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THE GREAT HISTORIC FAMILIES
OF SCOTLAND.

—
VOL. II.





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THE GREAT
HISTORIC FAMILIES
OF
SCOTLAND

BY

JAMES TAYLOR, M.A., D.D., F.S.A.

“ Fortes creantur fortibus, et bonis.
Doctrina sed vim promovit insitam,
Rectique cultus pectora roborant;
Utcunque defecere mores,
Indecorant bene nata culpæ.”

—*Hor.* B. iv. Ode 4.

“ 'Tis of the brave and good alone
That good and brave men are the seed ;
Yet training quickens power unborn,
And culture nerves the soul for fame ;
But he must live a life of scorn
Who bears a noble name,
Yet blurs it with the soil of infamy and shame.”

—*Sir Theodore Martin.*

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CONTENTS OF VOL. II.

| | PAGE |
|--|------|
| THE MAXWELLS | I |
| THE JOHNSTONES OF ANNANDALE | 54 |
| THE STEWARTS OF TRAQUAIR | 65 |
| THE DRUMMONDS | 86 |
| THE STRATHALLAN DRUMMONDS | 99 |
| THE ERSKINES | 105 |
| THE ERSKINES OF BUCHAN AND CARDROSS | 118 |
| THE ERSKINES OF KELLIE | 139 |
| THE GRAHAMS | 141 |
| THOMAS GRAHAM, LORD LYNEDOCH | 169 |
| THE GRAHAMS OF ESK, NETHERBY, AND NORTON-CONVERS | 182 |
| THE SCOTTS OF BUCCLEUCH | 188 |
| THE SCOTTS OF HARDEN | 233 |
| THE HEPBURNS | 247 |
| THE FRASERS OF LOVAT | 269 |
| THE FRASERS OF PHILORTH AND SALTOUN | 289 |
| THE GORDONS | 292 |

| | PAGE |
|--|------|
| THE GORDONS OF METHLIC AND HADDO | 346 |
| THE GORDONS OF KENMURE | 362 |
| THE GORDONS OF EARLSTON, GIGHT, Etc. | 366 |
| THE HAYS OF ERROL | 370 |
| THE HAYS OF TWEEDDALE | 379 |
| THE HAYS OF KINNOUL | 405 |
| THE MACLELLANS OF KIRKCUDBRIGHT | 409 |
| ADDENDA:— | |
| EARLDOM OF MENTEITH | 423 |
| THE ANGUS DOUGLASES | 423 |
| THE LAST EARL OF WINTOUN | 426 |
| THE CAMPBELLS OF ARGYLL | 426 |
| THE TWO BEAUTIFUL GUNNINGS | 427 |
| THE LAUDERDALE MAITLANDS | 428 |
| THE ERSKINES OF KELLIE | 429 |
| THE FAMILY OF THE HAYS | 431 |





THE GREAT HISTORIC FAMILIES OF SCOTLAND.

THE MAXWELLS.

THE founder of the Maxwell family is said to have been a certain Maccus, the son of Undwin, a Saxon noble, who at the Norman Conquest took refuge in Scotland. He was a distinguished person in the reigns of Alexander I. and David I., and received from the latter a grant of fertile lands on the banks of the Tweed, near Kelso, which from him received the appellation of Maccuswell, and, abbreviated into Maxwell, became the designation of his descendants. He witnessed an inquest which David ordered to be made about the year 1116. A Herbert de Maccuswel, who died in 1143, made a grant of the Church of Maccuswel to the monastery of Kelso. A Sir John de Maccuswel was Sheriff of Roxburgh and Teviotdale in 1207, and held the office of Great Chamberlain from 1231 to 1233. His son, Aymer de Maxwell, was Sheriff of Dumfriesshire and Chamberlain of Scotland. He obtained also the office of Justiciary of Galloway. By his marriage with the daughter and heiress of Roland de Mearns, he obtained the land and baronies of Mearns and Nether-Pollok in Renfrewshire, and Dryps and Calderwood in Lanarkshire. His second son, John, was the founder of the Nether-Pollok branch of the family, on whom a baronetcy was conferred in 1682. Throughout the perilous and trying times of the War of Independence, the Maxwells, like many other Scottish nobles of the Saxon and Anglo-Norman race, repeatedly changed sides. In

the year 1300, Sir Herbert Maxwell, grandson of Sir John, held the strong castle of Carlaverock for the patriotic cause, and was besieged by a powerful English army under Edward I., accompanied by his son, afterwards Edward II., then a youth of seventeen years. Eighty-seven of the most illustrious barons of England were in this host, including knights of Bretagne and Lorraine. 'Carlaverock was so strong a castle,' says a contemporary chronicler, 'that it did not fear a siege; therefore the King came himself because it would not consent to surrender. But it was always furnished for its defence whenever it was required with men, engines, and provisions. Its shape was like that of a shield, for it had only three sides all round, with a tower in each angle, but one of them was a double one, so high, so long, and so large, that under it was the gate, with a drawbridge, well-made and strong, and a sufficiency of other defences. It had good walls, and good ditches filled to the edge with water; and I believe there never was seen a castle so beautifully situated, for at once could be seen the Irish Sea towards the west, and to the north a fine country, surrounded by an arm of the sea, so that no creature born could approach it on two sides without putting himself in danger of the sea. Towards the south it was not easy, because there were numerous dangerous defiles of wood and marshes, and ditches where the sea is on each side of it, and where the river reaches it; and therefore it was necessary for the host to approach towards the east, where the hill slopes.'

The Maxwells, under their gallant chief, made a vigorous defence, showering upon their assailants such 'huge stones, quarrels, and arrows, and with wounds and bruises they were so hurt and exhausted that it was with very great difficulty they were able to retire.' But though the operations of the siege proceeded slowly, the besieged were at length compelled to surrender, when it was found that the garrison which had thus defied the whole English army amounted to only sixty men, 'who were beheld,' says the chronicler, 'with much astonishment.' Possession of the castle was subsequently restored to Sir Eustace Maxwell, Sir Herbert's son, who at first embraced the cause of John Baliol, and in 1312 received from Edward II. an allowance of twenty pounds for the more secure keeping of the fortress. He afterwards, however, gave in his adherence to Robert Bruce, and his castle in consequence underwent a second siege by the English, in which they were unsuccessful. But fearing that this important stronghold might ultimately

fall into the hands of the enemy, and enable them to make good their hold on the district, Sir Eustace dismantled the fortress—a service and sacrifice for which he was liberally rewarded by Robert Bruce.

Though the chiefs of the Maxwells were by no means consistent in their course, or steady in their allegiance during the reign of David II., they contrived in the end to be on the winning side, and honours, offices, and estates continued to accumulate in the family. They were Wardens of the West Marches, Stewards of Kirkcudbright, Stewards of Annandale, ambassadors to England, and Provosts of Edinburgh. They were created Lords of Parliament, with the titles of Baron Maxwell, Baron Herries, Baron Eskdale, and Baron Carlyle, Earl of Morton, and Earl of Nithsdale. They intermarried with the Stewarts, Douglasses, Setons, Crichtons, Hamiltons, Herrieses, and other powerful families, and spread out their branches on all sides. If the Maxwells had succeeded, like the heads of the great houses of Hamilton, Douglas, and Scott, in retaining possession of the estates which belonged to them in the sixteenth and seventeenth centuries, they would have been among the three or four most extensive landowners in Scotland at the present time. SIR HERBERT MAXWELL, of Carlaverock, was knighted at the coronation of James I., March 16th, 1441, and some years afterwards he was created a Lord of Parliament, on the forfeiture of the Douglasses in 1455. ROBERT, the second Lord Maxwell, obtained a grant of Eskdale, which remained for nearly two centuries in the possession of the family, but is now the property of the Duke of Buccleuch. JOHN, fourth Lord Maxwell, fell at Flodden, along with three of his brothers. ROBERT, his eldest son and successor, was one of the most powerful nobles in the kingdom, and took a prominent part in public affairs during the reign of James V. and the Regency of Arran. He was appointed Warden of the Western Marches, Lord Provost of Edinburgh, and a member of the Secret Council, when King James was declared of age to assume the government of the realm. He accompanied that monarch in his celebrated raid to the Borders which proved fatal to Johnnie Armstrong and a number of other Border reivers. According to the tradition of the district, this catastrophe was mainly due to the treachery of Lord Maxwell, who seized the Armstrongs on their journey from Eskdale to pay their homage to the King, and pretended to James that these stalwart freebooters had no inten-

tion of coming voluntarily into his presence, but had been forcibly brought to him for the purpose of receiving the punishment which they deserved for their offences. This allegation receives some corroboration from the fact that Maxwell obtained from the King a gift of the forfeited lands of the Armstrongs, which are declared in the charter to have been bestowed upon him for his services in bringing John Armstrong to justice. If so, the curse which accompanies ill-gotten gear seems to have rested on the gift.

Lord Maxwell appears to have stood high in the esteem and confidence of King James. On his Majesty's escape, in 1528, from the thralldom in which he was held by the Douglasses, Maxwell was immediately summoned to his Council, and received a grant of the lordships of Crawford-Douglas, and Drumsiar, a portion of the forfeited estates of the Earl of Angus. In 1532 he was created an Extraordinary Lord of Session; in 1536 he was appointed one of the members of the Council of Regency, during the absence of the King in France; and in the following year he was one of the ambassadors sent to the French Court to negotiate the marriage of James to Mary of Guise, whom he espoused as proxy for the King.

Lord Maxwell was taken prisoner at the disgraceful rout of Solway Moss, in 1542. He was on foot, endeavouring to restore some degree of order in the confused and panic-stricken ranks of the Scottish forces, and was urged to mount his horse and fly. He replied, 'Nay, I will rather abide here the chance that it shall please God to send me, than go home and be hanged.' He received his liberty in 1543, along with the other nobles, on subscribing a bond to acknowledge Henry as lord superior of the kingdom of Scotland, to do their utmost to put the government of the country and its fortresses into the hands of the English King, and to have the infant princess delivered to him and brought up in England, with the intention of ultimately marrying her to his son Prince Edward. They were also pledged to return to their captivity in England if they failed to carry this project into effect. Lord Maxwell was the only one of the whole number who was faithful to his pledge, and was sent to the Tower by King Henry in return for his honourable conduct. The Master of Maxwell, the Earl's eldest son, also fell into the hands of the English in 1545, and every effort was made to induce them to agree to give up all their strongholds to the English King. Maxwell's offer to prove himself a true Englishman by serving under Hertford against

Scotland was not satisfactory to Henry, and he at last succeeded in extorting from the Baron the strong castle of Carlaverock as the price of his liberty, 'quhilk was a great discomfort to the countrie.' The Regent Arran, however, succeeded in recovering this important fortress, and in capturing the other two castles, Lochmaben and Thrieve, belonging to Maxwell, whom he put in prison at Dumfries. After the murder of Cardinal Beaton, Maxwell was set at liberty, and having made a public and solemn protestation that it was from 'fear and danger' of his life that he had given up Carlaverock to the English, his castle of Lochmaben was restored to him, and he was appointed Warden of the West Marches.

It appears that during his captivity in England, Lord Maxwell had become favourable to the doctrines of the Reformed Church, though there is no evidence that he had joined its communion. It was he who introduced into the first Parliament of Queen Mary—1542-43—a Bill to secure the people liberty to possess and to read the sacred Scriptures in the vernacular tongue, but under the restriction that 'na man despute or hold opinions under the pains contenit in the Acts of Parliament.' The measure was approved by the Regent Arran, and passed into a law. 'So,' says John Knox, 'by Act of Parliament it was maid free to all men and women to reid the Scriptures in their awen toung, or in the English toung; and so was all actes maid on the contrair abolished. . . Then mycht have been seen the Byble lying almaist upoun evrie gentlemanis table. The New Testament was borne about in many manis handes. We grant that some (alace!) prophaned that blessed wourd; for some that, perchance, had never it maist common in thare hand; thei would chope thare familiars on the cheak with it, and say, "This has lyne hyd under my bed-feitt these ten years." Others wold glorie, "O! how oft have I bein in danger for this booke: how secreatlie have I stollen fra my wyff at mydnight to reid upoun it."'

Lord Maxwell, besides the offices of Master of the Royal Household, and Chief Carver to the King, obtained large grants of land in the counties of Dumfries, Kirkcudbright, Roxburgh, Perth, and Lanark. The extent of his influence is made evident by the fact that he received bonds of man-rent from such powerful barons as Murray of Cockpool, ancestor of the Earls of Mansfield; Douglas of Drumlanrig, ancestor of the Dukes and Marquises of Queensberry; Stewart of Garlies, ancestor of the Earls of Galloway; John-

stone of Johnstone, ancestor of the Marquises of Annandale; Gordon of Lochinvar, ancestor of the Viscounts Kenmure; and from other influential Nithsdale and Galloway families.

ROBERT, fifth Lord Maxwell, died in 1546. His younger son, Sir John Maxwell of Terregles, married Agnes, the daughter of the third Lord Herries, and succeeded to that title as the first Lord Herries of the house of Maxwell. The elder son—

ROBERT, sixth Lord Maxwell, 'appears to have been a man of a courageous, impetuous, and energetic character, but his early death prevented his attaining the conspicuous and influential position which his father held.' His wife, Lady Beatrix Douglas, was a granddaughter of James, the third, and daughter of James, the fourth Earl of Morton, and co-heiress of the earldom. Her younger sister married James Douglas, nephew of Archibald, Earl of Angus, who through her obtained the title, and became the celebrated Regent Morton. As we have seen, Earl Robert, in his father's lifetime, was imprisoned in England, and was permitted to return to his native country only on condition that he would promote the sinister designs of the English King on the independence of Scotland. In return for some pecuniary assistance which Maxwell asked, the emissaries of Henry strove hard to induce him to give up the castle of Lochmaben; but this, it appears, he was unable or unwilling to do. The bloody feud which raged so long between the Maxwells and the Johnstones seems to have originated at this time, in consequence of the Laird of Johnstone having violated the obligations of man-rent, by which he bound himself to assist Lord Maxwell in all his just and honest actions. Wharton, the English Warden, informed the Earl of Shrewsbury that he had used means to create discord between the Johnstones and the Maxwells. He had offered the Laird of Johnstone 300 crowns, his brother, the Abbot of Souleseat, 100, and his followers 100, on condition that he would put the Master of Maxwell into his power. Johnstone, he said, had entered into the plot, but he and his friends 'were all so false that he knew not what to say.' He placed very little confidence in them. But he would be 'glad to annoy and entrap the Master of Maxwell or the Laird of Johnstone, to the King's Majestie's honour, and his own poor honesty.'*

* *The Book of Carliavrock*, i. p. 213. By William Frazer, LL.D.

There was so much double-dealing and treachery on both sides, that it was impossible to put much confidence in any of the leaders. The Master of Maxwell, in order to obtain his father's liberation from the Tower, promised to the English ambassador that he would do his utmost to promote the English interests, but he did 'his Majesty no manner of service.' On the other hand, the Governor and the Lords of the Scottish Council compelled him to give security that he would loyally keep the houses of Carloverock, Lochmaben, and the Thrieve, for the Queen, from 'their enemies of England.' Douglas of Drumlanrig, Gordon of Lochinvar, Stewart of Garlies, and other influential barons, were his pledges for the fulfilment of his bond. The Master was, however, shortly after, in 1545, taken prisoner in an unsuccessful expedition, and carried to London, where his father had for some time been in captivity. He remained in England until the year 1549, when he was exchanged for Sir Thomas Palmer.

Lord Maxwell died in 1552, having been only six years in the position of chief of the family. He had two sons, ROBERT, who succeeded his father as seventh Lord, but who died when only four years of age, and JOHN, a posthumous child, who became eighth Lord Maxwell, and was afterwards created Earl of Morton. In the critical state of the country at that time, a long minority might have been highly prejudicial to the interests of the family, but fortunately the infant noble had for his guardian his uncle, Sir John Maxwell of Terregles, under whose judicious and careful management the possessions and influence of the house were fully maintained. Lord Maxwell at an early age enrolled himself among the supporters of Queen Mary, and suffered severely for his adherence to her cause. His estates were laid waste, and his castles of Dumfries and Carloverock were thrown down in 1570 by a powerful English army under the Earl of Sussex. Lord Maxwell and his uncle attended the Parliament held in the name of the Queen at Edinburgh, June 12, 1571, in opposition to the meeting convened by the Earl of Lennox, the Regent, a few weeks earlier, at the head of the Canongate. The young noble, to the great satisfaction of his retainers and the numerous branches of his house, soon made it evident that he possessed the courage and intrepidity which had distinguished his grandfather; and his marriage, in the twentieth year of his age, to the youngest daughter of the seventh Earl of Angus, brought him into close alliance with the great houses of Douglas and Hamilton, the

Scotts of Buccleuch, and the Earl of Bothwell. Not long after his marriage he submitted to the Government carried on in the name of James VI., and obtained from the Regent Morton the office of Warden of the West Marches. The harmony between him and that imperious and grasping noble was not of long continuance. The claim which Lord Maxwell preferred to the earldom and title of Morton roused the jealousy of the Regent, and ultimately led to a violent quarrel.

The third Earl of Morton left three daughters, but no son. The eldest became the wife of the Earl of Arran, Duke of Chatelherault; the second married Robert, sixth Lord Maxwell; and the third became the wife of James Douglas the Regent, brother of the Earl of Angus. The Earl of Morton settled his earldom and estates upon Elizabeth, his youngest daughter, and her husband and male issue, and the settlement was confirmed by the Crown in the year 1543. Lord Maxwell, however, refused to acquiesce in this settlement, which he considered unjust, and asserted his right to the earldom on the ground that as heir to his mother he was entitled to one-third of the earldom, that he had a right to another third by the demission which he alleged had been executed in his favour by his aunt, the Duchess of Chatelherault, with the consent of her husband and son; and that he was heir-apparent of Lady Elizabeth, the Regent's wife, who had no issue. The Regent 'pressed by all means that Lord Morton should renounce his title thereto, of which he refusing, he commanded him to prison in the castle of Edinburgh, where lykwayes refusing to renounce, he was sent to Blackness, and from thence to St. Andrews, where he and Lord Ogilvie abode till the March thereafter.' Morton deprived Lord Maxwell of the Wardenship of the Western Marches, and conferred it on the Laird of Johnstone, the hereditary enemy of his house. He obtained his release, however, and was restored to this office after the downfall of Morton in 1577, and took a prominent part in the factious contentings of that day, which at one time threatened to lead to a civil war. Shortly after his reinstatement in the Wardenship, a case occurred which throws great light on the arbitrary and barbarous manner in which the jurisdiction entrusted to the nobles in those days was exercised. A summons was raised by John Bek, taskar, against Lord Maxwell for personal maltreatment. It was affirmed that Lord Maxwell had put the complainer in prison in the place of Carloverock, in which he was detained for ten days, and at last taken

out and conveyed to a woodside adjoining, where he was bound hand and foot to a tree, and then a small cord being tied about his head, was twisted round with a pin until his 'ene [eyes] lapened upon his cheikes.' And all this barbarous treatment he asserted was inflicted on him because he would not bear false testimony against John Schortrig, of Marcholme, as to alleged wrongs done by him to Lord Maxwell in reference to certain corns. After being thus cruelly tortured, Bek was again committed to prison. The case came before the Privy Council at Stirling, but Lord Maxwell did not appear to answer to the charge, and was ordered to set poor Bek at liberty within three days under pain of rebellion.*

Lord Maxwell became closely associated with the royal favourites, Esme Stewart, Lord d'Aubigny, and the profligate and unprincipled Captain James Stewart, afterwards Earl of Arran, the bitter enemies of Regent Morton, by whom he was brought to the block. After Morton's forfeiture and execution Maxwell obtained from King James, no doubt through their influence, a grant both of the title and of the lands of the earldom of Morton. The success of the conspiracy known as the 'Raid of Ruthven,' however, expelled from the Court the worthless favourites of the young King, and placed Maxwell in opposition to the dominant party. Complaints, no doubt well founded, were made regarding the disturbed state of the Borders under his Wardenship, and it appeared that his 'household men, servants, or tenants, dwelling upon his lands, or within the jurisdiction of his Wardenry, many of them being of the name of Armstrong, accompanied by some of the Grahams, Englishmen, and others, their accomplices, common thieves, to the number of nine score persons, went, on 30th October, 1582, under silence, to the lands of Easter Montberengier, and carried off eighteen score of sheep, with plenishing estimated at the value of 290 merks. Immediately thereafter, or on the same night, they proceeded to the lands of Dewchar, from which they stole twenty-two score of sheep, twenty-four kye and oxen, and plenishing worth 100 merks; and the lands of Whitehope they despoiled of two hundred sheep and oxen, and three horses, with plenishing worth 100 merks.' To crown all, they seized upon Thomas Dalgleish and Adam Scott, two of the persons whom they had ruthlessly plundered, and 'forcibly carried them into Annandale, in which, and sometimes in England and in other parts, they kept them in strait prison in irons, and shamefully bound the said

* *Book of Carlaverock*, i. p. 236.

Thomas to a tree with fetters, intending to compel them to pay an exorbitant ransom.' The same course is followed at the present day by the banditti in Greece and in some parts of Italy.

Such deeds as these were not likely to pass unnoticed and unpunished at a time when Lord Maxwell's friends were out of favour at Court, and he was summoned by the sufferers to appear before the Privy Council, and to present the persons who had committed the said crimes. As might have been expected, he failed to appear and answer the charges against him. He had been ordered by the Council to present before the King and Lords of the Council certain persons, Armstrongs and Beatties, under a heavy penalty, to answer for 'all the crimes that could be laid to their charge.' The Council, therefore, ordered him to be denounced as a rebel, and he was deprived of the office of Warden of the West Marches, which was conferred upon the rival of the Maxwells, the Laird of Johnstone.

