 1700. In 1702 he was appointed Lord High Commissioner to the General Assembly of the Church of Scotland. Under Queen Anne he was confirmed in the office of Chancellor, but from this post he was soon removed by the intrigues of the Jacobite party on his introducing a bill to secure the succession to the throne in the Protestant line. He was likewise deprived of his sheriffship. Though removed from office he continued to press forward the treaty of union, the passing of which, he was firmly persuaded, would alone ensure the Protestant succession, and on its ultimate adoption he was personally thanked by Queen Anne in a holograph letter for his labour in the matter.<sup>1</sup> From the date of the Act of Union his political influence declined. Though he offered himself as a candidate at the election of Representative Peers in 1707 and 1708 he did not secure election. In 1710 he was deprived of the office of Sheriff of the county of Berwick, which was thereupon conferred on Lord Home, only, however, to be restored to its former holder on the accession of George I. On 1 August 1724 he died of a fever in his house at Berwick, whence he had removed from Redbraes Castle some years previously, and was buried in the Canon-gate Churchyard in Edinburgh.<sup>2</sup> He was thus described by a contemporary: 'He hath been a fine gentleman of clear parts, but always a lover of set long speeches, zealous for the Presbyterian Government and its divine right. Business and years have now almost wore him out. He hath been handsome and lovely, and was so since King William's accession to the throne; towards seventy years old.'<sup>3</sup> Lord Marchmont married, on 29 January 1660, Grisell, daughter of Sir Thomas Ker of Cavers and Grizell Halket his wife. Having shared with him the vicissitudes of fortune for forty-three years, she died at Edinburgh, whither she had been removed for treatment on 11 October 1703. In her Bible, which Lord Marchmont gave to his daughter Grisell, he thus described her: '. . . She had been happy of a religious and virtuous education by the care of virtuous and religious parents. She was of a middle stature,

<sup>1</sup> Letter printed in *Marchmont and the Humes of Polwarth*, 58.

<sup>2</sup> Anecdotes of the family of Marchmont, *Ibid.* <sup>3</sup> Macky's *Memoirs*.

of a plump, full body, a clear ruddy complexion, a grave majestic countenance, a composed steady and mild spirit, of a most firm and equal mind, never elevated by prosperity nor debased nor daunted by adversity, etc.’<sup>1</sup> The issue of the marriage was seventeen children, of whom many died young. The following alone grew up:—

1. *Patrick*, afterwards Lord Polwarth, born 11 November 1664. He entered the Army, doing his first service in the Prince of Orange’s Guard while his father’s family was residing in Holland, and accompanied that Prince as William III. on his coming to England. He subsequently attained the rank of colonel in the Queen’s Dragoons on 28 April 1707, which command he disposed of shortly before his death. It is supposed that he was infected with consumption from his first wife, from the date of whose death he gradually declined in health, and died at Kelso on 25 November 1709. He married, first, 2 December 1697, Elizabeth, daughter of Sir John Hume of Castle Hume in Ireland, who died four years after her marriage, in December 1701, of consumption said to have been contracted from the effects of an immersion in the sea, when overtaken by the tide while sitting on a rock near Dunglas. He married, secondly, in April 1703, Jean, eldest daughter of Charles, sixth Earl of Home, commonly known as ‘Bonnie Jean o’ the Hirsell,’ and apparently commemorated in a ballad, some verses of which were recovered by Lady John Scott.<sup>2</sup> He left no issue by either marriage.
2. *Robert*, born 10 July 1669, died unmarried 24 June 1692.
3. ALEXANDER, subsequently Earl of Marchmont.
4. *Andrew*, born 19 July 1676, advocate 29 July 1696, appointed a Lord of Session as Lord Kimmerghame, 25 November 1714, and died 16 March 1730. He married, in 1700, Elizabeth, daughter of John Douglas of Newcastle.

<sup>1</sup> Quoted in *Marchmont and the Humes of Polwarth*. <sup>2</sup> *Ibid.*, 62.

widow of Sir William Douglas of Cavers, and had issue :—

- (1) *John*, born in 1711. He was killed in an affray at Rosecrea in Ireland on 28 September 1738,<sup>1</sup> and left no issue, having married, in 1734, Margaret, daughter of William Drummond of Grange, who obtained a decree of separation and aliment against him on 9 November 1736. She was married, secondly, to Alexander Hepburn in 1741, and died at Bath on 17 August 1781.
- (2) *Patrick* died before 1732.
- (3) *Elizabeth*, married to G. St. Clair, and had issue.
- (4) *Helen*, married, 1734, to Andrew Wauchope of Niddrie, and had issue.

5. *Grisell*, born 24 December 1665, married in 1690 to George Baillie of Jerviswoode, who had also been an exile in Holland, and whose father had been brought to the scaffold for alleged complicity in the Ryehouse Plot. She was the authoress of several Scottish songs, of which only two appear to have been perpetuated in print, viz. 'Werena my heart licht I wad dee,' and 'O, the ewe buchtin's bonnie.' Her *Memoirs* were written by her daughter, Lady Murray of Stanhope. She died in 1746, leaving issue.
6. *Christian*, born 7 May 1668, died unmarried in Holland 1688.
7. *Julian*, born 16 August 1673, married, in 1698, to Charles Bellingham, a man of neither fortune nor position, with whom she eloped.
8. *Anne*, born 4 November 1677, married, in 1698, to Sir James Hall of Dunglass, Bart., and died in 1699.
9. *Jean*, born 22 March 1683, married, in 1703, to James, seventh Lord Torphichen, and died at Edinburgh 10 December 1751,<sup>2</sup> leaving issue.

II. ALEXANDER, second Earl of Marchmont, was born on 1 January 1675. During his father's exile in Holland, he spent between two and three years at the University of Utrecht, studying law for the profession he was designed to follow, a study which he continued in Edinburgh after his family's return to Scotland. He was admitted as advocate 28 July 1696, and in the same year he was knighted by

<sup>1</sup> *Caledonian Mercury*, 20 October 1738. <sup>2</sup> *Scots Mag.*

the Duke of Queensberry, the King's Commissioner in Scotland. On 7 November 1704 he was elevated to the Scottish Bench as Lord Cessnock, a title previously borne by Sir George Campbell. He actively interested himself in politics, and sat in the Scottish Parliament before the Union, first for Kirkwall, 1698-1702, afterwards for Berwickshire, 1706-7. With his father he zealously promoted the Union, and took an active part in the work of the sub-committee to which the Articles of Union were referred. His elevation to the bench was followed by the appointments of Privy Councillor and Lord of Exchequer. By the death of his elder brother in 1709 he succeeded to the courtesy title of Lord Polwarth. On the occasion of a visit to Spa in 1712 for the purpose of drinking the waters, he made his way to Hanover, and cultivated relations with the Electoral Court, with which he subsequently carried on a correspondence. For his zealous support of the Hanoverian interests he was, in 1715, rewarded with the post of Lord-Lieutenant of Berwickshire, in which capacity he raised two troops of horse and two battalions of foot to aid in the suppression of Lord Mar's rebellion. In 1714 he resigned his judgeship in the Court of Session, and was succeeded by his brother Sir Andrew. In 1715 he was appointed Minister Plenipotentiary and Envoy Extraordinary to the Court of Prussia, but at the last moment was sent as Ambassador to the Court of Denmark. Though serving in a different sphere, his connection with the legal circles which he had quitted was maintained by his appointment as Lord Clerk Register in December 1716. He remained at Copenhagen till the spring of 1721, and in 1722 was nominated to the important post of First Ambassador for England at the Congress to be held at Cambray. Here he remained till the Congress was dissolved in 1725, when he returned home. In 1724 he had succeeded to the title, in 1725 he was made a Knight of the Thistle, and in 1726 a Privy Councillor. Henceforth interesting himself in politics, he strenuously opposed Sir Robert Walpole, especially in his treatment of Scotland, and in 1733 was deprived of all his offices.<sup>1</sup> He justly repudiated the theory that the sixteen Representative Peers of Scotland should be the nominees of the

<sup>1</sup> *Marchmont and the Humes of Polwarth.*

minister instead of being freely elected, and to expose the corruption and intimidation employed in the Peers' election of 1734, he joined the Dukes of Hamilton, Queensberry, and Montrose, and many others of the Scottish nobility, in a petition to the Crown. He likewise disapproved strongly of the way in which the minister fanned the quarrels between George II. and Frederick, Prince of Wales, and in 1737 drew up a memorandum in relation thereto.<sup>1</sup>

He died at Redbraes on 27 February 1740, having married, 29 July 1697, Margaret, second daughter of Sir George Campbell of Cessnock, Lord Justice-Clerk, through whom, on the death of her father in 1704, he succeeded to considerable estates in Ayrshire, and whose name his children took in addition to their own. By his wife, who predeceased him in March 1722, he had the following issue:—

1. *George*, Lord Polwarth, born 17 January 1704, died unmarried at Montpellier on 13 October 1724.

2. *Patrick*, born 1706, died unmarried in 1724.

3. HUGH, third Earl, of whom hereafter.

4. *Alexander Hume Campbell*, born 15 February 1708.

He was admitted an advocate 7 January 1729, and was M.P. for Berwickshire from 1734 till his death. He was appointed, 1741, Solicitor to the Prince of Wales, and, 27 January 1756, Lord Clerk Register for life. He married, 16 July 1737, Elizabeth Pettis, of London, and died, without issue, 19 July 1760. She died 6 September 1770.<sup>2</sup>

5. *Anne*, born in 1698, married to Sir William Purves of Purveshall, Bart., and died on 2 April 1784, leaving issue:—

*Sir Alexander*, married, 23 August 1766, Catherine Le Blanc, who died 12 February 1772, and had issue,

*Sir William*, who under the settlement of Hugh, third Earl of Marchmont, succeeded to that nobleman's estates.

6. *Grisell*, born 9 March 1701; died, unmarried, 1724.

7. *Jean*, born 1710; married to James Nimmo, Receiver-General of Excise in Scotland, and died, without issue, on 10 October 1770.

8. *Margaret*, born 29 May 1711;<sup>3</sup> died, unmarried, in 1724.

<sup>1</sup> Marchmont Papers.

<sup>2</sup> Musgrave's *Obits.*

<sup>3</sup> Canongate Reg.

III. HUGH, third Earl of Marchmont, was born on 15 February 1708, being twin brother to Alexander. He entered Parliament in 1734 as representative of Berwick-upon-Tweed, and forthwith, along with his brother, set himself to avenge on Walpole the indignity offered to his father, whom that minister had thrust out of public life. He early won a splendid reputation, and it was said of him that 'he was distinguished for learning, for brilliancy of genius, and for parliamentary experience.' He was an intimate friend of Alexander Pope, who appointed him one of his executors, a post he likewise filled to Sarah, Duchess of Marlborough, who had been a warm and consistent friend of his father, and who left him a legacy of £2500. His removal from the House of Commons on his succession to the title was esteemed a great blow to the Tory party, into whose ranks he had been driven by his inherited animosity to Walpole, and caused Pope to write concerning him, 'If God had not given this nation to perdition he would not have removed from its services the men whose capacity and integrity alone could have saved it.'<sup>1</sup> On the abolition of heritable jurisdictions he was allowed £300 for the regality of Marchmont.<sup>2</sup> In 1747 he was appointed First Lord of Police, and in 1750 elected one of the sixteen Representative Peers, and from that date till 1784 he sat continuously in the Upper House. In 1764 he was made Lord Keeper of the Great Seal of Scotland.

On the birth of his heir in 1750 he commenced the erection of the present house of Marchmont, which took ten years to complete. He considerably increased the extent of his property by the purchase of Home Castle and its surrounding lands, and also of various farms lying nearer the Tweed. This he was enabled to do by the sale of his mother's estates of Cessnock.<sup>3</sup>

He died at Hemel Hempstead, where he spent the closing years of his life, in January 1794. To Mr. George Rose, afterwards a Secretary of State, he bequeathed, as his sole executor, all his personality, comprising his family papers and his magnificent library at Hemel Hempstead. A selection from these papers was published in 1831 by Sir George

<sup>1</sup> Marchmont Papers. <sup>2</sup> Treasury Money Book, Public Record Office.

<sup>3</sup> *Marchmont and the Humes of Polwarth.*



Henry Rose, Mr. Rose's son, who in his Preface thus describes Lord Marchmont in his later years: 'He was an accomplished and scientific horseman and a theoretical and practical husbandman and gardener. He pursued his rides and his visits to the farm and garden as long as his strength would suffice for the exertion, and some hours of the forenoon, and frequently of the evening, were devoted to his books. . . . His vigorous intellects possessed their strength and acuteness undiminished by years; and the high and honourable feelings, which were so warmly eulogised by his distinguished friends in his youth, retained all their keenness to the last.' By the final settlement of his estates, executed 5 November 1790, he called to the succession, failing heirs-male of his own body, first, the heirs, male or female, of the body of Lady Diana Scott, his daughter, except those procreated between her and her then husband, whom failing, any other daughters of his body, and the heirs-male of their bodies; second, the heirs-male of the body of Sir Alexander Purves, Bart., the son of his sister Lady Anne; third, Charles, Lord Sinclair, and Matthew St. Clair his brother, grandsons of Elizabeth Hume, daughter of Lord Kimmerghame, and the heirs-male of their bodies; fourth, Andrew, William, and John Wauchope, children of Helen Hume, also daughter of Lord Kimmerghame, and the heirs-male of their bodies; fifth, Thomas, seventh Earl of Haddington, and his brothers, grandchildren of Lady Grisell Hume, daughter of Patrick, first Earl of Marchmont, and the heirs-male of their bodies; whom failing, a series of heirs descended from the other daughters of the first Earl.

He married, first, in May 1731, Anne, daughter of Sir Thomas Western, who died at Redbraes in 1747. By her he had issue:—

1. *Patrick*, Lord Polwarth, died in childhood.
2. *Anne*, married, at Marchmont, 23 October 1755, to Sir John Paterson of Eccles, and died 27 July 1790, leaving issue.
3. *Margaret*, married, on 20 September 1763, to Major-General James Stuart, third son of Archibald Stuart of Torrence, and died *s.p.*, at Edinburgh, 7 January 1765.

4. *Diana*, born in 1733; married, 18 April 1754, to Walter Scott of Harden; and died on 23 July 1827, leaving a son *Hugh*, born 10 September 1758. The political views of Mr. Scott were opposed to those of Lord Marchmont, and by allowing his son Hugh, who had just come of age, to be nominated as a candidate for the county of Berwick in 1780, in opposition to Sir John Paterson, Lord Marchmont's other son-in-law and special nominee, he gave serious offence, never forgotten or forgiven. Mr. Scott was successful, but bought his victory dearly, for though, on the death of Lord Polwarth in 1781 he would naturally have been the heir of his grandfather, Lord Marchmont refused ever to see him or have anything to do with Lady Diana, cutting them both completely out of his inheritance. Mr. Hugh Scott successfully established his claim to the title of Baron Polwarth in 1835, and died in 1841. (*See title Polwarth.*)

Lord Marchmont married, secondly, 30 January 1748, within a year of his first wife's death, Elizabeth, daughter of Windmill Crompton, a linendraper in Cheapside, a woman of great beauty, to whom he proposed the day after seeing her for the first time in a box at the theatre.<sup>1</sup> By her, who died in 1797, he had issue one son:—

*Alexander*, Lord Polwarth, born 30 July 1750. In 1776 he was created a peer of Great Britain by the title of BARON HUME of Berwick. He died without issue at Wrest, in Bedfordshire, on 9 March 1781.

<sup>1</sup> David Hume, writing to Mr. Oswald of Dunnikier, London, 29 January 1748, says: 'Lord Marchmont has had the most extraordinary adventure in the world. About three weeks ago he was at the play, where he espied in one of the boxes a fair virgin, whose looks, airs, and manners had such a powerful and undisguised effect on him, as was visible by every bystander. His raptures were so undisguised, his looks so expressive of passion, his inquiries so earnest, that every person took notice of it. He soon was told that her name was Crompton, a linendraper's daughter, that had been bankrupt last year, and had not been able to pay above five shillings in the pound. The fair nymph herself was about sixteen or seventeen, and being supported by some relations, appeared in every public place, and had fatigued every eye but that of his Lordship, which being entirely employed in the severer studies, had never till that fatal moment opened upon her charms. . . . He wrote next morning to her father, desiring to visit his daughter on honourable terms; and in a few days she will be the Countess of Marchmont. All this is certainly true,' etc.—Oswald's *Correspondence*.

He married, 16 July 1772, Lady Annabella Yorke, born 22 February 1751, eldest daughter of Philip, second Earl of Hardwicke, by Jemima, Marchioness de Grey, and Baroness Lucas of Crudwell, granddaughter of Henry, Duke of Kent. His widow never married again, but, as Countess de Grey, which she was created in 1816, survived her husband forty-nine years.

On the death of Hugh, third and last Earl of Marchmont, the male descendants of the first Earl became extinct, and a right to the earldom was thereupon asserted by Alexander Home, a lieutenant in the Royal Navy, as nearest collateral heir-male to the grantee descended from George Hume of Wedderburn, brother of Patrick, first of Polwarth, and thus claiming to be male representative of the eldest branch of the Humes of Wedderburn. After the death of the original claimant in 1823 the case was taken up by his eldest son Francis Douglas, a captain in the Army. Proceedings continued intermittently until 1842, when the fifth and last case was presented for the claimant, whereupon Sir Hugh Hume Campbell, Bart., proprietor of the Marchmont estates by virtue of an entail made by the last Earl of Marchmont, also lodged a case by reason that the claimants had asserted their right to certain of the entailed estates as collateral heirs-male of the said Earl. No inconsiderable amount of evidence was produced to show that the claimants had failed to account for numerous male issue of the family of Polwarth, whose descendants, if alive, would have prior right to the dignities, and also to demonstrate that descendants of an older branch of the House of Wedderburn were not proved to be extinguished. The case of the claimant was in consequence not sustained.

CREATIONS.—26 December 1690, Lord Polwarth; 23 April 1697, Earl of Marchmont, Viscount Blasonberrie, Lord Polwarth of Polwarth, Redbraes and Greinlaw.

ARMS (recorded in Lyon Register).—Quarterly: 1st and 4th grand quarters counterquartered, 1st and 4th, vert, a lion rampant argent, for *Home*; 2nd and 3rd, argent, three

papingoes vert, for *Pepdie*: 2nd grand quarter counter-quartered, 1st and 4th, argent, three piles engrailed gules issuing from the chief, for *Polwarth*; 2nd and 3rd gyronny of eight or and sable, for *Campbell of Cessnock*: 3rd grand quarter counterquartered, 1st and 4th, argent, a cross engrailed sable, for *Sinclair*; 2nd and 3rd, gyronny of eight ermine and gules, for *Campbell of Loudon*. Over all in the centre an escutcheon argent, charged with an orange proper stalked and slipped vert, ensigned with an imperial crown as a coat of augmentation.

CREST.—A hand issuing out of a heart holding a scimitar proper.

SUPPORTERS.—Two lions regardant argent, armed and langued gules.

MOTTO.—*Fides probata coronat.*

[A. O. C.]

## KEITH, EARL MARISCHAL



AS a surname Keith is evidently derived from the lands of that name in East Lothian, which were early acquired by the family who afterwards took the name; with whom also the office of marischal, or farrier, to the Kings of Scotland became hereditary.<sup>1</sup> The first clearly authenticated ancestor of the family is:—

HERVEUS or HERVEY, called also *Herbert*, who is said to have obtained

from David I. a grant of the north-west portion of the lands of Keith, in the parish of Humbie, in East Lothian.<sup>2</sup> From its owner it was called first Keith-Hervey, and after-

<sup>1</sup> As in the case of some other Scottish families, a mythical account of the ancestry of the Keiths has been given in more or less detail by several of the older Scottish historians, and is reproduced in the family histories. But as it is of altogether legendary character, and unsupported by historical evidence of any description, it need not be introduced here. It may be added that one of the earliest notices of the name of Keith in Scotland appears to be in connection with an artificial island in Loch Lomond, called *Elan-na-Foin*, said to have been constructed by Keth MacFadoill, Keith, son of Dollius, who lived in the fifth century. And upon a point of land near the island are the ruins of an ancient building called *Castle-na-fean*, or the Giant's Castle, reputed to have been built by the constructor of the island (*The Lennox*, i. 70). But nothing further seems to be known of this Keith, and he cannot be connected, except by name, with the Keith family here treated of. <sup>2</sup> Hervey Keith, however, is not found as a witness to any charter of King David I. The 'Hervi, son of Warin,' who witnesses the Annandale charter of 1124 (*Nat. mss. of Scotland*, i. No. xix.) is not certainly the same.

wards Keith-Marischal.<sup>1</sup> About the same time as the acquisition by Hervey of this part of the lands of Keith, the south-east portion of the same manor came into the possession of Simon Fraser, was from him named Keith-Simon, and was afterwards known as Keith-Hundebey. About the year 1160 Simon Fraser granted the church of Keith to the monks of Kelso,<sup>2</sup> and the grant was confirmed by Malcolm IV. between 1160 and 1165,<sup>3</sup> and by William the Lion between 1165 and 1214.<sup>4</sup> As this church stood within the limits of Keith-Simon, Hervey seems to have erected a chapel on his manor of Keith-Hervey, and to have settled a yearly tribute from his lands on the mother church of Kelso. It was probably this Hervey who held the office of King's Marischal under Malcolm IV. and William the Lion, and who had a long controversy with the monks of Kelso about the amount of the tribute for his chapel of Keith-Hervey. The contest was settled by Joceline, Bishop of Glasgow, and Osbert, Prior of Paisley, acting as the Pope's delegates, who, in a decret of about the year 1176, decided that the monks should receive twenty shillings annually from the chapel and manor of Keith-Hervey.<sup>5</sup> In the writ recording this decision Hervey is described as *Marischal of the King of Scotland*. He witnessed several charters of William the Lion between 1178 and 1199,<sup>6</sup> and is said to have died before 1196.<sup>7</sup> He is said to have married Margaret, daughter of William of Douglas,<sup>8</sup> but this seems very doubtful.<sup>9</sup> He had a son,

MALCOLM, who, in 1178 witnessed a grant to the monks of Arbroath,<sup>10</sup> where he is designed the 'son of Herveus,' and as 'Malcolmus de Keth' he witnessed in 1185 a charter to the monks of Kelso,<sup>11</sup> several others about 1190,<sup>12</sup> another between 1190 and 1203,<sup>13</sup> and another about 1220.<sup>14</sup> In none of them, however, is he designed 'Marischal.' He left two sons:—

1. PHILIP, who succeeded as heir to his grandfather Hervey, and

<sup>1</sup> Chalmers's *Caledonia*, ii. 532. <sup>2</sup> *Liber de Calchou*, i. 62, 72. <sup>3</sup> *Ibid.*, i. 68. <sup>4</sup> *Ibid.* <sup>5</sup> *Ibid.*, 70, 71. <sup>6</sup> *Cart. de Aberbrothoc*, i. 1, 17, 19, 23, 24, 26. <sup>7</sup> *Caledonia*, i. 518. <sup>8</sup> Nisbet's *Heraldry*, App. 3. <sup>9</sup> Cf. vol. iii. of this work, p. 135. <sup>10</sup> *Cart. de Aberbrothoc*, i. 9. <sup>11</sup> *Liber de Calchou*, i. 114. <sup>12</sup> *Ibid.*, i. 122, 123, 125, 128, 146, 207, 213, 217. <sup>13</sup> *Ibid.*, i. 206. <sup>14</sup> *Ibid.*, ii. 292.

2. *David*, who held the office of Marischal conjointly with his brother Philip and his nephew Hervey.<sup>1</sup> He is likewise mentioned as joint Marischal with his nephew,<sup>2</sup> the latter also appearing alone in that capacity as witness to a charter of Alexander II. in 1225.<sup>3</sup> They were associated together in the same office at York on 15 June 1220, at the marriage of Alexander II. to Princess Joan of England,<sup>4</sup> and about the year 1226 they together witnessed in this capacity a charter of Alexander II. to the monks of Melrose,<sup>5</sup> and another some ten years later to the monastery of Paisley.<sup>6</sup> As 'Marischal' David witnessed many grants by William the Lion,<sup>7</sup> in one of which<sup>8</sup> he is styled 'King's Marischal,' and by Alexander II.,<sup>9</sup> and he, with a David 'marischal' and a Gilbert 'marischal,' was present when the treaty of peace was signed at York in 1237.<sup>10</sup> He left a son,

*David*, whose name does not appear among the 'Magnates Scotiæ' who engaged in 1284 to maintain the right of the Princess Margaret to the Crown,<sup>11</sup> but as David 'le Marescal' he was at Brigham in 1289, and with other magnates wrote to the King of England assenting to the marriage of the young Queen of Scotland with Prince Edward of England,<sup>12</sup> and he was one of the barons in the Parliament held there in March 1290.<sup>13</sup> In 1296 David the Marischal presented a petition to Edward I. in Parliament, stating that as the King had given him all his heritage in Scotland, he also claims his right to this office from his ancestors by descent, and praying that no person might be preferred to him without the judgment of his peers.<sup>14</sup> The petition was referred by King Edward to his Lieutenant in Scotland to inquire whether the marischalship belonged to David in heritage.<sup>15</sup> Chalmers states that the allusion of the petition was plainly to *Robert de Keth*, who had been recognised by John Balliol in 1294 as his Marischal, and considers it probable that David's claim was allowed.<sup>16</sup> The date of his death is not known. He had a son,

*Richard*, who was taken prisoner fighting against the English in 1296, and carried captive into England.<sup>17</sup>

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<sup>1</sup> *Acta Parl. Scot.*, i. 389; *Dal. Coll.*, Pref. 77, and 393; *Caledonia*, i. 518 note; *Cart. Glasgow*, i. 79. <sup>2</sup> *Acta Parl. Scot.*, i. 88; *Cart. de Aberbrothoc*, i. 74. <sup>3</sup> *Cart. Glasgow*, i. 116. <sup>4</sup> Rymer's *Fœdera*, i. i. 81. <sup>5</sup> *Liber de Melros*, i. 161, 228. <sup>6</sup> *Reg. de Passelet* (anno 1236), 428. <sup>7</sup> *Liber de Melros*. <sup>8</sup> *Ibid.*, 16. <sup>9</sup> *Ibid.* and *Reg. Epis. Glasguensis*. <sup>10</sup> *Fœdera*, i. i. 131; and cf. *Caledonia*, i. 520 note. <sup>11</sup> *Fœdera*, i. ii. 228. <sup>12</sup> *Acta Parl. Scot.*, i. 441; *Nat. Mss. of Scotland*, iii. No. 1. <sup>13</sup> *Fœdera*, i. iii. 66. <sup>14</sup> *Cal. Doc. Scot.*, ii. No. 864. <sup>15</sup> *Ibid.* <sup>16</sup> *Caledonia*, i. 521, note *infra*. <sup>17</sup> *Fœdera*, i. iii. 164.

After his release he presented a petition to Edward I. as 'Richard le Marischal,' praying that the King would confirm a gift of forty pounds of land from his father David, the Marischal, which was granted.<sup>1</sup> His wife Agnes made a similar petition in September 1296.<sup>2</sup> This family, having taken part against Bruce, was apparently involved in forfeiture and ruin during the War of Independence.<sup>3</sup>

PHILIP DE KETH succeeded as heir to his grandfather Hervey, and as 'Marischal' witnessed a charter of William the Lion to the monks of Arbroath between 1189 and 1199,<sup>4</sup> and a number of other charters by that King up to the last year of his reign.<sup>5</sup> He is said to have married Eda, daughter and heiress of Hugh Lorens, who had inherited through her mother Eda, daughter and heiress of Symon Fraser, the south-east portion of the lands of Keith, called Keith-Symon or Keith Hundebey.<sup>6</sup> The whole manor of Keith thus became united in her husband's family. He is said to have died before the year 1225,<sup>7</sup> and was succeeded by his son,

HERVEY DE KETH, with whom was associated in the office of Marischal his uncle David, as mentioned above.<sup>8</sup> About the year 1230 he confirmed to the monks of Kelso the church of Keith with its pertinents, as granted by Symon Fraser,<sup>9</sup> and this he renewed in similar terms about 1236,<sup>10</sup> when the two deeds were ratified by Alexander II.<sup>11</sup> He witnessed a donation to the monastery of Coldingham in 1222,<sup>12</sup> and between 1214 and 1218 he witnessed another to the monastery of Arbroath.<sup>13</sup>

The name of his wife has not been ascertained. He died before the year 1250, and was succeeded by his son,

SIR JOHN DE KEITH, who, about the date mentioned was

<sup>1</sup> *Cal. Doc. Scot.*, ii. No. 1890. <sup>2</sup> *Stevenson's Hist. Doc.*, ii. 93. <sup>3</sup> *Prynne*, iii. 654; *Robertson's Index*, 13 and 59. Chalmers states that upwards of twenty persons of the name of Marischal swore fealty to Edward I. in 1296, and only one named Keth, viz. Alexander de Keth, parson of Hoddom in Dumfriesshire (*Caledonia*, i. 521). <sup>4</sup> *Cart. de Aberbrothoc*, i. 58. <sup>5</sup> *Reg. de Dunfermlyn*, 31; *Cart. of Cambuskenneth*, 93. In the latter, dated circa 1200, he is designed by the King 'Marescallus meus.' <sup>6</sup> *Liber de Calchou*, i. 62, 63, 64, 66; *Caledonia*, i. 518; *Frasers of Philorth*, i. 12. <sup>7</sup> Family Papers *penes* Sir Patrick Keith-Murray, Bart., afterwards referred to as 'Sir P. K.-M. Papers.' <sup>8</sup> *Supra*, p. 27. <sup>9</sup> *Liber de Calchou*, i. 67. <sup>10</sup> *Ibid.* <sup>11</sup> *Ibid.*, i. 69. <sup>12</sup> *Cart. of Coldingham*, 29. <sup>13</sup> *Cart. de Aberbrothoc*, i. 74.



in possession of both the lands and office.<sup>1</sup> Between the years 1198 and 1234 his name appears as witness to a grant to the Hospital of Soltre.<sup>2</sup> He confirmed to the monks of Kelso the grants of his predecessors, with the addition of some lands within the manor of Keith,<sup>3</sup> and about the year 1250 he confirmed to the Hospital of Soltre some lands in the district of Johnston, near Keith.<sup>4</sup>

He died before the year 1270. He is said to have married Margaret Cumyn, who may have been daughter of William, Earl of Buchan, and had issue :—

1. WILLIAM, who succeeded.
2. *Adam*, mentioned, between 1296 and 1324, as rector of the church of Keith-Marischal.<sup>5</sup>
3. *Another son (Robert?)*, ancestor of the Keiths of Galston in Ayrshire. He had a son, *Sir William Keith* of Galston,<sup>6</sup> who repulsed the English at Berwick in 1318. He accompanied Sir James Douglas in his expedition to Palestine in 1330 with the heart of King Robert the Bruce, which he (Sir William) brought back to Scotland from Spain, and which was buried at Melrose in 1331.<sup>7</sup> He commanded at Berwick in 1333. He was ambassador to England in 1335, and was killed at the siege of Stirling in 1336. He left an only daughter, *Janet*, who was married, first, to David Hamilton of Cadzow, who died before 1392, and secondly, to Sir Alexander Stewart of Darnley.<sup>8</sup>

It may have been another son of Sir John de Keth who married Joanna, eldest daughter of William of Galbrathe (son of Sir William Galbrathe by a daughter of Sir John Cumyn of Badenoch). She was heiress of Dalserf, and died in 1301. They had issue *Bernard de Cathe* or *Keth* (a Sir Bernard de Keth appears in 1307, attached to the English interest).<sup>9</sup>

SIR WILLIAM DE KEITH witnessed in 1270 a charter of confirmation of a donation to the monastery of Paisley.<sup>10</sup> He

<sup>1</sup> *Liber de Calchou*, i. 66. <sup>2</sup> *Cart. of Soltre*, 11. <sup>3</sup> *Liber de Calchou*, i. 66. <sup>4</sup> *Cart. of Soltre*, 31; *Caledonia*, i. 519 note. <sup>5</sup> *Cart. of Soltre*, 41. <sup>6</sup> *Antiq. of Aberdeen*, iv. 713. <sup>7</sup> *Dunbar's Scottish Kings*, 147. <sup>8</sup> Cf. vol. iv. 345; *Reg. Mag. Sig.*, folio vol. 237. <sup>9</sup> Cf. vol. iii. 138 and note; *Cal. Doc. Scot.*, ii. Pref. lvi, and No. 1420; *Douglas Book*, i. 67. <sup>10</sup> *Cart. of Levenax*, 33.

is here designed simply 'dom. Willielmus Keth, miles,' and it seems doubtful whether he ever held the office of Marischal. The author of *Caledonia* states that William succeeded as heir to his father John, but that the former 'appears not in history and little in the charters.'<sup>1</sup> He died before 1293.

He is said to have married Barbara, a daughter of Adam de Seton, ancestor of the Earls of Winton,<sup>2</sup> called also daughter of Adam, Lord of Seton.<sup>3</sup> By her<sup>4</sup> he left issue:—

1. SIR ROBERT, who succeeded.
2. *Sir Richard*, who died *s.p.*<sup>5</sup>
3. *Sir Edward*, who succeeded his elder brother Robert as Marischal of Scotland.<sup>6</sup>
4. *Philip*, rector of Biggar, in Lanarkshire.<sup>7</sup>
5. — a daughter, said to have been married to William Douglas, 'le Hardi,' but of this there seems to be no proof.<sup>8</sup>

SIR ROBERT DE KEITH, the eldest son, succeeded his father in the lands and office of Marischal of Scotland, and in the year 1294 he obtained from John Baliol a charter of confirmation of the lands of Keith and others in East Lothian, in which he is designed 'our Marischal.'<sup>9</sup> He, as 'marescallus Scotiæ,' confirmed the lands of Johnston and others to the monastery of Soltre by a charter to which Sir Richard de Keth, Sir Philip de Keth, rector of the church of Biggar, his brother, Sir Adam de Keth, rector of Keith-Marischal, his uncle, and John de Keth, his son and heir, are witnesses, about the year 1290.<sup>10</sup> Between that date and the year 1300 he granted to the monks of Kelso the right to build a mill on his lands of Keith-Hundeby.<sup>11</sup> In August 1299 he was appointed Warden of the Forest of Selkirk, which post he held until the year 1300, when he was

<sup>1</sup> *Caledonia*, i. 519. <sup>2</sup> *Ibid.* <sup>3</sup> Sir P. K.-M. Papers. <sup>4</sup> Prynne, iii. 657. <sup>5</sup> Douglas's *Peerage*. <sup>6</sup> *Acta Parl. Scot.*, i. 122. <sup>7</sup> *Cart. of Soltre*, 41. <sup>8</sup> *Douglas Book*, i. 102, 103. Between 1295 and 1325 an *Alexander Keith* appears as a beloved and faithful servant of Robert Bruce, Earl of Carrick and King of Scotland, who granted to him the lands of Longforgund. There is no indication of his parentage. He had a daughter *Agnes* married to William Avenel (*Fourteenth Rep. Hist. MSS. Com.*, App. iii. pp. 174, 177-179). <sup>9</sup> *Dal. Coll.*, Pref. lxxxvi; Mylne's *ms. Coll.* <sup>10</sup> *Cart. of Soltre*, 41. <sup>11</sup> *Liber de Calchou*, i. 73.

captured by the English and cast into prison at Carlisle,<sup>1</sup> whence he was transferred to Nottingham and Bristol.<sup>2</sup> On February 1303-4 he received notification of peace by royal messenger.<sup>3</sup> He was liberated the same year, and dined with the Prince of Wales at Perth in February 1304.<sup>4</sup> In 1304 he held the office of Sheriff of Aberdeen.<sup>5</sup> In 1305 he was chosen one of the ten Scotsmen to represent Scotland in the English Parliament,<sup>6</sup> and in that year he attended the Parliament held by Edward I. at Westminster.<sup>7</sup> On 26 October 1305 he was appointed by King Edward one of the four Deputy Wardens of Scotland,<sup>8</sup> and in the same year he obtained the office of Justiciar of the country between the Forth and the Mounth, at a salary of 40 merks yearly.<sup>9</sup> In July 1307 he was still in the service of the King of England.<sup>10</sup> In September of that year he was ordered to aid against Bruce,<sup>11</sup> but at Christmas 1308 he joined the cause of King Robert,<sup>12</sup> and remained faithful to him during the remainder of his life.

He did not therefore join Bruce until after the success of the King's arms at the battle of Inverurie, in May 1308,<sup>13</sup> but in the year 1309 he received from him a grant of the forest of Kintore in the Garioch and the lands of Alnedan (now Aden) and Auchtidonald in Buchan.<sup>14</sup> In the same year he was appointed Justiciar from the Forth to the Orkneys.<sup>15</sup> His forfeited barony of Keith had been given by the King of England to Robert Hastang in 1311.<sup>16</sup> He had command of the Scottish cavalry at the battle of Bannockburn, and by attacking the English bowmen in flank he caused the panic in the English army which resulted in its total defeat.<sup>17</sup> In recognition of this and other services King Robert, at the Parliament held at Perth in 1320, bestowed upon him a large portion of the forfeited lands of the Comyns, Earls of Buchan, and thereafter the home of the Marischals, and the bulk of their estates, lay in the north and north-east of Scotland.

<sup>1</sup> *Cal. Doc. Scot.*, ii. 1147. <sup>2</sup> *Ibid.*, 1147, 1148. <sup>3</sup> *Ibid.*, iv. 480. <sup>4</sup> *Ibid.*, 1516. <sup>5</sup> *Reg. Epis. Aber.*, i. 40. <sup>6</sup> *Cal. Doc. Scot.*, ii. 1691. <sup>7</sup> *Acta Parl. Scot.*, i. 19. <sup>8</sup> *Fœdera*, i. iv. 42. <sup>9</sup> *Acta Parl. Scot.*, i. 120; *Cal. of Docs.*, ii. 1706. <sup>10</sup> *Cal. of Docs.*, ii. 1955. <sup>11</sup> *Ibid.*, iii. 15. <sup>12</sup> *Ibid.*, 245. <sup>13</sup> *Ibid.*, iii. Pref. xii note; *Scottish Kings*, 132; *Frasers of Philorth*, ii. 183-194. <sup>14</sup> *Robertson's Index*, 2. <sup>15</sup> See brieve of Robert the Bruce, 1312, in Lord Lindsay's Charter-chest. <sup>16</sup> *Cal. of Docs.*, iii. 258. <sup>17</sup> Barbour, c. ciii, civ, 259; *Dal. Ann.*, ii. 54.

He was one of the 'magnates Scotiæ'<sup>1</sup> who signed the Letter of Independence of Scotland to the Pope on 6 April 1320.<sup>2</sup> In 1323 he was appointed one of the commissioners to treat with England,<sup>3</sup> and on the conclusion of a truce was chosen one of the guarantors. In the year 1324 King Robert granted him a charter confirming to him and his heirs-male, whom failing, to his brother Edward and his heirs-male, both of the body, and failing said heirs, then to Robert's nearest heirs-male, his possession of the lands of Keith-Marischal, together with the office of Marschal of the Kingdom 'appertaining to the same lands,' also the lands of Keith-Symon, Calbanestoun, Alnedan, with the new forest of Innerpeffin, four davachs of land in Strathbogie and the forest of Kintore.<sup>4</sup> In 1326 he was appointed one of the royal procurators for concluding an alliance with King Charles of France.<sup>5</sup> He is said by Boece to have been killed at the battle of Dupplin in 1332,<sup>6</sup> but the contemporary historians, while they mention others of less note, are silent as to Sir Robert's death at Dupplin; and in recounting the taking of Perth, which occurred later, his grandson is neither styled 'knight' nor 'marischal.'<sup>7</sup> The balance of evidence rather supports the view that he survived the slaughter at Dupplin, and that it was he, and not his grandson of the same name, who aided the young King of Scotland to escape to France, and accompanied him there, in May 1334, and was in attendance at the Court held by the exiled King at the Chateau Gaillard in Normandy.<sup>8</sup> Taking the evidence above adduced as sufficient to establish his subsequent identity, he returned to Scotland with the King in June 1341, and on 21 February 1341-42 he witnessed a royal charter to the town of Aberdeen.<sup>9</sup> His name appears frequently as Sheriff of Aberdeen between the years 1335 and 1342,<sup>10</sup> but in the *Chamberlain Rolls* (i. 287) it is stated that 'the heirs of Robert de Keth' usurped the office of Sheriff of Aberdeen for several years prior to 1345-46, this Robert being presumably Sir Robert's grandson above referred to.

<sup>1</sup> Nat. MSS. of Scotland. <sup>2</sup> *Acta Parl. Scot.*, i. 474. <sup>3</sup> *Fœdera*, Record ed., ii. (1) 522. <sup>4</sup> *Acta Parl. Scot.*, i. 122. <sup>5</sup> *Ibid.*, Supp., 5a; Robertson's *Index*, 106. <sup>6</sup> Ed. 1858, iii. 296. <sup>7</sup> Wyntoun, ed. 1872, ii. 394; *Dict. Nat. Biog.*, xxx. 326. <sup>8</sup> *Exch. Rolls*, i. 449, 450, 466. <sup>9</sup> *Acta Parl. Scot.*, i. 514. <sup>10</sup> *Reg. Epis. Aberdeen*, i. 64, 69; *Exch. Rolls*, i. 542, 544.

Sir Robert was killed at the battle of Durham 17 October 1346.<sup>1</sup> He is said to have married Barbara Douglas,<sup>2</sup> whose parentage has not been ascertained, and by her left issue:—

1. *John*,<sup>3</sup> who predeceased him in 1324,<sup>4</sup> having married the sister and co-heir of William de Soulis,<sup>5</sup> by whom he had issue:—

(1) *Robert*, mentioned by Wyntoun as having been present at the taking of Perth in 1332.<sup>6</sup> He must have been then quite a youth, for he seems to have been under age in 1335-36, when Ralph de Neville possessed his half of the Soulis lands in Liddesdale in ward.<sup>7</sup> He seems to have been dead some years prior to 1345-46.<sup>8</sup> He is said to have married Margaret, daughter of Sir Gilbert Hay of Erroll, first Constable of Scotland,<sup>9</sup> but to have died without issue.<sup>10</sup>

(2) *Sir Edward*, and

(3) *Edmund*, who were both killed at the battle of Durham, 17 October 1346.<sup>11</sup>

(4) —, a daughter, married to Sir Robert Maitland.<sup>12</sup>

2. *Sir William*, mentioned as one of those who opposed the peace between England and Scotland in August 1335.<sup>13</sup>

SIR EDWARD DE KEITH succeeded his brother Sir Robert upon the latter's death at the battle of Durham in October 1346.<sup>14</sup> In the year 1328 he held the office of Sheriff of Selkirk.<sup>15</sup> In an inquisition, held at Aberdeen, dated 1341, before Robert de Keth, Great Marischal of Scotland, his name appears as one of the jurors.<sup>16</sup> He died before 1351.<sup>17</sup> He married, first, before July 1305, Isabella Sinton, heiress of Sinton, with whom he acquired the lands of Sinton,<sup>18</sup> and secondly, Christian, eldest daughter of Sir John Men-teith, Lord of Arran, and Ellen of Mar.<sup>19</sup> By his first wife he had issue:—

1. WILLIAM, who succeeded.

2. *John*,<sup>20</sup> who married (dispensation dated 12 March

<sup>1</sup> Dal., *Ann.*, iii. 108; Fordun, ed. 1871, *Gesta Ann.*, cap. clxv. <sup>2</sup> Nisbet's *Heraldry*, App. 4. <sup>3</sup> *Cart. of Soltre*, 41. <sup>4</sup> *Hadd. Coll.*, ii. 846. <sup>5</sup> *Cal. of Docs.*, iii. App. 320. <sup>6</sup> Ed. 1872, ii. 394. <sup>7</sup> *Cal. of Docs.*, iii. App. 320. <sup>8</sup> *Exch. Rolls*, i. 287. <sup>9</sup> Wood's *Douglas's Peerage*, ii. 187. <sup>10</sup> *Ibid.* <sup>11</sup> Dal., *Ann.*, iii. 108; Knyghton, bk. iv. *sub an.* 1346. <sup>12</sup> Robertson's *Index*, 58. <sup>13</sup> *Chron. Lanercost*, 283. <sup>14</sup> Robertson's *Index*, 61; *Frasers of Philorth*, i. 79. <sup>15</sup> *Exch. Rolls*, i. 105. <sup>16</sup> *Reg. Epis. Aberdeen*, i. 69. <sup>17</sup> Spalding *Club Misc.*, v. 248. <sup>18</sup> *Complete Peerage*, v. 224; *Cal. of Docs.*, ii. 1681. <sup>19</sup> *Antiq. of Aberdeen*, iv. 198. <sup>20</sup> *Cart. of Arbroath*, ii. 26.

1368-69) Mariota (or Mary) de Cheyne, daughter, and co-heiress with her sister Jean, wife of Nicholas de Sutherland of Duffus,<sup>1</sup> of Reginald de Cheyne of Inverugie,<sup>2</sup> by his wife Mary, eldest daughter and co-heiress of Freskin de Moravia of Duffus,<sup>3</sup> and widow of John de Douglas of Strabrock in Linlithgow,<sup>4</sup> with whom he acquired the estates of Inverugie and Strabrock, and the third part of the barony of Duffus.<sup>5</sup> They had issue, and their great-great-grandson and successor,

*Sir William Keith*, was knighted by King James iv. On 31 March 1476 he had a Great Seal charter to him and his wife of the lands of Galvail and Hythe in Banffshire.<sup>6</sup> On 6 October 1508 he got a Great Seal charter incorporating the lands of Straloch in Banffshire with the barony of Inverugie.<sup>7</sup> He died between 24 May 1521, when he assigned certain reversions to his then eldest lawful son Andrew Keith, and Martinmas of same year.<sup>8</sup> He married in his father's lifetime Janet, daughter of Sir James Dunbar of Westfield, hereditary Sheriff of Moray,<sup>9</sup> by whom he had, with other issue:—

- i. *Sir Alexander*, who died between 1512 and 1518, without issue.<sup>10</sup>
- ii. *William*, who in 1517-18 is described as son and heir of Sir William Keith.<sup>11</sup> He also predeceased his father, having married Janet, fourth daughter of Andrew, second Lord Gray, widow respectively of John Charteris of Cuthilgurdy, and after 1508 of Sir David Wemyss of that Ilk, who fell at Flodden.<sup>12</sup> William had issue two daughters, his co-heiresses, who are always mentioned as heirs of their grandfather Sir William:—
  - (i) *Margaret*, married, before 30 June 1538,<sup>13</sup> to William, fourth Earl Marischal.<sup>14</sup>
  - (ii) *Elizabeth*, married, on 19 December 1538, to William, seventh Lord Forbes. (*See that title.*) 'Janet Gray, Lady Wemyss,' mother of Elizabeth, was present at her daughter's marriage.<sup>15</sup>
- iii. *John Keith* of Ravenscraig, a younger brother of

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<sup>1</sup> R. Riddell's ms. Baronetage, Adv. Lib., iii. 195; *Cal. Papal Letters*, iv. 78. <sup>2</sup> *Reg. Epis. Aberdeen*, i. 176; *Cal. Papal Reg.*, iv. 78. <sup>3</sup> *Ibid.*  
<sup>4</sup> *Antiq. of Aberdeen*, iv. 613. <sup>5</sup> R. Riddell's ms. Baronetage, iii. 195.  
<sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> *Ibid.* <sup>8</sup> Assignment, *penes* Messrs. Dalgleish & Bell, W.S.; *Exch. Rolls*, xv. 598, 599. <sup>9</sup> *Reg. Mag. Sig.*, *ut supra.* <sup>10</sup> *Antiq. of Aberdeen*, ii. 403, 404; R. Riddell's ms. Baronetage, iii. 197. <sup>11</sup> *Lord High Treasurer's Accounts*, v. 144. <sup>12</sup> See dates and authorities in *Wemyss Book*, i. 105. <sup>13</sup> *Reg. Mag. Sig.* <sup>14</sup> See *infra.* <sup>15</sup> Protocol Book of Robert Lawson, f. 64; R. Riddell's ms. Baronetage, Adv. Lib.

Alexander, was ancestor of the family of Keith of Ludquharn.<sup>1</sup>

3. *Catherine*, married to Alexander Barclay, ancestor of Ury.<sup>2</sup>

By his second wife Sir Edward had an only child,

4. *Joneta* or *Janet*, married to Sir Thomas Erskine of Erskine, whose son claimed the earldom of Mar through her.<sup>3</sup> (*See title Mar.*)

Sir Edward died before 1351,<sup>4</sup> and was succeeded by his eldest son,

SIR WILLIAM, who, in the year 1354 is designed 'Marescallus Scotiæ,'<sup>5</sup> and in 1378-80 is described as lord of the barony of Alden (now Aden), diocese of Aberdeen.<sup>6</sup> In a charter by Donald, Earl of Lennox, to Walter Buchanan of that ilk, of date 1342-62, the lands of Drumfada and Kirkmichael in Dumbartonshire are described as having been resigned by 'dominus Willelmus de Keth.'<sup>7</sup> He was one of the commissioners to treat for the redemption of King David II. in 1357,<sup>8</sup> and was sent to England in 1358 on the King's affairs, when he had a safe-conduct for himself and sixty horsemen in his retinue.<sup>9</sup> In 1358 he witnessed a charter of David II.<sup>10</sup> In September 1364, as 'William de Keth, the King's marshal,' he witnessed the confirmation by David II. of a grant of the lands of Galchull in Banff to the Bishop of Aberdeen.<sup>11</sup> By a charter of date 1366-1407, he made an excambion of his lands of Kinmundy (now Nether Kinmundy), in the barony of Aden, for those of Pittendreich in Stirlingshire belonging to Thomas Fraser of Cornton, ancestor of the Lords Fraser.<sup>12</sup> He was present at the coronation of Robert II. at Scone in 1371,<sup>13</sup> and in 1373 he was one of the signatories to the second Act of Settlement by that King.<sup>14</sup> On 5 August 1378, he conveyed, in favour of Sir William Lindsay of the Byres and Lady Christian, his spouse, the lands of Touchfraser in Stirlingshire.<sup>15</sup> In the reign of

<sup>1</sup> R. Riddell's *Ms. Notes, ut cit.*, where, and in Douglas's *Baronage*, a fuller pedigree will be found. <sup>2</sup> *Acta Dom. Conc.*, xviii. pt. ii. 196. <sup>3</sup> *Antiq. of Aberdeen*, iv. 198. <sup>4</sup> *Spalding Club Misc.*, v. 248. <sup>5</sup> *Cart. de Aberbrothoc*, ii. 26. <sup>6</sup> *Cal. Papal Reg.*, iv. 240; *Reg. Epis. Aberdeen*, i. 124. <sup>7</sup> *The Lennox*, ii. 26. <sup>8</sup> *Rot. Scotiæ*, i. 370, 376. <sup>9</sup> *Antiq. of Aberdeen*, iv. 713; *Fœdera*, Record ed., iii. (i.) 409. <sup>10</sup> *Hadd. Coll.*, ii. <sup>11</sup> *Cal. Papal Reg.*, iv. 90. <sup>12</sup> *Antiq. of Aberdeen*, i. 404. <sup>13</sup> *Acta Parl. Scot.*, i. 546. <sup>14</sup> *Ibid.* <sup>15</sup> Precept of Sasine, Lindsay Charter-chest.

Robert III., on 8 March 1392, he, and Margaret Fraser, his wife, made an excambion of the lands of Pittendreich above-mentioned and those of Uchterutherstruther (now Crawford Priory) and Wester Markinch in Fife for the barony and castle of Dunottar in Kincardineshire, then belonging to Sir William Lindsay of the Byres, the latter reserving an annual payment of £8 from Dunottar.<sup>1</sup> The Marischal must have acquired the castle and lands of Dunottar, thenceforward the principal family seat, at or shortly before the date of his marriage. It formerly belonged to William, fifth Earl of Sutherland, who, on 30 March 1346, had a charter from King David II. of the Crag of Dunottar.<sup>2</sup> On 14 June 1395, a papal bull was issued by Pope Benedict XIII. removing the excommunication passed by the Bishop of St. Andrews against Sir William Keith, Great Marischal of Scotland, for encroaching on consecrated ground by building a tower upon the Rock of Dunottar, which had been previously occupied by the parish church.<sup>3</sup> In 1401 he got from Robert III. a charter of tailzie of the office of Marischal, barony of Keith, barony of Aden, forest of Kintore, and other lands. Sir William was still alive on 2 May 1407, when he granted a charter of the lands of Aboyne.<sup>4</sup> He died not long after, or before 1410, having married Margaret, only child and heiress of John Fraser (and granddaughter of Sir Alexander Fraser, High Chamberlain of Scotland), and Mary, sister of King Robert I.<sup>5</sup> With this lady he obtained large estates, including the forest of Cowie, which was in the Marischal's possession in 1359, Strachan and Fetteresso, and the lands of Aboyne<sup>6</sup> and Strathekin.<sup>7</sup> By her he left issue:—

1. *John*, who married Jean, youngest daughter of King Robert II., by Elizabeth Mure.<sup>8</sup> On 17 January 1373-74, he had a charter from King Robert II., on the resignation of William de Keth, Knight, Marischal of Scotland, and Margaret, his wife, 'dilecto filio nostro,'

<sup>1</sup> Robertson's *Index*, 144; Lord Lindsay's Charter-chest contains copy of this charter of excambion. <sup>2</sup> *Sutherland Book*; cf. vol. v. 392. <sup>3</sup> *Papal Reg.*; Bull preserved among the Family mss. *penes* Sir P. K.-M. <sup>4</sup> *Antiq. of Aberdeen*, ii. 35. <sup>5</sup> *Reg. Mag. Sig.*, i. No. 213; Spalding Club *Misc.*, v. 248; *Frasers of Philorth*, i. 81. <sup>6</sup> *Frasers of Philorth*, i. 81. <sup>7</sup> *Antiq. of Aberdeen*, ii. 72. <sup>8</sup> Dunbar, *Scottish Kings*, 168.



of all lands and offices belonging to his father.<sup>1</sup> He died, *v.p.*, before 27 December 1375,<sup>2</sup> leaving a son,

*Robert*, who is said to have been at the battle of Otterburn, and to have there taken prisoner with his own hand Ralph Percy, brother of Henry Hotspur, Earl of Northumberland.<sup>3</sup> It was probably he who in 1395 besieged his aunt, Lady Lindsay, in her castle of Fyvie, when she bravely held the castle until her husband's arrival. He was betrothed to Elizabeth, daughter of Sir William Graham, but died before marriage, at a date previous to 1 August 1404, when she had a dispensation to marry Walter [Stewart], Earl of Caithness.<sup>4</sup>

2. SIR ROBERT, who succeeded.
3. *Sir Alexander*, who had a charter from King Robert III. of the lands of Grandown (now Grandholm), Craibstone and others.<sup>5</sup> On 3 November 1402, he also had a charter from Isabel, Countess of Mar and Garioch, of the lands of Glendowachy and Doun,<sup>6</sup> confirmed by King Robert III. by charter dated 8 February 1403.<sup>7</sup> He is said to have been commander of the Scottish Horse at the battle of Harlaw (1411). On 2 June 1413, he witnessed a charter of his brother the Marischal, where he is designed 'miles.'<sup>8</sup> He married, between 1391 and 1403, Marjorie Stewart, widow of John Dunbar, Earl of Moray (*see that title*). He had a daughter *Christian*, who was married to Patrick Ogilvy, son and heir of Alexander de Ogilvy, Sheriff of Angus (*see title Airlie*).
4. *Muriella*, married, in terms of a papal dispensation dated 4 May 1380,<sup>9</sup> as his second wife, to Robert, Duke of Albany, Regent of Scotland, and by him had issue.
5. *Janet*, married to Philip de Arbuthnott.<sup>10</sup>
6. *Margaret*, married to Sir James de Lindsay of Crawford.<sup>11</sup> She survived her husband, who died in 1397.<sup>12</sup>
7. *Elizabeth*, married, first, to Sir Adam Gordon of Huntly (*see that title*); secondly, to Sir Nicholas Erskine of Kinnoull, who died before December 1406; and thirdly, to Thomas Somerville of Carnwath (under dispensa-

<sup>1</sup> *Reg. Mag. Sig.*, i. No. 475. <sup>2</sup> *Ibid.*, No. 500. <sup>3</sup> *Dunottar Castle*, J. Longmuir, 11. <sup>4</sup> *Regesta Vaticana*, vol. 326, f. 220. <sup>5</sup> *Reg. Mag. Sig.*, i. No. 818. <sup>6</sup> Robertson's *Index*, 141. <sup>7</sup> *Antiq. of Aberdeen*, etc., ii. 372 n. <sup>8</sup> *Reg. Mag. Sig.*, i. No. 939. <sup>9</sup> *Regesta Avenionensia*, 224, f. 391. She had previously been dispensed to marry Reginald Cheyne, 4 January 1378-79 (*ibid.*, 215, 50). <sup>10</sup> Cf. vol. i. 276. <sup>11</sup> *Ibid.*, iii. 12. <sup>12</sup> *Exch. Rolls*, iii. 415.

tion dated 2 November 1411,<sup>1</sup> they being in the third and fourth degrees of consanguinity). She succeeded her mother in some of her large estates, including Aboyne and Cluny. She died about 1436, having had issue.

8. *Christian*, had dispensation to marry John, son of John Hay of Tullibody, 1 March 1363.<sup>2</sup> Later, before 27 December 1375, she was married to Sir William Lindsay of the Byres.<sup>3</sup>

SIR ROBERT, the eldest surviving son, succeeded his father before the end of 1410.<sup>4</sup> In two charters of the year 1407, Robert de Keth, son of William the Marischal, appears as a substitute after John Stewart, Lord of Buchan, and his two brothers Andrew and Robert.<sup>5</sup> In 1375 he had a charter of confirmation from Robert II. of the forest of Cowie, the forest of the Mounth, and other lands.<sup>6</sup> In March 1406-7, Robert, Duke of Albany, confirmed two charters by his father-in-law, Sir William de Keth, Marischal of Scotland, to his son and heir Sir Robert de Keth, Lord of Troup, one of the office of Sheriff of Kincardineshire, the other of the barony of Keith, office of Marischal of Scotland, lands of Colbanyston, barony of Aldene (now Aden), and forest of Kintore in Aberdeenshire, and other lands in Banffshire.<sup>7</sup> He was one of the commissioners to treat for the liberation of King James I. in 1423-24,<sup>8</sup> and was a hostage for his ransom 28 March 1424, his estate being at this time valued at 800 merks.<sup>9</sup> On 16 June 1425, he was handed over to Sir John Langeton, Warden of the Castle of York, but on the same day leave was given him to return to Scotland until the following Martinmas.<sup>10</sup>

He was dead before 20 July 1430, when his son William witnesses as 'marescallus Scotiæ' a charter by Sir William Hay of Erroll, Constable of Scotland.<sup>11</sup> On 24 January 1446-47 King James II. issued a brieve to the Sheriffs of Aberdeen and Banff ordaining them to pay the bishops the teind penny due from the profits of Aden, Kintore, and Skene, through

<sup>1</sup> *Regesta Avenionensia*, 339, f. 549. <sup>2</sup> *Reg. Vat.*, 251, f. 372. <sup>3</sup> *Reg. Mag. Sig.*, i. No. 502; cf. vol. v. of this work, 392. <sup>4</sup> *Frasers of Philorth*, i. 81. <sup>5</sup> *Robertson's Index*, 163; *Reg. Mag. Sig.*, i. No. 893. <sup>6</sup> *Ibid.*, No. 499. <sup>7</sup> *Ibid.*, Nos. 883, 884. <sup>8</sup> *Cal. Doc. Scot.*, iv. 942. <sup>9</sup> *Ibid.*, 952. <sup>10</sup> *Ibid.*, 981, 983. <sup>11</sup> *Spalding Club Misc.*, ii. 322.

the decease of 'our cosyngc umquhile the Lord of Kethe.'<sup>1</sup> He married the heiress of Troup, whose name has not been ascertained, with whom he got that barony.<sup>2</sup> He is also, but on doubtful authority, said to have married Elizabeth, daughter of Sir David Lindsay, first Earl of Crawford.<sup>3</sup> By the first marriage he had:—

1. SIR WILLIAM, who succeeded.
2. *John*, who, on 2 June 1413, got from his father a charter of the barony of Troup,<sup>4</sup> which comprised the lands of Northfield. His descendants in the male line, known as the Keiths of Northfield, became extinct on the death *s.p.* of James Keith of Northfield in 1799.<sup>5</sup>
3. *Alexander*, mentioned in his brother's charter of Troup, 2 June 1413.<sup>6</sup>
4. *Margaret*, married to Hugh Arbutnott of Arbutnott. She died in 1419.<sup>7</sup>
5. *Elizabeth*, married to Alexander Irvine of Drum. She died in 1400.<sup>8</sup>
6. *Christian*, married to Thomas Monypenny.<sup>9</sup>
7. *Marion*, described as daughter of Sir Robert Keith, Knight, of St. Andrews diocese, in a commission for a dispensation of her marriage with Alexander de Fraser, of Moray diocese, dated 26 April 1414.<sup>10</sup> This was probably Alexander Fraser of Kinnell and Lovat. (*See title Lovat.*)

I. SIR WILLIAM KEITH, succeeded his father between 2 July 1430 and 20 May 1431.<sup>11</sup> In a charter dated 20 May 1442, he conveyed to Robert de Keth, Knight, his eldest son, whom failing, to William, John, or Alexander, brothers of the said Robert, the lands of Keith, Garvock, Dunottar, Fetteresso, Strathechin, Culpersow, Kintore, and Aden, together with the offices of Marischal of Scotland and Sheriff of Kincardine.<sup>12</sup> Between 1446 and July 1451 he was made a Lord of Parliament as LORD KEITH. The date of creation can only be approximately ascertained.

<sup>1</sup> *Reg. Epis. Aberdeen*, i. 240. <sup>2</sup> Douglas's *Peerage*. <sup>3</sup> Cf. vol. iii. 17. <sup>4</sup> *Reg. Mag. Sig.*, i. No. 939. <sup>5</sup> See *Scottish Notes and Queries*, 1st ser., vii. 177, and Table of Descents, opp. 185. <sup>6</sup> *Reg. Mag. Sig.*, 20 July 1413. <sup>7</sup> Cf. vol. i. 279. <sup>8</sup> *Antiq. of Aberdeen*, i. 207. <sup>9</sup> Robertson's *Index*, 141, 60. <sup>10</sup> *Regesta Avenionensia*, lib. 344, f. 742. <sup>11</sup> Transumpt, Ochertyre Charter-chest. <sup>12</sup> Confirmed 28 October 1444, *Reg. Mag. Sig.*

In an official report of evidence regarding a dispute between the family of Skene of Skene and that of the Marischal, held before a Court in the Cathedral of Aberdeen on 22 September 1446, he is styled Sir William Keith, Marischal.<sup>1</sup> In a series of charters granted by King James II. on 6 July 1451, he is styled Lord Keith, and appears as the latest on the list of Peers after William, Lord Hay, the Constable, who was created before 10 April 1450.<sup>2</sup> His creation therefore was then probably of recent date.<sup>3</sup> He was one of the guarantors of a treaty of peace with the English in 1457, and on 6 August of that year he witnesses the confirmation of a treaty by King James II. as Lord Keith.<sup>4</sup> Later he was raised a step in the Peerage, as in a royal charter dated 7 October of the following year (1458), he is designed 'dilectus consanguineus noster' EARL OF MARISCHAL and LORD KEITH.<sup>5</sup> He died probably before Whitsunday 1463,<sup>6</sup> and certainly before 16 March 1463-64.<sup>7</sup>

He married a lady named Mary who is usually said to have been the daughter of Sir James Hamilton of Cadzow, but there is no evidence of this, and the dates make it doubtful. On 26 April 1414, Pope Benedict XIII. issued a commission to grant dispensation for the marriage of 'William de Ketht' of St. Andrews diocese and Marjorie Fraser, daughter of Alexander Fraser, of Moray diocese.<sup>8</sup> This is probably the wife of Sir William Keith, and the daughter of Alexander Fraser of Kinnell and Lovat, who, as stated above, appears to have married about the same time Sir William's youngest sister, Marion. She was dead before August 1442.<sup>9</sup> They had issue:—

1. *Sir Robert*, in whose favour his father resigned his estates and offices in 1442.<sup>10</sup> He is said to have died *v.p.* in 1446,<sup>11</sup> and to have married Janet, daughter of Sir John Seton of that Ilk, by whom

<sup>1</sup> *Antiq. of Aberdeen*, etc., iii. 318. <sup>2</sup> *Errol Charters*. <sup>3</sup> *Acta Parl. Scot.*, ii. 57-59. <sup>4</sup> *Fœdera*, v. ii. 77. <sup>5</sup> *Reg. Mag. Sig.*, and cf. Carmichael's *Tracts*, 5 and 6. <sup>6</sup> *Exch. Rolls*, vii. 227. <sup>7</sup> See renunciation of that date cited below. <sup>8</sup> *Regesta Avenionensia*, lib. 344, f. 741. <sup>9</sup> *Reg. Mag. Sig.*, 30 October 1444. A 'ms. Genealogy of the Ogilvy Family' printed in the *Barras Book* suggests that the Earl also married a sister of Marjorie Ogilvy, Countess of Crawford (see that title and Airlie), but no evidence of the lady, or corroboration of the statement has been found. <sup>10</sup> *Supra*. <sup>11</sup> Wood's *Douglas's Peerage*, ii. 189.

he had a daughter *Janet*, married to Andrew, second Lord Gray, with issue.<sup>1</sup> There is a renunciation by Janet Keith, daughter of Sir Robert Keith, 'Marischal,' in favour of William, Earl Marischal, her uncle, of Fetteresso, Garvock, and other lands, dated 16 March 1463-64.<sup>2</sup>

2. WILLIAM, who succeeded as second Earl Marischal.
3. *John*, mentioned in a charter by his father dated 20 May 1442.<sup>3</sup>
4. *Alexander*, mentioned in the same charter with his elder brother *John*.<sup>4</sup>
5. *Janet*, married, first, to John Leslie, Master of Rothes; secondly, to Thomas, second Lord Innermeath.<sup>5</sup>
6. *Egidia*, married to James, second Lord Forbes. She survived him, and was still a widow 14 August 1473.<sup>6</sup>

II. WILLIAM, second Earl Marischal, the eldest surviving son, succeeded his father about 1463-64, sat in Parliament in 1467 and 1469, and in subsequent Parliaments of King James III. till 1479. He had a Great Seal charter of the lands of Garvals and others, 1476. He was still alive on 10 December 1482, when his son was forespeaker for him,<sup>7</sup> but in 1483 he was succeeded by his son, the third Earl.<sup>8</sup>

This Earl married Mariota, or Muriella, third daughter of Thomas, second Lord Erskine, by whom he had:—

1. WILLIAM, who succeeded.
2. *Anthony*, mentioned, with his brothers Robert and John, in a deed of 1486,<sup>9</sup> as 'brothers-german to William, Earl of Marischal,' also on 29 March 1503,<sup>10</sup> and on 4 February 1513-14.<sup>11</sup>
3. *Robert*, who witnessed a charter by his brother William, Earl Marischal and Lord Keith, 3 March 1511.<sup>12</sup>
4. *John of Craig*.<sup>13</sup> The last male representative of this branch died at Hammersmith 21 June 1795.<sup>14</sup>
5. *Alexander* of Auquhorsk,<sup>15</sup> born 1460.<sup>16</sup>

<sup>1</sup> Cf. vol. iv. 276. <sup>2</sup> Sir P. K.-M. Papers, No. 17. <sup>3</sup> *Reg. Mag. Sig.*, confirmed 28 October 1444. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> *Ibid.*; cf. vol. v. 4. <sup>6</sup> Cf. vol. iv. 51. <sup>7</sup> *Acta Auditorum*, 104. <sup>8</sup> *Exch. Rolls*, ix. 682. <sup>9</sup> *Antiq. of Aberdeen*, iv. 35. <sup>10</sup> *Acta Dom. Conc.* <sup>11</sup> See writ cited p. 45 *infra*. <sup>12</sup> *Reg. Mag. Sig.* <sup>13</sup> *Antiq. of Aberdeen*, i. 622; iii. 49; iv. 594, 595, 683. <sup>14</sup> *Dict. Nat. Biog.*, xxx. 330. <sup>15</sup> *Records Marischal College*, i. 34. <sup>16</sup> *Scottish Notes and Queries*, x. 60, where the descent of this branch of

III. WILLIAM, third Earl Marischal, sat in Parliament as Master of Keith 18 March 1481-82; as Earl Marischal 1483 onwards. Forespeaker for his father 10 December 1482;<sup>1</sup> succeeded and had sasine of the estates 1483.<sup>2</sup> In 1488 he aided King James III. in raising an army to suppress the insurgent barons, who were keeping the heir-apparent to the throne, James, Duke of Rothesay, a prisoner, and after the indecisive skirmish at Blackness, he was one of the King's representatives to treat with the insurgents. On the death of the King in the same year, 11 June 1488, and the accession of King James IV., he remained faithful to the late King's party, and on 8 April 1489 he, with the Master of Huntly and Lord Forbes, concerted measures with the disaffected in the south of Scotland against the Government, and in October of that year was on the side of the vanquished at the battle of Talla Moss. He was, however, taken into the young King's favour, and pardoned, for in 1501 he was made Commander of the Scottish forces along with the Earls of Argyll, Huntly, Crawford, and Lord Lovat, and he took part in the campaigns in the Highlands which ended in the capture of the notorious Donald Dhu.<sup>3</sup> He acquired the lands and barony of Uras from Patrick Crichton on 14 October 1495.<sup>4</sup> On 15 October 1504 he entertained King James IV. at Dunottar.<sup>5</sup> He attended the Parliament in Edinburgh called by King James IV. in 1510. He made a mortification of some lands to the Black Friars of Aberdeen, to pray for the souls of himself, his wife, his father and his mother. From his frequent use of the phrase, he was commonly given the nickname of 'Hearken and take heed.' He is said by Pitscottie<sup>6</sup> to have had a command at the battle of Flodden. This has, however, been denied. The banner carried by the Keiths at this battle is still in existence, having been saved by the standard-bearer, John Skirving of Plewlandhill, and it is now in the Advocates' Library, Edinburgh. During the years 1517-20, when John, Duke of Albany, was Governor of Scotland, and for the time absent in France, the Earl Marischal, along with

the Keiths is given by Mr. P. J. Anderson. Riddell seems to think that Alexander was an illegitimate son of the Earl Marischal (Ms. Notes on Douglas); cf. vol. v. 4. <sup>1</sup> *Acta Audit.*, 104. <sup>2</sup> *Exch. Rolls*, ix. 682. <sup>3</sup> Gregory's *Highlands and Islands*, 98, etc. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> *Lord High Treasurer's Accounts*, ii. 463. <sup>6</sup> i. 275, ed. 1814.

Lords Borthwick and Ruthven, was given the custody of the young King in the Castle of Edinburgh. In recompense for large sums advanced to the Treasury, the Regent granted him the ward of the heiress of Inverugie, which was confirmed to his grandson by the King, when of age, on 24 July 1527.<sup>1</sup> He was lying very ill on 24 November 1526, and was dead before 2 May 1527.<sup>2</sup> He married (contract dated 11 January 1481-82) Elizabeth Gordon, third daughter of George, second Earl of Huntly,<sup>3</sup> and by her he had:—

1. *Robert*, Lord Keith and Master of Marischal. He had a charter to himself and his wife 8 January 1505-6, of the lands of Laidacht and Mulboy, in the parish of Skene, and of Auchincloich, Auchrynie, Auchorsk, and others, in the barony of Kintore.<sup>4</sup> He is said to have been killed at the battle of Flodden 9 September 1513, but he sat in Parliament 26 November 1513, in the record called William by mistake, and he was witness to a charter, cited below, to his brother David on 4 February 1513-14, and was still alive 5 April 1514.<sup>5</sup> He married, in 1505,<sup>6</sup> Elizabeth or Beatrice Douglas, eldest daughter of John, second Earl of Morton,<sup>7</sup> and by her had:—

- (1) WILLIAM, who succeeded as fourth Earl Marischal.
- (2) *Robert*, who, in 1543, was appointed Abbot of Deer *in commendam*.<sup>8</sup> He died in 1551, leaving an illegitimate son *Andrew*, who was created Lord Dingwall. (*See that title*.)
- (3) *Elizabeth*, married (contract 27 March 1530) to George, fourth Earl of Huntly.<sup>9</sup>
- (4) *Janet*, married, in 1543,<sup>10</sup> to John, seventh Lord Glamis.<sup>11</sup>
- (5) *Christian*, married, after 1529, as his second wife, to Robert Arbuthnott of Arbuthnott.<sup>12</sup> Her testament dated 12 July 1553.<sup>13</sup>
- (6) *Beatrice*,<sup>14</sup> married to Alexander Fraser,<sup>15</sup> son and heir of Alexander Fraser, seventh of Philorth. He died *v.p.* in 1564.<sup>16</sup>

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<sup>1</sup> *Reg. Sec. Sig.*, i. No. 3851. <sup>2</sup> *Acta Parl. Scot.*, ii. 315; *Reg. Sec. Sig.*, i. No. 3753. <sup>3</sup> Cf. vol. iv. 530; *Antiq. of Aberdeen*, iv. 34. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> Protocol Book of James Young. <sup>6</sup> Ms. Harl., 6441. <sup>7</sup> *Antiq. of Aberdeen*, iii. 327; *Reg. Mag. Sig.*, iii. 302. <sup>8</sup> *Antiq. of Aberdeen*, iv. 19. Cf. Papal Bulls, 24 June 1543 and 11 May 1544, and instrument taken by Bishop of Cesena, dated 9 July 1546, calling attention to these Bulls. Sir P. K.-M. Papers. <sup>9</sup> Cf. vol. iv. 436, where she is inadvertently styled *daughter* instead of *sister* of William, fourth Earl Marischal. <sup>10</sup> Protocol Book of Edward Dickson, Adv. Lib. <sup>11</sup> *Reg. Mag. Sig.*, 6 February 1543-44. <sup>12</sup> Cf. vol. i. 289, 290. <sup>13</sup> *Ibid.*, 290. <sup>14</sup> Edin. Tests., 26 March 1576. There designed *Alice*. <sup>15</sup> Papal dispensation, 15 June 1534. <sup>16</sup> *Frasers of Philorth*, i. 148, 149, 150; *Reg. Mag. Sig.*

2. *William*, to whom his father granted the barony of Troup on 3 October 1493.<sup>1</sup> He witnessed a charter by his father dated at Dunottar 3 March 1511.<sup>2</sup> He was killed at Flodden 9 September 1513.
3. *Gilbert*, mentioned as substitute to his brother *William* in the charter of Troup above-mentioned.<sup>3</sup> He obtained from his father the lands of Pittendrum, and was in possession of them in 1511.<sup>4</sup> He resigned this estate on succeeding to the barony of Troup, on his brother *William*'s death in 1513.<sup>5</sup> He married *Elizabeth Forbes*, daughter of *John*, sixth Lord Forbes, who is mentioned as his wife in the year 1525.<sup>6</sup> He is said to have died without issue, but at his death in December 1537, he left a son *George*, who was still minor in 1553,<sup>7</sup> and a daughter *Elizabeth*, contracted in 1548 to *George Garden* of Durlathers, whom she did not marry, and in 1550 to *George Baird* of Glenarthill.<sup>8</sup> His widow, *Elizabeth Forbes*, was married, secondly, to *Alexander Innes* of that Ilk.<sup>9</sup>
4. *Alexander*, who got from his father the lands of Pittendrum, which his brother *Gilbert* had resigned.<sup>10</sup> He married *Marion Lundie*, sister of *Robert Lundie* of Benholm.<sup>11</sup> She survived him, and was married, secondly (contract 22 September 1515), to *Robert Arbuthnott*, second son of *Robert Arbuthnott* of that Ilk.<sup>12</sup> She left a son:—

*John* of Pittendrum, who is said to have died in 1575, having married a lady named *Barclay*, by whom he had a son,

*William* of Pittendrum, who died 1590. He married (contract 3 March 1581) *Barbara Keith*, daughter of *Alexander Keith* of Troup,<sup>13</sup> by whom he left two sons:—

- (i) *Alexander*, who succeeded, but whose male line became extinct after the death of the issue of his great-grandson *Alexander Keith* of Uras, and
- (ii) *William*, whose male line ended in *Sir Alexander Keith* of Ravelston and Dunottar, Knight Mari-

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<sup>1</sup> Confirmed 27 April 1494; *Reg. Mag. Sig.* <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.*, *ut supra.*  
<sup>4</sup> *Ibid.* <sup>5</sup> *Antiq. of Aberdeen*, ii. 390. <sup>6</sup> *Ibid.*, iv. 72 note. <sup>7</sup> *Acts and Decrees*, viii. 272. <sup>8</sup> *Reg. Mag. Sig.*, 4 June 1548, 9 September 1550.  
<sup>9</sup> Vol. iv. 52. <sup>10</sup> *Antiq. of Aberdeen*, ii. 390. <sup>11</sup> Cf. vol. i. 284. <sup>12</sup> *Ibid.*  
<sup>13</sup> Cf. Proc. of Resignation by *Robert Keith* of Benholm, brother of *George*, fifth Earl Marischal, 29 March 1599.



schal of Scotland. On 9 March 1801, having laid his titles for proving his claim before the Lyon King of Arms, Sir Alexander obtained a patent for bearing the arms of the chief of the family of Marischal. In 1818 he claimed the Marischal's office on the ground that it had not fallen by the attainder in 1716, inasmuch as it had not been included in the Act, either through mistake or by confusion with the title, or because it had fallen into temporary desuetude since the Union. He was made Knight Marischal of Scotland on the occasion of George IV.'s visit to Edinburgh in 1822. He got Corstorphine Hill from his father, who had bought it, and he owned landed property in the counties of Roxburgh and Peebles. He left issue an only child, *Helen Margaret Oliphant*, married, on 28 November 1833, to Sir William Murray, Bart., of Ochtertyre, who prefixed the surname of Keith to his own after his marriage.

5. *Mr. David*, who, on 4 February 1513-14, had a charter from his father William, Earl Marischal, of the lands of Torterston and Buthlaw in Aberdeenshire. He is described as 'Mr.' David Keith in a deed dated 12 February 1527-28,<sup>1</sup> and is also named with his brother Mr. George in the writ cited below.
6. *Mr. George*, named on 20 July 1527 in a letter by King James V. promising to prefer him and his brother Mr. David to the first vacant benefice.<sup>2</sup> It is possible he is the Mr. George Keith, rector of Keith, named in charters of 1531 and 1538.<sup>3</sup>
7. *Janet*, married to William, second Earl of Montrose.<sup>4</sup>
8. *Elizabeth*, married, first, to Colin, Master of Oliphant,<sup>5</sup> by whom, who was killed at Flodden 9 September 1513, she had a son, who succeeded as third Lord Oliphant; secondly, to William, second Lord Sinclair.<sup>6</sup>
9. *Agnes*, married to Sir Archibald Douglas of Glenbervie, and died before 1548, leaving issue.<sup>7</sup>
10. *Christian*, to whom a dispensation was granted by Edward, Bishop of Orkney, 12 February 1524, to marry Walter Ogilvy of Craigboyne, related in the fourth degree.<sup>8</sup>

<sup>1</sup> Sir P. K.-M. Papers, Nos. 30, 36. <sup>2</sup> *Reg. Sec. Sig.*, i. No. 3846. <sup>3</sup> *Reg. Mag. Sig.*, 16 August 1532; 6 January 1538-39. <sup>4</sup> *Ibid.*, 3 August 1525. <sup>5</sup> *Ibid.*, 1 March 1504-5. <sup>6</sup> *Ibid.*, 17 April 1524. <sup>7</sup> *The Douglas Book*, ii, 117. <sup>8</sup> *Fourteenth Rep. Hist. MSS. Com.*, App. pt. iii. 232.

IV. WILLIAM, fourth Earl Marischal, succeeded his grandfather. His uncle, Gilbert Keith of Troup, was his tutor.<sup>1</sup> On 22 April 1525, when under age, he had a royal charter of the lands and barony of Dunottar, lands and manor-house of Fetteresso, lands and barony of Garvock, with the offices of Sheriff of Kincardine and Constable of Kincardine, Cowie, and Durriss; lands of Strathachin and Culpresso, with fishings in the Dee and Dye; lands and barony of Uras; baronies of Kintore and Aden, and lands of Easter Skene and Carlogy in Aberdeenshire, with the superiority of the lands and barony of Troup, Durne, and Auchinhamper in Banffshire, on the resignation of his grandfather the third Earl, these lands and offices being entailed upon himself and his heirs-male bearing the name and arms of Keith. Included in the same charter are the lands of Auquhorsk, Tertowie, Millbuy, and others in Aberdeenshire, which had belonged jointly to his father, Robert, Lord Keith, and Beatrice Douglas, his wife.<sup>2</sup> He was still under curators on 6 September 1530, when he paid £500 to the Treasury, and bound himself to marry the eldest heiress of Inverugy.<sup>3</sup> On 27 January 1531-32 he had a charter of Kincardine, making it the head burgh of the county,<sup>4</sup> and on 16 August 1532 he had another charter of the lands of Fortheres in the county of Forfar.<sup>5</sup> On 30 June 1538 he had another royal charter, to himself and his wife, Margaret Keith, of one-fourth of the lands of Ackergill and others in the counties of Caithness, Elgin, Banff, and Linlithgow.<sup>6</sup>

He accompanied King James v. to France in 1536.<sup>7</sup> He was appointed an Extraordinary Lord of Session 2 July 1541.<sup>8</sup> Sir Ralph Sadler describes him as being favourable in the year 1543 to the marriage of Queen Mary with Prince Edward, although opposed to her departure for England until of age, and as bearing 'a singular good affection' to Henry VIII.<sup>9</sup>

On 12 March 1543 the Scottish Parliament selected him as one of the keepers of the young Queen's person, and in June 1544 he signed the agreement to support the authority of the Queen-mother against the Earl of Arran.<sup>10</sup> He

<sup>1</sup> *Reg. Sec. Sig.*, i. 3846. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> *Acta Dom. Conc.*, xliii. f. 44. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.* <sup>7</sup> Pitscottie, ed. 1814, p. 362. <sup>8</sup> Hailes' *Cat.*, 2. <sup>9</sup> Sadler, i. 99, 169. <sup>10</sup> Tytler, ed. 1834, v. 326, 369.

embraced the reformed faith, and was one of George Wishart's influential supporters after the return of the latter to Scotland in 1543.<sup>1</sup> From a minute to a letter from the Duke of Suffolk to Sir George Douglas in December 1543, it appears that the Earl Marischal was at that date among the number of King Henry VIII.'s pensioners in Scotland, and it is stated, on 17 April 1544, that the Earl had undertaken, with 'Calder and Lord Grey's friends,' to destroy the Cardinal's abbey and town of Arbroath and other bishops' and abbots' houses north of the Forth when the forces of these last had gone to resist the English, and a few days later Henry VIII., to whom this offer was communicated, signified his approval and authorised payment to the above-named persons of £1000 to enable them to effect their purpose.<sup>2</sup>

In 1545 he was one of the twenty Scottish Peers selected to form in rotation, four at a time, the secret council of Lord Maxwell, Warden of the West Marches, in the Castle of Lochmaben.<sup>3</sup> His name appears frequently at the Privy Council meetings from 1546 to 1566 inclusive.<sup>4</sup>

In July 1547 he is reported as coming forward, in company with Lord Forbes, 'with all the North,' towards Peebles.<sup>5</sup> In 1547 he, with many of his friends and relations, took part in the battle of Pinkie.<sup>6</sup> On 28 August 1548 Lord Gray reports to Somerset that the Earl Marischal will favour England if 'honestly entertained,' and recommends that money should be sent him.<sup>7</sup> He attended the Parliament held in August 1560, and was therein appointed a Lord of Articles, but he demurred to signing the contract with England.<sup>8</sup> In September 1561 he was chosen a member of the Great Council, and the following year he was selected as one of a committee of Privy Council, four members of which in rotation were to reside for two months together in attendance on the Queen.<sup>9</sup> On 12 November 1561 he was appointed, for the second time, an Extraordinary Lord of Session, and he continued in office until 18 January 1573.<sup>10</sup> On 18 March 1565 he formed one of the escort for Queen Mary on her way from Dunbar to Edinburgh.<sup>11</sup> In

<sup>1</sup> Tytler, ed. 1834, v. 412, 414. <sup>2</sup> Hamilton Papers, ii. 234. <sup>3</sup> Tytler, vii. 5.  
<sup>4</sup> *P. C. Reg.* <sup>5</sup> *Cal. State Papers*, i. 9. <sup>6</sup> Sir P. K.-M. Papers. <sup>7</sup> *Cal. State Papers*, i. 163. <sup>8</sup> *Ibid.*, 458, 460, 461, 462. <sup>9</sup> *P. C. Reg.*, i. 157, 217.  
<sup>10</sup> Hailes' *Cat.*, 4, 5. <sup>11</sup> *Cal. State Papers*, ii. 269.

October of the same year he was appointed keeper of the havens and sea passages between Cowie and Bervie in Kincardineshire, and on the 10th of the same month his son, the Commendator of Deer, is named as supplying the place of the Earl Marischal in the order of battle of the royal army.<sup>1</sup> He was one of the Lords of the Articles on 14 April 1567,<sup>2</sup> but in the Parliament held at Edinburgh on 15 December of that year Robert Keith of Cantray appears as his deputy.<sup>3</sup> In June 1567 the Earl Marischal was in Edinburgh with the Earl of Morton. He accompanied the latter when his force advanced against Queen Mary and Bothwell, and he was one of the three recipients of a challenge from Bothwell to fight in single combat with him 'to prevent more bloodshed.'

On 31 July 1576 the Earl, having been summoned to appear before the Privy Council to answer for failure to observe and keep the points of the 'General Band,' was certified to be unable to travel to Edinburgh from Dunottar.<sup>4</sup> In 1577, in a report to Queen Elizabeth, the Earl is described as 'very rich, but he and his uncle's children are subject to great infirmities and sickness,' as 'in alliance and friendship with the Earl of Huntly and the Creichtons,' and as 'very religious and of great substance.'<sup>5</sup> During the later years of his life the Earl Marischal seems to have withdrawn from all participation in public affairs, and to have lived in great seclusion at Dunottar Castle, so much so that he became known to the people in the district as 'William of the Tower.' His landed property lay in so many counties that it was said he could travel from Berwick to John o' Groats eating every meal and sleeping every night upon his own estates, and at his death they were valued at 270,000 merks (£15,000 sterling) per annum.<sup>6</sup> On 18 June 1580 King James VI. visited him at Dunottar.<sup>7</sup> He died on 7 October 1581, having made up a list of legacies on 2 September 1581.<sup>8</sup>

He married Margaret, eldest daughter of William Keith, younger, of Inverugie,<sup>9</sup> and granddaughter and co-heiress

<sup>1</sup> *P. C. Reg.*, i. 379, 381. <sup>2</sup> *Cal. State Papers*, ii. 321. <sup>3</sup> *Acta Parl. Scot.*, iii. 3. <sup>4</sup> *P. C. Reg.*, ii. 547, 548. <sup>5</sup> *Cal. Scot. Papers*, v. 253, 256. <sup>6</sup> Sir P. K.-M. Papers. <sup>7</sup> *Ibid.* <sup>8</sup> *Edin. Tests.*, 15 June 1582; *P. C. Reg.*, iii. 323, 522. <sup>9</sup> *Supra*, p. 34.

of Sir William Keith of Inverugie,<sup>1</sup> with whom he obtained large estates,<sup>2</sup> and by her had :—

1. *William*, Lord Keith, commonly called Master of Marischal. He was taken prisoner by the English on the occasion of one of the inroads across the Border by Scottish troops in the year 1558. There were evidently great difficulties as to the payment of his ransom, which was fixed at £2000,<sup>3</sup> and he remained a prisoner till 1567 or 1568. On 16 February 1568-69 at Stirling he was appointed one of a commission for resisting the Earl of Huntly,<sup>4</sup> and from June 1569 onwards until 20 February 1577-78 his name appears as attending the sittings of the Privy Council.<sup>5</sup> He died at Dunottar 10 August 1580.<sup>6</sup> He married Elizabeth Hay (contract 14 January 1543<sup>7</sup>), eldest daughter of George, sixth Earl of Errol,<sup>8</sup> and by her had :—

- (1) *GEORGE*, who succeeded as fifth Earl Marischal.
- (2) *William*, who accompanied his elder brother on his travels on the Continent. He studied under Theodore Beza at Geneva, who, on his death, wrote a Latin poem upon him. He was killed in a scuffle there in 1577, when still a very young man.<sup>9</sup>
- (3) *Mr. Robert*, who, on 15 July 1594, on the resignation of his uncle, Lord Altrie, obtained a Great Seal charter of the lands of Benholm.<sup>10</sup> On 20 May 1605 he sold these lands to John Gordon of Cairnburrow.<sup>11</sup> In October 1590 he seized the Abbey of Deer, then owned by his brother, the Earl Marischal, and remained there for six weeks. On being dislodged by the Earl and Lord Altrie he fled to the castle of Fedderat, where eventually a truce was made with him.<sup>12</sup> He married, but left no legitimate issue.
- (4) *John*, who, on 31 October 1598, had a remission for acts of fire-raising committed at Cowie in 1593 and 1597.<sup>13</sup> Contracted, 11 November 1577,<sup>14</sup> to Elizabeth, eldest daughter of Alexander Keith of Troup, styled fiar of Troup 1586.<sup>15</sup>
- (5) *Margaret*, married, first, to William Keith, younger of Ludquharn; secondly, to Sir John Carnegie of Kinnaird; thirdly, to Sir William Graham of Braco.<sup>16</sup>
- (6) *Jean*, married to James Gordon of Haddo.<sup>17</sup>

<sup>1</sup> Cf. p. 34, *ante*. <sup>2</sup> *Antiq. of Aberdeen*, iv. 620, 622. <sup>3</sup> Sadler, ed. 1809, ii. 163 *note*. <sup>4</sup> *P. C. Reg.*, i. 645. <sup>5</sup> *Ibid.*, ii. *passim*. <sup>6</sup> Jonston's *Poemata*, 40; Spalding Club *Misc.*, ii. 53, where date given is 9 August. <sup>7</sup> Sir P. K.-M. Papers, No. 438. <sup>8</sup> *Antiq. of Aberdeen*, iii. 328. <sup>9</sup> Jonston's *Poemata*, 39. <sup>10</sup> *Reg. Mag. Sig.* <sup>11</sup> *Ibid.*, 25 May 1605. <sup>12</sup> *Antiq. of Aberdeen*, ii. 423. <sup>13</sup> *Reg. Mag. Sig.* <sup>14</sup> *Reg. of Deeds*, xvi. 472. <sup>15</sup> *Aberdeen Hornings*, iii. 103. <sup>16</sup> *Acts and Decrees*, clxxix. 162. <sup>17</sup> Vol. i. of this work, 86.

- (7) *Mary*, married (contract 29 June 1582) to Robert Arbuthnott of that Ilk.<sup>1</sup> She died 11 March 1619.<sup>2</sup>  
 (8) *Barbara*.

There was also a natural daughter *Anne*, mentioned in the fourth Earl's will.<sup>3</sup>

2. *Robert*, who succeeded his uncle Robert in 1551 as Commendator of Deer, created Lord Altrie. (*See that title.*)
3. *John*, referred to as brother of William, Master of Marischal, in a writ of 24 May 1560, when he is said to have lands in Duffus.<sup>4</sup> He was probably the Mr. John Keith afterwards rector of Duffus.<sup>5</sup>
4. *Agnes* (or *Annas*), married, first (contract 7 February 1561-62),<sup>6</sup> before 9 June 1562, to James, Earl of Mar, afterwards of Moray, who became Regent.<sup>7</sup> He was assassinated in 1570; and secondly, to Colin, sixth Earl of Argyll.<sup>8</sup> She died at Edinburgh 16 July 1588.<sup>9</sup>
5. *Alison*, married to Alexander, Lord Saltoun, in 1550. He died in 1587.<sup>10</sup>
6. *Mary*, married (contract 5 June 1575) to John Campbell of Calder,<sup>11</sup> for which a dispensation was required on the ground of consanguinity.<sup>12</sup>
7. *Beatrice*, married in 1558 to John Allardyce of Allardyce.<sup>13</sup> Died 19 May 1596.<sup>14</sup>
8. *Joneta* (or *Johanna*), married, before 15 April 1557, to Sir James Crichton of Frendraught.<sup>15</sup>
9. *Margaret*, married (contract 28 August 1569) to John Kennedy of Blairquhan.<sup>16</sup>
10. *Elizabeth*, contracted to marry Alexander Irvine of Drum, as appears from a discharge by said Alexander Irvine in favour of William, Earl Marischal, of certain obligations entered into between them in a contract of marriage between said Alexander and 'the said noble Lord's dochter umquhile Eliza-

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> St. Andrews Tests. <sup>3</sup> Edin. Tests. <sup>4</sup> Protocol Book of Mr. Robert Lumsden, f. 33, ms. Reg. Ho. <sup>5</sup> *Reg. Mag. Sig.*, 30 Jan. 1581-82, etc. <sup>6</sup> *Sixth Rep. Hist. MSS. Com.*, 647. <sup>7</sup> *Antiq. of Aberdeen*, iv. 745. <sup>8</sup> Cf. vol. i. 345; Edin. Tests., 9 August 1591. <sup>9</sup> *Ibid.* <sup>10</sup> *Reg. Mag. Sig.*, 4 September 1550; *Frasers of Philorth*, ii. 62; Edin. Tests., 26 March 1576, there called Alice. <sup>11</sup> *Reg. Mag. Sig.*, 10 July 1575. <sup>12</sup> Sir P. K.-M. Papers, No. 429. <sup>13</sup> *Reg. Mag. Sig.*, 4 February 1558-59; Edin. Tests. <sup>14</sup> Edin. Tests. <sup>15</sup> *Reg. Mag. Sig.*, *ut cit.*; Edin. Tests. <sup>16</sup> *Ibid.*

beth Keith. The discharge is dated 15 March 1580-81.<sup>1</sup>

11. *Isobel*, married to Alexander Strachan, eldest son of Sir John Strachan of Thornton,<sup>2</sup> and died August 1595.<sup>3</sup>
12. *Barbara*, who was promised in marriage to Alexander Strachan above mentioned, failing her sister Isobel.<sup>4</sup> Barbara was married to Alexander Forbes of Pitsligo.<sup>5</sup>

V. GEORGE, fifth Earl Marischal, Lord Keith and Altrie, eldest son of Lord Keith, was born in 1553.<sup>6</sup> When eighteen years old he was sent abroad, going first to Paris, then to Geneva (with his younger brother William), and travelling afterwards in Germany and Italy.<sup>7</sup> He succeeded his grandfather in 1581.<sup>8</sup> In the year 1562 he had a charter of the Kirktoon of Longley (now St. Fergus).<sup>9</sup> On 10 May 1580 he is mentioned by Robert Bowes as having returned to Scotland from France,<sup>10</sup> and in October of the same year he was appointed a Gentleman of the King's Chamber.<sup>11</sup> On 8 June 1585 he had a remission under the Great Seal to himself, his brother John, and others named, for being concerned in the death of William Keith, son and heir of Keith of Ludquharn.<sup>12</sup>

On 10 December 1585 he was appointed a member of the Privy Council by Act of Parliament.<sup>13</sup> On 14 May 1587 the Earl Marischal was present at the banquet given by the King to his nobles.<sup>14</sup> On 17 May and 29 July 1587 he had charters of the lands of the Friars Preachers and White Friars of Aberdeen,<sup>15</sup> and in August of the same year he had a charter of confirmation of all his lands and offices in the sheriffdoms of Haddington, Kincardine, Aberdeen, Banff, Morayshire, and Inverness.<sup>16</sup> Before 1 January 1591-92 he is found using the title and dealing with the estates of Altrie,<sup>17</sup> and on 26 September 1592 he had charters to himself and his eldest son of the lands and lordship of Altrie, and of the baronies of Invergie, Dunottar, and Keith.<sup>18</sup>

<sup>1</sup> Sir P. K.-M. Papers, No. 446. <sup>2</sup> *Ibid.*, No. 439. <sup>3</sup> Edin. Tests. <sup>4</sup> Sir P. K.-M. Papers, No. 439. <sup>5</sup> *Reg. Mag. Sig.*, 1 March 1575-76. <sup>6</sup> Sir P. K.-M. Papers. <sup>7</sup> *Ibid.*, and ms. Family Histories. <sup>8</sup> Jonston's *Poemata*, 40. <sup>9</sup> *Antiq. of Aberdeen*, iv. 598. <sup>10</sup> *Cal. State Papers*, v. 421. <sup>11</sup> *Ibid.*, 531. <sup>12</sup> *Reg. Mag. Sig.* <sup>13</sup> *P. C. Reg.*, iv. 36 note. <sup>14</sup> *Ibid.*, 169 note. <sup>15</sup> *Reg. Mag. Sig.* <sup>16</sup> *Ibid.*, 5 August 1587. <sup>17</sup> *Ibid.* <sup>18</sup> *Ibid.*

On 17 May 1589 he went as Ambassador-extraordinary to the Court of Denmark to settle the marriage of James VI. with Anne of Denmark,<sup>1</sup> and at Elsinore, on 20 August 1589 he acted as the King's proxy at the marriage ceremony.<sup>2</sup> On 2 November 1589 a special Act was passed by the King and Council at Opsloe (Christiania), recording the King's grateful approbation for all the proceedings of the Earl Marischal, and acknowledging the heavy expenses to which he had been put by the manner in which he had carried out the embassy. The original grant of the fee of the temporal barony and lordship of Altrie, which was made 29 July 1587,<sup>3</sup> was at the same time renewed and confirmed to him.<sup>4</sup> In 1587 Robert Keith, uncle of the Earl Marischal, was lay Abbot or Commendator of Deer, and to recompense the Earl for the great expense to which he would be put by the embassy to Denmark, it was arranged that the Abbacy should be dissolved and erected into a temporal lordship called Altrie. Robert the Commendator was made first Lord Altrie during his lifetime, and on his death the lordship was to pass to the Earl Marischal and his heirs.<sup>5</sup> The Earl appears, however, to have been designated Lord Altrie even before the death of the Commendator.

It is evident that the great expenses of the embassy to Denmark had made considerable inroads even into the large fortune to which the Earl Marischal had succeeded. On 28 May 1591 Lord Altrie applied to the Privy Council for suspension of letters of horning obtained against him by the Earl Marischal failing payment of sums amounting to £201, 14s. 10d. for the temporal lands of the lordship of Altrie in relief of the Earl's proportion of the taxation authorised by Parliament for the expenses connected with the King's marriage.<sup>6</sup> On 20 July 1592 the Earl Marischal was found guilty of corresponding with the exiled Earl of Bothwell, and was imprisoned in Edinburgh Castle for several weeks.<sup>7</sup>

On 2 April 1593 he founded Marischal College in Aberdeen University, endowing it with the former possessions

<sup>1</sup> *Reg. Mag. Sig.*; *P. C. Reg.*, iv. 396 note; Melville's *Memoirs*, 367.  
<sup>2</sup> Spalding Club *Misc.*, ii. 63. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *P. C. Reg.*, iv. 438.  
<sup>5</sup> *Reg. Mag. Sig.*, *ut supra.* <sup>6</sup> *P. C. Reg.*, iv. 628, 629. <sup>7</sup> Sir P. K.-M. Papers.



of the Black and White Friars of Aberdeen, and with the lands which had belonged to the chaplainries of Bervie and Cowie.<sup>1</sup> The foundation was ratified by Act of Parliament 21 July 1593.<sup>2</sup> In 1594, on the proposed forfeiture of the Catholic Lords, the Earl Marischal was one of the five Lords of the Articles who did not agree to the forfeiture.<sup>3</sup> In 1606 there began a dispute, long continued, between the High Constable of Scotland and the Earl Marischal regarding the respective rights and privileges of their offices. In 1641 the Estates delivered judgment, defining these rights and privileges, but in spite of this and previous decisions, the relative duties of the Constable and Marischal continued vague in practice until the Union of the two Parliaments.<sup>4</sup>

On 6 June 1609, King James VI. constituted the Earl Commissioner to represent His Majesty in the Parliament of Scotland, which was opened on the 15th of that month.<sup>5</sup> On 18 December 1618 he had a charter to himself and his wife, of the lands and barony of Benholm, which he had bought from John Gordon.<sup>6</sup>

The Earl died at Dunottar Castle 2 April 1623,<sup>7</sup> having married, first (contract dated 4 *et seq.* February 1580-81), Margaret, sister of Alexander, first Earl of Home;<sup>8</sup> she died May 1598;<sup>9</sup> secondly, Margaret, daughter of James, fifth Lord Ogilvy of Airlie.<sup>10</sup> She survived him, and was married, secondly, before 20 January 1624, to Sir Alexander Strachan of Thornton.<sup>11</sup>

By his first wife he had:—

1. WILLIAM, Lord Keith, who succeeded.
2. *Anne*, married (contract dated 5 March 1604<sup>12</sup>) to William, seventh Earl of Morton.<sup>13</sup> (*See that title.*)
3. *Margaret*, married (contract dated 23 December 1615), as his first wife, to Sir Robert Arbuthnott of Arbuthnott. She died soon after without issue.<sup>14</sup>

By his second wife he had:—

4. *James*, of Benholm, who had a charter of the lands of Benholm 8 December 1619.<sup>15</sup> He married, before 19

<sup>1</sup> *Records of Marischal College*, ii. 39. <sup>2</sup> *Ibid.*, 84. <sup>3</sup> *Ibid.* <sup>4</sup> Terry's *The Scottish Parliament*. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Ibid.* <sup>7</sup> *P. C. Reg.*, xiii. Pref. lxvi. <sup>8</sup> *Reg. Mag. Sig.*, 1 May 1581; cf. vol. iv. 462. <sup>9</sup> *Edin. Tests.* <sup>10</sup> Sir P. K.-M. Papers, No. 114; *Reg. Mag. Sig.*, 3 November 1612. <sup>11</sup> *P. C. Reg.*, xiii. 400. <sup>12</sup> Sir P. K.-M. Papers. <sup>13</sup> *Reg. Mag. Sig.*, 29 July 1624. <sup>14</sup> Cf. vol. i. 302. <sup>15</sup> *Reg. Mag. Sig.*

March 1623, Margaret, daughter of Sir David Lindsay of Edzell, by whom he had:—

- (1) *Margaret*, married, before 1650, to Sir John Elphinstone of Elphinstone, and had issue.<sup>1</sup>
- (2) *Elizabeth*,<sup>2</sup> married, as his first wife, to Sir Archibald Primrose of Dalmeny.
- (3) *Anna*, married to Patrick Smith of Braco (contract dated 1652<sup>3</sup>).

5. *Alexander*, baptized 10 October 1611.<sup>4</sup>

6. *John*<sup>5</sup> (described on 12 December 1611 as third lawful son of George, Earl Marischal, and Dame Margaret Ogilvy<sup>6</sup>), to whom his father granted the lands of Benholm, failing heirs-male of the body of his brother James.<sup>7</sup> He left no lawful male issue,<sup>8</sup> but he had a natural son *Gilbert*, legitimated 19 May 1587.<sup>9</sup> The later Keiths of Benholm were of a different family.

7. *Mary*, died 14 October 1620, *anno ætatis* 5.<sup>10</sup>

VI. WILLIAM, sixth Earl Marischal, was born about 1585. He succeeded his father in 1623. On 21 October 1612 he had a charter of the baronies of Inverugie and Dunottar, with the forest of Cowie, with remainder to Sir Robert Keith of Benholm, whom failing, to Gilbert Keith of Troup.<sup>11</sup>

In 1601 he was sent abroad to finish his education, and visited Paris, Orléans, Tours, and Saumur. He seems to have interested himself in the project for the colonisation of Nova Scotia, and on 28 May 1625 he had a charter from King James I. of 48,000 acres there, to be denominated the barony of Keith-Marischal, with remainder to his heirs-male and assigns whatsoever. There was no grant of the dignity of Baronet. On 28 May 1625, by a letter dated at Whitehall, he was granted the office of Admiral, and the privilege of coining money within his territories in New Scotland. There is apparently no other notice extant regarding the Earl's connection with the Colony,<sup>12</sup> and the

<sup>1</sup> *The Elphinstone Book*, by Sir William Fraser, i. pp. xiv, xv; Edin. Tests., 12 June 1662. <sup>2</sup> *Ibid.*, 23 January 1637. <sup>3</sup> *Reg. Mag. Sig.*, 4 July 1657. <sup>4</sup> Aberdeen Reg. <sup>5</sup> *Reg. Mag. Sig.*, 3 December 1619. <sup>6</sup> Sir P. K.-M. Papers, No. 465. <sup>7</sup> *Reg. Mag. Sig.*, 3 December 1619; *Reg. Sec. Sig.*, xc. f. 101. <sup>8</sup> Ms. Hist., 1809, *penes* Sir P. K.-M. <sup>9</sup> *Reg. Sec. Sig.*, lv. 64. <sup>10</sup> Tombstone at Benholm, *New Stat. Acc.* <sup>11</sup> *Reg. Mag. Sig.* See his retour, dated 1630, as heir 'sui fratris atavi tritavi,' Robert Keith, who lived in the reign of Robert Bruce. Sir P. K.-M. Papers, No. 136. <sup>12</sup> R. Riddell's ms. Baronetage; *Reg. Mag. Sig.*

value of his lands and privileges there was probably not great.<sup>1</sup>

On 18 April 1623 he purchased from his brother James Keith of Benholm the lands of Kinellar and others, in the thanage of Kintore,<sup>2</sup> having on 22 February 1623 had a charter of the lands and barony of Benholm, which James Keith had sold to Sir Alexander Strachan of Thornton.<sup>3</sup> He was made a Privy Councillor by King Charles I. 25 July 1626,<sup>4</sup> and on 12 July of this year he was appointed a member of the Council of War for Scotland.<sup>5</sup>

He was placed in command by the King, on 11 April 1627,<sup>6</sup> of the three Scottish warships which had been bought in July 1626, for £5200, for the protection of the coasts of Scotland, but it is stated that 'notwittisting of diverse letters wrettin to him by his Majestie for setting to sea . . ., my Lord wold never boate, but gave trust to . . ., the 3 capitans of them shippes, quho dranke and made good cheire, bot wold not offend the enimey.'<sup>7</sup> There was a dispute between the Earl Marischal and the Earl of Linlithgow, Lord High Admiral of Scotland, as to their respective rights in the disposal of these ships, and on 12 December 1627 the King directed the matter should be regulated according to agreements made by the King with them.<sup>8</sup> In January 1628 the Earl and Countess presented a petition to the Privy Council asserting the Earl's right as Admiral within the bounds of his lands contiguous to the sea, from the Water of Dye to the Water of Banff, as also from the Water of Dye to the North Esk, within the whole sheriffdom of Kincardine, as granted to him by Ludovick, Duke of Lennox, Great Admiral of Scotland.<sup>9</sup> On 9 July 1631 the Earl was constituted anew Commander of the King's navy in Scotland, consisting then of six vessels fitted out by the Earl, and of one belonging to the King.<sup>10</sup>

In November 1629 a commission was issued under the Signet to the Earl Marischal, Sir William Keith of Ludquharn, Nathaniel Keith of Cocklaw, Alexander Keith of Pittendrum, Robert Keith of Whiterig, and others named, to apprehend James Keith of Craig, who had broken out of

<sup>1</sup> Sir P. K.-M. Papers. <sup>2</sup> *Reg. Mag. Sig.*, 15 February 1627. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *P. C. Reg.*, 2nd ser., i. 362. <sup>5</sup> *Ibid.*, Pref., lxiv. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> Balfour's *Annals*, ii. 139, 140, 141. <sup>8</sup> *P. C. Reg.*, 2nd ser., ii. 149. <sup>9</sup> *Ibid.*, 354, 355, 356. <sup>10</sup> *Reg. Mag. Sig.*

Dunottar Castle, where he had been placed in ward by the Earl for debt of upwards of £20,000.<sup>1</sup> On 26 January 1630 a similar commission was issued for the apprehension of James Keith of Harvieston, for debt of like amount, for which money the Earl Marischal had, through the escape of the said James Keith out of ward at Dunottar, become responsible.<sup>2</sup>

In April 1631 the Earl Marischal obtained permission from the Council to exchange victual for Norwegian timber to repair the harbour of Peterhead.<sup>3</sup> He was present in his official capacity at the coronation of King Charles I. 18 June 1633, and fastened on the King's spurs.<sup>4</sup> He was appointed a member of the Privy Council by King Charles, and attended a meeting of the Council in Edinburgh so late as 24 September 1635.<sup>5</sup>

He died at Dunottar Castle 28 October 1635, 'about the 50 zeire of his age.'<sup>6</sup>

He married (contract 12 October 1609<sup>7</sup>) Mary Erskine, daughter of John, Earl of Mar, who was married, secondly, to Patrick Maule, first Earl of Panmure. (*See that title.*) By her he had:—

1. WILLIAM, who succeeded as seventh Earl Marischal.
2. GEORGE, eighth Earl Marischal.

3. *Sir Robert.* Considerable mystery surrounds Sir Robert. He is not mentioned by Crawford or Sir Robert Douglas, and his name first appears in Mr. Wood's edition of the latter's *Peerage*, where he is said to have died unmarried. He seems to have been born between 1620 and 1624, and to have been educated at Marischal College, Aberdeen. After some soldiering in Scotland, then afflicted by civil war, he entered the service of the French King. On 12 April 1659 he was found by an inquest held at Forfar to be 'destitute of his natural wit, furious and natural idiot,' and his immediate younger brother John was appointed his tutor, curator, and administrator.<sup>8</sup> It has been suggested, though without positive proof, that Sir Robert married in France, and left descendants.<sup>8</sup> An heir-male of Sir Robert's body would

<sup>1</sup> *P. C. Reg.*, 2nd ser., iii. 340. <sup>2</sup> *Ibid.*, 431. <sup>3</sup> *Ibid.*, xviii. 201.

<sup>4</sup> Balfour's *Ann.*, iii. 398. <sup>5</sup> *P. C. Reg.*, xx. 114. <sup>6</sup> Balfour's *Ann.*, ii. 223.

<sup>7</sup> Cf. vol. v. of this work, 622. <sup>8</sup> From information communicated by Mr. J. R. N. Macphail, Advocate.

be the head of this ancient family, and, but for the attainder, Earl Marischal of Scotland.

4. *Alexander*, an idiot.<sup>1</sup> He was dead before 1654.<sup>2</sup>
5. *John*, first Earl of Kintore, called 'seventh and youngest son' in *MS. Hist. of John, first Earl of Kintore*.<sup>3</sup> (*See that title.*)
6. *Mary*, married, in April 1633,<sup>4</sup> to John, Lord Kilpont, eldest son of William, Earl of Menteith.<sup>5</sup>
7. *Jean*, married to Alexander Forbes, first Lord Pitsligo.<sup>6</sup>
8. *Anne*.

VII. WILLIAM, seventh Earl Marischal, was born in 1614,<sup>7</sup> and succeeded his father in 1635. A few years after his succession, the King obtained a loan of £15,000 sterling, which was not wholly repaid until 1672.<sup>8</sup> It is said that by his extravagant habits he reduced himself and his successors to absolute poverty.<sup>9</sup>

On 8 February 1639 he had a renewed grant from King Charles I. of his whole lands of the lordship of Deer, including those not included in the former's grant to his grandfather.<sup>10</sup> In this year he commenced to take an active part in Covenanting affairs, and was given charge of Aberdeenshire, along with Montrose and Alexander Leslie, in the first Bishops' War.<sup>11</sup> Henceforward he was deemed the head of the Covenanting party in the counties of Aberdeen, Banff, and Kincardine.

On 15 March 1639 he entertained the Committee of the Covenanters at Dunottar, and proceeded to raise troops from among his tenantry to fight for the cause. He joined Montrose on 29 March, and entered Aberdeen with him. On 24 April the Covenanters met at Kintore, and with the Earl Marischal at their head marched again to Aberdeen, three thousand strong. He then proclaimed himself governor of the town, and a month later returned to Dunottar. In the following month, after the rout at Turriff, at which he was not present, he re-entered Aberdeen with a few hundred horsemen, and quartered his men in the

<sup>1</sup> Sir P. K.-M. Papers. This fact is suggestive, when Sir Robert's malady is considered. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.* <sup>4</sup> *Reg. Mag. Sig.*, 1 April 1633. <sup>5</sup> *Ibid.* <sup>6</sup> Balfour's *Ann.*, ii. 226. <sup>7</sup> Sir P. K.-M. Papers. <sup>8</sup> *Ibid.* <sup>9</sup> *Ibid.* <sup>10</sup> *Ibid.* <sup>11</sup> *Ibid.*

town. Soon afterwards, on being joined by Montrose, he returned again to Dunottar, leaving Montrose in Aberdeen, whence, on 15 June, making a sudden sortie with twelve hundred men, the latter routed a Royalist force of two thousand five hundred men under Lord Aboyne. The Treaty of Berwick put an end to hostilities for a time.

On 2 March 1640 the Earl entered Aberdeen with Lord Fraser, and destroyed the Bond of Allegiance to the King which the townsfolk had signed, and in the following April, besides being empowered to enforce the Covenant in the vicinity, he received orders from the Council to convene all the nobles and gentry in order to take measures for raising regiments to aid the common cause. Entering Aberdeen on 5 May, he extorted nearly 6000 merks from the inhabitants. In June he again set out for Aberdeen from Dunottar with General Munro, and again levied a fine upon the town. On 15 July he was back in Aberdeen, after entering and despoiling the Castle of Strathbogie, and terrified the inhabitants into signing a bond, in which they submitted themselves and the town to him, and assured him of their devotion to the common cause. He then forced them to produce a hundred and forty men to join General Leslie's expeditionary force into England. In August 1641 he was deputed to meet the King on his way to the north, and the following month he was appointed a member of the Privy Council. In March 1645, Montrose, now leading the Royalist forces, appeared before Dunottar Castle and summoned the Marischal to surrender some fugitives who had taken refuge there. At the same time Montrose endeavoured to persuade him to espouse the cause of the King; but the Marischal treated his messages with contempt, and Montrose, deeming the castle to be impregnable, departed, after burning the town of Stonehaven.<sup>1</sup> At the Parliament held at St. Andrews in August 1645, the Marischal was made a Commissioner for Visitation of the Universities.

In 1648 he raised a troop of horse at his own expense, and joined the Duke of Hamilton in his expedition across the Borders for the liberation of Charles I., and he fought at the battle of Preston. On 8 July 1650 he entertained

<sup>1</sup> *Mem. of the Troubles*, ii. 307.

King Charles II. at Dunottar, and in January 1651 officiated at his coronation at Scone.

On 6 June 1651, the last day of the Scottish Parliament's session at Stirling, the Earl Marischal, as hereditary keeper of the honours, took measures to have them transferred to Dunottar Castle, and to keep them there until further notice. It is stated in the Dunottar accounts for 1651 that the Earl arrived at Dunottar from Stirling on 12 June. They were there locked up, and the Earl took the key with him when he went to Alyth to attend a meeting of the Committee of Estates on 28 August. Upon that date he and other members of the Committee were taken prisoners there by a party of General Monck's cavalry. He, however, found means of sending the key to his mother, who had become Lady Panmure, and she immediately hastened to Dunottar, which the English forces were by this time rapidly approaching, and committed the regalia to the care of George Ogilvy of Barras, who, by commission dated at Stirling on 8 July had been appointed Governor of the Castle by the Earl Marischal. But the story of the regalia is well known, and need not be repeated here.

On 10 September 1660, Captain Humphry Mason, the Commonwealth Governor, vacated Dunottar Castle, and it was given into the charge of Robert Keith of Whiteriggs, Deputy-Sheriff of the Mearns, on behalf of Lord Marischal. The Earl arrived at Dunottar from London in October 1660, and on the 8th of that month the regalia were returned to his custody by Mr. Grainger and Ogilvy of Barras. He was made a Privy Councillor, and afterwards Lord Privy Seal, which latter office he held until his death. At the opening of Parliament in Edinburgh in 1661, the Earl Marischal attended in state, and handed over the regalia. During the latter years of his life he lived chiefly in London.

He died at Inverugie in March 1670-71.<sup>1</sup> He married, first, in 1637 (contract 22 May 1637), Elizabeth Seton, eldest daughter of George, second Earl of Winton;<sup>2</sup> she died in childbirth 16 June 1650, aged twenty-eight;<sup>3</sup> secondly, in April 1654,<sup>4</sup> Anne Douglas, eldest daughter of Robert, Earl of Morton; she died *s.p.* about 1689.<sup>5</sup>

<sup>1</sup> Sir P. K.-M. Papers. <sup>2</sup> *Aberdeen Burgh Sas.*, xxxviii. 437. <sup>3</sup> Hay's *Gen. Coll.*, ii. 266. <sup>4</sup> Malcolm's *Londinum Redivivum*. <sup>5</sup> Edin. Tests.

By his first wife he had:—

1. *William*, born 11 August 1638,<sup>1</sup> died an infant.
2. *Mary*, married, first, 29 October 1657, to Sir James Hope of Hopetoun;<sup>2</sup> secondly, to Sir Archibald Murray of Blackbarony.
3. *Elizabeth*, married (contract dated 25 March 1658) to Robert, second Viscount Arbuthnott. She died February 1664.<sup>3</sup>
4. *Jean*, married (contract 22 and 23 September 1669,<sup>4</sup> where she is called youngest daughter) to George, third Lord Banff.<sup>5</sup>
5. *Isabel*, married to Sir Edward Turnour.
6. *Margaret*, born 16 July 1644;<sup>6</sup> died an infant.

VIII. GEORGE, eighth Earl Marischal, succeeded his brother in 1670. As a young man he took service in the French army, where he rose to the rank of colonel. In 1648 he returned to Scotland, and placed his services at the disposal of the King against the Commonwealth. He fought at the battles of Preston and Worcester, and after both these engagements he was taken prisoner. What happened to him from the date of his capture after the battle of Worcester until the Restoration is not known, but after the latter event he is found still pursuing a military career.<sup>7</sup> On succeeding to his brother, he found the family estates heavily burdened and in great disorder. Many of the family estates had to be sold, but by the exercise of great economy, he was able at his death to leave the estates which remained to him practically free of debt, although greatly reduced in size.<sup>8</sup> He rebuilt the house of Fetteresso, which had been burnt down by Montrose during the Civil War. In 1675 he received from James, Duke of Albany and York, Lord High Admiral of Scotland, a gift of Admiralty between the waters of North Esk and Spey. In 1681 he signed the Declaration against Leagues and Covenants. He died in 1694. He married, 6 February 1662,<sup>9</sup> Mary Hay (contract dated January 1662<sup>10</sup>), eldest daughter

<sup>1</sup> Tranent Reg. <sup>2</sup> Lamont's *Diary*, 102. <sup>3</sup> Cf. vol. i. 308. <sup>4</sup> *Gen. Reg. Sas.*, xxiii. 331. <sup>5</sup> Cf. vol. ii. 20, 21. <sup>6</sup> Tranent Reg. <sup>7</sup> Sir P. K.-M. Papers. <sup>8</sup> *Ibid.* <sup>9</sup> *Chronicle of Perth*, 45. <sup>10</sup> Sir P. K.-M. Papers.



of George, second Earl of Kinnoull, and by her had an only son,

IX. WILLIAM, ninth Earl Marischal, probably born between 1664 and 1666, who took the oaths and his seat in Parliament 19 July 1698.<sup>1</sup> In the Parliament of 6 May 1703, he protested against the calling of any of the Earls before him. He was strongly opposed to the Union, and entered a solemn protest against it in the Rolls of Parliament. When the Union became an accomplished fact, it was enacted that the regalia of Scotland should be kept in the Castle of Edinburgh. The Earl Marischal handed them over by deputy to the Earl of Glasgow, Lord Treasurer Depute, protesting at the same time that their delivery was not to prejudice the heritable right of the Marischal to keep them when Parliament was sitting or otherwise, in the Castle of Dunottar or elsewhere, and to receive intimation before their removal from the Crown Room in Edinburgh Castle.<sup>2</sup> In 1705 and 1708 the Earl had warrants for the Order of K.T. from King James,<sup>3</sup> and was imprisoned for a short time as a Jacobite, but in 1710 he was elected one of the sixteen Scottish Representative Peers in the Parliament of Great Britain. He died in London 27 May 1712. He married, about 1690, Mary Drummond, eldest daughter of James, fourth Earl of Perth, High Chancellor of Scotland, and by her, who died at Edinburgh 7 March 1729,<sup>4</sup> had:—

1. GEORGE, who succeeded.

2. James, born at Inverugie 16 June 1696. He took part, with his brother, in the rebellion of 1715, and with him was attainted for high treason. He escaped abroad, and became an officer in the Spanish army. In 1728 he entered the Russian service, and was at once given the rank of major-general. In 1740 he came to England, and although still a Jacobite, was graciously received by King George II. On his return to Russia he was made Governor of the Ukraine. In 1747 he found it advisable to leave the Russian service, and within a month thereafter he entered

<sup>1</sup> Minutes of Parliament. <sup>2</sup> *Proc. of Soc. Antiq. of Scot.*, xxiv., years 1889-90; *Regalia Papers*, Bannatyne Club. <sup>3</sup> Ruvigny's *Jacobite Peerage*, 194. <sup>4</sup> *Musgrave's Obituary*.

the service of Frederick II., King of Prussia (Frederick the Great), as field-marshal. Two years later he was made Governor of Berlin, with a salary of £1600 a year. He was killed at the battle of Hochkirchen, 14 October 1758, in the sixty-third year of his age. A monument to his memory was placed in the church of that town in 1766 by his kinsman Sir Robert Murray-Keith. He was buried by the King of Prussia in the Garrison Church at Berlin. His statue was erected in Berlin, and a replica of it was presented to the town of Peterhead by the German Emperor. He was never married.

3. *Mary*, married, as his second wife (contract 8 February 1711), to John, sixth Earl of Wigtoun. She died in 1721.
4. *Anne*, married in 1719 to Alexander, sixth Earl of Galloway. (*See that title.*) She died 1728.

X. GEORGE, tenth Earl Marischal, was born in 1694,<sup>1</sup> and succeeded his father in 1712. He entered the Army, and in 1711 was commissioned by Queen Anne as captain in the Earl of Hyndford's Dragoons. On 11 January 1714 he received a commission from King George I. as captain and lieutenant-colonel of the second troop of Horse Grenadier Guards. This commission was, however, soon afterwards cancelled at the instigation of the Duke of Argyll, who at the same time advised King George I. to remove many of the Scottish nobility from their positions in the public service, amongst others who were thus treated being the Earl of Mar, the Earl Marischal's kinsman, who was deprived of his office of Secretary of State. Soon afterwards the Earl set out for Scotland, and on his way north met his brother James at York, who was coming south to take up a commission in the English army. The latter, on being told what had occurred, turned his horse's head, and the two brothers returned to Scotland together. The Earl Marischal joined the Earl of Mar, and in 1715 was present at the so-called 'hunting party' at Braemar on 26 August. At the battle of Sheriffmuir on the 13 November following he com-

<sup>1</sup> *Records of Marischal College*, ii. 284.

manded the right wing of the Jacobite army, consisting of about 1500 horse.

On 27 December he joined the Chevalier at Fetteresso, who had before this honoured his house at Newburgh with his presence. When James left for France, the Marischal, after a march through the north of Scotland, escaped also to the Continent. For his part in the rising the Earl Marischal was attainted for high treason, his estates, entered officially as being worth at the sale in 1720 £2998, 4s. 4d. per annum, were forfeited, and the title and office of Marischal were confiscated. About the year 1717 he arrived in Paris on a mission connected with the Jacobite cause. After leaving Paris he lived for a short time at Valencia, and was granted a small annual pension by the Court of Spain.

He took command of the Spanish Jacobite expedition which landed in Scotland 16 April 1719, and which was defeated at Glenshiel 18 June of that year. In this engagement he was badly wounded, but effected his escape to Spain. There he lived for a long time chiefly at Valencia, continuing to correspond with the Chevalier. In 1744 it was proposed that he should again have the command of a small force to be landed in Scotland, but the scheme was not carried out, and he took no part in the rising of 1745. Thereafter he left Spain, and in 1746 took up his residence in Venice. His brother James, having quitted the Russian service for that of Prussia, persuaded him to come and live with him there, and on 28 August 1751 Frederick the Great appointed him his ambassador in Paris. In 1752 he was removed from Paris, given the order of the Black Eagle, and made Governor of Neufchâtel. On the death of his brother Marshal Keith at Hochkirchen in 1758, Frederick sent him a letter of condolence, signing himself 'your old friend till death.' In 1759 he was sent as Prussian ambassador to Spain. On 29 May of the same year he was granted a free pardon by King George II., and in the warning transmitted by him to Pitt from Madrid of the family compact between King Carlos and Louis xv. he paid tribute to the generosity with which the King had re-admitted him as a citizen of his native country. In 1760 an Act was passed permitting him to inherit, notwithstanding his attainder,

any title or estate which might descend to him, and in the following year, on the death of William, fourth Earl of Kintore, he succeeded to the title and estates. He declined, however, to take the title, and was never generally designated as Earl of Kintore. In April 1761 he visited London, and was graciously received by the King, whence he returned to Spain, but in March 1762 he was once more in the Principality of Neuchâtel, where Rousseau came to visit him. In August 1763 he again left for Scotland. His estates had been sold in 1720 to the York Buildings Company, and by an Act of Parliament of 1761 he was granted out of the sums realised by the sale, and interest remaining due on the purchase, the sum of £3618, with interest from Whitsunday 1721. In 1764 he purchased part of the estates, but immediately resold them to James Ferguson of Pitfour, with the exception of the principal family seat, Dunottar Castle, which he sold to Alexander Keith of Ravelston, a descendant of the third Earl (*q.v.*). On the urgent request of King Frederick the Great, he returned to live in Prussia. A villa-cottage was built for him at Potsdam, where he lived, a trusted friend of the King until his death, unmarried, 28 May 1778.<sup>1</sup>

The estate of Kintore, with the old castle of Hallforest and Keith-hall, with the title of Earl of Kintore, devolved on Lord Falconer of Halkertoun as heir of entail, upon the death of the tenth Earl Marischal, the remainder of his property being divided among his grand-nephews, John, eleventh Lord Elphinstone, and his brothers the Hon. William Elphinstone and the Hon. George Keith Elphinstone.<sup>2</sup>

CREATIONS.—Between 1446 and July 1451, Lord Keith. Between 6 August 1457 and 7 October 1458, Earl Marischal. 29 July 1587, Lord Altrie.

ARMS.—Argent, on a chief or three pallets gules. Behind the shield two batons gules placed saltirewise, semée of

<sup>1</sup> *Memoirs of Marshal Keith, Dict. of Nat. Biog.*, xxx.; *Affairs of Scotland*, by David, Lord Elcho; Sir P. K.-M. Papers. <sup>2</sup> See title Elphinstone, vol. iii. 548.

thistles, ensigned on the top with an imperial crown or, as badges of the office of Great Marischal of Scotland.

CREST.—A hart's head erased proper, attired with ten tynes or.

SUPPORTERS.—Two harts proper, attired as in the crest.

MOTTO.—*Veritas vincit.*

[C. T. G.]



## DRUMMOND, EARL OF MELFORT



JOHN DRUMMOND, second son of James, third Earl of Perth (*see that title*), was born about 1649. He entered the Army, and may have been the John Drummond who had a commission as ensign in Sir William Lockhart's Regiment of Foot, 25 July 1672.<sup>1</sup> In the following year, however, he was appointed a captain in the Scots Foot Guards. In 1679 he was made Deputy-Governor of Edinburgh Castle, and in 1680 Lieutenant-General and Master of the Ordnance. In 1681 he became Treasurer-Depute of Scotland under the Marquess of Queensberry, and in 1684 Secretary of State for Scotland. On the accession of King James VII. he was continued in office, and on 14 April 1685 was created VISCOUNT OF MELFORT AND LORD DRUMMOND OF GILESTOUN, getting a grant of the lands and barony of Melfort (part of the forfeited Argyll estates). He had also, on 19 March 1686, a charter of the barony of Muirhall. In May following he exchanged these lands with the Crown for the lands and baronies of Cesnock, Duchall, Riccartoun, and others, which had fallen to the Crown as forfeited.<sup>2</sup> On 12 August 1686 he was created EARL OF MELFORT, VISCOUNT OF FORTH, LORD DRUMMOND

<sup>1</sup> Dalton's *Army Lists*. <sup>2</sup> *Acta Parl. Scot.*, viii. 582, 592.

OF RICCARTOUN, CASTLEMAINS, AND GILSTOUN.<sup>1</sup> In both his patents of Peerage the remainder was to the heirs-male of his body of his second marriage, whom failing, to the heirs-male whatever of his body. The postponement of the children of his first wife to the succession arose from the fact that the Lundins, the family to which she belonged, were zealous Protestants, and would not allow her two sons to be brought up as Roman Catholics, to which faith their father had turned. On 6 June 1687 Melfort was made a Knight of the Order of the Thistle on the Institution of that Order. He was in London when the Prince of Orange landed, and at once took the precaution of resigning his estates and having them regranted to his wife, with remainder to their son John,<sup>2</sup> Lord Forth, and his heirs-male, whom failing, his heirs-female, whom failing, his heirs whatsoever. Having thus endeavoured to make his position as secure as possible, Melfort left England before the King, landing at Ambleteuse 16 December 1688. Meanwhile his house in Edinburgh was ransacked by the mob, and all his papers scattered or destroyed. At St. Germain's, however, he soon became a person of importance: being, as a contemporary chronicler relates, 'very handsome, . . . very ambitious, with abundance of lively sense, . . . very proud, and cannot bear a rival in business,' he speedily gained the confidence of the King, and was one of his most influential advisers. In 1689 Melfort accompanied James to Ireland, but made himself so unpopular in that country that he was sent back to France, from which country Louis XIV. despatched him as Jacobite envoy to Rome. His estates having been sequestered, many of his moveables were seized in London in 1691; and his pictures, including specimens of Vandyke, Rubens, and others, were, according to Evelyn, sold in 1693, and excited considerable competition. In 1691 Melfort had returned to St. Germain's, and was made a K.G. by James, who also, 17 April 1692,<sup>3</sup> created him Duke of Melfort, a title which, it is said, was accepted and confirmed by Louis XIV. on the death of King James, when the French King granted to the Duke of Melfort and his male posterity the 'honneurs du Louvre,'

<sup>1</sup> Perth Peerage Case, 112. <sup>2</sup> *Reg. Mag. Sig.*, 9 November 1688. <sup>3</sup> Perth Peerage Case, 114.

and the 'Tabouret' to the Duchess, and all the other honours and privileges enjoyed by French Dukes and Duchesses, except that of sitting in the Chamber of Peers.<sup>1</sup> In 1695 Melfort was formally attainted, but it was provided that the forfeiture was not to taint the blood of his children by his first marriage.<sup>2</sup> His arms were ordered to be 'cancelled and erased out of the registers and records of Heraldry.'<sup>3</sup>

Melfort appears now to have lost his influence at the Court of St. Germain. In 1696 he was banished to Rouen, but was afterwards permitted to live in Paris, and to pay occasional visits to St. Germain. In 1701 he was accused of writing a letter, which was seized in the Post Office, with the object of creating a rupture between the Kingdoms of France and England. He was consequently banished to Angers, and never again saw James. It is said that the latter, on his deathbed, directed that Melfort should be recalled and his dukedom publicly acknowledged.<sup>4</sup> Melfort appears to have been a born schemer and intriguer, though his steadfastness to his master is noted by a contemporary.<sup>5</sup> He died in Paris 26 January 1714,<sup>6</sup> aged sixty-four. He married, first, 30 April 1670, Sophia, daughter and heiress of Margaret Lundin of Lundin, co. Fife, by her husband, Robert Maitland, brother of John, Duke of Lauderdale.<sup>7</sup> By her he had issue:—

1. *John*, born 31 October 1673; died young.
2. *James* Lundin of Lundin, who took his mother's name, and succeeded her in her estates; died, unmarried, 6 November 1698.
3. *Robert*, whose descendants ultimately became the heirs-male of the Earls of Perth. (*See that title.*)
4. *Anne*, born 3 March 1671; married to Sir John Houston of Houston, with issue.
5. *Elizabeth*, born 22 July 1672; married to William, second Viscount Strathallan, with issue.
6. *Mary*, married, first, to Gideon Scott of Highchester, who died 1707; and secondly, before 11 November

<sup>1</sup> *Historical Facts regarding the Succession to the . . . Baronies of Drummond, etc.*, Paris, 1866. <sup>2</sup> *Acta Parl. Scot.*, ix. 407. <sup>3</sup> *Ibid.*, App., 110. This may have been nominally done, but, as a matter of fact, the arms had never been recorded. <sup>4</sup> *Dict. Nat. Biog.* <sup>5</sup> *Lives of the Lindsays*, ii. 158 note. <sup>6</sup> Perth Peerage Case, 262. <sup>7</sup> Vol. iv. 302.



1718, to Sir James Sharp of Scotsraig, Bart., who died 25 April 1738. She died at St. Andrews 4 October 1754, leaving issue by both husbands.

Lord Melfort married, secondly, in 1680, Euphemia, daughter of Sir Thomas Wallace of Craigie, a Lord of Session. She was one of the beauties of her day, and lived to be over ninety, dying at St. Germain in 1743. After her husband's death she was granted by Louis XIV. the privilege of keeping one of the two faro tables authorised by him. It was to her, too, that 'I Padri e gli Alumni' of the Scots College at Rome dedicated their republication of Lesley's *Vita di S. Margherita, Regina di Scozia*, originally printed in 1691.<sup>1</sup>

By his second wife Lord Melfort had issue :—

7. JOHN.
8. *Thomas*, an officer in the service of Charles VII., Emperor of Germany, who died, unmarried, 1715.
9. *William*, in holy orders in the Roman Church, an abbé in Liége; died in Spain 1742.
10. *Andrew*, a colonel of horse in the French service; married Magdalen Silvia de St. Hermione, with issue :—

(1) *Louis*, married, 1759, Jeanne Elizabeth de la Porte, daughter of the Marquess de Presles, Intendant of Dauphiny. It is probably he whose death as 'Earl of Melfort' (? Comte de Melfort) was announced in the magazines of the day as having taken place at Yvoy-le-Pré, his seat in France, in November 1788.<sup>2</sup> They had issue :—

i. *Louis Pierre Francis Malcolm*, died 1833, said to have married, first, Caroline Barry, daughter of the Earl of Barrymore, and secondly, Caroline, daughter of Kenneth, Earl of Seaforth. She died *s.p.* 1847, and was buried at St. Pancras, London. He had issue, with other children :<sup>3</sup>—

(i) *Louis Edward Geneviève*, born 1791; colonel on the French staff, Knight of St. Louis of France, and of St. Ferdinand of Spain; died 1888, having married, in 1823, Eudoxia Saulnier de Cherrières.

ii. *Annabella Henriette*, married to the Comte de Marguerie, who was guillotined 1793.

11. *Bernard*, died young at Douai.
12. *Philip*, in the French service; died of wounds received in action.

<sup>1</sup> *House of Drummond*, 306. <sup>2</sup> *Scots Mag.*; *European Mag.*; *Gent.'s Mag.* <sup>3</sup> This branch is now extinct in the male line.

13. *Margaret*, baptized 7 April 1683.<sup>1</sup>
14. *Henrietta*, died unmarried 1752.
15. *Mary*, married to Don José de Royas, Count Bozas of Castel Bianco, in Spain; died *s.p.* 1713.
16. *Frances*, married, by papal dispensation, to her deceased sister's husband, Count Castel Bianco, with issue. One of their daughters, Maria Theresa, made a morganatic marriage, in 1776, with Louis de Bourbon, the Infante of Spain, brother of Charles VI.<sup>2</sup>
17. *Louisa*, died unmarried.
18. *Teresa Margarita*, died unmarried.

II. JOHN DRUMMOND, who, but for the attainder, would have been second Earl of Melfort, was born in Scotland 26 May 1682.<sup>3</sup> In 1686 he was styled Viscount Forth.<sup>4</sup> He took part in the Rising of 1715, and was Major-General of the insurgent army, but escaped to France again, 4 February 1716. He died 29 January 1754, and was buried at St. Nicholas des Champs, Paris. He married, 25 May 1707,<sup>5</sup> Marie Gabrielle d'Audibert, widow of Henry Fitz James, titular Duke of Albemarle, a natural son of King James VII., and daughter of Jean d'Audibert, Comte de Lussan. She was an heiress, and brought her husband the various estates of her family, fourteen villages in Bas Languedoc, which had been erected into a Compté ('male et femelle tenant de la Tour des Louvres') by Louis XIV. in October 1645. She died 15 May 1741, at St. Germain, aged sixty-six.<sup>6</sup>

By her he had issue:—

1. JAMES.
2. *Louis*, born at St. Germain 16 February 1709; colonel of the regiment of Royal Scots in the French service, raised at the expense of the family; a Grand Cross of St. Louis; was at the battle of Culloden, where he lost a leg, and died at Paris 8 July 1792.<sup>7</sup>
3. *John*, born at St. Germain 31 October 1711;<sup>8</sup> Lieutenant of the Guard of the King of Poland, with the rank of major-general.

<sup>1</sup> Canongate Reg. <sup>2</sup> Drummond's *Noble Families*. <sup>3</sup> *Historical Facts, etc.*, 33. <sup>4</sup> Drummond's *Noble Families*. <sup>5</sup> Pedigree in Perth Peerage Case, 263. <sup>6</sup> *Scots Mag.* <sup>7</sup> Perth Peerage Case, 165; Drummond's *Noble Families*. <sup>8</sup> Pedigree in Perth Peerage Case.

4. *Constantine*, born at Bagnals 19 June 1717, and died there 1719.<sup>1</sup>

III. JAMES (called Thomas by Douglas), but for the attainder third Earl of Melfort, was born at St. Germain 16 May 1708.<sup>2</sup> He succeeded to the large estates of his mother in Languedoc. He was a captain of cavalry in the French service, and lost both his feet in action. He died 25 December 1766, having married, 29 January 1755, at Lussan,<sup>3</sup> Marie de Beranger. She, who was the daughter of Francis Beranger, in the town of St. Paul, Trois Châteaux, was born at Barjac 1 September 1728.<sup>4</sup> On 1 June 1775 she had a grant from Louis xv. of a pension of 3000 livres.<sup>5</sup> By her James Drummond had the following issue, three sons and one daughter having been born previous to the marriage :<sup>6</sup>—

1. JAMES LOUIS.
2. CHARLES EDWARD.
3. *Henry Benedict*, entered the French navy 1767, severely wounded in action 27 July 1778, in recognition of his services he was made a Chevalier of the Order of St. Louis 16 August 1778, and had on 15 December following a gratuity of 600 francs. On 30 January 1779 he was at the taking of Senegal, was appointed captain on 13 March following, and died on board the *Feudant* 6 April 1779, unmarried.<sup>7</sup>
4. *Leon Maurice*, born 11 April 1761, died 26 April 1826, having married, 26 October 1794,<sup>8</sup> Lucie Marie de Longuemare ; she died 12 August 1824, with issue :—

- (1) GEORGE, of whom presently.
- (2) *Lucie Clementine*, born 1796, married, 8 September 1823, to Francis Henry Davies, Registrar of the Court of Chancery. He died 23 October 1863 ; she died 27 April 1879.
- (3) *Leontine*, born 1793, died 1809.

5. *Marie Cecile Henrietta*, born at Lussan 23 May 1754. She got a pension of 1000 livres from Louis xv. ;<sup>9</sup> died before 1803.
6. *Amelia Felicia*, living at Amiens in 1804, died 1846.

<sup>1</sup> Pedigree in Perth Peerage Case. <sup>2</sup> Perth Peerage Case, 265. <sup>3</sup> *Ibid.*, 267. <sup>4</sup> *Ibid.*, 267. <sup>5</sup> *Ibid.*, 157. <sup>6</sup> They were affianced in 1747 at Avignon, but could not marry publicly without his father's consent. On the death of the latter in 1754, they were legally married as soon as French law allowed, in 1755. <sup>7</sup> Perth Peerage Case, 284. <sup>8</sup> *Ibid.*, 272. <sup>9</sup> *Ibid.*, 158.

IV. JAMES LOUIS, but for the attainder fourth Earl of Melfort, was born 14 October 1750.<sup>1</sup> He was a general in the French service, and a Commander of the Order of St. Louis. He retired from the French army in 1790, and went to Spain, entering the service of that country as a brigadier.<sup>2</sup> In 1792, at the time of the Revolution, the Lussan estates which were in his possession were seized by the revolutionary government, and the château, with all its contents of charters, family papers, furniture, etc., was burned by the mob. The estates themselves were divided and sold to forty-seven different persons. It has been stated<sup>3</sup> that James Louis Drummond died at Lepus Island in Spain in September 1800, without having ever returned to France. He married, at Paris, in 1788 (contract 30 April), Aglaé Elizabeth Jaqueline d'Oms Alais, daughter of Marc, Vicomte d'Alais, Baron de Salindres. By her he had issue one daughter, who died young.

V. CHARLES EDWARD, but for the attainder fifth Earl of Melfort, born 1 January 1752, entered the Roman Church. It is said that on escaping from France at the time of the Revolution he went first to Holland and then to England, and that while there, some time after 1805, considerable pensions were granted both to him and his brother Leon, as British subjects who had never lost their nationality,<sup>4</sup> in the Civil List in Scotland. But ultimately he went to Rome, where he died as a prelate in the household of the Pope in April 1840.<sup>5</sup>

VI. GEORGE, but for the attainder sixth Earl of Melfort, succeeded his uncle in 1840. He was born 6 May 1807, in Stephen Street, London, and baptized at Marylebone parish church 10 September 1808. He was for some time a captain in the 93rd Highlanders. In 1841 he established in France, before the Conseil d'Etat and the Tribunal de la Seine, his right to the French titles of Duc de Melfort, Comte de Lussan, and Baron de Valrose.<sup>6</sup> He proved his

<sup>1</sup> The children born before the legal marriage of their parents were apparently legitimated by express declaration at the time of the marriage; *Min. of Evidence*, Perth Peerage Case, 267. <sup>2</sup> *Historical Facts, etc.*, 36. <sup>3</sup> *Ibid.*; *Complete Peerage*. <sup>4</sup> *Historical Facts, etc.*, 37. <sup>5</sup> Perth Peerage Case, 172. <sup>6</sup> *Complete Peerage*.

descent before the House of Lords in England in 1848, and the attainders having been reversed by Act of Parliament 28 June 1853, he was found entitled to the dignities of Earl of Perth (1605), Earl of Melfort (1686), Viscount Forth (1686), Lord Drummond (1488), and Lord Drummond of Riccartoun, Castlemains, and Gilstoun (1686). He died 28 February 1902, having married, first, 19 May 1831, the Baroness Albertine de Rotberg, widow of General Comte Rapp, a Peer of France. She died 2 June 1842, and he married, secondly, 9 August 1847, Susan Henrietta, daughter of Thomas Bermingham Sewell of Athenry, and widow of Colonel Burrowes of Dangan Castle, co. Meath; she died 11 September 1886.

By his first wife he had issue:—

1. *James Maurice Willoughby*, born 12 August 1832, died February 1833.
2. *George Henry Charles Francis Malcolm*, Viscount Forth, born at Naples 13 May 1834, was in the 42nd Highlanders; died 8 October 1861, having married, 24 October 1855, Harriet Mary, eldest daughter of the Hon. Adolphus Capell, and niece of the Earl of Essex. She married, secondly, 29 October 1861, Edward Cholmely Dering, and died 30 April 1868, leaving issue by her first husband:—

(1) *George Essex Montifex*, Lord Drummond, born 3 September 1856; died *s.p.*, and unmarried, 4 August 1887.

3. *Annabella*, born 11 July 1835, died November 1838.

By his second wife the Earl had:—

4. *Marie Augusta Gabrielle Berengère Blanche*, born 15 December 1848. Married, 24 April 1871, to Colonel Mackenzie Fraser of Castle Fraser and Inverallochy, and died *s.p.* 5 February 1874.
5. *Marie Louise Susan Edith Grace*, born 29 April 1854. She inherits the French titles of Countess de Lussan and Baroness de Valrose.

At the death of the Earl, his title of Earl of Perth was inherited by his distant kinsman William Huntly Drummond, Viscount Strathallan (*see title Perth*). The French dukedom of Melfort became extinct.

It is said, however, that in 1687 the first Earl made a resignation of all his honours, and there is no doubt that

he got a regrant on 9 November 1688 from King James, creating all his lands into a new earldom of Melfort and lordship of the regality of Forth, in favour of his wife for her life, and of his eldest son John, styled in the writ 'Lord Forth,' and the heirs-male of his body, whom failing, the heirs-female of his body, whom failing, his heirs whatsoever.<sup>1</sup>

CREATIONS.—Viscount of Melfort and Lord Drummond of Gilestoun, 14 April 1685; Earl of Melfort, Viscount of Forth, Lord Drummond of Riccartoun, Castlemains, and Gilstoun, 12 August 1686, in the Peerage of Scotland. Duc de Melfort, 17 April 1692, in the Peerage of France.

ARMS (not recorded in Lyon Register, but given in Peers' Arms MS., Lyon Office).—Quarterly: 1st and 4th, or, three bars wavy gules, for *Drummond*; 2nd and 3rd, or, a lion rampant within a double tressure flory counterflory gules surrounded by a bordure compony argent and azure, for *Lundin* of that Ilk.

CREST.—Out of an eastern crown or a demi-lion affrontée gules holding in its right paw a dagger, and in its left a thistle, both proper.

SUPPORTERS.—Two lions rampant gules collared azure, the collars charged with thistles or.

MOTTO.—*Dei dono, sum quod sum.*

[J. B. P.]

<sup>1</sup> *Reg. Mag. Sig.*, ms. lib. lxxi, No. 107.



From the original



Leven and Melville



## MELVILLE, EARLS OF LEVEN AND MELVILLE



It is probable that the Melvilles are of Norman descent. There is mention of Guillaume de Malleville among those who accompanied William, Duke of Normandy, into England in 1066.<sup>1</sup> The same individual is again referred to as 'Le Sieur de Maleville' by Dumoulin in his *Histoire General de Normandie*,<sup>2</sup> and either he, or a relative of the same name, took part in the expedition undertaken in 1096 by Robert Curthose,

Duke of Normandy, and Godfrey of Bouillon, Duke of Lorraine.<sup>3</sup>

Sir William Fraser in his work on *The Melvilles* quotes a number of references to Melvilles in England at an early date. He also states that so recently as 1667 there were three principal families of the name of Maleville in Normandy, and he considers it a fair inference from all the facts that the family of Malville are of Norman origin, and that, like many other adherents of the Conqueror, they obtained lands in England, and thereafter migrated northwards and settled in Scotland.<sup>4</sup>

GALFRID MELVILLE is the first of his family known to have settled north of the Tweed. Of his immediate

<sup>1</sup> *Nobiliare de Normandie*, par E. de Magny, 5.    <sup>2</sup> P. 100, App. 16.  
<sup>3</sup> *Ibid.*    <sup>4</sup> *The Melvilles*, i. 2.

parentage and descent nothing has been ascertained. His name is found in a charter by King Malcolm iv., dated 1162,<sup>1</sup> and he was then in occupation of the important office of Sheriff of Edinburgh Castle, at that time a prominent royal residence. From his occupation of this post, and the numerous grants of land which he received from the King, it may be inferred that he enjoyed the royal favour in a marked degree. It appears from the only original charter to Galfrid which has been preserved, and from other available evidence, that among the royal grants of land were a part of Liberton parish with Lechernard (Leadburn) in Midlothian.<sup>2</sup> The previous possessor of the Liberton lands was Malbeth, Malbet, or Macbet Bere, a baron of the time of David i. Before 1147, Malbeth made a grant to King David's new Abbey of Holyrood of two oxgangs of land, with the chapel of Liberton and the teinds of Lechernard. Galfrid Melville was in possession of the lands of Liberton and Leadburn between 1153 and 1165, and he, or more probably his son of the same name, confirmed this gift by his predecessor to the new abbey.<sup>3</sup> Besides his other lands, Galfrid appears to have held those now known as Melville, and it is considered probable that he gave his own name to these lands when he founded the church of Melville. The date of the charter in which it is first named, and by which it was conveyed to the Abbey of Dunfermline, can only be approximately given as between 1177 and 1188, but Galfrid refers therein to the church as already dedicated, and grants it to the monks of Dunfermline in pure alms, under condition that a light shall be kept perpetually burning before the tombs of King David i. and Malcolm iv.<sup>4</sup> Another charter of Galfrid, of uncertain date, indicates that he was the owner of the surrounding land, and that there was then a manorial residence at Melville.<sup>5</sup> In the reign of William the Lion, Melville appears to have been promoted to the office of Justiciar, probably of the district south of the Forth,<sup>6</sup> and he was a witness to several charters by that King between 1171 and 1178. His death probably occurred soon after the latter

<sup>1</sup> *Reg. de Newbotle*, xxxvi. 122, 123. <sup>2</sup> *The Melvilles*, iii. 1. <sup>3</sup> Holyrood Reg. 4, 24, 208. <sup>4</sup> *Reg. de Dunferm.*, 91. <sup>5</sup> *Ibid.*, 190. <sup>6</sup> *Reg. Epis. Glasg.*, 36.

date.<sup>1</sup> He seems to have been twice married, but the name of his first wife has not been ascertained.<sup>2</sup> He married, secondly, Matilda Malherbe, a lady of Anglo-Norman extraction, who survived him, and by whom he had issue:—

1. GREGORY, his heir.
2. *Galfrid*, who received from his nephew Richard, son of his brother Gregory, the lands of Grendun (now Granton, near Edinburgh), and those of Stanehouse or Stenhouse, near Liberton. From about the year 1200 to about the year 1230 his name appears as witness to writs relating to lands in the county of Fife, from which the inference may be drawn that he had settled in that district. From this fact, and from a tradition preserved in the family of the Melvilles of Raith that the Laird of Carnbee was the second son of the first Lord of Melville,<sup>3</sup> also from the circumstance that the lands of Stenhouse and Granton are found, before 1379, in the possession of the Melvilles of Carnbee, the conclusion seems not unwarranted that Galfrid, the younger, was the ancestor of that branch of the family.<sup>4</sup> He was apparently alive in the reign of Alexander II.<sup>5</sup>
3. *Thomas*, who with his four younger brothers is named as a witness to their father's grant of the church of Melville to the Abbey of Dunfermline, but of whom nothing more is known.
4. *Robert*, named in the same charter, who is probably identical with Sir Robert Melville, whose name appears in 1223 and 1226 as witness to two transactions, one respecting the lands of Stobo, the other to part of the lands of Maxton, both in Roxburghshire, where, as also in Peeblesshire, the Melvilles are known to have had possessions, and where he may at that time have held lands.<sup>6</sup>
5. *Hugh*, who appears as a witness about 1203 to a grant by Alan Fitz-Walter, Steward of Scotland, of lands in Renfrew to the Abbey of Paisley, and to another charter to the same abbey about the same date.<sup>7</sup>

<sup>1</sup> *The Melvilles*, i. 6. <sup>2</sup> *Ibid.* <sup>3</sup> Ms. Genealogy of the house of Raith in Melville Charter-chest. <sup>4</sup> *The Melvilles*, i. 7. <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.*, i. 8. <sup>7</sup> *Reg. de Passelet*, 14, 49.

6. *Richard*, and

7. *Walter*, both named in the charter above mentioned.

GREGORY MELVILLE, the eldest son, succeeded his father Galfrid. In a charter of King William the Lion (1165-1170),<sup>1</sup> the lands of Liberton and Leadburn are conveyed jointly to him and his father, and in another royal charter of the same reign he receives the lands of Grendun in exchange for about 208 acres in Ednam, given to him by King Malcolm IV.<sup>2</sup> It is uncertain whether he survived his father. The name of his wife is not known. He was succeeded by his son,

SIR RICHARD MELVILLE, who seems to have been one of the personal followers of King William the Lion. He accompanied the King on his hostile expedition into England in 1174, and was taken prisoner on the occasion of the King's capture by the Yorkshire barons at Alnwick on 13 July of that year.<sup>3</sup> He was in possession of the lands of Liberton and Leadburn, Granton, and Stenhouse about the year 1178.<sup>4</sup> He also possessed lands in the parishes of Inverkeillor and Tannadice in Forfarshire.<sup>5</sup> He was Sheriff of Linlithgow towards the end of the reign of William the Lion.<sup>6</sup> He must have received the rank of knighthood, being referred to by his grandson as Sir Richard Melville. No record of him has been found after the death of King William.

He married, between 1189 and 1199, Margaret Prat, daughter of Richard Prat of Tynedale, and received with her a large tract of land which has been identified with a part, or the whole, of the parish of Muiravonside in Stirlingshire.<sup>7</sup> He left a son,

WILLIAM, who succeeded to the estates, but who is only known from references to him in his son Gregory's charters. The name of his wife is not known. He appears to have left three sons:—

1. SIR GREGORY, his heir.

<sup>1</sup> *The Melvilles*, iii. 1. <sup>2</sup> *Ibid.* <sup>3</sup> Robertson's *Scotland*, i. 366-370; Palgrave's *Hist. Docs.*, 77-80. <sup>4</sup> *The Melvilles*, iii. 2, 3. <sup>5</sup> *Reg. Aberbrothoc*; *Reg. S. Andree*, 64, 152, 230. <sup>6</sup> Holyrood Reg., 28. <sup>7</sup> *The Melvilles*, iii. 4, 5.

2. *Thomas*, styled 'of Haddington,' in a charter of his brother Sir Gregory.<sup>1</sup> He married Christiana, sister of Gregory Lysurs, chaplain, a member of the Gorton family, from whom he received a grant of six acres of the lands of Temple, including four acres lying between Dalhousie and Gorton.<sup>2</sup> He left three daughters, who succeeded to his lands of Gorton: (1) *Cristiana*, married to Adam, son of Walter, son of Aldwyn.<sup>3</sup> (2) *Alicia*, married to Richard, son of Galfrid, son of Gunnild; and (3) *Eva*, married to Malcolm, son of David Dun.<sup>4</sup>
3. *David*, described by Sir Gregory as his brother.<sup>5</sup>

SIR GREGORY MELVILLE, Knight, appears under the designation of Gregory, Lord of Melville, in a charter granted probably between 1240 and 1250.<sup>6</sup> He is frequently mentioned as a witness to charters,<sup>7</sup> and before 1264 he appears to have been Sheriff of Aberdeen.<sup>8</sup>

The name of his wife is not known, but he left at least one son,

WILLIAM MELVILLE, who, in a charter by his father dated about 1270, is designated his son and heir.<sup>9</sup> He was one of those who, in 1296, swore fealty to King Edward I. He had a son,

JOHN MELVILLE, who, in 1329, confirmed to the monks of Newbattle the charter of right of way through Tartraven granted by his grandfather Sir Gregory,<sup>10</sup> and also in 1344 the gift of a stone of wax.<sup>11</sup> The name of his wife is not known. He had a son,

THOMAS MELVILLE, who was a consenting party to his father's grant to the Abbey of Newbattle in 1344, and to another agreement with the Prior of St. Andrews in 1345.<sup>12</sup> His name has not been found elsewhere on record, and it is not known whether he ever succeeded to the estate. He left a son—

<sup>1</sup> *Reg. S. Andree*, 377. <sup>2</sup> *Reg. de Neubottle*, 301. <sup>3</sup> *Ibid.*, 301-304. <sup>4</sup> *Ibid.*  
<sup>5</sup> *Reg. S. Andree*, 377. <sup>6</sup> *Reg. de Neubottle*, 150. <sup>7</sup> *The Melvilles*, i. 14.  
<sup>8</sup> *Exch. Rolls*, i. 12. <sup>9</sup> *Reg. S. Andree*, 377. <sup>10</sup> *Reg. de Neubottle*, 161-163.  
<sup>11</sup> *Ibid.*, 176, 177. <sup>12</sup> *The Melvilles*, iii. 9-11.

JOHN MELVILLE, who, on 20 November 1379, was in possession of the family estates, as upon that date he granted to John Melville, son of John Melville of Carnbee, his lands of Granton and Stenhouse in the barony of Melville.<sup>1</sup> He was succeeded by his son,

THOMAS MELVILLE, who was in possession of 'Mailvil' as 'lord of the samyn sted' on 27 March 1427, when he entered into a contract of excambion, with consent of John Melville, his son and heir, and Sir William Tynnyngham, parson of the 'Kirk of Mailvil,' anent the 'Kirklands of Mailvil.'<sup>2</sup> At this date Thomas was probably well advanced in life. He died in December 1429.<sup>3</sup> He was succeeded by his son,

JOHN MELVILLE, who was retoured heir to him 27 January 1429-30 in the barony of 'Malwyle,' the retour stating that the barony was in non-entry from the decease of Thomas Melville eight weeks before.<sup>4</sup> He appears to have died before 1442.<sup>5</sup> His wife, whose name has not been ascertained, must have survived him, her terce having been paid up to June 1465.<sup>6</sup>

THOMAS MELVILLE appears to have succeeded his father about the year 1442, as he was then infest in the lands of Grieston, Peeblesshire, which had been possessed by his father.<sup>7</sup> On 10 January 1451-52, as Thomas Melville, lord of that Ilk, he witnessed a charter by Robert Boyd of Kilmarnock to Sir David Hay of Yester.<sup>8</sup> In 1456 his goods were escheated to the extent of £10,<sup>9</sup> probably on account of debt, as there is evidence that his lands of Mosshouse and Grieston were mortgaged for a time.<sup>10</sup> He died in 1458,<sup>11</sup> the last direct heir-male of his family. His widow was alive in 1471.<sup>12</sup> He was succeeded by his daughter,

AGNES MELVILLE, who was under age at her father's death, and remained a ward of the Crown until 1471, being

<sup>1</sup> *The Scotts of Buccleuch*, ii. 10. <sup>2</sup> *The Melvilles*, i. 19 and note. <sup>3</sup> See his son's retour, dated 27 January 1429-30, *The Melvilles*, i. 20, note 1. <sup>4</sup> *Retour, ut supra.* <sup>5</sup> *Exch. Rolls*, ix. 657. <sup>6</sup> *Ibid.*, vii. 254, 320, 403. <sup>7</sup> *Ibid.*, ix. 657; Certif. of Sasine, *The Melvilles*, iii. 22. <sup>8</sup> Confirmed 12 January, *Reg. Mag. Sig.* <sup>9</sup> *Exch. Rolls*, vi. 143, 144. <sup>10</sup> *The Melvilles*, i. 21 note. <sup>11</sup> Retour of Agnes Melville, his daughter, 23 April 1471, *The Melvilles*, iii. 46, 47. <sup>12</sup> *Exch. Rolls*, vi. 254, 320, 403, 535, 628.

retoured heir to her father in April of that year.<sup>1</sup> She was married to Robert Ross, son of Sir John Ross of Halkhead,<sup>2</sup> She died before 16 October 1478,<sup>3</sup> leaving a son and heir John Ross, a minor, afterwards Sir John Ross, and second Lord Ross.<sup>4</sup> He was retoured heir to his mother in the barony of Melville 16 May 1496, although apparently in possession of the estate in 1490.<sup>5</sup> He was killed at Flodden 9 September 1513. The baronies of Melville, Hawkhead, and others were inherited by his descendants in the male line until the death, unmarried, of William, last Lord Ross of Hawkhead, in 1754. On the death of his eldest sister, the Hon. Jean Ross (wife of John Ross McKye), without issue, 19 August 1777, the succession devolved upon her younger sister, the Hon. Elizabeth Ross, who had married, 7 July 1755, John, third Earl of Glasgow.<sup>6</sup> The present Earl of Glasgow thus represents, in the female line, the ancient house of Melville of Melville.

There is a persistent tradition in the family of the Melvilles of Raith, who are the ancestors of the present holder of the title of Melville, that the founder of their house was a Stephen Melville. The dates of the tradition do not fit the actual facts, but there is authentic evidence that a Stephen Melville actually flourished a few generations earlier than the date assigned to him by tradition, and was in relationship, more or less close, with the family of the lords of Melville. Between the years 1233 and 1249 Stephen Melville was witness, along with William Melville and others, to a charter affecting Kilbucho in Peeblesshire,<sup>7</sup> and about the same time he witnessed charters granted by William Lysurs, laird of Gorton, to Thomas of Temple, son of William, Lord of Melville, and to his three daughters.<sup>8</sup> At a later date he received from William Lysurs a grant to himself in feu-farm of these same lands with others.<sup>9</sup> His association with the Melvilles of that Ilk in these transactions indicates a probability of relationship to the family, and if this be the case, it seems likely he was a younger son of Sir Richard, and thus a brother of William Melville of that Ilk, and an uncle of Thomas, 'of

<sup>1</sup> *Retour, ut supra.* <sup>2</sup> *The Melvilles*, i. 21. <sup>3</sup> *Acta Dom. Conc.*, 13.

<sup>4</sup> *The Melvilles*, i. 22. <sup>5</sup> *Ibid.* Cf. *Reg. Mag. Sig.*, 27 September 1490.

<sup>6</sup> *Supra*, iv. 215. <sup>7</sup> *Reg. Episc. Glasg.*, i. 128. <sup>8</sup> *Reg. de Neubottle*, 301-304.

<sup>9</sup> *Ibid.*, 303, 304.

Haddington' or 'of Temple,' as he is variously designed.<sup>1</sup> He left a son,

WALTER, who inherited the lands acquired by his father, and disposed them soon after to Sir William of St. Clair.<sup>2</sup> Walter may have been the father of

JOHN MELVILLE, who lived in the time of King Robert the Bruce, and resigned in his hands the lands of Caproneston in Peeblesshire, in favour of his son Walter Melville and Margaret, daughter of John Ayr, his wife.

WALTER MELVILLE also surrendered these lands in the hands of the same King for a regrant in favour of himself and his wife, and their issue and other heirs, which was confirmed on 5 July 1365 by David II., after the deaths of John and Walter Melville.<sup>3</sup> Walter Melville and Margaret Ayr may thus have been the immediate progenitors of the first known and authenticated Laird of Raith.

JOHN MELVILLE of Raith, who is first named in an undated charter granted to him by William Scott, laird of Balwearie, of the lands of Pitscottie, with a third part of the lands of Callange, which from the names of the witnesses, may be assigned to the year 1400.<sup>4</sup> This grant of Pitscottie was confirmed by Robert, Duke of Albany, as Earl of Fife, 3 August 1411.<sup>5</sup> The next reference to John Melville of Raith is in a charter to his son John, who, on 31 May 1412, on his marriage with Marjory Scot of Balwearie, received the lands of Durachmure from his father-in-law.<sup>6</sup> The elder Melville was probably dead before 1427, for it seems to be his son who, on 12 June 1427, entered into an agreement with Sir John Wemyss as to a mill dam from Loch Gelly to Melville's mill of Pitconmark.<sup>7</sup>

In the MS. pedigrees of the family he is said to have married a daughter of Stewart of Lorn, but of this no proof has been found.

He left a son—

<sup>1</sup> *The Melvilles*, i. 25. <sup>2</sup> *Reg. de Neubottle*, 304, 305. <sup>3</sup> *Reg. Mag. Sig.*  
<sup>4</sup> *The Melvilles*, iii. 17. <sup>5</sup> *Ibid.*, 18. <sup>6</sup> *Ibid.*, 18 19. <sup>7</sup> Wemyss Charter-  
chest.



SIR JOHN, who is first named in the charter of 31 May 1412, and later, in the agreement with Sir John Wemyss of Reres of 1427, both already cited. He was a knight in 1454, being described as Sir John Melville, Knight, in a writ of that date.<sup>1</sup> He must have died before August 1463, when his son appears to have been in possession of the family estates.<sup>2</sup>

He married Marjory, daughter of William Scott of Balwearie,<sup>3</sup> and by her had at least two children:—

1. WILLIAM, who succeeded, and
2. *Elizabeth*, married, before 24 June 1436, to David Boswell of Balgregie, afterwards of Balmuto.<sup>4</sup> On 4 November 1458 David Boswell, their son and heir, received a charter of Glassmonth, Balmuto, and other lands, on his father's resignation.<sup>5</sup>

WILLIAM MELVILLE, of Raith, witnessed a charter by George Abernethy of Balglaly Wester to John Boswell of Bowhill on 2 August 1463,<sup>6</sup> and being there designed 'of Raith,' he must have succeeded his father before that date. On 26 May 1474 he received from Henry, Abbot of Dunfermline, a charter to himself and his heirs of the lands of Raith, the yearly rental of which was fixed at £5 Scots.<sup>7</sup> On 22 October 1490, he and his eldest son bound themselves before the Lords of Council to submit certain questions connected with the disposal of the family estates to the decision of the Earl of Argyll, then Chancellor, the Earl of Bothwell, and Lord Home.<sup>8</sup> In the same year he appears as tutor to John Bonar, the young Laird of Rossie, whose sister his eldest son had married.<sup>9</sup> It was probably under an award by the arbiters above-mentioned that William Melville entered into an obligation to resign his lands and deliver goods to the value of £1000 Scots to his eldest son. The bond not having been satisfied, the son thereupon brought an action against his father for fulfilment of these obligations before the Lords of Council. The dispute was settled in the following May, William Melville then making a formal resignation of all his lands in favour of his son.<sup>10</sup>

<sup>1</sup> *The Melvilles*, iii. 22, 23. <sup>2</sup> *The Douglas Book*, iii. 95. <sup>3</sup> *The Melvilles*, iii. 17. <sup>4</sup> *Ibid.*, i. 28. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *The Douglas Book*, iii. 95. <sup>7</sup> *The Melvilles*, iii. 47-49. <sup>8</sup> *Acta Dom. Conc.*, 154. <sup>9</sup> *Ibid.*, 157, 158. <sup>10</sup> *The Melvilles*, i. 30

In June 1493 William Melville again submitted to an arbitration, this time between himself and his two younger sons, William and Andrew, on the one side, and his eldest son, John, on the other, the latter having objected to the alienation by his father of certain lands in favour of the two younger sons.<sup>1</sup> The award is not recorded. John, the eldest son, died within a year of the date mentioned, but litigation continued with his widow, Janet Bonar. The question in dispute was decided against the elder William.<sup>2</sup> On 28 February 1497-98, William Melville appears as one of the parties to a marriage-contract between his daughter Elizabeth or Elspet and John Gourlay, younger of Lamlethan.<sup>3</sup> He may have been dead before 29 October 1502, when his grandson, Sir John Melville, was retoured heir of his father, the deceased John Melville, in the family estates.<sup>4</sup>

He is said to have been twice married, the name of his first wife being given as Margaret Douglas, daughter of Douglas of Longniddry; but the only wife of whom there is authentic record is Euphemia Lundie, daughter of Sir Robert Lundie of Balgonie. She survived him, and about a year later engaged in a dispute with her husband's grandson, John Melville, about the payment of her terce, which was finally referred to the judgment of the Lords of Council,<sup>5</sup> and on 20 April 1506 she granted to him, now Sir John Melville, a lease of her lands of Feddinch; he on his part undertaking that his mother, Janet Bonar, should renounce her claim against his grandmother and her sons, David and Andrew Melville, for the goods taken by them from the house of Raith and elsewhere during their occupation.<sup>6</sup>

By his wife Euphemia Lundie William Melville had issue:—

1. JOHN, younger of Raith, of whom later.
2. *William*, whose name frequently appears in disputes between his father and elder brother. He apparently received from his father the lands of Pitscottie and Dura, and on 11 February 1492-93 he was one of

<sup>1</sup> *Acta Audit.*, 176. <sup>2</sup> *Acta Dom. Conc.*, 339. <sup>3</sup> *The Melvilles*, iii. 51-53.  
<sup>4</sup> *Ibid.*, 53, 54. <sup>5</sup> Decree 23 March 1503-4, Robertson's *Record of Parliament*, 500, 501. <sup>6</sup> *The Melvilles*, iii. 55.

several defenders in an action of spoliation at the instance of various tenants of these lands.<sup>1</sup> He was one of the parties to his sister's marriage-contract in 1498, and seems to have survived until the year 1513.<sup>2</sup>

3. *Andrew*, who is also mentioned in the litigation between his father and brother, and who was ejected by the latter from possession of the lands of Raith. In 1506, he, with his brother David and their mother Euphemia Lundie, were formally relieved of a claim by Janet Bonar, his eldest brother's wife, the proprietrix of Raith, for goods taken from the house.<sup>3</sup> From a discharge granted to his nephew for £40, dated 22 March 1515-16, it is evident he had settled in Leith,<sup>4</sup> but nothing further has been discovered regarding him.<sup>5</sup>
4. *David*, named along with his brother Andrew in a discharge granted by their mother to Sir John Melville.<sup>6</sup>
5. *Elizabeth* or *Elspe*, who married John Gourlay, younger of Lamlethan.<sup>7</sup>
6. *Margaret*, who, according to the family pedigrees, married James Bonar of Rossie, but no conclusive evidence of this has been found.<sup>8</sup>
7. *Gelis*, married to Henry Pitcairn of Drongy,<sup>9</sup> and had issue *John* Pitcairn of Pitlour,<sup>10</sup> entered as her heir in a tenement in Edinburgh 6 February 1550-51.

JOHN MELVILLE, younger of Raith, was infeft in the family estates on his father's resignation, on 4 November 1490,<sup>11</sup> and on 20 May 1491, following upon an action brought against his father before the Lords of Council, the elder Melville made another and formal resignation in favour of his son.<sup>12</sup> At the time of his death, which occurred before 14 June 1494, he was engaged in another litigation with his father.<sup>13</sup>

He married Janet Bonar, daughter of William<sup>14</sup> Bonar of

<sup>1</sup> *Acta Dom. Conc.*, 280. <sup>2</sup> *The Melvilles*, i. 34. <sup>3</sup> *V. supra.* <sup>4</sup> *The Melvilles*, iii. 60. <sup>5</sup> *Ibid.*, i. 34. <sup>6</sup> *Ibid.* <sup>7</sup> *Ibid.*, 35. <sup>8</sup> *Ibid.* <sup>9</sup> *Reg. Mag. Sig.*, 21 August 1505. <sup>10</sup> Protocol Book of A. King, Edin. Council Chambers, ii. 87. <sup>11</sup> Writ in Melville Charter-chest. <sup>12</sup> *Ibid.* <sup>13</sup> *Acta Dom. Conc.*, 324, 325, 352, 353. <sup>14</sup> *Acta Dom. Conc.*, xvi. f. 62.

Rossie, who survived him and was alive in 1506,<sup>1</sup> and by her had issue:—

1. JOHN, who succeeded.
2. *David*, who became a burgesse of Edinburgh, and left a son, Walter.<sup>2</sup>

SIR JOHN MELVILLE, fourth of Raith, was retoured heir to his father in the lands of Raith, Pitconmark, and Torbain on 29 October 1502, his grandfather William Melville being then presumably dead.<sup>3</sup> In the discharge dated 20 April 1506 by Euphemia Lundie, relict of William Melville, above referred to,<sup>4</sup> John Melville is designed Knight, which may have been one of the numerous dignities bestowed at the time of the marriage of King James IV. with the Princess Margaret of England on 11 August 1503.<sup>5</sup> On 6 February 1509-10, Sir William Scott of Balwearie granted an obligation to Sir John Melville discharging payment of the sum of 200 merks, due by the latter under a previous bond, if Sir William should fail in the 'keping of favour and kindness in tym to cum to the said Johnne.'<sup>6</sup> Indications of the disturbed condition of Scotland at this time are furnished by the existence of a bond of friendship and mutual defence entered into by Sir John Melville, David Wemyss of Wemyss, John Moultray of Markinch, and other neighbouring lairds at Scone, and dated 13 February 1520-21,<sup>7</sup> and by these bonds of manrent, dated respectively 9 July and 30 August 1522, by Robert Orrock, son of James Orrock of that Ilk, Alexander Orrock of Silliebalbie, and David Boswell of Glasmonth, who undertake, in return for Sir John's aid and protection, to assist him with their advice, and with armed force if necessary.<sup>8</sup> In October 1526 Sir John Melville received the appointment of Master of Artillery for life.<sup>9</sup> In December of the same year he joined John, Earl of Lennox, in his attempt to free King James V. from the control of the Douglasses. On the defeat and death of Lennox, 'all the Lords and Earles of the este and north parts' who had joined Lennox fell into the hands of the Earl of Angus and his brother George Douglas,

<sup>1</sup> Melville Charter-chest, *ut supra*. <sup>2</sup> *The Melvilles*, i. 37. <sup>3</sup> *Ibid.*, 38. <sup>4</sup> Page 84 *supra*. <sup>5</sup> *The Melvilles*, i. 38. <sup>6</sup> *Ibid.* <sup>7</sup> *Ibid.* <sup>8</sup> *Ibid.* <sup>9</sup> *Reg. Sec. Sig.*

'to ransom and fyne at their pleasyr.'<sup>1</sup> What penalty was inflicted in Melville's case is not known, but on 14 August 1527 a remission was signed in favour of Sir John, his son-in-law James Kirkcaldy of Grange, David Wemyss of Wemyss, and others, for their offence of taking up arms against the King, Angus being then Chancellor of Scotland.<sup>2</sup> Two years later, on 26 July 1529, Sir John and Kirkcaldy of Grange received a similar remission—this time, however, for having given treasonable help to the Douglases, who were then in exile.<sup>3</sup> As the result of a family feud of long standing between the Melvilles and the family of Moultray of Markinch, several serious frays took place about this time, and Melville himself received several dangerous wounds.<sup>4</sup> The quarrel had become so bitter and protracted that King James v. deemed it desirable to intervene. He therefore came to Cupar-in-Fife, where the parties appeared before him. On 29 January 1533-34, the King issued instructions in the form of a letter directing the Lords of Council and Session who had been commissioned to decide the case to 'make an gude end of the affair,' that the parties might stand 'in concord eftyrwart.' This object seems to have been achieved, for there is no evidence of further trouble between the two families.<sup>5</sup>

Sir John Melville accompanied King James v. in his expedition to the Borders in 1527,<sup>6</sup> and in the expedition of 1533, when the King marched southwards with the unfulfilled intention of invading England.<sup>7</sup> In July 1537, Sir John formed one of the jury in the trials of John, Master of Forbes, Janet Douglas, Lady Glamis and her son Lord Glamis, on a charge of conspiring against the life of the King,<sup>8</sup> and in August 1540 he sat as one of the jury who tried and convicted Sir James Hamilton of Finnart of another attempt on the King's life.<sup>9</sup> It was apparently in or before the year 1540 that King James v. conferred upon Melville the important office of Captain of the Castle of Dunbar, where he guarded the Highland chiefs whom the King brought back as hostages from his expedition to the

<sup>1</sup> Letter, Sir C. Dacre to Lord Dacre, 2 December 1526; Pinkerton, ii. 478. <sup>2</sup> *The Melvilles*, iii. 66. <sup>3</sup> *Ibid.*, 48. <sup>4</sup> *Ibid.*, i. 43-48. <sup>5</sup> *Ibid.*, 49, 50. <sup>6</sup> *Ibid.*, 50. <sup>7</sup> *State Papers, Henry VIII.*, iv. 637. <sup>8</sup> Pitcairn's *Criminal Trials*, i. 184, 190, 199. <sup>9</sup> *Acta Parl. Scot.*, ii. 602.