The escape of the King from the Ruthven lords, and the consequent return of Arran to power, produced an immediate change in Morton's relations to the Court. The nobles who had taken part in the Raid mustered their forces and took possession of Stirling Castle. On the other hand James, with the assistance of Morton, assembled an army of twelve thousand men to vindicate his authority, and on his approach to Stirling the insurgents disbanded their forces and fled into England. But the friendly feeling between the royal favourite and the Earl of Morton was not of long continuance. Arran had obtained a grant of the barony of Kinneil through the forfeiture of the Hamiltons, and he endeavoured to prevail upon Morton to accept this estate in exchange for his barony of Mearns and the lands of Maxwellheugh. Morton naturally refused to barter the ancient inheritance of his family for lands which a revolution at Court would almost certainly restore to their rightful owners. The worthless favourite was greatly incensed at this refusal, and speedily made Morton feel the weight of his resentment. He set himself to revive the old feud between the Maxwells and the Johnstones. The Earl was denounced as a rebel by the Council, on the plea that he had failed to present before their lordships two persons of the name of Armstrong, whom it was alleged he had protected in their depredations. He was ordered to enter his person within six days in ward in the castle of Blackness, and to deliver up the castles of Carlaverock and Thrieve, and his other strongholds within twenty-four hours, under the penalty of treason. It was also ordered that

the Earl's friends on the West Borders should appear personally before the Laird of Johnstone, who was now again Warden of the West Marches, upon a certain day, to give security for their due obedience to the King, under the pain of rebellion. To crown all, a commission was given to the Warden to pursue and seize Morton; and two companies of hired soldiers were dispatched by Arran to assist Johnstone in executing these decrees.

Morton, thus forced to the wall, adopted prompt and vigorous measures for his defence. The defeat of the mercenaries on Crawford Moor by Robert Maxwell—a natural brother of the Earl—the destruction of the house of Lochwood, and the capture of Johnstone himself, when he was lying in ambush to attack Robert Maxwell, speedily followed. On the other hand, the King, with advice of his Council, revoked and annulled the grant which he had made to Lord Maxwell of the lands and earldom of Morton. So formidable did the Earl appear to the Government, that £20,000 was granted by the Convention of the Estates to levy soldiers for the suppression of his rebellion, and all the men on the south of the Forth capable of bearing arms were commanded to be in readiness to attend the King in an expedition against the powerful and refractory baron, of whom it was justly said that 'few noblemen in Scotland could surpass him in military power and experience.' But the projected raid into Dumfries-shire was deferred for some months, and ultimately abandoned. Even Arran himself was so much impressed by the indomitable energy and power of resistance which Morton had displayed, that he made an unsuccessful attempt to be reconciled to him. The downfall of the profligate and unprincipled favourite was, however, at hand. The banished lords entered Scotland in October, 1585, at the head of a small body of troops, and were joined by Bothwell, Home, Yester, Cessford, Drumlanrig, and other powerful barons. Maxwell brought to their aid 1,300 foot and 700 horse, while the forces of all the other lords scarcely equalled that number. The insurgents marched to Stirling, where the King and his worthless favourite lay, and without difficulty obtained possession both of the town and the castle. Hume of Godscroft mentions, with great indignation, the conduct of the Annandale Borderers under Maxwell. True to their predatory character, they carried off the gentlemen's horses, which had been committed to the care of their valets, respecting neither friend nor foe; and what was worse, they robbed the sick in the pest-lodges that were in the fields about Stirling, and

carried away the clothes of the infected. Arran fled for his life, accompanied only by a single attendant; the banished lords, along with Morton, were pardoned and received into favour, their estates were restored, and an indemnity was shortly after granted to them by Parliament for all their unlawful doings within the kingdom.

Emboldened by his victory over Arran, Morton, who was a zealous Roman Catholic, assembled a number of his retainers and supporters of the old Church at Dumfries, and marched in procession at their head to the Collegiate Church of Lincluden, in which he caused mass to be openly celebrated. As stringent laws had been enacted by the Estates against the celebration of mass, this conduct excited general indignation. Morton was summoned to appear before the Privy Council, and was imprisoned by order of the King in the castle of Edinburgh. Shortly after, the forfeiture of Regent Morton was rescinded, and it was declared that Archibald, Earl of Angus, as his nearest heir of line, should succeed to the lands and dignities of the earldom. Lord Maxwell, however, was not deprived of the title of Earl of Morton, which was subsequently given to him in royal charters and commissions, and which he continued to use till his death.

Maxwell's imprisonment was first of all relaxed on his giving security that he would not go beyond the city of Edinburgh and a certain prescribed limit in its vicinity, and he was set at liberty in the summer of 1586. In common with the other Popish lords, he made no secret of his sympathy with the projected invasion of England by Philip II. of Spain. In April, 1587, he received licence from the King to visit the Continent, on his giving a bond with cautioners that 'whilst he remained in foreign parts he should neither privately, directly nor indirectly, practise anything prejudicial to the true religion presently professed within this realm,' and that he should not return to Scotland without his Majesty's special licence.' It is scarcely necessary to say that the Earl deliberately violated his pledge, and during his residence in Spain he was in active communication with the Spanish Court, and not only witnessed the preparations that were making for the invasion of England, but promised his assistance in the enterprise. Contrary to the assurance which he had given, he returned to Scotland without the King's permission, and landed at Kirkcudbright, in April, 1588. A proclamation was therefore issued forbidding all his Majesty's subjects to hold intercourse with him. It soon appeared that this

step was fully warranted by Morton's treasonable intentions and intrigues. He and the other Popish lords had earnestly recommended the Spanish king to invade England through Scotland, and that, for this purpose, a Spanish army should be landed on the west coast, promising that as soon as this was done they would join the invaders with a numerous body of their retainers. Morton at once set about organising an armed force in Dumfries, there to be in readiness for this expected result. Lord Herries, who had been appointed Warden in the room of his relative, finding himself unable to suppress this rising, which was every day gathering fresh strength, warned the King of the danger which threatened the peace and security of the country, and Morton was immediately summoned to appear before the Council. He not only disregarded the summons, but, in defiance of the royal authority, set about fortifying the Border fortresses of which he held possession. James, indignant at this contumacy, and now fully alive to the danger which threatened the kingdom, promptly collected a body of troops and marched to Dumfries, where Morton, unprepared for this sudden movement, narrowly escaped being made prisoner. He rode with the utmost expedition to Kirlcudbright, and there procured a ship, in which he put to sea.

Next day the King summoned the castles of Lochmaben, Langholm, Thrieve, and Carlaverock, to surrender. They all obeyed except Lochmaben, which was commanded by David Maxwell, brother to the Laird of Cowhill, who imagined that he would be able to hold the castle against the royal forces in consequence of their want of artillery. The King himself accompanied his troops to Lochmaben, and having 'borrowed a sieging train from the English Warden at Carlisle,' battered the fortress so effectually that the garrison were constrained to capitulate. They surrendered to Sir William Stewart, brother of Arran, on the written assurance that their lives should be spared. This pledge, however, was shamefully violated by the King, who ordered the captain and four of the chief men of the garrison to be hanged before the castle gate, on the ground that they had refused to surrender when first summoned.

It was of great importance that the person of the leader of the rebellion should be secured, and Sir William Stewart was promptly despatched in pursuit of Morton. Finding himself closely followed, the Earl quitted his ship, and taking to the boat, made for land. Stewart having discovered, on seizing the ship, that Maxwell had

left it, followed him to land, and succeeded in apprehending him. He was at first conveyed to Dumfries, but was afterwards removed to the castle of Edinburgh. He contrived, even when in confinement, to take part in a new intrigue for a renewed attempt at invasion after the destruction of the Armada, and along with the Earl of Huntly and Lord Claude Hamilton he signed a letter to Philip, King of Spain, giving him counsel as to the mode in which another effort might be successfully made.

Maxwell was released from prison, along with the other Popish nobles, on the 12th of September, 1589, to attend James's queen on her arrival from Denmark. On his liberation he became bound under a penalty of a hundred thousand pounds Scots to conduct himself as a loyal subject, and neither directly nor indirectly to do anything tending to the 'trouble and alteration of the state of religion presently professed, and by law established within the realm.' It appears that Lord Maxwell, about the beginning of the year 1592, had professed to have become a convert to the Protestant religion, and on January 26th he subscribed the Confession of Faith before the Presbytery of Edinburgh. The sincerity of this profession may be doubted, and it soon became evident that it had exercised no improvement in his turbulent character, for, on the 2nd of February following, he had a violent struggle for precedence in the Kirk of Edinburgh with Archibald, Earl of Angus, the new Earl of Morton. They were separated by the Provost before they had time to draw their swords, and were conveyed under a guard to their lodgings.

Repeated efforts had been made to heal the long-continued and deadly feud between the Maxwells and the Johnstones, and early in the year 1592 it seemed as if a permanent reconciliation had been at length effected. On the 1st of April of that year the rival chiefs entered into a full and minute agreement by which they 'freely remitted and forgave all rancour of mind, grudge, malice, and feuds that had passed, or fallen forth, betwixt them or any of their forbears in any time bygone,' and became bound that 'they themselves, their kin, friends, &c., should in all time coming live together in sure peace and amity.' Any controversy or questions that might hereafter arise between them were to be referred to eight arbitrators, four chosen by each party, with the King as oversman or umpire. But in the following year the two families came again into collision, and the feud was revived more fiercely than ever.

William Johnstone, of Wamphray, called the Galliard,* a noted freebooter, made a foray on the lands of the Crichtons of Sanquhar, the Douglasses of Drumlanrig and some other Nithsdale barons. The Galliard was taken prisoner in the fray and hanged by the Crichtons. The Johnstones, under the leadership of the Galliard's nephew, and in greater force, made a second inroad into Nithsdale, killing a good many of the tenantry, and carrying off a great number of their cattle. The freebooters were pursued by the Crichtons, who overtook them at a pass called Well Path Head, by which they were retreating to their fastnesses in Annandale. The Johnstones stood at bay and fought with such desperate courage that their pursuers were defeated and most of them killed.† The Biddesburn, where the encounter took place, is said to have run three days with blood.

A remarkable scene which followed this sanguinary fray is thus described by a contemporary writer. 'There came certain poor women out of the south country, with fifteen bloody shirts, to compleane to the King that their husbands, sons, and servants were cruelly murdered by the Laird of Johnstone, themselves spoiled, and nothing left them. The poor women, seeing they could get no satisfaction, caused the bloody shirts to be carried by pioneers through the town of Edinburgh, upon Monday, the 23rd of July. The people were much moved, and cried out for vengeance upon the King and Council. The King was nothing moved, but against the town of Edinburgh and the ministers.' The Court alleged they had procured that spectacle in contempt of the King. The feeling thus excited, however, was so strong that the Government was in the end constrained to take proceedings against the depredators. The injured and despoiled Nithsdale barons complained of this sanguinary foray of the Johnstones to Lord Maxwell, who had been reinstated in his office of Warden of the Western Marches. But his recent pacification and alliance with Sir James Johnstone, of Dunskeillie, the chief of the clan, made him unwilling to move in the affair. The King, however, issued orders to the Warden to apprehend Johnstone and to execute justice on the 'lads of Wamphray' for the depredations and slaughters which they had committed. At the same time Douglas of Drumlanrig and Kirkpatrick of Closeburn entered into a bond, in conjunction with the Warden's brother,

* The name seems to have been derived from a dance called the galliard. The word is still employed in Scotland for an active, gay, dissipated character.

† This skirmish forms the subject of the old Border ballad, entitled *The Lads o' Wamphray*.

binding themselves to stand firmly by Lord Maxwell in executing the royal commands, and to defend each other, and to support him in his quarrels with his hereditary foes.

This secret alliance was speedily made known to the chief of the Johnstones, and he immediately applied for help in this hour of need to the friends on whom he could rely. The Scotts of Buccleuch, though their chief, a near relation of Johnstone, was then on the Continent, mustered five hundred strong, 'the most renowned freebooters,' says an old historian, 'and the bravest warriors among the Border tribes.' With them came the Elliots, Armstrongs, and Grahams, valiant and hardy, actuated both by love of plunder, and by hostility to the Maxwells. On the other hand the Warden, armed with the royal authority, assembled his new allies, the barons of Nithsdale, and displaying his banner as the King's lieutenant, invaded Annandale at the head of fifteen hundred men, with the purpose of crushing the ancient rival and enemy of his house. It is said that some days previously, Maxwell caused it to be proclaimed among his followers that he would give 'a ten-pound land'—that is, land rated in the cess-books at that yearly amount—to any man who would bring him the head or hand of the Laird of Johnstone. When this was repeated to Johnstone, he said he had no ten-pound lands to offer, but he would bestow 'a five-merk land' upon the man who should bring him the head or the hand of Lord Maxwell.

On the 6th of December, 1593, the Warden crossed the river Annan and advanced to attack the Johnstones, who had skilfully taken up their position on an elevated piece of ground at the Dryfe Sands, near Lockerbie, where Lord Maxwell could not bring his whole force into action against them at the same time. A detachment sent out by the Warden was suddenly surrounded by a stronger body of the enemy and driven back on the main force, which it threw into confusion. A desperate conflict then ensued, in which the Johnstones and their allies, though inferior in numbers, gained a complete victory. The Maxwells suffered considerable loss in the battle and the retreat, and many of them were slashed in the face by the pursuers in the streets of Lockerbie—a kind of blow which to this day is called in the district 'A Lockerbie lick.' Lord Maxwell himself, who, says Spottiswood, was 'a tall man and heavy in armour, was in the chase overtaken and stricken from his horse,' and slain under two large thorn-trees which were long called 'Maxwell's Thorns,' but were swept away about fifty years ago by an inundation

of the Dryfe. According to tradition, it was William Johnstone of the Kirkhill, the nephew of the Galliard, who overtook Lord Maxwell in his flight, and obtained the reward offered by Sir James Johnstone, by striking down the chief of the Maxwells and cutting off his right hand. The lairds of Drumlanrig, Closeburn, and Lag escaped by the fleetness of their horses. 'Never ane of his awn folks,' says an ancient chronicler, 'remained with him [Maxwell] (only twenty of his awn household), but all fled through the water; five of the said lord's company slain; and his head and right hand were ta'en with them to the Lochwood and affixed on the wall thereof. The bruit ran that the said Lord Maxwell was treacherously deserted by his awn company.' *

The flight of the Nithsdale barons is thus noticed in the beautiful ballad of 'Lord Maxwell's Good-Night.'

' Adieu ! Drumlanrig, false wert aye,
 And Closeburn in a band,
 The Laird of Lag, frae my fater that fled
 When the Johnstones struck aff his hand,
 They were three brethren in a band ;
 Joy may they never see !
 Their treacherous art and cowardly heart,
 Has twined my love and me.'

JOHN, ninth Lord Maxwell, the eldest son of the nobleman who fell at Dryfe Sands, was only eight years of age at the time of his accession to his father's title and estates, in the year 1593. He, unfortunately, was heir not only to his paternal property and honours, but also to the long-breathed feud between the Maxwells and the Johnstones.

King James expressed great indignation at the defeat and death of his Lieutenant of the Western Marches, and Sir James Johnstone and his accomplices were immediately put to the horn, and declared to be rebels. This act was followed up by a commission appointed by the King, 22nd December, 1593, for establishing good order upon the Western Marches. Johnstone and his accomplices are charged with 'murdering the trew men indwellars in the Sanquhar,

* Johnstone's *Histories*, p. 182. Sir Walter Scott mentions a tradition of the district, that the wife of the Laird of Lockerbie sallied out from her tower, which she carefully locked, to see how the battle had gone, and saw Lord Maxwell lying beneath a thorn-tree, bareheaded and bleeding to death from the loss of his right hand, and that she dashed out his brains with the ponderous key which she carried. But the story is in itself exceedingly improbable, and is at variance with the contemporary histories.

in the defens and saulftie of their awne guidis;’ burning the parish kirk of Lochmaben, and the slaughter of some of his Majesty’s subjects sent thither by John, Lord Maxwell, the King’s Warden and Justice; for having appeared in arms against the Warden, ‘umbesett, invadit, persewit, and maist cruellie and outrageouslie slew him and sundrie gentilmien of his name, and others his Majestie’s obedient subjects; drownit, hurte, lamyt, dememberit, and tuke a grit nowmer of prisonaris; reft and spuilzeit thair horses, armour, pursis, money, and uther guidis.’* The King’s anger, however, was not of long duration, for in the course of a few weeks a warrant was obtained by Sir James Johnstone under the King’s sign manual ordaining a respite to be made under the Privy Seal in favour of Sir James, ‘for the treasonable slauchter of Lord Maxwell.’ The respite, which passed the Privy Seal 24th December, 1594, mentioned no fewer than a hundred and sixty of the Johnstones, and included not only the slaughter of the Warden and of those who fell with him, but also the raising and burning of the kirk of Lochmaben, and the slaughter of Captain Oliphant and others, which took place before the battle of Dryfe Sands.†

The Laird of Johnstone does not appear to have been grateful for the respite thus granted him. He lost no opportunity of annoying and spoiling his hereditary foes, attacking them whenever it was in his power to do so with effect. Retaliating forays on each side were of frequent occurrence, and the attempts of the Government to allay these feuds, so destructive of the peace of the kingdom, were entirely without effect. The appointment of Sir James Johnstone in April, 1596, to the office of Warden of the Western Marches in the room of Lord Herries, served, as might have been expected, to increase the disturbances in the district; and it speedily became necessary to replace the chief of the Johnstone clan by Lord Stewart of Ochiltree. So great was the annoyance which Johnstone’s outrageous and illegal conduct caused to the Government that on the 27th of May, 1598, he was declared rebel, and his portrait hung at the Cross of Edinburgh with his head downwards.‡ He was in consequence intercommuned and committed to prison in July, 1599, where he seems to have been kept for a year. But his imprisonment does not appear to have taught him either prudence or forbearance.

The young Lord Maxwell, on his part, was neither wiser nor more

* *Book of Carliaverock*, i. pp. 293-4

† *Ibid.*, pp. 295-6.

‡ *Pitcairn’s Criminal Trials*, iii. p. 29.

forbearing than his rival. Like his father, he was a steadfast adherent of the Roman Catholic religion, and was declared rebel and put to the horn, in consequence of his presence at the mass celebrated at Dumfries by seminary priests. He was imprisoned in the castle of Edinburgh, in March, 1601, for 'favouring Popery,' but made his escape in January, 1602, and was proclaimed a traitor. His enmity to the Johnstones, was irremovable, and in February of that year he made a sanguinary attack on his hereditary foes, two of whom were put to death by his vassals with great cruelty. In 1605, a professed reconciliation took place between these two potent rivals, but it was not of long continuance.

Lord Maxwell, with the combative disposition of his family, was now involved in a dispute with William Douglas of Lochleven, who, on the death of the Earl of Angus, was reinstated in the earldom and title of Morton. He challenged Douglas to single combat, and was in consequence of this, and numerous other turbulent acts, imprisoned in the castle of Edinburgh, 11th August, 1607. After eight weeks' confinement, he made his escape in a manner which strikingly displayed both his daring and his energy. He had for his fellow-prisoner a great chieftain of the Isles, Sir James M'Connell, or Macdonald. 'Seeing not how he was to be relieved, he devises with Sir James M'Connell and Robert Maxwell of Dinwoodie, what way he and they might escape. Sir James, hesitating, urged the need of deliberation. "Tush, man!" replied Maxwell, "sic enterpryses are nocht effectuate with deliberations and advisments, but with suddane resolutionis.'" He then called in two soldiers who had charge of the prisoners, and giving them a liberal supply of wine, 'drinks them fou.' Suddenly turning upon the soldiers, Maxwell compelled them to give up their swords, and giving one to Sir James M'Connell, another to Robert Maxwell, and keeping a third for himself, he called out, 'All gude fellows that luiffes me, follow me, for I sall either be furth of the Castle this nycht, or elles I sall loose my lyiff.' He then passed out of the room with his companions, locking the door behind him. One of the soldiers gave the alarm by crying out at the south window, towards the West Port, 'Treason! treason!' The three passed to the inner gate, where the master porter, an old man, tried to make resistance. 'False knave,' exclaimed Lord Maxwell, 'open the gate, or I shall hew thee in blads' [pieces]. He did strike the man on the arm with his sword, but the keys were then given up, and the gate was opened. They

had next an encounter at the second gate with the under porter. Lord Maxwell and Sir James M'Connell wounded him and forced their way through, but Robert Maxwell was kept back by the porter. He, however, made his escape by leaping over 'the west castle wall, that goes to the West Port.' Lord Maxwell and Sir James passed to the same wall, and climbing over it leaped down and disappeared amongst the suburbs. Lord Maxwell made his escape upon a horse which had been kept in readiness for him; but Sir James M'Connell, who had irons upon him, twisted his ankle in leaping. He was discovered lying upon a dunghill to which he had crept and was brought back to the Castle. 'The King was very far offended and made proclamation that nane should visit him under the pain of death.'* He issued orders also that special search should be made for the fugitive, and to omit nothing that 'might hasten the infliction of exemplary punishment upon him.' His Majesty complained in a letter to the Privy Council that Maxwell openly travelled through the country accompanied by not fewer than twenty horse in open defiance of the royal authority, and renewed his injunctions that diligent search should be made for him in order that he might either be apprehended, or put out of the bounds. The Privy Council in reply stated that they had used all diligence in searching for Lord Maxwell and punishing his reseters; and informed the King that one of his hiding-places was a certain cave in Clawbelly Hill, in the parish of Kirkgunzeon, which still bears the name of 'Lord Maxwell's Cave.'

Lord Maxwell evidently felt that the life which he was leading was dangerous as well as uncomfortable, and with a view to gain the favour of the King, he seems to have been really desirous at this juncture to become reconciled to the Laird of Johnstone, who on his part had expressed a similar wish to Sir Robert Maxwell of Orchardtoun, Lord Maxwell's cousin, and his own brother-in-law. Sir Robert undertook the office of mediator between the two chiefs with some reluctance, for, as he remarked, 'it was dangerous to meddle with such a man.' On paying a visit to Lord Maxwell at his request in March, 1608, he found that his lordship was not unwilling to be reconciled to his hereditary enemy. 'Cosine,' he said to Sir Robert, 'it was for this caus I send for zou. Ye see my estait and dangour I stand in; and I wald crave zour Counsell and advise as ane man that tenders my weill.' Sir Robert judiciously recom-

* Pitcairn's *Criminal Trials*, iii. p. 47. Calderwood's *History*, vi. p. 686.

mended the turbulent noble to keep himself quiet, and to avoid giving any additional offence to the King. He also expressed his willingness to mediate between him and Johnstone, if he was willing that their differences should be amicably settled. Lord Maxwell declared that he was willing to overlook the past, should Johnstone show any corresponding inclination, and would be ready to meet him with a view to their reconciliation.

A meeting was accordingly arranged, Sir Robert having previously exacted from Lord Maxwell a promise and solemn oath, that neither he nor the person who should accompany him would use any violence, whether they came to an accommodation or not. A similar obligation was given by Sir James Johnstone. They met on the 6th of April, 1608. Lord Maxwell was accompanied by Charles Maxwell, brother of William Maxwell of Kirkhouse, who seems to have borne the reputation of a passionate and quarrelsome person. Sir James Johnstone brought with him William Johnstone of Lockerbie. Sir Robert Maxwell was also present as mediator, and seems to have had his misgivings as to the result of the meeting, when he saw that Charles Maxwell was Lord Maxwell's attendant, for he required that his Lordship should renew his oath and promise of strict fidelity for himself and his man, which was readily done, and a similar pledge was exacted from Johnstone. The rival chiefs met on horseback, and after mutual salutations, they rode on to confer together, Sir Robert being between them. While they were thus engaged, Charles Maxwell quitted the place where he had been ordered to remain, and going towards Johnstone's attendant, commenced an altercation with him. The other attempted to soothe him with calm and peaceful words, but without effect, and after some bitter and angry expressions, Maxwell fired a pistol at William Johnstone, which, however, only pierced his cloak. Johnstone attempted to retaliate, but his pistol missed fire, and he cried out, 'Treason!' Sir James, on hearing this noise, turned away from Lord Maxwell and Sir Robert, and rode towards the attendants. Sir Robert caught hold of his lordship's cloak and exclaimed, 'Fy! my lord: make not yourself a traitor and me baith.' But Maxwell, bursting from his grasp, fired a pistol at the Laird of Johnstone, and mortally wounded him in the back. Johnstone's palfrey becoming restive, the girths broke and the laird fell to the ground. While his attendant was standing beside him, Charles Maxwell again fired at them. Looking up to heaven Sir James exclaimed, 'Lord, have

mercy on me! Christ, have mercy on me! I am deceived,' and soon after expired. The murderer and his attendant then coolly rode away.* That foul deed was 'detested by all men,' says Spottiswood, 'and the gentleman's misfortune sincerely lamented; for he was a man full of wisdom and courage, and every way well inclined.'

Proclamation was made by sound of trumpet at the Cross of Edinburgh, that none, unless under pain of death, should transport or carry away the Lord Maxwell out of the country, in ship or craer, seeing the King and Council were to take order with him for the traitorous murdering of the Laird of Johnstone and his other offences.† He was tried in absence before the Estates on the 24th of June, 1609, for treason, and was found guilty. He was condemned to suffer the pains of law for his crime, and his estates were forfeited and bestowed upon Sir Gideon Murray, Lord Cranstoun, and other favourites of the Court.

Lord Maxwell succeeded in eluding his pursuers and made his escape to France, where he remained for several years. His flight, after his perpetration of the murder of Sir James Johnstone, is commemorated in the pathetic ballad entitled 'Lord Maxwell's Good Night,' in which he is represented as bidding farewell to his mother, sisters, and wife, and to his hereditary fortresses and estates. The unknown author is, however, mistaken in supposing that the fugitive lord felt regret at parting from his wife, against whom, it is not clear on what grounds, he had raised a process of divorce, during the dependence of which she died. This lady was the only sister of James, second Marquis of Hamilton, who was deeply offended at his brother-in-law's procedure, and became in consequence his bitter enemy.

The ballad must have been written before Lord Maxwell's execution in 1613, as it makes no mention of that event. It was first published in Sir Walter Scott's 'Border Minstrelsy,' from a copy in Glenriddel's MSS. Lord Byron refers to this ballad as having suggested the 'Good Night' in the first canto of 'Childe Harold.' It is as follows:—

'Adieu! madame, my mother dear,
But and my sisters three;
Adieu! fair Robert of Orchardstone,
My heart is wae for thee.
Adieu! the lilye and the rose,
The primrose fair to see;
Adieu! my ladye, and only joy,
For I may not stay with thee.

* *Book of Carlevarock*, i. pp. 310-13.

† *Calderwood's History*, vi. p. 704.

‘ Though I hae slain Lord Johnstone,
 What care I for their feid ?
 My noble mind their wrath disdains,
 He was my father’s deid.
 Both night and day I labour’d oft
 Of him avenged to be ;
 But now I’ve got what lang I sought,
 And I may not stay with thee.

* * * *

‘ Adieu ! Dumfries, my proper place,
 But and Carlaverock fair ;
 Adieu ! my castle of the Thrieve,
 Wi’ a’ my buildings there ;
 Adieu ! Lochmaben’s gates sae fair,
 The Langholm-holm where birks there be ;
 Adieu ! my ladye, and only joy,
 For, trust me, I must not stay wi’ thee.

‘ Adieu ! fair Eskdale up and down,
 Where my puir friends do dwell ;
 The bangisters will ding them down,
 And will them sair compell.
 But I’ll avenge their feid mysel’,
 When I come o’er the sea ;
 Adieu ! my ladye, and only joy,
 For I may not stay wi’ thee.’

‘ Lord of the land,’ that lady said,
 ‘ O wad ye go wi’ me
 Unto my brother’s stately tower,
 Where safest ye may be ?
 There Hamiltons and Douglas baith
 Shall rise to succour thee.’

‘ Thanks for thy kindness, fair my dame,
 But I may not stay wi’ thee.’

Then he took aff a gay gold ring,
 Thereat hang signets three :

‘ Hae, tak’ thee that, mine ain dear thing,
 And still hae mind o’ me ;
 But, if thou take another lord,
 Ere I come ower the sea,—
 His life is but a three days’ lease,
 Tho’ I may not stay wi’ thee.’

The wind was fair, the ship was clear,
 That good lord went away ;
 And most part of his friends were there
 To give him a fair convey.
 They drank the wine, they didna spar’t,
 Even in that gude lord’s sight.
 Sae now he’s o’er the floods sae gray,
 And Lord Maxwell has ta’en his Good night.

Lord Maxwell, weary of exile, and probably hoping that the lapse

of time had mollified the resentment of the Johnstones, ventured to return to Scotland in 1612; but he soon discovered that his enemies were as eager as ever for vengeance, and made such keen pursuit after him on the Borders, that he resolved to take refuge in Sweden. His relative, George Sinclair, fifth Earl of Caithness, however, persuaded him to delay taking this step, and offered to give him, in the meantime, shelter on his estates in the north. Maxwell accepted this offer, and proceeded to Caithness, in reliance on his kinsman's promise and honour; but the Earl, in order to obtain the favour of the Government, basely betrayed him, and caused him to be arrested and carried a prisoner to Castle Sinclair. He was brought to Edinburgh 19th September, 1612, by orders of the Privy Council, and warded in the Tolbooth there.

Sir James Johnstone, the son of the murdered chief, and his mother, and even his grandmother, who was labouring under some sickness, lost no time in petitioning the King that justice should be executed on Lord Maxwell, and travelled to Edinburgh for the express purpose of pressing their demand. An earnest effort was made by Maxwell's friends to effect a reconciliation between him and the relatives of the deceased Laird of Johnstone. He first of all humbly confessed and craved mercy for his offence against God, the King, and the surviving relatives of Sir James Johnstone; and testified, by his solemn oath, that the unhappy slaughter was not committed by him upon forethought, or set purpose, but upon mere accident. Secondly, he was willing, not only for himself, but for his whole kin and friends, to forgive the slaughter of his father by the Laird of Johnstone and his accomplices. Thirdly, in order to establish friendship between the houses of Maxwell and Johnstone, he was willing to marry the daughter of the deceased Sir James without any tocher. Fourthly, he proposed that the young Laird of Johnstone should marry his sister's daughter, and offered to give with her a dowry of 20,000 merks Scots, and whatever additional sum should be thought expedient by the advice of friends. Lastly, he was content to be banished the kingdom for seven years, or longer, at the wish and pleasure of the Laird of Johnstone. These offers were to be augmented at the discretion of common friends to be chosen for that purpose.*

It is not known whether these proposals were submitted by the Privy Council to the relations of the deceased Laird of Johnstone;

* *Book of Carliaverock*, i. pp. 321-2.

the Government, however, were determined—no doubt with the full approval of the King—to carry into effect the sentence which had been pronounced upon Lord Maxwell in his absence. But, as Sir Walter Scott remarks, ‘in the best actions of that monarch, there seems to have been an unfortunate tincture of that meanness so visible on the present occasion. Lord Maxwell was indicted for the murder of Johnstone; but this was combined with a charge of *fire-raising*, which, according to the ancient Scottish law, if perpetrated by a landed man, constituted a species of treason, and inferred forfeiture. Thus the noble purpose of public justice was sullied by being united with that of enriching some needy favourite.’

Lord Maxwell was beheaded at the Cross of Edinburgh on the 21st of May, 1613. ‘He refused to receive any religious instruction, or consolation from the ministers, declaring that he was a Catholic man, and not of their religion.’ He acknowledged, on the scaffold, the justice of his sentence, asking mercy from God and forgiveness from the son, widow, mother, and friends of the deceased Laird of Johnstone.

‘The execution of Lord Maxwell,’ says Sir Walter Scott, ‘put a final end to the foul debate between the Maxwells and the Johnstones, in the course of which each family lost two chieftains; one dying of a broken heart, one in the field of battle, one by assassination, and one by the sword of the executioner.’

On the death of John, ninth Lord Maxwell, on the scaffold, the representation of the house of Maxwell devolved on his younger brother ROBERT; but the titles and extensive estates of the family were forfeited to the Crown in 1609, and considerable portions of the land had been granted to influential persons, who were not willing to give them up. A number of years, therefore, elapsed before Robert, tenth Lord Maxwell, was fully reinstated in the possession of the lands and dignities of his ancestors. King James, commiserating his pecuniary difficulties, ordered £2,000 sterling to be given him out of the Royal Exchequer of Scotland in October, 1616, and he obtained large loans from Sir William Graham of Braco and other friends, to assist him in his efforts to recover the Maxwell estates, which an Act of Parliament passed 28th June, 1617, declared him capable of possessing. In December of that year, Lord Cranstoun resigned to him the barony of Cranstoun; and finally, the King, by three letters patent, dated 5th October, 1618, 13th March, 1619, and 29th August, 1620, restored to him ‘the

lands, rents, living, teinds, offices, and dignities' that belonged to his predecessors. This last-mentioned patent set forth that, 'calling to remembrance the constant hatred between the families of Morton and Maxwell, and also its being unusual for two earls to wear the same title, his Majesty, by his sole authority, changed the title of Earl of Morton, which he had conferred on the deceased Lord Maxwell, into that of EARL OF NITHSDALE, which he now conferred on Lord Maxwell, his son, whose designation would be Lord Maxwell, Lord Eskdale, and Earl of Nithsdale.' But it was expressly declared that this change was without prejudice to the antiquity of the former titles.

The title of NITHSDALE, as Mr. Fraser remarks, was more appropriate as a family title of honour than that of Morton, for which it was exchanged. Morton had not been previously in the family as a territorial possession, and they acquired only a *quasi* right through the marriage of a co-heiress. On the other hand, the rich and beautiful vale of the Nith, in Dumfriesshire, through which the river Nith flows, was historically associated with the Maxwells. From a very early period they owned the castle of Carlaverock, which was the key to the whole of that district. The family also, through its heads and branches, had long possessed large territories on both banks of the Nith, from its mouth where it falls into the Solway Firth, to nearly the source of that river in the parish of Dalmelington, in Ayrshire.*

Unlike his brother and his predecessors, the Earl of Nithsdale was a man of peace, and he strove to staunch the feuds which had so long existed between the Maxwells and the Murrays of Cockpool, and the Johnstones. On the 17th of June, 1623, the Earl and James Johnstone of Westraw appeared before the Privy Council, and in testimony of their reconciliation 'choppit hands.' In his pecuniary difficulties, as well as in his disputes with the other nobles respecting precedence and privileges, the Earl of Nithsdale was powerfully aided by the Lord Chancellor, the celebrated 'Tam o' the Cowgate,' who held him in personal esteem, and with his characteristic shrewdness had an eye to the favour of the powerful Duke of Buckingham, whose niece Lord Nithsdale had married. As both the Earl and his cautioners were hard pressed by his creditors, the King was induced to interfere for his protection, and to arrest the proceedings against him; an act of gracious interference which had to be repeated more

* *Book of Carlaverock*, i. pp. 329-30.

than once. As might have been expected, Lord Nithsdale was a strenuous supporter of Charles I. in his arbitrary policy, and in 1625 he was sent down as Royal Commissioner to hold a convention of the Estates, for the purpose of obtaining the surrender of all the tithes and other ecclesiastical property which had been forfeited to the Crown at the time of the Reformation, and had been granted by James to the nobility and royal favourites. But this demand the nobles, most of whom had shared in the plunder of the Church, were determined to resist to the last extremity. Bishop Burnet states that a number of them conspired, and resolved that if the Commissioner persisted in requiring an unconditional surrender of the teinds, 'they would fall upon him and all his party in the old Scottish manner, and knock him on the head.' Lord Belhaven, one of the conspirators, though old and blind, resolved to make sure of at least one victim, and being seated beside the Earl of Dumfries, seized upon the Earl of Nithsdale with one hand, and was prepared, should any disturbance arise, to plunge a dagger into his heart. Perceiving this determined opposition, Nithsdale disguised his instructions, and returned to London without accomplishing the object of his mission.*

The encouragement and support which the Earl afforded to the Roman Catholics in Dumfries and its vicinity gave great offence to the Presbyterians, and the ministers of that town complained to the Privy Council in strong terms of 'the insolent behaviour of the Papists' in those parts, imputing the blame to the Earl of Nithsdale and Lord Herries. 'It is a pity,' wrote Archbishop Spottiswood to the Earl, that 'your Lordship will not be movit to leave that unhappie course which shall undoe your Lordship, and make us all sorry that love you; and how much prejudice the meanwhile this will bring to his Majestie's service, I cannot express.' The Archbishop exhorts him as he loves his Majesty, the standing of his house, ay, and the safety of his soul, to take another course, and resolve at least to be a hearer of the Word, 'for your Lordship not resorting to the Church, when you were last at Edinburgh, hath given your adversaries greater advantage than anything else.'

When the Civil War broke out between Charles I. and the Scots, the Earl of Nithsdale zealously supported the royal cause, and he garrisoned his castles of Carlaverock and Thrieve, furnishing them with a large quantity of arms, ammunition, and provisions,

* Burnet's *History of his own Times*, i. p. 24.

in order that they might sustain a protracted siege. Carlaverock, which had been greatly injured by the English invaders in 1570, was restored by him to more than its original strength. The Estates hearing of his preparations, sent a strong body of troops under Colonel Home to besiege that stronghold. It held out for thirteen weeks, though powerful batteries were brought to bear upon it; but as no relief could be sent, the Earl, with the approval of the King, surrendered on very favourable terms. The inventory of the household furniture of the castle, preserved at Terregles, gives an interesting account of the splendour and elegance of the establishment, and throws much light on the domestic condition of the great baronial families of Scotland at that period.* Carlaverock was shortly after dismantled by order of the Committee of Estates, as was the castle of Thrieve, which was also surrendered to the Covenanters. The Earl complained bitterly that faith had not been kept with him in this matter, and that the losses which he had suffered in violation of the terms of the capitulation amounted to not less than £15,000 sterling.

The ill-fated nobleman was sequestered in the year 1643, and his whole rents, amounting to £3,000 sterling, were seized by the dominant party. In the following year he was not only forfeited by the Estates, but also excommunicated by the Church. With the exception of two brief intervals, the Earl remained in exile from the year 1639 till the time of his death. He died and was buried in the Isle of Man in 1646. His wife survived him a quarter of a century.

ROBERT, second Earl of Nithsdale, the only son of the first Earl, was, like his father, a steadfast supporter of the royal cause during the Great Civil War. He was taken prisoner on the 12th of October, 1644, when the town of Newcastle was stormed by General Leslie, and was imprisoned in the Tolbooth of Edinburgh till after the defeat of the Covenanters at Kilsyth by Montrose, on 15th August, 1645. An Act of Parliament was passed in 1647, restoring him against his father's forfeiture, but the estates of the family were so heavily burdened in consequence of the losses sustained during the Civil War, that he was compelled to sell the barony of Mearns to Sir George Maxwell of Pollok, and Langholm to the curators for the Duke of Buccleuch and Monmouth. On the restoration of Charles II. the Earl was persuaded by the urgent advice of his friends to go up

* *Book of Carlaverock*, i. p. 358.

to London, and submit to the King a statement of the injuries which had been inflicted on him and his father in consequence of their exertions in the royal cause, and to press on his Majesty his claims for compensation. The amount spent on maintaining the castle of Carlaverock, the destruction of the 'hail moveables and plenshing' of that stronghold, the College of Lincluden, and the castles of Dumfries and Thrieve, together with the rents uplifted during the disturbances, amounted, he alleged, to more than £40,000 sterling. But with the characteristic ingratitude of the Stewarts, the claims of the Earl were neglected, and no compensation appears ever to have been made to him. Earl Robert was commonly designated 'The Philosopher.' Among other pursuits he was said to have been addicted to the study of astrology. He died in the Isle of Carlaverock, unmarried, 5th October, 1667, and was succeeded by his kinsman, JOHN MAXWELL, seventh Lord Herries, the eldest of eight sons of the sixth Lord Herries by his wife, a daughter of John, seventh Lord Maxwell and Earl of Morton.

JOHN, third Earl of Nithsdale, like his predecessors, suffered heavy losses for his adherence to the royal cause during the Great Civil War. Detachments of the Parliamentary troops were quartered no less than seven times on him and his tenants, and destroyed and plundered his effects. Large fines also were imposed upon him, and considerable sums were exacted from him to maintain the forces raised by the Committee of Estates. His life and estates were forfeited by the Parliament, and he was excommunicated by the Church for supporting the King. After the Restoration he presented a petition to the Parliament in 1661, 'humbly praying that they would appoint some of their number to cognosce upon his sufferings for his loyalty and obedience to the King, in his person, means, and estate.' The committee nominated for this purpose reported that the Earl's losses were estimated to amount to the sum of £77,322 12s. Scots, 'besides the insupportable burden of cess and quarterings to which he was liable, with the rest of the kingdom, during the late unhappy troubles.' But it does not appear that he obtained any compensation for his sufferings and losses in the royal cause. The Earl, however, continued through life a steady supporter of the Government, and was repeatedly required by the Privy Council to take an active part in the suppression of conventicles, and the apprehension and punishment of the Covenanting ministers and their

adherents. He died in 1677, having enjoyed the title and estates of Herries for thirty-five years, and afterwards the earldom of Nithsdale and the Maxwell estates for eleven years. He had by his wife, a daughter of Sir Robert Gordon of Lochinvar, three sons, the eldest of whom—

ROBERT MAXWELL, became fourth Earl of Nithsdale. Like his father, he was a staunch supporter of the arbitrary and oppressive Government of Charles II. and his brother James, and a persecutor of the Covenanters. He received repeated commissions from the Privy Council to apprehend outed ministers, or preachers who kept conventicles, or substantial persons who had been present at them, and various communications passed between him and the notorious persecutor, John Graham of Claverhouse, regarding the measures which they adopted in carrying out the instructions of the Government. Lord Nithsdale was rewarded for his services with a grant from King Charles of £200 a year, which was subsequently exchanged for a grant of as much land out of the forfeited estates of the Covenanters, within the county of Wigton and the Stewartry of Kirkcudbright, as would yield a free yearly rent of 4,000 merks Scots (£228 14s. sterling) besides the payment of such a portion of his annual rent as was then in arrears. The forfeited estates of Alexander Hunter of Colquhasben, in the parish of Old Luce, was given to the Countess of Nithsdale, and not less than seventeen other forfeited estates of Covenanting lairds were gifted to the sons of Lord Nithsdale, and retained by them until the Revolution of 1688. The Earl died in 1683. It appears that notwithstanding the royal pension and the gifts of the lands of the Presbyterians, he was through life in embarrassed circumstances. When called on to visit Edinburgh to settle his accounts, as Steward of Kirkcudbright, with the Exchequer, he had to obtain protection from his creditors, who had taken out captions against him. After Earl Robert's death his widow, a daughter of the Marquis of Douglas, obtained a pension of £200 a year, on the ground of 'the low condition of the family of Nithsdale and the great burdens that lay on the estate.' 'She skilfully managed not only the household affairs at Terregles, but other pecuniary and property transactions, doing all in her power to retrieve the fortunes of the family, and to liquidate the debts and incumbrances with which the estate was burdened.' The Earl was succeeded by his eldest son—

WILLIAM MAXWELL, fifth and last Earl of Nithsdale. His sister Mary became the wife of Charles, fourth Earl of Traquair, and proved a most generous and forbearing friend to her brother, who was only seven years of age at the time of his father's death. His mother and other curators, evidently fearing that a change of Government might deprive them of the forfeited lands of the Covenanters, of which the late Earl and his son had received a gift from the Crown, made repeated efforts to obtain authority to dispose of them; but the Lords of Council and Session refused their consent, and these lands were ultimately restored to their rightful owners. On attaining his majority, the Earl repaired to St. Germain's and did homage to the exiled Prince, whom he continued to regard as his lawful sovereign. He there fell in love with Lady Winnifred Herbert, fifth and youngest daughter of the Marquis of Powis, whom he married in the spring of 1699, and brought to his house at Terregles. Earl William, like his predecessors, was a member of the Church of Rome, and like other Roman Catholics at that time, seems to have suffered a good deal of annoyance from the over-zealous and intolerant Presbyterians of the district. Upon the 24th of December, 1703, a fanatical mob of upwards of a hundred persons, headed or instigated by the ministers of Irongray, Torthorwald, Kirkmahoe, and Tinwald, attacked the house of Terregles, under cloud of night, armed with guns, and swords, and other weapons, and under pretence of searching for priests and Jesuits, broke open the gates, violently entered the house, and searched all the rooms. All this was done while the Earl was absent, and the Countess indisposed and confined to her bed-chamber. Criminal letters were raised by the Earl against the ring-leaders in these outrageous and disgraceful proceedings, and they were summoned to appear before the Court of Justiciary to answer for their conduct. On the other hand, the minister of Irongray and his accomplices raised criminal letters against the Earl of Nithsdale and Maxwell of Kirkconnell, whom they accused of hearing mass in secret, and harbouring 'Jesuits, priests, and trafficking Papists.' In the end the case was compromised, and both actions were withdrawn.