Isles in that year.<sup>1</sup> Sir John enjoyed a considerable degree of royal favour, which was apparently continued until the King's death on 16 December 1542, and he had influential friends amongst those in the higher offices of State and in attendance at the Court.<sup>2</sup> Having participated in the first stirrings of the Reformation movement in Scotland, he speedily became obnoxious to the clergy, and at the instigation of Cardinal Beaton, the names of Sir John Melville, Kirkcaldy of Grange, and other Fifeshire gentlemen were included in a list of noblemen, gentlemen, and burgesses accused of heretical opinions which was presented to the King about July 1540, with the request that the estates of all those named should be forfeited. The list was rejected at that time,<sup>3</sup> but it is said that in October 1542 the King began to entertain the proposal. Owing to the King's death and the eventual submission of Cardinal Beaton to Arran's authority, the confiscation of Sir John's lands, and of those others enumerated in the list referred to, was not at this time effected.<sup>4</sup> It has been alleged that a strong enmity existed on the part of the Cardinal against Sir John Melville,<sup>5</sup> but no charge of complicity in the prelate's murder was brought against Sir John.<sup>6</sup> On 1 June 1548, the Earl of Arran, Regent of the kingdom, wrote a letter to Melville, authorising him to write to England and make arrangements for the release of James, Lord Fleming, from captivity, whom his father, Malcolm, Lord Fleming, had left in the hands of the Government in England as a hostage after the rout of Solway Moss.<sup>7</sup> Within six months of the date of the Regent's letter, Sir John Melville was accused of treason. The principal evidence against him was a letter he admitted he had written to his natural son John Melville in England, in which he informed his son of the chief military events then taking place in Scotland, expressed his sympathy with the English invading army, and suggested how intelligence might be gained for Somerset.<sup>8</sup> He was arrested some time before 3 December 1548,<sup>9</sup> and on the 13th of that month he was found guilty of the

<sup>1</sup> *Mem. of Sir James Melville*, Bann. Club ed., 12. <sup>2</sup> Calderwood, i. 158; Sadler, i. 19; *The Melvilles*, ii. 2. <sup>3</sup> Knox's *Hist.*, Laing's ed., i. 82; Calderwood, i. 146, 147. <sup>4</sup> *The Melvilles*, i. 58. <sup>5</sup> Crawford's *Peerage*, 324, 325. <sup>6</sup> *Acta Parl. Scot.*, ii. 447. <sup>7</sup> *The Melvilles*, iii. 86. <sup>8</sup> *Ibid.*, 86-90, 102-103. <sup>9</sup> *Memoirs*, Bannatyne Club.

charges brought against him. He was executed on the same day, and on the 14th all his lands and goods were confiscated to the Crown. By a charter dated 7 January 1549-50, Robert Carnegie of Kinnaird received Murdocairnie.<sup>1</sup> Pitscottie and Dura passed to Mr. William Scott, son of Sir William Scott of Balwearie, the superior.<sup>2</sup> The largest part of the estates, consisting of Raith, Pitconmark, and Torbain, went to David Hamilton, third son of the Regent Arran.<sup>3</sup> In 1563 Sir John's widow, Helen Napier, and her elder children, petitioned the Government to rescind the condemnation and forfeiture, mainly on the ground that Sir John had been deceived and concussed into the admission that the letter founded upon at the trial was written by him.<sup>4</sup> The petition was granted, but the Act of Parliament giving effect to it proceeds merely on the technical ground that the judges, not having been specially commissioned, were incompetent to try the case.<sup>5</sup>

Sir John Melville married, first, about July 1503, a daughter of Sir John Wemyss of that ilk;<sup>6</sup> and secondly, about 1525, Helen Napier, stated by genealogists to have been the daughter of Sir Alexander Napier of Merchiston, but in a family memorandum, dated 1575, said to have been his niece, and her mother a daughter of the Laird of Craigmillar.<sup>7</sup> This statement however does not agree with the chronology of the Napier family [*see that title*], and it is probable that the memorandum is incorrect. Helen Napier survived her husband, and in 1569 obtained from David Hamilton, son of the Regent, a charter to herself and her son John of the lands of the Abthantry of Kinghorn Easter, now Abden, of which she was still in possession in May 1584, but she probably died about 1588.<sup>8</sup>

According to a memorandum preserved in the family Sir John Melville had by his first wife sons and daughters, but the sons died *v.p.* By his second wife he is said, on the same authority, to have had nine sons, of whom several are said to have died young, and two daughters:<sup>9</sup>—

1. *William*, who predeceased his father, was apparently a son by the first marriage.<sup>10</sup> In July 1544, his father

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *The Melvilles*, i. 75. <sup>3</sup> *Reg. de Dunferm.*, 396; *The Melvilles*, iii. 90. <sup>4</sup> *The Melvilles*, i. 70, 71. <sup>5</sup> *Acta Parl. Scot.*; *The Melvilles*, iii. 102-8. <sup>6</sup> *Wemyss Book*, i. 101. <sup>7</sup> *The Melvilles*, i. 77. <sup>8</sup> *Ibid.*, 78, 446. <sup>9</sup> *Ibid.*, 78. <sup>10</sup> *Ibid.*, 79.

settled upon him and his wife part of the lands of Pitconmark.<sup>1</sup> He married, 3 April 1541, Margaret Douglas, sister of Robert Douglas of Lochleven.<sup>2</sup> He seems to have died about 1547, no reference to him having been found after 5 March of that year, when he was a member of an assize in an action of apprising.<sup>3</sup> He left no surviving issue. His widow was still alive in May 1584.<sup>4</sup>

2. JOHN, the eldest son by the second wife, who succeeded.
3. *Sir Robert* of Murdocairnie, created first LORD MELVILLE, of whom later.
4. *Sir James* of Hallhill, born in 1535.<sup>5</sup> He was author of the well-known *Memoirs of His own Life*. At the age of fourteen he was sent to France by Mary of Guise as a page of honour to the young Queen of Scotland. In May 1553 he entered the service of the Constable, under whom he saw considerable military service.<sup>6</sup> At the skirmish of St. Quentin in August 1557, he was wounded and nearly taken prisoner.<sup>7</sup> In 1559 he was sent by Henry II. of France on a special mission to Scotland, which he successfully accomplished. In 1564, having accepted an invitation to return to Scotland, he entered the Queen's service, who, on 20 July 1564, gave him a pension of £100 Scots for life,<sup>8</sup> and was sent by her to England later in the same year on an important mission to Queen Elizabeth.<sup>9</sup> On 22 January 1564-65 he had a Crown charter of the lands of Drumcorse in Linlithgowshire,<sup>10</sup> and on 10 April 1566 he received from Darnley and the Queen, for life, a pension of 500 merks Scots yearly.<sup>11</sup> He attended the marriage of Mary with Bothwell on 15 May 1567, and in August of the same year he was commissioned to meet the Earl of Moray, on his return from France, at Berwick, and offer him the Regency.<sup>12</sup> On the death of Mr. Henry Balnaves of Hallhill, in February 1570-71, James Melville, whom the former had adopted

<sup>1</sup> *Reg. de Dunferm.*, 562. <sup>2</sup> *The Melvilles*, i. 79. <sup>3</sup> *Acta Dom. Conc.*, xxii. f. 152. <sup>4</sup> *The Melvilles*, i. 79. <sup>5</sup> *Ibid.*, 133. <sup>6</sup> *Ibid.*, 134. <sup>7</sup> *Ibid.*  
<sup>8</sup> *Reg. Sec. Sig.*, xxxii. f. 84; *Acta Parl. Scot.*, iii. 246. <sup>9</sup> *The Melvilles*, i. 137. <sup>10</sup> *Reg. Mag. Sig.* <sup>11</sup> *Reg. Sec. Sig.*, xxxiv. 63. <sup>12</sup> *The Melvilles*, i. 141, 142.



as his son, inherited from him his whole estate,<sup>1</sup> and during the government of the Regent Morton Melville retired into private life.<sup>2</sup> He was made a privy councillor by James VI.,<sup>3</sup> who, in 1588, desired that he should be one of the two ambassadors to Denmark to make arrangements for the marriage with the Princess Anna, second daughter of Frederick II., King of Denmark. But Melville would not accept the honour.<sup>4</sup> He was appointed Gentleman of the Queen's Chamber, and was knighted on the occasion of her coronation on 17 May 1590.<sup>5</sup> Sir James was in the Palace of Holyrood on the night of 27 December 1591, when the Earl of Bothwell attempted to get possession of the King's person, and was also with the King at Falkland when Bothwell made his second similar attempt on 28 June 1592.<sup>6</sup> In July 1599 he was one of a commission for raising men for military service,<sup>7</sup> and on 14 July 1600 he was sworn a member of the Privy Council, as reconstituted in 1598.<sup>8</sup> He declined to accompany the Court to London when King James departed from Scotland in 1603.<sup>9</sup> He died 13 November 1617, aged eighty-two.<sup>10</sup> He married Christine Boswell,<sup>11</sup> by whom he had, so far as known,

- (1) *James*, of Hallhill, who was retoured heir to his father in the lands of Prinlaws, 14 April 1618.<sup>12</sup> On 22 July 1636 he was retoured heir of line to his cousin Robert, second Lord Melville, in the lands of Nethergrange, the castle and mill of Burntisland and other lands, and on 12 April 1653 in the barony of Burntisland.<sup>13</sup> The date of his death has not been ascertained. He married, first, Catherine, third daughter of Alexander Colville, Commendator of Culross. They were married shortly after 5 September 1612, and she died 10 June 1614, leaving issue.<sup>14</sup> He married, secondly, Catherine Learmonth, by whom also he had issue:—

- i. *Sir James*, of Hallhill and Burntisland, son of the first marriage, who was a member of various Committees of Parliament between 1644 and 1661.<sup>15</sup> He

<sup>1</sup> Melville Charter-chest. <sup>2</sup> *The Melvilles*, i. 147. <sup>3</sup> *Ibid.*, 149. <sup>4</sup> *Ibid.*, 155. <sup>5</sup> Calderwood, v. 95. <sup>6</sup> *The Melvilles*, i. 156, 158. <sup>7</sup> *Acta Parl. Scot.*, iv. 156, 188. <sup>8</sup> *Reg. Privy Council*, vi. 130. <sup>9</sup> *The Melvilles*, i. 160. <sup>10</sup> *Ibid.*, 161. <sup>11</sup> *Reg. Mag. Sig.*, 24 February 1575-76. <sup>12</sup> *Fife Retours*, 275. <sup>13</sup> *Ibid.*, 539. <sup>14</sup> Protocol Book of James Primrose, ff. 104-106; St. Andrews Tests., 19 August 1614. <sup>15</sup> *Acta Parl. Scot.*, vi. *passim*, and vii. 206.

sold the barony of Burntisland to General James Wemyss, and after his death Hallhill was adjudged to George, Lord Melville, in payment of debt. He died in 1664.<sup>1</sup> He married Margaret Farquhar, by whom he had at least two sons—

- (i) *James*, who lost Hallhill by adjudication in 1675,<sup>2</sup> and who seems to have died *s.p.* before 1714.
  - (ii) *Gilbert*, successively minister of Arngask and Glendevon, but who demitted office in 1709.<sup>3</sup> In 1714 he was retoured heir-special to his father and uncle Robert, in part of Wester Kinghorn.<sup>4</sup>
  - ii. *Robert*, son of the second marriage, who seems to have died *s.p.*, his nephew being retoured heir to him in 1714.<sup>5</sup>
  - iii. *John*, son to James Melville of Hallhill, apprenticed 23 February 1642 to John Foulis, apothecary, Edinburgh, cancelled 25 October 1643.<sup>6</sup>
  - iv. *William*, son to James Melville of Hallhill, apprenticed, 13 October 1652, to Andrew Balfour, merchant, Edinburgh.<sup>7</sup>
  - v. *Anna*, a daughter of the first marriage.
- (2) *Robert*, named in the will of the second Lord Melville as legatee of 1000 merks. He was minister of the parish of Simprin, in Berwickshire, from 1641 to 1652. He died about the latter date, leaving a widow Catherine Melville, a son *John*, apprenticed on 28 June 1648 to Robert Aitchison, merchant, Edinburgh,<sup>8</sup> and daughter *Margaret*.<sup>9</sup>
  - (3) *Elizabeth*, married to John Colville, Commendator of Culross, ancestor of the Lords Colville of Culross.<sup>10</sup> She was remarkable for her piety and intellectual accomplishments.<sup>11</sup>
  - (4) *Margaret*, married (contract 27 December 1589) to Sir Andrew Balfour of Montquhany, and she was still his wife in 1606.<sup>12</sup>

5. *David* of Newmill. His name first appears as a witness to contracts between his brothers John and Robert in 1561 and 1563.<sup>13</sup> He took the side of Queen Mary, and joined Sir William Kirkcaldy of Grange in the Castle of Edinburgh in 1570. He was appointed a captain in the Queen's forces 5 June 1571, and took part in various engagements.<sup>14</sup> In 1571, with his

<sup>1</sup> *The Melvilles*, i. 162. <sup>2</sup> Melville Charter-chest. <sup>3</sup> *Fasti Eccles. Scot.*, ii. 626, 767. <sup>4</sup> Index to Serv. of Heirs, 1710-1719, p. 18. <sup>5</sup> *The Melvilles*, i. 447. <sup>6</sup> *Reg. of Apprentices*, 125. <sup>7</sup> *Ibid.* Perhaps this William was of a later generation. <sup>8</sup> *Ibid.* <sup>9</sup> *Fasti Eccles. Scot.*, ii. 448, 449. <sup>10</sup> *The Melvilles*, i. 161; *supra*, ii. 550. <sup>11</sup> *Ibid.* <sup>12</sup> *Reg. Mag. Sig.*, 3 January 1605 and 24 June 1606. Fraser and others make her the second wife of Sir John Scott of Scotstarvit, but Sir John's wife was named *Elizabeth* Melville. *Reg. Mag. Sig.*, 6 May 1647, and other references in same volume. <sup>13</sup> Melville Charter-chest; *Reg. Mag. Sig.* <sup>14</sup> *Diurnal of Occurrents*, 218, 238, 257.

brothers Robert and Andrew, he suffered forfeiture by Parliament,<sup>1</sup> but was reinstated in 1579.<sup>2</sup> Before 1584 he acquired the lands of Newmill.<sup>3</sup> He also held the small estate of Prinlaws in the parish of Leslie, in Fifeshire,<sup>4</sup> and in 1581 he had a charter of the mills of Dairsie.<sup>5</sup> He died in October 1594. He married (contract 12 September 1589) Margaret Douglas, sister of Robert Douglas of Annaquhroche,<sup>6</sup> by whom he left no issue,<sup>7</sup> for in January 1595 his next elder brother, Sir James Melville of Hallhill, and in March 1596 his eldest brother, John Melville of Raith, were retoured as his heirs.<sup>8</sup>

6. *Walter*, named with his brother David as a witness in 1561 and 1563.<sup>9</sup> He is referred by his brother Sir James in his *Memoirs* as one of the gentlemen of the Earl of Moray's chamber, and he witnessed, on 17 January 1564-65, a charter by that Earl.<sup>10</sup> He continued in Moray's service when Regent, and seems to have been at the battle of Langside. He is said to have died young.<sup>11</sup>
7. *Sir Andrew* of Garvock. He entered the personal service of Queen Mary, and in February 1566-67, three days after the murder of Darnley, she granted to him, as her 'lovit servitour,' a yearly pension of £200 Scots.<sup>12</sup> He and his brother Robert were taken prisoners at the battle of Langside, but were leniently treated, three of their brothers being in the victorious army.<sup>13</sup> In 1570 he joined his nephew, Kirkcaldy of Grange, in the Castle of Edinburgh, and in 1571 was forfeited by the Parliament held by the Regent Lennox at Stirling.<sup>14</sup> After the surrender of Edinburgh Castle in May 1573, Melville went to England, became Master of the Household to Queen Mary, attended her during her trial on 14 October 1586,

<sup>1</sup> *The Melvilles*, i. 79. <sup>2</sup> *Acta Parl. Scot.*, iii. 186. <sup>3</sup> Marriage-contract between his nephew, Robert Melville, younger of Murdocairnie, and Margaret Ker of Ferniehurst, 24 and 28 October 1584, Melville Charter-chest. <sup>4</sup> *P. C. Reg.*, iv. 133, 460, 461. <sup>5</sup> *Reg. Mag. Sig.*, 15 February 1580-81. <sup>6</sup> *Reg. of Deeds*, xxxvi. f. 101. <sup>7</sup> *The Melvilles*, i. 80. <sup>8</sup> *Special Retours, Fife*, 1519, 1523. <sup>9</sup> Melville Charter-chest, *ut supra*. <sup>10</sup> *Reg. Mag. Sig.* <sup>11</sup> *The Melvilles*, i. 81. <sup>12</sup> *Reg. Sec. Sig.*, xxxvi. f. iii. <sup>13</sup> Report of battle of Langside, State Paper Office; Tytler, vi. 470, 471. <sup>14</sup> *Memoirs*, 226; Calderwood, iii. 137.

and took an affecting farewell of her on the morning of her execution.<sup>1</sup> He accompanied the Queen's remains to Peterborough Cathedral in August 1587, and attended the funeral pageant.<sup>2</sup> He was appointed one of the Masters of the Household to James VI., and probably held that office before 10 September 1588, when the King gave him a yearly pension of 400 merks, ratified by Parliament 5 June 1592.<sup>3</sup> In 1591, during an attack on the Palace of Holyrood by Bothwell, he brought a number of armed citizens to the King's rescue.<sup>4</sup> Before 1604 he received the honour of knighthood, but did not accompany the King to England. He retired to his estate of Garvock, in the parish of Dunfermline, and purchased part of an adjoining property in South Fod.<sup>5</sup> In 1611 King James granted him a further pension of £1200 Scots,<sup>6</sup> which, however, appears to have been very irregularly paid.<sup>7</sup> When the King visited Scotland in 1617, Melville was again proposed as one of the Masters of the Household, but died in May 1617.<sup>8</sup>

He married, first, Jane Kennedy, one of Queen Mary's ladies-in-waiting, who was drowned in 1589 in crossing the Firth of Forth<sup>9</sup> on her way to Court, whither she had been summoned by the King to attend upon Queen Anna.<sup>10</sup> He married, secondly, Elizabeth Hamilton, who survived him, and was alive in 1626.<sup>11</sup> By his second wife he had issue:—

- (1) *Sir George*, Under-Master of the Household to King Charles II. in 1650 and 1651.<sup>12</sup> He married and had issue.<sup>13</sup>
- (2) *William*, styled brother-german of George in a charter by the latter on 18 March 1623.<sup>14</sup>
- (3) *Henry*, named as a legatee in the will of Robert, second Lord Melville.<sup>15</sup>

#### 8. *William*, Commendator of Tongland. In November

<sup>1</sup> Tytler, vii. 74, 116. <sup>2</sup> *The Melvilles*, i. 164. <sup>3</sup> *Acta Parl. Scot.*, iii. 602; iv. 94, 156. <sup>4</sup> *Memoirs*, 398. <sup>5</sup> *The Melvilles*, i. 165. <sup>6</sup> Royal Letters, 1601-1616, H.M. Reg. Ho. <sup>7</sup> Reg. of Royal Letters, i. 96. <sup>8</sup> *The Melvilles*, i. 167; Canongate Burial Reg. <sup>9</sup> Apparently on 10 September 1589, in 'Johnne Kempis boit,' run down by a ship called the *St. Michael*. See official account *Reg. Sec. Sig.*, lx. f. 96, 7 November 1589. <sup>10</sup> *The Melvilles*, i. 167. <sup>11</sup> *Ibid.* <sup>12</sup> *Ibid.* <sup>13</sup> *Ibid.*, ii. 232-234. <sup>14</sup> *Laing Charters*, No. 1922. <sup>15</sup> *The Melvilles*, i. 167.

1583 he was in the service of the Prince of Orange.<sup>1</sup> About the year 1587 he was appointed a Lord of Session, and in 1588 was given the spirituality of the abbacy of Tongland in Galloway,<sup>2</sup> having been appointed Commendator some time previously,<sup>3</sup> probably as a reward for going to France to obtain for King James VI. information regarding the Princess of Navarre, whom he contemplated marrying. Eventually the King having decided to marry the Princess of Denmark, William Melville was commissioned to accompany his brother Sir James to that country to conclude arrangements for the marriage. But the latter declined to undertake the mission, and it was discharged by the Earl Marischal.<sup>4</sup> The Commendator was admitted a member of the Privy Council 4 June 1607.<sup>5</sup> He died 30 October 1613.<sup>6</sup>

He married, before July 1594, Anna Lindsay, widow of James Murray of Pardewis,<sup>7</sup> by whom he had a son *Frederick* and a daughter.<sup>8</sup>

9. *Janet*, married to James Kirkcaldy of Grange, and had issue.
10. *Katherine*, who obtained on 1 July 1549, on her father's forfeiture, a charter of Shawmill from David Hamilton, son of the Governor of Arran. She was married, first, to Robert White of Maw, without issue; secondly, to John Brown of Fordell, by whom she had a son *John*, who was retoured her heir 18 February 1558-59.<sup>9</sup>
11. *Joneta* or *Janet*, married (contract 25 March 1564<sup>10</sup>) to James Johnstone of Elphinstone. They had issue two sons, *James* and *Robert*.<sup>11</sup> She died September 1603.<sup>12</sup>

Sir John had also an illegitimate son *John Melville*, who was one of the conspirators against Cardinal Beaton, and whose correspondence with his father furnished the chief evidence upon which the latter was convicted and executed.

<sup>1</sup> Thorpe's *Cal. State Papers*, i. 461. <sup>2</sup> *Acta Parl. Scot.*, iv. 307, 308.  
<sup>3</sup> *The Melvilles*, i. 168. <sup>4</sup> *Memoirs*, 364-366, 368. <sup>5</sup> *P. C. Reg.*, vii. 380.  
<sup>6</sup> Edin. Tests., 24 May and 17 June 1614. <sup>7</sup> Vol. i. of this work, 464.  
<sup>8</sup> *The Melvilles*, i. 171; Edin. Tests., 17 June 1614. <sup>9</sup> *The Melvilles*, i. 81, 447; *Browns of Fordell*, 16, 17. <sup>10</sup> *Acts and Decreeets*, xlv. 403. <sup>11</sup> *Reg. Mag. Sig.*; *Memoirs*, Bannatyne Club, 155. <sup>12</sup> *The Melvilles*, i. 81.

I. SIR ROBERT MELVILLE of Murdochcairn, first Lord Melville, third son of Sir John Melville, fourth of Raith, was born probably about 1527. In 1555 he appears in receipt of a sum of £50 Scots, paid by the special command of Mary of Guise, and later of a pension of £150 Scots yearly. He is designed 'servand to the quenis grace,' although it is not clear what post he held.<sup>1</sup> On 10 October 1559 he received from King Francis II. and Mary Queen of Scots a grant of annualrents over the lands of Hilton of Rosyth,<sup>2</sup> which had belonged to his father. On 14 February 1563-64, their father's forfeiture having been recalled the year before, he received from his elder brother, John, a charter of the lands of Murdocairnie in Fife.<sup>3</sup> In October 1559 Sir Robert left the service of the queen-regent for that of the Protestant party. He later joined those who were opposed to Queen Mary's marriage with Darnley, but he was eventually pardoned by the Queen, and sent to the Court of England as her resident ambassador.<sup>4</sup> In May 1567 he was living at his own house of Murdocairnie, having apparently withdrawn from Court.<sup>5</sup> He was recalled from his retirement to be the bearer of Queen Mary's letter to Queen Elizabeth respecting her marriage with Bothwell. He had several interviews with Queen Mary during her captivity in Lochleven Castle, at the first of which he delivered his message from Queen Elizabeth condemning the marriage.<sup>6</sup> On 30 September 1567, Drury wrote to Cecil that 'Robert Melville has often recourse to the Queen. . . . She calls now and then for some money, a small portion Robert Melville from the Regent brings unto her.'<sup>7</sup>

On 18 September 1567 he received sasine of the office of Keeper of Linlithgow Palace,<sup>8</sup> which had been bestowed by Queen Mary on 15 February 1566-67. After the escape of the Queen from Lochleven, she revoked the deeds signed by her when a prisoner, and Melville, who had been present at the signing of these writs, gave his written testimony upon the document containing the revocation.<sup>9</sup> He was taken prisoner after the defeat of the Queen's army at Langside,

<sup>1</sup> *Treasurer's Accounts*, 1555; Laing's *Knox*, ii. 361 note. <sup>2</sup> Melville Charter-chest. <sup>3</sup> *Ibid.*; *Reg. Mag. Sig.* <sup>4</sup> Keith's *Hist.*, 325, App. 119; Thorpe's *Cal.*, i. 228. <sup>5</sup> *The Melvilles*, i. 88. <sup>6</sup> *Ibid.*, i. 91. <sup>7</sup> *Cal. State Papers, Foreign.* <sup>8</sup> *The Melvilles*, iii. 116 note. <sup>9</sup> Fraser's *Earls of Had-dington*, i. 268-277; *The Lennox*, ii. 437-447.

but was soon probably released through the influence of his brother and other friends.<sup>1</sup> He adhered closely to the Queen, and in May 1571 he was with Kirkcaldy and Lethington in Edinburgh Castle.<sup>2</sup> On 30 August 1571, his estates, which comprised, besides Murdocairnie, the tower and fortalice of Burntisland, and the port customs there, were forfeited by the Regent.<sup>3</sup> Upon the surrender of Queen Mary's partisans in Edinburgh Castle in May 1573, Melville, with others, was delivered into the custody of the Regent Morton; but owing to Queen Elizabeth's special intervention, his life was spared, and although for a time imprisoned, he was finally set at liberty a year later. On 18 August 1574 he writes from his own house in Fife expressing his gratitude to Queen Elizabeth for his life and liberty.<sup>4</sup> For the next few years he seems to have lived in retirement, and in November 1579 his forfeited estates were restored to him.<sup>5</sup> On 20 October 1581 he was knighted,<sup>6</sup> and on 13 April 1582 he was appointed clerk and deputy to the Earl of Gowrie, then Treasurer of Scotland.<sup>7</sup> In November 1582 and July 1583 Melville's previous purchase from the Duke of Lennox of the lands of Woodfield and the Moss of Grangemyre in the barony of Aberdour, Fife, was confirmed by royal charter.<sup>8</sup> On 29 August 1583 he was made a member of the Privy Council,<sup>9</sup> and there seems no doubt that he became a favourite of King James. On 10 May 1586 he and his son Robert received from Patrick, Master of Gray, ratification of a grant of the house of Abbotshall, and the erection of Burntisland into a free port,<sup>10</sup> and about the same time he obtained a charter of the lands of Garvock in Fife, and was infeft in them on 25 November 1584.<sup>11</sup> Immediately after the trial and condemnation of Queen Mary, he accompanied the Master of Gray to England to remonstrate with Queen Elizabeth, and they returned to Scotland on 7 February 1587, the day before the Queen's execution. For his services on this mission Melville received a royal grant of the marriage of Kennedy of Ardmillan, valued at £1000.<sup>12</sup> He was deputed to act as Chancellor when King James left

<sup>1</sup> *The Melvilles*, i. 94. <sup>2</sup> Calderwood, viii. 72, 73. <sup>3</sup> *Reg. Mag. Sig.*  
<sup>4</sup> Thorpe's *Cal.*, iii. 386. <sup>5</sup> *Acta Parl. Scot.*, viii. 186. <sup>6</sup> Marjoribanks,  
*Annals*, 40. <sup>7</sup> *P. C. Reg.*, iii. 478-480. <sup>8</sup> *Reg. Mag. Sig.* <sup>9</sup> *P. C. Reg.*, iii.  
594. <sup>10</sup> Melville Charter-chest. <sup>11</sup> *The Melvilles*, i. 111. <sup>12</sup> *Ibid.*, 112.

Scotland for Denmark in October 1589,<sup>1</sup> and on the King's return was appointed a member of the Commission for maintaining peace and order on the Borders. As treasurer-depute, he frequently had to advance large sums to the King,<sup>2</sup> and probably it was to reimburse him for these heavy expenses that he received on 15 December 1590 a grant of the Crown casualties of ward and others from the lands and baronies of the deceased Lady Margaret Balfour of Burleigh during her son's minority, and also the casualty of his marriage.<sup>3</sup> On 19 December 1592 Sir Robert bought from James Balfour, Commendator of the Priory of Charterhouse, near Perth, the manor and lands of Monimail, which, with additions, became the barony of Melville in Fife.<sup>4</sup> Three days before the sitting of Parliament, which opened in May 1594, he was made an Extraordinary Lord of Session, and on 11 June following he was admitted to the bench.<sup>5</sup> In the beginning of the year 1596 King James made certain changes in the administration, and Melville was deprived of his office as Treasurer-depute.<sup>6</sup> In December 1600 he resigned his place in the Council in favour of his son, Sir Robert Melville of Burntisland.<sup>7</sup> In February 1601 he retired from the bench, his son being appointed an Extraordinary Lord of Session in his place.<sup>8</sup> In July 1603 his name appears as attending the Privy Council in London,<sup>9</sup> but in February 1604 the King issued a warrant dispensing with his attendance at Council and Exchequer on account of his 'age, seiknes, and infirmiteis.'<sup>10</sup> On 10 January 1606 he acted as one of the judicial assessors at the trial of those ministers who were accused of treason for holding a General Assembly at Aberdeen.<sup>11</sup> He was appointed a member of the reconstructed Scottish Privy Council in 1610.<sup>12</sup> In his private affairs he continued to receive marks of royal favour. On 20 February 1605 the King granted to him, and to his son, and son's wife, a remission of all rent or feu-farms payable by them to the Crown from the lands of Murdocairnie, which was confirmed 24 June 1609,<sup>13</sup> and by patent dated 1 April 1616, Sir Robert was created a

<sup>1</sup> *P. C. Reg.*, iv. 429. <sup>2</sup> *Ibid.*, iv. 470. <sup>3</sup> Melville Charter-chest. <sup>4</sup> *Ibid.*  
<sup>5</sup> Books of Sederunt, iv. f. 148. <sup>6</sup> Thorpe's *Cal.*, ii. 706, 707. <sup>7</sup> *P. C. Reg.*,  
vi. 182. <sup>8</sup> Books of Sederunt, iv. ii. f. 303. <sup>9</sup> *P. C. Reg.*, vi. 577, 578. <sup>10</sup> *The  
Melvilles*, ii. 12. <sup>11</sup> *P. C. Reg.*, vi. pp. xxxiv, 5, 164. <sup>12</sup> *The Melvilles*, i.  
123. <sup>13</sup> *Acta Parl. Scot.*, iv. 455.



peer of Parliament by the title of LORD MELVILLE OF MONIMAIL as a recognition of the many and important offices which Sir Robert held during the reign of the King and his predecessors, and of the dignity and efficiency with which he had transacted the affairs committed to him.<sup>1</sup> The Peerage was to Sir Robert for life, and after his death to his eldest son, Sir Robert Melville of Burntisland, and the lawful heirs-male of either of them.

Lord Melville died in December 1621, aged ninety-four.

He married, first, Katherine Adamson, said to be a daughter of William Adamson of Craigcrook, a burghess of Edinburgh, and widow of Richard Hopper, also a burghess there.<sup>2</sup> He married, secondly, before 1593, Mary Leslie, daughter of Andrew, fifth Earl of Rothes. She died in March or April 1605. He married, thirdly, Jean, daughter of Robert Stewart, Earl of Orkney, and widow of Patrick Leslie, first Lord Lindores, who survived him and was alive in 1642.<sup>3</sup> He had issue by his first wife only:—

1. SIR ROBERT, second Lord Melville.
2. *Christian*, married to Thomas Oliphant, portioner of Hilcairny, and had issue. Both were dead before March 1593.<sup>4</sup>

II. SIR ROBERT MELVILLE of Burntisland, second Lord Melville of Monimail. He is first mentioned in his marriage-contract dated 24 and 28 October 1584.<sup>5</sup> In 1586 he received from Patrick, Master of Gray, as Commendator of Dunfermline, a ratification of his infeftment in the house of Abbots-hall, which his father resigned in his favour.<sup>6</sup> On 22 November 1587 he joined with his father in resigning the office of Keeper of the Palace of Linlithgow in favour of Sir Lewis Bellenden of Auchnoul.<sup>7</sup> On 9 January 1587-88 the King granted to the two Melvilles, father and son, the lands of Wester and Over Kinghorn and others, with the castle of Burntisland, the whole being erected into a free barony and regality to be named Burntisland, and on 1 March following the elder Melville resigned the lands, the barony being then bestowed on the son.<sup>8</sup> On 18 May 1588 the

<sup>1</sup> *The Melvilles*, iii. 152, 153. <sup>2</sup> *Reg. of Deeds*, viii. f. 284. She was alive 11 December 1586. <sup>3</sup> *The Melvilles*, i. 124. <sup>4</sup> *Reg. of Deeds*, xliii. f. 343. <sup>5</sup> *The Melvilles*, i. 124, 125. <sup>6</sup> *Ibid.*, 125. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> Melville Charter-chest.

lands of South Ferry of Portincraig, now Ferryport-on-Craig, with the town, port, and right of ferry, were granted to the elder Melville in liferent and to the son in fee.<sup>1</sup> The whole of these grants were ratified to the younger Melville on 1 February 1591-92, and on 7 February 1591-92 a similar grant was made of the lands of Murdocairnie.<sup>2</sup> Judgment was given by the Privy Council in favour of the Melvilles, in a claim made for the possession of the ferry and fishings connected with the lands of Ferryport, on 26 January 1593-94, when the younger Melville is described as Sir Robert, but it does not appear when or why he received the rank of knighthood.<sup>3</sup> In December 1600 he was admitted a member of the Scottish Privy Council on his father's retirement, and on 26 February 1601 he was appointed an Extraordinary Lord of Session, with the title of Lord Burntisland.<sup>4</sup> He was one of those who followed King James to London after his accession to the English throne, and he acted as one of the Scottish Privy Councillors there.<sup>5</sup>

In August 1621 the Scottish Parliament ratified to Sir Robert and his wife a charter, dated 14 August 1613, confirming a grant of the lands of Letham, mill of Monimail, lands of Monksmyre and Edensmoor, and erecting them into the barony of Monimail.<sup>6</sup> In December 1621 he succeeded his father as second Lord Melville of Monimail,<sup>7</sup> and he got a new charter of the barony 10 August 1627, to him and the heirs of his own body, whom failing, to his heir-male general or of conquest whom it should please him during his life to designate as his successor.<sup>8</sup> It was through the exercise of this nomination that the next holder of the title succeeded, as will be afterwards shown. He was a member of the first Convention of Estates in Scotland after the accession of King Charles I., but in 1626 he was deprived of office. Yet, as a Privy Councillor, he attended a Convention of Estates in July 1630, when he was placed on an important committee appointed to deal with the fisheries of Scotland.<sup>9</sup>

In the Parliament held in Edinburgh in 1633, on the occasion of King Charles's coronation there, Lord Melville took a prominent part in opposing the King's ecclesiastical

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.* <sup>3</sup> *P. C. Reg.*, v. 124-126. <sup>4</sup> *Ibid.*, vi. 182; Books of Sederunt, *ut supra.* <sup>5</sup> *P. C. Reg.*, vi. 577, 582. <sup>6</sup> *Acta Parl. Scot.*, iv. 661. <sup>7</sup> *The Melvilles*, i. 123. <sup>8</sup> *Reg. Mag. Sig.* <sup>9</sup> *The Melvilles*, i. 129, 130.

policy.<sup>1</sup> He nevertheless continued to sit in the Privy Council, and was a member of a Special Commission appointed in February 1634 to audit the Treasurer's accounts.<sup>2</sup> He died at Edinburgh 19 March 1635.<sup>3</sup> At the time of his death his moveable estate was valued at the considerable sum of £28,571, 3s. Scots.<sup>4</sup>

He married, first (contract dated 24 and 28 October 1584), Margaret, daughter of Sir Thomas Ker of Ferniehirst.<sup>5</sup> She died 24 May 1594.<sup>6</sup> He married, secondly, before 1613,<sup>7</sup> Jean Hamilton, daughter of Gavin Hamilton of Raploch, and widow of Robert, fifth Lord Ross.<sup>8</sup> She died in May 1631. Lord Melville left no issue by either marriage.

JOHN MELVILLE, fifth of Raith, elder brother of Sir Robert, first Lord Melville, and eldest son by his father's second wife, became entitled to the succession on the death of his half-brother William about 1547, but does not appear on record until about the year 1560.<sup>9</sup> It is likely he had just reached his majority when his father was executed in February 1548.<sup>10</sup> The family estates had immediately after that event been forfeited, as mentioned above, and David Hamilton was still proprietor of Raith in 1559.<sup>11</sup> Following on the joint petition by John Melville, his mother, and his brother Robert, which came before Parliament on 4 June 1563, an Act was passed rescinding the forfeiture against Sir John, and restoring to his widow and children all the rights which they would have enjoyed had the sentence never been pronounced.<sup>12</sup> On 10 November 1563 John Melville of Raith was duly retoured lawful heir-general of his father, Sir John Melville. On 19 January 1565-66 a final decree giving John Melville full possession of the lands of Raith was pronounced by the Lords of Session, and he was duly infeft on 15 October 1566.<sup>13</sup> He appears to have taken little part in public affairs, but he was present in the General Assembly of the Church of Scotland in July 1567, and subscribed the articles dealing with the affairs of the Church.<sup>14</sup> The family papers show that during the twenty

<sup>1</sup> *Senators of the Coll. of Justice*, 243. <sup>2</sup> *Reg. of Royal Letters*, ii. 719.

<sup>3</sup> Balfour's *Annals*, ii. 223. <sup>4</sup> *The Melvilles*, i. 131. <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, 132. <sup>8</sup> *Ibid.* <sup>9</sup> *Ibid.*, 172. <sup>10</sup> *Ibid.* <sup>11</sup> *Ibid.*, iii. 98. <sup>12</sup> *Ibid.*,

102-108. <sup>13</sup> *Ibid.*, i. 174. <sup>14</sup> Calderwood, ii. 382.

years following his acquisition of the estates he paid off a number of mortgages, some of which were loans inherited from his father.<sup>1</sup> He died in March 1605. His personal estate was valued at £861, 10s. Scots, his liabilities, however, exceeding that sum by £736, 8s. 8d. Scots.<sup>2</sup>

He married, first (contract 30 March 1563), Isobel Lundie, daughter of Walter Lundie, Laird of that Ilk;<sup>3</sup> secondly (contract 30 March 1570),<sup>4</sup> Margaret Bonar, daughter of William Bonar of Rossie, who died in October 1574;<sup>5</sup> thirdly, Grisell Meldrum, of the family of Segie, who died in October 1597.<sup>6</sup>

By his first wife he had issue:—

1. JOHN, who succeeded.
2. *Margaret*, married in 1585 to James Wemyss of Bogie. She died October 1598, leaving issue.<sup>7</sup>
3. *Isobel*, married in 1588 to George Auchinleck, younger of Balmanno. She died 21 December 1593, at her jointure-house of Pitterichie, in the parish of Glenbervie, apparently without issue.<sup>8</sup>

By his second wife he had:—

4. *Mr. Thomas*, named as a witness in various documents. He was named executor in the will of Robert, Lord Melville, in 1621. He had a gift of the marriage of his nephew John, Lord Melville, in 1626, who names him as a legatee in his will dated 8 May 1642. His name is, however, omitted in the confirmed testament on 21 April 1643, so that he probably died between those two dates.<sup>9</sup>
5. *Agnes*, one of her mother's executors. Married (contract 31 October 1604<sup>10</sup>) to John Ramsay of Priorletham. She died, without issue, before 15 February 1609, when her brother Thomas and her sister Janet were appointed her executors.<sup>11</sup>
6. *Janet*, also named as an executor of her mother.<sup>12</sup> She was married to George Boiswell.<sup>13</sup>
7. *Another daughter*, referred to, but not named.<sup>14</sup>

<sup>1</sup> *The Melvilles*, i. 175. <sup>2</sup> *Ibid.*, 183. <sup>3</sup> *Reg. of Deeds*, vi. f. 147. <sup>4</sup> *Ibid.*, xi. f. 244. <sup>5</sup> *The Melvilles*, iii. 121. <sup>6</sup> *Ibid.*, 142. <sup>7</sup> *Edin. Tests.*, 10 November 1599. <sup>8</sup> *Ibid.*, 15 December 1593. <sup>9</sup> *The Melvilles*, i. 183; iii. 172; *Melville Charter-chest*. <sup>10</sup> *Acts and Decrees*, ccclii. f. 208. <sup>11</sup> *Edin. Com. Decrees*, at date. <sup>12</sup> *The Melvilles*, iii. 121. <sup>13</sup> *Acts and Decrees*, ccclii. f. 208. <sup>14</sup> *The Melvilles*, i. 180.

By his third wife he had :—

8. *James*, who about 1588 received as a provision the lands of Feddinch.<sup>1</sup> He died apparently between 1642 and 1652, leaving issue two daughters.
9. *Alison*, probably a daughter of the third marriage, provision being made for her and her three younger sisters in 1587.<sup>2</sup> She was married to Mr. David Barclay of Touch, minister successively of Dailly, Maybole, Dumfries, Kilwinning, St. Andrews, and Dairsie. She died before 1627, no issue of the marriage being recorded.<sup>3</sup>
10. *Margaret*, recorded in 1587 as one of the younger daughters of John Melville, and in 1597 as a daughter of Grisell Meldrum. In January 1605 she was recommended by her father in his testament to the care of her cousin Sir Robert Melville of Burntisland.<sup>4</sup> She seemed to have been unmarried in 1621, when she is named in the will of her uncle Robert, first Lord Melville, as legatee for 500 merks.<sup>5</sup>
11. *Christian*, named with her sisters in 1587 and 1597.<sup>6</sup> She was recommended by her father in his testament to the care of her uncle Sir James Melville of Hallhill, and is named by Lord Melville as legatee of 500 merks.<sup>7</sup>
12. *Katherine*, described by her father as his youngest daughter, and recommended by him to the care of his brother Sir Robert, first Lord Melville, in whose testament she is named, in 1621, as legatee of 1000 merks.<sup>8</sup>

JOHN MELVILLE, sixth of Raith, was probably born about 1563 or 1564.<sup>9</sup> He is first mentioned in 1584, when he was contracted in marriage to Margaret Scott, sister of James Scott of Balwearie, the bride's dowry being 5000 merks.<sup>10</sup> In 1602 he received, on his father's resignation, a charter from Queen Anna of the lands of Raith.<sup>11</sup> In 1605 he succeeded his father in full possession of the family estates.<sup>12</sup> In 1608 he bought, for £12 Scots, an exemption from liability

<sup>1</sup> *The Melvilles*, iii. 129. <sup>2</sup> *Ibid.*, 130. <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.*, 151. <sup>5</sup> *Ibid.*, 157. <sup>6</sup> *Ibid.*, 130, 142. <sup>7</sup> *Ibid.*, 151, 157. <sup>8</sup> *Ibid.* <sup>9</sup> Ms. Genealogy. <sup>10</sup> Melville Charter-chest. <sup>11</sup> *Ibid.* <sup>12</sup> *The Melvilles*, iii. 158.

to serve in an expedition ordered by King James to proceed against the turbulent clansmen of the Western Islands.<sup>1</sup> By a contract executed at Raith 8 March 1616,<sup>2</sup> John Melville resigned his lands to his eldest son John, reserving his own and his wife's liferent, and specifying certain provisions for the younger children.<sup>3</sup> This was followed, 18 April 1616, by a formal charter of the lands,<sup>4</sup> confirmed by King Charles I. 3 February 1626.<sup>5</sup> He died January 1626.<sup>6</sup> As already stated, he married Margaret, sister of James Scott of Balwearie, who survived him, and by her he left issue:—

1. JOHN, afterwards third Lord Melville.
2. *James*, mentioned in 1609 in connection with the plantation of Ulster. Between 2 May and 6 June 1618 his elder brother John granted him and his wife, on their marriage, a sum of 300 merks Scots yearly, as interest on the principal sum of 3000 merks, and on 7 May 1623 James Melville, then designed 'of Ardmore,' and his wife, acknowledged receipt from his brother John of 3000 merks Scots.<sup>7</sup> In 1635 he was left a legacy of £1000 Scots by Robert, second Lord Melville.<sup>8</sup> He married (contract dated at Dysart and Raith 2 May 1618<sup>9</sup>) Jean Sinclair, widow of George Seton of Parbroath. Nothing more is known regarding him.
3. *David*, named in the contract of 1616<sup>10</sup> as provided to the sum of 700 merks. In May 1644 he was appointed tutor to his brother Lord Melville's children. He died before 25 December 1644, apparently unmarried.<sup>11</sup>
4. *Thomas*, minister of Kinglassie, ancestor of the Melvilles of Cairnie. He was born about 1602.<sup>12</sup> He was ordained minister of the parish of Kinglassie in 1630,<sup>13</sup> and was a member of the General Assembly in 1650. He died 21 April 1675. He married Jean Gourlay, and had issue three sons and three daughters.<sup>14</sup>

<sup>1</sup> *P. C. Reg.*, viii. p. liv. <sup>2</sup> Melville Charter-chest. <sup>3</sup> *Ibid.* <sup>4</sup> *The Melvilles*, iii. 157. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> St. Andrews Tests., 20 April 1627. <sup>7</sup> Melville Charter-chest. <sup>8</sup> *Ibid.* <sup>9</sup> *Reg. of Deeds*, cclxxxii., 18 February 1619. <sup>10</sup> 8 March 1616, Melville Charter-chest. <sup>11</sup> *Ibid.* <sup>12</sup> *The Melvilles*, i. 188. <sup>13</sup> *Scot's Fasti*, iv. 547. <sup>14</sup> *Ibid.*

5. *Jean*, whose portion, amounting to 3000 merks, was paid to her on 2 May 1618.<sup>1</sup> She was married (contract dated 26 July and 2 August 1623) to Michael Balfour of Grange or Newgrange.<sup>2</sup>
6. *Elsbeth* or *Elizabeth*, married (contract dated 24 May 1616) to Mr. Robert Murray, minister, provost of Methven, and had issue.<sup>3</sup>
7. *Bathia*, who, apparently about 1629, acknowledged payment of £1000 from her brother as her share of her father's estate.<sup>4</sup> She was married (contract 17 September 1634) to John Traill, younger of Dinnork. She survived her husband, and died in Kinglassie, Fife, in July 1652.<sup>5</sup>
8. *Euphame*, who apparently died unmarried.<sup>6</sup>
9. *Margaret*, who was married (contract dated 10 and 12 December 1632) to James Scrimgeour of Wester Cartmore, son of Mr. John Scrimgeour of Wester Bowhill, Auchterderran.

III. JOHN, third Lord Melville of Monimail, succeeded his father in the family estates in January 1626, and was infeft in Raith 13 March 1626.<sup>7</sup> He succeeded his cousin Robert in the title in 1635. The latter had been empowered by a royal charter of 1627 to nominate either his heir-general, James Melville of Hallhill, or his heir of conquest, John Melville of Raith, as his successor in the honours. His decision having been in favour of the Laird of Raith, the latter assumed the title on the death of his kinsman 19 March 1635. The King, however, at first declined to acknowledge him as Lord Melville, and instructed the Scottish Privy Council to forbid the use by the Laird of 'suche title of a lord' until authorised by royal warrant.<sup>8</sup> The Council thereupon summoned Melville before them, but, on his production of the royal charter of 1627, they were satisfied, and informed the King accordingly. On 11 May 1636 he was retoured heir of conquest and provision to Robert, Lord Melville, in the lands and barony of Monimail, with the title of Lord Melville, and in the lands of

<sup>1</sup> *The Melvilles*, iii. 153. <sup>2</sup> *Ibid.*, i. 188. <sup>3</sup> *Ibid.*, 188, 189. <sup>4</sup> *Ibid.*, 189.  
<sup>5</sup> Test. confirmed 9 March 1653, Melville Charter-chest. <sup>6</sup> *The Melvilles*, i. 189. <sup>7</sup> Melville Charter-chest. <sup>8</sup> *The Melvilles*, ii. 21.

Letham, Monksmire, and others, in the county of Fife.<sup>1</sup> He was present in the short Parliament of 1639 and in that of the following year. About the year 1640 Lord Melville's net rental in the parish is stated at 3900 merks.<sup>2</sup> In March 1643 his lands of Monimail, Raith, and others were erected into the barony of Monimail.<sup>3</sup> He died 22 May 1643. His will was confirmed 27 May 1644, the debts exceeding the personal estate and assets by £2927.<sup>4</sup> He married (contract 27 October 1627) Anne, elder daughter and co-heiress of Sir George Erskine of Innerteil, a Lord of Session, with the title of Lord Innerteil, a brother of the first Earl of Kellie, and by her, who survived him and was still alive in 1648,<sup>5</sup> he had issue:—

1. GEORGE, who succeeded.
2. *John*, named in his father's will. He died, without issue, before 1675.<sup>6</sup>
3. *James*, who acquired the lands of Cassingray. On 22 August 1693 he witnessed a discharge by his brother George, at Melville. He appears to have died about 1706. He married (contract 7 September 1673) Anne, daughter of Mr. Alexander Burnett of Carlops.<sup>7</sup> There was apparently no issue of the marriage, as his nephew David, third Earl of Leven, was retoured his heir-general 19 August 1714.<sup>8</sup>
4. *Isabel*, who was provided in 1643 to the sum of 6000 merks. She appears to have died young.
5. *Jean*, who was also provided to 6000 merks.<sup>9</sup> She died between 1645 and 1650.<sup>10</sup>
6. *Anna*, who was provided with a similar portion as her elder sisters.<sup>11</sup> She was married to Thomas Boyd, younger of Penkill. She had issue, and died before 1675.<sup>12</sup>
7. *Catherine*, who was similarly provided for with her sisters. She died unmarried, and was buried at Raith 18 March 1692.<sup>13</sup>

IV. GEORGE, fourth Lord and first Earl of Melville, was born in 1636, and was only about seven years old when he

<sup>1</sup> *Retours, Fife*, No. 534; cf. *Gen. Reg. Sas.*, xliii. f. 486. <sup>2</sup> Melville Charter-chest. <sup>3</sup> *Acta Parl. Scot.*, vi. pt. i. 250. <sup>4</sup> Melville Charter-chest. <sup>5</sup> *The Melvilles*, i. 446. <sup>6</sup> *Ibid.*, 194. <sup>7</sup> *Fife Sasines*, 8 September 1673. <sup>8</sup> *The Melvilles*, i. 194. <sup>9</sup> *Ibid.* <sup>10</sup> *Ibid.* <sup>11</sup> *Ibid.* <sup>12</sup> *Ibid.* <sup>13</sup> *Ibid.*



succeeded to the title and estates. His name first appears upon the rolls of Parliament in 1661, but in 1651 and 1652 he received several letters from King Charles II. The first is dated 6 May 1651 from Dunfermline, and is virtually an application for money on behalf of Sir George Melville of Garvock, who then held the post of Under-Master of the Household to the King in Scotland. The other royal letters appear to be appeals for pecuniary aid for the King himself.<sup>1</sup> In May 1660 he went to London to welcome King Charles II. on his restoration. On 20 April 1663 Lord Melville was appointed one of the curators of Anna Scott, Duchess of Monmouth; he afterwards managed her affairs in Scotland, and discharged his duties so satisfactorily as to obtain the approval not only of the Duke and Duchess, but of King Charles himself.<sup>2</sup> In 1679 Lord Melville, with the approval of the King, joined the Duke of Monmouth, at that time Captain-General of the royal forces operating against the Covenanters, and made earnest representations to them that they should lay down their arms.<sup>3</sup> In 1683 orders were given for his arrest on suspicion of complicity in the Ryehouse Plot, and about the middle of July he effected his escape to Holland.<sup>4</sup> He attached himself to the Court of the Prince of Orange, and seems to have remained in Holland until after the latter sailed for England in November 1688. Although it seems certain that Lord Melville did not accompany Monmouth in his disastrous descent upon England,<sup>5</sup> but only contributed towards the funds, he was formally declared a rebel by Parliament in June 1685, and his estates were forfeited and annexed to the Crown.<sup>6</sup> On 21 January 1686-87, however, King James intimated that he had extended his clemency to Lord Melville, and had granted his forfeited estates to his son, the Master of Melville; and from another letter by the King, dated 31 March 1687, it appears that for these royal favours Lord Melville paid a composition of £3000 sterling, and a yearly rent of £200 sterling.<sup>7</sup> Lord Melville came to England after William and Mary had been proclaimed King and Queen, and attended the Convention of Estates which met

<sup>1</sup> *The Melvilles*, i. 195, 196. <sup>2</sup> *Ibid.*, 197. <sup>3</sup> *Acta Parl. Scot.*, viii. App. 58; *The Melvilles*, ii. 27. <sup>4</sup> *The Melvilles*, i. 201. <sup>5</sup> *Ibid.*, 202. <sup>6</sup> *Acta Parl. Scot.*, viii. 491, App. 59-65. <sup>7</sup> *The Melvilles*, ii. 29, 30.

14 March 1689.<sup>1</sup> On the adjournment of the Convention he came to Court, and was present on 11 May when the King and Queen accepted the Crown of Scotland. On 13 May 1689 he was appointed sole Secretary of State for Scotland. On 26 February 1690 Lord Melville was appointed Royal Commissioner in the second session of the Scottish Parliament, it being declared at the same time that his office of sole Secretary of State for Scotland should continue as before.<sup>2</sup> On 8 April 1690 he was promoted to the dignity of Earl, by the style and title of EARL OF MELVILLE, VISCOUNT OF KIRKCALDY, LORD RAITH, MONYMAIL AND BALWEARIE, and on the 15 of the same month the King authorised him to open the session of the Scottish Parliament which, on 7 June, passed the Act for settling Church government in Scotland, ratified the Westminster Confession, and established presbytery.<sup>3</sup> Two Acts passed by this Parliament were in favour of the Earl of Melville himself, one rescinding the forfeiture of his estates, the other formally dissolving the estates from the Crown and conveying them to himself and his heirs.<sup>4</sup> Before the close of 1690 Lord Melville's sole Secretaryship for Scotland ended, Sir John Dalrymple being conjoined with him in the office, and accompanying the King to Flanders. Melville's Presbyterianism was disagreeable to many in Scotland. His enemies did not fail to misrepresent him, and to attack his ecclesiastical policy. This may have prejudiced the mind of the King. But it is also possible that King William may have wished to have beside him a man of younger years and more versatile talents when visiting the Continent in the beginning of 1691 in order to cement his alliance with the Continental powers against France. In 1691 Lord Melville accepted the less important office of Lord Privy Seal.<sup>5</sup> In a letter probably written about the end of 1693, he mentions the fact of his having been appointed one of the Scottish Commissioners of Admiralty. In May 1696 he was offered, by desire of the King, the post of President of the Privy Council, which, after some demur, he accepted, and he probably entered upon his new duties in August of that year. The salary was £1000

<sup>1</sup> *Acta Parl. Scot.*, ix. 22. <sup>2</sup> *The Melvilles*, iii. 201. <sup>3</sup> *Acta Parl. Scot.*, ix. 111, 113, 196, 198. <sup>4</sup> *Ibid.*, ix. 181, 228. <sup>5</sup> *The Melvilles*, i. 227.

sterling yearly.<sup>1</sup> He attended the Parliament of 1696, and took his seat as one of the great officers of State, being afterwards appointed a member of the committee for the security of the kingdom.<sup>2</sup> Melville continued to hold his office during the remainder of King William's reign, and was permitted to retain it after the King's death in March 1702 until December of that year. He attended the Parliament of 1703, and petitioned it on behalf of the privacy and amenity of his house and park at Monimail, then styled Melville, praying that as he had planted and fenced the surrounding land through which there was a public path, Parliament would order the road to be diverted. The petition was granted.<sup>3</sup> He was not a member of the last Scottish Parliament which commenced 3 October 1706, but it passed an Act authorising the repayment to him of sums advanced by him for the public service.<sup>4</sup> He died 20 May 1707.<sup>5</sup> He married (contract dated 17 January 1655) Catherine Leslie, only surviving daughter of Alexander Leslie, Lord Balgonie, and grand-daughter of the famous general the first Earl of Leven, her tocher being 25,000 merks.<sup>6</sup> She survived him, and died 2 April 1713.<sup>7</sup> They had issue:—

1. *Alexander*, Master of Melville and Lord Raith, born 23 December 1655. During his father's absence in Holland he attended to the interests of the family at home, and after the revolution he was appointed a member of the Privy Council and Treasurer-Depute. Like his father, he was a staunch Presbyterian, and although subjected to frequent and bitter attacks, he was much respected even by his political opponents. He died, *vita patris*, 26 March 1698. He married (contract 27 August 1689) Barbara Dundas, third daughter of Walter Dundas of that Ilk,<sup>8</sup> who survived him, and died 23 February 1719. They had issue two sons, who both died in infancy.
2. *John*, born 28 May 1657, who died young.
3. *DAVID*, third Earl of Leven, who succeeded.
4. *George*, born 24 September 1664, who died young.

<sup>1</sup> Melville Charter-chest. <sup>2</sup> *The Melvilles*, i. 236. <sup>3</sup> *Acta Parl. Scot.*, xi. 61, 70. <sup>4</sup> *Ibid.*, xi. App. 100, Melville Charter-chest. <sup>5</sup> *The Melvilles*, i. 240. <sup>6</sup> *Lamont's Diary*, 84; Melville Charter-chest. <sup>7</sup> *The Melvilles*, i. 241. <sup>8</sup> Melville Charter-chest.

5. *James*, born 18 December 1665. In 1675 the lands of Hallhill were conveyed to him by his father, but were regranted by the son to Lord Melville in 1699.<sup>1</sup> He owned also the lands of Balgarvie.<sup>2</sup> He died in 1706.<sup>3</sup> He married Elizabeth Moncreiff, whose parentage has not been ascertained. They had issue three sons and four daughters.
6. *John*, born 24 April 1670, who died young.
7. *Charles*, born 27 December 1673, who died young.
8. *John*, born 26 September 1677, who also died young.
9. *Margaret*, born 28 October 1658; married to Robert, fourth Lord Balfour of Burleigh.<sup>4</sup>
10. *Mary*, born 7 May 1662.
11. *Anna*, born 8 March 1668.
12. *Katherine*, born 1 June 1671.

The last three all appear to have died young.<sup>5</sup>

V. DAVID, third Earl of Leven and second Earl of Melville, was born 5 May 1660.<sup>6</sup> He succeeded to the earldom of Leven, as heir to his cousin Catharine, Countess of Leven, on the death of John, Duke of Rothes, 27 July 1681, and on 26 April 1682 he was retoured and infeft in the estates.<sup>7</sup> In 1683 he accompanied his father in his flight to Holland, where he seems to have spent some time in travelling.<sup>8</sup> In June 1687 he was at Berlin, and prior to that date, through the influence of the Electress Sophia of Hanover, he had entered the service of her son-in-law, the Duke of Brandenburg, being appointed colonel in the Elector's army in September of the same year. He arranged a meeting at Cleves between the Prince of Orange, who had previously employed him on missions of a confidential nature, and the Elector of Brandenburg, which paved the way for the Revolution of 1688. In aid of this enterprise Lord Leven raised at his own expense a regiment of his countrymen, afterwards numbered the 25th, in Germany and Holland, his commission as colonel being dated 7 September 1688. At its head the Earl accompanied the Prince to England in the following November, and received the sur-

<sup>1</sup> Melville Charter-chest. <sup>2</sup> *The Melvilles*, i. 243. <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.*  
<sup>5</sup> *Ibid.*, 243. <sup>6</sup> *Ibid.*, 245. <sup>7</sup> *Fife Retours*, No. 1204. <sup>8</sup> *The Melvilles*, i. 247.

render of Plymouth, the first of the English towns to declare for the Prince of Orange. After the coronation in London the King despatched Lord Leven to the Convention of Estates with a letter to that Assembly, which he presented on 16 March 1689, the third day of its meeting. The Duke of Gordon being in possession of Edinburgh Castle, which he held for King James, Lord Leven was empowered to raise a regiment 800 strong to guard the town, which he succeeded in doing. In the proceedings of the Convention Lord Leven took an active part in the interest of King William. He attended the King's first Scottish Parliament, which sat in Edinburgh 5 June 1689, and protested for the precedency of his title over the Earl of Callander.<sup>1</sup> On 10 July 1689, a royal warrant was issued to Lord Melville, then only in his thirtieth year, and Major-General Mackay, empowering them to take measures to induce the rebel Highlanders to lay down their arms. He commanded his regiment at the battle of Killiecrankie 17 July 1689. On the surrender of Edinburgh Castle on 14 June 1689, the keeping of it was conferred upon Lord Leven, 23 August 1689.<sup>2</sup> He had, about this time, a seat on the Privy Council of Scotland, and took an active part in the two Parliamentary sessions of 1690.<sup>3</sup> He took part, with his regiment, in the campaign in Flanders in 1692, but was back in London in October of that year, leaving his regiment in Flanders.<sup>4</sup> The Earl took an active part in promoting the succession of Queen Anne, and his services in this respect were acknowledged by the Government.<sup>5</sup> At the close of 1702 he was deprived of the command of Edinburgh Castle, but was to some extent compensated by his appointment on 1 January 1703 as Major-General of all the Forces in Scotland.<sup>6</sup> On 17 October 1704 the Queen restored to him the command of the Castle,<sup>7</sup> and on 7 April 1705 he was appointed Master of the Ordnance in Scotland, with a pension of £150 stg. in addition to the usual salary of £150. Soon afterwards, on the death of Lt.-General Ramsay, he obtained the post of Commander-in-chief of the Scottish forces, his commission being dated 2 March 1706.<sup>8</sup> He took

<sup>1</sup> *Acta Parl. Scot.*, ix. 95, 99. <sup>2</sup> Melville Charter-chest. <sup>3</sup> *Acta Parl. Scot.*, ix. 106, 114, 143, 161, 188, 200, 230, 232. <sup>4</sup> *The Melvilles*, i. 270. <sup>5</sup> *Ibid.*  
<sup>6</sup> Melville Charter-chest. <sup>7</sup> *Ibid.* <sup>8</sup> *Ibid.*

an active part in forwarding the Union between the two Kingdoms, and in 1706 was reappointed one of the Commissioners for the Union, whose sittings in London he attended regularly. After the Union Lord Leven was elected one of the sixteen Scottish Representative Peers in the Parliament at Westminster. On the death of his father, 20 May 1707, the Earl of Melville succeeded to the title and estates of Melville, Raith, and others, as second Earl of Melville, but did not assume the title.<sup>1</sup> In June 1712 the Earl was deprived of all his military offices, probably owing to the want of sympathy between his views and those of the faction which then dominated the policy of Queen Anne's Government. On 4 August 1714 King George I. was proclaimed King in Edinburgh. The Earl and his son, Lord Balgonie, took part in the proceedings, and immediately afterwards set out for London, to welcome the son of his former friend and correspondent, the Electress Sophia.<sup>2</sup> But though he was graciously received by His Majesty on his landing in England, Leven's enemies succeeded in undermining his influence, and his political career was terminated.

By the year 1716 his financial affairs had fallen into much embarrassment, and at that time he made over all his estates to his son in fee, under burden of relieving him of the greater part of his debts, which then amounted to nearly £400,000 Scots. In 1717 the lands of Inchleslie were sold to Colonel Patrick Ogilvie, brother of James, Earl of Findlater, for £11,454, 0s. 10d. sterling, to satisfy pressing creditors, and in 1725 Raith was sold by public roup to Mr. William Ferguson, ancestor of the present possessor. The Earl died 6 June 1728, in his sixty-ninth year.<sup>3</sup>

He married (contract 3 September 1691) Anna Wemyss, eldest daughter of James Wemyss, Lord Burntisland, and Margaret, Countess of Wemyss, sister of David, third Earl of Wemyss, by whom he had issue:—

1. *George*, Lord Balgonie, born in January 1695. He became an ensign in Brigadier James Maitland's Regiment, and afterwards held a commission as captain in the 3rd Regiment of Foot Guards, but sold

<sup>1</sup> *The Melvilles*, i. 287. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.*, 305, 306. <sup>4</sup> Melville Charter-chest.

it in 1716, in which year his father placed him in possession of the estates. He died *vitâ patris* on or about 20 August 1721, in the twenty-seventh year of his age,<sup>1</sup> having married (contract 27 July 1716) his cousin Margaret Carnegie, eldest daughter of David, fourth Earl of Northesk.<sup>2</sup> She died 7 July 1722.<sup>3</sup> They had issue:—

(1) DAVID, who succeeded his grandfather in the titles and estates.

(2) *Anne*, who was born 7 April 1721, and died in 1723.<sup>4</sup>

2. ALEXANDER, who succeeded his nephew in the honours and lands.
3. *James*, mentioned as third lawful son of the second Earl of Melville. He was alive in 1738.
4. *Mary*, who was born in July 1692. She was married in 1708 to William, Lord Haddo, afterwards second Earl of Aberdeen, and died in 1710.<sup>5</sup>
5. *Margaret*, who was born in March 1696, and seems to have died young.<sup>6</sup>

VI. DAVID, fourth Earl of Leven and third Earl of Melville, was born 17 December 1717. After his father's death in 1721 he was styled Lord Balgonie. He succeeded as Earl of Leven and Melville 6 June 1728, when in his eleventh year, and died in June of the following year.<sup>7</sup>

VII. ALEXANDER, fifth Earl of Leven and fourth Earl of Melville, was born in or about the year 1699.<sup>8</sup> He was educated for the legal profession, and in September 1715 was sent to Leyden to complete his studies. He had previously obtained a commission as ensign in the 3rd Regiment of Foot Guards, and when on the eve of starting for Holland he was ordered by his colonel to join the company to which he belonged. The difficulty was, however, overcome on the earnest representation of his father, and his attendance with his regiment was dispensed with.<sup>9</sup> He was still at Leyden in December 1718. He was admitted a member of the Faculty of Advocates 14 July 1719,<sup>10</sup> after

<sup>1</sup> *The Melvilles*, i. 306, 307. <sup>2</sup> *Ibid.*, 306. <sup>3</sup> *Ibid.*, 307. <sup>4</sup> *Ibid.* <sup>5</sup> Cf. vol. i. 90. <sup>6</sup> *The Melvilles*, i. 308. <sup>7</sup> *Ibid.* <sup>8</sup> *Ibid.*, 309. <sup>9</sup> *Ibid.*, 309, 310.

<sup>10</sup> Books of Sederunt, at date.

he had applied to Lord Dunmore, the colonel of his regiment, to be allowed to return home for this purpose. Shortly after his admission to the Bar he applied for permission to dispose of his commission.<sup>1</sup> On the death of his young nephew in June 1729 he succeeded as fifth Earl of Leven and fourth Earl of Melville. On the resignation of James Erskine, Lord Grange, he was appointed a Lord of Session, and he took his seat on the Bench 11 July 1734.<sup>2</sup> In the same year he was appointed Chamberlain of the Crown lands of Fife and Strathern.<sup>3</sup> In 1741 he was made Commissioner to the General Assembly of the Church of Scotland, a post which he continued to fill up to and including the year 1753. On 30 November 1741 he was installed as Grand Master Mason of Scotland. In 1747 he was elected one of the sixteen Representative Peers for Scotland. In the autumn of 1749 he travelled in France, probably on account of his health, but had returned to London by the middle of October.<sup>4</sup> He died 2 September 1754, at the residence of Lord Balcarres in Fife, where he had gone to dine.

He married, first, 23 February 1721, Mary Erskine, eldest daughter of Colonel John Erskine of Carnock, her dowry being 18,000 merks Scots. She died 12 July 1723. He married, secondly, 10 March 1726, Elizabeth Monypenny, daughter of Alexander Monypenny of Pitmilly, with whom he received a dowry of 9000 merks.<sup>5</sup> She survived him, and died at Edinburgh 15 May 1783, aged eighty-four.<sup>6</sup> By his first wife he had issue:—

1. DAVID, who succeeded.

By the second marriage he had issue:—

2. *George*, named in 1730 in a bond of provision by his father. He seems to have died young.<sup>7</sup>

3. *Alexander*, who was born in 1731. He entered the 3rd Regiment of Foot Guards in 1753, and, obtaining rapid promotion, became lieutenant-colonel of the 56th Regiment in 1766, after having served for a short time in the Marines. In 1774 he was in America. In 1775 he was appointed aide-de-camp to King

<sup>1</sup> Melville Charter-chest. <sup>2</sup> Books of Sederuut, at date. <sup>3</sup> Melville Charter-chest. <sup>4</sup> *Ibid.* <sup>5</sup> *The Melvilles*, i. 314, 315. <sup>6</sup> *Scots Mag.* <sup>7</sup> *The Melvilles*, i. 335.



George III. with the rank of colonel in the Army. In 1776 he was again in America, acting as brigadier-general under Sir William Howe, who spoke highly of his gallantry in the field. In 1780 he, with the rank of major-general, joined Lord Cornwallis in North Carolina, and was at the battle of Guildford in March 1781. Towards the end of the same year he was in command at Charleston, but on 27 May 1782 he obtained leave of absence on account of ill-health. For some years after his return home he was second in command of the Forces in Scotland. He died at Beechwood, near Edinburgh, 27 December 1794.<sup>1</sup> He married, 23 December 1760, Mary Margaret, second daughter of Walter Tullideph of that Ilk in Forfarshire, who died 14 October 1761,<sup>2</sup> and by her had issue:—

*Mary Anne.* She was married, 30 April 1787, to John Rutherford of Edgerston.<sup>3</sup>

4. *Anne*, born 27 February 1730; married, 30 April 1748, to George, sixth Earl of Northesk, with issue. She died in Edinburgh 8 November 1779, aged fifty.
5. *Elizabeth*, born in March 1735; died young.
6. *Elizabeth (secunda)*, born in July 1737; married, 10 June 1767, to John, second Earl of Hopetoun, and had issue. She survived her husband and died 10 April 1788, aged fifty-one.
7. *Mary*, married, in 1762, to Dr. James Walker of Innerdovot, in Fife, and had issue three sons and one daughter. She was alive in 1818.

VIII. DAVID, sixth Earl of Leven and fifth Earl of Melville, was born 4 March 1722. On his father's accession to the titles and estates in 1729 he took the title of Lord Balgonie. He entered the University of Edinburgh, where he was a class-mate of the famous Dr. Alexander Carlyle of Inveresk.<sup>4</sup> In 1740 he was sent with his tutor, Mr. Morton, to Groningen, in Holland, where he probably remained until March or April 1742, when his father expressed a wish that he should enter the Army. On 4

<sup>1</sup> *The Melvilles*, i. 335. <sup>2</sup> *Scots Mag.* <sup>3</sup> *Kay's Portraits*, ii. 79. <sup>4</sup> *The Melvilles*, i. 337.

June 1742 he received a commission as ensign in General Handasyde's Regiment of Foot, then stationed in the North of Scotland. He continued in the regiment during the rebellion of 1745-46, but did not, apparently, see any active service. On 2 September 1754, on the death of his father, he succeeded to the titles and estates. In the following month he went to London, and was graciously received by King George II. In 1759 he was installed Grand Master Mason of Scotland, an office which he held for two years. He held the appointment of a Lord of Police from 1773 until the abolition of that Board in 1782, and in 1783 he became Lord High Commissioner to the General Assembly of the Church of Scotland, his commission being dated 5 May 1783.<sup>1</sup> He continued to fill the same office until the year 1801 inclusive. He died at Edinburgh 9 June 1802, in the eighty-first year of his age.

He married, 29 July 1747, Wilhelmina, daughter of William Nisbet of Dirleton,<sup>2</sup> with whom, fifty years later, he celebrated his 'golden wedding' at Melville House. She died there 10 May 1798, aged seventy-four.<sup>3</sup> They had issue:—

1. ALEXANDER, who succeeded.
2. *William*, born 8 August 1751. He entered the Army as an ensign in the 42nd Highlanders (Black Watch), and accompanied the regiment to Ireland in 1771. In 1773 he left the 42nd and joined the 17th Regiment as lieutenant. In 1776, as captain, he was with his regiment in America, and with it took part in the successful attack on Long Island in August of that year. He was killed 3 January 1777 in an action near Princeton, New Jersey. He died unmarried.<sup>4</sup>
3. *David*, born 13 January 1755. He joined the 16th Foot, and was stationed at Gibraltar soon after its siege in 1782. He was aide-de-camp to his uncle, General Alexander Leslie, while second in command of the Forces in Scotland. He was on duty in Ireland from 1796 till 1804, and assisted in quelling the Irish rebellion of 1798. He became colonel in 1800, major-general on the North British staff in 1808, and general

<sup>1</sup> Melville Charter-chest. <sup>2</sup> *The Melvilles*, i. 339. <sup>3</sup> *Ibid.*, 349. <sup>4</sup> *Ibid.*, 351.

- on 2 July 1838. After retiring from the Army he lived at Jedbank, near Jedburgh. He died 21 October 1838. He married, 16 January 1787, Rebecca, daughter of the Rev. John Gillies, D.D., minister of the Blackfriars Church, Glasgow, but had no issue.<sup>1</sup>
4. *John*, born 20 November 1759. On 22 July 1778 he joined the 1st Regiment of Foot Guards as ensign, and was promoted captain in July 1781. He served in Flanders in 1793 and 1794, where he was wounded. He became general 12 August 1819. He died without issue November 1824. He married, 13 September 1816, Jane, eldest daughter and heiress of Thomas Cuming, banker in Edinburgh.<sup>2</sup>
  5. *George*, born 21 April 1766. He entered the Indian Civil Service in 1802, and was stationed in Ceylon. He died 8 March 1812. He married, 27 November 1802, Jacomina Gertrude, only daughter of William Jacob Vander-Graaff, Governor of Java, by whom he had issue a daughter, *Mary Christiana*, born 10 November 1803.<sup>3</sup>
  6. *Jane*, born 1 April 1753; married, 9 November 1775, to Sir John Wishart Belsches Stuart, Bart., of Fettercairn, M.P., and had issue a daughter, *Williamina*, married to Sir William Forbes of Pitsligo, Bart. She died 28 October 1829.<sup>4</sup>
  7. *Mary Elizabeth*, born 4 March 1757; married, 8 November 1776 to her cousin, the Hon. James Ruthven, afterwards fourth Lord Ruthven, and had issue. She died in 1820.<sup>5</sup>
  8. *Charlotte*, born 22 September 1761. She died, unmarried, 26 October 1830.<sup>6</sup>

IX. ALEXANDER, seventh Earl of Leven and sixth Earl of Melville, was born 7 November 1749. After making the usual 'grand tour' on the Continent, he returned home, and was, in 1786, appointed Comptroller of the Customs at Edinburgh. In July 1798 he was made lieutenant-colonel of the 5th or Fifeshire Regiment of Militia.<sup>7</sup> On 9 June 1802 he succeeded his father as Earl of Leven, and was the

<sup>1</sup> *The Melvilles*, i. 351, 352. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.* <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.*  
<sup>7</sup> Melville Charter-chest.

first of his family to assume the designation of Earl of Leven and Melville, this step being probably due to the creation of another Peerage of Melville six months after his succession; and in 1803 the Earl's younger children assumed the surname of Melville in addition to that of Leslie. At the general election, 1806, he was elected one of the sixteen Representative Peers for Scotland.<sup>1</sup> He died 22 February 1820. He married, 12 August 1784, Jane, daughter of John Thornton of Clapham, Surrey,<sup>2</sup> who died 13 February 1818.<sup>3</sup> They had issue:—

1. DAVID, Lord Balgonie, who succeeded.
2. JOHN THORNTON, who succeeded his brother.
3. *William Henry*, born 19 May 1788. He entered the Hon. East India Company's service, and arrived at Calcutta about 24 October 1808. In 1817 he was, at his own request, made assistant superintendent of police in that town. He returned home before 1832, and in 1841 was made a director of the East India Company. He edited a selection from the letters and papers of George, first Earl of Melville, printed for the Bannatyne Club in 1843 as *The Leven and Melville Papers*. He died unmarried 9 April 1856.<sup>4</sup>
4. *Rev. Robert Samuel*, born about 1793. He entered the Church of England, but died 24 October 1826, unmarried.<sup>5</sup>
5. *Alexander*, of Branston Hall, Lincolnshire, was born 18 June 1800. Admitted to the Faculty of Advocates 24 February 1824. He died 19 November 1881. He married 19 October 1825, Charlotte, daughter of Samuel Smith, M.P., of Woodhall Park, Hertfordshire, who died 26 April 1879. They had issue, six sons and six daughters.
6. *Lucy*, born 10 December 1789, died 11 February 1791.
7. *Lucy (secunda)*, born 26 January 1794; married, 14 July 1824, to Henry Smith, son of Samuel Smith, M.P., and nephew of first Lord Carrington. She died 23 December 1865.
8. *Jane Elizabeth*, born 16 May 1796; married, 13 October 1816, to Francis Pym, of the Hasells, Bedfordshire. She died 25 April 1848.

<sup>1</sup> *The Melvilles*, i. 366, 367. <sup>2</sup> *Ibid.*, 360. <sup>3</sup> *Ibid.*, 368. <sup>4</sup> *Ibid.*, 369. <sup>5</sup> *Ibid.*

9. *Marianne*, born 30 November 1797; married, 28 August 1822, to Abel Smith, M.P., son of Samuel Smith, M.P., and nephew of first Lord Carrington. She died *s.p.* 22 March 1823.

X. DAVID, eighth Earl of Leven, and seventh Earl of Melville, was born 22 June 1785. After the death of his grandfather in 1802, he had the courtesy title of Lord Balgonie. He entered the Royal Navy before March 1800. In December 1809 he was promoted commander, became a post-captain in 1812, and in 1814 seems to have retired from the service.<sup>1</sup> He succeeded to the titles and estates on the death of his father 22 February 1820. On 3 June 1831 he was elected a Representative Peer for Scotland, and held the position for thirty-eight years. On 31 October 1846 he was promoted to be rear-admiral on the retired list. He died at Melville House, 8 October 1860, aged seventy-five. He was succeeded in the lordship and barony of Monimail and other lands, known as the estate of Melville, by his eldest daughter and heir of ine and entail, Elizabeth Jane Leslie Melville or Cartwright.<sup>2</sup> He married, 21 June 1824, Elizabeth Anne Campbell, second daughter of Sir Archibald Campbell, second Baronet of Succoth, who survived him, and died at Melville House, 6 November 1863. They had issue:—

1. ALEXANDER, Lord Balgonie, born 19 November 1831. He was educated at Eton. He entered the Army in December 1850, and became lieutenant 1st Foot Guards (Grenadiers), of which the Duke of Wellington was colonel. He served in the Crimea through the greater part of the campaign of 1854, acting as aide-de-camp to General Sir Henry Bentinck, and was promoted to the rank of major. Towards the end of 1855, ill-health, due to the hardships of the campaign, compelled him to return home. After spending the winter and spring of 1856-57 in Egypt, he returned to England, and died at Roehampton House, 29 August 1857.
2. *David Archibald*, born 14 October 1833, died unmarried, 20 October 1854.

<sup>1</sup> *The Melvilles*, i. 371, 372. <sup>2</sup> *Ibid.*, 379.

3. *Elizabeth Jane*, born 13 May 1825, who, on the death of her father in 1860, inherited the family estates of Melville. She was married, 2 November 1858, to Thomas Robert Brook Cartwright, of Aynho, Northants, and died 25 January 1892, having had issue.
4. *Anna Maria*, born 28 December 1826; married, 26 April 1865, as his first wife, to Sir William Stirling Maxwell, Bart., who died 15 January 1878, with issue. She died 8 December 1874.
5. *Susan Lucy*, born 1828; Lady of the Bedchamber to H.R.H. Princess Christian from 1868 to 1883.
6. *Emily Eleanor*, born May 1840; married, 28 March 1864, to John Glencairn Carter Hamilton, afterwards Lord Hamilton of Dalzell, who died 19 October 1900. She died 11 November 1882, leaving issue.

XI. JOHN THORNTON, ninth Earl of Leven and eighth Earl of Melville, was born 18 December 1786. In 1809 he acted as Assistant Deputy Paymaster-General to the forces in the Peninsula, then under Sir Arthur Wellesley.<sup>1</sup> He was in London in the year 1812, and must therefore have left Spain before the end of the war. He became one of the original partners of Williams, Deacon, Labouchere, Thornton & Co., bankers, London, and continued a partner until within a few years of his death.<sup>2</sup> He succeeded to the titles on the death of his brother David, 8 October 1860. He was chosen one of the Representative Peers of Scotland 28 July 1865, and continued to hold this office until his death. In 1864, after Lady Elizabeth's succession to the barony of Melville, which occurred on 12 June of that year, in pursuance of a decree obtained in the Court of Session by the trustees of his brother, Earl David, in order to have it found that the entail made by his grandfather in 1784 was invalid, and that he was entitled to dispose of the estate in fee-simple, the unentailed estates were re-entailed by the trustees in favour of Lord Leven and Melville and his heirs. These estates comprised the old Melville barony of Hallhill and others in Fife. In 1869 the trustees purchased the eastern portion of Glenferness, in Nairnshire, for £12,000, and soon afterwards they made a second entail,

<sup>1</sup> *The Melvilles*, i. 332. <sup>2</sup> *Ibid.*, 384.

whereby these lands were entailed upon the same series of heirs as in the entail of Hallhill in 1864. On the same date in 1869 the Earl acquired the wester and larger part of the Glenferness estate for £47,900,<sup>1</sup> and it thereafter became his principal Scottish residence. He died at Glenferness 16 September 1876, at the age of ninety. He married, first, 15 September 1812, his cousin Harriet, youngest daughter of Samuel Thornton, of Clapham. She died 26 July 1832. He married, secondly, 23 April 1834, his cousin Sophia, fourth daughter of Henry Thornton of London. Issue by the first marriage :—

1. ALEXANDER, who succeeded.
2. *Alfred John*, born 5 June 1826. He entered the service of the East India Company, and died at Penang 25 May 1851.
3. *Emily Maria*, born 28 November 1815; married, 18 November 1858, to Robert Williams of Beidehead, Dorset, who died 7 June 1891. She died 10 March 1896.
4. *Anna Maria*, born 7 February 1821; died 25 September 1836.
5. *Harriet Rosa*, born 5 December 1822; died 20 April 1850.
6. *Julia Louisa*, born 4 March 1829; married, 29 March 1869, to Lieutenant-General Richardson Robertson of Tulliebelton, Perthshire, and died 24 October 1870. He died 1 November 1883.
7. *Adelaide Harriet*, born 10 August 1831; died 10 February 1898.

By his second wife he had issue :—

8. RONALD RUTHVEN, who succeeded his half-brother Alexander.
9. *Norman*, born 5 February 1839. He entered the Army and became captain in the Grenadier Guards. He married, 4 December 1861, Georgina, daughter of William Shirley Bell of Abbeylarn, co. Longford, and has had issue.
10. *Ernest*, born 20 January 1843, died 1 September 1862.
11. *Clara Sophia*, born 5 July 1843, died 11 December 1898.
12. *Florence Lucy*, born 15 August 1848.

<sup>1</sup> *The Melvilles*, i. Preface, xv.

XII. ALEXANDER, tenth Earl of Leven and ninth Earl of Melville, was born 11 January 1817. He was educated at Eton and Trinity College, Cambridge. He became a partner in the banking-house of Williams, Deacon and Company, London. On the death of his father on 16 September 1876, he succeeded to the titles of Leven and Melville, and to the estates of Hallhill and Glenferness. On 16 April 1880 he was elected a Representative Peer for Scotland, and continued to sit in the House of Lords in this capacity until his death. He died unmarried 22 October 1889, aged seventy-two.<sup>1</sup>

XIII. RONALD RUTHVEN, eleventh Earl of Leven and tenth Earl of Melville, K.T., P.C., M.A. Oxford, and a Deputy-Lieutenant for Nairnshire, was born 19 December 1835. He was educated at Eton and Christ Church, Oxford, and was a partner with his father and brother in the bank. On 22 October 1889, on the death of his half-brother, he succeeded to the titles and estates. He was one of H.M.'s Lieutenants for the City of London, a Representative Peer for Scotland, Keeper of the Privy Seal of Scotland, and was Lord High Commissioner to the General Assembly of the Church of Scotland for the years from 1898 to 1905 inclusive. He died 21 August 1906, leaving *inter alia* a sum of £40,000 to be applied by trustees, under certain conditions, to the restoration of the Royal chapel at Holyrood Palace, but the scheme was eventually set aside. He married, 7 May 1885, Emma Selina, eldest daughter of the second Viscount Portman, and had issue:—

1. JOHN DAVID, who succeeded.
2. *Archibald Alexander*, born 6 August 1890.
3. *David William*, born 23 May 1892.
4. *Ian*, born 14 August 1894.
5. *Constance Betty*, born 7 August 1888.

XIV. JOHN DAVID, twelfth Earl of Leven, and eleventh Earl of Melville, was born 5 April 1886. He was educated at Eton and Balliol College, Oxford, and succeeded to the titles and estates on the death of his father, 21 August 1906.

<sup>1</sup> *The Melvilles*, i. 386.



CREATIONS.—Baron Melville, 1 April 1616, extended limitation 17 August 1627. Earl of Leven and Lord Balgonie, 11 October 1641. Earl of Melville, Viscount of Kirkcaldy, Lord Raith, Monymail, and Balwearie, 8 April 1690.

ARMS (recorded in Lyon Register).—Quarterly: 1st, azure, a thistle slipped proper, ensigned with an imperial crown or, a coat of augmentation to the arms of *Leslie*; 2nd, gules, three crescents within a bordure argent charged with eight roses of the first, for *Melville*; 3rd, argent, a fesse gules, for *Melville of Raith*; and 4th, argent, on a bend azure three buckles or for *Leslie*.

CRESTS.—(1) *Leslie*: a demi-chevalier in complete armour, holding in his right hand a dagger point downwards proper, the pommel and hilt or. (2) *Melville*: a ratch hound's head erased proper, collared gules.

SUPPORTERS.—Dexter, a knight in complete armour, holding in his dexter hand the banner of Scotland, all proper (*Leslie*); sinister, a ratch hound proper, collared gules (*Melville*).

MOTTOES.—1. *Pro rege et patria*. 2. *Denique cœlum*.

[C. T. G.].

## THE ANCIENT EARLS OF MENTEITH



ACCORDING to an unnamed writer, who wrote about the year 1165, the district of Menteith was originally joined with that of Strathearn to form one (called Fortrenn) of the seven provinces of 'Scotia,' or Scotland north of the Forth and Clyde.<sup>1</sup> This, however, was at a very early period, and history is silent regarding the intervening centuries, but the original province was, at some period prior to 1163, divided into two

separate earldoms. As a district Menteith lay partly in Perthshire and partly in Stirlingshire, and comprehended the parishes of Aberfoyle, Port of Menteith, Callander and Leny, Kincardine, Kilmadock, Lecropt, Dunblane, and part of Kippen, being practically those parishes which were bounded on one side or other by the river Teith. Probably these were all included in the earldom, while the ancient rulers of the district also appear to have exercised a certain authority over Cowal and Kintyre.<sup>2</sup> The older history, however, both of the Earls and of the earldom, is very obscure, as almost nothing is recorded of either.

<sup>1</sup> *Chronicles of the Picts and Scots*, 136. The account of Scotland here given was at one time attributed to Giraldus Cambrensis, but Dr. Skene suggests Ailred as the author. <sup>2</sup> *Acta Parl. Scot.*, i. 372.

I. GILCHRIST, Earl of Menteith, is named as such in a charter by King Malcolm IV. providing for the restoration of the Abbey of Scone, which had been destroyed by fire. The charter is dated in 1164,<sup>1</sup> and this is the first notice which has been found of an Earl of Menteith, while of Gilchrist's parentage or personal history nothing has been discovered, though his name suggests a Celtic origin. He again appears as witness to a charter, dated between 1175 and 1178, by King William the Lion, granting certain privileges to the then new city of Glasgow.<sup>2</sup> The date of Earl Gilchrist's death is not recorded, but he was dead before 1198, when his successor is named. Gilchrist is said to have had a daughter Eva, married to Alwin, second Earl of Lennox. (*See that title.*)

II. MAURICE or 'MURETACH,' Earl of Menteith, is the next on record, but whether he was Gilchrist's son is not clear. He appears as Maurice, Earl of Menteith, in a charter by King William the Lion, not dated, but which may have been granted between 1189 and 1198, confirming a donation of the church of Moulin to the monks of Dunfermline.<sup>3</sup> The next notice of him is as a witness to an agreement, not dated, but which cannot be *earlier* than 1198, between Gilbert, Prior of St. Andrews, and the canons there, and the Culdees of that place, as to certain teinds in dispute betwixt them. There the Earl is designed 'Murethach, Earl of Menteith,' but as the writ already cited is earlier in date, it is probable that the so-called 'Murethach' and Maurice are one and the same.<sup>4</sup> This seems the more probable, as the next reference to Maurice implies that he had been some time in possession and was recognised as Earl, although his right was afterwards challenged. In or before 1213, a younger brother, also named Maurice, claimed the earldom, on what ground does not appear, though probably it was another case of conflict between the offspring of a union recognised by the Church and the heir of a Celtic marriage.

<sup>1</sup> *Liber Ecclesie de Scon*, 8. <sup>2</sup> *Reg. Epis. Glasguensis*, i. 36. <sup>3</sup> *Reg. de Dunfermlyn*, 34. <sup>4</sup> Sir William Fraser in his *Red Book of Menteith*, a work to which this article is much indebted, makes 'Murethach' the second Earl and Maurice the third, two distinct persons. But on a careful study of the subject the writer thinks there is good reason to believe that the first 'Maurice' and 'Murethach' were the same.

The two brothers did not resort to force over their respective claims, but submitted to arbitration. An amicable arrangement was entered into under the auspices of Prince Alexander, afterwards King, the Earls of Fife and Strathearn, and other nobles, under which the elder Maurice, who is formally styled Earl of Menteith, resigned the earldom, of which he must have been in possession, into the hands of King William, who then gave it to the younger Maurice, not yet designed Earl, as his right and heritage. The elder brother was to hold, by bailiary of the King, the lands of Muylie and Radenoche (probably Maling and Rednoch), with other lands,<sup>1</sup> which the younger Maurice gave up to the King for that purpose, and which were to revert to the estate on the elder's decease. The younger brother also delivered to the elder certain other lands,<sup>2</sup> to be used for the marriage of his daughters. This agreement was made at Edinburgh on St. Nicholas Day (6 December) 1213, the original writ being sealed by the Prince and some others, while it was duly ratified by the King himself on the following day.<sup>3</sup> How long the elder Maurice lived after this agreement is not known, and the names of his wife and daughters are not recorded, while he appears to have had no male issue.

III. MAURICE, the younger brother of the preceding, no doubt assumed the earldom. In any case Maurice, Earl of Menteith, appears as one of the seven Earls who were present at the enthronement of King Alexander II. at Scone on 6 December 1214. The Earls also accompanied the young King with the funeral cortège of his father, King William, from Perth to Arbroath, where the interment took place before the high altar of the church on 10 December.<sup>4</sup> Earl Maurice appears to have taken no great part in public life, as ten years elapse before there is record of him, but he was present with King Alexander at Stirling when he granted a charter to the Abbey of Paisley on 5 September 1224.<sup>5</sup> Two years later, on 27 March 1226, the Earl is referred to as Sheriff of Stirling.<sup>6</sup> He did not after this live

<sup>1</sup> The other lands are Tum, Cattlyne, Brathuly, and Cambuswelhe.

<sup>2</sup> These are said to be Savelime (as held by both brothers), Mestrym, Kenelton, and Stradlochlem. <sup>3</sup> *Red Book of Menteith*, ii. 214, 215.

<sup>4</sup> *Scottish Kings*, by Sir A. H. Dunbar, 82, 88. <sup>5</sup> *Reg. de Passelet*, 214.

<sup>6</sup> *Cart. of Cambuskenneth*, 176.

very much longer, though he probably survived the year 1231, usually assigned as the date of his death. He was, however, dead before January 1233-34, which is the first date on which his successor is named as Earl of Menteith. The name of his wife is not known, but he had two daughter:—

1. ISABELLA, who became Countess of Menteith.
2. MARY, who also became Countess of Menteith.

IV. ISABELLA, Countess of Menteith, is presumed rather than proved to have been the daughter of Earl Maurice, and her personality is largely merged in that of her husband, Walter Comyn, who was second son of William Comyn who afterwards became Earl of Buchan (vol. i. 505). When he was born is uncertain, but he was old enough to attend at Court and witness royal charters between the years 1211 and 1214, including the agreement, already cited, as to the earldom of Menteith. In 1220 he went in the train of King Alexander II. to York, where arrangements were made for the King's marriage to Joanna of England. Between this date and 1229 he was a frequent witness to the King's charters, and seems to have closely followed the Court.<sup>1</sup>

After 1229 he appears as Lord of Badenoch, a territory which, it is suggested, he received for his services or those of his father in suppressing an insurrection raised by Gillescop M'William, who had been Lord of Badenoch, and whose estates were forfeited. According to Sir William Fraser he became Earl in 1231, on the authority of a charter in the Chartulary of Balmerino, ascribed to 3 February 1230-31, where he is styled Walter Comyn, Earl of Menteith.<sup>2</sup> But there is good reason to believe that the writ in question is, if not spurious, at least misdated. Apart from other reasons, the names and designations of the witnesses apply to a date some years later. Especially is this the case with Walter Comyn, who is still Walter Comyn on 4 February 1232-33, also on 30 June 1233,<sup>3</sup> and it is not until

<sup>1</sup> *Red Book of Menteith*, i. 14, 15, and authorities there given, though we cannot agree with Sir William Fraser in assuming that this Walter Comyn in 1225 filled the office of King's Clerk or Lord Clerk Register (*Reg. Moraviense*, 461). That officer was more probably an ecclesiastic.

<sup>2</sup> *Liber de Balmerinoch*, 4. <sup>3</sup> *Liber de Melros*, i. 222, and *The Maxwells of Pollok*, i. 122, 123.

9 January 1233-34 that he appears on record as Earl of Menteith.<sup>1</sup> It is not certain that this rank followed on his marriage, as there is evidence that he received a charter of the earldom, though the date is not recorded,<sup>2</sup> and the charter may have been granted some time after his marriage.

The Earl's father had died in 1233, and now he, by his possession of Menteith and the great lordship of Badenoch, became one of the most powerful nobles in Scotland. He remained still in frequent attendance at Court until the close of the King's reign, and was one of those who undertook to maintain the treaty of peace made between Scotland and England in 1237, and again in 1244, when war nearly broke out on account of a private feud in which the Earl was specially interested. Patrick, Earl of Atholl, had been, in 1242, basely done to death at Haddington, and his relatives the Comyns combined to avenge his death. Walter Biset of Aboyne, the chief instigator of the crime, and other Bisets, were banished from Scotland, and Walter passed to England and incited King Henry III. to war, which was averted by a second treaty, to which the Earl of Menteith was also a party.<sup>3</sup>

The comparatively sudden death of King Alexander II. in 1249, when his son was only eight years old, nearly caused trouble in Scotland, but the Earl of Menteith, who headed what may be called the National party, took such wise and prompt steps that the boy King was at once placed on his throne without opposition, and at a later date was rescued from the hands of the rival faction, which acted in the English interest. One of the latest acts of the Earl was to enter, on 18 March 1258, with other Scottish magnates into an alliance with Llewellyn, Prince of Wales, to assist him in his war with England, and to establish commercial relations between Scotland and Wales.<sup>4</sup> Besides taking part in public life, the Earl also had a warm side to the Church, and soon after 1238, when he received permission from Pope Gregory IX., he built a Priory for Augustinian

<sup>1</sup> *Reg. de Holyrood*, 52. <sup>2</sup> Ms. Roll of Charters in Gen. Reg. House, about 1579, containing notes of many now lost. Among these on folio 13, are five of the reign of Alexander II., one being 'Carta Walteri Cumyn de Comitatu de Menteithe.' <sup>3</sup> *Cal. Doc. Scot.*, i. Nos. 1353, 1654. <sup>4</sup> *Fœdera*, Record ed., i. 370.

Canons on the Isle of Inchmahome, or the Isle of Rest. He made certain arrangements also with the Bishop of Dunblane, who gave up rights of pension over the earldom of Menteith, with which no doubt the new priory was endowed.<sup>1</sup>

The Earl died suddenly in November 1258, by the stumbling of his horse, which fell upon its rider.<sup>2</sup> So at least it was reported to the English King, but the Scots believed that he was poisoned by his Countess, who survived him. She certainly gave ground for the story by marrying again within a short time after his death, an English knight, named Sir John Russell. This marriage, though made, it is said, with the King's consent, offended the Scottish nobles, who raised or renewed the accusation of poisoning, and succeeded in depriving the Countess of the earldom, and forcing her and her husband to retire to England. They were even confined in prison for some time because of the charge against them. The earldom was given to Mary, the younger sister of Isabella, and Walter Stewart, her husband. Countess Isabella went to the English Court, where Henry III. certified the agreement of 1213, already quoted, and she also appealed to the Pope, Urban IV., who sent a legate to York, to inquire into the matter. But the legate behaved in such a manner as to rouse the indignation and opposition of King Alexander and the Scottish nobles, and the Pope was obliged to remit the case to be settled by three Scottish clerics, who in turn allowed the subject to drop, as it entrenched upon the King's jurisdiction. The Countess and her second husband did not pursue the matter further. He died before 1273, and she probably predeceased him. The Countess had issue by her second husband, a daughter,

*Isabella*,<sup>3</sup> married, before 1273, to William Comyn of Kirkintulloch, who in that year instituted proceedings on behalf of his wife for possession of the earldom

<sup>1</sup> *Liber Insula Missarum*, pref. xxix. <sup>2</sup> Matthew Paris, *Rolls series*, v. 724. The Earl's lands of Badenoch passed to his grand-nephew William Comyn, who was succeeded in 1291 by his brother John. <sup>3</sup> Sir William Fraser states that this Isabella was the daughter of Walter Comyn, but there is clear evidence (*Cal. Doc. Scot.*, ii. No. 466) that she was the daughter of Sir John Russell. Sir John's parentage is not known. He is said to have belonged to the diocese of Ely. There certainly were Russells holding land there, but he cannot specially be identified.

of Menteith, but without success. In 1285 the claim was renewed, and on 10 April a decision was given by the King in Parliament at Scone, when half the earldom was given to Comyn, but not the rank of Earl. He died 3 August 1291, and his wife married, secondly, about 1293, Sir Edward Hastings, a great-grandson of David, Earl of Huntingdon, and brother of John Hastings, one of the Competitors, in 1291, for the Crown of Scotland. Sir Edward, in right of his wife, held one-half the earldom of Menteith. He died after May 1312, perhaps one of those who fell at Bannockburn, 24 June 1314. His wife is not on record after 1306, when she did homage to King Edward I. She bore no issue to either of her husbands.

Walter Comyn had apparently a son *Henry*, who in a charter, dated about 1250, by Maldouen, Earl of Lennox, of the lands of Luss, is described as 'Henry, son of the Earl of Menteith,'<sup>1</sup> but nothing more is known of him.

V. MARY, Countess of Menteith, married Walter Stewart, third son of Walter, third High Stewart of Scotland. He was distinguished by the sobriquet 'Bailloch' or the 'freckled.' His name as Walter Stewart appears in various writs as a witness. He is said to have gone to Egypt under Louis IX. of France, but there is no certain evidence of this. After the death of King Alexander II. he favoured the English faction, who by a stratagem in 1255 secured the persons of the young King and Queen, but he was not at this time admitted to a share in the government. It was about 1260, when the Countess Isabella and her husband were forced to renounce the earldom, that the King and barons of Scotland decerned the lands and title to belong to the wife of William Stewart, and he was invested therein.<sup>2</sup> He was certainly Earl before 17 April 1261, when he was witness to a grant to the Abbey of Paisley.<sup>3</sup> In the following year Dugall MacSwein granted to the Earl the lands of Skipnish, 'Kedeslatt' or Killislate, and others, being that part of Kintyre called South Knapdale and the parish of Kilcalmonell. Following on this, the

<sup>1</sup> *The Lennox*, by Sir W. Fraser, ii. 405 and facsimile. <sup>2</sup> *Red Book of Menteith* i. 41. <sup>3</sup> *Reg. de Passelet*, 121.



Earl granted the church of Kilcalmonell to the monks of Paisley.<sup>1</sup> He also made grants to the monastery of Kilwinning of churches in Knapdale, which show that he had possession of North Knapdale also.<sup>2</sup>

About 1263 the Earl was Sheriff of Ayr, and aided in making preparations to repel the expected invasion of King Haco of Norway.<sup>3</sup> He is said to have taken part in the battle of Largs, and afterwards to have been commissioned to reduce the chieftains of the Western Isles,<sup>4</sup> but there is only a probability of the first, and Fordun does not name him as one of the commission referred to.<sup>5</sup> The Earl was Sheriff of Dumbarton in 1271.<sup>6</sup> On 25 July 1281 he was one of the witnesses to and guarantors of the marriage contract of the Princess Margaret with Eric, King of Norway.<sup>7</sup> In 1285 he and his Countess were again attacked by the rival claimants William Comyn and his wife, their claim having been in 1282 pressed upon Alexander III. by the English King,<sup>8</sup> and in a Parliament at Scone it was decided that the earldom should be divided into two portions. One half was retained by Walter Stewart, with the title of Earl, he having the principal residence on the territory, and the other half was erected into a barony in favour of William Comyn and his wife.<sup>9</sup> The component parts of the earldom which remained to Walter Stewart are not known. The death of King Alexander III. threw the kingdom again into confusion, and during the rivalry which ensued between the parties of Bruce and Baliol, the Earl of Menteith supported the cause of Bruce.<sup>10</sup> In 1289 he was present at Brigham, and approved of the marriage proposed between Prince Edward of England and the young 'Maid of Norway' as she was called, the heiress of the Scottish Crown. Her unhappy death renewed the contest between Bruce and Baliol, and when it was proposed that the King of England should arbitrate, Menteith was one of those named by Bruce as his commissioners. He was present at Norham on 20 November 1292 when Baliol

<sup>1</sup> *Reg. de Passelet*, 121. <sup>2</sup> Theiner's *Vetera Monumenta*, 248, No. 488; *Collections of Ayr and Wigton*, i. 163. <sup>3</sup> *Exch. Rolls*, i. 5. <sup>4</sup> *Red Book*, etc., i. 65. Fraser states this, but founds on unreliable authority. <sup>5</sup> Fordun à Goodall, ii. <sup>6</sup> *Reg. de Passelet*, 191. <sup>7</sup> *Acta Parl. Scot.*, i. 423. <sup>8</sup> *Cal. Doc. Scot.*, iv. 357, 387. <sup>9</sup> Wyntoun, Laing's ed., ii. 263, 264; Stevenson's *Hist. Documents*, i. 22. <sup>10</sup> *Fœdera*, Record ed., i. 781.

swore fealty to Edward.<sup>1</sup> This is the last certain record of him, as although letters were addressed by the English King to Walter, Earl of Menteith, on 29 June 1294,<sup>2</sup> it is not clear that he was then alive. He may even have been dead by 10 February 1292-93, when Baliol's Parliament directed the lands of Knapdale belonging to the Earl to be incorporated in the sheriffdom of Lorn under Alexander of Argyll.<sup>3</sup>

The Countess Mary predeceased her husband, but at what date is not certain. Their tombstone is preserved in the Priory of Inchmahome, bearing the effigies of husband and wife, the former bearing on his shield the Stewart fess chequy with a label of five points, a device which also appears on his seal of arms in the Public Record Office, London.<sup>4</sup> They had issue two sons named together by their father in a charter:—

1. ALEXANDER, who succeeded to the earldom.

2. *Sir John*, who has achieved an unenviable notoriety as the taker or betrayer of Sir William Wallace. His history has been fully sketched by Sir William Fraser, and need not be detailed here. He was possessor of the lands of Rusky in Menteith, and perhaps also of Knapdale. He died about 1323.<sup>5</sup> By his wife, whose name has not been ascertained, he had issue:—

(1) *Sir John* Menteith who married Ellen, daughter of Gratney, Earl of Mar, and died before 1344, leaving issue:—

i. *Sir John* Menteith, styled Lord of Arran and Knapdale, who died about 1360. By his wife, a lady named Catherine, he had no issue.

ii. *Christian*, married, first, to Sir Edward Keith of Sinton, by whom she had a daughter *Janet*, wife first of Sir David Barclay of Brechin, and secondly of Sir Thomas Erskine. (*See title* Mar.) *Christian* Menteith or Keith was married again, as his second wife, to Sir Robert Erskine of that Ilk. (*See* Mar.)

(2) *Walter*, ancestor of the Menteiths of Rusky and Kerse, and also of the later family of Dalzell of Binns.<sup>6</sup>

(3) *Joanna*, the only one of Sir John's alleged three daughters who can be traced with certainty, was married, first, to Malise, seventh Earl of Strathearn, who died about 1324-25; secondly,

<sup>1</sup> *Fœdera*, i. 804. <sup>2</sup> *Acta Parl. Scot.*, i. 447. <sup>3</sup> *Red Book of Menteith*, i. 75; ii. 220. Sir William Fraser thinks the Countess died before 1286, but the proof he gives is doubtful. <sup>4</sup> Macdonald's *Scottish Armorial Seals*, No. 2553. <sup>5</sup> *Red Book of Menteith*, i. 433-456. <sup>6</sup> *Ibid.*, i. 460-463.

to John Campbell, Earl of Atholl. (*See that title.*) Thirdly, about July 1339, to Sir Maurice of Moray, created Earl of Strathearn in June 1344, by whom she had a daughter *Joanna*, married, first, to Sir Thomas Moray of Bothwell; and, secondly, to Sir Archibald Douglas, third Earl of Douglas. (*See that title.*) Joanna Menteith married, fourthly, William, fifth Earl of Sutherland.<sup>1</sup>

VI. ALEXANDER, Earl of Menteith, is first noted with his brother John in a compact between Bruce and the Stewarts on 20 September 1286, at Turnberry.<sup>2</sup> In another writ, of uncertain date, granted by their father to the Abbey of Kilwinning, he and his brother are styled Alexander and John Menteith.<sup>3</sup> They had therefore changed their family name from Stewart to Menteith. Alexander joined with his father in a charter granting the church of Kippen to the Abbey of Cambuskenneth to secure themselves a place of burial. This writ is said to be dated in 1286.<sup>4</sup> He was at Norham in 1291, and swore fealty to Edward I., while he also appears in other matters before his succession, the date of which is uncertain, but was probably between 1292 and 1295. In any case he was the Earl of Menteith who with the Earls of Atholl, Ross, and others gathered a force and invaded England in revenge for Edward's savage attack on Berwick. Their army was defeated at Dunbar on 27 April 1296, and on that or the following day Menteith and others who had fled to Dunbar Castle were taken captive, and he was committed to the Tower. He was not, however, detained long as a prisoner, but was liberated either before or shortly after a promise of service made by him to the English King, and dated at Elgin 27 July 1296. He repeated this promise, and swore fealty at Berwick a month later, on 28 August.<sup>5</sup> He then left two of his sons in the King's hands as hostages.<sup>6</sup> Perhaps this fact influenced his future movements, for, excepting some transactions dealing with the estates of Alexander Abernethy, and

<sup>1</sup> *The Sutherland Book*, i. 36. Duncan Stewart (*History of the Stewarts*) says that a second daughter married Archibald or Gillespie Campbell of Lochow, and a third married Maurice Buchanan of that Ilk, but it seems more probable that the wife of Buchanan was a granddaughter of Sir John (*Strathendrick*, etc., by J. Guthrie Smith, 284). <sup>2</sup> Stevenson's *Hist. Documents*, i. 22. <sup>3</sup> Theiner's *Vetera Monumenta*, 258. <sup>4</sup> *Cart. of Cambuskenneth*, 168; Duncan Stewart's *Hist. of the Stewarts*, 207. <sup>5</sup> *Ragman Rolls*, Bannatyne Club, 103, 119. <sup>6</sup> *Hist. Documents*, ii. 138.

also of Alexander of Argyll and his son, of which he was appointed guardian by Edward,<sup>1</sup> he seems to have taken no part in public affairs. At least nothing is recorded about him, except a letter to him from the English King on 26 September 1297,<sup>2</sup> and the date of his death is not known. He married a lady named Matilda,<sup>3</sup> whose surname has not been discovered, and had issue:—

1. ALAN, who succeeded as Earl.
2. *Peter*, who in 1296 was a hostage in England with his brother Alan. He accompanied King Edward to Flanders, and took part in the French campaign of 1297,<sup>4</sup> where he may have been killed, as nothing further is known of him. In any case he seems to have predeceased his older brother.
3. SIR MURDACH, who became Earl of Menteith.
4. *Alexander*, who is styled 'brother' by Murdach, Earl of Menteith, in a charter to Gilbert Drummond of half the lands of Boquhappil.<sup>5</sup>

VII. ALAN, Earl of Menteith, is first named on record as a hostage in England for the good behaviour of his father. He and his brother Peter went in the train of Edward I., in 1296, to London, and in the following year were equipped by him at all points as his squires, and accompanied him to the campaign in Flanders of 1297.<sup>6</sup> The date of his succession to the earldom is not certain. An Earl of Menteith was summoned to meet Prince Edward at Dunfermline in 1303 and 1304, but it is not certain whether Earl Alexander or Earl Alan is meant.<sup>7</sup> The latter, however, was Earl not long afterwards. He was provided as one of the heirs of entail to the earldom of Fife by Duncan, tenth and last Earl of Fife of the ancient race. The charter itself is not known to be extant, but it is referred to in the indenture of 30 March 1371 between Isabella, Countess of Fife, daughter of Earl Duncan, and Robert Stewart, Earl of Menteith,

<sup>1</sup> *Hist. Documents*, ii. 82; *Rotuli Scotiae*, i. 31. <sup>2</sup> *Ibid.*, i. 50. <sup>3</sup> *Cart. of Cambuskenneth*, 168. <sup>4</sup> *Hist. Documents*, ii. 138-141. <sup>5</sup> *Red Book of Menteith*, ii. 227 and facsimile. A Maurice of Menteith appears as a witness to charters by William Maule of Panmure about 1293 and in 1309, but there is no evidence as to who he was (*Reg. de Panmure*, ii. 152-154, 157). <sup>6</sup> *Hist. Documents*, ii. 138-142. <sup>7</sup> *Cal. Doc. Scot.*, iv. 480-482.

husband of Earl Alan's granddaughter.<sup>1</sup> The entail was probably made before 1306, when Earl Duncan married, and in that year also events took place which stirred up the national life. Earl Alan joined Bruce at the beginning of his struggle for Scottish Independence and his earldom was forfeited and given by Edward I. to John Hastings.<sup>2</sup> This was on 22 May 1306, a month before the conflict of Methven. He is said to have been taken prisoner there, but this is doubtful, though he apparently surrendered later and was committed to John Hastings, to be imprisoned in the Castle of Abergavenny or elsewhere.<sup>3</sup> The Earl died in captivity, though the exact date is not known, but it must have been before 16 March 1308-9, when the Parliament of Scotland stated that the heir of the earldom was then a ward.<sup>4</sup> The name of his wife was Marjory, who survived him, but her family has not been ascertained,<sup>5</sup> and his only child so far as certainly known, was a daughter,<sup>6</sup>

MARY, who became Countess of Menteith, though the Earl's immediate successor in the earldom was his brother,

VIII. MURDACH, who is first named about January 1310-11 as 'valet' or page of Sir William Ferrars, receiving money on behalf of his master.<sup>7</sup> In 1312 he was, with a number of other Scottish gentlemen, in the service of King Edward at Dundee, where he is described as owning a black piebald horse with four white feet.<sup>8</sup> He was still in England and had attained the rank of knighthood on 19 January 1316-17, when the English King gave permission to Sir William Ferrars to settle his manor of Groby, in Leicestershire, on Sir Murdac de Mentethe, who was to regrant it to Sir William and his wife, Elena, failing whom and their heirs the manor was to revert to Sir Murdac.<sup>9</sup> The latter

<sup>1</sup> See article 'Fife,' vol. iv. 13, 14. <sup>2</sup> *Cal. Doc. Scot.*, ii. No. 1771. <sup>3</sup> Palgrave's *Hist. Documents*, 353, 354, November 1306. <sup>4</sup> *Acta Parl. Scot.*, i. 459. <sup>5</sup> Marjory, widow of Earl Alan, was on 13 March 1308-9 permitted to leave the manor of Wotton for her life; *Cal. Doc. Scot.*, iii. No. 81. <sup>6</sup> A petition (of uncertain date) was presented to Edward II. by Gilbert Malherbe, craving a grant of the ward and marriage of the late Earl of Menteith's son and heir (*Cal. Doc. Scot.*, iii. No. 410), but the sex may be wrongly stated, or the child died young. Mary was the only known surviving heir. <sup>7</sup> *Cal. Doc. Scot.*, iii. No. 193. <sup>8</sup> *Ibid.*, 429. <sup>9</sup> *Ibid.*, No. 534. Cf. *Patent Rolls*, Edward II., 1313-17, p. 613.

returned to Scotland before 5 December 1318, when as Earl of Menteith he witnessed a grant by King Robert Bruce to the Bishop of Aberdeen.<sup>1</sup> Various contemporary authorities assert that Murdach was concerned in the plot to place Sir William Soulis on the Scottish throne, that he betrayed the conspiracy, and was made Earl of Menteith. Sir Thomas Gray in his 'Scalacronica' says, 'This conspiracy was discovered by Murdach of Menteith, who himself became Earl of Menteith afterwards. He had lived long in England in loyalty to the King, and in order to discover this conspiracy went to (Soulis') house. He became Earl of Menteith by consent of his niece, daughter of his elder brother, who, after his death at another time became Countess.'<sup>2</sup> A similar statement is made by another chronicler of the period.<sup>3</sup> Such definite statements are worthy of attention, but his promotion to the earldom, if the above charter be correctly dated, certainly appears to have taken place before the revelation of the Soulis conspiracy, which was not made until about August 1320. Fordun refers to it and the 'Black Parliament' which followed, as at that date, and it is certain that Soulis, Sir David Brechin, and others implicated in the plot, appended their seals to the Barons' letter to the Pope on 6 April 1320.<sup>4</sup> It is no doubt probable that Earl Murdach was the revealer of the conspiracy, though it does not appear that he thus gained his earldom, which may rather have come to him, as Sir Thomas Gray states, by the consent of his niece.<sup>5</sup> But whether that be so or not, he certainly received grants of land which had belonged to those forfeited in August 1320. He had grants of Barnbogle and Dalmeny, forfeited by Roger Moubray, and of Gilmerton near Edinburgh, which had belonged to Sir William Soulis. Rothiemay in Banffshire, and lands in Fifeshire formerly belonging to William Ferrars, were also bestowed upon him.<sup>6</sup> He also, in 1329, had other gifts from King Robert.<sup>7</sup>

<sup>1</sup> *Acta Parl. Scot.*, i. 473, 474, where the date is inadvertently given as 18 instead of 5 December 1318. <sup>2</sup> 'Scalacronica,' translated by Sir Herbert Maxwell; *Scot. Hist. Review*, iii. 463. <sup>3</sup> Stevenson's *Illustrations of Scottish History*, 9, 10. <sup>4</sup> Fordun à Goodall, ii.; *Acta Parl. Scot.*, i. 474. <sup>5</sup> It may be noted that Murdach, though apparently Earl of Menteith before 1320, did not join with the other Earls in the Pope's letter. <sup>6</sup> Robertson's *Index*, 11, 16, 19, 20, 21. <sup>7</sup> *Exch. Rolls*, i. 179, 210.

During his tenancy of the earldom, Earl Murdach granted numerous charters of lands, among others, a considerable portion to his niece Mary. His cousin, Sir Walter Menteith, in whose charter he described himself as son of Earl Alexander, Gilbert Drummond, and Robert Logie, also received grants.<sup>1</sup> The dates of these writs cannot be precisely stated, but they must have been granted between 1320 and 1332, when the Earl was killed at the battle of Dupplin, where he played a very heroic part. As is well known, Donald, Earl of Mar, then Regent, was in command of the Scots army, drawn up on Dupplin Moor to receive the force of Edward Baliol, who had landed at Kinghorn and was pushing northward. Mar, however, kept no discipline nor watch, and was attacked suddenly before daylight of 12 August 1332. The advance of Baliol's force was, however, checked for a time by the Earls of Moray and Menteith and others who led their men steadily and bravely forward, and the victory might have inclined to the Scots, but for Mar's inexperience and rashness. Menteith and Moray both were killed, and the Scots were defeated with terrible carnage.<sup>2</sup>

It is not clearly ascertained whom Murdach, Earl of Menteith, married, but Alicia or Alice, Countess of Menteith, had a pension from King Edward III. between May 1335 and February 1339-40, on the ground that she was not permitted to receive anything from estates or goods,<sup>3</sup> and she was probably Earl Murdach's wife, possibly an Englishwoman. They do not appear to have had any issue.

IX. MARY, Countess of Menteith, succeeded her uncle Sir Murdach, who is said to have held the earldom by her consent. In April 1320 Sir John Menteith, her grand uncle, is designed guardian of the earldom of Menteith,<sup>4</sup> even though Murdach was nominally Earl, and it may be he thus safeguarded the interests of the heiress. The date of her birth is not known, but it must have been before 1306. Before May 1334 she had married Sir John Graham,<sup>5</sup> and it

<sup>1</sup> *The Red Book of Menteith*, i. 98; ii. 227-230. <sup>2</sup> Fordun à Goodall, ii. 305. Some writers incline to the belief that Earl Murdach was killed at Halldon, but the balance of testimony is in favour of Dupplin. <sup>3</sup> *Rotuli Scotiæ*, i. 346, 399, 570, 572; *Fœdera*, Record ed., ii. 922, 931, 1113. <sup>4</sup> *Acta Parl. Scot.*, i. 744. <sup>5</sup> A papal dispensation for their marriage was granted

was probably then or at an earlier period that she received from Earl Murdach a grant of the lands of Aberfoyle, Buchlyvie, Boquhapple, and others, forming a considerable portion of the earldom.<sup>1</sup> After that date Sir John is found bearing the title of Earl of Menteith. As such he is witness to a charter of uncertain date, by Robert the Steward of Scotland to William Douglas of Bondingston and other lands in the barony of Dalkeith.<sup>2</sup> As Sir John of Graham, Earl of Menteith, he was one of the jury who, on 7 June 1344, the Earl of Fife being foreman, found Malise, Earl of Strathearn and Caithness, guilty of treason for surrendering his earldom of Strathearn into Edward Baliol's hands.<sup>3</sup> Two years later the Earl of Menteith came to an untimely end. He had accompanied King David II. on his fateful expedition to England in 1346, and was present at the battle of Neville's Cross on 17 October. There he fought with great bravery in a futile attempt to change the fortune of the day, and was taken prisoner. Later he was conveyed to the Tower of London, on 22 February 1346-47 was condemned to be executed as a traitor, a sentence which was carried out a few days later, on or before 6 March.

The Countess of Menteith survived her husband for some years, and granted various charters, chiefly in favour of the Campbells, who were allied to her by marriage. It is not exactly known when she died, but there is ground for believing her death to have taken place before April 1360,<sup>4</sup> when a papal dispensation styles her daughter Countess of Menteith. The only known child of Sir John Graham and the Countess was

1. MARGARET, who succeeded.

X. MARGARET, Countess of Menteith, is chiefly distinguished for her matrimonial adventures, as very little is

1 May 1334, but they had been married sometime before that date. Sir John Graham is believed to be identical with the Sir John Graham who was Lord of Dalkeith and Abercorn, but even to this day the proof is not complete. The latest writer on the point thinks that there is nothing to disprove the supposition that they were the same (*Scottish Antiquary*, xvii. 187), but the present writer is rather inclined to think the two John Grahams were not identical. <sup>1</sup> Duncan Stewart's *History*, 208. <sup>2</sup> *Reg. Honoris de Morton*, ii. 35. <sup>3</sup> Fragment of Roll of Parliament, MS. in Gen. Reg. Ho. <sup>4</sup> *Exch. Rolls*, iv. pp. clxxv, clxxvi; *Red Book of Menteith*, i. 125.



known regarding her, except in connection with her husbands. She was born apparently some time before 1334, when her parents had a dispensation authorising their marriage and legitimising their offspring. Nothing further is stated of her until in November 1348 a dispensation was granted for her marriage with John Moray, Lord of Bothwell,<sup>1</sup> and in this writ she is designed Margaret Graham, daughter of John Graham, Earl of Menteith. As a result of the marriage John Moray is said to have borne the title of Earl of Menteith,<sup>2</sup> but the authority is not entirely satisfactory, and as he died in 1351, while his mother-in-law was still Countess of Menteith in her own right, it seems strange that he should have been styled Earl. In the following year a dispensation was granted to Margaret, widow of the late John Moray, for her marriage with Thomas, Earl of Mar.<sup>3</sup> Either they anticipated this dispensation, or it never reached Scotland, as on 29 May 1354 another dispensation was issued, legalising the marriage which had taken place in the interval. This second dispensation proceeds on the ground that no other had been granted, a strange fact when it is understood that Queen Joanna of Scotland had interested herself in obtaining the first. Scarcely had the new dispensation reached Scotland when the Earl of Mar, 'instigated by the devil,' as the old chronicler has it, divorced his wife because she had no children. When this event took place is not exactly known, but in 1360 another papal dispensation was granted, legalising the union she had formed some time before with John Drummond of Concraig, and legitimising their offspring.<sup>4</sup> The dispensation styles her Margaret, Countess of Menteith,

<sup>1</sup> Dispensation dated 21 November 1348; vol. ii. 128. <sup>2</sup> Vol. ii. of this work, 129; *Family of Rose of Kilravock*, 116. The charter referred to by Mr. Innes in that work is not in evidence. It is the only instance of John Moray being styled Earl of Menteith, and in a writ, 12 April 1351, a few months before his death, he describes himself only as 'Panitarius' of Scotland (*Registrum Moraviense*, 296, 297). <sup>3</sup> 15 August 1352, Theiner's *Vetera Monumenta*, 300. <sup>4</sup> 29 April 1360, Theiner, 305. A writer in *Notes and Queries*, 7th ser., vol. x. 163, suggests, on the evidence of a charter by her, confirmed by King Robert II. on 30 March 1372 (*Reg. Mag. Sig.*, fol. 113), that it was Mary, Countess of Menteith, who married John Drummond, but the proof is not complete, and there is, in the papal writ and the charter cited in the text, sufficient ground for believing that John Drummond, described as a 'noble young man,' married the Countess Margaret.

and about the same date she, as Countess, grants the lands of Aberfoyle to John Drummond of Concraig, and to the children born betwixt them, a grant confirmed by King David II. on 12 November 1361.<sup>1</sup> The fact that she is styled Countess seems to imply that her mother had then died, probably about 1359. Countess Margaret's third husband must have died soon after the granting of the dispensation, or after 17 May 1360, if, as seems probable, he was the John Drummond who took part in the agreement made on that day with the Menteiths, with whom he had been at feud.<sup>2</sup> He was certainly deceased before 9 September 1361. when a fifth dispensation was issued for the marriage of Margaret, Countess of Menteith, with Robert Stewart, third son of Robert, Earl of Strathearn (afterwards King Robert II.), the intending spouses being themselves the petitioners.<sup>3</sup> The marriage seems to have taken place soon after the date of the dispensation, and the Countess appears again only twice on record, first, in the indenture between her husband and Isabella, Countess of Fife, as to the earldom of Fife, which carried out the entail made by Isabella's father to Alan, Earl of Menteith, grandfather of the Countess Margaret. The indenture was dated 30 March 1371,<sup>4</sup> and thereafter she and her husband held the two earldoms of Fife and Menteith. The second and latest known reference to Countess Margaret is in the marriage-contract, on 21 July 1372, of her daughter Janet to David de Loen. When the Countess died is not exactly known, but she was deceased before 4 May 1380, when a dispensation was issued for the Earl of Fife's marriage with Muriella Keith. (*But see under title Albany for notice of her children.*)

ARMS.—The original territorial arms of the earldom were barry wavy of six.<sup>5</sup> Walter Stewart, who became Earl of Menteith *jure uxoris* in 1258, bore a fess chequy with a

<sup>1</sup> *Red Book of Menteith*, i. 127; ii. 246. <sup>2</sup> *Ibid.*, i. 109-113; ii. 239-246. <sup>3</sup> Theiner, 317. Margaret, Countess of Menteith, petitions under that designation, which seems to negative Sir William Fraser's view that her mother was a party. The writ recites a treaty between their 'parentes,' but this evidently refers, not to their fathers or mothers, but to the agreement of May 1360, to which their 'parentes' or *kinsmen*, the Earl of Strathearn and the Menteiths, gave consent. <sup>4</sup> *Red Book of Menteith*, ii. 251. <sup>5</sup> *Ibid.*, i. pp. xlii-xlviii, and authorities there referred to.

label of five points in chief. His son, the sixth Earl, bore on his shield an eagle having on its breast a shield bearing three bars wavy surmounted of a fess chequy with a label of five points in chief.<sup>1</sup> The seventh Earl bore the fess chequy and label alone, without the bars wavy.<sup>2</sup>

[J. A.]

<sup>1</sup> *Red Book of Menteith*, ii. 461 and 455. <sup>2</sup> *Macdonald's Armorial Seals*, 2556.



## GRAHAM, EARLS OF MENTEITH



**MALISE GRAHAM**, the first of his name to bear the title of Menteith, was the only son of Sir Patrick Graham of Kin-cardine, second son of Sir Patrick Graham, ancestor of the Earls and Dukes of Montrose. (*See that title.*) The younger Sir Patrick married Eufamia Stewart, Countess Palatine of Strathearn, and became in her right Earl of Strathearn. (*See that title.*) Malise, their son, who was born about

1407, or perhaps later, during the earlier years of his life also bore the title of Strathearn, and as such was proposed as a hostage for King James I., and was named among those who welcomed him at Durham in March 1424. The King, however, took advantage of the Earl's minority, and deprived him of the earldom of Strathearn, creating him at the same time **EARL OF MENTEITH**. The charter of the new earldom, dated 6 September 1427, is granted to 'Malise, Earl of Menteith,' as if the dignity had been conferred on him some time previously, but there is no record to fix the date. The writ of erection enumerated the lands to be included in it as follows: Craynis Easter, Craynis Wester, Craguthy Easter and Wester, Glasswerde, Drumlaen, Ladarde, Blareboyane, Gartnerthynach, Blareruscanys, Forest of 'baith sidis' of Lochcon, Blaretuchane and Marduffy, Culyngarth and Frisefleware, Rose with Cragmuk,

Inchere, Gartinhagil Bobfresle, Bouento, Downans and Balech, Tereochane, Drumboy, Crancafy, Achray, Glassel and Cravaneculy, Savnach, Brigend, Lonanys and Garquhat, Dramanust, Schanghil [Schannochill?], Eynetly and Mony-brachys, Gartmulne and Ernomul, Ernecomry, Achmore, with the Port and the Inch, lying in the sheriffdom of Perth.<sup>1</sup> The lands named, many of which can still be identified, indicate that the newly constituted earldom comprehended the whole of Aberfoyle parish and a portion of that of Port of Menteith. But this was only the smaller half of the original earldom, the remainder being annexed to the Crown.

Two months after his receiving the above charter Earl Malise, in November 1427, entered England as a hostage for King James I., and was confined in the castle of Pontefract, whence he was not released until 17 June 1453. James, Lord Hamilton, who had married the Earl's sister, Euphemia Graham, widow of Archibald, fifth Earl of Douglas, was the chief agent in obtaining the release, and received a grant on 17 December 1453 of the lands of Illiestoun or Elleistoun, in the lordship of Kilpont, sheriffdom of Linlithgow. The Earl in the charter styles himself Earl of Menteith and Lord of Kinpont, the latter being a very early possession of the Graham family, which had descended to him through his father.

The Earl appears on various occasions in his place in Parliament, but little is known of his history except that he appears to have become involved in debt. He is said to have been present at the battle of Sauchie on 11 June 1488, and to have fought for the King; but this is doubtful, as he must then have been above eighty years of age. In the retour of his grandson to the estates on 6 May 1493, Earl Malise is said to have died at the peace of King James IV.<sup>2</sup> The exact date of his death is not known, but he was dead before 19 May 1490, perhaps not very long before

<sup>1</sup> *History of the Earldom of Strathearn*, by Sir Harris Nicolas, App. xvi.-xviii.; *Red Book of Menteith*, ii. 293. The writer of this article begs to acknowledge kind encouragement from Dr. J. W. Barty, Dunblane, and much assistance to otherwise inaccessible lore from Mr. W. B. Cook, Stirling. But the opinions expressed in the article are entirely the writer's own, and he has verified most of the references personally.

<sup>2</sup> *Red Book of Menteith*, ii. 302.

that date, when a gift was made to John Home of Ersil-toun of the ward of the lands of Gilmertoun, held of Malise, Earl of Menteith, and then in the King's hands by his decease.<sup>1</sup>

The Earl was at least twice married. His first wife is said to have been Jane de Rochford. On 19 April 1471 Janet, Countess of Malise, Earl of Menteith, is held to be entitled to her terce from Kinpont, belonging to her son Patrick. On 23 October 1476 the Earl gifted to his Countess, for her good deeds done to him in youth and age, in England and in Scotland, a silver-gilt horn, a masar-dish, a silver cup, a missal, nine silver spoons, a silver saltfat, and others acquired by his own industry, the gift being sealed by his placing a gold ring on her finger.<sup>2</sup> She probably died not long afterwards, but this is uncertain. In 1490 the Countess of Menteith was named Marion, and she survived her husband, marrying John Drummond before 17 May 1491. She was still alive in 1530, dying between 28 April and 23 August in that year.<sup>3</sup>

Earl Malise had issue:—

1. *Alexander*, who as son and heir of his father took the latter's place as a hostage in England on 17 June 1453. He was still apparently an exile at his death, which took place some time before 19 April 1471, when Patrick is described as son and heir of Earl Malise.<sup>4</sup>
2. *Patrick*, named first as son and heir of Earl Malise on 19 April 1471, when he entered into an agreement for securing his mother's terce from the lands of Kinpont. In 1476-77 and 1481-82, he is named in transactions with his father, always as son and heir.<sup>5</sup> On 19 October 1478 he was infeft in the lands of Craighuchty and Auchmar (or Auchmore) in terms of a precept from his father. He does not appear later on record, and it is not certain when he died, though it is not impossible that he may have been killed at the battle of Sauchie in 1488. He certainly predeceased his father, as Earl Malise was succeeded

<sup>1</sup> *Acta Dom. Conc.*, xii. f. 32. <sup>2</sup> *Scottish Antiquary*, x. 59, 135; *The Lake of Menteith*, by A. F. Hutchison, 272. <sup>3</sup> *Reg. Mag. Sig.*, 23 August 1530.

<sup>4</sup> *Scot. Antiq.*, x. 59. <sup>5</sup> *Ibid.*, x. 137, 170.

by a grandson. He married in terms of a papal dispensation, about 24 January 1465-66, Isobel, daughter of Thomas, Lord Erskine,<sup>1</sup> and had issue:—

- (1) ALEXANDER, who became Earl of Menteith.
  - (2) Henry, who, on 16 October 1510, had a charter from his brother Alexander of half the lands of Gardrany and Auchmore.<sup>2</sup> He is named with his brother Thomas, in 1532, as cited below, and in 1534 his brother the Earl confirmed the grant of the above lands, with a lease of the other half.<sup>3</sup> No further definite record of him has been found.
  - (3) Thomas, named along with Henry as a brother of the Earl of Menteith on 18 June 1532, when they were found as sureties for the restitution of certain stolen cattle.<sup>4</sup> He appears to have been either illegitimate, of which there is no evidence, or to have died before 1534, when Henry is described as the Earl's 'beloved only brother-german.'<sup>5</sup>
3. John, who is named as receiving from King James III., on 7 April 1469, the lands of Kilbride, in the sheriffdom of Perth.<sup>6</sup> Much confusion as to this John has been caused by an error in the Acts of the Lords of Council. The lands of Kilbride were after his death the subject of litigation, and in 1492 the charter cited was produced in Court, and described as a grant to John Graham, 'sone and are' to Earl Malise.<sup>7</sup> Sir William Fraser and others, founding on this, have assumed that John Graham was the second son of Earl Malise, but this is contradicted by the references already given to his elder brother Patrick. A later note of the charter made in February 1508-9, when it was again produced, repeats the date as 7 April 1469, and describes it as a charter of Kilbride to John Graham and his heirs - male.<sup>8</sup> John Graham, however, appears on record before 1469, as receiving a fee from Exchequer in the years 1464 down to 1473.<sup>9</sup> He is then styled son of Malise, Earl of Menteith, while, as stated,

<sup>1</sup> *Red Book, etc.*, i. 297; cf. 303. <sup>2</sup> *Third Rep. Hist. MSS. Com.*, App. 398. The lands are described as Gardrany or Auchmore, but later evidence (*Red Book, etc.*, i. 334) shows these were separate holdings. <sup>3</sup> *Red Book, etc.*, i. 307. <sup>4</sup> *Acta Dom. Conc. et Sess.*, i. 28. <sup>5</sup> *Red Book, etc.*, i. 307. <sup>6</sup> Crawford gives the date as 7 April 1464, but incorrectly, as 1469 is corroborated by later evidence. <sup>7</sup> *Acta Dom. Conc.*, i. 238. <sup>8</sup> *Ibid.*, ms. xx. f. 150. A note of the writ in the Gartmore Charter-chest also describes it as 'to John, sone to Malise, Earl of Monteth' (*Priory of Inchmahome*, by Rev. W. MacGregor-Stirling, 165). <sup>9</sup> *Exch. Rolls*, vii. 486, 574, 624; viii. 70, 172.

his brother Patrick appears, in 1471, as son and heir-apparent, showing he was the elder. Very little more is known of this John Graham. It has been suggested that he was the John Graham described by Earl Malise in 1476 as his 'natural son,'<sup>1</sup> but this is not certain. The latest date at which John Graham of Kilbride is named as in life appears to be 1478,<sup>2</sup> but he may be the John Graham who in 1480 had a lease for three years of the Crown lands of Arnbeg and others.<sup>3</sup> Sir William Fraser thinks he died before 1478, but a recent writer on the subject suggests, on reasonable grounds, that he lived until after 1486, perhaps until 1488. He was certainly dead before 1491-92.<sup>4</sup>

John Graham of Kilbride married Margaret Muschet, not improbably a daughter of James Muschet of Tolgarth. She survived him, and had her terce from Kilbride. They had surviving issue one daughter, married to Malcolm Drummond of Megour, apparently after her father's death, as her mother alone is referred to as disposing under the marriage-contract.<sup>5</sup> There is no evidence of surviving male issue. The charter of 1469 was granted to him and his heirs-male, and as Alexander, Earl of Menteith, in 1492, founded on that writ as one of his titles to Kilbride, in competition with a later charter to Muschet of Tolgarth,<sup>6</sup> it is evident Earl Alexander accounted himself heir-male of the grantee. This seems to preclude the existence of nearer heirs-male of the body of John Graham.<sup>7</sup>

<sup>1</sup> *Scot. Antiq.*, x. 135. <sup>2</sup> *Red Book of Menteith*, i. 302. <sup>3</sup> *Exch. Rolls*, ix. 564. <sup>4</sup> *Scot. Antiq.*, xi. 108-112. <sup>5</sup> *Acta Dom. Conc.*, i. <sup>6</sup> *Ibid.*, i. 238.

<sup>7</sup> On 19 October 1556 and 19 February 1556-57, before a jury at Stirling, Alexander Drummond, then of Megour, claimed, as great-grandson of John Graham, 'to be infeft in a tenement in Stirling (Stirling Court and Town Council Records at date). He was heir only through a female, and could not have claimed at all if John Graham had left direct male heirs. Tradition identifies this John Graham of Kilbride with John (or Sir John) Graham 'of the bright sword,' who is claimed as the ancestor of the Grahams of Netherby and Esk. That personage doubtless did exist, as the local traditions regarding him are consistent, but the writer has been wholly unable to discover anything to identify the two men. John Graham 'of Kilbride' is never styled 'Sir John,' nor given in record the rank of 'Miles,' while, as indicated, there is a strong presumption that he left no lawful male issue.



4. *John (secundus)*, who on 8 December 1485, while still a youth, as son of Earl Malise, received from his father the lands of Port, Monvrachy and others, including the Lake of Menteith and the islands.<sup>1</sup> He was under age and still under tutors on 25 February 1494-95,<sup>2</sup> when he and his brother Walter joined in resigning the lands granted them by their father in favour of Alexander, Earl of Menteith. In the resignation they are styled 'sons carnal' of Earl Malise,<sup>3</sup> but there seems no reason to doubt that they were his sons by his second wife, with perhaps some canonical impediment.<sup>4</sup> He apparently reached majority in or about 1499 when he again granted a bond in favour of Earl Alexander, from whom he appears also to have held the lands of Kilpont under reversion.<sup>5</sup> The remainder of his history is not on record, so far as is known, but George Crawford, writing before 1719, although he confuses him with John Graham of Kilbride, states that he married a lady of the Campbell family, and had a son *Thomas*, whom Crawford affirms to be the ancestor of the present family of Graham of Gartmore and Ardoch, but without giving any proof of his statement.<sup>6</sup> The tradition of the countryside is that the present Gartmore family are descended from the family of Graham of Dunans or Downans.<sup>7</sup> There certainly was a Thomas Graham who died before November 1568, and who was the progenitor of the Downans and Gartmore Grahams, but nothing has been found on record to prove him the son of John, the son of Earl Malise. A few steps of the pedigree are given here to

<sup>1</sup> *Reg. Mag. Sig.*, 29 June 1489. <sup>2</sup> This fact shows that he was a totally different person from John Graham of Kilbride, although Crawford, *Peerage*, 331 n., confounds the two brothers. <sup>3</sup> *The Priory of Inchmahome*, by Rev. W. MacGregor-Stirling, 71 n. <sup>4</sup> The following seems to be a case in point. George Douglas, Master of Angus, and Elizabeth Drummond were married in March 1487-88, and had issue, but some years afterwards some canonical impediment was discovered, and they obtained a dispensation on 3 December 1494. But in a writ of 1514, after his father's death, George Douglas, the second son, though born in wedlock, is styled 'filius carnalis' of his mother Elizabeth Drummond (Milne Home, mss.; *Douglas Book*, ii. 126; iii. 437). <sup>5</sup> Authorities cited in *Red Book, etc.*, i. 298, 299. <sup>6</sup> Crawford's *Peerage*, 331 n. <sup>7</sup> Evidence taken by Mr. W. Fraser in 1859.

correct one or two errors into which Crawford has fallen:—

- a. Thomas*, who died before 10 November 1568, as in writ cited below, but of whom nothing else is recorded. He had issue:—  
 (a) *John*. (b) *Malise*, in the Kirkland of Aberfoyle.  
 (c) *William*. (d) *Duncan*. (e) *Isobel*, relict of the late Walter Stirling of Auchyll.<sup>1</sup> (f) *Margaret*, relict of the late Duncan Graham in Gartlonan.
- b. John* Graham of Downans, to whom, on 10 November 1568, his brother and sisters, as above named, of their own free wills committed all right they had or might claim against John Dormund (Drummond) of Drongy, as heir to his grandfather, for fire-raising and harrying the house and goods of the late Thomas Graham their father.<sup>2</sup> He had, on 17 July 1569, a charter of sale to himself and his son William, by John Drummond of Drongy, of the lands of Duchray, followed, apparently, by a Crown charter.<sup>3</sup> He was twice married, the name of his first wife not being known. His second wife was Christine Graham.<sup>4</sup> He had issue:—  
 (a) *Thomas*; (b) *William*, both by first marriage. (c) *Andrew*; (d) *John*, by second marriage. (e) a daughter.
- c. William*, named with his father in the charter of 1569, who succeeded to Duchray. He died in or before 1618, having married Christine M'Farlane of the Gartavertane family, who survived him.<sup>5</sup> They had issue:—  
 (a) *John*. (b) *Andrew*. (c) *Walter*, ancestor of the Grahams of Glenny and Ballagan. (d) *Thomas*. (e) *Gilbert*. (f) *George*.
- d. John*, 'fiar of Duchray' in 1613.<sup>7</sup> He acquired Glenny, and is styled 'of Glenny' in a writ of 7 November 1615.<sup>8</sup> He was retoured heir to his father in Duchray, Easter and Wester, on 30 October 1618.<sup>9</sup> In 1621 he is styled John Graham of Polder, and granted an annualrent from Over Glenny to his brother Walter.<sup>10</sup> In 1622, he, with consent of Katherine Stewart, his wife, sold Duchray to Thomas Graham in Inchrie, apparently his uncle, and John, his son.<sup>11</sup> About 1644 he purchased Gallinad in Dumbartonshire, and received a commission against criminals in the shires of Stirling and Dumbarton and the Lennox. He was also on the Committee of War for Perthshire.<sup>12</sup> By his wife Katherine Stewart he had issue:—  
 (a) *William* of Polder. (b) *Walter* of Gallinad. (c) *John*. (d) *Anna*. (e) *Mary*, both married.

<sup>1</sup> In this connection it is important to notice a writ quoted in *The Stir-  
 lings of Keir*, 169, which shows that this Isabel was married before 18 July  
 1531. <sup>2</sup> Protocol Book of John Muschet, Town Clerk, Stirling, at date.  
<sup>3</sup> *Reg. Mag. Sig.; Exch. Rolls*, xx. 30. <sup>4</sup> Stirlingshire Reg. Baptisms.  
<sup>5</sup> *Stirlingshire Sasines*. <sup>6</sup> *Reg. Mag. Sig.*, 15 January 1622; 29 July 1626.  
<sup>7</sup> Stirlingshire Bonds. <sup>8</sup> *Gen. Reg. of Deeds*. <sup>9</sup> *Retours, Stirling*. <sup>10</sup> *Stir-  
 ling Sasines*, ii. f. 213. <sup>11</sup> *Ibid.*, f. 293, 23 March 1622; *Reg. Mag. Sig.*, 29  
 July 1626. It was this John, son of Thomas in Inchrie, who married  
 Marion Graham of Rednock [p. 161]. <sup>12</sup> *Acta Parl. Scot.*, vi. (1) 124; (2) 356.

e. *William* Graham of Polder bought Gartmore in 1644 from the Earl of Stirling. He was created a Baronet 28 June 1665, and died in December 1684. He married Elizabeth, one of the daughters of John, Lord Kilpont, eldest son of William, seventh Earl of Menteith. (See title Airth.) His male line ended in his son Sir John Graham, second of Gartmore, and his succession devolved upon Robert Graham, son of Walter Graham of Gallingad, from whom the present Robert Bontine Cunninghame Graham of Gartmore and Ardoch descends in direct line.

5. *Walter*, not improbably a twin with the above John. He received on the same day as his brother, 8 December 1485, a charter of the Lake of Lochcon (Loch Chon, not Loch Achray as Sir W. Fraser has it) with its islands and other lands, including the mill town and kirk town of Aberfoyle, Bofresle, Downans, and Cranisbeg, confirmed by the King on 29 June 1489.<sup>1</sup> He also with his brother John resigned, on 25 February 1494-95, the lands given him by his father. He received from his nephew, Earl Alexander, the lands of Kilbride, but as these were recognised by the Crown the Earl recompensed him by other lands on 14 May 1510.<sup>2</sup> He had also another grant of lands, which were, however, redeemed under reversion in 1521, along with what remained of Kilbride. Walter Graham died between 17 June 1523, as cited below, and 26 February 1524-25, when a precept of clare constat was granted for infefting his son Thomas in the lands of Glassford, Boquhapple, and others.<sup>3</sup> He married a lady named Marjorie Campbell, with whom he had a grant, on 17 June 1523, of the lands of Drongy, called Gartinsalze and Blarecholic, and part of the Brae of Boquhapple, from William Balfour of Boquhapple.<sup>4</sup> She survived him, and married, secondly, before 1531, Duncan Campbell of Drumfad, whom also she survived.<sup>5</sup>

Walter Graham had issue:—

- (1) *Thomas*, who succeeded his father as stated, before 26 February 1524-25. He held the offices of Custumar of Inver-

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<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.*, 6 January 1493-94, 3 February 1511-12. <sup>3</sup> *Red Book, etc.*, i. 300 and authorities cited; cf. *Third Rep. Hist. MSS. Com.*, 398. <sup>4</sup> *The Stirlings of Keir*, 321. <sup>5</sup> *Reg. Mag. Sig.*, 18 April 1550; 28 September 1554.

ness, Ross, Sutherland, and Caithness, and of Comptroller of the Treasury,<sup>1</sup> and possessed the lands of Calziemuck, Boquhapple, and others. He died in 1562,<sup>2</sup> having married Christine Oliphant, who survived him and married, secondly, Alexander Livingston of Terrinterran.<sup>3</sup> Thomas had issue, *inter alios* :—

- (1) *George*. (2) *James*, who was his father's executor, and was killed on 26 December 1575, his brother George being his executor.<sup>4</sup> (3) *Marion*, called eldest daughter, married in 1538 to William Schaw, younger of Knockhill.<sup>5</sup>

*George*, who succeeded about 1562, and died 26 January 1598-99. He married Marjorie Graham, and had issue :—

- i. *Thomas*, ii. *George*, iii. *John*, iv. *James*, v. *Margaret*, vi. *Marjorie*, vii. *Janet*, viii. *Marion*, ix. *Katrine*, x. *Helen*, and xi. *Barbara*, all mentioned in their father's testament.<sup>6</sup>

*Thomas*, married (contract 6 July 1609) Isobel Schaw, relict of John Buchanan of Arnprior (who died in April 1598), and they were both alive in 1628.<sup>7</sup> She may have been his second wife. Thomas had only one son,

*William*, named in August 1628 as fiar of Boquhapple. He, on 28 April 1625, for a sum of money, renounced in favour of William, seventh Earl of Menteith, the lands of Glassford, Discheratoyre, Blairruskanmore, and Blairquhople, granted in 1518 to his great-great-grandfather, Walter Graham of Lochcon.<sup>8</sup> He acquired Wester Boquhapple in 1627.<sup>9</sup> He married (contract 8 and 28 July 1622) Margaret, daughter of William Stirling of Auchyle,<sup>10</sup> and had issue three sons, i. *Walter*, ii. *Patrick*, Sheriff-depute of Stirlingshire,<sup>11</sup> and iii. *Thomas*,<sup>12</sup> also a daughter *Elizabeth*, married to Andrew M'Lachlan of Drumlean.<sup>13</sup>

*Walter*, who succeeded. He married, about 1648, Jean, second daughter of George Graham of Claverhouse,<sup>14</sup> and had issue, i. *William*, ii. *Patrick*,<sup>15</sup> iii. *Mungo*,<sup>16</sup> and iv. *Marion*.

*William*, entered the Army and was a major at Killiecrankie, after which there was a process of treason against him.<sup>17</sup> On 22 April 1701 he was served heir of

<sup>1</sup> *Exch. Rolls*, xix. *passim*. <sup>2</sup> *Reg. Mag. Sig.*, 6 August 1562. <sup>3</sup> *Ibid.*, 2 November 1583. <sup>4</sup> *Edin. Tests.*, 16 November 1582. Walter Graham of Wester Torrie may also have been a son of Thomas, but there is no direct evidence. <sup>5</sup> Original writ in Blair-Drummond Charter-chest. <sup>6</sup> *Dunblane Tests.*, 20 October 1620. <sup>7</sup> *Part. Reg. Sas. Stirling*, 27 August 1628; *Strathendrick*, by J. Guthrie Smith, 365. <sup>8</sup> *Red Book of Menteith*, i. 301. <sup>9</sup> *Reg. Mag. Sig.*, 5 August 1630. <sup>10</sup> *Ibid.*, 23 December 1623. <sup>11</sup> *Services of Heirs*; Stirlingshire Sheriff-court Book. <sup>12</sup> Original Bond. <sup>13</sup> Stirlingshire Sasines. <sup>14</sup> *Ibid.*, viii. f. 316; vol. iii. of this work, 323. <sup>15</sup> *Red Book of Menteith*, ii. 193. <sup>16</sup> *Menteith Letters*, penes W. B. Cook, Esq. See Airth. <sup>17</sup> *Acta Parl. Scot.*, ix. App. 152.

conquest to his uncle Patrick Graham, Sheriff-depute of Stirlingshire.<sup>1</sup> As 'Colonel William Graham of Boquhapple, indweller in the Citadel of Leith,' he died there in February 1736. He died intestate, and the inventory of his effects was given up by his 'cousin-german,' William Graham, senior, merchant in Edinburgh.<sup>2</sup> The estate changed hands in 1681. There is no mention of children in the inventory cited, but he married, first, a Janet Herries, styled wife of 'Col. William Graham of Balwhapple' in a service of 24 December 1709.<sup>3</sup> He married, secondly, Catherine, daughter of James Lythgow of Drygrange, widow of James Thomson of Colmslie, merchant in Edinburgh.<sup>4</sup> By his first wife he had a son *Herries* Graham, served heir to his mother in 1709, but as to this son no further information has been obtained.

(2) *Patrick*, named in 1530,<sup>5</sup> probably rector of Kilmore, and ancestor of the Grahams of Soyoch.<sup>6</sup>

(3) *Walter*,<sup>7</sup> ancestor of the Grahams of Drumlean, Daldouran or Dundurran, Bowton of Kilbride, and Ballochallan.<sup>8</sup>

6. *Euphame*, married, first, to Robert Vaus of Barnbarroch,<sup>9</sup> and secondly, as his second wife, to Sir William Stewart of Garlies. She survived Sir William, and was alive in 1495.<sup>10</sup>

II. ALEXANDER, second Earl of Menteith, was the grandson of Earl Malise, as appears from an instrument of sasine on 6 May 1493.<sup>11</sup> His parentage is nowhere stated, and it has been held that he was the son of Alexander, the eldest son of Earl Malise. Sir William Fraser combats this view, and though later evidence has proved part of his argument to be unsound, he is probably right in supposing that Patrick was the father of the second Earl. Alexander was infeft as his grandfather's heir on 6 May 1493, and the lands had then been three years in the hands of the Crown, probably because the heir was under age. He is named in record before that date, but not as Earl, simply as heir to Earl Malise. After his infeftment he is styled Earl, and he made various grants of lands included in the earldom. He granted Kilbride to his uncle Walter, which he afterward redeemed. In 1495 he was one of the King's Council, and

<sup>1</sup> *Services of Heirs*, 1701-1709. <sup>2</sup> Edin. Tests., 22 September 1736.

<sup>3</sup> *Services of Heirs*, 1710-19. <sup>4</sup> *Plates to Nisbet's Heraldry* (1892), 57.

<sup>5</sup> *Reg. Mag. Sig.*, 23 August 1530. <sup>6</sup> Information from W. B. Cook, Esq.

<sup>7</sup> *Reg. Mag. Sig.*, 23 August 1530. <sup>8</sup> Information from W. B. Cook, Esq.

<sup>9</sup> *Agnew's Sheriffs of Galloway*, ii. 430. <sup>10</sup> Vol. iv. of this work, 150;

*Acta Dom. Conc.*, 401. <sup>11</sup> *Red Book of Menteith*, ii. 302.

on 27 May 1501 he was party to a bond between King James IV. and various Perthshire lairds for the bringing of criminals to justice. In 1503 he entered into a contract for mutual defence and alliance with James, Lord Hamilton, first Earl of Arran.<sup>1</sup> On 13 July 1512 the Earl granted the lands of 'the two Craance' and Craighuchty to Sir John Colquhoun of Luss.<sup>2</sup> Later he made grants to his uncle Walter, his own brother Henry, and other members of his own family. He was present in Parliament on 10 July 1525,<sup>3</sup> though he does not appear largely in public affairs. In or before November 1533, the 'robbers of the Clan Gregor' paid him a visit and carried off forty cows from him and his son the Master.<sup>4</sup> He died between 31 January or 27 February 1536-37, when his son is styled Master of Menteith,<sup>5</sup> and 16 May following, when his son had sasine of the earldom.<sup>6</sup> He married Margaret Buchanan, daughter of Walter Buchanan of that Ilk, and had issue, so far as known, two sons and a daughter:—

1. WILLIAM, who became third Earl.
2. *Walter*, a witness to the instrument of sasine of the earldom in favour of his elder brother on 16 May 1537.<sup>7</sup> According to Sir Robert Douglas in his *Peerage*, it was this Walter who received a grant of the lands of Gartur from the Abbot of Inchmahome in 1553.<sup>8</sup> It is also stated that he married Margaret Shaw, daughter of — Shaw of Knockhill. He married, secondly, Isobel Graham. He died apparently before 1558, leaving issue:—

- (1) *George*, eldest son by second marriage.<sup>9</sup> (2) *Walter*, and (3) *William*, named in 1573 with his brother *George*. (4) *Agnes*, daughter by first marriage.

*George*, son and heir of *Walter* and *Isobel*, who was in possession of the lands of Gartur, Upper and Nether Blaircesnoch, and other lands in 1573,<sup>10</sup> when he had a tack of the

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<sup>1</sup> *Red Book of Menteith*, i. 306, and authorities cited. <sup>2</sup> *Chiefs of Colquhoun*, ii. 321. <sup>3</sup> *Acta Parl. Scot.*, ii. 292. <sup>4</sup> *Pitcairn's Criminal Trials*, i. 164. <sup>5</sup> Reg. Ho. Charters, Nos. 1146, 1164, *William* being designed Master of Menteith on both dates. <sup>6</sup> *Exch. Rolls*, xvii. 739; *Third Rep. Hist. MSS. Com.*, 398. <sup>7</sup> *Red Book of Menteith*, i. 308. <sup>8</sup> Ed. 1764, 476. There is now no clear proof available that *Walter* *Grahame* of Gartur was the second son of Earl *Alexander*, but his pedigree is here given, as in *Douglas*, with additions. <sup>9</sup> Protocol Book of Robert Ramsay, notary, Stirling, 25 March 1558. <sup>10</sup> *Laing Charters*, No. 881.

teinds from David Erskine, Commendator of Inchmahome. The exact date of his death is not known, but he married Isobel Kinross, who survived him, and who was alive in 1596.<sup>1</sup> They had issue:—

- i. *Walter*, who died *s.p.* before 10 January 1596-97.
- ii. *Jasper*.
- iii. *Mary*, wife of Gilbert Graham in Rednock, is believed to be a daughter.

*Jasper*, who was infeft in the lands named on a precept from the Earl of Mar, declaring him heir of his deceased brother *Walter*, with reservation of liferent terce to his mother Isobel Kinross, on 10 January and 20 April 1596.<sup>2</sup> He was killed in 1618 by the Grahams of Polder and Duchray. He married Agnes Graham, who survived him,<sup>3</sup> and had issue:—

- (i) *John*.
- (ii) *Walter*, named in the remission of 1622 and other writs as brother of *John*.
- (iii) *Robert*.
- (iv) *George*.
- (v) *Janet*, married to John Stewart of Annat.<sup>5</sup>
- (vi) *Elizabeth*.
- (vii) *Christian*. Also a natural son *John*, named in 1622.

*John*, of Blaircesnoch and Gartur, joined with his mother, his brother *Walter*, and natural brother *John*, in granting Letters of Slains to the murderers of their father, in 1622.<sup>6</sup> He came of age before March 1621, when he had a precept of clare constat as heir of his father.<sup>7</sup> The date of his death is not certain.

He married, first, Catherine, daughter of Duncan Buchanan of Cashlie (contract 28 January 1626<sup>8</sup>), without issue; secondly, Isabella Drummond, daughter of John Drummond of Coquhalzie,<sup>9</sup> by whom he had:—

- a. *Walter*.
- b. *Captain John*, who died in June 1712, his heir being his nephew James.<sup>10</sup>
- c. *Robert*, in Shannochill, of whom hereafter, p. 155 *infra*: with other sisters indicated in *Captain John's* confirmation. Also apparently a son *Henry*, married to Margaret, third daughter of James Menteith of Aldcathie.<sup>11</sup>

*Walter* is referred to in several writs as son of *John* of Gartur. He died in or about April 1702.<sup>12</sup> He married Marion, daughter of Sir James Grahame of Airth, by whom he had:—

- (a) *James*, baptized 14 September 1664; died an infant.<sup>13</sup>
- (b) *James*.
- (c) *Robert*.
- (d) *Marie*, baptized 18 De-

<sup>1</sup> *Laing Charters*, No. 1304. <sup>2</sup> *Ibid.*, Nos. 1304, 1310. <sup>3</sup> *Reg. Mag. Sig.*, 15 January 1622. <sup>4</sup> The issue are all named in a deed of 7 October 1617, Dunblane Reg. of Bonds. <sup>5</sup> *History of the Stewarts*, by Duncan Stewart, 131. <sup>6</sup> *Reg. Mag. Sig.*, 15 January 1622. <sup>7</sup> *Laing Charters*, No. 1972. <sup>8</sup> *Ibid.*, No. 1973. <sup>9</sup> *Ibid.*, No. 2616, where she is inadvertently described as the wife of his son; *Genealogy of the House of Drummond*. <sup>10</sup> Dunblane Tests., 28 August 1712; *Laing Charters*, No. 3065. <sup>11</sup> *Genealogy of House of Drummond*, 49. <sup>12</sup> Session Records, Port of Menteith, *ut cit.* <sup>13</sup> *Ibid.*

cember 1670.<sup>1</sup> (e) *Margaret*, married to Thomas Stewart of Ballymoran, co. Down.<sup>2</sup>

*James*, of Gartur, born 15 May 1668,<sup>3</sup> his elder brother having died. In 1713 he was served heir to his uncle, Captain John.<sup>4</sup> He died in November 1719, having married Anna Graham, daughter of James Graham of Orchill,<sup>5</sup> and had issue:—

(a) *James*. (β) *John*, who died *s.p.* (γ) *William*, afterwards of Gartur. (δ) *Marion*.<sup>6</sup>

*James*, who in 1694, after the death of William, the last Earl of Airth and Menteith, was, according to Sir Robert Douglas, the undoubted heir-male of that family. He succeeded his father in November 1719, and was his father's executor. He sold his lands of Gartur to his younger brother William. He died before 10 August 1745.<sup>7</sup> He married Elizabeth Wilkinson, daughter of Captain P. Wilkinson of Ireland, and had issue:—

aa. *David*, who was served heir to his father on 10 August 1745.<sup>8</sup> He became a merchant in England. bb. *John*, an officer in the Army.

*William*, who bought Gartur from his brother James. He became a merchant in Glasgow, and in 1762 the lands of Easter Torrie were adjudged to him from Robert Campbell of Torrie.<sup>9</sup> He died in June 1766, and his daughter Janet was his executrix in 1771.<sup>10</sup> He married Christian, only daughter of John Somerville of Glenhove, and had issue:—

aa. *Walter*. bb. *John*. cc. *James*. dd. *Janet*, who in 1771 was her father's executrix.

*John*, the only one of the brothers of whom anything is known, was the last of his family to hold the estate of Gartur. He died on 28 April 1818, aged sixty-nine.<sup>11</sup> He bequeathed his own estate of Gartur (called Woodend), near Stirling, to Lord William Grahame, second son of the third Duke of Montrose, but the conveyance was found invalid, and the estate went to a Miss Graham, a cousin of his own and his nearest heir.<sup>12</sup> He married Matilda, daughter of James Erskine of Cardross, without issue. She survived him until about 1844. On the tablet he is described as then the last male representative of the family of Gartur, but this was not the case, as the late Major Graham Stirling of Craigharnet, who died in 1898, was the last male having right to that position. He was descended from the third son of John Graham of Gartur and Isabella Drummond (*see* p. 153), who was

*Robert Graham* in Upper Shannochill, called also 'in Blairsesnoch' and 'of M'Keanston,' an estate which he acquired about 1700. He was Collector of vacant Stipends, and in 1697 presented two mortcloths to the Session of Port.<sup>13</sup>

<sup>1</sup> Session Records, Port of Menteith, *ut cit.* <sup>2</sup> *History of the Stewarts*, by Duncan Stewart, 164. <sup>3</sup> Session Records, Port of Menteith, *ut cit.* <sup>4</sup> *Laing Charters*, No. 3065. <sup>5</sup> Douglas, ed. 1764, 476; *Or and Sable*, by L. G. Græme, 435; Dunblane Tests. <sup>6</sup> Session Records. <sup>7</sup> *Services of Heirs*. <sup>8</sup> *Ibid.* <sup>9</sup> *Laing Charters*, No. 3214. <sup>10</sup> Glasgow Tests., 18 July 1768, 5 August 1771. <sup>11</sup> Inscription on tablet on wall in choir of Priory of Inchmahome. <sup>12</sup> Notes by Mr. Fraser in 1859. <sup>13</sup> Session Records.



He married, first, Jean Menteith, daughter of James Menteith of Auldcaithie, and had issue. She died in January 1686,<sup>1</sup> and he married, secondly, before 15 February 1688, Mary Stirling, third daughter of John Stirling of Craighernard, and sister of Mungo Stirling,<sup>2</sup> who survived her husband, and died in 1759, aged ninety.<sup>3</sup> Robert Graham in Shannochill died in March 1710, aged about seventy, having made his will on 18 February 1708.<sup>4</sup> He had issue:—

- (a) *John* of M'Keanston, eldest son of first marriage, who was served heir to his father on 17 May 1711.<sup>5</sup>  
 (b) *James*, also of first marriage.<sup>6</sup> (c) *Mungo*, eldest son of second marriage, baptized 9 April 1700,<sup>7</sup> who died young and unmarried, his brothers Robert and George being his executors.<sup>8</sup> (d) *Robert*, of whom below. (e) *George*, who died in June 1736,<sup>9</sup> apparently unmarried.

*Robert*, also in Shannochill, second son of marriage with Mary Stirling. In 1784 he was aged seventy-nine, which makes the year of his birth 1705, and he was five years old at his father's death. He was then (in 1784) residing with his son at Feddall, and he stated on oath that he was grandson to the late John Graham of Gartur,<sup>10</sup> and a descendant of Graham, Earl of Menteith, and that he was born and had lived till within a few years at Shannochill, in the parish of Port, within a mile from the island residence of the Earls.<sup>11</sup> He married Catherine Menteith of the Auldcaithie family,<sup>12</sup> and had issue:—

- i. *Robert*. ii. *George*, born 31 August 1742. iii. *Mary*.

*Robert*, born 30 January 1741, who became tenant, first of Shannochill, then of Glenly in Port parish, also of Milton near Callander; he was afterwards Laird of Feddall through his wife, and took the surname of Burden. He attended in 1818 the funeral of his kinsman John Graham of Gartur, and died, it is said, in 1823. He married Agnes Campbell, daughter of Robert Campbell of Torrie, by his wife Ann Burden. She succeeded to her mother in the estate of Feddall.<sup>13</sup> They had issue, with three sons who died unmarried:—

- (i) *Robert*, whose circumstances became so reduced that he was for a time a street porter in Edinburgh. He was twice married, but had no male issue.  
 (ii) *John*,<sup>14</sup> who became a farmer at Brae Leny on the Perth estate. He married Isabella Campbell, and had issue, besides a daughter *Agnes*, a son—

<sup>1</sup> Dunblane Tests., 4 November 1686. <sup>2</sup> In his *Stirlings of Keir*, Mr. Fraser makes Mary Stirling the daughter of Mungo Stirling of Craigharnet (her brother), and the wife of George Graham in Shannochill, her own son.  
<sup>3</sup> Airth Peerage Case, 1839, 58. <sup>4</sup> Dunblane Tests., 7 September 1710 and 10 December 1713, also 21 February 1723. <sup>5</sup> *Services of Heirs*. <sup>6</sup> Dunblane Tests., 10 December 1713. <sup>7</sup> Register of Baptisms, Port of Menteith.  
<sup>8</sup> Dunblane Tests., 21 February 1723. <sup>9</sup> *Stirlings of Keir*, 134. <sup>10</sup> See p. 153 *supra*. <sup>11</sup> Airth Peerage Case, 58. <sup>12</sup> *Red Book of Menteith*, i. 463, has 'Christian,' but the name in the Baptismal Register is Catherine.  
<sup>13</sup> Information collected by Mr. W. Fraser in 1859. <sup>14</sup> *Ibid*.

- a. *Charles Campbell Graham Stirling*, only son, who, in 1852, succeeded to the estate of Craighernard or Craighbarnet, in terms of an entail on 14 March 1799 by John Stirling, then of Craighbarnet, providing the estate to, among other heirs, the heirs of the body of John Graham, second son of Robert Graham Burden of Feddal. Charles was a major in the Army, and served with the Black Watch, whom he commanded at the assault on Sevastopol in 1855. He died, the last direct male heir of Gartur, on 24 July 1898, without male issue. He married, at Ballagan House, 2 December 1856, Elizabeth Agnes, elder daughter of the late Robert Dunmore Napier of Ballikinrain, and had issue, an only daughter, *Caroline Frances*, married, 10 January 1883, to George H. Miller, lieutenant R.N., third son of James B. Miller, Esq. of Muirshiels, Renfrewshire.<sup>1</sup>

III. WILLIAM, third Earl of Menteith, is first named in record on 16 June 1521, when he and his wife redeemed the lands of Lochcon from his grand-uncle Walter, and he later took steps to redeem Kilbride. He joined with his father in 1528 in releasing other lands from mortgage, and in 1534, while still Master, he obtained from their owner the lands of Boquhapple and Drongy. He succeeded his father between February and May 1537, and had sasines of the earldom of Menteith, and of the lands of Kilpont and of Kilbride.<sup>2</sup> He took little part in public affairs, though he was present in Parliament in December 1540. His career was cut short by an untoward incident. The event is narrated in more versions than one, but the main facts were that a party of marauders, Murrays of Athole according to one account, but according to most versions Stewarts of Appin, passing through Menteith, came to a place where a wedding feast was prepared, the Earl being an expected guest. The strangers seized on the provisions, ate up the whole, and went on their way. The Earl, enraged at their audacity, pursued the Stewarts, and, according to a local writer, overtook them near a spring, now known as the Tyepers Well, on the 'Tyepers' path, which leads to Loch Achray and the Trossachs.<sup>3</sup> Here a fight ensued, in which the Menteith men were worsted and the Earl slain or mortally wounded. The exact date of this fray is not known, but the Earl was alive in September 1543 and was

<sup>1</sup> *The Stirlings of Keir*, 135, 136; *The Stirlings of Craighernard*, 14.

<sup>2</sup> *Red Book of Menteith*, i. 309, 310; *Exch. Rolls*, xvii. 739, 753. <sup>3</sup> *The Lake of Menteith*, by A. F. Hutchison, 27.

dead before 23 January 1543-44.<sup>1</sup> He died intestate, but an inventory of his goods was given up and confirmed at Dunblane in July 1545.<sup>2</sup> He had 'plenishing' on the lands of 'Kilbryd, Dalbrok, Auchayk, Cardranycht, and Boquhoppill,' also in 'Auchmore, Arnthome, Portend, Brigend and Inche,' in the diocese of Dunblane. In the diocese of St. Andrews he had Kinpont and Bonhard. The whole inventory in both dioceses amounted to £1392, 19s. 8d. Scots: Earl William married, before June 1521, Margaret Moubray, daughter of John Moubray of Barnbogle, and widow of John Cornwall of Bonhard, who was killed at Flodden.<sup>3</sup> She survived him, and was alive in July 1548.

1. JOHN, who became fourth Earl of Menteith.

2. *Walter*, who, with his mother, was executor of his father.<sup>4</sup> He and his mother also were, in May 1545, infeft in the lands of Gartavertane, in terms of a grant to them by John Buchanan of Gartavertane, and again on 26 July 1548. They are also named in a charter to them on 28 May 1547, by George Home of Lundies, of the lands of Easter Argatie, followed by sasine on 30 May 1547.<sup>5</sup> No further notice of Walter has been found, and the date of his death is unknown, but his lands of Gartavertane were apparently, in 1565-66, in possession of his brother Andrew, and after October 1570 belonged to his younger brother Gilbert.<sup>6</sup>

3. *Robert*, who, in 1547, was infeft in the lands of Wester Boquhapple by his brother, Earl John, but he sold these lands in 1553 to his brother-in-law, Archibald, Earl of Argyll, and his wife and son. In May 1547 he acquired part of Gartmore, and in 1554 he had a charter from Walter M'Awlay of Gartmore, granting the twelve-merk land of Gartmore to Robert Graham, brother-german of John, Earl of Menteith, whom failing, to Gilbert Graham, his brother, a grant which

<sup>1</sup> *Acta Dom. Conc. et Sessionis*, xxv. 31, where it is suggested that he died in September 1543; *Reg. Sec. Sig.*, xviii. f. 25. See above. <sup>2</sup> Dunblane Tests., i. ff. 94, 95. <sup>3</sup> Decree of Lords of Council, to warrant her against the claims of the Crown over the rents of Bonhard, 31 January 1536-37, Reg. Ho. Calendar, No. 1146. <sup>4</sup> *Acta Dom. Conc. et Sess.*, xxv. f. 31. <sup>5</sup> Protocol Book of John Graham, Stirling. <sup>6</sup> *Exch. Rolls*, xix. 545; xx. 413.

was repeated in 1563 and 1568 to Robert and his wife and to Gilbert, his brother.<sup>1</sup> Robert, 'being sumquhat evill disposit,' made his will at Stirling 20 February 1572-73,<sup>2</sup> and died not long afterwards, without male issue by his wife, Elizabeth Erskine, a natural daughter of Thomas, Master of Erskine, to whom he was married in terms of a contract dated 29 January 1562-63.<sup>3</sup> She survived him, and was still alive in 1577-78.<sup>4</sup>

Robert Graham had at least one lawful daughter, *Margaret*, named in his will. She died in August 1573. He had also a natural son *John* and a natural daughter *Christian*, both referred to in his will.<sup>5</sup>

4. *Gilbert*, frequently designed of Beircrofts, named in 1551 as brother-german to John, Earl of Menteith, and also in the charters to his brother Robert, already cited. On 30 October 1570 he had sasine from the Crown of the lands of Gartavertane, which had belonged to his brother Walter, and in January 1572-73 resigned them into the hands of the Regent Morton for a regrant to his son and heir, William Grahame.<sup>6</sup> He died soon afterward, on 24 April 1573, leaving a sum of £3969 Scots, chiefly money due to him.<sup>7</sup> He married, before 1562, Helen, daughter of John Kincaid of Warriston and widow of Robert Crauford of Beircrofts.<sup>8</sup> She survived him, and married, thirdly, before July 1578, Gavin Hamilton of Hill.<sup>9</sup> Gilbert had issue four sons:—

- (1) *William*, called Ninian in some writs, a minor in July 1573,<sup>10</sup> who, on 25 June 1577, was served as heir of tailzie to his uncle, Robert Graham of Gartmore. Before January 1583-84 he had married Janet Graham, and died between 4 August 1588 and February 1588-89.<sup>11</sup> His wife survived him, and married, before August 1590, Colin Campbell, variously designed as 'brother of the Laird of Ardkinglas,' also

<sup>1</sup> *Red Book of Menteith*, i. 312, 313. <sup>2</sup> Edin. Tests., 27 September 1574. <sup>3</sup> *Reg. of Deeds*, vi. f. 17. See also under title of Mar. <sup>4</sup> *Exch. Rolls*, xx. 527. <sup>5</sup> Edin. Tests., 27 September 1574 and 16 November 1576. <sup>6</sup> *Exch. Rolls*, xx. 413; *Red Book of Menteith*, i. 314. <sup>7</sup> Edin. Tests., 4 June 1578. <sup>8</sup> *Edin. Com. Decreeets*, i. f. 64, 17 June 1564, where Helen Kincaid requires her father to produce her marriage-contract with Crauford; cf. also *Acts and Decreeets*, vol. 1. f. 404, and Edin. Tests., 4 June 1578. <sup>9</sup> *Acts and Decreeets*, lxxiii. f. 114. <sup>10</sup> *Ibid.*, li. f. 319. <sup>11</sup> *Red Book of Menteith*, i. 314; *Acts and Decreeets*, cxvi. f. 347; *Stirling Antiquary*, iii. 321.

'of Blairnarne'<sup>1</sup> and 'of Boghall,' not of Ardbeith, as suggested by Sir William Fraser.<sup>2</sup> William and Janet had issue at least one son,

- i. *Robert*, who, on 27 May 1606, was retoured heir to his father in the lands of Gartmore and Gartavertane. He died in November 1614. He had a son *Gilbert*, who is styled of Gartmore in the court book of the Stewartry of Menteith between 1630 and 1634. He was still under age in 1632, and died before 9 October 1634, when his sister, *Agnes Graham*, was served heir to their father on these lands, which had been nineteen years in ward and one in non-entry.<sup>3</sup> Agnes married John Alexander, a younger son of William, Earl of Stirling. The lands were disposed by her to the Earl and were afterwards sold to William Graham of Polder in 1644, whose younger brother was the ancestor of the present family of Graham of Gartmore and Ardoch.
  - (2) *John*, a minor in July 1573 and second son,<sup>4</sup> who in 1586 was styled of Bofreslie.<sup>5</sup> In 1581-82 he claimed to be heir of his younger brother James, but on 28 February in that year James was asserted to be alive.<sup>6</sup> John Graham was still alive on 6 February 1588-89.<sup>7</sup>
  - (3) *James*, named executor to his father on 3 May 1578, and gave up the inventory of his father's estate.<sup>8</sup> He was still alive on 28 February 1581-82, as above stated.
  - (4) *Andrew*, who, as brother-german of William Graham of Gartavertane, had, on 1 July 1585, a gift of the escheat of Helen Short, widow of John Guthrie, Captain of (Castle) Campbell.<sup>9</sup>
  - (5) *Marion*, sister of William Graham of Gartavertane, married, apparently as second wife, to Alexander Alexander of Menstrie, father of William Alexander, first Earl of Stirling.<sup>10</sup>
5. *Andrew*, who, in 1547, received the lands of Boquhapple from his brother Earl John.<sup>11</sup> It is probably also he who, as Andrew Graham of Gartavertane, had, on 6 February 1565-66, a commission of Justiciary against evildoers within the earldom of Menteith.<sup>12</sup>
  6. *Margaret*, married, on 21 April 1541, in the Priory of Inchmahome, as his second wife, to Archibald, fourth Earl of Argyll. (*See that title.*)
  7. *Christian*, married, before March 1553, to William

<sup>1</sup> Information from Dr. Barty, Dunblane. <sup>2</sup> *Red Book of Menteith*, i. 314; see *Reg. Privy Council*, viii. p. 723. <sup>3</sup> *Special Retours, Perthshire*, Nos. 161, 437. <sup>4</sup> *Acts and Decrees*, li. f. 319. <sup>5</sup> *Reg. of Deeds*, xxiv. f. 185, 14 April 1586. <sup>6</sup> Canongate Court Book. <sup>7</sup> *Acts and Decrees*, cxvi. f. 347. <sup>8</sup> *Edin. Tests.*, 4 June 1578. <sup>9</sup> *Reg. Sec. Sig.*, lii. f. 153. <sup>10</sup> *Edin. Tests.*, 24 May 1581; cf. *House of Alexander*, by Dr. C. Rogers, i. 27. <sup>11</sup> *Red Book of Menteith*, i. 311. <sup>12</sup> *Exch. Rolls*, xix. 545.

Livingstone of Kilsyth. (*See that title*, and authorities there given, showing that she was the daughter of William, third Earl, and not of John, fourth Earl, as usually asserted.)

IV. JOHN, fourth Earl of Menteith, had a gift of his own ward and marriage on 23 January 1543-44.<sup>1</sup> He succeeded apparently in September 1543, as he was held to be in possession of the teinds of Kinpont from that date,<sup>2</sup> though he was not formally infeft until 4 January 1546-47.<sup>3</sup> As Earl of Menteith he sat in Parliament at Stirling in June 1545, and at Linlithgow in October same year. He also attended the Privy Council in February and March 1545-46.<sup>4</sup> It was in September of the following year that the young Queen Mary abode for a short space in the Earl's Isle of Inchmahome, and he is said to have gone in her company to France, but this is doubtful, and the date cited by Sir William Fraser suggests what is really the case, that he was one of the many nobles who accompanied the Queen-Dowager to France in 1550.<sup>5</sup> After her return the Earl is again found present in the Privy Council, and in 1554, after she became Regent, he received from her a Commission of Justiciary over both the earldom and the stewartry of Menteith.<sup>6</sup> In 1558 the Earl joined the Lords of the Congregation and adhered steadily to them, taking part in the siege of Leith, ratifying the Confession of Faith, and attending meetings of the Assembly of the Church.<sup>7</sup> He died in January 1564-65.<sup>8</sup>

The Earl married (contract dated 8 October 1548) Marion Seton,<sup>9</sup> daughter of John, Lord Seton. She survived him, and married, as his third wife, John, tenth Earl of Sutherland, and was poisoned with him at Dunrobin 23 June 1567.<sup>10</sup> The Earl had issue:—

1. WILLIAM, fifth Earl of Menteith.
2. George, who, in 1560, was one of the hostages given

<sup>1</sup> *Reg. Sec. Sig.*, xviii. f. 25. <sup>2</sup> *Acta Dom. Conc. et Sess.*, xxv. f. 31. <sup>3</sup> *Exch. Rolls*, xviii. 409. <sup>4</sup> *Acta Parl. Scot.*, ii. 455, 495; *P. C. Reg.*, i. 22, 60. <sup>5</sup> *Diurnal of Occurrents*, 50. <sup>6</sup> *Red Book of Menteith*, i. 318, and authorities cited. <sup>7</sup> *Ibid.*, 319. <sup>8</sup> This date is given in the course of an action as to the teinds of Kilpont (*Acts and Decrees*, xlvi. 326). <sup>9</sup> *Acta Dom. Conc. et Sess.*, xxv. f. 60. <sup>10</sup> *The Sutherland Book*, i. 128.

to the English Admiral Winter for observing the treaty with England, and was then only five years old. His father was very desirous that he should be kept near the Border that he might frequently hear of him. He seems to have been placed in the charge of the Dean of Durham, and was apparently still in England in December 1561.<sup>1</sup> He became, after his brother's death, tutor-at-law to his nephew, Earl John, and he was still tutor on 20 January 1585-86, when summoned to confer with the Privy Council as to the repression of crime in Menteith.<sup>2</sup> He and his wife, his son and apparent heir, James, and his sons Dougall and Archibald are named in a writ of 18 November 1601, a promise to give them the lands of Rednock in feu farm.<sup>3</sup> George Graham of Rednock, and his sons Dougall, Walter, John, and Hew were all charged with violent abduction of the daughter of Colin Campbell of Blairnarne in 1609, and he was alive in 1610.<sup>4</sup> He married Agnes Macdougall,<sup>5</sup> and had issue:—

- (1) *James*, who had Crown charters of the lands of Easter Rednock on 12 February 1584-85 and 12 June 1598.<sup>6</sup> He died without issue, after 1601, when he was apparent heir.
- (2) *Dougall*, named with his father and mother in a writ of 1601, already cited. He is called son and apparent heir in 1609.<sup>7</sup>
- (3) *John*, who, on 10 March 1619, was served heir to his brother James in Easter Rednock, and also in Mondowie, co. Stirling,<sup>8</sup> which latter lands were sold to William, Earl of Airth in 1635. He married Jean Kinross, and had issue:—
  - i. *Marion*, married to John Graham of Duchray, known as the 'Highland Hector,' son of Thomas Graham of Inchrie, as on p. 148, *ante*, and had issue.<sup>9</sup>
  - ii. *Anna*, married (contract dated 19 July 1645) to Alexander Colquhoun of Camstradden, and had issue.<sup>10</sup>
  - iii. *Elizabeth*, married to John Macfarlane.
  - iv. *Mary*, unmarried in 1650.<sup>11</sup>
- (4) *Walter*, named in 1609.
- (5) *Archibald*, styled brother of Dougall in writ of 1601.

George Graham had also a natural son *Hew*, named in 1609.

<sup>1</sup> *Cal. Scot. Papers*, i. 312, 345, 372, 580. <sup>2</sup> *P. C. Reg.*, iii. 718. <sup>3</sup> Writ in Polmaise Charter-chest. <sup>4</sup> *P. C. Reg.*, viii. 249, 261, 403, 556. <sup>5</sup> *Reg. Mag. Sig.*, 12 June 1598. <sup>6</sup> *Ibid.*, at dates. <sup>7</sup> *P. C. Reg.*, vii. 261, 556. <sup>8</sup> *Special Retours, Perth*, No. 265; *Stirling*, No. 96. <sup>9</sup> *Chiefs of Colquhoun*, ii. 205. <sup>10</sup> *Ibid.*, 205, 207. <sup>11</sup> *Reg. Mag. Sig.*, 24 January 1650, where all their names are given.

3. *Mary*, married, in January 1560-61, to George (not John) Buchanan of that Ilk, and had issue.<sup>1</sup>

V. WILLIAM, fifth Earl of Menteith, had a gift from the Crown on 10 April 1565 of his own ward and marriage,<sup>2</sup> and he entered into a contract with his mother by which she advanced the money paid for the gift, and drew the rents of the earldom until the sum was refunded. He was under age at his father's death, and had not been infeft in the earldom, but he was publicly acknowledged as Earl, and sat as such in the Commission of Parliament at Stirling, which, on 29 July 1567, received Queen Mary's demission, and assisted at the coronation of the infant Prince James. He fought against the Queen at the battle of Langside, and took part in meetings of Privy Council and Parliament up to July 1569. He was still under age, but obtained, on 28 October 1571, a dispensation from the Crown, upon which, on 20 November same year, he was infeft in the earldom of Menteith, the lands of Kilbride, and others.<sup>3</sup> He attained majority on or before 24 January 1572-73, when he ratified his marriage-contract made in his minority.<sup>4</sup> On 2 May 1574 he received a Commission of Justiciary against a number of marauders with Highland names, and was a member of the Privy Council until his death. His vassals and those of Leckie of that Ilk at this time quarrelled, and serious bloodshed took place, on account of which the principals on both sides were summoned before the Council in May 1577, and in February and March 1577-78 the Earl was bound over to keep good rule.<sup>5</sup> He, however, died a few months later, in September 1578, after an illness apparently of some duration, as he delivered his eldest son to the charge of George Buchanan of that Ilk, his brother-in-law, about ten days before his death, and left a will directing that the child should remain in Buchanan's charge.<sup>6</sup> Earl William married (contract dated 16 May 1571<sup>7</sup>)

<sup>1</sup> *History of Strathendrick*, by J. Guthrie Smith, 288. *Mary*, in a royal precept of 10 November 1561, is styled *elder* daughter of Earl John (*Reg. Sec. Sig.*, xxx f. 76). She was therefore not the only daughter. <sup>2</sup> *Reg. Sec. Sig.*, xxxiii. f. 11. <sup>3</sup> *Red Book of Menteith*, i. 324 and authorities there cited. <sup>4</sup> *Reg. of Deeds*, xii. f. 23. <sup>5</sup> *P. C. Reg.*, ii. 612, 672, 729. <sup>6</sup> *Acts and Decrees*, lxxiv. f. 151, and 26 January 1578-79. <sup>7</sup> *Reg. of Deeds*, xii. f. 28. It was owing to this contract that he infeft himself before his majority when it was made he was still under curators.



Margaret Douglas, daughter of Sir James Douglas of Drumlanrig, and widow of Edward, seventh Lord Orichton of Sanquhar, who survived him, and married, thirdly (contract 22 May 1593), Robert Wauchope of Niddrie.<sup>1</sup> By her the Earl had issue:—

1. JOHN, who succeeded as sixth Earl.
2. *George*, designed brother-german of Earl John. He also, as son of the deceased Earl of Menteith, is a witness to a charter of 13 March 1590-91.<sup>2</sup> In 1602 he had a serious quarrel with William Greir, or Greirson of Lag.<sup>3</sup> In 1605 he was denounced and put to the horn by his sister-in-law and her husband, Campbell of Lundie, as having given himself up to living by reif and sorning with the Clan Gregor and the Macfarlanes. But in November 1607 he was released from outlawry and given the wand of peace.<sup>4</sup> He died in April 1617, survived by his wife Grisel, daughter of Henry Stirling of Ardoch, and leaving issue a son *John*, under the tutory of his nephew William, seventh Earl of Menteith, and a daughter *Elsbeth*.<sup>5</sup>
3. *Helen*, named as daughter of William, Earl of Menteith, in an action by her as assignee of her brother George, 25 January 1610, before the Lords of Privy Council.<sup>6</sup>

VI. JOHN, sixth Earl of Menteith, was a boy under five years old when he succeeded to his father. This appears from an action between George Buchanan of that Ilk, to whom he had been intrusted by his father, and Countess Margaret, his mother, who claimed the custody of her son until he was seven years of age.<sup>7</sup> He was afterwards, as stated, for some time under the tutory of his uncle George, and after his death under that of John Graham of Fintry. He was, it is said, retoured heir to his father in 1583. Letters of dispensation were obtained from King James VI.

<sup>1</sup> See *ante*, vol. iii. 229. <sup>2</sup> *Reg. Mag. Sig.*, 5 December 1591. <sup>3</sup> *P. C. Reg.*, vi. 333. <sup>4</sup> *Gen. Reg. of Inhibitions*, x. f. 80; xxvii. f. 95, where in one place he is erroneously styled Robert; cf. *P. C. Reg.*, vii. f. 39. <sup>5</sup> *Red Book of Menteith*, i. 327; Dunblane Tests., 3 February 1618. <sup>6</sup> *P. C. Reg.*, viii. 403. <sup>7</sup> *Acts and Decrees*, lxxiv. f. 151, and 26 January 1578-79; the case was twice continued, and the sequel has not been ascertained.

on 7 October 1587, and a little later he was, notwithstanding his minority, infeft in the earldom and other lands. A lawsuit arose between him and his mother about the custody of some of the charters of the earldom, which she alleged were committed to her keeping by the late Earl, but were now demanded by Earl John and his tutor, the Laird of Fintry. It was probably in connection with this dispute that an attack was made on the place of 'Kelwode,' as the Earl was required to find caution that she should suffer no injury.<sup>1</sup> He entered into a mutual bond of maintenance and manrent with Malcolm Macfarlane, fiar of Gartavertane, on 6 March 1597.<sup>2</sup> He died in December 1598, having married (contract dated 22 October 1587,<sup>3</sup> when he was scarcely fifteen) Mary Campbell, sister of Duncan Campbell of Glenurchy, who paid 8000 merks as her dowry. She survived the Earl, and married, secondly (contract dated 26 June 1599<sup>4</sup>), Colin Campbell of Lundie. Earl John had issue:—

1. WILLIAM, who became seventh Earl of Menteith.
2. *Christian*, who, on 20 January 1615, had a bond from her brother for four thousand merks Scots, to be paid when she should 'be cled with ane husband.' She was married to John Blackadder of Tulliallan, who was created a Baronet of Nova Scotia, on 28 July 1626.

VII. WILLIAM, seventh Earl of Menteith, was still under age in 1610 when a royal dispensation was granted on account of his minority, and on 7 August in that year he was served heir to his father in the earldom of Menteith, the lands of Kilbride, and others. From this time for some years he devoted himself to consolidating and adding to his estates. In 1621 he had a Commission of Justiciary over malefactors in his own district, and in that year also he first sat in Parliament. In 1626 he was made a Privy Councillor and a Commissioner of Exchequer. In 1628 he was made President of Council and also Justice-General of Scotland, holding the last office, at the pleasure of the

<sup>1</sup> *Red Book of Menteith*, i. 329; *P. C. Reg.*, iv. 263. It has been suggested that 'Kelwode' is perhaps a mistake for Kilbride, but the record is quite distinct. <sup>2</sup> *Red Book of Menteith*, ii. 316. <sup>3</sup> *Reg. of Deeds*, xxx. f. 164. Cf. vol. ii. 183, where the year is inadvertently given as 1589. <sup>4</sup> *Reg. Mag. Sig.*, 3 August 1614.

King, until 1633. In 1630 he was sworn a Privy Councillor of England also. His commanding talents and his public services were thus rewarded, until, in an evil moment, he laid claim to the earldom of Strathearn, held by his ancestor Earl Malise. He was, after a formal resignation, ratified in the title of Earl of Strathearn, but the remainder of his history, his death, and his family will be found in detail under the title of Airth.<sup>1</sup>

CREATION.—6 September 1427, Earl of Menteith.

ARMS.—The various Earls used slightly different coats of arms, all of which are recorded in the *Red Book of Menteith*, ii. 459. Sir David Lindsay gives the Arms as—Quarterly: 1st, argent, on a chief sable three escallops or; 2nd and 3rd, or, a chevron gules (on the seals this quarter is generally two chevronels for *Strathearn*); 4th, or, a fess chequy azure and argent.

CREST.—The seal of the seventh Earl bears for crest an eagle's head.

SUPPORTERS.—On the same seal are two lions rampant.

[J. A.]

<sup>1</sup> Vol. i., pp. 133-145.

## STEWART, LORD METHVEN



**HENRY STEWART**, first Lord Methven, younger son of Andrew Stewart, second Lord Avandale, and brother of Andrew, Lord Ochiltree, was born about 1495. He supported the Earl of Arran against Angus in 1524. He owed his advancement, however, to the favour of the Queen - Dowager Margaret Tudor, widow of King James IV., who became attracted by him about 1526, when he held the office of Master

Carver to the King her son. The Queen was then in the midst of her quarrel with the Earl of Angus, her second husband, and was soon completely governed by Henry Stewart, who favoured the English alliance. She appointed him Treasurer, Lord Chancellor, and Keeper of the Seals, and he 'ordered everything.'<sup>1</sup> The Queen obtained a divorce from Angus, at Rome, 11 March 1527-28, and shortly after 23 March 1527-28, at which date the news had not arrived, but before 2 April 1528, married Henry Stewart.<sup>2</sup> He was imprisoned for a short time, but on the fall of the power of Angus was received into the favour of the King, and retained it until his death. He was created LORD METHVEN 17 July 1528, the King giving in conjunct fee

<sup>1</sup> Letters and Papers of Henry VIII., iv. No. 800. <sup>2</sup> *Ibid.*, Nos. 4091, 4134; State Papers, iv. p. 491. Dunbar's *Scottish Kings* gives the date of this marriage as in March 1526.

to his mother and to Henry Stewart her husband, brother of Andrew, Lord Avandale, the lands of Methven and Balquhidder, erected into a barony to be called the lordship of Methven.<sup>1</sup> He received the grant of many other lands also. On account of his marriage he assumed (and bore on his seal 1539) for one of his supporters a dragon (the badge of his wife's father, King Henry VII. of England), and for crest, a queen crowned, standing erect, holding a naked sword reversed with her right, and leaning on a wheel with her left.<sup>2</sup>

He was later made 'Maister of the Ordinaunce and Sherif of Linlithcu by inheritance.'<sup>3</sup> The Queen later, in 1537, obtained a dissolution of her marriage with him also, on the ground that he was within the fourth and fourth degrees of consanguinity to the Earl of Angus, her second husband,<sup>4</sup> and wished to marry again, but her son James V. prevented this scandal, and she died at Methven 18 October 1541. He received a final grant of the lordship of Methven 10 October 1551<sup>5</sup> to himself, Janet Stewart, Mistress of Sutherland, and their son, and died shortly after. He was, it is stated, married early in life to 'Lady Leslie,' by whom he had a son.<sup>6</sup> His first proved marriage, however, was to the Queen-Dowager. On her death he married the mother of his four children, Janet Stewart, who, as his wife, received with him, June 1545, the third part of the lands of Nether Gorthie.<sup>7</sup> She was daughter of John, second Earl of Atholl, and widow, first of Alexander, Master of Sutherland, and secondly, of Sir Hugh Kennedy of Girvanmains. She survived him, liferenting the lordship of Methven, and married, fourthly (contract 9 April 1557), Patrick, Lord Ruthven.<sup>8</sup> This is her last proved marriage, but it is alleged that she was married, fifthly, to James Gray, son of Gilbert Gray of Foulis.<sup>9</sup>

He had issue:—

1. *John Stewart*, Master of Methven, said to have been a son by 'Lady Leslie,' to have received a pardon in March 1540 for holding heretical opinions,<sup>10</sup> and to

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> Riddell's *Remarks*, 198. <sup>3</sup> *Estimate of the Scottish Nobility*, 24. <sup>4</sup> *Liber Off. S. Andree*, 6 June 1537, fol. 265. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Stuart's Stuarts of Castlestuart*. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> Cf. vol. iv. 260. <sup>9</sup> *Ex inform.* Hon. Vicary Gibbs. <sup>10</sup> *Green's Princesses*, iv. 500 n. 3.

- have been killed at the battle of Pinkie 10 September 1547.<sup>1</sup>
2. HENRY, son of Janet Stewart, who succeeded him.
  3. *Janet*, eldest daughter, who was married, or at least contracted, 21 February 1547-48<sup>2</sup> and 14 October 1551, to Colin Campbell, sixth Earl of Argyll.<sup>3</sup>
  4. *Jean*, daughter of Henry, Lord Methven, contracted to Patrick Wood, younger of Bonnytoun, 17 August 1560.<sup>4</sup> She must either have been another daughter, or else the marriage with the Earl of Argyll did not take effect. In a pedigree by Sir William Segar, Garter, of the 'Lord of Ogheltree,' she is stated to have married 'Woods Dns de Lewingston.'
  5. *Margaret*, married, first, before 1566, to Andrew Stewart, Master of Ochiltree;<sup>5</sup> secondly, to Uchtred Macdowal of Garthland.<sup>6</sup> She is perhaps the Dame Margaret Stewart, Lady Ochiltree elder, who died 1 January 1627, and whose testament-dative was given up by her daughter Susanna Stewart.<sup>7</sup>
  6. *Dorothea*, married, 17 August 1561,<sup>8</sup> to William, first Earl of Gowrie. It has been asserted that she was a daughter of the Queen-Dowager, and that the Gowrie conspiracy was in fact her son's attempt on the throne. Her parentage, however, is proved by letter of legitimation, dated 16 September 1551.<sup>9</sup>

II. HENRY, second Lord Methven, received with his three sisters a legitimation in 1551,<sup>10</sup> and succeeded his father by grants of the baronial fief of Methven to him, *nominatim* 10 October 1551 and 1 December 1564,<sup>11</sup> the last grant being to the heirs-male of his body, whom failing, to return to the King. He was on the Regent's side against Queen Mary,<sup>12</sup> and after the slaughter of the Regent Lennox, whom he dearly loved, could not enjoy Scotland.<sup>13</sup> He intended to go abroad, and his will was made on account of 'beand of mynd to pas to ye pts. of France for learning of languages and behavior and exerceis quairthrow I may

<sup>1</sup> Stuart's *Stuarts of Castlestuart*, 136. <sup>2</sup> *Acta Dom. Conc. et Sess.*, xxvi. 24. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *Reg. of Deeds*, iii. 415. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> Duncan Stewart, 122. <sup>7</sup> *Edin. Tests.* <sup>8</sup> *Scott's Gowrie*, 39. <sup>9</sup> *Reg. Sec. Sig.*, xxiv. f. 99, to Henry, Janet, Margaret and Dorothy Stewart. <sup>10</sup> *Ibid.* <sup>11</sup> *Reg. Mag. Sig.* <sup>12</sup> Duncan Stewart, 122. <sup>13</sup> *Estimate of the Scottish Nobility*, 24.

be ye mair habil to serve our souerane Lord in defence of his realme and legis,' but before he carried out his intention he was killed, 3 March 1571-72,<sup>1</sup> 'in the cyuill warres, by the schott of a canon out the castle of Edinburgh,'<sup>2</sup> and was buried at Methven 21 March. His family is thus described:<sup>3</sup> 'They be of noble blood, very religious and valiaunt.'<sup>4</sup> He married Jean Ruthven, daughter of Patrick, third Lord Ruthven. She was married, secondly, to Andrew, fifth Earl of Rothes, and died in September 1591, her testament being recorded 26 October 1594.<sup>5</sup> Issue:—

1. HENRY, succeeded his father.

2. *Dorothea*, married to Mr. John Stewart, styled of Campsie,<sup>6</sup> son of Alexander Stewart of Brighthouse.<sup>7</sup>

III. HENRY, third Lord Methven, succeeded his father in the lordship, 'a new house, and of no great lyvinge or power,' on 1 July 1592. The title of Methven is described as 'decaied by want of heires, and comming to the King's hands, he hath disponit it to the Duke (of Lennox).'<sup>8</sup> He is stated to have married a daughter of Henry Stewart, a son of James, Earl of Arran.<sup>9</sup> On 31 July 1587 the King granted to his physician, Gilbert Moncrieff, part of the lordship of Methven, which had reverted to the King on the death without heirs-male of his body of Henry, last Lord Methven, in January 1585.<sup>10</sup>

CREATION.—Lord Methven, 17 July 1528.

ARMS.—Quarterly: 1st and 4th, or, a lion rampant within a double tressure flory counterflory gules; 2nd, or, a fess chequy azure and argent, for *Stewart*; 3rd, argent, a saltire between four roses gules, for *Lennox*; on an escutcheon *surtout*, a lion rampant holding a castle in its paws, for the title of *Methven*.<sup>11</sup>

[A. F. S.]

<sup>1</sup> Edin. Tests., 7 October 1572. <sup>2</sup> *Estimate of the Scottish Nobility*, 36. <sup>3</sup> *Ibid.*, 24. <sup>4</sup> 'Lord Methven's Tragedie,' 1572, by Lord Sempill, is mentioned in Walpole's *Royal and Noble Authors*. <sup>5</sup> Edin. Tests. <sup>6</sup> *Edin. Inhibs.*, xi. 204. <sup>7</sup> *Perth Sasines*, 28 December 1593. <sup>8</sup> *Estimate of the Scottish Nobility*, 36, 71. <sup>9</sup> Duncan Stewart's *History of the Family of Stewart*, 122. <sup>10</sup> *Reg. Mag. Sig.* <sup>11</sup> Macdonald's *Scottish Armorial Seals*, No. 2671.

## MIDDLETON, EARL OF MIDDLETON



MIDDLETON is one of those surnames derived from a place, and it is also one which, at an early date, appears in many localities both in England and Scotland. The Middletons treated of in this article descend from a family who settled in the Mearns or Kincardineshire, and assumed the style of Middleton 'de eodem,' or of that Ilk. They are said to have obtained their lands in the time of David I.,

according to a charter by William the Lion to a Malcolm, son of Kenneth, cited by Nisbet on the authority of Sir George Mackenzie. The first of the name who is certainly on record is

HUMPHREY DE MIDDLETON, a witness to a charter by Stephen of Kinardley to the monks of Arbroath, and it was probably he who also witnessed a charter made to the same abbey by Robert, son of Warnebad, about 1238.<sup>1</sup> He is also a witness to a charter by Walter of Lundin, granting to Philip of Feodarg (or Meldrum) the lands of Balcormok, about 1250.<sup>2</sup>

<sup>1</sup> *Registrum de Aberbrothoc*, 179, 198. <sup>2</sup> Macfarlane's Collections, ms., 34, 3, 25, Adv. Lib.



HUMPHREY MIDDLETON of that Ilk, perhaps grandson of the preceding, did homage to King Edward I., in 1296, for lands in Kincardineshire, and again in 1306 for the same.<sup>1</sup> The next on record, who can be definitely connected with Forfarshire, is

WILLIAM MIDDLETON,<sup>2</sup> who had between 1418 and 1432, a tack of the lands of Invercany, co. Forfar, from Walter, Abbot of Arbroath, with the mill and tithes. He was appointed Custodian of the forest of Trostow.<sup>3</sup>

GILBERT MIDDLETON of that Ilk, who was witness, 5 September 1454, to a charter by John de Troup of lands in Kincardineshire to Alexander Sutherland of Dunbeath.<sup>4</sup> In 1460 and 1461 he appears as a juror on two inquests, the first as to some land belonging to the Abbey of Arbroath, and the second, for serving Sir Alexander Fraser as heir to his grandfather in the lands of Cowie.<sup>5</sup>

LAURENCE MIDDLETON of that Ilk, who is referred to in 1481 as a witness to a sasine in favour of Andrew, Lord Gray.<sup>6</sup> He died before 15 June 1493.<sup>7</sup> He married, it is said, a daughter of Straton of Lauristoun, and on 17 January 1496-97 an action was raised against Alexander Straton of Lauriston at the instance of Alexander, son of James, Lord Ogilvy, and Nicolas Straton, his wife, for non-delivery of two-thirds of the goods of Laurence Middleton of that Ilk.<sup>8</sup> Nicolas Straton may therefore have been his widow. He had issue—

1. GILBERT, who succeeded.
2. *David*.
3. *Walter*.
4. *Alexander*, named in the action of 17 January 1496-97, cited above.
5. *Violet*, described as 'daughter to the Laird of Middle-

<sup>1</sup> *Cal. Doc. Scot.*, ii. 209; *Fœdera*, Record ed., i. 995. <sup>2</sup> There are various Middletons named in the English records between 1306 and 1418 (cf. *Cal. Doc. Scot.*, iii. iv.), but none of them can be connected with the family now treated of. <sup>3</sup> *Reg. Nig. de Aberbrothoc*, 60. Wood and Douglas state that he had a Crown charter of these lands in 1430, citing the Haddington Collections, but the entry really refers to the tack. The lands were not then in the hands of the Crown. William is not designed 'of that Ilk' in the tack, but probably was so. <sup>4</sup> *Reg. Ho. Charters*, No. 337. <sup>5</sup> *Reg. Nig. de Aberbrothoc*, 115; *Fraser's of Philorth*, ii. 203. <sup>6</sup> Wood's Douglas. <sup>7</sup> *Acta Dom. Auditorum*, 178. <sup>8</sup> *Acta Dom. Concilii*, ms., vii. f. 53.

ton in the Mearns, and widow of Thainstoun.<sup>1</sup> She was apparently the Violet Middleton married, as his second wife, to George Leslie of that Ilk. They had a Crown charter, on 24 November 1497, of half the lands of Edingareoch.<sup>2</sup> She died before 26 October 1505.

GILBERT MIDDLETON of that Ilk, son and heir of the deceased Laurence, is so referred to on 15 June 1493, when he obtained a decret against his father-in-law John Wishart of Pittarrow for £20 Scots, part of a dowry payable with his daughter Marjorie, now dead, who had been Gilbert's wife.<sup>3</sup> On 7 April 1494 he was one of the jurors on a service of Alexander Irvine of Drum.<sup>4</sup> He sold his lands of Middleton, except the manor-house and orchard, on 20 August 1510, to Adam Orichton of Ruthvens and Isabel Gray, his spouse, a grant confirmed on 24 August 1510.<sup>5</sup> In 1516 he was Sheriff of Forfar, according to Crawfurd. He was dead before 28 March 1533.<sup>6</sup> He married, first, Marjorie, daughter of John Wishart of Pittarrow. She died, as stated, before June 1493, and he married, secondly, Agnes Lauder, said to be of the Bass family. They held, in 1519, the templelands of Middleton, Fettercairn, and Benholm.<sup>7</sup> By her Gilbert Middleton had issue:—

1. *Alexander*, who died either before or very soon after his father. He married Isabell Grahame, who is described as relict of the late Alexander Middleton, son and heir of the late Gilbert Middleton of that Ilk, on 28 March 1533, when she brought an action against a Jonet Middleton and Gilbert Keith her spouse for spoliation.<sup>8</sup>
2. JOHN, who succeeded.
- 3, 4, 5, 6. Four sons, whose names are unknown.
7. ——— Middleton of Clerkhill, described in a writ of 1682 as fifth brother of Kilhill.<sup>9</sup> He was probably the Henry Middleton who had the lands of Clerkhill, and on 22 December 1553 he acquired the lands of

<sup>1</sup> Bishop Lesley's ms. Genealogy of the Leslies. <sup>2</sup> *Records of the Family of Leslie*, i. 49. <sup>3</sup> *Acta Auditorum*, 178. <sup>4</sup> *Reg. of Deeds (M'Ken.)*, 10 February 1741. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Ex inform.* Dr. Maitland Thomson. <sup>7</sup> Barclay Allardyce ms.; Jervise, *Angus and Mearns*, 366. <sup>8</sup> *Acta Dom. Conc. et Sess.*, ii. f. 152. <sup>9</sup> Grant of Arms in Lyon Register.

Cramondgorth, co. Aberdeen.<sup>1</sup> On 8 August 1559 he received permission to stay at home from warlike raids, inquests and assizes.<sup>2</sup> Henry had issue, the most distinguished of his descendants being Captain Laurence Middleton of Futtburgh,<sup>3</sup> who married, secondly, Grisel, daughter of Thomas Mowat of Garth.<sup>4</sup> They had a son *George*, alive in 1688.<sup>5</sup>

JOHN MIDDLETON of Middleton, of Netherseat, and finally of Kilhill, is first mentioned on record in the gift of his marriage as son and heir of the late Gilbert Middleton of that Ilk,<sup>6</sup> in favour of Alexander Strachan of Thornton, who sold it to David Falconer of Halkerton. On 6 October 1539 part of the lands of Middleton were appraised from John for 650 merks at the instance of Sir John Campbell of Lundy and Isabella Gray, his spouse. On 19 January 1539-40 John Middleton and David Falconer of Halkerton made an excambion of their lands, and Falconer acquired Middleton, Easter-Husbandton of Middleton and Drumquhirbir, while Middleton obtained the Netherseat of Halkerton with other lands. This transaction was confirmed by charters under the Great Seal 27 January 1539-40.<sup>7</sup> Falconer subsequently obtained other portions of Middleton.<sup>8</sup> On 15 April 1552 John and his wife had a charter from the Constable of Dundee of Newtibble and Davidstoun,<sup>9</sup> and paid £40 for his entry thereto.<sup>10</sup> In 1542 he was taken prisoner at a raid called the Moss of Aberlour by an Englishman, Matthew Forrester. He arranged with his captor for a ransom of £40, and left Andrew Buchanan as his surety, promising to pay the £40 by next New Year's day. He failed to keep his promise. Buchanan paid for his own release, and was allowed to go home under sureties for payment of Middleton's ransom. He had great difficulty in getting the latter to pay anything, and the last heard of the matter is that a decree was got charging Lord Maxwell, the Warden of the West Marches, to take cognisance of the affair.<sup>11</sup> He died in July 1588, having married, first, Isabella, daughter

<sup>1</sup> *Reg. Mag. Sig.*, 23 February 1553-54. <sup>2</sup> *Reg. Sec. Sig.*, xxix. f. 88. <sup>3</sup> Grant of Arms in Lyon Register. <sup>4</sup> Grant's *Zetland Families*. <sup>5</sup> *Orkney Sasines*, 20 August 1688. <sup>6</sup> *Reg. Sec. Sig.*, 27 July 1535. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> *Ibid.*, 8 October 1546. <sup>9</sup> Confirmed 7 May 1565, *ibid.* <sup>10</sup> Scrymgeour Inventory. <sup>11</sup> *Acts and Decrees*, i. 278.

of David Falconer of Halkerton. She died between 26 March 1553 and 13 March 1557-58.<sup>1</sup> Middleton married, secondly, before the last-mentioned date, Katherine, said to have been the daughter of Strachan of Thornton.<sup>2</sup> She died 30 November 1575.<sup>3</sup>

By his first wife he had issue:—

1. JOHN, who succeeded.
2. *Marjorie*, married, before 1561, to Mr. Gilbert Bisset of Pitmuckston. She died in October 1608.

By his second wife he had issue:—

3. *Alexander*.<sup>4</sup> He had succeeded to Berrihill, as the substitute of George Middleton, by Lammas 1589. He married (contract 2 September 1598) Margaret, daughter of John Robertson of Monquaith, and left issue by her.
4. *James*, apprenticed, 7 March 1587, with Andrew Malcolm, burgess of Edinburgh, merchant. His father paid a premium of 20 bolls victual yearly out of the lands of Courthill, where James had infestment, and Malcolm also got the rent of a house and lands in Montrose belonging to James; for this he was to teach him his trade, to exercise him in travelling in Scotland, Flanders, and France, to give him two suits of clothes a year, and to provide him in meat, drink, etc.<sup>5</sup>
5. *George*, named along with other children in his mother's testament-dative in 1575. He was alive in February 1588-89, when he and his brother James gave up his father's testament-dative.

He had also a natural son—

*John*, to whom letters of legitimation were granted 22 March 1584.

JOHN MIDDLETON, the eldest son, had a charter 17 March 1564-65 of the lands of Netherseat on the resignation of his father.<sup>6</sup> On 20 December 1595 he had a Crown charter of Bent Upperseat and Netherseat *alias* Kilhill.<sup>7</sup> He died between 2 July 1602<sup>8</sup> and 1 January 1604-5. He married,

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> Barclay-Allardyce MS. <sup>3</sup> Edin. Tests., 14 July 1582. <sup>4</sup> *Reg. of Deeds* (Scott), 2 July 1588. <sup>5</sup> *Ibid.*, xxx. 10 June 1588. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> *Ibid.* <sup>8</sup> *Reg. Sec. Sig.*

first, Elizabeth, daughter of David Ramsay of Balmain. Before his second marriage he entered into a contract with her brother, also David Ramsay, to pay annually for seven years 200 bolls of victual for the 'weill and comoditie' of his children 'as sister beirnis to the said David.'<sup>1</sup> He married, secondly (contract dated at Auquhorties 23 December 1595), Katherine Mortimer, relict of James Forbes of Corsindae, and daughter probably of John Mortimer of Craigievar.

By his first wife he had issue:—

1. JOHN, who succeeded.
2. ROBERT, who succeeded his brother.
3. James, alive in 1595.
4. Mr. Alexander, alive in 1613.
5. Patrick, alive in 1595.
6. Margaret, married (contract 23 May 1598) to Robert Strachan in Kinkell, second son of Monboddo.
7. Elizabeth, of whom nothing is known except that she was alive in 1595.

By his second wife he had:—

8. Francis, designed brother of Robert of Caldham on 16 October 1629, when he was leaving the country.<sup>2</sup>

JOHN MIDDLETON of Kilhill succeeded his father in 1604. He had a charter of Kilhill on his father's resignation 20 December 1595.<sup>3</sup> On 2 November 1606 he excambed the lands of Kilhill, Latch, and Bent with Alexander Strachan of Thornton, then a minor, and his curators for the lands of Caldham (by which designation his family was afterwards known), Muirtoun, and Roishill, with £6000 in cash.<sup>4</sup> Middleton omitted to resign the lands in the first instance into the King's hands, and the consequence was that the latter granted Kilhill to James, son of John Livingstone of Dunipace.<sup>5</sup> By arrangement between them his brother Robert entered into possession of Muirtoun in order to protect it from John's creditors, and subsequently, from 1612, he was designed of Caldham, and John 'of Muirtoun.'<sup>6</sup>

The date of John Middleton's death has not been ascer-

<sup>1</sup> Forfar Deeds, 23 November 1596. <sup>2</sup> *Reg. of Deeds* (Gibson), 474, 7 June 1634. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *Reg. of Deeds* (Scott), v. 132, 10 May 1607. <sup>5</sup> *Reg. Mag. Sig.*, 10 July 1607. <sup>6</sup> *Reg. of Deeds*, 216, 15 December 1513.

tained, but he was alive 28 June 1618.<sup>1</sup> He married (contract 18 April 1599<sup>2</sup>) Euphemia, daughter of John Mortimer of Flemington. They were married in June, but continued 'in mutuall societie and cumpany onlie be the space of ane quarter of a year.' She obtained a decreet of adherence against him 6 March 1606; in the proceedings she stated that she brought to him a tocher of 4000 merks. She got a judgment on 4 July 1607 for 400 merks annually.<sup>3</sup>

ROBERT MIDDLETON, his brother, had a confirmation from the King of the lands of Caldham 7 January 1624.<sup>4</sup> He was on the Committee of War for Kincardineshire 4 July 1644. Although it is said by Wishart that he never took up arms at all in the troubles of the day, he was killed in his bed in 1645 by Montrose—'a grave ould gentleman,' quite undeserving of such a fate. He married, in or before 1608, Katherine Strachan, who was buried 3 February 1674.<sup>5</sup> By her he had issue:—

1. JOHN, afterwards Earl of Middleton.

2. *Alexander*, born about 1610; graduated at King's College, Aberdeen 1630.<sup>6</sup> Regent and Procurator Laudonensis 30 June 1634,<sup>7</sup> Sub-Principal of King's College 10 March 1641.<sup>8</sup> Admitted minister of the parish of Rayne 14 November 1655;<sup>9</sup> translated to Old Machar 1661,<sup>10</sup> and to Newhills about 1663.<sup>11</sup> He held his appointment in conjunction with that of Principal of King's College, to which he had been elected in 1662.<sup>12</sup> He demitted the charge of Newhills in 1679; he was buried in the church of Old Machar 7 December 1686.<sup>13</sup> He married, on Tuesday, 17 January 1643, Margaret, daughter of Thomas Gordon of Kethock's Mill,<sup>14</sup> 'being the first regent that entered in a marriage condition' in King's College. She predeceased her husband by a few months, being buried at Old Machar 26 July 1686.<sup>15</sup> They had issue:—

<sup>1</sup> *Reg. of Deeds* (Scott), cclxxvi. 16 October 1618. <sup>2</sup> *Ibid.*, 18 July 1615.  
<sup>3</sup> *Ibid.*, cclxxvi. 16 October 1618. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> Montrose Burial Reg. <sup>6</sup> *Officers and Graduates of University and King's College*, New Spalding Club, 185. <sup>7</sup> *Ibid.*, 55. <sup>8</sup> *Ibid.*, 41. <sup>9</sup> Scott, *Fasti*, iii. 599.  
<sup>10</sup> *Ibid.*, 485. <sup>11</sup> *Ibid.*, 507. <sup>12</sup> *Officers of King's College*, 27. <sup>13</sup> Old Machar Reg. <sup>14</sup> *Officers of King's College*, 41. <sup>15</sup> Old Machar Reg.

- (1) *George*, born 14, and baptized 25, February 1645. Graduated at King's College 17 July 1662; minister of Glamis 5 January 1667; Regent of King's College 22 August 1673; Sub-Principal 21 October 1679; doctor of divinity of St. Andrews University 31 December 1683; Principal of King's 27 October 1684, succeeding his father in that office. He held it till 1717, when he was turned out by the Presbyterians. He died 26 March 1726,<sup>1</sup> having married, 15 February 1671,<sup>2</sup> Janet, baptized 28 March 1652, daughter of James Gordon of Seaton. She was buried 17 January 1753, at the age of one hundred years and ten months.<sup>3</sup>

By his wife *George* Middleton had eighteen children, of whom the following sons married and had issue:—

- i. *Alexander*, baptized 8 May 1676, was Comptroller of Customs for the Port of Aberdeen, and Postmaster for the shire. Died 26 October 1751. Married, 17 September 1705, *Elsbet Burnet*, who was buried at Old Machar 21 December 1767, aged eighty-four.<sup>4</sup> They had issue:—

(i) *George*, baptized 22 August 1706.

(ii) *John*, the second son, baptized 21 March 1708; emigrated to Barbadoes; died 26 August 1792. Married, 31 July 1731, *Mary Allister*. They had issue, with one daughter, two sons:—

a. *Alexander*, born 8 August 1735, died before July 1756.

b. *John*, born 27 March 1739; married, 16 October 1765, *Hester Haselwood*, with issue two sons, *John* and *Richard*.

If descendants of this branch are alive they are the eldest heirs-male of the family, and would be entitled to the forfeited Peerage if restored.

(iii) *Alexander*, third son, baptized 3 September 1709; he emigrated to America, and died 21 August 1750, having married, at Boston, *Ann Todd*, by whom he had five daughters.

- ii. *John*, sixth son, born 27 September 1678, was a writer in Edinburgh, but entered the Army, and ultimately was given the command of the 25th Foot 17 June 1725, and the 13th Foot 29 May 1732, being made brigadier-general 1735. He sat in Parliament for the burgh of

<sup>1</sup> *Officers of King's College*, 27. <sup>2</sup> *Ibid.* <sup>3</sup> An inscription, quoted in the *Scots Mag.*, states that the cause of her longevity

'Was not an indolent life,  
She had eighteen children,  
'Twas not a continual sunshine,  
She met with cross accidents,  
'Twas a cheerful temper,  
A clear conscience,  
Moderate exercise,  
And a temperate life.'

<sup>4</sup> Old Machar Reg.

Aberdeen from 1763 till his death. As a young man he was a musical amateur, being one of the nineteen gentlemen performers at the feast of St. Cecilia, held at Edinburgh 22 November 1695.<sup>1</sup> He purchased the lands of Seaton. He died in London, and was buried, 24 March 1739, at St. Martin's-in-the-Fields.<sup>2</sup> He married Elizabeth, daughter of William Cuninghame of Enterkin. She died and was buried in Aberdeen April 1734. They had issue five daughters and the following sons:—

- (i) *John*, baptized 14 March 1713, buried 1714.
  - (ii) *George*, baptized 11 July 1714; admitted advocate 17 December 1734. He died at Seaton, and was buried at Old Machar 11 August 1772, having married, in September 1736, Diana Gray, daughter of the Earl of Stamford, who died 14 January 1780, with issue.
- iii. *Patrick*, born at Old Aberdeen 8 March 1680.<sup>3</sup> Emigrated to Poland 21 June 1693. Was admitted burghess of Aberdeen 'for love and favour' 7 August 1725.<sup>4</sup> He died at Cracow in 1771, aged ninety-one, having married, 29 July 1706, Susannah Moer, by whom he had fifteen children. In 1779 there were two alive and the following son:—
- (i) *Patrick*, born 12 November 1712, became major-general in the Polish service; married in Silesia, 6 July 1775, Janet de Seher, with issue.<sup>5</sup>
- iv. *Charles*, baptized 10 December 1681.
- v. *George*, baptized 15 June 1683.
- vi. *William*, baptized 10 June 1687.
- vii. *Robert*, baptized 16 February 1693, commanded a revenue cutter for some time, after which he was appointed, in 1731, Collector of Customs at Inverness; the year following he was transferred to Dundee, and from there to Borrowstouness. He married Helen, daughter of Captain Charles Dundas, fourth son of Sir James Dundas of Arniston, with issue, besides five daughters:—
- (i) *George* of Lethamdolls, Stirlingshire, and Moss-hall, West Lothian, Captain in the Scots Brigade, who died, as Comptroller of Customs, at Leith, 20 February 1794, having married Elizabeth, daughter of George Wilson of Stottencleugh (who died June 1788),<sup>6</sup> with issue:—

a. *Robert Gambier*, born at Leith November 1774. Entered the Royal Navy 1786, and retired with the rank of rear-admiral

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<sup>1</sup> Chambers's *Domestic Annals*. <sup>2</sup> St. Martin's Reg. <sup>3</sup> Old Machar Reg. <sup>4</sup> Burgess Roll, Aberdeen. <sup>5</sup> Cf. Major-General Middleton's account of his family, 1779, quoted in Biscoe's *Earls of Middleton*, 385. <sup>6</sup> South Leith Reg.



9 June 1832. Died 21 August 1837 at Moor House, Limpsfield, Surrey, having married, 11 December 1802, at St. Marylebone, Middlesex, Susanna Maria, daughter of John Martin Leake of Thorpe Hall, Essex. They had twelve children, of whom the following sons grew up to manhood, married, and had issue:—

- (a) *William*, born 19 April 1814; colonel 17th Madras Native Infantry; retired 1862; died 5 July 1907, having married Harriet Theophila, daughter of William Sterling, of the Indian Civil Service. He had issue four daughters and one son, *William Gambier*, District Probate Registrar for Warwickshire. He married Sophia Margaret Mouat, and has issue.
- (b) *Alexander*, twin with the foregoing. Died at Putney July 1846, having married Elizabeth, daughter of Richard Neave, Secretary to Chelsea Hospital, with issue.
- (c) *George*, born 18 February 1823, became District Probate Registrar for Cheshire. Died at Clifton 4 December 1902, having married Mary Woolston, daughter of Rear-Admiral Sir John Marshall, K.C.B. They had issue, besides one daughter, *Janet Mary Woolston*, a son, *Robert Marshall*, born 1857, married, 7 October 1886, Henrietta Ellen, youngest daughter of James Chisholm Gooden. They have no issue.
- (d) *Charles John*, born 8 October 1809, principal registrar of H.M. Court of Probate. He resigned office in 1892, and died 1 January 1894. He married, 14 December 1837, Catherine Anne, eldest daughter of the Rev. Clement Strong of Limpsfield, Surrey, and of Gedney, co. Lincoln. She died 5 December 1901, leaving issue:—
  - a. *Clement Alexander*, born 12 September 1838, was

a judge at Kurrachee, India, and a Bencher of Gray's Inn; died 11 March 1891, having married, first, 6 October 1864, Edith, daughter of the Rev. Canon Melville, rector of Barnes, Surrey. She died September 1867, and he married, secondly, 4 October 1870, Helen, only daughter of Thomas Noel Harris. By her he had issue seven sons and four daughters.

β. *Oswald Robert*, born 4 September 1840; served in the King's Own Royal Lancaster Regiment; colonel 1 July 1885, and retired 1897. Married, 14 July 1881, Christine, daughter of Admiral Robert Kerr, and has no issue.

(γ) *Gerard Henry Noel*, born 26 November 1843, and died the following year.

(δ) *Emily Augusta*, born 2 March 1845, died, unmarried, 31 October 1883.

(ii) *Charles*, who had a distinguished naval career. He was born at Leith 14 October 1726; was created a baronet 23 October 1781, and a Peer, under the title of Lord Barham, 3 May 1805. He died 17 June 1813, having married, 21 December 1761, Margaret, sister of James, Lord Gambier, by whom he had a daughter, *Diana*, who succeeded him in the title and married, 30 December 1780, Gerard Noel Edwards, grandson of Lord Anne Hamilton and Mary Edwards.<sup>1</sup> She died 12 April 1823. Their son was created Earl of Gainsborough.

(iii) *Robert*, served heir of provision, along with his brothers and sisters, to his mother, 29 August 1752.<sup>2</sup>

(2) *John*, baptized 9 August 1646;<sup>3</sup> rector of Cricksey and vicar of Burnham-on-Crouch, Essex; buried at Burnham 16 February 1704-5. Married, first, Lydia, daughter of the Rev. Nathaniel Hewetson.<sup>4</sup> She died 10 November 1680.<sup>5</sup> Secondly, Mary —, who survived him and married, secondly, Rev. James Chrystie. He had issue by both wives.

<sup>1</sup> Cf. vol. iv. 385-388. <sup>2</sup> *Services of Heirs*. <sup>3</sup> Old Machar Reg. <sup>4</sup> Burnham Parish Reg. <sup>5</sup> *Ibid*.

- (3) *William*, baptized 16 November 1647.<sup>1</sup> Died before 1658.
- (4) *Alexander*, baptized 1 April 1649.<sup>2</sup> Died young, before 3 April 1653.
- (5) *Thomas*, baptized 31 August 1651.<sup>3</sup> George, John, and Thomas are named together in a deed by their father and mother on 27 April 1658, as if the three elder sons in life, and they were then under age.<sup>4</sup> Thomas was alive in 1675, and is believed to have written the Appendix to Spottiswoode.
- (6) *Alexander*, baptized 3 April 1653.<sup>5</sup> Rector of Milton, co. Kent, 2 April 1684; perpetual curate of Thanington in 1687;<sup>6</sup> curate of Chartham and of St. Alphage, Canterbury.<sup>7</sup> He died in 1715, being buried on 31 March in St. Alphage aforesaid.<sup>8</sup> He married, 27 May 1680, Phœbe, daughter of Anthony Hammond of St. Albans Court, Kent, relict of Thomas Thomson, younger son of Thomson of Kenfield, in the parish of Chartham, Kent.<sup>9</sup> By her, who died at Canterbury and was buried at Pelham 14 July 1713,<sup>10</sup> he had issue one daughter.

3. *Gilbert*, entered the Scots College at Paris in 1635, became a Jesuit, and died a young man.
4. *Robert*, 'the granter's son,' witness to an assignation by Robert Middleton of Caldham 16 July 1639.<sup>11</sup>
5. *Francis*, mentioned in 1640 as 'brother german of John, Earl of Middleton.'
6. *George*, mentioned on 22 August 1662 as 'Dr. George Middleton, brother-german to Mr. Alexander Middleton.'<sup>12</sup>
7. *William*. As Captain William Middleton he is mentioned in several deeds, 1669 and 1670.<sup>13</sup> On 8 April 1672 he was admitted a Burgess of Aberdeen 'for love and favour.'<sup>14</sup> As Colonel William he was a witness to baptisms in the Strathmore family up to 1701. It is possible that he is the William Middleton of Kincardine O'Neil whom Sir James Strachan of Thornton designs his cousin-german in 1663.<sup>15</sup> The relationship may have been through Strachan's mother, Marie Ramsay, who was a sister of Elizabeth Ramsay, mother of Robert Middleton of Caldham. The date of William's death has not been

<sup>1</sup> Old Machar Reg. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.* <sup>4</sup> Protocol Book of A. Forbes, No. 83, Gen. Reg. Ho., ff. 40-42. <sup>5</sup> Old Machar Reg. <sup>6</sup> Hasted's *Kent*, iii. 587, 589. <sup>7</sup> Parish Regs. <sup>8</sup> Cowper's printed Reg. of St. Alphege. <sup>9</sup> Chatham Parish Reg. <sup>10</sup> Pelham Parish Reg.; Transcripts in Canterbury Cathedral. <sup>11</sup> Unrecorded deed. <sup>12</sup> *Reg. of Deeds* (Durie), 21 July 1664. <sup>13</sup> *Ibid.* (Dab.), 20 December 1660; *Ibid.* (Dundee), 18 June 1675. <sup>14</sup> Aberdeen Burgess Roll. <sup>15</sup> *Sheriff Clerk Deeds, Aberdeen*, 17 July 1672.

ascertained. If he were the same as the William of Kincardine O'Neil his wife's name was Madeline Sinclair.

8. *Sir James*, knighted before 1662, probably the Cornet James Middleton to whom in 1646 the Parliament granted 600 merks for his pains and expenses for carrying letters to and from the Lord-General to the Parliament and Committees.<sup>1</sup> In a Lyon Office pedigree he is styled 'Tribunus Militaris' in Spanish Flanders.<sup>2</sup> He had a natural son *Francis*, baptized 17 February 1663, being then eleven years old.<sup>3</sup>
9. *Andrew*, of Pitgarvie (afterwards of Balbegno), styled 'brother-german to John, Earl of Middleton.'<sup>4</sup> He was Hon. Muster-Master,<sup>5</sup> and as such signed the Muster Rolls of the Life Guards from 18 October 1684 down to 1688, the last year for which these rolls are preserved before the Revolution.<sup>6</sup> In 1690 he purchased the estate of Balbegno from Andrew Wood, younger,<sup>7</sup> and the following year sold Pitgarvie to David Melville, late of Pitnamoon.<sup>8</sup> He died in July 1699,<sup>9</sup> having married, first (contract 3 January 1671), Elizabeth, daughter of Sir David Ramsay of Balmain, with a tocher of 6000 merks; secondly (contract 9 November 1678), Anna, youngest daughter of Thomas Forbes of Waterton.

By his first wife he had issue:—

- (1) *Elizabeth*, 'only daughter,' married (contract dated 28 April 1698) to Charles Gordon of Achanachie.

By his second wife he had:—

- (2) *Robert*, who succeeded him, and married Anne, daughter of George Ogilvy of Lunan.
- (3) *Charles*, 'my second son,' died July 1699.
- (4) *Andrew*, 'third lawful son,' died July 1706.

An attempt has been made by the collateral descendants of David Middleton, factor to the Duke of Bedford, to affiliate themselves to Andrew Middleton of Pitgarvie. Sir William Fraser, who superintended a search as to this, considered it was not proved. All deeds relating to Pit-

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<sup>1</sup> *Acta Parl. Scot.*, vi. pt. i. <sup>2</sup> Reg. of Gen. Lyon Office, i. 18. <sup>3</sup> Canon-gate Reg. <sup>4</sup> *Gen. Reg. Sasines*, 1 October 1673. <sup>5</sup> *Reg. of Deeds* (Mack.), vi. f. 1684. <sup>6</sup> *Ex inform.* Andrew Ross, Esq., *Ross Herald*. <sup>7</sup> *Aberdeen Sasines*, 8 July 1691. <sup>8</sup> *Ibid.*, 14 April 1714. <sup>9</sup> *Services of Heirs*.

garvie name only the daughter and three sons above given, but the claim is made more doubtful by Carte the historian, who, in describing the deserted condition of James II. at Rochester when flying from his kingdom, adds that there was not even a servant with him, and that the fire requiring to be mended, the Earl of Middleton, with the King's permission, called in *his own servant David Middleton, afterwards factor to the Duke of Bedford*, to put it right.

10. — a daughter, apparently married, either as his first or second wife, to Mr. Robert Ogilvie, minister of Methlick, as he is styled Principal Alexander Middleton's 'good brother.'<sup>1</sup>

I. JOHN, first Earl of Middleton, eldest son.<sup>2</sup> He has usually been supposed, on the authority of Olarendon and the Holborn Marriage Register, to have been born in 1617 or 1619. As, however, his second brother, Alexander, was born about 1610, the birth of the Earl must be dated previous to that year, and was probably about 1608. At an early age he entered the ranks of a Scottish regiment in the French service, under the command of Sir John Hepburn. In 1638 all Scottish officers serving abroad were recalled to their country, and Middleton, who by that time had probably received a commission; and in June 1639 he was a captain in Montrose's army, and was present at the engagement of the Bridge of Dee. Montrose going over to the royalist side, Middleton took service with the English Parliamentarian troops, and attained the rank of Colonel and Lieutenant-General. For the next two years he saw considerable service with them, but as a result of the disputes which arose between the Presbyterians and Independents, he left the English army, returned to Scotland, and was, in August 1645, appointed second in command to David Leslie, and was present at the battle of Philiphaugh in the following month. In 1646 he was appointed General Major of the Horse, and £1000 was allowed for his expenses in levying a regiment of cavalry.<sup>3</sup> During the year he was engaged in operations in the North of Scotland against Montrose, who capitulated in July. For his services he was thanked by Parliament, who also voted him a salary of 1200 merks monthly, and a gold chain, worth £2666, to be given him.

<sup>1</sup> Spalding. <sup>2</sup> *Gen. Reg. Sasines.* <sup>3</sup> *Acta Parl. Scot.*, vi. pt. i. 215, 661.

It may be doubted whether he ever got either the one or the other; certainly, very shortly afterwards, he had heavy arrears to receive from Parliament.<sup>1</sup> On 8 April 1648 he was appointed one of the Colonels of Horse for Kincardineshire, and on 11 May General Major of the whole Forces in Scotland. He served with Hamilton in the army of the 'Engagement' for the recovery of the King, but was, in the unsuccessful invasion of England, taken prisoner at Warrington, and sent to Newcastle; from there he soon after succeeded in escaping, and then threw in his lot openly with the royalist party in Scotland. After taking part with Ogilvie and Huntly in a futile attempt at insurrection in 1649, he ultimately agreed with Leslie to lay down his arms and to take service under him. This he accordingly did after Charles II. was crowned in January 1651. He had the rank of Major-General, and accompanied the King's army on its invasion of England, an expedition which ended in the battle of Worcester, at which Middleton was wounded and taken prisoner. He was a prisoner in the Tower for some time, but was fortunate enough to make his escape, and joined Charles on the Continent in March 1652. During the following year he was much engaged, though not with great success, in endeavouring to raise troops in Holland for service in Scotland. He got together a small force and joined Glencairn and the other supporters of the King in Scotland, and for some time carried on a desultory campaign, the cause not being advanced by constant quarrels amongst the royalist leaders. In 1654 he was excepted from Cromwell's Act of Grace and Pardon; and on July of that year he was defeated by Monck at Lochgarry, some time after which he left Scotland and joined Charles at Cologne. In 1656 the exiled monarch created Middleton an Earl, and after the Restoration the dignity was confirmed to him on 1 October 1660 under the title of EARL OF MIDDLETON, LORD OF CLAIRMONT AND FETTER-CAIRN, with remainder to his heirs bearing the surname and arms of Middleton, and with precedency of September 1656. The same year he was appointed the King's Commissioner to Parliament, Commander-in-chief of the Forces in Scotland, and Governor of Edinburgh Castle. He was

<sup>1</sup> *Acta Parl. Scot.*, vi. pt. i. 779; pt. ii. 65.

again Commissioner in 1662, and was, on 15 July of that year, appointed an Extraordinary Lord of Session. In all his offices he behaved very badly. Drunken and dissolute, he abused his power in an absolutely indefensible way, and raised up enemies on every side, chief amongst them being Lauderdale. Chiefly by the influence of the latter he was, early in 1663, deprived of all his offices, and retired to England. He was, however, in time, to a certain extent, restored to royal favour, and received a command at Rochester. He was appointed Governor of Tangiers 15 April 1667, being the fourth nominated to that post in five years; but he did not go out to take up office for two years later, and had some difficulty about getting an advance of his pay. At last, somewhere in the latter half of 1669, he did go out. He did not enjoy his new post long, as in 1673 he tumbled downstairs when drunk, and broke his arm, which produced such complications that he died. A brave soldier and capable commander, Lord Middleton was quite unsuited for the rôle of a statesman, and even in an age which made all allowances, his temper and habits did not render him popular.

The Earl married, first (contract July 1639), Grizel, daughter of Mr. Alexander Durham of Easter Powrie, second son of James of Pitkerro, and sister of Sir Alexander Durham of Largo, Lyon King of Arms.<sup>1</sup> She died at Cranstoun in September 1666, and he married, secondly, 16 December 1667, at St. Andrew's, Holborn, Martha, daughter and co-heir of Henry Carey, second Earl of Monmouth. She survived him more than thirty years, dying in the precincts of Worcester Cathedral 23 January 1705, aged seventy-one.

By his first wife Lord Middleton had issue:—

1. CHARLES, Lord Clermont, who succeeded.
2. *Grizel*, married, at Holyrood, 12 June 1662, to William, fourth Earl of Morton.<sup>2</sup> She died at Aberdour in March, and was buried at Kinross 29 April 1666.<sup>3</sup>
3. *Helen*, married, 23 August 1662, at Holyrood, to Patrick, Earl of Kinghorn, afterwards Earl of Strathmore.<sup>4</sup>

<sup>1</sup> After her death her paternal arms, Or, a fess azure between three mullets in chief and as many crescents in base, were recorded in her name, to be impaled with those of her husband. <sup>2</sup> *Lamont's Diary*. <sup>3</sup> Canon-gate Reg. <sup>4</sup> *Ibid*.

4. — a daughter, buried in Holyrood Church 8 June 1669.
5. — a daughter, buried November 1669.

By his second wife the Earl had issue:—

6. *John*, died February 1696, and was buried in the crypt of Worcester Cathedral.<sup>1</sup>
7. *Elizabeth*, married, 20 July 1693, to William Spelman of Wickmer, Norfolk. He died in 1713, and she was buried at St. Margaret's, Westminster, 19 January 1748.<sup>2</sup>

II. CHARLES, second Earl of Middleton, was born in 1650.<sup>3</sup> After the restoration he was appointed Envoy Extraordinary to the Court of Vienna, a position which he held till 1682. The previous year he writes to Charles from Leutzen, complaining that his pay is six months in arrear, that he is absolutely destitute and unable to get to Vienna even by pawning what he has.<sup>4</sup> He accompanied the Duke of York on his return to Scotland in 1682. He was in the wreck of the *Gloucester*, the ship that carried the Duke and party, but Middleton was fortunate enough to get a seat in the longboat. Many others, including the Earl of Roxburghe, were drowned. On 25 September Middleton was made one of the principal Secretaries of State for Scotland; on 11 July 1684 he was admitted to the Privy Council, and on 15 July was appointed one of the Extraordinary Lords of Session. On 25 August following he was one of the principal Secretaries of State for England, and when Parliament was summoned in 1685 he was, along with Lord Preston, intrusted by the King with its management, and upon the whole he seems to have managed it very well, so far as the narrow and impolitic views of his master would let him. He remained a faithful servant to the King notwithstanding his disapproval of many of the royal projects, and when James went over to France Middleton remained in England with the view of promoting the interests of the exiled King as far as he could. He was imprisoned for a short time in 1692, but soon regained his liberty, and then went to St. Germain's. A summons of treason was ultimately issued against him, and he was tried (in absence) and outlawed by the High

<sup>1</sup> M. I. on tombstone. <sup>2</sup> *Bath Journal*. <sup>3</sup> Mss. Bibliothèque Nationale, Paris. <sup>4</sup> Add. mss. B. M. 18827, f. 20.



Court of Justiciary 23 July 1694, his title and estates being forfeited by Parliament 2 July 1695.<sup>1</sup> He acted as principal Secretary of State to James in his exile, and no doubt did the best he could for him under unfavourable circumstances. When James died in 1701 he was one of the council appointed by the King's will to assist the Queen in her guardianship of her son. He was always in favour of moderate and prudent measures, and probably earned the displeasure of the Queen by opposing the opinions of Perth, Lovat, and others who wished the young Prince to raise the standard of revolt in his own country without delay. Whether it was owing to his being in the shade of disfavour or not, it was at this time that Middleton, who had hitherto resisted all temptations to go over to Rome, and who, so far as he was anything, for he had 'but a careless way of living,' was a Protestant, suddenly became a convert to Romanism, and, it is said, retired to a convent for some time to be instructed in the Roman Catholic faith. Taking advantage of his absence, the wily and treacherous Lovat attempted to gain the confidence of the Queen, and Middleton, in order to check his machinations, soon returned to St. Germain-en-Laye. In August 1712, when the Chevalier was obliged to quit St. Germain, Middleton accompanied him as his principal adviser, and continued as such till 14 December 1713, when he resigned office, returned to St. Germain, and was appointed the Chamberlain to the Queen. Two years after this the latter died, 7 May 1718, and Middleton did not long survive his royal mistress, dying at St. Germain 28 July the following year.<sup>2</sup> 'One of the politest gentlemen in Europe' is the verdict of a contemporary; 'has a great deal of wit mixed with a sound judgment and a very clear understanding . . . one of the pleasantest companions in the world.'<sup>3</sup> Had James had more counsellors like him he might have been spared many of his misfortunes.

The Earl married Catherine Brudenal, daughter of Robert, second Earl of Cardigan. She, who was born in 1648, was governess to the Princess Louisa, who died in 1612. She survived her husband, and lived in the old castle of St. Germain, which had been granted by Louis XIV. to the members of the Queen's household for their lives, died

<sup>1</sup> *Acta Parl. Scot.* <sup>2</sup> *Hist. Reg.* <sup>3</sup> *Macky's Characters.*

there 11 March 1743,<sup>1</sup> aged ninety-five, and was buried in the church the following day.<sup>2</sup> By her Lord Middleton had issue:—

1. JOHN, Lord Clermont, of whom presently.
2. *Charles*, born 4 December 1688,<sup>3</sup> Maître de Camp of Cavalry, and Chevalier of the Order of St. Louis in France. He took part in the Jacobite attempt of 1708, was taken prisoner and committed to the Tower along with his brother, but was released in 1711. He died in the old Château of St. Germain-en-Laye 3 August 1738.<sup>4</sup>
3. *Katherine*, born 10 August 1685,<sup>5</sup> and baptized at St. Martin's-in-the-Fields 25 August.<sup>6</sup> She was married in 1705 or 1706 to Sir John Gifford, Baronet, of Burstall, Gentleman of the Chamber to James at St. Germain.<sup>7</sup> Gifford died 8 October 1707, and was buried in the Church of St. Germain,<sup>8</sup> leaving an only daughter, *Mary Anne*, who died in 1759. His widow married, secondly, after 25 November 1709, Lieutenant-General Michael Rothe, Commander of the Order of St. Louis, an Irish General in the French service. He, who was the son of Edward Rothe or Rooth, was born at Kilkenny 29 September 1661, and died at Paris 2 May 1741. His widow died at the same place 10 June 1763, leaving issue.
4. *Elizabeth*, born 25 June 1690; married, at St. Germain-en-Laye, 25 November 1709, to Lord Edward Drummond, son of James, Duke of Perth. She survived her husband, who died in 1760, and died in Paris, at a great age, after 1773.<sup>9</sup>

III. JOHN, Lord Clermont, titular Earl of Middleton, was born 7 November 1683, and baptized 19 of the same month.<sup>10</sup> He accompanied his parents to France,

<sup>1</sup> Burial Reg., Mairie St. Germain. <sup>2</sup> *Gazette de France*. <sup>3</sup> Family Bible. <sup>4</sup> Burial Register, Mairie St. Germain. <sup>5</sup> Family Bible. <sup>6</sup> Parish Register. <sup>7</sup> *Œuvres complètes de Comte A. Hamilton*. This disposes of the marriage given in Wood's Douglas's *Peerage* of a Mary Middleton to Sir John Gifford, Knight; it also indicates that there is apparently a generation omitted in the notice of the Giffords in the *Complete Baronetage*. <sup>8</sup> Burial Register, Mairie St. Germain. <sup>9</sup> *Complete Peerage*. <sup>10</sup> Family Bible, and Parish Register, St. Martin's-in-the-Fields.

and in 1708 he was, with his brother, one of the members of the unlucky expedition of that year, which ended so ignominiously for James. Lord Clermont was particularly unfortunate, for he was in the only ship, the *Salisbury*, that was taken. He and his brother spent three years in the Tower, from which they were not liberated till 20 June 1711, and then only upon entering into personal recognisances of £4000 each, and getting bail for £2000 each. Later he is designed as 'in the French King's service.' In 1729 he was conducting a negotiation between Lord Oxford and the Abbé Bignon, who was acting for the King of France, in regard to the exchange of some manuscripts, and incidentally he begs Oxford to 'lay an old bachelor's heart at Lady Margaret's feet.'<sup>1</sup> Her father replied, 'Peggy is your humble servant,' which was a safe non-committal answer. Lord Clermont died, unmarried, at St. Germain's, 3 November 1746, and was buried there the following day.<sup>2</sup>

No claim has ever been made to this forfeited Peerage, but if the forfeiture were reversed the collateral heir-male of the first Earl would be entitled to the dignities under the creation of 1 October 1660, if, according to the true construction of the letters-patent, it were a grant to heirs-male, but if it could be held that it was a grant to the heir of the Earl of Middleton on such heir assuming the name and arms of Middleton, then the heir of line of the Earl would be the person who, on assuming the name and arms, would be entitled.<sup>3</sup>

CREATION.—Earl of Middleton, Lord of Clairmont and Fettercairn, 1 October 1660.

ARMS (recorded in Lyon Register).—Parted per fess or and gules, a lion rampant armed and langued azure within a double tressure flory counterflory of the second and first and counterchanged.

<sup>1</sup> Lady Margaret Cavendish Harley, only daughter and heir of Edward, second Earl of Oxford, married, in 1734, William, second Duke of Portland. She was well known for her love of art and patronage of literature. <sup>2</sup> Burial Register, Mairie St. Germain's-en-Laye. <sup>3</sup> Hewlett on *Scottish Dignities*, 167.

**CREST.**—Issuing out of a tower sable a lion rampant gules, armed and langued azure.

**SUPPORTERS.**—Two eagles volant sable, armed and beaked or.

**MOTTO.**—*Fortis in Arduis.*

[M.R.-R.-M'G.-G.]



1801110111



Montrose

## GRAHAM, DUKE OF MONTROSE



THE derivation of the name of Graham, the patronymic of a title which, perhaps above all others in the long roll of Scottish honours, history has gilded with the halo of romance, has been the subject of much speculation. It has been ascribed both to Gaelic and to Norse and Saxon roots, but most frequently to one or other of two Saxon words *Grim*, signifying fierce or savage, and *Gram*, a chief or leader.

There is little doubt, however, that the noble house of Graham, with its numerous branches, comes from a Norman stock. Indeed, Sir Thomas Gray of Heton, the compiler of the *Scalacronica*, whose father was a near neighbour of the elder branch of the Grahams in the north of England, and must have often encountered the contemporary heads of each branch, both in peace and war, in the reigns of the first and second Edwards, expressly instances 'lez Grames' among those Norman families who rose to distinction in Scotland in the reign of William the Lion.<sup>1</sup> In this view Graham, perhaps originally Gray-ham,<sup>2</sup> is to be looked for as the place of origin, probably, although not necessarily in England,<sup>3</sup> of the original Norman settler.

<sup>1</sup> *Scalacronica*, 41.   <sup>2</sup> *Caledonia*, ii. 545 note.   <sup>3</sup> Jehan de Graimes is mentioned as a noble of Provence in 1496; he may, however, have descended from a Scot abroad. Rymer's *Fœdera*, xii. 612.

The tradition of the descent of the Grahams from Grim or Grame, a leader of the Scots, under whom the defences of the Antonine Wall were first effectually overcome, deserves notice here, being, from the credence it so long obtained, in a sense part of the family history. Fordun in the fourteenth century found the remains of the wall already known to the inhabitants of the adjoining district by the name of 'Grymisdyke.'<sup>1</sup> It is therefore not improbable, although quite different explanations of the name have been suggested,<sup>2</sup> that a leader or chieftain called Grym did flourish at some remote period and gave his name to the wall; but if so, the embellishment of his fame by Fordun, Boece, and Buchanan, under which he appears as returning with Fergus II. from the court of Denmark, and becoming that monarch's father-in-law and an ancestor of our royal race, as well as of the Grahams, is simply a part of that fictitious early history which was once an article of faith with every patriotic Scotsman, but which, unsupported by contemporary authority, has long since been rejected by the critical historian. In these and later chronicles it is interesting to note the gradual evolution of the name of the wall, or at least its eastern portion which lay nearest to the confines of the old Northumbrian kingdom, from Gryme's to Grame's or Graeme's, and latterly to Graham's, Dyke.<sup>3</sup>

The orthography of the name, in view more particularly of the standing diversity of usage between 'Graham' and 'Graeme,' also requires a foreword. The name first appears in writing in the monastic chartularies; and there, in writs dating from the beginning of the twelfth to the middle of the thirteenth century, the form is invariably 'de Graham.' With the gradual change from place-names to surnames, and under the influence of Norman French as an official and polite language, variants such as 'Grame,' 'Gram,' and 'Graym' appear; and, about the time when the hero of the wall is first treated of by Fordun, 'the Grame' or 'le Grame' appear as further variants not necessarily restricted to the chief. These latter forms had their fullest vogue in the fifteenth century when Blind Harry composed

<sup>1</sup> Fordun à Goodall, i. 110. <sup>2</sup> *Transactions of the Glasgow Archaeological Society*, New Ser., i. 376. <sup>3</sup> Fordun *ut supra*; Buchanan's *Hist.*, Bk. v. cap. iii.; Irvine's *Historiæ Scotiæ Nomenclatura*, 93.



his memorable epic, and first introduced to history 'Sir John *the* Grame' the friend and companion in arms of Wallace. The spelling 'Graeme' is that adopted by Buchanan<sup>1</sup> for the name of the mythical progenitor, and there can be little doubt that the pages of the great humanist, so long regarded as of unquestionable authority, are chiefly responsible for this form of the name. It has been used principally by the Inchbrakie and Garvock branches and their cadets Gorthie, Braco, and Graemeshall, Balgowan, and Eskbank. At all times, however, there have been instances in which its adoption, and a reversion to the original form, have been matters of individual taste; and quite frequently one finds a writ where the grantor is designed 'Graham' subscribed 'Graeme,' and *vice versa*.

The first of this celebrated name who appears upon authentic record is

WILLIAM DE GRAHAM, who comes into view as a personage of importance in the reign of David I. From the connection maintained by his assumed descendants for at least two centuries with Tynedale, it is possible that his family first settled there, and that he attached himself to the fortunes of David while the latter was yet Prince of Cumbria, perhaps through the Scoto-Saxon Earls of Dunbar. He witnessed a charter by King David to the Church of St. Cuthbert c. 1127,<sup>2</sup> and the well-known foundation-charter of the Abbey of Holyroodhouse in 1128,<sup>3</sup> also a charter by David to the Priory of Coldingham in 1139.<sup>4</sup> He was one of those who, c. 1141, perambulated the lands of Clerkington, given by the King and Earl Henry his son to the Church of Haddington,<sup>5</sup> and he also witnessed a charter by Robert, Bishop of St. Andrews, to Herbert, Bishop of Glasgow, the King and Prince being consenters, between 1147 and 1152.<sup>6</sup> He is assumed to have acquired the manor of Dalkeith by grant of King David, and, although direct evidence is wanting, the following may be supposed to have been his sons:—

1. *Peter de Graham*, Lord of Dalkeith, ancestor of the

<sup>1</sup> *Hist.*, Bk. v. cap. iii. <sup>2</sup> *Liber Cart. Sanctæ Crucis*, 8. <sup>3</sup> *Ibid.*, 6. <sup>4</sup> Raine's *North Durham*, App. Nos. xix. and xx. <sup>5</sup> *Reg. Prior. S. Andree*, 181. <sup>6</sup> *Reg. Epis. Glasg.*, i. 13.

elder branch of the family, Barons of Dalkeith, Abercorn, and Eskdale, who, in the early part of the reign of William the Lion, granted to the monks of Newbattle the lands of Balnebuth on the Esk.<sup>1</sup> The charter bears to be granted 'pro salute Domini mei Willelmi Regis et pro anima mea et pro animabus predecessorum meorum et pro anima uxoris meæ Gevæ et pro salute filiorum meorum'; and, if Radulph de Graham after mentioned is correctly supposed to have been his youngest son, he was probably twice married. His sons were:—

- (1) *Sir Henry* of Dalkeith, who first appears as a witness to a charter by Countess Ada to the monks of Newbattle between 1153 and 1159.<sup>2</sup> He confirmed his father's grant to that abbey, Robert 'nepos Dominæ Gevæ' being one of the witnesses to his charter,<sup>3</sup> and frequently appears as a witness to the charters of William the Lion, in one of which he is styled 'vicecomes meus,' presumably of Edinburgh, where the charter was granted.<sup>4</sup> He had at least two sons:—

i. *Sir Henry* of Dalkeith, and probably also of Tarbolton in Ayrshire, who, between 1203 and 1233 confirmed the grants of his father and grandfather to Newbattle Abbey,<sup>5</sup> and who made grants to the abbeys of Hexham and Blanchland from his manor of Simundburn in Tynedale, the Northumbrian lordship of the Scottish Kings.<sup>6</sup> His sons were:—

- (i) *Sir Henry* of Dalkeith, who was *in curia regis* at Berwick, 1248, when Alexander II. confirmed to the abbey and convent of Melrose a grant of lands at Halsington in Berwickshire, flowing from Robert de Muscamp, Lord of Wooler,<sup>7</sup> and was, when well stricken in years, one of the magnates of Scotland who in the Parliament of Scone 5 February 1283-84 acknowledged Margaret of Norway as heir to the throne.<sup>8</sup> He had a charter of Tarbolton from James the Steward of Scotland after 1283.<sup>9</sup> By his marriage with the daughter and heiress of Roger Avenel (who died 1243) he acquired the lordships of Abercorn in Linlithgowshire, Kilbucho and Newlands in Peeblesshire, and Eskdale in Dumfriesshire.<sup>10</sup> He is supposed to have had six children:—

a. *Sir Nicholas* of Dalkeith, Abercorn, and

<sup>1</sup> *Chart. Newbotle*, 6. <sup>2</sup> *Ibid.*, 55 and Montrose ms. Collections, Buchanan. <sup>3</sup> *Chart. Newbotle*, 6. <sup>4</sup> *Ibid.*, 65. <sup>5</sup> *Ibid.*, 7. <sup>6</sup> *Priory of Hexham*, Surtees Society, ii. 16, 114; *Cal. Doc. Scot.*, ii. 168. <sup>7</sup> *Acta Parl. Scot.*, i. 409. <sup>8</sup> *Ibid.*, 424. <sup>9</sup> *Third Rep. Hist. MSS. Com.*, App. 386. <sup>10</sup> *Caledonia*, iv. 879.

Eskdale, who, in a charter to the monks of Melrose of their lands of Halsington, is styled 'primo genitus Domini Henrici de Graham.'<sup>1</sup> He is included in a list, dated 22 September 1278, of persons owning twenty librates of land and upwards in the county of Northumberland, held in capite of Edward I. 'who ought to be knights and are not,' and were allowed till the following Christmas, under sureties, to take upon themselves the degree of knighthood.<sup>2</sup> He played an important part in the troubles which followed the death of Alexander III.; sat in the Parliament at Brigham 1290,<sup>3</sup> was one of the nominees of Bruce in the competition for the throne 1292, and swore fealty to Edward I. at Berwick 1296, being designed 'del Counte de Linlescu,'<sup>4</sup> from which we may infer that his principal residence was Abercorn. His lands in the counties of Berwick, Roxburgh, Ayr, Peebles, and Edinburgh in Scotland, as well as his wife's lands after mentioned, were more than once forfeited by Edward 'for rebellion,'<sup>5</sup> but about 1303 he was received to the King's peace, and died soon thereafter.<sup>6</sup> He married, before 1269, Maria, younger daughter of Malise, Earl of Strathearn, by his wife Marjory de Muschamp, co-heiress of the barony of Muschamp (including Wooler, Belford, and Lowick) in Northumberland.<sup>7</sup> By the death of her sister Muriel, Countess of Mar, in 1291 *s.p.* she became vested in the whole of her mother's moiety of the barony.<sup>8</sup> On 14 June 1306, as widow of Sir Nicholas, she did homage to King Edward upon his restoration of her seisin of the half-barony of Muschamp, and she died between 1314 and 1318.<sup>9</sup> The children of Sir Nicholas were:—

- (a) *Sir John* of Dalkeith, Abercorn, and Eskdale. In an inquest at Bam-borough with regard to his mother's half of Muschamp, 19 May 1306, he is said to be twenty-eight years of age.<sup>10</sup> He was one of the sup-

<sup>1</sup> Original *penes* Earl of Haddington, 1736, p. Montrose ms. Collections.

<sup>2</sup> Hodgson's *Hist. of Northumberland*, i. 295. <sup>3</sup> *Acta Parl. Scot.*, i. 441. <sup>4</sup> *Fœdera*, Rec. ed., i. 767; *Ragman Rolls* (Ban. Club), 162. <sup>5</sup> *Rotuli Scotiæ*, i. 30; *Cal. Doc. Scot.*, ii. 1138. <sup>6</sup> *Cal. Doc. Scot.*, ii. 1359, 1770. <sup>7</sup> *Ibid.*, i. 2538. <sup>8</sup> Stevenson's *Historical Documents*, i. 267, ii. 49. <sup>9</sup> *Cal. Doc. Scot.*, iii. 392. <sup>10</sup> *Ibid.*, ii. 1770.

porters of Baliol included in the capitulation of Sir John Comyn at Strathord 1303-4.<sup>1</sup> Having joined the fortunes of Bruce, Edward II., twelve days before the battle of Bannockburn, granted to his favourite, Hugh le Dispenser, and Alianora his wife, a charter of all the lands and tenements in Scotland forfeited by John de Graham, the King's enemy and rebel.<sup>2</sup> At first at feud with the monks of Melrose, he eventually granted to them full confirmation and an enlargement of the original grants by the Avenel family of their lands in Eskdale, which confirmation was ratified by King Robert, by charter dated 25 December 1316.<sup>3</sup> Sir John made a donation to the Abbey of Dunfermline of the patronage of the church of Newlands in Peeblesshire, 1317.<sup>4</sup> Along with his kinsmen, Sir David de Graham and Sir Patrick de Graham, he affixed his seal to the celebrated letter of the Scots Barons to the Pope, asserting the independence of their country, 6 April 1320.<sup>5</sup> His estates were forfeited to Edward III., and he died 25 April 1337, leaving a widow, Isabella, who had a terce of his lands in Crichton, apparently exempted from the forfeiture, and a lease of the other two-thirds.<sup>6</sup> Their children were:—

- A. *Sir John de Graham, filius*, last of Dalkeith, Abercorn, and Eskdale, who parted with those estates, finally resigning Dalkeith in favour of Sir William Douglas de Laudonia 6 January 1341-42.<sup>7</sup> On his death the direct male line of the elder branch of the family of Graham ended.
- B. *Sybilla* (?), married to Sir William More, and, on the resignation of her father or

<sup>1</sup> *Cal. Doc. Scot.*, ii. 1741. <sup>2</sup> *Ibid.*, iii. 361. <sup>3</sup> *Liber de Melros*, ii. 346, 349. <sup>4</sup> *Reg. de Dunfermelyne*, 236, 245. <sup>5</sup> *Acta Parl. Scot.*, i. 474. <sup>6</sup> *Cal. Doc. Scot.*, iii. p. 382. <sup>7</sup> *Reg. Honor. de Morton*, ii. 41, 44.

brother, succeeded to the barony of Abercorn.<sup>1</sup>

- c. *Margaret*, said to have been married to Sir William Douglas de Laudonia, the 'Knight of Liddesdale,' though his only known wife was named Elizabeth. (*See title Morton*.) It may, however, have been a marriage with a Graham which carried to the family of Douglas Dalketh, Kilbucho, and Newlands in Peeblesshire, and the lands of Eskdale.<sup>2</sup>
- (b) *Isabella*, married (as his second wife) to Walter, High Steward of Scotland, sometime husband of Marjory Bruce, daughter of Robert I., and by him, who died 1326, had a son, Sir John Stewart of Ralston, and other children.<sup>3</sup>
- b. *Henry*, who had, apparently in his father's lifetime, a grant of Symundburn,<sup>4</sup> and is probably the Henry de Graham, 'del Counte de Dunfres,' of the *Ragman Roll*.<sup>5</sup>
- c. *David de Graham*, killed by Richard, son of Richard the Smith, in the town of Corbridge, in 1278,<sup>6</sup> was perhaps also a son, as also was probably
- d. *Peter or Peres*, 'del Counte de Dunfres,' mentioned in *Ragman Roll* as swearing fealty along with Henry.<sup>7</sup>
- e. *William*, an ecclesiastic.<sup>8</sup>
- f. *Idonea*, married to Sir Adam of Swinburne, and had a grant from her brother Henry of the manor of Swinburne in 'liberum maritagium,' confirmed by an assize of novel disseisin at Wark, in Tynedale, 1291.<sup>9</sup>
- (ii) *Sir Nicholas*, ancestor of the Grahams of Tarbolton and Waiston, in Ayrshire, who in a charter by John de Graham, Lord of Tarbolton, dated 1338, is styled 'proavus meus,' making him a contemporary of the third Sir Henry.<sup>10</sup> He granted a charter to Alexander of Raith,

<sup>1</sup> Robertson's *Index*, 40. <sup>2</sup> *Caledonia*, i. 546, iv. 799; Robertson's *Index*, 54. Cf. *The Scottish Antiquary*, xvii. 187. <sup>3</sup> Vol. i. of this work, 14. <sup>4</sup> Hodgson's *Northumberland*, ii. (part 2) 232, 250. <sup>5</sup> *Ragman Rolls*, 140. <sup>6</sup> *Cal. Doc. Scot.*, ii. 148. <sup>7</sup> *Ragman Rolls*, *ut supra*. <sup>8</sup> Hodgson's *Northumberland*, *ut supra*. <sup>9</sup> *Ibid.*, Mr. Algernon Charles Swinburne, the poet, is a descendant of this lady; Burke's *Peerage and Baronetage*. <sup>10</sup> Original *penes* Cunningham of Enterkin, 1736, according to Montrose ms. Collections.

1284, confirmed by the charter last mentioned. The main line of this branch came to an end in Sir John Graham, by whom Tarbolton was resigned in favour of Sir John Stewart of Crookston and Darnley, ancestor of the Stewarts, Earls of Lennox, as appears from a charter by Robert the Stewart of Scotland, dated 16 May 1357.<sup>1</sup>

- ii. *Peter*, ancestor of the Grahams of Elvingston, near Haddington, which is still described in the titles as part of the barony of Dalkeith. Between 1190 and 1238 he granted lands in Elvingston to the House of the Holy Trinity of Soltre.<sup>2</sup> The 'Peres de Graham del Counte de Edneburgh' of the *Ragman Roll* was perhaps a descendant.<sup>3</sup> David de Graham granted an obligation to the brethren of Soltre between 1296 and 1332.<sup>4</sup> The direct male representation of this family ended with a John de Graham in the reign of David II.<sup>5</sup>
  - iii. *Robert*, who witnessed charters by Adam de Crebarrin (Carberry) and John de Crebarrin to the monastery of Dunfermline,<sup>6</sup> and who is probably the same who was involved in a plea with 'Master Cyprian' as to a carrucate of land in Sudichenton, in England, 1220.<sup>7</sup>
- (2) *William*, who, along with his elder brother Henry, was a witness to the charter by Countess Ada to the monks of Newbattle above mentioned, 1153-59.<sup>8</sup>
  - (3) *Alexander*, a witness to the charter by the first Henry de Graham to the monks of Newbattle,<sup>9</sup> may have also been a brother.
  - (4) *John*, present in the court of William the Lion at Alyth 1200, when William Comyn renounced in favour of the Bishop of Glasgow all claim he had to the lands of Muckrath, near Kirkintilloch,<sup>10</sup> and who, along with Henry de Graham, was a witness to a charter by Robert de Lyne and another by Thomas de Lestalrig to the Abbey of Newbattle,<sup>11</sup> and witnessed also a donation by Thomas, son of Thankard, to the Abbey of Arbroath,<sup>12</sup> was probably another son of Peter de Graham.
  - (5) *Radulph*, in whose favour William the Lion, about the year 1180, granted a charter of the lands of Cousland, Pentland, and Gogar, providing that his mother (not named) be included in the donation,<sup>13</sup> may have been a son of Peter by a second marriage to the Lady Geva. The only other fact ascertainable about Radulph de Graham is that he was a

<sup>1</sup> *Third Rep. Hist. MSS. Com.*, App. 387. <sup>2</sup> *Reg. de Soltre*, 10. <sup>3</sup> *Ragman Roll*, 161. <sup>4</sup> *Reg. de Soltre*, 41. <sup>5</sup> *Reg. Mag. Sig.*, fol. vol. 21, No. 1. <sup>6</sup> *Reg. de Dunfermelyne*, 103, 104. <sup>7</sup> *Cal. Doc. Scot.*, i. 752. <sup>8</sup> *Chart. Newbattle*, 55. <sup>9</sup> *Ibid.*, 6. <sup>10</sup> *Reg. Epis. Glasg.*, i. 78; *Acta Parl. Scot.*, i. 389. <sup>11</sup> *Chart. Newbattle*, 11, 38. <sup>12</sup> *Reg. Vetus de Aberbrothock*, 69. <sup>13</sup> *Second Rep. Hist. MSS. Com.*, App. 166. To the original at Buchanan the Great Seal in green wax is appended with silk, and both are in good preservation.

witness to a charter by Robert de Lyne to Simon, son of Robert of Scrogis, which Simon afterwards resigned the lands of Scrogis to Walter, Bishop of Glasgow, who held that see 1207-32.<sup>1</sup> He probably died young, without issue.

2. ALAN, of whom below.

ALAN DE GRAHAM is designed 'frater Petri de Graham' in his brother's charter of Balnebuth to the Abbey of Newbattle.<sup>2</sup> Probably through a misreading in an early Macfarlane copy of this charter, Douglas names the brother of Peter, and presumed ancestor of the noble family of Montrose, John, and confounds him with the John above mentioned, who obviously belongs to a later generation, and this has been followed by all subsequent Peerage writers. No other mention of Alan has been traced, but it is assumed that his son was

WILLIAM DE GRAHAM, who as 'Willielmus de Graham' follows Alan as a witness in the charter of Balnebuth.<sup>3</sup> He was witness to a charter by Alexander of Seton to Adam of Polwarth and Emma, the granter's sister, of the lands of Beath, c. 1200.<sup>4</sup> From a charter to be afterwards noticed it is not improbable that the wife of William de Graham was a sister of Polwarth. He appears to have had three sons:—

1. DAVID, of whom below.
2. *William*, who in the reign of Alexander II. was concerned in the settlement of disputes between the monks of Newbattle and William de Vallibus, Lord of Dirleton, in regard to the marches between Haddington and Elbottle,<sup>5</sup> and of another dispute between the Prior and Convent of St. Andrews and Bernard Fraser and the heirs of Drem.<sup>6</sup>
3. *Patrick*, who witnessed a charter of Alexander II. to the monks of Newbattle in 1248.<sup>7</sup>

DAVID DE GRAHAM appears to have settled in Berwickshire, but nothing is known of him except that he married Amabel, widow, probably of Nicholas, de Faunes, Lord of Faunes<sup>8</sup> and

<sup>1</sup> *Reg. Epis. Glasg.*, i. 74, 75. <sup>2</sup> *Chart. Newbotle*, 6. <sup>3</sup> *Ibid.* <sup>4</sup> *Liber de Dunfermelyne*, 100. <sup>5</sup> *Chart. Newbotle*, 88. <sup>6</sup> *Reg. Prior. S. Andree*, 322. <sup>7</sup> *Chart. Newbotle*, 32. <sup>8</sup> *Liber de Calchou*, 100; cf. *Liber de Dryburgh*, 141.

Mellerstain,<sup>1</sup> and died, possibly in his father's lifetime, leaving a son

SIR DAVID DE GRAHAM, the real founder of the house of Montrose. He was probably a minor at his father's death. There is a charter in his favour by Richard de Faunes, his brother uterine, the date of which cannot well be put much later than 1200, of two tofts in Melokistan (Mellerstain). The granter further 'voluntate ejusdem David' concedes to the Dame Amabel 'matri nostræ' the said lands for her life, and these were, subject to the mother's liferent, to revert to the granter in the event of his brother dying without issue or changing his life. From the circumstance that David, at a later period, granted these lands to the Abbey of Kelso,<sup>2</sup> it is not unreasonable to conjecture that his education was intrusted to the Abbot and Convent, and that his taking orders seemed to his brother a contingency worth providing against.

When David de Graham reached manhood he would seem to have become attached to the service of Patrick, fifth Earl of Dunbar, his half-brother's overlord, and, along with representatives of the families of Polwarth and Noble, he is frequently to be found from about 1232, witnessing charters by that Earl and his son and grandson, the sixth and seventh Earls, or by others of lands within the earldom.<sup>3</sup> In 1244 he was, along with Patrick, sixth Earl of Dunbar, and others, a guarantor of the obligations undertaken by Alexander II. to Henry III. of England in the treaty of Newcastle,<sup>4</sup> and two years later was a party to the perambulation and ascertainment of a part of the marches between England and Scotland.<sup>5</sup> In April 1248 he was *in curia Regis* at Berwick,<sup>6</sup> and in May following at Stirling, being described as then Justiciar-depute of Lothian.<sup>7</sup> In the minority of Alexander III. he was one of the anti-English party removed by the young King at the instance of his father-in-law King Henry from the administration of affairs, 20 September 1255.<sup>8</sup> In this affair Patrick,

<sup>1</sup> The text of the charter by William the Lion in favour of this David de Graham, as engrossed in a confirming charter of Robert II. anno 1389 (*Second Rep. Hist. MSS., Com.*, App. 166), cannot be relied on. <sup>2</sup> *Liber de Calchou*, 100-103. <sup>3</sup> Raine's *North Durham*, App. *passim*. <sup>4</sup> *Cal. Doc. Scot.*, i. 2672. <sup>5</sup> *Ibid.*, i. 1699. <sup>6</sup> *Acta Parl. Scot.*, i. 409. <sup>7</sup> *Ibid.*, i. 404. <sup>8</sup> *Cal. Doc. Scot.*, i. 2013.



seventh Earl of Dunbar, appears as supporting Henry; and Sir David as adhering to the Comyns, Earls of Menteith and Buchan, leaders of the anti-English party; but a few years later he is found holding the office of Sheriff of Berwick, and under that designation witnessing a charter by the Earl of Dunbar to the monastery of Coldingham.<sup>1</sup> In 1264 he appears as an associate of John Comyn and others in their proceedings against Isabella, Countess of Menteith, widow of Walter Comyn, and Sir John Russell, her English second husband.<sup>2</sup>

It is, however, from what is recorded of the grants of lands and heritages made to Sir David throughout Scotland by various donors that the best impression is obtained of the influence which he must have exercised upon his contemporaries and the politics of his times. In a charter of confirmation in his favour by Alexander III., dated 17 December 1253, there are enumerated no fewer than nineteen of these grants, the donors including persons of such note as Malcolm, Earl of Fife, Patrick (sixth) Earl of Dunbar, Roger de Quincy, Earl of Winchester, Maldouin, Earl of Lennox, Duncan, Earl of Carrick, and Alexander the Steward.<sup>3</sup> Two of the charters confirmed are extant. In each of these the one by Adam of Poulwrth, son of Adam of Poulwrth, of a tenement in Dunipace which had belonged to Patrick, the granter's brother, in excambion for lands at Wedderlie in Berwickshire, c. 1233, and the other by Henry de Graham, son of Sir Henry de Graham, of the lands of Clifton in Midlothian, c. 1245, the grantee is designed 'cognatus meus.'<sup>4</sup> There is also extant a prior confirmation by Alexander II., dated 23 October 1237, of the charter by the Earl of Dunbar, bearing to be granted to David de Graham for his homage and service, of the whole waste lands of Dundaff and Strathcarron, which was the King's forest, in excambion for the lands of Gretquerquer in Galloway, which the Earl by his charter had formerly conferred on David.<sup>5</sup> This is the original grant of the barony of Dundaffmuir, the oldest existing possession of the house of Montrose. The grants by the Earl of Lennox and his son

<sup>1</sup> Raine's *North Durham*, App. Nos. cxxxix-xl. <sup>2</sup> *Red Book of Menteith*, i. 40. <sup>3</sup> *Lennox Book*, ii. 13. <sup>4</sup> *Second Rep. Hist. MSS. Com.*, App. 166. <sup>5</sup> *Ibid.*

of the lands of Mukraw, Killearn, and Strathblane recorded in the *Chartulary of Lennox*<sup>1</sup> were the nucleus of their barony of Mugdock. Towards the close of his life Sir David obtained from Malise, Earl of Strathearn, a grant of the lands of Kincardine, Coul, Clune, Foswell, Pirny, and Berdrals in Perthshire,<sup>2</sup> out of which was formed the barony of Kincardine.

The Christian name of Sir David's wife was Agnes, and there is reason to believe that her surname was Noble, and that the lands of Kinpunt and Eliston in Linlithgowshire, acquired by Sir David from Ralph Noble and Thomas Noble, c. 1245,<sup>3</sup> were so obtained in marriage with her, she being mentioned in these grants, but in no other known charter, in favour of Sir David, excepting King Alexander's confirmation in 1253.<sup>4</sup>

Their children, so far as known, or as has been suggested, were:—

1. PATRICK, who succeeded.
2. *Sir David*, who swore fealty to Edward I. as Lord Superior of Scotland, 1291,<sup>5</sup> and was one of the nominees of Baliol in the competition for the throne, in June 1292.<sup>6</sup> He was one of the prisoners taken by Edward at the battle of Dunbar 27 April 1296, and was committed to prison in the Castle of St. Breval. On 30 July 1297 he was released and had his estates restored on condition of serving in the King's expedition to the Continent.<sup>7</sup> He accordingly accompanied Edward to Flanders, and died there 1297.<sup>8</sup> He married Muriel, the youngest of three daughters

<sup>1</sup> *Chart. Lennox*, 37. <sup>2</sup> *Second Rep. Hist. MSS. Com.*, App. 166. <sup>3</sup> *Third Rep. Hist. MSS. Com.*, App., 397. <sup>4</sup> Crawford, who has been followed by Douglas and Wood, here inserts in the family tree another David, son of the above and father of Patrick next herein noticed. His authority is a charter *penes* Ducem de Montrose, which charter is granted by Malise, Earl of Strathearn, to Annabella his sister for her marriage of the lands of Kincardine in Kather, c. 1251-60, and as there is a subsequent charter by Earl Malise to David de Graham of the lands of Kincardine and others, c. 1260-71, it has been assumed that there was a second David married to Annabella. But apart from this assumption there is no evidence of the existence of an intermediate David, and it will be seen *infra* that the wife of Patrick was named Annabella, who had lands in her own right, and that Patrick had a younger brother David, who was married prior to 1268; which does not seem to leave room for an interposed generation. <sup>5</sup> *Cal. Doc. Scot.*, ii. 508. <sup>6</sup> *Fœdera*, Rec. ed., i. 767. <sup>7</sup> *Cal. Doc. Scot.*, ii. 940; *Rotuli Scotiæ*, i. 45. <sup>8</sup> *Cal. Doc. Scot.*, ii. 1967.

and co-heiresses of John Bysset, Lord of Lovat, in Inverness-shire.<sup>1</sup> Among the records of Scotland found by King Edward in Edinburgh Castle, and delivered by him to Baliol in 1292, was a letter by William de Fenton, Andrew de Boscho, and David de Graham (husbands of the three heiresses of Lovat) acknowledging that they had received from William Wyscard, or Wishart, Archdeacon of St. Andrews, and Chancellor of the King, those charters which the late John Bysset had deposited in the Abbey of Jedburgh.<sup>2</sup> Chancellor Wishart became Bishop of Glasgow in 1268,<sup>3</sup> so that the marriage of David de Graham and Muriel Bysset must have taken place prior to that date. In consequence of this marriage the private interests of Sir David lay chiefly in the north of Scotland, and he appears to have been involved in disputes with his brother-in-law Sir William de Fenton and the Bishop of Moray as to the lands of Kiltarlity and fishings of the water of Farrar.<sup>4</sup> He had also, however, from his father the lands of Merton and others in Berwickshire.<sup>5</sup> He had a son and a daughter:—

- (1) SIR PATRICK, who was under age at his father's death, as, on 17 March 1298, Edward I. grants to Robert de Felton, for good service in Flanders, the marriage of Patrick, son of David de Graham deceased.<sup>6</sup> He joined Bruce at the commencement of his struggle for the independence of Scotland, but made an early surrender to Edward I., by whom, as 'Patrick de Graham, chevalier d'Escosse,' he was put in charge of the Bishop of Chester 8 November 1306.<sup>7</sup> An incident of the English monarch's last expedition towards Scotland was the receipt at Ebbecestre, in Durham, of a request by Loughlan M'Locherry of the Isles for a grant of the estates of Patrick de Graham, Mons. Aymer de Valence making the same request.<sup>8</sup> He had been released, and had regained possession of his estates prior to March 1314, when John of Argyll, his father-in-law, being put in command of an English fleet, was authorised to receive among others, Patrick de Graham, Knight, to the King's peace. He was one of the Barons who attached their seals to the famous letter of remonstrance to the Pope on 6 April

<sup>1</sup> *Hist. of Beaully Priory*, Grampian Club, 54; *Cal. Doc. Scot.*, ii. 129.  
<sup>2</sup> *Acta Parl. Scot.*, i. 116. <sup>3</sup> *Crawford's Officers of State*, 15. <sup>4</sup> *Reg. Epis. Morav.*, 135. <sup>5</sup> *Rotuli Scotie*, i. 269. <sup>6</sup> *Cal. Doc. Scot.*, ii. 970, 975.  
<sup>7</sup> *Ibid.*, 1849, 1852; *Fœdera*, Rec. ed., i. 995; Palgrave, No. cliv. <sup>8</sup> Palgrave, No. cxlii.

1320.<sup>1</sup> He was taken prisoner at Halidon Hill 1333.<sup>2</sup> He married a daughter of John of Argyll, it would appear, without the consent of Robert de Felton, to whom, as above mentioned, his marriage had been granted by Edward I.<sup>3</sup> There is no record of his issue, but from the fact that Hugh Fraser, Lord of Lovat, in 1367, did homage to the Bishop of Moray for Kiltarlity and the fishings of Farrar, it has been supposed that he left a daughter through whom his share of Lovat was carried to the Frasers.<sup>4</sup> On the other hand, it appears from an instrument of resignation by William the Graham, son and heir of Henry the Graham, in favour of Thomas, Earl of Moray, his overlord, dated at Chanonry 2 August 1420, that the lands of Kerdale belonged to a family of Graham till the early part of the fifteenth century, and on default of issue of William de Graham then passed to his 'gudfadyr' Hay of Lochloy.<sup>5</sup>

- (2) — a daughter, Christian name unknown, married (as his first wife) to William, Earl of Ross. Hugh, Earl of Ross, killed at Halidon Hill 1333, in a charter to Patrick de Graham of the lands of Scatraig in Strathnairn designs him 'avunculus meus.'<sup>6</sup>

3. *Sir John Graham* of Dundaff, immortalised by Blind Harry, has been placed by Douglas and Wood as a son of Sir David Graham. This, however, is inconsistent with the history of Sir John as related by the Minstrel, the sole direct authority for it, Harry making Sir John the son of an older knight of the same name, Lord of Dundaff, and living there at the outset of Wallace's career.<sup>7</sup> That there was a son of Sir David called John is very probable. He may have been the John de Graham who, along with William Comyn, was sued, for an alleged assault at Jedburgh, by John de Leverhelde in 1278,<sup>8</sup> and may have had a grant of Dundaff or some part of the barony, from his father, or he may simply have retired there after the disaster of Dunbar. He is described by Harry as having 'purchest pes in rest he mycht bide still,' and as paying 'tribute sore against his will.'<sup>9</sup> That a John de Graham of this period married a lady whose

<sup>1</sup> *Acta Parl. Scot.*, i. 474. <sup>2</sup> Knighton's *Chron. Decem Scriptores*, col. 2564. <sup>3</sup> *Cal. Doc. Scot.*, iii. 65, ii. 1967. <sup>4</sup> *Hist. Beaully Priory*, 89. <sup>5</sup> Original *penes* Brodie of Brodie, 1736, p. Montrose ms. Collections. <sup>6</sup> Crawford's *Peerage*, 337; where, however, a mistake is made both as to the granter and the grantees of the charter said to be *penes me*. <sup>7</sup> *Actis and Deedis of Schir William Wallace* (Scottish Text Society), 87. <sup>8</sup> *Cal. Doc. Scot.*, ii. 148. <sup>9</sup> *Actis and Deedis of Schir William Wallace*, *ut supra*.

Christian name was Margery, and who was an heiress in Perthshire is ascertained;<sup>1</sup> and Viscount Strathallan has it that a John de Graham was the first of the name to acquire a footing in that shire, and obtained it by marriage.<sup>2</sup> Marjorie de Graham swore fealty to Edward I. at Berwick 28 August 1296,<sup>3</sup> and on 3 September had a precept to the Sheriff of Perthshire directing, conditionally, the restoration of her estate.<sup>4</sup> In the view here suggested, the son of John and Margery de Graham was

- (1) *Sir John Graham*, the younger, the 'Schir Jhone the Grayme that worthe wes and wicht,' who, according to Blind Harry and a general tradition, was the comrade and companion-in-arms of Sir William Wallace from the slaughter of Haselrigg till the fatal battle of Falkirk, where Sir John fell gloriously along with Sir John Stewart, 22 July 1298.<sup>5</sup> The fact of his burial in Falkirk church is vouched for by a monument there, which is undoubtedly of great antiquity, although it has more than once been renewed,<sup>6</sup> and which bears the well-known inscription:—

'Mente manueque potens, et Vallai fidus Achates  
Conditus hic Gramus, bello interfectus ab Anglis.'

Two swords said to have been wielded by this hero are preserved, one at Buchanan Castle, bearing the date 1406, and an inscription in the vernacular corresponding to that on the tomb, and the other (which was long an heirloom of the Grahams of Orchill) in the Town Hall of Auchterarder. The marriage of Sir John to the 'first dochter' of Halyday, nephew of Wallace,<sup>7</sup> is an obvious myth.

SIR PATRICK DE GRAHAM, the eldest son of Sir David, was a witness in 1272 to a charter by Sir Alexander Stirling, granting certain lands to the church of St. Servan of Alveth.<sup>8</sup> The numerous other charters which he witnessed are to be found in many chartularies from Inchafray to Hexham, and need not be adverted to here. He added to and consolidated the estates which his father had acquired in Lennox and Strathearn, obtaining confirmations from Malcolm, Earl of Lennox<sup>9</sup> (under whom

<sup>1</sup> *Rotuli Scotiae*, i. 26. <sup>2</sup> *Genealogy of the House of Drummond*, 165. <sup>3</sup> *Ragman Rolls*, 144. <sup>4</sup> *Rotuli Scotiae, ut supra*. <sup>5</sup> *Actis and Deedis of Schir William Wallace*, 102 et seq.; Hailes, *Annals*, 3rd ed., i. 317. <sup>6</sup> In 1722 by James, Duke of Montrose, through Mr. James Graham of Airth, and in 1772 by William Graham of Airth. <sup>7</sup> *Actis and Deedis of Schir William Wallace*, 102. <sup>8</sup> *Cart. of Cambuskenneth* (Grampian Club), 25. <sup>9</sup> *Cart. of Lennox*, 39, 40.

he held, in addition to Mugdock, an estate on Loch Lomond-side and the lands and lake of Corriearklet) and Malise, Earl of Strathearn.<sup>1</sup> He had a letter of recommendation from Alexander III. to Edmund, Earl of Cornwall, brother of Edward I., 10 April 1279.<sup>2</sup> He sat in the Parliament of Scone when the magnates of Scotland acknowledged the right of Margaret of Norway to succeed to the throne in the event of the death of her grandfather Alexander III., 5 February 1283-84.<sup>3</sup> In the following year he was one of the four ambassadors sent by Alexander to France to negotiate his second marriage with Joleta, daughter of the Count of Dreux; <sup>4</sup> and it was perhaps in connection with this service that, on 13 November 1285, he obtained from the King confirmation of the grants of Kincardine by the Earl of Strathern, conferring certain privileges and providing for the event of the lands coming to hold of the Crown in chief.<sup>5</sup> In the events which followed on the death of Alexander none of the lesser barons of Scotland acted a more conspicuous part. He was present at the assembly of Brigham, which agreed to the treaty of marriage between Queen Margaret and Prince Edward 17 March 1290.<sup>6</sup> At this time Sir Patrick was Keeper of Stirling Castle, and along with William de Sinclair and John Foulis, Keepers of the other royal castles, went to the presence of the English King and obtained a postponement of his demand for delivery of the castles till the arrival of the Queen in England or Scotland free of all other marriage.<sup>7</sup> He was, along with his brother David, a nominee of John Baliol in the competition for the throne; on 13 June 1291 he swore fealty to Edward as Lord Paramount, and on 26 December following witnessed Baliol's homage to the English King at Newcastle.<sup>8</sup> He was party to the general release granted by Baliol to King Edward 2 January 1292-93,<sup>9</sup> his seal attached to it being thus described: 'On a chief three escallops, at each side of shield a boar's head.'<sup>10</sup> On 20 June 1294 he witnessed, at the New Temple, London, a charter by Baliol to the Bishop

<sup>1</sup> *Second Rep. Hist. MSS. Com.*, App. 166. <sup>2</sup> *Cal. Doc. Scot.*, ii. 157. <sup>3</sup> *Acta Parl. Scot.*, i. 424. <sup>4</sup> *Fordun à Goodall*, ii. 127. <sup>5</sup> *Second Rep. Hist. MSS. Com.*, App. 166. <sup>6</sup> *Acta Parl. Scot.*, i. 411. <sup>7</sup> *Fœdera, Rec. ed.*, i. 738. <sup>8</sup> *Ibid.*, 768, 782. <sup>9</sup> *Ibid.*, 784. <sup>10</sup> *Scottish Armorial Seals*, No. 1119.

of Durham,<sup>1</sup> and he was included in the summons dated 29 of the same month, addressed by King Edward to Baliol and certain of his nobles, to attend him in London on 1 September, with their men, horses and arms, in order to accompany him on his expedition to France.<sup>2</sup> The accounts of Walter de Camehou, a royal chamberlain, 1293-95, contain a statement with regard to lands in the Lennox, that no rents were received from them, Sir Patrick de Graham having ejected the King therefrom 'vi et armis.'<sup>3</sup> He was one of the barons who sealed the ratification of Baliol's treaty with Philip of France at Dunfermline 23 February 1295-96.<sup>4</sup> In the battle of Dunbar, 27 April 1296, he maintained his station against the English,<sup>5</sup> and, according to Wood, 'died with honour, lamented and applauded even by his enemies, a goodly knight all dressed in harness meet.' Hemingburgh characterises him, 'miles strenuissimus, inter sapientiores regni illius quasi primus et inter potentiores nobilissimus.'<sup>6</sup>

He married Annabella, sister of Malise, Earl of Strathearn, who had (1251-60) a charter from her brother of part of the lands of Kincardine, in Perthshire, for her marriage.<sup>7</sup> It is possible that she had been previously married to John of Lestalrig [Restalrig], for on 22 November 1293 there was an appeal taken to Edward I., as Lord Superior of Scotland, by Simon of Lestalrig, in a complaint by him to John Baliol, that Patrick de Graham, in time of the fatuity of the said John, had impetrated certain rights over Restalrig through Annabella, wife of the said John, to the loss and damage of Simon, John's son and heir.<sup>8</sup> On 28 August 1296 'Anable, qe fu la femme Patrik de Graham,' swore fealty to Edward at Berwick,<sup>9</sup> and on 3 September a petition by her to the King for restoration of her own heritage and her dower out of her husband's lands, was referred to the Keepers of Scotland.<sup>10</sup>

The children of Sir Patrick de Graham, so far as known or has been suggested, were:—

1. SIR DAVID, who succeeded.

<sup>1</sup> *Cal. Doc. Scot.*, ii. 691, 692. <sup>2</sup> *Fœdera*, Rec. ed., i. 804. <sup>3</sup> *Cal. Doc. Scot.*, ii. 708. <sup>4</sup> *Acta Parl. Scot.*, i. 451. <sup>5</sup> Hailles, *Annals*, i. 289. <sup>6</sup> Hemingburgh, ii. 104. <sup>7</sup> *Second Rep. Hist. MSS. Com.*, App. 166. <sup>8</sup> *Rotuli Scotiae*, i. 19. <sup>9</sup> *Ragman Roll*, 146. <sup>10</sup> Stevenson's *Hist. Documents*, ii. 92.

2. *Patrick*, probably the 'Monsieur Patrick de Graham vadlet' who, having participated in the rising of Bruce, was in 1306 ordered by Edward I. to be sent to the Tower, and to be there kept in irons and sustained meanly, the Constable to be responsible for the execution of the order 'corp pour corps.'<sup>1</sup> On 14 December 1308 an order was made for the mitigation of this imprisonment.<sup>2</sup> No further mention of him can be traced.
3. *John*. According to Sir William Fraser, the Sir John de Graham who married Mary, Countess of Menteith, and was executed by Edward III. after the battle of Durham, 1346, was probably a younger son.<sup>3</sup>
4. — a daughter, married to Sir Malcolm Drummond, who flourished 1301-25,<sup>4</sup> and was the mother, by him, of Margaret Drummond, married, first, to Sir John Logie, and, secondly, to David II.<sup>5</sup>

SIR DAVID GRAHAM, the eldest son, was taken prisoner at the battle of Dunbar, 1296, and confined at first in the Tower, and afterwards in the castle of St. Breval. On 30 July 1297 he was enlarged on giving security to accompany Edward I. on his expedition to Flanders.<sup>6</sup> Returning to Scotland, and adhering to the national party, he accompanied its leaders in an inroad to Selkirk Forest, and was present at their meeting at Peebles in August 1298 or 1299. According to the report by Sir Robert Hastangis, the English governor of Roxburgh Castle, he was involved in a quarrel between Bruce and John Comyn, the affray, however, being terminated by an agreement, under which the Bishop of St. Andrews (doubtless the peacemaker on this occasion), Bruce, and Comyn should be Guardians of the realm.<sup>7</sup> Sir David was included in the capitulation to the English forces of Sir John Comyn and the other leaders who had continued to uphold the cause of Baliol, at Strathord 9 February 1303-4, and one of the conditions imposed upon him was an exile from Scotland for six months.<sup>8</sup> The murder of his patron Comyn may possibly account for a reluctance which he

<sup>1</sup> *Fœdera*, Rec. ed., i. 994; Palgrave, No. cllii. <sup>2</sup> *Cal. Doc. Scot.*, iii. 62. <sup>3</sup> *Red Book of Menteith*, i. 104; but cf. *The Scottish Antiquary*, xvii. 186. <sup>4</sup> *Genealogy of House of Drummond*, Tree in App., 260. <sup>5</sup> *Dunbar's Scottish Kings*, 154. <sup>6</sup> *Cal. Doc. Scot.*, ii. 742, 901, 940. <sup>7</sup> *Ibid.*, 1978. <sup>8</sup> Palgrave, No. cxxxii.



seems to have shown to identify himself with the cause of Bruce; for on 20 May 1308 he is among those who receive the thanks of Edward II. for faithful service to his father and himself.<sup>1</sup> For some years thereafter there are references in the English records to the residence of 'David de Graham of Scotland' in England, as a *quasi* prisoner, the latest being a grant on 12 February 1312-13 of £80 per annum from the issues of the Knights 'Templars' manor of Eykill in Yorkshire 'to sustain him in his service' along with the use of houses and firewood in reason.<sup>2</sup> He was probably released after the battle of Bannockburn, and appears as a person of note and influence in the reign of Robert the Bruce. On 1 April 1320 he witnessed, at Berwick-on-Tweed, the King's charter to Sir James Douglas of the lands of Douglasdale and Carmichael,<sup>3</sup> and his seal is appended to the letter by the Scots barons to Pope John, dated at Arbroath the 6 day of the same month and year.<sup>4</sup> In June 1323 he was one of the guarantors to Edward II. that Bruce would fulfil his part of the treaty then entered into for a thirteen years' peace.<sup>5</sup> At Scone, on the 5 March 1325, Sir David, as 'Sir David de Graham pater,' received two charters from King Robert, viz. one of the lands of Old Montrose, in the shire of Forfar, in excambion for the lands of Cardross, near Dunbarton, and another of lands in Charlton and Kynnaber, near Montrose, in exchange for the lands of Sokach, in the earldom of Carrick (probably the lands of Succoth, part of Cardross, had been held by the Grahams as vassals of the Earls of Carrick) and the islands of Inchcalliach and Inchfad, in Loch Lomond.<sup>6</sup> The estate so acquired by the King became, as is well known, his favourite residence, and was the scene of his death in June 1329. The date of the death of Sir David de Graham is not known, but probably he died about the same time as his great sovereign.

The name of Sir David's wife has not been ascertained, but he appears to have had at least two, possibly three sons, and a daughter:—

1. SIR DAVID, of whom below.

<sup>1</sup> *Cal. Doc. Scot.*, iii. 43. <sup>2</sup> *Ibid.*, 193, 255, 303, 306, 311. <sup>3</sup> *Douglas Book*, iii. 355. <sup>4</sup> *Acta Parl. Scot.*, i. 474. <sup>5</sup> *Fœdera*, Rec. ed., ii. 522. <sup>6</sup> *Second Rep. Hist. MSS. Com.*, App. 166, 167.

2. *Sir Patrick* of Kinpunt. In the accounts of Edward III.'s Sheriffs in Scotland for 1335-36 and 1337 it is stated that the £12 land of Kinpunt and £6, 13s. 4d. lands of Illaston are in the King's hands, through the forfeiture of Patrick de Graham, and concerning the first-mentioned subject the Sheriff remarks, 'non respondet quia vasta.'<sup>1</sup> Sir Patrick appears to have lost his liberty as well as his lands in the wars which followed upon the attempt of Edward Baliol, as in the Chamberlain's Account, 1341-42, there is entered a payment to Patrick de Graham in aid of his ransom, by order of David II., then newly returned from France.<sup>2</sup> The same account bears a payment to Sir Patrick de Graham by the King's precept on account of his expenses passing to Norway on the affairs of the King and kingdom.<sup>3</sup> Sir Patrick is probably the Patrick the Grame of Wyntoun's story, 'a gud knycht that had travelled beyond the se,' who, in a Border jousting in time of truce, arranged between the Steward, Guardian of Scotland, and Henry, Earl of Derby, afterwards of Lancaster, being challenged by an English knight, said:—

'Man, will thou have of me justyng  
Rys up to morn in the mornyng  
And here the mes well, and schryve the  
And thou sall sone delyverit be,'

and in truth, on the following day, 'bare him throw the body quhit' with a mortal stroke.<sup>4</sup> Sir Patrick was apparently again a prisoner in England in 1349, when he had a licence from Edward III. to go to Scotland; but had been ransomed before 1352, when he obtained a safe-conduct to pass through England to parts over seas.<sup>5</sup> In later life he witnessed a charter by Donald, Earl of Lennox, to Walter, Lord of Buchanan, of the lands of Kirkmichael and Blair-

<sup>1</sup> *Cal. Doc. Scot.*, iii. pp. 333, 341. <sup>2</sup> *Exch. Rolls*, i. 509. <sup>3</sup> *Ibid.*, 507.  
<sup>4</sup> Wynton's *Cronykil*, ed. Laing, ii. 444. Viscount Strathallan has it, 'Patrick Graham was provoked to a duell by an English man, to whom he said, "Pray you dine well, for I shall send you to sup in paradyse!"'; *Genealogy of House of Drummond*, 166. <sup>5</sup> *Rotuli Scotie*, i. 730, 751.

fad,<sup>1</sup> and in 1360-61 had a safe-conduct from Edward III. to pass through England on a pilgrimage to St. James.<sup>2</sup> There is a charter by Patrick de Graham, Lord of Kinpunt, and David de Graham, Lord of Dundaff, son and heir of the deceased Sir David de Graham, knight, Lord of Dundaff, to John de Ancrum, burgess of Edinburgh, of the lands of Craiggrook, near Edinburgh, confirmed by David II., 1362. Of practically the same date there is a charter by John de Ancrum mortifying these lands to the Chaplain of the Altar of the Blessed Virgin Mary in the Parish Church of St. Giles, also confirmed by the King, and in an Inventory of St. Giles's muniments this transaction is referred to as 'Donacio Patricii de Grahame super terris de Craiggrooke.'<sup>3</sup>

3. *William de Graham*, Keeper of Lochleven Castle 1362,<sup>4</sup> may have been a son.
4. *Margaret de Graham*, of the diocese of Edinburgh, who had a dispensation, 24 November 1329, legitimising her marriage with Hugh, Earl of Ross, killed at the battle of Halidon Hill 1333, and another, as his widow, to marry John de Barclay 1341,<sup>5</sup> was probably a daughter.

DAVID DE GRAHAM, the eldest son, in his father's lifetime, as Sir David de Graham 'filius,' witnessed a charter by Simon Locard de Ley to William de Lindsay, rector of the Church of Ayr, of an annualrent out of the lands of Cartland from Whitsunday 1323.<sup>6</sup> After the battle of Dupplin and the coronation of Edward Baliol at Scone 1332 he was one of thirteen knights who, along with the Earl of Fife, submitted to Baliol.<sup>7</sup> That he took an active part in the resumption of the national resistance to the enterprise of Baliol and his patron Edward III. may be inferred from the fact that in the accounts of Edward's Sheriffs in Scotland for 1335-36 the lands of Craiggrook and Nether Carlowrie, in the barony of Abercorn, are stated to be in the King's hands by the forfeiture of David de Graham.<sup>8</sup> He accom-

<sup>1</sup> *Lennox Book*, ii. 25. <sup>2</sup> *Rotuli Scotiae*, i. 854. <sup>3</sup> *Cart. of St. Giles*, 7, 8, 288. <sup>4</sup> *Exch. Rolls*, i. 114, 138, 166. <sup>5</sup> Theiner, *Vetera Monumenta Hib. et Scot.*, 249, 276. <sup>6</sup> *Reg. Epis. Glasg.*, 238. <sup>7</sup> *Chron. de Lanercost*, 269. <sup>8</sup> *Cal. Doc. Scot.*, iii. pp. 333, 380.

panied David II. in his unfortunate expedition into England, and was taken prisoner with him at the battle of Neville's Cross 17 October 1346.<sup>1</sup> He must have been speedily ransomed, as on 17 September 1348 he was present in a Justiciary Court at Forfar for the decision of a question between the monks of Arbroath and the burgesses of Dundee.<sup>2</sup> In 1354 he was one of the Commissioners appointed for negotiating the release of the King, and sat in the Parliament at Edinburgh 26 September 1357, when the treaty of ransom was approved, and was one of the guarantors of the treaty.<sup>3</sup> On 11 January 1359 he obtained from David II. a confirmation of his father's charter of Old Montrose,<sup>4</sup> and from this time to the end of David's reign is a frequent witness in both lay and ecclesiastical charters.

Sir David sat in a general council held at Perth by David II. on 13 January 1364, was one of those elected by the Estates to hold Parliament at Scone 27 September 1367, was on the Committee for General Affairs 1368, and on the Committee of Dooms 1369.<sup>5</sup> On 18 February 1369 it was found in a cause between him and William Barnard that the latter had not lawful sasine of the lands of Kinnaber, and that Sir David was first in possession of these lands.<sup>6</sup> He was one of those who took the oath of homage and fealty to Robert II. at Scone 27 March 1371, and he also witnessed the Act of Settlement of the succession to the Crown by that monarch on 4 April 1373.<sup>7</sup> On 23 July 1374 he obtained a decret of Parliament finding that he was entitled to possess the lands of Old Montrose notwithstanding anything shown on behalf of Sir John Lindsay of Thurston.<sup>8</sup> At Perth, on St. Andrew's day 1376, he witnessed a charter by Laurence of Hay, Lord of Eskyndy<sup>9</sup> [Essendy], and he must have died soon thereafter.

The name of his wife is not known. His children were:—

1. PATRICK, of whom below.
2. *David* witnessed a charter at Perth 20 February 1369-70.<sup>10</sup>

<sup>1</sup> *Rotuli Scotiae*, i. 678. <sup>2</sup> *Reg. de Aberbrothock*, ii. 20. <sup>3</sup> *Acta Parl. Scot.*, i. 516; *Fœdera*, Rec. ed., iii. 370. <sup>4</sup> *Second Rep. Hist. MSS. Com.*, App. 167. <sup>5</sup> *Acta Parl. Scot.*, i. 495, 501, 506, 508, 534. <sup>6</sup> *Ibid.*, i. 536. <sup>7</sup> *Ibid.*, i. 545, 549. <sup>8</sup> *Ibid.*, Supp. 18. <sup>9</sup> *Reg. Mag. Sig.*, fol. vol. 128, No. 8. <sup>10</sup> *Reg. Honor. de Morton*, ii. 85.

3. *John*, who as 'third son of Sir David Graham of Old Montrose' in 1370 is claimed as ancestor of the Grahams of Morphie on grounds which would make him progenitor also of the Grahams of Auchincloich (in Kilsyth) and their branches.<sup>1</sup>

PATRICK DE GRAHAM, the eldest son, in terms of a stipulation in the negotiation of 1354 with Edward III., was in 1357, under the designation of 'Patrik fitz et heir monsieur David de Graham,' delivered to the English King as one of the hostages for the ransom of David II.<sup>2</sup> In 1372, as son and heir of Sir David, he granted an obligation to support a chaplain of the altar of the Holy Cross in the parish church of Dumbarton,<sup>3</sup> and in the following year was a party along with his father to the Act of Settlement of succession to the throne.<sup>4</sup> Immediately on succeeding to the family estates he was sent on a mission to England along with Sir Simon of Ketyns and John Mercer of Perth, receiving from Edward III. a safe-conduct, 23 March 1378, to come before the council and return before 1 May to deliberate on the affairs of the kingdoms.<sup>5</sup> He acquired the lands of Achincross in Lennox from Robert, Earl of Fife and Menteith, 1377,<sup>6</sup> and Ardochmore near Cardross from Simon de Moravia 1382.<sup>7</sup> In 1388 he obtained from Robert II. a warrant disjoining his lands in Kilpatrick parish from the shire of Dumbarton, and annexing them to that of Stirling.<sup>8</sup> In 1394 he was again a Commissioner to treat with the English.<sup>9</sup> From 1388 to 1400 he acted as an Auditor in Exchequer.<sup>10</sup> On 22 April 1398 he was appointed General Chamberlain and Keeper and Receiver of Customs,<sup>11</sup> and on 27 June following was on the special council at Perth to assist the Duke of Rothesay in the Government.<sup>12</sup> On 6 May 1400 he witnessed at Edinburgh a charter by David Fleming, Lord of Biggar and Lenzie, to Sir John

<sup>1</sup> Burke's *Landed Gentry, Scot. Armor. Seals*, No. 1129, *Reg. Honor. de Morton*, ii. 88, but cf. Nisbet's *Heraldry*, i. 79: <sup>2</sup> *Fœdera*, Rec. ed., iii. 372. <sup>3</sup> Dumbarton Charter-chest. <sup>4</sup> *Acta Parl. Scot.*, i. 549. <sup>5</sup> *Rotuli Scotiæ*, ii. 7. <sup>6</sup> *Reg. Mag. Sig.*, fol. vol. 146, No. 96. <sup>7</sup> *Second Rep. Hist. MSS. Com.*, App. 167. <sup>8</sup> *Lennox Book*, i. 28. By an order pronounced by the Boundary Commissioners under the Local Government (Scotland) Act 1889, dated 24 October 1890, these lands have been restored to the county of Dumbarton. <sup>9</sup> *Rotuli Scotiæ*, ii. 126. <sup>10</sup> *Exch. Rolls*, iii. 161-508. <sup>11</sup> *Acta Parl. Scot.*, i. 571. <sup>12</sup> *Ibid.*, i. 572.

of Dalzell,<sup>1</sup> and his death must have occurred in the same year.

The Christian name of his first wife was Matilda, according to a charter of impignoration by Angus Hawincross of that ilk of part of the lands of Boclair in favour of Sir Patrick of Graham, knight, son and heir to David de Graham, Lord of Dundaff, and Matilda, wife of the said Patrick, dated at the manor-place of Mugdock 24 August 1372.<sup>2</sup> He married, secondly, about the year 1384, Euphemia or Egidia, daughter of Sir John Stewart of Ralston, the half-brother of Robert II.,<sup>3</sup> with whom he obtained the lands of Culteranich in Upper Strathearn.<sup>4</sup>

The issue of his first marriage were:—

1. SIR WILLIAM, of whom below.

2. *Matilda*, married to Sir John Drummond of Concraig.<sup>5</sup>

Of the second marriage there were born four sons:—

3. *Patrick*, who had a charter from his father with consent of Sir William of Graham, knight, his father's son and heir, of the lands of Kinpult and Eliston in West Lothian, with a destination failing heirs-male throughout to his brothers-german Robert, David, and Alexander successively.<sup>6</sup> About the year 1406 he married his second cousin Euphemia, Countess Palatine of Strathearn, daughter and heiress of David Stewart, Earl of Strathearn, son of Robert II., and Euphemia Ross, and became in her right Earl of Strathearn<sup>7</sup> (*see that title*). From their son Malise were descended the Earls of Menteith. (*See also that title.*)

4. *Sir Robert*, generally designed of Kinpult, having probably succeeded to that estate on his brother's advancement to the earldom of Strathearn. From what is related of his acquaintance with 'lawe positive and canone and civill bothe,'<sup>8</sup> it is not unreasonable to suppose that he was that son of Sir Patrick Graham who was a student at Paris in the

<sup>1</sup> *Eleventh Rep. Hist. MSS. Com.*, App., Pt. vi. 24. <sup>2</sup> *Lennox Book*, i. 162. <sup>3</sup> *Exch. Rolls*, iv. cxcii. <sup>4</sup> *Second Rep. Hist. MSS. Com.*, App. 167. <sup>5</sup> *Crawford's Peerage*, 337, and *Genealogy of Ho. of Drummond*, 41. <sup>6</sup> *Third Rep. Hist. MSS. Com.*, App. 397. <sup>7</sup> Sir Harris Nicolas, *Hist. of Earldom of Strathern*, etc., 16. <sup>8</sup> 'Cronykill of the Dethe and False Murdure of James Stewarde, Kyng of Scotys,' in *Misc. Scotica*, ii. 26.

year 1394 along with John Stewart, a natural son of Robert II.<sup>1</sup> He was the leading actor in the murder of James I. at Perth on 20 February 1436-37, and justified on the scaffold the part he took in it.<sup>2</sup> Viscount Strathallan mentions 'an indenture of the date 1399' between Sir Patrick Graham of Kincardine and Sir John Oliphant of Aberdalgie 'that Robin de Graham, sone of the said Sir Patrick the Grahame, shal wed to wyffe, God willand, Marion Oliphant, daughter of the said Sir John, with many remarkable and singular conditions very well worthie of the observing.'<sup>3</sup> Sir Robert Graham had a son *Thomas*, witness to the infetment of Lucas of Stirling in the lands of the Kere 22 January 1433-34,<sup>4</sup> who suffered with him for the murder of the King.<sup>5</sup> There is a charter by Sir James Hamilton of Cadzow to Marion Oliphant, and her sons *Robert, Walter, Patrick, and Umfrid* Grahame, of the lands of Cessford, on 24 February 1446-47.<sup>6</sup>

5. *David*,<sup>7</sup> who had a charter from Robert, Duke of Albany, of the lands of Mukclere (Mucklaree) in the barony of Cluny.<sup>8</sup> In 1406 David de Ferne, burgess of Perth, had a charter of the same lands from Robert, Duke of Albany, Governor of Scotland, on the resignation of David de Grame 'dilecti consanguinei nostri.'<sup>9</sup>

6. *Alexander*, who, with his brother Robert, witnesses a charter by Robert, Duke of Albany, to Sir William Graham, dated 4 August 1420,<sup>10</sup> and as 'patruus' of Patrick, Lord Graham, witnesses a charter by him at Mugdock, 23 October 1460, when he must have been upwards of seventy years of age.<sup>11</sup>

SIR WILLIAM DE GRAHAM was present in a Justiciary Court of Strathearn when Alexander de Moravia, indicted for the slaughter of William de Spalding, was repledged by

<sup>1</sup> *Exch. Rolls*, iii. 347. <sup>2</sup> 'Cronykill' in *Misc. Scotica*, ii., *ut supra*.  
<sup>3</sup> *Genealogy of Ho. of Drummond*, 166. <sup>4</sup> *Stirlings of Keir*, 211.  
<sup>5</sup> 'Cronykill' in *Misc. Scotica*, ii., *ut supra*. <sup>6</sup> *Fourteenth Rep. Hist. MSS. Com.*, App. iii. 16. <sup>7</sup> *Third Rep. Hist. MSS. Com.*, App. 397.  
<sup>8</sup> *Robertson's Index*, 144. <sup>9</sup> *Reg. Mag. Sig.*, fol. vol. 240, No. 44. <sup>10</sup> *Reg. Mag. Sig.*, 29 August 1430. <sup>11</sup> Original Writ, Buchanan.

Robert, Earl of Fife, afterwards Duke of Albany, by the law of Clan Macduff, 7 December 1391.<sup>1</sup> He had a charter from Alice of Erth, Lady of Craighernard, of certain lands in Mugdock wherein he is styled Lord of Kincardyn, 13 February 1400-1.<sup>2</sup> He had also a grant from Archibald, fourth Earl of Douglas, of Logyachray in Stirlingshire,<sup>3</sup> and apparently by the favour of that powerful nobleman appears to have become a tenant in chief of the Crown for his barony of Dundaff on the forfeiture of George of Dunbar, Earl of March. Accompanying the Earl of Douglas in his invasion of England, he was made prisoner with him at Homildon Hill 14 September 1402, but was soon after ransomed.<sup>4</sup> After Douglas had been again made prisoner at Shrewsbury 1403, Sir William on 8 March 1405 had a safe-conduct from Henry iv. to commune with the Earl of Fife (Murdoch, son of the Duke of Albany) and Earl of Douglas, 'being with the King,' on certain matters touching their condition.<sup>5</sup> In the following year he was one of the hostages for the return of Earl Douglas temporarily liberated.<sup>6</sup> In the same year he was a commissioner receiving a safe-conduct to go to England to treat for peace or a long truce between the kingdoms.<sup>7</sup> He had a charter from Robert, Duke of Albany, of the lands of Old Montrose and others,<sup>8</sup> was an adherent of the Duke, by whom he is styled 'consanguineus carissimus,'<sup>9</sup> and is a frequent witness to charters granted by Albany as Governor of Scotland. He was at different times one of the commissioners sent by the Duke to England to treat for the release of James i. having safe-conducts both from Henry iv. and Henry v. for that purpose.<sup>10</sup> He was an Auditor in Exchequer March 1405, and at intervals till June 1418.<sup>11</sup> Towards the end of his life he acquired from Duncan, Earl of Lennox, the superiority of Mugdock and his other extensive estates in the Lennox, which have since been held directly of the Crown,<sup>12</sup> and he obtained new charters of his other estates, with the exception of Kincardine, the fee of which he had

<sup>1</sup> *Liber Insulæ Missarum*, xl-1, see also *Genealogy of Ho. of Drummond*, 43. <sup>2</sup> *Lennox Book*, ii. 54. <sup>3</sup> Robertson's *Index*, 148. <sup>4</sup> *Cal. Doc. Scot.*, iv. p. 403; *Rotuli Scotiæ*, ii. 172. <sup>5</sup> *Cal. Doc. Scot.*, iv. 675. <sup>6</sup> Rymer's *Fœdera*, viii. 429. <sup>7</sup> *Ibid.*, viii. 461. <sup>8</sup> Haddington Collection. <sup>9</sup> *Reg. Mag. Sig.*, fol. vol. 236, No. 35. <sup>10</sup> Rymer's *Fœdera*, ix. 5, 48. <sup>11</sup> *Exch. Rolls*, iii. 613; iv. 306. <sup>12</sup> *Reg. Mag. Sig.*, 28 August 1430.



previously settled on his eldest son.<sup>1</sup> From these charters the names of his sons are ascertained.

In some of the charters by Robert and Murdoch, Dukes of Albany, and of the English letters of safe-conduct from the year 1412, he is styled Dominus de Graham or Lord Graham, which has led Crawford and Douglas to assign him the position of first Lord Graham, but in the latest of the charters above referred to—by Duncan, Earl of Lennox, of the lands in that earldom, dated 10 August 1423—he is styled simply 'Dominus Willielmus de Graham miles.' That is also his designation in a charter granted by him of the lands of Ballancleroch at Campsie, dated at Mugdock 11 August 1423.<sup>2</sup> Probably the title 'Dominus de Graham' was used by him simply as a comprehensive term in place of Dominus 'de Dundaff' or 'de Kincardine' as formerly. He died in 1424.<sup>3</sup>

He married, first, in his father's lifetime, a lady whose name is not certainly known. Crawford, followed by Douglas and (with hesitation) by Wood, calls her Mariota, daughter of Sir John Oliphant of Aberdalgie, but he gives no authority, and there is probably confusion with the wife of his brother Robert.<sup>4</sup> He married, secondly, before 1416, the Princess Mary (or Mariota) Stewart, daughter of Robert III., and widow of George, Earl of Angus, and of Sir James Kennedy of Dunure, and perhaps also of Sir William Cunningham of Kilmaurs (*see title Glencairn*). After the death of Sir William de Graham, Princess Mary was married in 1425, for the fourth or fifth time, to Sir William Edmonstone, by whom she was ancestress of the Edmonstones of Duntreath. She died after 1458, and was buried in the parish church of Strathblane.<sup>5</sup>

The children of the first marriage of Sir William de Graham, so far as known, were:—

1. ALEXANDER, of whom below.
2. *John*, who appears as a substitute in a charter by Murdoch, Duke of Albany, to his father of the

<sup>1</sup> *Reg. Mag. Sig.*, 29 August 1430. <sup>2</sup> *Lennox Book*, ii. 411. The seal attached to this charter is, on a shield, quarterly, 1st and 4th, on a chief three scallop shells, 2nd and 3rd, three cinquefoils, each with five blades. The circumscription is 'S. Willm Gramis De Mot Ros ac Kinkar.' <sup>3</sup> *Exch. Rolls*, iv. clxxiv. <sup>4</sup> Crawford's *Peerage*, 338. <sup>5</sup> *Genealogical Account of Edmonstone Family*, 31.

barony of Dundaff and others dated 8 January 1421-22,<sup>1</sup> and is probably the same who witnesses a charter by Archibald, Duke of Touraine, Earl of Douglas, to the Priory of St. Andrews,<sup>2</sup> and who, as John de Graham, armiger, witnesses an instrument regarding the Abbey of Cambuskenneth's lands in Dunipace 21 January 1426-27.<sup>3</sup>

3. *Elizabeth*, who was contracted, but not married, to Robert de Keith, Marshal of Scotland, and again contracted to Walter, Earl of Caithness, the youngest son of Robert II. by Euphemia Ross—the mandate for the dispensation being dated 1 August 1404.<sup>4</sup> She was finally married to Sir John Stewart of Dundonald, natural son of Robert II., between 1412 and 1414.<sup>5</sup>

The issue of the second marriage, as appears from the charter of Dundaff and others above mentioned, were:—

4. *Sir Robert Graham*, variously designed of Old Montrose, of Ewisdale, of Strathcarron, and of Fintry, was first or first substitute in a charter by Robert, Duke of Albany, Governor of Scotland, in favour of William, Lord Graham and Mariota Stewart, his spouse, sister of the King, in conjunct fee and life-rent, of the lands of Old Montrose, Charlton, and Kynnaber in the shire of Forfar dated 4 August 1420.<sup>6</sup> He afterwards resigned the lands contained in this charter to his nephew, Patrick, Lord Graham, in exchange for the lands of Craigton or Fintry in Stirlingshire.<sup>7</sup> He acquired from his nephew George, Earl of Angus, the lands of Earl's Strathdichty (which came to be called Fintry, when the Stirlingshire Fintry reverted to the main line of the family in the seventeenth century) and Ballargus in Forfarshire.<sup>8</sup> He married, first, Janet Lovel, daughter of Sir Richard Lovel of Ballumbie, and secondly Matilda, daughter of Sir James Scrimgeour of Dudhope. From him are descended the Grahams of Fintry,

<sup>1</sup> *Reg. Mag. Sig.*, 29 August 1430. <sup>2</sup> *Reg. Prior S. Andree*, 406. <sup>3</sup> *Cart. of Cambuskenneth*, 114, 116. <sup>4</sup> *Regesta Vaticana*, 326, fol. 220. <sup>5</sup> *Exch. Rolls*, iv. 202, 254. <sup>6</sup> *Reg. Mag. Sig.*, 29 August 1430. <sup>7</sup> *Second Rep. Hist. MSS. Com.*, App. 167. <sup>8</sup> *Douglas Book*, ii. 46, 57, iii. 84.

with their cadets of Ballargus, Claverhouse (afterwards Viscounts Dundee — *see that title*) and Duntrune. He was also the father of *Patrick Graham*, Bishop of Brechin in 1463, and Archbishop of St. Andrews 1471-78.<sup>1</sup>

5. *Patrick*, named in the charter cited. He has been supposed by Douglas and Wood to have been the Archbishop of St. Andrews, but probably died young *s.p.*
6. *William*, who had a grant of the lands of Garvock confirmed by James III. 1473, ancestor of the Grahams of Balgowan, including the gallant General Sir Thomas Graham, Lord Lynedoch, the hero of Barossa, and the Grahams of Eskbank, and Redgorton.
7. *Henry*, who presumably died young *s.p.*
8. *Walter*, who had a charter from his nephew Patrick, Lord Graham, of the lands of Wallaceton and Ardchmore, Dumbartonshire, dated 6 September 1444,<sup>2</sup> and another from John Maxwell of Calderwood and Auchincloich of the lands of Auchincloich, Hilton, and Aldmarroch in the Lennox, reserving the life-rent of Mariota Stewart, Countess of Angus, his mother, dated 31 December 1450.<sup>3</sup> He was ancestor of the Grahams of Knockdolian in Ayrshire, who attained to considerable prominence in the sixteenth century, and their cadets, Grugar, Auchincloich (in Kilpatrick), Auchinhowie, and, it is said, Dougalston.<sup>4</sup>

ALEXANDER GRAHAM, the eldest son, as 'Alexander de Graym, filius et hæres Domini de Graym,' had safe-conducts on 31 July 1408 and 18 May 1412 to go into England as a hostage for Murdoch of Fife, son of the Duke of Albany.<sup>5</sup> He had a charter from Euphemia, Countess of Strathearn, of the lands of Callandermore and Callanderbeg 13 July 1414,<sup>6</sup> and witnessed a charter by the Duke of Albany to William de Hay of Errol, dated at Falkland 14 March 1415-16.<sup>7</sup> He died in the lifetime of his father, probably

<sup>1</sup> This is proved by a writ in the Morton Charter-chest. *Reg. Honor. de Morton*, ii. 213. <sup>2</sup> *Reg. Mag. Sig.*, 7 September 1444. <sup>3</sup> *Ibid.*, 15 January 1450-51. <sup>4</sup> *Trans. of Glas. Archæol. Soc.*, New Ser., 376. <sup>5</sup> *Rotuli Scotie*, ii. 187, 200; Rymer's *Fœdera*, viii. 544. <sup>6</sup> *Third Rep. Hist. MSS. Com.* App. 397. <sup>7</sup> *Reg. Mag. Sig.*, 16 June 1430.

before 1420. The name of his wife is not known. His sons were:—

1. PATRICK, of whom below.
2. *Alexander*, who is known only as an occasional witness to his brother's writs.
3. *Katherine*, married to Humphrey Moray of Ogilvy and Abercairny.<sup>1</sup>

I. PATRICK DE GRAHAM, the elder son, had a precept from Walter, Earl of Atholl and Caithness, as tutor of law to Malise, Earl of Strathearn, for infefting him as heir of his father, Alexander de Graham, in the lands of Kincardine, to be held blench, and lands of Callandermore and Callanderbeg to be held ward, dated 10 November 1424.<sup>2</sup> It having been provided in the treaty with England for the release of James I. that the original hostages for payment of the King's ransom might be exchanged for others of equal rank, there was, on 8 March 1427, an order by the English Government for release of Gilbert Hay, son of the Constable of Scotland, 'the Lord Graham' being received in his place. On 20 June 1432 there was an order permitting him to return home on a further exchange, in which order he is styled simply Patrick Graham.<sup>3</sup> There is no record of his taking any active part in public affairs during the strenuous reign of the first James. His sympathies were probably with the disaffected nobles, but prudence dictated a policy of effacement, if not an absence abroad. On 1 July 1444 he had a remission of the fine levied on his lands of Nether Pirny in Strathearn 'propter absenciam domini ejusdem.'<sup>4</sup> The annexation of the earldom of Strathearn to the Crown made a further important difference to his feudal status, his lands of Kincardine becoming a Crown fief; and accordingly he obtained, about 1444, a new charter and infeftment of these lands erected into a barony.<sup>5</sup> In 1458 his lands in the Lennox were also erected into a barony of Mugdock.<sup>6</sup> On 13 January 1460-61 he and William the Graham, his heir, entered into an indenture with Robert Graham of Fintry and David Graham his son, confirming

<sup>1</sup> Abercairny Inventory. <sup>2</sup> Original Writ, Buchanan. <sup>3</sup> Rymer's *Fœdera*, x. 372, 510; *Rotuli Scotiæ*, ii. 277, 278. <sup>4</sup> *Exch. Rolls*, v. 173, 175. <sup>5</sup> *Second Rep. Hist. MSS. Com.*, App. 167. <sup>6</sup> *Reg. Mag. Sig.*, 24 October 1458.

the exchange of Old Montrose and others in Forfarshire by Fintry for the lands of Fintry and Buchlyvie in Stirlingshire.<sup>1</sup> Prior to 28 June 1445 he was raised to the Peerage under the title of LORD GRAHAM, sitting at that date for the first time as a Lord of Parliament.<sup>2</sup> He was keeper of Dumbarton Castle and Sheriff of Perth under James II.;<sup>3</sup> in 1457 represented the King at a general council of the church at Perth;<sup>4</sup> and in 1451, 1457, and 1459 was an envoy to England under safe-conducts from Henry VI.<sup>5</sup> He witnessed a charter by Queen Mary of Gueldres to the Abbey of Holyrood on 16 April 1459,<sup>6</sup> and was one of the four 'governors' chosen by her for the boy King, James III.<sup>7</sup> On 5 March 1464-65 he was one of those appointed to remain with the King at Berwick during negotiations at Newcastle for a renewed truce with England.<sup>8</sup> In 1460 he exchanged the old family estate on Lochlomond-side, and the lands and lake of Corriearklet to Patrick Buchanan of that Ilk, for the lands of Balmore and Ledlewan, near Mugdock.<sup>9</sup> He obtained, on 10 July 1462, a bond of manrent from Sir John Ogilvy of Lintrethin, upon a curious consideration, viz. in respect of his having given Sir John the same privilege of fishing upon a certain part of the water of Northesk then flowing through his (Lord Graham's) barony of Kinnaber, as he, Sir John, had had when the said water ran as the march between his lands of Wardropton and Lord Graham's lands.<sup>10</sup> The last certain mention of Lord Graham is in a deed dated 24 June 1466;<sup>11</sup> and he died in that year.

Patrick, Lord Graham, married Christian, daughter of Sir Robert Erskine.<sup>12</sup> She survived him, and married, secondly, William Charteris of Kinfauns.<sup>13</sup> She appears in the records of the Lords Auditors between 1474 and 1479 in at least three lawsuits, in all of which judgment was given in her favour.<sup>14</sup> Their children, so far as known, were:—

1. WILLIAM, second Lord Graham.

<sup>1</sup> *Second Rep. Hist. MSS. Com.*, App. 167. <sup>2</sup> *Acta Parl. Scot.*, ii. 59. <sup>3</sup> *Exch. Rolls*, v. 411, vii. 111. <sup>4</sup> *Acta Parl. Scot.*, ii. 83. <sup>5</sup> Rymer's *Fœdera*, xi. 286, 389, 423; *Rotuli Scotiae*, ii. 347, 378, 390; *Cal. Doc. Scot.*, iv. 1281. <sup>6</sup> *Liber Cart. Sanctæ Crucis*, 148. <sup>7</sup> *Genealogy of the House of Drummond*, 167. <sup>8</sup> *Acta Parl. Scot.*, xii. Supp. 30. <sup>9</sup> Original Writs, Buchanan. <sup>10</sup> *Ibid.* <sup>11</sup> *Ibid.* <sup>12</sup> *Diocesan Registers of Glasgow* (Grampian Club), ii. 296. <sup>13</sup> *Acta Audit.*, 46. <sup>14</sup> *Ibid.*, 34, 36, 46, 87.

2. *David*, who witnessed his brother's infertment in Dundaff, Mugdock and Airthray, 13 May 1467,<sup>1</sup> and, as David Graham of Gargunnoch, was present at the marriage of his nephew, William, third Lord Graham, 1479,<sup>2</sup> supposed ancestor of the Grahams of Meiklewood, vassals of the Lords Erskine.

3. *Mr. James*.

4. *Robert*.

These three younger sons were all still in life in 1488, being substituted in a charter by James III., dated 23 May in that year, in favour of William, third Lord Graham, next after the heirs-male of his own body and his brothers german.<sup>3</sup>

5. *Janet*, married (bond of relief by her father to cautioners for her tocher is dated 16 June 1455) to Gilbert Keith of Inverugie.<sup>4</sup>

6. *Elizabeth*, married (agreement or articles dated 19 December 1480) to William Livingston of Kilsyth.<sup>5</sup>

II. WILLIAM, second Lord Graham, sat in Parliament 9 October 1466, and, on 23 November following, had a protection from Edward IV., along with his relative Patrick, Bishop of St. Andrews, and others, for two years, to come to England, and thence to go to France, Flanders, etc., and return to Scotland.<sup>6</sup> It is known that Bishop Graham went to Rome, and remained there for some years, but how far Lord Graham availed himself of the protection is doubtful. He sat in Parliament again on 14 October 1467 and 21 November 1469,<sup>7</sup> and died about the year 1471.

He married, prior to 1460, Eleanor or Elene Douglas, daughter of William, second Earl of Angus,<sup>8</sup> who survived him. In an action pursued by her against her mother-in-law, Christian, Lady Graham, in 1474, the latter successfully pleaded the exception 'again ye said Elene yt scho suld be under sentence of cursing.'<sup>9</sup> In May 1478 the Abbot

<sup>1</sup> Original Writ, Buchanan. <sup>2</sup> Burgh of Stirling Records (1887), 265. <sup>3</sup> *Reg. Mag. Sig.*, at date. <sup>4</sup> Slains Charters. <sup>5</sup> Vol. v. of this work, 186. <sup>6</sup> Rymer's *Fœdera*, xi. 575; *Rotuli Scotiæ*, ii. 420. <sup>7</sup> *Acta Parl. Scot.*, ii. 85, 93. <sup>8</sup> It has been thought she was the daughter of George, fourth Earl of Angus [see vol. i. 178, and the *Douglas Book*, ii. 64], but in a writ of 9 December 1460, *penes* Lord Ruthven, she refers to William Douglas of Cluny as her brother, and he was brother of Earl George. <sup>9</sup> *Acta Audit.*, 34, 36.

and Convent of Arbroath granted a lease to Helene, Lady Graham, and Oliver, her son, of the lands of Balfour and Kirkton, with the mill and teind sheaves, for nineteen years from Whitsunday 1480.<sup>1</sup>

The children of William, second Lord Graham, so far as known, were:—

1. WILLIAM, third Lord Graham.
2. *George*, ancestor of the Grahams of Callendar, his brother William, third Lord Graham, having a licence from King James IV. to alienate to him these lands, part of the barony of Kincardine, to cure a recognition incurred by a prior alienation without consent, the King's charter dated 28 February 1508-9.<sup>2</sup> He fell at Flodden 9 September 1513.
3. *Patrick*, substituted after George in the charter of 1488 above mentioned. Taking orders, he became a canon of the Cathedral Church of Glasgow and rector of the University.<sup>3</sup>
4. *Oliver*, named in the lease to his mother of 1478,<sup>4</sup> but, as he is not mentioned in the charter of 1488, he probably died young.
5. *Jean* or *Marion*, said to have been married to John, second Lord Ogilvy of Airlie.
6. *Christian*, married, first, to James Haldane of Glen-eagles, and secondly, as his second wife, before 1504, to Sir Thomas Maule of Panmure.<sup>5</sup>
7. *Agnes*, married to Sir Walter Forrester of Carden.<sup>6</sup>

III. WILLIAM, third Lord Graham, was a minor at his father's death, and his ward and marriage were granted by James III. to Thomas, Lord Erskine, and James Shaw of Sauchie. The records of the Burgh of Stirling bear that on 16 May 1477 William, Lord le Grame, being in the fourteenth year of his age, swore upon the gospels to stand for his profit and honour to the counsel and deliverances of Thomas, Lord le Erskine, his uncle, Alexander Erskine, Lord Erskine's son and heir-apparent, John Drummond of

<sup>1</sup> *Liber de Aberbrothock*, ii. 176. <sup>2</sup> *Reg. Mag. Sig.*, at date. <sup>3</sup> Fraser's *Chiefs of Colquhoun*, i. 86. <sup>4</sup> *Liber de Aberbrothock, ut supra*. <sup>5</sup> *Acta Dom. Conc.*, xxiv. f. 92, where both her husbands are referred to. Cf. *Reg. de Panmure*, ii. 276, 279. <sup>6</sup> *Acta Parl. Scot.*, ii. 578.

Cargill, afterwards first Lord Drummond, and Mr. John Lyon of Curtastone, in all his actions and rules touching his person and lordship till the twenty-first year of his age complete, the curators on the other hand promising them to give good and salutary counsel to their ward.<sup>1</sup> The ward and marriage were afterwards redeemed for the minor by Lord Drummond for 1500 merks.<sup>2</sup> Lord Graham sat in the Parliaments of James III. in 1479, 1481, 1482 and 1487,<sup>3</sup> and supported the cause of that monarch against his son and the confederated Lords, being present on the royal side at the battle of Sauchieburn, 11 June 1488. He was soon received into favour, and even familiar friendship, by James IV.,<sup>4</sup> and sat in this sovereign's first Parliament 6 October 1488, and in the second 6 February 1491-92.<sup>4</sup> His principal acquisitions were the estates of Aberuthven and Inchbrakie in Perthshire.<sup>6</sup> Between 7 July<sup>7</sup> and 20 November 1503<sup>8</sup> he was created EARL OF MONTROSE, and sat as such in Parliament 3 February 1505-6.<sup>9</sup> On 3 March 1504-5 as William, Earl of Montrose, he had had a charter upon his own resignation of the lands of Old Montrose, which lands, the charter bears, belonged hereditarily to him by the grant of Robert I. and the confirmation of David II. under their Great Seals, to his predecessors, and which James IV. now erected into the free barony and earldom of Montrose.<sup>10</sup> Of the same date he had three other charters, viz. a new erection of the barony of Kincardine, of Aberuthven, Inchbrakie, and others united into a barony of Aberuthven, and of Kynaber in Forfarshire also erected into a barony. The Earl accompanied James IV. in his ill-starred invasion of England, and fell at Flodden, 'sub vexillo regis,' along with his brother George of Callendar, and his brother-in-law, Sir William Edmondstone of Duntreath, 9 September 1513.

<sup>1</sup> Stirling Records, 262. <sup>2</sup> Cf. Discharge dated in 1480, *Gen. of Ho. of Drummond*, 147. <sup>3</sup> *Acta Parl. Scot.*, ii. 124, 137, 142, 175. <sup>4</sup> *The Treasurer's Accounts*, under date 23 November 1507, bear this entry, 'Item, that day afternone, to the King to play at the cartes with Schir Duncan Forestar and the Earle of Montros, iij li. xs.; *Accounts*, iv. 85. <sup>5</sup> *Acta Parl. Scot.*, ii. 200, 229. <sup>6</sup> *Reg. Mag. Sig.*, 16 July 1498, 20 January 1501-2. <sup>7</sup> Sasine in favour of Lord Erskine of that date, Buchanan Writs. <sup>8</sup> *Eleventh Rep. of Hist. MSS. Com.*, Appendix, Pt. vi. 31, where he is styled Earl of Montrose. <sup>9</sup> *Acta Parl. Scot.*, ii. 262. <sup>10</sup> *Reg. Mag. Sig.*, at date.



The Earl married, first, in the parish church of Muthill, on 25 November 1479, in virtue of a dispensation by the Church, Annabel Drummond, one of the five fair daughters of John, Lord Drummond,<sup>1</sup> who is conjoined with her husband in a charter by James III. of the lands of Old Montrose (the manor-place whereof was then inhabited by the said William, Lord Graham) and other lands, dated 28 January 1487-88,<sup>2</sup> and must have survived till the close of the century, as her son William, second Earl, was still a minor at his father's death; secondly, Janet, eldest daughter of Sir Archibald Edmonstone of Duntreath, who is conjoined with him in the charter of the barony of Aberuthven, dated 17 March 1504-5,<sup>3</sup> and was dead before 15 April 1506; and lastly, to Christian Wawane of Seggie in Fifeshire, relict of Patrick, Lord Halyburton<sup>4</sup> (*see that title*). The children of the first Earl of Montrose were:—

1. WILLIAM, second Earl, a son of the first marriage, of whom below.
2. *Walter*, a younger son of the first marriage, who had a tack of Little Cairnie for nineteen years from the Abbot of Inchaffray, 8 January 1541-42,<sup>5</sup> and appears to have been ancestor of the second family of the Grahams of Thornick, afterwards Cairnie.<sup>6</sup>
3. *Patrick*, son of the third marriage, ancestor of the Grahams of Inchbrakie and their cadets Gorthie, Buckleyvie, Airth, Strowan, Græmes-hall, etc. His charter of Inchbrakie from his father is dated 20 June 1513.<sup>7</sup>
4. *Helen*, married to Humphrey Colquhoun, younger of Luss. They had a dispensation to marry, being within the fourth degree of consanguinity, 13 July 1509.<sup>8</sup>
5. *J*—, married to David Graham, third of Fintry.<sup>9</sup>
6. *Elizabeth*, married, in February 1513-14, to her cousin Walter, Master of Drummond, grandson of John, first Lord Drummond,<sup>10</sup> who died *v.p.*

<sup>1</sup> Stirling Records, 265; *Gen. of Ho. of Drummond*, 147. <sup>2</sup> *Reg. Mag. Sig.*, at date. <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.*, 24 May 1505; *Exch. Rolls*, xlii. 150. <sup>5</sup> *Dupplin Charters*. <sup>6</sup> *Act Book Com. of Dunblane*, 29 October 1551, and Dupplin Inventory. <sup>7</sup> *Inchbrakie Charters*. <sup>8</sup> *Diocesan Regs. of Glasgow*, ii. 295, 296. Sir William Fraser in *The Chiefs of Colquhoun*, i. 104, calls her, incorrectly, Catherine. <sup>9</sup> Ms. Mem. at Buchanan, which gives the initial only. <sup>10</sup> Original Writ, Drummond Castle.

7. *Margaret*, who, as daughter of the second marriage, was in April 1506, in her infancy, contracted to John, Master of Lennox, son and heir-apparent of Matthew, Earl of Lennox,<sup>1</sup> which marriage did not take place, and she was afterwards married (contract 10 July 1510<sup>2</sup>) to Sir John Somerville of Cambusnethan.

Lord Graham is said to have had other issue:—

*Andrew* Graham, sometime vicar of Wick, consecrated Bishop of Dunblane in 1575, is said to have been a younger son of the third marriage,<sup>3</sup> but this is doubtful.

*Jean*, who, according to Lord Strathallan, was by William Chisholm, Bishop of Dunblane, the mother of a daughter *Jean*, who became, in 1542, the second wife of Sir James Stirling of Keir,<sup>4</sup> but she is not mentioned in her supposed father's will.<sup>5</sup>

IV. WILLIAM, second Earl of Montrose, was under age at the death of his father,<sup>6</sup> but in virtue of the Act of 24 August, was served his heir 24 October, 1513.<sup>7</sup> He early displayed qualities of prudence and statesmanship which enabled him, during a long life, extending over the reigns of James v. and Mary, to take an honourable, if not a very prominent, part in the conduct of public affairs. In 1525, several Lords being appointed by Parliament to attend the King's person quarterly, the Earl of Montrose was one of four appointed to serve from Beltane to Lammas.<sup>8</sup> Having been named an ambassador to France in connection with the marriage of James v., June 1535,<sup>9</sup> he was one of the Commission of Regency to conduct the government during the King's absence in France in the same connection, 29 August 1536.<sup>10</sup> He supported the measures taken by the King against the Earl of Angus and the English party, and on 29 May 1542 obtained, for his good

<sup>1</sup> *Lennox Book*, 339. <sup>2</sup> *Memorie of the Somervilles*, i. 307. <sup>3</sup> Keith's *Catalogue*, 107, but the statement there made is not confirmed by the writ at Buchanan founded on. It seems more probable that Bishop Graham was a son of the Laird of Morphie, as stated by Grub, *Eccles. Hist.*, ii. 192. <sup>4</sup> *Gen. of Ho. of Drummond*, 179; *Stirlings of Keir*, 39. <sup>5</sup> *Spalding Club Misc.*, v. 320. <sup>6</sup> Precept by the Earl and his tutors in favour of Robert Graham of Knoekdolian, 22 May 1514. Montrose ms. Collection. <sup>7</sup> Original Retour, Buchanan. <sup>8</sup> *Acta Parl. Scot.*, ii. 295. <sup>9</sup> *Hamilton Papers*, l. 15. <sup>10</sup> *Reg. Mag. Sig.*, at date.

service 'and for special favour,' a grant in feu of the King's lands of Rathernes and Blacksaugh, in the stewartry of Strathearn,<sup>1</sup> afterwards acquiring by purchase the lands of Orchill and Garvock in the same district.<sup>2</sup>

In the Parliament held at Edinburgh on 15 March 1542-43 he was present and voted for the election of James, Earl of Arran, as Governor of the Kingdom during the minority of Queen Mary;<sup>3</sup> but in the differences which arose between the Regent and Cardinal Bethune he supported the Cardinal.<sup>4</sup> He was one of those appointed to attend continually upon the person of the infant Queen in Stirling Castle, and was a leading member of the Regent's Council.<sup>5</sup> On 11 January 1545-46 he had a charter 'for his good service in standing by the Queen at the field of Stirling, and for his guarding of the Castle of Stirling and her person,' of many lands forfeited by Mathew, Earl of Lennox,<sup>6</sup> which he retained till the restoration of Lennox by Queen Mary in 1564.<sup>7</sup> He was with the Regent Arran at the siege of Broughty Castle in November 1547.<sup>8</sup> When Arran demitted the regency in favour of the Queen-Dowager, Mary of Lorraine, the Earl of Montrose was one of the noblemen who, at the request of the Dowager and Henry II. of France, executed a bond in favour of the late Governor, now Duke of Chatelherault, engaging to keep him scatheless in respect of his intromissions 12 April 1554.<sup>9</sup> He was not present in the Parliament of August 1560, which declared the jurisdiction and authority of the Pope within Scotland to be at an end,<sup>10</sup> and was the only nobleman who attended Queen Mary's first mass after her arrival in Scotland from France.<sup>11</sup> He was made a member of the Privy Council 6 September 1561,<sup>12</sup> but is not recorded as attending any of Mary's Parliaments after her return from France. The Queen, in her progress to the north, dined and supped with the Earl at Kincardine on 18 August 1562, and left for Perth the next day after dinner.<sup>13</sup> William Chisholm, second of that name, Bishop of Dunblane, being at

<sup>1</sup> *Reg. Mag. Sig.*, 29 May 1542. <sup>2</sup> Original Writ, Buchanan. <sup>3</sup> *Acta Parl. Scot.*, ii. 594. <sup>4</sup> *Hamilton Papers*, i. 556. <sup>5</sup> *Acta Parl. Scot.*, ii. 442; *P. C. Reg.*, i. 5, 141. <sup>6</sup> *Reg. Mag. Sig.*, at date. <sup>7</sup> Orig. Writs, Buchanan. <sup>8</sup> *Cal. of State Papers*, i. 44. <sup>9</sup> *Acta Parl. Scot.*, ii. 603. <sup>10</sup> *Ibid.*, 525. <sup>11</sup> *Cal. of State Papers*, i. 547. <sup>12</sup> *P. C. Reg.*, i. 157. <sup>13</sup> Ms. Book of Sir J. Ogilvie, Master of the Household to Mary, Queen of Scots; cf. *Mary, Queen of Scots*, by D. Hay Fleming, 522.

Rome in the year 1563, gave the name of the Earl of Montrose amongst others to Pope Pius IV. as one of those remaining in the faith, each of the noblemen thus named receiving from his Holiness an autograph letter of exhortation.<sup>1</sup> In a memorial by Thomas Bishop to Cecil, dated 3 February 1565, the Earl of Montrose is included in a list of probable enemies to the restored Lennox,<sup>2</sup> but notwithstanding this he favoured the marriage between the Queen and Lord Darnley.<sup>3</sup> In the troubles which followed the Darnley marriage the Earl appears to have steered a middle course, and to have been to a certain extent trusted by all parties. In May 1565, in a submission between Lady Margaret Douglas, Countess of Lennox, and the young Earl of Angus, as to the succession to the Angus estates, he was named 'odman,' or oversman, 'equalie chosen be baith pairtis.'<sup>4</sup> On 3 June 1565 Randolph, writing to Cecil, names him as one of the noblemen on the Queen's side.<sup>5</sup> With other noblemen the Earl came to Edinburgh after the Queen's marriage to Bothwell, to avenge the King's murder, and secure the separation of the Queen from Bothwell,<sup>6</sup> but he was of the number who dissented from the deposition of the Queen and her imprisonment in Lochleven Castle.<sup>7</sup> Upon her escape he joined her at Hamilton, and signed the bond for her support 8 May 1568,<sup>8</sup> but he was not among those who took the field for her, and his grandson and heir, a strong reformer, was on the other side.<sup>9</sup> In his will, dated at Kincardine 22 May 1570,<sup>10</sup> the Earl desires that if he 'departs' in Strathearn he shall be buried at Aberuthven, but if at Montrose then in the church of St. Mungo there. Still reputed a papist, he died at Kincardine 24 May 1571.

The second Earl of Montrose was first contracted, on 10 July 1510, to Mary, eldest daughter of Sir John Somerville of Quothquhan,<sup>11</sup> but the marriage never took place, and in December 1515 he married Janet Keith, daughter of William, Earl Marischal, who predeceased him between 27 August 1546 and 25 August 1547.<sup>12</sup>

<sup>1</sup> Robertson, *Statuta Ecclesiæ Scoticanæ*, Pref., 167, 168. <sup>2</sup> *Cal. of State Papers*, ii, 119. <sup>3</sup> *Ibid.*, 173. <sup>4</sup> *Lennox Book*, ii, 135. <sup>5</sup> Keith's *Hist.*, fol., 283. <sup>6</sup> *Ibid.*, 399. <sup>7</sup> *P. C. Reg.*, xiv, 22. <sup>8</sup> *Cal. State Papers*, ii, 403. <sup>9</sup> *Ibid.*, 405. <sup>10</sup> *Edin. Tests.*, 7 June 1570. <sup>11</sup> *Memorie of the Somervilles*, i, 306. <sup>12</sup> Original Writs, Buchanan.

Their children were:—

1. ROBERT, Master of Graham, of whom below.
2. *Alexander*, who had a charter from his father of the lands of Wallacetown, dated 17 May 1535, which lands were afterwards redeemed from him by Robert Graham of Knockdolian,<sup>1</sup> and another charter, dated 25 March 1536, from his cousin David, Lord Drummond, of the lands of West Fordoun and others, and the third part of the farms of the burgh of Auchterarder, which lands he sold to his brother Mungo in 1564.<sup>2</sup> In the marriage-contract of his nephew John, Master of Graham, 1562-63, he is designed 'Pensioner of Cambuskenneth.'<sup>3</sup> He married Marion, daughter of George, third Lord Seton, formerly wife of Thomas, Master of Borthwick, and widow of Hugh, Earl of Eglinton,<sup>4</sup> it is supposed without issue.
3. *William*, an ecclesiastic, was admitted, on his father's presentation, to a Canonry in Glasgow Cathedral and the Rectory of Killearn 2 June 1549.<sup>5</sup> He had a charter from his father of the lands of Killearn, Ibert, and Drumbeg, dated 7 January 1560,<sup>6</sup> and died about the year 1597.<sup>7</sup> By one Elizabeth Stirling he had a natural son *John*, who founded the family of Graham of Killearn,<sup>8</sup> the last of whom, Robert Graham, sold the estate in 1752, and died at Twickenham Park 30 September 1779.<sup>9</sup>
4. *Mungo*, who had a charter from his father of Rathernes, dated 25 August 1547,<sup>10</sup> and another of Orchill and Garvock, dated 8 December 1560. He married (contract 26 March 1571) Marjorie, daughter of Sir William Edmonstone of Duntreath,<sup>12</sup> was a Master of the Household to James VI. for many years,<sup>13</sup> and was dead before 15 May 1590, the date of a precept of clare constat by John, Earl of Montrose, in favour of

<sup>1</sup> Originals *penes* Napier of Kilmahew, 1736, p. Montrose ms. Collection.

<sup>2</sup> Original receipt *penes* Graham of Killearn, 1736, *ibid.* <sup>3</sup> *Gen. of House of Drummond*, 172. <sup>4</sup> Vol. iii. of this work, 439. <sup>5</sup> Orig. Writ, Buchanan. <sup>6</sup> Orig. *penes* Graham of Killearn, 1736, p. Montrose ms. Collections. <sup>7</sup> Original Writs, Buchanan. <sup>8</sup> *Ibid.* <sup>9</sup> Montrose Chartulary, and memo. in Journal of second Duke. <sup>10</sup> *Reg. Mag. Sig.*, 27 June 1551. <sup>11</sup> Orchill Inventory at Buchanan. <sup>12</sup> *Gen. Account of Edmonstone Family*, App., 83. <sup>13</sup> *Exch. Rolls*, xxii. 30.

his son *Sir John Graham*, second of Orchill.<sup>1</sup> His widow married, secondly (contract dated at Stirling 17 September 1592), *Sir John Maxwell of Pollok*, then sixty-eight years of age.<sup>2</sup> The male representation of this family came to an end with *David Graham of Orchill, M.P. for Perthshire*, who died in 1726.<sup>3</sup>

5. *Margaret*, married to *Robert, Master of Erskine* (contract dated at Edinburgh 17 February 1534-35),<sup>4</sup> without issue.
6. *Elizabeth*, married to *George, fourth Earl of Caithness* (testament recorded 4 April 1576<sup>5</sup>), and had issue.
7. *Nicolas*, married to *John Moray of Abercairny* (instrument of resignation upon the contract, wherein *Robert, Master of Graham*, is procurator for the said *Nicolas*, his sister, dated 11 February 1539-40<sup>6</sup>), and had issue.
8. *Agnes*, substituted in an assignation by her brother *Robert, Master of Graham*, to his parents of a gift of the ward of part of the estate of his uncle *Patrick Graham of Inchbrakie*, 27 August 1546;<sup>7</sup> married (contract 15 April 1547<sup>8</sup>) to *Sir William Murray of Tullibardine*, and had issue.
9. *Janet*, married to *Sir Andrew Murray of Balvaird* (charter to her in her virginity by *Andrew Murray*, son and heir of *Sir David Murray of Arngask*, knight, of the lands of *Lochton, Kippo*, etc., dated 28 September 1542<sup>9</sup>), and had issue.
10. *Christian*, married to *Robert Graham of Knockdolian* (liferent charter by him in her favour of the lands of *Hilton and Auldmarroch*, dated 7 May 1552<sup>10</sup>), and had issue.

**ROBERT**, Master of Graham, eldest son and apparent heir of *William*, second Earl of Montrose, was present in the first Parliament of *Queen Mary* 13 March 1542-43, and, with his father, voted for the election of the Earl of Arran as

<sup>1</sup> Original receipt *penes* *Graham of Killearn*, 1736, p. Montrose ms. Collection. <sup>2</sup> *Fraser's Maxwells of Pollok*, i. 39. <sup>3</sup> Original Writs, *Buchanan*. <sup>4</sup> *Ibid.* <sup>5</sup> Vol. ii. of this work, 340; *Edin. Tests.* <sup>6</sup> *Abercairny Inventory.* <sup>7</sup> Original Writ, *Buchanan*. <sup>8</sup> *Reg. Mag. Sig.*, 28 May 1547. <sup>9</sup> *Ibid.*, 6 September 1548. <sup>10</sup> Original Writ, *Buchanan*.

Governor.<sup>1</sup> He was also, with his father, a member of the Convention at Stirling, 26 June 1545.<sup>2</sup> Having had the fee of the barony of Mugdock vested in him, he reconveyed it to his father, under reservation of his own and his wife's life-rent, by a charter dated at Edinburgh 4 September 1547.<sup>3</sup> Six days later he fell on the field of Pinkie, being slain by a cannonshot from an English galley at the outset of the battle, 'with five-and-twenty near by him.'<sup>4</sup> His brother-in-law, Robert, Master of Erskine, was also killed in this disastrous battle. Cardinal Beaton, writing in 1541, alludes to Madame d'Aubigny as having 'maist ee' as a second husband to the young Master of Graham,<sup>5</sup> but the Master married Margaret, daughter of Malcolm, Lord Fleming (receipt for tocher dated 6 January 1546-47<sup>6</sup>), who, after his death, married, secondly, Thomas, Master of Erskine, and, thirdly, John, fourth Earl of Atholl, Chancellor of Scotland (*see titles Atholl and Mar for further particulars regarding her*). The only issue of the Master's marriage was a posthumous son,<sup>7</sup>

V. JOHN, third Earl of Montrose, whose prominence in the family history is next to that of his grandson, the great Marquess. As early as 1566, when he was but eighteen years of age, his grandfather had put him in possession of the castle and barony of Mugdock.<sup>8</sup> As Master of Graham he was present in the Parliament or Council at Stirling when Lord Darnley was created Duke of Albany in view of his marriage with Queen Mary, and on 1 August thereafter was in the Council at which a proclamation was issued by the King and Queen citing the Earl of Moray to appear and answer on pain of being put to the horn.<sup>9</sup> Adhering to the reformed religion, he was a member of the General Assembly, 20 July 1567, and signed the articles then agreed to.<sup>10</sup> He from the first espoused the cause of the Lords who acted against Queen Mary and Bothwell, being consulted on all important occasions, as at the opening of the

<sup>1</sup> *Acta Parl. Scot.*, ii. 410, 594. <sup>2</sup> *Ibid.*, ii. 594. <sup>3</sup> Original Writ, Buchanan. <sup>4</sup> Patten's *Account of Somerset's Exped.* (reprint), 54. <sup>5</sup> *Scot. Hist. Review*, vi. 154. <sup>6</sup> Wigtown Writs. <sup>7</sup> Crawford's *Officers of State*, 152. <sup>8</sup> Original Writs, Buchanan. <sup>9</sup> *P. C. Reg.*, i. 335, 347. <sup>10</sup> Keith's *Hist.*, fol. 581.

famous silver casket in Edinburgh, 21 June 1567.<sup>1</sup> 'Johne Maistir of Grahame' is one of the parties named in the procuratory which Mary granted at Lochleven, 24 July 1567, for receiving her renunciation and demission of the Crown in favour of her son, and on the following day he was one of the signatories of the order for the delivery of the regalia in order to the coronation of the infant James VI.<sup>2</sup> He was one of the Lords who, on the same day, refused the English ambassador, Sir Nicholas Throckmorton, liberty of access to the imprisoned Queen, and on the 29 he was present at the coronation at Stirling.<sup>3</sup> He fought on the Regent's side at the battle of Langside on 13 May.<sup>4</sup> In the civil war which followed, his lands of Mugdock were 'spulzied' by Argyll,<sup>5</sup> and he himself, after vainly 'dealing' with his uncle, Lord Fleming, for the surrender of Dumbarton Castle in December 1569, was present at the capture of the castle of Doune in June 1570.<sup>6</sup> A bond of manrent by James Stirling of Keir to John, Master of Graham, dated at Kincardine 3 November 1570,<sup>7</sup> and other writings indicate that before his grandfather's death he had in a great measure relieved the latter from the burden of private as well as public affairs.