It is well known that even before the death of Queen Anne the leading Jacobites in Scotland had resolved to take up arms for the restoration of the exiled Stewarts to the British throne, and some of them had adopted measures to secure their estates, in case the enterprise should fail. The Earl of Nithsdale was one of this class, and on the 28th of November, 1712, he executed a disposition of his

estates to his only son, reserving, however, his own life rent and that of his wife, with power to make some provision for their younger children. This prudent precaution saved the family estates from forfeiture, when the Earl was tried and condemned for his share in the rebellion of 1715, though it did not prevent him from contracting heavy debts, which rendered it necessary that his affairs should be placed in the hands of trustees.

In the year 1715, when Mar raised the standard of rebellion in the Highlands, and the Northumbrian Jacobites took up arms under Mr. Forster and the Earl of Derwentwater, the adherents of the Stewart cause in Dumfriesshire and Galloway joined them on the Borders. As the Earl of Nithsdale was a Roman Catholic, it was deemed inexpedient to place him, as would otherwise have been done, at their head, and the chief command was given to Viscount Kenmure, the representative of the Galloway Gordons, who was a Protestant. The remembrance of the cruel persecutions of the Covenanters was too strong in the district to permit the great body of the people to show any zeal on behalf of the son of James VII. Even the tenants of the Jacobite leaders took up arms in support of the Government, and the Earl of Nithsdale, as he himself stated, was attended by only four of his own domestics when he joined the insurgents. The insurrection was so wretchedly mismanaged that it never had the slightest chance of success. The combined force advanced as far as to Preston, and was there surrounded by the royal troops, and compelled to surrender at discretion. The noblemen and principal officers were conveyed to London, and committed to prison. The Earl of Nithsdale and the other lords were sent to the Tower, and were brought to trial on January 19th, 1716, before the House of Lords, on a charge of treason. They pleaded guilty, no doubt with the hope that a confession of guilt might possibly incline the King to grant them a pardon. Sentence of death was pronounced upon them by the Lord Chancellor Cowper, who acted as High Steward at the trial, and their execution was appointed to take place on the 24th of February.

The Countess of Nithsdale remained at Terregles while the insurrection lasted; but on hearing of the surrender and imprisonment of the Earl in London, she resolved at once to join him, though it was the depth of winter, and a season of unusual rigour. Leaving her infant daughter in the charge of her sister-in-law, Lady Traquair, and burying the family papers in the garden, she set out, attended

only by her maid, Cecilia Evans by name. A heavy snowstorm had stopped the coaches, but she made her way on horseback across the Border, and then from Newcastle to York. There she found a place on the coach for herself alone, and was obliged to hire a horse for her maid. She wrote from Stamford, on Christmas Day, to Lady Traquair, mentioning the troubles she had experienced in her journey. 'The ill weather,' she says, 'ways, and other accidents, has made the coach not get further than Grentun (Grantham), and the snow is so deep it is impossible it should stir without some change of weather; upon which I have again hired horses, and shall go the rest of the journey on horseback to London, though the snow is so deep that our horses yesterday were in several places almost buried in it. To-morrow I shall set forward again. I must confess such a journey I believe was scarce ever made, considering the weather, by a woman. But an earnest desire compasses a great deal with God's help. If I meet my dear lord well, and am so happy as to be able to serve him, I shall think all my trouble well repaid.'

Lady Nithsdale reached London in safety, but on her arrival she was thrown, by her great anxiety and the hardships she had undergone on her journey, into 'a violent sickness,' which confined her for some days to her bed. With considerable difficulty, and under some restrictions, she obtained admission to her husband in the Tower. 'Now and then, by favour,' she wrote, 'I get a sight of him.'

The Countess had no hopes that the King would relent, but to satisfy her husband, who did not despair of pardon, she consented to make an effort to present a petition to his Majesty, who she knew had taken precautions to prevent any one from obtaining access to him, on behalf of the condemned lords. Knowing that he must pass through a public room between the royal apartment and the drawing-room, she waited for him there. As he passed she knelt down and presented the petition, telling him in French that she was the unhappy Countess of Nithsdale. King George, who was a coarse and brutal man, passed on, taking no notice of her. She laid hold of the skirt of his coat, pathetically appealing to his mercy, and was dragged by him, upon her knees, from the middle of the public apartment to the door of the drawing-room. One of the royal bodyguard put his arms round her waist and pulled her back, while another of them disengaged the skirt of the King's coat from her hand. The poor lady was left, almost fainting, on the floor. The petition which

she tried to put into the King's pocket was picked up by a bystander and given to the Earl of Dorset, who was the Lord of the Bedchamber then in waiting. He contrived to get the petition read more than once to the King, and to make his Majesty aware that the King of England never used to refuse a petition from the hands of the poorest woman, and that it was a gratuitous and unheard-of brutality to treat as he did a person of Lady Nithsdale's quality. As might have been expected from his character and habits, the ex-Hanoverian Elector, so far from feeling sorry for his behaviour, was only embittered against the Countess by the manner in which his treatment of her was condemned. So far did he carry his resentment, that when the ladies whose husbands had been concerned in the insurrection put in claims for their jointures, he declared that Lady Nithsdale did not deserve, and should not obtain hers, and to this determination he obstinately adhered.

The noble-minded lady, however, still persevered in her efforts to save the life of her husband. On the 21st of February, the Rev. J. Scott wrote to Lady Traquair, 'I must needs do my Lady the justice of assuring your ladyship that she has left no stone unturned, that she has omitted nothing that could be expected from the most loving wife on earth.' He adds that she presented her petition to the King in such a manner that 'the whole Court was moved to a tender compassion. The whole town applauds her and extolles her to the skies for it, and many who thirst after the blood of the others, wish my Lord Nithsdaill may be spared to his Lady.'

A petition craving the intercession of the House of Lords was presented by the wives of the condemned noblemen, and an address to the King, praying that he would reprieve such of them as should deserve his mercy, was carried, on the 22nd of February, by a majority of five. The Ministers, at a meeting of Council held the same evening, resolved to comply with the feeling of the House, so far as to respite the Earls of Carnwath and Nithsdale, and Lords Widdrington and Nairne; but to prevent any further interference, the Earl of Derwentwater and Viscount Kenmure were ordered for execution next morning. The Countess of Nithsdale had, however, given up all hope of a reprieve, for she was aware that the proviso attached to the address to the King meant that those only should be recommended for pardon who would give information respecting their friends that had taken part, though less openly, in the insurrection. But she well knew, as she says, that her lord would never

purchase life on such terms. 'Nor,' adds the high-minded woman, 'would I have desired it.'

As the execution of the condemned lords was appointed for the 24th, there was no time to lose in carrying out the project she had secretly formed of effecting the Earl's escape in woman's clothes. To further her design, she says in the account which she gave of the enterprise, after the Lords had agreed to petition the King, she hastened to the Tower, and putting on a joyous air she went up to the guards at each station, and told them that she brought good news. There was now, she said, no fear of the prisoners, as the motion that the Lords should intercede with the King had passed. She rightly judged that the sentries, believing that the prisoners were on the eve of being pardoned, would become, of course, less vigilant. At each station she gave the guards some money, bidding them drink the health of the King and the Peers. But she was careful, as she says, not to be profuse in her gifts, in case they should suspect that she had some design on foot in which she wished to obtain their connivance.

Lord Nithsdale was confined in the house of Colonel D'Oyly, Lieutenant-Deputy of the Tower, in a small room which looked out on Water Lane, the ramparts, and the wharf, and was sixty feet from the ground. The way from the room was through the Council Chambers. The door of his room was guarded by one sentinel, that floor by two, the passages and stairs by several, and the outer gate by two. Escape under such circumstances seemed to be impossible, and Lady Nithsdale mentions that 'her chief difficulty lay in persuading the Earl to take advantage of the means she had planned for his escape. It would have seemed to him a more likely means of escape to force his way, sword in hand, through the guard.' Lord Nithsdale was still ignorant, on the 22nd, of his lady's design for his deliverance; and on that day he wrote a farewell letter to his brother-in-law, the Earl of Traquair, and the Countess, his own sister. He also prepared a dying speech, which he intended to read on the scaffold, stating the reasons why he had taken part in the rebellion, and expressing his regret that he had pleaded guilty at his trial.

The morning of the 23rd, the last before the intended execution, was spent by Lady Nithsdale in making preparations for her attempt, especially in securing the assistance of a Mrs. Morgan, a friend of her maid, Mrs. Evans. When she was ready to go, she sent for

Mrs. Mills, at whose house she was lodging, and said: 'Finding now there is no farther room for hope of my lord's pardon, nor longer time than this night, I am resolved to endeavour his escape. I have provided all that is requisite for it, and I hope you will not refuse to come along with me, to the end that he may pass for you. Nay, more, I must beg you will come immediately, because we are full late.' Lady Nithsdale had very judiciously delayed this request till the last possible minute, so that Mrs. Mills might decide on the impulse of the moment, out of sympathy for the condemned nobleman, and she at once gave her consent. Lady Nithsdale then desired Mrs. Morgan, who was tall and slender—her height not unlike Lord Nithsdale's—to put under her own riding-hood another which the Countess had provided to put on Mrs. Mills, who was to give her own to the Earl. All three then stepped into the coach which was waiting for them, and 'not to give them leisure to think of the consequences,' as they drove to the Tower 'her ladyship continued without ceasing to talk with them.'

On arriving at their destination, Lady Nithsdale took in Mrs. Morgan, as she was allowed to take in only one person at a time. Within the Earl's chamber Mrs. Morgan took out and left the riding-hood which she had brought beneath her clothes, and then Lady Nithsdale conducted her out again, going with her partly down-stairs, saying to her at parting, 'Pray do me the kindness to send my maid to me, that I may be dressed, else I shall be too late with my petition.' Having thus sent away Mrs. Morgan, the Countess took Mrs. Mills into the room, who came in holding her handkerchief to her face, as though in tears, intending that the Earl should go out in the same manner, in order to conceal his face from the guards. The two ladies when alone with the Earl set about disguising him. His eyebrows were black and thick, while those of Mrs. Mills were somewhat yellow, but some yellow paint on his eyebrows, and ringlets of the same coloured hair, which the Countess had brought, put this to rights. He had a long beard, which there was not time to shave, but the Countess covered it with some white paint, and put a little red upon his cheeks. Mrs. Mills next took off the riding-hood in which she came, and put on instead that which Mrs. Morgan had brought. They then equipped the Earl in the riding-hood which the guards had seen on Mrs. Mills as she came in, and completed his disguise by the aid of some of Lady Nithsdale's petticoats.

These arrangements having been made, Lady Nithsdale opened

the door and led out Mrs. Mills, saying aloud, in a tone of great concern, 'Dear Mrs. Catherine, I must beg you to go in all haste and look for my woman, for she certainly does not know what o'clock it is, and has forgot the petition I am to give, which should I miss is irreparable, having but this one night. Let her make all the haste she can possible, for I shall be upon thorns till she comes.' There were nine persons, the sons and daughters of the guards, in the anteroom through which she passed with Mrs. Mills while uttering these words, who all seemed to feel for the Countess, and readily made way for her companion. The sentinels at the outer door opened it immediately and let Mrs. Mills out, who did not go out as she had come in, with a handkerchief at her eyes, as if weeping. Lady Nithsdale then returning to the Earl, 'and having got him quite ready, now she thought was the time for action.' It was growing very dark, and afraid lest the keepers should bring in the candles, which would have defeated her pains, she without longer delay came out of the room, leading by the hand the Earl, who was clothed in the attire of Mrs. Mills, and held a handkerchief about his eyes, as if in tears, which served to conceal his face. To prevent suspicion she spoke to him, apparently in great grief, loudly lamenting that her maid, Evans, had been so neglectful, and had ruined her by her long delay. 'So, dear Mrs. Betty,' she added, 'run and bring her with you, for God's sake! You know my lodgings, and if ever you made haste in your life do it now, for I am almost distracted with this disappointment.' The guards believing that a reprieve was at hand, had not taken much heed of the ladies coming and going, nor had exactly reckoned their number. They quickly opened the door, without the least suspicion, to Lady Nithsdale and her disguised lord,* and both accordingly went down-stairs, she still conjuring him, as 'dear Mrs. Betty,' to make haste. As soon as they had passed the door, Lady Nithsdale stepped behind the Earl, lest the sentinels might have noticed that his gait was far different from a lady's. At the foot of the stairs she found Mrs. Evans, to whom she committed her companion, and having then seen him safe out of the Tower, she returned to his room.

It had been arranged that the husband of Mrs. Mills was to wait for them in the open space before the Tower. He had come accord-

* 'From the woman's cloak and hood,' says Allan Cunningham, 'in which the Earl was disguised, the Jacobites of the north formed a new token of cognizance: all the ladies who favoured the Stewarts wore "Nithsdales," till fashion got the better of political love.'—*Songs of Scotland*, iii. p. 188.

ingly, but on seeing Mrs. Evans and the disguised nobleman he completely lost his head, and, instead of assisting them, ran home. Mrs. Evans, however, retained her presence of mind, and conducted Lord Nithsdale to a house near Drury Lane belonging to a friend of her own, in whom she could confide. Thence proceeding to Mrs. Mills's house, she learnt from her where the place of concealment was which she had provided. It was a house just before the Court of Guards, belonging to a poor woman who had but one little room up a small pair of stairs, and containing one little bed.

Meanwhile, Lady Nithsdale was engaged, in the chamber lately occupied by the Earl, in keeping up appearances to make the guards believe that he was still there. 'She affected to speak to him and to answer as if he had spoken to her, imitated his voice, and walked up and down the room as if they had been walking and talking together, till she thought he had time enough to be out of reach.' 'I then began to think,' she adds, 'it was fit for me to get out of it also.' Then opening the door to depart she went half out, and holding it in her hand, so that those without might hear, she took what professed to be an affectionate and solemn leave of her lord for that night, saying that something more than usual must have caused the delay of Mrs. Evans in coming to her, and adding that she must go herself in search of her. She promised that if the Tower were still open after she had done she would see him again that night, but that otherwise she would see him in the morning, and hoped to bring him good news. Before shutting the door she drew to the inside a little string that lifted up a wooden latch, so that it could only be opened by those within, and she then shut the door with a flap, so that it might be securely closed. As she was passing out she told the Earl's *valet de chambre*, who knew nothing of the plan of escape, that his lordship was at prayers, and did not wish the candles brought till he called for them.

On leaving the Tower Lady Nithsdale took one of the hackney coaches waiting in the open space, and drove first to her own lodgings. There she dismissed the coach for fear of being traced, and went in a sedan-chair to the house of Anne, Duchess of Buccleuch, who, as the widow of the unfortunate Monmouth, could sympathise with Lady Nithsdale in her anxieties. The Duchess had promised to accompany her when she went to present her petition. She did not go up to the Duchess, as she had company, but left a message at her door, with her 'most humble service,' to say that her Grace need not

give herself any further trouble, as it was now thought fit to present a general petition in the name of all the condemned lords. Again changing her conveyance and calling another sedan-chair, Lady Nithsdale went to the house of the Duke of Montrose. His Grace was a supporter of the Government, but the Duchess, a daughter of the Earl of Northesk, was her personal friend. Lady Nithsdale being shown into a room up-stairs, the Duchess quickly joined her. 'There,' as she wrote, 'as my heart was very light, I smiled when she came into the chamber, and ran to her in great joy. She really started when she saw me, and since owned that she thought my head was turned with trouble till I told her my good fortune.'

The Duchess recommended her to go to a place of safety, as the King was greatly incensed against her on account of the petition which she had presented to him, and declared that she would go to the Court, and see how the news of the Earl's escape was received. She went accordingly and found that 'the Elector,' as she termed him, 'had stormed terribly,' and said 'he was betrayed, for such an event could not have happened without connivance;' and he immediately despatched two of his suite to the Tower to see that the other prisoners were well guarded. At a later time, when his anger had subsided, he is said to have remarked that 'for a man in my Lord's situation it was the very best thing he could have done.'

On leaving the Duchess of Montrose, Lady Nithsdale went to a house which Mrs. Evans had previously found for her, and was informed by that clever and trusty domestic of the Earl's hiding-place, to which she immediately repaired. Referring to the 'poor little bed,' in the room, she says: 'Into this bed we were forced to go immediately, for feare they should heare more walking than usual. She [Mrs. Evans] left us a bottle of wine and some bread, and Mrs. Mills brought us some more the next day in her pocket; but other things we gott nott, from Thursday evening to Saturday evening, that Mrs. Mills came when it was dark, and cary'd my Lord to the Venetian Ambassador's. She did not communicate the affair to his Excellency, but one of his servants concealed him in his own room till Wednesday.' On that day a servant of the ambassador, Mitchell by name, was ordered to go down to Dover with a coach and six horses to bring the ambassador's brother to London. The Earl put on a livery coat and travelled as one of the train to Dover, where, hiring a small vessel, he crossed without suspicion, and, accompanied by Mitchell, landed safe at Calais. The passage across was made.

so quickly that the master of the vessel remarked that the wind could not have served better if his passengers had been fleeing for their lives—little thinking that this was really the case.

The escape of Lord Nithsdale delighted not only the Jacobite friends of the family, but even many of the supporters of the Hanoverian dynasty. Lady Cowper, the wife of the Lord Chancellor, thus notes the event in her *Diary*:—‘It is confirmed that Lord Nithsdale is escaped. I hope he’ll get clear off. I never was better pleased at anything in my life, and I believe everybody is the same.’* The ‘cummer,’ in the homely contemporary song entitled ‘What news to me, cummer?’ declares that she had brought ‘the best news that God can gie,’ that ‘our gude Lord of Nithsdale has won frae ’mang them a’;’ but—

‘Alake the day!’ quo’ the cummer,
 ‘Alake the day,’ quo’ she,
 ‘He’s fled awa’ to bonnie France,
 Wi’ nought but ae pennie!’
 ‘We’ll sell a’ our corn, cummer,
 We’ll sell a’ our bear,
 And we’ll send to our ain lord
 A’ our sett gear.’

It soon appeared that though the Nithsdale tenantry had sent their lord ‘a’ their gear,’ he would have spent it all on his own selfish indulgences.

The Countess remained for some time concealed in London, having learned that so long as she kept out of sight she would not be molested, but that if she appeared in public, either in England or Scotland, she would be apprehended. Her presence, however, was urgently required in Scotland. The Earl had sent for her to come up to town in such haste that she had no time to settle his affairs, and she had been obliged to conceal the family papers, as they would otherwise have fallen into the hands of the enemy, who, she was sure,

* There is a close resemblance between the manner in which Lord Nithsdale escaped from the Tower and the escape of Count Lavalette from the Conciergerie prison at Paris, in 1815. The likeness, however, was from mere coincidence, and not at all from imitation. But though the treatment which the Countess of Nithsdale received from King George and his Ministers was mean and ungenerous, it contrasts favourably with the cruel and, indeed, brutal treatment by the Bourbon Government of Madame Lavalette, a niece of the Empress Josephine. She had been in childbed only a few weeks before her husband’s escape, and her strength was not returned. She had to remain behind in the prison chamber occupied by the Count, and was kept there for six weeks, all access of friends or domestics, or even of her daughter, denied her. Her reason gave way, and after she was released from the prison she had to be placed in an asylum. Her mental malady hung upon her for twelve years, and she continued subject to a settled melancholy until her death in 1855.

would search the house, as they did, after her departure. 'In short,' she says, 'as I had once exposed my life for the safety of the father, I could do no less than hazard it once more for the fortune of the son.' The Countess accordingly went to Scotland, saved the family papers, lived there for some weeks without molestation, and then returned to London. 'On my arrival,' she says, 'the report was still fresh of my journey into Scotland, in defiance of their prohibition. A lady informed me that the King was extremely incensed at the news, that he had issued orders to have me arrested; adding that I did whatever I pleased in spite of all his designs, and that I had given him more anxiety and trouble than any woman in all Europe;' and he gave orders that she should be searched for. She was advised by her friends that in these circumstances she would do wisely to leave England.

Lady Nithsdale embarked accordingly, in July, with the intention of proceeding to France, but in consequence of a violent attack of sea-sickness, she was obliged to land on the coast of Flanders, where she was detained some time by a miscarriage, and a dangerous illness. She joined her husband in October at Lille, but that re-union did not bring her all the happiness which she had fondly hoped. Writing to her sister, Lady Traquair, from Paris, February 29, 1717, she gives an affecting account of her troubles and privations. After in vain attempting to get her husband into the service of the Chevalier, she says, 'My next business was to see what I could get to live on, that we might take our resolutions where to go accordingly. But all I could get was one hundred livres a month, to maintain me in, everything—meat, drink, fire, candles, washing, clothes, lodging, servants' wages—in fine, all manner of necessaries. My husband has two hundred livres a month, but considering his way of managing, it was impossible to live upon it. . . . For let me do what I will, he cannot be brought to submit to live according to what he has; and when I endeavoured to persuade him to keep in compass, he attributed my advice to my grudging him everything, which stopped my mouth, since I am very sure I would not [grudge] my heart's blood if it could do him any service. . . . It was neither in gaming, company, nor much drinking that it was spent, but in having the nicest of meat and wine, and all the service I could do was to see he was not cheated in the buying of it. I had a little, after our meeting at Lille, endeavoured to persuade him to go back to his master, upon the notice that he received that fifty livres a

month was taken off his pension ; but that I did not dare persist in, for he seemed to imagine that I had a mind to be rid of him, which no one would have thought would scarce come into his mind.' After mentioning that some of her husband's friends had persuaded him to follow his master to Rome, she adds, 'I, having no hope of getting anything out of England, am forced to go to the place where my son is, to endeavour to live, the child and me, upon what I told you. All my satisfaction is, that at least my husband has twice as much to maintain himself and man as I have; so I hope that when he sees there is no resource—as indeed now there is not, having sold all, even to the necessary little plate I took so much pains to bring over—he will live accordingly, which will be some comfort to me, though I have the mortification to be from him, which, after we met again, I hoped never to have separated; but God's will be done, and I submit to this cross, as well as many others I have had in the world, though I must confess living from a husband I love so well is a very great one.'