The third Earl succeeded to the title during the short and troubled regency of the Earl of Lennox, and supported him and his successors Mar and Morton in their struggle with the Queen's party, being appointed a Privy Councillor at the election of the Regent Mar on 7 September 1571.<sup>8</sup> By one of the articles of the pacification of Perth, in February 1572-73, the Earl, with the Lord Glamis and Sir John Wishart of Pittarrow, were appointed sole judges for 'restitution of all guddis reft or spulzeit be vertew of thir troubles benorth the Water of Forth.'<sup>9</sup> Under the firm administration of Morton he was, along with the Earl of Atholl, appointed a commissioner for holding wappinschawings in the Stewartry of Strathearn 5 March 1574-75.<sup>10</sup> William Chisholm the younger, last Bishop of Dunblane of the old faith, having left the country and been forfeited,

<sup>1</sup> *Cal. of State Papers*, ii. 731. <sup>2</sup> *Acta Parl. Scot.*, iii. 12. <sup>3</sup> Keith, ii. 424-426, 437. <sup>4</sup> *Cal. of State Papers*, ii. 405. <sup>5</sup> Orig. Sums. of Spulzie, Buchanan. <sup>6</sup> *Cal. State Papers*, iii. 21, 219. <sup>7</sup> Orig. Writ, Buchanan. <sup>8</sup> *Acta Parl. Scot.*, iii. 69. <sup>9</sup> *Hist. King James the Sext*, 132. <sup>10</sup> *Acta Parl. Scot.*, iii. 91.



the Earl of Montrose procured the appointment of Mr. Andrew Graham as bishop, and thereafter obtained a feucharter from the bishop and chapter of the lands of Braco, Drummawhance, Tourachan, and others in the parish of Muthill, a fair estate with which the munificence of the Earls of Strathearn had endowed the See, dated 1 and last February 1575-76.<sup>1</sup> This imitation of Morton's own well-known policy, or some other cause, led to a coolness between the Earl of Montrose and the Regent, and the Earl joined the coalition against Morton, and was present in the Convention of the Estates held at Stirling on 8 March 1577-78, when the King, in Morton's absence, by the advice of 'a greit nowmer of his nobilitie' then 'besyde his hienes,' ostensibly took the government into his own hands.<sup>2</sup> Morton soon afterwards regained the upper hand at Stirling, and the Earl of Montrose, with the Bishop of Orkney and Lord Lindsay, were sent there from Edinburgh by the party in opposition to the ex-regent, and protesting against the validity of Morton's Parliament, 16 July 1579, were put in ward for a time at Stirling.<sup>3</sup> The Earl of Montrose broke ward, and was with Argyll and others in arms against Morton until the pacification effected by Mr. Bowes, the English ambassador, in August 1578.<sup>4</sup> He at this time took steps for obtaining the King's confirmation of his charter of Braco, in which he was successfully opposed by the 'kyndlie and native tenants' of the lands.<sup>5</sup> The opposition thus encountered probably led to his becoming a strong partisan of the opposition to Morton, and after the latter's fall and imprisonment he was appointed commander of the levies assembled on the Borders in view of an invasion which Queen Elizabeth threatened for a time.<sup>6</sup> When that danger passed he guarded Morton from Dumbarton to Edinburgh, and was Chancellor of the Assize which on 1 June 1581<sup>7</sup> condemned the ex-regent to death, for connivance at the murder of Darnley.

The Earl of Montrose held aloof from the conspiracy known as the 'Raid of Ruthven' in August 1582, and he was not present in the Parliament held at Holyrood in the fol-

<sup>1</sup> Instrument of Sasine on Charter at Buchanan. <sup>2</sup> *Acta Parl. Scot.*, iii. 115 *et seq.* <sup>3</sup> *P. C. Reg.* iii. 8 n. <sup>4</sup> *Ibid.*, 22 n. <sup>5</sup> The record of the struggle will be found in *Acta Parl. Scot.*, iii. 165, 166. <sup>6</sup> *P. C. Reg.*, iii. 387, 393. <sup>7</sup> *Acta Parl. Scot.*, iii. 305.

lowing October, when the acts of the conspirators were legalised.<sup>1</sup> He supported Arran in the recovery of his influence, and was upon the Assize at Stirling which condemned the Earl of Gowrie to death 4 May 1584.<sup>2</sup> Out of Gowrie's forfeited estates he obtained grants of the barony of Cowgask in Strathearn and of Strathbraan, Trochrie and Glenshie and Innerchochill, in the Dunkeld district,<sup>3</sup> but these great acquisitions did not remain long with him, the forfeiture being rescinded at the instance of Queen Elizabeth in December 1585.<sup>4</sup> He had assented to the league with England which led up to the bloodless revolution in favour of the Banished Lords, but upon their return held aloof from public affairs till May 1587.<sup>5</sup>

In the Parliament of 1587, held upon James VI. attaining his majority, the Earl of Montrose thought it necessary to protest that the act of general pacification should not be hurtful or prejudicial to him and others who were on the assizes of Morton and Gowrie. The young Earl of Gowrie, on the other hand, protested, and reserved his right of action against Montrose 'and utheris for spoliatioun of certane cornis, guids, insicht plenishing and utheris intromittet with be thame appertening to umqle Wm. Erle of Gowrie' and to his wife, Dame Dorothea Stewart 'furth of ye said Erlis manis and place of Ruthven and utheris his places and maniss.'<sup>6</sup> In the face of these proceedings, it is somewhat singular to find a marriage taking place only six years later between Montrose's eldest son and Gowrie's eldest sister, the only son of which marriage was destined to confer an undying lustre on the former's title. When therefore the Gowrie conspiracy led to the death of the last Earl of Gowrie and the forfeiture of his estates, it was natural that Montrose, then high in the royal favour, should again participate in the division of these estates. The grant on this occasion was limited to Cowgask and Hall of Huntingtower and other parts of the barony of Ruthven, but it was provided that these were to be held blench, in distinction to the remaining forfeited estates of Gowrie, which were to be feued out for a revenue to the Crown.<sup>7</sup>

<sup>1</sup> *Acta Parl. Scot.*, iii. 326. <sup>2</sup> *Ibid.*, 305. <sup>3</sup> Original Writs, Buchanan.  
<sup>4</sup> *Acta Parl. Scot.*, iii. 399. <sup>5</sup> *P. C. Reg.*, iv. xi. <sup>6</sup> *Acta Parl. Scot.*, iii. 471, 472. <sup>7</sup> *Ibid.*, iv. 301.

From the year 1584 to the close of his life the Earl was high in the confidence of his sovereign, and filled many important and onerous public offices. That he was accessory to the so-called 'rebellion' of the Earls of Huntly, Errol, and Bothwell in 1589, known as 'the affair of the Brig of Dee,' and was even appointed to be denounced rebel for continuing in arms,<sup>1</sup> and was also associated with the same parties in a quasi-rebellion in October 1593,<sup>2</sup> is hardly a qualification of this remark, as the noblemen concerned were all *personæ gratae* with the young King, and their movement was really directed against the administration of the Chancellor Maitland.<sup>3</sup> The Earl of Montrose was frequently a Commissioner for holding the Parliaments of King James.<sup>4</sup> On 12 May 1584 he was appointed an Extraordinary Lord of Session, and held that office till 9 February 1585-86; was again appointed 6 November 1591, the King's letter bearing that he had 'been dispossessed of the place of befor without any guid caus or occasion,'<sup>5</sup> and continued to hold office till 19 May 1596. He was appointed High Treasurer 13 May 1584, holding that office for about a year.<sup>6</sup> By an Act of Council, dated at Holyrood House 18 January 1598-99, he was appointed Chancellor.<sup>7</sup>

The Earl was one of the noblemen who in the year 1600 entered into 'engagements' for the furtherance of the succession of James VI. to the English throne, and promised to contribute of his 'geir' for that purpose 400 crowns.<sup>8</sup> The death of Elizabeth and the departure of the King and his family to England led to further honours being conferred upon him. By a commission dated at Hampton Court 8 February 1604 he was, under the designation of Earl of Montrose, Lord Graham and Mugdock, empowered to represent the royal person during the time of Parliament,<sup>9</sup> and he accordingly presided in the Parliament which was held at Perth 3 to 11 July 1604. Being appointed Chief Commissioner for Scotland in the negotiation of the treaty initiated by the King for the union of the kingdoms, he journeyed to London upon that business, and his signature is adhibited to the Treaty of Union 6 December 1604, which

<sup>1</sup> *P. C. Reg.*, iv. 394. <sup>2</sup> *Ibid.*, v. 98 n. <sup>3</sup> *Ibid.*, iv. 403 n. <sup>4</sup> *Acta Parl. Scot.*, iii. 121, 193; iv. 191. <sup>5</sup> Brunton and Haig's *Senators*, 189. <sup>6</sup> Crawford's *Officers of State*, 153. <sup>7</sup> *Second Rep. Hist. MSS. Com.*, App. 168. <sup>8</sup> Napier's *Memoirs of Montrose* (1856), i. 3. <sup>9</sup> *Acta Parl. Scot.*, iv. 259.

was not approved by the Parliament of either country.<sup>1</sup> There is preserved at Buchanan Castle, along with the commission after mentioned, a letter by the King to the Lords of Session mentioning that John, Earl of Montrose, had surrendered the place and office of Chancellor, and was to be preferred to be Commissioner-General in Scotland, and requiring them to make an Act that he may sit in the Inner House as the Duke of Lennox does.<sup>2</sup> The commission to the Earl to be Commissioner-General or Viceroy of Scotland 'supremus regni Scotiæ procurator' is dated at Royston, ides December 1604,<sup>3</sup> and the office so conferred appears to have been held by the Earl till his death.

The Earl of Montrose, whose estates were at no part far distant from the Highland line, had his share of the inconveniences arising from that proximity, and had frequent transactions with the restless Macgregors, ranging from a friendly 'submission' with Sir Alister Macgregor of Glenstræ in 1586<sup>4</sup> to the execution of commissions of Justiciary against the clan after they had put themselves beyond the pale by the slaughter of Drummond, the King's forester of Glenartney, in 1589.<sup>5</sup>

The Earl of Montrose, in the course of his strenuous life, was concerned in several of the family feuds, for which the Scottish nobility were so unhappily distinguished in his time. The most important of these arose out of a dispute about Temple lands between the Earl's 'cousin,' Mr. John Graham of Hallyards, one of the Senators of the College of Justice, and Sir James Sandilands of Slamannanmuir. On 13 February 1592-93 Sandilands, in company with the Duke of Lennox, 'purposing, as it was said, to pass to Leith to play at the goffe,' encountered Graham and a retinue of servants in Leith Wynd, and in the affray which followed, Graham was killed.<sup>6</sup> Just two years later, on 31 January 1594-95, the Earl of Montrose, and the Master, his son, who deeply resented the death of Graham, unfortunately met with Sandilands in the High Street of Edinburgh at the

<sup>1</sup> *P. C. Reg.*, vii. 22, 23 n. <sup>2</sup> *Second Rep. Hist. MSS. Com.*, App. 168. <sup>3</sup> *Ibid.* The commission is very beautifully engraved and illuminated, and the Great Seal appended to it is enclosed in a box having the royal arms on one side and the arms of Montrose on the other. <sup>4</sup> Original Writ, Buchanan. <sup>5</sup> *P. C. Reg.*, iv. 453, 509; vi. 101, 151, 403. <sup>6</sup> Brunton and Haig's *Senators*, 193; Rymer's *Fœdera*, xvi. 194.

Salt Tron, both parties being well supported by friends and followers, and 'fought a combat' in which Sandilands was severely wounded, and his friend Crawford of Kerse, a relation of Hugh Campbell of Loudoun, the Sheriff of Ayr, slain.<sup>1</sup> This affair, which is referred to in the Privy Council records as 'the unhappy accident' between the parties, caused a great sensation, 'the King being in the Tolbooth at the time,' and it led to bad blood between the Montrose and Loudoun and Crawford families, occasioning both the Earl and his son being from time to time put under caution to keep the peace.<sup>2</sup>

The third Earl of Montrose is said by Scotstarvit to have been 'altogether void of learning.' This statement of an ill-natured chronicler is perhaps not altogether inconsistent with the fact of its subject having taken part in the government of his country from the age of seventeen, nor yet with the summary of his character given to Queen Elizabeth by her agent in Scotland in the time of the Morton regency—'a gallant young gentleman, valiant, greatly allied, of great power, very well beloved, and greatly followed,' and again, 'a man of spirit and action.'<sup>3</sup> He was unable on account of ill-health to preside in the Parliament on 3 August 1607, the Duke of Lennox taking his place.<sup>4</sup> He died at his place of New Montrose 9 November 1608, at the age of sixty-one,<sup>5</sup> and, presumably in virtue of his eminence as a statesman, was accorded burial in the Church of St. Giles, Edinburgh.<sup>6</sup>

He married, in his sixteenth year (contract 24 August 1563),<sup>7</sup> his second cousin Jean, eldest daughter of David, Lord Drummond, the discharge for her tocher of 6000 merk's being granted by his grandfather the second Earl.<sup>8</sup> The Countess died in 1595, and was buried at Aberuthven.<sup>9</sup> The children of the third Earl of Montrose were three sons and a daughter, viz. :—

1. JOHN, fourth Earl of Montrose, who succeeded him.
2. *Sir William Graham* of Braco, Knight and Baronet, who had a blench charter from his father of the

<sup>1</sup> *P. C. Reg.*, v. 201, 211, 212, 222. <sup>2</sup> *Ibid.*, v. 206, 387, 537. <sup>3</sup> *Cal. State Papers*, v. 386, 575. <sup>4</sup> *P. C. Reg.*, vii. 425 n. <sup>5</sup> *Ibid.*, viii. 190 n. <sup>6</sup> Napier's *Memoirs*, ii. 835; Nicoll's *Diary*, 331. <sup>7</sup> Original Writ, Buchanan. <sup>8</sup> Original Writ, Drummond Castle. <sup>9</sup> Miss L. Graeme, *Or and Sable* (1903), 'From a rare vol. now out of print.'

lands of Braco, Drummawhance, and others, dated in 1585, and a liferent grant from his elder brother of the lands of Killearn Iberty and Wester Carlestone in 1590.<sup>1</sup> He was created a Baronet of Nova Scotia 28 September 1625. In 1627 he purchased from his nephew, the fifth Earl, and his curators the barony of Airthray, the incumbrances on which he had previously acquired.<sup>2</sup> He married, first, Margaret Keith, daughter of William, Lord Keith (*see title Marischal*), and widow of the Laird of Ludquhairn, by whom he had no children; and secondly, after 1609, Mary Edmonstone, daughter of Sir James Edmonstone of Duntreath, and widow of John Cunningham of Cunninghamhead, by whom he had an only son:<sup>3</sup>—

*Sir John Graham*, second of Braco, served heir-general to his father 23 January 1636. Sir John married Margaret, daughter of Sir Dugald Campbell of Auchinbreck, and had by her:—

*Sir William Graham*, third of Braco, served heir in Braco and others 9 October 1647; *James* and *Robert*, who died young, without issue; and *Grizel*, married to Sir James Keith of Powburn.<sup>4</sup> Sir William Graham last mentioned married Marie Cowan, daughter of Mr. John Cowan of Tailzartoun, Provost of Stirling, and had by her two sons:—

*Sir James Graham*, third of Braco, and *John*, who both died young.<sup>5</sup> On the death of Sir James in 1689, the fourth Marquess of Montrose succeeded to Braco as heir-male (Airthray had been sold by the third baronet to Sir James Hope of Hopetoun in 1659), and obtained a discharge from Dame Grizel Keith of any claim she might have upon the succession, 23 November 1692.<sup>6</sup>

3. *Sir Robert Graham* of Scotston, who was infeft by his father in Scotston, Wardropton, and various other lands in Kincardineshire, Forfarshire, Perthshire, and the burgh of Auchterarder, 28 December 1590,<sup>7</sup> and as 'filius natus minimus Joannis Comit'is

<sup>1</sup> Original Writs, Buchanan. <sup>2</sup> *Ibid.* <sup>3</sup> *Gen. of Ho. of Drummond*, 172, corroborated by Original Writs, Buchanan; but see *Lairg Charters*, No. 1958 (1624), which seems to instruct a third marriage to Margaret Cockburn, widow of Alexander Home of Renton. <sup>4</sup> *Gen. of Ho. of Drummond, ut supra*, corrected by Original Writs, Buchanan. <sup>5</sup> *Ibid.*; *Greyfriars Burial Records*, Scot. Hist. Soc., 260. <sup>6</sup> Original Writs, Buchanan. <sup>7</sup> *Ibid.*

de Montrose' had a charter to himself and Anne Lindsay, his future spouse, eldest daughter of Alexander, Lord Spynie, of the lands of Innermay and Muckersie in Perthshire, which his father had purchased for him from the Earl of Atholl in 1604, dated 7 March 1607.<sup>1</sup> Sir Robert contracted numerous debts, in satisfaction of which he conveyed Scotston and the other lands in which he was first provided to his brother the fourth Earl,<sup>2</sup> and dying in 1617 without issue, his brother the Earl was served heir of provision to him in Innermay 7 October 1617.<sup>3</sup>

4. *Lilias*, married (contract dated at Kincardine, Airth, and Callander 12 and 13 January 1585-86) to John, Lord Fleming,<sup>4</sup> afterwards first Earl of Wigton, and had issue.

VI. JOHN, fourth Earl of Montrose, was born in the year 1573,<sup>5</sup> and while yet a child was put in the fee of his father's baronies and estates by two charters under the Great Seal dated 23 May 1581.<sup>6</sup> These charters, in view of the general revocation executed by James VI. on his attaining majority, were ratified by the King in Parliament 1587, and, along with a charter of Braco in 1587, were again so ratified 1592.<sup>7</sup> While fiar of Montrose the fourth Earl appears to have lived chiefly in the west country, at Mugdock and in Glasgow, where for a time he owned a house.<sup>8</sup> As 'Magister de Montrois' he sat in the Parliament held at Perth in March 1596,<sup>9</sup> and in the pageants connected with the Parliaments held by his father as Great Commissioner in 1604 and 1606 he carried the Great Seal.<sup>10</sup>

The part taken by the fourth Earl, when Master of Montrose, in the 'accident' with Sir James Sandilands has been already mentioned; but the career thus stirringly begun proved to be one of the least eventful in the family annals. On 25 September 1609 he obtained a licence from the Privy Council to go abroad, and this licence was renewed on 22 June 1613 'because through sickness and other causes he has been unable to use the former privi-

<sup>1</sup> *Reg. Mag. Sig.*, at date. <sup>2</sup> Original Writ, Buchanan. <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.*  
<sup>5</sup> *Cal. of State Papers*, iv. 549. <sup>6</sup> Original Writ, Buchanan. <sup>7</sup> *Acta Parl. Scot.*, iii. 474, 592. <sup>8</sup> Original Writ, Buchanan. <sup>9</sup> *Acta Parl. Scot.*, iv. 109.  
<sup>10</sup> Napier's *Memoirs*, i. 7.

lege,'<sup>1</sup> but it does not appear that the journey was ever undertaken. He was present in the Parliaments of 1609 and 1617.<sup>2</sup> Appointed a lay member of King James's Court of High Commission, which became so unpopular with Presbyterians, in 1616 he represented the King as Commissioner at the famous General Assembly of the Kirk held at Aberdeen, and he was to have been Commissioner at the St. Andrews Assembly in the following year, but excused himself on the ground of ill-health.<sup>3</sup>

The Earl being aggrieved at the precedence granted to Hugh, Earl of Eglinton, by the decret of ranking by the Commissioners for ranking the nobility, dated 5 March 1606, entered into two contracts with Alexander, Earl of Eglinton, the one dated 17 June 1617 and the other 27 November 1620, by which the last-mentioned Earl acknowledged that the precedence belonged of right to the Earl of Montrose, and therefore quitted the same in his favour, the Earl of Montrose, on the other hand, obliging himself to assist and defend the Earl of Eglinton in his rank against all other Earls postponed to him by the decret.<sup>4</sup> The two earldoms were both the creation of James IV., but that of Montrose was certainly the earlier in date.

The Earl acquired, from Robert Graham of Auchinhowie, the lands of Auchincloich and Auchinhowie in the Lennox, and from his own brother, Sir Robert Graham, Scotston in the Mearns and Innermay in Perthshire, but the last-mentioned estate he immediately sold. He held no office of state under James VI., perhaps owing to his relationship to the Ruthvens; but Charles I., by a warrant dated at Whitehall 15 March 1626, appointed him president of the Privy Council of Scotland.<sup>5</sup> Another mark of the new sovereign's favour was a mandate to the High Treasurer of Scotland, whereby the King, being informed that the Earl of Montrose was to put his son in the fee of his whole lands for the good service done by the Earl to the late King and himself, required the Treasurer 'to receive his said son our immediate tenant in the said lands, and give way to his infeftment, that it may be

<sup>1</sup> *P. C. Reg.*, viii. 363, x. 87. <sup>2</sup> *Acta Parl. Scot.*, iv. 405, 524. <sup>3</sup> *P. C. Reg.*, x. 437, 598 n.; xi. 255, 270 n. <sup>4</sup> *Second Rep. Hist. MSS. Com.*, App. 168. <sup>5</sup> *Ibid.*



expede through our seals, according to this order, with all expedition.' The mandate is dated at Whitehall 14 November 1626, but on that very day the Earl died at Kincardine.<sup>1</sup> He was buried at Aberuthven 3 January 1627.<sup>2</sup>

The fourth Earl of Montrose married (contract dated at Dunkeld 12 December 1593) Margaret Ruthven, second daughter of William, first Earl of Gowrie,<sup>3</sup> and by her, who predeceased him, being buried at Aberuthven on 15 April 1618,<sup>4</sup> he had issue one son<sup>5</sup> and six daughters:—

1. JAMES, fifth Earl and first Marquess of Montrose, who succeeded.
2. *Lilias*, married (contract dated at Mugdock 30 June and 6 July 1620) to John Colquhoun, afterwards Sir John Colquhoun, Baronet, of Luss, and had issue.<sup>6</sup>
3. *Elizabeth*,<sup>7</sup> who died in infancy.
4. *Margaret*, married (contract dated at Kincardine 15 April 1619) to Sir Archibald Napier of Merchiston, afterwards created Lord Napier, and had issue.<sup>8</sup>
5. *Dorothea*, married in April 1628 (contract dated 28 February) to Sir James Rollo, younger of Duncrub, and dying without issue, 16 May 1638, was buried in the Abbey Church of Holyrood.<sup>9</sup>
6. *Katherine*.<sup>10</sup>
7. *Beatrix*, baptized at Perth by the Bishop of Dunblane 7 March 1615,<sup>11</sup> married to David, third Lord Madderty, and had issue.

The fourth Earl of Montrose had also a natural son, *Sir Harry Graham*, whose mother is not known, but she was probably a Perthshire lady. There has lately been discovered a cancelled bond of provision, dated Kincardine 21 January 1643, whereby his brother the great Marquess

<sup>1</sup> Napier's *Memoirs*, i. 24. <sup>2</sup> *Ibid.*, i. 25. <sup>3</sup> Original Writ, Buchanan. <sup>4</sup> Napier's *Memoirs*, i. 6. <sup>5</sup> It is probable that the Earl had another son who may have been called John after the Great Commissioner, and who died young. There is an old worn stone in the floor of Strathblane Church in front of the pulpit, which bears the Montrose arms and the date 1604. Mr. Guthrie Smith regards it as 'a memorial of the dead' (*Parish of Strathblane*, 236); but it may have had something to do with the division of the church carried through in that year. <sup>6</sup> Napier's *Memoirs*, i. 14. <sup>7</sup> Test. of fourth Earl, dated at the burgh of Montrose 31 December 1612, at Buchanan. <sup>8</sup> Napier's *Memoirs*, i. 11. <sup>9</sup> *Ibid.*, i. 35. <sup>10</sup> For her sad history see Napier's *Memoirs*, i. 75-85. <sup>11</sup> *Ibid.*, i. 7. Quaintly alluded to in an early factorial account as the 'bairn Beatrix.'

(then Earl) of Montrose, 'for the special love and favour' which he bore towards him, 'and for his better assistance in prosecuting his fortunes,' became bound to pay him the sum of 6000 merks Scots with annualrent till paid.<sup>1</sup> That Harry Graham adopted the military profession may be inferred from his being mentioned as one of the prisoners taken at the storming of Newcastle on 19 October 1644.<sup>2</sup> With other prisoners he was sent to Edinburgh, and kept in confinement there till released after the battle of Kilsyth, August 1645. He thereafter followed the fortunes of his illustrious brother, but escaped his tragic fate by being left behind in Orkney in 1650. In the account of the 'True Funerals' of the great Marquess 11 May 1661 he is described as riding in the procession in complete armour, carrying on the point of a lance the colours of the house.<sup>3</sup> No mention of him of a later date has been discovered.

VII. JAMES, fifth Earl, and afterwards first Marquess of Montrose, the hero of one of the most brilliant campaigns in the history of warfare,<sup>4</sup> was born in the year 1612, probably in the 'place of New Montrose,' the family mansion in Montrose burgh.<sup>5</sup> As we have seen, the death of his father prevented his being put, with the approbation of Charles I., in the fee of the family estates; the miscarriage of the plan was compensated in some measure by a royal gift to the young Earl of his ward and marriage. On 28 March 1627 he was served heir of his father in the lands, barony, and earldom of Old Montrose and the various other lands and baronies in the counties of Forfar, Perth, and Stirling.<sup>6</sup> Having received his early education at Glasgow, under a pedagogue, Mr. William Forrett, who afterwards became his chamberlain or master of the household, Montrose matriculated at St. Leonard's College, St. Andrews, on 26 January 1627, and remained nearly three years at that university, gaining the silver arrow for archery in

<sup>1</sup> Original Writ, Buchanan. <sup>2</sup> Spalding, ii. 283. <sup>3</sup> Napier's *Memoirs*, ii. 521, 562, 642, 831. <sup>4</sup> *Ibid.*, and *Second Rep. Hist. MSS. Com.*, App. 168-177 *passim*. <sup>5</sup> This house was sold by Montrose's tutors to James Scott of Logie. In the year 1638 he made an attempt to recover it by legal process, apparently without success. Original Writs recently discovered at Buchanan. <sup>6</sup> Original Retour, Buchanan.

1628.<sup>1</sup> In both these matters he followed, at the distance of five years, Archibald, Lord Lorne,<sup>2</sup> who, by so much his senior in age, was to become, as Earl and Marquess of Argyll, his great rival and enemy. In May 1628 he had at St. Andrews a serious illness, but neither this nor his devotion to archery, golf, and field sports prevented him from there laying the foundation of the excellence in scholarship which afterwards distinguished him. His university education was terminated by his marriage at the early age of seventeen; and, in accordance with a curious condition in his marriage-contract, Kinnaird Castle, the home of his father-in-law David, Lord Carnegie, became his ordinary residence from 1629 to 1632. The late Earl had left a not inconsiderable heritage of debts: to clear off these, Airthray, or rather its reversion, was sold to Sir William Graham of Braco in 1627, and Scotston to Arthur Straton of Kirkside in 1630; and, between the years 1630 and 1632 the Earl and his curators 'for certain sums of money' converted almost the whole of the kindly tenancies of the ancestral baronies of Mugdock and Dundaff into feu holdings.<sup>3</sup> We may perhaps trace the mind of the young Earl in the obligations imposed on the Stirlingshire cultivators, thus transformed into 'bonnet lairds,' to attend and wait upon the Earls of Montrose present and to come or their deputies in times of war and trouble and insurrection in the country, and at 'frayes and followings,' and also to ride and go at any time with the Earl for 'help and defence of his Lordship and his friends, their honour, life, lands, goods, and geir.'

The young Earl was 'furth of Scotland' from the end of 1632 to the beginning of 1637, and so missed taking his place in the Parliament held by Charles I. in person, and at the coronation of the King, in the year 1633. From the number of charters, writs, and documents which he executed at Edinburgh between the 20 and 22 days of October 1632, including contracts of sale of Cowgask and Huntingtower,<sup>4</sup> we may suppose the last-mentioned date to have been the eve of his departure. The statement of Saintserf,<sup>5</sup> that he spent three years in France and Italy, perfecting his educa-

<sup>1</sup> *Proc. Soc. of Antiq. Scot.*, xxviii. 343. <sup>2</sup> Vol. i. of this work, 351.

<sup>3</sup> Original Writs, Buchanan. <sup>4</sup> *Ibid.* <sup>5</sup> Quoted by Napier.

tion in languages and other branches of study, and in all the manly exercises then in vogue, is confirmed by a series of discharged bonds and bills drawn by him abroad, chiefly upon William Dick of Braid, merchant burghess of Edinburgh, through the latter's 'factors' in Paris, and retired by the Earl's 'honourable friends' in Scotland having his commission for managing his affairs in his absence.<sup>1</sup> These documents, which date at Paris from 10 March 1633 to 13 December 1635, also instruct that he was accompanied in his tour by a kinsman John Graham, son of Sir Robert Graham of Morphie, and as 'servitor' or secretary by Mr. John Lamy, who had been his purse-master at St. Andrews, and was afterwards minister of Maryton. They also tell us that he spent the winter of 1633-34 at Angers, doubtless attending the famous school of arms of the French monarchy in that town. The records of the English College at Rome inform us that 'on the 27th of March 1635 two Scottish Earls, Angus and Montrose, in company with other four noble gentlemen of that nation, were entertained in our refectory with all the honours due to their rank.' The autumn of 1635 was spent in Paris, and by 1 February 1636 Montrose was again at Westminster.

The statement that the young Earl upon appearing at Whitehall met with a cold and forbidding reception by the King, and that this was due to an intrigue by the Marquess of Hamilton,<sup>2</sup> may not be wholly untrue; but that he hastened home on that account is incorrect, as he does not appear to have returned to Scotland and assumed for the first time the full management of his estates till the year 1637.<sup>3</sup> He had scarcely done so, when the troubles arising from the attempt of the King and Archbishop Laud to enforce the use of the new service-book broke out, and he joined the ranks of 'the supplicants' against that measure,<sup>4</sup> becoming a Lord of the Tables 15 November 1637. He headed the list of subscribers to the 'contribution' levied by the party in February 1638,<sup>5</sup> and was one of the most zealous supporters of the National Covenant

<sup>1</sup> Recently discovered at Buchanan. <sup>2</sup> Napier, quoting Heylin's *Commentary on L'Estrange*, i. 205. <sup>3</sup> *Original Writs*, Buchanan. <sup>4</sup> *Baillie's Letters*; *Spalding's Hist. of the Troubles*, *passim*. <sup>5</sup> *Rothes' Relation*, 80, 81.

in the same month, and a prominent lay member of the famous Glasgow Assembly in November. In March of the following year he had command of the forces sent to the north against the town of Aberdeen, which he obliged to take the Covenant, bringing the Marquis of Huntly and his son Lord Gordon prisoners to Edinburgh. Active resistance to the Covenanters being revived by Viscount Aboyne, Huntly's second son, Montrose once more marched north, and, defeating Aboyne at the Bridge of Dee on 19 June, again occupied Aberdeen, but further hostilities were obviated by news of the pacification of Berwick 18 June 1639. The Earl of Montrose was one of the noblemen who paid their respects to the King at Berwick after the pacification.

The success of the Covenanters led the more extreme members of the party, in the General Assembly and Parliament of August 1639, when the abolition of Episcopacy decreed by the Assembly of 1638 was confirmed, to take up a position against the royal prerogative which Montrose could not accept. He did not, however, as yet break with them, and in the army which was raised to invade England had the command of two regiments, raised chiefly from his own estates in Angus and Strathearn, and largely at his own expense. He led the van of the army through the Tweed, dismounting and fording the stream on foot, and was present at the victory, such as it was, of Newburn, 28 August 1640. He retained his commission in the Scots army while it lay at Newcastle, during the protracted negotiations with the King, which commenced at Ripon on 1 October 1640, and were concluded at London in August 1641, but was frequently in Scotland. In this interval the differences between him and the 'prime Covenanters,' of whom Argyll was now the unquestioned leader, widened into an irreparable breach. Montrose had, at Cumbernauld, in August 1640, induced his cousin, the Earl of Wigton, and seventeen other noblemen, to sign with him a 'band' which, while recognising the authority of the Covenant, obliged the subscribers to stand together in defence of religion, King, and country, menaced by the 'particular and indirect practising of a few.' Rightly or wrongly, Montrose accused Argyll of aiming at the deposition of

the King and the dictatorship. The influence of Argyll was, however, all-powerful; the Cumbernauld 'band,' being discovered and given up, was publicly burned by order of the Estates, January 1641; and Mr. John Stewart of Ladywell, the witness brought forward by Montrose against Argyll, was thrown into prison, and recanting there under pressure, was executed some months later. About the time of Ladywell's confession, on 11 June 1641, Montrose, along with Lord Napier, Sir George Stirling of Keir, and Sir Archibald Stewart of Blackhall, was committed a prisoner to the Castle of Edinburgh on the allegation of a plot, the particulars of which the party in power found great difficulty in formulating, notwithstanding repeated examinations of the prisoners and a search for incriminating matter in Montrose's charter-room and repositories at Kincardine, Old Montrose, and Mugdock. The King arriving in Edinburgh on 14 August to hold Parliament, Montrose and his friends were served with a libel of interminable length, which in effect charged them with two inconsistent offences—corresponding with the enemy, who was the King himself, and insulting and vilifying His Majesty. The charge made against Montrose in the earlier editions of Clarendon's *History*, that he at this time came secretly to the King and offered to do away with Hamilton and Argyll, then acting in concert, and with Hamilton's brother Lanark, is entirely inconsistent both with the knowledge we have of Montrose's character and with his situation at the time as a state prisoner. The temporary withdrawal of Argyll, Hamilton, and Lanark from Edinburgh, upon the allegation of a conspiracy against them, commonly called 'the Incident,' is not, it may be added, connected with Montrose's name by any contemporary account. It being impossible to prove the libel against Montrose and his friends, they were liberated in November 1641 on bail for their reappearance, but the proceedings soon after dropped. Montrose, now finally severed from the ruling party in the Government, retired to his estates, and for two years was chiefly occupied in attending to his private affairs, selling more land, and, with the generous assistance of his kinsmen, borrowing money in every direction for the payment of his numerous creditors, and for the prosecution of a part

in the Civil War, which he must now have seen was at hand.<sup>1</sup>

King Charles, two days after raising the royal standard at Nottingham on 25 October 1642, wrote to Montrose soliciting his advice and assistance, and at the same time the latter received and rejected overtures of reconciliation from Argyll and his party, the sincerity of which, accompanied by an offer to pay his debts, may be doubted. Montrose, in February 1643, proceeded to Newcastle with his royalist friends Ogilvy and Aboyne, and, meeting the Queen on her arrival from Holland at Burlington, accompanied her to York. He there proposed to her Majesty a plan to frustrate the intention of the Scots Estates to send an army to support the English Parliament by a counter demonstration in Scotland, but this proposal was defeated, it is said, by the influence of the Marquess of Hamilton, and Montrose was refused a commission from the King at that time. He returned to Scotland and again lived privately, not without further advances from the Covenanting party, till the progress of events proved the futility of Hamilton's assurances of his ability to keep his countrymen neutral, and the Solemn League and Covenant of 1643, always denounced by Montrose, being entered into, Leslie, now Earl of Leven, again led a Scots army across the Tweed, in support of the English Parliament, 15 January 1644. Upon this event Montrose hastened to the King at Oxford, where he was welcomed, and received a commission, dated 1 February, to be Lieutenant-General in Scotland under Prince Maurice, the King's nephew. In the month of March he was present at the skirmish of Bowdenhill between the Marquess of Newcastle and Leven, and in the following month, with a scanty force, entered Scotland and raised the royal standard at Dumfries, but was compelled to retreat on the approach of a Covenanting army under his old friend and fellow 'bander' the Earl of Callendar.

At this juncture Montrose was created by King Charles **MARQUESS OF MONTROSE, EARL OF KINCARDINE, LORD GRAHAM AND MONTDIEU**. In the original warrant for the patent, under the royal sign-manual,

<sup>1</sup> Original Writs, Buchanan.

and countersigned by Sir Robert Spottiswoode, Oxford, 6 May 1644, the name of the new dignity was at first left blank, and the title of Marquess of Montrose only has since been inserted; but that the minor titles above enumerated were understood to be also granted is certain from the fact that the Marquess used them all, at least on occasions of particular solemnity, during the short remainder of his life. The change of 'Mugdock' into the more euphonious 'Montdieu' was not intended to be restricted to the title—for in an inventory of writs, dated in 1650, recently discovered,<sup>1</sup> the name 'Montdew' is used throughout, where 'Mugdock' occurs in the writs themselves. It is permissible to suggest that this change, which cannot readily be ascribed to the initiative of Montrose himself, was proposed by Queen Henrietta Maria, whose influence upon his views and actions was only excelled by that of the King himself.

The Marquess of Montrose now employed the force he commanded in the north of England in recapturing the castles or forts of Morpeth and Shields from the Scots, and relieving Newcastle, beleaguered by Leven; but in the end of June he was summoned to the aid of Prince Rupert, who, however, lost the battle of Marston Moor before his arrival, 2 July 1644. It had been arranged that the Earl of Antrim was to throw a body of Irish troops into Scotland in aid of Montrose's intended operations there. Despairing of forcing a passage to these auxiliaries, as originally proposed, Montrose now formed the bold resolution of making his way to them secretly, putting himself at their head, and trusting to his personal influence to raise in Scotland further forces to support them. Leaving the men he had lately commanded with Prince Rupert, and giving out that he was to join their Majesties at Oxford, he travelled northwards in the disguise of a groom, with only two companions, to the house of Tullibelton on the Tay, the residence of Patrick Graham, younger of Inchbrakie, who at once became his active adherent. Lord Antrim's Irish, only 1200 strong, who had landed in Scotland some six weeks before, under Alister Macdonald, called MacColl Keitache, or more commonly Col-

<sup>1</sup> Prefixed to a receipt by Montrose's 'friends' to the Earl of Tullibardine. Original at Buchanan.



kitto, and were hard pushed by Argyll, were now summoned to Blair Athole, where Montrose raised the royal standard. In a district which had only four years before endured a merciless 'pacification' by Argyll, and by the accession of his young kinsman, Lord Kilpont, eldest son of the Earl of Menteith or Airth, and others who were expected to oppose him, he was soon at the head of about 3000 men, who, however, were for the most part miserably armed and furnished. A well-appointed but ill-disciplined army of 6000 horse and foot which, under Lord Elcho, marched against Montrose from Perth was attacked and routed by him with the greatest ease at Tippermuir, on Sunday, 1 September 1644, losing all its artillery, arms, and baggage. Perth immediately surrendered to the victor, but Argyll approaching with a superior force, and the majority of the Highlanders deserting homewards with their plunder, Montrose found it necessary to evacuate that city. The mysterious murder of Lord Kilpont in his camp lost him that nobleman's personal following, and, after a demonstration against Dundee, he marched northwards to Aberdeen, being joined on the way by the Earl of Airlie, the mortal enemy of Argyll, with a small contingent of horse. Avoiding his old battle front of the Bridge of Dee, he crossed the river at Crathes, and, descending the left bank, completely defeated the northern Covenanters after a stiff fight of two hours between 'the Craibstone and the Justice Mills,' on Friday, 13 September. That the city was sacked in the pursuit was in a great measure the blame of the magistrates, who had refused terms and fired on Montrose's messenger, killing his drummer.

The career of the Marquess from this date to that of the battle of Philiphaugh, so fatal to his cause, is part of Scottish history, and need not be repeated here.

It may, however, be permitted to allude to the measures adopted by his enemies against his person and estates, which are scarcely adverted to by historians, or even by his biographer, Mr. Napier. On 22 April 1644 the place of Mugdock was raided by the Laird of Buchanan by the orders of the Committee of Estates.<sup>1</sup> On 26 April Montrose was excommunicated by the General Assembly,<sup>2</sup> and on

<sup>1</sup> *Acta Parl. Scot.*, vi. i. 184. <sup>2</sup> Wood's Douglas, ii. 241.

12 September following, a Proclamation was issued by the Estates setting a price of £20,000 Scots upon his head.<sup>1</sup> On 11 February 1645 Decrees of Forfeiture were pronounced against him, followed by the public 'rending' of his coat of arms in face of Parliament.<sup>2</sup> A commission was issued to Argyll to levy the rents of the estates of Mugdock and others in Stirlingshire, in satisfaction of a claim against the public, and a similar right over the Perthshire estates was given to the Earl of Tullibardine,<sup>3</sup> who obtained possession of the charter-chest, the liferent of the Marchioness of Montrose in the Forfarshire lands being, however, respected. Eventually Mugdock Castle and the greater part of that barony were disposed absolutely to Argyll, who, a few years later, conveyed them to his second son, Lord Neil Campbell, changing the name of the estate to Neilstoun. The Perthshire estates, and the reversion of those in Forfarshire, were disposed by Parliament to Sir William Graham of Claverhouse, who, however, truly acquired them in trust for the Marquess himself and his numerous creditors.<sup>4</sup>

After his defeat at Philiphaugh, on 13 September 1645, Montrose maintained himself and his followers for some time in arms, but the machinations of his enemies prevailed against him, and, exiled from Scotland by the King's command, he disembarked at Bergen in Norway, where he was well received, and spent some time in Denmark and Hamburg. In terms of his instructions from the King he made his way in the spring of 1647 to Paris to take orders from the Queen. He remained in France for more than a year, but was unable to effect anything in the King's interest. Montrose left France secretly in April 1648, rejecting a post in the French service, and made his way to Austria, and thence to Bohemia. At Prague he was received with distinction by the Emperor Ferdinand, who bestowed on him the baton of a Field-Marshal of the Empire. Furnished with a letter of recommendation to the Archduke Leopold, Governor of the Netherlands, and an authority to levy troops in the borders of Flanders, he again visited Denmark and North Germany, arriving in Brussels in the autumn of 1648.

<sup>1</sup> Copy Proclamation at Buchanan. <sup>2</sup> *Acta Parl. Scot.*, vi. i. 344.  
<sup>3</sup> *Ibid.*, vi. ii. 210; vi. i. 586. <sup>4</sup> Original Writs, Buchanan.

It was at Brussels in February 1649 that Montrose received the news of the execution of his royal master, and it is said that he fainted with the shock it inflicted on him, and on recovering shut himself up for two days, denying access to his most intimate friends. He then proceeded to the Hague and tendered his services to Charles II., writing to the same effect to the Queen mother, whose letters of acknowledgment have been preserved by his descendants. Prevailing for the time against the influence of the envoys to the Hague of the party in power in Scotland, he obtained from the young King a new commission, dated 4 March 1649, appointing him Lieutenant-Governor of Scotland and Captain-General of the Forces to be there raised or introduced. Montrose was also at this time on terms of familiar friendship with Elizabeth, Queen of Bohemia, the widowed sister of Charles I., then resident with her daughters at the Hague. The King now setting out for St. Germain, Montrose took leave of him at Brussels in July 1649, and, armed with letters of recommendation to the Emperor and other powers of Europe, set out on a mission to their courts with the object of raising men and supplies for a new campaign in Scotland. In fulfilment of this mission he visited Denmark, Sweden, Poland, Courland, and many of the minor states of the Empire, but the only material assistance he appears to have obtained was from Queen Christina of Sweden, who greatly admired him, and the King of Denmark. Montrose landed at Kirkwall from Gottenburg in the end of March 1650. The consciousness that this expedition was a forlorn hope may perhaps be traced in the motto he adopted for the occasion, inscribing it on his banners, and having it engraved for his signet, 'Nil Medium,' the same thought which prompted his famous lines:—

‘ He either fears his fate too much,  
Or his deserts are small,  
Who dares not put it to the touch  
To gain or lose it all.’

The event justified the foreboding. Landing in Caithness with a few hundred foreigners and Orkney men, he obtained no support on the mainland, and falling into an ambuscade at Corbiesdale, on the Oyckell, skilfully prepared for him by Colonel Strachan, the lieutenant of David Leslie, his little

force was cut to pieces with but faint resistance, 27 April 1650. Montrose was wounded and had his horse killed under him, but he was generously remounted by his friend Lord Fren draught, and along with the young Earl of Kin-noull and two others made good his escape for the time.

He was, however, arrested by MacLeod of Assynt, and was conducted from Tain, where Leslie received him, by Inverness, Forres, Elgin, Keith, Kinnaird (where he was allowed an interview with his two younger children), and Dundee, to Leith, on horseback, in the same mean habit in which he was taken, exposed by the way to the insults of a fanatical clergy. Taken to Edinburgh, he was condemned to death, and on 21 May 1650 he appeared upon the scaffold, erected in the High Street, on the east side of the Market Cross, dressed in a rich habit supplied by his friends, and with a serene and undaunted aspect addressed the people in vindication of his dying unabsolved by the Church. The insults of his enemies still pursued him. The history of his exploits was attached to his neck by his executioner, but he smiled at their malice, declaring that he wore it with more pride than he had the Garter; and when his devotions were finished, demanding if any more indignities were to be practised, he submitted calmly to an ignominious death.

The sentence pronounced against him was carried out to its full extent as regards the indignities ordered to be practised upon his remains after his death. Two days after his dismembered body had been laid in a dishonoured grave at the place of common execution,<sup>1</sup> some bold spirits, emissaries, it is said, of Lady Napier, the devoted wife of his exiled nephew, opened the grave by night, took out the heart, which they embalmed, put in 'a rich box of gold,' and sent to his son in Flanders.<sup>2</sup> After the Restoration his remains were collected and deposited in the abbey church of Holyroodhouse on 7 January 1661. There they remained till 14 May thereafter, when they were, with the greatest solemnity and magnificence, 'to

<sup>1</sup> The common scaffold then stood to the south-east of the East Meadow of Edinburgh. Hence the old name of Preston Street, 'the Gibbet Loan.'

<sup>2</sup> See as to the fate of this relic Napier's *Memoirs*, ii. 819.

counterbalance' (as a contemporary account has it) 'the height of malicious invention exercised on him to the full,' carried to the Cathedral Church of St. Giles, and there interred at the back of the tomb of his grandfather, the Great Commissioner.<sup>1</sup> Within the past few years, under the influence, it is understood, of a remark which fell from her late Majesty Queen Victoria, upon the absence of any memorial to Montrose in the church which contains his tomb, a handsome effigy and memorial window have been erected in the aisle in St. Giles' Cathedral which has long borne his name.

The first Marquess of Montrose married, at Kinnaird, 10 November 1629, Magdalen Carnegie, daughter of David, Lord Carnegie, afterwards first Earl of Southesk. Not fully in sympathy, it is said, with the political views of her illustrious husband, she, in 1644, withdrew from Kincardine to Forfarshire and lived with her two youngest children, partly at her jointure-house of Old Montrose and partly with her father at Kinnaird. In an account of the rents of Old Montrose, Maryton, and Fullerton, crops 1645, 1646, and 1647, recently discovered,<sup>2</sup> there are various entries of deliveries of victual by 'my lady's command,' including corn for her horse, and it is instructed that her ladyship was in Edinburgh after the reaping of the last-mentioned crop, 1647. In the disposition of her husband's lands by the Committee of Estates to Sir William Graham of Claverhouse, dated 21 February 1648, her liferent rights are reserved; but she seems to have died soon after, as the amounts appear to relate to her executry.<sup>3</sup>

The children of this marriage were:—

1. *John*, Lord Graham, born 1630. He was brought with his brother James to Perth by Sir John Graham of Braco after the battle of Tippermuir, and constantly accompanied his father thereafter, to prevent his falling into the hands of the Estates, until his death, after a short illness, at Bog of Gight (Gordon Castle),

<sup>1</sup> At the restoration of the Chapman aisle of St. Giles' Cathedral in 1879 no trace of the remains was discovered; *St. Giles', Edinburgh*, Dr. Cameron Lees, 272. <sup>2</sup> Original Writs, Buchanan. <sup>3</sup> The account of the death and burial of Lady Montrose in November 1645, accepted by Napier (ii. 615) on the authority of Burns's *Diary*, Maidment's *Historical Fragments*, is obviously inaccurate.

in February 1645. This promising youth, whose only known signature is attached to a bond executed by Montrose and his friends three days before the battle of Inverlochy,<sup>1</sup> was buried in the churchyard of Bellie, Banffshire.

2. JAMES, second Marquess of Montrose.
3. *David*, baptized 8 January 1638, at Montrose, died young, not improbably in November 1641.<sup>2</sup>
4. *Robert*, produced by the Earl of Southesk before the Committee of Estates in terms of an order, 19 April 1645, and two days later appointed to be delivered by the Earl 'to (Magdalen) Carnegy his mother, to be kept and entertained by her,' the Earl being exonerated of his trust. His father, on his way to his execution, was allowed an interview with him and his sister, May 1650. When his brother the second Marquess regained his estates in 1656, Lord Robert joined him and lived in family with him at Mugdock till the year 1663. He rode along with his brother in the pageant of their father's 'funerals' in 1661. It is not improbable that he latterly engaged in some foreign service, and that he died abroad in the year 1666, when various items for mourning appear in the family accounts without any corresponding mortuary charges. In any event he predeceased his brother the Marquess, Sir William Graham of Braco having the character of nearest agnate of the Marquess's heir in February 1669.
5. *Jean*, designed, in an assignation which she granted on 2 July 1686 of a provision in her parents' marriage-contract, 'Lady Jane Grahame, only lawful daughter procreat betwixt umquhile James, Marquess of Montrose, and umquhile Lady Magdalen Carnegy his spouse.' Her childish fortunes were linked with those of her brother Robert. Along with him she joined their brother the second Marquess at Mugdock, and lived there in family with him till his death. She then removed with the widowed Marchioness to Glasgow, and was intrusted with the management

<sup>1</sup> Original at Buchanan. <sup>2</sup> When Lady Montrose incurs an account to Alexander Caithness for light mournings. Original Writs, Buchanan.

of the household on a journey she took to London. In her will the Marchioness, who died in December 1672, recommends the care of her children 'while at the schools' to their aunt Lady Jean. In her later years Lady Jean Graham resided at Nether Liff, near Dundee. In a letter to the widow of her nephew, the third Marquess of Montrose, dated 30 June 1686, she mentions 'the present indisposition I am in,'<sup>1</sup> and she died at Liff soon after.<sup>2</sup>

VIII. JAMES, second Marquess of Montrose, was born in the year 1633, during his father's absence in France.<sup>3</sup> As already mentioned, he was brought to his father at Perth after Tippermuir, September 1644, but he was left at school at Montrose before the battle of Aberdeen. He had no sooner become Lord Graham, by the death of his elder brother in February 1645, than he was seized by the orders of the Committee of Estates and imprisoned with his tutor in Edinburgh Castle. Petitioning to be released on account of the plague, on 7 August 1645 an order was pronounced for his delivery to the Earl of Dalhousie to be educated, Lord Carnegie being security for his good behaviour. It is said by Saintserf that he at this time nobly refused to be exchanged lest it should cost his father the benefit of a prisoner. In the account of the rents of Old Montrose above mentioned, there is allowed from the victual of crop 1646, x bolls 1 firloft corn as 'delyvered . . . to my lord graime his horss.' The minutes of the General Assembly of date 4 December 1648, containing a recommendation as to the course to be taken for his college education, show that Lord Graham was then still in the power of the Estates; but he must shortly afterwards have escaped or been allowed to go to Flanders, where he was at his father's death. After this he was, with his servants, 'boarded and entertained' for two years by his cousin Captain Harry Graham, a grandson of the Rector of Killearn, who had been for some time an officer of a Scots regiment in the Dutch service, and from whom he no doubt received his

<sup>1</sup> Original Writs, Buchanan. <sup>2</sup> St. Andrews Tests, 14 July 1688.

<sup>3</sup> Saintserf mentions him as being 'not full twelve years old' at the time of the battle of Kilsyth, August 1645. Napier's *Memoirs*, ii. 563 *et passim*.

military education.<sup>1</sup> Being neglected by the exiled court, he returned, in 1652, to Scotland, and obtained possession, to some extent, of his Perthshire estates.<sup>2</sup> About the end of the following year, in response to a personal appeal by the exiled King, he joined in the ineffectual attempt of the Earl of Glencairn and General Middleton against the Commonwealth. From articles of capitulation entered into on his behalf by Sir Robert Graham of Morphie and John Graham, younger of Fintry, with General Monk, dated 23 September 1654, it would seem that he held a separate command. By these articles the Marquess, upon giving security within fourteen days to Colonel Ralph Cobbett, Governor of Dundee, for £3000, was allowed to enjoy his estates, both real and personal, so far as they had not been disposed of by the Parliament, without trouble or molestation, with liberty, within six months, to raise a regiment of 1000 foot for service abroad with any prince or state in amity with the Commonwealth of England, and to recruit once in three years.<sup>3</sup>

The Marquess was at this time almost without resources, but being generously assisted by his kinsmen and friends, he was enabled not only to buy back the castle and barony of Mugdock from the Marquess of Argyll and Lord Neil Campbell in 1655, and to settle there, when the place was made habitable (Kincardine Castle, burned by the army of the Estates in 1646, has never been restored), but also, in the following year, to purchase from David Graham of Fintry the lands of that name in Stirlingshire, which had also originally belonged to his ancestors. The tutors of John Graham of Claverhouse (afterwards the celebrated Viscount Dundee) at the same time reconveying to him the remainder of the family estates which the deceased Sir William Graham had acquired in trust from the Committee of Estates, subject to the encumbrances, the Marquess obtained a charter of his whole estates from the Lord Protector Cromwell, in which he is styled 'James

<sup>1</sup> Discharges by Captain Harie Graham 1657, and Major Harie Graham 1663, at Buchanan. See as to Captain, afterwards Colonel, Henry Graham, *The Scots Brigade in Holland*, 1899, i. 498 n. The suggestion that he was the same as Harry Graham, the brother of the great Marquess, is, of course, unfounded. <sup>2</sup> Sir Edward Nicholas to Hyde, 6 June 1652, *Nicholas Papers*, i. 302, and Original Writs, Buchanan. <sup>3</sup> *Ibid.*



Graham now ordinarily designed Marquess of Montrose,<sup>1</sup> dated 28 August 1656.<sup>1</sup>

The Restoration brought the change which might have been expected in the fortunes of the second Marquess of Montrose. He went to London and greeted the King, who, in part satisfaction of his father's losses, made him a grant of £10,000 sterling, payable by yearly instalments out of the customs of Glasgow, 26 September 1660.<sup>2</sup> His Majesty further, by a patent under the Great Seal, dated at Whitehall 12 October, ratified and confirmed the patent of Charles I. and of new created the Marquess and the heirs-male of his body Marquesses of Montrose, Earls of Kincardine, Lords Graham and Mugdock, with rank and precedence from 6 May 1644. In the Parliament which sat on 1 January 1661, and which, on 8 February rescinded the forfeiture of his father, the Marquess on 16 April obtained a decree against Argyll for £100,664, 3s. 4d. Scots, consisting of the rents of Mugdock and other lands intromitted with by Argyll, the price paid to the latter for the reconveyance of Mugdock and interest on the price. In part satisfaction of the debt the lordship of Cowall, in the King's hands by the forfeiture of Argyll, was disposed to the Marquess.<sup>3</sup> At the trial of Argyll for treason in May 1661, the Marquess of Montrose refused to vote, owning that he had too much resentment to judge in the matter.<sup>4</sup> A few years later he redispensed Cowall to the new Earl of Argyll, restored by the King to his father's original honours.<sup>5</sup>

The second Marquess of Montrose was served heir of his father on 30 May 1665, the titles upon which he had hitherto enjoyed his estates having rested upon rescinded Acts of Parliament, and in the following year he came to an arrangement with his friends, who had settled with the numerous creditors of his father, by which the whole debts, very carefully detailed and scheduled, were paid or secured. Unfortunately, this settlement necessitated the sale of the family estates in Forfarshire, Old Montrose, and Fullerton, which now finally passed out of the family, and the contraction of new liabilities.<sup>5</sup> The Marquess made his re-

<sup>1</sup> Original Writs, Buchanan. <sup>2</sup> *Ibid.* <sup>3</sup> *Acta Parl. Scot.*, vii. 168, 583.

<sup>4</sup> Burnet's *Hist.*, i. 226. <sup>5</sup> *Acta Parl. Scot.*, vii. 583. <sup>6</sup> Original Writs, Buchanan.

sidence at Mugdock Castle, which he enlarged and improved, and he there entertained the Earl of Middleton, the Commissioner, and some of the Council attending the Convention in Glasgow which has been called the 'Drunken Parliament,' October 1662.<sup>1</sup> He never held any office of state, but was appointed an Extraordinary Lord of Session 25 June 1668.<sup>2</sup> He was, according to Wood, 'a man of honour and probity, so great a lover of justice, and so strict in the observance of his word and promise, that none was ever more worthy of the title of an honest man. To distinguish him from his *great* predecessor, he was known as the *good* Marquess, a title by which he was long affectionately remembered.' He died at Mugdock in February 1669, aged thirty-five, and was buried at Aberuthven on 23 April following.<sup>3</sup>

The Marquess married (contract 15 and 30 November and 2, 4, 12, and 20 December 1656) Isabella Douglas, daughter of William, ninth Earl of Morton, and widow of Robert, first Earl of Roxburghe. After her husband's death she bought from Sir Ludovick Stewart of Minto his 'great mansion' in the Drygate of Glasgow, and made it her principal residence. The family inheritance being still much impoverished, she in May 1671 made a journey to London with her three eldest children, and presenting them at the Court, obtained for them, with the aid of the Earl and Countess of Lauderdale, substantial marks of royal favour. This excellent lady died on 16 December 1672: she was buried at Aberuthven on 23 January following.<sup>4</sup> They had issue:—

1. JAMES, third Marquess, who succeeded.
2. Charles, who, while on a tour, or series of visits, through the West of Scotland with his brother Lord Graham, contracted a painful illness, from which, after five months' suffering, he died at Glasgow on 25 February 1674. He was buried in Barony churchyard.

<sup>1</sup> J. Guthrie Smith's *Parish of Strathblane*, 28. <sup>2</sup> Brunton and Haig's *Senators*, 393. <sup>3</sup> Original Writs, Buchanan. <sup>4</sup> *Ibid.* For a notice of the quaint sermon preached at her funeral by John Paterson, minister, and afterwards Bishop, of Glasgow, see *Parish of Strathblane*, 29. There are several letters of this lady in the Lauderdale Collection in the British Museum. She was the last Marchioness of Montrose who subscribed her maiden name in the old Scots fashion.

3. *Anna*, married to Alexander, third Earl of Callender, and had issue. She died about 14 February 1709.<sup>1</sup>
4. *Jean*, married (contract 10 February 1679) to Jonathan Urquhart of Cromarty. Her husband's affairs becoming embarrassed, she returned to live with her brother, the third Marquess, and died at his house in the Canongate about 20 February 1683. She had a son *James*, who was brought up with the fourth Marquess, and became a colonel in the Army.<sup>2</sup>
5. *Grizell*, married, before 1688, to William Cochrane of Kilmaronock, and had issue. She died 30 June 1726.<sup>3</sup>

IX. JAMES, third Marquess of Montrose, born at Glasgow, 20 October 1657, received his early education there under the superintendence of Dr. Mathew Brisbane, in whose house he lived for some time, and at the University, where he matriculated in 1672.<sup>4</sup> By warrants dated 21 May 1671 and 9 April 1679 Charles II. continued to him the grants which had been made to his father out of the customs of Glasgow in aid of the losses sustained by the family through his grandfather's loyalty. Following the example of the great Marquess he finished his education in France, the royal licence to him to go abroad being dated 8 March 1676. The accounts of Robert Graham, brother of the Laird of Braco, his guardian and companion while abroad, show that he also studied the profession of arms at Angers.<sup>5</sup> Upon returning to London he appeared at court, and became so great a favourite that a report was spread that he was about 'to marry with the blood royal.' On 16 February 1678 he received a commission as captain of a troop of horse in the Duke of York's Regiment to be raised in Scotland, and invited his kinsman Claverhouse to be his lieutenant. On 26 October following the Marquess was appointed captain of the troop of Life Guards in Scotland in place of the Marquess of Atholl, Claverhouse succeeding to the command of his original troop. As captain of Life Guards the Marquess was with the Duke of Monmouth at the Battle of Bothwell Bridge, 22 June 1679.<sup>6</sup>

<sup>1</sup> Major Urquhart to Duke of Montrose, 5 May 1709. <sup>2</sup> Original Writs, Buchanan. <sup>3</sup> Dumbarton Register. <sup>4</sup> *Munimenta Univ. Glasg.*, iii. 125. <sup>5</sup> Original Writs, Buchanan. <sup>6</sup> Napier's *Dundee*, ii. 17, 233, and Original Writs, Buchanan.

William, Earl of Menteith and Airth, having no children, and his estates being heavily encumbered, was at this time designing to convey the reversion of his titles of honour and estates to some member of the Graham family who would be in a situation to preserve both. It was also the wish of the Earl that the person so selected should marry his cousin Isabella, daughter of Sir James Graham, his uncle, and only near heir-male. For this position, at least for the titles and estate, there was for a time a rivalry between the Marquess of Montrose and Claverhouse, but the former prevailed; and on 14 February 1680 the Earl conveyed to himself in liferent and the Marquess and his heirs-male in fee not only the earldom of Menteith and barony of Drymen and the barony of Airth, but also 'the stile, title of honour, and dignity of Earl of Menteith and Airth, Lord Kinpund and Kilbryde,' under burden of the debts secured on the estates, upon which charter resignation was made in the hands of the King at Newmarket 18 March 1680.<sup>1</sup> His Majesty, however, refused to allow the conveyance of the titles to pass, and, as that of the lands of Airth was dropped, the charter, which contained also the Marquess's own estates, upon his separate resignation, was limited, as regards the conveyance by the Earl of Menteith and Airth, to the earldom of Menteith and barony of Drymen, 2 May 1680.<sup>2</sup> This was a great disappointment to the Earl, who, when the charter was ratified in Parliament on 6 September 1681, protested against the ratification.<sup>3</sup> The Marquess did not marry the Earl's cousin, but it does not appear that his failing to do so disappointed the Earl so much as the lady herself and her mother.<sup>4</sup> The Marquess did not live to inherit Menteith, but he acquired by purchase from George Buchanan of that Ilk, and his creditors, in the year 1680, the barony of Buchanan,<sup>5</sup> which is now the principal estate and seat of his successors, and for varied beauties of situation is unsurpassed, if not unrivalled, by any in Scotland. He was obliged, however, in order to settle differences arising out

<sup>1</sup> Original Writs, Buchanan. <sup>2</sup> *Reg. Mag. Sig.*, at date. <sup>3</sup> *Acta Parl., Scot.*, viii. 257. <sup>4</sup> Menteith Letters, Buchanan. <sup>5</sup> Original Writs, Buchanan. By this purchase the Marquess regained the ancient estate of his family on Loch Lomond—the first proposal being indeed practically limited to that estate.

of this transaction, to grant in feu to Buchanan of Arnprior a fourth part of the barony, long since reacquired by the family.<sup>1</sup>

The Marquess was for a time President of the Council,<sup>2</sup> acted as Chancellor of the Jury at the trial of the Earl of Argyll on 12 December 1681,<sup>3</sup> and was appointed Sheriff of Dumbarton (the hereditary title to that office in the Lennox family being then in abeyance through the death of Charles, Duke of Lennox, and the lapsing of the Dukedom to the Crown *jure sanguinis*) and Justiciar or Bailie of the Regalities of Lennox and Glasgow, 21 February 1682.<sup>4</sup> He resided chiefly at the Canongate, and died there of a fever, to the general regret of the royal family and the nation,<sup>5</sup> 25 April 1684, aged twenty-six. He married Christian, younger daughter and co-heiress of John, Duke of Rothes, Chancellor of Scotland (marriage articles dated 9 June 1681<sup>6</sup>), a lady described by a contemporary as 'fair and graceful' and of 'debonnaire temper.'<sup>7</sup> She survived him, and married, secondly, in May 1687, John Bruce, younger of Kinross,<sup>8</sup> but without issue. She died at Edinburgh 21 April, and was buried 4 May, 1710. By her first husband she had an only child,

X. JAMES, fourth Marquess of Montrose, born about April 1682, who was served heir-male of his father on 18 February 1685.<sup>9</sup> The deceased Marquess had named as tutors to him his mother, the Earls of Haddington and Perth, William Hay of Drummelzier, and Sir William Bruce of Kinross, but on the death of Lord Haddington, and his mother's second marriage, the tutory was found by the Court of Session to be null, although the Marchioness and her husband offered to entertain the Marquess gratis, and at his age of ten years to give up to him 2000 merks of her jointure, 1 February 1688. This annulling of the tutory was thought to be a device of James VII. to have the Marquess brought up as a Roman Catholic, and Lords Harcarse and Edmonstone having voted against it, were deprived by the King 29 February.<sup>10</sup> If it was really the design of the

<sup>1</sup> Original Writ, Buchanan. <sup>2</sup> Crawford's *Peerage*, 348. <sup>3</sup> Fountainhall, i. 341. <sup>4</sup> Original Writ, Buchanan. <sup>5</sup> Napier's *Dundee*, i. 333 n. <sup>6</sup> Original Writ, Buchanan. <sup>7</sup> Napier's *Dundee*, iii. 706 n. <sup>8</sup> *Ibid.* <sup>9</sup> Original Retour, Buchanan. <sup>10</sup> Fountainhall, ii. 849 *et seq.*

King to have the Chancellor Perth appointed tutor-dative he did not carry it into effect. The nearest agnate of the Marquess, Sir James Graham of Braco, being under twenty-five years of age, James Graham of Orchill, the nearest agnate above that age, was served tutor-at-law 16 March 1688,<sup>1</sup> and administered the estate till 1696, when the Marquess became of an age to choose his curators. The mansion in Glasgow being the dower-house of his mother, the youth of the Marquess was spent between that city, where he received his education, and Kinross House, his stepfather's residence. Along with a young kinsman, Mungo Graeme of Gorthie, he completed his education by making the grand tour of Europe from September 1698 to August 1700,<sup>2</sup> and he returned home with the reputation of being one of the handsomest and most accomplished young noblemen in Scotland, uniting in his person the great qualities of the two families, Montrose and Rothes, from whom he derived his descent.<sup>3</sup>

While yet under age the Marquess received two considerable accessions to his estate, succeeding in 1689 to Braco by the death of Sir James Graham, of whom he was the heir-male, and in 1694 to the territorial earldom of Menteith and barony of Drymen by the death of the Earl of Menteith. He had barely attained majority when, in 1703, he succeeded, through the skilful negotiation of his friend Mungo Graeme, who was sent to London with that object, in purchasing from the disponees of Charles, Duke of Lennox and Richmond, the estates of Lennox and Darnley, which the Duke had inherited on the death of the celebrated Frances, Duchess of Lennox, and had immediately sold.<sup>4</sup> Mungo Graeme or 'Gorthie,' as he was generally addressed,<sup>5</sup> from this time, and for half a century onward, had the entire charge or oversight of the affairs of the Montrose family in Scotland, leaving the Marquess more free to pursue a political career. The estate of Lennox at that

<sup>1</sup> *Inq. de Tutela*, at date. <sup>2</sup> Original Records, Buchanan. <sup>3</sup> Macky's *Memoirs*, 192. <sup>4</sup> *Lennox Book*, i. 125. <sup>5</sup> He was some ten years older than the Marquess, also succeeded his father when an infant, and was Laird of Gorthie for the long period of eighty-one years. His grandfather was one of the few kinsmen of the great Marquess who actively assisted him. On 7 January 1661 he took down the Marquess's head from Edinburgh Tolbooth, and died the same night.

time comprehended a very wide right of superiority in Dumbartonshire and western Stirlingshire, and the Marquess was required to grant a bond to Queen Anne undertaking to sell their superiorities to such of the vassals as wished to buy them at a fixed rate. In order to effect this great purchase he feued out much of his Perthshire estates, including Braco.<sup>1</sup> He resigned the title, honour, and dignity of Marquess of Montrose and his whole estates in the hands of the Queen for new infeftment in favour of himself in liferent, and David, Lord Graham, his son, in fee, and received a new charter, extending the Marquessate to heirs-female, as well as heirs-male, 5 August 1706.<sup>2</sup>

The Marquess was appointed by Queen Anne High Admiral of Scotland 23 February 1705, and President of the Council 28 February 1706. He steadily supported the Union and the Protestant succession, received a holograph letter of thanks from the Queen with promise of further recognition of his services 22 October 1706,<sup>3</sup> and was, by a patent dated 24 April 1707, advanced to the dignities of DUKE OF MONTROSE, MARQUESS OF GRAHAM AND BUCHANAN, EARL OF KINCARDINE, VISCOUNT OF DUNDAFF AND LORD ABERUTHVEN, MUGDOCK AND FINTRY, with remainder to the heirs-male of his body, whom failing to the heirs-male provided to the title and dignity of Marquess of Montrose by former diplomas made and granted to his predecessors.<sup>4</sup> His Grace was one of the sixteen representatives of the Scottish Peerage chosen by the last Parliament of Scotland on 13 February 1707, and was rechosen at the general election for the British Parliament in 1708. He was appointed Keeper of the Privy Seal 19 February 1709; but was removed in 1713 by the Tory administration of the Earl of Oxford.

On the accession of King George I. the Duke arrived in London on 10 August 1714, in order to receive the King, who by commission dated 8 October appointed him one of the principal Secretaries of State in room of the Jacobite Earl of Mar, and at the same time Keeper of the Signet. In

<sup>1</sup> Original Writs and Records, Buchanan. <sup>2</sup> *Reg. Mag. Sig.*, at date.  
<sup>3</sup> Original at Buchanan. <sup>4</sup> *Ibid.*

the first-mentioned capacity he had, along with the Lord Justice-General, the Earl of Ilay, and the Justice-Clerk, Cockburn, the chief part in the civil administration of the government of Scotland during the Jacobite rising of 1715-16. Upon the termination of the struggle he was the recipient from all quarters of appeals on behalf of the unfortunate victims of the rising, and did much to mitigate the severity of their punishment.

The first Duke of Montrose will always be remembered in connection with the notorious Rob Roy. The whole story of their connection cannot be told here, but as to the history of Rob Roy's estate and the manner of its coming into the hands of the Duke, it may be stated that Rob Roy's estate of Craigrostan and Ardess was forfeited for his accession to the rebellion of 1715, and the Duke of Montrose acquired it in 1720 by open purchase from the Commissioners of Enquiry, and not, as has been generally asserted, by the use of legal diligence against Rob Roy.<sup>1</sup>

The Duke's services were much appreciated by George I., and he visited Hanover during one of that sovereign's residences there. Re-elected a Representative Peer in 1715 and 1722, he was appointed Sheriff Principal of Stirlingshire 29 June 1716, Lord Clerk Register 6 July 1716, Keeper of the Great Seal in Scotland 13 December 1716, and Lord-Lieutenant of Dumbartonshire 17 April 1717, and was sworn a Privy Councillor at St. James's 11 October 1717. Having been in his boyhood a subscriber to the African Company (Darien Scheme), his Grace had now the somewhat unfortunate distinction of being also a subscriber to the undertakings both of the York Buildings Company and the South Sea Company.<sup>2</sup>

Upon the accession of George II. the Duke of Montrose was again elected one of the Representative Peers 20 September 1727, and was re-appointed Lord-Lieutenant of Dumbartonshire, Sheriff-Principal of Stirling and Keeper of the Great Seal in Scotland by commission dated 24 October 1727. He continued to be a member of the government of Sir Robert Walpole till April 1733, when, having joined

<sup>1</sup> Original Writs, Buchanan. <sup>2</sup> On 1 March 1722 the Duke writes to Gorthie, 'My loss in these cursed stocks makes it ye more necessary for you to be verie exact in gathering in my rents.'



in the opposition to that minister's unpopular Excise Bill, he was deprived of the office of Keeper of the Great Seal. In the general election of the following year the Duke and his associated Peers lost their election at Holyrood, and the Duke of Montrose, who soon after fell into indifferent health, did not again sit in Parliament.

The Duke made his principal residence in Scotland at Glasgow, where in 1718-19 he built, upon the site of Sir Ludovick Stewart's house and two adjoining properties in Drygate, a large new mansion long known as 'Montrose's lodging.' Mugdock Castle became the residence of a cadet of the family, and Buchanan was at this time little more than a country house. His Grace was in 1714 appointed to his father's office of Bailie and Justiciar of the Barony and Regality of Glasgow during pleasure, and re-appointed for life 1717, which gave him a certain interest and control in municipal politics; and on 1 October 1714 he was elected Chancellor of the University. He died in London 7 January 1742, and was buried at Aberuthven on 12 February following.

He married (contract 31 March 1702) Christian, second daughter of David, third Earl of Northesk, who survived him, and died in Edinburgh on 25 May 1744, being also buried at Aberuthven. By her he had issue:—

1. *James*, Lord Graham, born 7 April 1703, died 2 March 1704.<sup>1</sup>
2. *David*, Lord Graham, born 8 June 1705, known as Marquess of Graham after 1707, and on 23 May 1722 created a Peer of Great Britain by the titles of EARL GRAHAM and BARON GRAHAM OF BELFORD in Northumberland, with remainder to his brothers William and George. He took the oaths and his seat in the House of Lords 19 January 1727. Always a delicate youth, he died of a rapid consumption at Cleay House, Norfolk, his father's English country seat, 30 September 1731, and was buried at Aberuthven.<sup>2</sup>
3. *Christian*, born 29 October 1706, died 30 May 1711.

<sup>1</sup> The dates of the births and deaths of the first seven children are taken from a memorandum at Buchanan. <sup>2</sup> Correspondence of the Duke of Montrose with Gorthie.

4. *Elizabeth*, born 23 April 1708, died 17 February 1711.
5. *John*, born 9 April 1709, died 19 March 1710.<sup>1</sup>
6. *James (secundus)*, born 26 March 1710, died 3 April 1711.
7. *Thomas*, born 7 March 1711, died 27 December 1711.
8. WILLIAM, who succeeded as second Duke of Montrose.
9. *Margaret*, born 5 June 1714,<sup>2</sup> died 1 April 1729.<sup>3</sup>
10. *George*, born 26 September 1715.<sup>4</sup> From his infancy of a sprightly and engaging temperament,<sup>5</sup> Lord George Graham entered the Royal Navy as a midshipman on the *Oxford* 8 June 1730. Passing his examination before the Commissioners 'with applause' he was appointed a lieutenant on 6 April 1734.<sup>6</sup> He was posted captain 15 May 1740, and in the same year was appointed Governor of Newfoundland. He saw much active service during the War of the Austrian Succession, and Aaron Hill wrote a poem to him on his action near Ostend 24 June 1745. There is at Buchanan Castle a portrait of Lord George Graham by Hogarth about quarter size. It represents his Lordship sitting in the cabin of his ship with part of his company, and is an example of the characteristic humour of the painter.<sup>7</sup> He is sometimes called of Dundaff, his father having conveyed to him that barony, by this time a mere superiority, with some similar subjects in Perthshire and Renfrewshire 27 February 1735.<sup>8</sup> In the general election of 1741 he was chosen member for the county of Stirling, and he continued to represent it till his death.<sup>9</sup> He died at Bath, unmarried, on 2 January 1747, having, by his last will and testament, dated 11 February 1744-45, bequeathed all his estate and effects to his 'dear and most honoured friend' Lady Mary Forbes, daughter of the Earl of Granard.<sup>10</sup>

XI. WILLIAM, second Duke of Montrose, was born at

<sup>1</sup> Buried in the New Kirk (St. Giles' Cathedral), Edinburgh. *Index to Genealogical Birthbrieves*, recorded in the Lyon Office (Scot. Record Soc.).  
<sup>2</sup> Glasgow Reg. <sup>3</sup> Buchanan Correspondence. <sup>4</sup> *Ibid.*, and Accounts.  
<sup>5</sup> Duke of Montrose from London to Gorthie, 8 May 1722, 'Lord George is mighty diverting, and takes much with everybody here.' <sup>6</sup> The same to the same, 13 April 1734. <sup>7</sup> Lord George in his will describes this painting as 'My conversation piece, drawn by Mr. Hogarth.' <sup>8</sup> Original Writs, Buchanan. <sup>9</sup> Foster's *Members of Parliament*. <sup>10</sup> Original at Buchanan.

Glasgow 27 August 1712, and in August 1723, along with his brother George, was placed under the tuition of the poet Mallet, who, in a letter to a friend, alludes to the brothers as 'sprightly and hopeful boys.' His young charges made the grand tour of Europe with Mallet. Choosing the military profession, Lord William Graham was posted in Colonel Derby's company of the Guards, 16 May 1730, but he retired from the service on the death of his elder brother, whom he succeeded as Earl Graham and Baron Graham of Belford, and in the courtesy title of Marquess of Graham. He took his seat in the House of Lords 17 January 1734. On 11 July 1739, riding with a single servant from London into Hampshire, he was attacked in a bye-lane not far from the ale-house called Tumbledown Dick near Farnborough, by two mounted highwaymen, who had that morning robbed the Salisbury coach. The more formidable of the two villains rode, pistol in hand, at Lord Graham, who drew his pistol and shot him through the head. The other rogue, seeing his comrade fall, left the servant and escaped by dismounting and disappearing in a wood.<sup>1</sup> The newspaper accounts of this adventure, which were somewhat exaggerated, created a great sensation at the time.

Upon the death of his father, Duke William was served heir to his brother, the deceased Marquess of Graham, in the family estates, 7 April 1742. On 15 April 1747 he was served heir of provision to his brother Lord George Graham in Dundaff, etc. Under the Act of 20 George II. c. 43, for the abolition of heritable jurisdictions in Scotland, his Grace was allowed as compensation for the sheriffship of Dumbartonshire £3000, the regality of Montrose £1000, the regality of Menteith £200, the regality of Lennox £578, 18s. 4d., and the regality of Darnley £800—in all £5578, 18s. 4d., in full of his claim of £15,000. He adhered to the political views of his father, giving the Government, through his factors, such aid as was in his power during the Jacobite rising of 1745-46, when his tenantry on the Highland border were greatly oppressed; but he did not himself take any active part in public affairs.

William, Duke of Montrose, was elected Chancellor of the University of Glasgow 21 January 1742. He sold the family

<sup>1</sup> Duke of Montrose to Gorthie, 14 July 1739.

mansion in Glasgow 1751, and a few years later added greatly to the House of Buchanan, being the first to lay out in something approaching its present scale the noble domain which surrounds it. It became his settled policy to concentrate his estate in that neighbourhood, and with this object he sold the property lands of Lennox, the whole lordship of Darnley, and lastly, in 1770, the ruined castle and remaining property lands of Kincardine, buying in place of them lands in Stirlingshire. His Grace had the misfortune, when yet but little past middle age, to suffer the affliction of blindness, which he bore with singular courage and patience. He resided chiefly in England, his country seat there being Petersham, and latterly Twickenham Park, where he died 23 September 1790. He was buried at Aberuthven.

The Duke married, at London, on 28 October 1742, Lucy, youngest daughter of John, second Duke of Rutland, and by her, who died at London 18 June 1788, aged seventy-one, and was buried at Aberuthven, he had, besides a son who was born and died on 20 January 1745, two children:—

1. JAMES, third Duke of Montrose.
2. *Lucy*, born at London 28 July 1751; married, at London 13 June 1771, to Archibald Douglas of Douglas, afterwards created Lord Douglas, and died 13 February 1780, aged twenty-eight, leaving issue.

XII. JAMES, third Duke of Montrose, born 8 September 1755; was educated at Trinity College, Cambridge, where he took the degree of M. A. in 1775. As Marquess of Graham he took a great interest in politics, his first essay in that direction being an attempt to bring over the county of Dumbar-ton to his family interest by the only method in which that could then be attempted, viz. a conveyancing operation on a large scale. His father made over to him the dukedom of Lennox, which, notwithstanding the effect of the bond to Queen Anne, still included the superiority of perhaps the greater part of the county. Expediting a Crown charter of the dukedom, dated 3 July 1779, the Marquess assigned to friends and adherents, in liferent, the superiorities of at least thirty estates giving votes for the county by the then

existing franchise. This would have been sufficient to carry the election in favour of his candidate, the Hon. George Keith Elphinstone (afterwards Admiral Viscount Keith), but unfortunately no less than fourteen of these superiorities had been included in one charter in favour of the then Sir James Colquhoun of Luss, who supported Lord Frederick Campbell, the candidate of the Argyll family, and successfully objected to the multiplication of superiors upon him; and at the general election of 1780 Captain Elphinstone was defeated. Sir James Colquhoun did not, however, win all the moves in this game,<sup>1</sup> and ultimately Captain Elphinstone obtained the seat upon a scrutiny, Lord Frederick withdrawing.<sup>2</sup> The Marquess was himself elected to the Parliament of 1780 as one of the members for Richmond, co. York. He procured the repeal of the clause in the Acts 1746, c. 39, and 1747, c. 51, which prohibited the Highlanders in Scotland from wearing their national dress. In this Parliament, which brought so great a change in English party government, he attached himself to Mr. Pitt, who had been his fellow-student at Cambridge, and with him, from being a moderate Whig, adopted those conservative opinions which have ever since distinguished his family. When, in December 1783, Mr. Pitt was sent for by the King to form a government, the Marquess of Graham was appointed a Lord of the Treasury. In the general election of 1784, which resulted so triumphantly for his leader, the Marquess, leaving Richmond, where he was opposed in the Whig interest by Charles Dundas, afterwards Lord Amesbury, was returned for the pocket borough of Great Bedwin, in Wiltshire. He was appointed President of the Board of Trade, 10 June 1784, joint Postmaster-General 13 July, and joint Paymaster of the Forces (an office formerly held by Mr. Burke) 6 August. At the general election of 1790 the Marquess was again returned for Great Bedwin, but the death of his father raised him to the Upper House as Earl Graham before he could take his seat.

Succeeding his father in September 1790, the third Duke

<sup>1</sup> *Chiefs of Colquhoun*, i. 365 *et seq.*, where, however, Sir William Fraser mistakes the political views which then actuated the parties respectively. <sup>2</sup> Irving's *Dumbartonshire*, vol. i. 335.

of Montrose was, in November following, appointed Master of the Horse; and in May 1791 he became a Commissioner for Indian Affairs, and was sworn a Privy Councillor. By a commission dated 14 January 1795 he was appointed Lord Justice-General of Scotland, and retained that ancient office till his decease, being the last layman to hold it. Upon this appointment he resigned the Mastership of the Horse. When a Whig administration took office in February 1806 the Duke was deprived of the Presidency of the Board of Trade and the joint Postmaster-Generalship; but on his friends once more coming into power he was again appointed Master of the Horse. He once more resigned that office in February 1821 on being appointed Lord Chamberlain in succession to the Marquess of Hertford. He resigned the last-mentioned office in 1827.

The Duke was in 1781 elected Chancellor of the University of Glasgow in succession to his father, was LL.D. of that University and a D.C.L. of the University of Oxford. He was appointed Lord-Lieutenant of Stirlingshire 1794, Colonel of the Stirlingshire Militia 1798, and Lord-Lieutenant of Dumbartonshire in 1813. He was made a Knight of the Thistle 1793, and obtained the Garter in 1812. He was appointed Captain-General of the Royal Company of Archers 28 September 1824. During the height of the excesses of the French Revolution he enrolled himself as a private in the City of London Light Horse, and cheerfully underwent all the duty imposed upon him by that situation. To the last he retained a keen interest in the local politics of the three counties where his estates, as concentrated by his father, were situated, particularly those of Dumbartonshire, where the contests, now become internecine between conflicting Conservative ambitions, were always interesting from the fact that any two of the great family interests, Montrose, Luss, and Duntreath, were generally able, by combining, to defeat the third. The Duke lived to see the system which made these contests possible swept away by the Reform Bill, but not to see a Conservative candidate returned by the popular vote, dying at London, at the age of eighty-one, on 30 December 1836. He was buried at Aberuthven, being the last of his family to be interred there.

The Duke, as Marquess of Graham, married, first, on

3 March 1785,<sup>1</sup> Jemima Elizabeth Ashburnham, eldest daughter of John, second Earl of Ashburnham, who died at London 17 September 1786, aged twenty-five, and was buried at Aberuthven; and, secondly, on 24 July 1790, Caroline Maria Montagu, eldest daughter of George, fourth Duke of Manchester, who survived him and died at Petersham, Surrey, on 26 March 1847, aged seventy-six and was buried there.

The only child of his Grace's first marriage was:—

1. *James*, Earl of Kincardine, born 4 September 1786; died 29 April 1787; buried at Aberuthven.<sup>2</sup>

The children of the second marriage were:—

2. *JAMES*, fourth Duke of Montrose.
3. *Montagu William*, born 2 February 1807; a captain in the Coldstream Guards, Member of Parliament under the old franchise for Dumbartonshire 1830 and 1831,<sup>3</sup> and in the reformed Parliament for Grantham, and afterwards for the county of Hereford; married, 14 February 1867, Harriet Anne, widow of George Astley Charles Dashwood, second son of Sir George Dashwood, Bart., without issue, and died 21 June 1878; his widow died 18 April 1884.
4. *Georgina Charlotte*, born 3 June 1791;<sup>4</sup> married, 26 July 1814, to George William, tenth Earl of Winchilsea; and died 13 February 1835, leaving issue.
5. *Caroline*, born 30 September 1792; died, unmarried, 24 March 1857.
6. *Lucy*, born 25 September 1793; married, 9 February 1818, to Edward, second Earl Powis; and died 16 September 1875, leaving issue.
7. *Martha*, born 26 January 1802; died young.
8. *Emily*, born 23 January 1805; married, without issue, to Edward Thomas Foley of Stoke Edith Park, county Hereford, whom she survived fifty-three years, dying 1 January 1900.

XIII. *JAMES*, fourth Duke of Montrose, D.C.L., born at London 16 July 1799, was educated at Eton and Trinity College, Cambridge, where he graduated M.A. 1819. As

<sup>1</sup> *Scots Mag.* <sup>2</sup> *Parish of Strathblane*, 19 n. <sup>3</sup> In 1830 Lord William was returned by the casting vote of the Chairman of the meeting of freeholders. <sup>4</sup> *Scots Mag.*

Marquess of Graham he was returned to Parliament as one of the members for Cambridge 1825, and represented that constituency for several years in the unreformed House of Commons, where he was a firm supporter of the Duke of Wellington's administration. Rather a practical man of business than an orator, he did not, after succeeding to the title, take a very prominent part in the proceedings of the Upper House. He, however, held office in each of the three administrations of the Earl of Derby, as Lord Steward of the Household February to December 1852, as Chancellor of the Duchy of Lancaster 1858-59, and as Postmaster-General 1866-68.

The Duke was sworn a Privy Councillor so early as 1821, and was at the time of his death the oldest member of the Council, with the exception of the late Lord Stratford de Redcliffe. In 1827 he was appointed honorary colonel of the Stirling, Dumbarton, Kinross, and Clackmannan Militia; in 1828 a Commissioner of the Board of Control, which office he held for three years, and in 1843 Lord-Lieutenant of Stirlingshire. On 12 March 1845 he was made a Knight of the Thistle. In 1837 he was elected Chancellor of the University of Glasgow in succession to his father.

The old Place of Buchanan having been in great part destroyed by fire in the month of January 1850, the Duke erected in its stead, on a commanding site in the park, the fine edifice in Scottish baronial style now known as Buchanan Castle. The foundation-stone was laid by the late Duchess of Montrose on 22 August 1854, and the building was completed in 1857. His Grace died at Cannes in the south of France on 30 December 1874, and is buried in Christ Church burial-ground, Cannes.

He married, at St. George's, Hanover Square, on 15 October 1836, Caroline Agnes, youngest daughter of John Horsley, second Lord Decies; she married, secondly, on 22 January 1876, William Stuart Stirling Crawford of Milton, who died 23 February 1883; and, thirdly, on 26 July 1888, Marcus Henry Milner, D.S.O., who survives her. She, who was well known in the racing world, died 16 November 1894.

The children of the fourth Duke of Montrose were:—



1. *James John*, Marquess of Graham, born 7 February 1845, died 31 January 1846.
2. *James*, Marquess of Graham, born 22 June 1847, lieutenant and captain 1st Life Guards, retired December 1871, died, unmarried, 3 April 1872, and is buried in the churchyard of Buchanan.
3. DOUGLAS BERESFORD MALISE RONALD, fifth Duke.
4. *Agnes Caroline*, born 19 April 1839, married 15 September 1859, to John Murray of Touchadam and Polmaise, lieutenant-colonel Grenadier Guards, and died, without leaving issue, 8 May 1873. Colonel Murray died 11 August 1903.
5. *Beatrice Violet*, born 13 February 1842, married, 15 December 1863, to Algernon William, second Lord Greville, and has issue.
6. *Alma Imogen Leonora Carlotta*, born 7 September 1854, a Lady of Grace of St. John of Jerusalem, married, 27 July 1872, to Gavin Campbell, Marquess of Breadalbane, K.T.

XIV. DOUGLAS BERESFORD MALISE RONALD, fifth and present Duke of Montrose, was born at London 7 November 1852. He was educated at Eton and in Germany; second lieutenant Coldstream Guards 1872; lieutenant 5th Lancers 1876; retired 1878. Lieutenant-colonel Lanarkshire Yeomanry 1880-90, and colonel commandant of the 3rd battalion Princess Louise Argyll and Sutherland Highlanders 1880-1902. Served in South Africa 1902 (King's medal with two clasps); A.D.C. to the King; K.T. 29 November 1879; Order of the Rising Sun of Japan 1907; Lord-Lieutenant of Stirlingshire 23 July 1885; Lord Clerk-Register of Scotland 30 May 1890. He married, 24 July 1876, Violet Hermione, second daughter of Sir Frederick Graham of Netherby. Her Grace was one of the four Duchesses who bore the canopy of Her Majesty at the Coronation in Westminster Abbey 9 August 1902.

They have issue:—

1. *James*, Marquess of Graham, born 1 May 1878 at 35 Chester Square, Pimlico; lieutenant Army Service Corps 1900; served in South Africa 1900 (King's medal with three clasps). Commander of the Royal

Naval Volunteer Reserve, Clyde Division. Assistant Private Secretary (unpaid) to Chancellor of Exchequer (Austen Chamberlain) 1905; C.V.O.; D.L. Stirlingshire. Married, 14 June 1906, Mary Louise, only child of William Alexander Louis Stephen, twelfth Duke of Hamilton, born 1 November 1884, and has issue:—

- (1) *James Angus*, Earl of Kincardine, born 2 May 1907.
2. *Douglas Malise*, born 14 October 1883; lieutenant Royal Field Artillery.
3. *Alistair Mungo*, born 12 May 1886; lieutenant Royal Navy.
4. *Helen Violet*, born 1 July 1879.
5. *Hermione Emily*, born 22 February 1882, married, 29 March 1906, to Donald Cameron of Locheil, captain Grenadier Guards, and has issue.

CREATIONS.—Lord Graham 1445; Earl of Montrose 1503; Marquess of Montrose, Earl of Kincardine, Lord Graham and Mugdock, 6 May 1644, confirmed 12 October 1660; Duke of Montrose, Marquess of Graham and Buchanan, Earl of Kincardine, Viscount Dundaff, Lord Aberuthven, Mugdock, and Fintrie, 24 April 1707, in the Peerage of Scotland. Earl Graham and Baron Graham of Belford, in the county of Northumberland, 23 May 1722, in the Peerage of Great Britain.

ARMS.—Quarterly: 1st and 4th, or, on a chief sable three escallops of the first, for the name of *Graham*; 2nd and 3rd, argent, three roses gules barbed and seeded proper, for the title of *Montrose*.

CREST.—An eagle, wings hovering or, preying on a stork on its back proper.

SUPPORTERS.—Two storks argent, beaked and membered gules.

MOTTO.—*Ne oublie.*

[W. C. B.]

## MONYPENNY, LORD MONYPENNY



FEW families can boast of a longer connection with their ancestral lands than that of Monypenny of Pitmillie in Fife, of which stock the Lords Monypenny were cadets. John, Prior of St. Andrews, granted the whole lands of Petmolyn to John de Monypenny which pertained to him by hereditary right by reason of his ancestors.<sup>1</sup> He was probably the John Monypenny who appears on a roll as having done

homage to Edward I. on 14 March 1295-96, and as having performed the same duty at Berwick-on-Tweed 28 August 1296.<sup>2</sup> Thomas Monypenny of Pitmillie had a charter from Thomas Hay *temp.* David II. of his part of the lands of Lucharis, co. Fife.<sup>3</sup> John Monypenny of Pitmillie had a charter in the same reign of the lands of Drumavet, in the barony of Crail,<sup>4</sup> and another from Walter Maule of Panmure of the lands of Scryne and others in the barony of Balhousie, co. Forfar.<sup>5</sup> Janet Monypenny had a charter of the third part of Leuchars in the same reign.<sup>6</sup> John Monypenny got, on 22 January 1335-36, a safe-conduct, having been with others sent to meet the ambassadors of the Pope and the King of France at Berwick.<sup>7</sup>

<sup>1</sup> *Reg. Prior. S. Andree*, 404. <sup>2</sup> *Cal. of Docs.*, ii. No. 730 and p. 209. <sup>3</sup> Robertson's *Index*, 53, 11. <sup>4</sup> *Ibid.*, 59, 13. <sup>5</sup> *Ibid.*, 59, 14; *Reg. de Panmure*, ii. 167. <sup>6</sup> Robertson's *Index*, 61, 12. <sup>7</sup> *Fœdera*, iv. 684.

THOMAS MONYPENNY, perhaps the son of the above, had a charter from King Robert III. to himself and Christian Keith his spouse of the third part of the barony of Leuchars.<sup>1</sup> He witnessed an agreement between Sir Patrick Ogilvy, Sheriff of Angus, David Ogilvy of that Ilk, and Agnes Finlay, 24 November 1427.<sup>2</sup>

He had probably two sons:—

1. *John Monypenny* of Pitmillie, one of the inquest on the service of Alexander Ochterlony, as heir of his father William in the lands of Kelly 24 April 1409.<sup>3</sup> He had a son

(1) *Thomas*, who got from his father the lands of Balbot, in the constabulary of Crail, a grant which was confirmed by the Regent Albany 16 December 1413.<sup>4</sup> He was ancestor of the Pitmillie line of the family.

2. SIR WILLIAM, probably the second son, witnessed a charter of Sir James Douglas of Dalkeith, dated at Dalkeith 10 July 1411, confirmed 26 July 1411.<sup>5</sup> He married, dispensation dated 10 February 1410, Margaret or Marjorie, only daughter of Philip Arbuthnott of that Ilk.<sup>6</sup> By her he had a son.

I. WILLIAM, who was an ambassador from Scotland to France in connection with the marriage in 1442 of Isabella, daughter of James I., to the Duke of Brittany's eldest son.<sup>7</sup> On 5 December 1444 he had a safe-conduct to himself and other ambassadors going to the coronation of Margaret of Anjou, Queen of Henry VI.<sup>8</sup> On 14 July 1447 he had another safe-conduct in which he is styled 'natif d'Escoce, escuier d'escuieres' of the King of France, to negotiate the marriage of Eleanor of Scotland, who afterwards married Sigismund, Duke of Austria, to the Dauphin of France.<sup>9</sup> On 1 May 1450 he got, for his services to the King's sisters and father, a grant of the lands of Halls of Erth, co. Stirling, which were incorporated into a free barony under the name of the barony of Monypenny. On 16 June following he appointed his 'brother' Thomas Fleming his bailie in his

<sup>1</sup> Robertson's *Index*, 141, 60. <sup>2</sup> Fraser's *Douglas Book*, iii. 62. <sup>3</sup> Had-dington's Coll. <sup>4</sup> *Reg. Mag. Sig.*, fol. vol. 254, 23. <sup>5</sup> *Ibid.*, 248, 11. <sup>6</sup> Vol. i. 278. <sup>7</sup> *Exch. Rolls*, v. lviii. <sup>8</sup> *Rot. Scotiæ*, ii. 325. <sup>9</sup> *Fœdera*, xi. 179.

new barony,<sup>1</sup> and on 26 June he had a grant of Lethbertscheiles, co. Stirling.<sup>2</sup> Some time between 1451 and 1458 he received from the French King a grant of the lands of Concessault in France, perhaps on the occasion of his going to that country for the purpose of escorting home the Princess Joanna, the deaf and dumb daughter of King James I. He was, in fact, a highly trusted ambassador of the Scottish King, and was subsequently employed in missions not only to France, but to Spain, Rome, and Norway.<sup>3</sup> On 7 October 1458 he had a charter, under the designation of Sir William Monypenny of Ardweny and Conkersalte,<sup>4</sup> of the lands of Bordland of Ratre and others, co. Aberdeen, forfeited by the deceased Hugh, Earl of Ormonde.<sup>5</sup> These lands he resigned a month afterwards in favour of St. Salvator's College, St. Andrews. On the same date he had a charter to himself and Katherine his spouse of the dominical lands of Butteleis, in the Stewartry of Kirkcudbright, on their own resignation, with remainder to the heirs of their bodies, whom failing, to the heirs of Marjory Stewart, grandmother of Katherine. On 9 November 1458 two charters were granted to William Monypenny of Pitmillie, one of the lands of Leuchars and Drumravok, co. Fife, and Ardweny, co. Forfar, with remainder to himself and the heirs-male of his body, whom failing, to Sir William of Conquersault, whom failing, to Thomas the grantee's brother, Mr. George Monypenny, James, another brother, Mr. David his uncle, or his heirs-male whatsoever: the second of Balboit, co. Fife, to himself and the heirs-male of his body, whom failing, to his brother Thomas, James, and George, then to Sir William of Conquersault and his own uncle David.<sup>6</sup> On 18 September 1459, under the designation of Sir William Monypenny, Lord of Ardweny and Conquersault, Knight, he had a charter of the lands of Balgradane and others in the Stewartry of Kirkcudbright.<sup>7</sup> It must have been about this time that he was raised to the dignity of a Peer of Parliament by

<sup>1</sup> *Reg. Mag. Sig.*, 8 July 1450. <sup>2</sup> *Ibid.* <sup>3</sup> *Exch. Rolls*, vi. lix. <sup>4</sup> It is not clear why he was called of Ardweny, as a month later William Monypenny of Pitmillie gets a regrant of these lands on his own resignation to himself and the series of heirs mentioned below. Sir William may have had some rights of superiority over them. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Ibid.* <sup>7</sup> Confirmed probably in October 1571, *Reg. Mag. Sig.*, 1424-1573, No. 1043.

the designation of LORD MONYPENNY, as it was under that title that he had, on 17 July 1464, a charter of the lands of Kirkinnon and the barony of Torscrachan in the Stewartry of Kirkcudbright.<sup>1</sup> On 25 December 1466 he had a charter of the lands of Feldy, co. Perth;<sup>2</sup> on 8 October 1471 another of Kirkandrews in the above-mentioned stewartry, though from a subsequent charter of 26 February following it would appear that he exchanged certain lands in the lordship of Bothwell, co. Lanark, for Kirkandrews, which James, Lord Hamilton, resigned in his favour.<sup>3</sup> On 13 September 1472 he had a charter of Easter Lecky, co. Stirling.<sup>4</sup> Guillame, seigneur et baron bannaret de Monypenny et de Conquer-sault was an ambassador from France to England.<sup>5</sup> He died between 24 October 1485, when he resigned the dominical lands of Buttillis and others in favour of William Lennox of Caly,<sup>6</sup> and 4 July 1488 when his son and heir is styled Lord Monypenny.

He married a lady whose name was Catherine Stewart,<sup>7</sup> but her parentage has not been ascertained.

II. ALEXANDER, second Lord Monypenny, had a Crown charter, 20 May 1483, of the lands of Leuchars and Torscrachane on his father's resignation, and another on 20 March 1483-84 of the same lands, along with those of Ardweny. On 4 July 1488 he appears under the designation of Lord Monypenny in a charter in which he resigned the barony of Feldy in favour of Alexander Stewart of Avondale. Within the next seven years he had disposed of his other lands of Ardweny, Kirkennan, and Leuchars; the last was acquired by Sir Alexander Bruce of Birgham, and is now known as Earlshall. In 1508 William Lennox of Caly sued Alexander, Lord Monypenny, for warrandice of Torscrachane.<sup>8</sup> It is said<sup>9</sup> that he exchanged Leuchars with Bruce for lands called Escariot in France, to which place he probably retired, and died without male issue,<sup>10</sup> the peerage becoming extinct or dormant.

<sup>1</sup> *Reg. Mag. Sig.*, 1424-1573, No. 1043. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.* <sup>5</sup> *Fœdera*, xi. 690. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> *Acta Dom. Conc.*, 197. <sup>8</sup> *Ibid.*, xx. 28. <sup>9</sup> *Crawford's Peerage*. <sup>10</sup> It is stated by the author of the *Stuarts of Aubigny* that he had a daughter and heiress *Anne*, who married, first, John Stewart of Henriestoun, Seigneur d'Oizon, fifth son of Sir John Stewart of Darnley, Earl of Lennox; secondly, Jean de Montferland; and thirdly, Anthony de la Roche Chandre. Cf. vol. v. 350.

CREATION.—1464, Lord Monypenny.

ARMS (as given in Sir James Balfour's MS.).—Quarterly : 1st and 4th, or, a dolphin azure, finned gules; 2nd and 3rd, gules, three cross crosslets fitchée issuing out of as many crescents argent.

[J. B. P.]



## THE ANCIENT LORDS OR EARLS OF MORAY



MORAY, which in the earliest historic times included the county of Ross as well as what is now called Morayshire, has been, as an earldom, so much associated with the name of Randolph that we are apt to forget that there were Earls or Mormaers of Moray long before his day. The district of Moray has impressed itself upon the ancient history of Scotland more than any other province, partly from the

turbulent character of its early settlers and partly because its ancient chiefs laid claim to the crown of Alban, or Scotland north of the Forth, while two of them actually sat on the throne. It therefore seems appropriate that a brief sketch of their history should here be given, the rather that much of it has been garbled by our early historians.

The province as it existed when it first appears on record was in the grip, if not under the immediate government, of the Norse Earls, from Earl Sigurd Eysteinson, who died in 874, down to Thorfinn, who died in or after 1057.<sup>1</sup> Between

<sup>1</sup> In the *Orkneyinga Saga*, ed. 1873, Earl Thorfinn is said to die in 1064, but Dr. Skene (*Celtic Scotland*, i. 413) suggests 1057 as a not improbable date. Cf. *Orkneyinga Saga*, App. 204; *Coll. de Rebus Albanicis*, 337, 346.



these dates, however, we have glimpses of the native Mormaers of Moray who took advantage of changes in the holders of the Orkney earldom to resist fiercely the Norse invasion. Setting aside others who are but as shadows in the mist, there appears on record

FINLAY,<sup>1</sup> Findlaec, or Finleik, an 'Earl of the Scots,' who was bold enough to challenge the great Norse Earl Sigurd the Stout<sup>2</sup> (Hlodverson) to a battle at 'Skida mire' or Skitten in Caithness. It has been thought that Earl Finlay, who is described by the Irish Annalists as Finlay Mac-Ruari, Mormaer of Moray, and also as Ri (King) in Alban,<sup>3</sup> desired to take advantage of Earl Sigurd's recent appointment to the earldom of Orkney and to wrest some of his possessions from him. This seems probable, as Earl Sigurd secured victory chiefly by promising certain privileges to his followers, who fought so stubbornly that Finlay and his men were defeated. As a consequence Sigurd became ruler over Ross, Moray, Sutherland, and part of Caithness, thus more firmly fixing the Norse overrule in those districts. Finlay appears to have submitted to the Earl, who was killed at the battle of Clontarf in 1014.<sup>4</sup> Finlay himself was slain by his nephews, the sons of his brother Maelbrighde, in the year 1020. Maelbrighde, also styled 'MacRuaidhri,' may have been joint ruler of Moray with his brother, and not improbably was the elder of the two, although very little is known of him. It may be he who, as Earl Magbiod or Magbiadr, is referred to as contending with Earl Liot of Caithness at Skitten, and being defeated, but Liot, though victorious, died of his wounds.<sup>5</sup> Findlaec is of more importance in Scottish history as the father of *Macbeth*, also Mormaer of Moray, of whom later. It has been suggested that Finlay's wife was Donada, second daughter of Malcolm II., King of Scots.<sup>6</sup> The next native ruler of Moray appears to have been

<sup>1</sup> The shadowy predecessors of Findlaec are said to be 'Ruadri' his father, son of Donald, son of Morgan, son of Cathmail, son of Ruadri, and so on into legendary generations (*Celtic Scotland*, iii. 477). <sup>2</sup> He was Earl from 980 to 1014. <sup>3</sup> 'Findlaec MacRuaidhri, Mormaer Moreb,' *Annals of Tighernac*; *Chron. Picts and Scots*, 77; cf. 368. <sup>4</sup> *Ibid.*, 367. <sup>5</sup> *Flateyjarbok*; *Orkneyinga Saga*, App. 209. <sup>6</sup> *Scottish Kings*, by Sir Archibald H. Dunbar, Bart., 17.

MALCOLM, son of Maelbrighde, who, after killing his uncle Findlaec, is only named again in the record of his own death, which apparently was not a violent one, in 1029,<sup>1</sup> except that he is recorded as making a grant to the ancient Abbey of Deer.<sup>2</sup> He is described by Tighernac as 'Ri' of Alban,<sup>3</sup> and in his province of Moray he was probably conjoined with or succeeded by his brother,

GILLECOMGAN, described as son of Maelbrighde, Mormaer of Moray, who was, with his brother, implicated in the murder of their uncle. His own fate was even more tragic, as in 1032 his residence was burned, and he and fifty of his men perished in the building.<sup>4</sup> It has been suggested that this was the revenge taken by his cousin Macbeth, son of Finlay, for the murder of the latter. Gillecomgan married Gruoch, daughter of Boedhe, son of Kenneth, and had issue a son *Lulach*, of whom hereafter. The successor of Gillecomgan was

MACBETHAD or Macbeth, who is known chiefly in the presentation of him made by the genius of Shakespeare, which will preserve his name for all time. He was born, it is supposed, about 1005, and succeeded to his father Finlay in 1020, and to his cousin in 1032. Dr. Skene thinks he was the Maelbaethe who, with another petty king and Malcolm II. of Scotland, submitted to Cnut, King of England, who invaded Scotland in 1031.<sup>5</sup> Be this as it may, Macbeth, a few years later, came into special prominence by his murder of King Duncan I., his cousin, a contemporary of his own, not the 'aged Duncan,' as so often stated, on 14 August 1040.<sup>6</sup> An early chronicler describes Macbeth as Duncan's 'dux' or the leader of his host, which probably was the fact. Duncan had tried to take possession of the northern parts of Scotland, but was resisted by another cousin, Thorfinn Sigurdson, who had become Earl of Orkney. In short, Duncan, Macbeth, and Thorfinn had nearly equal pretensions to the kingship. It was therefore truly a family contest. Duncan marched north, being joined by the men of Moray under

<sup>1</sup> *Chron. Picts and Scots*, 368. <sup>2</sup> *Early Scottish Charters*, by Sir A. C. Laurie, 2. <sup>3</sup> *Chron. Picts and Scots*, 77. <sup>4</sup> *Ibid.*, 368. <sup>5</sup> *Celtic Scotland*, i. 395, 397. <sup>6</sup> *Scottish Kings*, 15.

Macbeth. Thorfinn and his army were stationed at Burghead, and the two forces met about three and a half miles from that place in a south-westerly direction. Duncan was defeated, and, as suggested by a recent writer, he could easily by boat reach Pitgaveny, where he was murdered after the battle, and on the same day.<sup>1</sup> Thorfinn and Macbeth, it is suggested, then divided Duncan's kingdom betwixt them, Thorfinn retaining the portion conquered by himself or his father, while Macbeth became 'Ri' or King of Alban, with Scone as his capital.<sup>2</sup>

It is probable that Macbeth claimed a right to the crown of Alban through his mother, as he was grandson of King Malcolm II., who died in 1034, and, as has been stated, his reign must have been acceptable to the people, for it lasted seventeen years, and one ancient chronicler,<sup>3</sup> who calls him the 'fierce red one,' refers to him as 'fair, yellow, tall,' and speaks of his reign as a time of plenty. He and his wife gave grants to the Culdees, and he is supposed to have visited Rome about 1050. Four years later, however, his peace was disturbed by an invasion of Scotland led by Siward, Earl of Northumbria, who was a kinsman by marriage of the late Duncan and of his son Malcolm, who now aspired to his father's throne. Siward marched both a sea and a land force into Scotland, and a battle was fought at or near Scone on 27 July 1054, which was fiercely contested by Macbeth with the aid of his Norse allies, and perhaps also of certain Normans who had taken shelter at his court. Siward is said to have been victorious, but he was unable to follow up his success, and retired again southward. Another expedition, three years later, by Malcolm, son of the murdered Duncan, was more successful, and Macbeth was slain at Lumphanan, Aberdeenshire, on 15 August 1057. He married Gruoch, daughter of Bodhe, son of Kenneth III. and widow of his cousin Gillecomgan, but by her had no issue. He was succeeded as Mormaer of Moray and King of Alban by his stepson,

LULACH or Lulaigh, son of Gruoch by her first husband. The annalists style him Lulach the Simple or the Fatuous.

<sup>1</sup> *Scottish Kings*, 15. <sup>2</sup> *Celtic Scotland*, i. 405. <sup>3</sup> St. Berchan, *Chron. Picts and Scots*, 102.

His career, however, was very brief, as he was slain 'by stratagem,' it is said, at Essie, in Strathbogie, on 17 March 1057-58, and his rival, Malcolm, became King of Scots. Lulach had issue:—

1. *Melsnechtai*, who appears in the *Book of Deer* as a granter of lands to that Abbey. He is said to have been expelled in 1087, while his mother, his best men, and his treasure and cattle fell into the hands of King Malcolm, and Melsnechtai escaped with difficulty. He then retired from public life, probably into a monastery, as he is recorded to have 'ended his life happily' in 1085, a euphemism for monkhood.
2. — a daughter, who is recorded to have been the mother of Angus, the Earl of Moray who was killed at Stracathro in 1130. It is nowhere stated who her husband was, but it is generally maintained that his name was Eth, and recent writers have, with a fair probability, identified him with

ETH or Ed, the Earl who appears in King Alexander I.'s foundation charter of Scone as 'Beth Comes.' He appears in another charter to Scone as Beth, as also in more than one charter by King David I. to Dunfermline Abbey as Ed or Head. His identity has been disputed. Dr. Skene admits that 'Head may certainly have been the Earl of Moray who preceded Angus, and gave his name to the family of MacHeth,'<sup>1</sup> but he rejects the idea that Beth and Head or Ed were the same. One of his reasons is that as the name Beth occurs in two separate writs,<sup>2</sup> it could not have been miswritten in both, and that Beth was a different person. But it is possible, looking at the matter in the light of later research, that the later charter is the more genuine, and the name 'Beth' may have been transferred to the so-called foundation charter when it was compiled in its present form.<sup>3</sup> Dr. Skene also suggests that Ed and Edelrad are the same, forgetting that while Ed or Head appears in charters so late as 1128, Edelrad was dead

<sup>1</sup> *Celtic Scotland*, iii. 63 n. <sup>2</sup> *Early Scottish Charters*, Nos. xxxvi. xlix. <sup>3</sup> *Ibid.*, pp. 279-282. If, as has been suggested, neither charter is genuine and 'Beth' is a mistake, the evidence for 'Ed' or 'Head' remains.

at least before 1107. It is not improbable therefore that the 'Beth' who appears in two Scone charters of Alexander I. about the year 1123 or 1124, and has the rank of Earl, is identical with the 'Ed' or 'Head' who holds the same rank in two charters by King David I. to the Abbey of Dunfermline of dates about 1128 or a little later.<sup>1</sup> This 'Ed,' 'Head,' or 'Heth' has been claimed as the Earl of Moray, and in recent works it has been asserted, with good show of reason, that he was the ancestor of the Clan Mackay of Sutherland, thus supporting the alleged connection of that clan with Moray and Buchan.<sup>2</sup> Eth is said to be the ancestor of Malcolm MacEth who in the time of King Malcolm IV. was made Earl of Ross, and who is believed to be the direct progenitor of the Mackays in the north.<sup>3</sup> Eth and his wife had issue,

ANGUS or Aengus, who is described as 'Ri' or King of Moray, and son of the daughter of Lulach. The only reference to him on record is to the effect that while King David I. was at the English Court investigating a charge of treason, Angus, Earl of Moray, with a large force invaded Alban, and was defeated by the royal army under Edward the Constable. Four thousand Moray men were slain and Angus was killed, the battle taking place in 1130, at Stracathro in Forfarshire.<sup>4</sup> By this Earl's death the ancient Celtic line of the Mormaers or Earls of Moray came to an end, though the province gave much trouble to the Kings of Scotia or Alban until Malcolm IV. took stern measures of repression.<sup>5</sup>

[J. A.]

<sup>1</sup> *Early Scottish Charters*, Nos. lxxiv. xciv. <sup>2</sup> Skene's *Highlanders of Scotland*, 2nd ed. by Dr. Macbain, 414; *The Book of Mackay*, by A. Mackay, i. 25. <sup>3</sup> *Ibid.* <sup>4</sup> *Celtic Scotland*, i. 461, 462, and authorities cited. <sup>5</sup> *Ibid.*, 472, 473.

## RANDOLPH, EARL OF MORAY



FROM Morayshire to Dumfriesshire is 'a far cry,' yet it is in the latter county that the first known ancestor of the family of Randolph appears, as

DUNEGAL or Dougal of Stranith or Nithsdale. He was apparently alive at the date, about 1124, when he is named in the first charter of the territory of Annandale granted by King David I. to his friend Robert the Bruce.<sup>1</sup> The territory was to be bounded

on one side by the marches of Dunegal of Stranith, and on the other by those of Ranulph the younger, then Earl of Chester. This, which is the only recorded reference to Dunegal in his own person, suggests that he was, as commonly accepted, the lord of the domain represented by the valley of the Nith, which extended from Dumfries upwards to Cumnock, including the baronies of Dunscore, Tibbers, Morton, Sanquhar, and Cumnock, Morton Castle, it is said, being the principal stronghold. Dunegal was evidently a native chief ruling his own district, but there is no further record of him.

He had issue:—

1. RANULF or Ralph.
2. *Duvenald* or Donald, who appears frequently in

<sup>1</sup> *Early Scottish Charters*, by Sir A. C. Laurie, No. liv.

charters as a witness with his brother Ranulf.<sup>1</sup> He seems to have held the lands of Dunscore, which were inherited by his son *Edgar*, and afterwards by his granddaughter *Affrica*, who granted a portion of them to the monks of Melrose, confirmed by King Alexander II. on 8 March 1228-29;<sup>2</sup> also the territory of Dalgarnock, the church of which was granted by Edgar to the monks of Holyrood, and also to Gilbert his nephew or grandson.<sup>3</sup> Edgar also granted the churches of Closeburn and Morton to the Abbey of Kelso.<sup>4</sup> Duvenald is said by Chalmers to have been killed at the battle of the Standard in 1138, but he was still alive in or after 1150,<sup>5</sup> though he disappears from record before his brother Ranulf. Edgar had a son named *Gylconell*, but nothing further is known of him.

3. *Gillepatrick*, named as a brother of Ranulf and Donald in a charter by King William the Lion, as having possessed land in 'Glenham.'<sup>6</sup> This charter is dated after 1165, but it is not certain that the brothers were then alive. Of *Gillepatrick* nothing further is known.

RANULF or *Randulf*, son of *Dunegal*, appears as a witness at intervals in royal charters of King David I. and Malcolm IV. until about or after 1162. Three of these writs were granted at Glasgow, Cadzow, then a royal domain, and apparently *Jedburgh*, in King David's time.<sup>7</sup> In the reign of King Malcolm he was a witness to charters at *Dunfermline*, *St. Andrews* in 1160, *Edinburgh* and *Jedburgh*, the last writ being dated about the end of 1164 or beginning of 1165.<sup>8</sup> This is his last appearance on record, and he has not been found as a witness to any writ of King William's reign, or after 1165.<sup>9</sup> *Ranulf* also appears as making grants to the Church, giving to the Abbey of Kelso certain lands in *Dumfries*,<sup>10</sup> and apparently about 1160 he and his wife granted to *Jedburgh* about a hundred acres of land

<sup>1</sup> *Early Scottish Charters*, 86, 96, 186. <sup>2</sup> *Liber de Melros*, 181-184.

<sup>3</sup> *Reg. de Holyrood*, 44, 213. <sup>4</sup> *Liber de Calchou*, 274, 279. <sup>5</sup> *Early Scottish Charters*, 186.

<sup>6</sup> *Liber de Calchou*, i. 16. <sup>7</sup> *Early Scottish Charters*, 86, 96, 152. <sup>8</sup> *Reg. Epis. Glasguensis*, i. 16. <sup>9</sup> *Ibid.*, 16, 17.

<sup>10</sup> *Liber de Calchou*, i. 11.

in Rughchester or Rowcastle in Bedrule parish, a grant confirmed with others by King William the Lion after 1165.<sup>1</sup> It is not certain when Ranulf died, as nothing further is recorded of him. He married a lady named Bethoc, who apparently was the owner of Rowcastle referred to above. The author of *Caledonia* and others have assumed that she was the Bethoc who gave name to the parish of Bethoc-rule or Bedrule, but this is a mistake, as that Bethoc was of much earlier date, and through her daughter Hextilda, Bedrule and other lands came into possession of the family of Comyn, who held them until the time of Bruce.<sup>2</sup> But it is possible that the later Bethoc was herself a Comyn, and held Rowcastle as her marriage portion. Ranulf was succeeded by Thomas 'son of Ranulf,' and he may also have had a daughter, married to Reginald, Lord of the Isles.<sup>3</sup>

THOMAS son of Ranulf succeeded, and appears on record only by that name.<sup>4</sup> He does not, however, appear before 1222, in which year he was sent by King Alexander II. to King Henry III., who bestowed upon the King of Scots the custody of the land and the heir of David Lindsay.<sup>5</sup> The next reference to Thomas is in the year 1225, when he is named among the King's clerks.<sup>6</sup> In 1226 he acted as clerk and attorney of Alexander II. in regard to the executry of Hugh le Bigod, Earl of Norfolk, which had been purchased by the Scottish King, whose sister had been married to the Earl's son Roger, then a minor. He seems to have conducted all the negotiations relating to the ward's estate, and also executed necessary repairs on the mills belonging thereto.<sup>7</sup> He acted, indeed, as King Alexander's bailiff over the estate, and either as part of his fee or in his own right held lands in Norfolk and Lincoln.<sup>8</sup> He was in Scotland with the King on 18 March 1228-29, when he witnessed a royal charter confirming a grant of Dunscore

<sup>1</sup> Morton's *Annals of Teviotdale*, 58. <sup>2</sup> Vol. i. of this work, 505. <sup>3</sup> Cf. vol. v. 32. <sup>4</sup> There is no doubt that this Thomas was the grandfather of the famous Earl of Moray, but it is uncertain that he was the *son* of the previous Ranulf, and as he did not die till 1262, it would seem as if a generation had been missed. No evidence, however, has been found on the point. <sup>5</sup> *Cal. of Patent Rolls*, Hen. III. (1216-25), 325. <sup>6</sup> *Acta Parl. Scot.*, i. 406. <sup>7</sup> *Cal. Doc. Scot.*, i. Nos. 939-941. <sup>8</sup> *Ibid.*, Nos. 915, 984, 1005, 1232.



to the monks of Melrose.<sup>1</sup> He appears also as a witness to other writs in 1231, 1236, and 1237.<sup>2</sup> In this last year also, he is referred to as Sheriff of Dumfriesshire,<sup>3</sup> and on 25 September same year he is named among those magnates of Scotland whom King Alexander caused to swear to keep the treaty between himself and the English King as to his hereditary rights to the three northern English counties.<sup>4</sup> His name occurs again in the confirmation of the same treaty in 1244.<sup>5</sup> He appears as a witness to a royal charter on 28 November 1247.<sup>6</sup> He was one of the group of magnates, supporters of the Comyn faction, who were removed from about the person of the young King Alexander III. of Scotland by the influence of King Henry III. in 1255,<sup>7</sup> but he is not named as one of those who returned to power in 1257. He died in 1262, and his body was borne to Melrose, and buried there on 18 May. He married a lady named Juliana, of whom nothing is known save her Christian name, and that she was buried with her husband on the same day.<sup>8</sup> He had issue, apparently, two sons:—

1. SIR THOMAS.

2. *Sir Nicholas*, son of Thomas Randolph, who was taken prisoner at Dunbar Castle April 1296, and sent to the Tower of London, where he still was in November 1297.<sup>9</sup> Nothing further is known of him. He probably died in the Tower.

SIR THOMAS, son of Thomas, son of Ranulph, so designed in a charter, dated in 1266, to which he is a witness,<sup>10</sup> when he was already a knight, and by Bower in chronicling his appointment, in 1269, as High Chamberlain.<sup>11</sup> In 1266, also, he is named as Sheriff of Roxburgh, and still held that office in 1268-69.<sup>12</sup> He was, as stated, appointed High Chamberlain of Scotland in 1269, as successor to Reginald Cheyne, being described as ‘*vir magnæ mansuetudinæ et sapientiæ*,’ and held that office until about 1278.<sup>13</sup> In 1279 he appears as one of the itinerant justices deciding pleas

<sup>1</sup> *Liber de Melros*, i. 184. <sup>2</sup> *Ibid.*, 185, 195, 227. <sup>3</sup> *Ibid.*, 187. <sup>4</sup> *Cal. Doc. Scot.*, i. No. 1358. <sup>5</sup> *Ibid.*, No. 1655. <sup>6</sup> *Liber de Melros*, i. 205. <sup>7</sup> *Cal. Doc. Scot.*, No. 2013. <sup>8</sup> *Chronica de Mailros*, 185. <sup>9</sup> *Cal. Doc. Scot.*, ii. Nos. 742, 960. <sup>10</sup> *Liber de Melros*, i. 287. <sup>11</sup> Fordun à Goodall, ii. 111. <sup>12</sup> *Liber de Calchou*, i. 158; *Cal. Doc. Scot.*, i. No. 2680. <sup>13</sup> Fordun à Goodall, ii. 111; *Exch. Rolls*, ii. p. cxxii.

in the ward of Tynedale, then in the hands of the King of Scotland.<sup>1</sup> In 1280 he was one of the executors of John Baliol of Bernard Castle, and in 1290, on the death of his widow, Devorgilla Baliol, Sir Thomas was one of her executors.<sup>2</sup> But whether this was on account of relationship or because of his known probity cannot be determined. He was present at the Convention at Brigham on 17 March 1289-90, which assented to the proposed marriage of the young Queen of Scotland to Prince Edward of England.<sup>3</sup> He was also present when King John Baliol did homage to Edward, and released the latter from all obligations, and his seal, bearing on a shield three cushions, two and one, with the legend 'Sigillum Thome Randolf,' is still attached to the release, of date 2 January 1292-93.<sup>4</sup> On the 23 February following he was witness at Dundee to a charter by the new King to John 'de Insula' of the lands of Whitsome.<sup>5</sup> In 1294 he was summoned by King Edward I. to accompany him in arms to France,<sup>6</sup> and he appears to have been in that country as an envoy from King John in September 1296.<sup>7</sup> He is not again on record, and may have died not long after. In any case he was dead before 1306, when his son joined Bruce.

Sir Thomas Randolph is usually said to have married a sister of King Robert Bruce, and his son, the famous Earl of Moray, is declared publicly in many charters to be the King's nephew, while Barbour plainly calls him son of the King's sister.<sup>8</sup> But though the fact appears plain, the identity of the lady is a mystery. Douglas and others refer to her as Isabel, but, as pointed out under the title CARRICK, the only sister on record of that name (who may have been born in 1272) became Queen of Norway in 1292, when, as will be seen, the future Earl of Moray was entering public life. It would seem, therefore, that the wife of Sir Thomas Randolph must have been a sister of King Robert, born to his father by an earlier marriage than that with the Countess of Carrick. Even then there are difficulties, and no record evidence of such marriage

<sup>1</sup> *Cal. Doc. Scot.*, ii. No. 53. <sup>2</sup> *Ibid.*, Nos. 171, 535; Stevenson's *Hist. Doc.*, i. 214. <sup>3</sup> *Acta Parl. Scot.*, i. 441. <sup>4</sup> *Cal. Doc. Scot.*, ii. Nos. 658, 660. In July 1292 he had a gift from the King of six stags from the Forest of Selkirk; *Rotuli Scotiae*, i. 9. <sup>5</sup> *Rotuli Scotiae*, i. 22. <sup>6</sup> *Fœdera*, Record ed., i. 804. <sup>7</sup> Stevenson's *Hist. Doc.*, ii. 83, 94, 95. <sup>8</sup> *The Brus*, bk. ix, l. 327.

has been discovered, but the probability may be accepted when supported by the contemporaneous testimony. Their issue so far as known were:—

1. THOMAS, afterwards Earl of Moray.
2. — a daughter, commonly called *Isabel*, married to William Murray, ancestor of the Murrays, Earls of Annandale. This marriage is proved by a charter of lands granted by Thomas Randolph, Earl of Moray, to his *nephew*, William Murray.<sup>1</sup>

I. THOMAS RANDOLPH, afterwards the famous Earl of Moray, appears on record first on 26 December 1292, as witness to King John Baliol's fealty to Edward I. He is referred to as 'Thomas Randol filius,' his father being also present.<sup>2</sup> The date of this his first entry to public life suggests that his birth could scarcely have been later than 1278, only seven years after his grandfather's marriage to the Countess of Carrick. He is next found present at the coronation of his uncle King Robert on 27 March 1306,<sup>3</sup> on which occasion he was probably knighted. He is described as a newly made knight after the battle of Methven, when he was taken prisoner, being first ordered into the custody of Sir Adam Gordon, to be kept at Inverkip, then removed to Berwick, and later delivered to the Earl of Lincoln, who should answer for his body.<sup>4</sup> A scramble was made for his lands, and Stichel, Garlies, and Morton are named among those belonging to him craved by the English courtiers.<sup>5</sup> His confinement led the young Randolph to submit to Edward, and he remained attached to the English cause until, some time in 1308, he was taken prisoner by Sir James Douglas. Before 16 March 1308-9 he submitted to his uncle, and was received into favour, as on that date he joined with other Scottish magnates in their letter to Philip, King of France, when he is styled Lord of the valley of Nith.<sup>6</sup> His defection from the English interest had been already reported to Edward II., who, on 4 March 1308-9, treated Randolph's manor of Stichel as forfeited,

<sup>1</sup> Original in Mansfield Charter-chest; vol. i. of this work, 215. <sup>2</sup> *Fœdera*, Record ed., i. 782, 783; *Cal. Doc. Scot.*, ii. No. 660. <sup>3</sup> Hailles, *Annals*, at date. <sup>4</sup> *Cal. Doc. Scot.*, ii. No. 1807; Palgrave, 355. <sup>5</sup> Palgrave, 304, 306, etc. <sup>6</sup> *Acta Parl. Scot.*, i. 459.

and bestowed it on Adam Gordon, and his lands of Broxmouth were similarly dealt with, while on 12 June 1314, a few days before Bannockburn, Edward made a grant of all Randolph's forfeited lands in Scotland to his favourite Hugh Le Despenser.<sup>1</sup> Bannockburn cancelled all such grants, but for at least a year and a half Randolph had received a gift of lands far exceeding his southern possessions, and was created EARL OF MORAY, his jurisdiction as such extending from the Spey to the western sea.

The creation must have taken place between 12 April 1312, when he is styled Sir Thomas Randolph,<sup>2</sup> and 29 October same year, when he is styled Earl of Moray.<sup>3</sup> The original charter is not known to exist, but its extent is known from a writ, dated 20 December 1324, renewing the former grant and repeating the contents.<sup>4</sup> The bounds of his new territory began at the mouth of the Spey where it fell into the sea, and ran up that river, including Fochabers, 'Rothenayk,' Rothés and Boharm, thence to the march of Badenoch, and so including all the lands of Badenoch, Kincardine-on-Spey, and Glencarnie; then following the march of Badenoch to the boundary of Lochaber, and so including the lands of Lochaber, Mamore, Locharkaig, Glengarry, and Glenelg; then by the march of Glenelg to the sea towards the west, and by the sea to the bounds of North Argyle which belonged to the Earl of Ross; and so by those marches to the marches of Ross, and by the marches of Ross to the water of Forne<sup>5</sup> and thence to the eastern sea.

The year 1312 which saw this large accession to Randolph's property was also that in which King Robert began to win back the various towns and strongholds which had been held by the English, but so little is known of his movements that it cannot be stated what share Randolph took in affairs, though it was probably considerable. About this time he is said to have received a grant of the Isle of Man, for a reddendo of six ships of twenty-six oars, and 100 marks sterling to be paid at Inverness.<sup>6</sup> Later, in 1314, he

<sup>1</sup> *Cal. Doc. Scot.*, iii. Nos. 76, 258, 362. <sup>2</sup> *Reg. Nig. de Aberbrothoc*, 536; *Reg. Ho. Charters*, No. 72a. <sup>3</sup> *Acta Parl. Scot.*, i. 463. <sup>4</sup> Precept for Charter, copy in Gen. Register House; Charter following printed in *Registrum Moraviense*, 542. <sup>5</sup> Now the river Beaully. <sup>6</sup> It is stated by a recent writer that King Robert granted this charter on 20 December 1313 (*Scot. Historical Review*, iii. 405), but Randolph is not styled Lord of

achieved the retaking of Edinburgh Castle, and his exploits at Bannockburn on 24 June of that year are matters of history. He accompanied Edward Bruce in his expedition to Ireland in May 1315, returning twice to Scotland and back in his service, the second time to ask King Robert's personal presence in Ireland, where he stayed with that King until their return in May 1317. Two months later it was reported to Edward II. that the Earl intended a descent on the Isle of Man and on Anglesey,<sup>1</sup> but it is not clear that it was ever made.

It is unnecessary to narrate every incident of Randolph's career, as his story is bound up with that of Scotland, but one or two points less known may be referred to. He was one of the Scottish barons who signed the letter to Pope John XXII. on 6 April 1320 vindicating the Scottish claim to independence.<sup>2</sup> In 1323, however, he was, a fact not recognised by Barbour, despatched on a very important mission to the Pope himself at Avignon. The whole proceedings are detailed at length by Lord Hailes,<sup>3</sup> and need not be repeated here, but the result proved that Randolph was as successful in diplomacy as in battle, as he obtained from the Pope a clear recognition of Bruce's right to bear the title of King of Scots, which hitherto the Pope had denied to him. The Pope's letter to King Edward II. announcing this result is dated at Avignon 13 January 1323-24.<sup>4</sup> In September 1324 the Pope wrote declaring his hope and trust in the Earl's labours to make peace between the English and Scots, and giving him permission to visit the Holy Sepulchre.<sup>5</sup> In the following year the Earl was again employed as an ambassador, this time to the King of France, his commission being dated 20 April 1325.<sup>6</sup> In July the Pope, to whom he had proposed another visit, wrote that he would be pleased to see him.<sup>7</sup> Apparently an interview took place, and the Earl undertook some mission, as on 25 February 1325-26 the Pope wrote again, apparently expressing surprise that the Earl was still lingering in

Man until some years later, when he so designs himself in a writ of 6 December 1316 (Reg. Ho. Charters, No. 83). The extant copies of the charter of the Isle of Man are dated 20 December 1324. <sup>1</sup> *Cal. Doc. Scot.*, iii. No. 562. <sup>2</sup> *Acta Parl. Scot.*, i. 474. <sup>3</sup> *Annals of Scotland* (ed. 1779), ii. 111-114. <sup>4</sup> *Fœdera*, Record ed., ii. 541. <sup>5</sup> *Papal Letters*, ii. 239. <sup>6</sup> *Acta Parl. Scot.*, xii. 5, 6. <sup>7</sup> *Papal Letters*, ii. 471.

France, and requesting him to return to Scotland and prosecute the business of the Roman Church with which he was charged.<sup>1</sup> What that business was cannot now be known, unless it was the matter touched upon in a letter in September 1325, when the Earl was requested to set free the clerks who had been seized.<sup>2</sup> The Earl doubtless took part in public affairs after his return from abroad, but little is recorded of him at this time, except his share in the famous invasion of England in the summer of 1327, when he and Sir James Douglas outwitted the English army with the young King Edward at Stanhope in Wear-dale. He also, no doubt, took part in the treaties of York and Northampton, by which the independence of Scotland was at last acknowledged. During the later years of King Robert the Bruce the Earl was much with him, and resided frequently at Cardross, where both took much interest in shipbuilding.<sup>3</sup> He also appears to have superintended the household of the young David, Earl of Carrick.<sup>4</sup> In the early months of 1329 the King grew so infirm that he settled his affairs, and on 7 June of that year he died, leaving Scotland in the hands of the Earl of Moray, who became Regent in terms of the Act of Parliament of 1318.<sup>5</sup> In that office he united stern justice with wise administration, and his doings are much praised by the Scots chroniclers. He did not, however, hold the office long, as he suffered from the malady of the stone, of which he expired at Musselburgh on 20 July 1332, while on the march to repel an expected invasion of Scotland.<sup>6</sup> He married Isobel, daughter of Sir John Stewart of Bonkill by Margaret, heiress of Bonkill, and by her (the date of whose death is unknown, though she was still alive on 16 July 1351, when she founded and endowed, with lands purchased by herself, a chaplainry for the soul of her late husband, Thomas Randolph, Earl of Moray)<sup>7</sup> had issue two sons and two daughters:—

1. THOMAS, second Earl of Moray.
2. JOHN, third Earl of Moray.
3. Agnes, married between August 1320 and January

<sup>1</sup> *Papal Letters*, ii. 476. <sup>2</sup> *Ibid.*, 467. <sup>3</sup> *Exch. Rolls*, i. 126, 127, 136.  
<sup>4</sup> *Ibid.*, 141. <sup>5</sup> *Acta Parl. Scot.*, i. 465. <sup>6</sup> Fordun à Goodall, ii. 303.  
<sup>7</sup> *Registrum Moraviense*, 298.

1323-24, to Patrick, ninth Earl of Dunbar. (*See that title.*) She had no issue, certainly no surviving issue.

4. *Isobel*, married to Sir Patrick Dunbar, by whom she was the mother of George, tenth Earl of Dunbar, and John Dunbar, Earl of Moray, who is referred to later. She had other children, for whom *see title Dunbar*.<sup>1</sup>

II. THOMAS, second Earl of Moray, succeeded his father on 20 July 1332, but his career was very brief, as he was killed at Dupplin on 12 August of same year. What led to that conflict is matter of history, but the account of the battle given by the chroniclers serves to show that the young Earl had inherited his father's coolness and courage. Even in the surprise of an early morning attack on a sleeping camp, he was able to rally his men and check the English onset. But the rush made by the main body of the Scots overwhelmed their defenders, and a rout followed in which Moray was slain, with many others of rank. So far as known he was unmarried and left no issue. He was succeeded by his brother,

III. JOHN, third Earl of Moray, who had scarcely succeeded to his father and brother when he took an active part against the English, and was present at the attack on Edward Baliol's force at Annan on 16 December 1332, when the usurper was driven out of the kingdom. He commanded the first division of the Scots army which marched to raise the siege of Berwick in July 1333, and was defeated at Halidon Hill. Henry de Beaumont appears to have had a grant of the earldom of Moray from Edward Baliol. In 1334 he is styled Earl of Boghan and Murref, Constable of Scotland.<sup>2</sup> Moray was one of those who escaped from the battle, went abroad, and returned in 1334, to take his place in the defence of Scotland. He was made Regent in April 1335 jointly with Robert the High Stewart, and one of his first acts was to bring about the surrender of David, Earl of Atholl, one of the most active of the English partisans. He was present at the Parliament held at Dairsie, near Cupar in Fife, in April 1335. He

<sup>1</sup> Vol. iii. of this work, 260. <sup>2</sup> *Thirteenth Rep. Hist. MSS. Com.*, App. vi. 205.

took an active part in the defeat at Edinburgh of Count Guy de Namur, who had led an armed force into Scotland. He courteously escorted the defeated Count to the English border, but unfortunately on his return his party were attacked and he himself taken prisoner, being sent at once to Bamborough Castle, thence by York and Nottingham to Windsor. From Windsor he was in May 1336 removed to Winchester, and in September sent from Southampton to the Tower in irons, where he was imprisoned for some time.<sup>1</sup> His sister, the Countess of Dunbar, corresponded with him in his confinement, and there is a story that he was brought from his prison to Dunbar Castle, while she defended it against the English, and it was threatened to kill him if she did not surrender. But the Countess only laughed, and said that in such a case she would be his heir. The Earl was certainly moved from prison to prison about the date of the siege.<sup>2</sup> In July 1340 preparations were made for his ransom, and in the following year he went to France to negotiate with the Earl of Salisbury, then a prisoner there, for his ransom. He returned to ward in July 1341 and was liberated in February 1341-42, when he went to France.<sup>3</sup> He returned apparently in the following year and made raids on the north of England, the young King David serving, it is said, as a volunteer under him. He granted on 1 April 1346 the lands of Dovelly and the keeping of his castle of Tarnaway to John Grant,<sup>4</sup> and his career came to an end at the battle of Neville's Cross on 17 October same year, where he commanded the right wing of the Scottish army. He died without issue, and so far as there is evidence, his large estates were divided between his two sisters, Agnes, Countess of Dunbar and March, and Isabella, wife of Sir Patrick Dunbar, and ultimately descended to the latter's children. Although the title of Moray was limited to heirs-male, it was assumed by the Earl's brother-in-law, Patrick, Earl of Dunbar, and he and his wife held the combined titles of Dunbar, or March, and Moray, until their deaths.<sup>5</sup>

The Earl is said to have married an Isobel Stewart of the

<sup>1</sup> *Cal. Doc. Scot.*, iii. Nos. 1171-1173; 1205, 1213. <sup>2</sup> *Ibid.*, No. 1280.  
<sup>3</sup> *Ibid.*, Nos. 1337-1376 *passim*. <sup>4</sup> *The Chiefs of Grant*, iii. 8, 9. <sup>5</sup> Vol. iii. of this work, 266, 271.



Bonkill family, but this appears to be a mistake, his wife being Euphemia, daughter of Hugh, Earl of Ross, by whom he had no issue. She survived him, and married, in 1355, Robert Stewart, Earl of Strathearn, afterwards King Robert II.<sup>1</sup>

CREATION.—Earl of Moray, between 12 April and 29 October 1314.

ARMS.—Argent, three cushions gules appear on the seal of Sir Thomas Randolph 1292: the first Earl and his successors bore the same coat with the addition of the royal tressure.<sup>2</sup>

[J. A.]

<sup>1</sup> Her seal is very elaborate, showing *inter alia* three shields bearing (1) three lions rampant, for *Ross*, (2) a fess chequy, for *Stewart*, and (3) three cushions lozengeways within a royal tressure, for *Randolph*; Macdonald's *Scottish Armorial Seals*, No. 2332. <sup>2</sup> *Ibid.*, Nos. 2250-2256.

## DUNBAR, EARL OF MORAY



As indicated in the previous notice, the earldom of Moray did not revert to the full possession of the Crown until after the death of Patrick, ninth Earl of Dunbar, in or about July 1368. On 9 March 1371-72 the earldom was re-granted to

I. JOHN DUNBAR, second son of Sir Patrick Dunbar and Isabella Randolph, younger sister of John Randolph, third

Earl of Moray. The new Earl was thus a grandson of the famous Randolph, but the territory was lessened by the districts of Lochaber and Badenoch, with the castle and barony of Urquhart, being deducted from the original grant, as also the gift of the great customs. The earldom was granted to John Dunbar and Marjorie Stewart, and to the longer liver of them, and their heirs, whom failing, to George Dunbar, Earl of March, and his heirs whomsoever.<sup>1</sup> Nothing is known of John Dunbar's history before the death of King David II., except a notice on 21 June 1370 which seems to imply that he had been one of an embassy to England, apparently as 'vallet' or squire of Sir Robert Erskine.<sup>2</sup> After the accession of King Robert II. he and Sir Robert, with others, opposed the Earl of Douglas in his

<sup>1</sup> *Reg. Mag. Sig.*, i. No. 525; *Acta Parl. Scot.*, i. 560. <sup>2</sup> *Cal. Doc. Scot.*, iii. No. 173. In 1371 he received £13, 6s. 8d. as a gift from King Robert II.; *Exch. Rolls*, ii. 366.

claim to the crown and persuaded him to agree to the coronation of the new King.<sup>1</sup> He swore to maintain the settlement made of the crown on the Stewart family in 1373.<sup>2</sup> He had on 26 August 1375 a grant of the thanage of Kintore, and of other lands at a later date, in the beginning of the reign of King Robert III. He had also pensions of £100 from the customs of Elgin and Forres, and the same sum from Aberdeen. In December 1379 his merchants and retainers were accused of plundering a wrecked vessel, laden with 'Skoone' herrings (probably from 'Schoueden' in Holland), and the owners were allowed to plunder a Flemish vessel in turn.<sup>3</sup> He had a safe-conduct to England 15 December 1381.<sup>4</sup> He was one of the Commissioners named in the treaty with England and France 7 July 1384,<sup>5</sup> and of the money brought by Sir John de Vienne from France the Earl received 1000 gold francs as his share.<sup>6</sup> In the Parliament of April 1385 he complained of attacks and murder done on two of his vassals, a complaint which the Earl of Buchan was directed to inquire into, and to do justice. He was one of the Scottish nobles who took an active part against England, and a joint leader with the Earl of Douglas in the expedition which ended at Otterburn in August 1388.<sup>7</sup> One chronicler says that the attack by Percy on the Scottish camp was so sudden that the Earl of Moray fought the greater part of the time without his helmet.<sup>8</sup> He had a serious dispute with the Bishop of Moray, many complaints being made on both sides. The disputants appeared before the Regent Albany and others at Inverness 27 October 1389, and a decree was given settling the questions between them.<sup>9</sup> He was present in January 1389-90 when his son undertook to defend the Bishop's territories, and on 13 August 1390 he and his brother-in-law, Alexander, Earl of Buchan, were specially forbidden to deal in any way with the bishop's castle of Spynie.<sup>10</sup> He was still at Elgin on 1 May 1390,<sup>11</sup> a

<sup>1</sup> Fordun à Goodall, ii. 382. <sup>2</sup> *Acta Parl. Scot.*, i. 549. His seal is still attached to the settlement. See facsimile. <sup>3</sup> *Cal. Doc. Scot.*, iv. No. 283. <sup>4</sup> *Fœdera*, Record ed., iv. 137. <sup>5</sup> *Ibid.*, vii. 434. <sup>6</sup> *Ibid.*, vii. 484 n. <sup>7</sup> *Acta Parl. Scot.*, i. 553. <sup>8</sup> Fordun à Goodall, ii. 405. <sup>9</sup> *Reg. Morav.*, 191, 197-200. <sup>10</sup> *Ibid.*, 201-204. He was also witness to a Royal charter at Elgin on 28 September 1390; *Antiq. of Aberdeen*, etc., i. 499. <sup>11</sup> *Familie of Innes*, Spalding Club, 66, 67.

date which, connected with various safe-conducts to and from England, for dates running between 16 March 1389-90 and 13 June 1391, has an important bearing on the question of his death. It is usually stated that the Earl went to England to fight a duel with Thomas Mowbray, Earl of Nottingham, Earl Marshal, whom he had challenged. It is then added that he was wounded, and died at York on his way home. This story is found in a ms. Appendix to Higden's *Polychronicon* and in Caxton's continuation of Higden, with variations. The earlier story is that on 28 May (year not stated) the Earl of Nottingham and the Earl of Moray ran courses with sharp lances, and because the former held himself so much better than the Scottish Earl, praise was awarded to him.<sup>1</sup> This is a simple narrative, but Caxton's is fuller and less complimentary to Moray. He says the Earl of Moray challenged the Earl Marshal to joust with sharp spears. They ran together, but not their full courses, as the Scottish Earl 'was cast, bothe hors and man, and two of his ribs broken with the same fall, and so borne home in to his inne, and anon after was carried homeward in a littyer and at York he diet.'<sup>2</sup> The incident is said to have taken place in 1394, but this is a mistake, and the statements made as to the Earl's death are not borne out by the available evidence. The Earl received a safe-conduct on 16 March 1389-90 to fight the Earl of Nottingham, the conduct to be valid between 15 April and 20 June 1390,<sup>3</sup> but, as indicated, he did not leave Scotland before 1 May, when he was in Elgin.<sup>4</sup> On 30 May 1390 he had similar letters permitting passage to and fro in England, and on that day, or a few days before, having 'lately come' to England to joust with Nottingham, he received from King Richard 200 marks sterling in money and a silver cup and ewer with gilt cover, in all, the sum of £139, 11s. 1d. sterling, Sir David Lindsay, Sir William Dalziel, and other Scottish knights also receiving gifts.<sup>5</sup> On 10 June 1390 he had a safe-conduct to go on pilgrimage to the shrine of St. John of Amiens,<sup>6</sup> while, as

<sup>1</sup> Higden, Rolls ed., ix. App. 236, a nearly contemporary ms. <sup>2</sup> *Ibid.*, viii. 535, Caxton's continuation, about 1482. <sup>3</sup> *Rotuli Scotiae*, ii. 103. <sup>4</sup> *Familie of Innes*, Spalding Club, 66, 67. <sup>5</sup> *Rotuli Scotiae*, 104; *Cal. Doc. Scot.*, iv. Nos. 411, 412. <sup>6</sup> *Rotuli Scotiae*, ii. 106. It is not clear whether the Earl

stated, he is referred to on 13 August and 28 September as in Scotland. On 30 December same year he was apparently again in England, and on 13 June 1391 he had another safe-conduct to go there.<sup>1</sup> This is the last notice of him in life, and he was dead before 15 February 1391-92, when his son is styled Earl of Moray. He may have died at York, but the evidence that it was the result of wounds is insufficient.

The Earl married (in terms of a dispensation dated 11 July 1370) Marjorie, a daughter of Robert, Earl of Strathearn, afterwards King Robert II., who survived him. She married, secondly, between 1391 and 1403, Sir Alexander Keith of Grandown, as appears from a Papal indult to him and her on 24 April 1403 to choose a confessor.<sup>2</sup> She may have been the mother of Sir Alexander's daughter Christian, who married, about 1413, Sir Patrick Ogilvy (*see title Airlie*), but this is not certain. Her seal shows 'a lion rampant within a royal tressure.'<sup>3</sup>

John, Earl of Moray, and his wife Marjorie had issue:—

1. THOMAS, who succeeded.
2. *Alexander*, who is first named on record on 21 September 1393, when his brother Earl Thomas, acting as his procurator, acknowledged on his behalf that he had no right or title to the *Maison Dieu* at Elgin, except by intrusion, his father, Earl John, having occupied the place violently. The Earl therefore resigned the house in the hands of the Bishop of Moray, who restored the former Master.<sup>4</sup> Nothing more is recorded of Alexander, save that he is said to have married Matilda, the heiress of James Fraser of Fren draught, and to have had issue,

JAMES DUNBAR, who became fourth Earl of Moray.

3. *James*, aged 14 in 1404, who had a grant of the lands of the Precentory of Moray.<sup>5</sup>
4. *Euphemia*, contracted, on 28 May 1408, by her brother Earl Thomas, to Alexander Cumming, ancestor of the family of Altyre.<sup>6</sup>

went to Amiens in person, as two servants of his received a safe-conduct for pilgrimage on 30 May 1390; *Cal. Doc. Scot.*, iv. No. 412. <sup>1</sup> *Rotuli Scotiae*, ii. 108, 110. <sup>2</sup> *Regesta Vaticana*, 323, f. 178. <sup>3</sup> *Scottish Armorial Seals*, No. 2569. <sup>4</sup> *Reg. Morav.*, 130. <sup>5</sup> *Papal Reg. Petitions*, i. 626. <sup>6</sup> Shaw's *History of Moray*, 1827 ed., 475; *Chiefs of Grant*, i. pp. lii, 58.

II. THOMAS DUNBAR, second Earl of Moray, succeeded his father some time between 13 June 1391 and 15 February 1391-92, at which date he, as Earl of Moray, son and heir of the late John, Earl of Moray, and his mother, the Countess Marjorie, granted to Gilbert of Glencairn the lands of the two Fochabers in exchange for Glencairn.<sup>1</sup> Some years later, on 26 March 1398, the Earl bought the two Fochabers from Gilbert.<sup>2</sup> On 25 September 1394 he entered into an agreement with Alexander of the Isles, Lord of Lochaber, the latter to defend and protect the earldom and kirk-lands, at a salary of 80 merks and other emoluments.<sup>3</sup> The Earl also, on 22 November 1396, granted to the burgh of Elgin a confirmation of a charter by King Alexander II.<sup>4</sup> The Earl was also one of the principal movers in procuring peace in the north by arranging for a conflict between two rival clans, which took place at the North Inch, Perth, on 28 September 1396.<sup>5</sup> He was also, on 27 January 1398-99, appointed one of the Council to aid David, Duke of Rothesay, in the government, when made King's lieutenant.<sup>6</sup> He was present at the battle of Homildon Hill on 14 September 1402, and was taken prisoner by the English.<sup>7</sup> All the Peerages are silent as to his career after this date, assuming apparently that he then died, but it appears he was the captive of a certain William Lilbourne, to whom compensation was made in July 1405, when the Earl was released.<sup>8</sup> In June 1412 he had a safe-conduct to go on pilgrimage to Amiens,<sup>9</sup> and he was still alive at or about 3 June 1415, when it was proposed to marry his son to Eufamia, Countess of Ross,<sup>10</sup> as will be shown later. After that date, however, it is difficult to distinguish between him and his son, the next Earl, and the date of his death is uncertain. It was probably he who granted a precept of sasine in the lands of Moy to Donald, Thane of Cawdor, on 14 August 1419,<sup>11</sup> while it also seems probable,

<sup>1</sup> *Chiefs of Grant*, iii. 13, 14. <sup>2</sup> *Ibid.*, 14. <sup>3</sup> *Reg. Morav.*, 354. <sup>4</sup> Charter at Elgin, with Earl's seal attached, showing three cushions lozengeways within a royal tressure, a label of three points in chief. Crest: On a helmet with capeline and coronet, a staghead. Supporters: Two lions sejant guardant. Legend: S. Thome de Dunbarre. Laing's *Scottish Seals*, i. No. 300; Macdonald's *Scottish Armorial Seals*, 801. <sup>5</sup> Fordun à Goodall, ii. 420. <sup>6</sup> *Acta Parl. Scot.*, i. 572. <sup>7</sup> *Cal. Doc. Scot.*, iv. p. 403. <sup>8</sup> *Ibid.*, No. 684. <sup>9</sup> *Ibid.*, No. 826. <sup>10</sup> *Regesta Avenion.*, lib. 347, f. 356. <sup>11</sup> *Thanes of Cawdor*, 8.

for reasons to be stated later, that his son succeeded him before August 1422.

This Earl Thomas married a lady named Margaret, who is named as his wife in the charter of 15 February 1391-92, already cited. What family she was of has not been clearly ascertained. It is not improbable that she was the Margaret, Countess of Moray, who, between 1429 and 1431, received a payment of £50 from the King,<sup>1</sup> and who married Sir John Ogilvy of Lintrathen and Airlie (*see that title*), drawing her terce from the earldom of Moray until about 1471, when she died.<sup>2</sup> The Earl had issue a son,

III. THOMAS DUNBAR, third Earl of Moray, whose name occurs first on record in May 1414, when he and his father appended their seals to a grant by John de Narn to his son John.<sup>3</sup> He is next named on 3 June 1415, when his father was still alive. It was then proposed to marry him to Eufamia Lesliè, Countess of Ross, but the proposal was not carried out. Before the Pope's commission could have reached Scotland, she had, on 15 June 1415, resigned, probably under compulsion, her earldom and lands in favour of John, Earl of Buchan, son of the Regent Albany. (*See title Buchan.*) He succeeded his father some time before 9 August 1422, when, as Earl of Moray, he entered into a contract with Hugh Fraser, Lord of Lovat,<sup>4</sup> for a marriage between a son of Lovat's and his own daughter, an agreement which will be again referred to. A few months later, on 15 February 1422-23, the Earl released John Hay of Lochloy from a similar engagement. Hay's father had contracted him also to marry a daughter of the Earl, but the latter now freed him from the obligation.<sup>5</sup> In the following year the Earl was chosen as one of the hostages for the ransom of King James I. (his income being valued at 1000 merks yearly), and entered into ward as such on 28 March 1424. He was exchanged on 16 July 1425, and

<sup>1</sup> *Exch. Rolls*, iv. 250. <sup>2</sup> *Ibid.*, vols. vi. vii. *passim* per Indices, and viii. 84, 147 n. <sup>3</sup> Writ quoted by Mr. Alexander Sinclair in *Herald and Genealogist*, vi. 305, but its whereabouts is not stated. <sup>4</sup> Spalding Club, *Misc.*, v. 256, 257. <sup>5</sup> *Thanes of Cawdor*, 10; *Family of Rose of Kilravock*, 124. The Earl's seal attached shows on a shield three cushions lozengeways within a royal tressure; legend, 'S. Thome de Dunbar comitis Moravie'; *Scottish Armorial Seals*, No. 802.

was permitted to return to Scotland.<sup>1</sup> Nothing further has been found regarding him, and the year of his death is uncertain, though it may have been 1427, when his cousin James was released from captivity as a hostage in England. As to this Earl's marriage nothing is certainly known. As stated above, it was proposed in June 1415 he should marry Euphemia [Leslie], Countess of Ross<sup>2</sup> *suo jure*, but this did not take effect, and it is said that the lady, after resigning her estates, became a nun. In August 1422 the contract with Lovat binds the latter to marry his son and heir (then an infant) to a daughter of the Earl 'gotin or to be gotin on Isobell of Innes,' who is not named as the Earl's wife; and failing such daughter, the heir of Lovat shall marry a daughter of the Earl 'to be gotten betwixt him and his spousit wife,' and so on until a marriage took place.<sup>3</sup> Macfarlane, who recites this contract, assumes that Isobell Innes was the Earl's mistress, and that his 'spousit wife' was alive, but this is doubtful. It seems more probable that the 'spousit wife' and her children were yet in the future, and that the contract was somewhat of a speculative nature, as it is not clear that the Earl had any children by Isobel Innes, whether she was his wife or not. There is no valid evidence that the Earl had any issue at all. He is said indeed to have had a daughter *Janet*, who, it is affirmed, was married to a Fraser of Lovat. But the *Wardlaw MS.*, which is probably the source of the statement, is so confused and incorrect at this point that it cannot be relied on.<sup>4</sup> (*See title Lovat.*)

The Earl was succeeded by his cousin,

IV. JAMES, fourth Earl of Moray, who is always stated to be the son of Alexander Dunbar and Matilda Fraser, the heiress of James Fraser of Frendraught, though no charter evidence is adduced, not even by Macfarlane. When he succeeded his father or grandfather is not certain, but on

<sup>1</sup> *Cal. Doc. Scot.*, iv. Nos. 942-983 *passim*. <sup>2</sup> The Pope's Commission for a dispensation states that the parties were related in the third and fourth degrees of consanguinity by different stems (*Regesta Avenion.*, lib. 347, f. 356). <sup>3</sup> It is not necessary to recite the whole contract, which may be found in the *Spalding Club Misc.*, v. 256; *The Priory of Beaulieu*, Grampian Club, and the *Wardlaw MS.*, *Scot. Hist. Soc.*, 98, 99. <sup>4</sup> *Wardlaw MS.*, *Scot. Hist. Soc.*, 98, 105.



28 January 1421-22 he received, on his own resignation, a charter from Murdach, Duke of Albany, of the lands of Fren-dracht and Auchinbo, co. Aberdeen, Carnousies and Cluny, co. Banff, and Drummely, co. Kincardine, to be held to himself and the lawful heirs of his body, whom failing, to Thomas Dunbar, Earl of Moray, and the lawful heirs of his body, whom failing, to the heirs of James, and then reverting to the Crown.<sup>1</sup> In February 1423-24 he was proposed as a hostage for King James I. (his income being returned as 500 merks yearly), and he was delivered as such on 28 March 1424. Like his cousin, he was first warded at Knaresburgh Castle, whence he was transferred to York in June 1425. From York he was taken to Pontefract in February 1426-27, and finally he was exchanged for another hostage, and set free on 9 November 1427.<sup>2</sup> It is possible the date of this release may indicate the time of his succession to the earldom of Moray. But record is almost wholly blank as to the history of the earldom during this Earl's occupancy of it and for several years after his death. He died, or was killed, on or about 10 August 1430.<sup>3</sup>

Earl James was married, but the history of his marriage or marriages is obscure. Macfarlane, the two editions of Douglas's *Peerage*, and Dr. George Burnett in the *Exchequer Rolls*, all express varying opinions, but failing any charter evidence, of which none has been discovered, the oldest testimony on the subject may be stated. Hector Boece, though not a reliable authority, seems to have known facts about the Dunbars which were overlooked by genealogists until lately discovered to be comparatively true. He wrote about 1527, and his continuation volume, printed in 1574, is closely followed by Pitscottie, who states that James Dunbar, Earl of Moray, was handfasted to Isobel Innes, daughter to the Laird of Innes, but she died before marriage. After her death the Earl married Katharine (or Janet), daughter to Alexander Seton of Gordon.<sup>4</sup> This is a

<sup>1</sup> *Antiq. Aberdeen*, etc., iii. 587. <sup>2</sup> *Cal. Doc. Scot.*, iv. Nos. 942-1010 *passim*. <sup>3</sup> *Reg. Mag. Sig.*, 20 September 1430. <sup>4</sup> Pitscottie, *Scot. Text Soc.*, i. 64, and ii. 345. The statement about Isobel Innes is complicated by the relations proved between another Isobel Innes and Thomas, Earl of Dunbar (*ante*, p. 304), while Katharine (called Janet by Macfarlane and others) Seton or Gordon is not otherwise known.

statement which is accepted in varying forms by all later writers, and nothing has been found to disprove it. By his wife Earl James had two daughters, named together on 26 April 1442, in a royal precept, as daughters of the late James of Dunbar, Earl of Moray.<sup>1</sup> They were:—

1. *Janet*, married, between 1442 and 1446, to James, second Lord Crichton. (*See that title.*) He died about 1454, and she married, secondly, John Sutherland, who, in a charter of 17 January 1458-59, is designed husband of Janet, Countess of Moray.<sup>2</sup> By him she had a son *Alexander*, named as her son on 28 March 1488.<sup>3</sup> She was a lady of considerable learning in those days, as she was able to sign her own name, as appears from a charter by her of 28 September 1454.<sup>4</sup> She died between 1494 and 1506.
2. *Elizabeth*, called *Mary* by some writers and also *Agnes*, married, before 26 April 1442, to Archibald Douglas, who was created Earl of Moray. (*See next article.*)

By Isabel Innes the Earl had a son *Alexander*, afterwards Sir Alexander Dunbar of Westfield. He died 10 March 1497-98. He inherited or obtained the lands of Carnousie, Cluny, and others which had belonged to his father.<sup>5</sup> He married Isobel Sutherland, eldest daughter of Alexander Sutherland of Duffus, who survived him and was still alive in 1502.<sup>6</sup> He was ancestor of the Dunbars of Westfield, Cumnock, Mochrum, Duffus, and others of the name. His wife's seal on 12 June 1502 showed, on a shield two cushions, with a star in base.<sup>7</sup>

CREATION.—Re-grant of the earldom of Moray 1371-72.

ARMS.—In the Armorial de Gelre ms. in the Royal Library at Brussels, of date about 1369, the arms of the

<sup>1</sup> *Antiq. Aberdeen*, etc., iii. 231.   <sup>2</sup> Westfield Writs, Bundle i. No. 17.  
<sup>3</sup> *Ibid.*, No. 75. Letters of Reversion by Alexander Dunbar of Westfield, Isabella Sutherland his spouse, and Janet, Countess of Moray, Lady of Frendraught, of the lands of Colmyst.   <sup>4</sup> *Antiq. Aberdeen*, etc., i. 524 n.  
<sup>5</sup> Cf. *Reg. Mag. Sig.*, 12 February 1504-5.   <sup>6</sup> Stodart's *Scottish Arms*, ii. 12.   <sup>7</sup> *Ibid.*

Earls are given as argent, three cushions gules within a double tressure flory counterflory of the last.

CREST (in the same MS.).—A stag's head argent, attired and collared or. The fourth Earl seems to have borne a talbot's head.<sup>1</sup>

[J. A.]

<sup>1</sup> *Scottish Armorial Seals*, No. 805.



## DOUGLAS, EARL OF MORAY



AFTER the death of James Dunbar, Earl of Moray, there is no mention of the earldom in any public record until 1445. Sometime before 26 April 1442, however, his younger daughter Elizabeth had married Archibald Douglas, third son of James, seventh Earl of Douglas.<sup>1</sup> On that day the spouses had a precept for sasine in the lands of Kintore, which had been granted in 1375 and 1383 to John Dunbar,

Earl of Moray,<sup>2</sup> and had been resigned by Janet and Elizabeth, the two co-heiresses of the earldom. They were now regranted to Archibald and Elizabeth, and to the heirs of Archibald, whom failing, to the other heirs of James, Earl of Douglas, whom failing, to the heirs of Elizabeth Dunbar.<sup>3</sup> This peculiar entail indicates that the earldom of Moray had come under the sway of the Douglasses. There is no other evidence, but Boece states that the Earl of Douglas, at this time James, long known as James Douglas of Balvany, who had large possessions in Banff and Inverness-shires, and others in Moray itself,<sup>4</sup> secured for himself the ward and marriage of the younger of the two heiresses

<sup>1</sup> *The Douglas Book*, i. 447; vol. iii. of this work, 178. <sup>2</sup> *Exch. Rolls*, vi. pref. cxxix. In 1436 the wards and rents of Kintore were granted to Alexander Seton of Gordon (*Ibid.*, v. 8), but no further notice of it appears.

<sup>3</sup> *The Douglas Book*, i. 447. <sup>4</sup> *Ibid.*, 437.

of James, last Earl of Moray.<sup>1</sup> This is borne out by the writ of 1442, when the territory was apparently settled on Archibald Douglas, who, however, does not appear on record as EARL OF MORAY until 3 July 1445,<sup>2</sup> having probably been created in the June Parliament of that year. He attended frequently at Court or in Parliament, and took part in affairs between 1445 and 1450, in which latter year his elder brothers went to Rome. In 1451 he is named with his brothers James, Hugh, and John in the series of charters granted to their eldest brother William, Earl of Douglas.<sup>3</sup>

After the murder of Earl William by the King in February 1451-52, Moray took his part in retaliation for his brother's fate, and ravaged Strathbogie, the country of the Earl of Huntly, who in a conflict at Dunkinty Moss, near Pittendriech, was defeated. As a result the title of Earl of Moray was, for a time at least, bestowed upon Sir James Crichton of Frendraught, son of Chancellor Crichton. (*See that title.*) In August 1452 the Douglases were reconciled to the King, and the Earl of Moray is found exercising his rights as such in the following year.<sup>4</sup> In 1455, however, as is well known, the struggle between King James II. and the Douglases reached a crisis. The Earl of Douglas had been forced to flee into England, but the Earl of Moray and his other brothers continued in arms against the King. They were met by a strong force under the Earl of Angus and completely routed at Arkinholm, near Langholm, on 1 May 1455, when Moray was slain and his head sent to the King.<sup>5</sup>

When forfeiture was pronounced against the Douglases in the Parliament of June 1455 it was charged against the Earl of Moray that he had treasonably fortified the castles of Lochindorb and Darnaway against the King. The evidence is doubtful, and as regards Darnaway the Earl appears to have beautified rather than fortified it. The fine hall so often ascribed to the great Randolph seems rather to have been the work of this Earl. His labours left the building unfinished, and King James II. ordered it to be

<sup>1</sup> Pitscottie, citing Boece, Scot. Text Soc., i. 62. Boece says it was William, Earl of Douglas, but in 1442 he had not succeeded. It was, however, no doubt his influence which made his brother Earl. <sup>2</sup> *Acta Parl. Scot.*, ii. 59; cf. also *Reg. Morav.*, 221. <sup>3</sup> *Acta Parl. Scot.*, ii. 68-72.

<sup>4</sup> *Chiefs of Grant*, iii. 22, 31 August 1453. <sup>5</sup> *The Douglas Book*, i. 449.

completed in the same style, the hall being then roofed in.<sup>1</sup> It was in the Forest of Darnaway that the scene of *The Buke of the Howlat* was laid, written by Sir Richard Holland, Precentor of Moray, in praise of the Douglasses and of Elizabeth, Countess of Moray, who is styled 'The Dow of Dunbar.' She survived her husband, was contracted to marry George, Lord Gordon (*see title* Huntly), but was divorced on the plea of consanguinity before 1459. She was married, before 1463, as his second wife, to Sir John Colquhoun of Luss. She was alive in 1472, but died some time before 17 February 1485-86, when James Douglas acknowledges himself to be the heir of his mother Elizabeth, Countess of Moray.<sup>2</sup> He also was probably dead before 18 March 1493-94, when Janet Dunbar was served heir to her sister in certain lands in Caithness.<sup>3</sup> The Earl and Countess had issue two children. *James*, already named, styled son and heir in the agreement with Lord Gordon after his father's death, and *Janet*, also named in same writ.<sup>4</sup> Of her nothing further is known.

[J. A.]

<sup>1</sup> *Exch. Rolls.*, vi. 220, 380, 483. <sup>2</sup> Protocol Book of James Young, Edinburgh City Chambers. <sup>3</sup> *The Chiefs of Colquhoun*, i. 47-50; original retour in Riddell Collection, Adv. Lib. <sup>4</sup> Spalding Club, *Misc.*, iv. 28.

[CRICHTON, EARL OF MORAY. *See title* CRICHTON.]

## STEWART, EARL OF MORAY



AVID STEWART, third son of King James II., after the forfeiture of the Douglasses, received from his father on 12 February 1455-56 the title of EARL OF MORAY and perhaps a grant of the earldom, but he died an infant before 18 July 1457.<sup>1</sup>

II. JAMES STEWART, son of King James IV. by Janet Kennedy, daughter of John, second Lord Kennedy, born in 1500, received a Crown charter

on 12 June 1501 of the lands and earldom of Moray, and the office of Sheriff, to himself and the heirs-male of his body, with the title of EARL OF MORAY.<sup>2</sup> He spent part of his youth in France, returning from that country in 1519. He had various charters granted to him of lands in co. Elgin and elsewhere, and on 26 January 1530-31 the King, his nephew, bestowed the earldom of Orkney and Zetland upon him.<sup>3</sup> In 1532 he was the King's Lieutenant-General for the north of Scotland. He was one of the ambassadors to France in 1535, and was made a Chevalier of the Order of St. Michael.<sup>4</sup> He died without male heirs on 12 June 1544. He was at the age of fourteen contracted in marriage to Margaret Douglas (afterwards Countess of Lennox), daughter of Queen Margaret Tudor and Archibald, sixth

<sup>1</sup> *Exch. Rolls*, vi. pp. cxxvi n, 280, 291, 355. <sup>2</sup> *Reg. Mag. Sig.*, at date. <sup>3</sup> *Ibid.* <sup>4</sup> *Accounts of Lord High Treasurer*, vi. Pref. lix, 151, 345.

Earl of Angus, then aged nine, and a charter of Nether Loudoun and other lands in Ayrshire was on 7 December 1525 granted to the intended spouses,<sup>1</sup> but the marriage did not take place. He married, about 24 August 1529,<sup>2</sup> when they had a charter, Elizabeth, eldest daughter of Colin, third Earl of Argyll. (*See that title.*) They had a daughter,

• *Mary*, married to John, Master of Buchan (*see that title*), without issue.

This Earl of Moray had two natural children—(1) *John*, whose mother was a Marion Stewart, and who is named in his father's will.<sup>3</sup> In 1552 he was accused of endeavouring to possess land in the burgh of Elgin under a forged document.<sup>4</sup> (2) *Elizabeth*, also named in her father's will, the marriage of the Laird of Balnageich being assigned to her.<sup>5</sup>

CREATION.—12 June 1501.

ARMS (of James Stewart).—His seal bore, quarterly: 1st and 4th, three cushions lozengeways within a royal tressure; 2nd and 3rd, a lion rampant within a royal tressure debruised by a ribbon sinister.<sup>6</sup>

[J. A.]

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.* <sup>3</sup> *Sixth Rep. Hist. MSS. Com.*, 671. <sup>4</sup> *Acts and Decrees*, viii. f. 29. <sup>5</sup> *Sixth Rep. Hist. MSS. Com.*, 671. <sup>6</sup> Macdonald's *Scottish Armorial Seals*, No. 2593.







Floray

## STEWART, EARL OF MORAY



JAMES STEWART, natural son of King James v. by Margaret Erskine, daughter of John, Earl of Mar, was born in 1531.<sup>1</sup> His career, which did so much to influence Scotland in his day, belongs rather to the province of the historian than the genealogist, and its salient points can only be briefly summarised in a notice like the present. On April 1536 he was sufficiently old to be able

to ride, as fifty shillings was then paid for a cover to a French saddle for him.<sup>2</sup> On 31 August of the same year he had a charter of the lands of Tantallon and others.<sup>3</sup> In 1538 he was made Prior *in commendam* of St. Andrews, was educated at the university there, paid a visit to France in 1548, and next year, on his return home, stripling though he was, he was largely instrumental in defeating an inroad of the English on the coast of Fife.<sup>4</sup> On 7 February 1550-51 he and his brother John, Prior of Coldingham, had letters of legitimisation.<sup>5</sup> He was in Paris 1552, obtained the Priory of Mâcon in France and a papal dispensation to

<sup>1</sup> The year 1533 is generally given as the date of his birth, but the Papal Bull appointing him Prior of St. Andrews in 1538 speaks of him as in his seventh year. Original in H. M. Reg. Ho., Bulls, etc., No. 61. <sup>2</sup> *Treasurer's Accounts*, vi. 280. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> Lord Herries's *Memoirs*, 24. <sup>5</sup> *Reg. Mag. Sig.*

hold three benefices, notwithstanding his illegitimacy, 1555. In 1558 he was appointed one of the commissioners to go to France to negotiate the marriage between his sister Mary and the Dauphin. The following year, deserting the party of the Queen-Regent, with whom he had up to this time acted, he joined the Lords of the Congregation. He was sent to France in March 1560-61 to invite Queen Mary to return home; on her arrival in Scotland in August 1561 she did not fail to indicate her confidence in her brother. On 12 November he was given a commission for bringing the unruly Borders into subjection to the law, a task which he performed efficiently,<sup>1</sup> and on 30 January 1561-62 he got a charter of the earldom of Moray,<sup>2</sup> to himself and the heirs-male of his body, but as Huntly had had a grant of the same earldom in February 1548-49, and was not yet forfeited, though he had been deprived of his Chancellorship and of the lands of the earldom,<sup>3</sup> the creation was not made public. On 7 February 1561-62 he was created EARL OF MAR, but resigned that earldom a few months later. On 27 October 1562 he had a commission to proceed against the ex-Chancellor, the Earl of Huntly, and the following day he completely defeated him at Corrichie.<sup>4</sup> Huntly having died on being led captive from the field, his body was brought to Edinburgh, where sentence of forfeiture was pronounced against him 28 May 1563.<sup>5</sup> Before this, however, on 10 February 1562-63 Lord James had been 'belted' earl, probably under the title of EARL OF MORAY, LORD ABERNETHY and STRATHEARN,<sup>6</sup> but in order to provide against any possible exception being taken to the grant of the title having been made before Huntly's forfeiture, he got a second charter, with the same limitation as the first, on 22 January 1563-64. Again, a third charter of the earldom was granted him on his own resignation, 1 June 1566, extending the succession to heirs or assigns whatsoever. The Earl obtained a ratification in Parliament 19 April 1567 of the charter of the earldom of 22 January 1563-64, and of another of the lands of Braemar and Strathdee granted on 20 December 1564. In both these

<sup>1</sup> *P. C. Reg.*, i. 184, 188. <sup>2</sup> *Moray Chart.* <sup>3</sup> See *ante*, vol. iv. 535. <sup>4</sup> *P. C. Reg.*, i. 222. <sup>5</sup> *Cf.* vol. iv. 535. <sup>6</sup> He is styled *Comes Moravie* in a charter of 12 February 1562-63 (*Reg. Mag. Sig.*).

charters, as quoted in the ratification, the remainder is only to heirs-male of his body, failing whom, the subjects were to revert to the Crown. It is difficult to understand why Moray did not get the charter of 1566, with its wider remainder, ratified, but it may be noted that in the preamble of the ratification itself it is narrated that the Queen, by the charter of January 1563-64 granted to her 'derrest brother James, Erle of Murray, Lord Abernethye, etc.' the lands and earldom of Moray, 'as at mair lenth is contenit in the said infestment . . . maid to the said Erle, *his airis and assignais* thairupoune.'<sup>1</sup> Similar language is used regarding the other charter. It is not easy to see how the words of the ratification and of the charters themselves can be reconciled; but meanwhile they did not invalidate the charter of 1566.

Failing in his attempt to prevent the marriage of his sister with Darnley, he was denounced rebel 7 August 1565,<sup>2</sup> and retired to England shortly after; he was, however, pardoned the following year, and returned to Scotland the day following the murder of Riccio, to which nevertheless he was a consenting party. While not directly associated with the assassination of Darnley there is little doubt that he was party to the plot, but before the marriage of Mary with Bothwell he left Scotland for France.