When Lord Nithsdale made his escape to France, he went straight to Paris, and there, in the course of the spring, he received a pressing invitation from the Chevalier to go to him. 'As long as I have a crust of bread in the world,' he said, 'assure yourself you shall always have a share of it.' When the Earl ultimately joined his master at Urbino, he did not receive the cordial welcome to which, with good reason, he deemed himself entitled. He was exposed to various mortifications at the court of the exiled Prince, and the nearer view which he obtained of the government of the Pontiff, either in sacred or civil affairs, does not appear to have given him much satisfaction. 'Be assured,' he wrote to Lady Nithsdale, 'there is nothing in this damnable country that can tend to the good either of one's soul or body.' He was bent on leaving the mimic court of the Chevalier, where he was so much neglected, and was with great difficulty induced by the strong representations of his wife and his brother-in-law to remain. The Chevalier himself 'was pleased to tell him that he had so few about him he would not part with him.'

The Earl, in the hope that his Countess would obtain a situation in the household of the Chevalier on his marriage, which was now settled, requested her to join him in Italy as soon as possible, since in these matters it is 'first come first served.' He could, however, send her no funds for the journey, but bade her apply to Lord and Lady Traquair, to whom she was already under many obligations.

By their aid, and a small sum paid to her by order of the Chevalier, the Countess was enabled to join her husband at Urbino, and after a brief interval to proceed with him in the Chevalier's train to Rome. But the Earl's self-indulgent habits were unchanged. 'I found him,' she wrote to his sister, 'still the same man as to spending, not being able to conform himself to what he has, which really troubles me. And to the end that he might not be able to make me the pretence which he wished, I do not touch a penny of what he has, but leave it to him to maintain him and his man, which is all he has, and live upon what is allowed me.'

The Chevalier, like his forefathers, was addicted to favouritism, and was then under the dominion of two unworthy creatures of the parasite class—Colonel the Hon. John Hay, a son of Lord Kinnoull, and his wife Marjory, a daughter of Lord Stormont. They kept at a distance Lady Nithsdale and all other persons who would not promote their influence and ends. 'But,' wrote the Countess, 'that and many other things must be looked over; at least we shall have bread by being near him, and I have the happiness over again to be with my dear husband that I love above my life.'

Year after year did this noble-minded lady continue to maintain a courageous spirit under that 'hope deferred which makes the heart sick.' Her sorest trial was the want of forethought and consideration on the part of her husband in borrowing and spending. 'All my comfort is,' she writes Lady Traquair, 'that I have no share in this misfortune, for he has never been the man that has offered me one farthing of all the money he has taken up, and as yet all is spent, but how is a riddle to me, for what he spends at home is but thirty pence a day in his eating. . . . For my part, I continue in mourning as yet for want of wherewithal to buy clothes, and I brought my mourning with me that has served ever since I came, and was neither with my master's or husband's money bought.' The Earl was evidently a poor creature, selfish and self-indulgent, utterly unworthy of his generous, devoted wife. He threw the blame of his borrowing and misspending on the Countess and his daughter, who never received from him a single penny; and he had even the baseness to say to the Chevalier that some property belonging of right to himself was unfairly detained by his brother-in-law, the Earl of Traquair, on whom he had time after time drawn bills, trusting to his generosity for their acceptance. Not doubting the truth of the statement, the Chevalier wrote to one of his agents that he would take it kindly if Traquair

would settle those affairs with his kinsman to his satisfaction. 'I must say,' wrote Lady Traquair to her brother (January, 1724) in justifiable resentment, 'it is very unkind, and a sad return for all the favours my husband has done you before, and since you went abroad, for he, having no effects of yours save a little household furniture of no use to us, and what I could not get disposed of, has honoured your bills, supplied your wants without a scrape of a pen from you; besides the considerable sum you owed him formerly, he even, under God, has preserved your family, which without his money, credit, and his son's assiduous attendance and application must humanly speaking have sunk. He might reasonably have expected other returns from you than complaints to one we value so infinitely as we do Sir John [the Chevalier], as if my husband had wronged you and detained your own, when your sufferings justly call for the greatest consideration.'

Although Lady Nithsdale continued to suffer from her great troubles and illnesses, and not least from the improvident and selfish conduct of her husband, several events occurred to cheer her. After long litigation in the Court of Session and the House of Lords, the entail which Lord Nithsdale had executed in 1712 was sustained, and Lord Maxwell, his sole surviving son, would succeed to the family estates at the Earl's death. Practically, he came into possession of them even before that event, since the life interest of his father was purchased from the Government for his benefit. Lady Anne Maxwell, the only daughter of Lord and Lady Nithsdale, was married to Lord Bellew, an Irish nobleman, at Lucca, in 1731, Lord Maxwell, who was now resident in Scotland, had become attached to his cousin, Lady Catherine Stewart, daughter of Lord and Lady Traquair, and made her an offer of marriage. The old connection between the two families, their constant friendship, and their agreement both in religion and politics, rendered the proposed alliance every way suitable, and it appears to have received the cordial approbation of Lady Nithsdale and Lord and Lady Traquair. But for some unmentioned reason—no doubt a selfish one—Lord Nithsdale for a considerable time withheld his consent. The marriage at length took place, however, in the course of the year 1731, and appears to have been as happy as Lady Nithsdale anticipated. As no sons were born from it, the male line of this ancient family terminated at Lord Maxwell's death.

Lord Nithsdale continued to live at Rome in debt and difficulties,

still hoping that the exiled Stewart family might be restored to the throne of their ancestors; but he did not live to witness the last enterprise on their behalf. He died at Rome in March, 1744. After his decease his widow was induced, though not without difficulty, to accept an annuity of £200 a year from her son, who then came into full possession of the family estates. Of this annuity she resolved to apply one-half to the payment of her husband's debts, which would by this means be extinguished at the end of three years. When this desirable consummation was attained, in beautiful harmony with her unselfish and generous character, she caused intimation to be made by her agent to Lord Maxwell that 'as his father's debts are now quite extinguish'd, his lady mother will have no occasion for more than one hundred pounds sterling *per annum* from him henceforth. She is now quite easy, and happy that she is free of what was a great and heavy burthen upon her.' Nothing further is known of Lady Nithsdale's declining years, but she appears to have grown very infirm. She survived her husband five years, and died in the spring of 1749 at Rome, where in all probability both she and Lord Nithsdale were buried, but no trace can be found of their last resting-place. She worthily sustained the spirit of that ancient and illustrious family from which she was descended, and on her may be justly bestowed the well-known eulogy contained in the inscription on the monument of her ancestress, Mary Sydney, third Countess of Pembroke, in Salisbury Cathedral:—

' Underneath this marble hearse
Lies the subject of all verse,
Sydney's sister, Pembroke's mother;
Death, ere thou hast slain another
Wise, and fair, and good as she,
Time shall throw a dart at thee.'

Lady Nithsdale's name, Mr. Fraser says, is never mentioned by her descendants 'but with the utmost honour, gratitude, and affection.' She deserves to be had 'in everlasting remembrance.'

WILLIAM, LORD MAXWELL, her son, succeeded to the family estates the year before the last great insurrection in behalf of the Stewarts. His sympathies were no doubt in favour of that ill-fated race, but his good sense, fortunately, kept him from taking any part in that desperate enterprise. He seems to have led a quiet, retired, and somewhat indolent life. Lady Catherine Stewart, his wife, died at Paris in 1765. Lord Maxwell survived her eleven years. His death took

place at London in August, 1776. He had no male issue, and of his two daughters the elder, Mary, died in her fifteenth year; the younger, Winnifred, succeeded to the Nithsdale estates. 'Lady Winnifred,' as she was usually termed, in her twenty-third year married William Haggerston Constable of Everingham, in the county of York, second son of Sir Carnaby Haggerston, and heir of his maternal grand-uncle, Sir Marmaduke Constable, Bart., whose name he assumed. The mother of the young lady was delighted with the match. She described this 'fine English squire,' in a letter to the Countess of Traquair, as 'a very sensible, well-bred, pretty gentleman, and a good Roman Catholic.' She goes on to say that 'Winny was much startled at first at his prodigious size; but now, I think, she seems to have got over that fault, which, indeed, is the only one can be found to his appearance; but that's certain he's among the tallest men I ever saw, so your ladyship may judge what sort of a figure they will make together;' but, as she sensibly adds, 'that is not an essential matter as to happiness.' Lady Winnifred bore to her husband (who on his marriage assumed the name of Maxwell before that of Constable) three sons and four daughters. She became a correspondent of Burns, who wrote to her in high Jacobite terms; and when the present mansion-house was to be built for the permanent residence of Lady Winnifred and her husband, the poet indited a song, entitled 'Nithsdale's Welcome Home,' which, however, displays more cordial feeling than poetical genius. Mr. Maxwell Constable died in June, 1787, but his wife survived till July, 1801. 'During the time that Lady Winnifred possessed the Nithsdale and Herries estates, which was about a quarter of a century, she resided chiefly at Terregles, where she dispensed a very generous and almost unbounded hospitality. She seldom sat down to dinner without a company of between twenty and thirty friends and neighbours. Terregles in her day was a kind of open house, where friends and neighbours frequently came, and stayed without any formal previous arrangement. Such hospitality became costly, and Lady Winnifred found it necessary to sell the barony of Duncow, the lands of Newlands, Craigley, Deanstown, and other portions of the estates.'*

Lady Winnifred was succeeded in the Nithsdale and Herries estates, including the baronies of Carlaverock and Terregles, by her eldest son, Mr. Marmaduke Constable Maxwell, who possessed them about eighteen years. He died suddenly at Abbeville, in France, on the

* *Book of Carlaverock*, i. p. 493.

way to Paris, in June, 1819. In 1814 he executed a most judicious deed of entail for the settlement of his property, under which the Everingham and Nithsdale estates were to descend to his eldest son, now Lord Herries. But as he considered his lands in Scotland and England to be fully adequate to the maintenance in a suitable manner of two separate families, he disposed the lands and baronies of Terregles and Kirkgunzeon, and others, to Marmaduke Constable Maxwell, his second son, and to his heirs male, whom failing, to his other sons successively, and their heirs male. According to the Domesday Book, the Everingham estate contains 6,858 acres, with a rental of £8,205; the lands in Dumfriesshire and the Stewartry of Kirkcudbright, belonging to Lord Herries, comprise 9,237 acres, yielding £7,143 a year; while the Terregles estate, now possessed by Alfred Peter Constable Maxwell, Esq., extends to 15,803 acres, with a rental of £12,109 12s.—amply sufficient to maintain two families in a ‘suitable manner.’

In the year 1848 an Act of Parliament was passed in favour of William Constable Maxwell, Esq., and all the other descendants of William, fifth Earl of Nithsdale, reversing the forfeiture of that nobleman; and in virtue of this Act, Mr. Constable Maxwell claimed the dignity of Lord Herries, as having been originally conferred on heirs general.

The Committee for Privileges of the House of Lords reported on 2nd June, 1858, that Mr. Constable Maxwell had made out his claim, and in virtue of that decision he became tenth LORD HERRIES OF TERREGLES. He died in 1876, leaving a family of seven sons and nine daughters. The family title and estates are now possessed by his eldest son, MARMADUKE CONSTABLE MAXWELL, eleventh Baron Herries. His third son, the Hon. Joseph Maxwell, married in 1874 Mary Monica, daughter and heiress of the late James Robert Hope Scott, Esq., of Abbotsford, and great-granddaughter and only surviving descendant of Sir Walter Scott.

There are no fewer than five baronetcies held by members of the house of Maxwell; namely, those of Pollok, Calderwood, Cardoness, Monreith, and Springkell. There are also numerous and influential junior members of the family, most of them settled in the southern counties of Scotland, such as the Maxwells of Munches, Broomholm, Kirkconnell, Brediland, Parkhill, Dargavel, Breoch, &c.

The most powerful and celebrated of all the branches of the main

stock were the MAXWELLS OF HERRIES, who, as we have seen, became ultimately the representatives of the house.

The original family of Herries was of Norman origin, and settled in Nottinghamshire. One of them migrated into Scotland during the reign of David I. (1124—1153), and like other Anglo-Norman barons, obtained grants of land from that monarch and his successors. SIR HERBERT HERRIES, of Terregles, was created a lord in 1489. His eldest son, Andrew, the second Lord Herries, and four of his brothers, fell at Flodden. William, the third Lord Herries, died in 1543, leaving three daughters, co-heiresses. The eldest, Agnes, married in 1547 Sir John Maxwell, second son of Robert, fifth Lord Maxwell; Katherine, the second, became the wife of Sir Alexander Stewart of Garlies, ancestor of the Earls of Galloway; Janet, the third, married Sir James Cockburn of Stirling.

SIR JOHN MAXWELL, fourth Lord Herries of Terregles, was one of the most prominent and active politicians during the troublous times of Queen Mary and James VI. He was born about the year 1512. As he was for a time heir-presumptive to his brother, and then to two of his nephews, who were minors, he was frequently designated Master of Maxwell. His position as tutor to his nephews, and possessor of a great part of the Herries estates, made him one of the most powerful barons in the south of Scotland and gave him great influence at Court. He subsequently acquired from the sisters of his wife their shares of their father's property, and thus the whole of the extensive Herries estates were vested in him. The Regent, Arran, had intended to marry Agnes, Lady Herries, to whom he was tutor, to his own son, John Hamilton, but he resigned the lady to John Maxwell, in order to detach him from the Earl of Lennox and the English faction. The ostensible reasons for this step were the good service which Sir John had rendered in drawing a great part of the inhabitants of the West Borders from the assurance of the English to the obedience of 'our sovereign lady' and the Regent, his rescuing from the 'auld enemies' of Scotland the houses of Torthorwald and Cockpule and divers other strengths, and his expelling the English from those parts of the kingdom. But in addition mention is made of a much more cogent reason—the payment of 'divers great sums of money' to Arran 'and profits for his advantage.'

After the death of his brother, Robert, sixth Lord Maxwell, in

September, 1562, the Master of Maxwell was appointed Warden of the West Marches, but he resigned it in the following year, on the ground that he was at deadly feud with most of the clans of that district, and the office was temporarily conferred upon his uncle, Sir James Douglas of Drumlanrig. Maxwell exerted himself with characteristic energy to restore and maintain peace on the Borders, but he encountered many difficulties, especially from the remissness both of the great proprietors and of the yeomen, in accompanying him on days of truce, and also from the reluctance of Lord Dacre, the English Warden, to redress the Border grievances of which he complained. When dissensions arose between Queen Mary and many of her nobles on account of her marriage with Darnley, Sir John Maxwell laboured to obtain redress for the Protestant lords, and entertained them most honourably at Dumfries. He, in consequence, incurred the displeasure of the Queen, which was not, however, followed by any injurious consequences. When Mary and Darnley came to Dumfries with all their forces, in pursuit of the Earl of Moray and the other nobles engaged in the 'Roundabout Raid,' they sent Sir John Maxwell to intercede for them with the Queen, as he had taken no action against her, though he professed to belong to the confederate lords. His intercession, if it was really made, was of no avail. But he made his own peace with Mary, and returning to Dumfries told the lords that he could not help them, and advised them to flee into England. All his past offences were forgiven him by the Queen and her husband, and on January 1st, 1565-6, they declared that after an investigation by the Lords of the Secret Council, they believed all the charges against him 'to be perfectly untrue and founded upon particular malice;' and as to some of the charges, 'they understood right perfectly the plain contrary. He has been and is our true servant and our good justiciar, and in execution of our service has taken great travails and pains, bearing a weighty charge in the common service of this our realm many years by-past, and executed the laws upon the many and notable offenders, defending our good subjects from such enormities and oppressions as is laid to his charge; nor has received no augmentation or any reversion, as is unjustly alleged, nor no gold from England; neither has nor will discover our secrets to them nor others, to the hurt of us his sovereign, this our realm, nor subjects.' Her majesty also faithfully promised that if Sir John, who, in the execution of justice on malefactors, had fallen under the deadly feud of the principal clans and broken men of the

West Marches, should be slain or die during the time of his exercise of the office of Warden, his wife and eldest son should have the ward of all his lands and heritable possessions which by his decease should fall into the hands of the Crown, with the marriage of his son and heir for the time. A short time afterwards his holding of his lands and baronies was changed from ward and relief to free blench in consideration of his 'good, faithful, and gratuitous services in the exercise of the offices of warden and justiciar for the space of twenty-two years or thereby past; by whom, with vast solicitude and sustained effort, and by the execution of justice upon a great number of perverse men, chief factions, and malefactors, dwelling in the said West Marches, who formerly could be restrained by no means from theft, slaughter, and depredation, the country was reduced to due and lawful obedience; for which service rendered and justice administered the said John remained under the mortal hatred of a great number of factions and perverse men within the said bounds, and in that service he had spent a great part of his life and had incurred great expense.'*

Sir John Maxwell became Lord Herries in the end of the year 1566, and was thenceforth known by that designation throughout the momentous affairs in which he took a prominent part. When Bothwell was brought to trial for the murder of Darnley, Lord Herries was one of the assize who acquitted him, on the ground of an error, which was no doubt designed, respecting the day on which the crime was committed; but Sir James Melville asserts that when a rumour went abroad that Mary was about to marry the murderer of her husband, Lord Herries came expressly to Edinburgh to entreat her, on his knees, not to take that fatal step, and that the Queen recommended him to leave the city at once, in order to avoid Bothwell's resentment. It has been argued that this statement is scarcely reconcilable with the fact that Lord Herries sat on Bothwell's assize; that he signed the bond recommending Bothwell as a suitable husband to the Queen (the most disgraceful and cowardly of all the base transactions of the Scottish nobility of that age), and that he was one of the witnesses to the marriage contract subscribed by them on the 14th of May, 1567, the day before the marriage took place. But these proceedings are quite in keeping with the portrait drawn of him at this juncture by Throckmorton, the English ambassador, in a letter to Sir William Cecil.

* *Book of Carlarock*, i. pp. 513-14.

‘The Lord Herryes,’ he writes, ‘ys the connyng horse leache, and the wysest of the wholle faction; but as the Quene of Scotland sayethe of hym, there ys no bodye can be sure of hym; he takethe pleasure to beare all the worlde in hande; we have good occasyon to be well ware of hym. Sir, you remember how he handled us when he delyvered Dumfryse, Carlaverocke, and the Hermytage into our handes. He made us beleave all should be ours to the Fyrthe; and when wee trusted hym, but how he helped to chase us awaye, I am sure you have not forgotten. Heere amongst hys owne countrymen he ys noted to be the most cautelous man of hys natyon. It may lyke you to remember he suffered hys owne hostages, the hostages of the Lord of Loughanon and Garles, hys nexte neighbouris and frendis, to be hanged for promesse broken by hym. Thys muche I speeke of hym because he ys the lykelyest and most dangerous man to enchaunte you.’*

Lord Herries was one of the nobles who subscribed at Dumbarton, in July, 1567, a bond for supporting Queen Mary against the confederate lords; but on the 14th of October he came to Edinburgh and acknowledged the coronation of the infant King and the authority of the Regent Moray. ‘He was minded,’ as James Melville said, ‘to the present weal and quietness of the State.’ He attended the meeting of Parliament in December, 1567, which ratified Mary’s resignation of the Crown, confirmed the coronation of the King and the regency of the Earl of Moray, and pronounced the imprisonment of the Queen lawful. The Regent, on the other hand, declared that he forgave Lord Herries and the other nobles who had formed the Queen’s party all that they had done on her behalf. All the Acts passed by the Estates in 1561 in favour of the Protestant religion were ratified by this Parliament.

At this meeting of the Estates Lord Herries delivered ‘a plausible

* The event referred to occurred in 1547. Maxwell had promised to support the Earl of Lennox in an attempt to recover by force his estates in Scotland, on condition that he would abandon the English interest, and had arranged to meet with a strong body of horse, at Dumfries, the Earl of Lennox, and Lord Wharton, the English Warden. He delivered to Lord Wharton certain gentlemen as pledges for the performance of his promise. The Regent Arran, however, induced Maxwell to break his word; and when Lennox came to Dumfries he found no troops there for his assistance. A detachment of horse, which he sent out to reconnoitre the district, encountered and defeated a body of the Borderers commanded by the Laird of Drumlanrig. The Master of Maxwell, who was present, narrowly escaped with his life. Lord Wharton retreated into England, and by the orders of the English Council he hanged at Carlisle Maxwell’s pledges, one of whom was the Warden of the Greyfriars in Dumfries, and another the Vicar of Carlaverock.

oration,' 'eulogizing the nobles who from the beginning had adopted measures for the punishment of the Earl of Bothwell, and defended them in imprisoning in Loch Leven the Queen, whose inordinate affection to that wicked man was such that she could not be persuaded to leave him.' He declared that he and those in whose names he spoke would hazard their lives and lands for maintaining the cause in which these nobles had embarked, and that if the Queen herself were in Scotland with twenty thousand men, this would not alter their purpose.* And yet, before the close of the month, Lord Herries and his associates, who had thus publicly declared their adherence to the King's Government, entered into a bond pledging themselves to do their utmost to effect the liberation of the Queen from her prison in Loch Leven. On Mary's escape, 20th May, 1568, Lord Herries and others, who at the last Parliament had solemnly pledged themselves to support the throne of the infant King, entered into a bond for the defence of the person and authority of the Queen. The Scottish nobles of that day seem to have been utterly lost to all sense of truth or honour.

At the battle of Langside Lord Herries commanded Mary's horse, who were almost all dependents and tenants of Lord Maxwell, his nephew. On the defeat of the Queen's army he accompanied her in her flight, and conducted her to his own house at Terregles, where she rested some days. Thence she went to Dundrennan Abbey; and when, in spite of his earnest entreaties, she persisted in throwing herself on the protection of Elizabeth, he accompanied her to Carlisle. By her orders he posted to London, carrying letters to the English Queen, expressing her strong desire for a personal interview, which was declined. He acted as one of her commissioners at York and Westminster, and took an active part in the negotiations and intrigues for her restoration to liberty. With the view of accommodating matters between the two parties, a meeting took place between the leaders on each side, at which an agreement was made that the Duke of Chatelherault would acknowledge the authority of the infant King, and the Regent became bound to get the sentence of forfeiture pronounced on Queen Mary's friends rescinded, and their estates restored. But at the convention which followed the Duke showed a disposition to recede from his promise, and pleaded for delay in taking the oath of allegiance to the King. Upon this the Regent imprisoned him in the castle of Edinburgh,

* Robertson's *History of Scotland*, Appendix, xxiv.

and along with him Lord Herries, on whom he laid the whole blame of the Duke's vacillating conduct, but they recovered their liberty shortly after the assassination of the Regent.

Lord Herries ultimately submitted to the King's Government on the conclusion of the treaty of peace at Perth, 23rd February, 1572-3, between the Regent Morton, and Chatelherault and Huntly representing the Queen's party; but he took part with other nobles in the plot to deprive Morton of the office of Regent, and was appointed one of the council of twelve who were to assist the young King when he assumed the government. He attached himself to the party of Esme Stewart, Lord d'Aubigny, the royal favourite, who was created Earl and Duke of Lennox, and made various unsuccessful efforts to effect a reconciliation between him and his enemies, before the Duke was sent out of the kingdom.

Lord Herries died suddenly, on Sunday, 20th January, 1582, when going to an upper chamber in William Fowkes's lodging, in the time of sermon, 'to see the boys bicker.' He said before dinner that he durst not trust himself to go to the afternoon's preaching, because he found himself weak. Leaning to a wall, he fell down by little and little, saying to a woman who followed, 'Hold me, for I am not weale.'* His wife survived him ten years. They had issue four sons and seven daughters. WILLIAM MAXWELL, the eldest son, succeeded his father as fifth Lord Herries; and JOHN MAXWELL, the eldest of his eight sons, became sixth Lord Herries in 1603, but nothing worthy of special notice occurred in their history. JOHN MAXWELL, the seventh Lord Herries, as we have seen, succeeded as third Earl of Nithsdale, on the death of his kinsman Robert, second Earl, without issue, in 1667.

* Calderwood's *History*, viii. p. 232.



THE JOHNSTONES OF ANNANDALE.



THE Johnstones were at one time among the most powerful, as they are one of the most ancient, of the Border sept. The 'rough-footed clan,' as they were termed, with the winged spur as their appropriate emblem, and the words 'Aye ready' for their motto, were originally settled in East Lothian, but for at least four hundred years they have held extensive possessions on the Western Marches, where they kept vigilant watch and ward against the English freebooters, carrying on at the same time sanguinary feuds with their powerful neighbours and rivals, the Crichtons of Sanquhar and the Maxwells of Nithsdale. Their designation is territorial, and was derived from the barony and lands of Johnstone in Annandale, which have been in their possession from a very remote period. The first of the family on record was Sir John de Johnstone, one of the Scottish barons who swore fidelity to Edward I. of England, in 1296. His great-grandson, also a Sir John de Johnstone, was conspicuous for his valour in the defence of his country in the reigns of David II. and Robert II. In 1370 he defeated an English invading army, and two years later was appointed one of the guardians of the Western Marches. His son, who bore the same name, got 300 of the 40,000 francs sent by the King of France, in 1385, to be divided among the Scottish nobles to induce them to carry on hostilities against their common enemies, the English. His son, Sir Adam Johnstone, was one of the commanders of the Scottish army at the battle of Sark, in 1448, in which they gained a signal victory over the English invaders—an exploit commemorated in glowing terms by Wyntoun in his 'Chronicle.' Sir Adam also took a prominent part on the royal side in the desperate struggle between James II. and the Douglases, and was very instrumental in the suppression of the rebellion of that great house against

the Crown. He was rewarded by the King with a grant of the lands of Pettinane, in Lanarkshire, and the Johnstones have ever since borne along with their ancestral arms the heart and crown of Douglas, as a memorial of the important service rendered to the royal cause by their ancestor at that critical period. Sir Adam's eldest son was the progenitor of the Annandale or main branch of the family, while Matthew, his second son, who married a daughter of the Earl of Angus, chief of the 'Red Douglasses,' was the ancestor of the Westerhall branch.

The chief seat of the Johnstones in those days of 'rugging and riving' was Lochwood, in the parish of Johnstone, the position of which, in the midst of bogs and morasses, made it a fortalice of great strength, and led to the remark of James VI., in allusion to the purpose which it served as a stronghold of freebooters, that 'the man who built it must have been a thief at heart.' Lochwood, however, was not the only fastness in which the Johnstones stored their booty. A few miles from Moffat there is a remarkable hollow, surrounded by hills on every side except at one narrow point, where a small stream issues from it. 'It looks,' says Pate in Peril, in 'Redgauntlet,' 'as if four hills were laying their heads together to shut out any daylight from the dark hollow space between them. A deep, black, blackguard-looking abyss of a hole it is, and goes straight down from the roadside as perpendicular as it can do to be a heathery brae. At the bottom there is a small bit of a brook that you would think could hardly find its way out from the hills that are so closely jammed round it.' This inaccessible hollow bore the name of the 'Marquis's Beef-stand,' or 'Beef-tub,' because 'the Annandale loons used to put their stolen cattle in there.'*

* The Beef-stand was the scene of a remarkable adventure to a Jacobite gentleman while on the road to Carlisle to stand his trial for his share in the rebellion of 1745. He made his escape from his guards at this spot in the manner which Sir Walter Scott makes Maxwell of Summertrees, who bore the *sobriquet* of 'Pate in Peril,' describe in graphic terms as an adventure of his own:—

'I found myself on foot,' he said, 'on a misty morning with my hand, just for fear of going astray, linked into a handcuff, as they call it, with poor Harry Redgauntlet's fastened into the other; and there we were trudging along with about a score more that had thrust their horns ower deep in the bog, just like ourselves, and a sergeant's guard of redcoats, with two file of dragoons, to keep all quiet and give us heart to the road. . . . Just when we came on the edge of this Beef-stand of the Johnstones, I slipped out my hand from the handcuff, cried to Harry, "Follow me," whisked under the belly of the dragoon horse, flung my plaid round me with the speed of lightning, threw myself on my side, for there was no keeping my feet, and down the brae hurled I, over heather, and fern, and blackberries, like a barrel down Chalmers' Close in Auld Reekie. I never could help laughing when I think how the scoundrel redcoats must have been bum-

The Johnstones, unlike the Armstrongs, Elliots, and Grahams, 'sought the beeves that made their broth' only in Cumberland and Northumberland, though they would probably have had no scruples in making a prey of any outlying cattle belonging to the Maxwells, with whom they had a hereditary feud. Lord Maxwell, the head of this great family, was in the sixteenth century the most powerful man in the south-west of Scotland. But the Johnstones, though inferior in numbers and power, were able, through their valour, and the strong position which they held in the mountainous district of Annandale, to maintain their ground against their formidable rivals. In 1585 Lord Maxwell opposed the profligate government of the worthless royal favourite, James Stewart, Earl of Arran, and was in consequence declared a rebel. According to the common, but most objectionable practice of that period, the Court gave a commission to Johnstone, his enemy, to proceed against him with fire and sword, and to apprehend him; and two bands of hired soldiers, commanded by Captains Cranstoun and Lammie, were despatched to Johnstone's assistance. They were intercepted, however, on Crawford Moor, by Robert Maxwell, of Castlemilk, and after a sharp conflict the mercenary forces were defeated. Lammie and most of his company were killed, and Cranstoun was taken prisoner.* Maxwell followed up his success by

bazed; for the mist being, as I said, thick, they had little notion, I take it, that they were on the verge of such a dilemma. I was half-way down—for rowing is faster work than rinning—ere they could get at their arms; and then it was flash, flash, flash, rap, rap, rap, from the edge of the road; but my head was too jumbled to think anything either of that or of the hard knocks I got among the stones. I kept my senses together, whilk has been thought wonderful by all that ever saw the place; and I helped myself with my hands as gallantly as I could, and to the bottom I came. There I lay for half a moment; but the thought of a gallows is worth all the salts and scent-bottles in the world for bringing a man to himself. Up I sprung like a four-year-old colt. All the hills were spinning round me like so many great big humming-tops. But there was no time to think of that neither, more especially as the mist had risen a little with the firing. I could see the villains like sae many craws on the edge of the brae; and I reckon that they saw me, for some of the loons were beginning to crawl down the hill, but liker auld wives in their red cloaks, coming frae a field-preaching, than such a souple lad as I. Accordingly they soon began to stop and load their pieces. "Good-e'en to you, gentlemen," thought I, "if that is to be the gate of it. If you have any farther word with me you maun come as far as Carriefraw-gauns." And so off I set, and never buck went faster ower the braes than I did; and I never stopped till I had put three waters, reasonably deep, as the season was rainy, half-a-dozen mountains, and a few thousand acres of the warst moss and ling in Scotland betwixt me and my friends the redcoats.'

Sir Walter Scott says he saw in his youth the gentleman to whom the adventure actually happened.

* In relating this incident Sir Walter Scott says, 'It is devoutly to be wished that this Lammie may have been the miscreant who, in the day of Queen Mary's distress, when she surrendered to the nobles at Carberry Hill, "his ensign being of white taffety, had

setting fire to Johnstone's castle of Lochwood, remarking with savage glee that he would give Lady Johnstone light enough by which 'to set her hood.' Unfortunately, besides the 'haill house, bedding, and plenishing,' Johnstone's charter-chest, containing the whole muniments of the family, and many other valuable papers, perished in the flames.

In a subsequent conflict between the two hostile clans, Johnstone himself was defeated and taken prisoner. He was a person of a very proud spirit, and took his defeat so much to heart that after his liberation he is said to have died of grief, in the beginning of the year 1586.

The feud between the Johnstones and the Maxwells became more and more deadly, and led to the battle of Dryfe Sands, the murder of the chief of the Johnstones, and the death on the scaffold of John, ninth Lord Maxwell. [See THE MAXWELLS.]

JAMES JOHNSTONE, the chief of the Johnstone clan, was created by Charles I., Lord Johnstone of Lochwood, in 1633. Ten years later he was made Earl of Hartfell. He was a staunch Royalist, joined Montrose after the battle of Kilsyth, August, 1645, was taken prisoner at the battle of Philiphaugh, and was tried at St. Andrews and condemned to death; but his life was spared through the intercession of the Marquis of Argyll. The only son of Lord Hartfell obtained the Earldom of Annandale in addition to his hereditary dignities.

The lordship of Annandale was one of the oldest and most honourable titles in the south of Scotland. It was bestowed by David I. on Robert de Brus, ancestor of the illustrious restorer of Scottish independence, who was himself the seventh Lord of Annandale. After the battle of Bannockburn, the lordship of Annandale was conferred by King Robert on his nephew, the valiant Randolph, Earl of Moray. It formed part of the dowry of his daughter,

painted on it the cruel murder of King Henry, and laid down before her Majesty at what time she presented herself as prisoner to the Lords." It was very probably so, as he was then, and continued to be till his death, a hired soldier of the Government. Nine months after the incident in question, the following entry appears in the Lord Treasurer's books, under March 18, 1567-8: "To Captain Andro Lambie, for his expenses passand of Glasgow to Edinburgh to uplift certain men of weir, and to make ane *Handsenyie* of white taffety, £25" [Scots]. He was then acting for the Regent Moray. It seems probable that, having spoiled his ensign by the picture of the king's murder, he was now gratified with a new one at the expense of his employer.—See *Domestic Annals of Scotland*, i. p. 156, note, and *Border Minstrelsy*, ii. p. 134, note.

the famous 'Black Agnes' of Scottish history, and was carried by her to the Dunbars, Earls of March. On the attainder and banishment of these fickle and versatile barons, their Annandale dignities and estates were bestowed, in 1409, on the Earl of Douglas. After remaining for about fifty years in the possession of the Douglasses, Annandale was forfeited, along with their other estates, on the attainder of James, ninth and last Earl of the original branch of that doughty house. The title of Earl of Annandale, after lying dormant for a hundred and sixty-nine years, was revived in 1624, in favour of Sir James Murray, Viscount of Annand and Lord Murray of Lochmaben, a descendant of Sir William Murray of Cockpool and Isabel, sister of Earl Randolph. The title, however, became extinct on the death of the second Earl in 1658. Three years later it was once more revived by Charles II., who created the Earl of Hartfell, the chief of the Johnstones, Earl of Annandale, Viscount Annand, and Lord Johnstone of Lochwood, Lochmaben, Moffatdale, and Evandale. He died in 1672, and was succeeded by his only son—

WILLIAM, second Earl of Annandale and third Earl of Hartfell. He held successively the offices of an Extraordinary Lord of Session, one of the Lords of the Treasury, President of the Scottish Parliament, Keeper of the Privy Seal, and was three times Lord High Commissioner to the General Assembly. He was created Marquis of Annandale in 1701, and was appointed, in 1705, one of the principal Secretaries of State, but was dismissed from that office in the following year in consequence of his opposition to the Union. The Earl had three sons by his first wife and two by his second, who all died unmarried. His eldest daughter, Lady Henrietta, married, in 1699, Charles Hope, created Earl of Hopetoun in 1703.

JAMES, second Marquis of Annandale, died at Naples in 1730, having enjoyed the family dignities and estates only nine years. His half brother GEORGE, third and last Marquis, was a man nervously timid and reserved, distrustful of himself and of his ability to transact business with other people, but not quite incapable at first of managing his affairs, though excitable and liable to be drawn into fits of passion by causes not susceptible of being anticipated. In 1745 he was placed under the charge of the celebrated philosopher and historian, David Hume, but after a twelvemonth's trial he was constrained to abandon the irksome and uncongenial task. An inquest held under

the authority of the Court of Chancery, 5th March, 1748, found that the Marquis had been a lunatic since 12th December, 1744. On his death, in 1792, the family titles became dormant, and the estates devolved upon his grandnephew James, third Earl of Hopetoun. The accumulated rents of his estates, amounting at his death to £415,000, were the subject of long litigation both in England and Scotland. The 'Annandale cases' contributed greatly to settle in Britain the important principle that the movable or personal estate of a deceased person must be distributed according to the law of the country where he had his domicile at the time of his death. The Earl of Hopetoun had no male issue, and his eldest daughter Anne married Admiral Sir William Hope Johnstone, whose eldest son, JOHN JAMES HOPE JOHNSTONE, inherited the Annandale estates, and claimed the titles of his maternal ancestor.

Mr. Hope Johnstone was one of the most respected and influential country gentlemen of his day, and there was a strong desire among all classes and parties that he should be successful in his suit. When the case was first considered, in the year 1834, Lord Brougham, who was then Lord Chancellor, was very favourable to the claim, and delivered an elaborate opinion in its support. An opposition, however, was started, which was countenanced by Lord Campbell, and the claim lay over for ten years. In 1844 an adverse decision was given by Lord Lyndhurst. The question turned upon the construction of the words, 'heirs male' in the patent of the Earldom of Annandale in 1661, which are capable of being construed to mean heirs male general, or heirs male of the body, according to circumstances. Upwards of thirty years afterwards, it was discovered that, unknown to their lordships, or the law officers of the Crown, or to Mr. Hope Johnstone, a transaction had taken place nearly two hundred years before, which made an important change in the destination of the peerage. It is a recognised principle in the law of Scotland that a Scottish peer, previous to the Act of Union, provided he obtained the sanction of the Crown, might alter the limitation of his honours, in precisely the same manner as he might alter the destination of his estates. He resigned his honours just as he resigned his land for a re-grant from the Crown, and if the re-grant were made in favour of a different series of heirs from those who would have been entitled to succeed under the original grant, the dignities passed with the old precedence into the new line of succession. The resignation bars the previous heirs, and the re-grant

which follows upon it vests the old peerage in the new series of heirs. Now a resignation of this kind of his titles and estates was made by the second Earl of Hartfell, on the 10th of June, 1657, and was followed by a re-grant bearing date 13th February, 1661. But the bond of resignation was not known to be in existence, and was not discovered until 1876. It was brought to light by Mr. William Fraser, of the Register House, the eminent authority on peerage law, in a manner which reads like an incident in a romance. About the middle of the last century Mr. Ronald Crawford and his successor in business, Mr. John Tait, grandfather of the late Archbishop of Canterbury, were the law agents in Edinburgh of the third Marquis of Annandale, and of his tutor in law and heir of his estates, the Earl of Hopetoun. The Annandale muniments were of course deposited with Messrs. Crawford and Tait; and though these gentlemen ceased to be the Annandale agents on the succession of Lady Anne Johnstone Hope in 1816, it appears that a considerable number of important documents belonging to the family remained in the possession of the firm, and of their present representatives, Messrs. Tait and Crichton. This fact was unknown to them, as well as to the possessors of the Annandale estates and their present law agents. Mr. Fraser, however, became aware from investigations made by him on other questions, that Messrs. Tait and Crichton were in possession of a large collection of ancient documents of various kinds, and as their firm had at one time been agents for the Annandale estates, it seemed highly probable that among these documents there would be some papers which might throw light on the Annandale peerage case. Mr. Fraser readily received permission from these gentlemen to make an examination of their old papers.

He found that these were contained in thirty-four leather bags, and large canvas sacks, which had lain for many years in the chambers of the present firm and their predecessors. In one of these leather bags Mr. Fraser discovered a document entitled 'Bond of Talzie and Resignation, by James, second Earl of Hartfell and Lord Johnstone, of his honours, titles, and dignities of Earl of Hartfell, and Lord Johnstone of Lochwood, Moffatdale, and Evandale; and also of his whole lands, Baronies, and Lordships, Regalities, Offices, and Patronages, &c.,' which on examination proved to be of vital importance in determining the destination of the honours and heritages. It appears that in 1657, when the resignation was made, the Earl had been twelve years married, and had four daughters but no son.

He had no brothers, or uncles, or near male kinsmen, but he had two sisters, Lady Janet, wife of Sir William Murray of Stanhope, and Lady Mary, wife of Sir George Graham of Netherby, ancestor of the late distinguished statesman, Sir James Graham. As his peerages were at this time limited to heirs male general, they must at his death have passed to very remote collateral heirs. His object, therefore, was to make new arrangements for the descent of his titles and estates, in order to bring in his daughters and sisters and their descendants. For this purpose he executed the deed of resignation, in 1657, during the time of the Commonwealth. In the ordinary course a re-grant of the titles and estates would have followed immediately, but, probably owing to the peculiar position of public affairs when 'there was no king in Israel,' nothing further was done to carry the Earl's desire into effect until after the Restoration. As Lord Hartfell and his father had suffered fines and imprisonment in the royal cause, and the former had even been condemned to death, and narrowly escaped execution, for his devoted loyalty, Charles II. very readily granted the boon solicited by his devoted follower, and a re-grant was made to him of his titles and estates on the 13th February, 1661.

Meanwhile, however, the earldom of Annandale, which had been held by the Murrays of Annandale, had become extinct by the death of the last Earl of that family; and the King being earnestly desirous, as the patent says, of conferring some mark of his favour upon the Earl of Hartfell, and of his accumulating honours upon honours, 'as a reward for his faith, love, services, and losses, and that his heirs may be encouraged to follow in his steps,' granted to him and his heirs the titles, honours, and dignity of Earl of Annandale, in addition to that of Earl of Hartfell and Lord Johnstone. After this incident four sons were born to the Earl, the eldest survivor of whom inherited these renewed titles, and was in addition created Marquis of Annandale. That dignity, along with the other family honours, fell into abeyance, on the death of his fourth son, GEORGE, third Marquis of Annandale, 1792. The alteration made by the re-grant in regard to the titles and estates of the family was to the effect that, instead of being limited to heirs male in general, they were to descend to the heirs male of the second Earl of Hartfell, whom failing, to his two sisters and their heirs, male and female. Armed with this important document, Mr. J. Hope Johnstone, the heir male of a female heir, and possessor of the estates,

presented a petition to the House of Lords requesting their lordships to reconsider his claim to the family honours, and to reverse their decision on the case in the year 1844; and pleading that according to the principles of the law and practice of the courts of Scotland, this course is quite competent when a new document is produced which is material to the issue, the existence of which was previously unknown to the petitioner, owing to no neglect or want of diligence on his part.

Mr. Hope Johnstone died in 1877 at a good old age, but the suit was continued by his grandson, who succeeded him in the family estates. His claim appeared quite good as far as the double earldom and the viscounty and barony are concerned, but it was more doubtful as regards the marquissate, which was created in 1701 in favour of William, second Earl of Annandale and third Earl of Hartfell. The limitation is to that Earl and 'his heirs male whomsoever,' and if these words had stood alone, the claimant, as representing a female heir, would not have been entitled to succeed to this dignity; but they are qualified by the addition of the words 'succeeding him in his lands and estates in all time coming.' It would appear, therefore, that the marquissate is limited to those heirs who 'in all time coming' shall succeed to the family estates, and Mr. Hope Johnstone contends that in accordance with the mode in which the succession to the peerages of Dupplin, Seafield, Rosebery, Lothian, and Rothes has been regulated, he, as a male heir in possession of the Annandale estates, is entitled also to the dignity and titles which, as the patent shows, were intended to be united to the estates in all time coming.

An objection however was taken to the deed of resignation, that it was made when Oliver Cromwell governed the kingdom as Protector, and this plea was sustained by the law lords. Lord Blackburn said, 'I doubt whether the Government of Cromwell and his Court would have taken any more notice of a Scottish peerage than one of our courts of law would take of such a title as that of the "Knight of Kerry"—an honourable title, but one which has no legal validity.'

Lord Gordon concurred with Lord Blackburn, but said, 'At the same time I should perhaps express more difficulty than he has done in reference to the effect of the resignation.'

The result was that the House of Lords decided that they saw no reason for departing from the judgment which they had pronounced in 1844.

It seems very strange that the Lords should have decided that the resignation had no legal validity, when Charles II. treated it as valid by making a re-grant of the titles and estates in the year 1661. Thomas Carlyle expressed himself emphatically in favour of the validity of the document, and his opinion has been endorsed by the general verdict of the public.