In the momentous events which took place in Scotland during Moray's stay in France he had no part; and it was not until Mary had, on 24 July 1567, signed her deed of demission, resigning the Crown in favour of her son and appointing Moray Regent,<sup>3</sup> that he returned to Scotland. He had an affecting and trying interview with his sister at Lochleven on 15 August; at her urgent request he reluctantly agreed to assume the Regency, and on 22 August was formally installed in that office. His conduct in the events which followed, the escape of Queen Mary from Lochleven, her defeat at Langside, and her flight to England has been variously criticised; ambitious, reticent, and self-controlled, his true character has remained a subject of debate with historians. What he might have done for his country had he been spared to continue his rule it is

<sup>1</sup> *Acta Parl. Scot.*, ii. 553-557. <sup>2</sup> *P. C. Reg.*, i. 349. <sup>3</sup> *Acta Parl. Scot.*, iii. 11; *P. C. Reg.*, i. 339.

impossible to say, as his career was suddenly brought to an end by his assassination at Linlithgow by James Hamilton of Bothwellhaugh 21 January 1569-70. His body was taken to Holyrood, and thence, on 14 February, carried to St. Giles', where it was interred in the south aisle. The funeral sermon was preached by Knox to a crowded congregation, and his epitaph by George Buchanan can still be seen on the brass above his restored tomb. 'Jacobus Stovarto, Moraviæ comiti, Scotiæ proregi, viro ætatis suæ longe optimo, ab inimicis omnis memoriæ deterrimis, ex insidiis extincto, ceu patri communi, patria mœrens posuit.'<sup>1</sup>

Moray had, in January 1549-50, been contracted in marriage to Christina, Countess of Buchan in her own right, then a mere infant. The marriage, however, was never completed, and he married, following his 'hartis inclination,' at Holyrood on 10 February 1561-62, Agnes Keith, eldest daughter of William, Earl Marischal.<sup>2</sup> The ceremony was performed by Knox in St. Giles' church. She survived her husband, and was married, secondly, between May 1571 and 26 February 1571-72, to Colin Campbell, sixth Earl of Argyll, and died 16 July 1588.<sup>3</sup> By her the Earl of Moray had issue three daughters:—

1. ELIZABETH, Countess of Moray in her own right. She was served heir to her father 10 September 1588.<sup>4</sup>
2. *Annabel*, died young, before November 1572.<sup>5</sup>
3. *Margaret*, posthumous,<sup>6</sup> married (contract 22 and 28 April and 27 June 1584),<sup>7</sup> to Francis, ninth Earl of Erroll. She died *s.p.* before January 1586-87.

II. JAMES STEWART, who became Earl of Moray in virtue of his marriage with Elizabeth, the eldest of the sisters above mentioned, was born before 1568, being the eldest son of Sir James Stewart, created Lord Doune in 1581.<sup>8</sup> He is described as being 'of very tall stature,'<sup>9</sup> and no

<sup>1</sup> Lees' *St. Giles'*, 263. <sup>2</sup> Cf. his spirited letter to his mother of 9 October 1562, referring indignantly to her treatment of the young heiress of Buchan (*Reg. Honoris de Morton*, i. 9, 10). <sup>3</sup> Cf. vol. i. 345. <sup>4</sup> *Moray Chart.* <sup>5</sup> *Seventh Rep. Hist. MSS. Com.*, 655; *Acts and Decrees*, xlvi. 120. <sup>6</sup> *Sixth Rep. Hist. MSS. Com.*, 655. <sup>7</sup> *Reg. of Deeds*, xxvi. 225. <sup>8</sup> The statement that Sir Ensor Doone, the outlaw of Exmoor, was a twin brother of the 'bonnie Earl' is entirely mythical. The 'Doones,' however, are now believed to have been of Scottish descent (*Lorna Doone*, etc., 1908, by H. Snowden Ward); cf. vol. iii. 189. <sup>9</sup> *Estimate of the Scottish Nobility*.

doubt his handsome appearance and social accomplishments procured him the epithet of the 'bonnie Earl,' by which he has been known to posterity. In 1580 he obtained a gift of the ward and marriage of the two daughters of the Regent Moray, and in the same year married the elder, assuming *jure uxoris* the title of Earl of Moray. He and his wife had a pension of £500 per annum from the King,<sup>1</sup> and he served on commissions for executing the Acts against the Spanish Armada and the Jesuits.<sup>2</sup> Towards the end of 1590, his relations with Huntly, his rival in the north, had become extremely strained. The two Earls were bound over to keep the peace.<sup>3</sup> Moray appears to have absented himself from Court, and to have retired to the south of Scotland. On the ostensible ground that he had been in communication with Bothwell, or at least a sympathiser with him, Huntly received a commission for his capture. Trusting to a promise of receiving the King's pardon, which had been conveyed to him by Lord Ochiltree, Moray had taken up his quarters at Donibristle, near Aberdour, in Fife. There, on the night of 7 February 1591-92, when he was alone in the house, with exception of Dunbar, Sheriff of Moray, and a few servants, he was attacked by Huntly and his followers. The house was set on fire, and Dunbar in rushing out was instantly killed. Moray himself succeeded in reaching the seashore, and might have escaped had not a silken tassel on his cap caught fire and betrayed him to the enemy. He was slaughtered under circumstances of extreme barbarity, and the news which reached Edinburgh next day excited the utmost popular indignation.<sup>4</sup> The tale of the murder has often been told, and its memory is enshrined in a ballad which is still one of the best known of its class.<sup>5</sup> He was under twenty-five years of age at the time of his death.<sup>6</sup> On the day following the murder the bodies of Dunbar and the Earl were brought over by the latter's mother to Leith, with a view to their being buried in the Regent's tomb: as a matter of fact, they lay long unburied, an incentive to revenge. Not only so, but Lady Moray had her son's portrait, as he lay with his handsome

<sup>1</sup> *P. C. Reg.*, iii. 450. <sup>2</sup> *Ibid.*, iv. 307, 466. <sup>3</sup> *Ibid.*, 597. <sup>4</sup> *Ibid.*, 725 n.

<sup>5</sup> Cf. Maidment's *Scottish Ballads*, i. 237. <sup>6</sup> *Estimate of Scottish Nobility*.

features slashed by his assassins, painted and presented to the King.<sup>1</sup> But only one of Huntly's followers suffered for the outrage; that nobleman himself, after a short detention in ward, was liberated, and no further proceedings were taken. The King earned himself much unpopularity in connection with the incident; he was supposed to be not altogether free from complicity in the crime, and one version of the ballad states that jealousy of Moray's favour with the Queen influenced the conduct of James in the matter.

By his wife Elizabeth, Countess of Moray, who died three months before him, 18 November 1591, the Earl had issue:—

1. JAMES, third Earl.
2. *Francis*, one of the Gentlemen of the Privy Chamber to King Charles, created a Knight of the Bath on 2 June 1610. He is stated to have been a member of Sir Walter Raleigh's Club at the 'Mermaid,' London.<sup>2</sup>
3. *Margaret*, who was naturalised in England on the accession of King James. She was married, first, as his second wife, in September 1603, to Charles Howard, Earl of Nottingham, the celebrated admiral. He was then about sixty-seven, and it was said that his marriage with this young lady 'set his wisdom many degrees back in the repute of the world.'<sup>3</sup> He survived the marriage many years, and died 14 December 1624, aged eighty-eight. His widow was married, secondly, to William, Lord Monson of Castlemaine, who, as he was born in 1607, must have been much younger than she was. She died at Covent Garden 4 August 1639, and was buried at Chelsea. She had issue by both husbands.
4. *Elizabeth*, married to John Abernethy, eighth Lord Saltoun. Charter to her as his future wife, 5 April 1605.<sup>4</sup> She died before 30 December 1608,<sup>5</sup> having had no issue by her husband.
5. *Grizel*, married (contract 18 December 1611<sup>6</sup>) to Sir Robert Innes of that Ilk, and had issue.

<sup>1</sup> It is said that this picture is still in existence. <sup>2</sup> Wood's *Fasti Oxon.*, i. 824. <sup>3</sup> Osborn's *Queen Elizabeth*, 80. <sup>4</sup> *Banff Sasines*, Secretary's Register, iii. 14. <sup>5</sup> *Reg. Mag. Sig.*, 14 February 1609. <sup>6</sup> *Ibid.*, 2 February 1629.



III. JAMES, third Earl of Moray, was but a very young man at the time of his father's death. Within a few months of that event the King's letter was procured, superseding all actions against him as heir to his father or mother for two years, which was ratified by Parliament;<sup>1</sup> at the same time a ratification was made to him of the charter to his grandfather, Sir James Stewart, first Lord Doune, and his wife, Margaret Campbell, of the lordship of Doune, dated 6 January 1587.<sup>2</sup> On 16 February 1597-98 he and his tutors and curators were charged to enter the body of his father, which had till then remained unburied.<sup>3</sup> On 5 March 1601 he was denounced rebel for failing to appear when summoned before the Privy Council.<sup>4</sup> At this time he was still a minor, and was under age indeed till at least 5 March 1602, when a charter was granted by him with consent of his curators, Lord St. Colm, Sir Robert Crichton of Cluny, and Paul Doig of Dunrobin.<sup>5</sup> The feud between him and his father's murderer, Huntly, was naturally bitter, and he was also at feud with the Earl of Argyll, who was donator of the ward of the earldom. The King took much pains to reconcile the parties, and at last it was, nominally at least, accomplished on 23 February 1603,<sup>6</sup> and a decret arbitral was pronounced by the King on the matter 3 May 1604. For some reason which is not now explainable, it seems to have been felt that the position of the title was not on a satisfactory basis, so shortly after the Earl came of age he got, on 11 August 1607, a Parliamentary ratification of various charters which had been granted to his ancestors, and among them the charter of the earldom which had been granted to his grandfather the Regent on 1 June 1566, extending the remainder to heirs whatsoever.<sup>7</sup> He sat as member of the Privy Council for the first time 15 October 1607.<sup>8</sup> Following the ratification above mentioned he had, on 17 April 1611, a charter of novodamus of the lands and earldom of Moray to himself and the heirs-male of his body, whom failing, to his brother, Sir Francis Stewart, and similar heirs, whom failing, to his own nearest lawful heirs and assigns whomsoever.<sup>9</sup> He

<sup>1</sup> *Acta Parl. Scot.*, iv. 629. <sup>2</sup> *Ibid.* <sup>3</sup> *P. C. Reg.*, v. 445. <sup>4</sup> *Ibid.*, vi. 220. <sup>5</sup> *Reg. Mag. Sig.*, 2 June 1603. <sup>6</sup> Calderwood, vi. 205. <sup>7</sup> *Acta Parl. Scot.*, iv. 381. <sup>8</sup> *P. C. Reg.*, vii. 447. <sup>9</sup> *Reg. Mag. Sig.*

was one of the commissioners against the Clan Gregor and for the trial of three reseters in Elgin and Forres.<sup>1</sup> He had charters of the lands of Fintray and others 16 July 1618; a confirmation of a charter of Harperlands and others in the county of Elgin, 24 February 1620, and a charter of the lordship of St. Colm (to which he had succeeded on the death of his cousin James, the second holder of that title), 26 February 1620, and one of Cambusbeg and the patronage of the Precentory of Moray 6 March 1624.<sup>2</sup> On 8 March 1626 he was nominated one of the Council in Scotland of King Charles I., and on 24 of the same month was made the King's Justiciar in Forres, Nairn, Elgin, Inverness, Aberdeen, and Banff.<sup>3</sup> He died at Darnaway 6 August 1638, and was buried next day at the church of Dyke without any pomp.

The Earl married, by arrangement of the King in an endeavour to heal the feud between the two families, Anne Gordon, eldest daughter of George, first Marquess of Huntly; contract 2 October 1607.<sup>4</sup> By her he had issue:—

1. JAMES, fourth Earl of Moray.
2. *George*, died at Edinburgh, unmarried.
3. *Margaret*, married, about 25 April 1640,<sup>5</sup> against the wishes of her family, to James Grant of Freuchie. She died 18 December 1662, and was buried 30, at Duthil.

IV. JAMES, fourth Earl of Moray, was styled Lord Doune before he succeeded to the Peerage. He was served heir to his father 15 November 1638.<sup>6</sup> He had a charter, 12 November 1641, of the Castle of Spynie,<sup>7</sup> and was made Sheriff-Principal of Inverness 27 July 1647.<sup>8</sup> He was a royalist, but did not take much part in the troubles of his time, though he was colonel of a regiment of horse and foot in Elgin and Nairn in 1643, and in the following year commanded the foot which were raised in the northern counties of Scotland.<sup>9</sup> He either did not wish to connect himself too far with the fortunes of his party or possibly was of weak constitution,

<sup>1</sup> *P. C. Reg.*, ix. 47, 236. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.*, 27 June 1611.  
<sup>5</sup> *Fraser's Chiefs of Grant*, i. 250. <sup>6</sup> *Moray Chart.* <sup>7</sup> *Reg. Mag. Sig.*  
<sup>8</sup> *Ibid.* <sup>9</sup> *Acta Parl. Scot.*, vi. pt. i. 52, 79, etc.

as he was excused from attending a rendezvous in 1645.<sup>1</sup> He died 4, and was buried 22, March 1653, when it is said he had sold a large part of his estates.<sup>2</sup>

He married (contract 18 October 1627<sup>3</sup>) Margaret, sister and ultimately co-heiress of James, Lord Home. They had, along with her sister Anne and her husband, John, Lord Maitland, a charter, 20 February 1643, of certain Home lands in security of certain sums of money owing them by the late Earl, probably as the marriage portion of his sister. She also acquired from her sister by disposition, dated 21 May 1645, to herself and her son James, Lord Doune, the house and grounds in the Canongate of Edinburgh which had been built, or rather re-built, by the Countess of Home, and which is now known as Moray House. On 26 August 1653 the Countess of Moray resigned the subjects in favour of her eldest surviving son, who had succeeded to the Earldom.<sup>4</sup> By his wife the Earl of Moray had issue:—

1. *James*, Lord Doune, died *v.p.* unmarried, before 14 June 1653, when his brother was served heir to him in the Canongate house and lands.
2. ALEXANDER, fifth Earl of Moray.
3. *Francis* of Cullalay, died unmarried.
4. *John*, baptized 30 January 1639.<sup>5</sup>
5. *Archibald* of Dunearn, in Fife, baptized 28 February 1643,<sup>6</sup> married Anna,<sup>7</sup> daughter of Sir John Henderson of Fordel, and had with other issue:—

(1) *Charles*, married, first, Christina,<sup>8</sup> daughter of Sir William Bennet of Grubbet, Bart., and, secondly, Jean, daughter of Sir Alexander Hamilton of Dalziel, with issue by both wives.<sup>9</sup>

6. *Mary*, married, at Moray House, Canongate, 13 May 1650, to Archibald, ninth Earl of Argyll, and died May 1668.
7. *Margaret*, married, after March 1653, as his third wife, to Alexander, first Lord Duffus, and died January 1667.<sup>10</sup>
8. *Henriet*, married, in 1662, to Sir Hugh Campbell of Cawdor.

<sup>1</sup> *Acta Parl. Scot.*, vi. pt. i. 471. <sup>2</sup> *Brodie's Diary*, 29; *Reg. Mag. Sig.*, 27 August 1652. <sup>3</sup> *Moray Chart.* <sup>4</sup> *Ibid.* <sup>5</sup> Canongate Reg. <sup>6</sup> *Ibid.* <sup>7</sup> *Ibid.* <sup>8</sup> Canongate Reg. of Proclamations, 13 February 1697. <sup>9</sup> *Ibid.*, 24 August 1700. <sup>10</sup> *Wardlaw MS.*, 474.

9. *Anne*, baptized 4 June 1644, died young.<sup>1</sup>
10. *Anne* (*secunda*), baptized 29 March 1650,<sup>2</sup> married (contract 15 March 1666) to David Ross of Balnagown, and died August 1719.<sup>3</sup>

V. ALEXANDER, fifth Earl of Moray, baptized 8 May 1634,<sup>4</sup> was served heir to his father 23 June 1653. He was, next year, fined £3500 by Cromwell,<sup>5</sup> a sum which was ultimately reduced to £1166, 13s.<sup>6</sup> In 1661 he had a Parliamentary ratification to himself of the charter of the earldom of Moray and of the burghs of Darnaway, Doune, and Fisherton of Pettie of 17 April 1611. It is another instance of the careless draftsmanship of these ratifications when it is found that the document states that it is a ratification of the charter of 1611 to James, Earl of Moray, 'and to the said deceast James Earle of Murrayes heirs male and of tailzie mentioned in the foresaid charter.'<sup>7</sup> As a matter of fact no such class of heirs is mentioned in the deed itself. On 1 June 1675 he was appointed Lord Justice-General in place of the Marquess of Atholl; on 27 September 1678 he was nominated a Commissioner of the Treasury, and on 17 July 1680 was made an Extraordinary Lord of Session.<sup>8</sup> On 2 November in the same year, on the downfall of the once great Duke of Lauderdale, Moray succeeded him as Secretary of State, an office which he retained till the Revolution. In 1686 he was appointed Commissioner to Parliament,<sup>9</sup> in the hope, it is said, that he might be able to influence the fortunes of an attempt to obtain toleration for Roman Catholics. On 6 June 1687, on the creation or revival of the Order of the Thistle, he was created one of the first Knights of that Order by King James VII. At the Revolution of 1688 Moray, as a supporter of the old dynasty, was deprived of all his offices. He retired then into private life, and took no further part in the politics of the day. He resided quietly at Donibristle, where he died 1 November 1700.

The Earl married Emilia, daughter of Sir William Balfour

<sup>1</sup> Canongate Reg. <sup>2</sup> *Ibid.* <sup>3</sup> M. I., Fearn Abbey. <sup>4</sup> Canongate Reg. <sup>5</sup> *Acta Parl. Scot.*, vi. pt. ii. 820. <sup>6</sup> *Ibid.*, 846. <sup>7</sup> *Ibid.*, vii. 349. <sup>8</sup> Brunton and Haig's *Senators*, 411. <sup>9</sup> *Acta Parl. Scot.*, viii. 578.

of Pitcullo, Lieutenant of the Tower of London. By her, who died 29 July 1702,<sup>1</sup> the Earl had issue:—

1. *James*, Lord Doune, who died *v.p.* 1685, having married (contract 26 December 1677<sup>2</sup>) Catharine, daughter of Elizabeth, Countess of Dysart in her own right (who ultimately married the Duke of Lauderdale) by her first husband, Sir Lionel Tollemache, Bart.<sup>3</sup> She was married, secondly, after 1690, as his second wife, to John, fifteenth Earl of Sutherland, and died about 1705.<sup>4</sup> By her Lord Doune had issue:—

(1) *Elizabeth*, married, 3 December 1698 (post-nuptial contract dated 30 September and 29 December 1699), to Alexander Grant of Grant, with a tocher of £5000 sterling, bequeathed to her by the Duchess of Lauderdale, her grandmother.<sup>5</sup> She died 22 April 1708, without surviving issue.

(2) *Emilia*, married, first, to Alexander Fraser of Strichen, and, secondly, to John, nineteenth Earl of Crawford. She died 18, and was buried at Holyrood 26, February 1711.<sup>6</sup>

2. CHARLES, sixth Earl of Moray.

3. *John*, died *s.p.*

4. FRANCIS, seventh Earl of Moray.

5. *Mary*, died 27 October 1718, aged fifty-three, and was buried in the church of Iver, Buckinghamshire, where there is a monument to her memory, erected by her brother Charles.<sup>7</sup>

VI. CHARLES, sixth Earl of Moray, was created a Baronet in the lifetime of his father, 23 September 1681, with remainder to heirs-male of his body. He was served heir to his father 18 August 1730.<sup>8</sup> He executed a deed of entail of the earldom in favour of his brother Francis and the heirs-male of his body 8 December 1730.<sup>9</sup> He died at Donibristle 7 October 1735, aged seventy-six. He married his cousin Anne, daughter of Archibald, ninth Earl of Argyll, and widow of Richard, fourth Earl of Lauderdale. She died *s.p.* 18 September 1734, aged seventy-six.<sup>1</sup>

VII. FRANCIS, seventh Earl of Moray, was served heir to his brother 31 December 1735.<sup>11</sup> He was one of those sum-

<sup>1</sup> Scot. Hist. Soc. *Misc.*, i. 477. <sup>2</sup> *Moray Chart*. <sup>3</sup> Cf. vol. iii. 403, 405. <sup>4</sup> Fraser's *Sutherland Book*, i. 324. <sup>5</sup> *Chiefs of Grant*, i. 369. <sup>6</sup> Holyrood Burial Reg. <sup>7</sup> *Scot. Antiquary*, ix. 188. <sup>8</sup> *Moray Chart*. <sup>9</sup> *Ibid.* <sup>10</sup> Cf. vol. i. 368. <sup>11</sup> *Moray Chart*.

moned to surrender on suspicion of disaffection during the rising of 1715. He does not appear to have taken any prominent part in public affairs, but Douglas describes him as 'of great learning and honour.' He died at Donibristle 11 December 1739, aged sixty-five. He married, first, Elizabeth, only daughter of Sir John Murray of Drumcairn, brother of the fourth Viscount of Stormont, by whom he had no issue; secondly, about 1702, Jean Elphinstone, second daughter of John, fourth Lord Balmerino, and by her, who died at Donibristle 13 May 1739, had issue:—

1. JAMES, eighth Earl of Moray.
2. *John*, of Pittendreich. Member of Parliament for Anstruther Easter 1741-47; a captain in the 54th Foot, the Earl of Loudoun's Highlanders, 8 June 1745, and was taken prisoner at the battle of Prestonpans. He afterwards entered the service of the States-General; was lieutenant-colonel of the Earl of Drumlanrig's Regiment 3 July 1747; colonel in Lieut.-General Halkett's Regiment 26 November 1754; and colonel-commandant of Major-General Charles William Stewart's Regiment 5 May 1758; on the death of the last-mentioned officer he became colonel of the regiment 30 July 1760, and major-general 1 September 1772. He was allowed to retain his rank and pay in 1783, and a regiment was called by his name till 1795.<sup>1</sup> He died, unmarried, at Musselburgh, 13 August 1796, in the eighty-eighth year of his age.<sup>2</sup>
3. *Francis*, who died in Germany, as lieutenant-colonel of Honeywood's Dragoons, 28 August 1760.<sup>3</sup> He married, first, 4 January 1745, Helen, sixth daughter of Alexander, ninth Earl of Eglintoun; she died at Edinburgh 4 January 1747, leaving one son, *Francis*, who died, unmarried, at Rheims, in October 1768.<sup>4</sup> Colonel Stewart married, secondly, a lady whose name has not been ascertained, but who died at Hedgerley, in Buckinghamshire, 13 February 1784. They had a daughter, *Jane*, married, 1 November 1788, at

<sup>1</sup> *Scots Brigade in Holland*, ii. 413 n. <sup>2</sup> Restalrig Reg. <sup>3</sup> Wood's Douglas's *Peerage*, ii. 260; *Scots Mag.*; the latter gives September as the date of death. <sup>4</sup> *Scots Mag.*; testament confirmed 21 June 1774; Edin. Tests.

St. Margaret's, Westminster, to Thomas Lewis Obeirne, who afterwards became Bishop of Meath.

4. *Archibald*, appointed captain in the Navy 20 February 1745, and died at Harley Street, London, 20 February 1795.
5. *Henry*, a major in the Army, died in Germany.
6. *Anne*, married to John Steuart of Blackhall, and died at Edinburgh 17 January 1783, aged eighty.<sup>1</sup>
7. *Amelia*, married (post-nuptial contract dated 15 February 1738) to Sir Peter Halkett of Pitfirrane, Bart., who was killed at Fort du Quesne 9 July 1755. She died at Inveresk 18 May 1781.

VIII. JAMES, eighth Earl of Moray, was born about 1708, and was served heir to his father 2 April 1740.<sup>2</sup> Not long after his succession to the Peerage he was created a Knight of the Order of the Thistle, 23 February 1741; and he sat in the House of Lords as a Representative Peer from 1741 till 1767. Under the Act of 1747 for abolishing heritable jurisdictions he obtained £3000 for the sheriffship of Moray and Elgin, and £1200 for the stewartry of Menteith, in all £4200, in full of his claim for £14,000. He died at Donibristle 5 or 6 July 1767. He married, first, December 1734, Grace, daughter of George Lockhart of Carnwath, and widow of John, third Earl of Aboyne. She died at Darnaway 17 November 1738. The Earl married, secondly, 24 April 1740, Margaret, second daughter of David, third Earl of Wemyss. She died at Drylaw, near Edinburgh, 31 August 1779.

By his first marriage the Earl had issue:—

1. FRANCIS, ninth Earl of Moray.
2. *Euphemia*, born 27 August 1735,<sup>3</sup> died 3 October 1770, unmarried.

By his second marriage he had:—

3. *James*, born 17 April 1741; captain 20th Foot, 24 February 1762; lieutenant-colonel Sutherland Fencible Regiment, 1793; deputy-governor of Fort George, 13 January 1777; captain North British Veteran Battalion, 21 April 1803. Died at Fort George 4 May 1808.
4. *David*, born in 1745; was a lieutenant in the Navy, and

<sup>1</sup> Restalrig Reg. <sup>2</sup> *Moray Chart*. <sup>3</sup> Canongate Reg.

died at Budley Saltarton, Devonshire, 12 June 1784. He married Elizabeth Begg, who died in Castle Street, Edinburgh, 14 October 1799, leaving issue.

IX. FRANCIS, ninth Earl of Moray, was born 11 January 1737. As a young man he completed his education by foreign travel, and seems to have made excellent use of the opportunities afforded him.<sup>1</sup> On his succession to the title and the family estates he paid great attention to the development of the latter, and became celebrated as a tree-planter. Within two years after his succession it is said he planted at Darnaway, Doune, and Donibristle upwards of thirteen million trees, of which nearly a million and a half were oaks. The Earl sat as a Representative Peer from 1784 to 1796, and was on 4 June 1796 created BARON STUART OF CASTLE STUART in the county of Inverness, in the Peerage of Great Britain. He was Lord-Lieutenant of Morayshire. He died at Drumsheugh, near Edinburgh, 28 August 1810, aged seventy-three, and was buried at Donibristle. He married, at Gray, 28 June 1763, Jane, eldest daughter of John, twelfth Lord Gray, and by her, who died 19 February 1786, had issue:—

1. *James*, Lord Doune, born at Edinburgh, 2 March 1765, died *v.p.* at Bath 11 June 1776.
2. *John*, also styled Lord Doune after his brother's death, was born at Edinburgh 11 February 1768; elected M.P. for Great Bedwin 1790; died, *v.p.* unmarried, at Drumsheugh, 6 July 1791, and was buried at Donibristle.
3. FRANCIS, tenth Earl of Moray.
4. *Archibald*, twin with Francis, born at Edinburgh 2 February 1771; cornet 2nd Dragoon Guards 4 August 1790, and afterwards lieutenant-colonel of the Dorsetshire Militia. He died 30 October 1832, having married, 17 March 1793, Cornelia, youngest daughter of Edmund Morton Pleydell of Melbourne St. Andrew, co. Dorset. By her, who died 1 March 1830, he left issue:—

(1) *Francis Archibald*, born 5 December 1793; died, unmarried, 14 July 1875.

(2) *John Morton*, born 20 April 1795; died, unmarried, 6 July 1840.

<sup>1</sup> Wood's *Douglas's Peerage*, ii. 261.



- (3) *James William*, born 21 February 1797; died, unmarried, 2 December 1850.
- (4) *Edmund Luttrell*, born 21 February 1798; was rector of the parish of Winterborne Houghton, co. Dorset; died 5 November 1869, having married, 2 September 1834, Elizabeth, second daughter of the Rev. J. L. Jackson, rector of Swanage. She died 28 March 1885, leaving issue:—
- i. EDMUND ARCHIBALD, fifteenth Earl.
  - ii. FRANCIS JAMES, sixteenth Earl.
  - iii. *Morton Gray Stuart Gray*, of Kinfauns Castle, co. Perth, and Gray House, co. Forfar. Born 16 April 1855. He and his sister received a Patent of Precedence 10 April 1897 as son and daughter of an Earl. In 1901 he assumed the additional name and arms of Gray; married, 17 December 1890, Edith Douglas, daughter of Rear-Admiral George Palmer, and has issue:—
    - (i) *Francis Douglas*, born 10 July 1892.
    - (ii) *Archibald John Morton*, born 14 November 1894.
    - (iii) *James Gray*, born 9 February 1897.
    - (iv) *Hermione Moray*, born 13 October 1899.
  - iv. *Cornelia*, married, 29 July 1873, to the Rev. William Henry Augustus Truell, of Clonmannon, co. Wicklow, and has issue.
- (5) *Douglas Wynne*, born 8 May 1801; died 10 December 1855, having married, 4 February 1842, Marcia, youngest daughter of Francis Fownes Luttrell. She died 13 February 1870, leaving issue a son,
- i. *Douglas Moray*, born 22 January 1843; died, unmarried, 26 November 1863.
- (6) *George Gray*, born 20 April 1805; in holy orders; died, unmarried, 11 June 1835.

5. *Charles*, died unmarried.

6. *Grace*, married, 10 July 1789, to George Douglas of Cavers, and died March 1846.

7. *Anne*, died 18 April 1837, aged fifty-six.<sup>1</sup>

X. FRANCIS, tenth Earl of Moray, was born 2 February 1771. He raised an independent company of Foot, which was disbanded in 1791. He was created a Knight of the Order of the Thistle 3 September 1827; was Lord-Lieutenant of the county of Elgin. He died at Darnaway Castle 12 January 1848. He married, first, at Bellevue, 26 January 1795, Lucy, second daughter and co-heir of General John Scott of Balmorie. She died 3 August 1798. The Earl married, secondly, at Edinburgh, 7 January 1801, his cousin, Margaret

<sup>1</sup> Restalrig Reg.

Jane, eldest daughter of Sir Philip Ainslie of Pilton. She died 3 April 1837.

By his first wife the Earl had issue:—

1. FRANCIS, eleventh Earl.
2. JOHN, twelfth Earl.

By his second wife he had issue:—

3. *James Stuart*, born 17 January 1804; captain 85th Regiment of Light Infantry; died 12 December 1840.
4. — a son, born and died 1 April 1805.
5. ARCHIBALD GEORGE, thirteenth Earl.
6. *Charles Stuart*, born 23 April 1812; an officer in the 72nd Highlanders; died 21 January 1847.
7. GEORGE PHILIP, fourteenth Earl.
8. *Elizabeth*, born 19 November 1801, died 1802.
9. *Jane*, born 30 November 1802, married, first, 25 January 1832, to Sir John Archibald Drummond Stewart of Grandtully, Bart., who died *s.p.* 20 May 1838 at Paris, and was buried at Murthly. She married, secondly, 25 August 1838, Jeremiah Lonsdale Plowden, M.D., of Brownswood, co. Wexford, who died 3 March 1887. She predeceased him, dying at Hastings 14 March 1880, aged seventy-eight. She left an only daughter *Evelyn*, who succeeded as Baroness Gray in 1895.<sup>1</sup>
10. *Margaret Jane*, born 17 September 1807, died 16 September 1863.
11. *Ann Grace*, born 6 March 1809, died 11 September 1873.
12. *Louisa*, born May 1813, died 14 February 1864.

XI. FRANCIS, eleventh Earl of Moray, was born 7 November 1795, at Valleyfield, co. Perth, and died, unmarried, at Hayes Park, Middlesex, 6 May 1859.

XII. JOHN, twelfth Earl of Moray, who succeeded his brother, was born 25 January 1797 at Bruntfield House, Edinburgh. He entered the Army in 1815, and became captain in 1825. He died, unmarried, at Doune Lodge 8 November 1867.

<sup>1</sup> Cf. vol. iv. 293.

XIII. ARCHIBALD GEORGE, thirteenth Earl of Moray, succeeded his brother of the half-blood; he was born 3 March 1810; entered the Army 1829, captain 6th West India Regiment 1839, retired as lieutenant-colonel in 1861. He died, unmarried, at Darnaway 12 February 1872.

XIV. GEORGE, fourteenth Earl of Moray, succeeded his brother, being the fourth brother in succession who held the title. He was born 4 August 1814. On the death of his cousin Margaret, Baroness Gray, he succeeded to that title, and became LORD GRAY.<sup>1</sup> He died, unmarried, at 4 York Street, London, 16 March 1895, leaving large bequests to charitable and religious objects.

XV. EDMUND ARCHIBALD, fifteenth Earl of Moray, son of the Rev. Edmund Luttrell Stuart, and great-grandson of Francis, ninth Earl, succeeded his kinsman. He was born 5 November 1840; called to the English Bar 26 January 1867; in 1878 assumed the additional name and arms of Gray on succeeding to the Gray estates, but discontinued their use on succeeding to the earldom. He died *s.p.* 11 June 1901, having married, 6 September 1877, Anna Mary, daughter of the Rev. George J. Collinson, vicar of St. James, Clapham. He was succeeded by his brother,

XVI. FRANCIS JAMES, sixteenth Earl of Moray, born 24 November 1842. A Deputy-Lieutenant for Perthshire; was major 1st Battalion the King's (Liverpool) Regiment, and retired as lieutenant-colonel. Assumed in 1895 the additional surname and arms of Gray, but resumed that of Stuart on succeeding to the Moray title. Married, 24 June 1879, Gertrude Floyer, daughter of the Rev. Francis Smith, rector of Tarrant Rushton, co. Dorset.

CREATIONS.—Earl of Moray, Lord Abernethy and Strathearn, 30 January 1561-62; Lord St. Colme, 7 March 1611, in the Peerage of Scotland. Baron Stuart of Castle Stuart, in the county of Inverness, 4 June 1796, in the Peerage of Great Britain.

<sup>1</sup> Cf. vol. iv. 295.

**ARMS** (recorded in Lyon Register).—Quarterly: 1st and 4th, or, a lion rampant within a double tressure flory counterflory gules, surrounded with a bordure compony argent and azure; 2nd, or, a fess chequy azure and argent, for *Stewart of Doune*; 3rd, or, three cushions within a double tressure flory counterflory gules.

**CREST**.—A pelican in her nest feeding her young proper.

**SUPPORTERS**.—Two greyhounds argent, collared gules.

**MOTTO**.—*Salus per Christum redemptorem.*

[J. B. P.]

## DOUGLAS, LORD MORDINGTOUN



JAMES DOUGLAS, second son of William, tenth Earl of Angus, was probably born about 1591, though the exact date has not been ascertained. As a youth he was 'subject to ane universal gute,' and his father begged the King, when he was permitted to go into voluntary exile in 1608, to be allowed to take his son with him in order that he might undergo a course of 'the baicthis in Loren' (Lor-

raine).<sup>1</sup> This the King at first refused to permit him to do, but ultimately, on 3 November 1608, a licence was granted to James Douglas, son of the Earl of Angus, to go abroad.<sup>2</sup> He is styled 'Provost of Abernethy' in his father's will, which is dated, just previous to starting on his journey, 31 October 1608.<sup>3</sup> Douglas is next heard of in a quarrel which took place between his elder brother, who had succeeded to the title, and the Kers of Ferniehirst. The latter had revived a claim to hold courts of bailiary in Jedburgh Forest in name of the Earl of Angus. Such disturbances arose that all parties were summoned before the Privy Council, a special charge being made against James Douglas that he sent the younger Ker a challenge to single

<sup>1</sup> *Douglas Book*, iv. 191. <sup>2</sup> *P. C. Reg.*, viii. 189. <sup>3</sup> *Douglas Book*, iii. 321.

combat. The result was that on 19 May 1612 both parties were found to have unlawfully convened their vassals to accompany them in their 'unlauchfull and violent actionis'; and that Douglas had 'verie undewtfullie behavit' in sending his challenge to Ker. He was, therefore committed to ward in Blackness Castle, a proceeding which seems to have had a sobering effect on him, as on 2 July he and Sir Andrew Ker, younger of Ferniehirst, 'heartily embrace each other,' and promise that they will not in future send challenges to one another on any account.<sup>1</sup> James Douglas was at first designed 'of Parkhead,' but in 1621 he resigned these lands in Douglasdale, and also Pitdriechie and Faw-syde in the Mearns, in favour of his brother the Earl.<sup>2</sup> In 1625 he is styled of Reidsyde.<sup>3</sup> In November 1625 he had a charter of certain lands in the barony of Dirletoun from Thomas, Earl of Kellie.<sup>4</sup> He must have been knighted between that date and 25 April 1627, when he is associated as a consenting party to a further alienation of the Dirletoun lands by the Earl of Kellie.<sup>5</sup> He is styled Sir James Douglas of Mordingtoun in the ratification of a charter of certain lands in the barony of Callendar, granted him by the Earl of Linlithgow 2 June 1632,<sup>6</sup> but it is stated that he had acquired Mordingtoun by 1628.<sup>7</sup> The Callendar lands he resigned in favour of James, Lord Livingston of Almond, the youngest son of the first Earl of Linlithgow. On 23 August 1634 he had a charter of the lands of Over Mordingtoun and others, co. Berwick, on the resignation of the Earl of Morton.<sup>8</sup>

Sir William Douglas having married his cousin Ann, only daughter and heiress of Laurence, Lord Oliphant, he claimed, in right of his wife as heir-general of her father, who had died in 1630, the Peerage of Oliphant, of which Lord Oliphant had by a procuratory of resignation denuded himself, so as to favour the collateral heir-male, but of which no regrant had been made at the date of Lord Oliphant's death. The case was heard by the Court of Session in presence of King Charles I. in 1633, and is a leading case, insomuch as it settled for the time several

<sup>1</sup> *P. C. Reg.*, ix. 374, 400. <sup>2</sup> *Douglas Book*, ii. 409. <sup>3</sup> *Gen. Reg. Sas.*, xviii. 124. <sup>4</sup> Confirmed 24 January 1626, *Reg. Mag. Sig.* <sup>5</sup> *Ibid.*, 18 May 1627. <sup>6</sup> *Ibid.*, 9 June 1632. <sup>7</sup> *Douglas Book*, ii. 409. <sup>8</sup> *Reg. Mag. Sig.*

important points of Peerage law. Especially it was held that dignities were descendable to heirs-female if not specially barred.<sup>1</sup> But it was also held that Lord Oliphant by his resignation had effectually denuded himself of his dignities, and that they were now in the King's hands, till he should declare his pleasure therein. This His Majesty did by creating the heir-male a Peer under the title of Lord Oliphant, with precedence apparently only from 1633. Some years afterwards, on 13 March 1640, a Patent was issued stating that 'the stile and title of Lord Oliphant' should be established in the person of the daughter of the last lord, and in that of her spouse and the heirs procreated between them, whom failing, to the heirs-male of her body, but that the designation hereof should be changed to Mordingtoun. It would appear, therefore, that Sir William Douglas and his wife were created LORD and LADY MORDINGTOUN, with the precedency of the ancient Oliphant creation.<sup>2</sup>

Lord Mordingtoun died 11 February 1656, having married, first, in 1624,<sup>3</sup> as above stated, Anne, only child of Laurence, fifth Lord Oliphant. By her he had issue:—

1. WILLIAM, second Lord Mordingtoun.
2. James, born about 1638, entered at Douai College 28 April 1649, but being 'ineptus ad studia' was sent home to his parents in Scotland.<sup>4</sup>
3. Anne, married to Robert, seventh Lord Sempill.

Lord Mordingtoun married, secondly, Elizabeth Hay, daughter of Francis, Earl of Erroll, and widow of Hugh, Lord Sempill.<sup>5</sup>

II. WILLIAM, second Lord Mordingtoun, baptized 27 September 1626,<sup>6</sup> was served heir of his father 9 July 1663.<sup>7</sup>

<sup>1</sup> Such judgment being, as G. E. C. remarks, in flat opposition to Lord Mansfield's theory, some one hundred and fifty years later, as to the presumption being in favour of heirs-male (*Complete Peerage*, v. 369, note b).

<sup>2</sup> The Patent is not on record, the portion of the Great Seal Register which should have contained it being lost. But in the printed abstract of the Register it is shown to have existed from the fact that the words 'Diploma Jacobi domini de Mordingtoun,' with the date 13 March 1640, appear in an index which is still extant. No mention is made of the lady's name. The limitations of the Peerage are taken from Riddell's *Peerage and Consistorial Law*, i. 17-20, 180, where the matter is fully discussed. <sup>3</sup> Perth Presbytery Record, 21 and 28 July 1624. <sup>4</sup> *Records of Scots Colleges*, New Spalding Club, 40. <sup>5</sup> *Gen. Reg. Sas.*, lx. 316. <sup>6</sup> Canongate Register. <sup>7</sup> *Retours, Berwick*, 328.

He sat in Parliament 1661, with the precedence of Lord Oliphant.<sup>1</sup> He had a charter of the lands of Claribald and others, co. Berwick, 24 August 1663.<sup>2</sup> He obtained a protection from creditors 22 February 1677, having been the thirteen months in prison.<sup>3</sup> The date of his death has not been ascertained. He married Elizabeth, daughter of Hugh, Lord Sempill, by whom he had issue:—

1. JAMES, third Lord Mordingtoun.
2. *William*, born 1653, entered Douai College, with his brothers James and Francis, 4 December 1667: 'convictor optima<sup>e</sup> indolis, ad figuras, 11 September 1673. Clam dicessit Valencenas ad noviciatum Carmelitarum, unde postea dimissus rediit huc 7 Junii 1674, et hinc in Scotiam unde Romam profectus est ibidem in Coll. Scotorum 1675.'<sup>4</sup>
3. *Francis*, born 1655, went to Douai on the same day as his brothers: 'convictor optima<sup>e</sup> indolis, ad figuras. Admissus in societatem abiit hinc 3 September 1674, ad tyrocinium Romanum, quod ingressus est 2 December.'<sup>5</sup>
4. *Lewis*, died at the Motes, Westminster, and was buried at Kensington 7 July 1682.<sup>6</sup>
5. *Anna*, married to Patrick Porterfield of Comiston, who granted her a charter 18 November 1695.<sup>7</sup>

III. JAMES, third Lord Mordingtoun, was born in 1651, entered Douai along with his brothers 4 December 1667, and left in August 1671. He, being cautioner for his father's debt, had protections 13 February, 31 July, and 13 December 1677.<sup>8</sup> On 2 August 1662 he had, as Master of Mordingtoun, a charter of the lands of Nether Mordingtoun.<sup>9</sup> The date of his death has not been ascertained.<sup>10</sup> He married Agnes Seton, daughter of Alexander, first Viscount of Kingston, by whom he had one son,

IV. GEORGE, fourth Lord Mordingtoun. He was the

<sup>1</sup> *Acta Parl. Scot.*, vii. 29. <sup>2</sup> *Reg. Mag. Sig.*, lib. lx. 321. <sup>3</sup> *Privy Council Decreta*. <sup>4</sup> *Douai Diary, Scots Colleges*, 46. <sup>5</sup> *Ibid.* <sup>6</sup> Lyson. <sup>7</sup> *Edin. Sas.*, liv. 380. <sup>8</sup> *Privy Council Decreta*. <sup>9</sup> *Reg. Mag. Sig.*, lib. 192. <sup>10</sup> It is stated that George, Viscount (*sic*) Mordington, of the Kingdom of Scotland, was lying 'in one of the worst parts of Newgate for a debt of £50,' his petition for relief being endorsed 22 April 1706 (*ex inform.* Hon. Vicary Gibbs).



author of a work against Popery entitled *The Great Blessing of a Monarchical Government*, etc., which was published in 1724, and dedicated to King George I. He voted at several elections of Representative Peers. He (or perhaps his wife) is said to have kept a gaming-table in London.<sup>1</sup> He died in Covent Garden 10 June 1741. He married, 1 April 1715, Catherine, daughter of the Rev. Robert Launder, rector of Shenley, Herts. She died in June 1741,<sup>2</sup> leaving issue:—

1. CHARLES.

2. MARY.

3. *Campbellina*.

V. CHARLES, *de jure* fifth Lord Mordingtoun, but he never assumed the title. He was concerned in the rebellion of 1745, was taken prisoner, and arraigned at Carlisle 11 September 1746, as Charles Douglas, Esq. He then pleaded his Peerage as heir-male of the body of the second Lord Mordingtoun, and the plea, though opposed by the Crown, seems to have been allowed, without any proof having been required as to the limitation of the dignity being, as he alleged, to the male heir. He appears to have died *s.p.* certainly before 1791.

MARY, *suo jure* Baroness Mordingtoun, sister of the above, assumed the title at her brother's death, on the supposition that the limitation of the patent included heirs-female. She died 22 July 1791, having married, after 1741, William Weaver, an officer in the Horse Guards, who fought at Dettingen and Fontenoy. He died 28 April 1796, aged over eighty, at Hallow Park, co. Worcester.

Since the death of the Baroness the title has not been claimed, and if the issue of the second Lord then became extinct, the Peerage is now vested in the heir of line of the only daughter of the first Lord, Anne, who was married to Robert, Lord Sempill.

CREATION.—Lord Mordingtoun 13 March 1640.

ARMS (as given by Douglas and contemporary *Peerages*).

<sup>1</sup> *Complete Peerage*, v. 370, and cf. ii. 175. <sup>2</sup> *London Mag.*

—Quarterly: 1st and 4th, argent, a man's heart gules ensigned with an imperial crown proper, in a chief azure three mullets of the first, for *Douglas*; 2nd and 3rd, gules, three crescents argent, for *Oliphant*.

CREST.—On a cap of dignity a salamander in flames regardant vert.

SUPPORTERS.—Dexter, a savage armed with a baton and wreathed about the head and middle with laurel; sinister, a stag collared and chained, all proper.

MOTTO.—*Forward.*

[J. B. P.]



Wotton



Morton

## DOUGLAS, EARL OF MORTON



MORTON, a small holding in East Calder, not the parish of Morton in Nithsdale, has given the title to this family, an offshoot at a very early date from the great House of Douglas. Archibald of Douglas, the second on record of the Lords of Douglas, who flourished between 1198 and 1239, had, it is believed, two sons, the first being William Douglas, 'Long-leg,' who was the ancestor of the Earls of

Douglas.<sup>1</sup> The second son, it is alleged, was

ANDREW OF DOUGLAS, who is claimed as the ancestor of the Earls of Morton. It is nowhere stated that he was the son of Archibald of Douglas, but the latter received, some time before 1226, the lands of Hermiston in Midlothian and Livingston in West Lothian from Malcolm, Earl of Fife,<sup>2</sup> and as these lands are found later in the possession of Andrew, there is a strong presumption that he was the son of Archibald. He is also in a charter of 1245 by Ralph Noble, granting to David of Graham the lands of Kilpont and Illiestoun, co. Linlithgow, apparently styled brother of William Douglas, but the writ is so defaced that the fact cannot be positively asserted.<sup>3</sup> Both brothers had then attained the rank of knighthood. They again appear to-

<sup>1</sup> Vol. iii. of this work, 136. <sup>2</sup> *Registrum Honoris de Morton*, i. pp. xxxiii, xxxiv. <sup>3</sup> *Red Book of Menteith*, ii. 209-211 and facsimiles.

gether as witnesses in a charter of 1248, granted to the monks of Dunfermline.<sup>1</sup> Sir Andrew was present, in 1259, at the marriage-contract of his nephew Hugh Douglas with Marjorie Abernethy.<sup>2</sup> He does not appear again on record till 1277, when he was probably dead, as his son was in possession of Hermiston. He had issue a son,

WILLIAM, who succeeded.

*Freskin* Douglas, who did homage in 1296 for lands in Linlithgowshire,<sup>3</sup> has been assumed to be a son of Sir Andrew, but, while it is possible, no corroborative evidence has been found.

WILLIAM DOUGLAS succeeded to his father Andrew before 1277, when Hermiston was confirmed to him by King Alexander III.<sup>4</sup> He was among those who attached their seals to the homage roll at Berwick on 28 August 1296 as William 'fiz Andrew de Douglas' of the county of Linlithgow, and his seal shows a mullet and legend 'S. WILL. DE DVGLAS.'<sup>5</sup> It is not known when he died, but he apparently left two sons:—

1. JAMES, who succeeded.

2. *Andrew*, who in 1351 is referred to by Sir William Douglas of Liddesdale as his uncle. He had charters of the lands of Creswell in Lanarkshire, and Davidstoun, and is named in various writs between 1330 and 1351.<sup>6</sup>

SIR JAMES DOUGLAS, styled 'de Laudonia' or of Lothian, who succeeded, does not appear on record till 2 April 1315, when he received from King Robert Bruce a grant of the lands of Kincavil and Caldor-clere (or East Calder) in Linlithgowshire,<sup>7</sup> at a rental of £12, 5s. 10d., later, in 1317, burdened with an annual rent of ten merks, payable to Reginald Crauford, a servant of the King, for the service of an archer in the royal army.<sup>8</sup> Little further is recorded

<sup>1</sup> *Reg. de Dunfermelyn*, 97. <sup>2</sup> *The Douglas Book*, iii. 2. <sup>3</sup> *Cal. Doc. Scot.*, ii. 205; Wood's Douglas, ii. 264. <sup>4</sup> *Reg. Honor. de Morton*, ii. 8. <sup>5</sup> *Cal. Doc. Scot.*, ii. 208, 556. <sup>6</sup> *Reg. Honor. de Morton*, ii. 56; 10, 30, 31, 55, 68, 90; *Reg. Mag. Sig.*, i. 74, 196, 252. <sup>7</sup> *Reg. Honor. de Morton*, 12; *Reg. Mag. Sig.*, i. No. 59. <sup>8</sup> *Reg. Honor. de Morton*, ii. 11. This charter bears to be dated in the second year of King Robert, or 1307, but it is more probable, judging from the witnesses, and also the writ above cited, that its date is 1317 or the twelfth year.

of him, and his career must have been brief, as he was dead before 20 April 1323, when his son and heir William had a release from the balance of his rent after paying the annual rent.<sup>1</sup> He married a lady named Joan, who was still alive in 1337, when she was drawing her terce from the lands of Blackness.<sup>2</sup>

They had issue, so far as recorded, three sons:—

1. *Sir William Douglas*, the eldest son, known to history as the 'Knight of Liddesdale,' may have been born about 1300, and appears on record first on 20 April 1323 after his father's death. He then had possession of his father's lands and at first is usually styled son and heir of the late Sir James of 'Laudonia' or as William Douglas of Kincaivil. He had also Blackness. Shortly after his succession he had a dispute with the nuns of Manuel about second teinds, which was amicably settled on 1 June 1325.<sup>3</sup> In 1330-31 he was one of the Wardens of the Marches, and the English borderers complained of his slackness in redressing their grievances.<sup>4</sup> He was apparently not present at the battle of Dupplin, and he escaped the defeat at Halidon Hill, as he was, on 23 March 1332-33, taken prisoner by the English near Lochmaben, and remained a captive for about two years.<sup>5</sup> He was present at the Parliament held at Dairsie, Fifeshire, in 1335, and is praised by Fordun for his discreet behaviour there. From this time he was one of the most active and able upholders of the Scottish patriotic party, and specially aided the High Steward in his operations in 1339 at the siege of Perth, where he was wounded. It is possible that the grant of the lands of Bonnington, Barns, and others made to Douglas by the High Steward<sup>6</sup> was a reward for his services at this time. He had also grants in 1339 from Duncan, Earl of Fife, of Logyachry and others, in Perthshire, and from Patrick, Earl of Dunbar, of lands in Annandale.<sup>7</sup> He then

<sup>1</sup> *Reg. Honor. de Morton*, ii. 22. <sup>2</sup> *Cal. Doc. Scot.*, iii. No. 389. <sup>3</sup> *Reg. Honor. de Morton*, ii. 25. <sup>4</sup> *Cal. Doc. Scot.*, iii. No. 1033. <sup>5</sup> *Ibid.*, No. 1074; *Chron. de Lanercost*, 272, 273. <sup>6</sup> *Reg. Honor. de Morton*, ii. 34. This writ is not dated, but was probably granted about this time. <sup>7</sup> *Reg. Honor. de Morton*, ii. 31, 38, 39.

devoted himself to win back Teviotdale from the English, which he succeeded in doing by the year 1342, in addition to his alleged taking of Edinburgh Castle, and his jousting with Henry of Lancaster, Earl of Derby, in December 1341.<sup>1</sup>

His successes won for him the name of the 'Flower of Chivalry'; but he had also other rewards. On 18 July 1341, King David, then recently returned from France, bestowed on him the earldom of Atholl, forfeited by the Earl.<sup>2</sup> The lands of Kilbucho and Newlands in Peeblesshire, resigned by John Graham, Lord of Dalkeith, were granted on 11 August 1341, and Sir William was made a knight between that date and 22 September of same year, when he received a grant of lands in Eskdale and Ewesdale, which were bestowed in full Parliament.<sup>3</sup> These grants were followed by that of the whole barony of Dalkeith resigned by John Graham, Lord of Abercorn, on 6 January 1341-42, to which, on 19 January, were added the lands of the late Sir John Moubray.<sup>4</sup> In the following month Sir William received the territory of Liddesdale, from which he derived his name of the Knight of Liddesdale. The territory had belonged to Sir Archibald Douglas, some time Regent of Scotland, killed at Halidon. On 14 February 1341-42, in presence of the King and General Council, the Steward asked that sasine might be given to him of Liddesdale which King David had granted to him when he was made a knight. Sir William Douglas opposed the desired sasine on the ground that the lands belonged to the late Archibald Douglas, and were in his charge as guardian of the heir. This claim was set aside on certain legal grounds, and Liddesdale was given to the Steward, only two days later, on 16 February 1341-42, to be transferred to Sir William Douglas and his heirs, in exchange for the earldom of Atholl, resigned by Douglas, who immediately afterwards is called Lord of Liddesdale.<sup>5</sup> It would almost appear

<sup>1</sup> *Scot. Hist. Review*, iv. 198; cf. *Cal. Doc. Scot.*, iii. No. 1373. <sup>2</sup> The *Chron. de Lanercost* gives this grant in 1335. <sup>3</sup> *Reg. Honor. de Morton*, ii. 43, 44. <sup>4</sup> *Ibid.*, 44, 45. <sup>5</sup> *Ibid.*, 46-48; Robertson's *Index*, 48, No. 29.



that the proceedings in Parliament were a mere form under which Douglas obtained his kinsman's land to himself.<sup>1</sup> About this time also, or later, Sir William received from his kinsman Hugh, Lord of Douglas, part of the lands of Westerkirk, the lands of Stablegorton, and the lands of Polmoody.<sup>2</sup>

The knight was now lord over a very large extent of territory, much of which he had won by his bravery, although, as indicated, some doubt rests on his acquisition of Liddesdale. But this seems to be the culminating point in his career, and after this date his fair fame became sadly besmirched. His jealousy and ill-treatment of Sir Alexander Ramsay are well known, but it is not so generally recognised that even at this period he was carrying on treasonable intrigue with England. He marched with King David into England, was taken captive at the battle of Durham, and was a prisoner in England until 1351, when he was set free to negotiate with certain Scottish nobles as to King David's release, but the terms offered were unacceptable, and he returned to prison.<sup>3</sup> On 17 July 1352, however, he entered into a special compact with King Edward, the full details of which need not be given here, but by which he gave the English free passage through his lands at all times for the invasion of Scotland. His daughter and nearest male heir were to be given as hostages, and he was to receive possession of his estates in Liddesdale and Annandale.<sup>4</sup> He was immediately afterwards liberated, and the Hermitage delivered to him, but he did not live to reap his expected reward, as in August 1353, at a place then called Galsewood, now known as Williamhope in Ettrick Forest, he was slain by his kinsman and godson William, Lord of Douglas, afterwards Earl. The knight's treasonable doings were not then known, but there were many

<sup>1</sup> *Douglas Book*, i. 225. <sup>2</sup> *Ibid.*, 224; *Reg. Honor. de Morton*, ii. 89-93. The knight's seal, attached to a writ at Durham about this period, 8 January 1344-45, shows a shield couché, on a chief two stars; crest on a helmet, a boar in front of a tree; supporters, two savages. Cf. *Scottish Armorial Seals*, No. 724. <sup>3</sup> *Rotuli Scotie*, i. 740, 746-748. <sup>4</sup> *Fœdera*, Record ed., iii. 246, 247.

other points which might cause a quarrel, and so he met his fate.

On 3 November 1351, at Peebles, while in Scotland, on his special mission, he made what has been called his 'will,' but is really an entail of his lands made in the prospect of his having no male heir. In this contingency he conveyed his whole barony of Newlands and Kilbucho in Peeblesshire and his barony of Dalkeith, in Midlothian, to his nephew James, the son of his deceased brother Sir John Douglas, and to the heirs-male of his body, with remainder to William, John, Henry, and Thomas, brothers of James, and the heirs-male of their bodies successively.<sup>1</sup> Sir William Douglas is said to have married a daughter of Sir John Graham of Dalkeith, but no corroborative evidence of the statement has been found, unless the acquisition of the lands of Dalkeith, Kilbucho, and others may be taken as proof. William's only known wife was the lady named Elizabeth, with whom, as the widow of Sir William, King Edward III. negotiated as to the delivery of the castle of Hermitage to him, and her marriage with an Englishman.<sup>2</sup> She married, in 1355, with King Edward's consent, Hugh Dacre, brother of Sir William Dacre.<sup>3</sup>

The Knight of Liddesdale left issue only one child, a daughter,

*Mary*, who is not named in the entail quoted, but was sent to England in 1352 as a hostage for her father. On 24 June 1357, she received permission to marry Peter Tempest, a courtier of the English King,<sup>4</sup> but apparently the marriage did not take place. About 1361 she was married to Reginald, son and heir of Sir William More of Abercorn, who divorced her before 1365. In that year a papal dispensation was granted for her marriage with Thomas Erskine, son and heir of Sir Robert Erskine. She died before 30 June 1367, in childbirth, leaving no surviving issue.<sup>5</sup>

2. SIR JOHN DOUGLAS, second son of Sir James Douglas, is said to have defended the island fortress of Lochleven against the English, but no evidence of this has been

<sup>1</sup> *Reg. Honor. de Morton*, ii. 53-55. <sup>2</sup> *Fœdera*, Record ed., iii. 263, 287. <sup>3</sup> *Ibid.*, 304. He is said (*Burke's Dormant, etc. Peerage*, 152) to have married Ela Maxwell. <sup>4</sup> *Cal. Doc. Scot.*, iii. No. 1637. <sup>5</sup> See *Douglas Book*, 253, 254, and title Mar, vol. v. for further particulars.

found. He was killed some time between 1346 and 25 January 1350, by Sir David Barclay, who himself was murdered on that date.<sup>1</sup> He married a lady named Agnes, who has been identified as Agnes Munfode, widow of John Munfode,<sup>2</sup> but this is not completely proved. He had issue:—

- (1) JAMES, who succeeded to Dalkeith. (*See below.*)
- (2) *William*, who was created a knight between 1351 and 1375. He appears frequently in entails and in charters and testaments by his brother James, and in 1371 Archibald Douglas, Lord of Galloway, gave licence to James, Lord of Dalkeith, to infeft his brother William in the lands of Borg in Galloway.<sup>3</sup> He was still alive on 1 June 1406, when his brother names him in the foundation charter of the church of St. Nicholas of Dalkeith. The name of his wife is not known, but reference is made to his sons in that writ, and to his daughters in another.<sup>4</sup> Borg, however, reverted to the main line.
- (3) *John*, who is named in the entail of 1351, with his brothers. His name occurs among those taken prisoner at the battle of Durham, as the captive of Robert Ogle and Robert Bertram.<sup>5</sup> His later career is not known, but he was dead before 26 May 1366, when his widow had a charter of the half of Strabrock and the fourth part of the earldom of Caithness, to her and her heirs-male and female by John Douglas.<sup>6</sup> He married Mariota Chene, one of the two daughters and co-heiresses of Reginald de Chene, the third of that name. She survived him, and married, secondly, John Keith, son of Sir Edward Keith, Marischal of Scotland, who became, through her, the ancestor of the Keiths of Strabrock, Inverugie,<sup>7</sup> and Ludquhairn.
- (4) HENRY, who became the ancestor of the Douglasses of Lochleven and of the present Earl of Morton. A notice of him will be found later.
- (5) *Thomas*, named with his preceding four brothers in the entail of 1351, by Sir William Douglas of Liddesdale. The last date at which he appears is 1378, and he is not named in the testaments in 1390 and 1392, of his brother Sir James. He was certainly dead before 1 June 1406. In January 1369-70 it was proposed that he should marry Margaret, daughter of William Creswell, and be infeft in the lands of Robertson, county Lanark, but it is not certain that the marriage took place.<sup>8</sup>
- (6) *Nicholas*, not named in the entail of 1351, perhaps because

<sup>1</sup> Fordun à Goodall, ii. 348. <sup>2</sup> *Reg. Honor. de Morton*, ii. 125, 152, 524; cf. 46, 60. <sup>3</sup> Harleian ms., 6439. <sup>4</sup> *Reg. Honor. de Morton*, 425, 184. <sup>5</sup> *Fœdera*, Record ed., iii. 95. <sup>6</sup> *Reg. Mag. Sig.*, i. No. 228. There is no clear evidence that John Douglas had issue by his wife, but his successor in Strabrock was a Sir James Douglas, who was the father of Sir William Douglas, the first of Hawthornden; and the ancestor of the family of Douglas of Hawthornden; *Reg. Honor. de Morton*, ii. 141; *The Melvilles*, iii. 14, 15. <sup>7</sup> Cf. *Reg. Ho. Charters*, No. 202. <sup>8</sup> *Reg. Honor. de Morton*, ii. 84.

he was very young. It has been suggested that he was illegitimate, but he is named as brother in Sir James's wills and in all the entails. He was alive in 1392, but dead before 1 June 1406. He is said to have married Janet Galbraith of Gartconnell, and to be the ancestor of the family of Douglas of Mains.

(7) *Ellen*.

(8) *Margaret*. These daughters are named by their brother, Sir James, in founding a chaplainry in honour of his parents and uncle, on 1 August 1377, when they were both dead.<sup>1</sup>

(9) *Elizabeth*, named by Sir James in his wills of 1390 and 1392, and also in the writ already cited of 1 June 1406.<sup>2</sup> She does not appear to have been married.

3. *James*,<sup>3</sup> who was killed fighting bravely against the English in August 1335, when John Earl of Moray was taken prisoner.<sup>4</sup>

4. *Elizabeth*, said to have been married to Sir Thomas Somerville of Carnwath, is claimed as a daughter of Sir James Douglas.

Sir James Douglas of Laudonia had also a natural son, *Sir William*, known as Sir William Douglas the elder, to distinguish him from the Knight of Liddesdale. He was placed by his brother in command of Edinburgh Castle after it was recaptured by the Scots in 1341. He fought at the battle of Durham, was taken prisoner by William Deyncourt,<sup>5</sup> and sent first to the Tower of London, then to Rockingham and Nottingham Castles. He was set free from chains on 16 May 1350 under parole, and he was liberated not long afterwards, being present when his brother made the entail of 3 November 1351, at Peebles.

SIR JAMES DOUGLAS is first named in a charter dated 7 April 1351, at Dalkeith, by which his uncle, Sir William, granted to him the lands of Aberdour in Fife.<sup>6</sup> He next occurs in the entail of 3 November 1351, already cited, made by Sir William Douglas of Liddesdale, and he is there designed nephew of the granter and son of the late Sir John Douglas, brother of Sir William. There he and four of his brothers are named in succession.<sup>7</sup> It is not certain

<sup>1</sup> *Reg. Honor. de Morton*, ii. 84 *passim*. <sup>2</sup> *Ibid.* <sup>3</sup> Douglas suggests that *Henry Douglas*, a prisoner in England in 1338 (*Fœdera*, Record ed., ii. 1037), was a fourth son, but no other reference to him is known to exist, and the point is doubtful. <sup>4</sup> *Fordun à Goodall*, ii. 319. <sup>5</sup> *Fœdera*, Record ed., iii. 95. <sup>6</sup> *Reg. Honor. de Morton*, ii. 55. <sup>7</sup> *Ibid.*, 53, 54.

when he succeeded to Dalkeith and the other lands named in the entail. The grant of Aberdour was confirmed by King David II., on 20 October 1360, and was followed by others, of Garmilton Dunyng, in East Lothian, Crunzeanton, Raehills, and others in Annandale, besides charters from Robert the High Stewart, of the lands of Keillor in Perthshire, and from Patrick, Earl of March and Moray, of Dundaff hill in Stirlingshire, all between 1360 and 1365.<sup>1</sup> Between 1365 and 30 June 1367, he had a dispute with Thomas Erskine, younger of Erskine, about certain lands in Dumfriesshire, which had belonged to Mary Douglas, daughter of the Knight of Liddesdale. She had married Erskine in 1365, and died in childbirth, when he claimed a liferent right over her estates. This was disputed by James Douglas, who was her nearest heir, and the question was put to the arbitration of a duel in presence of King David II. James Douglas was knighted by his kinsman, Sir Archibald, and Thomas Erskine by his father, and entering the lists they fought fiercely, and were with difficulty separated, even at the command of the King, but ultimately Erskine accepted a sum of money for his claim, and Sir James obtained his cousin's lands, being duly served heir to her on 30 June 1367.<sup>2</sup>

About the same date probably, certainly before 7 April 1370, when the deed was ratified by the King, William, Earl of Douglas, resigned any rights he had over the barony of Dalkeith. Previous to this, however, on 5 January 1368-69, Sir James received the royal permission to build, repair, or alter the castle of Dalkeith, and on 8 December 1369 he resigned the barony and castle in the hands of the King, receiving on the following day a charter in favour of himself and the lawful heirs-male of his body, with remainder always to his nearest heirs-male having the surname of Douglas, but if these failed entirely, then the nearest heirs, male or female, were to possess the barony.<sup>3</sup> After this he is styled in all writs Lord of Dalkeith, his former designation having been Sir James Douglas, knight. From 1368 to 1371 Sir James appears on various committees of Parliament, and he did homage to King Robert II. on his

<sup>1</sup> *Reg. Honor. de Morton*, 57-63. <sup>2</sup> *Douglas Book*, i. 254; *Reg. Honor. de Morton*, ii. 64; cf. No. 90. <sup>3</sup> *Reg. Honor. de Morton*, ii. 69, 72, 75.

accession.<sup>1</sup> In 1371 he was one of an important embassy to France. Between 1369 and 1372 Sir James received a large accession of territory. Between 1369 and 1370, when David II. was still alive, George, Earl of March, granted to him the castle and lands of Morton in Nithsdale.<sup>2</sup> About the same time, though perhaps later, the Earl granted one hundred pounds of land in the Isle of Man to Sir James in view of the latter's intended marriage to the Earl's sister, or one hundred pounds of sterling until they were infeft in the lands.<sup>3</sup> On 21 November 1372 the Earl added the lands of Mordington, county Berwick, to his sister and Sir James in free marriage, and also the lands of Whittinghame in East Lothian, both confirmed by King Robert II. on 6 December of same year.<sup>4</sup> On 20 October 1374, by a special agreement made at Dunfermline with the Earl of Dunbar, John Crauford of Tramprane resigned all rights he had to the barony of Morton in favour of Sir James, receiving an infeftment in the lands of Dalgarnach, county Dumfries.<sup>5</sup> On 2 January 1374-75 he had a royal charter entailing his lands of Kincavil and Calderclere, county Linlithgow, Kilbucho, Newlands, and Linton-Rotherik, county Peebles, in favour of himself and of James his son by Agnes Dunbar, and the heirs-male of the body of the younger James, failing whom, to William, Henry, and Thomas, brothers of the elder James.<sup>6</sup> Another charter of same date entailed the barony of Preston in Dumfriesshire on the same series of heirs.<sup>7</sup>

Sir James does not appear to have taken much part in public affairs, but he was much attached to the Church, and expressed his devotion in stone and mortar. In December 1372 he obtained the royal consent to found a chaplainry in the chapel of St. Nicholas of Dalkeith, and to endow it from

<sup>1</sup> *Acta Parl. Scot.*, i. 506, 508, 534, 545. His seal, still attached to the deed of homage, shows a shield couché, on a chief two stars; crest, on a helmet with wreath a boar passant between two trees; supporters, two demi-savages. Legend, 'S. JACOBI DE DOUGLAS.' Cf. *Scottish Armorial Seals*, No. 725. <sup>2</sup> *Reg. Honor. de Morton*, 77-80. <sup>3</sup> *Ibid.*, 76, 77. This grant was confirmed by King Robert II., about November 1372 (*Ibid.*, 99, 100), and was probably made not long previously. <sup>4</sup> *Ibid.*, 102-105. <sup>5</sup> *Ibid.*, 106; cf. 113-117. In the previous January Alan Grahame, Lord of Morton, son and heir of the late Sir John Grahame, gave up his rights over Hutton-under-the-moor (*Ibid.*, 118, 119, *Reg. Honor. de Morton*). <sup>6</sup> *Ibid.*, 109-111. <sup>7</sup> *Ibid.*, 111-113.

the lands of Horsbruke or Horsburgh, county Peebles.<sup>1</sup> In 1377 he further endowed another chaplainry in same place, for the souls of his father and mother and other relatives.<sup>2</sup> In December 1384 he endowed another chapel within the Castle of Dalkeith in memory of his wife, Agnes Dunbar, with special endowments and provisions for continuing the services amid the interruptions of war or necessary repairs to the castle.<sup>3</sup> In June 1406 he crowned his previous benefactions by adding to the original fabric of the chapel of St. Nicholas and endowing six chaplainries for a provost and five other priests, by adding considerably to the previous emoluments, and erecting the whole into a collegiate charge.<sup>4</sup>

In the later years of his life Sir James made at least two wills, which have been preserved. They are interesting as being the oldest known documents of that nature existing in Scotland, and also as showing what possessions were most valued by a Scottish Baron of the period. Jewels and relics of various kinds, some of them of great value, are given to his son and heir, with his armour, silver-plate, and all his books, including those of law and romances, except works on grammar and logic, which were bequeathed to a natural son, John Douglas of Aberdour. He makes a special provision that all books borrowed by him should be returned to their owners. Other jewels are bequeathed to other friends. One remarkable provision is that for the welfare of his uncle's soul and his own, all the obligations found that were his uncle's should be burned and declared void. Whether this was because of anything treasonable in these writs may be a question. These wills contain much the same bequests and provisions, the first being dated on 30 September 1390, and the second on 19 December 1392.<sup>5</sup> Sir James, however, survived his latest will by nearly thirty years, as he did not die till 1420, and then he succumbed to a malady, called popularly 'the Quhew,' evidently the influenza, which was, we are told, very fatal that year.<sup>6</sup>

<sup>1</sup> *Reg. Honor. de Morton*, 98. <sup>2</sup> *Ibid.*, 124-126. <sup>3</sup> *Ibid.*, 151-154. <sup>4</sup> *Ibid.*, 324-328. <sup>5</sup> *Ibid.*, ii. 170-176, 179-196; *National MSS. of Scot.*, iii. No. iv., where the will of 1392 is printed with facsimile and translation. <sup>6</sup> Fordun à Goodall, ii. 460.

Sir James Douglas married, first, Agnes Dunbar, daughter of Sir Patrick Dunbar by Isabella Randolph, and sister of George, Earl of March. (*See title Dunbar.*) The marriage appears to have taken place between 8 and 21 November 1372, or perhaps on the latter date.<sup>1</sup> She came to her husband with a large dowry, not of broad lands only, though these, as already indicated, were extensive, but only a month before his death King David II. made a grant to her of six hundred merks of sterlings yearly from the customs of Aberdeen, and four hundred merks yearly from the customs of Haddington, a thousand merks in all, for her dress, personal furnishings, and other necessaries, though it has been suggested that the annuity ceased at her marriage. Her relations with the King, and the payments made on her behalf in 1369 and 1370, have called forth the opinion that her influence as favourite was beginning to supersede that of Queen Margaret Logie, whom the King was then endeavouring to divorce.<sup>2</sup> Agnes Dunbar or Douglas died some time before October 1378.<sup>3</sup> Sir James married, secondly, about October 1378, Egidia Stewart or Lindsay, sister of King Robert II., and widow successively of Sir James Lindsay of Crawford and Sir Hugh Eglinton.<sup>4</sup> She was living in 1392, when her husband made his last will, but died before June 1406, when she is referred to as deceased.

By his first wife only Sir James had issue:—

1. SIR JAMES, who succeeded.
2. *William*, who is said to have received Mordingtoun from his father. He is named for the first time, on 22 April 1372, in his brother's marriage-contract. He is also named in his father's testaments as a legatee of 20 merks and a gold ring. On 15 July 1401 his father granted him various lands and a fishing on the Tay, in the barony of Kinnoul. He was still alive in 1406.<sup>5</sup>
3. *Agnes*, contracted on 15 August 1381, when quite young, to marry John Livingstone of Callendar,<sup>6</sup> as

<sup>1</sup> *Reg. Honor. de Morton*, ii. 100, 102, 103. <sup>2</sup> *Ibid.*, 84; *Exch. Rolls*, ii. Pref. lxiii, 328, 345, 357, 364. <sup>3</sup> *Reg. Honor. de Morton*, ii. 139, 140. <sup>4</sup> Vol. iii. of this work, 11. <sup>5</sup> *Reg. Honor. de Morton*, ii. 200, 201, 325. <sup>6</sup> *Ibid.*, 145-147.



his second wife. He was killed at Homildon in 1402, and she married, secondly, John Gordon of that ilk, whom she also survived. She was alive in 1422, but may have died in that year.<sup>1</sup>

4. *Jacoba*, to whom her father bequeathed a gold circlet valued at 40 merks.<sup>2</sup> She was contracted on 1, and married before 8, November 1388, to Sir John Hamilton of Cadzow,<sup>3</sup> by whom she had issue. (*See title Hamilton.*) She survived him, and on 12 June 1410 had a dispensation to marry, as his second wife, Sir William Douglas of Drumlanrig. They are said to have been in the fourth degree of affinity, while Joanna Murray, Sir William's late wife, and *Jacoba* from divers stocks, and Sir John and Sir William from one stock, were in the fourth degree of consanguinity.<sup>4</sup>

According to Douglas, a daughter of Sir James and his first wife is said to have married a Tweedie of Drummelzier, but as 1351 is the date assigned to the marriage in the family history of the Tweedies, it seems doubtful, and no evidence has been found.

Sir James Douglas had also two natural sons, whom he names in his testaments, and a daughter:—

*Sir James Douglas*, styled of Aberdour in his father's testaments of 1390 and 1392. On 10 July 1411 he received from his father the lands of Stanypath and Baldwinsgill, or Baddinsgill, and was then styled Sir James Douglas of Roberton.<sup>5</sup> He was named one of his father's executors, and he appears in numerous charters. On 11 May 1413 he paid seven hundred merks for the liberation of William Douglas, grandson of Sir James Douglas of Dalkeith,<sup>6</sup> and he was witness to a charter on 2 April 1415,<sup>7</sup> after which he disappears from record.

*John Douglas*, also called of Aberdour. His father named him in his testaments as the intended recipient of his books, but he predeceased his father, dying before 1406.<sup>8</sup>

<sup>1</sup> Vol. iv. 518; v. 426. <sup>2</sup> *Reg. Honor. de Morton*, ii. 172, 181. <sup>3</sup> *Ibid.*, i. Pref. xxxviii; ii. 162. <sup>4</sup> *Regesta Avenionensia*, 333, f. 641. <sup>5</sup> *Reg. Honor. de Morton*, ii. 206. <sup>6</sup> *Rotuli Scotiae*, ii. 205. <sup>7</sup> *Reg. Ho. Charters*, No. 242. <sup>8</sup> *Reg. Honor. de Morton*, ii. 172, 181, 325.

*Margaret*, married, before 25 October 1372, to Philip Arbuthnott of that Ilk,<sup>1</sup> and had issue. She is usually said to be the daughter of Agnes Dunbar, but as the latter was married a month after her reputed daughter, and is constantly styled the first wife of Sir James, the conclusion seems irresistible that Margaret was a natural daughter.

SIR JAMES DOUGLAS, succeeded his father as Lord of Dalkeith. He is first named in two entails dated 2 January 1374-75, providing the barony of Kincavill and others to him as son of Sir James Douglas and Agnes Dunbar, when he must have been a mere infant.<sup>2</sup> On 22 April 1378 it was proposed that he should marry one of two daughters of John, Earl of Carrick, afterwards King Robert III., and on 24 March 1381-82 he received from her grandfather King Robert II. a grant of the lands of Mordington, Whittinghame, and many others, erected into a free regality.<sup>3</sup> He attained the dignity of knighthood between September 1390 and December 1392, when he is styled Sir James.<sup>4</sup> He is named in various writs of no great importance up to February 1439-40, when he and his second wife had charters of the lands of Whittinghame and Morton.<sup>5</sup> He died between that date and May 1441. It is said that this Laird of Dalkeith was made a Lord of Parliament as Lord Dalkeith, but there is no evidence of the fact, and in royal charters before and after his death he is described as James, Lord of Dalkeith, knight.

The second Laird of Dalkeith married, first, Elizabeth, a younger daughter of John, Earl of Carrick, afterwards King Robert III. The marriage was proposed in 1378, when he was to choose one of two sisters, Margaret or Elizabeth. About 24 March 1381-82 further arrangements were made, as appears from an imperfect charter, if the marriage did not take place then. It would appear they were married before 10 November 1387, and their eldest son was born before September 1390.<sup>6</sup> It is not certain when she died, but Sir James married, secondly,

<sup>1</sup> *Reg. Honor. de Morton*, 97, 98; cf. vol. i. 276. <sup>2</sup> *Reg. Honor. de Morton*, 110-113. <sup>3</sup> *Ibid.*, 136, 148; cf. 154, 160. <sup>4</sup> *Ibid.*, 186. <sup>5</sup> *Reg. Mag. Sig.*, 13 October 1439; 28 February 1439-40. <sup>6</sup> *Reg. Honor. de Morton*, ii. 136, 148, 189, 170.

before 1439, Janet, eldest daughter of Sir William Borthwick. The marriage could not have taken place till after 2 November 1411, when a papal dispensation was issued for Janet Borthwick's marriage with Adam Hepburn of Hailes.<sup>1</sup> She survived Sir James, and married, secondly, Sir George Crichton, afterwards Earl of Caithness,<sup>2</sup> whom she also survived.

By his first wife Sir James had issue:—

1. *William*, born, as indicated, before September 1390, when he is named in his grandfather's will. He was in 1405 one of the hostages who went to England for Archibald, fourth Earl of Douglas, and he seems to have remained a prisoner in England until May 1413, when his grandfather paid 700 merks for his liberation. He appears also to have been one of the hostages for King James I., and was still in England in 1425,<sup>3</sup> when he probably died, as he then disappears from record, and his next brother succeeded to their father. On 9 December 1420 a dispensation was issued for his marriage with Margaret Borthwick, widow, not of Sir William Abernethy, as stated by some, but of his son William, who had been slain at Harlaw in 1411.<sup>4</sup> By her he had no issue.
2. *JAMES*, who succeeded.
3. *Henry*, who had a grant from his father of the lands of Borg in Galloway.<sup>5</sup> He and his brother, after their father's death, had a serious feud about the castle and lordship of Dalkeith, which called forth the special intervention of the King in September 1442. He is sometime styled 'of Dalkeith,' and apparently claimed rights over that estate during his brother's incapacity.<sup>6</sup> He died before 1456, when his widow drew her terce from his lands.<sup>7</sup> He married Margaret, daughter of James Douglas, afterwards seventh Earl of Douglas, who survived him and died before 3 September 1473. They had issue three sons, *Hugh*, *Mr. James*, and *John*. On 27 May 1474 Hugh

<sup>1</sup> *Regesta Avenionensia*, vol. 339, f. 549. <sup>2</sup> Vol. ii. 328-330. <sup>3</sup> *Cal. Doc. Scot.*, iv. No. 707; *Rotuli Scotiae*, ii. 205, 242, 252. <sup>4</sup> *Reg. Papal Letters*, vii. 170; *Frasers of Philorth*, ii. 39. <sup>5</sup> *Reg. Mag. Sig.*, 3 September 1473. <sup>6</sup> *Ibid.*, 2 January 1451-52. <sup>7</sup> *Exch. Rolls*, vi. 196, etc.

Douglas granted to his kinsman James, first Earl of Morton, a formal renunciation of all right he or his heirs might have to the lordship of Dalkeith, under a penalty of £30,000, if he or his heirs repudiated the engagement, excepting such rights as might fall to him by inheritance. His brothers, *Mr. James* and *John*, were witnesses to the writ.<sup>1</sup>

Douglas, both editions, omits *Henry* in this generation, and places him in the next. He also inserts an *Archibald* as son of this Sir James, who is said to be the ancestor of the Netherdale, Tilliquilly, and Inchmarlo families,<sup>2</sup> but no evidence of this Archibald has been found on record.

By his second wife Sir James had issue a son:—

4. *William*, to whom the lands of Whittinghame and Morton were secured, although in 1474 he resigned his rights over Morton in favour of his nephew the first Earl of Morton.<sup>3</sup> He was the ancestor of the Douglasses of Whittinghame, whose principal male line ended in an heiress Elizabeth, who married Alexander, Viscount of Kingston, in 1661. She was served heir to her brother Archibald Douglas on 15 May 1662. The only one of her children who left issue married William Hay of Drummelzier, and their descendants are the lineal representatives of the Douglasses of Whittinghame. (*See title Kingston.*)

The male line of Whittinghame is represented by the Counts Douglas in Sweden, created Counts Skeninge and Barons of Skälby.<sup>4</sup>

JAMES DOUGLAS, the second, but eldest surviving, son, succeeded his father some time between February 1439-40 and May 1441. He appears, however, to have been considered mentally deficient, or perhaps a spendthrift, as on 22 May 1441 the Government of King James II., then a minor, declared him to be incapable of managing his own affairs, and appointed James Giffard of Sheriffhall (his brother-in-law) to be his curator, to act as governor and

<sup>1</sup> *Reg. Honor. de Morton*, ii. 222-224. <sup>2</sup> Wood's Douglas, ii. 268. See notes pp. 343 *supra* and 353-354 *infra*. <sup>3</sup> *Reg. Honor. de Morton*, ii. 219-221, 307, 330. <sup>4</sup> Wood's Douglas, ii. 268; *The Scots in Sweden*, by Th. A. Fischer, 120.

administrator of all his lordships, castles, manors, and of all his goods, and the receiver of his rents, for the space of nineteen years, constituting Giffard also constable of the castles of Dalkeith, Aberdour, and others, with full powers of jurisdiction over the lands. Failing James Giffard from any cause, it was provided that his brothers John and William successively should take office as curator till the nineteen years should expire.<sup>1</sup> It was no doubt the great estates in question which led to this appointment, but another view is presented by a writ issued in the King's name in September of the following year, stating that, by advice of his council, he had taken the castle and lordship of Dalkeith into his own hands because of the great and perilous strife between James of Douglas and Henry his brother, and the bloodshed, 'spuilzie, reif,' and disorders following thereon, and to prevent further evils.<sup>2</sup> This document suggests that the Laird of Dalkeith was not really insane, but facile, and that his brother had designs on the estates, which he strenuously resisted. He seems to have been made a knight before June 1441, and he is styled Sir James Douglas by his son in 1479.<sup>3</sup> The castle of Dalkeith appears to have been kept in repair and ammunition by the Crown until 1445, when the payments cease; but if it be true, as was alleged, that the Douglas party burned the castle in 1452, it may then have been still in the hands of the Crown, though nothing is known as to the fact. James Douglas, third of Dalkeith, died between 8 September 1456, when he resigned his lands in favour of his son, and 14 March 1457-58, when his son was made Earl.<sup>4</sup> James Douglas married Elizabeth, daughter of James Gifford of Sheriffhall, who was alive on 8 September 1456, and perhaps survived him, and had issue, so far as known, one son:<sup>5</sup>—

JAMES, who succeeded, and became first Earl of Morton.<sup>6</sup>

<sup>1</sup> *Reg. Honor. de Morton*, ii. 207-209. <sup>2</sup> Orig. in Reg. Ho., No. 307. <sup>3</sup> *Reg. Honor. de Morton*, ii. 210, 239. <sup>4</sup> *Ibid.*, i. p. xlii; *Acta Parl. Scot.*, ii. 78. <sup>5</sup> This Laird of Dalkeith is usually said to have also had a daughter *Beatrix*, married to Sir William Hay, first Earl of Erroll, but Lady Hay was the daughter of James, seventh Earl of Douglas (vol. iii. 175, 565). <sup>6</sup> In a recent publication, *The Book of the Irvings*, 1907, by Col. J. B. Irving of Bonshaw, 185, 186, it is stated that there was another son, *John*, who is alleged to have married the heiress of Hawthornden Abernethy, and so

I. JAMES DOUGLAS, the fourth Lord of Dalkeith of that name, succeeded his father at some unascertained date between 8 September 1456, when his father resigned all his estates in his favour, and 14 March 1457-58, when he was raised to the Peerage as EARL OF MORTON.<sup>1</sup> When the King's intention was indicated his step-grandmother, Janet Borthwick, objected to the new title on the ground that the barony of Morton belonged to her and her son William, but the Chancellor stated that the title was to be assumed not from Morton in Nithsdale, but from Morton in the barony of Calderclere.<sup>2</sup> On 15 May 1459 he had a charter to himself and his wife of the lands of Balbartanes, and on 31 May 1465 of the lands of Woodfield.<sup>3</sup> On 30 May 1459 he resigned the lands of Whittinghame into the hands of Alexander, Duke of Albany, in favour of his uncle Sir William Douglas.<sup>4</sup> On 30 June 1466 he entered into a contract with Patrick Graham, Bishop of St. Andrews, and his father and brother, for the marriage of the bishop's niece to the Earl's son John. The Grahams bound themselves to aid the Earl to recover Whittinghame and Morton, which had been diverted from the main line.<sup>5</sup> It has been suggested, in view of the *coup* made a few days later, on 10 July 1466, when Bishop Graham, who was allied with Lord Boyd and his party, secured the person of the young King James III., that this bond was made to draw Morton into the conspiracy,<sup>6</sup> but if he did accede to it, he soon repented, as he was one of the jury who in 1469 found the Boyds to be guilty of treason.<sup>7</sup>

became the founder of the family of Douglas of Tillyquibilly about 1450. But there is no evidence on record of this John, whose mother is said to be Agnes Keith, daughter of the Earl Marischal. No alliance is known between the Morton Douglases and the Keiths before 1505 (*ante*, p. 43). Hawthornden had been in Douglas hands since 1386, when Sir William Douglas, son and heir of Sir James Douglas of Strabrock (see *note* p. 343 *supra*) had a lease of the lands from John Melville of that Ilk (*The Melvilles, etc.*, iii. 14, 15). The parentage of Sir James Douglas is not proved, but his predecessor in Strabrock was a brother of Sir James Douglas, first of Dalkeith, named John Douglas, who obtained the lands through marriage with an heiress, Mariota Chene, and Sir James may have been their son (*Origines Parochiales*, ii. 812; Robertson's *Index*, 34; *Reg. Mag. Sig.*, i. No. 228, where heirs male and female are referred to). <sup>1</sup> *Reg. Honor. de Morton*, i., xlii; *Acta Parl. Scot.*, ii. 78. <sup>2</sup> *Acta Parl. Scot.*, ii. 78. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *Reg. Honor. de Morton*, ii. 333, 334. <sup>5</sup> *Reg. Honor. de Morton*, ii. 213, 214. <sup>6</sup> *The House of Douglas*, by Sir Herbert Maxwell, i. 241. <sup>7</sup> *Acta Parl. Scot.*, ii. 186.

In 1471 the Earl had a letter from the then recently elected Pope Sixtus iv., inviting him to take part in a proposed expedition against the Turks, but he did not accept the call.<sup>1</sup> On 12 January 1473-74 his uncle, Sir William Douglas of Whittinghame, resigned in the Earl's favour all his rights over the barony of Mortoun, Dumfriesshire, and on 27 May same year his kinsman, Hugh Douglas of Borg, son of his uncle Henry, resigned all his rights, except those of a possible heir-male, to the lordship of Dalkeith,<sup>2</sup> and he thus obtained full power over all his great estates, a fact which he commemorated by benefactions to the Church. On 9 July 1474, at the instance or pious importunity of Sir John Scot, vicar of Aberdour, the Earl granted an acre of land on the north side of the road from Aberdour to Kinghorn on which to build a hospice of St. Martha, for the comfort of poor pilgrims to the monastery of Inchcolm, a grant which was largely augmented in 1479, and finally enlarged in 1486, in favour of four sisters of the third order of St. Francis.<sup>3</sup> He also, in 1475, re-erected and largely endowed the collegiate church of Dalkeith, founded by his great-grandfather.<sup>4</sup> In 1478 he made some encroachment on the King's moor, near Peebles, and had to pay a fine of £100, of which he paid £50 in money, and gave a gold chain and crucifix in pledge for the remainder.<sup>5</sup> On 10 May 1482 there was a full reckoning between the Earl and James Giffard of Sheriffhall, when the intromissions of the latter and his father with the Dalkeith estates were honourably discharged, and James Giffard, in view of a sum of money given to him in his need, bound himself in manrent and service to the Earl.<sup>6</sup> The Earl is named in a safe-conduct to England on 14 June 1491.<sup>7</sup> In his later years he had a dispute with a certain David Giffard, who accused him of detaining and destroying charters relating to David's lands. On 22 June 1493 the action was decided in favour of the Earl, who admitted that he had burned the writs, but with consent of William Giffard, the plaintiff's father.<sup>8</sup> This appears to be the Earl's last appearance on record, and he was dead before 22 October 1493, when his son John is designed Earl of Morton.<sup>9</sup>

<sup>1</sup> Letter, 25 August 1471, *Reg. Honor. de Morton*, ii. 217-219. <sup>2</sup> *Ibid.*, 219-224. <sup>3</sup> *Ibid.*, 235-243. <sup>4</sup> *Ibid.*, 226-235. <sup>5</sup> *Ibid.*, 243. <sup>6</sup> *Ibid.*, 244-247. <sup>7</sup> Rymer's *Fœdera*, xii. 449. <sup>8</sup> *Acta Auditorum*, 182. <sup>9</sup> *Acta Dom. Conc.*, 308.

The first Earl of Morton married Joanna, third daughter of King James I. She had the misfortune to be deaf and dumb, and had been contracted on 18 October 1440 to marry James, third Earl of Angus, but he died before the marriage took place.<sup>1</sup> She was sent to France in 1445, but returned in the spring of 1458,<sup>2</sup> and the marriage took place before 15 May 1459, when a royal charter was granted to the Earl and his spouse Joanna, sister of King James II.<sup>3</sup> She was apparently still alive on 16 October 1486.<sup>4</sup> A monument bearing two recumbent figures, much dilapidated, in the chancel of Dalkeith Church, has been identified as that of the first Earl of Morton and his wife.<sup>5</sup> Of this marriage there was issue:—

1. JOHN, second Earl of Morton.
2. *James*, referred to as second son of the Earl, and brother of Earl John, in various writs, from 1466 up to 1480,<sup>6</sup> but nothing further has been ascertained regarding him.
3. *Janet*, married before 1 February 1480-81, to Sir Patrick Hepburn of Dunsyre, afterwards first Earl of Bothwell. (*See that title.*)
4. *Elizabeth*, referred to by her father in a charter of 1479, but nothing more is certainly known regarding her.

II. JOHN, second Earl of Morton, first appears on record on 30 June 1466, when he is designed son and apparent heir of James, Earl of Morton.<sup>7</sup> He next appears in a writ of 24 May 1474, as Sir John Douglas, knight,<sup>8</sup> having received that dignity in the interval, perhaps at the marriage of King James III. at Holyrood, on 13 July 1469. Later in the same year, 9 July 1474, he is described as Master of Morton.<sup>9</sup> Between that and September 1479 he was provided to the estate of Robertson, co. Lanark, as he is described as Sir

<sup>1</sup> Vol. i. 176. <sup>2</sup> *Exch. Rolls*, vi. pp. lv-lvii. <sup>3</sup> *Reg. Mag. Sig.* A dispensation was issued to them on 7 January 1463-64, on the ground that they were related in the second and third degrees of consanguinity. They were not ignorant of this, but were persuaded to marry by the late King James II. To prevent scandal, they now petitioned for a dispensation, which was granted. <sup>4</sup> *Reg. Honor. de Morton*, ii. 241. <sup>5</sup> *The House of Douglas*, by Sir Herbert Maxwell, i. 239, 240. <sup>6</sup> *Reg. Honor. de Morton*, ii. 213-239 *passim*; *Reg. Mag. Sig.*, 27 November 1480. <sup>7</sup> *Reg. Honor. de Morton*, ii. 213. <sup>8</sup> *Ibid.*, 221. <sup>9</sup> *Ibid.*, 237.



John Douglas, knight, Lord of Roberton.<sup>1</sup> On 22 June 1493 he appeared in Court to protest for his own protection in the action between his father and David Giffard,<sup>2</sup> and on 22 October same year he is styled John, Earl of Morton, when he was called to answer a point affecting a grant of lands to Sir John Murray of Touchadam.<sup>3</sup>

Very little is recorded of this Earl, as he apparently took no great interest in public affairs. He frequently appears, however, as a litigant in matters relating to himself or his estates. In one case he obtained a renunciation of certain lands in his favour under curious circumstances. John, Lord Lindsay of the Byres, in making up his titles was retoured heir to his brother before the Sheriff of Linlithgow, and in the list of lands the clerk of Court 'reklesly' and improperly inserted the lands of 'Hawthornsyke,' which never had belonged to the Lindsays. On 17 June 1496, in presence of the Court, Lord Lindsay stated these facts and duly renounced the lands in favour of Morton, to whom they rightly belonged.<sup>4</sup> On 20 January 1496-97 Morton protested that the marriage (without his consent) of the heiress of Medhope should not prejudice any claim he had against her as a ward.<sup>5</sup> In another case the Earl brought a claim, on what ground is not stated, against James Lockhart of Lee, as heir of Sir Mungo, for a gold cross (or crucifix) set with garnets, four orient pearls, two sapphires and a ruby, and valued at £18, 13s. 4d. of the then current money. The claim was decided in favour of the Earl.<sup>6</sup> A more serious affair, however, engrossed his attention in the year 1506, when his estates of Roberton (co. Lanark), Calderclere and Mordington were claimed by the Crown on the plea that they had been alienated without the consent of the King as superior. The Earl disputed the claim, and produced a charter by King Robert II., erecting and uniting these and other lands into the barony of Dalkeith. The Lords of Council decided in Morton's favour, and he appeared before King James IV. in person, displayed the decree and besought that the lands should be

<sup>1</sup> *Reg. Honor. de Morton*, ii. 241. <sup>2</sup> *Acta Auditorum*, 182. <sup>3</sup> *Acta Dom. Conc.*, 308. <sup>4</sup> *Ibid.*, ms. vii. f. 13. <sup>5</sup> *Ibid.*, f. 61. This not improbably gives an approximate date of the marriage of Elizabeth Martin of Medhope with Cuthbert Home (vol. iv. 451). <sup>6</sup> *Acta Dom. Conc.*, viii. f. 68, 11 July 1497.

released. This was done by a special grant on 14 June 1506, under the Privy Seal, and the whole proceedings were recorded by a notary, on 10 January 1506-7, in presence of the King and Council.<sup>1</sup> Another dispute with the Crown took place a few years later, in February 1509-10, as to the dues payable from the Earl's lands of Kinghorn to the Bishop of Dunkeld. A charter by King David II., of 5 June 1359, was produced showing that the lands were to pay 208 bolls of wheat, the same quantity of bear, and 500 bolls of oats to the See of Dunkeld.<sup>2</sup> The Earl was alive on 19 July 1511, when his son the Master acted as his procurator,<sup>3</sup> but he was dead before September 1515, when his son is styled Earl.<sup>4</sup>

This Earl was, as already indicated, (p. 354) while very young, contracted to marry Elizabeth, daughter of David Graham of Fintry, brother of Bishop Graham of St. Andrews.<sup>5</sup> But the contract was never fulfilled, and the Earl, while still Master of Morton, married Janet,<sup>6</sup> daughter of Patrick Crichton of Cranstoun-Riddell, and had issue:—

1. JAMES, third Earl of Morton.
2. *Richard*, referred to in an entail of the Morton estates of 22 April 1543, and again in a similar writ of 17 October 1564, where he is described as brother-german of James, Earl of Morton. He had issue two sons *William* and *James* also called in the entail.<sup>7</sup>
3. *Beatrice*, called also *Elizabeth*, married to Robert, Lord Keith, son of William, third Earl Marischal. (*See that title.*)
4. *Agnes*, married, as his second wife, to Alexander, fifth Lord Livingston. (*See title Linlithgow.*)

III. JAMES, third Earl of Morton, is first named on record on 10 July 1505, when, as Master of Morton, he is appointed a procurator on behalf of King James IV.<sup>8</sup> In 1508 and 1509 he was acting as bailie of the abbacy of Dunfermline.<sup>9</sup> He was still Master of Morton on 19 July 1511, but

<sup>1</sup> *Reg. Honor. de Morton*, ii. 256-258 ; *Reg. Sec. Sig.*, i. No. 1282. <sup>2</sup> *Acta Dom. Conc.*, xxi. f. 152. <sup>3</sup> *Ibid.*, xxiii. f. 55. <sup>4</sup> *Exch. Rolls*, xiv. 106. <sup>5</sup> *Reg. Honor. de Morton*, ii. 213, 214. <sup>6</sup> Cf. *Reg. Mag. Sig.*, 22 February 1506-7. <sup>7</sup> *Acta Parl. Scot.*, ii. 562-565. <sup>8</sup> *Reg. Sec. Sig.*, i. No. 1110. <sup>9</sup> *Exch. Rolls*, xiii. 242.

he is styled Earl of Morton in an account rendered to Exchequer between July 1514 and September 1515, containing a reference to his wife's dowry.<sup>1</sup> On 15 November 1516 he and his wife Catherine Stewart had a tack from the Crown of the lands of Buittle, co. Kirkcudbright, for nineteen years, at a yearly rent of £62, 6s. 8d., and this grant was changed to a charter of feu-farm on 17 April 1527.<sup>2</sup> On 25 November 1531 he and the vicar of Dalkeith (Sir John Crichton, perhaps a kinsman on the mother's side) entered into an interesting agreement which shows that at an early date the Lords of Dalkeith had endeavoured to realise the great source of wealth lying underneath their lands in the shape of coal. It is narrated that the first and second Earls had incurred much expense in winning the coals of 'Colden' or Cowden, and Dalkeith, but the third Earl more than all had put forth 'sumptuous labouris, exorbitant expensis and greit diligence' to find and obtain the precious deposit. The vicar therefore, with an eye to the main chance in the probable increase of revenue to accrue to the Church, and to encourage the Earl's perseverance, leased to him the teind coals of 'Colden' or Cowden, and Dalkeith, along with the teind sheaves of the lands of Braidwood, for the term of the Earl's own life and that of his next successors, for which the Earl binds himself to pay a yearly rent of forty shillings.<sup>3</sup>

This Earl also, like his father, took little part in public affairs, though apparently not from want of inclination, but on account of weak health, and a sore in one of his legs, in consideration of which he was released from all military service.<sup>4</sup> This weakness, and the fact that he had no male issue, led to his latter years being embittered by the persecution of King James v., who had a greedy eye to the Earl's possessions (probably because he was a Douglas), and had no scruple in using harsh measures to make the Earl surrender his estates. The Earl, weak and sickly as he was, was charged to pass immediately to Inverness and the north of Scotland, and there to remain in ward during the winter season, deprived of all his home comforts. Morton dreaded this fate exceedingly, but nevertheless travelled

<sup>1</sup> *Exch. Rolls*, xiv. 106. <sup>2</sup> *Reg. Sec. Sig.*, i. Nos. 2835, 3733. <sup>3</sup> *Reg. Honor. de Morton*, ii. 259, 260. <sup>4</sup> *Ibid.*, i. 3.

northward as far as Brechin, where he halted for two days. There the King followed him and sent each day soliciting a resignation of his lands to be made, nominally in favour of his kinsman Robert Douglas of Lochleven, but really that the King might obtain possession of the lands. The Earl, weak in health and shaken by the King's persecution, at last gave way, and at Brechin, on 17 October 1540, resigned his lands as requested, which was immediately followed by a royal precept and charter of same date, and a sasine of 11 January 1540-41, securing the lands to Robert Douglas, reserving the Earl's liferent and his widow's terce.<sup>1</sup> Nine days later, at Falkland, on 20 January 1540-41, Morton solemnly stated that he had made the resignation only under the fear of death and the dread of losing his heritage. On the same day, also at Falkland, Robert Douglas, under similar compulsion, as he explained, resigned the estates in the King's hands, under reservation of the lands of Aberdour. King James did not long enjoy his triumph, and a few months after his death, the Earl brought an action before the Court of Session for reducing the extorted resignation of 1540 and all that had followed. After hearing the case and witnesses, the writs executed by Morton and by Robert Douglas were, on 24 April 1543, declared to be null from the beginning on account of the pressure brought to bear on the Earl.<sup>2</sup>

Previous to this decision, however, the Earl had already assumed his freedom, and on 18 March 1542-43 had entered into an agreement with Sir George Douglas of Pittendreich that the latter should at once procure the annulment of Lochleven's infestment, and on decree being obtained, Sir George should pay £2000 to the Earl, who should cause his daughter Elizabeth to marry James (the second) son of Sir George. If, however, the Earl and his wife had male issue James Douglas and Elizabeth were to receive 5000 merks in name of tocher.<sup>3</sup> They were married between that date and 22 April 1543, when the Earl formally entailed all his baronies and estates upon James Douglas and Elizabeth his wife, and the longer liver of them, in conjunct fee and their lawful heirs-male; whom failing, to David Douglas,

<sup>1</sup> *Reg. Honor. de Morton*, ii. 261-268. <sup>2</sup> *Ibid.*, 281-293, where the whole story is set forth in a graphic form. <sup>3</sup> *Ibid.*, 274, 275.

brother of Sir George, and his heirs-male; whom failing, to a long series of heirs-male; whom all failing, to the heirs-male and heirs whomsoever of James Douglas, apparently excluding the Lochleven family altogether.<sup>1</sup> Robert Douglas of Lochleven, however, raised a claim to the earldom, which was put to arbitration, and finally, on 30 June 1547, for a sum of 5000 merks to be paid to him, he renounced his rights in favour of James Douglas, now styled Master of Morton, with the proviso that if the lands should fall to Robert and his heirs by virtue of the above entail made to the Master of Morton, in that case and no otherwise Robert and his heirs should enjoy the lands notwithstanding this contract.<sup>2</sup> A penalty of 1000 merks was to be incurred for failure in any payment, and on 24 January 1548-49, Margaret Erskine, widow of Robert Douglas, made a claim on Sir George Douglas for default,<sup>3</sup> but it is not certain that the third Earl of Morton was then alive. He was certainly dead before 4 November 1550, when his successor granted a precept of clare constat to John Coldane, son of the late John Coldane in a husbandland in Dalkeith.<sup>4</sup>

The third Earl married, before 10 December 1507, Katherine Stewart,<sup>5</sup> a natural daughter of King James IV. by Margaret Boyd, Bonshaw. He had with her a sum of at least £200.<sup>6</sup> The date of her death is not certain. She was alive on 22 April 1543, but apparently she did not survive her husband. They had issue:—

1. *Margaret*, married, about 23 September 1532,<sup>7</sup> to James Hamilton, second Earl of Arran, afterwards Governor of Scotland, and had issue. (*See title Hamilton.*) She and her husband, on 31 May and 3 October 1560, confirmed the entails of 22 April 1543 to James, fourth Earl of Morton.<sup>8</sup>
2. *Beatrice*, married, about 25 July 1530, to Robert, sixth Lord Maxwell. Their second son John became eighth Lord Maxwell, upon whom King James VI., in 1581, bestowed the earldom of Morton, and he held the

<sup>1</sup> *Reg. Honor. de Morton*, 276-280. <sup>2</sup> *Ibid.*, 296-298. <sup>3</sup> *Ibid.*, 298, 299.  
<sup>4</sup> Precept, *penes* Sir W. Fraser's trustees; cf. also *Lairg Charters*, No. 580. <sup>5</sup> *Reg. Mag. Sig.*, at date. <sup>6</sup> *Exch. Rolls*, xiv. 106, 200. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> *Reg. Honor. de Morton*, ii. 301, 302.

title for some years. (*See infra, and title* Nithsdale.)

Beatrice Douglas was still alive on 31 October 1583.<sup>1</sup>

3. *Elizabeth*, married, as already indicated, to James Douglas, who became fourth Earl of Morton, second son of Sir George Douglas of Pittendreich, and of whom a notice follows.

IV. JAMES, fourth Earl of Morton, succeeded as such some time before 4 November 1550, at which date he signed a precept of clare constat, as cited above. He was, as already stated, the second son of Sir George Douglas, styled Master of Angus, by Elizabeth Douglas, heiress of Pittendreich. He was born about 1516,<sup>2</sup> and was therefore about twelve years of age in 1528, when his father, and his uncle the sixth Earl of Angus, were forfeited and banished from Scotland. He remained in Scotland with or near his mother, and Godscroft tells how, all the time of his father's exile, from 1528 to 1543, young James lurked under a borrowed name, and took service with one and another friend, as a grieve or farm overseer. In this, the historian says, he acquired skill in husbandry and also habits of thrift and frugality, which stood him in good stead in dealing with the estate of Morton, and also that of his nephew and ward, the eighth Earl of Angus.<sup>3</sup> Godscroft also states that he was some years in England, long enough to acquire the 'English tongue and tone, which he did ever thereafter much delight to use.'<sup>4</sup> This, however, was apparently at a later date, when he was taken prisoner in June 1548, and remained in the Tower, whence he was probably released after the treaty with England and France on 28 March and 18 April 1550.<sup>5</sup> He had previously taken some little part in public affairs, and after his becoming a member of the Privy Council, on 14 October 1552, he came more prominently forward. In June 1557 he became tutor and guardian to his nephew Archibald, eighth Earl of Angus, administering his large estates. In that year also he openly joined the party of the Reformation, although he did not for a time

<sup>1</sup> *Book of Carlsruerock*, i. 220. <sup>2</sup> *Reg. Honor. de Morton*, i. 107. <sup>3</sup> Godscroft, ed. 1748, 138. Sir W. Fraser doubts this story, but Sir Herbert Maxwell gives reasons for accepting it. <sup>4</sup> *Ibid.*, 139. <sup>5</sup> *Cal. Scottish Papers*, i. No. 360.

give them actual support, preferring to wait the course of events at his own castle of Dalkeith. After April 1560, however, he came forward as one of the Protestant leaders, and from that period his history is identified with all the most prominent events in Scotland. It need not be repeated here, as it has been given at some length by two recent writers from differing points of view.<sup>1</sup> In the end of 1562 he was appointed Chancellor,<sup>2</sup> and two years later, on 2 June 1564, he had a royal charter confirming his rights to the earldom and estates, a charter which was repeated on 17 October same year to him and a series of heirs, including William Douglas of Lochleven, who ultimately succeeded to the earldom.<sup>3</sup> Besides thus safeguarding his own estate, he also in the following year arranged a contract by which the Douglas estates were secured to his nephew the young Earl of Angus.<sup>4</sup>

In 1572, after the death of the Regent Mar, Morton was chosen in his place, and ruled the country with a rough honesty until he was deposed on 8 March 1577-78. He regained power for a time, but on 29 December 1580 he was accused by Captain James Stewart of complicity in the murder of Darnley and thrown into prison. He was tried for treason on 1 June 1581, and beheaded by the Maiden on the following day.

As already stated, the fourth Earl married, between 18 March and 22 April 1543, Elizabeth, youngest daughter of his predecessor. They are said to have had ten children, who died young, except three daughters, who survived their father. The Countess was on 12 July 1581 pronounced by a jury to have been insane for twenty-two years. The names of the surviving daughters are nowhere given.<sup>5</sup>

The Earl had four natural sons:—

1. *James*, some time Prior of Pluscardine, in Moray. He married (contract dated 18 February 1577-78) Anna, only daughter of George Home, fiar of Spott,<sup>6</sup> and had issue.
2. *Archibald*, who had the lands of Pittendreich in

<sup>1</sup> *The Douglas Book*, ii. 298-322; *History of the Douglasses*, by Sir Herbert Maxwell. <sup>2</sup> *P. C. Reg.*, i. 228. <sup>3</sup> *Reg. Honor. de Morton*, ii. 302-304, 305-310; *Acta Parl. Scot.*, ii. 562-565. <sup>4</sup> 12 and 13 May 1565, *The Douglas Book*, ii. 325; iii. 255-262. <sup>5</sup> *The Douglas Book*, ii. 321, where authorities are given. <sup>6</sup> *Reg. Mag. Sig.*, 24 February 1577-78.

- Moray. He married Elizabeth, daughter of Alexander Sutherland of Duffus,<sup>1</sup> and had issue.
3. *George*, who, according to Godscroft, was lame. He had a pension from the Priory of St. Andrews.
  4. *William*, who is named in 1585 with his brothers, who were all rehabilitated by Act of Parliament in that year.<sup>2</sup> He had been previously, in 1581, allowed to possess the lands of Mosshouses, in the barony of Melville, near Edinburgh, and he was dead before November 1605.<sup>3</sup>

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SIR HENRY DOUGLAS of Lugtoun and Lochleven (*see ante*, p. 343) was the fourth son of Sir John Douglas of Dalkeith, by his wife Agnes Munfode. On 20 September 1369 he had from King David II. a charter of the third part of the lands of Lugtoun, co. Edinburgh.<sup>4</sup> He had a safe-conduct, 16 May 1374, to visit Canterbury.<sup>5</sup> On 3 January 1383-84 he had a charter of certain annualrents in the county of Peebles.<sup>6</sup> He had a precept and confirmation of the lands of Halkerton and Esperton, held by the church of Ballentrodach, 1388.<sup>7</sup> He was sent to England by King Robert II. to receive the oath of Richard II. respecting a treaty with France, 18 June 1389. He had three charters from the King, one on 18 March 1389-90, as Sir Henry Douglas, to himself and his wife, the King's dearest niece, Margery Stewart, of the barony of Lugtoun, co. Edinburgh, the castle of Lochleven and certain lands in the county of Kinross, and the lands of Langnewton, co. Roxburgh.<sup>8</sup> He died before 1393.<sup>9</sup> He married, before 19 May 1384, Margery, widow of [Roger] Magven of that ilk, and of Sir Alexander Lindsay of Glenesk, and daughter of Sir John Stewart of Ralstoun, half-brother to King Robert II. They had a plenary indulgence 4 April 1385.<sup>10</sup> The descent of the family at this point is doubtful, and has been variously stated;<sup>11</sup> but it seems

<sup>1</sup> Vol. iii. of this work, 202. <sup>2</sup> *Acta Parl. Scot.*, iii. 397; *The Douglas Book*, ii. 321, 322. <sup>3</sup> *Reg. Mag. Sig.*, 16 June 1581; 13 Nov. 1605. <sup>4</sup> *Reg. Mag. Sig.*, folio vol. 168. <sup>5</sup> *Rymer's Fœdera*, vii. 37. <sup>6</sup> *Reg. Mag. Sig.*, fol. vol. 167. <sup>7</sup> Harl. ms., 6439. <sup>8</sup> *Ibid.*, 1781, 4-5-6. <sup>9</sup> *Exch. Rolls*, iii. 321; v. 122; *Reg. Honor. de Morton*, i. p. xli. <sup>10</sup> *Reg. Vat.*, 300, 535. <sup>11</sup> Wood's *Douglas's Peerage*, ii. 272; Fraser's *Wemyss Book*, ii. 47.



most probable that Sir Henry and Margery Stewart had two sons:—

1. SIR WILLIAM, who succeeded.
2. SIR HENRY, who succeeded his brother.
3. *Margaret*, married to Sir John Wallace of Craigie.

Sir Henry seems also to have had a natural daughter, *Elene*, married to John Fairlie, younger of Braid, with whom she had a charter 9 October 1381.<sup>1</sup>

SIR WILLIAM DOUGLAS of Lochleven succeeded his father, to whom he was served heir 20 December 1409, and acquired the lands of Ralstoun on the resignation of these in his favour by Sir Walter Stewart, son of Sir John Stewart of Ralstoun, and brother of Sir William's mother, Margery Stewart, in 1416.<sup>2</sup> These lands he settled on his younger son James. It was probably he, and not, as Sir William Fraser suggests, a hitherto unknown son of the same name who accompanied the Earls of Buchan and Wigtown to France, where he in all likelihood was killed in the battles of Beaugé or Fresnay le Comte in 1421.<sup>3</sup> He apparently married Elizabeth Lindsay, as appears from, with other evidence, a dispensation by Henry, Bishop of St. Andrews, for the marriage of William Douglas of St. Andrews diocese, and Elizabeth Lindsay of Brechin diocese, they being in the third and fourth degrees of consanguinity.<sup>4</sup> He had issue:—

1. SIR HENRY.
2. *Sir James*, often styled of Lugtoun and Lochleven, but who was really of Ralstoun, which was settled on him by his father as above stated. He was one of the three Scottish knights who took part in a joust at Stirling with a similar number of knights of Burgundy who had come to Scotland on the occasion of the marriage of Marie of Gueldres with the King in February 1448-49.<sup>5</sup> He was probably a supporter of the Earl of Douglas's faction, as his name occurs in an English safe-conduct obtained by the Earl, 12 May 1451, at which time the latter was intriguing with the Yorkists.<sup>6</sup> Notwithstanding this he was

<sup>1</sup> *Reg. Mag. Sig.*, folio vol. 175. <sup>2</sup> *Exch. Rolls*, iv. p. cxc. <sup>3</sup> *Wemyss Book*, 47. <sup>4</sup> Harl. ms., 6438. <sup>5</sup> Asloan ms., 18-40. <sup>6</sup> *Ibid.*, 8, 44; *Rotuli Scotiæ*, ii. 346.

employed by King James II. on an embassy to the French Court in 1456.<sup>1</sup> Both he and his wife were attainted for complicity in the Douglas rising,<sup>2</sup> and they escaped to England. He married Jonet, daughter and co-heiress of Walter Fenton of Baky, and with her got the lands of Drumblate and Towie, which were forfeited in 1458.<sup>3</sup> They had a son, *Henry*, designed of Kilbrony or Culbirney in Inverness-shire.<sup>4</sup>

3. *Alexander*, mentioned 1488.<sup>5</sup>

4. *Elizabeth*, who was Maid-of-honour to Joanna, Queen of James I. She is famous as the heroine of the brave attempt to hinder the assassins of the King from entering the chamber at Perth on the night of 21 February 1436-37, by thrusting her arm into the staples of the door from which the bolts had been removed. She afterwards married Richard Lovel of Ballumby, with whom, on 24 August 1438, she had a charter from Alexander Lindsay, second Earl of Crawford, of the lands of Muirhouse, co. Inverness. In this charter she is styled *neptis* of the Earl, which shows that the commonly accepted marriage of her father to a daughter of Sir David Lindsay, first Earl of Crawford, is correct.<sup>6</sup>

HENRY DOUGLAS of Lochleven and Lugtoun appears first on record, under the latter designation, as a witness to a charter of Sir Robert Conynghame of Kilmaurs, 30 June 1425.<sup>7</sup> He was one of the supplementary hostages for King James I., and went to England as a substitute for Norman Leslie, being styled Henry Douglas, dominus de Lochleven and Lugtoun.<sup>8</sup> He was released 20 June 1432, and was knighted before 24 January 1440-41, when as Sir Henry Douglas of Lugtoun he witnessed a charter of the Earl of Mar.<sup>9</sup> He had, along with his wife, a charter of the lands of Keillor, co. Perth, 7 July 1464.<sup>10</sup> He was alive 30 January 1468-69, when he witnessed a charter of Alexander Leslie of Balcomie.<sup>11</sup>

<sup>1</sup> Stevenson's *Letters and Papers, etc.*, i. 243. <sup>2</sup> *Exch. Rolls*, vi. 435, 514. <sup>3</sup> *Ibid.*, cxxxii. <sup>4</sup> *Reg. Mag. Sig.*, 12 January 1510-11. <sup>5</sup> Harl. ms., 6436. <sup>6</sup> *Reg. Mag. Sig.*, 29 October 1463. <sup>7</sup> *Ibid.*, 28 October 1425. <sup>8</sup> *Fœdera*, x. 381, 509. <sup>9</sup> *Reg. Mag. Sig.*, 30 October 1444. <sup>10</sup> *Ibid.* <sup>11</sup> *Ibid.*, 24 May 1545.

His wife's name was Elizabeth Erskine, said to have been a daughter of Sir Robert Erskine of that Ilk, but of this there is no proof. They had issue:—

1. ROBERT, who succeeded.
2. *Mr. David.*
3. *Thomas.* All three sons appear as witnesses to a charter of Archibald Bawcanquell, 12 August 1494.<sup>1</sup>

ROBERT DOUGLAS of Lochleven had a charter of the lands and barony of Kinross and the castle of Lochleven, on 16 October 1463, his father's liferent and his mother's terce being reserved.<sup>2</sup> His precept of clare constat as heir is dated 28 May 1476.<sup>3</sup> On 2 July 1495 he had a charter of half the lands of Dalqueich, co. Kinross, and he acquired the whole of these lands from John Peebles, 19 June 1497.<sup>4</sup> He was knighted before 14 March 1503-4, when he witnessed a charter as Sir Robert Douglas of Lochleven.<sup>5</sup> He fell at Flodden 9 September 1513.<sup>6</sup>

He married, first (contract 10 April 1445), Elizabeth, daughter of David Boswell of Balmuto, with a tocher of 500 merks. He had a papal dispensation for the marriage, because they were within the fourth and fifth degrees of consanguinity.<sup>7</sup> He married, secondly, after 1479, Isobel, only daughter of Sir John (not Andrew, as in Douglas) Sibbald of Balgony, relict of George Douglas, fourth Earl of Angus,<sup>8</sup> and of John Carmichael of Balmadie. She was alive in 1500, but dead in February 1502-3;<sup>9</sup> and thirdly, before 1503, Marion, daughter of Sir William Baillie of Lamington, and relict of John, third Lord Lindsay of the Byres.<sup>10</sup> By his first wife only he had issue:—

1. ROBERT, who succeeded.
2. *Agnes*, married to Thomas Hamilton of Raploch.
3. *Margaret*, married, first, probably in 1484, when she had a charter from him of the lands of Laidgreen, co. Perth,<sup>11</sup> to Sir David Stewart of Rosyth; secondly, to

<sup>1</sup> *Reg. Mag. Sig.*, 8 December 1494. <sup>2</sup> *Ibid.* <sup>3</sup> Harl. ms. 6433. <sup>4</sup> *Reg. Mag. Sig.*, 28 June 1498. <sup>5</sup> *Ibid.*, 14 March 1503-4. <sup>6</sup> *Scottish Antiquary*, xiii. 107, quoting *Acta Dom. Conc.* His name does not appear in the extract from that roll in *Scot. Antiq.*, xii. 116. <sup>7</sup> Macfarlane's *Gen. Coll.*, i. 297. <sup>8</sup> *Douglas Book*, ii. 63; vol. iv. 564 of this work. <sup>9</sup> *Acta Dom. Conc.*, ix. 205; xii. 184. <sup>10</sup> *Records of Parliament*, 500. <sup>11</sup> *Reg. Mag. Sig.*, 11 February 1487-88.

Henry Mercer of Meiklour.<sup>1</sup> They had a dispensation to marry in 1496, having already had numerous children.<sup>2</sup>

SIR ROBERT DOUGLAS of Lochleven was served heir to his father 15 and 20 October 1514,<sup>3</sup> and appears to have alienated part of the family possessions. On 4 February 1519-20 he sold to Sir Henry Balfour, rector of Loncardy, the Easter-town of Tilliochy, co. Kinross.<sup>4</sup> On 15 October 1517 he granted the friars of St. Andrews an annualrent of twenty merks from his lands of Keillor, and on 10 June 1519 another annualrent of five merks from Bordland.<sup>5</sup> He married, first, Margaret, daughter of David Balfour of Burleigh;<sup>6</sup> secondly, January 1499-1500,<sup>7</sup> Margaret Hay, daughter of William, first Earl of Erroll, and widow successively of Alexander Fraser of Philorth and Sir Gilbert Keith of Inverugie.<sup>8</sup> She was his wife before 1526.<sup>9</sup> He left issue:—

1. THOMAS.

2. *Henry*, who, as son of Robert Douglas of Lochleven, witnessed the charter of his father of 4 February 1519-20 above mentioned.

3. *Margaret*, married, before 12 August 1516, to her cousin Henry Stewart, younger of Rosyth.

Sir Robert had two other sons, presumably illegitimate, *Robert*, to whom and to Janet Ramsay, his wife, he granted the lands of Drumgarland 1515,<sup>10</sup> and *Richard*, who was a macer of the Court of Session, which office continued in his descendants for five generations.<sup>11</sup>

THOMAS DOUGLAS, the eldest son, witnessed, as heir-apparent of his father, the charter of 15 October 1517 above mentioned. He died *vitâ patris*, having married Elizabeth, daughter of Archibald Boyd of Nariston, third son of Robert, first Lord Boyd.<sup>12</sup> By her he had issue:—

1. ROBERT, who succeeded his grandfather.

2. *John*, parson of Newlands.<sup>13</sup>

3. *Henry*.<sup>14</sup>

<sup>1</sup> *Acta Dom. Conc.*, xii. 18. <sup>2</sup> Harl. ms., 6441. <sup>3</sup> *Ibid.*, 6435. <sup>4</sup> *Reg. Mag. Sig.*, 6 March 1519-20. <sup>5</sup> *Ibid.*, 15 May 1522. <sup>6</sup> Macfarlane's *Gen. Coll.*, ii. 297. <sup>7</sup> *Acta Dom. Conc.*, ix. 14. <sup>8</sup> See vol. iii. 565. <sup>9</sup> *Ibid.*, xxxvi. 75. <sup>10</sup> Harl. ms., 6435. <sup>11</sup> *Ibid.*, 6437. <sup>12</sup> Cf. vol. v. 146, and Protocol Book of Robert Rollok, N.P., Gen. Reg. Ho., f. 2a. <sup>13</sup> *Acts and Decrees*, i. 168. <sup>14</sup> *Acta Dom. Conc. et Sess.*, xxv. 107.

4. *Margaret*. In 1541 Robert Douglas of Lochleven made overtures for the marriage of William Melville, eldest son of Sir John Melville of Raith, to his sister Margaret. The consent of the King having been obtained 3 April 1541, the marriage was solemnised.<sup>1</sup> In July 1544 Sir John Melville made a settlement on his son and his wife of the lands of Pitconmark,<sup>2</sup> but William did not long survive, dying about 1547. His widow was alive in May 1584.<sup>3</sup>
5. *Marion*, married to John Lindsay of Dowhill.<sup>4</sup>
6. *Elizabeth*, said to have been married to Alexander Alexander of Menstrie.<sup>5</sup>

SIR ROBERT DOUGLAS of Lochleven succeeded his grandfather at all events before 20 February 1539-40, when he had a royal charter to himself as Robert Douglas of Lochleven of the lands of Fossoway, co. Perth.<sup>6</sup> On 17 October 1540 he had a charter of the lordship of Dalkeith and many other lands following on the resignation of James, third Earl of Morton, who had made a resignation in his favour. This resignation, however, the Court of Session held in 1542 to be a forced one, and reduced the charter, making some compromising reflections on King James v.<sup>7</sup> On 20 January 1540-41 he had a royal charter to himself in liferent and his son William in fee of the lands and barony of Kinross, with the castle and loch of Lochleven, the burgh of Kinross being erected into a burgh of barony; and another of the lands and baronies of Keillour, Lugtoun, and Langnewton.<sup>8</sup> On 27 March 1546 he had, along with his wife, a charter from John Charteris of Cuthilgurdy of the lands of Cuthilgurdy.<sup>9</sup> He was killed at the battle of Pinkie 10 September 1547. He married (contract 11 July 1527<sup>10</sup>) Margaret, second daughter of John, fifth Lord Erskine, who afterwards, about 1531, became the mother, by King James v., of James Stewart, ultimately the Regent Moray. She died 5 May 1572.<sup>11</sup> By her he had issue:—

1. WILLIAM, who succeeded.

<sup>1</sup> *Melville Book*, ii. 2. <sup>2</sup> *Reg. de Dunfermline*, 562. <sup>3</sup> *Melville Book*, i. 79. <sup>4</sup> Acquittance for part of her tocher 1532, Harl. ms., 6435. <sup>5</sup> Wood's *Douglas's Peerage*. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> Burnett ms.; cf. also *Reg. Honor. de Morton*, ii. 281-293; *Reg. Mag. Sig.*, 30 May 1542 and 2 June 1564. <sup>8</sup> *Reg. Mag. Sig.* <sup>9</sup> Confirmed 13 May 1547, *Ibid.* <sup>10</sup> Harl. ms., No. 6435. <sup>11</sup> *Ibid.*, No. 6441; cf. vol. v. 612.

2. *Robert*, Earl of Buchan.<sup>1</sup>
3. *George* of Helenhill. He had a charter from James, Commendator of St. Andrews and Pittenweem, 25 April 1565, of an annual pension of 500 merks from the lands of these houses.<sup>2</sup> As George Douglas of Helenhill he witnessed a charter of James, Commendator of Melrose, 19 June 1587,<sup>3</sup> but he was also styled of Rungally.<sup>4</sup> He was knighted before 3 May 1588,<sup>5</sup> and had a charter from his brother William of the lands of Aschescheillis, co. Peebles, in January 1588-89.<sup>6</sup> During the captivity of Queen Mary in his father's castle George Douglas fell a victim to her charms, and so conspicuous was his admiration for her, that he was removed from that residence. He did not fail her, however, in her hour of need: it was he who, along with Lord Seton, met her on the mainland after her escape, and rode with her to Niddry and then to Hamilton. He was at the battle of Langside, and accompanied the Queen in her flight to England.

He married, first, after 1575, Jonet, daughter of John Lindsay of Dowhill and relict of Andrew Lundie of Balgony, and of Sir William Scott of Balwearie;<sup>7</sup> and secondly, after 1593, Margaret Durie, relict of William Scott of Abbotshall.<sup>8</sup> He had issue one daughter,

- (1) *Elizabeth*, married to George Ramsay, afterwards Lord Ramsay of Dalhousie.<sup>9</sup>

Sir George had also a natural son *Robert*, afterwards Robert Douglas of Clattie. Popular rumour said that he was the son of Sir George by Queen Mary, but no proof has ever been adduced for the statement. He was the father of Robert Douglas, the famous Presbyterian divine.<sup>10</sup>

4. *Euphemia*, married, dispensation in 1545, they being in the third degree of consanguinity, to Patrick, sixth Lord Lindsay of the Byres. She died in June 1580.<sup>11</sup>

<sup>1</sup> See vol. ii. 269. <sup>2</sup> *Reg. Mag. Sig.*, 24 November 1565. <sup>3</sup> *Ibid.*, 30 June 1587. <sup>4</sup> *Laing Charters*, 26 June 1584, No. 1082. <sup>5</sup> *Reg. Mag. Sig.*, at date. <sup>6</sup> *Ibid.*, 19 January 1591-92. <sup>7</sup> *Ibid.*, 29 February 1583-84; *Edin. Tests.*, 19 May 1598. <sup>8</sup> *Dunfermline Regality Decrees*, 1591-1610, fol. 97. <sup>9</sup> Cf. vol. iii. 97. <sup>10</sup> *Reg. of Deeds*, lxvi. f. 292. <sup>11</sup> Cf. vol. v. 400; *Edin. Tests.*, 13 November 1591.

5. *Janet*, married to Sir James Colville of Easter Wemyss.<sup>1</sup>
6. *Catherine*, married (contract 1557<sup>2</sup>) to David Durie of that ilk.<sup>3</sup>

V. SIR WILLIAM DOUGLAS of Lochleven was born 1539-40,<sup>4</sup> and was served heir to his father in 1555.<sup>5</sup> He is chiefly known in history as the custodian of Queen Mary during her imprisonment in Lochleven Castle. He, his mother, and Robert his son and heir, were in 1565, charged to deliver the castle of Lochleven to the King, and to remove from it within six hours,<sup>6</sup> but were ultimately allowed to remain as William was 'extremelie seck, in perrell of his lyffe.'<sup>7</sup> He was one of the many persons formally charged with the murder of Riccio.<sup>8</sup> He had a charter of Pharrington, co. Roxburgh, 23 October 1574.<sup>9</sup> He subscribed a bond of manrent to the Earl of Mar 3 May 1578.<sup>10</sup> He had the ward and marriage of the children of his brother Robert, Earl of Buchan, in 1580.<sup>11</sup> He was one of the Ruthven Raiders,<sup>12</sup> and for his participation in this he had to go to France in 1583,<sup>13</sup> but was probably not long abroad, as he is designated Sheriff-Principal of Banff in 1584.<sup>14</sup> On 5 January 1586-87 he had a confirmation, as son and heir of his deceased father, of a charter by Cardinal Beaton to the latter, in gratitude for the defence of the Church against the Lutheran heresy, of the lands of Kinnesswood and others, dated 25 June 1544, and of another by Sir Michael Donaldson, Prior of St. Serf's, of the lands of Kirkness, dated 9 October 1544.<sup>15</sup> On the death of Archibald, Earl of Angus and Morton, in 1588, the estates and honours of Morton devolved upon Sir William, who thus became fifth EARL OF MORTON, and he had a charter on 20 June 1589 of the Castle of Dalkeith to his wife Agnes Leslie, and of the earldom of Morton to himself, with remainder to his four sons successively or any other heir-male of his body; whom failing, to Francis Douglas of Longniddry, William Douglas of Whittinghame, William Douglas in Linton, Robert Douglas of Freertown, and the heirs-male of their bodies; whom failing, to his own heirs-male whomsoever,

<sup>1</sup> Cf. vol. ii. 553. <sup>2</sup> Harl. ms., 6442. <sup>3</sup> *Reg. Mag. Sig.*, 1 February 1577-78.

<sup>4</sup> Harl. ms., 6442. <sup>5</sup> Morton Charters. <sup>6</sup> *P. C. Reg.*, i. 391. <sup>7</sup> *Ibid.*, i. 396.

<sup>8</sup> *Ibid.*, i. 436. <sup>9</sup> *Reg. Mag. Sig.* <sup>10</sup> *P. C. Reg.*, ii. 691. <sup>11</sup> *Ibid.*, iii. 312.

<sup>12</sup> *Ibid.*, 507. <sup>13</sup> *Ibid.*, 615, 620, 652. <sup>14</sup> *Ibid.*, 705. <sup>15</sup> *Reg. Mag. Sig.*

bearing the name and arms of Douglas; whom failing, to his heirs and assigns whatsoever. In 1594 he was appointed the King's lieutenant in the south, when His Majesty went north.<sup>1</sup> On 22 July of the same year he had a lease of the lands of Tulloes and others, co. Forfar, which belonged to the monastery of Arbroath,<sup>2</sup> and on 23 January 1606 he had a royal charter of the lands of Colquhair and others in Annandale.<sup>3</sup> He died 27 September 1606,<sup>4</sup> having married, in or before 1565 (contract 19 August 1554, when he was a child<sup>5</sup>), Agnes, daughter of George, fourth Earl of Rothes. They had issue:—

1. ROBERT.

2. *James*; appointed Commendator of the Abbey of Melrose in 1568.<sup>6</sup> He was dead before 15 October 1620, having married, first (contract 6 November 1587<sup>7</sup>), *Mary*, daughter of Sir Thomas Ker of Ferniehirst,<sup>8</sup> by whom he had a son *Archibald*; secondly (contract 7 November 1598, registered 28 April 1599<sup>9</sup>), *Helen*, daughter of William Scott of Abbots-hall, by whom he had *Robert* (who was of age 1624<sup>10</sup>) *Annas*, *Euphame*, and *Mary*; thirdly, in 1609, *Jean*, Anstruther,<sup>11</sup> by whom he had *Margaret*, married to William Baillie of Hardington; *Jean*, married, first, to Patrick Edmonston of Wolmet, secondly, to Porterfield of Hapland, and thirdly, to Cunningham of Dankeith;<sup>12</sup> and *Isobel*.<sup>13</sup>

3. *Archibald*, styled third son in the entail of 1589. On 2 August 1594 he had a charter from his father of the lands of Kinnesswood and others.<sup>14</sup> He was afterwards knighted, and was known as Sir Archibald Douglas of Kellour.<sup>15</sup> He died in Orkney 1649.<sup>16</sup> He married *Barbara*, daughter of William, seventh Lord Forbes, relict of Robert Allardyce, younger of that ilk, and of Alexander Hay of Delgatie.<sup>17</sup> His eldest son *Arthur* married (contract 26 and 30 June 1628<sup>18</sup>)

<sup>1</sup> *P. C. Reg.*, v. 175, 179. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> *Ibid.* <sup>4</sup> *P. C. Reg.*, vii. xvii., but Douglas gives 24 September, and the Harleian ms. 22 September. <sup>5</sup> *Hist. Rec. of the Family of Leslie*, ii. 66. <sup>6</sup> *Liber de Melros*, i. v. note. <sup>7</sup> *Reg. of Deeds*, xxviii. 137. <sup>8</sup> Cf. vol. v. 68. <sup>9</sup> *Reg. of Deeds*, lxviii. f. 400. <sup>10</sup> Harl. ms., 6442. <sup>11</sup> *Ibid.* <sup>12</sup> *Ibid.* <sup>13</sup> *Gen. Reg. of Inhibitions*, 28 August 1661. <sup>14</sup> *Reg. Mag. Sig.*, 27 December 1594. <sup>15</sup> *Ibid.*, 16 July 1619. <sup>16</sup> Harl. ms., 6432. <sup>17</sup> Cf. vol. iv. 57. <sup>18</sup> *Reg. of Deeds*, ccccxliv., 1 October 1631.



Isobel, daughter of Sir William Douglas of Stonypath, brother of Sir Archibald Douglas of Whittinghame, by which marriage he obtained the latter estate. They had a charter of it 27 September 1628.<sup>1</sup>

4. *Francis*, mentioned by Macfarlane, but if he existed he must have died young, as he is not amongst the sons in remainder to the Peerage.
5. *George*, mentioned as fourth son in the entail. As Sir George Douglas of Kirkness he appears as one of the curators of John Lyon of Aldbar in July 1609;<sup>2</sup> and he died before 9 December same year.<sup>3</sup> He married, in 1597, Margaret Forrester, daughter of Thomas Forrester of Strathendry, and their issue succeeded to Kirkness in a direct line,<sup>4</sup> till General William Douglas of Kirkness died in 1747, leaving no lawful issue, and his uncle William became heir-male of Sir George. The representation of this branch is claimed by Sir Arthur Percy Douglas of Carr, Bart.

The Earl had seven daughters, all celebrated for their beauty, and called the seven pearls of Lochleven: <sup>5</sup>—

6. *Margaret*, married (contract 17 April 1574<sup>6</sup>), when he was eighteen, to John Wemyss, son and heir of Sir David Wemyss of that ilk. She had a charter on 18 April 1574 from John Douglas, Archbishop of St. Andrews, on the resignation of the elder Wemyss, of the lands of Methil and others, erected into a barony, to herself and her future spouse.<sup>7</sup> She was dead before 1581, when he married again.

7. *Christian*, married (contract 17 February 1575-76) to Laurence, Master of Oliphant. On 7 April 1576 she had a charter from Lord Oliphant of the lands of Pitkerie and others, in the barony of Kelly, co. Fife,<sup>8</sup> and on 12 of the same month a charter from the King *in ejus pura virginitate* of the lands of Galraw and others, co. Forfar, on the resignation of Lord Oliphant; and she was married, secondly, as his first wife, 9 January 1586 (contract 2 and 14 December

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.*, 13 July 1610. <sup>3</sup> *Fife Inhibitions.* <sup>4</sup> There is a pedigree of their descendants for several generations in Harl. ms., 6442. <sup>5</sup> Macfarlane's *Gen. Coll.*, ii. 299, where the word is given as 'pearches.' <sup>6</sup> *St. Andrews Com. Deeds.* <sup>7</sup> *Wemyss Book*, i. 161. <sup>8</sup> Confirmed 12 April 1576, *Reg. Mag. Sig.*

- 1585<sup>1</sup>), to Alexander, first Earl of Home, from whom she had a charter of the barony of Dunglas 18 July 1586.<sup>2</sup> She was alive in August 1591, but was dead before 1607, when Lord Hume married again.
8. *Mary*, married, in 1582, as his second wife, to Walter, Lord Ogilvy of Deskford.<sup>3</sup>
  9. *Euphemia*, married, in 1586, as his second wife, to Thomas Lyon of Baldukie, Master of Glamis, Lord High Treasurer.<sup>4</sup>
  10. *Agnes*, married, as his first wife,<sup>5</sup> 24 July 1592, to Archibald, seventh Earl of Argyll, and died 3 May 1607.<sup>6</sup>
  11. *Elizabeth*, married, as his third wife, before 10 July 1590, to Francis, ninth Earl of Erroll. Her father was severely reprimanded by the King for giving his daughter in marriage to the Earl of Erroll, not only without the King's consent, but contrary to his express prohibition.<sup>7</sup>
  12. *Jean* (omitted by Douglas, but given by Macfarlane), died unmarried.

ROBERT DOUGLAS, the eldest son, had a charter from the King on the resignation of his father of the lands and baronies of Kinross, Kellour, Lugtoun, and Langnewton, 26 July 1565.<sup>8</sup> He and his brother-in-law, the Master of Oliphant, had licence to travel abroad for three years, 24 December 1584.<sup>9</sup> From this journey they never returned: whether they were drowned at sea, or were captured by pirates, or met their death on land, is not certain; but they disappeared in some way which has never been explained. There was a petition presented to Queen Elizabeth, about 1600, for an expedition for the relief of the Master of Oliphant and Master of Morton, reported to have been made slaves by the Turks, and to be now detained in captivity in the town of Algiers, on the coast of Barbary.<sup>10</sup>

<sup>1</sup> *Reg. of Deeds*, xxviii. 246b, 346b. <sup>2</sup> Confirmed 29 November 1586, *Reg. Mag. Sig.* <sup>3</sup> Macfarlane's *Gen. Coll.*, ii. 300; cf. vol. iv. 26. <sup>4</sup> Macfarlane, *ut sup.*; *Reg. Mag. Sig.*, 7 November 1589; Crawford's *Lives*, 393. <sup>5</sup> *Laing Charters*, 1492; *P. C. Reg.*, vi. 79; Harl. ms., 6442. <sup>6</sup> Cf. vol. i. 349. <sup>7</sup> *P. C. Reg.*, iv. 506. <sup>8</sup> *Reg. Mag. Sig.* <sup>9</sup> *Reg. Sec. Sig.*, li. 160, 161. <sup>10</sup> *Calendar of State Papers connected with Scotland, 1509-1603*, i. 431. The date of the Petition is there given as December 1582, but this must be a mistake, as the travellers did not start till the very end of 1584. It

Robert Douglas married (contract 19 March 1582-83<sup>1</sup>) Jean Lyon, second daughter of John, eighth Lord Glamis. She was married, secondly, as his third wife (contract 29 July 1587), to Archibald, eighth Earl of Angus. He died the following year; and she was married, thirdly, before April 1593, to Alexander Lindsay, created Lord Spynie. By his wife Robert Douglas had a son:—

VI. WILLIAM, sixth Earl of Morton. He was served heir to his father 3 July 1605, and to his grandfather 4 November 1606. He was one of the ablest and most distinguished of the holders of the title. He was in high favour at Court, and was a devoted servant both of King James VI. and Charles I., receiving many marks of the royal favour. He had charters of the lands of Colquhair and others, which had belonged to the Abbey of Melrose, and which were now erected into the barony of Dunfedling on 24 March 1613, but these he immediately resigned into the King's hands in favour of Walter, Lord Scott of Buccleuch:<sup>2</sup> of the lands and barony of Segy and others, 9 October 1616:<sup>3</sup> of the baronies of Aberdalgy, Dupplin, and Gask, and many other lands, with a grant to himself in liferent and his son Robert in fee of Hedderwick, Classiedeuglie, and others, 6 December 1625:<sup>4</sup> of Blairforth and others, co. Perth, 7 February 1628:<sup>5</sup> of Schireffhall, co. Edinburgh, 3 November 1632:<sup>6</sup> of the two Killennoquhyes and Haltoun, co. Kinross, 30 November 1633:<sup>7</sup> and of Cullendrane, Maw, and Fossoway, in the same county, 1 August 1634.<sup>8</sup> He had also, on 16 March 1638, a very comprehensive charter of the lands, earldom, and barony of Morton, with all his other lands. Aberdour was at the same time erected into a burgh of barony, and his title was altered to EARL OF MORTON AND LORD ABERDOUR.<sup>9</sup>

In 1607 he had a great dispute as to the title with John, Lord Maxwell, whose father had been created Earl of Morton in 1581 after the attainder of his uncle the Regent Morton. The attainder, however, having been reversed 29 may be noted also that Robert Douglas was never actually Master of Morton, as his father did not succeed to the title till 1588, long after his disappearance. <sup>1</sup> *Acts and Decrees*, xciii. 304. <sup>2</sup> *Reg. Mag. Sig.*, 7 April 1613. <sup>3</sup> *Ibid.* <sup>4</sup> *Ibid.* <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.* <sup>7</sup> *Ibid.* <sup>8</sup> *Ibid.* <sup>9</sup> *Ibid.*

January 1585-86, the earldom reverted to the heir of entail. Lord Maxwell appears to have been extremely discontented about the matter, and in consequence of having sent a challenge to the Earl, was denounced rebel,<sup>1</sup> the Earl himself becoming bound not to send or receive any challenge to or from Maxwell. The King and Privy Council interfered strenuously in the matter, and Maxwell was ultimately committed to prison. (*See title Nithsdale.*) William, Earl of Morton, had licence to travel in France, Germany, or Italy for three years on 16 January 1617, but he did not immediately avail himself of the permission, as the King paid him a visit at Dalkeith from 11 to 14 June 1617.<sup>2</sup> The visit must have been a very elaborate one, as His Majesty's luggage took eighty carts and two hundred and forty horses to transport. He was admitted to the Privy Council 15 November 1621,<sup>3</sup> and a few days later was made one of the inner cabinet of that body. He attended the funeral of King James VI. 7 May 1625.<sup>4</sup> He commanded a Scottish regiment of 2000 men sent to France to assist the Duke of Buckingham in his expedition for the relief of Rochelle,<sup>5</sup> and he was with that commander in August 1627. After the surrender of Rochelle, Morton's regiment returned to Scotland, and was placed in garrison, the command being transferred from the Earl to Sir George Hay.<sup>6</sup> On 8 July 1630 he was appointed Lord High Treasurer of Scotland,<sup>7</sup> an office which he resigned six years afterwards. He was installed as Knight of the Garter 21 April 1634, and appointed Captain of the Yeomen of the Guard in 1635. On 22 June 1639 he was one of those who accompanied the Lyon King of Arms to the Scots camp at Duns Law to witness the publication of the King's proclamation.<sup>8</sup> He was with King Charles when he visited Edinburgh in 1641, and went with him to the Parliament. He was, however, not allowed admittance, on the ground that he had not signed the Covenant.<sup>9</sup> This disqualification was got over by his signing it on 18 August.<sup>10</sup> On 20 September he was nominated for the Chancellorship by the King, but this gave rise to a heated debate, the Earl of Argyll especially vehe-

<sup>1</sup> *P. C. Reg.*, vii. 425. <sup>2</sup> *Ibid.*, xi. p. xxvi. <sup>3</sup> *Ibid.*, xii. 590. <sup>4</sup> *Ibid.*, 2nd ser., i. 33 n. <sup>5</sup> *Ibid.*, ii. p. xi. <sup>6</sup> *Ibid.*, iii. 124. <sup>7</sup> *Ibid.*, 594. <sup>8</sup> *Balfour's Annals*, ii. 329. <sup>9</sup> *Ibid.*, iv. 44. <sup>10</sup> *Ibid.*, 45.

mently objecting to the appointment in respect that such a position would shelter him from his creditors, that he was a 'contemptuous rebel,' and often at the horn, that he had deserted his country in her greatest need, and that he was 'decrepitt and unable.'<sup>1</sup> Morton replied with moderation, and enumerated many kindly acts he had done to Argyll, but ultimately, evidently seeing the general opinion of the house was against him, he begged His Majesty to withdraw his nomination. This was accordingly done, but the Earl was again admitted to the Privy Council 18 November 1641.<sup>2</sup> In the political troubles which ensued Morton proved himself a devoted friend to the King. He was one of the richest men of his day in Scotland, and he did not hesitate to spend his means freely in the royal cause. This compelled him to sell to the Scotts of Buccleuch his great property of Dalkeith, from which, it is said, he drew an annual rental of £100,000 Scots. On that account he got, on 15 June 1643, a royal charter of the earldom of Orkney and lordship of Zetland, to be redeemable by the Crown on payment of £30,000 sterling.<sup>3</sup> It was provided that he should furnish the King with hawks, or pay to the royal falconers for their expenses in taking them £235, 13s. 4d. Scots. He had a ratification of these lands in Parliament 27 July 1644, and by charter 4 November 1646. When the King came to the Scottish army at Newcastle in 1646 the Earl went to wait on him, but he afterwards retired to his castle at Kirkwall, where he died 7 August 1648.<sup>4</sup> He married, in April 1604<sup>5</sup> (contract 5, 12, 20, 22, 24, and 28 March 1604<sup>6</sup>), Ann, eldest daughter of George, fifth Earl Marischal. She did not survive her husband long, dying 30 May of the same year. They are both interred in St. Magnus Cathedral. By her the Earl had issue:—

1. ROBERT, seventh Earl of Morton.
2. JAMES, ninth Earl of Morton.
3. *William*, died in France 1643.<sup>7</sup>
4. *John*, who was killed fighting under Montrose when the latter was defeated at Carbisdale 27 April 1650.<sup>8</sup>

<sup>1</sup> Balfour's *Annals*, iv. 69. <sup>2</sup> *P. C. Reg.*, 2nd ser., vii. 142. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *Cat. of Scots Earls*, L. O. ms. Balfour (*Annals*, iv. 396) says March 1649. <sup>5</sup> *Aberdeen Reg.* <sup>6</sup> *Reg. of Deeds*, cii. 31 March 1604. <sup>7</sup> *Cat. of Scots Earls*, L. O. ms. <sup>8</sup> *Ibid.*

5. *George*, also fought under Montrose's banner, and was wounded in one of his victorious engagements. He is said to have afterwards entered the service of the States of Holland, where he died 'in a considerable post.'<sup>1</sup> A George Douglas is mentioned as a captain in the regiment of Friesland Infantry in 1655, but no other record of his service has been found.<sup>2</sup>
6. *Ann*, married (contract 7 September 1622) to George, second Earl of Kinnoull, and died in 1667.<sup>3</sup>
7. *Margaret*, born 1610, married, 6 or 7 August 1626, to her cousin Archibald, Marquess of Argyll, and died 13 March 1678.<sup>4</sup>
8. *Mary*, married (contract 29 March, 2 April, and 9 November 1632) to Charles, second Earl of Dunfermline, and died 1659.<sup>5</sup>
9. *Jean*, married (contract 13 July 1640) to James, third Earl of Home.<sup>6</sup> She was living in 1683.
10. *Isobel*, married, first, after 1643, as his third wife, to Robert Ker, first Earl of Roxburghe; he died 18 January 1650 in his eightieth year, and she was married, secondly, to James Graham, second Marquess of Montrose, who was about sixty years younger than her late husband.

VII. ROBERT, seventh Earl of Morton of the Douglas line, had a charter to himself as Lord Dalkeith of some acres in Kinross, 3 November 1632.<sup>7</sup> He was served heir to his father 29 March 1649,<sup>8</sup> and died at Kirkwall 12 November of the same year. He married Elizabeth, daughter of Sir Edward Villiers of Brokesby, and sister of William, second Viscount Grandison. She died in December 1654. By her he had issue:—

1. WILLIAM, eighth Earl of Morton.
2. *Robert*, who was a lieutenant of gendarmes in France, Master of the Horse to Henrietta, Duchess of Orleans, and lieutenant in the Horse Guards of Charles II. He died *s.p.* 1661.<sup>9</sup>
3. *Anne*, married, in April 1654, William, seventh Earl Marischal.

<sup>1</sup> Cat. of Scots Earls, L. O. ms. <sup>2</sup> *Scots Brigade in Holland*, i. 495.  
<sup>3</sup> Cf. vol. v. 224. <sup>4</sup> Vol. i. 359. <sup>5</sup> Vol. iii. 374. <sup>6</sup> Vol. iv. 478. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> *Retours*, Kinross, 14. <sup>9</sup> Wood's Douglas's *Peerage*.

4. *Margaret*, married at Perth, 24 July 1662, to Sir James Macdonald of Slate, Baronet.<sup>1</sup>

VIII. WILLIAM, eighth Earl of Morton, had a new grant in 1662 of the islands of Orkney and Zetland, but as his grandfather had spent a large proportion of his fortune on the support of the royalist cause, he himself was in embarrassed circumstances, and the grant was taken in the name of his cousin, Viscount Grandison, in trust for the Morton family. In 1669 Parliament ratified a decree of the Court of Session, acting on the instance of the Lord Advocate, reducing the original disposition of the islands of Orkney and Zetland of 1643 and the confirmation of 1662. The narrative related that 'importunity prevailing with his Majestie and his royal father, their goodness and inclination to gratify their subjects, they have been induced to give away and part with so great a jewel of the Crown.'<sup>2</sup> This iniquitous Act, one of the most disgraceful ever passed by the Scots Parliament, not only caused grave loss, if not absolute ruin, to the Morton family, but involved other creditors who had lent the Earl money on the security of lands, of which he had a valid title from the Crown. Sir Andrew Dick of Craighouse, for instance, lost 100,274 merks, which he had lent on an apparently absolutely safe investment.<sup>3</sup> On 9 September 1672 the Earl of Morton renounced his right to the style and designation of Lord Dalkeith, in favour of James, Duke of Buccleuch and Monmouth, a deed which was ratified by Parliament the same year.<sup>4</sup> A large portion of the Kinross-shire lands which belonged to the Earl were also parted with to Sir William Bruce of Balcaskie at this time.<sup>5</sup>

The Earl died in 1681, having married at Holyroodhouse, 12 June 1662, Grizel, eldest daughter of John, first Earl of Middleton. By her, who died March 1666, he had issue one son,

*Charles*, born 7, baptized 10, February 1663.<sup>6</sup> He died  
*v.p.*

IX. JAMES, ninth Earl of Morton, succeeded his nephew. He was previously known as Sir James Douglas of Smith-

<sup>1</sup> Lamont's *Diary*. <sup>2</sup> *Acta Parl. Scot.*, vii. 377. <sup>3</sup> *Ibid.*, ix. 465. <sup>4</sup> *Ibid.*, viii. 102. <sup>5</sup> *Ibid.*, 239. <sup>6</sup> Aberdour Parl. Reg.

field, having been knighted 3 September 1635, by the Earl of Lindsay on board the royal ship the *Marie Honor*, for his gallant behaviour. He was a gentleman of the Privy Chamber to King Charles I. He died 25 August 1686.<sup>1</sup> He married Ann, daughter and co-heir to Sir James Hay, third Baronet of Smithfield. She was buried 17 February 1700.<sup>2</sup> By her he had issue:—

1. *Charles*, Lord Aberdour, drowned at sea on his passage to Holland: he was unmarried.
2. JAMES, tenth Earl of Morton.
3. ROBERT, eleventh Earl of Morton.
4. *William*, died *s.p.*
5. GEORGE, twelfth Earl of Morton.
6. — a daughter, who died unmarried.

X. JAMES, tenth Earl of Morton, proved himself a man of considerable ability and energy. He was a strong supporter of the Revolution of 1688 and of the Hanoverian Government. He was a Privy Councillor and one of the commissioners for the Union, of which he was strongly in favour. It was probably owing to his exertions in this cause that he at last succeeded in getting the Act of 1669 repealed, and the islands of Orkney and Zetland again granted to him, with a reversion to the Crown, as before, on payment of £30,000. He died unmarried 7, and was buried at Holyrood 14, December 1715.<sup>3</sup>

XI. ROBERT, eleventh Earl of Morton, succeeded his brother. He is described as 'a man of parts, honour, and probity,' though he once found himself in the dock at the Old Bailey: he was however acquitted, 'the prosecution being looked on as malicious.'<sup>4</sup> He died at Edinburgh, unmarried, 22, and was buried at Holyrood 30, January 1730.<sup>5</sup>

XII. GEORGE, twelfth Earl of Morton, was born in 1662. In 1685 he got into trouble by slaying a footman of the laird of Chatto, in a quarrel about a dog.<sup>6</sup> He entered

<sup>1</sup> This is the date given by Macfarlane for the death of his predecessor, but it evidently refers to this Earl. <sup>2</sup> Funeral entry, Lyon Office <sup>3</sup> Holyrood Reg.; funeral entry, Lyon Office, where the date of death is given as the 10th. <sup>4</sup> Luttrell's *Diary*, v. 431. <sup>5</sup> Holyrood Reg., which gives, erroneously, 30 December as date of burial; funeral entry, Lyon Office. <sup>6</sup> *P. C. Dec.*, 29 June 1685.



the army and attained the rank of colonel. He sat for Kirkwall in the last Parliament of Scotland, 1702-7, supporting the Union. He was elected member for the Linlithgow Burghs in two Parliaments, 1708-13, and 1715-22; he represented Orkney and Shetland in the Parliaments of 1713-15, 1722-27, and from 1727 till he succeeded to the earldom in 1730. He was a Representative Peer for Scotland 1730-34, and Vice-Admiral of Scotland 1733-38. He died 4 January 1738,<sup>1</sup> and was buried in Greyfriars, Edinburgh. He married, first, a daughter of Alexander Muirhead of Linhouse, co. Edinburgh; and secondly, before 1702, Frances, daughter of William Adderley of Halstow, co. Kent. By his first wife he had issue a son who died in infancy: by his second he had issue:—

1. JAMES, thirteenth Earl of Morton.

2. *William*, died young.

3. *Robert*, of St. Olla, sat in Parliament for Orkney and Shetland, 1730-34 and 1734-41. He served as a volunteer in the Army 1735, got a company in the 3rd Foot Guards May 1740, and was appointed A.D.C. to the King, with the rank of colonel, in 1743. Having escorted Maréchal Belleisle as a prisoner from the Continent to England, he returned to the war, and was killed at Fontenoy, 30 April 1745. He was unmarried.

XIII. JAMES, thirteenth Earl of Morton, was born about 1702. Succeeding his father in 1738, he was in the same year created a Knight of the Order of the Thistle. He was elected a representative Peer for Scotland 12 May 1739, and continued as such till his death. In 1742 he succeeded in getting an Act of Parliament making the grant of Orkney and Shetland absolute to himself and his heirs, without power of redemption by the Crown. He appears to have found the management of this northern property more trouble than it was worth, and in 1766 he sold it for £63,000 (more than double the sum for which the Crown might have redeemed it a few years previously) to Sir Laurence Dundas, ancestor of the Earls of Zetland. He

<sup>1</sup> Funeral entry, Lyon Office.

had, before that, in 1747, under the Act for abolishing heritable jurisdictions, obtained £7147 for the office of Steward and Justiciar of Orkney and Zetland, besides £93 for the regality of Aberdour. In 1746, while travelling in France, he, his wife and child, along with the Countess's sister, were imprisoned in the Bastille for three months, from some cause which has never been explained. After three months they were liberated, and they returned to England in May 1747. He was appointed Lord Clerk Register in 1760, an office which he held till 1767. He was also a Trustee of the British Museum, and it is no small testimony to his scientific attainments and general ability that he was elected, 27 March 1764, President of the Royal Society. He held this office till his death, which occurred at Chiswick 12 October 1768. He married, first, before 1731, Agatha, daughter and heiress of James Halyburton of Pitcur. She died in the Canongate, Edinburgh, 12 December 1748, and was buried at Aberdour. He married, secondly, 31 July 1755, Bridget, eldest daughter of Sir John Heathcote, second Baronet of Normanton, co. Rutland, who survived him thirty-seven years, dying 2 March 1805, at London, aged eighty-two years.

By his first wife the Earl had issue :—

1. *Charles*, born 7 April 1731, died young.
2. *SHOLTO CHARLES*, fourteenth Earl of Morton.
3. *James*, born 6 October 1734, died at Westminster School, 9 August 1746, aged twelve.<sup>1</sup>
4. *George*, born 19 September 1738,<sup>2</sup> died young.
5. *Robert*, died young.
6. *Frances*, died at Aberdour, 9 May 1739, in her sixth year.
7. *Mary*, married 14 May 1774, as his second wife, to Charles, fourth Earl of Aboyne, and died 25 December 1816.<sup>3</sup>

By his second wife the Earl had issue :—

8. *John*, born 1 July 1756. Lieutenant 1st Foot Guards, 26 June 1778, and captain, with the rank of lieutenant-colonel, 26 June 1786. He died 1 May 1818, having married, 4 October 1784, Frances, born 11 June 1762, daughter of Edward Lascelles of Hare-

<sup>1</sup> *Scots Mag.* <sup>2</sup> Canongate Reg. <sup>3</sup> Cf. vol. i. 105.

wood, afterwards Earl of Harewood. She died 31 March 1817, leaving issue :—

- (1) *GEORGE SHOLTO*, who succeeded as sixteenth Earl.
- (2) *Edwin*, twin with George, died in infancy.
- (3) *Charles*, born 10 March 1790; styled of Earl's Gift, co. Tyrone, and rector of Donagheady. He had (with his brothers and sisters) a Patent of Precedence as an Earl's son, 23 August 1835. He died 28 January 1857, having married, first, 2 March 1816, *Isabella Gore*, daughter of Arthur, second Earl of Arran. She died 30 November 1838, leaving issue; and he married, secondly, 28 December 1852, *Agnes Julia*, fourth daughter of Captain John S. Rich of Woodlands, co. Limerick. She survived him, and was married, secondly, in 1862 to Colonel Wills Crofts Gason.
- (4) *Edward Gordon*, born 20 June 1800; created, 3 August 1866, Baron Penrhyn of Llandegai, co. Carnarvon; died 31 March 1886, having married, first, 6 August 1833, *Juliana Isabella Mary*, daughter and co-heir of George Hay Dawkins-Pennant of Penrhyn Castle, and took by royal licence, 12 January 1841, the name of Pennant after Douglas. She died 25 April 1842, and he married, secondly, 26 January 1846, *Mary Louisa*, second daughter of Henry Fitzroy, fifth Duke of Grafton.
- (5) *Arthur James*, captain Royal Navy, born 13 January 1802, died unmarried, 14 August 1864.
- (6) *Frances*, born 10 January 1786; married, 21 April 1804, to the Hon. Major-General Sir William Stewart, G.C.B., second son of John, seventh Earl of Galloway.<sup>1</sup> She died 6 August 1833.
- (7) *Anne*, born June 1787, died in infancy.
- (8) *Harriet*, born 8 June 1792; married, 25 November 1809, to James, Viscount Hamilton, eldest son of John James, first Marquess of Abercorn. He died 27 May 1814, and she was married, secondly, 8 July 1815, to George, fourth Earl of Aberdeen, and died 26 August 1833.<sup>2</sup>
- (9) *Charlotte*, born 11 July 1793, died 13 July 1840.
- (10) *Emily*, twin with Charlotte, died in 1815.
- (11) *Emma Elizabeth*, born 8 October 1794; married, 10 July 1827, to William Hamilton Ash of Ashbrook, co. Londonderry, and died 2 February 1857.
- (12) *Caroline*, married, 31 December 1819, William Augustus Fox Lane, and died 7 November 1873.

9. *Bridget*, born 3 May 1758, married the Hon. William Henry Bouverie, second son of William, first Earl of Radnor, and died in 1842.

XIV. *SHOLTO CHARLES*, fourteenth Earl of Morton, was born at Edinburgh 1732. In 1759 he, as Lord Aberdour, raised a corps of light dragoons, of which he was captain commandant 10 October of that year. He was one of the Lords of Police from 1760 till his death, which took place

<sup>1</sup> Cf. vol. iv. 168. <sup>2</sup> Vol. i. 67, 95.

at Taormina, Sicily, 25 September 1774. He married, 19 November 1758, at Edinburgh, Katharine, fourth daughter and co-heir of John Hamilton, second son of Thomas, sixth Earl of Haddington. She, who was born December 1736, died 25 April 1823. They had issue:—

1. GEORGE, fifteenth Earl of Morton.

2. *Hamilton Douglas Halyburton* of Pitcur. In 1765, on the death of Colonel James Halyburton of Pitcur, that estate devolved, in terms of the entail, on the second son of Lord Aberdour, who thereupon assumed the additional name of Halyburton. He was born 10 October 1763, and entered the Navy at an early age. His short career was a promising one, but was early terminated. He was first lieutenant on board H.M.S. *Assistance*, which was sent to superintend the evacuation of New York in December 1783. On the 30 of that month he was sent in command of a boat with twelve junior officers and one bluejacket in pursuit of some men who had deserted with one of the ship's boats. The weather was bad, however, and disaster overtook the boat of which Douglas Halyburton had charge. She was discovered on New Year's Day 1784 lying on the mudbanks of the New Jersey shore, and the bodies of her unfortunate crew, who had perished from exposure and cold, were found near her. They were carefully buried in a brick vault at Sandy Hook, and in 1908, in the course of some excavations, their remains and other relics of the disaster were brought to light. There is a mural inscription in the sacristy of Trinity Church, New York, to the memory of Halyburton and his companions, narrating the circumstances and date of their death.<sup>1</sup>

XV. GEORGE, fifteenth Earl of Morton, was born 3 April 1761, and sat as one of the Representative Peers of Scotland from 1784 till 1790. On 11 August 1791 he was created BARON DOUGLAS OF LOCHLEVEN, in the Peerage of Great Britain. He was Chamberlain of the Household to the Queen-Consort 1792-1818; invested as a Knight of the Order of the Thistle 26 July 1797; Lord High Commissioner to the Church of Scotland 1820-24; Lord-

<sup>1</sup> *Ex inform.* J. M. Bulloch.

Lieutenant of Fifeshire 1808-24, and of Midlothian from 1824 till his death. He was a Vice-President of the Royal Society, F.S.A., etc. He died, 17 July 1827, at Dalmahoy, near Edinburgh, having married, 13 August 1814, Susan Elizabeth, eldest daughter of Sir Francis Yarde-Buller, Bart., and sister of John, first Baron Churston. She married, secondly, 17 September 1831, Edward Godfrey of Old Hall, Suffolk, and died there 23 July 1849, aged fifty-six. The Earl had by her no issue, and the barony of Douglas of Lochleven became extinct.

XVI. GEORGE SHOLTO, sixteenth Earl of Morton, succeeded his cousin, being the eldest son of John Douglas, sixth son (but eldest with surviving issue) of James, thirteenth Earl. He was born 23 December 1789, and was in the Diplomatic Service from 1811 till 1825, being Secretary of the legation at Stockholm, Florence, and Berlin successively. He sat as a Representative Peer from 1830 till his death. He was a Lord-in-waiting 1841-49, and from February till December 1852; lieutenant-colonel of the Midlothian Yeomanry Cavalry 1843-44. He died in London 31 March 1858, having married, 3 July 1817, at Berlin, Frances Theodora, daughter of the Right Hon. Sir George Henry Rose, G.C.H., and sister of Hugh Henry, Baron Strathnairn. She, who was born 31 August 1798, died 12 July 1879. They had issue:—

1. SHOLTO JOHN, seventeenth Earl of Morton.
2. *George Henry*, born 5 October 1821; an admiral R.N.; died 19 June 1905, having married, 18 July 1850, Charlotte Martha, daughter of Admiral Sir William Parker, Bart., G.C.B., with issue.
3. *Henry*, in holy orders; born 17 December 1822; rector of Hanbury, Worcester, 1855-77, and vicar of St. Paul's, Worcester, 1877-1904; died 4 October 1907, having married, 7 June 1855, Mary, daughter of George, Earl of Haddington. She died 29 March 1904. They had issue one daughter.
4. *Edward William*, born 19 October 1825. Married, first, 16 July 1857, Augusta Anne, youngest daughter of the Right Hon. George Bankes. She died *s.p.* 6 May 1880, and he married, secondly, 27 April 1881, Evelyn Anne Trefusis, daughter of Charles Rodolph,

- nineteenth Lord Clinton. They had issue one daughter.
5. *Arthur Gascoigne*, in holy orders; born 5 January 1827; Bishop in the Scottish Episcopal Church of the diocese of Aberdeen and Orkney 1883-1905; died 19 July 1905, having married, 17 April 1855, Anna Maria Harriet, youngest daughter of Richard Richards of Caerynwch, co. Merioneth. They had issue four sons and two daughters.
  6. *Frances Harriet*, married, 10 September 1838, to William Thomas Spencer, sixth Earl Fitzwilliam, K.G., and died at Coollatin Park 15 June 1895, leaving issue.
  7. *Ellen Susan Anne*, V.A., married 15 July 1851, to the Hon. and Rev. Douglas Hamilton Gordon, third son of George, fourth Earl of Aberdeen, with issue.
  8. *Harriet Bridget Emily*, died, unmarried, 25 March 1832.
  9. *Alice Louisa*, married, 26 June 1862, to the Right Rev. Alexander Ewing, D.C.L., Bishop in the Scottish Episcopal Church of the diocese of Argyll and the Isles.
  10. *Gertrude Jane*, married, 6 October 1860, to the Hon. Mark George Kerr Rolle, second son of Charles Rodolph, nineteenth Lord Clinton, with issue.
  11. *Agnes Charlotte*, married, 9 August 1883, to Major-General Sir Owen Tudor Burne, G.C.I.E., etc. She died *s.p.* 7 July 1907.

XVII. SHOLTO JOHN, seventeenth Earl of Morton, born at Berlin 13 April 1818; lieutenant 11th Hussars 1843-44; lieutenant-colonel of the Midlothian Yeomanry Cavalry 1844-53, and colonel-commandant 1853-72. He sat as a Representative Peer from 1859 till his death, which occurred 24 December 1884. He married, first, 24 January 1844, Helen, daughter of James Watson of Saughton. She died 17 December 1850, and he married, secondly, 7 July 1853, Alice Anne Caroline, daughter of John George Lambton, first Earl of Durham. She, who was born 16 April 1831, died *s.p.* 15 January 1907. By his first wife the Earl had:—

XVIII. SHOLTO GEORGE WATSON, eighteenth Earl of Morton, born 5 November 1844; a Representative Peer since 1886; married, 25 July 1877, Helen Geraldine Maria (born 12 December 1852), fourth daughter of Charles

Frederick Ashley Cooper Ponsonby, second Baron de Mauley of Canford. They have issue:—

1. SHOLTO CHARLES, Lord Aberdour, captain Leicestershire Imperial Yeomanry; born 4 December 1878; married, 7 June 1905, Minnie Christina Brenda, daughter of Admiral Sir John Hay, and has issue:—

(1) *Sholto Charles John Hay*, born 12 April 1907.

2. *Charles William Sholto*, born 19 July 1881; late lieutenant 4th Battalion Oxfordshire Light Infantry.
3. *Archibald Roderick Sholto*, born 11 September 1883; late lieutenant Leicestershire Imperial Yeomanry; married, 22 October 1907, Winona Constance de Maraisville, daughter of Colonel Walter Ansell Peake, D.S.O., of Borough-on-the-Hill, Melton Mowbray. Has issue:—

(1) *Roderick Walter Sholto*, born 16 July 1908.

4. *William Sholto*, born 11 June 1886.

5. *Ronald John Sholto*, born 22 April 1890.

CREATIONS.—14 March 1457-58, Earl of Morton in the Peerage of Scotland: 11 August 1791, Baron Douglas of Lochleven in the Peerage of Great Britain (extinct).

ARMS (recorded in the Lyon Register).—Quarterly: 1st and 4th, argent, a man's heart gules ensigned with an imperial crown proper, for *Douglas*; 2nd and 3rd, argent, three piles issuing from the chief gules and in chief two mullets of the field, for *Douglas of Lochleven*.

CREST.—A wild boar proper sticking in the cleft of an oak tree, fructed vert, with a lock holding the clefts of the tree together, azure.

SUPPORTERS.—Two savages wreathed about the head and middle with laurel, holding a club downwards in the exterior hands.

MOTTO.—*Lock Sicker.*

[J. A.]

[J. B. P.]

[DOUGLAS, EARL OF ANGUS AND MORTON. See title ANGUS.]

## MAXWELL, EARL OF MORTON



AFTER the death of the fourth Earl of Morton his next living heir of entail was his nephew Archibald, Earl of Angus, but he also fell under the King's displeasure, and by a bold stroke another nephew for a time obtained the title. This was John, eighth Lord Maxwell, second son of Beatrix Douglas, second daughter of James, third Earl of Morton, by her husband Robert, sixth Lord Max-

well. Lord Maxwell, however, gained the earldom by unfair means. He first, before his uncle was tried, entered into an agreement with the King's powerful favourite, Esmé, Earl of Lennox, that in the event of Morton's forfeiture they should divide his estates, Lennox to have Dalkeith, Aberdour, and Caldercleir, and Maxwell the remainder. Maxwell then sat as one of the jury which condemned Morton, and as a reward obtained his stipulated share of the late Regent's estates on 5 June 1581, though he did not take his place in Parliament as Earl until 24 October of that year, when apparently his creation as EARL OF MORTON took place.<sup>1</sup> This grant, so far as the estates were concerned, was rescinded on 29 January 1585-86,<sup>2</sup> and the lands were restored to Archibald, Earl

<sup>1</sup> *Reg. Mag. Sig.*, at date; *Acta Parl. Scot.*, iii. 195; cf. *P. C. Reg.*, xii. 393. <sup>2</sup> *Reg. Mag. Sig.*, at date.



of Angus, the nearest heir of line and tailzie of the late Regent. But the title of Morton is not dealt with in the royal letter of restoration, and Maxwell and his descendants continued to have a right to it until 29 August 1620, when Robert, then Lord Maxwell, was created Earl of Nithsdale, with precedence from October 1581, it being then declared that the Act restoring the earldom of Morton to the Douglasses should not prejudice the title of Earl of Morton bestowed on John, Lord Maxwell, in October 1581.<sup>1</sup> The Earl's career and his successors in the title will be found stated under the title of Nithsdale.

CREATION.—Earl of Morton, 1581.

ARMS (as borne on the Earl's seal<sup>2</sup>).—Quarterly: 1st, a saltire; 2nd, an eagle with two heads displayed; 3rd, three urcheons; 4th, a cross: over all, on an escutcheon of pretence, a chief charged with two mullets.

In the additions to Sir David Lindsay's ms. the following coat is given, which is also on another seal of the Earl:—Quarterly: 1st, argent, on a chief gules two mullets of the first; 2nd, or, a double-headed eagle displayed sable, beaked and membered gules; 3rd, three urcheons sable; 4th, gules, a cross or; on an escutcheon of pretence argent a saltire sable.

CREST.—A stag or, attired azure, couchant before a holly tree proper.

SUPPORTERS.—Two stags proper attired azure, gorged with ducal coronets and chained or.

MOTTO.—*I byde ye fair.*

[J. A.]

<sup>1</sup> *P. C. Reg.*, xii. 392-394. <sup>2</sup> *Carlaverock Book*, i. 299.

## NAIRN, LORD NAIRN



AIRN as a surname occurs in Scotland as early as the fifteenth century, if not sooner; and the Nairns of Sandfurd (now absurdly corrupted to St. Fort) on the Fife shore of the Firth of Tay, appear to have been the leading family of the name. The early descent, however, of the branch which ultimately was raised to the ranks of the Scottish Peerage is obscure, and the first ancestor who can be traced with cer-

tainty is John Nairn, who, with Margaret Oliphant his spouse, had a charter 7 December 1511 from George, Bishop of Dunkeld, of the lands of Mukkersy in the barony of Dunkeld, which he had on lease from the Bishop for £10 and forty-eight salmon yearly. John was dead at the time of the confirmation of this charter, 8 February 1540-41.<sup>1</sup> He was probably father of

GEORGE NAIRN of Mukkersy, who was on a jury 17 March 1544-45.<sup>2</sup> He witnessed a charter of William, Lord Orichton of Sanquhar, 6 July 1553.<sup>3</sup> His wife's name is not known, but he had a son,

GEORGE NAIRN of Mukkersy, who witnessed, along with

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Acta Dom. Conc. et Sess.*, xxiii. 87. <sup>3</sup> *Reg. Mag. Sig.*, 20 July 1555.

his father, the charter above mentioned. He died February 1592-93,<sup>1</sup> having married (but not as his first wife, whose name has not been ascertained), contract 29 April 1558,<sup>2</sup> Elizabeth or Isobel Davidson, relict of Adam Ramsay and of Finlay Anderson, burgesses of Perth. She was his wife February 1562-63,<sup>3</sup> but was dead before 3 November 1564.<sup>4</sup> They had issue :—

1. JOHN, who succeeded.
2. *George*.
3. *William*, burgess of Dunkeld.<sup>5</sup>
4. *Robert*.
5. *Alexander*.
6. *James*.
7. *Thomas*.
8. *Isobel*.

JOHN NAIRN of Mukkersy, named in a deed with his father in 1566,<sup>6</sup> styled brother-german and heir of the late William Nairn, burgess of Dunkeld, in a deed whereby he and Thomas and Archibald his sons, with consent of Katherine Ramsay, spouse of Archibald, and liferentrix of the lands, sold to Mr. Alexander Ireland, burgess of Perth, and Isabella Scott his wife, the ecclesiastical lands of Kinlevin and others, co. Perth, 9 October 1599.<sup>7</sup> He had issue :—

1. *George*, named in his father's will : he probably died *v.p.*
2. THOMAS.
3. *Archibald*, who married, as above stated, Katherine Ramsay. He was dead before 2 April 1627, when she, as his widow, had a charter from Sir George Hay of Innernytie, and his father Sir George Hay, the Chancellor, to herself in liferent and her son John Nairn, writer in Edinburgh, in fee, of the east half of the dominical lands of Kinlevin.<sup>8</sup>
4. *Alexander*, who witnessed the deed of 9 October 1599 above mentioned.
5. *Helen*, named in her father's will.

<sup>1</sup> Edin. Tests. <sup>2</sup> *Reg. of Deeds*, iii. 57. <sup>3</sup> *Acts and Decrees*, xxv. 442. <sup>4</sup> *Edin. Com. Decrees*. <sup>5</sup> *Reg. Mag. Sig.*, 21 November 1599. <sup>6</sup> *Acts and Decrees*, xxxviii. 88. <sup>7</sup> *Reg. Mag. Sig.*, 21 November 1599. <sup>8</sup> Confirmed 5 June 1627, *Reg. Mag. Sig.*

6. *Margaret*, married (contract 28 August 1578) to William Gray, portioner of Lynedoch. Her father was a party to the contract, and a charter in implement thereof was witnessed by Thomas, his son and heir.<sup>1</sup>

THOMAS NAIRN of Mukkersy had a charter of sale 14 May 1605 from Christina Ross, one of the heirs-portioners of her father, John Ross of Ochtergavin, for herself and her younger sister Elizabeth, of the mains of Ochtergavin, to himself and his wife.<sup>2</sup> He was on an assize of lands appraised by Mr. Robert Nairn, advocate, 21 November 1608.<sup>3</sup> He died after 1612, having married Elizabeth Fyfe, mentioned in the charter of 1605 above quoted. They had issue:—

1. *George*, who witnessed charters of 28 June 1610 and 25 November 1611 as 'apparent of Mukkersy.'<sup>4</sup> He probably died *vitâ patris*.
2. ROBERT.