The Annandale titles are claimed also by SIR FREDERICK JOHNSTONE, of Westerhall, the representative of a junior branch of the family, descended from MATTHEW JOHNSTONE, younger son of Sir Adam Johnstone. JAMES JOHNSTONE, knight, the seventh in descent from him—an apostate Presbyterian—has obtained an unenviable notoriety as the cruel and brutal persecutor of the Covenanters. One of that body who was dying was sheltered by a pious widow of the name of Hislop, who lived near Westerhall, and died under her roof. This fact came to Johnstone's knowledge, and he immediately pulled down the widow's house, carried off her property, and dragged her eldest son, Andrew, who was a mere stripling, before Graham of Claverhouse in order that he might be condemned to death. For once that cruel persecutor was in a clement mood, the prayers of John Brown, whom he had recently put to death, having, it is reported, left a strong impression on his obdurate heart. He seems to have felt pity for the poor lad, and recommended that his case should be delayed. Johnstone, however, insisted that the sentence of death should be executed at once, and Claverhouse at last yielded, saying to Westerhall, 'This man's blood shall be on you; I am free of it.' He then ordered the captain of a company of Highlanders who were with his troop to shoot the prisoner, but he peremptorily refused, declaring that he 'would fight Claverhouse and all his dragoons first.' Graham then commanded three of his own dragoons to execute the sentence. When they were ready to fire they desired Hislop to draw his bonnet over his eyes. 'No,' replied the youth; 'I can look my death-bringers in the face without fear. I have done nothing of which I need be ashamed.' Then, holding up his Bible, he charged them to answer for what they were about to do at the Great Day, when they should be judged by that book. As he uttered these words the dragoons fired and shot him dead, and he was buried where he fell. The Covenanting chronicler who has recorded this incident adds, with evident satisfaction, that 'Westerhall died about the Revolution (1699) in great torture of body and horror and anguish of conscience, insomuch that his cries were

heard at a great distance from the house, as a warning to all such apostates.'

When the cause of James VII., under whose reign and special directions the Covenanters were so cruelly tortured and put to death, became hopeless, Westerhall, as might have been expected, lost no time in abandoning the fallen monarch, and joined the party of the Prince of Orange. Probably as a reward for his timely defection from the cause of the exiled monarch, JOHN JOHNSTONE, the eldest son of the trimming persecutor, was created a baronet of Nova Scotia, in 1700. His nephew married the Dowager Marchioness of Annandale, daughter and heiress of John Vanden-Bempde, of Harkness Hall, Yorkshire, and is the ancestor of Sir Harcourt Vanden-Bempde Johnstone, Lord Derwent. The Johnstones of Alva are descended from John Johnstone, a younger son of the third baronet, a distinguished officer who commanded the artillery at the battle of Plassey, and made himself conspicuous by the strong interest which he took in the affairs of the East India Company.

SIR WILLIAM JOHNSTONE, the fifth baronet, inherited an estate yielding only a small rental, though of large extent, but he became one of the richest commoners in Great Britain. He acquired an immense fortune in America, purchased the burgh of Weymouth, which at that time returned four members to the House of Commons, and sat in seven successive Parliaments. He married the niece and heiress of General Pulteney, and of the Earl of Bath, the celebrated leader of the Opposition against Sir Robert Walpole. His only child, who married Sir James Murray in 1794, inherited the Pulteney estates and was created Countess of Bath. Sir William Johnstone survived till 1805. His baronetcy, the Westerhall estate, the borough of Weymouth (in these days a source both of wealth and of political influence), and the extensive territory which he had acquired in America, were all inherited by his nephew, SIR JOHN LOWTHER JOHNSTONE, grandfather of the eighth and present baronet, SIR FREDERICK JOHN WILLIAM JOHNSTONE. He and his twin brother were born after the death of their father, who was killed by the fall of his horse in the hunting-field, 7th May, 1841.



THE STEWARTS OF TRAQUAIR.

AMONG the many beautiful districts on the Scottish Borders, there is not one more lovely in its scenery, or more interesting in its associations—legendary, historical, and poetical—than the vale of the Tweed from Peebles to Selkirk. The ancient, sleepy borough itself—the scene of the curious old poem of ‘Peblis to the Play,’ and which, according to Lord Cockburn, is more quiet than the grave—the ruins of Neidpath Castle, with its reminiscences of the Frasers, the Hays, and the Douglasses; and of Haystone, Horsburgh, Cardrona, and Elibank, and the rest of that chain of fortalices which, in the ‘riding times,’ kept watch and ward on the Borders against the inroads of the English invaders; the picturesque village of Innerleithen, the prototype of ‘St. Ronan’s Well,’ and the fine river, clear, broad, and deep, rolling cheerily along its pebbly bed—form a picture which no Scotsman can look upon without emotion. In the midst of this beautiful and interesting scene, at the opening of the vale of the Quair, and nearly opposite the spot where the Leithen Water falls into the Tweed, stands the ancient House of Traquair, the seat of the Earls of that title, ‘a grey forlorn-looking mansion, stricken all over with eld.’ The gateway, which opens upon the grassy and untrod avenue, is ornamented with a huge ‘Bradwardine stone bear’ on each side, the cognisance of the family—most grotesque supporters, with a superfluity of ferocity and canine teeth. The wrought-iron gate, in the time of the late proprietors, was embedded in a foot deep or more of soil, never having been opened since the ’45. In the immediate vicinity is the remnant of the ‘Bush aboon Traquair’—

‘Birks three or four,
Wi’ grey moss bearded owre,
The last that are left o’ the birken shaw,’

rendered classic by the well-known song of Crawford.

In later times the Quair, on whose bank the far-famed group of

birches stood, has been noticed in a song written by the late Rev. James Nicol, minister of the parish, beginning 'Where Quair runs sweet among the flowers;' and by James Hogg, the Ettrick Shepherd, in his well-known song, 'O'er the hills to Traquair.'

To the east of Traquair lies Minchmoor, over which Montrose made his escape from Philiphaugh—lofty, yet round and flat, fragrant with recollections of Sir Walter Scott and Mungo Park, the African traveller; and to the south-west and south are the green pastoral hills of Ettrick and Yarrow, 'round-backed, kindly, and solemn,' with 'lone St. Mary's Lake' in their bosom; and Dryhope Tower, the residence of the 'Flower of Yarrow;' and Blackhouse Tower, the scene of the Douglas tragedy; and the 'Dowie Dens of Yarrow,' immortalized in Scottish song, and which have been the subject of more and better poetry than even the celebrated Vale of Tempe.

The house of Traquair consists of a tower of remote antiquity, to which considerable additions were made in the reign of Charles I. by the powerful Earl who held the office of High Treasurer of Scotland under that monarch. Its walls are of great thickness; its accommodation is for the most part that of a long-bygone age, and it has an antique, deserted-looking aspect.

'A merry place it was in days of yore,
But something ails it now—the place is curst.'

'The whole place,' said Dr. John Brown, 'like the family whose it has been, seems dying out—everything subdued to settled desolation. The old race, the old religion, the gaunt old house, with the small deep comfortless windows, the decaying trees, the stillness about the doors, the grass overrunning everything—nature reasserting herself in her quiet way—all this makes the place look as strange and pitiful among its fellows in the vale as would the Earl who built it three hundred years ago, if we met him tottering along our way in the faded dress of his youth; but it looks the Earl's house still, and has a dignity of its own.'

The estate of Traquair was originally a royal domain, and was conferred by Robert Bruce on his warm friend and devoted adherent, Lord James Douglas. After passing through various hands, it came into possession of an ancestor of the Murrays of Elibank, and was forfeited by William Murray in 1464. It was given to William Douglas of Cluny, but was almost immediately thereafter assigned to the Boyds. On the forfeiture of Robert, Lord Boyd, the head of this powerful family, in 1469, the estate was resumed by the Crown, but

was shortly after conferred upon Dr. William Rogers, an eminent musician, and one of the favourites of the ill-starred James III. After holding the lands for upwards of nine years, Dr. Rogers sold them for an insignificant sum, in 1478, to James Stewart, Earl of Buchan, the second son of Sir James Stewart, called the Black Knight of Lorn, by Lady Jane Beaufort, widow of James I. The Earl conferred Traquair, in 1491, on his natural son, JAMES STEWART, the founder of the Traquair family. He obtained letters of legitimation, and married the heiress of the Rutherfords, with whom he received the estates of Rutherford and Wells in Roxburghshire. Like the great body of the chivalry of Tweeddale, and the 'Flowers of the Forest,' he fell along with his sovereign on the fatal field of Flodden in 1513. Four of the sons of this stalwart Borderer possessed the Traquair estates in succession, one of whom was knighted by Queen Mary when she created Darnley Duke of Albany, and was appointed captain of her guard, and, no doubt in that capacity, is said to have accompanied the Queen and her husband in their flight to Dunbar after the murder of Rizzio. He continued a steady friend of the ill-fated princess, and was one of the barons who entered into a bond of association to support her cause after her escape from Loch Leven in 1568.

A second son of Sir James was one of the Gentlemen of the Bedchamber to James VI., and governor of Dumbarton Castle in 1582. James, the youngest son, alone had issue, and his grandson, JOHN, who succeeded to the family estates in 1606, became the first Earl of Traquair. This nobleman, who at a critical period of our history was one of the most powerful men in the kingdom, was educated by Thomas Sydserf, Bishop of Galloway, and, in order to complete his education according to the fashion of his day, he travelled for some time on the Continent. On his return home, he was elected Commissioner for Tweeddale in the Scottish Parliament, was knighted by King James, and was a member of the Privy Council. On the accession of Charles I., with whom he became a great favourite, he was raised to the peerage by the title of Lord Stuart of Traquair, and was appointed Treasurer-Depute, and an Extraordinary Lord of Session. During the visit of Charles to Scotland in 1633 he elevated Lord Stuart to the dignity of Earl of Traquair, with the subordinate titles of Lord Linton and Caberston. On the resignation of the Earl of Morton, Traquair was appointed Lord High Treasurer of Scotland, the highest office in the Government ;

and during the succeeding twenty-five years he took a prominent part in public affairs. Clarendon says, 'This Earl was, without doubt, not inferior to any in the Scottish nation in wisdom and dexterity.' Charles evidently regarded him as a person on whom he could thoroughly rely in carrying out his arbitrary schemes. The resumption of the grants of Church lands had excited great discontent among the fierce and turbulent nobility of Scotland, and a proposal to vest in the King authority to regulate the ecclesiastical dress of the clergy had met with considerable opposition. Charles, acting by the advice of Laud, resolved to strike a blow which would frighten the malcontents into silence, if not into acquiescence with his measures, and Lord Balmerino was brought to trial on a charge of *leasing-making*, or uttering a document tending to sow dissension between the King and his subjects. The only ground for this charge was that a humble and most respectful supplication to His Majesty against the proposed changes, which had not been presented, was in his Lordship's possession, and had been revised and corrected by him. On the advice of Archbishop Spottiswood, Lord Balmerino was arrested and tried. Every effort was made by the Court to secure the condemnation of the ill-used nobleman; and the Earl of Traquair, on whose powers of persuasion great dependence was placed, was appointed chancellor or foreman of the jury. Although the list of jurors was mainly prepared by the Earl himself, it was only by his casting vote that a verdict of guilty was obtained. Sentence of death was pronounced upon Lord Balmerino; but, the public indignation at this outrageous proceeding blazed out so fiercely, that the Government were afraid to carry the sentence into execution. Bishop Burnet says, that when the trial terminated, 'many meetings were held, and it was resolved either to force the prison to set Balmerino at liberty, or, if that failed, to avenge his death both on the Court, and on the eight jurors. When the Earl of Traquair understood this, he went to Court and told the King that Lord Balmerino's life was in his hands, but the execution was in no ways advisable; so he procured his pardon.'

The person who could act this part in such a trial was evidently a man after the King's own heart. Crafty, unscrupulous, and resolute, he was not likely to shrink from carrying through any scheme that the Court would devise. A number of holograph letters from Charles in the charter-chest of Traquair house, show the unbounded confidence which the King reposed in the Earl. On the 20th of

November, 1637, he wrote from Whitehall, 'I have commended Roxborough, not only to show you the manie secrets of my thoughts, but, to have your judgment as well as your industrie concur in my service.' In 1641, when compelled by the Parliament to exclude Traquair from his service, Charles wrote to him, 'Since by your owen desyre and my permission ye are retired from my court to satisfie the needlesse suspitions of your countriment, I have thought fitt by these lynes to assure you that, I am so far from having chased you away as a delinquent, I esteem you to be as faithfull a servant as anie I have, beliuing that the greatest cause of malice that ye are now vext with is for hauing served me as ye ought; therefore I desyre you to be confident that I shall bothe fynde a fitt tyme for you to wpe away all thease slanders that are now against you; and lykewais to recompence your by-past sufferings for my service.' Again, on 26th September, 1642, the King wrote, 'Traquair, the former experience I have of your zeal to my seruice and your dexteritie in it makes me address this bearer particularly to you, that though his business may seem equally addressed to many, yet you are he whom I cheefly (and indeed only) trust for the right managing of it. Your most assured constant friend, CHARLES R.'

Traquair had gained the confidence of the King's chief ecclesiastical adviser, as well as of Charles himself. Laud informed the Archbishop of St. Andrews that the Earl of Traquair 'hath assured the King in my presence that he will readily do all good offices for the Church that come within his power, according to all such commands as he shall receive either immediately from the King, or otherwise by direction of his Majesty from myself.' This 'mutual relation' between the earl and the archbishop was to be 'kept very secret, and made known to no other person, either clergy or laity.' The Scottish Privy Council, consisting of eight prelates and about twenty noblemen, along with the legal officials, formed the acting ministry for the government of the country from 1634 to 1638. The Earl of Traquair was virtually the leading resident minister, and after his promotion to the office of Chief Treasurer in 1635, he 'guided our Scots affairs,' says Baillie, 'with the most absolute sovereignty that any subject among us this forty years did kythe.' His overbearing manner seems to have intimidated some, at least, of the other members of the Council. 'He carries all down that is in his way,' observed Baillie, 'with such a violent spate [flood], oft in needless passion.' He disliked the bishops, however, and notwithstanding his

zeal for the King's service, both in ecclesiastical and civil affairs, he was personally opposed to the introduction of the new Service Book.

He declared to the Earl of Rothes that he 'would rather lay down his white staff than practise it, and would write his mind freely to his Majesty.' He was, indeed, hostile not only to Laud's Liturgy, but to the entire scheme of governing Scotland by the policy of Lambeth. He agreed with Lord Napier in the opinion 'that Churchmen have a competency is agreeable to the law of God, and man, but to invest them into great estates, and principal offices of State is neither convenient for the Church, for the King, nor for the State.' But, when Charles, with his characteristic obstinacy, insisted on the adoption of the new Service Book by the Scottish clergy, the timeserving Lord High Treasurer took a prominent part in carrying out the royal commands. Jenny Geddes' stool hurled at the head of the Dean of Edinburgh, when he was 'saying mass at her lugg' (ear), produced at once an explosion of the long pent-up wrath that had been accumulating throughout the country. Traquair was one of the principal objects of popular indignation, and one of the first to suffer from its outburst. He was mobbed by the rabble of Edinburgh, and his official wand broken. He was himself hustled and thrown down, and having been with difficulty raised by those about him, 'without hat or cloak like a malefactor,' says a contemporary chronicler, 'he was carried by the crowd to the door of the Council House, where he found an asylum.' On receiving the tidings respecting this riot the King wrote to the Treasurer, 'We have seen a relation of that barbarous insurrection at Edinburgh, which you sent vnto our Secretarie, and doe give you hartie thanks for the paines you tooke to pacifie the same, and are highly offended that such an indignitie as you wreate of should have been offered to such an cheif officer of ours, and others of our Councill, and we do not doubt but you have taken notice of them that were authours or accessory therevnto, that vpon due tryall wee may take such order therewith, as the nature of such an exorbitant cryme doth require.'* At the King's own request the Earl was sent by the Privy Council to London, to inform his Majesty of the state of affairs and to advise with him as to the policy which should be adopted. He earnestly recommended that the new liturgy should be withdrawn, but that, to save the royal authority and dignity, a form of submission should be required from the Presbyterians.

* *Ninth Report of the Royal Commission on Historical MSS.*

The king was, however, profoundly ignorant of the real state of affairs, and of the precipice on which he stood. He was persuaded that to give up the Service Book and the Court of High Commission would degrade his royal authority. The Archbishop of St. Andrews wrote him that if he firmly condemned the present proceedings of the supplicants, and forbade them, under pain of treason, to follow the same course for the future, 'their combinations would melt like frost-work in the sun, or be driven like mist before the wind.' Similar advice was given by Laud and Strafford, and about the beginning of February, 1688, Traquair returned to Scotland with instructions to carry out this policy.

The Scottish capital was still in disgrace on account of the late disturbances, and the Council and Sessions were held at Stirling. After remaining a short time in the metropolis, where he declined to give any information respecting the intentions of the King, or the instructions which he had received, the High Treasurer set out for the North. The object of his journey, however, and the nature of the King's answer, had by some means transpired, and, within an hour after the Earl had left Edinburgh, Lords Lindsay and Home set out for Stirling as fast as their horses could carry them. They reached the town before him, and were in readiness to counteract his proceedings on the spot. At ten o'clock on the 20th of February, the heralds, accompanied by the Lord Treasurer and the Privy Seal, appeared at the market cross and read the royal proclamation. It expressed his Majesty's extreme displeasure with the conduct of those who had taken part in recent 'meetings and convocations,' declared them to be liable to high censure, prohibiting 'all such convocations and meetings in time coming, under pain of treason,' and commanding 'all noblemen, barons, ministers, and burghers, not actually indwellers in the burgh of Stirling,' to depart thence within six hours, and not return again, either to that town or to any other place where the Council may meet. No sooner was the proclamation made, with the usual formalities, than Lords Home and Lindsay stepped forward and caused the protest which they had prepared to be read at the same spot with all legal forms, and, leaving a copy of this document affixed by the side of the proclamation to the market cross of Stirling, they hastened back to Edinburgh. A repetition of the same scene took place at Linlithgow, Edinburgh, and all the other towns where the proclamation was made. It was understood that the policy of Traquair was to break up as much as pos-

sible the Presbyterian combination, embracing all classes of society, and to induce the different orders of 'supplicants' to renew their petitions separately. To counteract this device, it was resolved to renew the National Covenant, solemnly pledging the subscribers 'constantly to adhere unto and defend the true religion, and forbearing the practice of all novations already introduced on the matter of the worship of God.'

When 'the ten years' conflict' between the King and the Covenanters began, in the memorable General Assembly which met at Glasgow in November, 1638, the Earl of Traquair was one of the assessors to the Royal Commissioner, the Marquis of Hamilton. After the Covenanters had, by an appeal to arms, compelled the King to yield to their demands in the Pacification of Berwick, Traquair was appointed Lord High Commissioner to the General Assembly which met at Edinburgh, 12th August, 1639. He had a very difficult, and, indeed, dangerous task to perform. While apparently willing to yield to the popular current, the King was obstinately bent on carrying out his own schemes. His representative was therefore instructed to appear to grant everything which the people desired, but with such artful qualifications and reservations, as in reality to concede nothing. He was 'to give way for the present to that which will be prejudicial to the Church, and to the Government, but to do so in such a way as would reserve a plea for withdrawing these concessions when the proper time should come.' A hint was also given to the clergy that they should deliver secretly to the Commissioner a 'protestation and remonstrance against this Assembly and Parliament,' which might afterwards serve as a pretext for cancelling their proceedings. Traquair seems to have played his difficult part with great dexterity. On the one hand he gave assent in his Majesty's name to the Acts of the Glasgow Assembly, the abolition of Episcopacy, the rescinding of the five Articles of Perth, and the ratification of the Covenant, to which he appended his signature, both as Commissioner and as an individual. On the other hand he made at the outset a most plausible pretext, reserving his Majesty's right for redress of anything that might be done prejudicial to his service.

The day after the rising of the Assembly, the Commissioner opened Parliament in great state, the 'riding' of the members—a procession on horseback from Holyrood to the Parliament Close—and all the other forms and honours due to royalty, being observed with

more than customary splendour. The Estates, which had hitherto met in the dingy recesses of the Tolbooth, now for the first time assembled in the great new hall of the Parliament House, with its fine roof made of oaken beams, which has ever since been one of the most interesting structures in the metropolis. The meeting, however, was short and stormy, and as Traquair, with all his dexterity and eloquence, was unable to control their proceedings, he prorogued the Parliament in order that he might receive fresh instructions from the King, and did not again appear in person at their meetings. The Covenanters, though unable to penetrate the thick veil of duplicity and deceit in which the King and his Commissioner had enveloped their policy, were quite aware of the insincerity and hostility both of Charles and his most-trusted Councillor. Traquair was regarded as by no means the worst of the 'Malignants,' but his energy and ability rendered him especially formidable. Hence, when their day of triumph arrived in 1641, they compelled the King to give his assent to the exclusion of the Earl from the benefit of the 'Act of Oblivion,' as an incendiary betwixt England and Scotland, and betwixt the King and his subjects. In the previous session of Parliament, an Act had been passed 'anent leising-makers of quhatsomever qualitie, office, place, or dignity,' which declares that 'all bad counsellars quha, instead of giving his Majestie trew and effauld counsaill, has given or will give informatone and counsaill to the evident prejudice and ruine of the liberties of this kirk and kingdom, suld be exemplarlie judged and censured.' Sir James Balfour asserts this Act 'was purposelie made to catche Traquair.' He was accordingly impeached in Parliament as an incendiary, and found guilty. Charles interfered to save him from capital punishment, but he was deprived of his office as Treasurer, and obliged to find caution to conduct himself in such a manner as would best conduce to the peace of the country, under penalty of the forfeiture of the pardon he had received from his Majesty. The dominant party in Parliament were not inclined to use their power with moderation or mercy, and they compelled the King to promise that he would not employ Traquair or any of the other 'incendiaries' in any public office, without consent of the Estates, or even allow them access to his person, lest they should give him evil counsel.

The Earl of Traquair was one of the Scottish nobles who in 1643 subscribed a remonstrance expressing strong disapproval of

the combination of the Scottish Estates and the English Parliament against the King, and was in consequence, on the ground that he had violated the conditions on which he had been set at liberty, declared an enemy to religion, and to the peace of the kingdom. His movable goods were confiscated and his estates sequestrated. He averted the entire forfeiture of his property, and obtained a pardon, by the payment of 40,000 marks, along with the conditions that he should subscribe the Covenant, and confine himself within the counties of Roxburgh, Selkirk, and Peebles, and promise that he would not repair to the King's presence. He is alleged to have sent his son, Lord Linton, with a troop of horse, to join Montrose the day before the battle of Philiphaugh (September 13th, 1645), but to have withdrawn them during the night. It is also reported that when the great Marquis, in his flight from the battle-field, accompanied by a few followers, reached Traquair House, the Earl and his son refused to receive them—an incident which, if true, tends to confirm the opinion generally entertained of this shifty noble, that he was an unprincipled trimmer on whom neither party could rely.