ROBERT NAIRN, the second son, was admitted advocate 22 May 1605. On 3 May 1609 he had a charter of the barony of Garden, belonging to Sir James Forrester, on which he had lent £3000,<sup>5</sup> but he was one of many creditors. Under the designation of Mr. Robert Nairn of Bannockburn, advocate, he had a charter 4 June 1612, of the mains of Ochtergavin and others, which had fallen to the King by their alienation as above mentioned without his consent, being held from him by the service of ward.<sup>6</sup> As Mr. Robert Nairn, advocate, of Mukkersy, he had a royal charter, 19 July 1621, of the lands of Rogartoun, Blackhall, and others, which were incorporated into the barony of Strathurd.<sup>7</sup> On 18 July 1635, as Mr. Robert Nairn of Strathurd, he had a charter of Easter Greenyards and others, co. Stirling.<sup>8</sup> He died February 1652, having married Catherine, daughter of Sir John Preston of Penicuik, Lord President of the Court of Session. They had issue:—

1. ROBERT of Strathurd, of whom afterwards.
2. *John*, who succeeded to Mukkersy; admitted advocate

<sup>1</sup> *Reg. Mag. Sig.*, 30 November 1582. <sup>2</sup> Confirmed 5 June 1605, *Ibid.*  
<sup>3</sup> *Ibid.*, 3 May 1609. <sup>4</sup> *Ibid.*, 10 May and 27 July 1611. <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.*  
<sup>7</sup> *Ibid.* <sup>8</sup> *Ibid.*

6 July 1647,<sup>1</sup> was Sheriff-depute of Perth in December 1657.<sup>2</sup> He married, 25 February 1647, Barbara Cant,<sup>3</sup> daughter of Mr. John Cant of Morton.<sup>4</sup> They had two daughters:—

- (1) *Margaret*, married, about 1690, to Alexander Carnegie of Kinfauns, fourth son of David, second Earl of Northesk.<sup>5</sup>
- (2) *Jean*, who was, along with her sister, served heir to her father in the lands of Beuchills 30 April 1675.<sup>6</sup> Her sister was served heir to her 11 May 1683.<sup>7</sup>

3. *Alexander* of Greenyards, born 10 September 1630; admitted advocate 22 November 1656; re-admitted 5 June 1661;<sup>8</sup> died in January 1684.<sup>9</sup> He married Euphame Easton, who survived him, and died May 1686.<sup>10</sup> They had, with other issue:—

- (1) *Alexander*, entered the fourth class in the University of Glasgow 1 March 1693;<sup>11</sup> served heir to his father in Easter Greenyards 7 June 1699.<sup>12</sup>

4. *James*, born 6 December 1631.
5. *William*, said to have been a captain in the service of King Charles II.; killed at the battle of Worcester 1651.
6. *Agnes*, married to William Blair of Tarsappie.
7. *Elizabeth*, born 6 April 1635, married to Sir David Falconer of Newton, Lord President of the Court of Session, and was buried in Greyfriars 20 January 1676.<sup>13</sup>

I. ROBERT NAIRN, the eldest son, was admitted a member of the Faculty of Advocates 20 February 1644. He was with the Royalist forces at the battle of Alyth 27 August 1651, and was with many noblemen and gentlemen taken prisoner by Monck's cavalry.<sup>14</sup> He was taken to London, and committed to the Tower, where he remained till the Restoration. On 19 January 1661 he was appointed one of the Senators of the College of Justice, receiving at the same time the honour of knighthood.<sup>15</sup> On 11 January 1671 he was appointed one of the Lords Commissioners of

<sup>1</sup> Faculty List. <sup>2</sup> *Reg. Mag. Sig.*, 1 January 1658. <sup>3</sup> Edin. Marriage Reg. <sup>4</sup> Edin. Tests. <sup>5</sup> *Carnegies, Earls of Southesk*, ii. 429. <sup>6</sup> *Retours, Perth*, 873. <sup>7</sup> *Retours, Gen.*, 6477. <sup>8</sup> Faculty List. <sup>9</sup> *Retours*. <sup>10</sup> Stirling Tests. <sup>11</sup> *Munim. Univ. Glasg.*, iii. 153. <sup>12</sup> *Retours, Stirling*, 343. <sup>13</sup> Greyfriars Reg. <sup>14</sup> *Scotland and the Commonwealth*, 9. <sup>15</sup> Brunton and Haig's *Senators*, 372.

Justiciary. By patent, dated at Whitehall 27 January 1681, he was created LORD NAIRN, with a special remainder, failing heirs-male of his body, to Lord George Murray, youngest son of the Marquess of Atholl, or failing him, to any other son who should be the husband of Margaret, his only child, and the heirs-male of their bodies, and failing such heirs-male, 'to the eldest daughter or heir-female to be procreated between them without division,' such heirs succeeding to his estates. Wodrow tells a story about Lord Nairn being one of the judges at the trial of the Earl of Argyll in December 1681, being very old and infirm, had to retire to bed, and afterwards being carried into Court when he voted in a semi-comatose condition for the relevancy of the indictment, but there does not seem to be any corroborative authority for the statement. Whatever may have been Nairn's state of health at the trial, he cannot have been a very aged man. He died 30 May 1683. He married, in or before 1669, Margaret, daughter of Patrick Graham of Inchbraco; she was buried 3 May 1704.<sup>1</sup> They had issue:—

1. A child, born 16 December 1669,<sup>2</sup> buried in Greyfriars 24 March 1670.<sup>3</sup>
2. *Margaret*. She was contracted in marriage 15 July 1676, when she was three years of age, to George, youngest son of John, Marquess of Atholl. As above mentioned, the patent of the Nairn Peerage was originally in his favour, but in consequence of his bad health the contract was annulled, and a new one drawn up in 1690, substituting the fourth son William in his place. He died 21 November 1691.<sup>4</sup> The marriage of Margaret to his brother took place in February 1690, and the succession to the title accordingly opened under the specific remainder above mentioned to

II. LORD WILLIAM MURRAY. He was born about 1664, and served in the Navy. He was admitted to Parliament 22 April 1690, not without some objection on the ground that he was not Lord George mentioned in the patent,<sup>5</sup> and took the oath of allegiance.<sup>6</sup> In 1693 he was fined £1200 for

<sup>1</sup> Funeral entry in Lyon Office. <sup>2</sup> Greyfriars Burial Reg. <sup>3</sup> Edin. Reg.  
<sup>4</sup> See *ante*, i. 477. <sup>5</sup> *Acta Parl. Scot.*, ix. 110. <sup>6</sup> *Ibid.*

absence from Parliament, but was afterwards excused attendance on the ground of indisposition.<sup>1</sup> He took part in the rising of 1715, was taken prisoner at Preston 14 November 1715, and was, together with his son the Master of Nairn, committed to the Tower 8 December. At the trial of Nairn and other Scottish lords who had also been indicted for high treason, a trial which lasted from 18 January to 19 March 1716, he was convicted and sentenced to be executed. Great efforts were made by the friends of the condemned noblemen to obtain a relaxation of their sentence, and it is said that besides Lady Nithsdale, whose efforts on behalf of her husband are a well-known story, Lady Nairn also personally importuned the King for pardon.<sup>2</sup> He was ultimately pardoned, or at least the carrying out of his sentence was suspended till his life was protected by the Indemnity of 1717. In 1716 an Act of Parliament was passed to enable the King to make provision for Lady Nairn and her children out of her forfeited paternal estate. On 24 June 1721 the titular King James III. created him Earl of Nairn and Viscount Stanley. He died 3 February 1726, having married, as above mentioned, Margaret Nairn, who died 14 November 1747.<sup>3</sup> They had issue:—

1. JOHN.

2. *Robert*, also an ardent Jacobite, engaged in the rebellion of 1745, and fell at the battle of Culloden 16 April 1746. He married, 16 August 1720, Jean, daughter and heiress of Sir Laurence Mercer of Aldie, and assumed her name. By her, who died 1 December 1749, he had issue:—

(1) *James*, died *s.p.* 1758.

(2) *William*, a colonel in the Army, died 19 January 1790, having married, 3 April 1762, Margaret, daughter and heiress of William Murray of Pitkaithley, leaving three daughters:—

i. *Jean*, married, 10 April 1787, as his first wife, to George Keith Elphinstone, Viscount Keith,<sup>4</sup> and died 12 December 1789, leaving a daughter:—

(i) MARGARET, who was born in London 12 June 1788, and succeeded in 1823 to her father's titles of Baron Keith of Stonehaven Marischal, in the Peerage of Ireland of 1797, and

<sup>1</sup> *Acta Parl. Scot.*, ix. 251, 259. <sup>2</sup> Hill Burton's *Hist.*, viii. 335. <sup>3</sup> Testament confirmed 31 July 1755, Dunkeld Tests. <sup>4</sup> See vol. iii. 548.

Baron Keith of Banheath, in the Peerage of the United Kingdom of 1803, but not to the British Peerage of Baron Keith of Stonehaven (1801), nor to the Viscounty (1814). She also ultimately became *suo jure* Baroness Nairn (see below).

- ii. *Cochrane*, a daughter, died unmarried in 1801.<sup>1</sup>
- iii. *Catherine*, executrix of her sister *Cochrane*, died at Hope Park, Edinburgh, 16 January 1822.<sup>2</sup>

(3) *Margaret*, married, 4 April 1758, to James Robertson of Lude.<sup>3</sup>

3. *William*, described as of 'the city of London, mariner,'<sup>4</sup> is said by Douglas to have been captain of the *Calmar*, East Indiaman, and to have died off St. Helena 25 March 1743, *s.p.*

4. *James*, an officer in the British Army, died at Perth 5 October 1788.<sup>5</sup> He left a daughter,

(1) *Mary*, married to Lieutenant Cook, R.N., and died *s.p.*

5. *Margaret*, married (contract 1 November 1712) to William, fourth Viscount of Strathallan. She was, for her active support of Prince Charles, committed prisoner to Edinburgh Castle 11 February 1746, and remained there till 22 November following, when she was liberated on bail. She died at Machany 28 May 1773, leaving issue.

6. *Amelia Ann Sophia*, married (contract 26 and 28 September 1719<sup>6</sup>) to Laurence Oliphant of Gask. She also figures in the Jacobite records of the time, and died at Gask 18 March 1774, leaving issue.

7. *Catherine*, married, in 1728, to her cousin William, third Earl of Dunmore.<sup>7</sup> (See that title.)

8. *Marjory* or *May*, married, in March 1739,<sup>8</sup> to Duncan Robertson of Drumachin, and died at Potterhill January 1793.

9. *Charlotte*, married (contract 9 and 10 June 1731<sup>9</sup>) to John Robertson of Lude, and died at Perth 11 August 1787.<sup>10</sup>

10. *Mary*, died unmarried at Gask 2 March 1774.

<sup>1</sup> Dunkeld Tests. <sup>2</sup> *Edin. Com.* <sup>3</sup> *Scots Mag.* This lady is not mentioned in the Peerage Case. <sup>4</sup> Peerage Case. <sup>5</sup> *Scots Mag.* <sup>6</sup> *Perth Sas.*, xx. 583. <sup>7</sup> See vol. iii. 387. <sup>8</sup> *Scots Mag.* <sup>9</sup> *Perth Sas.*, xx. 456. <sup>10</sup> *Scots Mag.*



11. *Louisa*, married, 27 April 1748,<sup>1</sup> to David Graham of Orchil, and died at Gask 5 April 1782.
12. *Henrietta*, died unmarried at Gask 19 August 1802, aged eighty-nine.

III. JOHN, third Lord Nairn, was engaged in the rising of 1715 with his father, was a lieutenant-colonel in Lord Charles Murray's regiment, and was taken prisoner at the battle of Preston. He was committed to the Tower, and sentence of forfeiture was passed against him, but he obtained his personal freedom. In 1737 an Act was passed to enable him 'to sue or maintain any action or suit, notwithstanding his attainder; and to remove any disability in him, by reason of his said attainder, to take or inherit any real or personal estate that may or shall hereafter descend or come to him.'<sup>2</sup> Such clemency, however, did not prevent his taking an active part in the rebellion of 1745. He was in command of the second line at the battle of Prestonpans, was chosen one of the Prince's Privy Council, and was with him in his march into England. He was present at the battles of Falkirk and Culloden; from the latter field he escaped, and after wandering with Lord George Murray in Badenoch for some time, he escaped to the Continent. He was again attainted in 1746.<sup>3</sup> He died at Sancerre in France 11 July 1770, aged seventy-nine. He married (contract 3 November 1712) his cousin, Katherine Murray, youngest daughter of Charles, first Earl of Dunmore. She, who was born 10 January 1692, died at Versailles 9 May 1754. They had issue:—

1. *James*, died *s.p.* 1737.
2. *William*, died *s.p.* a minor, in 1729 or 1730.<sup>4</sup>
3. JOHN, of whom afterwards.
4. *Charles*, an officer in the Dutch service, from which he retired and lived at Silverwells, Perthshire, where he died 8 June 1795, and was buried at Auchtergaven.
5. *Robert*, mentioned in his grandmother's will, but apparently died before its confirmation in July 1755.
6. *Edward*, who also must have died before 1755.

<sup>1</sup> *Scots Mag.*    <sup>2</sup> 11 Geo. II. cap. 56.    <sup>3</sup> 19 Geo. II. cap. 26.    <sup>4</sup> Nairn Peerage Case.

7. *Thomas*, shared the Jacobite opinions of his family, and was an officer in Lord John Drummond's regiment. He was taken, in October 1745, on board the *Esperance* on his passage to Scotland to join Prince Charles. He died at Sancerre *s.p.* 14 April 1777.<sup>1</sup>
8. *Henry*, born 1 November 1727,<sup>2</sup> an officer in the French service. Died at Perth 1818.<sup>3</sup>
9. *Margaret*, died *s.p.* in 1729 or 1730.
10. *Clementina*, died *s.p.* at Sancerre.

JOHN, who but for the attainder would have been fourth Lord Nairn, never assumed the title. He was an officer in the British Army, being captain in the 1st Royals in 1747, and ultimately a lieutenant-colonel. He died at St. Andrews 7 November 1782,<sup>4</sup> having married, about 1756, Brabazon, daughter of Richard Wheeler of Layrath, co. Kilkenny. She died 22 April 1801.<sup>5</sup> They had issue:—

1. *John*, an officer in Fraser's 71st Regiment, died in America unmarried 1781.
2. WILLIAM.
3. *Brabazon*, died unmarried at Edinburgh 6 March 1783.<sup>6</sup>

IV. WILLIAM NAIRN, born at Drogheda 1757, succeeded his brother as captain-lieutenant in the 71st Regiment.<sup>7</sup> He rose to the rank of major, and became Assistant Inspector of Barracks in Scotland. By Act of Parliament of 17 June 1824 the forfeiture of his ancestor was repealed, and he was restored to the title of Lord Nairn. He died 9 July 1830,<sup>8</sup> having married, in June 1806, Caroline, the poetess, third daughter of Laurence Oliphant of Gask. She, who was born at Gask 16 August 1766, died there 27 October 1845, aged seventy-nine. They had issue one son,

V. WILLIAM, fifth Lord Nairn, born 1808, only survived his father a few years, and died at Brussels unmarried 17 December 1837.<sup>9</sup>

The succession then opened to

VI. MARGARET MERCER ELPHINSTONE, *suo jure* Baroness Keith of Stonehaven Marischal, in the Peerage of Ire-

<sup>1</sup> Peerage Case. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.* <sup>4</sup> St. Andrews Burial Reg. <sup>5</sup> *St. Andrews Com.* <sup>6</sup> Edin. Tests. <sup>7</sup> Peerage Case. <sup>8</sup> Edin. Tests. <sup>9</sup> Peerage Case.

land, and Baroness Keith of Banheath in the Peerage of the United Kingdom. She was the daughter of George Keith Elphinstone, Viscount Keith, by his first wife, Jean Mercer, great-granddaughter of Lord William Murray, second Lord Nairn.<sup>1</sup> She was born in Mayfair, London, 12 June 1788. From a social point of view she is chiefly memorable as having been a very attached friend of Charlotte, Princess of Wales, of whose household she was a member. On the death of her father in 1823 she succeeded to his titles of Baron Keith of Stonehaven Marischal in the Peerage of Ireland of 1797, and Baron Keith of Banheath in the Peerage of the United Kingdom of 1803, but not to the British Peerage of Baron Keith of Stonehaven (1801) nor to the Viscounty (1814). On the death of her kinsman William, Lord Nairn, in 1837, she became *suo jure* Baroness Nairn. She died at Paris 11 November 1867, in her eightieth year, when the two baronies of Keith became extinct. She married, 20 June 1817, in Mrs. Murray of Henderland's house in Edinburgh, Auguste Charles Joseph, Count de Flahault de la Billardrie, sometime A.D.C. to Buonaparte, afterwards, under the Bourbons, Ambassador to Berne, Vienna, and the Court of St. James's, the last in 1860. 'The bride in green gloves and ribbons, and not one of her near relations to countenance her folly . . . never imagined she would marry for love.'<sup>2</sup> The Count finally resided in Paris as Chancellor of the Legion of Honour, and died there 2 September 1870, aged eighty-five. They had issue two daughters, of whom only the elder married.

VII. EMILY JANE, born 16 May 1819; was married, 1 November 1843, as his second wife, to Henry, fourth Marquess of Lansdowne. She claimed the Peerage of Nairn (her mother, being already the possessor of two baronies, having not moved in the matter) on the ground that the issue male of the grantee having failed, the title fell in terms of the patent to the eldest daughter or heir-female. The House of Lords held that the Marchioness was the 'eldest daughter or heir-female' within the meaning of the patent,

<sup>1</sup> See *ante*, p. 395. <sup>2</sup> C. K. Sharpe to the Earl of Leven and Melville; *Melville Book*, ii. 318. He afterwards says, 'Never were two such happy people.' See *Memoirs of the Comtesse de Boigne*, ii. 132, for a somewhat different version of the story.

and accordingly adjudged the dignity to her. The fact that the patent contained the clause 'such heirs succeeding to the estates' does not seem to have influenced their Lordships.<sup>1</sup> The Marchioness of Lansdowne died 25 June 1895 at Meiklour, leaving issue:—

1. HENRY CHARLES KEITH PETTY.
2. *Edmond George Petty*, born 19 June 1846; created Lord Fitzmaurice of Leigh, Wilts, 9 January 1906; married, 33 November 1889, Caroline, daughter of W. J. Fitzgerald of Lichfield, Connecticut.<sup>2</sup>
3. *Emily Louisa Anne*, born 1855, married, 2 June 1886, the Hon. Everard C. Digby, colonel Grenadier Guards, and has issue.

VIII. HENRY CHARLES KEITH PETTY FITZMAURICE, Lord Nairn in the Peerage of Scotland; Marquess of Lansdowne, Earl Wycombe, Viscount Caln and Calnstone, and Lord Wycombe, Baron of Chipping Wycombe, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw, and Dunkeron in the Peerage of Ireland; G.C.M.G. 1884; G.C.S.I. and G.C.I.E. 10 December 1888; K.G. 6 March 1895; D.C.L., LL.D., etc., born 14 January 1845; was Governor-General of Canada 1883-88, and of India 1888-94; Secretary of State for War 1895-1900; Secretary of State for Foreign Affairs 1900-1905. Married, 8 November 1869, Maude Evelyn Hamilton, C.I., V.A., etc., daughter of James, first Duke of Abercorn, and has issue:—

1. HENRY WILLIAM EDMOND, Earl of Kerry, M.V.O., D.S.O., major, late Irish Guards; born 14 January 1872; married, 16 February 1904, Elizabeth Caroline, only daughter of Edward Stanley Hope, C.B.
2. *Charles George Francis*, captain 1st Dragoons; born 12 February 1874.
3. *Evelyn Emily Mary*, born 27 August 1870; married, 30 July 1892, the Right Hon. Victor Christian William Cavendish, P.C., M.P., eldest son of Lord Edward Cavendish, and has issue.
4. *Beatrice Frances*, born 25 March 1877; married, 16

<sup>1</sup> Hewlett on *Dignities*, 211, where Lord Chancellor Cairns's judgment is given. <sup>2</sup> Marriage annulled 1894.

October 1897, to Henry de la Poer Beresford, K.P., Marquess of Waterford, with issue.

ARMS.—The arms of the Lords Nairn were:—Parted per pale sable and argent, on a chaplet four quatrefoils counter-changed.

The Marchioness of Lansdowne and Baroness Nairn recorded the following arms in the Lyon Register in 1878.—Quarterly : 1st and 4th, ermine, on a bend azure a magnetic needle pointing to a polar star or, for *Petty* ; 2nd and 3rd, argent, a saltire gules and chief ermine, for *Fitzmaurice* ; on an escutcheon of pretence, quarterly, 1st, *Nairn* as above ; 2nd grand quarter counterquartered, 1st and 4th, or, on a fess gules between three crosses patée in chief of the second a mullet azure, in base three besants, for *Mercer* ; 2nd and 3rd, argent, a chevron sable between three boars' heads erased gules, for *Elphinstone* ; 3rd grand quarter counterquartered, 1st and 4th, paly of six or and sable, for *Atholl* ; 2nd, or, a fess chequy azure and argent, for *Stewart* ; 3rd, azure, three mullets argent within a double tressure flory counterflory or, for *Murray* ; 4th grand quarter, argent, three martlets sable, on a comble azure a cross or, a franc quartier of the third charged with a sword paleways, point upwards proper.

[J. B. P.]

## NAPIER, LORD NAPIER OF MERCHISTON



NAPIER, Le Napier, or Naper, the last the earliest found form of the name, appears as a surname at an early date both in England and Scotland. In England it occurs at least as early as 1189-90 or the first year of King Richard I., when William le Naper renders an account to the great roll of the Pipe of 107s. 4d. of the old rent of Waltham in Essex.<sup>1</sup> A Robert Naperius appears in Lincolnshire in 1205, and a Meingot Naper in Essex in same year.<sup>2</sup> In 1234 the office of Forester of Shotover, co. Oxford, was committed by King Henry III. to Thomas le Napier,<sup>3</sup> and he or a person of the same name, Thomas le Naper, took service under the King to go to Gascony in 1253.<sup>4</sup> Wood, in his edition of Douglas, quotes a reference to a John le Naper, King's hunter, who had a grant of land in Essex in 1258.<sup>5</sup> The name still existed in England when the first of the surname is recorded in Scotland, a John Naper, who occurs as a witness to charters by Malcolm, Earl of Lennox, about 1294.<sup>6</sup> In 1296, in the rolls of homage to King Edward I., John le Naper, perhaps the last named, appears in Dumbartonshire, another John le Naper in Peeblesshire, and a Matthew le Naper in Forfarshire,<sup>7</sup> showing that the name

<sup>1</sup> The Great Roll of the Pipe Ric. I. (1189-90), 1844, p. 29. <sup>2</sup> *Rotuli de Oblatis and Finibus*, 1835, pp. 247, 264. <sup>3</sup> Close Rolls (1231-34), 457. <sup>4</sup> Patent Rolls (1247-58), 231. <sup>5</sup> Wood's Douglas, ii. 281. <sup>6</sup> *Cart. de Levenax*, 22, 24 n. <sup>7</sup> *Cal. Doc. Scot.*, ii. 200, 202.



**Rapier of Merchiston**



Support of Administration



was then distributed in Scotland. The origin of the family of Napier of Merchiston, the subject of this article, has never been clearly proved, though in 1441 Alexander Naper, who then held Merchiston, claimed cousinship or kinsmanship with John Naper of Kilmahew, descended from the John Naper of 1294.<sup>1</sup> There were many Napiers in the end of the fourteenth century, of which one family, the Napiers of Wrightshouses, bore the same arms as those of Kilmahew, differing from the armorial blazons of the Napiers of Ballikinrain and Merchiston, which were identical. The first clearly ascertained progenitor of the Napiers of Merchiston was

ALEXANDER NAPER, who was a burghess of Edinburgh, and had extensive dealings in wool between the years 1418 and 1448.<sup>2</sup> So early as 1434 he had monetary transactions with King James I., and in security obtained a charge over the lands of Merchiston, which were then in the King's hands. There are several payments to him from the Exchequer in the years 1434, 1435 and 1438, on account of the discharge;<sup>3</sup> and on 20 July 1435 it is said that the King is indebted to Master William Foulis, Keeper of the Privy Seal, in £44, 6s. 6d., being part of a larger sum which he had borrowed for redeeming the lands of Merchiston out of the hands of Alexander Naper.<sup>4</sup> The lands, however, were never redeemed, probably owing to the assassination of the King at Perth 20 February 1436-37. In an account rendered at Edinburgh 18 July 1438, mention is made of the lands of Merchiston which were pledged by way of sale or donation by a charter granted to Alexander Naper, burghess of Edinburgh; a letter of reversion of the same remaining in Edinburgh Castle.<sup>5</sup> Alexander Naper was one of the bailies of Edinburgh in 1427,<sup>6</sup> and also in 1435-36. He was Provost of the Burgh 13 February and 8 March 1436-37.<sup>7</sup> On 14 August 1441 he names John Napier of Kilmahew his cousin or kinsman, and he himself had rights over the lands of Ballikinrain.<sup>8</sup> When the Commissioners for Scotland met the English ambassadors at the Church

<sup>1</sup> *Strathendrick*, by J. Guthrie Smith, 175, 191-193. <sup>2</sup> *Exch. Rolls*, iv. 301; v. 218, 313. <sup>3</sup> *Ibid.*, iv. 574, 623; v. 26, 28. <sup>4</sup> *Ibid.*, iv. 667. <sup>5</sup> *Ibid.*, v. 63. <sup>6</sup> *St. Giles's Charters*, 50, 60. <sup>7</sup> *Edin. Burgh Rec.*, i. 254. <sup>8</sup> *Strathendrick*, by J. Guthrie Smith, 191, 192.

of Saint Nicholas, Newcastle, 14 August 1451, to arrange for a three years' truce between the two countries, Alexander Napere the elder (leinye) is the designation of one of the Commissioners of the King of Scots.<sup>1</sup> He had also a safe-conduct to visit Canterbury as a pilgrim 13 September 1451;<sup>2</sup> and there is a charter of some ground near Leith, dated 13 March 1452-53, which Wood ascribes to the elder Alexander, and which has a seal attached bearing a saltire engrailed between four roses. He is stated to have died about the year 1454, and he left two sons:—

1. ALEXANDER, who succeeded him.
2. *Robert*, who received certain payments from the public Exchequer 'for his fee' between the years 1456 and 1462.<sup>3</sup>

ALEXANDER NAPIER is first mentioned in the records 6 September 1432, when he had a charter of an annual rent of two merks from Adam Bonkill, wherein he is designed son and heir of Alexander Napare, burgess of Edinburgh. He appears to have distinguished himself in defence of the Queen-Dowager of King James I., when she was seized and imprisoned by the Livingstons, 3 August 1439. The lands of Philde, co. Perth, were granted to him by James II., 7 March 1449-50, in recognition of his faithful services to the Queen-Mother, and in compensation of severe bodily injuries, wounds, and personal damage sustained by him on the occasion of the violent capture and incarceration of the Queen.<sup>4</sup> Another charter of the same lands which were in the King's hands by the forfeiture of Alexander Livingston, son of Sir Alexander, was granted to Alexander Napier and Elizabeth, his wife, 9 March 1450-51,<sup>5</sup> but the property appears to have reverted to the Livingston family between 1454 and 1466.<sup>6</sup> On the downfall of the Livingstons, Napier was on 24 September 1449 appointed Comptroller of the Royal Household, an office previously held by Robert Livingston, in which he continued many years thereafter.<sup>7</sup> He had a charter of lands in Fife, 24 May 1452;<sup>8</sup> was Provost of Edinburgh in 1452 until 1455, and again in 1457,<sup>9</sup> when he rendered

<sup>1</sup> *Cal. Doc. Scot.*, iv. 252. <sup>2</sup> *Fœdera*, xi. 302. <sup>3</sup> *Exch. Rolls*, vi. 234, 587; vii. 127. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.*, 25 December 1466. <sup>7</sup> *Exch. Rolls*, v. *per Index*. <sup>8</sup> *Reg. Mag. Sig.* <sup>9</sup> *Edin. Burgh Rec.*

accounts of the bailies of Edinburgh, 10 July 1457.<sup>1</sup> On 18 June 1453, there were delivered to Alexander Napare, Provost of Edinburgh, by the auditors of the Exchequer, various coins of silver and gold in a 'lockfast box' to be kept until the King wished to have them assayed.<sup>2</sup> Amongst the records of the city of Edinburgh is a feu-charter granted by the Provost, Bailies, and community, with consent of Sir Robert Linton, chaplain of the altar of Saint Catherine in the Church of Edinburgh, setting in feu-farm to Alexander Naper of Merchistoun, the lands of Over Merchiston pertaining to the said altar, at a feuduty of 20 marks yearly, 26 June 1456. About the same time the Pultrie lands near Edinburgh, with the hereditary office of Poulterer to the King, were acquired.<sup>3</sup> Alexander Naper of Merchiston had a general discharge under the sign-manual and Privy Seal of all moneys received by him during the time he held the office of Comptroller, and especially of 500 marks owing by Alexander for the charter of Balbertane, co. Fife, which formerly belonged to James, Lord Dalkeith, 24 October 1456. He sat in the Parliament of 6 March 1457,<sup>4</sup> and was one of those chosen for visiting the money. There is also a warrant to the English Chancellor, dated at Westminster 10 May 1459, for Alexander Naper and others, then in England, to go to Scotland with their sixteen servants, and to return at pleasure, the permission to endure for one year.<sup>5</sup> On the 16 of the same month, he witnessed a deed of James II. at Edinburgh, at the abbey of the Holy Cross there;<sup>6</sup> and he was knighted in the year 1460, probably on the occasion of the coronation of James III. Sir Alexander Naper was Comptroller of the Royal Household at 7 July 1461, when there was a discharge to him under the Privy Seal of James III., and he held the office of Vice-Admiral of Scotland, for he is so designated in a safe-conduct to him and other ambassadors to the Court of England, 24 September 1461.<sup>7</sup> He attended at Perth a meeting of the Exchequer, 28 May 1464,<sup>8</sup> sat in the Parliament held at Edinburgh on 13 January 1464,<sup>9</sup> and on 6 November in the same year

<sup>1</sup> *Exch. Rolls*, vi. 313. <sup>2</sup> *Ibid.*, v. 556. <sup>3</sup> *Ibid.*, vi. 144. <sup>4</sup> *Acta Parl. Scot.*, ii. 47. <sup>5</sup> *Cal. Doc. Scot.*, iv. 1299. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> *Rot. Scot.*, ii. 415; *Fœdera*, xi. 476. <sup>8</sup> *Exch. Rolls*, vii. 220. <sup>9</sup> *Reg. Ho. Charters*, No. 377.

had a safe-conduct to go into England.<sup>1</sup> By a commission under the Privy Seal, 24 February 1464-65, he was appointed, with others, to search the port and haven of Leith for preventing the exportation of gold and silver; he is mentioned in a charter of James III. to the Church of Saint Giles, Edinburgh, 24 February 1466-67;<sup>2</sup> and he was sent with the Lord Chancellor to negotiate the marriage between that monarch and the King of Denmark's daughter in 1468.<sup>3</sup> In the years 1469, 1470, and 1471, Sir Alexander Napier of Merchiston was again Provost of Edinburgh.<sup>4</sup> He was also one of the Committee appointed by Parliament 6 May 1471, with power to determine all matters that should occur for the welfare of the King and the common good of the realm; and he had a discharge of a sum of £200 Scots of certain finance taken up by him in Bruges in Flanders, and of £100 for armour brought home by him for the King, dated 27 January 1472-73.<sup>5</sup> Sir Alexander had a safe-conduct to go on an embassy to Charles the Bold, Duke of Burgundy, regarding the claims of James III. to the Duchy of Gueldres, 1 May 1473.<sup>6</sup> The King's secret instructions to him on this occasion are still preserved, and he and his lands were to be exempt from all pleas, etc., from the day of his departure until forty days after his return, as he was going beyond seas upon the King's business. On 24 May 1473 he had a remission of the 250 marks due to the Crown as a composition for a part of the earldom of Lennox, in consideration of the long and true service done to the King and his royal progenitors by his lovite Knight and Master of the Household Alexander Napier of Merchiston. He died before 15 February 1473-74, and was buried at St. Giles's Church, Edinburgh. He married Elizabeth Lauder, probably a daughter of the Laird of Hatton,<sup>7</sup> and had issue:—

1. JOHN, of whom below.
2. *Henry*, who had some lands in the barony of Leslie in Fife, and was contracted to Janet, daughter of John Ramsay of Culluthy, as appears from the said John's obligations in his favour 23 May 1476.
3. *Alexander*.

<sup>1</sup> *Fœdera*, xl. 537. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> Macfarlane MSS. <sup>4</sup> *Acta Parl. Scot.*, ii. 93; *Edin. Burgh Rec.*, i. 260-261. <sup>5</sup> *Exch. Rolls.* <sup>6</sup> Mark Napier's *Life of Napier*, 512. <sup>7</sup> *Reg. Mag. Sig.*, 22 February 1494-95.

4. *Janet*, married, first, in or about January 1456-57, to Sir James Edmondston of that Ilk; secondly, before 1491, to Alexander Hepburn of Whitsome; and thirdly, before 1512, to Adam Hume.<sup>1</sup>

JOHN NAPIER of Merchiston, called also of Rusky, is designed son and apparent heir of Alexander Naper of Merchamstoune on 26 March 1455, when he obtained under the Privy Seal a gift of the marriage of Elizabeth Menteith, co-heiress of Rusky, the lady whom he soon afterwards married. He had also a charter from Mary of Gueldres, the Queen-Dowager, relict of King James II., of the lands of Calziemuck in Rusky, which are granted to him for life and afterwards to George his second son 16 July 1462. He was a baillie of Edinburgh in 1463, when certain lands in that burgh on the south side of the High Street thereof were resigned by him.<sup>2</sup> He sat in Parliament 1471;<sup>3</sup> was infeft in the lands called the Pultrielands, as nearest heir of the deceased Sir Alexander Napier his father, 15 February 1473-74, and is styled John Naper of Merchiston in the records of Parliament in 1476. On other occasions he styles himself John Napier of Rusky, as in witnessing a charter of David, Earl of Craufurd, 29 January 1476.<sup>4</sup> He had a charter of the lands of Inglistoun and Annaston from John Dalrymple of Laucht 26 October 1482, and in the year 1484 he was allowed custom of herrings in recompense for his labours in arranging the affairs of certain Bretons.<sup>5</sup> He was a town councillor of Edinburgh in 1477 and 1482, being so designed in a charter of customs which James III. granted to the burgh on 16 November in the latter-named year,<sup>6</sup> and he was Provost of Edinburgh in 1484.<sup>7</sup> He was dead before 3 November 1487, when his son is described as of Merchiston.<sup>8</sup> He married Elizabeth, one of the two daughters of Murdoch Menteith of Rusky (whose mother was Margaret, second daughter of Duncan, Earl of Lennox), and co-heir with her sister Agnes, wife of John Haldane of Gleneagles, of their brother Patrick Menteith of Rusky. Elizabeth Menteith, wife of John Napier, was infeft in a part of the lands of Rusky 8 May

<sup>1</sup> *Edmonstones of Duntreath*, 75-77. <sup>2</sup> *Cal. Reg. Ho.*, iii. 374. <sup>3</sup> *Acta Parl. Scot.*, ii. 98 *et seq.* <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> *Exch. Rolls*, ix. 292 and 340. <sup>6</sup> *Reg. Mag. Sig.*, 16 November 1482. <sup>7</sup> *Acta Dom. Audit.*, 138. <sup>8</sup> Napier Writs.

1473, was retoured one of the heirs-general of Duncan, Earl of Lennox, her great-grandfather, in the fourth part of the lands of the earldom 4 November 1473, and had seisin thereof on the 16 of the same month.<sup>1</sup> Elizabeth Menteith of Rusky and Archibald Napier her son and apparent heir had a Crown charter of the lands of Over and Nether Merchiston with the tower and manor there 22 February 1494-95, to be held blench,<sup>2</sup> and Elizabeth was still living in 1507, but was deceased at 8 January 1509-10, when there is a precept of clare constat by Matthew, Earl of Lennox, for infefting Archibald Napier of Merchiston in the lands of Blairnavadis, etc., as heir of his mother the late Elizabeth Menteith, Lady Rusky.<sup>3</sup> They had issue:—

1. ARCHIBALD, of whom below.
2. *George*, who was styled second son in 1462. From a charter of 23 October 1507, it appears that George having no heirs of his body had professed the religious order of the Friars Minors, and the lands of Rusky entailed to him were confirmed to Archibald his brother.<sup>4</sup>
3. *John* had a Crown charter in which he is designed John Napier, son of John Napier of Merchiston,<sup>5</sup> 15 August 1487, of the lands of Balcormo in Fife, which he subsequently conveyed to Robert Abercromby 22 January 1492.<sup>6</sup> He was a burges of Edinburgh,<sup>7</sup> at 11 July 1497. He married Margaret Preston, who had a seisin 7 February 1496-97,<sup>8</sup> and from whom, as his widow, a wadset of the lands of Nether Merchiston was redeemed in 1520.
4. *Janet*, married to William Adamson of Bonally, co. Edinburgh, to whom there are various charters in which they are jointly named between the years 1538 and 1543.<sup>9</sup> He is stated to have been slain at Pinkie 1547.
5. *Margaret*.

ARCHIBALD NAPIER of Merchistoun appears as one of the witnesses to an instrument of resignation 7 November 1470, being styled son and apparent heir of John Napier of Merchiston.<sup>10</sup> Together with Catherine his wife, he had

<sup>1</sup> *The Lennox Book*, i. 291, 297. <sup>2</sup> *Reg. Mag. Sig.*, at date. <sup>3</sup> Napier Inventory. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.*, 24 January 1492-93. <sup>7</sup> Protocol Book of J. Young. <sup>8</sup> *Ibid.* <sup>9</sup> *Reg. Mag. Sig.* <sup>10</sup> Cal. Reg. Ho., iii. 427.

seisin of a house in Leith 30 September 1482; he was also retoured heir of his father in the Pultrielands lying near the village of Dene 12 December 1488, and he was infeft in the lands of Ingliston and Annaston in the barony of Durisdeer 22 June 1489. He founded a chantry at the altar of St. Salvator within the collegiate church of St. Giles of Edinburgh, which he endowed with an annualrent of 20 marks furth of his tenements in the said burgh. This he did with consent of Elizabeth Menteith, Lady Rusky, his mother, and for the welfare of the souls of the late Sir Alexander Napier of Merchiston, knight, his grandfather, of Elizabeth Lauder, spouse of his said grandfather, of John Napier of Merchiston his father, and of the said Elizabeth Menteith, spouse of John, also of Katherine Douglas his own spouse. Dated at Edinburgh 9 November 1494 and confirmed 22 February 1494-95.<sup>1</sup> Prayers were also to be said for James I., James II., and James III., and the priest was to go out in an alb to the grave of his said grandfather Alexander, and there say *De Profundis*.<sup>2</sup> The Lennox succession had been in abeyance ever since the death, in 1458, of Isabella, Duchess of Albany and Countess of Lennox; and a protracted contest arose between the Napiers of Merchiston, the Haldanes of Gleneagles, and the Stewarts of Darnley concerning the succession. In 1490 an arrangement had been come to between the Napiers and Darnley, but it was only after the Haldanes and Darnley had come to an agreement that the matter was finally settled, 11 July 1493. Darnley was allowed to assume the contested title, and the lands of the earldom were divided by partition, the Napiers and the Haldanes each taking a fourth share. Certain other lands were also assigned to them by Darnley in exchange for their claims upon the earldom. Shortly after this, there are several deeds settling the various estates upon Archibald Napier in fee, reserving his mother's liferent. On 22 February 1494-95 there are Crown charters to them of Over and Nether Merchiston, etc., of Gartness, and other lands which had been assigned to Elizabeth Menteith by partition as one of the heirs of the Earl of Lennox.<sup>3</sup> He had a charter, 31 March 1503, of the Pultrielands with the office of King's Poulterer, which had been held by the

<sup>1</sup> *Reg. Mag. Sig.*    <sup>2</sup> St. Giles's Charters, 171.    <sup>3</sup> *Reg. Mag. Sig.*

late Alexander Napier, knight, his grandfather, by John his father, and by Archibald himself since beyond the memory of man,<sup>1</sup> for the service of making an annual present of poultry to the King *si petatur tantum*. On 21 May 1509 there is a further charter of half the lands of Rusky, etc., in Menteith, which with the Lennox inheritances were now incorporated in one free barony, to be called in time coming the barony of Edinbellie-Napier,<sup>2</sup> it being said that he and his mother had lately built a mansion-house there called Barnisdale. He was alive on 13 May 1521, and he died before 10 July 1522.<sup>3</sup> He married, first, Catherine, daughter of Sir William Douglas of Whittinghame, who is mentioned as his wife in 1482 and 1495, and who died in 1498-99, as appears from an inventory taken at Merchiston 16 February in that year. Secondly, Elizabeth Creichtoun, who was deceased before 2 March 1511, when an inventory of her effects was taken at Merchiston. Thirdly, Margaret, daughter of Sir Colin Campbell of Glenurchy, who survived him and was his relict on 8 May 1529, when a precept was issued for infesting her in the lands of Gargunnock. She afterwards became the wife of John Dickson, Ross Herald.

By his first marriage Archibald Napier had:—

1. SIR ALEXANDER, of whom presently.
2. *Catherine*, married to Robert Buchanan of Drumnakil, charter 26 May 1520.
3. *Isabella*, married to James Menteith, Provost of Stirling, inventory 2 March 1511.
4. *Margaret*, married, first, to Robert Napier of Wrights-houses, who granted her a charter *intuitu matrimonii* 5 December 1513, and she was his wife at 20 April 1514,<sup>4</sup> and at 11 July 1523;<sup>5</sup> secondly, she was married to Thomas Corry of Kelwood, with whom she had charters in 1536 and 1541,<sup>6</sup> and who fell at Pinkie 1547, she surviving him.<sup>7</sup>
5. *Marion*.
6. *Janet*.
7. *Elizabeth*, a nun at Sciennes.<sup>8</sup>

<sup>1</sup> *Reg. Mag. Sig.*; *Accounts of Lord High Treasurer*, ii. 175. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> St. Giles's Charters, 115. <sup>4</sup> Protocol Book of J. Young. <sup>5</sup> *Partition of Lennox*, 185. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> *Acts and Decrees*, xxvii. 11; *Exch. Rolls*, xviii. 438. <sup>8</sup> Protocol Book of J. Fowler, Edin. City Chambers, 30 August 1520.



By his second marriage he had further issue:—

8. *John*, to whom a reversion of the barony was given in a charter of 21 June 1512.<sup>1</sup>
9. *William*, also mentioned in the charter of 1512, where he is styled brother-german of John.<sup>2</sup>

By his third marriage he had:—

10. *Alexander* of Inglistoun, styled son of the late Archibald Napier of Merchiston 13 May 1529, when he was infest in half the lands of Gargunnoch. He confirmed a ratification granted by Margaret Campbell, his mother, and others of his tutors, to Alexander Napier of Merchiston 7 August 1531; was admitted a burges of Edinburgh in right of Katherine (*sic*) his wife, daughter of Clement Little, burges, 21 June 1553<sup>3</sup> (his wife is, however, called Isabel Little in 1562<sup>4</sup>); and he died without issue, his testament being confirmed 17 December 1572.<sup>5</sup> Isabella Little, his widow, was in 1578 the wife of Alexander Douglas, macer.<sup>6</sup>
11. *Mungo*, burges of Edinburgh, who was heir of his brother Alexander;<sup>7</sup> left two daughters, his co-heirs, viz. *Marion*, married to Robert Kennedy, brother of Gilbert Kennedy of Drumnellan,<sup>8</sup> and *Katherine*, the wife of George Coutts, saddler in Maybole.<sup>9</sup>

SIR ALEXANDER NAPIER, the eldest son, was knighted before 3 September 1507,<sup>10</sup> and obtained from his father a charter of Edinbellie-Napier, to him and Janet Chisholm, his wife, 2 January 1509-10, confirmed under the Great Seal 4 March following. He had another charter under the Great Seal, proceeding upon his father's resignation, of the lands comprised in the baronies of Edinbellie and Merchiston to him and Janet Chisholm his wife, and the longest liver of them and their heirs, failing which, to John and William his brothers and their heirs respectively and successively. It is provided in the charter that Gartnes should be the chief messuage of the Lennox lands, at which infestment should be taken; and in the event of heirs-

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.* <sup>3</sup> Edin. Guild Reg. <sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> Edin. Test. <sup>6</sup> *Acts and Decrees*, lxxiv. 147. <sup>7</sup> *Ibid.*, li. 68. <sup>8</sup> *Edin. Inhib.*, i. 160. <sup>9</sup> *Gen. Reg. Inhib.*, 2nd ser., vi. 23. <sup>10</sup> *Chartulary of Cambuskenneth*, 207.

female succeeding, the King desired that the name of the barony of Edinbellie should be changed to Gartnes-Napier.<sup>1</sup> Sir Alexander was slain during his father's lifetime at the battle of Flodden 9 September 1513.<sup>2</sup> He married Janet, daughter of Edmund Chisholm of Cromlix, who married, secondly, Sir Ninian Seton of Tullibody and Touch, charter 14 January 1534-35;<sup>3</sup> thirdly, Sir James Towers of Inverleith, whose wife she was in 1542.<sup>4</sup> By her Napier had:—

1. ALEXANDER, who succeeded his grandfather.
2. *Helen*, married to Sir John Melville of Raith, with whom she had charters in the years 1536 and 1541.<sup>5</sup>
3. *Janet*, married, first, in 1531, to Andrew Bruce of Powfoulis; and secondly, in or before 1560, to Robert Bruce.<sup>6</sup>

ALEXANDER NAPIER of Merchiston was infeft in the barony of Edinbellie-Napier as heir of his father 11 March 1513-14. On 18 June 1525, when about 16 years of age, it was proposed that he should marry Agnes Murray, daughter of Sir John Murray of Blackbarony, or her sister Margaret; but the marriage did not take place, and the contract was formally revoked by him 23 September 1531, shortly after he came of age, on the ground that it had been obtained from him during his minority by sinister machinations.<sup>7</sup> On 15 May 1533 he had a resignation of the lands of Gargunnoch from Margaret Campbell, relict of Archibald Napier and her son Alexander Napier of Inglis-toun, and he and his brother-in-law, Andrew Bruce of Powfoulis, obtained leave from King James v. to visit France, and remain there for three years. The royal letters of protection for his lands and property which followed upon this license are dated 26 September 1534, and the purpose of the journey is said to be 'for fulfilling of his pilgrimage at Sancte Johne of Amiens, in France.'<sup>8</sup> The King renewed his permission for Napier to remain abroad 28 July 1537, he being ill of a fever, but he was ordered home by summons dated 1 August 1538 to attend the Parliament appointed to meet 4 November ensuing. On 28 March 1544 he again received license

<sup>1</sup> *Reg. Mag. Sig.*, 12 June 1512; Riddell's *Addit. Remarks*. <sup>2</sup> *Reg. Mag. Sig.*, 24 June 1558. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *Ibid.*, 24 September 1542; *Acts and Decrees*, xviii. 188. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *The Bruces of Airth*, 63, lxxxii. <sup>7</sup> *Napier's Memoir*, 41; *Acta Dom. Conc.*, M.S., xxxv. f. 105. <sup>8</sup> *Memoir*, 43.

from the Regent Arran, in the name of Queen Mary, to go to France and other parts beyond sea to be cured of his infirmities and sicknesses. His testament is dated October 1545, of which his widow obtained confirmation 12 July 1548; the confirmation states that the testator was killed at the battle of Pinkie in September 1547. He was about thirty-eight years of age at his death. He married Annabella, youngest daughter of Sir Duncan Campbell of Glenurchy, who fell at Flodden, for which marriage a dispensation was obtained 9 October 1533, they being related in the fourth degree of consanguinity. She survived him, and married, secondly, Robert Fairlie of Braid.<sup>1</sup> They had issue :

1. SIR ARCHIBALD his heir.
2. *Alexander*, second son, ancestor of the Napiers of Luton Hoo, co. Bedford.<sup>2</sup>
3. *Andrew*, merchant, burghess of Edinburgh, preferred 10 November 1563 to the prebend of St. Salvator's College in St. Giles's Church, Edinburgh.<sup>3</sup> He married (contract dated 13 July 1574) Janet, daughter and heir of Adam Kyle, burghess of Edinburgh,<sup>4</sup> and had issue. On 30 April 1601 John Naper, fiar of Merchiston, enters caution for him that he shall answer when required touching the mass said in his house.<sup>5</sup> *Archibald* his son is mentioned,<sup>6</sup> and *Anna* his eldest daughter, married to Mr. William Berclay, son of Walter Berclay of Torrie, contract dated 21 March 1601.
4. *Margaret*.
5. *Marion*, married, first, about 1565, to John Lourestoun in Gorgy; and secondly, to Archibald Bruce of Powfoulis, whose wife she was at 10 May 1570.

SIR ARCHIBALD NAPIER of Merchiston, usually called of Edinbellie, was infest in the barony of Edinbellie, as heir of his father, 8 November 1548, and in a seisin of the barony of Merchiston and the Pultrielands, it is mentioned that his father was slain at the battle of Pinkie.<sup>7</sup> He redeemed

<sup>1</sup> *Acts and Decrees*, iii. 50. <sup>2</sup> *Partition of Lennox*, 192-216. <sup>3</sup> *Edin. Burgh Deeds*, 28 July 1574. <sup>4</sup> *Reg. of Deeds*, xiii. 257. <sup>5</sup> *P. C. Reg.*, vi. 682. <sup>6</sup> *Edin. Inhib.*, iii. 188; *Gen. Reg. Inhibs.*, xxiv. 200. <sup>7</sup> In the Roll his name is very clearly written Alexander, but that is probably a clerical error. *Exch. Rolls*, xviii. 470.

the lands of Gartnes, etc., from Duncan Forrester 1 June 1555; and on 14 June 1558 the Queen granted and quitclaimed to him various lands in Lennox, with fishing in Lochlomond, etc., which had been formerly held by Matthew, Earl of Lennox, who was forfeited for rebellion—yet the said Archibald and his predecessors had not participated in his guilt, but died under the banner of their sovereigns at Flodden and at Pinkie.<sup>1</sup> On 16 March 1561 he took the oath as Justice-Depute,<sup>2</sup> and he was knighted in 1565, probably on the occasion of the marriage of Queen Mary with Darnley 28 July in that year. Although a Protestant, he seems to have been suspected of favouring the cause of the Queen, for on 12 August 1563 he was bound in £2000 to remain in ward in the burgh of Edinburgh or within two miles thereof.<sup>3</sup> This was on the initiative of the King's adherents, but on 18 July 1571 the Laird of Merchiston was taken and brought to the castle—this time by the Queen's party.<sup>4</sup> In 1576 he was appointed Master of the Cunyie-house (Mint),<sup>5</sup> an office which he continued to hold for more than thirty years, and the records show that he acted upon many commissions 'anent the cunyie,' superintending assays and new coinage.<sup>6</sup> He was arbiter chosen to settle a dispute between the merchants and craftsmen of Edinburgh in 1583,<sup>7</sup> and he was from 1582 onwards frequently a member of the General Assembly of the Church. He had a Crown charter of an annualrent furth of the lands of Calziemuk 2 November 1583,<sup>8</sup> and other charters of the meadow called Kingismedow and half the lands of Lauranstoun on 8 February 1587-88 and 16 November 1593, respectively.<sup>9</sup> The destination of the last-named lands was to Sir Archibald himself and Elizabeth Mowbray his wife, and to Alexander their son in fee, failing whom, then to Archibald his brother, and lastly to William, another brother. On 10 February 1586-87 he made a declaration before certain friends that although he would not infest his eldest son John in the lands of Over Merchiston, yet he would at no time wadset nor dispone those lands nor any part of them from

<sup>1</sup> *Reg. Mag. Sig.*, at date. <sup>2</sup> Pitcairn's *Criminal Trials*, i. 415. <sup>3</sup> *P. C. Reg.*, i. 637. <sup>4</sup> *Diurnal of Occurrents*, 233. <sup>5</sup> *P. C. Reg.*, viii. 400. <sup>6</sup> *Ibid.*, iii. 375, 464. <sup>7</sup> *Acta Parl. Scot.*, iii. 121; *Edin. Burgh Records*, iv. 257, 264-265. <sup>8</sup> *Reg. Mag. Sig.*, at date. <sup>9</sup> *Ibid.*

him. This declaration was, however, disregarded, and a serious dispute arose in after years between John and his half brothers and sisters in consequence of some settlements made upon them by Sir Archibald. On 12 July 1587, he was on a Commission of Parliament to inquire as to establishing a universal measure and weight.<sup>1</sup> There was an order addressed to him for putting in force the Acts against Jesuits in the shire of Edinburgh 6 March 1590;<sup>2</sup> and on 16 December in the same year he was charged to find surety in £5000 that he would keep good rule in the Highlands, and would make himself and those for whom he was responsible answerable to justice when called.<sup>3</sup> He was on a Committee of the Privy Council to conclude upon the form and circumscription of the new coinage 4 March 1596-97;<sup>4</sup> and in the autumn of 1604 he was despatched to London to treat with the English Commissioners upon matters affecting the coinage, conducting his business with dexterity and skill. He died at Merchiston 15 May 1608, aged about seventy-four,<sup>5</sup> his testament being confirmed at Edinburgh 17 February 1609. Sir Archibald married, first, Janet, only daughter of Sir Francis Bothwell, a Lord of Session, and Provost of Edinburgh, sister of Adam, Bishop of Orkney. She is mentioned as his wife in a grant of land which Napier acquired from Andrew Yorkstoun 29 May 1563, and she died at Merchiston on the 20 December following. He married, secondly, about 1570, Elizabeth, daughter of Robert Moubray of Barnbogle, co. Linlithgow.

By his first marriage he had issue:—

1. *John*, of whom below.
2. *Francis*, assayer at the Mint, of Hilhowfield in 1594,<sup>6</sup> afterwards of Pitliver, and styled also of Croftangrie.<sup>7</sup> He was a burgher of Edinburgh when he married, on 4 December 1586, Margaret, daughter of James Mowbray of Pitliver. She obtained a decret of adherence against him 8 February 1600,<sup>8</sup> and he died in January 1604. His widow married, secondly, William Mowbray, whose wife she was in 1607.<sup>9</sup>

<sup>1</sup> *Acta Parl. Scot.*, iii. 437. <sup>2</sup> *P. C. Reg.*, iv. 464. <sup>3</sup> *Ibid.*, iv. 803.  
<sup>4</sup> *Acta Parl. Scot.*, iv. 113; *P. C. Reg.*, v. 369. <sup>5</sup> *Ibid.*, viii. 400. <sup>6</sup> *Gen. Reg. Inhabs.*, xxxi. 19 January 1613. <sup>7</sup> *Ibid.*, xxx. 235. <sup>8</sup> *Edin. Com. Decrets.* <sup>9</sup> *Gen. Reg. Inhabs.*, xxii. 139.

3. *Janet* is mentioned in the testament of Janet Bothwell, her mother, 14 December 1560.

By his second marriage he had :—

4. *Sir Alexander* of Lauriston, designed third son of Sir Archibald in a deed made in his favour 3 June 1595. He was served heir of his father in an annualrent from the lands and barony of Corstorphine 13 May 1617,<sup>1</sup> and in part of the barony of Lauriston 19 September 1622.<sup>2</sup> He was appointed one of the Senators of the College of Justice 14 February 1626,<sup>3</sup> and he died in 1629. He married Mary Craufurd, who is named as his widow on 13 July 1638, when she is described as future wife of Robert M'Alexander of Crossclays,<sup>4</sup> and by her had three children, to whom a bond was granted, 12 July 1630,<sup>5</sup> namely, *Alexander*,<sup>6</sup> *Elizabeth*, born 13 August 1619,<sup>7</sup> and *Margaret*, who died in 1650.<sup>8</sup>

5. *Archibald* of Woolmet, mentioned in a deed of gift to him by his father, 5 January 1584-85, and in the charter of Lauriston, 16 November 1593. He married Alison Edmonston, and was slain by five of the name of Scott and Thomas Crichtoun whilst riding home to his own house of the Woolmet, 8 November 1600. Our Sovereign Lord's letters were purchased by 'Alesoune Edmeistoun,' the relict.<sup>9</sup> He left an only daughter *Helen*.<sup>10</sup>

6. *Mr. Walter*, is mentioned in relation to a dispute about the teind sheaves of Merchiston, 29 August 1608.<sup>11</sup>

7. *William*, mentioned in 1593, 1595, and 1608;<sup>12</sup> also in 1610, when, together with his brothers and sisters, he delivered up certain written instruments belonging to the Mint, which were found amongst the effects of his deceased father.<sup>13</sup>

8. *Susanna*, eldest daughter, married (contract, 5 April 1589) to Patrick Hepburn of Whitsome.<sup>14</sup>

<sup>1</sup> *Edin. Retours*, 387. <sup>2</sup> *Ibid.*, 486. <sup>3</sup> *P. C. Reg.*, 2nd ser., i. 236. <sup>4</sup> *Gen. Reg. Sas.*, xlvii. 349. <sup>5</sup> *Reg. of Deeds*, ii. p. xxx, 25 June 1641. <sup>6</sup> Glasgow Tests. <sup>7</sup> *Edin. Reg.* <sup>8</sup> Glasgow Tests. <sup>9</sup> Pitcairn, ii. 339; Birrell's *Diary*, 52. <sup>10</sup> *Edin. Test.*, 21 January 1602. <sup>11</sup> *P. C. Reg.*, viii. 159. <sup>12</sup> *Ut supra*. <sup>13</sup> *P. C. Reg.*, viii. 400-402. <sup>14</sup> *Reg. of Deeds*, xxxv. 188. The order of the daughters is uncertain, excepting that Susanna was the eldest.

9. *Abellina*, married to William Wardlaw of Riccarton; she had a charter as his future spouse, 21 April 1585.<sup>1</sup>
10. *Agnes*, married, first, to Sir Patrick Gray of Invergowrie, son of Patrick, fourth Lord Gray, contract 16 December 1596.<sup>2</sup> He died in 1606,<sup>3</sup> and she married, secondly, Henry Balfour, styled of Balgay,<sup>4</sup> who died before 6 February 1612.<sup>5</sup> She married, thirdly, Mr. John Ogilvy of Newbigging, son of James, sixth Lord Ogilvy of Airlie.<sup>6</sup>
11. *Helen*, married to Sir William of Pitcullo,<sup>7</sup> and died December 1628.<sup>8</sup>
12. *Marion*, who is shown to have been older than Elizabeth.<sup>9</sup>
13. *Elizabeth*, married, first, in 1613, as his second wife, to James, sixth Lord Ogilvie of Airlie.<sup>10</sup> Secondly, to Alexander Auchmoutie, Gentleman of the King's Bedchamber.

JOHN NAPIER of Merchiston, the renowned inventor of logarithms, eldest son of the foregoing, was born at Merchiston Castle in 1550, and entered as student at the University of Saint Andrews 1563, though it is probable that he did not complete his academic career at that city. After spending some time on the continent of Europe he settled, about the year 1574, at Gartnes, co. Stirling, where for many years he devoted himself to the study of pure mathematics and the Holy Scriptures; it is probably a mistake to connect him in any special degree with Merchiston, excepting during the last eight years of his life. His *Plain Discovery of the whole Revelation of St. John*, which appeared in 1593, and was dedicated to King James VI., largely influenced the Protestant movement in Europe, passing through several editions in English, Dutch, French, and German. Of his minor works mention may be made of *De Arte Logistica*, which deals with the sciences of Algebra and Arithmetic, but was not pub-

<sup>1</sup> *Reg. Sec. Sig.*, lii. 95. <sup>2</sup> Protocol Book of J. Lawson, fol. 97. <sup>3</sup> *Edin. Tests.* <sup>4</sup> *Gen. Reg. Inhib.*, xxvi. 317, anno 1607. <sup>5</sup> *Forfar Inhibs.* <sup>6</sup> *Cf. vol. i. 123.* <sup>7</sup> *P. C. Reg.*, viii. 401. <sup>8</sup> *Gen. Reg. Inhib.*, 2nd ser., vi. 8; *Canongate Burial Reg.* <sup>9</sup> *Edin. Sas., Sec. Reg.*, vii. 159 and 252. <sup>10</sup> *P. C. Reg.*, xi. 20; cf. vol. i. 122-123.

lished until long after his death. His skill and ingenuity found expression also in various contrivances for the improvement of agriculture and the invention of new and powerful engines of warfare, though the last he refused to divulge. His claim to undying fame rests, however, upon his sublime discovery of the correspondence between arithmetical and geometrical progression, and the logarithmic canon, which after years of intense study he founded upon it. From a letter addressed to Tycho Brahe in the year 1594,<sup>1</sup> it appears that Napier had already at that time discovered the abstract law, but the practical application of it to the construction of those tables which have revolutionised the whole method of calculating, and have rendered possible the modern sciences of Astronomy and Navigation, was the work of something like twenty years. He himself says that it 'ought to have been accomplished by the labour and assistance of many computers, but had been completed by the strength and industry of himself alone.' In the year 1614 he submitted to the learned world his *Description of the marvellous Canon of Logarithms*, which was dedicated to Charles, Prince of Wales, afterwards Charles I. To Napier, says Hume the historian, the title of a great man more justly belongs than to any other whom his country ever produced. Of special facts which illustrate his career the following may suffice. John Napier, fiar of Merchiston, had a Crown charter of the lands of Edinbellie, etc., 8 October 1572, to him and to Elizabeth Striveling, daughter of Sir James Striveling of Keir, his future spouse, in conjunct fee; and also to the said John the lands of Merchiston and the Pultrielands.<sup>2</sup> Liferent of the latter is reserved to Sir Archibald Napier, his father, and to Elizabeth Mowbray, the wife of Archibald. On 28 July 1593 he became surety in £5000, that Sir James Chisholm, his father-in-law, should do nothing to hurt the King, or the realm, or the true religion during his absence abroad.<sup>3</sup> He granted an annuity of £100 to Joan, his daughter, 13 November 1595; and on the same date a charter of the lands of Ballacharne and Tomdarroch to Robert Napier, his son by Anne Chisholm. John Napier,

<sup>1</sup> *Epist. ad Johan. Kepler*, 1718, p. 460; *Napier's Memoir of Napier*, 361-366. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> *P. C. Reg.*, v. 610.



fiar of Merchiston, and Anne Chisholm, his wife, had a Crown charter of the island of Inchemone in the Duchy of Lennox, 30 January 1596-97;<sup>1</sup> and on 11 March 1602 he complained to the Privy Council against the Provost and Bailies of Edinburgh that they had caused to be built upon the lands of Sciennes, of which he was heritable proprietor, lodgings for the use of the plague-stricken.<sup>2</sup> He succeeded his father in 1608, and on 1 November 1610 he resigned the Pultrielands in favour of William Nesbitt of Dene, who had purchased the property for 1700 merks.<sup>3</sup> There had been disputes of long standing between the Napier tenants of Calziemuck and the Grahames of Boquhopple and other feuars of neighbouring lands in Menteith. These dated back so far as the year 1591, and had occasionally led to violence. He entered, however, on 24 December 1611, into a mutual bond with Campbell of Lawers, who undertook to bring to punishment any Macgregors or other Highland broken men who should trouble Napier's lands in Lennox or Menteith, the latter to assist Lawers and his family in all their lawful and honest affairs.<sup>4</sup> In the course of a complaint against Thomas Grahame of Boquhopple, 28 April 1613, it is mentioned that John Napier of Merchiston was heavily diseased with the pain of the gout,<sup>5</sup> and when he made his will, 1 April 1617, his hand was 'led by the notaries underwritten, at my command, in respect I do not write myself for my present infirmity and sickness.'<sup>6</sup> He died on 3 April 1617, and was buried in the parish church of Saint Cuthbert. The original portraits of Napier known to his biographer in 1834 were six in number; one dated 1616, *æt.* 66, presented by Margaret, Baroness Napier, to the University of Edinburgh; a second at Thirlestane, which has never been out of the family, representing the philosopher at the same period of life; a third in the possession of Mr. Napier of Blackstoun; a fourth in the possession of Aytoun of Inchdairnie; a fifth acquired by Lord Napier, the history of which is unknown; and the last, which is attributed to Jameson, belonged to the late Professor Macvey Napier.<sup>7</sup> This great man was twice

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *P. C. Reg.*, vi. 359. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> Napier's *Memoir*, 326. <sup>5</sup> *P. C. Reg.*, x. 41. <sup>6</sup> Napier's *Memoir*, 430. <sup>7</sup> *Ibid.*, pp. ix. and x.

married; first (contract dated 23 February 1571-72), to Elizabeth, daughter of Sir James Stirling of Keir, but on 8 October 1572 she was still his future spouse. She died in the latter part of the year 1579, and he married, secondly, Anne, daughter of Sir James Chisholm of Cromlix, co. Perth: after Napier's death she married William Cunningham of Craighends.<sup>1</sup>

By his first marriage he had:—

1. ARCHIBALD, afterwards Lord Napier.
2. *Joan*, mentioned in 1595.

By the second marriage he had further issue:—

3. *John* of Schambodie,<sup>2</sup> called eldest son of John Napier and Agnes Chisholm in a charter 2 November 1598. Had a charter of the lands of Torrie-Easter from his father and mother, to him and Mary Foulis, his wife, 22 January 1614; these lands he again conveyed to his brother Alexander Napier and his heirs, 10 January 1622. Both charters were confirmed 28 July 1625.<sup>3</sup> He married (contract 21 December 1613) Mary, daughter of Sir James Foulis of Colinton.<sup>4</sup> He had issue *John*, baptized 9 April 1615,<sup>5</sup> and *Anna*, baptized 26 May 1616.<sup>6</sup>
4. *Mr. Robert*, born 1580, of Boquhopple 1620, and of Drumhony 1628, witnessed the cancelling of certain bonds in 1629;<sup>7</sup> editor of his father's posthumous works; of Culcreuch in 1634, when he was put on the Commission of the Peace for Stirlingshire.<sup>8</sup> With others he managed the estates of his nephew Lord Napier during the Commonwealth, and he died in 1655. By his first wife he had two sons, viz. *Archibald*, whose issue became extinct, and *John*, who died *s.p.* By his second wife, Anna, daughter of Sir William Drummond of Riccarton, third Baronet, he had:—

1. *William* of Culcreuch, who was his heir in the lands of Culbeg, Stirlingshire, 19 August 1657.<sup>9</sup>
2. *Alexander*, heir of his father in the lands of Boquhopple, 1 June 1655,<sup>10</sup> and acquired Culcreuch from his elder brother 1675. His descendants ultimately succeeded to the baronetcy of Nova Scotia, which was destined to heirs-male general, and are now (1909) represented by Sir Archibald Lennox Milliken Napier, Baronet.

<sup>1</sup> *Laing Charters*, No. 2055. <sup>2</sup> *P. C. Reg.*, xi. 492. <sup>3</sup> *Reg. Mag. Sig.*  
<sup>4</sup> *Laing Charters*, 1697; *Reg. Mag. Sig.*, 28 July 1625. <sup>5</sup> *Edin. Reg.*  
<sup>6</sup> *Ibid.* <sup>7</sup> *P. C. Reg.*, iii. 261. <sup>8</sup> *Ibid.*, 2nd series, v. 382. <sup>9</sup> *Retours.* <sup>10</sup> *Ibid.*

5. *Alexander* of Torrie-Easter,<sup>1</sup> died without male issue in October 1652.<sup>2</sup> By his wife Anne Dunkeson he had a daughter *Anne*, born 2 April 1636, who was served his heir 6 September 1653.<sup>3</sup>
6. *William* of Ardmore, had a charter of the lands of Easter-Torrie from Alexander, his brother-german, with consent of Anne Chisholm, their mother, and of William Cunningham of Craigends, her spouse, 30 June 1630. He married Margaret Cunningham, who is mentioned in the same charter.<sup>4</sup> He is stated to be ancestor of the Napiers of Craiganet.
7. *Adam*, who, with Anna Buchanan, his wife, had a grant of the lands and barony of West Nisbet, 27 December 1639.<sup>5</sup> He was progenitor of the Napiers of Blackstoun, co. Renfrew, and he died in the month of August 1647.<sup>6</sup> Anna Buchanan survived him, and was appointed guardian to *Archibald* and *Anna* Napier his children.
8. *Margaret*, married to James Stewart of Rossyth, banns published 16 May 1606;<sup>7</sup> mentioned as wife 1 January 1608,<sup>8</sup> and had a charter 7 December 1613.
9. *Jean*, whose banns of marriage with John Gaw of Maw were published 16 May 1606.<sup>9</sup> She was subsequently married to George Hamiltoun, eldest son and apparent heir of James Hamilton of Kinbraxmonth. Her brothers Archibald, John, and Robert, and her uncle Sir Alexander Napier of Lauriston, were all parties to the marriage-contract, which is dated 17 March 1620.<sup>10</sup>
10. *Elizabeth*, married (contract dated 12 January 1622) to William Cunningham, son and apparent heir of William Cunningham of Craigends. Charter dated 4 February 1622, confirmed 30 January 1637, by which date William was deceased.<sup>11</sup>
11. *Agnes*, married (contract dated 14 June and 11 July 1620) to George Drummond of Balloch.

<sup>1</sup> See Edin. Records, iv. 500. <sup>2</sup> Edin. Reg. <sup>3</sup> *Retours, Fife and Stirling*.  
<sup>4</sup> *Laing Charters*, No. 2055. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> Edin. Tests., 4 June 1649. <sup>7</sup> Canongate Reg. <sup>8</sup> *Reg. Mag. Sig.*, 3 March 1608. <sup>9</sup> Canongate Reg. <sup>10</sup> *Reg. Mag. Sig.*, 17 January 1624. <sup>11</sup> *Ibid.*

12. *Helen*, married (contract dated 18 January 1629) to Matthew Brisbane, only son of William Brisbane, parson of Erskine.

I. SIR ARCHIBALD NAPIER of Merchiston, who succeeded, matriculated at Glasgow University in March 1593. He was infeft in the fee of the barony of Merchiston, 18 July 1597, and had also a charter of the lands of Auchlenschee in Menteith, 12 December 1598.<sup>1</sup> In company with his uncle, Sir Alexander Napier of Lauriston, he was charged with committing a violent assault upon John Hepburn, a servant of the Lord Treasurer, in the outer Tolbooth of Edinburgh on 10 June 1601, whilst the Lords were administering justice, but the case against Archibald was dismissed. He accompanied James VI. to London in 1603, in the situation of Gentleman of the Bedchamber. He was honoured with knighthood during the King's visit to Edinburgh in 1617, and on 20 August in that year he was sworn of the Privy Council.<sup>2</sup> He was served heir of his father in the lands of Merchiston, Edinbellie, etc., 3 June 1617,<sup>3</sup> and had a charter of lands on 14 December 1619, to him and to Margaret Graham, his wife.<sup>4</sup> He was appointed Treasurer-Depute for Scotland by letters dated at Royston 21 October 1622, and was admitted to the office at Edinburgh 19 November following.<sup>5</sup> He was also constituted Clerk of Justiciary and Master of the Ceremonies 6 November 1623, but resigned the appointment 9 August 1624.<sup>6</sup> He was very assiduous in his attendance at meetings of the Privy Council, and served upon numerous committees. Thus, on 25 August 1619, he was appointed on a committee to discuss the freighting of foreign ships:<sup>7</sup> and other subjects engaging his attention during the last years of King James were the development of glass-manufacture and the working of coal in Scotland, to report upon the copper coinage, to deal with the feud between the Buchanans and Macfarlanes, and to make inquiry into the case of Orkney and Shetland, and the possibility of getting an increased rent for them.<sup>8</sup> On 9 March 1625, a warrant was addressed to him to provide money for the repair of

<sup>1</sup> *Reg. Mag. Sig.*, 17 January 1624. <sup>2</sup> *P. C. Reg.*, xi. 214. <sup>3</sup> *Edin. Retours.*  
<sup>4</sup> *Reg. Mag. Sig.* <sup>5</sup> *P. C. Reg.*, xiii. 95. <sup>6</sup> Pitcairn, iii. 558. <sup>7</sup> *P. C. Reg.*,  
 xii. 67. <sup>8</sup> *Ibid.*, xii. and xiii. *per indices.*

Stirling Castle and Linlithgow and Falkland Palaces.<sup>1</sup> He continued to hold the office of Treasurer-Depute under Charles I., who ratified the appointment made by King James 29 May 1625;<sup>2</sup> and he had been one of the Ordinary Lords of Session since 25 November 1623. He was removed from this office, however, 25 January 1626, by reason that he was an officer of State, and to comply with new regulations which had been introduced; but he was appointed an Extraordinary Lord on 14 February.<sup>3</sup> He took the oath of Privy Councillor to Charles I. at Holyrood House, 23 March 1626,<sup>4</sup> was appointed on the Commission of Exchequer on the 30 of the same month,<sup>5</sup> and was sworn a member of the Council of War for Scotland, 27 July 1626.<sup>6</sup> He was created a Baronet of Nova Scotia, 2 May 1627,<sup>7</sup> and was raised to the Peerage of Scotland two days later under the title of LORD NAPIER OF MERCHISTON, by patent dated at Whitehall 4 May, the limitation being to heirs-male of his body. On 29 August 1627, Lord Napier was directed to examine and report upon Dumbarton Castle,<sup>8</sup> and in the same month he undertook the charges of victualling and equipping various privateers to serve against the French, who were at that time reported to be descending upon Scotland; and he gave bonds for the public service to raise money for paying the crews of His Majesty's three ships of war on the coast.<sup>9</sup> Amongst other expedients for raising money, Charles granted a lease to Lord Napier of the Crown lands of Orkney for 45,000 marks a year, which his lordship sub-leased to William Dick at a higher rental. This and other matters gave great offence to several of the leading statesmen, who did their best to ruin him in the royal opinion. *A true relation of the unjust pursuit against Lord Napier, written by himself* is the title of a MS. he left behind him relating to this part of his career, and it was published by his descendants in 1793. In 1630 he surrendered the lease of Orkney, his pension, and the office of Treasurer-Depute, for which he had £4000 allowed him. He also received a letter of approbation under the Great Seal, 6 March

<sup>1</sup> *P. C. Reg.*, xiii. 705. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> *P. C. Reg.*, 2nd ser., i. 220, 236. <sup>4</sup> *Ibid.*, 248. <sup>5</sup> *Ibid.*, 265. <sup>6</sup> *Ibid.*, 370. <sup>7</sup> Precepts, Privy Seal and Reg. of Signatures. <sup>8</sup> *P. C. Reg.*, 2nd ser., ii. 52. <sup>9</sup> *Ibid.*

1631, and was a member of the new Privy Council appointed by Charles on 31 March.<sup>1</sup> He had a Crown charter of the lands of Garvock in Fife, 24 January 1635.<sup>2</sup>

When the King's fleet arrived in Leith roads in May 1639, Lord Napier went on board with a conciliatory proposal from the Committee of Estates to the Marquess of Hamilton, the Commander-in-chief, and matters were soon adjusted.<sup>3</sup> He signed the famous bond at Cumbernauld in January 1641, and having incurred the enmity of the Covenanters, he was taken prisoner and warded in Edinburgh Castle from 11 June till 16 November 1641, when he was released on giving security to keep the peace. In 1644, he was confined to his apartments in Holyrood House, with the Master of Napier, his son, and Sir George Stirling, his son-in-law. They were commanded not to stir from thence under a heavy penalty. The Master having disregarded this injunction and made his escape, the Covenanters immediately imprisoned Lord Napier, Sir George Stirling, Lady Elizabeth Napier, the Master's wife, and Lillias Napier, his sister, in Edinburgh Castle, and confined Lady Stirling to the house of Merchiston. The plague raging in the Castle of Edinburgh, Lord Napier and his friends were, as a favour, removed to the gaol of Linlithgow, whence they were liberated by the Master of Napier after the battle of Kilsyth. Lord Napier accompanied the Marquess of Montrose to the south of Scotland, and after the defeat of Philiphaugh escaped with him into Athole. He died at Fincastle in November 1645,<sup>4</sup> being then upwards of seventy years of age, and was buried in the Church of Blair Athole. He married (contract dated 15 April 1619) Margaret Graham, second daughter of John, fourth Earl of Montrose, and sister of James, first Marquess of Montrose, and by her had issue:—

1. *John*, born 22 May 1623,<sup>5</sup> died young.
2. ARCHIBALD, second Lord Napier.
3. *Margaret*, married, as his second wife (contract 2 January 1637), to Sir George Stirling of Keir, and died before 1654.
4. *Lillias*, born 15 December 1626,<sup>6</sup> died unmarried after 1665.

<sup>1</sup> *P. C. Reg.*, iv. 188. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> Guthrie's *Memoirs*. <sup>4</sup> *Edin. Tests.*, 20 January 1646. <sup>5</sup> *Edin. Reg.* <sup>6</sup> *Ibid.*

II. ARCHIBALD, second Lord Napier, after escaping from his father's apartments at Holyrood, as already mentioned, joined his uncle the Marquess of Montrose at Cardross, 21 April 1645. He took an active part in the battle of Auldearn, 4 May; and at the battle of Alford, 2 July, he commanded the reserve of Montrose's army. After the victory at Kilsyth, 15 August 1645, Napier was despatched by Montrose to receive the submission of the city of Edinburgh, and to bring away all royalists who had been imprisoned. His tenants in Menteith being plundered and oppressed by the adherents of the Marquess of Argyll, Lord Napier determined to march to their relief, and in February 1646 went to Kincardine, a seat of Lord Montrose, which he fortified as a place of retreat after he should have succoured his friends in Menteith. In this house he was besieged by General Middleton, who brought against it artillery from Stirling. Lord Napier held out for fourteen days, when, water and provisions failing, it became necessary to capitulate, 16 March 1646, but his lordship escaped through a postern gate, and joined Montrose in safety. Middleton ordered the house to be burnt, shot twelve of the garrison, and sent thirty-five prisoners to Edinburgh. Lord Napier was served heir of his father in the barony of Merchiston and other lands 18 November 1646,<sup>1</sup> and was infeft in the barony of Edinbellie-Napier 19 May 1647. Previous to this infeftment, he had granted a commission to John, Lord Erskine, Elizabeth, Lady Napier, his wife, Robert Napier of Culcreuch, his uncle, and others, empowering them to manage his estates, as he was about to proceed out of the realm. Somewhat against the advice of his friends, who feared confiscation of his estates, Lord Napier joined Montrose in Paris 'where it was ever sayde yt Montrose and his nephew wes like ye Pope and ye Church, who wold be inseperable.'<sup>2</sup> Being excepted by name out of Cromwell's Act of Grace and Pardon, 12 April 1654, Lord Napier was virtually banished, and retired into Flanders, where he died on the eve of the Restoration, in the beginning of the year 1660, at Delfshaven in Holland. Lord Napier married (contract 28 May, 6 and 13 June 1641) Elizabeth Erskine, eldest

<sup>1</sup> *Gen. Retours*, No. 3206. <sup>2</sup> Letter from Brussels, 14 June 1648.

daughter of John, eighth Earl of Mar,<sup>1</sup> who, after the Restoration, obtained a pension of £500 a year in consideration of her husband's loyalty and sufferings. She died in the year 1683.<sup>2</sup> They had issue:—

1. ARCHIBALD, third Lord Napier.
2. *John*, killed in a naval action against the Dutch 1672, without issue.
3. *Jean*, married to Sir Thomas Nicolson of Carnock, co. Stirling, Bart., and had an only child THOMAS, who became fourth Lord Napier. She died in London in the year 1680, her will, which is dated at London 29 May 1679, being proved at Edinburgh, 3 February 1681.
4. MARGARET, who succeeded as Lady Napier.
5. *Mary*, died unmarried in September 1680.

III. ARCHIBALD, third Lord Napier, obtained a royal warrant in 1662, addressed to the Earl of Middleton, for the payment to him and his mother of the sum of £3000 in recompence for the privations to which his family had been put during the Commonwealth. He had a charter of the baronies of Merchiston, Edinbellie, Drumquassel, Lanrik and Ruskie, with other lands, 3 March 1669. Being unmarried and the sole male descendant of the patentee's body, Lord Napier felt anxiety to preserve the title from becoming extinct at his death. He accordingly resigned the Peerage into the King's hands, 20 November 1676, and obtained a new patent with the former precedence, dated at Whitehall 17 February 1677. The destination was now to the heirs-male of his own body, failing whom, to his three sisters, Jean, Margaret, and Mary, and the heirs-male of their bodies respectively, whom failing, then to the first-born heir-female of Jean, without division, and her heirs-male and female successively, but without division, so long as there remained any heir of the body of Jean, and failing that, to the same heirs of Margaret and Mary successively; then to the heirs-male whatever of Archibald, Lord Napier; and lastly, failing all these, to his heirs and assigns whatever. A charter granting the Peerage and Barony of Edinbellie-Napier in the same terms was passed 7 February 1677,

<sup>1</sup> *Reg. Mag. Sig.*, 8 April 1646. <sup>2</sup> *Edin. Tests.*, 22 September 1684.



containing a clause obliging the heir-female who should succeed to the title and her heirs to assume the surname and arms of Napier. Lord Napier died a bachelor in August 1683.<sup>1</sup>

IV. THOMAS, fourth Lord Napier, formerly Sir Thomas Nicolson of Carnock, Baronet, born 14 January 1669, and served heir of his father, the late Sir Thomas Nicolson, in the lands of Carnock, etc., 3 October 1671, now succeeded his uncle as fourth Lord Napier in terms of the foregoing destination, he being the only child of the Hon. Jean Napier, the eldest sister. The baronetcy of Nova Scotia, however, passed from this family, and after being long dormant, was assumed by William Milliken Napier 17 March 1817, who proved himself to be heir-male of Sir Archibald Napier, the original patentee of 2 May 1627. Sir Thomas was served heir of Archibald, Lord Napier, his uncle on the mother's side, 9 July 1684,<sup>2</sup> and he died unmarried in France on 9 June 1686. The title now devolved upon his aunt the Hon. Margaret Napier as heir of entail and provision. She succeeded also to the baronies of Merchiston and Edinbellie, but the lands of Carnock in Stirlingshire were inherited by Helen, Isabella, and Margaret Nicolson, sisters of the deceased Thomas, Lord Napier's father, who were served heirs-portioners 6 September 1686.

V. MARGARET, Baroness Napier, second daughter of the second Lord Napier, and widow of John Brisbane, had in feftment of the barony of Edinbellie 18 November 1686; she was served heir of Thomas, Lord Napier, her nephew, in certain property in Edinburgh on the 8 of the same month,<sup>3</sup> and heir-general of her brother Archibald, Lord Napier, 31 December 1687.<sup>4</sup> She was married, probably in 1676, to John Brisbane, only son of Matthew Brisbane, writer in Edinburgh, the third son of Matthew Brisbane of Rosland, co. Renfrew. He graduated at Edinburgh 1652, and proceeding to England was present in the character of Deputy Treasurer with the Fleet under the Duke of York, in

<sup>1</sup> Edin. Tests., 22 July 1684 and 12 October 1685. <sup>2</sup> *Retours*, No. 1292, etc.

<sup>3</sup> *Edin. Retours*, No. 1304. <sup>4</sup> *Gen. Retours*, No. 6882.

action against the Dutch 3 June 1665. He was, in 1671, Judge-Advocate to the Fleet in the Mediterranean under the command of Sir Edward Spragg, who employed him in negotiating a peace with Algiers. He was employed by Charles II. upon various missions and embassies to the Courts of France, Flanders, and Portugal, and he was in 1683 secretary to the Commission which was appointed for executing the office of Lord High Admiral in England. He was nominated Envoy-Extraordinary to the Court of Lisbon in June 1684, but died the same year, aged forty-six, without proceeding thither. He was buried in Saint George's Chapel, Windsor. His widow had a warrant from Charles II., 4 August 1683, for a pension of £200 yearly in recognition of her husband's important services; and this was afterwards continued to her by James VII. and Queen Anne. She died at London in September 1706,<sup>1</sup> having had issue:—

1. *Charles Brisbane*, who died in infancy in Paris in 1678.
2. *John*, Master of Napier, in the Royal Navy, died off the coast of Guinea in 1704, unmarried.
3. *Elizabeth*, Mistress of Napier, married (contract dated 15 December 1699) to William Scott, eldest son of Sir Francis Scott of Thirlestane, co. Selkirk, Baronet, whose descent is given below. She died 11 August 1705, and was buried at Westkirk, leaving issue:—

(1) FRANCIS, Lord Napier.

(2) *Margaret*, died young.

(3) *Agnes*, married, at Thirlestane, 10 July 1719, to Walter Scott of Harden.

(4) *Anne Isabella Elizabeth*, born 1 August 1705, died young.

The first Scott of Thirlestane distinctly so designed is John Scott of Thirlestane in 1535. Of his origin nothing is certainly known, but the most probable suggestion is that he was a grandson of Alexander Scott of Howpaslot c. 1470, a younger son of Sir Walter Scott of Buccleuch.<sup>2</sup> He is called 'kynesman to the Lairde Bukcleughe' in an account of a raid made upon the lands of Thirlestane by the Armstrongs of Liddesdale 21 September 1543.<sup>3</sup>

JOHN SCOTT of Thirlestane, in company with Robert Scott of Howpaslot, entered into a bond of manrent with Malcolm, Lord Fleming, Great Chamberlain of Scotland, that they should ride with him when charged, and take his part in all actions, quarrels, and debates against whomsoever, our Sovereign Lord alone

<sup>1</sup> Edin. Tests., 3 September 1707. <sup>2</sup> M'Call's *Some Old Families*, 172-181.  
<sup>3</sup> *Hamilton Papers*, ii. 66.

excepted, at Peebles 19 January 1535.<sup>1</sup> He had a lease of the lands of Ramsaycleuch from Andrew, Commendator of Melrose, 24 May 1536,<sup>2</sup> and in the year 1542 obtained from James v. a warrant directing the Lyon Herald to assign him the double tressure of the royal arms of Scotland, to be borne upon his paternal shield in recognition of his having come to the aid of his Sovereign with a troop of lances of his friends and followers at Sautrey Edge, against the English army then invading Scotland—an incident commemorated in the *Lay of the Last Minstrel*. Much criticism has been bestowed upon the subject of this grant, and there can be no question that the document which had been long considered as the original is not such, but is apparently an early copy of it. There is, however, other evidence of the fact of the grant, and the subject was investigated in the year 1700 by the Lyon King of Arms, who declared himself satisfied of the truth of the original grant, upon evidence produced to him, and gave a new warrant to Sir Francis Scott 18 December 1700.<sup>3</sup> John Scott of Thirlestane, who was deceased by 14 September 1549, is stated to have married, first, a daughter of Scott of Allanhaugh, by whom he had several sons:—

1. ROBERT, his heir.
2. *Symon* of Winterburgh, tutor of Thirlestane, ancestor of the Scotts of Newburgh.
3. *William*, mentioned as brother-german of Robert Scott of Thirlestane in a declaration by Walter Kerr of Cessford 5 October 1567.<sup>4</sup>

He married, secondly, Marion Douglas, whom he obliged himself to infest in a liferent of Eltreif and Gilmanscleuch, to her and the heirs between them in the month of February 1535.<sup>5</sup> Her 'eldest lauchfull sone' was

4. *James* of Gilmanscleugh, who raised an action against Robert Scott of Thirlestane and his curators 19 December 1577,<sup>6</sup> and he signed the band of 1589.

ROBERT SCOTT of Thirlestane was laird in 1549, when he obtained from James, Commendator of Kelso and Melrose, a rental of lands as son and heir of John Scott of Thirlestane.<sup>7</sup> On 21 May 1550, he signed an obligation to the Queen and Lord Governor to bring in prisoners to trial and condign punishment;<sup>8</sup> and seven years later he was concerned with many other Scotts in breaking into the Church of Saint Mary of the Lowes, and searching therein for Sir Peter Cranstoun, priest, for his slaughter, upon ancient feud and forethought felony, 10 April 1557.<sup>9</sup> He was chosen one of the curators of Sir Walter Scott of Branxholm 18 January 1562; he signed the band of the clan 1564; and he is said to have held the office of Warden of the West Marches. He occurs in the Register of the Privy Council 3 December 1573,<sup>10</sup> and he was deceased on 19 December 1577.<sup>11</sup> He married Margaret, daughter of Sir Walter Scott of Buccleuch, and by her had issue:—

1. SIR ROBERT of Thirlestane.

<sup>1</sup> Original *penes* Fleming of Cumbernauld. <sup>2</sup> Thirlestane Inventory. <sup>3</sup> Riddell's *Tracts*, 143. <sup>4</sup> *Scotts of Buccleuch*, ii. 222. <sup>5</sup> *Acts and Decrees*, lxxi. 102. <sup>6</sup> *Ibid.* <sup>7</sup> Thirlestane Inventory. <sup>8</sup> *Scotts of Buccleuch*, ii. 197. <sup>9</sup> Pitcairn, i. 400. <sup>10</sup> *P. C. Reg.*, viii. 804. <sup>11</sup> *Acts and Decrees*, lxxi. 102.

2. *Walter* of Gamescleugh, ancestor of the Lords Napier. He took part in the daring assault upon Carlisle Castle in 1596, which set free Kinmont Willie, and was slain in a duel by John Scott, son of Walter Scott of Tushielaw, in January 1609.<sup>1</sup> By his wife Janet, daughter of Sir Patrick Porteous of Halkshaw, he had
- (1) PATRICK, afterwards of Tanlawhill, of whom later ; (2) *Simon*; (3) *Marion*, and (4) *Margaret*, all mentioned in a decret of removal before the Lords of Council 19 May 1612, at the instance of Robert Scott.<sup>2</sup>
3. *William* of Fingland, died about 1610, leaving two sons, *Walter* and *Robert*, both of whom died *s.p.*

SIR ROBERT SCOTT of Thirlestane, born 1566, was a minor at his father's death under tutory of his uncle Simon Scott of Winterburgh. His name occurs very frequently in the records of this period. He signed the Bond of Alliance of the Scott clan at Todrickshank 3 June 1589; was the sole companion of the Laird of Buccleuch on the occasion of his memorable interview with Queen Elizabeth 1597; was knighted in 1606; M.P. for Selkirk 1607; and died about the year 1627. Sir Robert married, first, before 1594, *Margaret*, daughter of Sir John Cranstoun of Cranstoun, by whom he had a son,

1. *Sir Robert* of Cruxton, who died *v.p., s.p.*, in 1619. He married *Mary* Lyon, daughter of the Master of Glamis; she was married, secondly, to Robert Semple of Beltries.<sup>3</sup>

He married, secondly (contract dated at Peebles 23 January 1602), *Katherine* Jardine, daughter of Sir Alexander Jardine of Applegarth, and had another son,

2. SIR JOHN SCOTT, of whom below.

SIR JOHN SCOTT of Thirlestane, who succeeded, agreed in 1641, with his cousin-german, Patrick Scott of Tanlawhill, that the latter should redeem the Thirlestane estate from extensive mortgages with which his father had encumbered it. He engaged in the Civil War on the side of the King, and was banished until the Restoration; and he died in 1666. He married, *anno* 1645, *Dame* Eupham Young, relict of Sir David Ogilvie of Clova, younger son of James, first Earl of Airlie. They had an only son, *Francis* of Davington, whose descendants are now extinct in the male line.

PATRICK SCOTT of Thirlestane, the only surviving son of *Walter* of Gamescleugh, was chamberlain to the first Earl of Buccleuch, and one of the curators of the Countesses *Mary* and *Anne* of Buccleuch. He embraced the parliamentary side in the Civil War, was Commissioner of War for Selkirkshire 1643, and M.P. for the same county 1648-49.<sup>4</sup> A fine of £2000 was imposed upon his estate by Cromwell's Act of Grace and Pardon, 12 April 1654, for the part he took for Charles II. in common with other Presby-

<sup>1</sup> *P. C. Reg.*, ix. 361. <sup>2</sup> *Acts and Decrets*, 273, fol. 2. <sup>3</sup> *Scotts of Buccleuch*, ii. 270. <sup>4</sup> *Acta Parl. Scot.*, vi. 51.

terians between the King's coming to Scotland and the battle of Worcester, but upon special representations this was rescinded by an Act of Council 17 July 1655. He was fined £3000 in 1662. With the acquiescence of his cousin John Scott, he redeemed the lands of Thirlestane, etc., out of the hands of Sir William Scott of Harden, the Earl of Buccleuch, and others, to whom Sir Robert Scott had given mortgages for large sums in the years 1621 and 1623. His portrait is preserved at Thirlestane. Patrick Scott married Isabel, daughter of Sir John Murray of Blackbarony, Bart., and had

1. SIR FRANCIS, his heir.
2. *David*, died young.
3. *Walter*, to whom his brother Francis was served heir 9 February 1663 and 29 November 1667.
4. *Jean*, married (contract dated 4 February 1661) to Sir James Hay of Linplum.
5. *Margaret*, married (contract dated 15 February 1670) to Sir Alexander Bannerman of Elsick.
6. *Mary*, married (contract dated 8 and 13 January 1674) to Sir William Primrose of Carrington.

SIR FRANCIS SCOTT of Thirlestane, the eldest son, was born at Dalkeith 11 May 1645,<sup>1</sup> and was created a Baronet by patent dated at Whitehall 22 August 1666, to him and to the heirs-male of his body. He was served heir of his father 29 November 1667, was one of the representatives of Selkirkshire in Parliament from 1693 to 1701, and was appointed Master of Works 17 October 1704. He died at Edinburgh 7 March 1712 in his sixty-seventh year. He married (contract dated 27 November 1673) Henrietta, sixth daughter of William Ker, third Earl of Lothian, and by her, who died at Edinburgh 30 June 1741, aged eighty-eight, had

1. SIR WILLIAM, his heir.
2. *Patrick*, died young.
3. *Francis*, died young.
4. *Robert*, baptized 20 July 1682,<sup>2</sup> died young.
5. *Charles*, died young.
6. *James*, baptized 13 July 1685,<sup>3</sup> died young.
7. *Anne*, died young.
8. *Henrietta*, married (contract dated 16 June 1731) to William, Lord Ross, and died 16 January 1750.
9. *Isabel*, died young.
10. *Lilias*, died young.

SIR WILLIAM SCOTT of Thirlestane, second Baronet, pursued his studies and graduated at the University of Edinburgh, and was admitted a member of the Faculty of Advocates 25 February 1702. He was the author of several Latin poems which were printed in vol. i. of *Selecta Poemata*, published at Edinburgh 1727. He executed a deed of entail of Thirlestane 20 May 1719, and he died 8 October 1725. He married, first (contract dated 15 December 1699), Elizabeth, Mistress of Napier, and had issue as above; secondly, he married (contract dated 30 June 1710) Jean, daughter of Sir John Nisbet of Dirleton, relict of Sir William Scott of Harden, but had no issue by her.

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<sup>1</sup> Dalkeith Reg.    <sup>2</sup> Canongate Reg.    <sup>3</sup> *Ibid.*

VI. FRANCIS, fifth Lord Napier, though sixth possessor of the title, succeeded his mother in 1706 in the Peerage title and Merchiston estates, and his father Sir William Scott in 1725 in the baronet's title and the estate of Thirlestane. He served as a volunteer in the allied army under the Earl of Stair in the campaign of 1743, and was appointed one of the Lords of Police 2 October 1761. He died at Lewes in Sussex 11 April 1773.<sup>1</sup> He married, first (contract dated 14 March 1729), Henrietta, third daughter of Charles Hope, first Earl of Hopetoun, who was born 21 February 1706, and died at Edinburgh 17 February 1745; secondly, in April 1750, Henrietta Maria, daughter of George Johnston of Dublin, a cadet of the family of Hilton: she died at Brompton 20 September 1795, aged sixty-two.

By his first marriage, he had:—

1. WILLIAM, sixth Lord Napier.
2. *Charles*, born 19 November 1731. Of Merchiston Hall, co. Stirling. Lieutenant R.N. 31 July 1754, captain 15 August 1762. Died at Esslemont House 9 December 1807. He married, first, 19 December 1763, Grizel, daughter of Sir John Warrender of Lochend, Bart., who died without issue 15 November 1774; secondly, at Edinburgh, 2 July 1777, Christian, daughter of Gabriel Hamilton of Westburn, and had issue:—

- (1) *Francis*, born 1778, East India Company's Civil Service. Died at Madras 1798.
- (2) *Gabriel Hamilton*, born 1784, died 1795.
- (3) *Sir Charles*, born 6 March 1786, a distinguished British seaman, K.C.B. Admiral of the Blue. Died 1860.
- (4) *Sir Thomas Erskine*, born 1790. A general in the Army, K.C.B. Colonel 71st Regiment, and Governor of Edinburgh Castle. Died 1863.
- (5) *Agnes*, born 1780, died 1792.
- (6) *Henrietta Hope*, born 1782; married, 1807, to George Gordon of Hallhead; died 1867.
- (7) *Agnes Dundas*, born 1783, died unmarried.
- (8) *Christian Graham*, born 1787; married, 1809, to Charles Campbell, afterwards of Combie.

3. *Francis*, born 15 November 1733. Lieutenant of Marines 1755, captain 1757, major 1772, and lieutenant-col. 1779. He married, 9 January 1771, Eliza, only child of John Greenaway, Keeper of His Majesty's

<sup>1</sup> Edin. Tests., 13 August 1783.

Stores in Portsmouth Dockyard, and died without issue at Dublin in 1779.

4. *John*, born 4 April 1736. An officer in the 25th Regiment, died unmarried in Germany 31 July 1759.
5. *Mark*, born 30 December 1738, entered the Army 1755, colonel 1782, major-general 1793. Died at Edinburgh 10 June 1809. He married, first, 24 February 1761, Anne, daughter of John Neilson of Craiggaffie, by whom he had an only daughter Mary, who died young; secondly, Margaret, daughter of Alexander Symson of Concraig, and had, besides other children who died in youth:—

- (1) *Francis*, W.S., born 20 August 1770, married, 30 March 1796, Mary Elizabeth Jane Douglas, eldest daughter of Colonel Archibald Hamilton, and died 11 June 1818. He was father of the late Sheriff Mark Napier, author of *Memoir of John Napier of Merchiston* and other works, and of other children.
- (2) *Hope*, born 1771. Lieutenant R.N. Died unmarried 1796.
- (3) *Alexander*, born 1775, died unmarried 1797.
- (4) *Mark*, born 14 February 1779. Lieutenant-general in the Army. Died 26 June 1843.
- (5) *William Charles*, born 1781. Lieutenant Royal Artillery. Died unmarried 1803.
- (6) *John George*, born 1790. An officer of the East India Company. Died 1806.
- (7) *Isabella*, born 11 December 1772, married, 28 April 1797, to Lieut.-Col. Charles Maitland of Craigieburn, and died 11 December 1805, leaving issue.
- (8) *Katherine Douglas*, born 19 September 1776, died unmarried 18 April 1858.
- (9) *Marcia Anne Symson*, born 11 January 1783, married, 2 January 1804, to Alexander Ogilvy, and died 1 April 1861, leaving issue.
- (10) *Maria*, born 24 May 1787, married, July 1823, to Rev. Thomas Henry Yorke, vicar of Bishop Middleham, and died 1 February 1868.

By his second marriage Lord Napier had further issue:—

6. *George*, a colonel in the Army, and Comptroller of Army Accounts in Ireland; born 11 March 1751; died at Clifton 13 October 1804. In consideration of his services His Majesty was pleased to bestow a pension of £1000 a year upon his widow and daughters. He married, first, 22 January 1775, Elizabeth, daughter of Captain Robert Pollock, by whom he had, besides other children who died in infancy, a daughter *Louisa Mary*, born 1776, died 26 August 1856. He married, secondly, 27 August 1781, Sarah Lennox,

seventh daughter of Charles, second Duke of Richmond and Lennox, and by her, who died in August 1826, had

- (1) *Sir Charles James*, born 10 August 1782. Lieut.-general in the Army, and colonel of the 22nd Regiment. A very distinguished soldier, at one time Commander-in-chief in India, G.C.B. He was twice married, but died without issue 29 August 1853.
- (2) *Sir George Thomas*, born 30 June 1784. A general in the Army, and colonel of the 1st West India Regiment, K.C.B. Married twice, and died 8 September 1855, leaving issue.
- (3) *Sir William Francis Patrick*, born 17 December 1785. A general in the Army, K.C.B., author of the *History of the Peninsular War*. He married, 14 March 1812, Caroline Amelia, daughter of Gen. the Hon. Henry Edward Fox, and died 12 February 1860, leaving issue.
- (4) *Richard*, born 7 August 1787. Fellow of All Souls', Oxford, and a Barrister. He married in 1817 Anna Louisa, daughter of Sir J. Stewart, Bart., and widow of Captain Staples, R.N., and died 13 January 1868, leaving issue.
- (5) *Henry Edward*, born 5 March 1789. Captain R.N.; F.R.S., etc. Married, 17 November 1823, Caroline Bennett, and died 13 October 1853, leaving issue.

7. *James*, born 8 February 1752, died 1760.

8. *Patrick*, born 14 June 1757. Lieutenant R.N. 1777, captain 1782; died unmarried 15 June 1801.

9. *James John*, born 11 October 1761. Lieutenant of Marines; killed in the *Fox* frigate during the American War 1776.<sup>1</sup>

10. *Stewart*, born 27 May 1763. Lieutenant of Marines; died 9 October 1779, buried at Marylebone.<sup>2</sup>

11. *Hester*, born 11 October 1754; married, 17 February 1774, to Alexander Johnstone of Carnsalloch; and died his widow in 1819, leaving issue.

12. *Mary*, born 3 September 1760, died at Merchiston 12 April 1765.

VII. WILLIAM, sixth Lord Napier, the eldest son of the foregoing, was born 1 May 1730, and entered the Army in 1747. He attained the rank of major in the Scots Greys 14 November 1770, but was compelled to sell his commission in 1773 on account of ill-health. He was then appointed Deputy-Adjutant-General of the Forces in Scotland, with the rank of lieutenant-colonel in the Army, 17

<sup>1</sup> Edin. Tests., 31 December 1788. <sup>2</sup> *Ibid.*



January 1773, a commission he continued to hold until his death, which took place at Edinburgh 2 January 1775. He was buried at St. Cuthbert's, Edinburgh. On 20 September in the same year, King George III. granted a pension of £300 to trustees for the behoof of Francis, the youthful Lord Napier, and of his four sisters who are named below.<sup>1</sup> Lord Napier married, 16 December 1754, Mary Anne, fourth daughter of Charles, eighth Lord Cathcart; she died at Edinburgh 11 July 1774, in her forty-seventh year, and was buried at St. Cuthbert's. Their issue were:—

1. FRANCIS, seventh Lord Napier.
2. *Mary Schaw*, born 5 August 1756, married, 14 April 1779, to Reverend Andrew Hunter, D.D., Professor of Divinity at Edinburgh, and one of the ministers of the Tron Church, who died 21 April 1809. She died at Edinburgh 9 October 1806, leaving issue.
3. *Henrietta*, born at Ipswich 4 April 1759.
4. *Mary Elizabeth*, born at Worcester 20 January 1766, died at Edinburgh 4 November 1778.
5. *Jane Wilhelmina*, born at Frampton Hall, Lincolnshire, 19 March 1769, died 3 August 1779.

VIII. FRANCIS, seventh Lord Napier, was born at Ipswich 23 February 1758. He entered the Army 3 November 1774, when he had an ensign's commission in the 31st Regiment, and a lieutenantancy 21 March 1776. He accompanied that regiment to Canada, took part in the American War, and was one of those who piled their arms at Saratoga in 1777. He was detained a prisoner at Cambridge, U.S., for six months, but obtained permission to return to Europe upon his parole not to serve in America till he should be regularly exchanged as a prisoner of war—an event which took place in October 1780. After serving in the 35th Regiment, he was on 31 May 1784 captain, and 29 December following major, in the 4th Regiment of Foot, and he retired from the Army in 1789. Lord Napier had the degree of LL.D. conferred upon him by the University of Edinburgh 11 November 1789, and on 16 of that month laid the foundation-stone of the College of Edinburgh, as Grand Master Mason of Scotland. He was chosen one of the sixteen Representa-

<sup>1</sup> *Privy Seal, English Reg.*, x. 327.

tives of the Scottish Peerage in 1796, in 1802, and again in 1807; was appointed Lord-Lieutenant and Sheriff-Principal of the county of Selkirk 17 November 1797, and was from 1802 to 1816 High Commissioner to the General Assembly of the Church of Scotland. He died 1 August 1823. Lord Napier married, at St. George's, Hanover Square, 13 April 1784, Maria Margaret, eldest daughter of Lieut.-General Sir John Clavering, K.B., by Lady Diana West, daughter of John, first Earl of Delawarr. By her, who died 29 December 1821, he had issue:—

1. WILLIAM JOHN, eighth Lord Napier.
2. *Francis*, born at Wilton Lodge 30 July 1793. In the Royal Navy.
3. *Charles*, born 24 October 1794, major in the Army, died 15 December 1874; married, first, in 1824, Alice Emma, daughter of Roger Barnston, who died 16 May 1834; secondly, 2 July 1840, Annabella Jane, only daughter of Edward Gatacre of Gatacre, co. Salop, D.L., who died 6 March 1885. Major Napier left issue by both marriages.
4. *Rev. Henry Alfred*, born 20 June 1797, rector of Swyncombe, co. Oxford. Died 20 November 1871.
5. *Maria Margaret*, born at Cork 9 September 1785, married, 29 August 1816, to Rev. Orfeur William Kilvington of Hatfield, Vicar of Brignall, co. York, and died 19 July 1861.
6. *Charlotte*, born at Edinburgh 18 January 1788, and died there 6 June 1789.
7. *Anne*, born 11 December 1789, married, 8 June 1816, to Sir Thomas Gibson Carmichael of Skirling, seventh Baronet, and died at Leghorn 7 December 1862.
8. *Sophia*, born 21 October 1791, died unmarried 10 December 1829.
9. *Caroline*, born 18 December 1798, married, 9 April 1825, to Neville Reid, and died 9 November 1844, leaving issue.

IX. WILLIAM JOHN, eighth Lord Napier, the eldest son, was born at Kinsale 13 October 1786, entered the Royal Navy, and served in the *Defence* at the battle of Trafalgar, and afterwards in the *Imperieuse*; mentioned in despatches

7 January 1807; attained the rank of captain, and died at Macao 11 October 1834. He married, 28 March 1816, Elizabeth, only daughter of the Hon. Andrew James Cochrane Johnstone, and granddaughter, maternally, of James, third Earl of Hopetoun, and by her, who died 6 June 1883, aged eighty-eight, had issue:—

1. FRANCIS, ninth Lord Napier.
2. *William*, born 27 July 1821, Clerk of the Works at Hong - Kong, married, 3 May 1854, Louisa Mary, daughter of John H. Lloyd, Q.C., and died 21 January 1876, leaving issue.
3. *Maria Margaret*, born 18 March 1817, married, 19 April 1837, to John Gellibrand Hubbard, M.P., created Baron Addington in 1887, and died 18 April 1896, leaving issue.
4. *Georgiana Louisa*, born 29 June 1818, died unmarried 16 April 1900.
5. *Eliza*, born 26 September 1822, married, 18 August 1847, to Admiral Sir John Charles Dalrymple Hay, third Baronet, and died 2 April 1901, leaving issue.
6. *Anne Carmichael*, born 27 January 1824, married, 29 April 1847, to Captain the Hon. George Hope, R.N., fifth son of John, Earl of Hopetoun, and died 28 May 1877.
7. *Ellinor Alice*, born 11 May 1829, died 11 May 1903; married, 10 November 1853, to the Hon. George Grey Dalrymple, and had issue.
8. *Lucy Matilda*, born 23 November 1831, died 10 January 1842.

X. FRANCIS, ninth Lord Napier, born 15 September 1819, K.T., P.C., LL.D. of Harvard, Glasgow and Edinburgh Universities. Envoy Extraordinary and Minister Plenipotentiary to the United States of America 1857-59, to the Netherlands 1859-61, Ambassador to Russia 1861-64, to Prussia 1864-66. Governor of Madras 1866-72, and acting Viceroy of India in 1872. His Lordship was created BARON ETTRICK OF ETTRICK in the Peerage of the United Kingdom 16 July 1872, and he died 19 December 1898 in Florence, and was buried, 8 February 1899, at Thirlestane. He married, at Florence, 2 September 1845, Anne Jane

Charlotte, only daughter of Robert Manners Lockwood, and had issue:—

1. WILLIAM JOHN GEORGE, tenth Lord Napier.
2. *John Scott*, born 13 November 1848, late colonel Gordon Highlanders, C.M.G., 1900; married, 6 April 1876, Isabella, youngest daughter of Thomas Shaw of Ditton, co. Lancashire, relict of Major James Leith, V.C., and has issue.
3. *Basil*, born 3 July 1850. Lieutenant R.N. Died 21 February 1874.
4. *Mark Francis*, born 21 January 1852. Barrister-at-law, M.P. for Roxburgh 1892-95. Married, 30 May 1878, Emily Jones, and has issue:—

(1) *Basil*, born 15 March 1879. Died whilst serving with the Imperial Yeomanry in South Africa 28 December 1900.

(2) *Claude Inverness*, born 2 April 1880.

(3) *Philip Henry*, born 16 April 1884.

XI. WILLIAM JOHN GEORGE, tenth Lord Napier of Merchiston in Scotland, second Baron Ettrick of Ettrick in the United Kingdom, and a Baronet, was born 22 September 1846; D.L. for co. Selkirk, Secretary to Her Majesty's Legation at Stockholm 1887-88, and at Tokio 1888-91. He married, first, 5 January 1876, Harriet Blake Armstrong, youngest daughter of Edward Lumb of Wallington Lodge, Surrey, who died 5 June 1897; secondly, 19 July 1898, Grace, third daughter of James Cleland Burns.

By his first marriage he has issue:—

1. *Francis Edward Basil*, Master of Napier, born 19 November 1876. Late lieutenant 7th King's Royal Rifle Corps. Married 12 December 1899, the Hon. Clarice Jessie Evelyn, daughter of James, ninth Lord Bellhaven and Stenton, and has issue:—

(1) *William Francis Cyril James*, born 9 September 1900.

(2) *Georgina*, born 28 November 1901.

(3) *Augusta Caroline Harriet Georgina*, born 25 January 1904.

2. *Frederick William Scott*, born 19 May 1878. Lieutenant 3rd Battalion King's Own Scottish Borderers.

By his second marriage Lord Napier and Ettrick has further issue:—

1. *Archibald Lennox Colquhoun William John George*,  
born 11 December 1899.

CREATIONS.—Lord Napier of Merchiston, 4 May 1627: remainder extended to heirs-female and heirs-general whatever, but with original precedence, 7 February 1677, in the Peerage of Scotland. Baron Ettrick of Ettrick in the Peerage of the United Kingdom, 16 July 1872. Baronet of Nova Scotia, 22 August 1666.

ARMS (recorded in Lyon Register).—Quarterly: 1st and 4th, argent, a saltire engrailed cantoned of four roses gules, barbed vert, for *Napier*; 2nd and 3rd, or, on a bend azure a mullet pierced between two crescents of the field, within a double tressure flory counterflory of the second, for *Scott of Thirlestane*.

CRESTS.—A dexter arm erect couped below the elbow proper, grasping a crescent argent, for *Napier*. 2nd, a mural crown argent, masoned sable, issuing therefrom six lances disposed three and three in saltire, with pennons azure, for *Scott*.

SUPPORTERS.—Dexter, an eagle, wings expanded proper; sinister, a chevalier in coat of mail and steel cap, all proper, holding in the exterior hand a lance with a pennon azure.

MOTTO.—*Ready aye Ready.*

[H. B. McC.]

## LESLIE, LORD NEWARK



AVID LESLIE was the fifth son of Patrick Leslie, Commendator of Lindores (*see title* Lindores). As a military commander he had a brilliant career, which can only be sketched in outline in a work like the present. At an early age he took service under Gustavus Adolphus, and rose to the rank of a colonel of horse. His reputation as an officer must have reached his native land, as on 28 July 1643 the

Estates hearing that he was then in Scotland, 'and that he has behaved himself with greate commendatioun in Germanie where he hes serveit this long tyme bygainne . . . and being verie assured and confident of his affection to the trew protestant religioun his majesties service, the honour and sauffitie of this his native country,' directed the Chancellor to write to the Duchess of Hesse, asking her to allow Leslie to come into their service, and at the same time voted him the large salary of 9000 merks *per annum* for three years.<sup>1</sup> A few months later he was appointed major-general in that army which left for England in January 1644 under the command of his kinsman the Earl of Leven. He was at the battle of Marston Moor, and largely contributed by his skill as a leader of cavalry to the success of the Parliamentary forces on that day. On

<sup>1</sup> *Acta Parl. Scot.*, vi. pt. i. 19, 20.

16 March 1645 he was appointed Lieutenant-General of the Horse.<sup>1</sup> Recalled to Scotland after the defeat of Baillie at Kilsyth, he met Montrose and his victorious troops at Philiphaugh 13 September 1645, and completely defeated them. For this service Parliament voted him a sum of 50,000 merks.<sup>2</sup> In 1647 the Scottish army having returned from England was reduced to a few thousand men, Leslie being again appointed Lieutenant-General with a salary of £1000 Scots a month over and above his usual pay. In the same year he proceeded to the north, successfully put down all resistance there, and then went to the Isles, where all the castles and houses of the Macleans were surrendered to him.<sup>3</sup> In 1648 he was on the Committee of War for Perth, and in June of that year was publicly thanked by the Estates for his great services to his country, for his 'wisdom, vigilance, undefatigable pains, constant fidelitie, gallant conduct, and everie gyft desyreable in ane great leader of armies.'<sup>4</sup> He refused to take part in the 'Engagement' for the rescue of the King, and declined a commission as lieutenant-general of horse. In 1649 he led the expedition to the north which resulted in the capture of the ill-fated Montrose. After the acceptance of the Covenant by King Charles II. he was appointed commander of the Scottish army, and after having repeatedly out-manceuvred Cromwell when the latter invaded Scotland, he at last was defeated by him at Dunbar 3 September 1650, through circumstances which have never been completely explained. Leslie himself says, 'I take God to witness we might have as easily beaten them as we did James Graham at Philiphaugh if the officers had stayed by their troops and regiments.'<sup>5</sup> He was at Worcester with King Charles II., and escaped from the battle there 3 September 1651. He was, however, captured in Yorkshire, taken to London, and imprisoned in the Tower till 1660. He was fined £4000 by Cromwell's Act of grace and indemnity in 1654, a sum afterwards reduced to £1333, 6s. 8d.<sup>6</sup> After the Restoration, as a reward for his services, he was, on 31 August 1661, created

<sup>1</sup> *Acta Parl. Scot.*, vi. pt. i. 363, 394. <sup>2</sup> *Ibid.*, 627. <sup>3</sup> *Ibid.*, vi. pt. ii. 167. <sup>4</sup> *Ibid.*, 97. <sup>5</sup> Lothian Papers quoted in Hill Burton's *Hist.*, vii. 26. <sup>6</sup> *Acta Parl. Scot.*, vi. pt. ii. 846.

LORD NEWARK, with remainder to the heirs-male of his body, and received a pension of £500 *per annum*.

Apart from his military career not much is known about the life of this distinguished general. On 10 January 1650 he had a grant of the barony of Abercrombie and the lordship of St. Monans which he purchased from Lord Abercrombie.<sup>1</sup> He died of apoplexy February 1682. He married Anna (called Jean by Douglas), daughter of Sir John Yorke of Gouthwaite, co. York; she survived him, and was buried at Holyrood 28 February 1713.<sup>2</sup> They had issue:—

1. DAVID, second Lord Newark.
2. *Helen*.
3. *Anna*.
4. *Joanna*. These three sisters all died unmarried, and their remaining sisters were served heirs portioners of provision to them 4 March 1693.<sup>3</sup>
5. *Elizabeth*, probably the eldest daughter, was married, before 22 April 1686,<sup>4</sup> to Sir Archibald Kennedy of Culzean, Baronet.
6. *Mary*, born 1656, was married, first, in or before 1676, to Sir Francis Kinloch of Gilmerton, Baronet, who died 1699. She was married, secondly, 18 January 1702, as his second wife, to Sir Alexander Ogilvie of Forglen, Baronet, and Lord of Session, and died at Edinburgh 24 March 1748, in her ninety-third year.
7. *Margaret*, was married, probably early in 1696, to James Campbell, fourth son of Archibald, ninth Earl of Argyll. He had previously been married to Mary Wharton, a girl of thirteen, whom he had abducted from her father's house. His marriage with her was annulled by Act of Parliament.<sup>5</sup> Margaret Leslie died 19 April 1755.

II. DAVID, second Lord Newark, had a charter to himself as Master of Newark, and his son, of the barony of Abercromby, 16 August 1672.<sup>6</sup> He succeeded his father in 1682, and sat in Parliament for some years, but in 1693 was fined £1200 for absence.<sup>7</sup> He died 15 May 1694,

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> Holyrood Reg. <sup>3</sup> *Retours, Gen.*, 7339-7341. <sup>4</sup> See vol. ii. 490 note. <sup>5</sup> See vol. i. 368. <sup>6</sup> *Reg. Mag. Sig.* <sup>7</sup> *Acta Parl. Scot.*, ix. 251.



having married, 26 May 1670 (contract 1 June 1670<sup>1</sup>), Elizabeth, seventh daughter of Sir Thomas Stewart of Grandtully. By her, who was buried at Holyrood 17 January 1714, he had issue, besides a son who died young, five daughters:—

1. JEAN, styled Baroness of Newark.
2. *Mary*, died unmarried.
3. *Elizabeth*, born 5 October 1675, died unmarried at Edinburgh 8, and was buried at Holyrood 11, April 1760.<sup>2</sup>
4. *Grizel*, married (contract 7 August 1722<sup>3</sup>) to Thomas Drummond of Logiealmond.
5. *Christian*, married, as his second wife, to Thomas Graham of Balgowan, died at Edinburgh 21, and was buried at Holyrood 25, August 1752.<sup>4</sup>

JEAN, the eldest daughter, took the title of Baroness Newark on the assumption that her grandfather, the first Lord, had on 16 August 1672 resigned his honours into the King's hands, and had a new charter, dated 14 July (*sic*) 1672, and written to the Great Seal 29 August 1672, by which the destination of the title was said to be to the grantee in liferent, and to his son the Master of Newark in fee and the heirs-male of his body, whom failing, to the Master's daughter, Jean, and the heirs-male or female of her body, and to the heirs-male or female of their bodies, whom failing, to the next daughter of the Master, whom failing, Charles Leslie and James Leslie his brothers, and to the heirs-male of their bodies. But the royal signature and charter following on it were held by the House of Lords in 1793 to be fabricated. Jean Leslie was married (contract 8 March 1694) to Sir Philip Anstruther of Anstruther, who died 1743. She died 21 February 1740, leaving issue:—

1. WILLIAM, styled third Lord Newark.
2. *David*, died unmarried.
3. ALEXANDER, styled fourth Lord Newark.
4. *Christian*, died unmarried.
5. *Helen*, married, 6 June 1743,<sup>5</sup> to John Chalmers of Raderny, D.D., afterwards minister of the parish of

<sup>1</sup> Lamont's *Diary*; *The Red Book of Grandtully*, i. p. cxxvii. <sup>2</sup> Holyrood Burial Reg. <sup>3</sup> *Laing Charters*, 3095. <sup>4</sup> Holyrood Burial Reg. <sup>5</sup> Scott's *Fasts*.

Kilconquhar, who died 7 April 1791. She died 21 February 1787.<sup>1</sup>

6. *Jean*, died unmarried at Grangemuir 8 January 1790.
7. *Catherine*, died unmarried 1796.
8. *Margaret*, died unmarried.
9. *Johanna*, died unmarried after 1785.

WILLIAM, the eldest son, assumed the title of Lord Newark on his mother's death. He was a captain in Jordan's marines, reduced 1749, and got a company of invalids 1755. He voted at various elections of Scottish Representative Peers without challenge till 2 January 1771, when his vote was objected to on the ground that he was not an heir-male of the body of the grantee of the patent of 1661. He died, unmarried, at Edinburgh 5 February 1773, and was succeeded by his brother

ALEXANDER, who also assumed the title of Lord Newark. He was a merchant at Boulogne. He voted at the election of Peers in 1774 without challenge, but at the election of 1790 his vote was objected to on the same grounds as his brother's had been questioned previously. In 1793 the House of Lords pronounced the deeds above referred to, which had been produced in support of his claim, to be fabricated, and the Peerage must therefore be considered to have become extinct at the death of the second Lord. Alexander Leslie (the family had taken their mother's name) died at Stonehouse, near Plymouth, 10 March 1791, aged eighty. He married, about 1743, Elizabeth Price, the daughter of a captain in the East India Service. By her, who died before April 1799 when her will was proved,<sup>2</sup> he had issue:—

1. *John*, who assumed the title of Lord Newark on his father's death. He was, 26 November 1793, promoted to the lieutenant-colonelcy of the 3rd Foot, and the next month was appointed A.D.C. to the King. He died, apparently unmarried, at Exmouth 12 June 1818. Notwithstanding the decision of the House of Lords in 1793, he seems to have continued to style himself Lord Newark throughout his life, and his will

<sup>1</sup> *Scott's Fasti.* <sup>2</sup> *Complete Peerage.*

was proved in 1818 as that of John, Lord Baron Newark. Since his death there has been no assumption of the title.

2. *Philip*, born 1747, was a merchant in Boulogne. He married, 27 October 1777, Frances Manners, daughter of John, Marquess of Granby, and sister of Charles, fourth Duke of Rutland. She had been married, first, 9 July 1772, to George (Carpenter), Earl of Tyrconnel, from whom she was divorced 1777, on account of her elopement in July 1776 with Leslie, whom, as above stated, she married a few days after the divorce.<sup>1</sup> By her, who was born 25 March 1753, and died at Edinburgh 15, buried in Holyrood 20, October 1792,<sup>2</sup> he had issue.
3. *David*, who resumed his paternal name of Anstruther, was of Huntsmore Park in Buckinghamshire. He married — Donaldson of Allachie, co. Aberdeen.
4. *Francis*, an officer in the Hon. East India Company's service, died at Madras in December 1777.
5. *William*, born June 1759, married at Bath 2 November 1791 — Senior, niece of Sir Robert Smith, a general in the Danish service, and governor of Rendsburgh.
6. *Elizabeth*, married to — Magnus, London, and died at Boulogne 20 June 1787, leaving issue.<sup>3</sup>
7. *Jane*, married to John Sanford of Minehead, co. Somerset, and died 8 January 1790, leaving issue.

CREATION.—Lord Newark, 31 August 1661.

ARMS (not recorded in the Lyon Register).—Quarterly: 1st and 4th, argent, on a bend azure three buckles or, for *Leslie*; 2nd and 3rd, or, a lion rampant gules debruised by a ribbon sable: over all on an escutcheon gules a castle triple-towered argent, masoned sable, for *Lindores*.

CREST.—A demi-angel winged or, holding in his right hand a griffin's head proper.

SUPPORTERS.—Two griffins argent, beaked, winged, and armed or.

MOTTO.—*Periissem ni periissem*.

[J. B. P.]

<sup>1</sup> *Complete Peerage*. <sup>2</sup> Holyrood Burial Reg. <sup>3</sup> *Scots Mag*.

## LIVINGSTON, EARL OF NEWBURGH



SIR JOHN LIVINGSTON, of Kinnaird, ancestor of the Earls of Newburgh, is stated by the Peerage writers<sup>1</sup> to have descended from Robert, second son of Sir John Livingston of Callendar, ancestor of the Earls of Linlithgow, but no proof of this descent is given, and it can only be considered as being not without probability. The pedigree for which vouchers have been found begins with Henry

Livingston of Falkirk, who may have descended through the Livingstons of Middlebinning, from Robert Livingston of Linlithgow, Comptroller, who was executed 22 January 1449-50, along with a son of Sir Alexander Livingston of Callendar (*see title* Linlithgow). This Robert was probably a son of Henry Livingston of Manerstoun, a kinsman of the Callendar family, perhaps grandson of Sir John Livingston, killed at Homildon Hill in 1402.

HENRY LIVINGSTON of (or in) Falkirk appears to be first mentioned in two charters dated 3 and 4 January 1550-51,<sup>2</sup> one in favour of Mr. Alexander Livingston of Dunipace, and the other in favour of Thomas Livingston of Haining, third son of Alexander, fifth Lord Livingston,<sup>3</sup> in both of

<sup>1</sup> Crawford's *Peerage*, 275; Douglas's *Peerage*, 513. <sup>2</sup> *Reg. Mag. Sig.*

<sup>3</sup> Vol. v. of this work, 437.

which William, son of Henry Livingston in Falkirk, is included as an heir-substitute of entail. Henry Livingston was elected Provost of Stirling in succession to John Craigengelt of that Ilk, at Michaelmas 1553.<sup>1</sup> His predecessor had been in office several times, and seems to have taken offence at being passed over on this occasion, for the town council's choice of Livingston created a fierce feud between the Laird of Craigengelt and his supporters and the Livingstons, which culminated in a collision between the two parties in Stirling on 21 August 1555. The Livingstons were the victors in the fight, and they celebrated their victory in a cruel and barbarous manner by cutting off the left arms of John Craigengelt and his eldest son. For this outrage the Livingstons were summoned to stand their trial. On 26 November 1555 Mr. Alexander Livingston of Dunipace found William, Lord Livingston, as surety for their entry at the next justice-ayre of Stirling, to underlie the law for art and part in the mutilation of the Craigengelts, and on 8 January 1555-56 Henry Livingston in Falkirk, with William and Thomas, his sons, and his three servants, found the Laird of Dunipace caution for their appearance to answer the same charge.<sup>2</sup> The result of the trial, if it took place, is not recorded, but the minutes of Stirling Town Council show that the feud continued, and another outbreak became so imminent that the Queen-Regent addressed a letter to the council, advising them, in view of the Michaelmas election in 1556, to choose one of their own 'honest nyctbouris' as Provost, and 'on na wiss' to elect either Livingston or Craigengelt, or any of the partakers in their feud.<sup>3</sup> This well-meant advice received but scant attention, for another 'outlandman,' Robert Forrester of Calziemuck, was chosen Provost, and John Craigengelt one of the councillors. By and by, however, the feud died out, both Craigengelt and Livingston being members of the council in 1560, while the former was again elected Provost in 1564.<sup>4</sup> Along with his son, John Livingston of Abercorn, Henry Livingston appeared before the Privy Council on 7 September 1570, in circumstances which point to a suspicion on the part of the

<sup>1</sup> *Stirling Burgh Records* (1519-1566), 278. <sup>2</sup> *Pitcairn's Crim. Trials*, i. (pt. ii.) \*333. <sup>3</sup> *Stirling Burgh Records* (1519-1566), 68. <sup>4</sup> *Ibid.*, 280.

Regent Lennox that they were sympathisers with Queen Mary.<sup>1</sup> Henry was alive in 1575, his name occurring in a deed (written in his 'hospitium' in Stirling, and dated 13 August of that year) relating to Mr. Thomas Livingston, rector of Carnocht and Eriok, probably his son.<sup>2</sup> He married Margaret,<sup>3</sup> daughter of Sir James Forrester of Torwood,<sup>4</sup> who was perhaps his second wife, as his eldest son seems to have been of age in 1545, while his youngest son is said to have been born in 1563.<sup>5</sup> His children so far as ascertained were:—

1. *Alexander*, who had a feu-charter of lands in Falkirk from the Abbey of Holyrood on his father's resignation 7 May 1545. He next day granted a liferent charter to Elizabeth, daughter of Robert Wedder- spoon, burgess of Linlithgow, apparently in contemplation of marriage.<sup>6</sup> He was styled of Westquarter,<sup>7</sup> part of Redding, an old possession of the family of Livingston. His line ended in an heir-female, his great-granddaughter Helen, who married Sir William Livingston of Culter, son of the sixth Lord Livingston.<sup>8</sup>
2. *William*, styled in 1555 servitor of Mr. Alexander Livingston of Dunipace.<sup>9</sup>
3. *Mr. Thomas*, treasurer of Glasgow.<sup>10</sup> He married Helen Little, nurse of King James VI., relict of Alexander Gray.<sup>11</sup>
4. JOHN, of whom below.
5. *David*, who had a charter to his parents in liferent and himself in fee 17 July 1567.<sup>12</sup>
6. *Mr. Henry*, minister of St. Ninians.<sup>13</sup> He married Agnes Gray, with issue, and died before 26 August 1624.<sup>14</sup>

SIR JOHN LIVINGSTON, 'son of Henry Livingston of Falkirk,' was infeft in the lands of Winchelhaugh near Stirling in April 1564,<sup>15</sup> and he granted an annualrent from

<sup>1</sup> *P. C. Reg.*, xiv. 74-75. <sup>2</sup> Stirling Protocols ms., 1513-1596. <sup>3</sup> *Reg. of Deeds*, iii. 527. <sup>4</sup> Forrester ms. pedigree, which gives Henry Livingston of Falkirk as Margaret's second husband. <sup>5</sup> *Scott's Fasti*, pt. iv. 709. <sup>6</sup> Register of Tacks by the Commendators of Holyrood, 1545-67 (Ms. in Reg. Ho.). <sup>7</sup> *Reg. of Deeds*, iv. 436. <sup>8</sup> Westquarter charters. <sup>9</sup> *Reg. of Deeds*, i. 242. <sup>10</sup> *Ibid.*, iv. 436. <sup>11</sup> *Ibid.*, xix. 82. <sup>12</sup> Westquarter charters. <sup>13</sup> *Scott's Fasti*, pt. iv. 709. <sup>14</sup> Ms. Fragments of Stirling Protocols, 1513-1596. <sup>15</sup> *Ibid.*

these lands on 20 June 1565, when he is described as of Abercorn.<sup>1</sup> He had feu-charters of the Mains of Abercorn 15 October 1564 and 26 March 1565.<sup>2</sup> On 21 October 1478, Henry Livingstoun of Manerstoun was a party to an arbitration relating to the mill of Abercorn,<sup>3</sup> and on 21 October 1485, James, his son and heir, was infeft in the barony. John Livingston, nephew and heir of this James, obtained seisin of half of the mill of Abercorn 23 March 1513-14, along with half of the lands of Manerstoun and Philipstoun.<sup>4</sup> Manerstoun itself was part of the barony of Abercorn, and the territorial designation assumed by the fourth son of Henry Livingston of Falkirk in 1565 points to a relationship with the Manerstoun branch of the Livingstons such as is suggested above, although actual evidence of the connection is wanting. John Livingston of Abercorn was one of Queen Mary's master stablers in 1561, and afterwards held the same position under James VI. and Queen Anna. He had a gift of the office 11 February 1588-89,<sup>5</sup> and was appointed first master stabler to Queen Anna, 9 September 1589.<sup>6</sup> As equerry of the Queen's stable, he was granted £100 a year for life, 7 February 1603-4;<sup>7</sup> and in October 1605, in regard of his long and faithful service, he had a grant of the making of twenty persons born in foreign parts denizens of the realm.<sup>8</sup> He was made a knight before 30 August 1606, and was resident in Scotland;<sup>9</sup> and he was alive in 1610.<sup>10</sup> He married (contract 15 October 1567<sup>11</sup>) Elizabeth Carmichael. Her parentage is not stated, but John Carmichael of Meadowflat is a party to the contract. They had issue:—

1. James, of Abercorn, who married Helen Hamilton.<sup>12</sup>
2. Sir Henry,<sup>13</sup> appointed captain of a company of the Scots Brigade in Holland 12 January 1607.<sup>14</sup> He was knighted at Theobald's 16 July 1616,<sup>15</sup> and died before 24 November 1626.<sup>16</sup> He married Johanna Turck, and left issue:—

(1) John, who in 1628 was given a commission in his father's old

<sup>1</sup> Ms. Fragments of Stirling Protocols, 1513-1596. <sup>2</sup> *Reg. Sec. Sig.*, xxxii. 103; xxxiii. 22. <sup>3</sup> *Ninth Rep. Hist. MSS. Com.*, App. 232-234. <sup>4</sup> *Ibid.*, <sup>5</sup> *Rec. Sec. Sig.*, lix. 72. <sup>6</sup> *Ibid.*, lx. 56. <sup>7</sup> *Cal. State Papers, Dom.*, Addenda, 1580-1625, 75. <sup>8</sup> *Ibid.*, 491; Signet Bills, Public Record Office. <sup>9</sup> *Reg. of Deeds*, cxxxii. f. 457. <sup>10</sup> *Gen. Reg. Inhibs.*, xli. 210. <sup>11</sup> *Reg. of Deeds*, vii. 454. <sup>12</sup> *Ibid.*, lxii. 377. <sup>13</sup> *Ibid.*, lxiii. 359. <sup>14</sup> *Scots Brigade in Holland*, Scot. Hist. Soc., i. 69 n. <sup>15</sup> *Shaw's Knights of England*, ii. 158. <sup>16</sup> *Scots Brigade in Holland*, Scot. Hist. Soc., i. 69 n.

company. He was appointed captain in the Scots Brigade 14 January 1630, sergeant-major and lieutenant-colonel 4 December 1640, and died before 11 May 1649.<sup>1</sup>

- (2) *James*, apprenticed to John Livingston, merchant, 24 June 1636.<sup>2</sup> Apparently he was the James (afterwards Major James) Livingston who married Mary, daughter of Sir Alexander Foulis of Colinton, 30 January 1649,<sup>3</sup> and died 24 November 1667, and was buried in the Canongate Church.<sup>4</sup> His son, Captain John Livingston, who married, 17 March 1681,<sup>5</sup> Elizabeth, daughter of Sir Robert Hamilton of Silvertonhill, is said by Nisbet to have been the nearest heir-male on the death of the second Earl.

- (3) *Alexander*.

3. SIR JOHN of Kinnaird, of whom below.

4. *Alexander*, who had letters of denization in 1607 along with his brothers John and James. He married Jane, daughter of Matthew Chubbe of Dorchester,<sup>6</sup> with whom he had a grant of a pension of £200, 8 November 1613.<sup>7</sup> He also had grants of the parsonage house of Charminster, co. Dorset, 26 July 1615,<sup>8</sup> and (in reversion after his brother James) of the Keepership of Sonningwell Park, Berks, 11 November 1618.<sup>9</sup> He appears to have been living in 1636.<sup>10</sup>

5. *James*, junior, a servant of Prince Charles<sup>11</sup> in 1618, and afterwards a Groom of the Royal Bedchamber.<sup>12</sup> He was served tutor-at-law to his nephew James, son of his brother John, 23 December 1628.<sup>13</sup> He was apparently the same with James Livingston of Bell and Skirling, Groom of the Bedchamber and Keeper of the Privy Purse to King Charles I. He married (licence dated 13 December 1632<sup>14</sup>) Anne, daughter and eventual heir of John Naesmith, surgeon to King James I., and died without succession.

6. *Robert*, witness to a bond by his father 30 August 1606.<sup>15</sup>

7. *Mary*, married (contract 30 July 1596) to William Sinclair of Galwaldmoir.<sup>16</sup>

8. *Jean*, married (contract 24 June 1599) to William, eldest son of Robert Baillie of Femmeltoun.<sup>17</sup>

<sup>1</sup> *Scots Brigade in Holland*, Scot. Hist. Soc., 325 n., 356-357. <sup>2</sup> Edinburgh Apprentice Reg. <sup>3</sup> Canongate Reg. <sup>4</sup> *Ibid.* <sup>5</sup> Edin. Reg. <sup>6</sup> *Cal. State Papers, Dom.*, 1611-18, p. 225. <sup>7</sup> Patent Rolls, 11 Jac. I. Public Record Office. <sup>8</sup> *Ibid.*, 13 Jac. I. <sup>9</sup> *Ibid.*, 16 Jac. I. <sup>10</sup> *Cal. State Papers, Dom.*, 1636-37, p. 308; but the date of the document is uncertain. <sup>11</sup> *Reg. Mag. Sig.* <sup>12</sup> *Cal. State Papers, Dom.*, 1625-26, p. 23 *et seq.* <sup>13</sup> *Retours*. <sup>14</sup> Harleian Soc., xxiv., his age being given as forty, but actually about twenty-one. <sup>15</sup> *Reg. of Deeds*, cxxxii. f. 457. <sup>16</sup> *Ibid.*, lxii. 383. <sup>17</sup> *Ibid.*, lxxiii. 429.



SIR JOHN LIVINGSTON of Kinnaird, named in a deed after his brother Henry,<sup>1</sup> and therefore probably junior to the latter, appears as a Groom of the Bedchamber.<sup>2</sup> According to a petition presented by his widow, he served King James for thirty-eight years.<sup>3</sup> On 14 November 1604 he had a grant of a pension of £100 a year on the resignation of his father, John Livingston of Abercorn.<sup>4</sup> He was in high favour with James IV., and a number of grants to him are recorded in the State Papers. On 26 March 1618, the King granted *de novo* to John Livingston, his familiar servant and one of the Gentlemen of his Bedchamber, the lands and barony of Kinnaird in Perthshire, with the superiority of half of the lands and barony of Nachtan and others, in Fife, all from of old incorporated in the barony of Kinnaird, which John Kinnaird of Kinnaird and Margaret Ogilvie, his spouse, and John Kinnaird, their son and apparent heir, resigned.<sup>5</sup> On 6 December following, he had another charter of the barony of Kinnaird, on his own resignation; and also of the parish church of Kinnaird with teinds, which Ludovic, Duke of Lennox, resigned, with remainder, failing heirs-male of his body, to Sir Henry Livingston, his brother-german and heirs-male, whom failing, James Livingston, junior, his brother-german, etc.<sup>6</sup> On 4 June 1622 he obtained another charter of the same subjects, with remainder, failing heirs-male of his body, to his eldest heir-female.<sup>7</sup> Early in 1626, John Livingston of Kinnaird obtained from Charles I. the post of Clerk of the Market to the King's house throughout the realm for the space of twenty-three years,<sup>8</sup> and he was granted a patent as baronet of Nova Scotia 25 June 1627.<sup>9</sup> He died in February 1628.<sup>10</sup>

Sir John married at the Rolls Chapel, on 7 February 1618-19, Jane, daughter of Richard Sproxtoune of Wakefield, steward of the Star Chamber, and widow of William Mar-

<sup>1</sup> *Reg. of Deeds*, lxiii. 359. <sup>2</sup> *Cal. State Papers, Dom.*, Addenda, 1580-1625, p. 431. <sup>3</sup> *Ibid.*, 1631-33, p. 476. <sup>4</sup> *Ibid.*, 1603-10, p. 167. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Ibid.* <sup>7</sup> *Reg. Sec. Sig.*, xciii. 12. <sup>8</sup> *Ibid.*, 13 January, 8 February 1526. <sup>9</sup> *P. C. Reg.* (2nd series), i. p. ciii. <sup>10</sup> *Edin. Tests.* His will is dated 28 February 1627-28, and was proved in London 21 March thereafter. A letter from Sir Henry Savile's widow to Secretary Dorchester states that her nephew Livingston assured himself that the physic given him by the fashionable physician, Dr. Mayerne, had shortened his days (*Cal. State Papers, Dom.*, 1629-31, p. 484).

wood.<sup>1</sup> As widow of Sir John Livingston she had a charter of the lands of Dunipace,<sup>2</sup> and married, thirdly, between 1633 and 1645, Edward, first Lord Gorges,<sup>3</sup> and was buried from Lincoln's Inn Fields, at St. Margaret's, Westminster, 15 May 1665. In a petition for the continuance of her pension, dated in 1664, she states that she is eighty years old.<sup>4</sup> By this lady Sir John Livingston had a son and daughter:—

1. SIR JAMES, who succeeded.
2. *Dorothy*, married 23 November 1641, at Kensington, when about twenty years of age, to the Right Honourable Charles, Lord Stanhope of Harrington.<sup>5</sup>

I. SIR JAMES LIVINGSTON of Kinnaird, who was a minor at his father's death, and was placed under the tutorship of his uncle, James Livingston, junior, was served heir to his father 19 March 1629.<sup>6</sup> He was one of the Gentlemen of the Bedchamber to King Charles I.,<sup>7</sup> and on 13 September 1647 received the title of VISCOUNT OF NEWBURGH AND LORD OF KINNAIRD, with succession to the heirs-male of his body.<sup>8</sup> Acting in concert with the Earl of Suffolk, his father-in-law, he planned the escape of the King when a prisoner at Bagshot, but the plan was not carried out. After the execution of Charles I., in consequence of Cromwell having discovered a secret correspondence with Charles II., Viscount Newburgh prudently joined the King at the Hague. After the treaty of Breda, he accompanied him to Scotland, and was appointed lieutenant-colonel of His Majesty's Life Guards.<sup>9</sup> His name appears among the Lords 'taken in' at the Scottish Parliament opened on 26 November 1650, but while he sat in the house 'none opposing it,' he was ordained not to vote until he had subscribed the Covenant, and also the League Covenant, both in the church and in face of

<sup>1</sup> *Cal. State Papers, Dom.*, 1619-23, pp. 9, 11, 13. <sup>2</sup> For the story of the relations of the lady's father and her first husband, see *Brit. Mus. MS. Lansd.*, 162. Her mother was a sister of Sir Henry Savile, Provost of Eton (*Genealogist*, new ser., xv. 42-43), and connected with other important people. The King gave her for her jointure £500 a year from the customs. <sup>3</sup> *The Livingstons of Callendar*, 135. <sup>4</sup> *Ibid.*, 134. <sup>5</sup> *Ibid.*, 135. <sup>6</sup> *Retours*. <sup>7</sup> *Douglas's Peerage* (Wood's ed.), ii. <sup>8</sup> *Reg. Mag. Sig.* <sup>9</sup> *Balfour's Annals*, iv. 85.

Parliament.<sup>1</sup> He was with the Scottish army at Worcester, and escaped capture on its defeat. He was one of those excepted from Cromwell's Act of Grace in 1654.<sup>2</sup> At the Restoration he was created EARL OF NEWBURGH, VISCOUNT OF KINNAIRD, AND LORD LIVINGSTON OF FLACRAIG, 31 December 1660, with succession to his heirs whomsoever.<sup>3</sup> He was again placed in command of the Scottish Life Guards, but was superseded in 1670. For his 'good services and loyalty,' he was granted a tack of the custom of the borders betwixt England and Scotland, 23 April 1662.<sup>4</sup> His estates had been restored to him by the Scottish Parliament in 1661. He died in December 1670, 'leaving behind him the character of one of the finest gentlemen of the age.'<sup>5</sup> Lord Newburgh married first, in or shortly before 1649, Catherine Howard, eldest daughter of Theophilus, second Earl of Suffolk, and widow of George, Seigneur d'Aubigny. She died at the Hague in 1650, and he married, secondly, after June 1655, Anne, daughter of Sir Henry Poole, Bart., who was buried at St. Margaret's, Westminster, 26 May 1692, and by whom he left an only son,

II. CHARLES LIVINGSTON, second Earl of Newburgh (styled Lord Kinnaird till his succession to the Peerage), who was served heir to his father 25 January 1684.<sup>6</sup> He was a state prisoner in the Tower from 16 July to 15 August 1690,<sup>7</sup> and died in 1694, being buried at Cirencester 7 April, when the baronetcy and the viscounty of Newburgh became extinct. He married (licence 12 September 1692) Frances, daughter of Francis, Lord Brudenel, son and heir-apparent of George, Earl of Cardigan. She married, secondly, in 1695, Richard, third Lord Bellew of Duleek, and died at Dublin 23 February 1736.<sup>8</sup> By his wife the Earl had an only child,

III. CHARLOTTE MARIA LIVINGSTON, Countess of Newburgh, who possessed the title for the long period of sixty-

<sup>1</sup> Balfour's *Annals*, 195-196. 'Testificatt from the minutes of Kinnaird concerning the Viscount of Newburgh, his taking of the solemn league and covenant redd in Parliament' (*Acta Parl. Scot.*, vi. pt. ii. 617).  
<sup>2</sup> *Ibid.*, 818, 821. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *Acta Parl. Scot.*, vii. 443. <sup>5</sup> Douglas's *Peerage*, ii. 308. <sup>6</sup> *Retours.* <sup>7</sup> *The Livingstons of Callendar*, 139. <sup>8</sup> He had a natural son *Charles*, born 1690, to whom he left an annuity of £40.

one years. She was married (contract 22 December 1713<sup>1</sup>) to Thomas, eldest son and heir-apparent of Hugh, second Lord Clifford of Chudleigh. He died 21 February 1718, and the Countess married, secondly, at Brussels, 24 June 1724,<sup>2</sup> Charles, third son of Francis, Lord Radcliffe, second Earl of Derwentwater, by Mary Tudor, a daughter of Charles II. He had engaged in the rebellion of 1715, and having been convicted of treason and condemned to death along with his brother the Earl of Derwentwater, who was executed, he succeeded in making his escape out of Newgate prison 11 December 1716, and landed safely in France. He settled in Paris, having been granted a pension by the Chevalier, and assumed the title of Earl of Derwentwater as heir of his brother. On two occasions he is said to have visited London without any notice being taken by the Government, but when, in November 1745, he sailed from Calais on board a French man-of-war conveying arms and ammunition for the Jacobite insurgents, he ran a greater risk of being apprehended, and the vessel having been seized in open sea and brought to Deal, he and his son were committed to the Tower. The latter was soon liberated, but after the rebellion was suppressed Radcliffe was placed at the bar of the Court of King's Bench, to have execution pronounced against him in terms of his former sentence, and every plea for mercy proving unavailing, he was beheaded on Tower Hill 8 December 1746, and buried in St. Giles-in-the-Fields. His widow died 4 August 1755. Issue of first marriage:—

1. *Anne Clifford*, born 1715, married, first, 22 December 1739, as second wife, to John Joseph Mahony, Count Mahony, a general in the Neapolitan service. She died 28 April 1793, leaving an only child:—

(1) *Cecilia Carlotta Francisca Anna*, Countess Mahony, baptized 28 December 1740, married, 18 May 1757, to Benedict, Prince Giustiniani, died 18 February 1789. He died 26 February 1793, with issue:—

- i. *Vincentius Giustiniani*, baptized 1 February 1759, died 15 August 1761, aged two years, six months, and fifteen days.<sup>3</sup>
- ii. *Girdano Philip James Joseph Nicolas Augustini Gratilianus Gaspar Balthassar Melchior*, born 27 August 1760, died 12 December 1760.<sup>4</sup>

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<sup>1</sup> Supplemental Case, Peerage Case, 1.   <sup>2</sup> *Ibid.*, 2.   <sup>3</sup> Peerage Case Minutes 185.   <sup>4</sup> *Ibid.*, 182.

- iii. VINCENT JOSEPH PHILIP GRATILIANUS JAMES GASPAR BALTHASSAR MELCHIOR DOMINICUS, born 2 November 1762,<sup>1</sup> sixth Earl of Newburgh.
- iv. *Laurence James Angelo Philip Dominic Louis Ignatius John Joseph Vincent*, baptized at Rome 2 October 1767,<sup>2</sup> died 22 March 1843.
- v. *James Thomas Joseph Vincent*, baptized at Rome, 30 December 1769,<sup>3</sup> cardinal bishop of Albano, died 24 February 1843.

Lady Anne Clifford married, secondly (royal licence dated at Naples 13 April 1773<sup>4</sup>), Don Carlo Severino, lieutenant-colonel of the Regiment Royal Campagna, at Ischia, without issue. She died in the island of Ischia 1 April 1793.<sup>5</sup>

- 2. *Frances Clifford*, married, 20 September 1738, to William Middleton of Yorkshire.<sup>6</sup>

Issue of second marriage:—

- 3. JAMES BARTHOLOMEW RADCLIFFE, third Earl of Newburgh.
- 4. *James Clement Radcliffe*, born 5 November 1727; married Clementina —; major-general in the service of the King of France; died without issue in 1788.<sup>7</sup>
- 5. *Barbara Joanna*, baptized at Rome 18 March 1728,<sup>8</sup> and was buried in the churchyard of St. Vedast, Cambay, 7 August 1769.<sup>9</sup>
- 6. *Charlotte*, died unmarried, buried in St. Giles-in-the-Fields 22 March 1800.<sup>10</sup>
- 7. *Anne Thomasine*, born 12 January 1730,<sup>11</sup> died in childhood, and buried 31 May 1734 in the church of San Lorenzo in Lucina.<sup>12</sup>
- 8. *Mary Frances Guillelma*, born August 1732, died 27 August 1798; married, 11 February 1755, to Francis Eyre of Warkworth, Northampton, who died 7 October 1804, aged seventy-two years. She died 27 August 1798,<sup>13</sup> leaving issue:—

- (1) *Francis Eyre* of Hassop, born 10 February 1762, who assumed the title of Earl of Newburgh in 1814, but took no proceedings to establish his right to it. He married, 29 August 1787, Dorothy, daughter of John Gladwin, Esq. of Mansfield,

<sup>1</sup> Peerage Case Minutes, 116. <sup>2</sup> *Ibid.*, 114. <sup>3</sup> *Ibid.*, 186. <sup>4</sup> *Ibid.*, 165. <sup>5</sup> *Ibid.*, 108. <sup>6</sup> Douglas's *Peerage* (Wood's ed.), ii. 308. <sup>7</sup> Peerage Case Minutes, 87. <sup>8</sup> *Ibid.*, 89. <sup>9</sup> *Ibid.* <sup>10</sup> *Ibid.*, 90. <sup>11</sup> *Ibid.*, 60. <sup>12</sup> *Ibid.*, 66. <sup>13</sup> *Ibid.*, 137.

and died 23 October 1827. She died 2 November 1838, leaving issue:—

- i. *Thomas*, born 21 October 1790. In 1831 he presented a petition to the King claiming the Peerage, which was referred to the House of Lords, but no proceedings followed. He married, 14 November 1817, Margaret Kennedy, daughter of Archibald, first Marquess of Ailsa; died *s.p.* 22 March 1833,<sup>1</sup> and was buried at the Roman Catholic Chapel, Moorfields, 28 May 1833.<sup>2</sup> His widow survived till 3 December 1889.
  - ii. *Francis*, who also assumed the Newburgh title. He was born 7 July 1794, died unmarried 15 October 1852.<sup>3</sup>
  - iii. *Dorothy*, born 13 July 1788, who, on the death of her brother Francis, assumed the title of Countess of Newburgh. She married, as his second wife, 21 July 1836, Colonel Charles Leslie, K.H., of Balquhain, and died without issue 22 November 1853, leaving Hassop, Slindon, and all her other estates in the counties of Derby, Sussex, Gloucester, and Northumberland to her husband, whom she appointed her sole executor.<sup>4</sup>
  - iv. *Mary*, born 12 October 1789, died 5 October 1813 unmarried.
  - v. *Charlotte*, born 6 June 1792, died 6 August 1818, unmarried.
  - vi. *Anne*, born 16 May 1796, died 25 April 1802.
  - vii. *Barbara*, born 18 May 1798, a nun, who died 13 April 1849.<sup>5</sup>
  - viii. *Radcliffe* (a daughter), born 27 May 1802, who died unmarried, and was buried at the Roman Catholic Chapel, Moorfields, 1 August 1840.<sup>6</sup>
- (2) *James* of Metz. He married Thérèse Joséphine de Chénécourt, and died in 1816, leaving an only child,
- i. *Caroline*, who died at Paris, unmarried, 16 April 1838, aged thirty-one.<sup>7</sup>
- (3) *Charles*, who died unmarried in 1819.
- (4) *Mary*, married, 9 April 1793<sup>8</sup> to Arthur Onslow, serjeant-at-law, and died, without issue, 14 May 1800.<sup>9</sup>

IV. JAMES BARTHOLOMEW RADCLIFFE, who succeeded his mother in the Newburgh Peerage, was baptized at Vincennes 25 August 1725.<sup>10</sup> After the execution of his father he put in a claim to the reversion of the Derwentwater estates, but this was disallowed, and a trust created by Act of Parliament,<sup>11</sup> under which the estates were to be administered for the benefit of Greenwich Hospital, with a certain allowance to the children of Charles Radcliffe.

<sup>1</sup> Vol. ii. of this work, 500. <sup>2</sup> Peerage Case Minutes, 145. <sup>3</sup> *Ibid.*  
<sup>4</sup> *Historical Records of the Family of Leslie*, iii. 240. <sup>5</sup> Peerage Case Minutes, 150. <sup>6</sup> *Ibid.*, 152. <sup>7</sup> *Ibid.*, 155. <sup>8</sup> *Ibid.*, 157. <sup>9</sup> *Ibid.*, 158.  
<sup>10</sup> *Ibid.*, 56. <sup>11</sup> 22 Geo. II. cap. 52, sec. 14.

It appears from the Act referred to that a sum of £30,000 was set apart for this purpose, of which £6000 was to be divided between the Countess (for behoof of her second son) and her three daughters, and the remaining £24,000 invested in securities, the interest to be paid to the eldest son, and after his decease the principal was to go to his eldest son on attaining the age of twenty-one. In 1784, the third Earl of Newburgh considering it prudent to fortify his Scottish title in view of the fact that he was born in a foreign country, and that his father had been attainted of high treason, presented a petition to the King praying His Majesty to declare that the petitioner was rightfully entitled, as well to the honour and dignity of the earldom of Newburgh, as to all the rights and privileges which are annexed to Peers of the realm. This petition was by His Majesty's command presented to the House of Lords 14 June 1784, and referred to the consideration of the Committee for Privileges. There seems to be no record of any further proceedings. The Earl died at Slindon in Sussex 2 January 1787.<sup>1</sup> He married (contract 11 November 1749) Barbara, eldest daughter and heiress of Anthony Kemp, Esq. of Slindon. She died 12 September 1797, aged seventy-seven, leaving a son and daughter:—

1. ANTHONY JAMES, who succeeded as fourth Earl.
2. *Anne*, who died unmarried, 18 November 1785, aged twenty-seven.<sup>2</sup>

V. ANTHONY JAMES RADCLIFFE, fourth Earl of Newburgh, was born 20 June 1757. On his petitioning Parliament in 1788 for an allowance out of the Derwentwater estates, an Act was passed settling a rent-charge of £2500 a year upon him and the heirs-male of his body. He married, 30 June 1789, Anne, only daughter of Joseph Webb, Esq. of Welford, and died without issue 29 November 1814. His widow survived him forty-seven years, dying 3 August 1861, aged ninety-eight. In default of direct heirs, the earldom devolved upon

VI. VINCENT JOSEPH PHILIP GRATILIANUS JAMES GASPAR BALTHASSAR MELCHIOR DOMINICUS, PRINCE GIUSTINIANI,

<sup>1</sup> Peerage Case Minutes, 67. <sup>2</sup> *Ibid.*, 74.

nominally fifth Earl of Newburgh, great-grandson of the Countess Charlotte Maria (*see above*, p. 455), born 2 November 1762, who, however, took no steps to establish his right to the succession, the Eyre family being allowed to assume the Newburgh title unchallenged. The Prince married, 21 May 1789, at Naples,<sup>1</sup> Maria Nicoletta Giuseppa Francesca Raffaella Cornelia Melchiora Gaspara Baldassara Angela Giovanna Luisa Guidetta, daughter and heir of Dominico (Grillo), Duke of Mondragone in the kingdom of Naples, and died 13 November 1826, leaving an only daughter and heiress,

VII. MARIA CECILIA AGATHA ANNA JOSEPHA LAURENTIA DONATA MELCHIORA BALDASSARA GASPARA, PRINCESS GIUSTINIANI, born 5 February 1796, whose claim to the earldom of Newburgh, viscounty of Kinnaird, and barony of Livingston was allowed by the House of Lords 30 July 1858, she, along with her son, having been naturalised by Act of Parliament the previous year. She died 8 January 1877, having married, 21 September 1815, Charles, fourth Marquis Bandini and Rustano in the Roman States. He died 5 June 1850. They had issue:—

1. SIGISMUND, of whom below.
2. *Nicoletta*, born 1817, married, 1835, to Charles, Marquess Santa Croce of Villa Hermora, died 1836.
3. *Elizabeth*, born 1820, married, 1841, to Marquess Augustin Triorifi of Ancona.
4. *Cristina*, born 1822, married, 1845, to Count Marcello Marcelli Flori, died 4 July 1865.
5. *Maria*, born 1825, married, 1851, to Cavaliere Frederico Pucci Boncambi of Perugia.

VIII. SIGISMUND NICHOLAS VENANTIUS GAJETANO FRANCIS GIUSTINIANI BANDINI, sixth Earl of Newburgh, born 30 June 1818, succeeded his father as fifth Marquis of Bandini 5 June 1850, and assumed the name of Giustiniani as adopted heir of his uncle James, Cardinal Giustiniani, Bishop of Albano, created Prince Bandini Giustiniani in the Roman States by diploma 27 January 1863, to him and his descendants in the eldest male line only. He succeeded his

<sup>1</sup> Peerage Case Minutes, 122.



mother in the Scottish Peerage 8 January 1877. He died at Rome 3 August 1908, in his ninety-third year, having married, 15 September 1848, Maria Sophia Angelica, daughter and co-heiress of Cavaliere Giuseppe Maria Massani. By her, who was born 13 May 1830 and died in December 1898, he had two sons and eight daughters, all naturalised by private Act of Parliament 1860.

1. *Carlo*, born 29 April 1860; died 2 September 1861.
2. CARLO, who succeeded.
3. *Nicoletta Maria*, born February 1850; died 15 May 1855.
4. *Carolina Maria Elena Gioacchina Giuseppe*, born 10 June 1851; married, 8 April 1872, to Count Guardino de Colleoni Porto, Count de Solza.
5. *Elena Maria Concetta Isabella Gioacchina Giuseppa*, born 8 June 1853; married, 25 June 1876, to Prince Camillo Rospigliosi, with issue.
6. *Nicoletta Maria Nazarena Gioacchina Margherita*, born 23 October 1863; married, 20 February 1881, to Marco, duca Grazioli.
7. *Maria Christina Isabella Agnese Gioacchina*, born 20 February 1866; a nun.
8. *Maria Isabella Giovanna Teresa Gioacchina*, born 17 April 1867; married, 17 November 1898, to Esmé William Howard, C.V.O., G.M.G., with issue.
9. *Maria Cecilia Pia Anna Gioacchina*, born 20 November 1871.
10. *Anna Maria*, born 19, and died 29, July 1874.

IX. CARLO, seventh Earl of Newburgh, born 1 January 1862; married, 8 August 1885, Donna Maria Lanza di Trabia, daughter of Giuseppe, Prince di Trabia e di Butera of Palermo, and on his marriage assumed the title of Duca di Mondragone. He has issue:—

1. *Sigismondo Mario Bandino Giuseppe*, Lord Livingston, born 20 June 1886.
2. *Lorenzo Maria*, born 14 April 1898.
3. *Maria Giuseppina*, born 4 May 1889.
4. *Giuseppa Maria*, born 3 September 1896.

CREATIONS.—Viscount of Newburgh, and Lord of Kinnaird,

13 September 1647; Earl of Newburgh, Viscount of Kinnaird and Lord Livingston of Flacraig, 31 December 1660.

**ARMS.**—Argent, on a bend between three gillyflowers gules an anchor of the first, all within a double tressure vert.

**CREST.**—A Moor's head proper, banded gules and argent, with pendants argent at his ears.

**SUPPORTERS.**—Dexter, a savage proper, wreathed about the head and middle vert; sinister, a horse argent furnished gules.

**MOTTO.**—*Si je puis.*

[W. B. C.]

## CHEYNE, VISCOUNT OF NEWHAVEN



HIS branch of the wide-spreading house of Cheyne or Cheyney was for at least four centuries settled in Buckinghamshire. Thomas Cheyne, King's Esquire, received from Edward III. a grant of the manor of Drayton Beauchamp in that county in 1364,<sup>1</sup> and was buried there in 1368.<sup>2</sup>

WILLIAM CHEYNE, who was probably son of the above Thomas, held the manor of Drayton Beauchamp, and died there 29 August 1375.<sup>3</sup> By Joan his wife, who was living 1385, he had a son,

ROGER CHEYNE, King's Esquire, born 1 August 1362, died 14 May 1414, buried at Cassington in Oxfordshire.<sup>4</sup> According to the inquisitions taken after his death,<sup>5</sup> he was seised, with other lands, of the manor of Drayton Beauchamp, a manor in Cassington, and a messuage in the parish of St. Michael, Paternoster Church, Bow Lane, in the ward of Dowgate, in the City of London. He had two sons:—

1. *Sir John Cheyne.*

2. SIR THOMAS CHEYNE of Chesham Bois, co. Bucks, died

<sup>1</sup> Patent Roll, 38 Edw. III., pt. 2, m. 32. <sup>2</sup> Boutell's *Monumental Brasses.* <sup>3</sup> Patent Roll, 8 Ric. II. pt. 2, m. 19. <sup>4</sup> Boutell's *Monumental Brasses.* <sup>5</sup> I. P. M., 2 Hen. v., File 7, No. 19.

before 15 August 1468, leaving, by Eleanor his wife, daughter of Sir John Chesham, knight, and widow of Sir John Penyston, knight, a son,

(1) JOHN CHEYNE, of Chesham Bois, died before 15 August 1468; by his wife, who is said to have been Perin or Perina, daughter of Sir Robert Whitney, knight, he had a son,

i. JOHN CHEYNE, of Chesham Bois, who, according to an inquisition taken on Saturday next after the Feast of St. John the Baptist 6 Edw. iv.,<sup>1</sup> died 17 May 1466. By his wife Elizabeth, daughter of Edmund Brudenell of Raans, co. Bucks (who married, secondly, John Tyringham of Tyringham), he had a son,

(i) JOHN CHEYNE, who succeeded his father's great-uncle Sir John Cheyne at Drayton Beauchamp, and of whom hereafter.

SIR JOHN CHEYNE was twenty-four years old at the death of his father, and was therefore born in 1390. He died, without surviving issue, on the Feast of the Assumption, 15 August 1468, seised of the manors of Drayton Beauchamp, the Grove in Chesham, and Iselhampstead Cheyne (*i.e.* Chenies), co. Bucks, and Cogenhoe, co. Northampton. His heir was found by two inquisitions<sup>2</sup> to be John Cheyne (aged three years), son of John, son of John, son of Sir Thomas Cheyne, brother of the said Sir John Cheyne. Sir John married, first, Joan, who is said to have been daughter of Sir Robert Fitz Marmaduke, knight, and secondly, Agnes, daughter of William Lexham of Houghton-in-the-dale, Norfolk.<sup>3</sup> She married, secondly, before 16 October 1472, Edmond Molyneux of London, who died 21 January 1484-85, and was buried at Chenies.<sup>4</sup> At the death of Sir John Cheyne, his widow Agnes, under settlements executed 5 February 1465-66 and 22 July 1468, became seised, in right of survivorship, of the manors of Cogenhoe and Chenies. The latter manor she appears, by her will, dated 20 November 1494, to have settled upon her niece Anne Semarc,<sup>5</sup> from

<sup>1</sup> I. P. M., 6 Edw. iv., File 19, No. 22. <sup>2</sup> *Ibid.*, 8 Edw. iv., File 30, No. 51.

<sup>3</sup> She is expressly called daughter of William Lexham in the inquisitions to Sir John Cheyne, and she cannot have been, as asserted in Wood's Douglas and in Bridges' *Northamptonshire*, i. 347, identical with Agnes, sister and heir of William de Cogenhoe. <sup>4</sup> Lipscombe's *Bucks*, iii. 252.

<sup>5</sup> Bridges' *Northamptonshire*, ii. 596, and *Complete Peerage*, under Bedford. Anne Semarc's mother was probably a Lexham, for she received a bequest under the will of Margaret, widow of William Lexham, proved 5 May 1473 (P. C. C., 8 Wattys).

whom it passed by descent to the Russells, Earls and Dukes of Bedford. The manor of Cogenhoe was settled by the same will<sup>1</sup> upon the heir of Sir John Cheyne, John Cheyne of Chesham Bois, co. Bucks.

JOHN CHEYNE, who thus succeeded his father's great-uncle Sir John Cheyne at Drayton Beauchamp, and the latter's widow at Cogenhoe, was eight weeks old at his father's inquisition in June 1466,<sup>2</sup> and was therefore aged two years and about four months at the death of Sir John Cheyne. According to two inquisitions, taken in the counties of Bucks and Northampton 10 and 21 August, 27 Henry VIII.,<sup>3</sup> he died 2 January 1534-35. His will, dated 16 December 1534, is recited in these inquisitions. By his wife Margaret (who survived him), daughter of Robert Ingleton of Thornton, co. Bucks, he had, with a younger son *John* and several daughters, a son,

ROBERT CHEYNE of Drayton Beauchamp and Chesham Bois, co. Bucks, who was aged forty-seven in August 1535, and was therefore born in 1488. He died 9 December 1552, and was buried at Chesham Bois;<sup>4</sup> his nuncupative will, made on the day of his death, was proved 10 March 1552-53.<sup>5</sup> An inquisition was taken at Chesham 2 March 1552-53.<sup>6</sup> By his first wife Elizabeth (who died 20 December 1516, and was buried at Chesham Bois<sup>7</sup>), daughter of John Webbe, Gentleman-Usher to Edward VI., and widow of Fulke Woodhull or Odell, he had, with other issue, a son,

JOHN CHEYNE of Drayton Beauchamp and Chesham Bois, aged thirty-eight at the date of his father's inquisition, and therefore born about 1515. He died 14 November 1585; his will, dated 24 June 1585, was proved 18 March 1585-86.<sup>8</sup> An inquisition was taken at Chipping Wycombe, co. Bucks, 14 March 1585-86.<sup>9</sup> He married, first, Winifred, daughter of John, Lord Mordaunt; she died 8 July 1562, and was

<sup>1</sup> Bridges' *Northamptonshire*, i. 347, on the authority of Browne Willis's *Collections*. <sup>2</sup> I. P. M., 6 Edw. iv., File 19, No. 22. <sup>3</sup> I. P. M., 27 Hen. VIII., vol. 57, No. 18 and No. 35. <sup>4</sup> Lipscombe's *Bucks*, iii. 272. <sup>5</sup> P. C. C., 5 Tashe. <sup>6</sup> I. P. M., 7 Edw. vi., No. 2. <sup>7</sup> Lipscombe's *Bucks*, iii. 272. <sup>8</sup> P. C. C., 16 Windsor. <sup>9</sup> I. P. M., 28 Elizabeth, C. 210, No. 60.

buried at Chesham Bois.<sup>1</sup> They had, with several daughters, three sons:—

1. JOHN CHEYNE.

2. *Sir Francis Cheyne*, who succeeded his father in the estates of Drayton Beauchamp and Chesham Bois to the exclusion of his eldest brother, under a settlement executed by his father in 1568 or 1569. He was born in 1547; was Sheriff of Bucks November 1589 to November 1590; knighted 1603, and again Sheriff of Bucks 1 December 1603. He died 5 or 11 January,<sup>2</sup> and was buried in the chancel of the church of Drayton Beauchamp 12 January 1619-20.<sup>3</sup> His will, dated 31 December 1619, with codicil dated 1 January 1619-20, was proved 25 January 1619-20.<sup>4</sup> An inquisition was taken at Buckingham 17 August 1620.<sup>5</sup> He married, about 1574, Mary, daughter of Thomas Powle, clerk of the Crown in Chancery, and sister of Sir Stephen Powle of Stepney, co. Middlesex, but had no issue. She was buried at Drayton Beauchamp 25 February 1629-30.<sup>6</sup>

3. *Thomas Cheyne*, died 29 January 1619-20, and was buried at Drayton Beauchamp.

John Cheyne married, secondly, Joyce, daughter of Sir Anthony Lee of Burston, co. Bucks, knight, and by her, who died in 1578, he had (with a daughter Katherine):—

4. *Henry Cheyne*, who died *s.p.* before 23 May 1618.

JOHN CHEYNE of Chendith, in the parish of King's Langley, co. Herts, born about 1546. On account of his extravagance, he was partially disinherited by his father, who, however, settled upon him the manor of Chendith and certain lands in Herts, Bucks, and Northamptonshire. He died in London 27 January 1590-91. Two inquisitions were taken after his death, one at Hemel Hempstead, 25 March 1591,<sup>7</sup> and the other at St. Albans, 5 May 1595.<sup>8</sup> He married, about 1568, Margaret, daughter of Thomas Skip-

<sup>1</sup> Lipscombe's *Bucks*, iii. 272. <sup>2</sup> According to the inscription on his tomb 5 January, but in his inquisition 11 January. <sup>3</sup> Parish Register, for extracts from which the compiler has to thank the Rev. E. W. Betts, Rector of the Parish. <sup>4</sup> P. C. C., 4 Soame. <sup>5</sup> I. P. M., 18 Jac. I., pt. 2, No. 83. <sup>6</sup> Parish Register. <sup>7</sup> I. P. M., 33 Elizabeth, C. 228, No. 93. <sup>8</sup> *Ibid.*, 37 Elizabeth, C. 243, No. 65.

with of St. Albans; she died 30 January 1578-79, and was buried in the church of King's Langley, where a tomb was erected to her memory, bearing a curious inscription.<sup>1</sup> They had, with two other children, who died in their mother's lifetime, three sons:—

1. *John Cheyne*, of Chendith, born about July 1571. He was plaintiff in a suit in Chancery against his uncle, Sir Francis Cheyne, 22 November 1593,<sup>2</sup> and died *s.p.* 1 February 1597-98; buried at King's Langley.<sup>3</sup>
2. FRANCIS CHEYNE.
3. *Edmond Cheyne*, living 31 December 1619.

FRANCIS CHEYNE of Chendith, and afterwards of Chesham Bois, matriculated at Trinity College, Oxford, 19 September 1600, aged twenty-six,<sup>4</sup> and was therefore born in or about 1574. He was admitted at Lincoln's Inn 3 May 1597.<sup>5</sup> Sheriff of Bucks, 1633-34. He died at Chesham Bois 15 July 1644. His will, in which he desired to be buried in the chancel of the church at Chesham Bois, dated 11 April, was proved 29 November 1644,<sup>6</sup> by Charles Cheyne, his eldest surviving son and executor. Inquisition taken at Chesham 10 April 1645.<sup>7</sup> By his first wife, Elizabeth Wright, who died in her thirtieth year, 20 March 1620-21, and was buried in the chancel of the church at King's Langley,<sup>8</sup> he had a son:—

1. *Francis Cheyne*,<sup>9</sup> living in 1615, but died *s.p.* before 17 August 1620.

He married, secondly, in 1621 or 1622, Anne, daughter of Sir William Fleetwood of Missenden, co. Bucks, Knight; she died 25 May 1630, and was buried the same day at Chesham Bois.<sup>10</sup> By her he had four sons:—

2. *William Cheyne*, born about 1623; died *s.p. v.p.* 1641, probably in the parish of St. Dunstan-in-the-West, London. He married Lucy, daughter of Sir Thomas

<sup>1</sup> Clutterbuck's *Hertfordshire*, i. 437. <sup>2</sup> Chancery Proceedings, Elizabeth, Cc. 12, No. 57. <sup>3</sup> Clutterbuck's *Hertfordshire*, i. 437. <sup>4</sup> Foster's *Alumni Oxonienses*. <sup>5</sup> Lincoln's Inn Admission Register. <sup>6</sup> P. C. C., 9 Rivers. <sup>7</sup> I. P. M., 21 Charles I., C. vol. 743, No. 18. <sup>8</sup> Clutterbuck's *Hertfordshire*, i. 438. <sup>9</sup> There was probably another son of this marriage, also named Francis, for the Bath Abbey Registers record the burial, 5 November 1630, of 'Francis Cheynie of Cheshamboyse, co. Bucks.'  
<sup>10</sup> Parish Register. See also Bridgewater mss., *Eleventh Rep. Hist. MSS. Com.*, App., Pt. vii. p. 151.

Barrington of Barrington Hall, Essex, Bart.; she administered to his goods P.C.C. 17 June 1641. She married, secondly, about 1645, Sir Toby Tyrrell, third Baronet, and died 1691, leaving issue by him.

3. *Francis Cheyne*, matriculated at Brasenose College, Oxford, 29 January 1639-40, aged fifteen, and therefore born about 1624. Admitted at Lincoln's Inn 8 February 1641-42. He died *s.p.* before the date of his father's will, 11 April 1644.
4. CHARLES CHEYNE, created Viscount of Newhaven.
5. *John Cheyne*, born at Chesham Bois 18 May 1630;<sup>1</sup> living 11 April 1644.

CHARLES CHEYNE, third, but eldest surviving, son of Francis Cheyne by his second marriage, was aged eighteen years and nine months at the date of his father's death, 15 July 1644, and was therefore born in October 1625. He matriculated at Brasenose College, Oxford, 29 January 1639-40, aged fourteen, and was admitted at Lincoln's Inn 8 February 1641-42. In September 1657 he acquired the mansion-house of Chelsea Place, and in January 1660-61 the manor of Chelsea, these properties being purchased with part of the large dowry of his first wife.<sup>2</sup> He was Commissioner of Customs 1675-87, and was elected M.P. for Great Marlow 1666, Harwich 1690, and for Newport in Cornwall 1695. By patent dated 17 May 1681 he was created a Peer of Scotland by the titles of VISCOUNT OF NEWHAVEN AND LORD CHEYNE, with remainder to the heirs-male of his body. A pension of £1200 per annum was granted to him by James II. and VII., 24 March 1687-88, but it ceased to be paid after Christmas 1688.<sup>3</sup> He died 30 June, and was buried with his first wife in the chancel of Chelsea Church 13 July, 1698.<sup>4</sup> His will, dated 5 March 1693-94, with codicil of the same date, was proved 3 February 1698-99.<sup>5</sup> He married, first, in 1654, Jane, eldest daughter of William (Cavendish), Marquess, and afterwards first Duke, of Newcastle, by his first wife, Elizabeth, daughter and heir of William Basset of Blore, co. Stafford. She, who

\* <sup>1</sup> Bridgewater MSS. <sup>2</sup> Faulkner's *Chelsea*. <sup>3</sup> Bridgewater MSS. <sup>4</sup> Faulkner's *Chelsea*, from which all references to baptisms, marriages, and burials at Chelsea have been taken. <sup>5</sup> P. C. C., 20 Pett.



was born in 1621, was a devoted adherent of the royalist cause, and in 1643 was taken prisoner while defending her father's house at Welbeck against the Parliamentary forces.<sup>1</sup> She died 8 October, and was buried 1 November, 1669, in the chancel of Chelsea Church, where her husband erected an elaborate monument to her memory. He administered to her estate P. C. C. 10 February 1674-75. Lord Newhaven married, secondly, in 1688,<sup>2</sup> Letitia Isabella,<sup>3</sup> daughter of Sir John Smith of Bidborough, co. Kent, Knight, and widow of John (Robartes), first Earl of Radnor, but by her had no issue. She died 9, and was buried at Chelsea 15, July 1714. Administration granted, P. C. C. 4 August 1714, to Charles Robartes, her son by her first husband. By his first wife Lord Newhaven had issue:—

1. WILLIAM, second Viscount of Newhaven.
2. *Elizabeth*, baptized at Chelsea 18 May 1656; married at Westminster Abbey,<sup>4</sup> 4 March 1674-75,<sup>5</sup> to Henry Monson, afterwards Sir Henry Monson, third Baronet, of Burton, co. Lincoln; he was baptized at Burton 17 September 1653; M.P. for Lincoln; died *s.p.* 6, and was buried at South Carlton, co. Lincoln, 18, April 1718. His will, dated 22 May 1706, with codicil dated 9 August 1710, was proved 26 April 1718.<sup>6</sup> She died 20 April, and was buried with her husband, 29 April 1725, at South Carlton. Will dated 7 March 1724-25, proved 20 May 1725.<sup>7</sup>
3. *Catherine*, baptized at Chelsea 11 December 1658; died 21 March 1669-70, aged eleven years four months and nine days;<sup>8</sup> buried in the same vault with her mother in the chancel of Chelsea Church 25 March 1670.

WILLIAM CHEYNE, who succeeded his father as second Viscount of Newhaven and Lord Cheyne 30 June 1698, was baptized at Chelsea 14 July 1657, and matriculated at Brasenose College, Oxford, 14 July 1671. He was elected

<sup>1</sup> *Dictionary of National Biography*. <sup>2</sup> Licence granted by the Vicar-General, 8 June 1688. <sup>3</sup> Her portrait by Sir Peter Lely was engraved by Bartolozzi. <sup>4</sup> Chester's Westminster Abbey Registers. <sup>5</sup> Licence granted by the Faculty Office, 24 February 1674-75. <sup>6</sup> P. C. C., 81 Tennison. <sup>7</sup> *Ibid.*, 116 Romney. <sup>8</sup> Monumental inscription printed in *Chelsea Old Church*, by Randall Davies, F.S.A., 68.

M.P. for Amersham 1681 and 1685; for Appleby 1689 and 1690; for Bucks 1696, 1698, 1701, and 1702; and again for Amersham 1705. He was appointed, 18 June 1702, Lord-Lieutenant of Buckinghamshire during the minority, and until the return to England, of Scrope, Earl of Bridgewater,<sup>1</sup> who succeeded him in the office in 1714. He held the office of Clerk of the Pipe in the Exchequer 1703-1728.<sup>2</sup> He died *s.p.* 26 May, and was buried in the chancel of the Church of Drayton Beauchamp 3 June, 1728.<sup>3</sup> By his death the titles of Viscount of Newhaven and Lord Cheyne became extinct. His will, dated 26 May, was proved 6 June, 1728.<sup>4</sup> He married, first, at Chelsea 16 December 1675,<sup>5</sup> Elizabeth, daughter of Edmond Thomas, of Wenvoe, co. Glamorgan,<sup>6</sup> by Mary, daughter and eventual heir of Sir Lewis Morgan of Ruperra, in the same county, Knight, and of Anna, Lady Morgan (who in her widowhood resided at Chelsea). She died, aged about eighteen years, and was buried at Chelsea 10 August 1677. He married, secondly, at Chelsea 6 May 1680,<sup>7</sup> Gertrude, sister of Evelyn, first Duke of Kingston, and daughter of Robert Pierrepont of Thoresby, co. Notts, by Elizabeth, daughter and co-heir of Sir John Evelyn, Knight. She died, aged sixty-nine, in Lisle Street, near Red Lion Square, London,<sup>8</sup> 11 June, and was buried with her husband at Drayton Beauchamp 19 June 1732.<sup>9</sup> Her will, dated 28 May 1728, with codicil dated 12 January 1731-32, was proved 12 June 1732<sup>10</sup> by her cousin and executrix Gertrude Tolhurst.

CREATION.—17 May 1681, Viscount of Newhaven and Lord Cheyne.

ARMS.—Chequy or and azure, a fess gules fretty argent.

[H. W. F. H.]

<sup>1</sup> Patent Rolls, 1 Anne, pt. 2. <sup>2</sup> Bridgewater mss. <sup>3</sup> Parish Register. <sup>4</sup> P. C. C., 174 Brook. <sup>5</sup> Licence from the Vicar-General, 9 December 1675. <sup>6</sup> See two administrations granted to the estate of her father Edmond Thomas, P. C. C., 4 July 1677 and 16 February 1690-91. See also Clark's *Morgan and Glamorgan*, 318, 319, 558. <sup>7</sup> Licence from the Vicar-General, 4 May 1680. <sup>8</sup> *Complete Peerage*. <sup>9</sup> Parish Register. <sup>10</sup> P. C. C., 158 Bedford.

## MAXWELL, EARL OF NITHSDALE



THE Maxwells claim as their founder Maccus, a witness as 'filius Undweyn' to the *Inquisitio Davidis* about 1116, and later as 'filius Undwain' to a grant of King David I. to Melrose Abbey in Roxburghshire. He probably gave his name to the lands of Maccuswell (Maxwell) and Maccustoun (Maxton) in the same shire. In William the Lion's reign Liulph, styled son of Maccus, had a son

Uchtred and a daughter Cecilia (with lands in Maccustoun), wife of Robert de Berkeley, and Edmund of Macheswel (perhaps another son of Maccus) witnessed a charter of the above-named Uchtred.<sup>1</sup> William the Lion confirmed (about 1200) to Robert, styled son of Maccus, lands in Lesedwin, Roxburghshire, which Herbert de Maccuswell his sheriff had by his precept delivered to him.<sup>2</sup>

HERBERT DE MACCUSWELL, the sheriff above named, is conjectured by Sir William Fraser to have been the eldest son of Maccus.<sup>3</sup> He gave Maccuswell church to Kelso Abbey,<sup>4</sup> and had three sons:—

<sup>1</sup> *Reg. Epis. Glasg.*, 7; *Liber de Melros*, 4, 57, 79, 141; *Liber de Calchou*, 144-145. <sup>2</sup> Fraser, *Maxwells of Pollok*, i. 121. <sup>3</sup> *Carlaverock Book*, i. 21, where Sir W. Fraser cites no contemporary document in which Herbert is called son of Maccus, but grounds his belief on Herbert's possession of the above-named lands of Maccuswell; his theory requires some two centuries for four generations, beginning with Maccus. Wood calls Herbert grandson of Maccus and son of Hugo de Maccusville, a witness to a grant of David I. to Neubottle Abbey, but probably this last name should be Hugo de Moreville. See *Reg. de Neubottle*, 3. <sup>4</sup> *Liber de Calchou*, 14, 325.

1. JOHN.
2. AYMER, successor to John.
3. Robert.

JOHN DE MACCUSWELL witnessed with his brother Robert, as son of Herbert the Sheriff, a grant to Kelso Abbey about 1210.<sup>1</sup> Sometime Sheriff of Teviotdale, he was a guarantor of the marriage treaty between Alexander II. and Joan of England in 1220, and was Chamberlain from about 1231 to 1233.<sup>2</sup> He is said to have acquired Carlaverock Castle in Nithsdale, in later times the chief seat of the family. Dying in 1241 he was buried at Melrose.<sup>3</sup>

AYMER DE MAKUSWELL witnessed, as brother of John de Mackuswel, a grant to Melrose Abbey about the end of William the Lion's reign.<sup>4</sup> He and his wife Mary were among those dismissed from office and the Council of Alexander III. in September 1255. Chamberlain of Scotland from about 1258 to 1260, and Justiciar of Galloway 1264, he was one of the magnates who undertook not to make peace with England without the consent of Llewelyn of Wales, 18 March 1258-59.<sup>5</sup> According to a ms. family history at Terregles<sup>6</sup> his wife was 'Mary M'Gauchen, heretrix of the Mernis' (Renfrewshire), probably not daughter, as Wood says, but a more remote descendant of Roland de Mearns.<sup>7</sup> He had issue:—

1. SIR HERBERT.

2. *John*: he and Alexander witnessed, as brothers of Sir Herbert, an undated grant by the latter of lands in Mearns to Paisley Abbey, and John de Maxwell, Lord of Nether Pollok (in the barony of Mearns), no doubt the same person, witnessed another undated grant of Sir Herbert to the church of Mearns.<sup>8</sup> For the Nether Pollok family and its branches of Aikenhead, Auldhouse, Calderwood, Cardoness, Cowglen,

<sup>1</sup> *Liber de Calchou*, 176. <sup>2</sup> *Ibid.*, 109, 309; *Liber de Melros*, 47, 162, 246; *Cal. of Docs.*, i. 762, 808. <sup>3</sup> *Chron. de Mailros*, 154. <sup>4</sup> *Liber de Melros*, 75. <sup>5</sup> *Cal. of Docs.*, i. 2013, 2155; *Exch. Rolls*, ii. cxxii; *Liber de Melros*, 274. <sup>6</sup> Printed in Herries Peerage Case Minutes, 294-302, compiled from about 1677 to 1700; its early part is very untrustworthy. It will be henceforth quoted as the 'Terregles ms.' <sup>7</sup> *Carlaverock Book*, i. 77. <sup>8</sup> *Maxwells of Pollok*, i. 125-127, where the date of these grants is estimated at about 1300.

Dalswinton, Newark, Springkell, Stanley, Maxwells, Lords Farnham, etc., see Fraser's *Maxwells of Pollok and Carlaverock Book*.

### 3. Alexander.

The Terregles MS. history makes Edward Maxwell (a crusader with 'Lewis the french king' in 1246), eldest son of Aymer. There was an 'Edward of Maxwell' in 1248,<sup>1</sup> but, if really the eldest son, he must have died before 1266, when Sir Herbert was heir of Aymer.

SIR HERBERT DE MAKESWELLE, called son and heir 'domini Eymeri de Maxwell' in an undated charter (about 1266) of William of Coninburcht, acquired the lands of Pencaitland, Edinburghshire, in 1276.<sup>2</sup> He joined with other magnates in recognising Margaret of Norway as successor to Alexander III., and in proposing a marriage between her and the eldest son of Edward I. of England, and he was one of the auditors for Baliol in the competition for the Crown after her death.<sup>3</sup> He swore fealty to Edward I. at Montrose, 10 July, and again as of the 'counte de Dunfres' at Berwick-on-Tweed, 28 August 1296; later he rebelled, but returning to his allegiance, had his manor of Maxwell restored to him.<sup>4</sup> If Sir William Fraser has estimated correctly the dates of his charters mentioned in the account of his brother John, he was perhaps living in the summer of 1300, when Edward I. besieged and took Carlaverock Castle, but the Terregles MS. history says that he fell at Falkirk in 1298. His son,

SIR JOHN MAXWELL of Carlaverock, called son and heir of Herbert of Maxwell in a charter in favour of Adam de Gordon in 1297,<sup>5</sup> swore fealty to Edward I. at Aberdeen, 17 July 1296, as son of Herbert de Makeswelle,<sup>6</sup> and had in October 1296 restitution of lands which he held of Herbert

<sup>1</sup> *Acta Parl. Scot.*, i. 404, where, however, no light is thrown on his parentage. <sup>2</sup> *Maxwells of Pollok*, i. 124; *Carlaverock Book*, i. 81; ii. 406. <sup>3</sup> *Acta Parl. Scot.*, i. 424, 441, 453; *Fœdera*, ii. 553. <sup>4</sup> *Cal. of Docs.*, ii. pp. 194, 211; iii. No. 258. <sup>5</sup> *Carlaverock Book*, i. 92. <sup>6</sup> *Cal. of Docs.*, ii. p. 195; the seal of John, son of Herbert, 'Domini Makeswel,' is appended to a partly illegible instrument of Roxburghshire and Perthshire homages taken at Berwick 28 August 1296; two other John Maxwells, neither of them called son of Herbert, swore fealty at this time; *Ibid.*, pp. 200, 206, 532, No. 70, p. 533, No. 90.

de Makeswell in Roxburghshire and Edinburghshire (*qu.* Maxwell and Pencaitland).<sup>1</sup> Sir John Maxwell, the elder, capitulated to the English with Sir John Comyn at Strathorde, February 1303-4. 'Sir John de Maxwell, Lord of Karlaverok,' had a present of wine from the King of England in 1307, and was still living about 1310 or 1311.<sup>2</sup> He had two sons:—

1. EUSTACE.
2. JOHN, successor to Eustace.

SIR EUSTACE MAXWELL of Carlaverock<sup>3</sup> was holding Carlaverock for the King of England in 1312.<sup>4</sup> Later, however, he demolished the castle in the interest of Robert Bruce, joined in the letter to the Pope from the Parliament at Aberbrothock asserting the independence of Scotland 6 April 1320, and in the following August was acquitted of being concerned in the Soulis conspiracy.<sup>5</sup> After the death of Robert I. he returned to the English, supported Edward Baliol, and received a pension from Edward III. of England in February 1334-35. After an interval of rebellion he had letters of pardon from the same King in August 1339.<sup>6</sup> He died at Carlaverock 3 March 1342, having married 'Agnes Maxwel of the house of Netherpollock.'<sup>7</sup> His brother,

SIR JOHN MAXWELL of Carlaverock is described in two undated grants (ratified by the Prior of St. Andrews 23 January 1343-44) to Dryburgh Abbey of the patronage of Pencaitland Church, as son of the late John Maxwell of Pencaitland, Knight, and as 'Johannes de Maxwell, miles, quondam filius domini Johannis de Maxwell et heres domini Eustachii de Maxwell fratris sui.' In the ratification he is called John Maxwell, Knight, Lord of Maxwell.<sup>8</sup> He was captured at the battle of Nevill's Cross, 17 October 1346, and sent to the Tower of London,<sup>9</sup> and probably he died soon afterwards.

<sup>1</sup> *Rot. Scot.*, i. 27. <sup>2</sup> *Cal. of Docs.*, ii. 1741, 1940; iii. 219. <sup>3</sup> For his parentage see the account of his brother John. <sup>4</sup> *Rot. Scot.*, i. 110. <sup>5</sup> Robertson's *Index*, 12, 15; *Acta Parl. Scot.*, i. 474; Fordun, Hearne's ed., iv. 1010. <sup>6</sup> *Cal. of Docs.*, iii. 1129, 1149; *Chron. de Lanercost*, 269, 290; *Rot. Scot.*, i. 571. <sup>7</sup> Terregles ms. <sup>8</sup> *Liber de Dryburgh*, 271-272. <sup>9</sup> *Rot. Scot.*, i. 678.

HERBERT MAXWELL of Carlaverock, successor, and probably son, of Sir John, having sworn allegiance to the King of England, had from him, 15 September 1347, letters of protection for himself and his castle of Carlaverock.<sup>1</sup> Robertson<sup>2</sup> gives two undated charters of David II., one granting to David Murray lands in Lanarkshire forfeited by Herbert Maxwell, the other granting to the latter a discharge of the duty of Carlaverock. Herbert's successor,

SIR JOHN MAXWELL of Carlaverock, confirmed (the Crown confirmation is dated 1 April 1354), as Knight and Lord of Maxwell, a grant by Robert Sadler to Roger de Auldton of the lands of Westersoftlaw bounded as in the time of Herbert of Maxwell, the late lord thereof.<sup>3</sup> Sir John's relationship to his predecessor is unknown.<sup>4</sup> As Lord of Carlaverock he granted his lands of Pencaitland to Alexander Maitland.<sup>5</sup> Sir John, who in 1371 had a wife Christian, died 15 April 1373.<sup>6</sup> He had issue:—

1. ROBERT.

2. *Agnes*. John Maxwell of the Mearns, with consent of his son and heir Robert, gave certain lands to John de Pollok, heir of Robert de Pollok, and son of Agnes Maxwell, deceased, his daughter.<sup>7</sup>

Sir John had perhaps another daughter *Elizabeth*, wife of Hugh, fourth Lord Dacre, and widow of Sir William Douglas, Knight of Liddesdale (*see title* Morton), but some writers call this lady daughter of an Alexander Maxwell.<sup>8</sup>

SIR ROBERT MAXWELL of Carlaverock. His father resigned in his favour in 1371 his lands held of the Crown, reserving his liferent and his wife Christian's terce.<sup>9</sup> As

<sup>1</sup> *Rot. Scot.*, i. 704. <sup>2</sup> *Index*, 31, 37. <sup>3</sup> *Liber de Calchou*, 383-385. <sup>4</sup> Fraser, *Carlaverock Book*, l. 109, calls him brother, on the ground that his and Herbert's supposed father Sir John had a daughter Agnes, wife of Robert Pollok, while his own son Robert is called in 1371 cousin of Agnes's son John, but Agnes was really his own daughter, and his son in the 1371 charter is called cousin, not of John Pollok, but of John Maxwell of Pollok. See *Maxwells of Pollok*, i. 129. <sup>5</sup> *Liber de Dryburgh*, 270. The date 1330, there suggested, is too early; Eustace Maxwell then held Carlaverock, and a witness to the grant, Sir John Herries, does not appear in the public records before 1357. <sup>6</sup> Terregles MS. <sup>7</sup> Crawford, *Renfrewshire*, ed. Robertson, 290; no date is here given. <sup>8</sup> Collins, *Peerage*, ed. Brydges, vi. 560; G. E. C. *Complete Peerage*, iii. 1. <sup>9</sup> *Reg. Mag. Sig.*, 19 September 1371.

Lord of Carlaverock Sir Robert gave (about 1400) to Dryburgh Abbey the lands in West Pencaitland, held of him by John Maitland of Thirlestane, for the benefit of his own and his son and heir Herbert's soul.<sup>1</sup> He probably died before 8 February 1409-10,<sup>2</sup> leaving issue:—

1. HERBERT.

2. *Aymer*. Sir William Fraser, citing no authority, gives this son.<sup>3</sup>

SIR HERBERT MAXWELL of Carlaverock was more than once in England from 1405 to 1407 as a hostage for the Earl of Douglas.<sup>4</sup> The latter granted, 8 February 1409-10, to Sir Herbert Maxwell, Lord of Carlaverock, and his heirs, the office of Steward of Annandale.<sup>5</sup> Sir Herbert died before 28 October 1420.<sup>6</sup> He married, when son and 'aire of Sir Robert of Maxwell, Lorde of Carlauerok,' before 10 August 1386, Katherine, daughter of John Stewart of Dalswinton, with whom he had the lands of Carnsalloch as security for her tocher of 400 merks.<sup>7</sup> He (or possibly a contemporary Sir Herbert Maxwell of Conheath<sup>8</sup>) was, on 25 October 1407,<sup>9</sup> husband of Margaret, daughter of John de Cragy, and widow of John Stewart.<sup>10</sup> He had issue, probably by Katherine Stewart:—

1. HERBERT, first Lord Maxwell.

2. *Aymer*, called brother of Herbert in a charter 4 February 1424-25.<sup>11</sup> He is probably the Aymer Maxwell who had, 20 March 1456, a grant of the lands of Kirkconnel to himself and his wife Janet de Kirkconnel, and the heirs betwixt them.<sup>12</sup>

3. *Margaret*. A papal dispensation was granted, May 1414, for her marriage with Sir John Montgomery of Ardrossan, the two being within the fourth degree of kindred and affinity.<sup>13</sup> Sir William Fraser,<sup>14</sup> citing no authority, calls her daughter of Sir Herbert.

<sup>1</sup> *Lib. de Dryburgh*, 273. <sup>2</sup> The Sir Robert Maxwell who had English safe-conducts in 1413 and 1414 was the Laird of Calderwood. See *Maxwells of Pollok*, i. 463. <sup>3</sup> *Carlaverock Book*, i. 120. <sup>4</sup> *Cal. of Docs.*, iv. 707, 729, 736. <sup>5</sup> *Reg. Mag. Sig.*, 6 August 1440. <sup>6</sup> *Carlaverock Book*, i. 125-126. <sup>7</sup> *Ibid.*, ii. 418. <sup>8</sup> *Ibid.*, 421, 429. <sup>9</sup> *Reg. Mag. Sig.* <sup>10</sup> Wood's Douglas. <sup>11</sup> *Reg. Mag. Sig.* <sup>12</sup> *Carlaverock Book*, i. 600; ii. 434. <sup>13</sup> *Papal Petitions*, i. 602; *Reg. Mag. Sig.*, 2 October 1427, neither charter nor dispensation prove her parentage. <sup>14</sup> *Carlaverock Book*, i. 582.



4. *Janet*, wife of William Douglas of Drumlanrig, was perhaps Sir Herbert's daughter.<sup>1</sup>

I. HERBERT, first Lord Maxwell, was served heir to his father, the late Herbert Maxwell, Lord of Carlaverock, in the lands of Meikle Dripps, 16 October 1421.<sup>2</sup> He was knighted at the coronation of James I. 21 April 1424.<sup>3</sup> 'Dominus de Maxvel' was present in Parliament in March 1429-30, but probably not as one of the then new order of Lords of Parliament, for he witnessed, 8 January 1440-41, a charter of John Lockhart as 'Herbert de Maxwel, dominus de Carlaverock, miles.' James II., however, calls Maxwell a Lord of Parliament in an instrument granting that dignity to Sir James Hamilton, 3 July 1445.<sup>4</sup> Hollinshed says that he was one of the Scottish leaders at the English defeat at Sark in 1449, and as admiral and warden of the Marches he was a conservator of various truces with England from October 1450 to May 1453.<sup>5</sup> He died before 14 February 1453-54. He married, first, a daughter of Sir Herbert Herries of Terregles,<sup>6</sup> by whom he had:—

1. ROBERT, second Lord.
2. *Edward*, ancestor of the Maxwells of Tinwald and Monreith,<sup>7</sup> baronets since 1681.<sup>8</sup>
3. *Gavin*, called brother of the second Lord in a sasine, 28 May 1454,<sup>9</sup> was probably a son of the first wife.
4. *Katherine*, married, about 1440, to Gilbert, first Lord Kennedy.<sup>10</sup>

Maxwell married, secondly, Katherine, daughter of Sir William Seton, widow of Sir Alan Stewart of Derneley, and mother of John Stewart, Earl of Lennox. She died before 1478. Robert, Lord Maxwell, granted to her, 20 March

<sup>1</sup> Wood's Douglas, where, however, the pedigree at this point is inaccurate; another son, Eustace of Tealing, is there given, but the Tealing family probably descended, through the house of Newark, from the Maxwells of Calderwood. See *Maxwells of Pollok*, i. 465. <sup>2</sup> *Carlaverock Book*, ii. 423. <sup>3</sup> *Extracta e Cron. Scot.*, Abbotsford Club, 227. <sup>4</sup> *Reg. Mag. Sig.*, 14 January 1440-41; *Acta Parl. Scot.*, ii. 28, 59. <sup>5</sup> *Rot. Scot.*, ii. *passim*. <sup>6</sup> Terregles ms. <sup>7</sup> *Ibid.*, where only Robert and Edward are given as children of the first marriage. <sup>8</sup> See Burke's *Peerage and Baronetage*. <sup>9</sup> *Maxwells of Pollok*, i. 175. <sup>10</sup> Wood's Douglas, where she is called daughter of the first marriage, no authority being cited; see too *Reg. Mag. Sig.*, 3 August 1450, where, however, her parentage is not given.

1456, the lands of Carnsalloch, with remainder to the following children of her marriage with Maxwell: <sup>1</sup>—

5. *George* of Carnsalloch, called eldest son of the second marriage in a deed executed by his mother, 19 July 1468,<sup>2</sup> had in 1477 a wife *Agnes*,<sup>3</sup> and in 1490 a wife called *Isabella Galbraith*.<sup>4</sup> He left descendants.<sup>5</sup>
6. *David*.
7. *Adam* of Southbar, called brother of John, Earl of Lennox in charters of 1467 and 1488,<sup>6</sup> is said to have married *Marion*, daughter of Thomas Stewart of Minto,<sup>7</sup> and to have founded a family (*see* vol. ii. 78, *title* Blantyre).
8. *John*.
9. *William*.
10. *Janet*.
11. *Mariot*.

II. ROBERT, second Lord Maxwell, was served heir to his father in the lands of Carlaverock, 14 February 1453-54.<sup>8</sup> As Admiral and Warden of the Marches he was a conservator of truces with England in 1457 and 1459.<sup>9</sup> Though of the party of the Boyds in the minority of James III., he attended Parliament in November 1469, when the Boyds were condemned.<sup>10</sup> He died between 22 April and 8 May 1485,<sup>11</sup> having married (probably in his minority) before 4 February 1424-25,<sup>12</sup> *Janet*, daughter of Sir John Forrester of Corstorphine, by whom he had issue:—

1. JOHN, third Lord.
2. *Thomas*, 'who married *Agnes Maxwell*, heretrix of *Kirkonnell*,'<sup>13</sup> and founded a new line of Maxwells of *Kirkconnel* (refer to *Aymer*, brother of the first lord).
3. *David*, living 22 April 1485.<sup>14</sup>
4. *Robert*, living 23 July 1468.<sup>15</sup>
5. *Aymer*, living 23 September 1473.<sup>16</sup>
6. *Agnes*, married to *John Glendoning* of *Parton*, without issue.<sup>17</sup>

<sup>1</sup> *Reg. Mag. Sig.*, 12 January 1475-76. <sup>2</sup> *Maxwells of Pollok*, i. 181.  
<sup>3</sup> *Ibid.*, i. 186. <sup>4</sup> *Reg. Mag. Sig.*, 13 May 1500. <sup>5</sup> *Carlaverock Book*, i. 139.  
<sup>6</sup> *Reg. Mag. Sig.*, 20 June 1489, 15 January 1492-93. <sup>7</sup> *Carlaverock Book*, i. 139. <sup>8</sup> *Ibid.*, ii. 437. <sup>9</sup> *Fœdera*, xi. 397, 434. <sup>10</sup> *Tytler, Hist. of Scot.*, ed. Eadie, ii. 63; *Acta Parl. Scot.*, ii. 93, 186. <sup>11</sup> *Carlaverock Book*, i. 150-151; ii. 442. <sup>12</sup> *Reg. Mag. Sig.* <sup>13</sup> *Terregles MS.* <sup>14</sup> *Carlaverock Book*, ii. 442-43.  
<sup>15</sup> *Ibid.*, i. 147. <sup>16</sup> *Maxwells of Pollok*, i. 185. <sup>17</sup> *Douglas, Baronage*, 235.

7. *Christian*.<sup>1</sup>

There was also a son *Mr. John* (probably illegitimate) slain in a fight between the fourth Lord Maxwell and Cuthbert Murray of Cockpool; the latter agreed, 4 September 1486, to have masses sung for the souls of 'Maister Jhone of Maxwell' eme (uncle) of Lord Maxwell and others killed in this affair.<sup>2</sup> The Terregles ms. history mentions a son Niccol 'slain by the Lord of Cockpool at the football.'

III. JOHN, third Lord Maxwell, bound himself, 7 February 1477-78, to maintain his mother Janet Forrester in certain lands assigned to her by his father.<sup>3</sup> After his father (who survived him) had resigned in his favour, in 1478, the barony of Maxwell,<sup>4</sup> he was generally called Lord Maxwell,<sup>5</sup> and is therefore here placed among the holders of that title, though some genealogists only call him Master of Maxwell. Both father and son sat in Parliament 4 October 1479.<sup>6</sup> He helped to repel the raid from England of Albany and Douglas, 22 July 1484, and being wounded at Kirtlemure was leaning on his sword, when 'one Gass, a Scotsman,' struck him from behind with a 'whinger in the fillets under his harness whilk was his death, for causing hang a cussing of his by order of Justice, being Stewart of Annandale.'<sup>7</sup> He married about 1454, Janet, daughter of George (Crichton), Earl of Caithness,<sup>8</sup> and had issue:—

1. JOHN, fourth Lord.
2. *George*, had a charter of the lands of Bernetoun, 25 March 1460, which Janet 'filia quondam Georgii comitis de Cathnes, sponsa Joh. Maxwell' had resigned.<sup>9</sup>
3. *Robert*, living 8 May 1485.<sup>10</sup>
4. *James*, ancestor of the Maxwells of Cavens and of James Maxwell, Earl of Dirleton. (*See that title.*)
5. *Homer*, ancestor of the Maxwells of Portrack.

<sup>1</sup> *Carlaverock Book*, i. 151, where no authority is cited. <sup>2</sup> *Carlaverock Book*, ii. 446-447; *Reg. Mag. Sig.*, 26 January 1492-93. <sup>3</sup> *Carlaverock Book*, ii. 437. <sup>4</sup> *Reg. Mag. Sig.*, 14 February 1477-78. <sup>5</sup> *Carlaverock Book*, i. 152. <sup>6</sup> *Acta Parl. Scot.*, ii. 124. <sup>7</sup> Terregles ms. <sup>8</sup> *Carlaverock Book*, ii. 433. <sup>9</sup> *Reg. Mag. Sig.* <sup>10</sup> *Carlaverock Book*, i. 157; see *ibid.* for pedigrees of his descendants, Maxwells of Cowhill, Dinwiddie, Drumpark, Killilung, Threave, Broomholm, etc.

6. *John*, Abbot of Holywood.<sup>1</sup>
7. *Thomas*, ancestor of the Maxwells of Gleneslin.<sup>2</sup>
8. *William*, living in 1495.<sup>3</sup>
9. *Christian*, called sister of John, Lord Maxwell, in a charter of 14 October 1497.<sup>4</sup>
10. *Janet*, wife of William, second Lord Carlyle (*see that title*), was perhaps Maxwell's daughter.

There was also a 'natural son *Herbert*, of whom are descended the Maxwells of Hillis and Drumcottrane' and Lochrutoun.<sup>5</sup>

IV. JOHN, fourth Lord Maxwell, was infefted in the lands of Carnsalloch 8 May 1485, as heir of his grandfather Robert, Lord Maxwell, and was served heir to his father in the lands of Maxwell, 29 April 1486.<sup>6</sup> He was Warden of the West Marches in 1486, and he attended the first Parliament of James IV.<sup>7</sup> 'After a great fray the 30th July 1508 he chased the Lord Sanquhar out of Drumfreis, killed the Laird Dalzell, the laird of Creichlaw and sundry others, for whilk he was putt into prison by K. James 4, and payed a great composition for himself and all those who were with him.'<sup>8</sup> He fell at Flodden, 9 September 1513.<sup>9</sup>

He married, between 15 February 1490-91 and 20 February 1491-92, Agnes, daughter of Sir Alexander Stewart of Garlies.<sup>10</sup> She was living 25 July 1530.<sup>11</sup> By her<sup>12</sup> Maxwell had issue:—

1. ROBERT, fifth Lord.
2. *Herbert*, ancestor of the Maxwells of Clowden.<sup>13</sup> John, Abbot of Holywood, made Lord Maxwell, Robert his

<sup>1</sup> *Carlaverock Book*, i. 155, where James, Homer, and John are given, but no authority is cited. <sup>2</sup> *Ibid.*; *Reg. Mag. Sig.*, 14 November 1505. <sup>3</sup> *Acta Dom. Conc.*, 306, 420. <sup>4</sup> *Carlaverock Book*, i. 156. <sup>5</sup> Terregles ms.; M'Kerlie, *Lands in Galloway*, iv. 224, where it is said that Herbert was the Vicar of Carlaverock, hanged in 1548 as a hostage for John Maxwell, Lord Herries (*see that title*). See too under Katherine, daughter of the fourth Lord Maxwell. <sup>6</sup> *Carlaverock Book*, i. 157; ii. 443. <sup>7</sup> *Fœdera*, xii. 291; *Acta Parl. Scot.*, ii. 200, 208. <sup>8</sup> Terregles ms.; Pitcairn's *Crim. Trials*, i. 53\*, 77\*. <sup>9</sup> Terregles ms.; *Cal. State Papers, Venetian*, ii. 134. <sup>10</sup> *Carlaverock Book*, ii. 448; *Reg. Mag. Sig.*, under the last date. <sup>11</sup> *Reg. Mag. Sig.* <sup>12</sup> Lord Maxwell, Douglas of Drumlanrig, Stewart of Garlies, and Gordon of Lochinvar were the 'branches' (arms of great-grandparents) on the father's side displayed at the funeral of her great-granddaughter Lady Wigtoun, daughter of John Maxwell, Lord Herries; see Balfour's *Heraldic Tracts*, 123. <sup>13</sup> Terregles ms.

son and heir-apparent, and Herbert his second son natural and lawful, bailies of the Abbey barony, 13 May 1495.<sup>1</sup>

3. *John*, Abbot of Dundrennan in 1524.<sup>2</sup>
4. *Edward*, living 6 June 1540.<sup>3</sup>
5. '*The Lady Johnstoun*,'<sup>4</sup> probably *Mary*, wife of James Johnstone of that ilk.<sup>5</sup>
6. *Agnes*, married to Robert Charteris of Amisfield.<sup>6</sup>
7. '*The Lady Aplegirth*,'<sup>7</sup> wife presumably of a Jardine of Aplegirth.
8. *Katherine*, married (probably as his first wife) to Ninian Glendoning of Parton, with issue, for a marriage-contract (no marriage followed) between Alexander Glendoning of Parton (grandson of Ninian)<sup>8</sup> and Agnes Maxwell, 12 May 1569,<sup>9</sup> shows their descent from John, third Lord Maxwell, on the man's side through John, Lord Maxwell, Katherine his daughter, and John Glendoning her son, on the lady's through 'Maister' Herbert Maxwell, Edward Maxwell of Hills his son, and Edward Maxwell of Drumcoltran his son.

Maxwell had a natural son *Henry*, and a son *John* (probably illegitimate, as apparently he was not the above-named abbot, and he is not named in a charter of 1540 which will be mentioned in the account of the fifth Lord), who were taken prisoners at Solway Moss in 1542.<sup>10</sup>

V. ROBERT, fifth Lord Maxwell, 'was admiral of a fleet passing to France . . . the tyme of Flodden field and being driven back by tempest arryved the 2d day after the battel.'<sup>11</sup> He was served heir to his father 4 November 1513.<sup>12</sup> At various dates between 1513 and 1534 he was made Keeper of Threave and Lochmaben Castles, Steward of Kirkcudbright, Warden of the West Marches, Provost of Edinburgh, Captain of the King's Guard, Master of the

<sup>1</sup> *Carlaverock Book*, ii. 450. <sup>2</sup> *Ibid.*, i. 168-170; ii. 462. <sup>3</sup> *Reg. Mag. Sig.*  
<sup>4</sup> Terregles ms. <sup>5</sup> See vol. i. 240. <sup>6</sup> Terregles ms.; Douglas, *Baronage*, 151, the date 1494 there given for the marriage is an impossible one judging by that of her father's marriage. <sup>7</sup> Terregles ms. <sup>8</sup> Douglas, *Baronage*, 235-236. <sup>9</sup> M'Kerlie, *Lands in Galloway*, iv. 230. <sup>10</sup> Gairdner, *Letters of Reign of Hen. VIII.*, xvii. 626, 627; xviii. pt. i. *passim*; *Hamilton Papers*, i. pp. xcvi, 118. <sup>11</sup> Terregles ms. <sup>12</sup> *Carlaverock Book*, ii. 454.

Royal Household, Chief Carver to the King, and an Extraordinary Lord of Session. He was one of the Regents during the King's absence in France in 1536 and 1537, and as Great Admiral of Scotland escorted Mary of Lorraine to Scotland in 1538. He was bailie of several Border and Galloway Abbeys, and held 'bonds of manrent' to serve him in peace and war from many lairds in those parts.<sup>1</sup> A Crown charter in his favour, 6 June 1540,<sup>2</sup> incorporates the baronies of Maxwell, Carlaverock, Mearns, etc., into a single barony of Maxwell, with remainder to his eldest son Robert, his second son John, Edward Maxwell of Tyndwell, Edward Maxwell of Lochruton, John Maxwell of Cowhill, and lastly, curiously enough, to Herbert and Edward Maxwell his brothers-german.

The family feud with the Johnstones began in his time,<sup>3</sup> and the latter part of his life was unfortunate. Captured at Solway Moss in November 1542, he gained liberty at the end of the year by promising to support the designs of Henry VIII. in Scotland.<sup>4</sup> In 1543 he introduced a Bill (which became law) in Parliament permitting the Scriptures to be possessed and read in the vulgar tongue.<sup>5</sup> In 1544 Henry VIII., dissatisfied with his conduct, had him recaptured and brought to London.<sup>6</sup> He gained freedom in October 1545 by putting Carlaverock Castle into the hands of the English. On his declaration, 28 November 1545, that he had only consented to this step when in fear of his life, he had a pardon from the Queen and a commission as Chief Justice of Annandale, Kirkcudbright, Wigtown, and Dumfries, 12 January 1545-46, and was reappointed Warden, 3 June 1546.<sup>7</sup> 'He dyed at Logan the 9th July 1546.'<sup>8</sup> By agreement between his father and Sir William Douglas of Drumlanrig, he was to marry the latter's daughter Janet (with a tocher of 1000 pounds Scots) between 4 July 1509 and the following Candlemas.<sup>9</sup> He married, secondly, between 1520 and 15 November 1525,<sup>10</sup> Agnes, natural daughter of James (Stewart), Earl of Buchan, and widow of Adam, second Earl of Bothwell, and of Alexander, third

<sup>1</sup> *Carlaverock Book*, i. 174-183, 204-205; ii. 455-470. <sup>2</sup> *Reg. Mag. Sig.*  
<sup>3</sup> See vol. i. 242. <sup>4</sup> *Hamilton Papers*, i. *passim*. <sup>5</sup> *Acta Parl. Scot.*, ii. 415. <sup>6</sup> *Hamilton Papers*, ii. *passim*. <sup>7</sup> *Carlaverock Book*, i. 202-203; ii. 472-473. <sup>8</sup> Terregles ms. <sup>9</sup> *Carlaverock Book*, ii. 453. <sup>10</sup> *Exch. Rolls*, xv. 571.

Lord Home. By her, who was married, fourthly, to Cuthbert Ramsay,<sup>1</sup> and died February 1557, Maxwell had 'no succession,'<sup>2</sup> but by Janet Douglas<sup>3</sup> he had issue:—

1. ROBERT, sixth Lord.

2. *John*, second<sup>4</sup> son. As John, Lord Herries, he is called uncle of the eighth Lord Maxwell in a legal document 21 February 1573-74.<sup>5</sup> This title he bore as husband of Agnes, *suo jure* Lady Herries (*see that title*). His descendant, the seventh Lord Herries, succeeded in 1667 to the Maxwell honours (*see p. 487*). According to the *Book of Carlaverock* Lord Herries was born about 1512, but James v. requested, 8 February 1538-39, the Pope to grant a pension of 400 merks on 'Quhitherne' Abbey to John Maxwell, aged seventeen (born therefore about 1521), whose father was Warden of the Marches against England.<sup>6</sup> This request, however, may relate to Lord Maxwell's natural son mentioned below, whose name was probably<sup>7</sup> John.

3. *Margaret*, married, first, before 9 April 1543,<sup>8</sup> to Archibald, sixth Earl of Angus; secondly, before September 1560, to Sir William Baillie of Lamington,<sup>9</sup> and died 1593.

Maxwell had a 'natural son, of whom the Maxwells of Logan are descended.'<sup>10</sup>

VI. ROBERT, sixth Lord Maxwell, was made Keeper of Lochmaben Castle, with his father and his brother John, 14 February 1542-43, and Warden of the West Marches in his father's place 19 December 1544. In 1545, during a raid as Warden on the 'inhabitants of Stranleheugh,' he was captured at the 'Yellow Silkhead in Wauchopdale' and sent to England, where he remained till exchanged for Sir Thomas Palmer in 1549.<sup>11</sup> Re-appointed Warden 29 March, he was served heir to his father 5 August 1550: He was a Privy Councillor, and on commissions in 1551 and 1552

<sup>1</sup> See vol. ii. 156, 157. <sup>2</sup> Terregles ms. <sup>3</sup> See footnote No. 12, p. 478.

<sup>4</sup> *Reg. Mag. Sig.*, 6 June 1540. <sup>5</sup> Herries Peerage Case, No. 218.

<sup>6</sup> Gairdner, *Letters of Reign of Hen. VIII.*, xiv. pt. i. 102. <sup>7</sup> *Reg. Mag. Sig.*, 2 March 1574-75. <sup>8</sup> *Ibid.*, under date. <sup>9</sup> *Ibid.*, 2 March 1577-78.

<sup>10</sup> Terregles ms. <sup>11</sup> *Ibid.*; and for this Lord and his wife see *Carlaverock Book*, i. 210-221; ii. 1, 471.

for treating with and dividing the Debateable land with England. He died at Dumfries 13 September 1552.<sup>1</sup>

The King sanctioned, in 1528, his marriage with Beatrix Douglas, second daughter and co-heir of James, third Earl of Morton, by Katherine, natural daughter of James IV., but he was still a minor and Beatrix in 'ejus virginitate' on 25 July 1530,<sup>2</sup> and their only known children were not born till many years later. In 1562 Beatrix was troubled with mental disorder 'certeyne tymes or the most part of the yere.'<sup>3</sup> Possibly this was inherited by her grandson the ninth Lord Maxwell. By her, who was living in October 1583, Maxwell had issue:—

1. ROBERT, seventh Lord.

2. JOHN, eighth Lord.

Maxwell had a natural son *Robert Maxwell of Castle-milk*.<sup>4</sup>

VII. ROBERT, seventh Lord Maxwell, died at Hills, near Dumfries, before 16 January 1554-55, aged four years.<sup>5</sup>

VIII. JOHN, eighth Lord Maxwell, a posthumous child, born 24 April 1553.<sup>6</sup> He was, soon after the execution of the Regent Earl of Morton (successor in that title to his father-in-law the third Earl), created, 29 October 1581, EARL OF MORTON AND LORD CARLYLE AND ESK-DAILL.<sup>7</sup> Parliament ratified, 29 November 1581, this creation of him and his 'airis mail' as 'erllis of mortoun,' and also a charter of 5 June 1581, erecting the Morton lands into a free earldom and regality of Morton for him, as grandson and heir of umquhile James, Earl of Morton, and his heirs-male and assignees whatever.<sup>8</sup> A revocation of this grant of the *territorial* earldom and regality, 9 April 1585,<sup>9</sup> apparently did not affect the *dignity*. Maxwell generally (though not invariably) continued to be called Earl of Morton in charters, etc. He is so styled in his last commission as Warden, 28 July 1592, and as will

<sup>1</sup> *Dumfries Retours*; *P. C. Reg.*, i. 83, 120. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> *Cal. Scot. State Papers*, i. 615. <sup>4</sup> *P. C. Reg.*, iii. 134; *Reg. Mag. Sig.*, 25 December 1607. <sup>5</sup> *Terregles ms.*; *Carlaverock Book*, i. 222. <sup>6</sup> *Terregles ms.* He attained majority between 21 February and 29 August 1574; *Herries Peerage Case*, No. 218. <sup>7</sup> He had just bought nearly the whole barony of Carlyle, *Reg. Mag. Sig.*, 7 March 1580-81. <sup>8</sup> *Acta Parl. Scot.*, iii. 259. <sup>9</sup> *P. C. Reg.*, iii. 734.



appear, the King admitted to his son Robert in 1620 that the earldom created for him in 1581 was not annulled by the rescinding of the Regent Earl's forfeiture, 29 January 1585-86, in favour of the next heir, the Earl of Angus (Maxwell's brother-in-law).

Morton was a Privy Councillor and several times Warden of the West Marches.<sup>1</sup> As a Catholic he played a somewhat disturbing part in public affairs, and troubles arose from his feud with the Johnstones, at whose hands he met with defeat and death on the Dryfesands near Lockerbie 7 December 1593, when on a punitive expedition against them as Warden. Spottiswoode calls him 'humane, courteous, and more learned than Noblemen commonly are.' He married at Dalkeith, 17 February (contract 13 January) 1571-72, Elizabeth Douglas, daughter of David, seventh Earl of Angus.<sup>2</sup> She was afterwards married to Alexander Stewart of Garlies, and to John Wallace, elder of Craigie (contract 31 October 1597<sup>3</sup>). She was called Countess of Nithsdale after the change in the style of the Maxwell earldom. 'Dying at Edr. [February] anno 1637, the Earle Nithsdale her son gave her a sumptuous buriall and after transported her corps to the collége kirk of Lincluden to be interred with her first husband in a vault therein.'<sup>4</sup> By her Morton had issue:—

1. JOHN, his successor.
2. ROBERT, successor to John.
3. *James*, called Master of Maxwell as heir-presumptive in 1619, and sometimes styled 'of Kirkconnel' (in Annandale, mentioned in Nithsdale retours, not Kirkconnel in Nithsdale, the seat of another branch of the family). He was much employed in Border affairs. He had a daughter, *Jean Maxwell*.<sup>5</sup>
4. *Elizabeth*, married to her kinsman John (Maxwell), sixth Lord Herries (*see that title*).
5. *Margaret*, married (contract November 1597) to John Wallace, younger of Craigie.<sup>6</sup>
6. *Jean*, died unmarried.<sup>7</sup>

<sup>1</sup> For this Lord, where no other authority is given, see *Book of Car-laverock*, i. 223-299. <sup>2</sup> *Cal. Scot. State Papers*, iv. 135; *Reg. Mag. Sig.*, 6 February 1571-72. <sup>3</sup> *Ibid.*, 5 August 1593; 25 June 1612. <sup>4</sup> Terregles ms.; Balfour, *Heraldic Tracts*, 126. <sup>5</sup> *Carlaverock Book*, i. 296; *P. C. Reg.*, 1619-1635 *passim*. <sup>6</sup> *Reg. Mag. Sig.*, 5 August 1593. <sup>7</sup> Terregles ms.

7. *Agnes* (testament confirmed at Edinburgh 3 September 1656). A marriage-contract was signed 3 April 1603 between her and William Douglas of Greenlaw, Lincluden, and Penzerie. A sentence of death passed on him 6 September 1610 for treasonable communing with Lord Maxwell, etc., was commuted to one of banishment. He returned to Scotland without leave in 1612, and was rehabilitated 12 February 1626.<sup>1</sup>

Morton had a natural son, *John Maxwell*, 'of whom Maxwell of Middlebie is descended.'<sup>2</sup>

IX. JOHN, ninth Lord Maxwell and *de jure* second Earl of Morton (though never so styled by the Crown), is called three years old in a list of Scottish nobility (wherein his father's age is wrongly given as thirty-four), dated 10 April 1589.<sup>3</sup> If this is true, he was a father when only fifteen. He still had curators on 3 April 1603, while none are mentioned in a charter of his of September 1607.<sup>4</sup> He was served heir to his father 10 March 1597,<sup>5</sup> and was reconciled with the Laird of Johnstone in 1605.<sup>6</sup> Quarrels with the rival (Douglas) Earl of Morton caused his imprisonment in August 1607 in Edinburgh Castle, whence he escaped in October and fled to Dumfriesshire. Here, through Sir Robert Maxwell, brother of the fifth Lord Herries (to whom both parties gave their words to meet and part in peace), he arranged to meet the Laird of Johnstone, whom he said he wished to consult as to how to regain the King's favour. During their conference on the moor between Trailflat Kirk and Arthurstane, 6 April 1608, a quarrel arose between their attendants, and Johnstone, turning to see what was the matter, was shot from behind by Lord Maxwell and mortally wounded. Maxwell, who had fled to France, was sentenced in Parliament, 24 June 1609, to loss of life, dignities, offices, and lands, for this 'murder under trust' (treason by an Act of 1587), for

<sup>1</sup> *Reg. Mag. Sig.*, under last date and 19 December 1611; *P. C. Reg.*, ix. *passim*. A statement in an earlier volume (ii. 389-390, title Carlyle) that Grissel Maxwell, wife of Michael Carlyle, was Morton's daughter seems inconsistent with the dates of Carlyle's death and Morton's marriage. <sup>2</sup> Terregles ms.; *P. C. Reg.*, 2nd ser., ii. 266; vii. 187. <sup>3</sup> C. Rogers, *Estimate of Scottish Nobility*, 58. <sup>4</sup> *Reg. Mag. Sig.*, 19 December 1611; 7 January 1608. <sup>5</sup> *Carlaverock Book*, i. 300. <sup>6</sup> *P. C. Reg.*, vii. 58.

treasonable fire-raising and the slaughter of certain Johnstones at Dalfeble in Nithsdale in 1602, and for the breaking out of Edinburgh Castle in 1607. Venturing back to Scotland in 1612, he was arrested and brought to Edinburgh. Offers to marry the late Laird of Johnstone's daughter, or to dower his sister Lady Herries's daughter if a marriage could be made between her and the young laird, availed him nothing, and he was beheaded under the sentence of 1609 at Edinburgh, 21 May 1613, acknowledging the justice of his sentence, and hoping for forgiveness from the Johnstones.<sup>1</sup>

He married (contract 9 August 1597) Margaret Hamilton (a great-grandchild like himself of the third Earl of Morton), daughter of John, first Marquess of Hamilton.<sup>2</sup> Troubles soon arose between them. The King wrote to Lord Hamilton, 23 July 1601, that he had persuaded Lord Maxwell, 'ane cankart young man,' to visit his wife and son (who must have died young),<sup>3</sup> and in June 1606 Maxwell was put to the horn for not setting his wife at liberty and producing her before the Council.<sup>4</sup> Eventually she died during the dependence of a divorce suit 'pursued' by him against her. This 'made the Hamiltons his mortal enemies.'<sup>5</sup> His brother,

X. ROBERT, tenth Lord Maxwell and first Earl of Nithsdale, was rehabilitated by Parliament 28 June 1617, but the family dignities were excepted out of the Act and the rights of owners of the forfeited lands safeguarded.<sup>6</sup> A patent of 5 October 1618 declared him capable of succeeding to the family honours,<sup>7</sup> and he was styled Lord Maxwell till 29 August 1620, when another patent<sup>8</sup> declares that his father had been created Earl of Morton on 29 October 1581; that the restitution of the Earl of 'Douglas Mortoun in pristinam dignitatem' had not affected his father's right to this dignity obtained by creation; that the King, wishing to continue this dignity to him and his heirs-male, and finding that it was not customary for two Earls to bear

<sup>1</sup> *Acta Parl. Scot.*, iv. 413-419; *P. C. Reg.*, viii. *passim*; Pitcairn's *Crim. Trials*, iii. 23-53. <sup>2</sup> *Carlaverock Book*, i. 301. <sup>3</sup> *Hist. MSS. Com.*, *Hamilton Report*, 68. <sup>4</sup> *P. C. Reg.*, vii. 213. <sup>5</sup> Terregles MS. <sup>6</sup> *Acta Parl. Scot.*, iv. 561. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> *Carlaverock Book*, ii. 499.

the same title, ordained that though his father's style had been Lord John Maxwell of Meirnis, Lord Maxwell, Eskdail and Carleill, and Earl of Morton, his style was to be Robert, Lord Maxwell, Eskdail and Cairleill, and EARL OF NITHSDAILL; that this was no new creation but a confirmation of that of 29 October 1581. Parliament ratified these patents and annulled the late Lord's forfeiture in August 1621.<sup>1</sup> The Privy Council decided, 29 July 1619 and 11 January 1621, (1) that Lord Maxwell could not be called upon to pay certain fees due to the heralds from Lords of Parliament created since the King's accession to the English throne, his being a restored honour dating from before that event; (2) that as Earl of Nithsdale he was entitled to the precedence from 1581 which several Earls created between that date and 1620 had challenged.<sup>2</sup> Nithsdale recovered most of the family lands, which were incorporated by charter, 19 September 1621, into a free earldom of Nithsdale for him, his heirs-male and assignees whatever.<sup>3</sup> He was admitted to the Privy Council, 21 April 1619.<sup>4</sup> His loyalty to Charles I., by whom he was much trusted and employed, brought on him in 1645 forfeiture<sup>5</sup> and excommunication. He died and was buried in the Isle of Man in May 1646.<sup>6</sup>

He married, at St. Mary-le-Strand, London, 28 October 1619,<sup>7</sup> Elizabeth, daughter of Sir Francis Beaumont, maternal uncle<sup>8</sup> of the King's favourite, the Duke of Buckingham, whose influence probably hastened Nithsdale's restoration to rank and favour. By her, who was excommunicated as a Papist in 1628,<sup>9</sup> and died in 1671, Nithsdale had issue:<sup>10</sup>—

1. ROBERT, second Earl of Nithsdale.
2. *Jean*, died at Dumfries, and was buried there, 28 September 1649.
3. *Elizabeth*, who died young.

<sup>1</sup> *Acta Parl. Scot.*, iv. 635. <sup>2</sup> *P. C. Reg.*, xii. 41-42, 392. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *P. C. Reg.*, xi. *passim*. <sup>5</sup> *Acta Parl. Scot.*, vi. pt. i. 313-317. <sup>6</sup> For his life in detail see *Carlaverock Book*, i. 325-372. <sup>7</sup> *Complete Peerage*. Spencer, second Earl of Northampton, married Mary Beaumont, Lady Nithsdale's sister, hence perhaps Collins's statement (*Peerage*, ed. Brydges, iii. 237) that Nithsdale married Elizabeth Compton, Northampton's sister; Dugdale (*Baronage*, tom. iii. 403) allows Northampton 'one only' sister, Anne, Lady Clanricarde. <sup>8</sup> *Harleian Soc.*, i.-iii.; *Visit. of Leicest.*, 171. <sup>9</sup> *P. C. Reg.*, 2nd ser., ii. 535; iii. 96-97. <sup>10</sup> *Carlaverock Book*, i. 371-372.

XI. ROBERT, second Earl of Nithsdale and eleventh Lord Maxwell, born 1 September, was baptized at Dumfries 21 September, 1620.<sup>1</sup> Though he had been an active Royalist, the forfeiture of 1645 against his father was rescinded, and he was restored to honours and lands on paying a fine of 10,000 merks, 3 February 1647.<sup>2</sup> Addicted to astrology, he was popularly called the Philosopher. A marriage-contract, dated Windsor, 6 August 1622,<sup>3</sup> between him, then an infant, and Sophia Murray, daughter of John, first Earl of Annandale, came to nothing, for he 'dyed unmarried without any succession the 5th Octor. 1667 at the isle of Carlaverock, and lyeth buried in the kirk thereof.'<sup>4</sup> His heir-male,

XII. JOHN, third Earl of Nithsdale, twelfth Lord Maxwell, and seventh Lord Herries, great-grandson (for the intermediate generation *see title* Herries) of John, second son of Robert, fifth Lord Maxwell, was served heir 'masculus et tallie' to Robert, Earl of Nithsdale, who died in May 1646, father of Robert, Earl of Nithsdale lately deceased, 6 April 1670.<sup>5</sup> His mother was a daughter of the eighth Lord Maxwell and Earl of Morton. His services and losses as a Royalist are related in a Parliamentary report in 1661. A sentence of forfeiture pronounced against him in 1645 for joining Montrose was rescinded in 1647 on his payment of a fine of 10,000 merks, and again in 1661.<sup>6</sup> He died between 16 February and 29 June 1677, having married (contract 19 August 1626) Elizabeth Gordon, sister of John, first Viscount Kenmure.<sup>7</sup> By her, who was living 16 February 1656,<sup>8</sup> he had issue:—

1. ROBERT, fourth Earl.

2. *John*. He died between 1 January and 17 July 1658, leaving by Elizabeth, daughter and heir of William Glendoning of Gelston, afterwards married to Thomas, third son of Sir Robert Maxwell of Orchardton (contract 26 April 1659), a daughter *Elizabeth*, wife of Robert Maxwell of Kirkhouse.<sup>9</sup>

<sup>1</sup> For him see *Carlaverock Book*, i. 373-382. <sup>2</sup> *Acta Parl. Scot.*, vi. pt. i., 680. <sup>3</sup> *Reg. Mag. Sig.*, 20 February 1623. <sup>4</sup> Terregles ms. <sup>5</sup> Herries Peerage Case, No. 52. <sup>6</sup> *Acta Parl. Scot.*, vi. pt. i., 313, 682; vii. 204, 344. <sup>7</sup> *Carlaverock Book*, i. 383. <sup>8</sup> *Mag. Sig., Commonwealth.* <sup>9</sup> *Carlaverock Book*, i. 395.

3. *William*, who died in 1684, without issue by his wife (contract 30 June 1674) Agnes Gordon, daughter of Alexander, fifth Viscount Kenmure, later wife of John Lindsay of Wauchope.<sup>1</sup>

Nithsdale had a natural son *John Maxwell*, who was living in 1657.<sup>2</sup>

XIII. ROBERT, fourth Earl of Nithsdale and thirteenth Lord Maxwell,<sup>3</sup> was born about the end of 1627. He had commissions to suppress conventicles in 1673 and 1677. He made his will at Terregles 7 August 1682, and died at Edinburgh before 23 March 1683. He married (contract 6 and 25 March 1669) Lucy Douglas, daughter of William, first Marquess of Douglas, and by her, who died 8 January 1713, had issue:—

1. WILLIAM, fifth Earl.
2. *Mary*, married (contract 9 January 1694) to Charles, fourth Earl of Traquair; she died 22 September 1759 in her eighty-eighth year.
3. *Anne*, who died young.

XIV. WILLIAM, fifth Earl of Nithsdale and fourteenth Lord Maxwell, born in 1676,<sup>4</sup> was served heir to his father 'Robert, Earl of Nithsdale, Lord Maxwell, Herries, Eskdale; and Carlyell,' 26 May 1696, and heir-male and tailzie to Robert, second Earl of Nithsdale (the descents of both from the fifth Lord Maxwell being given), 19 May 1698.<sup>5</sup> He joined the rising in favour of the Chevalier de St. George, and being taken prisoner at Preston in November 1715, was sent to the Tower of London. He pleaded guilty of high treason 19 January, and was sentenced to death in Westminster Hall 9 February 1716, and his honours were forfeited. His wife left Terregles in December to join him. Her coach was stopped at Grantham by snow, but she, though of delicate constitution, pushed on to London on horseback with her maid Cecilia Evans and her groom, their horses at times almost buried in drifts. On 13 February she gained access to the King and begged for her husband's

<sup>1</sup> *Carlaveroock Book*, i. 396. <sup>2</sup> *Ibid.* <sup>3</sup> For parentage, date of succession, marriage, issue, etc., see *ibid.*, i. 397-413; ii. 174-176; and see title Herries. <sup>4</sup> Terregles MS. <sup>5</sup> *Dumfries Retours*.

life, in vain as she believed, though according to Lady Cowper<sup>1</sup> a reprieve for him was signed the very night of his escape on 23 February (the day before that fixed for the execution). Taking advantage of the free access to his room allowed to Nithsdale's friends, Lady Nithsdale, with her London landlady Mrs. Mills and a Mrs. Morgan, was constantly in and out of it that day, and when at dusk she led him out in female dress, the guards, confused at all this coming and going of the women, let him pass, taking him for one of them. Having delivered him into the care of the maid Evans, who took him to a friendly house known to Mrs. Mills, Lady Nithsdale returned to his room in the Tower, and after remaining a short time to disarm suspicion, she passed out with loud farewells at the door. Nithsdale was eventually hidden in the Venetian embassy (without the ambassador's knowledge) by one Michel, a servant of the house, who, after a day or two, conveyed him, dressed in the Ambassador's livery, to Dover. Hence he crossed to France, and his wife, after a journey to Scotland to secure important papers, joined him at Lille before 25 September 1716.<sup>2</sup> Henceforth the two lived often in great poverty at the Chevalier's court at Rome, where Nithsdale, who was made a Knight of the Thistle by his Prince 31 December 1725,<sup>3</sup> died on 20 March 1744.

His wife was Winifred Herbert, daughter of William, third Lord and first Marquess of Powis, who had followed James II. into exile. The marriage, according to the contract, dated Paris 2 March 1699, was to be celebrated between that date and the following Easter. Lady Nithsdale died at Rome in May 1749, 'very old and in great esteem.' Her last years were made more easy by money sent by her son when he got possession of the family lands. By her Nithsdale had, besides three children, 'Lucy, Robert, and George,' who died young,<sup>4</sup> the following issue:—

1. WILLIAM, his successor.

2. Anne, married at Lucca in Italy, 13 September 1731,

<sup>1</sup> *Diary*, 1st ed., 85. <sup>2</sup> *Hist. MSS. Com., Stuart Papers*, ii. 473. <sup>3</sup> Ruvigny, *Jacobite Peerage*, 194. <sup>4</sup> Terregles MS.; and for a full account of this Earl and his wife and her letters describing the escape, etc., see *Carlavero Book*, i. 414-483; ii. 214-234, 247.

as his first wife, to John, fourth Lord Bellew of Duleek; she died 3 May 1735.<sup>1</sup>

WILLIAM MAXWELL, sometime Lord Maxwell by courtesy, was generally called Earl of Nithsdale after his father's death. A disposition to him by his father of his lands and dignities, dated 28 November 1712,<sup>2</sup> was pronounced valid by the House of Lords 21 January 1723, only his father's liferent (reserved in the deed) being forfeited by his attainer. A Crown charter confirmed, 12 February 1741, this disposition (except as regards the dignities) in his favour as son of William, formerly Earl of Nithsdale.<sup>3</sup> It was probably at this time that he gained possession of the estates, his father's life-interest having been bought 'from the Government on his behoof.' No ill consequences followed some attentions paid by him and his wife to Prince Charles Edward in 1745.<sup>4</sup> He died 2 August 1776. He married, first, probably on 27 June 1731, Catherine Stuart, daughter of Charles, fourth Earl of Traquair, by Mary, daughter of the fourth Earl of Nithsdale. Born 4 March 1705, she died at Paris 16 June 1765.<sup>5</sup> He married, secondly, at St. George's, Hanover Square, London, 11 August 1767, Anne Fox, who died 6 March 1773.<sup>6</sup> By his first wife he had issue:—

1. *Mary*, who died unmarried at Terregles, aged fourteen, 21 December 1747.<sup>7</sup>
2. WINIFRED, born about 1736, was married to William Haggerston-Constable of Everingham, Yorkshire, and was ancestress of the Constable-Maxwells, Lords Herries. (*See that title.*)

After the passing of an Act in 1848 restoring in blood the descendants of the body of the fifth Earl of Nithsdale, the claim of Mr. Constable-Maxwell to the title of Herries was unsuccessfully opposed by Mr. William Maxwell of Caruchan, descendant of a brother of the third Earl of Nithsdale.<sup>8</sup> This gentleman, who had been served heir-

<sup>1</sup> *Carlaverock Book*, i. 444; ii. 361, 362. <sup>2</sup> Herries Peerage Case, No. 58. <sup>3</sup> *Ibid.*, No. 59. <sup>4</sup> *List of Persons concerned in the Rebellion, etc.*, Scot. Hist. Soc., viii. 144. <sup>5</sup> *Scots Mag.*, xxvii. 335; see too *Carlaverock Book*, i. 407, 484-488; ii. 361, for her and her husband where no other authority is given. <sup>6</sup> *Complete Peerage; Gentleman's Mag.*, xliii. 155. <sup>7</sup> *Carlaverock Book*, i. 488. <sup>8</sup> See title Herries, iv. 421.



male-general to Robert, fourth Earl of Nithsdale, 12 January 1829, also claimed the titles of Nithsdale, Maxwell, Eskdail, and Carlyle, as heir-male of the fifth Earl. His petition to the Crown to that effect, expressing a hope that, if successful in establishing his claim, the clemency accorded in 1848 to the heirs-female of the fifth Earl would be extended to him, was referred to a Committee for Privileges of the House of Lords 26 February 1856,<sup>1</sup> but no further steps were taken, and since his death without issue in 1863, no claim has been made to these titles.

CREATIONS.—Lord Maxwell, between 8 January 1440-41 and 3 July 1445; Lord Carlyle and Eskdail and Earl of Morton, 29 October 1581, the last title being changed to that of Nithsdale (or Nithsdail), 29 August 1620, with precedence from 29 October 1581.

ARMS.—Seals, illustrated in the *Book of Carlaverock*, and other evidence show that from about 1296 to 1581 the Carlaverock Maxwells bore argent, a saltire sable. The Earl of Morton's seals have sometimes Maxwell in an escutcheon over a shield with the arms of his maternal (Douglas) ancestors with other quarterings, and sometimes Douglas in an escutcheon over a shield with Maxwell and quarterings. The Earls of Nithsdale bore (according to Nisbet) argent, a double-headed eagle displayed sable beaked and membered gules, surmounted of an escutcheon of the first, charged with a saltire of the second, and surcharged in the centre with a hurcheon or. The seal of the fifth Earl of Nithsdale shows this last bearing quartered with that assigned by Sir Robert Forman, Lyon, in 1567 to John Maxwell, Lord Herries,<sup>2</sup> viz.: quarterly, 1st and 4th, argent, a saltire sable differenced by a label of three points gules, for *Maxwell*; 2nd and 3rd, argent, three hurcheons sable, for *Herries*.

CREST.—A stag proper couchant before a holly bush, also proper.

SUPPORTERS.—Nisbet gives two stags proper; the seal

<sup>1</sup> *Lord's Journal*. <sup>2</sup> Herries Peerage Case, No. 144.

of the fifth Earl of Nithsdale has dexter a stag, for *Maxwell*; sinister, a savage armed with a club, for *Herries*.

**MOTTO.**—*I bide ye fair* appears on most of the family seals: that of the fifth Earl of Nithsdale has *Post Nubila Phœbus*: Nisbet gives *Reviresco*.

[D. O. H.]

## CARNEGIE, EARL OF NORTHESK



THIE Castle, the seat of the Earls of Northesk, formed part of the lands conveyed by Hugh, Bishop of St. Andrews, to the Abbey of Arbroath<sup>1</sup> subsequent to the year 1177, and they had jurisdiction over the lands until, on 13 February 1549, Robert Carnegie of Kinnaird got possession. These lands Queen Mary, on 6 April 1565, erected into the Barony of Ethie,<sup>2</sup> and David Carnegie of Col-

luthie and Kinnaird (*see title Southesk*), father of the first Earls of Southesk and Northesk, settled the barony on his second son John on 1 March 1595.<sup>3</sup>

I. JOHN CARNEGIE, first Earl of Northesk, was born about the year 1579.<sup>4</sup> His barony of Ethie was regranted to him by charter of James VI. dated 10 October 1604.<sup>5</sup> By contract, dated at Linlithgow 12 October 1604, between John Carnegie and his eldest brother David, afterwards Earl of Southesk, the latter, out of his brotherly love, ratified the infestment of Ethie in favour of John and his heirs-male;

<sup>1</sup> The parish church of St. Murdoch of Ethie had its own vicar, and was not served by the monks. It was annexed to the parish of Inverkeilor prior to 1611. *Liber St. Thome de Aberbrothoc*, pt. i. 101. <sup>2</sup> Original charter at Ethie. <sup>3</sup> Original charter and sasine at Ethie. <sup>4</sup> On his portrait he is stated to be fifty-eight years old in the year 1637; portrait by Jameson at Kinnaird Castle. <sup>5</sup> Charter at Ethie.

and on the other hand, John, in consideration of many pleasures, gratitudes, and good deeds done to him by his brother David, ratified to him his right to the lands of Quikstoun and others.<sup>1</sup> About this time John Carnegie travelled on the Continent, visiting, in the year 1610, Paris, Dieppe, Poitiers, Marseilles, and other places.<sup>2</sup> He writes from Paris on 10 January 1610 to his brother David, 'Langraivis son and I haiff bein throw all the palais and the town siking knoks; thay ar werry skant, and dier; I can not by ane reweill matin wnder fowirtie crowns of selver. The King's knokmaker hes promeset to latt ws sie ane knok vith ane reweill matin werry fyn within twa dayis; I sall by that quhilk Dauid Ramsay and Hary Wymis thinks best wirth the siluer.'

John Carnegie seems to have been knighted about the end of 1610 or beginning of 1611.

In 1613 he acquired the barony of Redcastle and Kynaldie; in 1625 Lunan and others; in 1626 the shadow half of Auchmithie.<sup>3</sup> He also purchased Seaton, the Temple lands of Kinblethmont, and the lands of Inglismaldie and Dunlappie.<sup>4</sup> He held the office of Sheriff of Forfarshire.<sup>5</sup> He was a faithful supporter of King Charles I., and in 1638 voted against the further sittings of the assembly.

In 1639 Sir John was raised to the Peerage with the title of LORD LOUR, by letters patent dated at York 20 April 1639, with remainder to his heirs-male. He was elected a member of the first committee of Estates in 1640, and sat frequently in Parliament. For his faithful services and loyalty to Charles I. he was advanced, by patent dated at Hampton Court 1 November 1647, to the dignity of an Earl, being created EARL OF ETHIE, LORD LOUR AND EGLISMALDIE, with remainder to the heirs-male of his body.<sup>6</sup>

He was fined £6000 sterling by Cromwell's Ordinance of Pardon and Grace passed on 12 April 1654, against which he appealed by petition to the Protector, without effect.<sup>7</sup> He succeeded his immediate younger brother Sir Robert Carnegie of Dunnichen in Caraldston and others, and in

<sup>1</sup> Contract at Kinnaird Castle. <sup>2</sup> Letters at Kinnaird. <sup>3</sup> Charters at Ethie. <sup>4</sup> *Ibid.* <sup>5</sup> Commission dated at Holyrood 27 July 1620, at Ethie. <sup>6</sup> Diploma, with Great Seal appended, at Ethie. <sup>7</sup> Copy petition at Ethie.

the office of 'Dempster' in Parliaments and Justice and Circuit Courts in the sheriffdom of Forfar.<sup>1</sup>

Shortly before his death the Earl of Ethie procured a patent, dated at Whitehall 25 October 1666, changing his titles of Earl of Ethie and Lord Lour and Eglismaldie into those of EARL OF NORTHESK and LORD ROSEHILL AND EGLISMAULDIE, and altering also the limitation of the succession to 'heirs-male and of entail in his estate.'<sup>2</sup>

Lord Northesk died at Ethie on 8 January 1667, and was buried in the parish church of Inverkeillor. He married, first, Magdalen, daughter of Sir James Haliburton of Pitcur, and widow of John Erskine of Dun. Her will is dated at Ethie 1 August 1640. After her death there on 10 March 1650 the Earl, at the advanced age of seventy-three, married, secondly, 29 April 1652, Marjory, daughter of Andrew Maule of Guildie, relict of William Nairn, son of the Laird of Sandford in Fife. They were married on the same day that the Earl's daughter Marjory made her second marriage.<sup>3</sup>

By his first wife Lord Northesk had issue:—

1. DAVID, second Earl of Northesk.
2. *John*, who was provided by his father to the barony of Boysack.<sup>4</sup> He married Margaret, daughter of Sir Alexander Erskine of Dun, by whom he had:—

- (1) *John*, his heir.
- (2) *James* of Kinnoull and Braikie; James died in December 1693, having married Anne, daughter of Sir David Ogilvy of Inverquharity, and was succeeded by his son *John*, who died before 10 August 1709, having married Anne, daughter and heiress of Archibald Auchinleck of Balmanno, when his daughter *Anne* was served heir to him. She married Robert, eldest son of Robert Carnegie of Ballindarg.<sup>5</sup> Robert Carnegie sold Kinnoull to Lord Panmure in 1742.
- (3) *Margaret*, married Sir Charles Ramsay, third Baronet of Balmain (contract in 1673).<sup>6</sup>

*John* Carnegie, second of Boysack, received a Crown charter of Boysack on his father's resignation,<sup>7</sup> and also a charter of Kinblethmont from Sir John Wood of Bonnyton. He married Jean, daughter of David Fotheringham of Powrie, by whom he had:—

- i. *John*, third of Boysack.

<sup>1</sup> Fraser's *History of Carnegies*, ii. 350. <sup>2</sup> Original patent at Ethie.

<sup>3</sup> Lamont's *Diary*, 40. <sup>4</sup> Charter dated 11 August 1636, confirmed 28 July 1665. <sup>5</sup> Nisbet's *Heraldry*, ii. 242. <sup>6</sup> Fraser's *History of Carnegies*.

<sup>7</sup> *Reg. Mag. Sig.*

- ii. *Margaret*, who married, in June 1711, John Fullarton of that Ilk, grandson of Margaret Lindsay, eldest daughter of Lord Spynie, with issue.

*John*, third of Boysack, served heir 18 January 1687, called to Scottish Bar 16 January 1703, Solicitor-General for Scotland 1714-16, and M.P. for Forfarshire 1708-16, died before 14 May 1750, having married, 6 November 1707, Margaret, daughter of Skene of Grange,<sup>1</sup> by whom he had :—

- i. *James*, fourth of Boysack.
- ii. *David*, died without issue.

*James*, fourth of Boysack, advocate 5 December 1733, received Crown charter of Boysack dated 4 July 1757,<sup>2</sup> died 4 September 1768,<sup>3</sup> leaving an only daughter *Stewart*, who married her cousin William Fullarton of that Ilk and Glenquoich, who adopted the name and designation of Lindsay of Spynie, and claimed the title of Lord Spynie. He proved his descent as heir of line, but did not make out his right to the title. After his wife's death, on 23 May 1765, he married Margaret, heiress of James Blair of Ardblair. By Stewart Carnegie he had a son *James*, advocate 10 August 1784, who married, in 1786, Mary Elizabeth, daughter of James Strachan of Thornton. He died in his father's lifetime 7 April 1805, leaving many children, among whom were

- i. *James*, fifth of Boysack, succeeded his grandfather, and died at sea on 5 October 1814 unmarried.
- ii. *William* Fullarton Lindsay Carnegie, succeeded James.
- iii. *Alexander*, married Amy, daughter of Alexander Cruickshank of Stracathro, and had a son Alexander, who married his cousin Jane Lindsay Carnegie, by whom he had issue *David*, *Walter*, brigadier-general, R.H.A., and *Amy*.

*William* Fullarton Lindsay Carnegie, sixth of Boysack and Kinblethmont, was born 13 May 1788, married Lady Jane Christian Carnegie, daughter of William, seventh Earl of Northesk. He died 13 March 1860, leaving, *inter alios*,

- i. *Henry* Alexander, seventh of Boysack and Kinblethmont, who married Agnes, eldest daughter of James Rait of Anniston. He died *s.p.* 14 November 1908.
- ii. *Donald*, succeeded his brother.
- iii. *Jane*, married her cousin Alexander Lindsay, and had issue, as above.
- iv. *Susan*, married Robert Ramsay, nephew of Sir Alexander Ramsay of Balmain, and has issue.
- v. *Helen*.

*Donald* Lindsay Carnegie, now of Boysack and Kinblethmont, is a major (retired) in the Indian army. He is unmarried.

3. *Robert*, who benefited under his father's will to the extent of 20,000 pounds Scots. No other notice of him has been found.

<sup>1</sup> Auchtermuchty Reg. <sup>2</sup> Reg. Mag. Sig. <sup>3</sup> Scots Mag.

4. *Anna*, received 20,000 merks Scots by her father's will; married to Patrick, eldest son of Sir Henry Wood of Bonnington, Knight (contract dated at Kinnaird and Ethie 8 November 1634), by whom she had issue.
5. *Marjorie*. She received, along with all the younger daughters, £10,000 Scots by her father's will; married, first, to James, son of Sir John Scott of Scotstarvit, in the year 1635 (she had £10,000 Scots tocher);<sup>1</sup> secondly (contract 26 March 1652), to John Prestoune, younger of Airdrie.
6. *Margaret*.
7. *Jean*. She was married, first, to Alexander, eldest son of Alexander, second Lord Spynie, but had no issue by him; and, secondly, to John Lindsay afterwards of Edzell (contract, in which she is styled Mistress of Spynie, dated 9 August 1647). Her tocher was £20,000 Scots.
8. *Magdalene*, who was married to William, eldest son of George Graham of Claverhouse (contract at Ethie, dated 7, 15, and 24 February 1645). She had 20,000 merks of tocher.<sup>2</sup> She was the mother of the famous John Graham of Claverhouse, Viscount Dundee. (*See that title.*)

II. DAVID, second Earl of Northesk, succeeded his father in January 1667.<sup>3</sup> In 1636 he travelled abroad with Alexander Carnegie of Pitarrow and other friends. He frequently attended in Parliament, and was constantly occupied in public and private business. He died in December 1679, and was buried in Inverkeillor Church. He married towards the end of 1637 Jean, daughter of Patrick Maule, afterwards Earl of Panmure (contract, dated at Arbroath and Brechin 19 October 1637 and 12 January 1638, at Ethie). By her, who died November 1685, he had five sons and three daughters:—

1. DAVID, third Earl of Northesk.
2. *James* of Finavon. He was infest 6 June 1672. On 13 September 1703 he executed an entail preferring his second son James. He died 10 March 1707,

<sup>1</sup> Discharge dated 22 June 1636. <sup>2</sup> *Reg. of Deeds*, 8 November 1646.

<sup>3</sup> Extract Retours at Ethie, dated 16 April 1667.

having married Anna Lundin, second daughter of Dame Margaret Lundin of that Ilk, by whom he had :—

- (1) *Charles*, who was palsied, and died *s.p.* 1712.
- (2) *James*, his heir.
- (3) *Margaret*, married to Patrick Lyon of Auchterhouse.
- (4) *Jean*, married to Alexander Blair of Kinfauns, who assumed the name of Carnegie. Their daughter and heiress *Margaret*, married, in 1741, John, Lord Gray of Gray, by which marriage Kinfauns passed into the family of Gray.<sup>1</sup>

*James Carnegie* of Finavon, on 9 May 1728, killed the Earl of Strathmore in a brawl in the streets of Forfar.<sup>2</sup> He died in 1765, having married, first, Margaret, daughter of Sir William Bennet of Grubbet, by whom he had two daughters; secondly, Violet, daughter of Sir James Nasmyth of Posso, Baronet, by whom he had a son and three daughters :—

- i. *James* of Finavon, died at Lisbon 1777, unmarried.
- ii. *Anne*, married to Sir John Ogilvy of Inverquharity, with issue.
- iii. *Margaret*, married, first, 29 April 1731, to John Foulis of Woodhall; secondly, to Charles Lewis, with issue.
- iv. *Barbara*, succeeded her brother James in Finavon. Married to Sir Robert Douglas of Glenbervie, Bart., author of the *Peerage and Baronage of Scotland*. Their only son Robert predeceased his father. Lady Douglas sold Finavon in 1779 to the Earl of Aboyne. It is now the property of Colonel Charles Greenhill Gardyne.

3. *Patrick* of Lour, who acquired Lour from his brother Lord Northesk; he died on 7 December 1723, having married, first, Marjory, daughter of Sir Patrick Threipland of Fingask, by whom he had eight sons and three daughters; secondly, Margaret Stewart, and had by her six sons and three daughters. He was succeeded by his eldest son *Patrick*, born 14 January 1684, and died 8 September 1729. He married Alison, daughter of John Watson of Turin, by whom he had five sons and seven daughters. He was succeeded by his eldest son *Patrick*, born 30 October 1720. He died 11 November 1799, having married, first, Elizabeth, daughter of John Graham, merchant in Dundee; secondly, Margaret, daughter of James Graham of Meathie. He had by her three sons and three

<sup>1</sup> See *note*, vol. iv. 292. <sup>2</sup> He was tried at Edinburgh before the High Court of Justiciary and acquitted. He seems to have been very drunk when he committed the deed. Account of the trial printed in Edinburgh by Hamilton and Balfour, MDCCLXII.



daughters. He was succeeded by his eldest son *Patrick*, born 25 February 1757, and died 24 November 1819, having married, 20 April 1789, Margaret, daughter of Alexander Bower of Kincaldrum, by whom he had eight sons and four daughters. He was succeeded by his eldest son *Patrick*, advocate, 22 June 1819, who succeeded to the estate of Turin, and assumed the name and arms of Watson. He died on 3 September 1838, having married, 1832, Rachel Anne, eldest daughter of James Forbes of Echt, by whom he had two sons, the younger of whom died unmarried on 1 May 1855. The elder is Patrick Alexander Watson Carnegie of Lour, born 29 March 1836. He married Elizabeth Caroline, daughter of Duncan Davidson of Tulloch. They have no issue.

4. *Alexander* of Kinfauns. Born about 1650, he died on 14 November 1691, having married, first, Anna, eldest daughter of Sir William Blair of Kinfauns;<sup>1</sup> her testament confirmed at St. Andrews 24 May 1688, 29 March 1693; secondly, Margaret, daughter of Mr. John Nairne of Muckarsie. He had six sons and one daughter. The eldest son, *Alexander*, married his cousin Jean, daughter of James Carnegie of Finavon.<sup>2</sup>
5. *Robert*, died young and unmarried.
6. *Jean*, married to Colin, Earl of Balcarres. (*See that title.*)
7. *Magdalene*, married to John Moodie of Ardbikie, with issue.
8. *Frances*, baptized 24 April 1657.<sup>3</sup>

III. DAVID, third Earl of Northesk, succeeded his father in 1649, and on 5 May 1681 expedite a general service as heir to him. He lived a quiet life, chiefly at Ethie, and died on 3 October 1688. He married, when twenty-six years of age, Elizabeth, youngest daughter of John, <sup>17th</sup> ~~fourteenth~~ Earl of Crawford (copy contract, dated at Struthers 9 September 1669, at Ethie). She brought him

<sup>1</sup> Copy contract at Ethie. <sup>2</sup> *V. supra*, p. 498. <sup>3</sup> Register of Parish of Errol.

18,000 merks of tocher. By her, who died January 1688, he had one son and four daughters:—

1. DAVID, fourth Earl of Northesk.
2. *Margaret*, who when young lived with the Countess of Haddington, under whose care she was educated. On 27 March 1729 she made a disposition in favour of her sister-in-law Lady Northesk.<sup>1</sup> She died unmarried 29 November, and was buried at Restalrig 4 December 1798.<sup>2</sup>
3. *Anna*, who died young and unmarried.
4. *Christian*, married, in 1702, to James, fourth Marquess and first Duke of Montrose. (*See that title.*) She helped the Earl of Nithsdale to escape after the rising of 1715.<sup>3</sup>
5. *Jean*, died young and unmarried.

IV. DAVID, fourth Earl of Northesk, succeeded his father 3 October 1688.<sup>4</sup> He and his sisters, a family of small children when their father died, were brought up by their aunt, Christian Lindsay, Countess of Haddington. On 19 July 1698 the Earl took his seat in the Parliament of Scotland, and on 25 August 1702 received his commission as Sheriff-Principal of Forfarshire,<sup>5</sup> which was renewed afterwards by a commission dated at Kensington 6 December 1706.<sup>6</sup> About 1702 the Earl was made one of the Privy Councillors of Queen Anne. He was also appointed Commissioner of the Chamberlain's Court and a Lord of Police.<sup>7</sup> He was a supporter of the Union in 1707, and in 1708 was elected a Representative Peer for Scotland, and was re-elected in 1710 and 1713.

On 25 April 1707 Lord Northesk obtained a charter under the Great Seal erecting all his lands and baronies of Errol, Ethie, Redcastle, and others into the earldom of Northesk and lordship and barony of Rosehill, to him and the heirs-male of his body, whom failing, to whatsoever person he should nominate in writing, and other heirs mentioned therein.<sup>8</sup> In 1714 he was summoned to the coronation of George I.<sup>9</sup> He did not take any active part in the Stuart rising of

<sup>1</sup> Original disposition at Ethie. <sup>2</sup> *Restalrig Reg.*, Scot. Record Society.

<sup>3</sup> Letter at Terregles. <sup>4</sup> Extract retour at Ethie. <sup>5</sup> Original Commission at Ethie. <sup>6</sup> Original at Ethie. <sup>7</sup> *History of Carnegies*, by Sir W. Fraser, ii. 376. <sup>8</sup> Original charter at Ethie. <sup>9</sup> Letters at Ethie.

1715, though it appears that he supplied the Jacobites with ammunition. A receipt dated October 1715<sup>1</sup> is extant from the Earl of Mar for thirty-five firelocks received from Lord Northesk's servant with ten pound weight of powder and ten pound of balls, 'All for the use of his Majesty's army at Perth.' On 12 December of that year the cellar at Ethie was pillaged by David Ramsay of Panmure's regiment, by order of Lord Mar, who carried off 'twenty-one dozen and nine bottles of claret wine,' for which he gave a receipt.<sup>2</sup> Lord Northesk's pecuniary affairs became unsatisfactory, and he sold Lunan and Redcastle. In 1727 he was summoned to the coronation of George II. He died at Ethie on 14 January 1729, and was buried in Inverkeillor Church. He married, on 29 January 1697, Margaret, sister of David, third Earl of Wemyss (contract dated 9 January 1697);<sup>3</sup> by her, who died 29 March, aged eighty-seven, and was buried at Restalrig 1 April 1763,<sup>4</sup> he had three sons and six daughters:—

1. DAVID, fifth Earl of Northesk.
2. *James*, died aged nineteen months.<sup>5</sup>
3. GEORGE, sixth Earl of Northesk.
4. *Margaret*, born 6 December 1697.<sup>6</sup> She was married to George, Lord Balgonie and Raith, eldest son of David, third Earl of Leven and second Earl of Melville (*see those titles*), contract of marriage dated at Ethie 27 July 1716, by whom she had issue. She died 7 July 1722.<sup>7</sup>
5. *Elizabeth*, born and baptized in Edinburgh 2 January 1699.<sup>8</sup> She was married to James, afterwards fifth Lord Balmerino and Lord Coupar (contract dated 28 April and 7 May 1718). She died, without issue, on 23 September 1767, and was buried in the Balmerino vault at Restalrig church.
6. *Anna*. Born at Errol on 18, and baptized 19, March 1700.<sup>9</sup> She was married to Sir Alexander Hope of Kerse, Baronet, by whom she had one son. She died 1 February 1733.<sup>10</sup>

<sup>1</sup> Original at Ethie. <sup>2</sup> *Ibid.* <sup>3</sup> Register of the Parish of Wemyss.

<sup>4</sup> *Restalrig Reg.*, Scot. Record Society. <sup>5</sup> Register of Parish of Errol.

<sup>6</sup> *Ibid.* <sup>7</sup> Northesk Family Bible at Ethie. <sup>8</sup> Register of Parish of Errol.

<sup>9</sup> *Ibid.* <sup>10</sup> Fraser's *History of Carnegies*, ii. 391.

7. *Christian*, born at Ethie, and baptized 29 May 1703. She died unmarried on 1 April 1787.<sup>1</sup>
8. *Mary*, born at Ethie 7 July 1712.<sup>2</sup> She died unmarried in Edinburgh 29 November 1798.<sup>3</sup>
9. *Henrietta*, born at Ethie on 14 June 1714, died unmarried.

V. DAVID, fifth Earl of Northesk, was born at Errol on 11 June 1701.<sup>4</sup> He was educated at the Universities of Edinburgh and St. Andrews, his board and college fees at Edinburgh for two quarters in 1715 being £17, 1s. 6d. sterling.<sup>5</sup> He seems to have had an impediment in his speech, to which his father refers in a note in which he states that in the end of November 1723 his son went to Edinburgh to try and cure his speech.<sup>6</sup> Lord Northesk died unmarried at Ethie on 24 June 1741. He was succeeded by his next brother George. He left a natural son Sylvester, by Isabel Rarity, who married and resided in Arbroath.<sup>7</sup>

VI. GEORGE, sixth Earl of Northesk, was born at Ethie on 2nd August 1716. He entered the Navy on 15 March 1737, obtained a commission as third lieutenant of H.M.S. *Dragon*, and on 29 April of that year was appointed third lieutenant of H.M.S. *Windsor*.<sup>8</sup> In 1738, when his ship was lying off Minorca he was seized with a violent illness, and apparently died in the house of Sir John St. Clair on the island. He was laid in his coffin, the funeral party was told off, and all arrangements made, when Sir Robert Boyd (afterwards Governor of Gibraltar) put a glass to his lips and found that he still breathed.

During 1740 he served on board H.M.S. *Marlborough* and H.M.S. *Edinburgh*, and on 4 January 1741 obtained his commission as captain, and was appointed to H.M.S. *Loo*. On 25 August of the same year he (having now succeeded his brother) was appointed to the *Biddeford*,<sup>9</sup> and on 8 September 1742 to the *Preston*.<sup>10</sup> He retained command of the *Preston* till the spring of 1747, when he resigned his

<sup>1</sup> *Scots Mag.*, xlix. 206; *Restalrig Reg.*, Scot. Record Society. <sup>2</sup> Records of Parish of Errol. <sup>3</sup> Family Bible at Ethie. <sup>4</sup> Records of Parish of Errol. <sup>5</sup> Original discharge at Ethie. <sup>6</sup> Holograph note at Ethie. <sup>7</sup> Fraser's *History of the Carnegies*, ii. 366. <sup>8</sup> Original commissions at Ethie. <sup>9</sup> *Scots Mag.*, iii. 383. <sup>10</sup> Commissions at Ethie.

command on the grounds of ill-health and private affairs at home. On 6 March 1755 he was appointed to H.M.S. *Orford*, a ship of seventy guns,<sup>1</sup> and on 4 June 1756 was promoted to be Rear-Admiral of the Blue. On 13 July 1758 Rear-Admiral of the White Squadron, 14 February 1759 Vice-Admiral of the Blue, 21 October 1762 Vice-Admiral of the White. On 18 October 1770 Admiral of the Blue, and 29 January 1778 Admiral of the White Squadron.<sup>2</sup> He was prevented by ill-health from attending the coronation of King George III. in 1761. He died on 22 January 1792, aged seventy-five. Lord Northesk married, on 30 April 1748, Anne Leslie, daughter of Alexander, Earl of Leven and Melville (contract, dated 26 April 1748, at Ethie); by her, who died 8 November 1779, aged forty-nine, he had five sons and three daughters:—

1. *David*, Lord Rosehill, born 5 May 1749; appointed ensign in the 25th Regiment of Foot in November 1765; retired in 1767, and died *s.p.* in Rouen 19 February 1788. He married in Maryland, in August 1768, Mary Cheer,<sup>3</sup> by whom he had no issue.
2. *Alexander*, born 21 December 1751, died in infancy 12 December 1754.<sup>4</sup>
3. WILLIAM, seventh Earl of Northesk.
4. *James*, born 29 February 1768, and died in infancy, was probably he who as child of George, sixth Earl, was buried at Restalrig 22 April 1770.<sup>5</sup>
5. *George*, born 21 August 1773. He attended the High School in Edinburgh in 1778 and 1779. He entered the Army, and rose to be a lieutenant-colonel. He died *s.p.* in 1839, having married, 1796,<sup>6</sup> Elizabeth, daughter of John Swinton of that Ilk, a Lord of Session, by whom he had a son *George James*, born 13 May 1806, who married, 3 October 1837, Francis Jacobina, daughter of Alexander Nicholson, Esq.
6. *Elizabeth*, married, on 21 August 1776, to James, afterwards third Earl of Hopetoun. (*See that title.*)
7. *Margaret*, born 5 September 1756.<sup>7</sup> Married, October 1780,<sup>8</sup> to Charles Watson of Saughton (contract

<sup>1</sup> *Scots Mag.*, xvii. 161. <sup>2</sup> Commissions at Ethie. <sup>3</sup> *Scots Mag.* <sup>4</sup> *Ibid.*, xiii. 597. <sup>5</sup> *Restalrig Reg.*, Scot. Rec. Society. <sup>6</sup> *Scots Mag.* <sup>7</sup> *Ibid.*, xvii. 16. <sup>8</sup> *Ibid.*

dated at Edinburgh 19 October 1780, at Ethie). She died in 1793, and was buried at Corstorphine.

8. *Mary Anne*, born 15 August 1764,<sup>1</sup> married, 2 June 1797, as his second wife, to the Rev. John Kemp, D.D., minister of the Tolbooth, Edinburgh. After her death *s.p.*, on 11 August 1798, Dr. Kemp married Elizabeth, daughter of John, second Earl of Hopetoun.

VII. WILLIAM, seventh Earl of Northesk. Born at Leven Lodge, near Edinburgh, on 10 April 1758, he succeeded his father in the title and estates on 22 January 1792. He entered the Navy, serving in 1771 on board the *Albion*, and later in the *Southampton* frigate, in which ship subsequently he conveyed the Queen of Denmark to Zell. He served as Master in the *Royal George* at the capture of Don Juan de Langara's Spanish squadron, and at the relief of Gibraltar, and in 1780 commanded the *Blast* fireship. On 7 April 1782 he was advanced to the rank of post-captain, and appointed to the *St. Eustatius*, thence to the *Enterprise* frigate, and was paid off at the peace of 1783. In 1788, on his elder brother's death, he assumed the title of Lord Rosehill, and in 1790 commanded the frigate *Heroine*. In 1793 he served in the West Indies on board the *Beaulieu* and the *Andromeda*. In 1796 he commanded the *Monmouth*, and the next year tried without success to effect a reconciliation between the Government and the mutineers at the Nore. He was appointed in 1800 to command of the *Prince*, of ninety-eight guns, and continued captain of her till the peace of 1802. On the renewal of hostilities in 1803 he was given command of the *Britannia*, of one hundred guns, and in May 1804 was promoted to be Rear-Admiral of the White. He hoisted his flag on board the *Britannia*, and in her he maintained the blockade of Brest in 1804, and the next year fought as third in command under Lord Nelson at the battle of Trafalgar. For his services there he was invested with the Order of the Bath. He received the thanks of both Houses of Parliament, the Corporation of London, and several City companies. The Corporation of London voted him a sword valued at one hundred guineas, and the patriotic fund at Lloyd's a vase of £300

<sup>1</sup> *Scots Mag.*, lv. 154.

value. Further, his Majesty granted him certain honourable augmentations to his arms, to be borne by his descendants, and certain augmentations to his supporters, to be borne by his successors in the title of Northesk. In 1808 he was promoted Vice-Admiral, and an Admiral on 4 June 1814. On 21 November 1821 he was created Rear-Admiral of Great Britain, and invested with the office of Commander-in-chief of the British Navy at Plymouth, where he remained till 1830.<sup>1</sup>

In 1796 Lord Northesk was elected one of the sixteen Representative Peers, and was re-elected in 1802, 1806, and 1830. For some years previous to his death he was the Governor of the British Linen Company, of which he was a large shareholder. He died on 28 May 1831, and was buried in St. Paul's Cathedral.

His Lordship married, on 9 December 1788, at Paris, Mary, only daughter of William Henry Ricketts of Longwood, in Hampshire.<sup>2</sup> Her mother was Mary Jervis, elder sister of John, Earl of St. Vincent.<sup>3</sup> She died 20 November 1835. By her he had four sons and five daughters:—

1. *George*, Lord Rosehill, born 3 November 1791, was educated at Twyford School and Winchester College. He entered the Navy, and in his sixteenth year perished in the *Blenheim* in February 1807.<sup>4</sup>
2. WILLIAM HOPETOUN, eighth Earl of Northesk.
3. *John Jervis* of Fair Oak, Sussex. Born at Winchester on 8 July 1807.<sup>5</sup> He married, first, on 13 February 1836, Charlotte, daughter of David Stevenson of Dollan, in Carmarthenshire. They had one daughter, *Mary Georgina*, who was born 29 June 1838, and died 31 March 1854. He married, secondly, on 8 June 1876, Georgina, daughter of Edward Marjoribanks, and died 18 January 1892.
4. *Swynfen Thomas*, born 8 March 1813. He rose to the

<sup>1</sup> A memoir of his naval services was published during his lifetime, from which work the above facts are taken. <sup>2</sup> *Scots Mag.*, li. 100. <sup>3</sup> On 21 April John Jervis, Earl of St. Vincent, was created Viscount St. Vincent of Meaford in the county of Stafford, with remainder; failing his issue-male, the title was to descend to his nephew, William Henry Ricketts and the heirs-male of his body; failing whom, to Edward Jervis Ricketts, his brother, and the heirs-male of his body; failing whom, to Mary, Countess of Northesk their sister, and the heirs-male of her body. <sup>4</sup> *The Globe*, 10 February 1808. <sup>5</sup> *Scots Mag.*, lxxix. 637.

- rank of Rear-Admiral in the Navy, possessed the orders of Knight of San Fernando of Spain, and the Medjidie of Turkey, and was a Companion of the Order of the Bath. He died without issue on 29 November 1879, having married, 29 September 1858, Louisa Albertina, daughter of Adrian John Hope.
5. *Mary*, born 3 October 1789, married, on 12 February 1810, to Walter Long of Preshaw, in Hampshire, with issue. She died 7 March 1875.
  6. *Anne Letitia*, born on 10 July 1793, married, on 18 January 1821, to James Cruickshank of Langley Park, in Forfarshire, with issue. She died 25 February 1870.
  7. *Elizabeth Margaret*, born 15 May 1797, married, on 21 November 1825, to General Frederick Raynell Thackeray, C.B., R.E., with issue. She died 12 April 1886.
  8. *Jane Christian*, born 14 November 1800, married, on 27 December 1820, to William Fullarton Lindsay Carnegie of Spynie and Boysack, with issue (see *supra*, p. 496). She died 1 October 1840.
  9. *Georgina Henrietta*, born on 2 August 1811, died unmarried on 7 November 1827.

VIII. WILLIAM HOPETOUN, eighth Earl of Northesk, was born on 17 October 1794, and succeeded his father on 28 May 1831. Previous to his succession he lived chiefly abroad, and afterwards at Ethie and Longwood. He died on 5 December 1878, having married, on 14 February 1843, Georgiana Maria, daughter of Admiral the Honourable Sir George Elliot, C.B., by whom he had one son and one daughter:—

1. GEORGE JOHN, ninth Earl of Northesk.
2. *Margaret Mary Adeliza*, born 15 September 1848, and died unmarried 21 September 1871.

IX. GEORGE JOHN, ninth Earl of Northesk, born on 1 December 1843, succeeded his father in 1878. He was a cornet in the 1st Dragoons, and subsequently was a lieutenant-colonel in the Scots Fusilier Guards. He was a Deputy-Lieutenant for Forfar and for Southampton. He died on 9 September 1891, having married, on 28 Feb-



ruary 1865, his cousin Elizabeth, born 28 June 1843, daughter of Rear-Admiral George Elliot, eldest son of Admiral Sir George Elliot mentioned above. By her he had three sons and one daughter:—

1. DAVID JOHN, tenth Earl of Northesk.

2. *John Douglas*, born 4 January 1870. He was a captain in the 3rd Battalion Gloucestershire Regiment. Married, 26 April 1894, Margaret Jean, second daughter of A. H. Johnstone-Douglas, Comlongan Castle, Ruthwell, and has issue:—

(1) *John Douglas*, born 16 February 1895.

(2) *David Alexander*, born 15 January 1897.

(3) *Jean Douglas*, born 31 August 1899.

(4) *Margaret*, born 7 June 1901.

3. *Ian Ludovic Andrew*, lieutenant R.N. Born 30 September 1881. He served in the South African war, and was present in Ladysmith during the siege. Died 4 January 1909. He married, on 30 March 1905, Anna Barbara, daughter of Colonel Bradford Atkinson of Angeston, Northumberland.

4. *Helen Alice*. Married, 9 April 1890, to Francis Eden Lacy, with issue; she died 18 May 1908.

X. DAVID JOHN, tenth Earl of Northesk. He was born on 1 December 1865. He is a Deputy-Lieutenant for Forfarshire. Was A.D.C. to the Governor of Victoria 1889-91 and 1892 to 1895. He married, on 3 February 1894, Elizabeth Boyle, eldest daughter of General George Skene Hallowes, and has issue:—

1. *David Ludovic George Hopetoun*, Lord Rosehill, born 24 September 1901.

2. *Katharine Jane Elizabeth*, born 25 June 1904.

CREATIONS.—Baron Lour 20 April 1639. Earl of Ethie, Lord Lour and Egilismaldie, 1 November 1647, changed to Earl of Northesk, Lord Rosehill and Eglismauldie, by patent 25 October 1666.

ARMS (as recorded in the Lyon Register).—Quarterly: 1st and 4th, or, an eagle displayed azure, armed and membered sable, for *Carnegie*: 2nd and 3rd, argent, a pale gules as a coat of augmentation.

CREST.—A leopard's head full-faced proper.

SUPPORTERS.—Two leopards full-faced as the former.

MOTTO.—*Tâche sans tache.*

The following achievement is, however, given in the modern *Peerages*:—Or, an eagle displayed azure, armed and membered sable: and as an honourable augmentation charged on the breast with a naval crown of the field and over the eagle the word 'Trafalgar.'

CRESTS.—First, the stern of a line-of-battleship on fire proper. Second, out of a naval crown or, a demi-leopard proper.

SUPPORTERS.—Two leopards regaurdant proper, each holding a banner charged with the cross of St. George, inscribed 'Britannia Victrix,' staff proper, chains round their necks, from which is suspended the medal of merit commemorating the battle of Trafalgar.

MOTTO.—*Tâche sans tache.*

This achievement, containing as it does several augmentations granted by special authority of the King, was probably recorded in England shortly after the battle of Trafalgar, in which the seventh Earl played so conspicuous a part.

[A. S. C.]

## STEWART, LORD AVANDALE AND OCHILTREE



ANDREW STEWART, first Lord Avandale. He has been described as natural son of Sir James Stewart, third son of Murdoch, Duke of Albany, but was more probably eldest natural son of his second son, Sir Walter Stewart.<sup>1</sup> After the fall of the Albany family he was educated by King James II. in England, made Gentleman of the Bedchamber and knighted,<sup>2</sup> and in 1456 was granted the barony of Avandale, being before

next year created LORD AVANDALE.<sup>3</sup> He was Warden of the West Marches and one of the Scottish guardians of the truce between England and Scotland, ratified 11 June 1459. In 1460 he was made Lord High Chancellor of Scotland, and was one of the Lords of the Regency during the minority of James III.<sup>4</sup> He was ambassador to Denmark in 1467, and on 4 May 1471 obtained a grant for life of the earldom of Lennox, which had belonged to his grandmother, Isabella, Countess of Lennox,<sup>5</sup> and, on 28 August 1472, he and his brothers, Arthur and Walter, received letters of legitimation, but without specifying their parentage,<sup>6</sup> and again, with fuller effects, on 17 April 1479.<sup>7</sup> He supported the

<sup>1</sup> Fraser's *The Lennox*, i. 276-287; Stuart's *Stuarts of Castlestuart*, 104-123; cf. vol. I. of this work, p. 150. <sup>2</sup> Crawford's *Lives*, 36. <sup>3</sup> *Stuarts of Castlestuart*, 106. <sup>4</sup> Crawford's *Lives*, 37. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Ibid.* <sup>7</sup> *Ibid.*

King against the Duke of Albany, and was again ambassador to England in 1484. He died without issue between 11 March 1487-88 and 12 July 1488, when his title became extinct. His nephew, Alexander Stewart, son of Walter Stewart of Morphie, had a charter of the lands and barony of Avandale 4 January 1485-86, on the resignation of Lord Avandale, his uncle. He was one of the Lords Auditors 21 January 1488-89, but appears to have died before 2 June 1489.<sup>1</sup>

II. ANDREW STEWART, second Lord Avandale, was grand-nephew of the first Lord, being son of Alexander, son of Walter Stewart of Morphie, the brother of the first Lord Avandale.<sup>2</sup> It has been alleged that this Walter Stewart was, unlike Lord Avandale, a legitimate son of Sir Walter Stewart, son of the Regent Murdoch of Albany, by a marriage with Janet, daughter of Sir Thomas Erskine, for which he had a dispensation from Pope Martin v., 27 May 1421.<sup>3</sup> If, however, he was legitimate, it is difficult to explain why he received with his brothers letters of legitimation on 17 April 1479, and also how his descendants' claims to the throne as sole male descendants of King Robert II. were disregarded completely on the death of King James v. Andrew was a minor at his father's death, and had sasine of the barony of Avandale 8 October 1498.<sup>4</sup> He and his wife received a charter of confirmation of the barony of Morphie Fresale 4 February 1499-1500,<sup>5</sup> and he is there styled LORD AVANDALE, so that the title must have been conferred upon him before that date. He was Lord of the Bedchamber to King James IV., and sat as Lord Avandale in Parliament in 1503 and 1505. He was killed at Flodden, 9 September 1513,<sup>6</sup> having married, before 4 February 1499-1500, Margaret, daughter of John, second Lord Kennedy,<sup>7</sup> by whom he had issue:—

1. ANDREW, his successor.

2. *Henry*, created Lord Methven after his marriage with

<sup>1</sup> Original writ in H.B.M. Register House, No. 545B. <sup>2</sup> *Acta Dom. Conc.*, xx. 162. <sup>3</sup> See however Stuart's *Stuarts of Castlestuart*, 128-131, and G. E. C.'s *Complete Peerage*, i. 205. <sup>4</sup> *Exch. Rolls*, xi. 352\*, 358\*. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> Descent of the Lord of Oghiltree, *alias* Wghiltree, 1618, Brit. Mus. mss. Harl. 245. <sup>7</sup> Cf. vol. ii. 459, 460.

the Queen-Dowager, Margaret Tudor. (*See title Methven.*)

3. *Sir James Stewart* of Beith, ancestor of the Lords Doune. (*See that title.*)
4. *Alexander*, 'frater germanus' of Andrew, Lord Ochiltree, 27 June 1541.<sup>1</sup>
5. *William*, brother german of Henry, Lord Methven, 18 July 1548.<sup>2</sup> He married Isobel Ker.<sup>3</sup>
6. *Barbara*,<sup>4</sup> married, first, before 1535, to Sir James Sinclair of Sanday, Governor of Kirkwall;<sup>5</sup> secondly, in 1541, to Roderick Macleod of Lewes. As 'Lady Barbara Stewart' she acquired the island of Burray in Orkney from Bishop Adam Bothwell, paying yearly '62 li. 6s. 8d., 24 cunninggis and 24 maiss of stra.'<sup>6</sup>
7. *Agnes*, married, as his second wife, to John Boswell of Auchinleck.<sup>7</sup>
8. *Anne*, married to Bartholomew Crawford of Carse.<sup>8</sup>

III. ANDREW STEWART, third Lord Avandale, and first Lord Ochiltree, son of the last.<sup>9</sup> He took the side, during the minority of King James v., of the Queen-mother, who married his brother, Henry, Lord Methven, and in 1525 he received a pardon for taking the field against the Regent, John, Duke of Albany. His affairs becoming involved, he exchanged his lands of Avandale with Sir James Hamilton of Fynnart for the lands and barony of Ochiltree, and this transfer was confirmed by a charter under the Great Seal 2 September 1534.<sup>10</sup> On 15 March 1542-43 an Act of Parliament ordained him 'to be callit, he and his successiouris in tyme to cum, LORD STEWART OF OYCHELTREE, and to haif vote and place in the parliament as utheris lordis of the realme aught and sould haif in ye samin, haifand all honouris and dignities efferand thereto.'<sup>11</sup> He and his successors thenceforth bore the title of Lord Ochiltree, and he himself sometimes Lord Ochiltree and Failford. He died about 1548, as next year his son appears as Lord Ochiltree.

He married, before 22 August 1515,<sup>12</sup> Margaret Hamilton.

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.* <sup>3</sup> *Acts and Decrees*, vol. vi. f. 405. <sup>4</sup> *Duncan Stewart*, 119. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> Rental of 1595, Peterkin's *Orkney Rentals*, 106. <sup>7</sup> *Duncan Stewart*, 119. <sup>8</sup> *Ibid.* <sup>9</sup> *Stuarts of Castle-stuart*, 131-142. <sup>10</sup> *Reg. Mag. Sig.* <sup>11</sup> *Acta Parl. Scot.*, ii. 413. <sup>12</sup> *Reg. Mag. Sig.*

She is styled 'filia notha' of James, Earl of Arran,<sup>1</sup> and was unquestionably one of his many illegitimate children.<sup>2</sup> She had with her husband at that date confirmation of the lands of Glengevil. Issue:—

1. ANDREW, his successor.
2. *Walter Stewart*, 'submersus.'<sup>3</sup>
3. *Isobel*, married, as his first wife, to Duncan Macfarlane of that Ilk.<sup>4</sup>

He had also a natural son,

*Sir Robert Stewart*, legitimated 1 September 1542.<sup>5</sup> He took part in the French wars on the Huguenot side, and was killed in France.<sup>6</sup>

And perhaps another son,

*William Stewart*, who 'went with Sir Andro Keith (Keith) the L. of Dyngwell,' probably to Sweden.<sup>7</sup>

IV. ANDREW STEWART, second Lord Ochiltree, called, from his zeal for the reformed religion, 'the Good Lord,' born about 1521,<sup>8</sup> succeeded his father. He early declared for the principles of the Reformation and was one of the staunch supporters of Knox in 1555, and remained his friend through life. He opposed the marriage of Queen Mary and Darnley, and fled into England, but returned after the murder of Riccio, and was wounded, 'sore hurt and in danger of his life . . . receiving his chief wound with a sword in his neck, given by the Lord HERRIS' at the battle of Langside. He became a member of the Privy Council of King James VI., and one of the Lords of the Articles.<sup>9</sup>

In later life he was chiefly known as father of the King's favourite, James, Earl of Arran, 'and some others of ill government. His own lyuinge and power of lyttle value.'<sup>10</sup> He died about 1592.<sup>11</sup> He married, first, Agnes Cunningham, who with him had a charter of Pennymore and others 27 March 1549. She was living 31 January 1556-57, when she is mentioned in a charter of lands in Ochiltree,<sup>12</sup> and is stated to have been 'filia domini de Caprington.'<sup>13</sup> He

<sup>1</sup> Brit. Mus. mss., Harl. 245. <sup>2</sup> Cf. vol. iv. 364. <sup>3</sup> Brit. Mus. mss., Harl. 245. <sup>4</sup> *Scot. Antiquary*, xi. 9; Douglas's *Baronage*, 95. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Estimate of Scottish Nobility*, 23. <sup>7</sup> *Ibid.*, 42. The pedigree, however, is difficult to follow, and he may be here misplaced. <sup>8</sup> *Ibid.*, 58. <sup>9</sup> *Stuarts of Castlestuart*, 143-160; *P. C. Reg. passim*. <sup>10</sup> *Estimate of Scottish Nobility*, 38. <sup>11</sup> *Ibid.*, 68. <sup>12</sup> *Reg. Mag. Sig.* <sup>13</sup> Brit. Mus. mss., Harl. 245.

married, secondly, Margaret Cunyngham, widow of John Wallace of Craigie, and daughter of Alexander, fourth Earl of Glencairn,<sup>1</sup> who died in June 1573. Her testament dative was given up by the children of her first marriage, and she is styled 'sometyme spous to ane Nobill Lord Andro Lord Stewart of Ochiltree.'<sup>2</sup> Lord Ochiltree had issue:—

1. ANDREW, Master of Ochiltree, of whom presently.
2. *James Stewart*,<sup>3</sup> the favourite of the young King James VI., created Earl of Arran. (*See that title.*)  
Had issue:—

- (1) SIR JAMES STEWART of Killeith, afterwards Lord Ochiltree.  
(*See below.*)
- (2) *Henry Stewart* of Killinan.<sup>4</sup>
- (3) *Frederick*.<sup>5</sup>
- (4) *Elizabeth*.<sup>6</sup>
- (5) *Marie*, allowed to visit her brother in prison in 1632. She was married to John Finlayson of Killeith.<sup>7</sup>

3. *Sir William Stewart* of Monkton, who received, 1 November 1587, a charter of the barony of Carstairs in Lanark. He attempted to free King James VI. after the Raid of Ruthven. He was slain in July 1588 by Francis Stewart, Earl of Bothwell, in the High Street of Edinburgh. He married Helen Cunyngham, relict of John Stewart, burgess of Ayr,<sup>8</sup> and left a son *William*, who, on 14 July 1608, also in the High Street of Edinburgh, killed Sir James Douglas of Torthorwald in revenge for the murder of his uncle, Captain James Stewart, and was put to the horn as a rebel, 13 March 1610; and he had another son, mentioned with all his kin in a bond for the indemnity of Lord Torthorwald, 6 June 1606,<sup>9</sup> as well as a daughter *Margaret*, married to James Whyte, 'broudinster.'<sup>10</sup>

<sup>1</sup> Cf. vol. iv. 241. <sup>2</sup> Edin. Tests., 17 January 1575-76. <sup>3</sup> A 'John Stewart of Ochiltree' is said to have gone to France with Queen Mary and returned to Edinburgh with her. John, his son, went to Sweden and became Gentleman of the Bedchamber to Duke Charles of Sodermanland. King James VI. granted him a birth brieve, and allowed him to carry three silver stars of the Earl of Arran as 'our blood relation.' He raised a Scottish regiment in Sweden in 1604 and died in 1618, leaving issue; *Marryat's One Year in Sweden*, ii. App. <sup>4</sup> See title 'Arran.' <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.* <sup>7</sup> *Deeds*, cclxvi. 2; *P. C. Reg.*, 2nd ser., iv. 403. She is not mentioned in the article 'Arran.' <sup>8</sup> *Deeds*, xx. pt. 1, f. 180. <sup>9</sup> *P. C. Reg.*, xiv. add. 429. <sup>10</sup> *Gen. Reg. of Inhibs.*, xiii. 250.

4. *Henry Stewart* of Barskimming and Gogar, son lawful, 9 December 1580. He obtained, in 1609, a grant of 2000 acres in Ulster.<sup>1</sup> Married about 1580, Janet, second daughter of Adam Reid of Barskimming,<sup>2</sup> and had issue:—

- (1) *Adam Stewart*, son and heir, married (contract 23 September 1610) Maria Ross, daughter of Margaret Wallace, Lady Haining.<sup>3</sup>  
 (2) *Janet*, who Riddell says was living in 1605. She apparently was married to James Chalmers of Corraith.

5. *Robert Stewart* of Pittheveles, also designed of Halltoun of Luncartie. In 1609 he obtained a grant of 2000 acres in Ulster.<sup>4</sup> Married (contract 1586) Jean Ross, daughter of John Ross of Craigie,<sup>5</sup> whose testament was recorded 14 February 1601. He was witness to a contract of his nephew, Lord Ochiltree, in 1612,<sup>6</sup> and had issue:—

- (1) *William*, who had a charter, 2 April 1622, of the superiority of the lands of Easter Polquhairne.<sup>7</sup>  
 (2) *Mr. Andrew*, who was granted some lands in Ayrshire by James, Lord Ochiltree, 26 November 1620.<sup>8</sup>  
 (3) *Archibald*. (4) *James*. (5) *Agnes*. (6) *Helen*.

6. *Isabel*, stated to have been married to Thomas Kennedy of Bargany.<sup>9</sup>

7. *Margaret*.<sup>10</sup> Married, first, when a young girl, March 1564, to the elderly Reformer, Mr. John Knox. His enemies attributed her marriage to his witchcraft, and declared that in marrying a Stewart he was aiming at the Crown. She was married, secondly (contract dated 8 January 1573-74<sup>11</sup>), to Sir Andrew Ker of Faldonside. She was still alive in 1598 or 1599.<sup>12</sup>

8. *Bethia*.<sup>13</sup>

He had also a natural daughter, *Elizabeth Stewart*, legitimated 31 March 1585.<sup>14</sup>

ANDREW, Master of Ochiltree, predeceased his father before 10 September 1578, when a charter of the lands of Port-

<sup>1</sup> *P. C. Reg.*, viii. 324. <sup>2</sup> Carew Papers, 1603-24, 357; *Reg. Mag. Sig.*, 28 June 1606. <sup>3</sup> *Reg. Mag. Sig.*, 11 March 1617. <sup>4</sup> *P. C. Reg.*, viii. 324. <sup>5</sup> Riddell's ms., Lyon Office. <sup>6</sup> *Ibid.* <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> Riddell's ms. <sup>9</sup> *Stuarts of Castle Stuart*, 160. <sup>10</sup> *Ibid.* <sup>11</sup> *Deeds*, lxiv. 321. <sup>12</sup> *Exch. Rolls*, xxiii. 408, 432. <sup>13</sup> *Fife Inhibs.*, 27 September 1598. <sup>14</sup> *Reg. Sec. Sig.*, lii. f. 63.



carrick, Whitehills, etc., to the deceased Andrew Stewart, Master of Ochiltree, passed the Great Seal. He married, before 9 March 1566-67,<sup>1</sup> Margaret Stewart, daughter of Henry, second Lord Methven. She seems to have borne the title of Lady Ochiltree, and as such received a pension of 700 merks, granted to her by King James VI. for having served his Queen for thirteen years, from her arrival from Denmark to her removal to England, and for 'her carefull and duetifull attendance upon the late queene and thair royal childrene in thair young and tender aige.'<sup>2</sup> 'Dame Margaret Stewart, Lady Ochiltree elder,' died 1 January 1627, and her testament was given up, 8 February 1627, by Susanna Stewart, her daughter, executrix dative.<sup>3</sup> Issue:—

1. ANDREW, Lord Ochiltree, who succeeded his grandfather.
2. *Josias Stewart*, witnessed a charter as 'frater Andree, Magistri de Ochiltrie,' 26 December 1587.<sup>4</sup> He was afterwards known as 'of Bonyngtoun,' 'amicus et servitor' of Sir James Stewart of Killeith.<sup>5</sup> He witnessed the execution of a charge, 17 March 1604, and under the designation of Josias Stewart of Wester Polquharne, subscribed the assurance to Lord Torthorwald above mentioned.<sup>6</sup> His wife was Mariota Finlayson, and he had at least one daughter:—

(1) *Margaret Stewart*, wife, in 1620, of Thomas Kennedy of Bargany. Their matrimonial disputes can be traced in vol. xii. of the *Privy Council Register*.

3. *William Stewart*, in Ayr,<sup>7</sup> married Marion M'Alexander, who was his spouse in 1614 when John Kennedy of Carloch granted a bond.<sup>8</sup>

One of these brothers was probably father of Catherine Stewart, 'broyr. daughter to the lait Lord Ochiltree and relict of the deceast Collonell Duncane Camble,' whose will is recorded 16 February 1672.<sup>9</sup>

4. *John Stewart*, described as brother german of Andrew, Lord Ochiltrie, on 19 August 1605.<sup>10</sup>
5. *Margaret*, married to John Stewart of Traquair.<sup>11</sup>

<sup>1</sup> *Reg. Mag. Sig.*, 15 December 1586. <sup>2</sup> *P. C. Reg.*, 1625, 2nd ser., i. 201. <sup>3</sup> Edin. Tests. <sup>4</sup> *Reg. Mag. Sig.*, 10 July 1588. <sup>5</sup> *Ibid.*, 13 March 1613. <sup>6</sup> *P. C. Reg.*, xiv. 418, 429. <sup>7</sup> *Ibid.*, 1602, vi. 751; *Acts and Decrees*, ccclviii. 105. <sup>8</sup> *Books of Council and Session*, cit. in Riddell's ms. <sup>9</sup> Edin. Tests. <sup>10</sup> *Gen. Reg. of Inhibs.*, xiii. 250. <sup>11</sup> Duncan Stewart, 120.

6. *Anne*, married (contract dated 20 October 1584) to Andrew, first Lord Jedburgh.<sup>1</sup>
7. *Marjory*, married to Sir Roger Aston, Gentleman of the Bedchamber to King James I.<sup>2</sup>
8. *Martha*, married to Nichol Rutherford of Hundalee.<sup>3</sup>
9. *Jean* or *Anna*, married (contract dated at Holyrood-house 6 January 1596) to Gilbert Kennedy, apparent heir of Thomas Kennedy of Bargany.<sup>4</sup> She died, a widow, at Stilton, when returning from London, and was buried at Ballantrae.<sup>5</sup>
10. *Agnes*.<sup>6</sup>
11. *Susanna*, executor of her mother's testament, 1627.

V. ANDREW STEWART, third Lord Ochiltree, succeeded his grandfather. He was born in 1560.<sup>7</sup> He took part in the feuds which led to the murder of 'the Bonny Earl of Moray' by the Earl of Huntly 7 February 1591-92, and attempted to force the King to grant redress, and joined the party of Francis, Earl of Bothwell. The King 'had ever great favour and liking for the Lord Ochiltree, and used all means and occasions to persuade and draw the said Lord from the Earl of Bothwell's company,'<sup>8</sup> and afterwards pardoned him his fault. He was a member of the Council, First Lord of the Bedchamber, Governor of Edinburgh Castle, and General of the Ordnance.<sup>9</sup> He was made the King's Lieutenant over the Western Islands in 1608, but his affairs becoming involved, he settled as an Undertaker in Ulster on escheated lands in Tyrone, granted him by the King in 1610. Finding he was unable to pay his debts, he, with the consent of his son and their respective wives, sold, in 1615, the barony of Ochiltree to his cousin, Sir James Stewart of Killeith, who obtained the title also from the King, the vendor having resigned it into the King's hands. Andrew Stewart was created by King James VI., on 7 November 1619, Baron Castlestuart, in the county of Tyrone, with remainder to the heirs-male of his body, and died January 1628. He married Margaret, daughter of Sir John Kennedy

<sup>1</sup> Cf. vol. v. 75. <sup>2</sup> Duncan Stewart, 180. <sup>3</sup> *Ibid.* <sup>4</sup> *Stuarts of Castlestuart*, 200, 201. <sup>5</sup> *Ibid.* <sup>6</sup> Brit. Mus. MSS. Harl. 245. <sup>7</sup> *Estimate of Scottish Nobility*, 68. <sup>8</sup> *Moysie's Memoirs*. <sup>9</sup> *Stuarts of Castlestuart*, 171, 202.

of Blairquhan, who was his future spouse 8 August 1587, when they both received a charter of the lordship of Ochiltree.<sup>1</sup> She consented to the sale of this estate in 1610. They had issue:—

1. *Andrew Stewart*, Master of Ochiltree, afterwards second Lord Castlestuart. He was educated in France under Mr. Welsh, John Knox's son-in-law, and consented to his father's resignation of the lordship of Ochiltree, being then married (contract dated 15 August 1594<sup>2</sup>), to Anne, fourth daughter and co-heiress of John Stewart, fifth Earl of Atholl. He was created a Baronet in 1618, and died in 1639, leaving issue.
2. *John Stewart*, fifth Lord Castlestuart.
3. *Robert*, ancestor of the present Earl Castlestuart.
4. *Margaret*, who had a gift of the escheat of James Douglas of Torthorwald in 1596, married to George Craufurd of Leifnorris.<sup>3</sup>
5. *Maria*, married (contract dated 7 June 1615<sup>4</sup>) to John Kennedy of Blairquhan. She was his widow in 1643.<sup>5</sup>

VI. SIR JAMES STEWART of Preveck, and afterwards of Killeith, fourth Lord Ochiltree, eldest son of James, Earl of Arran, uncle of the last Lord. Failing to obtain the earldom of Arran, he purchased from his cousin the lordship of Ochiltree. On his doing so King James VI. wrote to the Privy Council, dating from Greenwich, 27 May 1615, that he wished the purchaser to 'injoy all the honnouris, dignities, and privileges belonging to the lordship of Uchiltree in als large and ampill manner as the said Lord might have done before his demission, to continew with him and his posteritie.' Accordingly a charter of the lordship and barony of Ochiltree was granted to himself *et hæredibus suis masculis gerentibus et observantibus nomen de Stewart ex familia de Uchiltree*, 9 June 1615.<sup>6</sup> By this he became LORD OCHILTREE in place of his cousin, who (with his son and their wives) had resigned the barony 'to reiteir

<sup>1</sup> *Reg. Sec. Sig.* <sup>2</sup> *Stuarts of Castlestuart*, 203, 210; *Gen. Reg. of Inhibs.*, xxv. 280. <sup>3</sup> *Glasgow Tests.*, 27 November 1609. <sup>4</sup> *Gen. Reg. Inhibs.*, 20 November 1616. <sup>5</sup> *P. C. Reg.*, 2nd ser., vii. 634. <sup>6</sup> *Reg. Mag. Sig.*

himself to live in Ireland . . . being as it were dead in that our Kingdom.'<sup>1</sup> He was Lord Chamberlain and Sheriff of Orkney, and had probably enriched himself considerably by having a nine years' tack of the earldom of Orkney also. He is stated to have founded a short-lived colony in Nova Scotia in 1629, but, always intriguing, was in 1639 sentenced to be imprisoned for life on a charge of 'leasing making,' having accused the Marquess of Hamilton of an attempt to seize the throne of Scotland. He remained in ward at Blackness Castle over twenty years, but was liberated in 1652, after the battle of Worcester. He died in 1659, having lost his fortune and parted with all his estates.

He married, first, Katherine, daughter of Uchtred M'Dowall of Mondurk, sister of John Macdowall of Garthland, and widow of Hew, Master of Cassillis;<sup>2</sup> secondly, Mary Livingstone, aunt of George Livingstone of Gairdoch.<sup>3</sup> She obtained a pension of £14 Scots daily from the Exchequer for life, 25 January 1675, and died in February 1683.<sup>4</sup> Issue:—

1. *William*, Master of Ochiltree (by first marriage), who died *vitâ patris* 1645. By his will, dated 12 July, he made his 'loving sister, Maistress Jean Stewart,' his executrix, and left his 'Ant Marie Stewart, good wife of Killeith,' 1100 merks Scots.<sup>5</sup>
2. *Jean*, married to William Stewart,<sup>6</sup> who was perhaps the William Stewart of Corrogan, her cousin. There was a Jean Stewart, widow of William Stewart of Brankstane, sometime of Corrogan, in Tyrone, whose will is recorded in 1672.<sup>7</sup>
3. *Doratie*.<sup>8</sup>

It is said that a daughter *Margaret* (but perhaps the name may not be correct), a uterine sister to the Earl of Cassillis, was married to Colonel Walter Stewart, son of William Stewart of Mains.<sup>9</sup>

4. *Isabel*.<sup>10</sup>

5. *WILLIAM*, by the second marriage, his father's heir.

6. *Katherine* Stewart, who was retoured, 9 June 1696,

<sup>1</sup> King James vi.'s letter, cit. *Stuarts of Castlestuart*, 193. <sup>2</sup> Cf. vol. ii. 474. <sup>3</sup> *Retours Gen.*, 7716. <sup>4</sup> Edin. Tests. <sup>5</sup> *Ibid.* <sup>6</sup> *Vide* her brother's will. <sup>7</sup> Reg. of Irish Tests. <sup>8</sup> Her brother's will. <sup>9</sup> Crawford's Notes, cit. in Riddell's ms. <sup>10</sup> Her brother's will.

heir to George Livingstone of Gairdoch, son of William Livingstone, her mother's brother.<sup>1</sup>

7. *Anna*, also daughter of his second marriage, born 10 April 1652.<sup>2</sup> She was married (contract dated 6 January 1676) with the 'especial advyce and consent of her said mother,' to John Murdoch, Apothecary, burgh of Edinburgh.<sup>3</sup>

8. *Robert*,<sup>4</sup> and

9. *Rachael*, twins, born<sup>5</sup> 13 January 1656.

WILLIAM, Lord Ochiltree, succeeded his father. He was 'a very hopeful young man,' but died at the age of sixteen, when at the University of Edinburgh, 12 February 1675, and was buried next day in the Abbey Kirk of Holyroodhouse. Since his death the title has been dormant, though the right to vote at an election of Scottish Peers was claimed in 1768 by Andrew Thomas Stewart, who in 1774 established his right to be Baron Castlestewart in the Irish House of Lords. Though his vote was disallowed, it was allowed at an election in 1790. His claim to the Peerage of Ochiltree was heard in 1791-92, and the Lords of Committee decided that 'Lord Castlestewart, claiming the title of Lord Ochiltree, and who voted as such, had not made out his claim.'<sup>6</sup>

CREATIONS.—Lord Avandale, 1457; Lord Avandale about 1499; Lord Stewart of Ochiltree, 15 March 1542-43.

ARMS.—Various versions of the arms are given. Andrew, Lord Avandale, bore on his seal a shield couché quartered: 1st, a lion rampant within a royal tressure; 2nd, a fess chequy with a label of four points in chief, for *Stewart*; 3rd, a saltire between four roses, for *Lennox*; 4th, a lion rampant, for *Fife*. CREST.—On a helmet a demi-figure holding a wheel.<sup>7</sup>

Sir David Lindsay gives for Stewart, Lord of Avandale, quarterly: 1st, or, a lion rampant gules within a double tressure flory counterflory of the last; 2nd, or, a fess chequy azure and argent; 3rd, argent, a saltire between

<sup>1</sup> *Retours Gen.*, 7716. <sup>2</sup> Wood's Douglas, ii. 329. <sup>3</sup> *Vide* her mother's testament. <sup>4</sup> Wood's Douglas, ii. 329. <sup>5</sup> *Ibid.* <sup>6</sup> G. E. C., *Complete Peerage*, vi. 113. <sup>7</sup> Macdonald's *Scottish Armorial Seals*, No. 2660.

four roses gules; 4th, or, a lion rampant gules: all within a bordure compony argent and azure.

The Forman MS. (Adv. Lib.) gives the first three quarters as above, with the addition of a label of three points on the second quarter, and for the fourth quarter has, azure a lion rampant argent armed and langued or (the Galloway lion), followed in this by Lyon Office MS., (*temp.* Queen Mary). CREST.—A wyvern's head or, langued gules. SUPPORTERS.—Two wyverns or, tails nowed, langued gules. MOTTO.—*Forward.*

Sir James Balfour's Workman MS. (Adv. Lib.) gives the fourth quarter as, or, a lion rampant gules; for crest a fox ermine, following in this the Forman (Lyon Office MS.).

Pont's MS. gives the fourth quarter as, gules, a lion rampant argent; crest, a civet cat; motto, *Pas Forward.*

The Seton Armorial MS. gives the fourth quarter as, gules, a lion rampant or; crest, a dragon's head, and supporters, two dragons.

[A. F. S.]

## OLIPHANT, LORD OLIPHANT



THE Norman origin of the Oliphant family is attested by tradition, as preserved in *Scalacronica*<sup>1</sup> and the Roll of Battle Abbey;<sup>2</sup> is corroborated by the connections in which the name occurs in the earliest times; and has been generally accepted by genealogists.<sup>3</sup> The non-appearance of the surname in Normandy<sup>4</sup> indicates that it was first assumed on English soil.

The original form is Olifard, Latinised Olifardus,<sup>5</sup> and is, no doubt, the personal name of an ancestor, adopted as a surname by his descendants. It does not seem to occur in record otherwise than as a surname.<sup>6</sup> Even in the twelfth century it was occasionally pronounced Olifat, which orthography is found in documents of about 1160,<sup>7</sup> and of 1296.<sup>8</sup> The modern

<sup>1</sup> P. 19, Maitland Club edition. <sup>2</sup> *Battle Abbey Roll*, by the Duchess of Cleveland, i. p. xxiv. <sup>3</sup> See Round, *Feudal England*, 223. <sup>4</sup> It does not occur in Mr. Round's *Cal. of Documents, France*. <sup>5</sup> E.g. in the *Pipe Roll* of 1130, p. 85 of print. The few occurrences of the name with the prefix *de* are explicable as clerical errors. <sup>6</sup> In *Liber Vitæ Ecclesie Dunelmensis*, 57, the print has Olifard; but the ms. reads Olisard. Compare the Anglo-Saxon name Wulfhard, which occurs also in the form Wulfhat (Birch, *Cartularium Anglo-Sax.*, No. 111, A.D. 704.) <sup>7</sup> *Priory of St. Radegund* (Cambridge Antiquarian Society), 76. <sup>8</sup> *Scot. Calendar of Documents*, ii. No. 742; Stevenson's *Historical Documents*, ii. 257, 259. The change of Burnard to Burnett is a parallel case.

form<sup>1</sup> dates from Sir William, the contemporary and follower of Robert Bruce, whose name is most often spelt Olifaunt. But some of the English Olifards seem to have become Olivers;<sup>2</sup> and a family long settled in the parish of Southdean, Roxburghshire, are called indifferently Oliphant and Oliver in the records.<sup>3</sup>

ROGER, the first-known Olifard,<sup>4</sup> is a witness to Earl Simon's foundation charter of the Cluniac Priory of St. Andrew, Northampton, between 1093 and 1100,<sup>5</sup> Roger himself making a grant of three shillings yearly to the new foundation.

The next of the name on record are:—

(1) WILLIAM, who held five hides in Lilford, Northamptonshire, of the fee of the King of Scotland, apparently in the time of Henry I.<sup>6</sup> William is named also in the Northamptonshire Pipe Roll of 1130;<sup>7</sup> he is a witness to the foundation charter of Sawtrey Abbey about 1147,<sup>8</sup> and to a grant by Richard Fitz Urse to Lincoln Cathedral of the chapel of Neuton,<sup>9</sup> probably about the same date.

(2) HUGH, of Stokes, a knight of the Abbot of Peter-

<sup>1</sup> Oliphant in old French signifies either an elephant or an ivory horn, such as Roland blew at Roncevaux. See the remarks on the change of the name in *Oliphants in Scotland*, edited by Dr. Joseph Anderson, p. xli. To that work (hereafter cited as *O. in S.*) and to the editor's learned and invaluable preface, the present writer is indebted for the most important part of his material. It should be observed that the old form did not speedily die out. An Olifart appears as late as 1449 (*Reg. Epis. Glasg.*, No. 349). <sup>2</sup> Rudmarleg-Olifar, mentioned further on, is now Redmarley-Oliver. Burke gives, as one of the Oliver coats of arms, 'gules, a mullet between three crescents arg.' evidently an Oliphant coat. <sup>3</sup> Tombstone in Southdean churchyard; information communicated by the Rev. G. H. Donald, minister of Southdean. <sup>4</sup> William Olifarli, Knight, is said, in a record of two centuries later, to have obtained from William the Conqueror a grant of lands in Overtone-Waterville, Huntingdonshire, which he afterwards forfeited by committing felony (*Rotuli Hundredorum*, ii. 637). No trace of this in Domesday. <sup>5</sup> *Victoria History of Northamptonshire*, i. 293. Roger also witnessed another charter of Earl Simon to the same priory (*Brit. Mus. ms. Cot. Vesp. E. 17*, fol. 2). <sup>6</sup> *Victoria Hist. of Northamptonshire*, i. 365. These lands at the time of the Domesday survey were held by Walter of the Countess Judith, niece of William the Conqueror and mother-in-law of David I. <sup>7</sup> P. 85 of Print. <sup>8</sup> *Monasticon*, v. 523. <sup>9</sup> Now Wood-Newton, Northamptonshire. Lincoln Cathedral, Registrum Antiquissimum, No. 212.



borough before 1120.<sup>1</sup> He occurs also in the Huntingdonshire Pipe Roll of 1130.<sup>2</sup>

(3) ROBERT, who witnesses a charter by Ernald de Powis of lands in Herefordshire before 1140.<sup>3</sup> He may have been ancestor of the Oliferds of Rudmarleg-Olifar, Worcestershire,<sup>4</sup> one of whom, Robert, renounced his rights in the wood of Alinton in favour of the Norman Abbey of Saint Evroul in 1241; to which deed his seal is appended, bearing the device of a fleur de lys.<sup>5</sup> Another Robert Olifard witnesses a charter to Newhouse Abbey of lands in Lincolnshire about 1155,<sup>6</sup> and granted land at Bassingham in that county to the Knights Templars;<sup>7</sup> from him may have descended the Olifards of Ketsby, Lincolnshire, who appear in 1221<sup>8</sup> and about the end of the reign of Henry III.<sup>9</sup>

William, or possibly Hugh, had three sons:—

1. *William*, who is mentioned in the Cambridgeshire Pipe Roll of 1158,<sup>10</sup> in the Northants Pipe Roll of 1163, and in the Hunts Pipe Rolls of 1168 and 1169.<sup>11</sup> In the 1166 list of Knights' Fees he appears in Huntingdonshire as 'Willelmus filius Olifardi,'<sup>12</sup> his father's first name being perhaps accidentally omitted. Malcolm iv.'s charter of the church of Paxton to Holyrood Abbey<sup>13</sup> is witnessed by David Olifard and William his brother; the records quoted indicate that William was the eldest and possessed the family inheritance. He was perhaps the father of John Olifard who is documented by entries in the Cambridge and Huntingdon Pipe Rolls for 1177 to 1181 inclusive.<sup>14</sup> Hugo Olifard, who in 1219 held a virgate of land in Stilton, and Stephen Olifard, who in 1253 renounced lands in Yaxley to Thorney Abbey,<sup>15</sup>

<sup>1</sup> *Chronicon Petroburgense* (Camden Soc.), App. 175. <sup>2</sup> P. 48 of Print.  
<sup>3</sup> Brit. Mus. Add. ch. 20454. <sup>4</sup> *Testa de Nevill*, 40. <sup>5</sup> Cartulaire de la Basse Normandie, ms. in Public Record Office, i. 224. <sup>6</sup> Brit. Mus. Harl. ch. 50 B. 44. <sup>7</sup> *Monasticon*, vi. 827. Note that Henry de Besyngham is witness to David Olifard's charter to Soltre (*Reg. de Soltre*, No. 2). <sup>8</sup> *Cal. of Docs.*, iv. No. 1753. See also *Ibid.*, i. No. 1548 (A.D. 1241). <sup>9</sup> *Testa de Nevill*, 345. <sup>10</sup> *Cal. of Docs.*, i. No. 59. <sup>11</sup> *Pipe Roll Society*, vols. vi. 38; xii. 108; xiii. 147. <sup>12</sup> *Liber Niger*, ed. Hearne, i. 258. In the Red Book of the Exchequer *filius* is omitted. <sup>13</sup> Lincoln Cathedral, *Registrum Secundum*, fol. 48. <sup>14</sup> *Pipe Roll Soc.*, vols. xxvi. 185; xxvii. 216; ms. Pipe Rolls, Public Record Office. <sup>15</sup> Feet of Fines, Hunts.

may have been of the same stock; but the lands of Lilford passed before 1216 to the descendants of David.<sup>1</sup>

2. DAVID, of whom below.

3. *Thomas*, who granted a half yardland in Barton<sup>2</sup> to the Church of St. John of Barton, for the soul of William Olifard his brother, and with the consent of Muriel his mother and of Richard de Henred his lord.<sup>3</sup> This charter must have been granted before 1173, when 'Gaufridus filius regis,' who is one of the witnesses, was elected Bishop of Lincoln. Richard de Henred, in his confirmation, calls William Olifard his *cognatus*.<sup>4</sup> Thomas may have been the ancestor of Andrew son of William Olifar, who in 1311 granted the manor of Great Livesden, Northamptonshire, to Ralph Olifar his son.<sup>5</sup>

DAVID OLIFARD, godson and namesake of David I. of Scotland, was serving in King Stephen's army at the time of the disastrous defeat of the Empress Matilda before Winchester, and thus was able to save his godfather from being taken prisoner.<sup>6</sup> 'Shortly afterwards he appears at the Court of King David in Scotland';<sup>7</sup> he witnesses the royal grant of Lesmahago to the monks of Kelso in 1144.<sup>8</sup> Later he is a frequent witness to royal and other Scottish charters, including at least twenty-five charters of Malcolm IV., and forty-three of William the Lion, in twelve of which he is styled *Justiciarius*; an important office of state<sup>9</sup> of which he is the earliest known holder. He possessed the lands of Crailing and Smailholm in Roxburghshire, from each plough of which he granted a threave of wheat yearly

<sup>1</sup> See below, p. 526. <sup>2</sup> Barton Hanred, now Barton-Segrave, Northamptonshire. <sup>3</sup> Chartulary of Kenilworth (Brit. Mus. ms. Harl. 3650), fol. 23. <sup>4</sup> *Ibid.*, fol. 46. <sup>5</sup> *Collectanea Topographica et Genealogica*, v. 336. <sup>6</sup> John of Hexham, in *The Priory of Hexham* (Surtees Society), i. 138. Olifard was no doubt serving under Simon de St. Liz, Earl of Northampton, 'the steadfast supporter, even in their darkest hours, of Stephen and his queen.' Round, *Geoffrey de Mandeville*, 192. <sup>7</sup> *O. in S.*, p. ii. <sup>8</sup> Lawrie, *Ancient Scottish Charters*, No. 172. <sup>9</sup> He may have been, as is usually stated, Justiciary of Lothian only; that title does not appear till the reign of Alexander II., but the royal charters witnessed by two magnates each styled *Justiciarius*, afford some presumption that there was a Justiciary of Lothian as well as a Justiciary of Scotland proper in the reign of William the Lion. Seton's *Family of Seton*, i. 68; *Munim. de Melros*, No. 18.

to the house of the Holy Trinity of Soltre.<sup>1</sup> To the Abbey of Dryburgh he gave first two oxgates in Smallholm, as appears from a Papal confirmation dated 24 November 1162.<sup>2</sup> Afterwards this was augmented to a ploughgate with pasture for three hundred sheep; his charter to this effect is preserved,<sup>3</sup> and was confirmed by the Pope 29 July 1164.<sup>4</sup> He also gave to Jedburgh Abbey a tenth of the mill of Crailing, which gift was confirmed by William the Lion before 1170.<sup>5</sup> He held lands in East Lothian, as is proved by his having quitclaimed Hertesheved and Spot to Melrose Abbey.<sup>6</sup> He continues to appear in record till 1170;<sup>7</sup> after that year he is not again mentioned, so is presumed to have then died.<sup>8</sup>

His wife's name is unknown;<sup>9</sup> but he left at least one son:—  
WALTER, of whom below.

Osbert *Olifard*, who may have been either a son or (as Dr. Anderson thinks) a brother of David, witnessed two charters of William the Lion,<sup>10</sup> and obtained from that King<sup>11</sup> a grant of the lands of Arbuthnott in the Mearns. He took the Cross (in 1206 memories differed as to whether this took place in the time of Richard Bishop of St. Andrews or of Hugh his successor, that is, before or after 1178), and died apparently in the East without issue. Walter Olifard succeeded him in Arbuthnott, which he granted to Hugh Swinton, ancestor of the noble family of Arbuthnott;<sup>12</sup> they in 1372 still held their lands of the then Lord of Bothwell.<sup>13</sup>

<sup>1</sup> *Reg. de Soltre*, Nos. 2 and 44. <sup>2</sup> *Liber de Dryburgh*, No. 255. <sup>3</sup> *Ibid.*, No. 155. <sup>4</sup> *Ibid.*, No. 254. The dates of these Bulls are ascertained by the Papal itinerary in Mas Latrie, *Tresor de Chronologie*. <sup>5</sup> *Nat. MSS. of Scotland*, i. No. 38. <sup>6</sup> *Munim. de Melros*, No. 174. <sup>7</sup> *Reg. Epis. Glasg.*, No. 44. <sup>8</sup> *O. in S.*, v. Robert Avenel succeeded him as Justiciar before 1171 (*Reg. Prior. S. Andree*, 221). <sup>9</sup> His lands of Crailing appear to have been previously possessed by Berengarius Engaine, also of a Northamptonshire family, who disappears from record before Olifard's settlement in Scotland. It is not improbable that David I. rewarded his godson's service by the gift of the hand of Berengarius's heir-female. <sup>10</sup> *Register of Cupar Abbey*, i. 323; *Second Rep. Hist. MSS. Com.*, 166. Neither of these can be dated with precision. <sup>11</sup> 'Dominus Rex' in 1206 naturally means William the Lion, then still reigning, not Malcolm IV., as sometimes stated; *Spalding Misc.*, v. 210. <sup>12</sup> *Ibid.* The statement that Osbert was sheriff and forester of the Mearns rests on a misconception of the text which, rightly understood, states that not he but John de Hastings held those offices. <sup>13</sup> *Reg. Honoris de Morton*, li. 97.

Chalmers<sup>1</sup> states that David left five sons, viz. *David, William, Walter, Philip, and Fulco*. A David Olifard is a witness to the grant by Malise, son of Earl Ferteth of Strathearn, to Lindores Abbey, of the lands of Rathen-gothen;<sup>2</sup> which was confirmed by Earl Gilbert after 1210, and by Pope Innocent III. in 1215; it is thus chronologically possible that the witness may be David, son of Walter, mentioned below. As to William, see what is said below, page 529. Philip, who witnessed two charters of Malcolm IV., both granted late in his reign,<sup>3</sup> may not improbably have been David's eldest son, and predeceased his father. Fulco, a witness to two charters in the Register of Paisley,<sup>4</sup> appears to have been an ecclesiastic; possibly the same person as Fulco the chaplain, who is named in a Coldingham charter<sup>5</sup> in such a way as to suggest that he held the church of Smailholm.

WALTER, who is styled David's son and heir in a Melrose charter,<sup>6</sup> witnesses a grant by William the Lion to Dunfermline Abbey along with his father.<sup>7</sup> In 1174 he was one of the hostages given to Henry II. for the observance of the treaty of Falaise.<sup>8</sup> Shortly afterwards he was involved in a dispute with the monks of Durham, who claimed the church of Smailholm as a chapel of their church of Erchildun (now Earlston). The matter was settled by agreement in presence of John, Abbot of Kelso, and Laurence, Abbot of Melrose.<sup>9</sup> Walter accordingly granted to the monks an annual rent out of the church.<sup>10</sup> This took place between 1175 and 1178, the period of Laurence's tenure of the abbacy of Melrose.<sup>11</sup> Walter was Justiciar (of Lothian)<sup>12</sup> about 1180, probably for some years, and is a frequent witness to charters of William the Lion.<sup>13</sup> In his later years his appearances at Court become less frequent. He succeeded to the lands of Lilford, evidently on the failure of the senior branch; in 1216 he was temporarily deprived

<sup>1</sup> *Caledonia*, ed. 1887, ii. 515. <sup>2</sup> *Chartulary of Lindores* (Scottish History Society), No. xxix. <sup>3</sup> *Reg. de Dunfermelyn*, No. 49; Brit. Mus. Cotton ch. xv. 19. <sup>4</sup> *Reg. de Passelet*, 12, 109. <sup>5</sup> Raine's *North Durham*, Appx., No. clvii. <sup>6</sup> *Munim. de Melros*, No. 174. <sup>7</sup> *Reg. de Dunfermelyn*, No. 61. <sup>8</sup> *Cal. of Docs.*, i. No. 139. <sup>9</sup> *Cartularium Parvum Dunelmense*, ms. at Durham. <sup>10</sup> *North Durham*, App., No. clvii. <sup>11</sup> *Chron. de Mailros*, 87, 89. <sup>12</sup> See above, p. 524, note 9. <sup>13</sup> The writer has noted forty-six instances, in eight of which Walter is styled *Justiciarius*.

of them, as appears by a grant thereof to Ralph de Trubleville.<sup>1</sup> Walter was still alive in 1223, his son being in a writ of that year styled Walter Olifard, junior;<sup>2</sup> he must have died soon thereafter.

According to Lord Strathallan,<sup>3</sup> he married Christian, daughter of Ferteth, Earl of Strathearn, and received with her the lands of Strageath, which his son restored to or excambed with her brother, Earl Gilbert. He left two sons:—

1. WALTER, of whom below.
2. *David*, who, along with his brother Walter, witnesses two charters by Walter, Steward of Scotland, to the house of Sempringham;<sup>4</sup> which a recent writer dates 1221.<sup>5</sup> Record notices of David Olifard, some of which may refer to this David, are collected in a footnote.<sup>6</sup>

WALTER, son of the first Walter, first appears as under that designation granting Culesin (Collessie in Fife), and the land of Abernithin (Abernethy), to Alan son of Cospatrick de Swinton, which grant was confirmed by William the Lion before 1211.<sup>7</sup> He was the greatest of his line, took a leading part in public transactions,<sup>8</sup> and is a very frequent witness to charters of King Alexander II. and of various magnates.<sup>9</sup> On 18 June 1221, in witnessing the grant by Alexander II. to his Queen of her dowry, he is

<sup>1</sup> *Cal. of Docs.*, i. No. 649. <sup>2</sup> *Reg. Epis. Glasg.*, No. 126. <sup>3</sup> *Genealogy of the House of Drummond*, 32. <sup>4</sup> *Reg. de Passelet*, 22. <sup>5</sup> Edwards, *The Gilbertines in Scotland*, 9. In any case the date must lie between 1219 and 1232. <sup>6</sup> David Olifard witnesses two charters of Alexander II., 7 February 1232-33 and 16 May 1234 (*Munimenta Sancte Crucis*, No. 63; *Liber de Calchou*, No. 392). David Olifard and Joanna his wife had the mill of Cadder in liferent of the Bishop of Glasgow, to whom they granted a bond thereanent (*Reg. Epis. Glasg.*, No. 120), between 1214 and 1227. David Olifard, 'miles' of Walter Olifard the younger, is a witness in 1223 (*Ibid.*, No. 126). David Olifard's is the thirty-second of forty names of those who swore along with Patrick, Earl of Dunbar, about 1244 (*Cal. of Docs.*, i. No. 2672). <sup>7</sup> *Scottish Historical Review*, January 1905, 174-175, with facsimiles. <sup>8</sup> He was one of the Scottish envoys sent to arrange conditions of a peace with England in 1237 (*Cal. of Docs.*, i. No. 1317). He was one of those who, on the Scots part, swore to the peace of that year (*Ibid.*, No. 1358); and also one of those who transmitted the treaty to the Pope for confirmation (*Ibid.*, 1655). This latter document, though dated by Matthew Paris 1244, is evidently relative to the treaty of 1237, and the same document with *Cal. of Docs.* i. No. 1359. <sup>9</sup> The number of extant royal charters witnessed by him is at least seventy.

styled Justiciar of Lothian,<sup>1</sup> which office he continued to hold, with one short break in 1239,<sup>2</sup> till 1242, in which year he died.<sup>3</sup> He appears in Northamptonshire record in 1229 and 1232, and in the former year he presented David de Hadintone to the rectory of Lilford.<sup>4</sup> His principal seat appears to have been at Bothwell on the Clyde;<sup>5</sup> and besides the lands already mentioned, he possessed some lands in Berwickshire.<sup>6</sup> He, about 1230, confirmed the gift by Clarebald de Esseby (also of a family of note in Northamptonshire) to the monks of Durham at Coldingham of two fishings on the Tweed.<sup>7</sup> He also granted an annual rent of £10 out of Osbernyston (now Orbiston, Lanarkshire) to St. Katherine's chapel there, for the souls of himself and Ysabel his late wife; which grant was confirmed by Alexander II., 25 October 1242.<sup>8</sup> He was buried in the chapter-house of Melrose Abbey.<sup>9</sup> His wife's parentage is unknown.

DAVID, who succeeded Walter, was presumably his son, and possibly the same David who witnesses royal charters in 1233 and 1234.<sup>10</sup> He granted the patronage of the church of Smailholm to the chapter of Glasgow, which grant was confirmed by Pope Nicholas IV. in 1288.<sup>11</sup> David did not long survive his predecessor; he died possibly before 1245,<sup>12</sup> probably before 1250,<sup>13</sup> and certainly before 1253.<sup>14</sup> There-

<sup>1</sup> *Cal. of Docs.*, i. No. 808. <sup>2</sup> He is Justiciar 28 July 1238 (*Cart. de Levenax*, 2), and 1 August 1240 (Charter in Lauderdale Charter-chest); but Sir David de Lindsay is so styled 2 March 1238-39 (*Cart. de Levenax*, 31). Walter's last appearance as Justiciar is 11 January 1241-42 (*Reg. Epis. Glasg.*, No. 183). <sup>3</sup> *Chron. de Mailros*, 155. <sup>4</sup> *Cal. of Docs.*, ii. No. 1041; Feet of Fines, Northants, File 25 (16 Henry III.); *Rotuli Hugonis de Wellis Episc. Linc.* (Canterbury and York Society), ii. 150. The presentee's certificate of institution was not issued till 1231 (*Ibid.*, ii. 242). <sup>5</sup> Whether this and other lands were acquired by him or by his father, cannot at present be determined. <sup>6</sup> The Bothwell estates at the end of the thirteenth century included not only Crailing and Smailholm, but also Wrangham and Hutton in Berwickshire (*Brit. Mus. Harl. ch.* 43 D. 7); the fishings held of Walter Olifard by Clarebald de Esseby (see text) may well have been attached to Hutton. The lands of Cranshaws in the same county appear also to have been part of the lordship of Bothwell (see below, p. 529), as was a considerable tract of land in the Lammermoors in later times (*Reg. Mag. Sig.*, ii. No. 2106). <sup>7</sup> *North Durham*, App. No. clix. <sup>8</sup> *Reg. Epis. Glasg.*, No. 182. <sup>9</sup> *Chron. de Mailros*, 155. <sup>10</sup> See note 6, p. 527. <sup>11</sup> *Reg. Epis. Glasg.*, No. 231. <sup>12</sup> See below, p. 530. <sup>13</sup> Walter de Moravia, who is not known to have owned lands in Northamptonshire before his succession to the Olifard estates, appears in the the Pipe Rolls of that county for 1250. <sup>14</sup> *Reg. Epis. Glasg.*, No. 203.

after the estates, both in England and in Scotland, passed, doubtless through an heir-female, to Walter de Moravia, the first of the Morays of Bothwell.<sup>1</sup>

David's wife was Dervorgilla,<sup>2</sup> apparently of the Munfichet family. She granted all her lands in Northamptonshire or elsewhere in England to Laurence, son of Sir Walter de Munfichet, which grant was confirmed by William de Munfichet, Lord of Cargill, as her nearest heir, 22 December 1287.<sup>3</sup> She appears in record in 1289<sup>4</sup> and 1296,<sup>5</sup> and was alive in May 1300.<sup>6</sup>

The Lords Oliphant are undoubtedly of the same stock as the Lords of Bothwell; but the exact relationship has not been traced.<sup>7</sup> Their ancestors' original possessions were the lands of Dupplin in Strathearn, and probably Hedderwick in East Lothian and Cranshaws in Berwickshire; the two last-named estates there is some reason to think that they held at first of the senior branch.<sup>8</sup> The first of the line is

WILLIAM OLIFARD, who witnessed a charter of William the Lion in 1205 or 1206,<sup>9</sup> another of Patrick, Earl of Dunbar, about the same time,<sup>10</sup> and another by Philip de Moubray and Galiena his wife, to Hugh, son of William, of

<sup>1</sup> Vol. ii. 123. Bothwell was his in 1253 (*Reg. Epis. Glasg.*, No. 203), Crailing and Smailholm in 1271-72 (*Reg. de Soltre*, No. 44); Lilford in *Testa de Nevill* (p. 25) is said to belong to the heirs of Walter Olifard, and in 1266 the patron of the church was Walter de Moravia (Bridge's *Northamptonshire*, ii. 242). <sup>2</sup> *Cal. of Docs.*, ii. No. 725. <sup>3</sup> Brit. Mus. Addl. ch. 21505. <sup>4</sup> *Historical Documents*, i. 93. <sup>5</sup> *Cal. of Docs.*, ii. No. 725. <sup>6</sup> Feet of Fines, Northants, Edward I., file 58. <sup>7</sup> The statement in Crawford's *Peerage* that there was, in his time, a seal of David Olifard preserved at Durham, bearing three crescents, must be taken with reserve; no document likely to have had such a seal appended appears in Smith's catalogue, and at all events David Olifard's seal could not have been armorial. His grandson's seal bears a crescent and a star, not on a shield (*North Durham*, App. No. clix.). The earliest extant example of the Oliphant arms is on Sir William Oliphant's seal attached to the Barons' letter of 1320. <sup>8</sup> Cranshaws and Hedderwick were Oliphant property in 1335 (*Cal. of Docs.*, iii. 325, 340). The former was the subject of litigation in the fifteenth century between the Oliphants and the Swintons, whose title proceeded from a grant by the lady of Bothwell in 1401 (*Acta Dom. Audit.*, 47, 51; Swinton Charters in *Reg. Ho.*, Nos. 14, 16, 59). Hedderwick is not far distant from the lands which David Olifard and Walter his son quitclaimed to Melrose Abbey; see above, p. 525. <sup>9</sup> *North Durham*, App. No. liii. <sup>10</sup> *Ibid.*, No. cxx.

the lands of Kinmonth, near Bridge of Earn, probably before 1208.<sup>1</sup> He may well have been a younger son of David the Justiciar, and the father of

1. *Adam*, who witnessed charters of land in Tibbermore to the Abbey of Scone before 1223,<sup>2</sup> of land in Forgandenny to the Abbey of Lindores,<sup>3</sup> as *Dominus Adam*, and to the Abbey of Arbroath of an annualrent at Haddington between 1218 and 1231, also as *Dominus A.*<sup>4</sup> He had a dispute with Reginald, priest and parson (and apparently proprietor) of Aberdalgie (which adjoins Dupplin); this was settled by his granting to Reginald certain frontier lands for the weal of King Alexander and of Halwis, Adam's wife, 19 April 1225.<sup>5</sup>

2. *William*, who witnesses a charter by Alan, son of Roland, Constable of Scotland, of lands in Galloway, before 1210.<sup>6</sup> Having followed Thomas, Alan's brother, to Perthshire when the latter became in right of his wife Earl of Atholl, he obtained a grant of lands in Atholl, and gave the lands of Invervack, not far from Blair-Atholl, to the monks of Coupar;<sup>7</sup> which grant was confirmed by Earl Thomas.<sup>8</sup> He also witnesses, along with Sir Adam his brother, the above-mentioned charter to Arbroath;<sup>9</sup> and a charter by Reginald de Warena to Laurence, son of Orm, of the lands of Coventre, near Forgandenny;<sup>10</sup> both before 1231. He may be the William who is witness to eight charters of Alexander II. between 7 January 1244-45<sup>11</sup> and 1 February 1248-49;<sup>12</sup> and the Sir William

<sup>1</sup> In Moncreiffe Charter-chest. <sup>2</sup> *Liber de Scon*, No. 125. <sup>3</sup> *Chartulary of Lindores* (Scot. Hist. Soc.), No. lxxviii. <sup>4</sup> *Reg. Vetus de Aberbrothoc*, No. 116. <sup>5</sup> This interesting charter is known only by a sixteenth century copy preserved at Methven Castle. It is not therein stated what lands Adam Olifard possessed, and what is said as to Dupplin in the text is an inference only. Since the fourteenth century Dupplin and Aberdalgie have always been united, but that they were not so from the beginning is proved by the fact (communicated by the Rev. John Ferguson, Minister of Aberdalgie) that the former was in the diocese of Dunblane, and therefore in the ancient earldom of Strathearn, while the latter was in the diocese of Dunkeld. It will appear later on that in 1296 Aberdalgie belonged not to an Olifard but to a Wishart. <sup>6</sup> Transumpt in Reg. Ho. dated 15 March 1443-44. <sup>7</sup> *Reg. of Cupar*, i. 331. <sup>8</sup> *O. in S.*, No. 3; with facsimile. <sup>9</sup> *Supra*, note 4. <sup>10</sup> *Douglas Book*, lii. 350. <sup>11</sup> *Reg. de Cambuskenneth*, No. 171. W. is wrongly extended to Walter by the editor. He does not appear to have been a crown tenant in chief; but he may have been at court as tutor at law of the heir-female of Bothwell. <sup>12</sup> Charter in Moncreiffe Charter-chest. The charter (*Reg. Mag. Sig.*, fol.



who witnesses a discharge to Scone Abbey at Perth in 1245.<sup>1</sup>

One of these brothers was probably the father of:—

1. *Sir William*, who witnesses a charter of Colban, Earl of Fife, to William Wishart, afterwards Bishop of St. Andrews, of the lands of Glensaugh in the Mearns, between 1266 and 1270;<sup>2</sup> two by Sir Gilbert de Ruthven to Walter, son of Edgar, of Easter and Wester Cultmalundie respectively, both confirmed by Alexander III. on 6 May 1279;<sup>3</sup> and one by Malise, Earl of Strathearn, to Sir Malise of Logy, of lands in Glenalmond, about 1283.<sup>4</sup>

2. *Sir Philip*, who, as Sir William's brother, witnesses the Cultmalundie charters already cited. He is also witness to charters by Malise, Earl of Strathearn, to his sister Mary, 21 February 1268-69,<sup>5</sup> by John Cumin to the Abbey of Inchaffray, 18 July 1278,<sup>6</sup> and by Symon de Lenne, burgess of Perth, to Christian de Insula, of land in Perth, being therein styled bailie of Perth.<sup>7</sup>

Sir William and Sir Philip were in all probability the fathers of the two Sir Williams who took part in the war of independence. They are styled cousins;<sup>8</sup> and it is not possible on the accessible evidence to discriminate between their respective actions with certainty.

1. The elder *Sir William*, whose high knightly qualities are ungrudgingly praised by all the contemporary historians,<sup>9</sup> is named as one of the principal men of the Lennox in a deed by Robert, Bishop of Glasgow, 22 August 1294.<sup>10</sup> About the same period he witnesses four charters of Malcolm,

vol., 36, No. 92) purporting to be dated 12 November an. reg. 33 (A.D. 1247), and witnessed by *William Olifard*, Justiciar of Lothian, appears on investigation to be really some years (probably ten years) earlier, and *William*, a clerical error for *Walter*. <sup>1</sup> *Liber de Scon*, No. 95. The David Olifard of 1244 (*supra*, p. 527, note 6) may have been of this branch. <sup>2</sup> In Dupplin Charter-chest. <sup>3</sup> Sir Gilbert's charter of Easter Cultmalundie, King Alexander's confirmation, and an Inspecimus of each of Sir Gilbert's charters by David II., dated 20 January anno regni 39 (A.D. 1368-69) are in Dupplin Charter-chest. <sup>4</sup> *Red Book of Grandtully*, i. 125. <sup>5</sup> *Charters of Inchaffray Abbey* (Scot. Hist. Soc.), No. iv. of App. <sup>6</sup> *Ibid.*, Nos. cviii. and cix. <sup>7</sup> Hutton Collections (in Advocates' Library), vii. 112; from an original at Drummond Castle. <sup>8</sup> *Fœdera*, ii. 951. <sup>9</sup> 'Animosus miles electus de millibus,' *Matthew of Westminster*, 440 (ed. 1570). <sup>10</sup> *Reg. de Passelet*, 203\*.

Earl of Lennox;<sup>1</sup> and a charter by John, Earl of Atholl, to Alexander de Meyners, of the lands of Weem.<sup>2</sup> He fought on the Scottish side at Dunbar 27 April 1296, was taken prisoner, and confined in Devizes Castle,<sup>3</sup> from which he was liberated 8 September 1297,<sup>4</sup> and followed the Earl of Atholl to Flanders, there to serve in King Edward's army. The next mention of him is as commander of the garrison of Stirling Castle, which the Scots had recovered late in 1299.<sup>5</sup> This in 1304, at a time when practically the whole of Scotland was in Edward's power, Olifard refused to surrender without orders from Sir John de Soulis, guardian of Scotland, who had intrusted him with the command.<sup>7</sup> With a small garrison, he held out against King Edward and the whole power of England from 22 April to 20 July 1304, when they were compelled to surrender;<sup>8</sup> their lives were spared, but they were imprisoned in different English castles, the commander being sent to the Tower of London.<sup>9</sup> He was liberated on mainprize 24 May 1308,<sup>10</sup> and later in the same year repaired to Scotland,<sup>11</sup> where he served King Edward with the same courage and tenacity which he had before displayed in the service of the guardians of his country. He was at Stirling in November 1309,<sup>12</sup> and thereafter in command of the English garrison at Perth, many of whom were Scots like their leader.<sup>13</sup> The town was taken by Robert Bruce 8 January 1312-13,<sup>14</sup> and the gallant Sir William sent in chains to the Western Isles.<sup>15</sup> Probably he died there in captivity; at all events he appears no more in record.<sup>16</sup> Sir William (whether this or

<sup>1</sup> *Cartularium de Levenax*, 41, 46, 81, 87. <sup>2</sup> *Sixth Rep. Hist. MSS. Com.*, 690. <sup>3</sup> *Cal. of Docs.*, ii. No. 742. <sup>4</sup> On mainprize by John, Earl of Atholl and two others, dated 22 August 1297 (*Fœdera*, ii. 790). His release was ordered 28 August (*Rot. Scot.*, i. 46), and his lands were ordered to be restored to him 16 September (*Ibid.*, i. 49). He arrived at Sandwich in order to embark for Flanders 20 September (*Hist. Docs.*, ii. 140). The King and army returned to England in the following March. <sup>5</sup> *Hist. Docs.*, ii. 259; *Cal. of Docs.*, ii. No. 953. <sup>6</sup> Dunbar's *Scottish Kings*, 122. <sup>7</sup> *Matthew of Westminster*, 445 (ed. 1570). The historian adds that Sir William thought himself justified in disobeying King Edward, to whom he had never sworn fealty; and explains that Sir William might be right in that, but could not be right in refusing to deliver the castle to its lawful owner! <sup>8</sup> *Scottish Kings*, 123; *Fœdera*, ii. 951 ff. <sup>9</sup> *Cal. of Docs.*, ii. No. 1668. <sup>10</sup> *Ibid.*, iii. No. 45. <sup>11</sup> He appears to have been on his way northward in December (*Rot. Scot.*, i. 61). <sup>12</sup> *Cal. of Docs.*, iii. No. 121. <sup>13</sup> *Ibid.*, p. 425. <sup>14</sup> *Scottish Kings*, 133. <sup>15</sup> *Chron. of Lanercost*, 222. <sup>16</sup> His early appearance in Lennox suggests that he had married a Lennox lady. After

the other it is impossible to say) had a sister Elizabeth, who was committed by the King of England to the nuns of Barking, and afterwards to Henry de Lacy, Earl of Lincoln; Edward II., 2 June 1309, ordered the nuns to deliver her up to the Earl.<sup>1</sup>

2. The other SIR WILLIAM was not yet a knight, when, along with his cousin, he was taken at Dunbar. He was committed to Rochester Castle,<sup>2</sup> and was set free on condition of serving King Edward abroad, 18 August 1297,<sup>3</sup> Richard Siward, perhaps his stepfather, becoming main-prize for him.<sup>4</sup> He was second in command of the garrison of Stirling under his cousin;<sup>5</sup> and after the surrender he was sent to Wallingford Castle,<sup>6</sup> where he remained till 2 February 1306-7,<sup>7</sup> if not longer. As William Olyfaunt, Knight, he granted a bond to Sir Hugh le Despenser, the father, for 100 shillings, 5 June 1309;<sup>8</sup> this being the first known occurrence of the modern form of the name.<sup>9</sup> He seems to have remained in England till 1313; on 21 October of that year he had a safe-conduct to go to Scotland.<sup>10</sup> His return to the national party synchronises with the recovery of Stirling Castle by the Scots after Bannockburn; he wit-

1333 Donald, Earl of Lennox, granted one-fourth of Portnellan and others to Gilbert Oliphant, son and heir of Mary Oliphant (*Cart. de Levenax*, 55). Can this have been Sir William's son? The lands are said to have passed with an heir-female from the Oliphants to the Hallidays: see *Chiefs of Colquhoun*, ii. 185. <sup>1</sup> *Cal. of Docs.*, iii. No. 91. <sup>2</sup> *Ibid.*, ii. No. 742. <sup>3</sup> *Hist. Docs.*, ii. 257. <sup>4</sup> 9 August 1297; *Rot. Scot.*, i. 45. That Mary, the wife of Richard Siward, had had a previous husband, and had lands in her own right, is proved by *Rot. Scot.*, i. 28. Richard Siward in his petition on her behalf (*Cal. of Docs.*, ii. No. 1873) states that Sir William Olifard had been infert in her lands. If Sir William was her son, not only this circumstance, but also the fact that Richard's daughter Helen in 1360-61 calls Walter Oliphant *consanguineus* would be explained. <sup>5</sup> *Fœdera*, ii. 951. <sup>6</sup> *Cal. of Docs.*, ii. No. 1668. There were two other Olifards in the garrison, Hugh sent to Colchester, Walter to Winchester Castle. The story of Hugh's escape, his taking sanctuary in Barking Nunnery, where Sir William's (and possibly Hugh's own) sister Elizabeth was then residing, and his recapture, is in *Cal. of Docs.*, ii. Nos. 1846 and 1885. Walter was afterwards one of the garrison of Perth under the elder Sir William (*Cal. of Docs.*, iii. 425). <sup>7</sup> *Cal. of Docs.*, ii. No. 1948. <sup>8</sup> *Catalogue of Ancient Deeds in Public Record Office*, iv. A 6310. <sup>9</sup> See above, p. 522. It is possible that he adopted this form to distinguish himself from his namesake. The new form is thenceforth always used in Scottish record; but never occurs in English official documents of the period. See, however, *Records of the Burgh of Leicester*, i. 311, where Isabell del Olyfaunt appears on a tallage roll of 1318. <sup>10</sup> *Cal. of Docs.*, iii. No. 339. The editor (pref., xviii) quotes a notice which proves Sir William to have been in England 10 March previous.

nesses a charter of King Robert on 12 February 1314-15.<sup>1</sup> His seal is set to the renowned letter of the Scottish barons to the Pope in 1320.<sup>2</sup> He is mentioned in the record of the Parliament held in March 1326-27;<sup>3</sup> rendered an account as the King's Escheator, 16 January 1329-30;<sup>4</sup> died 5 February thereafter, and was buried in Aberdalgie church, where a fine tomb to his memory was erected two or three generations later.<sup>5</sup>

The Oliphant estates, as Sir William left them to his successors, consisted of (1) the aforesaid lands of Dupplin, Hedderwick, and Cranshaws, inherited from his Olifard forebears,<sup>6</sup> (2) the lands of Aberdalgie adjoining Dupplin, Turin near Forfar, Glensaugh in the Mearns, Pitkerie in Fife, and perhaps Gallery on the Northesk, which appear to have come into the family through a Wishart heiress,<sup>7</sup> and (3) Gasknes (now Findogask) in Strathearn, Newtyle, Kinpurnie, Auchtertyre and Balcraig in Forfarshire, Muirhouse in Midlothian, and Hazelhead in Ayrshire, which he acquired, mostly by new gift from the King.<sup>8</sup>

From Sir William downwards the transmission of the estates is clearly proved, but some steps of the pedigree are matter of inference only. The traditional genealogy, of

<sup>1</sup> In Gray Charter-chest at Kinfauns. Most likely it is his name which some accident has made illegible in the testing clause of King Robert's charter of Lochawe to Sir Colin Campbell two days before (see the facsimile in Anderson's *Diplomata*, No. xlvi.). Dr. Joseph Anderson (*O. in S.*, p. xvii) plausibly suggests that it was some connection with the Comyns which so long kept the Olifards from joining Robert Bruce.

<sup>2</sup> *National MSS. of Scotland*, ii. No. xxiv. <sup>3</sup> *Acta Parl. Scot.*, i. 483.

<sup>4</sup> *Exch. Rolls*, i. 247. <sup>5</sup> Information from the Rev. J. Ferguson; *Proceedings of Scottish Antiquarian Society*, 3rd ser., v. 361. <sup>6</sup> See p. 529 *supra*. Sir William also held £40 worth of lands in Glenlyon; inherited perhaps from William the knight of Thomas, Earl of Atholl. *Exch. Rolls*, i. 102.

<sup>7</sup> William Wishart of Aberdalgie occurs in record 1296 or 1297 (*Cal. of Docs.*, ii. No. 1970). Charters of Turin and Glensaugh to William Wishart, afterwards Bishop of St. Andrews, in or before 1270, are in Dupplin Charter-chest. For Pitkerie see Robertson's *Index of Charters*, 50, No. 16. One of the ms. Oliphant genealogies (Gask charters, bundle xxviii. No. 105), says that *Gallery* and Glensaugh were acquired by a Wishart marriage. <sup>8</sup> Robertson's *Index*, 26, No. 28; *O. in S.*, 358; *Reg. Mag. Sig.* (fol. vol.), 12, No. 57 (Muirhouse granted in exchange for land taken into the royal park of Kincardine, no doubt a part of Glensaugh). Charter by King Robert confirming grant by James Lovell, Lord of Giffen, to Sir William Oliphant, of Hazelhead and others in the tenement of Giffen, 12 October 1325, Dupplin Charter-chest.

which there are several variants among the Gask papers, is very different from that found in the Peerages. It is here subjoined from a copy in the Register House, the earliest known, written (apparently by John Oliphant, keeper of the Treasury Register) on a blank leaf of a responde book of the Register of Signatures, and dated 1580.

'Schir Donald Oliphant laird of Aberdagy in king Donaldis dayis' anno 1093 factus rex. Schir Duncane Oliphant in king Williames dayis factus rex 1165. Schir Malcome Oliphant in king Alexanderis dayis. Thir thrie first names ar found in evidentis howbeit we knaw nocht thair allyais. Schir William Oliphant captane of Stirling mareit the erll of Gallowayis dochter. Schir Walter Oliphant sone to the said Schir William mareit king Robert Bruce dochter. Schir William sone to the said Walter mareit with the hous of Erskin. Schir Walter sone to the said Schir William mareit with the hous of (Conochen)<sup>2</sup> Drummond. Schir Johnne sone to the said Schir Walter mareit with the Wischertis. Schir Johnne sone to the said Schir Johnne mareit with the hous of Borthuik, and scho bure Schir Walter. The said Schir Johnne mareit last with the hous of Craig Home,<sup>3</sup> and gave to hir eldest sone Kellie in Fyfe. Schir Walter sone to the said Schir Johnne mareit the lord Lornis dochter Stewartis. Schir Johnne sone to the said Schir Walter mareit with the hous of Auchterhouse Ogilvie.' Evidently the number of generations between Sir William and Sir John, father of the first Lord Oliphant (six) is too many. Crawford (followed by Douglas), admitting only the names found on record, reduced it to four; the subjoined account gives only three. Perhaps the identification of the first Sir William with the hero of Stirling Castle has dislocated the pedigree. The Wishart marriage, though placed far too late, is clearly a fact (see above); and 'the erll of Gallowayis dochter,' a puzzle to the copyists,<sup>4</sup> may have been a natural daughter either of

<sup>1</sup> This may be a reminiscence of David Olifard, King David's godson; who, however, was never owner of Aberdalgie. One of the copyists prefers to consider him 'a follower of King Duncan in all his wars against that usurper Donald.' <sup>2</sup> Supplied from a Gask version. <sup>3</sup> Other versions read *Cuninghome* and *Crichton*. The Peerages say 'a daughter of Sir Thomas Home of Home,' evidently a conjectural emendation. <sup>4</sup> The earliest Gask version has *Douglas* the Earl of Galloway's daughter.

Alan son of Roland or of his brother Thomas, Earl of Atholl, whom, as we have seen, William Olifard, the benefactor of Coupar Abbey, followed to Perthshire. But it is obvious that the matrimonial alliances in Crawford's pedigree are simply an arbitrary selection from the traditional account; and while all of them may be historical, they cannot be properly dated or distributed.<sup>1</sup>

WALTER OLIPHANT, Sir William's successor, and presumably his son,<sup>2</sup> was still under age in 1337.<sup>3</sup> He is first mentioned by name as appending his seal to a charter 31 May 1352.<sup>4</sup> He was alderman of Perth 10 December 1356.<sup>5</sup> He had a charter of the barony of Kellie in Fife, resigned by Helen, daughter of Sir Richard Siward, and wife of Isaac Maxwell;<sup>6</sup> in her resignation, dated 30 January 1360-61, she styles Walter her cousin.<sup>7</sup> As Lord of Aberdalgie, he witnesses a charter by Maurice de Drummond to John Mercer of the barony of Meikleour, 1 March 1362-63.<sup>8</sup> In a Parliament held at Perth, 11 January 1364-65, he resigned all the lands which he held of the Crown for new infestment, in favour of himself and his wife, to be held blench. Of nine charters which seem to have been granted in implement of this arrangement, all dated 28 February 1364-65, five are still extant,<sup>9</sup> and two others are recorded in old inventories.<sup>10</sup> Walter, in company with some other

Later copies change this to 'sister of William, Lord Douglas.' One copy makes Sir William marry Lord Douglas' sister first, and the Earl of Galloway's daughter afterwards. <sup>1</sup> The ladies' Christian names are in some cases supplied, to all appearance at random, by later copyists, whom Crawford follows. <sup>2</sup> A charter of 2 February 1394-95 (*Reg. Mag. Sig.*, v. No. 964) is witnessed by John Oliphant, brother-german of the Lord of Oliphant, who may have been another son of Sir William. <sup>3</sup> *Cal. of Docs.*, iii. 379. <sup>4</sup> *Liber Insule Missarum* (Bannatyne Club), xlv. <sup>5</sup> *Reg. de Panmure*, ii. 232. <sup>6</sup> Robertson's *Index*, 51, No. 23. <sup>7</sup> *O. in S.*, No. 7. <sup>8</sup> Original belonging to the Marquis of Lansdowne. See Cowan, *The Ancient Capital of Scotland*, i. 268. This is the earliest instance of the above territorial designation applied to an Oliphant. Instances of this method of styling landowners are not uncommon in the thirteenth century, but it was not universally adopted till the fifteenth. <sup>9</sup> *Viz.* charter of Aberdalgie and Dupplin, Dupplin Charter-chest; of Gask, Gask Charter-chest; of Turin, Lour Charter-chest; of Ochertyre and Balraig, and of Newtyle and Kinpurnie, Wharncliffe Charter-chest. The four last are printed in *O. in S.*, 5, 6, 359, 360. <sup>10</sup> *Ibid.*, 201 (charter of Pitkerrie); *Reg. of Deeds*, ccxcviii. fol. 3 (charter of Gallery). The character of the blench duties by which the above-mentioned properties, and those of Glensaugh and Muirhouse, were held, strongly suggests that the whole

Perthshire magnates, witnessed a charter by Robert the Steward, afterwards King Robert II., between 1358 and 1370.<sup>1</sup> In 1368 he was Sheriff of Stirling and keeper of Stirling Castle.<sup>2</sup> On 1 August 1375 he granted the lands of Easter Pitcorthy, in the barony of Kellie, to John Strang of Wester Pitcorthy.<sup>3</sup> He was alive 20 October 1378.<sup>4</sup>

He married Elizabeth, daughter of King Robert Bruce.<sup>5</sup> Issue three sons :<sup>6</sup>—

1. SIR JOHN, of whom below.
2. *Sir Walter*, who had from King Robert II. a charter of the barony of Kellie and Pitkerie on his father's resignation, 20 October 1378.<sup>7</sup> He was alive in 1411.<sup>8</sup> His successors held Kellie down to the sixteenth century ; the Oliphants of Pittotter and Kellie-mills, Murdocairnie (afterwards Hillcairn) and Prinlaws, and (it is said) Mrs. Oliphant, the novelist, were descendants of this branch.
3. *Malcolm*, who had from his brother, Sir John, a charter of the lands of Hazelhead, confirmed by Sir John Montgomery of Ardrossan, 8 May 1412.<sup>9</sup> These lands afterwards returned to the family.<sup>10</sup>

SIR JOHN OLIPHANT, who succeeded to the bulk of the estates, had from King Robert II. a confirmation of all the lands which he held of the Crown 10 December 1388.<sup>11</sup> He had issue :—

1. SIR WILLIAM, of whom below.
2. *Marion*, married (contract A.D. 1399) to Robert, son

set was arranged at one time. See the list in *Fifth Rep. Hist. MSS. Com.*, 622-23. If a similar charter of Kellie existed, it must have been early lost. The lands in Glenlyon do not seem to have remained in the family (see Robertson's *Index*, 51, No. 27). Hedderwick, Cranshaws, and Hazelhead were held of subject superiors. <sup>1</sup> Brit. Mus., Campbell charter, xxx. 13. <sup>2</sup> *Exch. Rolls*, ii. 302, 307. <sup>3</sup> Copy in Reg. Ho. <sup>4</sup> See below, note 7. <sup>5</sup> Charters cited above, p. 536, note 9. The statement of some moderns that she was a natural daughter of King Robert is an inference from the silence of the chroniclers, and from that only. The records prove nothing on this point. <sup>6</sup> Sir Walter is the only son of whose paternity there is record proof. But Sir John was clearly Walter's heir ; if a grandson, he could hardly have had a marriageable daughter in 1399. Malcolm was Sir John's brother. <sup>7</sup> *O. in S.*, 8, No. 10. <sup>8</sup> Perth Hospital charters. <sup>9</sup> Gask Charter-chest, bundle i. No. 1. <sup>10</sup> Marion, Lady Livingston (see below, p. 538, note 7), and Margaret, Lady Aberdalgie, were found entitled to their terce of Hazelhead 13 May 1471 (*Acta Auditorum*, 11). <sup>11</sup> *Maitland Miscellany*, i. 380 ; Macfarlane's *Gen. Coll.*, ii. 102.

of Sir Patrick Graham of Kincardine.<sup>1</sup> She is supposed to be the same Marion Oliphant who in 1446-47 resigned the lands of Cessfurd and others in favour of Sir Robert Grahame, the eldest of her four sons.<sup>2</sup>

SIR WILLIAM OLIPHANT was retoured heir of Sir John, his father, in the lands of Gallery and others in 1417.<sup>3</sup> He witnessed a charter 27 August 1421.<sup>4</sup> He was sent to England early in 1424 as one of the hostages for the payment of the ransom of James I. on that King's release from captivity.<sup>5</sup> He was still detained 3 December 1425,<sup>6</sup> after which there is no further record of him.

He is presumed<sup>7</sup> to have been the father of

1. SIR JOHN, of whom below.
2. *Isabel*, married to Sir John Scrymgeour, Constable of Dundee.<sup>8</sup>

SIR JOHN OLIPHANT first appears 2 October 1438, the date of a transumpt made at his instance.<sup>9</sup> He witnessed a charter 8 May 1441.<sup>10</sup> In 1442 he was retoured heir to his grandfather in the lands of Cranshaws;<sup>11</sup> his sasine thereon was taken 28 February 1442-43, and was formally broken next day by John Swinton of that Ilk, who also claimed the lands.<sup>12</sup> He had a dispute with the town of

<sup>1</sup> *Genealogy of the House of Drummond*, 166. <sup>2</sup> *Fourteenth Rep. Hist. MSS. Com.*, App. iii. 16. In the ms. genealogies and in the Peerages Sir John is said to have had by a second marriage a son Thomas, ancestor of the Oliphants of Kellie. This is not consistent with the record evidence as to Kellie; but Thomas Oliphant of Dron, a prominent public man during the reigns of James II. and III., may be the person intended. <sup>3</sup> Old inventory of Scrymgeour writs, Lauderdale Charter-chest. <sup>4</sup> *Seventh Rep. Hist. MSS. Com.*, 706. <sup>5</sup> *Cal. of Docs.*, iv. Nos. 942, 952. <sup>6</sup> *Ibid.*, No. 986. <sup>7</sup> A writ in the Westquarter Charter-chest (communicated by Mr. F. J. Grant, Rothesay Herald) bears that James, Lord Hamilton, on 7 February 1477-78, opposed the service of James, second Lord Livingston, as heir to his father the first Lord, on the ground that his mother, the first Lord's wife, had previously been married to the Laird of Aberdalgie, who was 'tua ferdis of kyn' with Lord Livingston. The chronology indicates that Sir William was the lady's first husband; her surname is unknown. This Marion is the 'Lady of Kalender' mentioned in *O. in S.*, 15. See also p. 537, note 10. <sup>8</sup> Charter cited *supra*, iii. 306. <sup>9</sup> *Fifth Rep. Hist. MSS. Com.*, 622. <sup>10</sup> *Munim. de Melros*, No. 557. <sup>11</sup> Genealogical ms. by Robert Mylne, in Reg. House. In *Maitland Misc.*, i. 380, the date given is 1445; but the Swinton writ cited in text corroborates Mylne's date. Neither authority states who Sir John's grandfather was. <sup>12</sup> Swinton charters, No. 36.



Perth concerning certain fishing rights on the Tay, which the parties appearing in Council General at Stirling, 6 February 1443-44, referred to arbitration. The decision was given against the town 6 June 1447, after Sir John's death.<sup>1</sup> He is said to have granted the lands of Gallery to John Scrymgeour, Constable of Dundee, his sister's son, 15 March 1444-45.<sup>2</sup> He was slain at Arbroath in a battle between the Lindsays and his wife's relatives the Ogilvies, 23 January 1445-46.<sup>3</sup>

He married Margaret, daughter of Sir Patrick Ogilvy of Auchterhouse;<sup>4</sup> and by her, who survived him and was alive 1471,<sup>5</sup> had issue:—

1. LAURENCE, first Lord Oliphant.
2. *James*, who had a charter of the lands of Archellie in the parish of Methven, 17 July 1471; confirmed by James III. 11 March 1475-76.<sup>6</sup> He was slain in a feud between Lord Oliphant and the Earl of Buchan about the end of June 1491.<sup>7</sup> Of him were descended the Oliphants of Archellie and Bachilton (first family).
3. *Mr. John*.<sup>8</sup>
4. *Margaret*, married to [Henry] Wardlaw of Torry.<sup>9</sup>
5. *Christian*, married to Alexander Blair of Balthayock.<sup>10</sup>
6. — another daughter is said to have been the wife of James Drummond, first of Balloch.<sup>11</sup>

<sup>1</sup> Original writs in City Chambers, Perth. <sup>2</sup> Scrymgeour inventory cited p. 538, note 3. If this is correct, the Sir John Scrymgeour given *supra*, iii. 306, must have died before 1445, and been succeeded by a son of the same name. <sup>3</sup> *Lives of the Lindsays*, i. 129; *Scottish Kings*, 197. <sup>4</sup> Her parentage is proved by the fact that her son, the first Lord Oliphant, was nephew of Walter Ogilvy of Oures (*Reg. Mag. Sig.*, ii. No. 965); her Christian name by (1) Swinton charter, No. 37, (2) a bond dated 21 June 1455 in Slains Charter-chest, and (3) a charter of foundation of two chaplainries in the church of Aberdalgie by Lord Oliphant in 1492 (Dupplin Charter-chest). In the first of these her surname is not given, in the others she is called Margaret Oliphant, the retention of married ladies' maiden names in legal documents having not yet become universal. To the bond of 1455 her seal is affixed, bearing the arms of Ogilvy of Auchterhouse. <sup>5</sup> *Acta Dom. Audit.*, 11. <sup>6</sup> *Reg. Mag. Sig.*, ii. No. 1231. <sup>7</sup> Pitcairn's *Criminal Trials*, i. \*108; *Treasurer's Accounts*, i. 178; Contract of Assythment for the slaughter, dated 3 April 1492, Dupplin Charter-chest. <sup>8</sup> *Reg. Mag. Sig.*, ii. No. 1351. <sup>9</sup> *O. in S.*, 24, No. 38. For her husband's Christian name, given in the Peerages as *William*, there seems to be no record authority. All the known Wardlaws of Torry of that period were named Henry. <sup>10</sup> *O. in S.*, 14, No. 24. The lady's Christian name is corrected from *Reg. Sec. Sig.*, A.D. 1483-1529, No. 2858. <sup>11</sup> *Malcolm's House of Drummond*, 219.

I. LAURENCE OLIPHANT, the eldest son, was under age at his father's death. The King in 1450 granted his ward and marriage to Sir David Hay of Yester.<sup>1</sup> According to Boece<sup>2</sup> he was one of those who accompanied the Earl of Douglas to Flanders, France, and Rome in 1450-51. In 1460 he is said to have founded a monastery of 'Observantine' Franciscans at Perth; but the date given is evidently too early.<sup>3</sup> He was knighted before 29 June 1461, on which day he granted a discharge to the burgesses of Perth for the downcasting of the house of Dupplin and other outrages;<sup>4</sup> an incident perhaps of the dispute about Tay fishings mentioned above. He was created LORD OLIPHANT before 13 January 1463-64.<sup>5</sup> Thereafter he appears frequently in Parliament, and took a leading part in public affairs. He was Sheriff of Perth 1470 and 1471;<sup>6</sup> appears on the sederunts of the Lords of Council as a judicial body from 1479 onwards;<sup>7</sup> and was appointed one of the Lords Auditors of Causes in Parliament 26 March 1482,<sup>8</sup> and in several subsequent Parliaments. In 1484 he was one of the ambassadors who negotiated a peace with England and a marriage between Prince James (afterwards James IV.) and the Lady Anna, only daughter of John, Duke of Suffolk.<sup>9</sup> After the accession of James IV. he sat on the tribunal which tried the partisans of the late King,<sup>10</sup> and was appointed to try and punish criminals in the lowlands of Perthshire, Strathbraan, and the bishopric of Dunkeld;<sup>11</sup> and was collector of the King's rents of Meth-

<sup>1</sup> Macfarlane's *Gen. Coll.*, ii. 108. The original gift is there said to be in the Tweeddale Charter-chest. <sup>2</sup> Fol. 371, ed. 1574. <sup>3</sup> The original authority for this fact is an account of the Scottish Observantines drawn up by John Hay, minister of the Order at Cologne, in 1586 (*Wadding, Annales Minorum*, xix. 127). But a Papal Bull of 9 June 1463 (printed in *Monumenta Franciscana*, ii. 264) states that the Order had then only lately been brought to Scotland by Queen Mary (of Gueldres), and as yet they had no Houses there; and permits them to accept three or four Houses. And there is a charter by James III. dated 21 December 1479 (*Reg. Mag. Sig.*, ii. No. 1434), confirming the foundation of four Houses of the Order, Perth not being one. The Perth Greyfriars are noticed in 1496 (*Treasurer's Accounts*, i. 304); and there is no reason to doubt that the first Lord Oliphant was their founder. <sup>4</sup> Copy in Council Chambers, Perth. He is not there styled Lord Oliphant, and the copy in *Muses' Threnody* (p. 110, ed. 1774) is certainly incorrect in that particular. <sup>5</sup> *Acta Parl. Scot.*, xii. 29. <sup>6</sup> *Exch. Rolls*, viii. 35. <sup>7</sup> *Acta Dom. Conc.*, 39, and *passim*. <sup>8</sup> *Acta Dom. Audit.*, 98, and *passim*. <sup>9</sup> *Rot. Scot.*, ii. 464, 465; *Cal. of Docs.*, iv. Nos. 1501, 1502, 1504, 1505. To the two latter documents his signature is affixed. <sup>10</sup> *Acta Parl. Scot.*, ii. 201. <sup>11</sup> *Ibid.*, 208.

ven, and within the whole sheriffdom of Perth.<sup>1</sup> He had a safe-conduct as ambassador to England 26 February 1490-91; and another on 14 June thereafter as ambassador to France and Spain.<sup>2</sup> In that month his brother James of Archellie was slain in a feud with the Earl of Buchan, as has been already stated;<sup>3</sup> the feud was ended by a contract of Assythment, 3 April 1492,<sup>4</sup> and Lord Oliphant used the satisfaction money paid by the Earl to found two chaplainries in the church of Aberdalgie.<sup>5</sup> He obtained the office of Bailie of the Abbey of Inchaffray 25 January 1468-69,<sup>6</sup> and that of Bailie of the Nunnery of Elcho 5 December 1470.<sup>7</sup> But his importance is best shown by the numerous bonds of manrent granted to him by his neighbours, fifteen of which are preserved in the Gask Charter-chest.<sup>8</sup> His last recorded appearance is on the sederunt of the Lords of Council on 1 February 1498-99;<sup>9</sup> and he died before 8 April 1500.<sup>10</sup>

Lord Oliphant married, first, a daughter of William, first Earl of Erroll<sup>11</sup> (her Christian name is given in the Peerages as Isabel). They had from Pope Sixtus iv. a grant of a portable altar, 20 May 1472.<sup>12</sup> Issue:—

1. JOHN, second Lord Oliphant.

2. *William*, who married about 1489<sup>13</sup> Christian Sutherland, daughter and heir of line of Alexander Sutherland of Duffus.<sup>14</sup> A long lawsuit with the heir-male, who disputed her legitimacy, ended about 1507 in a compromise, she and her husband obtaining the Caithness lands and those of Strabrock in West Lothian, and relinquishing all claim to the lands in Moray.<sup>15</sup> William was usually styled of Berridale; he died about 1508.<sup>16</sup> His wife survived him, and married, secondly, Sir Thomas Lundin of Pratis, grandson and heir-apparent of Sir John Lundin of that Ilk.<sup>17</sup> William Oliphant had issue:—

(1) *George*, who succeeded him, and died *s.p.* after April 1511.<sup>18</sup>

<sup>1</sup> *Acta Parl. Scot.*, ii. 219. <sup>2</sup> *Cal. of Docs.*, iv. Nos. 1568, 1574. <sup>3</sup> P. 539 *supra*. <sup>4</sup> In Dupplin Charter-chest. <sup>5</sup> *Ibid.*, 18 June 1492. <sup>6</sup> *O. in S.*, 13, No. 23. <sup>7</sup> *Ibid.*, 16, No. 28. <sup>8</sup> *Ibid.*, 12-31. <sup>9</sup> *Acta Dom. Conc.*, lib. viii. fol. 177. <sup>10</sup> *O. in S.*, 47, No. 104; *Second Rep. Hist. MSS. Com.*, 167, 168. <sup>11</sup> So it is stated in all the pedigrees; the lady's Christian name is only in the later ones; see p. 536 *supra*. <sup>12</sup> Original Bull in Dupplin Charter-chest. <sup>13</sup> *Reg. Mag. Sig.*, ii. No. 1903. <sup>14</sup> *Ibid.*, iii. No. 354. <sup>15</sup> *Ibid.*, ii. No. 3103. <sup>16</sup> Between March 1507-8 and February 1508-9 (*Acta Dom. Conc.*, xix. 241, and xx. 125). <sup>17</sup> *Ibid.*, xxiv. 192. <sup>18</sup> *Ibid.*, xxii. 174.

- (2) *Charles*, who succeeded his brother, and was slain by the Sutherlands before 17 March 1517-18.<sup>1</sup>
- (3) *Andrew*, who succeeded. His precept of sasine was dated 28 June 1520.<sup>2</sup> He entered into a contract with John, Earl of Caithness, 16 July 1520, by which he undertook to marry within two years any one of the Earl's three sisters whom the Earl should choose.<sup>3</sup> He made over his lands to Laurence, third Lord Oliphant, 30 March 1526; Lord Oliphant promising to provide for Andrew's daughters and his brother Laurence.<sup>4</sup> Andrew died before 19 March 1529-30,<sup>5</sup> leaving three daughters, served heirs-portioners to him 23 June 1545:<sup>6</sup>—

1. *Helen*.

2. *Margaret*, married to William Oliphant of Newton.<sup>7</sup>

3. *Catherine*, married (contract 12 January 1545-46) to James, son of Andrew Oliphant in Binzean.<sup>8</sup>

(4) *Laurence*, who was alive 31 January 1544-45.<sup>9</sup>

(5) *Helen*, married to Thomas Mowat.

(6) *Katherine*, married to — Isoun.

(7) *Janet*.<sup>10</sup>

(8) — another daughter is said to have been married to George Gordon of Coclarachie.<sup>11</sup>

3. *Laurence*, who was appointed Abbot of Inchaffray by the Pope, 16 November 1495.<sup>12</sup> His paternity is proved by an Indenture between John, Lord Oliphant, and the Abbot of Inchaffray, his brother, dated 27 June 1502.<sup>13</sup> He appears on the sederunts of the Lords of Council frequently between December 1505 and March 1506-7. He fell at the battle of Flodden.<sup>14</sup>

4. *George* of Balmakcorne. He was alive 11 August 1526,<sup>15</sup> and died before 24 January 1527-28, when Andrew Oliphant of Berridale had precept of clare constat as his heir from Alexander, Master of Crawford.<sup>16</sup>

5. *Margaret*, contracted to George, Master of Angus, in 1485;<sup>17</sup> which marriage does not appear to have taken effect. She is possibly the same Margaret Oliphant

<sup>1</sup> *O. in S.*, 54, No. 111. <sup>2</sup> *Exch. Rolls*, xiv. 632. <sup>3</sup> Original *penes* Messrs. Dalgleish and Bell, W.S. <sup>4</sup> *O. in S.*, 56-59, Nos. 113, 114. <sup>5</sup> *Acta Dom. Conc.*, xli. 23. <sup>6</sup> *O. in S.*, 71, No. 120. There were other two daughters who died young (*Acts and Decrees*, vi. 345). <sup>7</sup> See below, p. 544. <sup>8</sup> *O. in S.*, 75, No. 122. <sup>9</sup> Perth Sheriff-Court Books. <sup>10</sup> These three are named as sisters of Charles Oliphant of Berridale, *Acta Dom. Conc. et Sess.*, xix. 49. <sup>11</sup> *Records of Aboyne* (New Spalding Club), 210. <sup>12</sup> Brady's *Episcopal Succession*, i. 185. <sup>13</sup> Inventory of Oliphant Writs, A.D. 1594, in Reg. Ho. <sup>14</sup> Pinkerton, *History of Scotland*, ii. 457. <sup>15</sup> Books of Adjournal, ms. in Justiciary Office. <sup>16</sup> Gask Charters, Bundle i. No. 15. <sup>17</sup> *O. in S.*, p. 24, No. 39.

who in 1496 was the wife of Sir John Elphinstone of Airth, father of the first Lord Elphinstone.<sup>1</sup>

Lord Oliphant married, secondly, Elizabeth, daughter of Sir Humphrey Cuninghame of Glengarnock,<sup>2</sup> by whom, who survived him and was married, secondly, to the above-mentioned Sir John Elphinstone of Airth,<sup>3</sup> he does not appear to have had any issue.

II. JOHN, second Lord Oliphant, in his father's lifetime was styled of Hedderwick.<sup>4</sup> Succeeding before 8 April 1500,<sup>5</sup> he had sasine of the principal estates the following month.<sup>6</sup> He sat in Parliament 13 March 1503-4, when the charter of Queen Margaret's dower lands was confirmed by the Estates;<sup>7</sup> and on some other occasions, including the Parliament held after Flodden.<sup>8</sup> He was alive 12 April 1516, and died before 18 November that year, the date of a Privy Seal grant to his widow of the ward and marriage of his heir.<sup>9</sup>

He married Elizabeth Campbell, daughter of Colin, first Earl of Argyll.<sup>10</sup> Issue:—

1. *John*, contracted in infancy to Margaret, daughter of William, first Lord Ruthven; which contract the lady, being of marriageable age, was formally required by her parents to fulfil, 15 June 1494. She refused to do so on the ground that she had no carnal affection for the said John.<sup>11</sup> For her subsequent matrimonial ventures, see article Gowrie.<sup>12</sup> Of John Oliphant we hear no more; he must have died without issue before 1505.
2. *Colin*, Master of Oliphant, who was killed at Flodden.<sup>13</sup> He married Elizabeth Keith, daughter of William, third Earl Marischal;<sup>14</sup> and by her, who survived him

<sup>1</sup> Cf. vol. iii. 529; *Acta Dom. Conc.*, vii. 174. There is no actual proof that Sir John Elphinstone's wife was Lord Oliphant's daughter. <sup>2</sup> *Acta Dom. Conc.*, ix. 168. <sup>3</sup> *Ibid.*, x. 184. <sup>4</sup> Dupplin Charters. <sup>5</sup> See p. 541, note 10. <sup>6</sup> His sasine of Aberdalgie, Gask, and Innerpefferay, dated 25 May, is at Dupplin; of Kinpurnie and others in Forfarshire, dated 28 May, *Fifth Rep. Hist. MSS. Com.*, 622. <sup>7</sup> *Acta Parl. Scot.*, ii. 239. <sup>8</sup> *Ibid.*, 281. <sup>9</sup> Wharnccliffe Charters; *O. in S.*, 53, No. 110. <sup>10</sup> *Acta Parl. Scot.*, ii. 578; *O. in S.*, 23, No. 43. <sup>11</sup> Protocol Book of James Young, Edinburgh City Chambers. <sup>12</sup> Cf. vol. iv. 259. <sup>13</sup> Crawford's *Peerage*. <sup>14</sup> Ms. Pedigrees; one of them, composed in Charles II.'s time, adds that the marriage contract was then extant, and the tocher 1200 merks (Gask Charters, bundle xxviii. No. 105). *Reg. Mag. Sig.*, ii. No. 2826.

and was married, secondly, to William, Lord Sinclair,<sup>1</sup> had issue :—

- (1) LAURENCE, third Lord Oliphant, of whom below.
- (2) *William* of Newton, who married Margaret, daughter and co-heir of Andrew Oliphant of Berridale,<sup>2</sup> and was ancestor of the Oliphants of Gask, and their cadets, the Oliphants of Orchardmill, Ure in Zetland, Tomperran and Soutartoun. He is claimed also as ancestor of the Oliphants of Condie,<sup>3</sup> now represented by Major-General Sir Laurence Oliphant, of whom Binzean (extinct), Rossie, and Kinneddar are cadets ; and of whom was descended Laurence Oliphant, the celebrated traveller, novelist, and mystic.

3. *John*, admitted burgess of Perth 7 July 1531. He married Margaret Swinton ;<sup>4</sup> his posterity continued for several generations.

III. LAURENCE, third Lord Oliphant, succeeded his grandfather before 18 November 1516.<sup>5</sup> He was still under age 10 July 1525 ;<sup>6</sup> his tutor was Walter Oliphant,<sup>7</sup> probably of Archellie. He was of age before 30 March 1526.<sup>8</sup> He was one of the prisoners taken at the inglorious battle of Solway Moss ;<sup>9</sup> but he did not sign the 'secret articles' designed to make Henry VIII. King of Scotland.<sup>10</sup> His yearly revenue at that time was reckoned at 2000 merks Scots, and his personal property at a like amount.<sup>11</sup> In 1543 he was released for a ransom of 800 merks sterling,<sup>12</sup> and took part in the parliamentary and other public proceedings of the time, being reckoned among those least pliable in the hands of English agents.<sup>13</sup> In the reforming Parliament of 1560 he did not sit. His acquisitions of Berridale (see above) and of Kellie (see below) raised the family possessions to their maximum. He died 29 March 1566.<sup>14</sup>

He married, before 10 July 1525,<sup>15</sup> Margaret, daughter of

<sup>1</sup> Perambulation of marches, dated 7 May 1534, Kintore Charter-chest. <sup>2</sup> Apparently before 12 January 1545-46 (*O. in S.*, 77). <sup>3</sup> Laurence Oliphant, first of Condie, was undoubtedly grandson of William of Newton, but whether through Alexander Oliphant, Albany Herald, his father, or Janet Oliphant, his mother, is not known. <sup>4</sup> Protocol Book of R. Rollok, in Register House, fol. 77 (20 April 1546). His parentage is proved by Perth Sheriff-Court Books, 1 August 1573. <sup>5</sup> See above, p. 543. <sup>6</sup> *O. in S.*, 55, No. 112. <sup>7</sup> *Acta Dom. Conc.*, xxxvi. 103. <sup>8</sup> *O. in S.*, 56, No. 113. <sup>9</sup> *Letters and Papers, Foreign and Domestic, Henry VIII.*, vol. xvii. No. 1143. <sup>10</sup> *Ibid.*, vol. xviii. (i.), No. 22. <sup>11</sup> *State Papers, Henry VIII.*, v. 233. Apparently the amount of the personal property is miswritten, and ought to be 2500 merks. <sup>12</sup> *Letters and Papers, Henry VIII.*, xviii. (i.), No. 805. <sup>13</sup> *Sadler State Papers*, i. 268. <sup>14</sup> Dupplin Charters. <sup>15</sup> *O. in S.*, 55, No. 112.

Sir James Sandilands of Calder, by Margaret Ker his second wife, afterwards Countess of Erroll.<sup>1</sup> They had a charter under the Great Seal of the lands of Dunbarney and others 25 May 1526.<sup>2</sup> Issue:—

1. LAURENCE, fourth Lord Oliphant.
2. *Peter*, of Turin; of which lands he had a grant from his father, upon which he granted letters of reversion 23 November 1559.<sup>3</sup> In April 1573 he was sent to England as a hostage for his brother the fourth Lord; being then described as Lord Oliphant's eldest brother, and aged thirty-six or thereby.<sup>4</sup> He died 24 October 1594.<sup>5</sup>

He married, first, Jean Hepburn, natural daughter of Patrick, Bishop of Moray, and widow of Thomas Ross of Craigie;<sup>6</sup> secondly, Agnes Collace, widow of James Rollok of Duncrub.<sup>7</sup> Issue, by first wife only, six sons,<sup>8</sup> four at least of whom married and left issue:—

- (1) *Peter*, of Turin, afterwards styled of Carsbank.
- (2) *James*.
- (3) *John*, of Heuchfield.
- (4) *Laurence*, of Nether Turin.
- (5) *Patrick*, styled successively of Little Kenny, of Over Turin, and of Drimmie, whose great-grandson William voted as Lord Oliphant at a Peers' election in 1750, as noted below.
- (6) *Thomas*.

3. *William*, who was concerned, along with his brother Peter and others, in the slaughter of James Ross in September 1571; for which they obtained a remission under the Great Seal, 5 May 1576.<sup>9</sup> He is styled in Arniston;<sup>10</sup> and he died without lawful issue.<sup>11</sup>
4. *Katherine*, married, first (contract dated 8 July 1551),<sup>12</sup>

<sup>1</sup> Copy Bond, dated 9 November 1528, Dupplin Charter-chest; compared with *Acta Dom. Conc. et Sess.*, i. 15. <sup>2</sup> *Reg. Mag. Sig.*, iii. 355. <sup>3</sup> *Acts and Decrets*, ccxxviii. 15. <sup>4</sup> *Calendar of Scottish Papers*, iv. 549. Peter's descendant, Charles Oliphant of Langton (see below), recorded his arms in the Lyon Register as descended from a third son of Lord Oliphant; perhaps an elder brother died young. <sup>5</sup> Edinburgh Tests. <sup>6</sup> *Acts and Decrets*, viii. 70 and xx. 378. <sup>7</sup> Perth Sheriff-Court Books, 18 December 1588. <sup>8</sup> The order of the sons is ascertained from Perth Hornings, 24 April 1601. <sup>9</sup> *Reg. Mag. Sig.*, iv. 2558. <sup>10</sup> *Reg. of Deeds*, clxix. 10. <sup>11</sup> He had a natural son Walter (*Reg. Sec. Sig.*, lxxxvii. 107); and a natural daughter Katharine, married (contract dated 2 December 1607) to Andrew Miller, tailor, South Queensferry (*Linlithgow Sasines, Sec. Reg.*, iii. 192). <sup>12</sup> *Acta Dom. Conc. et Sess.*, xxvii. 76.

to Sir Alexander Oliphant of Kellie, by whom she had two daughters; <sup>1</sup> secondly, to George Dundas of that Ilk, by whom she was the mother of Sir James Dundas, first of Arniston.<sup>2</sup> She died 12 December 1602.<sup>3</sup>

5. *Margaret*, married, first (contract dated 13 May 1553),<sup>4</sup> to William Moray of Abercairney, without issue; secondly, to James Clephane of Hilcairnie, by whom she had three sons and three daughters;<sup>5</sup> thirdly, to Ninian Bonar, younger of Keltie,<sup>6</sup> without issue. She died 17 August 1580.<sup>7</sup>
6. *Jean*, married (contract 1 May 1550<sup>8</sup>) to William Moncreiff, younger of that Ilk, and had issue.
7. *Lilias*, married (contract 18, 19, and 20 April 1561<sup>9</sup>) to David Lundie of Balgonie, and had issue five sons and eight daughters.<sup>10</sup> She died before 7 September 1588.<sup>11</sup>

IV. LAURENCE, fourth Lord Oliphant, was sent to England as a hostage for his father in 1543.<sup>12</sup> In 1563 he was one of the assize who sat in judgment on the Earl of Huntly's dead body; the Master of Oliphant's kinship to the Earl of Argyll, Justice-General, was one of the grounds on which their verdict was set aside.<sup>13</sup> He was served heir to his father's extensive estates on 2 May 1566.<sup>14</sup> In April 1567 he was on the assize who acquitted Bothwell of the murder of Darnley;<sup>15</sup> he signed the 'Ainslie's Supper' bond,<sup>16</sup> and was present at Queen Mary's marriage to Bothwell.<sup>17</sup> On 16 May 1567 he was admitted of the Privy Council.<sup>18</sup> After the

<sup>1</sup> By the marriage-contract the estate of Kellie, failing heirs-male of the marriage, passed to Lord Oliphant. This led to prolonged litigation with Sir Alexander's cousin and heir-male, Peter Oliphant of Kellie-mills, which was at length settled in 1606 by payment of £5000 Scots to him and his son John (*Reg. of Deeds*, cxxv. 371). The story, too complicated to be told here, is given in a much altered form by Mrs. Oliphant the novelist 'from family tradition,' in an article in *Blackwood's Magazine* ('The Heirs of Kellie,' March 1896). <sup>2</sup> *Acts and Decrees*, xlv. 12; *Edin. Tests*. <sup>3</sup> *Edin. Tests*. <sup>4</sup> *Acts and Decrees*, x. 99. <sup>5</sup> *Reg. of Deeds*, vi. 225; *Edin. Tests*. <sup>6</sup> *Edin. Tests*. <sup>7</sup> *Ibid.* <sup>8</sup> *Acts and Decrees*, iv. 211. <sup>9</sup> *Reg. of Deeds*, vi. 195. <sup>10</sup> *Edin. Tests*. <sup>11</sup> *Forfar Reg. of Hornings*, 9 February 1592-93. <sup>12</sup> *State Papers, Henry VIII.*, v. 233. <sup>13</sup> *Acta Parl. Scot.*, ii. 578. <sup>14</sup> *Fifth Rep. Hist. MSS. Com.*, 622; *Dupplin Charters*. <sup>15</sup> *Cal. of Scottish Papers*, ii. 320. <sup>16</sup> *Ibid.*, 322. <sup>17</sup> *Diurnal of Occurrents*, 111. <sup>18</sup> *P. C. Reg.*, i. 509. Before his succession to the title he had attended a meeting, 1 August 1565 (*Ibid.*, 397).



Queen's escape from Lochleven, he acted along with her other adherents,<sup>1</sup> and on 6 January 1568-69 she appointed him one of the advisers of her lieutenants in Scotland.<sup>2</sup> But on the 16 of the following month he was one of those who, declaring themselves faithful subjects of the King, and for that reason in danger from the Earl of Huntly, obtained commission to resist that nobleman;<sup>3</sup> and on 15 April thereafter both Huntly and Oliphant subscribed a bond of allegiance to the King and the Regent Murray.<sup>4</sup> After the slaughter of the latter, Lord Oliphant is again found among the Queen's men;<sup>5</sup> but he gave the party no active support,<sup>6</sup> and gradually came to be regarded as an adherent of the Government, though it does not appear that he ever conformed to the established religion.<sup>7</sup> His extensive estates in Caithness brought him into collision with the Sinclairs; in July 1569 he was besieged and taken in his castle of Auldwick by John, Master of Caithness,<sup>8</sup> and the feud reappears in 1587 and 1591.<sup>9</sup> An English agent's report of 1577 represents him as depending wholly upon Lord Ruthven;<sup>10</sup> yet he had been at feud with that nobleman in 1571,<sup>11</sup> and in 1580 an attack on Ruthven's party, as they passed near Dupplin in returning from the marriage of the young Earl of Mar, which resulted in the slaughter of one of Ruthven's followers, came near to ruining the house of Oliphant;<sup>12</sup> the protection of the Regent thwarted Ruthven's vengeance, but Morton's attitude in this affair was reckoned one of the causes of his final downfall the next year.<sup>13</sup> Lord Oliphant attended the Convocation of Estates on 1 July 1585, which agreed to a league with England;<sup>14</sup>

<sup>1</sup> *O. in S.*, xlii. and authorities there cited. <sup>2</sup> Labanoff, ii. 271. <sup>3</sup> *P. C. Reg.*, i. 645. <sup>4</sup> *Ibid.*, 654. <sup>5</sup> *O. in S.*, xliii. and authorities there cited. <sup>6</sup> *Illustrations of the Reigns of Queen Mary and King James VI.* (Maitland Club), 63. <sup>7</sup> In all the lists of Scottish nobles in which his religion is alluded to he is classed as Catholic. <sup>8</sup> *P. C. Reg.*, ii. 37 ff. <sup>9</sup> *Ibid.*, iii. 229, 676. <sup>10</sup> *Cal. of Scottish Papers*, v. 254. <sup>11</sup> Pitcairn's *Criminal Trials*, i. 26. Another feud, over the teinds of Dunbarney, led to the slaughter of the vicar of Dunbarney by the Master of Oliphant in December 1579 (*Acts and Decrees*, lxxxi. 125). <sup>12</sup> Calderwood, iii. 479; *P. C. Reg.*, iii. 329. The fullest account of the affair is in the *Perth Register of Hornings*, 11 December 1580. It appears that the attack was to have been made on Lord Ruthven on his way to the marriage (which took place at Kincardine, near Auchterarder), and was for the time frustrated by a sudden spate which made the ford of Kinkell impassable and compelled the party to cross the Earn by the 'coble of Dalreoch.' <sup>13</sup> Letter in Public Record Office; Tytler, viii. 144. <sup>14</sup> *P. C. Reg.*, iii. 760.

and his name occurs occasionally on the sederunts of the Privy Council till 1591. He died in Caithness 16 January 1592-93, and was buried in the church of Wick.<sup>1</sup>

He married (contract 11 May 1551<sup>2</sup>) Margaret Hay, daughter of George, seventh Earl of Erroll; they had a charter from the third Lord Oliphant of the baronies of Glensaugh and Newtyle and the lands of Wester Cluthy in the barony of Gask, 11 May 1552.<sup>3</sup> She was alive 21 November 1587,<sup>4</sup> but died before 9 February 1593-94.<sup>5</sup> Issue:—

1. *Laurence*, Master of Oliphant.

2. *John*, who on 11 October 1588, being then past twenty-one years of age, had from his father a charter of two-thirds of Ochertyre and Balcraig, and the lands of Newtyle, with remainder to William, his brother-german.<sup>6</sup> He was thereafter styled of Newtyle.<sup>7</sup> After his father's death he became 'Master' of Oliphant. His relations with the young Lord's guardian were not friendly, and he was complained of for molesting the tenants.<sup>8</sup> There was also a feud between him and the Tyries, with whom he was connected by his wife's former marriage.<sup>9</sup> It was in a conflict with her blood relations that he lost his life, early in 1603. A letter of 1 February 1602-3 states that he 'is slayne be the sherife of Angus (Gray) justifiably by the lawes, the master being at the horne and this long tyme disobedient.'<sup>10</sup> Some of the Grays had a remission for his slaughter, 30 May 1604.<sup>11</sup> He married (contract dated 20 October 1592)<sup>12</sup> Liliias, youngest daughter of Patrick, fourth Lord Gray, widow of David Tyrie of Drumkilbo. Issue:—

(1) *PATRICK*, of whom below, as sixth Lord.

(2) *John*, alive 1611,<sup>13</sup> died before 28 March 1616.<sup>14</sup> His brother was served heir to him 14 June 1623.<sup>15</sup>

<sup>1</sup> Lamont's *Diary*, App. 229. <sup>2</sup> Original contract, Slains Charters. <sup>3</sup> Original charter in Register House, Cal. No. 1555. <sup>4</sup> *P. C. Reg.*, iv. 230. <sup>5</sup> *Perth Hornings*, 27 April 1596. <sup>6</sup> Wharncliffe Charters. <sup>7</sup> Perth Sheriff-Court Books, 30 March 1591; *Inquis. de Tutela*, No. 36. 'Newland' of the Peerages is evidently a clerical error. <sup>8</sup> *P. C. Reg.*, v. 214. He was tutor at law to the young Lord (*O. in S.*, 158). <sup>9</sup> *P. C. Reg.*, v. 613-615. <sup>10</sup> Letter in Public Record Office, London (Thorp's *Cal. State Papers, Scotland*, ii. 820). <sup>11</sup> Pitcairn's *Crim. Trials*, i. 512. <sup>12</sup> *Reg. of Deeds*, cxvii. 243. <sup>13</sup> *P. C. Reg.*, ix. 676. At p. 108 of that volume he is styled *eldest* son, but elsewhere (e.g. *Inquis. de Tutela*, 36) Patrick is named first. <sup>14</sup> Dupplin Charters. <sup>15</sup> *Retours Gen.*, No. 1078.

3. *William*, styled of Gask in 1595;<sup>1</sup> and 'tutor of Oliphant' in 1596<sup>2</sup> and 1599;<sup>3</sup> his elder brother being then probably at the horn. He died in May 1603.<sup>4</sup> His wife was Katherine, daughter of John Broun, younger of Fordell.<sup>5</sup> Issue:—

- (1) *William*, to whom Peter Oliphant of Turin was served tutor at law 19 July 1603.<sup>6</sup> He had from the fifth Lord a charter of Gask in 1608, with remainder to his brothers, which was confirmed under the Great Seal 24 July 1608.<sup>7</sup> He was styled successively of Gask,<sup>8</sup> of Pitlochrie,<sup>9</sup> in Fordell,<sup>10</sup> and of Balgonie;<sup>11</sup> and was alive in 1659.<sup>12</sup> He married Katherine Haliday,<sup>13</sup> and had a numerous issue. His second son John, styled first of Carpow and afterwards of Cary, left four sons,<sup>14</sup> of whom the eldest, John of Cary, died 27 August 1714, and was buried in the Greyfriars;<sup>15</sup> the youngest, David, married and had issue, of whom the eldest son, William, died at nineteen, and was buried 10 August 1721.<sup>16</sup>
- (2) *Laurence*, admitted burghess of Perth in 1618.
- (3) *George*.
- (4) *Katherine*, alive 1640.<sup>17</sup>
- (5) *Helen*, married first to Mr. Ninian Oliphant of Culteuchar;<sup>18</sup> secondly, to George Hay in Murie, brother of Sir Peter Hay of Megginch.<sup>19</sup> She survived both, and was alive in 1664.<sup>20</sup>
- (6) *Janet*, married to Mr. James Govan, minister of Blackford, and died before 1633.<sup>21</sup>

4. *Elizabeth*, married first to William, tenth Earl of Angus, and had issue; secondly, to James Hamilton.<sup>22</sup>

5. *Jean*, married (contract dated 15 December 1586) to Mr. Alexander Bruce of Cultmalundie,<sup>23</sup> and had issue.

6. *Euphame*, married to James Johnston of Westraw or Westerhall.<sup>24</sup>

A natural daughter, Katherine, was married, first, to James Wemyss of Lathockar,<sup>25</sup> secondly to Hugh Hay.<sup>26</sup>

LAURENCE, Master of Oliphant, the eldest son, appears to

<sup>1</sup> *O. in S.*, 160. <sup>2</sup> *Perth Hornings*, 27 April 1596. <sup>3</sup> *O. in S.*, 160. <sup>4</sup> *Edin. Tests*. <sup>5</sup> *Brouns of Fordell*, 21. <sup>6</sup> *Inquis. de Tutela*, No. 35. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> *Ibid.* <sup>9</sup> *Ibid.* <sup>10</sup> *Perth Sasines*, xl. 59. <sup>11</sup> *Ibid.*, 288. He was a captain in Montrose's Regiment in 1639 (Account of money disbursed to the forces, 1639-40, ms. in Register House). <sup>12</sup> *Bachilton Charters*. <sup>13</sup> *Reg. Mag. Sig.* She was probably daughter of John Haliday of Tullibole; the marriage, 6 July 1617, is in the Fossoway Register. <sup>14</sup> *Gen. Reg. Inhibitions*, 13 December 1670. <sup>15</sup> *Greyfriars Burial Reg.* <sup>16</sup> *Canongate Reg.* <sup>17</sup> *Reg. of Deeds*, DXXIX. 423. <sup>18</sup> *Perth Sasines*, vi. 238. <sup>19</sup> *Ibid.*, xi. 91. <sup>20</sup> *Fife Hornings*, 14 November 1664. <sup>21</sup> *Perth Sasines*, vi. 379. <sup>22</sup> *Supra*, i. 201. <sup>23</sup> *Reg. Mag. Sig.* <sup>24</sup> *Perth Sasines, Sec. Reg.*, i. 134; *Reg. of Deeds*, cvii. 422. <sup>25</sup> *Reg. of Deeds*, xli. 340. <sup>26</sup> *Ibid.*, cviii. 92.

have been the person principally engaged in the feud with Lord Ruthven in 1580, noticed above. His formal submission to the Earl of Gowrie in 1582<sup>1</sup> was the prelude to the Raid of Ruthven, in which the Master took a leading part; Arran was imprisoned at Dupplin while the King himself was detained at Huntingtower.<sup>2</sup> The Master was also concerned in the seizure of Stirling Castle in 1584,<sup>3</sup> and the failure of that enterprise compelled him at first to 'withdraw for fear of apprehension'<sup>4</sup> and ultimately to obtain leave to go abroad. He and his brother-in-law, Robert Douglas, younger of Lochleven, had licence to travel for three years, 24 December 1584.<sup>5</sup> Neither of them was ever heard of again after their departure; they were believed to have perished in a conflict with 'Hollanders or Flushingers,'<sup>6</sup> and their wives remarried. About 1600 a rumour obtained currency to the effect that they were alive and in captivity at Algiers;<sup>7</sup> which is repeated in an English list of the Scottish nobility in 1602.<sup>8</sup> This mystery remains unsolved.<sup>9</sup> The Master married (contract dated 17 February 1575-76)<sup>10</sup> Christian, daughter of William Douglas of Lochleven (afterwards sixth Earl of Morton), which alliance brought him into close relations with the Protestant party. Whether he conformed to the established religion does not appear. His widow was married, secondly, to Alexander, sixth Lord and first Earl of Home.<sup>11</sup> Issue:—

1. LAURENCE, fifth Lord.<sup>12</sup>

2. *Anna*, or *Agnes*, married (contract dated 4 July 1599) to John, eighth Lord Lindsay of the Byres, and had issue one daughter.<sup>13</sup>

<sup>1</sup> Calderwood, iii. 596. <sup>2</sup> *Ibid.*, 637; *Historie of King James the Sext*, 189. <sup>3</sup> *P. C. Reg.*, iii. 664. <sup>4</sup> *Cal. S. P., Scotland*, i. 472. <sup>5</sup> *Reg. Sec. Sig.*, li. 160, 161. <sup>6</sup> Calderwood, iv. 46. This was believed in Scotland as early as April 1585; *Border Papers*, i. No. 304. <sup>7</sup> *Cal. S. P., Scot.*, ii. 570; *Ibid.*, i. 431 (*O. in S.*, 141); *Hatfield Calendar*, x. 459-60. Mr. Robert Oliphant, in whose petition to Queen Elizabeth the story is told, had been under suspicion as an agent in the Gowrie Conspiracy (A. Lang, *James VI. and the Gowrie Mystery*, 72 ff.). <sup>8</sup> *Estimate of Scottish Nobility* (Grampian Club), 75. <sup>9</sup> A tablet has been placed in the English church at Algiers, with the following inscription:—'1584. Laurence, Master of Oliphant, the Master of Morton, and other banished Scottish gentlemen enslaved at Algiers, whence they were probably never released.' <sup>10</sup> *Reg. Mag. Sig.* <sup>11</sup> *Ibid.* <sup>12</sup> William Oliphant, whose birth on 23 October 1584, is recorded in Lamont's *Diary*, App. 228, is given in Wood's *East Neuk of Fife*, 260, 2nd ed.), as a second son; perhaps rightly. If so, he must have died young. <sup>13</sup> *Reg. of Deeds*, clxxiii. 182.

V. LAURENCE, fifth Lord Oliphant, was born 25 March 1583.<sup>1</sup> After his predecessor's death he was under the care of his maternal grandfather William, Earl of Morton.<sup>2</sup> On 9 December 1598 he is described as on his way to France,<sup>3</sup> and seven days later he had licence to travel for five years.<sup>4</sup> On 15 February 1604 he executed a revocation of deeds done in his minority.<sup>5</sup> In 1602 he is described as 'catholique, of good expectation,'<sup>6</sup> which latter he disappointed. The family papers speak of him as 'ane base and unworthy man'<sup>7</sup>—a spendthrift he certainly was, and he dissipated the family estates, which came down to him entire, though not unencumbered. Muirhouse was sold in 1605, the Caithness estates and Glensaugh in 1606, Gallery in 1609, Turin in 1611, Kellie in 1613, Newtyle and Auchtertyre in 1617.<sup>8</sup> Some attempt seems to have been made to save the Strathearn estates for his heir-male and eventual successor in the title;<sup>9</sup> but it did not succeed, and they also were finally disposed of in 1625 and 1626.<sup>10</sup> Gask alone, having been acquired by an Oliphant of a cadent branch, remained with the surname till 1908.<sup>11</sup> Beyond attending a Convention of Estates in 1605,<sup>12</sup> this Lord Oliphant took no part in public affairs; but his feuds and his debts bulk largely in the Register of the Privy Council.<sup>13</sup> Of the former the only one worth recording was with his heir-male, whom in 1617 he nearly succeeded in slaying;<sup>14</sup> yet endeavoured to make him his successor in preference to his daughter.<sup>15</sup> He died before October 1630.<sup>16</sup> He married, 29 October 1603, Lilius Drummond, eldest daughter of James, first Lord Maderty;<sup>17</sup> on 28 January 1607, they had

<sup>1</sup> Lamont's *Diary*, App. 228. <sup>2</sup> *P. C. Reg.*, v. 214. <sup>3</sup> *Hatfield Cal.*, viii. 483. <sup>4</sup> *Reg. Sec. Sig.*, lxx. 231. <sup>5</sup> Perth Sheriff-Court Acta. <sup>6</sup> *Estimate of Scottish Nobility*, 78. <sup>7</sup> *Jacobite Lairds of Gask* (Grampian Club), 3. This book is hereafter cited as *J. L.* <sup>8</sup> *Reg. of Deeds*, cxxii. 102 (Glensaugh); *Ibid.*, clxviii. 285 (Gallery). The other dates are from *Reg. Mag. Sig.* Turin, Newtyle, and Gask had been previously given to younger sons, but such grants always reserved power to the head of the family to redeem. <sup>9</sup> Contract with Patrick, Master of Oliphant, dated 28 March 1616; Dupplin Charters. Bonds to him for £100,000 and £14,000, 28 November 1616, *Reg. of Deeds*, cclvii. 100, 202. <sup>10</sup> *Reg. Mag. Sig.* <sup>11</sup> Turin and Muirhouse were also sold to Oliphants, but were soon resold. <sup>12</sup> *P. C. Reg.*, vii. 55. <sup>13</sup> Vols. vii. ix. xi. xii. *passim*. <sup>14</sup> *State Papers and Correspondence of Thomas, Earl of Melrose* (Abbotsford Club), i. 291. <sup>15</sup> See below. <sup>16</sup> Dunblane Tests. <sup>17</sup> Oliphant Genealogy in Register House, quoted above. This entry is added later, but by the same hand. The contract was dated 12 October 1603 (*Reg. of Deeds*, cxv. 389).

a Great Seal charter of the Oliphant estates so far as then still unsold.<sup>1</sup> By her, who survived him and was alive 23 January 1636,<sup>2</sup> he had an only daughter:—

*Anna*, married in 1624 to James Douglas, second son of William, tenth Earl of Angus. John Fyfe, minister of Gask, was found guilty by the Presbytery of Perth of having performed the ceremony in the church of Aberdalgie without banns and without a testimonial from the minister of the parish, and was handed over to the Bishop of Dunblane to be dealt with for the offence.<sup>3</sup> She was served heir of line in general to her father, 18 January 1631;<sup>4</sup> and her husband was created Lord Mordington 13 March 1640. (*See that title.*)

VI. PATRICK, sixth Lord Oliphant, was styled Master of Oliphant from his father's death to that of the fifth Lord. Peter Oliphant of Turin was served tutor at law to him and his brother John, 19 July 1603.<sup>5</sup> He is first heard of in 1610 as having assaulted a servant of Lord Forbes;<sup>6</sup> and in later years he was involved in several broils, including the quarrel with his predecessor, already referred to, and the slaughter of David Toschach younger of Monzievairst in 1618.<sup>7</sup> In 1623, and again in 1634 after his succession, he was appointed a Justice of Peace for Perthshire.<sup>8</sup> His religious principles, which were the same as those of his predecessors, brought him into collision with the ecclesiastical authorities; he was arraigned by the Presbytery of Perth in 1626,<sup>9</sup> and after many evasions at length harried into conformity early in 1629.<sup>10</sup> After the death of his cousin in 1630, he was served heir-male in general of his grandfather, the fourth Lord, 7 May 1633;<sup>11</sup> but he does not appear to have had any interest in any of the estates except a farm called Pitnappie, a fragment of the Newtyle property, which he sold to Oliphant of Gask in 1658.<sup>12</sup> As

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> Bachilton Charters. <sup>3</sup> Perth Presbytery Reg., 21 and 28 July 1624. <sup>4</sup> *Retours.* <sup>5</sup> *Inquis. de Tutela*, No. 36. <sup>6</sup> *P. C. Reg.*, ix. 122. <sup>7</sup> *Ibid.*, xi. *passim.* <sup>8</sup> *Ibid.*, xiii. 347; and 2nd ser., v. 385. <sup>9</sup> Perth Presbytery Reg., 9 August 1626 (which states that he had already been under censure by the Presbytery of Meigle for the same cause), and *passim.* <sup>10</sup> *Ibid.*, 8 April 1629. See Archbishop Spottiswoode's letter about him, 17 November 1628, *Red Book of Menteith*, ii. 76. <sup>11</sup> *Retours.* <sup>12</sup> *O. in S.*, 242, 243.

early as January 1631 the dispute between him and the heir of line was engaging the attention of the King and Privy Council,<sup>1</sup> and on 10 July 1631 a royal letter commands the King's Advocate to inform himself on the subject.<sup>2</sup> The case came before the Lords of Session, who, on 11 July 1633, the King being present in court, decided that the fifth Lord having made resignation of the dignity in favour of the heir-male, had thereby barred the claim of the heir of line; but that, no regrant having followed, the title remained in the King's hand, to be disposed of at his pleasure.<sup>3</sup> This is one of the recognised leading cases of Scottish Peerage law. Meanwhile the heir-male had on 2 June previous obtained a new patent (not sealed till the day after the Court's decision), creating him and the heirs-male of his body Lords Oliphant 'post datam presentium tantum.'<sup>4</sup> These last words seem to have been understood as depriving him of the original Oliphant precedence (which was afterwards assigned to the husband of the heir of line), but not as constituting his Peerage a mere new creation of 1633—in the Union Roll and elsewhere Lord Oliphant is ranked three places only below Lord Mordington.<sup>5</sup> In April 1639 Oliphant was one of eleven who attended Huntlie in his negotiations with Montrose,<sup>6</sup> and in 1641 his name is on a list of 'delinquents';<sup>7</sup> but he does not seem to have taken any active part in the civil wars. In 1652 he 'declined' into the open profession of Catholicism, and was formally excommunicated in 1654.<sup>8</sup> He died between 16 June 1668 and 16 October 1674.<sup>9</sup>

Lord Oliphant's first wife was Elizabeth, daughter of Patrick Cheyne of Esslemont, relict of Peter Hay of Megginch, who died in 1616.<sup>10</sup> For 'compacting' this marriage the minister of Kilspindie was censured by the Synod of

<sup>1</sup> *P. C. Reg.*, 2nd ser., iv. 119; *Earl of Stirling's Reg. of Royal Letters*, ii. 495. <sup>2</sup> *Ibid.*, 543. <sup>3</sup> *Durie's Decisions*, 686. <sup>4</sup> Original Patent, Gask Charters; *O. in S.*, 229. <sup>5</sup> *Acta Parl. Scot.*, viii. 1, 10, 26 (A.D. 1670 onwards). See also *Ibid.*, vii. 551 (A.D. 1669). In the *Diary of Sir Thomas Hope* (Bannatyne Club), 103, Patrick, Lord Oliphant, is said to have given in a 'bill' against the Mordington creation; he may possibly have obtained thereby some concession as to his precedence. <sup>6</sup> *Spalding's Memorials*, i. 160. <sup>7</sup> *P. C. Reg.*, 2nd ser., vii. 511. <sup>8</sup> *Records of the Presbytery of Strathbogie* (Spalding Club), 223, 247. <sup>9</sup> *O. in S.*, 305-309; *Deeds, Durie*, 11 October 1675. <sup>10</sup> *Reg. of Deeds*, cccxcv. 220. See *O. in S.*, 163. Gask Charters, xxviii. 105.

Fife, 25 April 1620.<sup>1</sup> They had a charter of the barony of Drumkilbo in 1624, confirmed under the Great Seal 17 March 1626.<sup>2</sup> She died before 1634.<sup>3</sup> Issue an only daughter:—

1. *Lilias*, married (contract dated 19 February 1634<sup>4</sup>) to Laurence (afterwards Sir Laurence) Oliphant of Gask, and had issue. She died January 1669.<sup>5</sup>

He married, secondly, Margaret, only daughter of Gilbert Menzies of Pitfoddels, and relict of James Gordon, grandson of the first and father by her of the second Baronet of Lesmoir.<sup>6</sup> By her Lord Oliphant had one daughter:—

2. *Margaret*, born in 1638 or 1639,<sup>7</sup> married, first (contract dated 9 June 1655<sup>8</sup>), to Francis Menzies of Balgownie, who died in April 1663;<sup>9</sup> secondly, before 19 July 1664,<sup>10</sup> to Richard Irvine of Cairnfield, son of John Irvine of Artamford. She appears in lists of Aberdeen papists in 1658, 1661, and 1663;<sup>11</sup> a son of her second marriage, Alexander Irvine, was admitted a student of Douay College 8 December 1681, being then aged fifteen.<sup>12</sup>

His third wife was Mary, third daughter of James Crichton of Frendraught.<sup>13</sup> This marriage took place late in 1643 or early in 1644. They had from her brother, the first Viscount Frendraught, the lands of Pittendreich and others in Banffshire, erected by a Great Seal charter into the barony of Oliphant 2 November 1646.<sup>14</sup> She survived him, and was alive 31 March 1676.<sup>15</sup> Issue:—

3. CHARLES, seventh Lord Oliphant.
4. *Laurence*, who married his cousin Magdalen Crichton, daughter of James, first Viscount Frendraught.<sup>16</sup> He

<sup>1</sup> *Synod of Fife* (Abbotsford Club), 93. <sup>2</sup> *Reg. Mag. Sig.* <sup>3</sup> *O. in S.*, 235. <sup>4</sup> *Ibid.*, 231. <sup>5</sup> Testament, Gask Charters, xvii. 63. <sup>6</sup> 'The Lady Lesmore in the north,' Gask Charters, xxviii. 105; Aberdeen Sheriff Court Decrees, 18 June 1656; Banff Sheriff Court Decrees, 19 October 1654; *Thanage of Fermartyn*, 268. <sup>7</sup> *Gen. Reg. Sas.*, lix. 411. She completed her sixteenth year between Whitsunday 1654 and Whitsunday 1655 (contract of Wadset, dated 20 and 30 December 1656, *penes* Rev. A. T. Grant). <sup>8</sup> Contract quoted in previous note; *Aberdeen Sas.*, xviii. 37. <sup>9</sup> *Retours, Aberdeen*, No. 462. <sup>10</sup> *Reg. Mag. Sig.*, lx. 421. <sup>11</sup> *Selections from Ecclesiastical Records of Aberdeen* (Spalding Club), 234; *P. C. Reg.*, 3rd ser., i. 65; Session Register of Old Machar, 26 April 1663 (communicated by Mr. A. M. Munro, City Chamberlain, Aberdeen). <sup>12</sup> *Records of Scots Colleges* (New Spalding Club), 56. <sup>13</sup> Cf. vol. iv. 129. <sup>14</sup> *Reg. Mag. Sig.* <sup>15</sup> Banff Sheriff Court Records. <sup>16</sup> Riddell's Note Book, No. 132 (i), Advocates' Library; *P. C. Decreta*, 14 December 1699.



was probably the person who was appointed lieutenant in the Scots Guards 19 June 1688.<sup>1</sup> He died *s.p.* in December of the same year.<sup>2</sup> His widow died 1 April 1738.<sup>3</sup>

5. WILLIAM, ninth Lord Oliphant.

6. *Francis*, lieutenant (with the rank of captain) in the Scots Guards; commission dated 29 May 1696,<sup>4</sup> renewed 1702.<sup>5</sup> He died in September 1708.<sup>6</sup> He married, in St. Botolph's, Aldgate, in November 1689, Mary Reddall or Riddell;<sup>7</sup> in the License, dated 19 of that month,<sup>8</sup> she is styled daughter of Jane Reddall, widow, and his age is given as about twenty-eight, hers as about seventeen. She survived him, but appears to have died in or before 1712.<sup>9</sup> Issue:—

(1) *William*, who being left an orphan, was in 1712 taken in and employed 'in too servile a capacity' by Æneas Oliphant of Balgonie, W.S., a son of the Condie family.<sup>10</sup> Later in the same year he was taken up by James Oliphant of Gask, who placed him under the charge of John Coldstream, school-master of Fowlis,<sup>11</sup> with whom he remained till Lammas 1714.<sup>12</sup> Thereafter he was sent to Kirkcaldy to serve his apprenticeship to the owners of the ship *Elizabeth* of that place, to whom he had been indentured in May preceding.<sup>13</sup> He must have died before 1721.<sup>14</sup>

(2) FRANCIS, of whom below as tenth Lord Oliphant.

(3) *Mary*, named with her brothers in her father's testament. Of her nothing further is known, unless she was the 'Miss Oliphant, niece to the Right Hon. Lord Oliphant of North Britain,' who died at Barnet in Middlesex (*sic*) 28 January 1738-39.<sup>15</sup>

7. *Elizabeth*, married to Walter Stewart of Outlaw, second son of Thomas Stewart of Ryland, who granted her, as his spouse, a liferent charter on 7 December 1666.<sup>16</sup> They had a Great Seal charter

<sup>1</sup> Warrant Book, Scotland, Public Record Office. <sup>2</sup> Edin. Tests. <sup>3</sup> Moray Tests. <sup>4</sup> Dalton, *English Army Lists*, iv. 124. He, or a namesake, had been appointed a chirurgeon of the same regiment, 1 March 1689; *Ibid.*, iii. 44. <sup>5</sup> *Ibid.*, v. 219. <sup>6</sup> Edin. Tests. <sup>7</sup> Register of St. Botolph's, Aldgate. <sup>8</sup> Faculty Office, London. <sup>9</sup> See account of her elder son in text; and *J. L.*, 81. <sup>10</sup> Gask Charters, xxvii. 24. <sup>11</sup> *Ibid.*, 25; *J. L.*, 22 (where the words which allude to his parentage are omitted). <sup>12</sup> Gask Charters, xxviii. 54. <sup>13</sup> *Ibid.*, 53. <sup>14</sup> See below, p. 557. <sup>15</sup> *Reed's Weekly Advertiser*, 3 February 1739; *Gentlemen's Mag.* <sup>16</sup> *Banff Sas.*, i. 443. Her parentage is not stated there, but is inferred from her being styled *Domina Elizabeth*; and two of Lord Oliphant's sons take part in the proceedings.

of the barony of Outlaw to themselves in liferent, and two sons successively in fee, 11 November 1692.<sup>1</sup>

8. *Anna*, mentioned along with her brothers in their father's disposition of 16 June 1668.<sup>2</sup>

This Lord Oliphant had probably several natural children; his name was associated with cases of scandal before the kirk-session of Perth in 1633 and 1637, and before that of Montrose in 1643.<sup>3</sup> One natural son, Andrew, is alluded to by James Oliphant of Gask in 1721.<sup>4</sup>

VII. CHARLES, seventh Lord Oliphant, matriculated (as *dominus de eodem* though his father was alive) at King's College, Aberdeen, in 1665.<sup>5</sup> He succeeded before 16 October 1674, when he witnesses a deed as Lord Oliphant.<sup>6</sup> By James VII. he was made a Commissioner of Supply for Banffshire 13 May 1685;<sup>7</sup> and on 7 November following his name appears in a list of Catholics dispensed from taking the Test.<sup>8</sup> He was alive 11 April, and dead before 2 May 1706.<sup>9</sup> He married (contract dated 17 October 1678<sup>10</sup>) Mary, daughter and heir of John Ogilvy of Milton, and relict of Peter Meldrum of Leathers. By her, who died before 14 January 1702,<sup>11</sup> Lord Oliphant had issue:—

1. PATRICK, eighth Lord Oliphant.

2. *James*, summoned for non-payment of Poll Tax in 1697.<sup>12</sup> He must have died without issue-male before 1721.

VIII. PATRICK, eighth Lord Oliphant, conformed to the Protestant religion so far as on 12 October 1706 to take the oaths and his seat in the Scots Parliament,<sup>13</sup> in which he acted with the opponents of the Union.<sup>14</sup> He voted at elections of Scottish Representative Peers in 1710 and 1715.<sup>15</sup> He was an officer in the British Army after if not

<sup>1</sup> *Reg. Mag. Sig.*, lxxiii. 13. <sup>2</sup> *O. in S.*, 307. <sup>3</sup> Perth and Montrose Session Registers. <sup>4</sup> *J. L.*, 73. <sup>5</sup> *Fasti Aberdonenses* (Spalding Club), 429. <sup>6</sup> *Deeds* (Durie), 11 October 1675. <sup>7</sup> *Acta Parl. Scot.*, viii. 468. <sup>8</sup> Warrant Book, Scotland, Public Record Office. <sup>9</sup> *Deeds* (Durie), 10 June 1707; *Banff Inhibs.*, 12 October 1706. <sup>10</sup> *Banff Sas.*, ii. 203. <sup>11</sup> *Deeds* (M'Kenzie), 9 November 1706. <sup>12</sup> *Transactions of the Banffshire Field Club*, 1903-1904, p. 11. In a genealogical tree among the Condie papers (which represents him as a son of the sixth Lord) he is said to have been a doctor of medicine. <sup>13</sup> *Acta Parl. Scot.*, xi. 307. <sup>14</sup> *Ibid.*, 309-419, *passim*. <sup>15</sup> Robertson's *Peerage Proceedings*.

also before his succession to the title ;<sup>1</sup> he had Commissions as captain in the 1st Battalion of the Royal Scots 3 November 1708,<sup>2</sup> and in Brigadier Stanwix's regiment on 22 July 1715,<sup>3</sup> which last was disbanded in 1717.<sup>4</sup> One of his extant letters shows him with his regiment in Flanders in January 1712;<sup>5</sup> on the strength of another document<sup>6</sup> he has been described as 'a youth much given to horse-racing.'<sup>7</sup> He sold his estate in Banffshire to James Oliphant of Gask, 14 July 1711, and the deed contains a procuratory of resignation of the title (failing heirs-male of his own body) in favour of the disponee.<sup>8</sup> He died in London, 14 January 1720-21, unmarried.<sup>9</sup> He had a natural son, Charles, mentioned in his will.<sup>10</sup>

After his death, his nearest heir being a Jacobite and recusant, the official view was that Francis, son of Captain Francis Oliphant, fourth son of the sixth Lord, became Lord Oliphant, and so the journals of the period state.<sup>11</sup> But by hereditary right, and in the estimation of the family and their friends, the eighth Lord's successor was his uncle,

IX. WILLIAM, ninth Lord Oliphant, third son of the sixth Lord. His first appearance in record is in 1681, when he obtained a commission as captain in a Scots regiment raised by Colonel Henry Gage for the Spanish service in Flanders;<sup>12</sup> his name occurs in a pay-list of that regiment in February 1683,<sup>13</sup> being then, and up to 29 April 1684 at

<sup>1</sup> A Patrick Oliphant had an ensign's commission in Ferguson's Regiment, 1 June 1704 (*English Army Lists*, v. 89), and was wounded at Blenheim (*Ibid.*, v. pt. ii. 66). His successor's commission in that Regiment is dated 1 December 1708. <sup>2</sup> *Ibid.*, vi. 322. <sup>3</sup> *Ibid.*, 324. <sup>4</sup> Information from Mr. Charles Dalton. <sup>5</sup> *J. L.*, 18. <sup>6</sup> *O. in S.*, 310. <sup>7</sup> *J. L.*, 11. <sup>8</sup> *O. in S.*, 319. The ninth Lord also resigned the honours in Gask's favour (*Ibid.*, lxx.). It is hardly necessary to observe that these deeds did not give the Gask family any right to the Peerage, but (at the most) put it in the power of the Crown to regrant it to them. <sup>9</sup> Gask Charters, xxvii. 53. <sup>10</sup> Proved 19 April 1722, *P. C. C.*, 79. <sup>11</sup> *Caledonian Mercury*, 13 February 1721; *Historical Register* for 1721. It may be suspected that a distorted version of this statement was the foundation of the story which so perturbed Gask (*J. L.*, 71), that the dignity was to be claimed by one Andrew Oliphant, captain in the Army,—no such person appears in the Army lists of the period. <sup>12</sup> *Deeds* (Dal.), 12 October 1681. See *P. C. Decreta*, 26 July 1681; Warrant Book (Scotland), 5 August 1681. <sup>13</sup> At Brussels; communicated by M. Emile de Breyne, Chef de Section aux Archives Générales du Royaume de Belgique.

least,<sup>1</sup> in garrison at Mons in Hainault. The regiment was probably disbanded soon afterwards, for in the following year he and two others, 'all good men having held commissions abroad,' were sent to assist the Marquis of Atholl in suppressing the Argyll rebellion.<sup>2</sup> On 7 November 1685 he was appointed captain of a new company of foot to be added to the Scots Guards,<sup>3</sup> in which regiment he remained till October 1687,<sup>4</sup> and probably later. On 20 May 1686 the Privy Council recommended General Drummond to grant him 'forloff' to go abroad about his necessary affairs for two months,<sup>5</sup> which suggests that he was already married when he left the Spanish service. Before or shortly after the Revolution he went to Ireland, whence he returned to Scotland to take part in the Killcrankie campaign as lieutenant-colonel in the regiment of his cousin Lewis, Viscount Fren draught.<sup>6</sup> He subscribed the Band of Tomintoul 15 January 1690.<sup>7</sup> After the break up of the Jacobite army at Haughs of Cromdale, he remained with the force which under Buchan and Cannon kept the field in Aberdeenshire, and in September 1690 made a raid to within a few miles of Stirling.<sup>8</sup> On the 28 of that month he with Fren draught and a few others took possession of the castle of Federate in Buchan,<sup>9</sup> which they held against Mackay for three or four weeks.<sup>10</sup> After the capitulation<sup>11</sup> of this, the last stronghold held for King James on the mainland of Scotland, he was kept a prisoner at Perth till, on 12 November 1691, the Privy Council ordered his release;<sup>12</sup> on 26 January 1692 he was allowed to go to London to solicit King William's permission to rejoin his wife and family in Flanders, whom he had not seen for three years.<sup>13</sup> His name is in the list of Jacobite

<sup>1</sup> *Deeds* (Dal.), 1 July 1685. <sup>2</sup> *Twelfth Rep. Hist. MSS. Com.*, App. viii. 14. <sup>3</sup> Warrant Book (Scotland). <sup>4</sup> Muster Roll in Register House. <sup>5</sup> Privy Council Warrants. <sup>6</sup> *Acta Parl. Scot.*, ix. App. 55. <sup>7</sup> *Ibid.*, ix. App. 60. <sup>8</sup> *Fifteenth Rep. Hist. MSS. Com.*, App. ix. 94; *London Gazette*, 11 and 15 September 1690. <sup>9</sup> *A Continuation of the Proceedings of the Parliament in Scotland*, Nos. 146, 147. This newspaper was pointed out to the writer by Prof. Terry. <sup>10</sup> *Collections for the History of Aberdeen and Banff*, 405. According to *London Gazette* of 27 October, the news of the surrender of Federate reached Edinburgh on the 22nd; according to a news letter (*Cal. State Papers, Dom.*, 1690-91, 152) it was not known there on the 24th. <sup>11</sup> The *London Gazette* says that the garrison surrendered at discretion. But Articles of Capitulation were produced before the Privy Council, 11 August 1692. <sup>12</sup> Privy Council Acta. <sup>13</sup> *Ibid.*

exiles charged with fighting against their countrymen in the campaigns of 1692 and 1693.<sup>1</sup> From this time a letter dated at Rotterdam on 20 April 1695,<sup>2</sup> and his signature as witness to a deed at Pittendreich on 14 January 1702,<sup>3</sup> are all we hear of him till 1710, when he is found settled at Orleans with his wife. In the register of his daughter's marriage in that year he is styled 'lieutenant-colonel des gardes du corps de sa Majesté Britannique,'<sup>4</sup> which disproves the statement that he served in the French Army. Next year he returned to Scotland by way of Rotterdam, where he borrowed money at Christmas 1711;<sup>5</sup> and he remained in Scotland till the '15, in which he took part,<sup>6</sup> though his services to the cause are somewhat slightly spoken of by Mar and Lewis Innes.<sup>7</sup> After the collapse of the rising he remained in hiding among his Perthshire friends, and was still, it seems, there 16 August 1716,<sup>8</sup> but shortly thereafter succeeded in escaping to France. There is a letter from Mar to him among the Stuart Papers, dated 11 September 1716, refusing a request for a new commission as brigadier;<sup>9</sup> and a letter of 28 of that month, addressed to him at Orleans, has been printed.<sup>10</sup> Since the battle of La Hogue in 1692, he had been one of the Jacobite officers 'subsisted,' first as lieutenant-colonel and afterwards as full colonel; and he was still on the list in 1717.<sup>11</sup> After May 1719<sup>12</sup> he obtained a pension, which he retained till his death.<sup>13</sup> Succeeding his nephew in the title, though not in the effective possession thereof, in January 1721, he finally left France in January 1722, and after a stay of some weeks in London<sup>14</sup> came back to Scotland, where he remained, the guest of James Oliphant of Gask at the house of Williamston, till his death, 27 December 1728.<sup>15</sup>

He married, probably while in the Spanish service, Marie Magdeleine Elinga, a lady of Frisian extraction,<sup>16</sup> but

<sup>1</sup> *Acta Parl. Scot.*, ix. App. 115. <sup>2</sup> *J. L.*, 12. <sup>3</sup> *Deeds* (Mackenzie), 9 November 1706. <sup>4</sup> *Etat Civil*, Orleans. <sup>5</sup> Letter, Gask Charters, xxvii. 23. <sup>6</sup> *J. L.*, 33. <sup>7</sup> *Cal. of Stuart Papers*, iii. 40, 83. <sup>8</sup> Letter, Gask Charters, xxvii. 42 (printed *J. L.* 54). It is not certain that Colonel Oliphant is the person there meant; the author of *J. L.* suggests that the reference is to Laurence Oliphant, younger of Gask. <sup>9</sup> *Cal. of Stuart Papers*, ii. 425. <sup>10</sup> *J. L.*, 55. <sup>11</sup> *Cal. of Stuart Papers*, i. 75, 76. <sup>12</sup> Letters, Gask Charters, xxvii. Nos. 51, 52. These relate to an application for a pension which had not yet been granted. <sup>13</sup> *O. in S.*, 337. <sup>14</sup> Letters, Gask Charters, xxvii. 65; xxiii. 3. <sup>15</sup> *O. in S.*, 335. <sup>16</sup> Information from M. Van der Haeghen, Archivist of the town of Ghent.

described in the family papers as daughter of a councillor of Ghent.<sup>1</sup> The name does not occur in the list of councillors at the period; but she may well have been daughter or sister of Pieter Emmanuel Elinga, who between 1690 and 1700 is styled 'lord of Zuydelynde, first bailiff of his Majesty's waters and fisheries of the Province of Flanders,'<sup>2</sup> and in all likelihood she was the widow of Louis François de l'Église, captain in the regiment of the Sieur du Fay, to whom a lady of the name was married 10 March 1680,<sup>3</sup> and who died before 11 June 1681, the date of the commission of his successor.<sup>4</sup> By her Lord Oliphant had, besides apparently a son or sons who predeceased him,<sup>5</sup> a daughter:—

*Marie Jeanne* (or Marie Jean-Baptiste),<sup>6</sup> who was married at Orleans, 19 November 1710, to Louis Grenolias sieur de Cournou, 'commissaire provincial de l'artillerie de France';<sup>7</sup> on which the Duke of Perth wrote a letter of congratulation to her father.<sup>8</sup> Of this marriage there were three sons and two daughters, born between 1712 and 1717,<sup>9</sup> some of whom seem to have been alive in 1736, when they are alluded to as the ninth Lord's 'grandchildren at Orleans';<sup>10</sup> but of their descendants nothing is known, and the surname Grenolias<sup>11</sup> does not occur among the existing French noblesse.

William, Lord Oliphant, had also a natural daughter, married in Banff.<sup>12</sup>

X. FRANCIS, tenth and last Lord Oliphant, being the younger son of Captain Francis, youngest son of the sixth Lord,<sup>13</sup> was left to his fate when his elder brother was taken up and educated. Consequently, though (as already explained) from the point of view of the Hanoverian Government he became Lord Oliphant in 1721, the family made no inquiries

<sup>1</sup> Genealogical tree, Condie papers. <sup>2</sup> Documents in the archives at Ghent. <sup>3</sup> État Civil, Ghent. <sup>4</sup> Patentes Militaires, Brussels archives; communicated by M. de Breyne. <sup>5</sup> 'His issue-male being all dead,' *O. in S.*, 339. <sup>6</sup> The latter is given as her Christian name in the register of the baptism of the eldest child; the former in that of her marriage and in those of the births of her other children (État Civil, Orleans). <sup>7</sup> *Ibid.* <sup>8</sup> *J. L.*, 17. <sup>9</sup> État Civil, Orleans. <sup>10</sup> *J. L.*, 96. <sup>11</sup> Arms three frogs (*grenouilles*). <sup>12</sup> Letter, Gask Charters, xxvii. 83, 18 August 1728. <sup>13</sup> *Supra*, p. 555.

about him till 1725, when it appeared that he had been saved from actual starvation by one 'deacon Lauthor,' but was going in rags about the Canongate and, though known to the neighbours as Lord Oliphant, would go on an errand for anybody for a 'bawbee.'<sup>1</sup> He was afterwards taken care of and educated by Mary, Countess of Marischal,<sup>2</sup> a daughter of the fourth Earl of Perth. After his uncle's death, having been certified by Laurence Oliphant, younger of Gask, to be the nearest heir-male,<sup>3</sup> he was on 6 March 1633 served heir-in-general of his cousin the eighth Lord.<sup>4</sup> He voted at ten Peers' elections between 1733 and 1747;<sup>5</sup> and obtained a Government pension which was his only means of subsistence.<sup>6</sup> On 6 March 1745<sup>7</sup> he granted his landlady an assignation of £130 out of the allowance due to him from the Government, in payment of what he owed her for 'bed, board, washing, pocket-money and other necessaries of life' for three years and three months to Martinmas 1744, all these having thus been provided for him at £10 a quarter. In 1747, after his marriage, he had a royal grant of a pension of £150, to run from midsummer 1747; the Privy Seal writ was dated 9 February 1747-48,<sup>8</sup> and the only payment ever made was to his widow.<sup>9</sup> He died at Islington, 18 April 1748,<sup>10</sup> having married at London, 18 January 1746-47, Mary Linley of York;<sup>11</sup> she survived him, and had letters of administration as his widow, 1 August 1748.<sup>12</sup> He leaving no issue, and there being no other heirs-male of the body of Patrick, sixth Lord, the Peerage became extinct. But the terms of the patent of 1633 being unknown (it had been with other documents carried off from Gask by Cumberland's soldiers in 1746, and was not recovered till 1786),<sup>13</sup> the nearest known heir-male was believed to be the successor to the title. This was:—

WILLIAM OLIPHANT, fifth son of Charles Oliphant of Langton, clerk of session, whose father, William of Drimmie,

<sup>1</sup> *J. L.*, 78. <sup>2</sup> *Ibid.*, 81. <sup>3</sup> *O. in S.*, 338. <sup>4</sup> *Ibid.*, 339. <sup>5</sup> Robertson's *Parl. Proceedings*. <sup>6</sup> *J. L.*, 82. The *Caledonian Mercury*, 29 November 1739, states that he was appointed lieutenant-colonel of marines. But Oliphant is there evidently a mistake for Elibank; cf. vol. iii. 518. <sup>7</sup> *Deeds* (Dal.), 24 November 1747. <sup>8</sup> *Treasury Money Book*, xliii. 82, Public Record Office. <sup>9</sup> *Ibid.*, xliii. 184. <sup>10</sup> *Ibid.* In the *Scots Mag.* the date is 19 April. <sup>11</sup> *Scots Mag.* <sup>12</sup> *O. in S.*, 349. <sup>13</sup> *J. L.*, 200, 403.

chamberlain of Dunfermline, was a son of Patrick Oliphant of Over Turin and Drimmie (see above, p. 545).<sup>1</sup> He was thus fifth in descent from Laurence, third Lord Oliphant; and at the time of the tenth Lord's death was in his seventy-second year, having been baptized 16 February 1677.<sup>2</sup> In 1710 he was collector of excise in the district of Linlithgow;<sup>3</sup> in 1750 he voted as Lord Oliphant at a Peers' election,<sup>4</sup> but did not assume the title. He died at Gravesend, near Holyroodhouse, 3 June 1751,<sup>5</sup> leaving by his wife, Margaret Dallas,<sup>6</sup> no surviving male issue.

Thereafter the title was assumed by David Oliphant of Bachilton, fifth in descent from Thomas Oliphant of Free-land who died 1576, and whose parentage is unknown;<sup>7</sup> the Bachilton family were descended from his elder son (his second son, Sir William of Newton, King's Advocate,<sup>8</sup> was father of James Oliphant of Newton, created a Baronet of Nova Scotia 28 July 1629<sup>9</sup>). David voted as Lord Oliphant at a Peers' election in 1761,<sup>10</sup> thereby eliciting some caustic remarks from Laurence Oliphant of Gask.<sup>11</sup> David, calling himself Lord Oliphant, died *s.p.* in October 1770,<sup>12</sup> and was succeeded in his estate by his sister's son, John Oliphant of Carpow,<sup>13</sup> fourth in descent from Ninian Oliphant of Culteuchar, of unknown parentage,<sup>14</sup> who died in 1621. The new Laird of Bachilton also styled himself Lord Oliphant,<sup>15</sup> but never voted in that capacity. He died in March 1781.<sup>16</sup> His posthumous daughter and eventual heir, *Janet*, was married to Alexander, eighth Lord Elibank.<sup>17</sup>

<sup>1</sup> Funeral escutcheon of Mary Oliphant, Countess of Strathmore (whose father, Dr. Charles Oliphant, was second son of Charles of Langton, Lyon Office. <sup>2</sup> Edin. Reg. <sup>3</sup> *Deeds* (Mackenzie), 29 November 1710; Entry Book, Privy Seal Warrants, 17 November 1710, in Exchequer Office, Edinburgh. <sup>4</sup> *Parl. Proceedings*. <sup>5</sup> *O. in S.*, 356. <sup>6</sup> *Edin. Sasines*, cxxi. 207. <sup>7</sup> *Retours, Perth*, 69. The tradition is that he was son or grandson of the Abbot of Inchaffray who fell at Flodden (*supra*, p. 542). *J. L.*, 3. But this is doubtful. <sup>8</sup> *Perth Sasines, Sec. Reg.*, i. 135. <sup>9</sup> *Complete Baronetage*. <sup>10</sup> *Parl. Proceedings*. He styles himself Lord Oliphant in 1753 (*Edin. Burgh Reg. of Deeds*, 31 December 1753). <sup>11</sup> *J. L.*, 338. <sup>12</sup> *Services of Heirs*. <sup>13</sup> By virtue of an entail executed in 1729; *Deeds* (Durie), 28 August 1730. <sup>14</sup> He first occurs as Ninian Oliphant *alias* Miller at Mill of Mure. The Condie genealogical tree represents him as a natural son of the fourth Lord Oliphant. His descendants were also styled of Ardargie and of Ballied, and the Oliphants of Pitkeathlie and of Provost-mains were cadets of this branch. <sup>15</sup> *Services of Heirs*; *J. L.*, 390. <sup>16</sup> *Services of Heirs*. <sup>17</sup> Cf. vol. iii. 521.



Meanwhile the above-mentioned Laurence Oliphant of Gask, son of the James Oliphant for whose benefit the eighth Lord's resignation of the honours was intended, and sixth in descent from William Oliphant of Newton (see above, p. 544), being in exile for his share in the '45, was created Lord Oliphant by James III. and VIII., 14 July 1760; with remainder to the heirs-male of his body, whom failing, to the heirs-male of the body of James Oliphant his father, and with the precedence of the patent of 1633. 'Neither Gask nor his descendants have ever reaped any benefit from this patent.'<sup>1</sup>

But a statement of the claim of James Blair Oliphant of Gask, great grandson of Laurence Oliphant above mentioned, to the dignity, drawn up in 1839 by the late Mr. John Riddell, advocate, is printed in the *Oliphants in Scotland*.<sup>2</sup> Gask's case is rested upon his being both heir-male and heir of line of the tenth lord.<sup>3</sup> But in neither capacity had he any right under the patent of 1633, which the great Peerage lawyer cannot have read. This claimant died without issue in 1847.

CREATION.—Before 13 January 1463-64; destination unknown. New patent 2 June 1633, to the sixth Lord and the heirs-male of his body.

ARMS.—Gules, three crescents argent.

CREST.—An unicorn's head couped argent, armed and maned or.

SUPPORTERS.—Two elephants proper.

MOTTO.—*A tout pouvoir.*

[J. M. T.]

<sup>1</sup> *J. L.*, 310-312 (patent printed in full); Ruvigny, *Jacobite Peerage*, 138 ff.  
<sup>2</sup> Pp. 345-357. <sup>3</sup> He was tenth in descent from Colin, Master of Oliphant, who fell at Flodden (*supra*, p. 543); and sixth in descent from Lillias, eldest daughter of the sixth Lord (p. 554).

## SINCLAIR, EARL OF ORKNEY



IR WILLIAM SINCLAIR, according to Father Hay,<sup>1</sup> was the son of Robert de Saintclair in Normandy, and his wife Eleanor, relict of Hugh, Lord of Chateaufneuf, daughter to Robert, second Comte de Dreux, in France, by Joland of Coucy, his wife. He was Sheriff of Edinburgh in 1266 and 1288-90, of Haddington 1264-90, Linlithgow 1264-90, Dumfries 1288, and Justiciar of Galwythie 1288-89.<sup>2</sup> He was guardian to Alexander, Prince of Scotland, 1279-81,<sup>3</sup> who predeceased his father in 1283-84, and was a great favourite with King Alexander III., who granted him a charter of the baxter lands of Innerleith on 8 April 1280, and on the resignation of Henry of Roskelyn, a charter of the lands and barony of Roslin, on 14 September 1280.<sup>4</sup> He was a member of the Parliament which met at Scone on 5 February 1284, and settled the succession to the Crown in the event of the death of King Alexander III.<sup>5</sup> In 1285 he was one of the embassy which went to France to escort the Queen elect, Joleta of Dreux, daughter of Robert, fourth Comte de Dreux, to Scotland.<sup>6</sup> He was present when John Baliol swore fealty to Edward I. at Newcastle-on-

<sup>1</sup> *Genealogie of the St. Clairs of Roslin.* <sup>2</sup> *Exch. Rolls*, i. 32, 33, 35, 37, 41, 45, 48. <sup>3</sup> *Cal. of Docs.*, ii. 156. <sup>4</sup> *Cart. of Newbottle*, 290. <sup>5</sup> *Fœdera*, ii. 246. <sup>6</sup> *Fordun*, ii. 304.

Tyne 20 November 1292.<sup>1</sup> From King Edward I. he had a grant of the annual value of 100 merks,<sup>2</sup> and on 29 June 1294 was summoned with other Scottish nobles to assist England against the French, but instead, at a Parliament held at Scone, they resolved to enter into an alliance with France against Edward.<sup>3</sup> On the outbreak of the War of Independence he was one of the garrison who defended the Castle of Dunbar in 1296 against Edward I., and on its surrender, on 25 March 1296, was sent a prisoner to the Tower of London.<sup>4</sup> He is said to have married Agnes, daughter of Patrick, Earl of Dunbar, but this is doubtful, and a certain Amicia, widow of William de St. Clair, dwelling in the county of Edinburgh, had a two years' protection from Edward I. on 7 April 1299.<sup>5</sup> He had issue:—

1. SIR HENRY.

2. *William*, succeeded Matthew de Crambeth as Bishop of Dunkeld in 1312, and had a safe-conduct from Edward I., on 2 February 1312-13, to turn aside at Berwick to get himself arrayed, thence proceeding to the King, on condition that he did not proceed further into Scotland nor hold converse with the enemy.<sup>6</sup> He distinguished himself by repulsing an English force which had landed at Donibristle in Fife in 1317. Heading his own servants, and rallying the Scottish forces, the enemy were driven to their ships with a loss of 500 men.<sup>7</sup> He officiated at the coronation of Edward Baliol on 24 September 1332,<sup>8</sup> and died 27 June 1357.<sup>9</sup>

3. *Annabel*, married, first, to Sir Robert Bisset, Knight, and secondly, to Sir David Wemyss of that Ilk, who granted a charter to her about 1290, of the lands of Lochore. She died before 1304.<sup>10</sup>

He is also said to have had a son *Gregory*, perhaps that Gregory Sinclair who swore fealty to Edward I. at Berwick 28 August 1296,<sup>11</sup> and said to be ancestor of the Longformacus family.

SIR HENRY ST. CLAIR of Roslin was one of those who

<sup>1</sup> *Cal. of Docs.*, ii. 658. <sup>2</sup> *Rotuli Scotie*, 3. <sup>3</sup> *Fœdera*, Rec. ed., i. 804; Fordun à Goodall, ii. 153. <sup>4</sup> *Cal. of Docs.*, ii. 742. <sup>5</sup> *Ibid.*, 1104. <sup>6</sup> *Ibid.*, iii. 301. <sup>7</sup> Fordun, ii. 259. <sup>8</sup> Fordun à Goodall, ii. 306. <sup>9</sup> Dunkeld Obituary, Hay MS. <sup>10</sup> *Wemyss Memorials*, ii. 5. <sup>11</sup> *Cal. of Docs.*, ii. 202.

swore fealty to Edward I. on 13 June 1292.<sup>1</sup> He, however, was one of the garrison of Dunbar Castle, where he was taken prisoner, sent to England, and on 16 May 1296 was removed to St. Briavels Castle,<sup>2</sup> but on 7 April 1299 was exchanged for Sir William Fitz-Warin,<sup>3</sup> and taken from Gloucester to York 16 February 1299,<sup>4</sup> apparently on his way to Scotland. About 15 September 1305 he was appointed Sheriff of Lanark by Edward I.,<sup>5</sup> and on 30 September 1307 was ordered by him to assist the Earl of Richmond and march into Galloway against Robert Bruce,<sup>6</sup> and further, on 14 December following was begged to keep the peace in Scotland.<sup>7</sup> He, however, supported Bruce, and fought against the English at Bannockburn. In recognition of his services he had a charter from King Robert on 21 October 1314, of all His Majesty's lands on the Muir of Pentland in free warren,<sup>8</sup> and a further charter from Edward de Gourton of part of the lands of Gourton, tenanted by Roger de Hauewood, dated the Friday after the feast of St. Bartholomew, 28 August 1317.<sup>9</sup> He was one of the Barons of Scotland who signed the letter dated 4 April 1320 to Pope John XXII., asserting the independence of Scotland, in which letter he is called 'panetarius.' On 27 December 1328 he had a pension of 20 merks annually until he should be provided with lands of that value.<sup>10</sup> He is mentioned as having forfeited one-third of the barony of Roslin on 13 October 1335,<sup>11</sup> and was dead before 28 January 1335-36. He married Alice de Fenton, who survived him, and whose dower was forfeited and given to Geoffrey Moubray, on 10 September 1336.<sup>12</sup> He had issue:—

1. SIR WILLIAM, his heir.

2. *John*, who accompanied his brother on the expedition to Palestine with the heart of Bruce, and was slain in Spain by the Saracens 25 August 1330.<sup>13</sup>

SIR WILLIAM ST. CLAIR had a grant of a pension of £40 in anticipation of his services in the Holy Land 1329,<sup>14</sup> being one of the knights chosen to accompany Sir James Douglas to Palestine with the heart of Bruce, but was slain in

<sup>1</sup> *Fœdera*, ii. 558. <sup>2</sup> *Cal. of Docs.*, ii. 177. <sup>3</sup> *Ibid.*, 1062. <sup>4</sup> *Ibid.*, 1077. <sup>5</sup> *Ibid.*, 1691. <sup>6</sup> *Ibid.*, iii. 15. <sup>7</sup> *Ibid.*, 29. <sup>8</sup> *Reg. Mag. Sig.*, fol. vol., p. 13, No. 67. <sup>9</sup> *Cart. de Newbottle*, 306. <sup>10</sup> *Exch. Rolls*, ii. 209. <sup>11</sup> *Cal. of Docs.*, iii. 335. <sup>12</sup> *Ibid.*, 382. <sup>13</sup> *Exch. Rolls*, i. 209, 286, 338. <sup>14</sup> *Ibid.*, 209.

Andalusia by the Saracens 25 August 1330.<sup>1</sup> He was the father of:—

1. WILLIAM, next mentioned.
2. *Margaret*, married, first, dispensation dated 3 June 1353,<sup>2</sup> to Thomas Stewart, Earl of Angus, who died in 1361. They were said to be related in the fourth degree. She married, secondly, Sir John Sinclair of Hermandston.<sup>3</sup> She had a pension from King David II. from the lands of Tollie.<sup>4</sup>

He is also said to have had issue:—

3. *Thomas*, Bailie of Orkney for the King of Norway; a witness to a resignation by Bernard de Rowle to Hugh de Ross of the lands of Foulroule in Aberdeenshire on 20 January 1364,<sup>5</sup> and died before 1 November 1371, leaving a son:—

*Alexander*, who attested an instrument at Kirkwall in 1364, had a charter from King David in confirmation of a charter by Hugh Ross of Philorth to him of the lands of Estertyre 1 November 1369,<sup>6</sup> and of one by William, Earl of Ross of the lands of Bray, in the sheriffdom of Inverness, on 1 November 1369.<sup>7</sup>

4. *John*, a witness in 1367.

WILLIAM SINCLAIR of Roslin was a minor when his father died, and succeeded to the pensions of his father and uncle John.<sup>8</sup> He had a charter from King David II. of the lands of Morton and Merchamyston in Midlothian, on the resignation of William Bisset on 10 February 1357-58,<sup>9</sup> which was confirmed 11 February 1357-58.<sup>10</sup> He had a safe-conduct to go into England on 6 May 1358 on his way abroad to Prussia to fight in foreign wars. On 17 September 1358, by charter dated at Perth, King David confirmed to him the annuity of 40 merks granted to his grandfather Sir Henry.<sup>11</sup> He died shortly thereafter. He married Isabella, second daughter of Malise, Earl of Strathearn, Orkney, and Caithness, and had issue:—

1. HENRY, his heir.
2. *David*, who had a charter under the Great Seal of the lands of Newburgh and Auchdale in Aberdeenshire in

<sup>1</sup> Dalrymple's *Annals*, ii. 131. <sup>2</sup> *Cal. of Papal Reg. Letters*, iii. 512.  
<sup>3</sup> Robertson's *Index*, 62, 25. <sup>4</sup> *Reg. Mag. Sig.*, fol. vol. 29, No. 59. <sup>5</sup> *Reg. Aberdon.*, i. 106. <sup>6</sup> *Reg. Mag. Sig.*, fol. vol. 76, No. 273. <sup>7</sup> *Ibid.*, 76, No. 274.  
<sup>8</sup> *Exch. Rolls*, i. 395. <sup>9</sup> *Cart. of Newbottle*, 295. <sup>10</sup> *Ibid.* <sup>11</sup> *St. Clairs of the Isles*, 284.

exchange for any rights which he had in Orkney and Shetland, derived from his mother, dated 23 April 1391.<sup>1</sup>

I. HENRY ST. CLAIR, on the death of Malise, Earl of Stratherne, Orkney, and Caithness, before 1358, became one of the competitors for the earldom of Orkney through his mother, Isabella, daughter of the said Malise, the other competitors being his cousins, Alexander del Ard and Malise Sperra, Lord of Skaldale. These three proceeded to Norway where, having submitted their claims to King Hakon, he, at Marstrand on 2 August 1379, formally invested Henry as EARL OF ORKNEY and LORD OF ZETLAND, under certain onerous restrictions.<sup>2</sup> The Earl was to govern the islands and to enjoy the revenues during the King's pleasure, but was not to build any castles, and was to be answerable to the King's Court at Bergen. At his death the earldom was to revert to the Crown of Norway if he left no sons, and if he did they were to be re-invested. In defiance of the terms of his charter he built the Castle of Kirkwall. He had a charter from King Robert III. of the castlewards of Pentland and Roslin, built the dungeons of Roslin and certain walls thereabout, and laid out parks for fallow and red deer.<sup>3</sup> In 1389 he attended the coronation of King Eric of Norway, and in 1391 he was engaged in the conquest of the Faroe Isles, where he met the Venetian voyager Nicolo Zeno, who happened to be wrecked there, and was appointed by the Earl to be captain of his fleet. Having conquered Faroe he next descended on Shetland, where Malise Sperra had established himself, and with the assistance of Zeno, Sperra was defeated and slain with seven of his followers near Tingwall.<sup>4</sup> With Antonio Zeno, Nicolo's brother, he next set out to discover a rich and populous country in the far west which had been stated to exist by certain fishermen, who alleged they had been driven there by a storm. Encountering fog they drifted south to the west of Ireland and landed at Icara (? Kerry), from whence they sailed north-westward and

<sup>1</sup> *Reg. Mag. Sig.*, fol. vol. 196, No. 7, confirmed 10 June 1391; *Antiq. of Aberdeen*, i. 473. <sup>2</sup> *Diplomatarium Norvegicum*, ii. 353. <sup>3</sup> *Sinclair's of Roslin*, 17. <sup>4</sup> *Orkneyinga Saga*, lxvi.

discovered Greenland. The Earl remained there exploring the whole coast with great diligence while Zeno returned home.<sup>1</sup> He returned to Orkney, where he was slain in 1404, while resisting an invasion from the south. He married Jean, daughter of Sir Walter Halyburton of Dirleton, and had issue:—

1. HENRY, second Earl.

2. *John*, who, as brother of the Earl of Orkney, had a safe-conduct and protection for six weeks to come into England 19 August 1405,<sup>2</sup> and remained there as hostage for his brother, 13 September 1405.<sup>3</sup> From his brother he had a charter of the lands of Kirkton, Loganhouse, Earncraig, and East and West Sunnelishopes on 12 September 1410, which was confirmed under the Great Seal 24 of same month,<sup>4</sup> and a further charter of the lands of Newburgh and others in Aberdeenshire, which was confirmed under the Great Seal 13 March 1410-11.<sup>5</sup> In 1418 he was Foud of Zetland, and did homage for these islands to King Eric of Norway.<sup>6</sup> He is said to have married Ingeborg, natural daughter of Waldemar, King of Denmark, by Jova Little.

3. *William*, had a safe-conduct to go into England 19 September 1405.<sup>7</sup>

4. *Elizabeth*, married to Sir John Drummond of Cargill. She and her husband had a charter from her father of the lands of Murthlach in the shire of Banff on his resignation, which was confirmed by King Robert III. They renounced all claim to any property belonging to the Earl in Norway so long as any heir-male should be in life to inherit the same, by renunciation dated at Roslin 13 May 1396.<sup>8</sup>

5. *Margaret*, married to James of Cragy, Laird of Hupe in Orkney. Her husband had a passport by the Lawman of Orkney and Canons of the Chapter of St. Magnus on 10 November 1422<sup>9</sup> in which she is erroneously called daughter (instead of granddaughter) of Henry

<sup>1</sup> *The Voyages of the Venetian Brothers Nicolo and Antonio Zeno*, Hakluyt Soc., 1873. <sup>2</sup> *Cal. of Docs.*, iv. 700. <sup>3</sup> *Ibid.*, 703. <sup>4</sup> *Reg. Mag. Sig.*, fol. vol. 247, No. 10. <sup>5</sup> *Antiq. of Aberdeen*, iii. 95. <sup>6</sup> *Diplom. Norvegicum*, ii. 482. <sup>7</sup> *Cal. of Docs.*, iv. 700. <sup>8</sup> *House of Drummond*, 91. <sup>9</sup> *Gen. Reg. Ho. Charters*, 257.

Sinclair, Lord of Orkney and his wife Elizabeth, daughter of Malise of Stratherne.

Earl Henry is also said to have had issue:—

6. *Jean*, married to Sir John Forrester of Corstorphine.
7. — a daughter, married to Cockburn of Skirling.
8. — a daughter, married to Heron of Marieton.
9. *Mary*, married to Thomas Somerville of Carnwath.
10. *Marjory*, married to Sir David Menzies of Weem.

II. SIR HENRY ST. CLAIR, second Earl, was born *circâ* 1375, and was taken prisoner by the English at the battle of Homildon Hill, 14 September 1402,<sup>2</sup> but was soon liberated. He was a hostage for the Earl of Douglas, but had a safe-conduct to go to Scotland on his own affairs, 13 September 1405, and gave security to re-enter his prison within Durham Castle at Christmas following.<sup>3</sup> King Robert III. at that time intrusted to his care his son, Prince James, lest he should be taken away by Robert, Duke of Albany. He, on 14 February 1405-6, sailed with the Prince for France, but they were captured by an English merchantman near Flamborough Head and taken prisoners, 13 March 1405-6.<sup>4</sup> He was, however, shortly set free. On 4 January 1407-8 he had another safe-conduct for his ship to trade with England,<sup>5</sup> and in 1409 he received a payment for travelling to England on the affairs of the Scottish King.<sup>6</sup> From Archibald, Earl of Douglas, he had a charter to him and Egidia, his spouse, of the barony of Herbertshire, which was confirmed by the Regent Albany on 20 November 1407.<sup>7</sup> In 1412 he had a safe-conduct with the Earl of Douglas to come into England and to pass into France or Flanders by the town of Calais.<sup>8</sup> He again had a safe-conduct to visit England on 14 April 1416. According to Fordun<sup>9</sup> he died of influenza on 1 February 1420, but see afterwards. He married, first, about 1407, Egidia, daughter of Sir William Douglas of Nithsdale and his wife Egidia, daughter of King Robert II. She survived him and had a papal dispensation, they being in the third and second degrees of consanguinity,<sup>10</sup>

<sup>1</sup> Van Bassan, who is, however, a very unreliable authority. <sup>2</sup> *Cal. of Docs.*, iv. 403. <sup>3</sup> *Exch. Rolls*, iii. pp. xc. cxlix. <sup>4</sup> *Cal. of Docs.*, iv. 702. <sup>5</sup> *Ibid.*, 744. <sup>6</sup> *Exch. Rolls*, iv. 102. <sup>7</sup> *St. Clairs of the Isles*, 108. <sup>8</sup> *Cal. of Docs.*, iv. 834. <sup>9</sup> *Scotichron.*, xv. cap. 32. <sup>10</sup> And. Stuart's *History*, 449; *Cal. of Pap. Reg. Letters*, vii. 221.



on 3 Kal. May (29 April) 1418, to marry Alexander Stewart, third son of Murdoch, Duke of Albany, who was beheaded at Stirling 25 May 1425. The Earl had issue:—

1. WILLIAM, third Earl.

2. *Beatrix*, married, before 7 March 1425-26, Sir James Douglas, Earl of Avandale, afterwards seventh Earl of Douglas, who died before 1443. She died before 8 February 1463, and was buried at St. Bride's, Douglas, where there is a monument to her.

III. WILLIAM ST. CLAIR, third Earl of Orkney, acknowledged Norwegian jurisdiction on being invested with the earldom in 1434, was summoned to Norway in 1446, and when there probably received the diploma setting forth his pedigree. He resigned the earldom in the hands of the King in 1470. On 28 August 1455 he had a grant of the earldom of Caithness, to which title refer for further particulars of the family.<sup>1</sup>

ARMS (recorded in Sir David Lindsay's MS.).—Quarterly : 1st and 4th, azure, a galley within a double tressure flory counterflory or; 2nd and 3rd, argent, a cross engrailed sable.

[F. J. G.]

<sup>1</sup> Vol. ii. 332 *et seq.*

## STEWART, EARL OF ORKNEY



ROBERT STEWART of Strathdown was a half-brother of Queen Mary, being a natural son of King James v. by Euphame, daughter of Alexander, first Lord Elphinstone; she married, in 1540, John Bruce of Cultmalundie. Robert was born 1533, and was mentioned in the remainder of the castle and lands of Tantallon, granted to his half-brother James Stewart 31 August 1536, as son

of the King by this lady *nominatim*.<sup>1</sup> He obtained a grant of the Abbey of Holyroodhouse *in commendam* in 1539. In 1553 he went abroad, and was absent from Scotland for some years. After his return he early joined the Lords of the Congregation against the Queen-mother, and declared himself, according to Knox, to be on the Protestant side. On the return of Queen Mary he was constantly at Court, and had some knowledge of the plot for Darnley's murder. His elder children, legitimate and natural, were provided for out of the temporalities of Holyroodhouse. On 19 December 1564 he obtained a lease of the Crown lands of Orkney and Zetland, but this was revoked when the Queen married Bothwell and created him Duke of Orkney. In 1569, Lord Robert, however, exchanged the temporalities of Holyroodhouse for those

<sup>1</sup> *Reg. Mag. Sig.*

of the See of Orkney with Adam Bothwell, Bishop of that Diocese, and in spite of the latter's protest that the proceedings were done by constraint, and also of various revocations and regrants, kept a hold on the earldom and bishopric of Orkney till his death.<sup>1</sup> He was accused in 1571 of treason, having had intrigues with the King of Denmark relative to his islands, was imprisoned by the Regent Morton, and remained in ward until the latter's resignation. In September 1572 he received from Bishop Bothwell three charters of the lands of the bishopric to himself and his wife Jean Kennedy in liferent, and to Henry, their eldest lawful son, whom failing, to Patrick Stewart, his brother-german, whom failing, to Lord Robert himself, whom failing, to Robert, his natural son, whom failing, to James Stewart, also a natural son, with a remainder to other persons named.<sup>2</sup> He had the satisfaction of assisting at Morton's fall, conveying him to prison. By his nephew King James VI. he was, on 28 October 1581 created EARL OF ORKNEY and LORD OF ZETLAND,<sup>3</sup> with remainder to the heirs of his body, legitimately born, whom failing, to the King. He obtained another entail of the earldom of Orkney, 9 June 1585,<sup>4</sup> and died 4 February 1592-93.<sup>5</sup> He married in 1561<sup>6</sup> Jean Kennedy, eldest daughter of Gilbert, third Earl of Cassillis, and had issue:—

1. *Henry*, Master of Orkney, mentioned in the entail of the earldom 9 June 1585.<sup>7</sup> He predeceased his father before 1590, when his brother Patrick is styled Master of Orkney.<sup>8</sup>
2. *PATRICK*, his successor.
3. *John*, created Lord Kinclaven and Earl of Carrick. (*See the latter title.*)
4. *Sir James* Stewart of Eday and Tullos, Gentleman of the Bedchamber to King James VI. In spite of the misleading footnote in Wood's Douglas, he was a legitimate son, and is, 1584, described as brother-german of Henry and Patrick, third born.<sup>9</sup> His brother's downfall involved him in difficulties, and

<sup>1</sup> Cf. Calderwood, *History*, ii. 531. <sup>2</sup> Abbrev. Certarum feudifirme Terrarum Ecclesiasticarum, ms., Gen. Reg. Ho., ii. 146-149. <sup>3</sup> *Reg. Mag. Sig.* <sup>4</sup> *Ibid.* <sup>5</sup> Edin. Tests. <sup>6</sup> Vol. ii. 471. <sup>7</sup> *Reg. Mag. Sig.* <sup>8</sup> *P. C. Reg.*, iv. 539. <sup>9</sup> *Reg. Mag. Sig.*, 9 June 1585.

he and his eldest son had a protection from their creditors in 1635.<sup>1</sup> He and his wife Margaret Lyon, in 1625, obtained a grant of £900 Scots 'in commiseration of their poore and indigent estate.'<sup>2</sup> They had issue:—

- (1) *Colonel Robert Stewart* of Eday, ancestor of that family in Orkney. Heirs to the earldom except for the attainer.
  - (2) *Colonel John Stewart* of Newark, who left issue.
  - (3) *Mary*, married (contract 1639) to Alexander Bothwell of Glencorse.<sup>3</sup>
  - (4) *Margaret*.<sup>4</sup>
  - (5) *Jean*, married, first, to Major George Crichton of Abekie; secondly, to Frederick Lyon of Brigton.<sup>5</sup>
5. *Sir Robert Stewart* of Middleton, described in 1584 as brother-german of Henry, Patrick, and James, and fourth born.<sup>6</sup> He was at one time abroad, and secretary to the Vice-Chancellor of Poland, and then in Ireland. King James vi. wrote to one Stallenge to commend his suit for Elizabeth, daughter of Christopher Kenne, his ward, 14 April 1604.<sup>7</sup>
  6. *Marie*, married (contract 25 November 1585) to Patrick, sixth Lord Gray, as his second wife.<sup>8</sup>
  7. *Jean*, married, first, to Patrick, first Lord Lindores; and secondly, as third wife, to Robert, first Lord Melville of Raith.<sup>9</sup> She survived him, and was alive in 1642.
  8. *Elizabeth*, married to James Sinclair of Murkle, second son of John, Master of Caithness.<sup>10</sup>
  9. *Barbara*, stated to have been married to Hugh or Harry Halcro of Halcro in Orkney.<sup>11</sup>

Earl Robert had a large number of illegitimate children.

1. *Robert Stewart*, who was legitimated. He is usually named before his brother James, and they are first named in 1566 in a grant to their brother Henry and two sisters, being carefully distinguished as natural sons.

2. *James Stewart*, who was also legitimated. He re-

<sup>1</sup> *P. C. Reg.*, 2nd ser., vi. 64. <sup>2</sup> *Ibid.*, i. 204. <sup>3</sup> Vol. iv. 435. <sup>4</sup> Orkney Sasnes. <sup>5</sup> *Ibid.* <sup>6</sup> *Reg. Mag. Sig.*, 9 June 1585. <sup>7</sup> *Cal. State Papers, Ireland*; Marryat's *One Year in Sweden*, ii. 466. <sup>8</sup> See vol. iv. 286. <sup>9</sup> Fraser's *Melvilles*, i. 124. <sup>10</sup> Henderson's *Caithness County Families*, 25. <sup>11</sup> Peterkin's *Orkney Rentals*, 93, and Duncan Stewart, 104, *cum multis aliis*, but there may be some confusion with Lady Barbara Stewart of Burray (v. 'Ochiltree').

ceived with his brother Robert in 1574 provision out of the teinds of Holyroodhouse. It is exceedingly difficult to disentangle the history of these legitimated sons from those of their lawful brothers of the same name.

3. *James Stewart* of Graemsay in Orkney (his mother said to be Janet Robertson of Strowan), who was implicated in his father's treasonable intrigues with Denmark.
4. *William Stewart* of Egilshay, summoned 1600 to find caution for appearance at trial 'for the shamefull and cruell murder of — Bellenden, his first spouse.'<sup>1</sup> He was later a colonel in the Swedish service in 1609.<sup>2</sup>
5. *George Stewart* of Eynhallow, legitimated 29 November 1586.<sup>3</sup> His mother, and the mother of Edward and David was Marjorie Sandilands, wife of Adam Gordon, brother of John Gordon of Avachie.<sup>4</sup> He had in 1584 been included in the provision out of the teinds of Holyroodhouse, and in 1585 was in the entail of the earldom of Orkney and lordship of Zetland. He had a number of lands, afterwards erected into the tenantry of Brugh, and was dead before 30 March 1616.<sup>5</sup>
6. *Edward Stewart* of Brugh, ancestor of that family. He held the half of the lands of Brugh, and succeeded to his brother George before 30 March 1616.<sup>6</sup>
7. *David Stewart* of How.
8. *Christian*, married to John Mouat of Hougaland in Shetland, and, as his widow, was living, and in feud with her brother-in-law, in 1634.<sup>7</sup>
9. *Grizel*, married before 27 December 1591 to Hugh Sinclair of Brugh in Shetland.<sup>8</sup>
10. *Mary*, said to have been married to Lawrence Sinclair of Goat, in Shetland.<sup>9</sup>

PATRICK, second Earl of Orkney and Lord of Zetland, succeeded his father. On 16 January 1581 he received a

<sup>1</sup> *P. C. Reg.*, vi. 93. <sup>2</sup> Ruthven Correspondence. <sup>3</sup> *Reg. Mag. Sig.*  
<sup>4</sup> Sasines 1618; printed in *Orkney and Shetland Oldlore*, iii. 1. <sup>5</sup> *Orkney and Shetland Oldlore Misc.*, vol. i. part v. <sup>6</sup> *Ibid.* <sup>7</sup> *P. C. Reg.*, v., 2nd ser., 219. <sup>8</sup> *Reg. Mag. Sig.* <sup>9</sup> Martin's ms., Univ. Lib., Edinburgh.

charter of the priory of Whithorn *in commendam*, vacant by the death of Lord Robert Stewart, junior, brother to Lord Robert his father.<sup>1</sup> He was early accused of oppression in regard to the spoliation of a Dantzic ship in 1594, but was absolved. He made some figure at Court, and was sewer to the King at the baptism of Prince Henry 23 August 1694. He obtained a novodamus of the earldom of Orkney and lordship of Zetland to himself and his heirs-male, with remainder to his brothers John, James, and Robert, *nominationem*, whom failing, to Ludovic, Duke of Lennox,<sup>2</sup> 1 March 1600, and was served heir to his brother Henry, Master of Orkney, 2 October 1606. He assumed in Orkney the position of an independent sovereign, and kept almost royal state in the islands. By so doing he involved himself in vast debts, and was guilty of much iniquitous lawlessness and many oppressions directed against the unfortunate islanders, mostly of Norse descent, and holding lands by different tenures, in his earldom. He was, after being summoned to appear before the Privy Council, warded in Edinburgh Castle in 1609, and after relaxation was again imprisoned in Dumbarton Castle. He had sent his natural son Robert Stewart to make a demonstration in his favour in Orkney, but he was, by the efforts of the Earl of Caithness, betrayed, sent to Edinburgh, and hanged. The trial<sup>3</sup> of the Earl himself followed that of his son, and he was condemned to be beheaded. The ministers finding him so ignorant that he could scarce rehearse the Lord's Prayer, desired some delay 'till he was better informed and received the Lord's Supper. . . . Soe he communicate upon the Lord's Day the 5th Februarie, and was beheadit at the Mercat Cross of Edinburgh upon Monday the 6 Februaire 1615,'<sup>4</sup> and all his honours were forfeited. He had married, after 1591, Margaret, daughter of William, sixth Lord Livingstone, a rich widow, relict of Sir Lewis Bellenden of Auchinoull, Justice-Clerk,<sup>5</sup> and having squandered her fortune, left her to die in poverty. Patrick, Earl of Orkney, had the following illegitimate children:—

1. ROBERT Stewart, son of Marjorie Sinclair; she was with him in the siege of Kirkwall, and was wounded

<sup>1</sup> *Reg. Mag. Sig.* <sup>2</sup> *Ibid.* <sup>3</sup> Pitcairn's *Criminal Trials.* <sup>4</sup> Calderwood, *History*, vii. 195. <sup>5</sup> Cf. vol. v. 443.

in the hand with a musket-shot.<sup>1</sup> He was despatched from the south by the Earl, who was in ward, to hold the castle of Kirkwall on his behalf, and attempted to do so, but after a siege was forced, by the treason of his friends, to surrender to the Earl of Caithness. He was tried and hanged in Edinburgh 6 January 1615, with five others. He was about twenty-two, and 'was pitied by the people for his tall stature and comlie countenance.'<sup>2</sup>

2. *Mary* Stewart, who, *circâ* 1616, presented a petition to the Privy Council praying for relief from destitution.<sup>3</sup>
3. *Catherine* Stewart, said to have been a natural daughter, and to have been married to John Sinclair of Ulbster, whose second wife was certainly so named.<sup>4</sup>

CREATION.—Earl of Orkney and Lord of Zetland, 28 October 1581.

ARMS.—The first Earl bore, according to Sir Robert Forman's (Lyon Office) MS., quarterly: 1st and 4th, the royal arms debruised by a ribbon; 2nd and 3rd, azure, a ship, sails furled or, for *Orkney*.

CREST.—A King enthroned, holding in his right hand a sword and in his left a falcon. So in Sir Robert Forman's MS., but the seal of Patrick, Master of Orkney, in 1592 has an anchor inverted for crest.<sup>5</sup>

SUPPORTERS.—Dexter a unicorn; sinister a griffin.

MOTTO.—*Sic fuit et erit.*

[A. F. S.]

<sup>1</sup> Hossack's *Kirkwall*, 24 n., 26. <sup>2</sup> Calderwood, *Hist.* <sup>3</sup> *P. C. Reg.*, vii. 2nd ser., 344, 345. <sup>4</sup> Martin's ms., Univ. Lib., Edinburgh; Henderson's *Caithness County Families*, 69. <sup>5</sup> Macdonald's *Scot. Armorial Seals*, No. 2605.

## HAMILTON, EARL OF ORKNEY.



GEORGE HAMILTON was the fifth son of William Douglas and his wife, Anne Hamilton, Duke and Duchess of Hamilton.<sup>1</sup> He was born at Hamilton, and baptized 9 February 1666.<sup>2</sup> Under the influence of his paternal uncles, the Earls of Dumbarton, he early adopted the profession of arms, and was appointed captain in the Royal Scots (1st Foot), his uncle's regiment, 9 May 1684.<sup>3</sup> He served in the

Irish campaign with King William III. On 1 March 1690 he was appointed colonel of the Inniskilling Foot, a regiment which had been raised the year before.<sup>4</sup> He was present at the battles of the Boyne and Aughrim; on 23 January 1692 he had a commission as colonel of the Royal Fusiliers.<sup>5</sup> He served in the Netherlands with Marlborough and got the colonelship of his old regiment, the Royal Scots, on 1 August 1692,<sup>6</sup> immediately before the battle of Steinkirk. He greatly distinguished himself in the campaign, and was severely wounded at the siege of Namur; he was then, 1 July 1695, promoted to the rank of brigadier-general of Foot.<sup>7</sup> On 3 January 1696 he was by patent, dated at Kensington, created EARL OF ORKNEY, VISCOUNT OF

<sup>1</sup> See vol. iv. 382. <sup>2</sup> Hamilton Reg. <sup>3</sup> Dalton's *Army Lists*. <sup>4</sup> *Ibid.*, iii. 155. <sup>5</sup> *Ibid.*, 250. <sup>6</sup> *Ibid.*, 241. <sup>7</sup> *Ibid.*, iv. 112. •





Orkney



Ordnung

KIRKWALL, and BARON DECHMONT, with remainder to the heirs whatsoever of his body. On 13 January 1704 he was made Lieutenant-General: <sup>1</sup> he commanded a brigade of infantry at Blenheim, but led the cavalry in the pursuit after the battle of Ramillies, 23 May 1706. His military career was one of much distinction, though he is not said to have been an able commander. Of his bravery, determination, and ability to carry out orders there can be no doubt. He served all through the Marlborough campaigns, and was present at the battles of Oudenarde and Malplaquet, besides the sieges of Menin, Tournay, Douai, and Bouchain. He was at home in 1710, and sat in Parliament, having been elected one of the sixteen Representative Scottish Peers on 12 February 1707. He returned, however, to active service, and served in Flanders under the Duke of Ormonde.

After the war honours came thick upon him. He was appointed Governor of Edinburgh Castle by royal warrant, 5 April 1714, and had a commission as captain of the company of Foot there on the same date. <sup>2</sup> After Queen Anne's death he was made one of the Lords of the Bedchamber to George I. on 28 October 1714, and on 17 December was constituted Governor of Virginia, though he does not seem ever to have made the actual acquaintance of the Colony. He was afterwards Lord-Lieutenant of Lanarkshire, and, 12 January 1736, a year before his death, was raised to the military rank of Field-Marshal. He had been created a Knight of the Thistle 4 February 1704, and had been elected a Representative Peer in seven successive Parliaments from 1707 to 1734. He died at Albemarle Street, London, 29 January 1737, in his seventy-first year. He married, 25 November 1695, at St. Martin's, Ludgate, Elizabeth, sister of the first Earl of Jersey, and daughter of Sir Edward Villiers, Knight Marshal of England. She had been the 'mistress' of King William III., and he had settled upon her the whole of the Irish estates of James VII. by a charter of 30 May 1695, but this was resumed by Parliament in 1699, and applied to public uses. Swift calls her 'the wisest woman he ever knew,' and she appears to have had much ability, and 'played a conspicuous part in the

<sup>1</sup> Dalton's *Army Lists*, v. 15. <sup>2</sup> *Ibid.*, vi. 219, 220.

state intrigues of the period.<sup>1</sup> She and her husband entertained George I. in 1724, and George II. in 1729, at their residence at Oliveden, near Maidenhead. This house, situated on one of the most beautiful reaches of the Thames, was adorned with a series of tapestries representing the victories of the Duke of Marlborough. The mansion was, unfortunately, totally destroyed by fire in 1795. Lady Orkney died in Albemarle Street 19 April 1733, leaving, by her husband, three daughters:—

1. ANN, who succeeded her father in the title.
2. *Frances*, married, 27 June 1724, to Thomas, third Earl of Scarborough. She was a Lady of the Bedchamber to the Princess of Wales, and died at Bath 27 December 1772.
3. *Harriet*, married, 9 May 1728, to George, Earl of Orrery, afterwards Earl of Cork. She died at Cork, 22 August 1732.

II. ANNE, *suo jure* Countess of Orkney, succeeded her father, was married on 29 March 1720 at Taplow, as his first wife, to her cousin William (O'Brien), fourth Earl of Inchiquin. She died, 6 December 1756, having had issue by her husband, who survived her and died 18 July 1777:—

1. *William*, Lord O'Brien, born 1725, died 4 April 1727.
2. *George*, Lord O'Brien, born 8 August 1727, died 26 April 1728.
3. *Augustus*, Lord O'Brien, died an infant.
4. *Murrough*, Viscount Kirkwall and Lord O'Brien, also died young, of smallpox, 20 September 1741, and was buried with his three brothers and his maternal grandparents at Taplow.
5. MARY, Countess of Orkney, of whom presently.
6. *Anne*, born 11 June 1721, died at Cliefden 19 May 1808, unmarried, and was buried at Taplow.
7. *Frances*, born 2 December 1728, died 17 August 1740.<sup>2</sup>
8. *Elizabeth*, born 8 November 1729, died 15 December 1741.

III. MARY, *suo jure* Countess of Orkney, succeeded her mother in the title on her death in 1756. She was married,

<sup>1</sup> *Complete Peerage*, vi. 135. <sup>2</sup> *Gent.'s Mag.*

5 March 1753, at Duke Street Chapel, Westminster, to her cousin Murrough (O'Brien), fifth Earl of Inchiquin, who had succeeded his uncle, the fourth Earl. She was a deaf mute, and was known as 'the deaf and dumb countess.'<sup>1</sup> She was quite intelligent, and an anecdote is related of her making her way to the cradle of her first-born child, armed with a large stone, to the great alarm of the nurse, who thought she was going to kill it. She let the stone fall heavily to the ground, and the child was awakened out of sleep by the noise, thus proving to the anxious mother that she did not inherit her infirmity.<sup>2</sup> She died 10 May 1790 at Postellan, co. Cork.

IV. MARY, *suo jure* Countess of Orkney, being the third female in successive generations who succeeded to the title, probably a unique instance in the history of the aristocracy. She was born 4 September 1755, and was married 21 December 1777, to the Hon. Thomas Fitzmaurice of Llewenny Hall, co. Denbigh, a brother of the first Marquess of Lansdowne. She died 20 December 1831, having had issue by her husband, who died 28 October 1793:—

1. *John Fitzmaurice*, Viscount Kirkwall, born 9 October 1778; M.P. for Heytesbury 1802-6, and for Denbighshire 1812-18, died *vitâ matris* 23 November 1820, having married, 11 August 1802, Anna Maria, eldest daughter of John, first Lord de Blacquiere. By her, who died 31 January 1843, he had issue:—

(1) THOMAS JOHN HAMILTON, who succeeded as fifth Earl.

(2) *William Edward*, born 22 March 1805, was major 2nd Life Guards; M.P. for Bucks 1842 to 1847. Died 18 June 1889, having married, first, 3 August 1837, Hester, daughter of Henry Herford, of Down Place, Berks, and by whom, who died 24 August 1859, he had issue; secondly, 3 October 1870, Anne Louisa, eldest daughter of John Hatton of Deal, but by her had no issue. By his first wife he had three sons, the youngest of whom only left issue.

V. THOMAS JOHN, Earl of Orkney, was born 8 August 1803. He sat in Parliament as a Representative Peer of Scotland from 1832 to 1874. Died 16 May 1877, having

<sup>1</sup> *The Cheverels of Cheverel Manor*. <sup>2</sup> *Burke's Romance of the Aristocracy*, ii.

married, 14 March 1825, Charlotte Isabella Irby, daughter of George, third Baron Boston. By her, who died 7 September 1883, he had issue:—

1. GEORGE WILLIAM HAMILTON, who succeeded.

2. *Henry Warrender*, of Tregof, Anglesey, born 7 July 1828, Captain 72nd Regiment and Buckinghamshire Militia. Died 12 January 1875, having married, 5 September 1861, Sarah Jane, only daughter and heir of George Bradley Roose of Brynntirion. She died 13 February 1880, leaving issue:—

(1) *Henry George Hamilton* of Tregof, born 6 September 1863, lieutenant 3rd Battalion Oxford Light Infantry. Died unmarried, 27 January 1888.

(2) EDWARD WALTER, present Earl.

(3) *Alexander Edward*, born 21 March 1874. He had, along with his sister, a patent of precedence as son of an Earl 23 April 1890.

(4) *Isabella Emily*, born 19 July 1862; married 2 October 1888 to John Burnham Garrett.

3. *Frederick O'Bryen*, born 23 April 1830, commander R.N., died 26 October 1867, having married, 19 April 1853, Mary Anne, eldest daughter of Robert Taylor Abraham of Crewkerne, co. Somerset. She was married, secondly, 23 April 1869, to Lieut.-Col. Archibald Macintosh, R.M.L.I., who died 1905. She had issue by her first husband.

4. *Alexander Temple* of Llangattock, co. Monmouth, born 23 January 1834, lieutenant 72nd Regiment, Groom of the Bedchamber to the King when Prince of Wales, 1874. Died *s.p.* 19 June 1894, having married, 26 April 1873, Adela Mary, daughter of Simon Thomas Scrope of Denby, and widow of Edward Riddell of Cheesburn Grange.

5. *James Terence*, born 26 February 1835, a captain (retired) R.N., Inspector of Prisons in Ceylon, 1867-71, married, 21 March 1861, Frances Rhoda, only daughter of Sir William Gore Ouseley, K.C.B. She died, 2 June 1907, leaving issue.

6. *Isabella Emma Elizabeth*, born 5 April 1832, died 4 July 1906; married, 11 October 1858, to Samuel Leo Schuster of the Grange, Leatherhead, who died 22 December 1884, leaving issue. She was married,

secondly, 11 January 1886, to Lieut.-General the Hon. Hussey Fane Keane, C.B., who died *s.p.* 25 October 1895. She died 4 August 1906.

7. *Emily Charlotte*, born 18 June 1836.

8. *Mary Louisa*, born 14 July 1837, married 16 August 1859, to Edward Robert Spearman, C.M.G., and has issue.

VI. GEORGE WILLIAM HAMILTON, Earl of Orkney, born 6 May 1827, an officer in the 71st Highland Light Infantry, and served in the Crimea; afterwards in the Scots Fusilier Guards. A Representative Peer of Scotland 1885 to 1889, K.C.M.G., Grand Commander of the Order of the Saviour in Greece, Knight of the Medjidie of Turkey. Died *s.p.* 21 October 1889, having married, 28 November 1872, Amelia, Baroness de Samuel, widow of Baron de Samuel, Peer of Portugal. She died 11 November 1890.

VII. EDWARD WALTER FITZMAURICE, Earl of Orkney, grandson of the fifth Earl, succeeded his uncle in 1889. He was born 24 May 1867, was lieutenant-colonel 3rd Oxfordshire Light Infantry; married, 19 July 1892, Constance Macdonald Gilchrist, a famous burlesque actress of the day. They have issue one daughter:—

MARY CONSTANCE HAMILTON, *heir presumptive*, born 26 November 1903.

CREATION.—Earl of Orkney, Viscount of Kirkwall, and Baron Dechmont, 3 January 1696.

ARMS (not recorded in the Lyon Register, but given in Peers' Arms MS., Lyon Office).—Quarterly: 1st grandquarter, azure, a ship at anchor, oars crossed in saltire within a double tressure flory counterflory or, for *Orkney*; 2nd and 3rd grandquarters counterquartered, 1st and 4th, gules, three cinquefoils ermine, for *Hamilton*; 2nd and 3rd, a galley, sails furled, sable, for *Arran*; 4th grandquarter, argent, a man's heart imperially crowned proper, for *Douglas*.

CREST.—Out of a ducal coronet or an oak tree fructed,

and penetrated transversely by a frame-saw proper, the frame gold; in the branches of the tree a dove argent.

**SUPPORTERS.**—Dexter, an antelope argent, armed, ducally gorged, chained and unguled or; sinister, a stag proper, attired, unguled, ducally gorged and chained or.

**MOTTO.**—*Through.*

[J. B. P.]



## DOUGLAS, EARL OF ORMOND.



UGH DOUGLAS; the fourth son of James, seventh Earl of Douglas, was created EARL OF ORMOND in or before 1445, in which year he sat in Parliament under that title.<sup>1</sup> He got from his brother William, eighth Earl of Douglas, who had married the Fair Maid of Galloway, the lands of Ardmanach and others in Invernesshire, including the 'hill' of Ormond, from which he took his title, besides

Ratray, Aberdour, and Crimond in Aberdeenshire, and Dunsyre in Lanark.<sup>2</sup> He took part in an expedition into Northumberland under his brother the Earl of Douglas, in July 1448, and he himself, along with Sir John Wallace of Cragy, defeated the English under Lord Percy, the son of the Duke of Northumberland, with great slaughter, 23 October 1449.<sup>3</sup> Ormond is said to have been left in charge of the Douglas estates by his brother the Earl, when the latter went to Rome in November 1450.<sup>4</sup> After the assassination of the Earl by the King in 1452, Ormond joined with his brother William in his defiance to the sovereign, and his seal was appended to the placard renouncing their allegiance, which was affixed by night to the door of the

<sup>1</sup> *Acta Parl. Scot.*, ii. 59, 62, 64. <sup>2</sup> *Exch. Rolls*, vi. 162, 212, 265; vii. 360; *Antiq. of Aberdeen and Banff*, 77, 119. <sup>3</sup> *Auchinleck Chron.*, 18, 19, 40. <sup>4</sup> *Godscroft's History of the House of Douglas*, i. 338.

Parliament Hall. In 1454 he held the office of Sheriff of Lanarkshire,<sup>1</sup> but in the following year he was, with his family, in open rebellion against the King. On their defeat by the royal forces under the Earl of Angus at Arkenholme, 1 May 1455, he was taken prisoner. He was then tried for high treason, found guilty, and executed, his estates being forfeited to the Crown.

The Earl was married, but the name of his wife is not known. They had a son *Hugh*, who became Dean of Brechin.

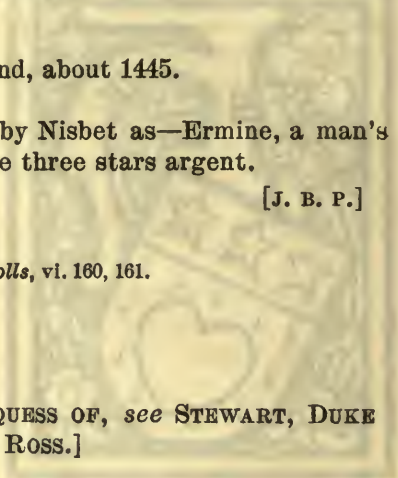
**CREATION.**—Earl of Ormond, about 1445.

**ARMS.**—These are given by Nisbet as—Ermine, a man's heart gules, on a chief azure three stars argent.

[J. B. P.]

<sup>1</sup> *Exch. Rolls*, vi. 160, 161.

[ORMOND, STEWART, MARQUESS OF, *see* STEWART, DUKE OF ROSS.]



## MAKGILL, VISCOUNT OF OXFUIRD LORD MAKGILL OF COUSLAND



THE family of Makgill appears to have come originally from Galloway, but the immediate ancestor of the present family was Sir James Makgill, who was Provost of Edinburgh during the reign of King James v. He sold his lands in Lanarkshire 1536,<sup>1</sup> and acquired some lands near Edinburgh in 1537. He had a charter of confirmation, to himself and Helen Wardlaw his spouse, of lands near

Edinburgh 7 September 1538,<sup>2</sup> and was among the first of those who embraced the Reformation. He married, first, Elizabeth Cunyngham daughter of Cunyngham of Caprington,<sup>3</sup> and secondly, Helen, daughter of Henry Wardlaw of Torrie,<sup>4</sup> and had issue:—

1. *John*, married Margaret, daughter of James Preston of Valleyfield, and died before 1552, leaving issue two daughters:<sup>5</sup>—

- (1) *Margaret*, married, 1553, to William Redpath of that Ilk.<sup>6</sup>
- (2) *Alisone*, married, first (contract dated 13 March 1562<sup>7</sup>), to Stephen Brounfield of Greenlawdene; and, secondly, to Nicoll Home.<sup>8</sup>

<sup>1</sup> *Reg. Mag. Sig.*, 13 June 1539. <sup>2</sup> *Ibid.*, at date. <sup>3</sup> Ms. History of Makgill Family at Kemback. <sup>4</sup> *Ibid.* <sup>5</sup> Rankeillor Papers at Kemback. <sup>6</sup> *Reg. Sec. Sig.*, xxxvii. fol. 53. <sup>7</sup> *Reg. of Deeds*, x. 43. <sup>8</sup> *Ibid.*, 83.

2. *Sir James Makgill* of Rankeillor Nether, was educated at St. Andrews, and bred to the law. On 25 June 1554 he was appointed Clerk Register in room of Mr. Thomas Marjoribanks of Ratho,<sup>1</sup> and took his seat on the bench on 20 August of that year.<sup>2</sup> He was employed more than once in settling the disputes upon the Borders, and was one of the commissioners in 1559 who concluded the treaty of Upsettlington.<sup>3</sup> Towards the end of this year he joined the Reformers, and was admitted to the friendship of Knox.<sup>4</sup> He was appointed a Privy Councillor by Queen Mary 6 September 1561.<sup>5</sup> Being implicated in the murder of Rizzio in 1565,<sup>6</sup> and obliged to fly from Edinburgh, his office of Clerk Register was given to Sir James Balfour. He was, however, soon after, pardoned, and in December 1567 restored to his office of Clerk Register.<sup>7</sup> He was present on the side of the Regent at the battle of Langside 13 May 1568,<sup>8</sup> and in September of the same year accompanied the Regent Moray to York.<sup>9</sup> He was Provost of Edinburgh 1670,<sup>10</sup> and was again employed as Ambassador to the English Court in 1571 and 1572. In this latter year his house in Edinburgh was pulled down by the Queen's partisans, and sold for firewood.<sup>11</sup> He died in Edinburgh in the month of October 1579.<sup>12</sup> Sir James Makgill married, previous to 3 November 1543, Janet Adamson,<sup>13</sup> daughter of William Adamson of Craigcrook by Janet, daughter of Sir Archibald Napier of Merchiston,<sup>14</sup> and by her, who survived him,<sup>15</sup> had issue:—

- (1) *James*, who about May 1565 was 'boun to the schulis' in France or elsewhere beyond sea.<sup>16</sup> He married (contract dated 18 April 1578<sup>17</sup>) Jean Wemyss, daughter of David Wemyss of that ilk by Cecil Ruthven, daughter of William, third Lord Ruthven,<sup>18</sup> and had issue:—

<sup>1</sup> *Reg. Sec. Sig.* <sup>2</sup> Books of Sederunt. <sup>3</sup> Keith's *History*, 108. <sup>4</sup> *Senators of the College of Justice.* <sup>5</sup> *P. C. Reg.*, i. 158. <sup>6</sup> *Ibid.*, 437. <sup>7</sup> *Reg. Sec. Sig.*, xxxvii. 14. <sup>8</sup> *Cal. Scot. Papers*, ii. 405. <sup>9</sup> *Staggering State of Scots Statesmen.* <sup>10</sup> *Diurnal of Remarkable Occurrents*, 190. <sup>11</sup> Bannatyne *Journal*, 146. <sup>12</sup> *Cal. Scot. Papers*, v. 357. <sup>13</sup> *Reg. Mag. Sig.*, 19 May 1545. <sup>14</sup> Ms. Account of the Makgill Family at Kemback. <sup>15</sup> *Reg. of Deeds*, xvii. 400b. <sup>16</sup> *Cal. Scot. Papers*, ii. 161. <sup>17</sup> *Memorials of the Family of Wemyss of Wemyss*, by Sir W. Fraser, ii. 303. <sup>18</sup> Ms. Account of the Makgill Family at Kemback.

- i. *James*, married, contract dated 1598,<sup>1</sup> Anna Clephane, eldest daughter of George Clephane of Carslogie, by Catherine<sup>2</sup> Orme.<sup>3</sup> He died 20 April 1661,<sup>4</sup> and she died October 1662.<sup>5</sup>

They had issue:—

- (i) *David*, born 1601, married (contract dated 1629 or 1639<sup>6</sup>) Elizabeth, daughter of William Ruthven of Freeland, and had issue:—

a. *Sir James Makgill*, married, first, 24 August 1665,<sup>7</sup> Janet Crichton, baptized 20 November 1640, daughter of James, first Viscount of Fren draught, and had issue. He married, secondly, Isabel Preston, daughter to Sir George Preston of Valleyfield, but without issue.<sup>8</sup>

- (a) *David*, married (contract dated 10 February 1693<sup>9</sup>) Janet Craige, eldest daughter of John Craige, advocate, and Jean Heriot, heiress of Ramornie, and had issue. He died September 1717.<sup>10</sup>

a. *James Makgill* of Rankeillor, who afterwards claimed the title of Oxfuird (see page 600 *infra*), married (contract 20 January 1720) Jean, second daughter of Sir Robert Anstruther of Balcaskie. He died before 26 September 1747<sup>11</sup> without issue.

β. *Alexander*, was bred a surgeon, and died abroad, unmarried,<sup>12</sup> before 1747.

γ. *Katherine*, married to Alexander Christie, writer in Edinburgh, and had issue. She was served heir to her brother James Makgill of Rankeillor, 25 July 1765,<sup>13</sup> Alexander Christie died 4 July 1765, and she appears to have died February 1774.<sup>14</sup>

δ. *Isabel*, married, as his

<sup>1</sup> *Reg. Mag. Sig.*, 14 January 1601. <sup>2</sup> Douglas, *Baronage*, 319. <sup>3</sup> Ms. Account of Makgill Family. <sup>4</sup> Lamont's *Diary*, 135. <sup>5</sup> *Ibid.* <sup>6</sup> *Reg. Mag. Sig.*, 20 February 1643. <sup>7</sup> Lamont's *Diary*. <sup>8</sup> Ms. Account of Makgill Family. <sup>9</sup> Abstract of evidence of James Makgill claiming title of Oxfuird. <sup>10</sup> St. Andrews Tests. <sup>11</sup> Ms. Account of Makgill Family. <sup>12</sup> *Ibid.* <sup>13</sup> Services of Heirs, ii. <sup>14</sup> Ms. Account of Makgill Family.

second wife, William Dick, minister at Cupar, and had issue. She succeeded her sister in her estate of Rankeillor, and died 12 January 1787.<sup>1</sup>

- (b) *Patrick*, died unmarried, about the age of thirty-two, 5 November 1669.<sup>2</sup>
- (c) *Margaret*, married, 4 February 1653, to John Skene of Halyards, and had issue.<sup>3</sup> Died 1690.<sup>4</sup>
- (ii) *James* of Flasshill, parish of Moniemail, Fife, married Jean, daughter of Rev. Alexander Balfour, Minister at Abdie,<sup>5</sup> and had issue two daughters.<sup>6</sup>
- (iii) *John*, minister at Dunbog, 1646-54, and then at Cupar, 1654-62.<sup>7</sup> Graduated at the University of St. Andrews, 1640. He was turned out of his church for not conforming to episcopacy,<sup>8</sup> took the degree of Doctor of Medicine at the University of Angiers in August 1663, and acquired the lands of Kemback in 1667. He married, first, 25 April 1647, Helen, daughter of James Forbes of Kilmany and Katherine Bethune, his wife. She died 20 July 1665, leaving issue.<sup>9</sup> He married, secondly, 22 January 1668, Euphame Paterson, of Dynmure family, widow of Gavin Wemyss of Unthank.<sup>10</sup> He died 24 April 1673,<sup>11</sup> aged about fifty-two, leaving issue. From him are descended the Makgills of Kemback, who, on the failure of the male line of Rankeillor, became heirs-male of that family, now represented by Sir George Makgill, Bart.
- (iv) *Jean*, married to John Scrymgeour of Kirktown.<sup>12</sup>
- (v) *Katherine*, married, before 14 December 1630,<sup>13</sup> to Robert Clayhills of Baldovie, and had issue.<sup>14</sup>
- (vi) *Lilias*, married to Henry Pitcairn of Pitlour.
- ii. *Robert*, appointed a Lord of Session 2 June 1649, with the title of Lord Foord,<sup>15</sup> married Margaret Purves. He died 1651, and she died in November of same year,<sup>16</sup> leaving issue. This line extinct before 18 July 1743, when James Makgill of Rankeillor succeeded to the estate of Fingask, under an entail made by

<sup>1</sup> St. Andrews Tests. <sup>2</sup> John Makgill's Diary. <sup>3</sup> *Memorials of Family of Skene*, 53. <sup>4</sup> Fun. Escutcheon, Lyon Office, etc. <sup>5</sup> Ms. Account of Makgill Family at Kemback. <sup>6</sup> *Reg. Mag. Sig.; Retours Gen.*, 7806; St. Andrews Tests., 17 July 1696. <sup>7</sup> Lamont's *Diary*. <sup>8</sup> *Ibid.* <sup>9</sup> Scott's *Fasti Eccl. Scot.*, ii. 461. <sup>10</sup> *Memorials of Family of Wemyss*, by Sir W. Fraser, i. 153. <sup>11</sup> St. Andrews Tests. <sup>12</sup> Ms. Account of Makgill Family. <sup>13</sup> *Reg. Mag. Sig.*, 3 March 1642. <sup>14</sup> *Ibid.* <sup>15</sup> *Acta Parl. Scot.*, vi. pt. ii. 283, 363. <sup>16</sup> Edin. Tests. 2

- Robert Makgill of Fingask (Lord Foord's son) in 1706 in favour of his heirs-male, and on the death of said James as above the lands passed to his heir-male, John Makgill of Kemback.<sup>1</sup>
- iii. *Alexander*.<sup>2</sup>
  - iv. *John*, minister of Flisk, 1609-59, married Eupham Inglis. Died 22 March 1659, in his seventy-seventh year, leaving issue.<sup>3</sup>
  - v. *David*, said to have been a Professor at Montpellier in France.<sup>4</sup>
  - vi. *Henry*, minister of Dunfermline, married, first, 3 January 1626, Isobel Lindsay, who died 21 February 1631; and secondly, 24 April 1634, Margaret Wardlaw. Died 16 December 1642, aged about forty-seven, leaving issue.<sup>5</sup>
  - vii. *William*, a doctor of medicine, one of the founders of the Edinburgh College of Physicians,<sup>6</sup> and Royal Infirmary.
  - viii. *Hew*, Laird of Grange, in Fife, married Margaret, daughter of John Cornwall of Bonhard, 25 October 1649,<sup>7</sup> and had issue. Hew is mentioned in his brother George's testament.<sup>8</sup>
  - ix. *George*, a soldier of the rank of captain, died in September 1648.<sup>9</sup>
  - x. *Patrick*, minister of Barrie 1632, and of Monikie 1642, married Jean Irwine, and died 19 January 1680, aged about seventy-nine.<sup>10</sup>
  - xi. *Jean*, married, first, to William Gourlay of Kincaig; <sup>11</sup> secondly, to David Brown of Finmont, and had issue.
  - xii. *Cecile*, married to Sir John Learmonth of Balcomie.<sup>12</sup>
  - xiii. *Lilias*, married to Robert Brown of Finmount.<sup>13</sup>
  - (2) *John*,<sup>14</sup> arch presbyter of the Collegiate Church of Dunbar, married Elizabeth, daughter of William Home of Aytoun,<sup>15</sup> died 2 July 1607.
  - (3) *Samuel*, appears as witness in charter 1536.<sup>16</sup> He had a grant of lands in Ulster 25 July 1609.
  - (4) *David*,<sup>17</sup> advocate, Canon of Dunkeld, who had a charter of confirmation 29 November 1586 and again 15 July 1587.<sup>18</sup>
  - (5) *Zachary*.<sup>19</sup>
  - (6) *Rachel*, married, first (contract dated 9 May 1576<sup>20</sup>), to George Stewart, younger of Rosyth; secondly (contract dated 24 and 28 April 1584), to Archibald Wauchope of Niddrie.<sup>21</sup>
  - (7) *Elizabeth*, married (contract dated 17 August 1566) to David Wod of Dunone.<sup>22</sup>

3. DAVID of Cranstoun Riddell, of whom later.

4. *Agnes*, married to John Hill, burghess of Edinburgh;

<sup>1</sup> *Reg. of Entails and Reg. Mag. Sig.* <sup>2</sup> Oxenfoord Papers. <sup>3</sup> Ms. Account of Makgill Family. <sup>4</sup> *Ibid.* <sup>5</sup> Scott's *Fasti*, ii. 567. <sup>6</sup> *Historical Sketch Royal Col. Phys.*, i. <sup>7</sup> Edin. Marriage Reg. <sup>8</sup> St. Andrews Tests. <sup>9</sup> *Ibid.* <sup>10</sup> Scott's *Fasti*, iii. 726. <sup>11</sup> Ms. Account of Makgill Family. <sup>12</sup> *Ibid.* <sup>13</sup> *Browns of Fordel*, 54. <sup>14</sup> *Cal. Scot. Papers*, v. 240. <sup>15</sup> Cf. *Reg. of Deeds*, xlv. 77. <sup>16</sup> Ms. Account of Makgill Family. <sup>17</sup> *Cal. Scot. Papers*, v. <sup>18</sup> *Reg. of Deeds*, xv. 265. <sup>19</sup> Protocol Book of James Nicolson, 92a. <sup>20</sup> *Reg. of Deeds*, xv. 295. <sup>21</sup> *Ibid.*, xxiv. 169. <sup>22</sup> *Ibid.*, ix. 385.

she is mentioned in the testament, 15 October 1579, of her brother James.<sup>1</sup>

5. *Helen*, married, first, to Thomas Cranston, second son of William Cranston of Cranston;<sup>2</sup> secondly, before 1563, to William Knowis,<sup>3</sup> and had issue;<sup>4</sup> and perhaps thirdly, to Simon Currie.

DAVID MAKGILL acquired the barony of Nisbet, of which he had a charter 1561, also the lands of Cranstoun Riddell in the county of Edinburgh. He had also charters of the lands of Ransburn and Nisbetshiels in Berwickshire, confirmed 12 November 1578,<sup>5</sup> of Balvorny in the county of Linlithgow, to him and Elizabeth Forrester his wife, of the same date,<sup>6</sup> and of the lands of Quhytebanks in the same county to them 23 December 1583. He was appointed King's Advocate 12 June 1582 during the sickness of Mr. Robert Crichton of Eliock,<sup>7</sup> and on his death was appointed his successor both in that office and his seat on the bench, to which he was raised by Act of Admission dated the 26, and recorded in the Books of Council 27, June 1582.<sup>8</sup> In the year 1587 he was appointed a member of four several parliamentary commissions:<sup>9</sup> first, anent the cunzie; and second, for the satisfaction of the clergy regarding their life-rents; third, to consider an article for the better administration of justice; and fourth, anent weights and measures.<sup>10</sup> Mr. James Melville in his diary describes the advocate as follows: 'This was a man of als grait solide, and naturall a wit as in our tyme, excelling therein all his colleages of the Session and lawers, bot without all sense of God, and with a prydful disdean and contempt of the ministerie. I hard him als dispytfullie and lightifullie, being in his awin house, tak upe my uncle Andro being send with uthers from the assemble to him, as mouit me being present utherwayes esteemed nocht verie impatient to almaist debord nocht onlie with toung bot hand.'<sup>11</sup> David Makgill, when he became old and feeble, would not resign his office of King's

<sup>1</sup> Edin. Tests. <sup>2</sup> Cf. vol. ii. 590. <sup>3</sup> Oxenfoord Papers. <sup>4</sup> *Reg. of Deeds*, xiii. 366b. <sup>5</sup> *Reg. Mag. Sig.* <sup>6</sup> *Ibid.* <sup>7</sup> Pitcairn's *Criminal Trials*, i. pt. II. 101. <sup>8</sup> Inventory of Patents of honour to Viscount of Oxfuird's predecessors, at Oxenfoord. <sup>9</sup> Brunton and Haig's *Senators*, 179. <sup>10</sup> *Acta Parl. Scot.*, iii. 437-438, 520-521. <sup>11</sup> *James Melville's Diary*, Bannatyne Club.



Advocate. Thomas Hamilton was then appointed an additional King's Advocate, and the chagrin felt at this is said to have killed him, or at least 'haisted his auld decrepite dayes to the death.' He had, however, been ill for a long time, and public business had been delayed many years before on account of his bad health.<sup>1</sup> Melville again refers to him in his diary, 'Bot or he died, with a terrible strak of conscience, God tamde him lyk a lamb; sa that Mr. Andro coming to him againe, and I with him, was as the Angell of God in his eis; cust his hat to the ground, and could skarslie luik him in the face, till he hard out of his mouthe the words of consolation, the quhilk he gaped for as a gorbet, and receavit as Cornelius the instruction of Piter; yea the meinst of the ministerie that cam to visit him, was mair to him than giff the King and the Lords haid com to him. I thought often that was a cleir accomplishment of Esaias prophecie, "The lyon sall eat stra lyk a bullok." He died maist happelie and sweetlie, efter divers yeirs of humiliation with these words in his mouthe "Lord in thy light let me sie light."'<sup>2</sup> He died in the month of February 1595.<sup>3</sup> He married, first, contract 11 May 1557,<sup>4</sup> Elizabeth, sister of James Forrester of Corstorphine. She died at Edinburgh 16 March 1578-79.<sup>5</sup> He married, secondly, Isobel, daughter of Robert Cuninghame, who survived him, and married, secondly, contract 14 April 1598, Mr. James Wardlaw, advocate.<sup>6</sup> By his first wife he had issue:—

1. DAVID; of him later.

2. *Alexander*.<sup>7</sup>

3. *Lawrence*, an advocate. He married, first, 21 January 1598, Jean Crichton,<sup>8</sup> secondly, before 9 December 1625, Helen, widow of John Ker of Hilltoun.<sup>9</sup> He died before 29 April 1646. By his first marriage he had issue:—

(1) *David*, baptized 31 December 1598.<sup>10</sup>

(2) *Lawrence*, baptized 28 December 1600.<sup>11</sup>

(3) *Thomas*, baptized 2 January 1603.<sup>12</sup>

<sup>1</sup> Omond's *Lord Advocates of Scotland*. <sup>2</sup> *Melville's Diary*. <sup>3</sup> Edin. Tests. <sup>4</sup> Registered in Books of Council and Session. <sup>5</sup> *Acts and Decrets*, lxxii. 27. <sup>6</sup> *Reg. of Deeds*, lxiii. 383. <sup>7</sup> Oxenfoord Papers. <sup>8</sup> Edinburgh Marriage Register. <sup>9</sup> *Reg. of Deeds*, 379. <sup>10</sup> Edin. Reg. <sup>11</sup> *Ibid.* <sup>12</sup> *Ibid.*

- (4) *James*, baptized 3 January 1603.<sup>1</sup>  
 (5) *James*, baptized 18 July 1613.<sup>2</sup>  
 (6) *Janet*, baptized 16 December 1610.<sup>3</sup>  
 (7) *Margaret*, married, 23 April 1622, to David Heriot, advocate.<sup>4</sup>  
 She was buried 26 March 1661.<sup>5</sup>

4. *John*, Writer to the Signet, married, as his second wife, 6 August 1606,<sup>6</sup> Maria Sandilands, and died before 29 April 1646, when his niece Margaret, wife of David Heriot, was retoured heir to him.<sup>7</sup>

5. *George*, living 1619, mentioned in his nephew's testament 1619.<sup>8</sup>

6. *Alexander*,<sup>9</sup> Provost of Corstorphine.<sup>10</sup>

7. *Elizabeth*, married, first, before 1576, to Robert Logan of Restalrig.<sup>11</sup> It would seem there was a divorce between them. On 16 March 1578-79 she was living as her father's housekeeper in Edinburgh, and during his absence Thomas Kennedy of Culzean came with an armed force and carried her off. On 28 April the culprits appeared in Court, and she declared she had gone off with Kennedy of her own free will to be married to him, and she stated they were married.<sup>12</sup> She had issue by him, and surviving him, married, as his second wife (contract 4 April 1605), William Mure of Rowallan.<sup>13</sup> She died May 1622.<sup>14</sup>

8. *Jean*.

DAVID Makgill of Cranstoun Riddel, the eldest son, had charters of lands and baronies of Cranstoun Riddel, Nisbet, Nisbetshiels, Burnside, Balvormie, and Parkley, 6 December 1585.<sup>15</sup> Took his degree as Licentiate of Civil Law at the University of Bourges, 21 July 1579.<sup>16</sup> He was admitted an advocate before 1576,<sup>17</sup> and was appointed a Lord of Session 25 May 1597.<sup>18</sup> On 14 March 1601 he presented a supplication to the Court bearing that 'quhair this lang tyme by past beand hevelie diseasit I intend now, God willing, to depairt and pass furth of this realm to uther countries for obteneing ane recovery of my health.' His

<sup>1</sup> Edin. Reg. <sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.* <sup>4</sup> Edin. Marriage Reg. <sup>5</sup> Greyfriars Reg. <sup>6</sup> *Hist. of Writers to the Signet.* <sup>7</sup> *Retours, Edinburgh*, No. 953. <sup>8</sup> Edin. Tests. <sup>9</sup> *Gen. Reg. Inhabs.*, xxvii. 140. <sup>10</sup> *Reg. of Deeds*, xlvi. 387. <sup>11</sup> *Ibid.*, xv. 307. <sup>12</sup> *Acts and Decrees*, lxxvi. 2736. <sup>13</sup> *Reg. Mag. Sig.*, 20 June 1616. <sup>14</sup> Glasgow Tests. <sup>15</sup> *Reg. Mag. Sig.* <sup>16</sup> Oxenfoord Papers. <sup>17</sup> Hailes' *Catalogue.* <sup>18</sup> Books of Sederunt.

absence was accordingly excused, but he had returned to Scotland before the following November.<sup>1</sup> He was admitted a Privy Councillor 26 May 1603,<sup>2</sup> and died on 10 May 1607.<sup>3</sup> He married (contract 10 September 1583<sup>4</sup>) Marie, eldest daughter of William Sinclair of Herdmanstoun, by Sibil Cockburn his wife, and by her, who died February 1606,<sup>5</sup> had issue:—

1. DAVID; of him later.
2. JAMES; of him later.
3. *Patrick*.
4. *Thomas*, baptized 28 June 1598.<sup>6</sup>
5. *John*, mentioned in his father's testament,<sup>7</sup> married, previous to December 1622, Marion Menzies, widow of John Douglas of Archland.<sup>8</sup>
6. *Alexander*, baptized 20 July 1600.<sup>9</sup>
7. *Elizabeth*, married (post-nuptial contract dated 10 and 12 July 1612, recorded 12 November 1614<sup>10</sup>) to James, styled Master of Cranstoun, second son of first Lord Cranstoun. (*See that title.*)
8. *Anna*, married, about 1621, to John Ross, eldest son and heir of Gilbert Ross of Millanderdale, Provost of the College Kirk of Maybole.<sup>11</sup>

DAVID Makgill of Cranstoun Riddel, the eldest son, was served heir to his father 25 August 1607.<sup>12</sup> He had a charter of Cranstoun Riddel 23 April 1617. He had a licence under the Signet, subscribed by the Chancellor, to go abroad for five years, on condition of his doing nothing during his absence 'prejudicial to this kingdom or the treu religion,' 30 August 1611.<sup>13</sup> He died unmarried 15 May 1619.<sup>14</sup> He had a natural daughter *Marie*, mentioned in his testament. She was married (contract 1 February 1643) to Robert Hodge, 'collector to the Lords of Session.'<sup>15</sup> He was succeeded by his brother,

I. JAMES Makgill of Cranstoun Riddel, who was served heir to his elder brother 10 July 1619,<sup>16</sup> and was created

<sup>1</sup> Books of Sederunt. <sup>2</sup> *P. C. Reg.* <sup>3</sup> Edin. Tests. <sup>4</sup> *Reg. Mag. Sig.*, 6 December 1585. <sup>5</sup> Edin. Tests. <sup>6</sup> Edin. Reg. <sup>7</sup> Edin. Tests. <sup>8</sup> *Reg. of Deeds*, 7 February 1625. <sup>9</sup> Oxenfoord Papers. <sup>10</sup> *Reg. of Deeds*, vol. cxxxviii. <sup>11</sup> Oxenfoord Papers. <sup>12</sup> *Retours, Berwick*, 69. <sup>13</sup> *P. C. Reg.*, ix. 249. <sup>14</sup> Edin. Tests. <sup>15</sup> Oxenfoord Papers. <sup>16</sup> *Retours, Berwick*, 116.

a baronet 19 July 1627.<sup>1</sup> By commission under the Great Seal he was appointed Sheriff Principal of the sheriffdom of Edinburgh in room of Sir Ludovick Lawder of Gogar, dated 4 September 1628,<sup>2</sup> and was admitted an ordinary Lord of Session in place of Sir Alexander Napier, Lord Laurieston, 3 November 1629.<sup>3</sup> On 29 November the Court elected him their collector of the taxation of 40 shillings Scots in every pound land of old extent, lately granted to them by the King and the Estates.<sup>4</sup> He sat in Parliament for Edinburghshire 1630,<sup>5</sup> and on the Committee of war 1647.<sup>6</sup> He was created a Peer by King Charles II. with the title of VISCOUNT OF OXFUIRD AND LORD MAKGILL OF COUSLAND on 19 April 1651,<sup>7</sup> with remainder to his heirs-male of tailzie and provision, but the troubles of the time prevented him from assuming the title. He was again appointed a judge at the Restoration as Sir James Makgill of Cranstoun, but never took his seat.<sup>8</sup> His patent of nobility was read and allowed in Parliament 13 March 1661.<sup>9</sup> Lord Oxfuird died on 5 May 1663,<sup>10</sup> and was buried 8 May in the South Ile of Cranstoun Kirk.<sup>11</sup> He was twice married, first, about 20 December 1621, to Katharine, eldest daughter of John Cockburn of Ormiston by Elizabeth Bellenden his wife,<sup>12</sup> and by her had issue:—

1. *James*, of whom Scotstarvit says, 'Sir James' eldest son notwithstanding all the pains taken on him in his education, quitted the kingdom, and took himself to be a single soldier some ten years ago; and no man that knows the father thinks him so simple as to leave his estate to such an heir.' He was in prison in Edinburgh for a time for debt, and there is an order by General Monck for his release, dated 29 September 1658.<sup>13</sup> He died, and was buried 24 January 1662 in the Greyfriars burying-ground, Edinburgh.<sup>14</sup>

<sup>1</sup> Milne's *List*. <sup>2</sup> Oxenfoord Papers. <sup>3</sup> *Ibid.* <sup>4</sup> *Acta Parl. Scot.*, v. 40. <sup>5</sup> *Ibid.*, v. 208a. <sup>6</sup> *Ibid.*, vi. 813. <sup>7</sup> Diploma of Viscount of Oxfuird at Oxenfoord Castle; *Reg. Mag. Sig.*, at date. There is also at Oxenfoord a signature endorsed, 'Cranston Makgill's Patent to be a Lord, superscribed by King Charles I. at Scarsburgh [Carisbrooke] Castle, 22 February 1648.' From this it would appear that there was then an intention of conferring a Peerage upon him. <sup>8</sup> Hailes' *Catalogue*. <sup>9</sup> *Acta Parl. Scot.*, vii. 57a. <sup>10</sup> Lamont's *Diary*. <sup>11</sup> Edin. Tests. <sup>12</sup> *Reg. Mag. Sig.* <sup>13</sup> Oxenfoord Papers. <sup>14</sup> Greyfriars Register of Interments, 1658-1700.

2. *Andrew*, baptized 26 July 1630.<sup>1</sup>
3. *Patrick*, who had sasine of Cranstoun Makgill 3 November 1650,<sup>2</sup> died unmarried in 1651.
4. *Elizabeth*, married (contract dated 31 October 1645<sup>3</sup>) to Patrick Hamilton of Little Preston. He died 1701, and she died 1692.<sup>4</sup> They had issue:—

- (1) *James*, died 24 August 1704.<sup>5</sup>
- (2) *Walter*.<sup>6</sup>
- (3) *Colonel Thomas*, of him later.
- (4) *John*, lieut.-colonel Scots Guards.<sup>7</sup>
- (5) *Christian*, married to Sir Mungo Murray of Blebo, Baronet, and died February 1710.<sup>8</sup>
- (6) *Anna*, married (contract dated 20 September 1680) to David Fearn, writer in Edinburgh.<sup>9</sup>
- (7) *Jean*, born 2 February 1666,<sup>10</sup> married, 18 January 1700, to William Blackwood.<sup>11</sup>
- (8) *Sarah*.

*Colonel Thomas* Hamilton served in the Scots regiment of Foot Guards, ensign 4 September 1686, captain-lieutenant 1 March 1689;<sup>12</sup> second major 29 January 1703,<sup>13</sup> and colonel. He was made a burghess of Haddington 26 January 1700, and of Dumfries in September of same year, and on 11 August 1707 the city of Glasgow presented him with the freedom of that city.<sup>14</sup> He went abroad with his regiment to Spain in 1709, and died at Madrid in October 1710.<sup>15</sup> He married (contract dated 28 April 1703<sup>16</sup>) *Elizabeth*, second daughter of James Steuart, M.D., and by her, who married, secondly, Alexander Gibson of the Durie family, had issue. She died 1721.<sup>17</sup>

- i. *William*, died unmarried February 1713.<sup>18</sup>
- ii. *Thomas*, born 1707,<sup>19</sup> was made a burghess of Glasgow 1734.<sup>20</sup> On the death of his aunt Henrietta Makgill, he succeeded her in the estate of Oxford, and assumed the additional name of Makgill. He married, 1735,<sup>21</sup> *Elizabeth*, eldest daughter of Sir John Dalrymple, second Baronet of Cousland, and by her had issue. He died 18 October 1779, and was buried in the Church of Fala.<sup>22</sup>

a. *Thomas*, baptized 7 November 1736,<sup>23</sup> died young.

b. *Elizabeth* Hamilton Makgill of Fala and Oxford, baptized 28 November 1737.<sup>24</sup> She was married, in March 1760, to her cousin Sir John Dalrymple, fourth

<sup>1</sup> Edinburgh Register. <sup>2</sup> *Gen. Reg. of Sasines*. <sup>3</sup> Oxenfoord Papers. <sup>4</sup> *Ibid.* <sup>5</sup> *Ibid.* <sup>6</sup> *Ibid.* <sup>7</sup> *Ibid.* <sup>8</sup> Edin. Tests. <sup>9</sup> Oxenfoord Papers. <sup>10</sup> Edinburgh Register. <sup>11</sup> Fala Register. <sup>12</sup> Oxenfoord Papers. <sup>13</sup> *Ibid.* <sup>14</sup> *Ibid.* <sup>15</sup> *Ibid.* <sup>16</sup> *Ibid.* <sup>17</sup> *Ibid.* <sup>18</sup> Edin. Tests. <sup>19</sup> Fala Register. <sup>20</sup> Oxenfoord Papers. <sup>21</sup> *Ibid.* <sup>22</sup> Ms. Account of the Hamiltons of Fala at Oxenfoord. <sup>23</sup> Fala Reg. <sup>24</sup> *Ibid.*

Baronet of Cousland,<sup>1</sup> and by him, who died February 1810, and was buried at Cranston, had issue a large family, of whom John became Sir John, and afterwards succeeded his cousin as eighth Earl of Stair (*see that title*), and was heir of line, entail, and provision of the Viscounts of Oxfuird.

(iii) *Patrick*, born 30 July 1709,<sup>2</sup> died 1713.<sup>3</sup>

(iv) *Elizabeth*, married to Malcolm Gibson of the Durie family, a Clerk of Session, who died about 1725.

5. *Anna*, married, 1640,<sup>4</sup> to Sir James Richardson of Smeaton; her will proved 25 May 1672.<sup>5</sup>

6. *Helen*, married (contract dated 13 September 1656) to Joseph Heart of Chappell.<sup>6</sup>

7. *Katherine*, married to Captain John Ruthven, son of William Ruthven of Gardyne.<sup>7</sup>

Lord Oxfuird married, secondly (contract dated 1646<sup>8</sup>), Christian, daughter of Sir William Livingston of Kilsyth, and by her, who died March 1664,<sup>9</sup> had issue.

8. *William*, born 21 April 1648,<sup>10</sup> died young.

9. *David*, baptized 1649,<sup>11</sup> died before 28 February 1657,<sup>12</sup> when his brother was served heir to him.

10. ROBERT, second Viscount of Oxfuird; of him later.

11. *Thomas*, born 7 November 1652,<sup>13</sup> died young.

12. *George*, born 11 March 1655,<sup>14</sup> served in the Army, and was lieutenant-colonel in the Scots Regiment of Foot Guards, 7 May 1694.<sup>15</sup> He married Elizabeth Hamilton,<sup>16</sup> but had no issue. He died suddenly at Edinburgh 15 December 1704,<sup>17</sup> and was buried 16 December.<sup>18</sup>

13. *Elizabeth*, baptized 15 July 1649.<sup>19</sup>

14. *Christian*, baptized 19 February 1654,<sup>20</sup> married, first, to Alexander Crawford of Carse, who died in 1709,<sup>21</sup> and secondly, to George Ross of Galstoun.

15. *Margaret*, baptized 17 June 1650.<sup>22</sup>

<sup>1</sup> Stair Papers, Lochinch. <sup>2</sup> Fala Reg. <sup>3</sup> Oxenfoord Papers. <sup>4</sup> *Ibid.*  
<sup>5</sup> Edin. Tests. <sup>6</sup> Oxenfoord Papers. <sup>7</sup> *Gen. Reg. Inhibitions*, 2 February 1680. <sup>8</sup> Oxenfoord Papers. <sup>9</sup> Edin. Tests. <sup>10</sup> Edin. Reg. <sup>11</sup> *Ibid.* <sup>12</sup> *Inq. Retours*, xxii. 150. <sup>13</sup> Edin. Reg. <sup>14</sup> *Ibid.* <sup>15</sup> Dalton's *Army Lists*, iv. <sup>16</sup> Oxenfoord Papers. <sup>17</sup> Masterton Papers, Scot. Hist. Soc. *Misc.*, 480. <sup>18</sup> *Earls of Cromarty*, by Sir W. Fraser, i. 272. <sup>19</sup> Edin. Reg. <sup>20</sup> *Ibid.* <sup>21</sup> *Laurus Crawfordiana*. <sup>22</sup> Edin. Reg.

16. *Marie*, died 1664.<sup>1</sup>

II. ROBERT Makgill, second Viscount of Oxfuird and Lord Makgill of Cousland, was born 20 May 1651.<sup>2</sup> He was served heir of tailzie and provision of his brother Patrick<sup>3</sup> in lands in the counties of Berwick, Edinburgh, Haddington, and Linlithgow, 28 February 1656, and of his father 29 July 1663.<sup>4</sup> He married, first, when only fifteen (contract dated 26 and 27 June 1666<sup>5</sup>), Henrietta Livingston, only daughter of George, third Earl of Linlithgow, by Elizabeth Maule, daughter of the first Earl of Panmure. Lord Oxfuird went abroad in the autumn of this year and visited various places, returning in the year 1671, when there appears to have been a second marriage ceremony.<sup>6</sup> Lord Oxfuird succeeded his father in a large estate, but before his death he had got rid of most of it. James, Duke of York, afterwards James VII., and Princess Anne, when they were in Scotland, used to stay at times at Oxenfoord.<sup>7</sup> In July 1689 Lord Oxfuird with others, including the Duke of Gordon and the Earl of Home, was arrested for being concerned in a plot against the Government and Estates of Parliament,<sup>8</sup> but when the matter was examined it was found not to be of much importance, embracing nothing beyond some arrangements about the avowedly hostile force under Claverhouse.<sup>9</sup> By his first marriage with Henrietta Livingston, who died in Paris about the end of October 1683,<sup>10</sup> Lord Oxfuird had issue:—

1. GEORGE, Master of Oxfuird, baptized 21 January 1676,<sup>11</sup> had sasine of Cranstoun Magill 9 November 1698.<sup>12</sup> He served in the Army, and died, unmarried, in Flanders August or September 1701.<sup>13</sup> His father was served heir to him<sup>14</sup> 7 December 1705.

2. *Christian*, baptized 16 March 1677,<sup>15</sup> was served heir to her father, Robert, second Viscount of Oxfuird, 25 February 1706.<sup>16</sup> She assumed the title of Viscountess of Oxfuird. She was married to William Maitland,

<sup>1</sup> Oxenfoord Papers. <sup>2</sup> Introduction to Sinclair's *Hydrostaticks*.  
<sup>3</sup> *Retours, Berwick*, 304, etc. <sup>4</sup> *Retours General*, 4714. <sup>5</sup> Oxenfoord Papers. <sup>6</sup> Lamont's *Diary*. <sup>7</sup> *Edinburgh Magazine*. <sup>8</sup> *Acta Parl. Scot.*, ix. App. 131. <sup>9</sup> Burton's *History of Scotland*, vii. <sup>10</sup> Oxenfoord Papers.  
<sup>11</sup> Edin. Reg. <sup>12</sup> *Reg. of Deeds*. <sup>13</sup> Edin. Tests. <sup>14</sup> Services of Heirs.  
<sup>15</sup> Edin. Reg. <sup>16</sup> Register of Retours, 29 March 1706.

sixth son of Charles, third Earl of Lauderdale, and dying 1707, left issue:—

(1) ROBERT, who, on the death of his mother, assumed the title of Viscount of Oxfuird. At the election of a Representative Peer for Scotland 21 September 1733, Robert Maitland Makgill voted as Viscount of Oxfuird, James Makgill of Rankeillor also tendered his vote as such, which was refused. The latter thereupon presented a petition to the King, by whose orders it was laid before the House of Lords 18 March 1734, and was referred to the Lords Committee for Privileges, who, on the 25 April 1735, reported that they had considered the said petition, and heard counsel and examined witnesses on the part of the petitioner, and for Robert, son and heir of Christian, daughter of Robert, late Viscount of Oxfuird, as also counsel on behalf of the Crown, and are of opinion that the petitioner has not made out any right to the honours and titles of Viscount of Oxfuird and Lord Makgill of Cousland.<sup>1</sup> Robert married, 16 June 1748, in Mrs. Makgill's house in Fowlis Close, Janet, daughter of Alexander Christie, some time writer in Edinburgh,<sup>2</sup> by Katharine Makgill, daughter of David Makgill of Rankeillor, but had no issue. He died at Rankeillor in Fife, the house of his mother-in-law, on the 10 October 1755.<sup>3</sup> His widow died at the same place, in the thirty-second year of her age, 1 July 1758.<sup>4</sup>

3. *Elizabeth*, baptized 20 May 1678.<sup>5</sup>

4. *Marie*, baptized 29 June 1679,<sup>6</sup> died before August 1686.<sup>7</sup>

5. *Henrietta*. She succeeded Robert, son of Christian, in the estate of Oxfuird, and assumed the title of Viscountess of Oxfuird. She married James Hamilton of Orbiston, but had no issue, and died at Balmanno, co. Perth, 11 October 1758.<sup>8</sup>

Lord Oxfuird married, secondly (contract dated 26 December 1684<sup>9</sup>), Jean Ramsay, eldest daughter of the second Earl of Dalhousie, and widow of George, tenth Lord Ross, whom she had married in 1665,<sup>10</sup> but by her, who died in November 1696,<sup>11</sup> had no issue. On 30 July 1703 Lord Oxfuird entailed his lands and barony of Cranston-Macgill<sup>12</sup> on Colonel George Makgill, his brother, and the heirs-male of his body, whom failing, on Christian Makgill, his own eldest daughter, spouse of William Maitland,

<sup>1</sup> Robertson's *Proceedings, Peerage of Scotland*. <sup>2</sup> Old St. Paul's, Edinburgh, Reg. <sup>3</sup> *Scots Mag.* <sup>4</sup> *Ibid.* <sup>5</sup> Edin. Reg. <sup>6</sup> Canongate Reg. <sup>7</sup> Oxenfoord Papers. <sup>8</sup> *Scots Mag.* <sup>9</sup> Oxenfoord Papers. <sup>10</sup> *Ibid.* <sup>11</sup> *Ibid.* <sup>12</sup> It is not clear whether or not the honours were included in this entail. But see Riddell (*Peerage and Consistorial Law*, i. 62), on this point and on the assumption of the title by Christian Makgill.



brother-german of the Earl of Lauderdale, whom failing, on Henrietta Makgill, his second daughter, spouse of James Hamilton, younger of Orbiston, whom failing, on James Hamilton of Falahill, whom failing, on Colonel Thomas Hamilton, his brother-german, whom failing, on Colonel John Hamilton, their brother-german, and on the heirs-male of the body of each heir in succession, whom failing, on the granter's own nearest heirs and assignees. He died in December 1705,<sup>1</sup> and was buried at Cranstoun,<sup>2</sup> when the title became dormant or extinct.

CREATION.—Viscount of Oxfuird and Lord Makgill of Cousland, 19 April 1651.

ARMS (recorded in Lyon Register).—Gules, three martlets argent.

CREST.—A phoenix in flames proper.

SUPPORTERS.—Dexter, a horse at liberty argent, gorged with a Viscount's coronet with a chain thereto affixed, maned and hooped or; sinister, a bull sable, collared and chained as the former.

MOTTO.—*Sine fine.*

[H. H. D.]

<sup>1</sup> Edin. Tests. <sup>2</sup> Copy of M. I. formerly in old church at Cranstoun destroyed by fire.

END OF VOL. VI.



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