In 1647, when Charles had taken refuge in the Scottish camp, Traquair was restored, and appointed a member of the Committee of Estates, probably in consequence of a letter which the King wrote in his behalf to the Earl of Lanark, the Scottish Secretary of State. 'I must not be negligent,' he said, 'on Traquair's behalf as not to name his business to you for admitting him to his place in Parliament, of which I will say no more; but you know his sufferings for me, and this is particularly recommended to you by your most assured real constant friend, Charles R.' In 1648, Traquair raised a troop of horse for the 'Engagement' to attempt the rescue of the King from the victorious Parliament, and with his son, Lord Linton, was taken prisoner at the battle of Preston. He was confined for four years in Warwick Castle, and his estates were a second time sequestrated. He was ultimately set at liberty by Cromwell, and returned to Scotland, where he spent the remainder of his days in great poverty and obscurity. His son, Lord Linton, though he had taken part in his father's efforts on behalf of King Charles, had by some means—probably by joining the extreme Presbyterian party—succeeded in rescuing a portion of the family property, and was able to reside at Traquair; but much to his discredit, he refused to give assistance to his aged and impoverished father. During the last two years of his life, the old Earl was reduced to such

straits as to be dependent on charity for the necessaries of life. It is stated by the author of 'A Journey through Scotland, in Familiar Letters,' that this once great noble and state officer 'would take an alms though not publicly ask for it. There are some, still alive at Peebles that have seen him dine on a salt herring and an onion.'

In the curious account of the Frasers, by James Fraser of Kirkhill, recently brought to light, there is the following passage respecting the first Earl. 'He was a true emblem of the vanity of the world—a very meteor. I saw him begging in the streets of Edinburgh. He was in an antique garb, and a broad old hat, short cloak, and panner breeches; and I contributed in my quarters in the Canon-gate towards his relief. We gave him a noble, he standing with his hat off. The Master of Lovat, Culbockie, Glenmorrison, and myself were there, and he received the piece of money from my hand as humbly and thankfully as the poorest supplicant. It is said that at a time he had not to pay for cobbling his boots, and died in a poor cobbler's house.* He died in 1659, 'sitting in his chair at his own house,' says Nicol, 'without any preceding sickness,' and 'but little lamented.' His death, it is said, was hastened, if not caused, by the want of the necessaries of life. This melancholy example of the mutability of fortune, was repeatedly employed by the Treasurer's contemporaries to 'point a moral and adorn a tale.' The annotator on Scott of Scotstarvit's 'Staggering State of Scots Statesmen,' says that at his burial this unfortunate nobleman 'had no mortcloth [pall] but a black apron, nor towels, but leashes belonging to some gentlemen that were present; and the grave being two feet shorter than his body, the assistants behoved to stay till the same was enlarged and he buried.'

If we may believe a story handed down by tradition, related by Sir Walter Scott, and embodied in a ballad published in his 'Border Minstrelsy,' the Earl of Traquair must have been as unscrupulous in the means he employed to promote his own private interests, as in the steps which he took to carry out the policy of the Court. When he was at the height of his power, he had a lawsuit of great importance, which was to be decided in the Court of Session, and there was

* The Earl of Traquair was not the only 'emblem of the vanity of the world' to be seen during the Great Civil War. The head of the ancient family of the Mowbrays of Barnbogle was reduced to a similar state of destitution. In the sessions record of a parish in Strathmore, under the date of February 17, 1650, there is the following entry, 'Gave this day to Sir Robert Moubray, sometime laird of Barnbogle, now become through indigence ane poor supplicant, twenty-four shillings' [Scots].

every reason to believe that the judgment would turn upon the casting-vote of the President, Sir Alexander Gibson, titular Lord Durie, whose opinion was understood to be adverse to Traquair's interest. Durie was not only an able lawyer but an upright judge—a character not very common in Scotland in those days, when the maxim, 'Show me the man and I'll show you the law' was of very general application. As the President was proof both against bribes and intimidation, it was necessary for the success of the Lord Treasurer in his lawsuit that he should, in one way or other, be disposed of. There was a stalwart Borderer, named William Armstrong, called, for the sake of distinction, 'Christie's Will,' a lineal descendant of the famous Johnnie Armstrong of Gilnockie, who, for some marauding exploits, had been imprisoned in the Tolbooth of Jedburgh, and was indebted to Traquair for his liberty, if not for his life. To this daring moss-trooper the Earl applied for help in this extremity, and he, without hesitation, undertook to kidnap the President, and keep him out of the way till the cause should be decided. On coming to Edinburgh, he discovered that the judge was in the habit of taking the air on horseback on Leith sands without an attendant. Watching his opportunity one day, when the judge was taking his usual airing, Armstrong accosted him, and contrived, by his amusing conversation, to decoy the President to an unfrequented and furzy common, called the Figgitt Whins, where he suddenly pulled him from his horse, blindfolded him, and muffled him in a large cloak. In this condition the luckless judge was trussed up behind Christie's Will, and carried across the country by unfrequented by-paths, and deposited in an old castle in Annandale, not far from Moffat, called the Tower of Graham. Meanwhile, his horse having been found wandering on the sands, it was concluded that its rider had been thrown into the sea and drowned. His friends went into mourning, and a successor was appointed to his office by the Lord Treasurer. The President spent three dreary months in the dungeon of the Border fortalice, receiving his food through an aperture in the wall, seeing no one, and never hearing the sound of a human voice, save when a shepherd called upon his dog Bawty, or a female inmate of the tower on her cat Madge. In the words of the ballad—

' For nineteen days and nineteen nights
Of sun, or moon, or midnight stars,
Auld Durie never saw a blink,
The lodging was sae dark and dour.

He thought the warlocks o' the rosy cross
Had fang'd him in their nets sae fast,
Or that the gipsies' glamoured gang
Had lair'd his learning at the last.

"Hey! Bawty lad! far yond! far yond!" *
These were the morning sounds heard he;
And een "alack!" Auld Durie cried,
"The Deil is hounding his tykes on me!"

And whiles a voice on *Baudrons* cried,
With sound uncouth, and sharp, and hie;
"I have tar-barrell'd mony a witch,
And now I think they'll clear scores wi' me!"

At length the lawsuit was decided in favour of Lord Traquair, and Will was directed to set the President at liberty. In the words of the ballad—

'Traquair has written a privie letter,
And he has sealed it wi' his seal—
"Ye may let the auld brock† out of the poke,
My land's my ain, and a's gane weel."'

Accordingly Will entered the vault at dead of night, muffled the President once more in his cloak, without speaking a single word, placed him on horseback as before, and, conveying him to Leith sands, set down the astonished judge on the very spot where he had taken him up. He, of course, claimed and obtained his office and honours, probably not much to the satisfaction of his successor. The common belief at the time, in which the President shared, was that he had been spirited away by witchcraft; and it was not until after the lapse of a good many years that the truth was brought to light. ‡

It appears from *Pitcairn's Criminal Trials* that George Meldrum, the younger, of Dumbreck, with the assistance of three Border

* The signal made by a shepherd to his dog when he is to drive away some sheep at a distance.

† Badger.

‡ The truth of this strange incident does not rest wholly on tradition, for Forbes, in his *Journal of the Session*, published in 1714, says: "'Tis commonly reported that some party in a considerable action before the session finding that Lord Ducie could not be persuaded to think his plea good, fell upon a stratagem to prevent the influence and weight which his lordship might have to his prejudice by causing some strong men to kidnap him in the Links of Leith, at his diversion on a Saturday afternoon, and transport him to some blind and obscure room in the country, where he was detained captive, without the benefit of daylight, a matter of three months (though otherwise civilly and well entertained), during which time his lady and children went in mourning for him as dead. But after the cause aforesaid was decided, the Lord Ducie was carried back by incognitos, and dropt in the same place where he had been taken up.'—*Minstrelsy of the Scottish Border*, iv. pp. 94. 95.

thieves, kidnapped Gibson of Durie, and kept him prisoner for some time in a Border tower. But this may have been done at the instigation of Traquair, or the President may have been carried off a second time. It is not probable that the tradition long current on the Borders should have been wholly groundless.

This was not the only occasion on which the Lord Treasurer was indebted to Armstrong for important assistance. During the Great Civil War, it was of vital consequence to the royal service that a certain packet of papers should be transmitted to the King from his friends in Scotland. But the task was both difficult and dangerous, for the Parliamentary leaders kept strict watch on the Borders, to prevent any communication between Charles and the Scottish Royalists. In this strait, Traquair had once more recourse to 'Christie's Will,' who readily undertook the commission, and succeeded in conveying the packet safely to the King. On his return, however, with his Majesty's answer, he was waylaid at Carlisle, where, unconscious of danger, he halted for some time to refresh his horse. On resuming his journey, as soon as he began to pass the long and narrow bridge which crossed the Eden at that place, both ends of the pass were immediately occupied by a detachment of Parliamentary soldiers, who were lying in wait for him. The daring Borderer, however, without a moment's hesitation, spurred his horse over the parapet, and plunged into the river, which was in high flood. After a desperate struggle, he effected a landing at a steep bank called the Stanners, and set off at full speed towards the Scottish Borders, pursued by the troopers, who had for a time, stood motionless in astonishment at his temerity. He was well mounted, however, and having got the start, he kept ahead of his pursuers, menacing with his pistols any of them who seemed likely to gain on him. They followed him as far as the river Esk, that divides the two kingdoms, which he swam without hesitation, though it flowed 'from bank to brae.' On reaching Scottish ground, the dauntless moss-trooper turned on the northern bank, and, in the true spirit of a Border raider, invited his pursuers to cross the river, and drink with him. After this taunt he proceeded on his journey to the Scottish capital, and faithfully placed the royal letters in the hands of Traquair.

The Earl was succeeded in his titles, and the remnant of his estates, by his only son Lord Linton, of whose 'unnatural conduct to his parents' loud complaints have been made. Though an elder in the

kirk, he was accused of drinking and swearing; and while professing to be an adherent of the extreme Presbyterian party, he married in succession two ladies who were Roman Catholics. The records of the Kirk Session of Inverleithen mention, in 1647, that 'for the more speedy carrying out of their acts, the Session resolve to elect Lord Linton an elder, which was accordingly done, his lordship promising before the whole congregation to be faithful in the function.' In April, 1648, he was appointed to attend the ensuing Synod, as ruling elder from the session. Lord Linton's conduct, however, speedily subjected him both to civil and ecclesiastical penalties. In 1649 he married Lady Henrietta Gordon, a daughter of George, second Marquis of Huntly, the leader of the Roman Catholic party in Scotland, who had shortly before been beheaded at the cross of Edinburgh. Lady Henrietta was the widow of George, Lord Seton, eldest son of the second Earl of Winton, also a leader among the Royalists. The marriage of an elder of the Presbyterian Church to an excommunicated Papist must have excited the strongest feelings of disapproval throughout the whole body, and was regarded as a heinous offence. The marriage ceremony was performed, contrary to law, privately and without the proclamation of banns, by the minister of Dawick, who was deposed and excommunicated for this violation of the law both of Church and State. Lord Linton himself was fined £5,000 Scots, and was also excommunicated and imprisoned. These severe penalties, however, did not deter him from repeating the offence. His wife lived only a year after her marriage, and in 1654 Lord Linton took for his second wife Lady Anne Seton, half-sister of the brother of Lady Henrietta—a union forbidden by the canon law which regulates the marriages of the members of the Roman Catholic Church, to which Lady Anne belonged. Lord Linton still kept up his connection with the Presbyterian Church, but his irregular conduct subjected him to the censures of the Presbytery of Peebles, which at that time had no respect of persons. In its records, under the date of August 9, 1657, there is the following entry, 'The Lord Lyntoun (after many citations) called, compeared, and being charged by the Moderator with these several miscarriages, viz., absenting himself from the church, drinking, swearing, &c., he took with them [admitted them], craved God's mercie and prayed for grace to eschew them in time coming. Whereupon, his lordship being removed, the Presbytery resolved that the Moderator should give him a grave rebuke, and exhort him to seek God, and to forbear those evils in time coming, which was accordingly done.'

An entry in the Justice of Peace Records of the county affords another glimpse of the position of this inconsistent and not over reputable noble. Under the date of January 30th, 1658, it is said, 'This day the commander of the troops lying in the shires of Peebles and Selkirk, desired information from the justices of all Papists living within the shire of Peebles, that he might prescribe an order for their personal deportment. The bench declared they knew of no Papists in the shire except those who lived in Lord Linton's family, Lord Linton himself declared that his lady and three women were the only Papists in his house.'

The second Earl of Traquair died in April, 1666, in his forty-fourth year, having had issue only by his second wife, four sons and three daughters. The Privy Council, apprehensive that the Dowager Lady Traquair would bring up her elder surviving son, William, in the Roman Catholic faith, enjoined her, in 1672, when the youthful Earl had reached his fifteenth year, to attend at Holyrood House, and bring her son with her. She thought fit to disobey this summons, and a warrant was immediately issued to messengers-at-arms to bring the Countess, along with her son, before the Council. Both were produced within a week. In the Privy Council Records, under date February 8, the disposal of the case is thus narrated, 'Compeared the Countess of Traquair, with her son the Earl, who is ordered to be consigned to the care of the Professor of Divinity in the University of Glasgow, to be educated in the Reformed religion, at sight of the Archbishop of Glasgow. No Popish servants to be allowed to attend him.' The order was, however, by some means evaded, and was repeated nearly two years later, December, 1673. Once more 'at Holyrood House, the Countess of Traquair compeared to exhibit her son the Earl, in order to be educated in the Reformed religion. The Council resolve he shall be sent to a good school, with a pedagogue and servants, as the Archbishop of Glasgow should name, the Earl of Galloway to defray charges. A letter to be sent to the Archbishop, and that the lady in the meantime keep the Earl, her son, for ten or twelve days.'

It does not appear whether these measures were effectual in retaining the young Earl in the Presbyterian fold, or whether his mother succeeded in enticing him to enter the Romish Church. He died unmarried, and was succeeded by CHARLES, the third son of the second Earl—the second son, George, having died unmarried. The new Earl had yielded to his mother's influence, and had openly

embraced the Roman Catholic faith. He suffered considerable annoyance on account of his religious opinions at the time of the Revolution, as appears from a statement of the celebrated Peter Walker, the Packman, in his 'Vindication of Mr. Richard Cameron,' published in the 'Biographia Presbyteriana.' 'In the end of the year 1688, at the happy Revolution, when the Duke of York [James VII.] fled, and the crown was vacant, in which time we had no king, nor judicatories in the kingdom, the United Societies, in their general correspondence, considering the surprising, unexpected, merciful step of the Lord's dispensation, thought it somehow belonged to us in the *interregnum* to go to all Popish houses, and destroy their monuments of idolatry, with their priests' robes, and to apprehend and put to prison themselves: which was done at the cross of Dumfries, and Peebles, and other places. That honourable and worthy gentleman, Donald Ker of Kersland,* having a considerable number of us with him, went to the house of Traquair, in frost and snow, and found a great deal of Romish wares there, but wanted the cradle, Mary and the Babe, and the priest. He sent James Arcknyes and some with him to the house of Mr. Thomas Lewis, who had the name of a Presbyterian minister. Kersland ordered them to search his house narrowly and behave themselves discreetly, which they did. Mr. Lewis and his wife mocked them, without offering them either meat or drink, though they had much need of it. At last they found two trunks locked, which they desired to have opened. Mr. Lewis then left them. They broke up the coffers, wherein they found a golden cradle with Mary and the Babe in her bosom; in the other trunk the priest's robes (the Earl and the priest were fled), which they brought all to the cross of Peebles, with a great deal of Popish books, and many other things of great value, all Romish wares, and burnt them there. At the same time we concluded to go to all the prelatical and intruding curates, and to give them warning to remove, with all that belonged to them.'

It is evident that Peter Walker and his associates had not been taught toleration by their own sufferings.

Their adoption of the Roman Catholic faith excluded the Traquair family both from Parliament, and from public office. Thus shut out from intimate association with the great body of the Scottish nobles and gentry, the successive Earls, remarkable for nothing but their longevity, spent their lives in obscurity on the remnant

* Ker, though possessing the confidence of the Covenanters, was in reality employed by the Government as a spy and informer.

of their ancestral estate, which now yields a rental of only £4,846 a year.

CHARLES, seventh Earl of Traquair, made application in 1779 for a concession of the exclusive working of certain mines in Spain, in which he believed there were vast deposits of coal. The Earl seems also to have entertained the wish that a grandeeship and a suitable establishment in Spain should be conferred upon him, because a cadet of his family had formerly gone to that country, and allied himself to one of the noble houses. He applied to Henry Stewart, Cardinal York, the last of the royal Stewarts, for his influence in the matter, who replied to his letter in kind and courteous terms. 'You may be assured,' he said, 'I have full cognizance of the merits and prerogatives of your family, but I cannot but remark that it is the first time in all my lifetime I have ever seen your signature, or that of anyone belonging to you. That, however, has not hindered me from writing a very strong letter to the Duque of Alcludia in your favour, and I have also taken other means for to facilitate the good success of your petition. I heartily wish my endeavours may have their effect in regard of you and your son, and the meanwhile be assured of my sincere esteem and kind friendship.' It appears that the application was not successful, for a second equally kind letter from the Cardinal, in 1795, expresses his hope that the affair will have a successful termination. The concession, however, was not granted.*

On the death of the eighth Earl in 1861, in his eighty-first year, the titles of the family became extinct. His sister, Lady Louisa Stuart, however, continued to possess the family estates, and to reside in the antique, deserted-looking mansion of her fathers, probably the oldest inhabited house in Scotland, until December, 1875, when she passed away, in the hundredth year of her age. It does not appear, however, that the venerable lady was depressed, or saddened either by the decayed fortunes of her family, or by the reflection that she was the last of her race. She continued to the end cheerful and active, kind and charitable, fond of dress and of news, interested in all the events passing around her, and, in spite of her great age, was a frequent traveller. Her stately manners well became her position and descent, and, though she went to the grave like a shock of corn fully ripe, her

* *Ninth Report of Historical MSS. Commission*, part ii. p. 243.

death caused sadness and regret throughout Tweeddale and the Forest. At her death the Traquair mansion and estates passed to the Hon. William Constable Maxwell, a younger son of Lord Herries, whose ancestor, the sixth Earl of Nithsdale, married his cousin, the fourth daughter of the fourth Earl of Traquair.

The world on which Lady Louisa looked, not only in youth and middle age, but even in her advanced years, differed so widely from that on which she closed her eyes, that it might almost seem as if several centuries had intervened between the beginning and the end of her career. When she was born the Bourbons ruled, apparently with a firm hand, in France, Spain, and Naples; the Hapsburgs were Emperors of Germany; Italy was a congeries of petty, powerless principalities; Turkey was a formidable power; Poland was still a kingdom, and Russia a barbarous and almost unknown region. America was then only a dependency of Great Britain, though the conflict had begun which was to terminate, before Lady Louisa left the nursery, in the total separation of the American colonies from the mother country. The East India Company was then little more than an association of traders, and our Indian Empire was merely in its infancy. She was ten years of age when the famous trial of Warren Hastings, before the House of Lords, commenced. She was a young lady of seventeen when the first French Revolution broke out, and the whole civilised world stood aghast at the frightful massacres which ensued, at the execution of Louis XVI. and his queen, and the cruelties inflicted on the Royalists, with whom both the political and religious principles of the Traquair family must have made them deeply sympathise. She witnessed the astonishing results of the French revolutionary wars, the overthrow of ancient dynasties, and the adjustment and re-adjustment over and over again of the map of Europe; the Continent prostrate at the feet of Bonaparte; and the succession of brilliant naval victories of Rodney, Howe, Jervis, and Nelson, from Cape St. Vincent to Trafalgar, which made Britain the undisputed mistress of the seas. She had reached middle life when Napoleon invaded Russia and lost both his splendid army and his throne amid its snows, and when Wellington, having baffled the best French generals, drove their armies in confusion out of the Peninsula, and planted the British standard on the soil of France. She was about forty years of age when the crowning victory of Waterloo restored peace to Europe and consigned the common enemy to his life-long prison on St. Helena. It is striking that one

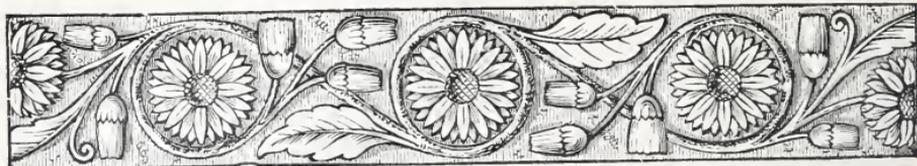
who witnessed in mature years the rise, progress, and overthrow, of the first French Empire, should have lived to see, half a century later, the establishment and destruction of the Second Empire, and 'haughty Gaul,' which had so often invaded, plundered, and oppressed other nations, compelled to drain to the dregs the cup of humiliation and retribution.

The changes which Lady Louisa witnessed in her own country—the result of advancing intelligence and scientific discoveries—are no less remarkable and much more satisfactory. The destruction of the old close system of parliamentary representation, and the substitution in its room of a system at once popular, equitable, and efficient; the abolition of the Corn Laws, and of the restrictions on trade and commerce, once regarded as the palladium of Britain's prosperity, took place, while gas, steamships, railroads, telegraphs, and the penny post were all invented, or brought into general use after she was far advanced in life. Nowhere had more extensive and gratifying changes taken place during Lady Louisa's lifetime than in her own beautiful and beloved Tweedside. The green pastoral hills and 'Tweed's fair river, broad and deep,' remained as they were, but all else was altered. Not only at the time of her birth, but after the first decade of the present century had closed, agriculture in Tweeddale, and indeed throughout Scotland, was at a very low ebb. In 1763 there were no enclosures, and almost no trees. The arable lands were cut up into small holdings, and the fields divided into patches by numerous ditches and swamps. Draining had never been tried; artificial manures had never been thought of; green crops and stall-feeding were unknown. Corn was raised only on the drier spots, and ploughing was effected by means of a huge, cumbersome machine, drawn by teams of from four to six horses, or twice as many oxen, driven by four or five men. The harness consisted mainly of plaited straw and ropes. Men frequently dragged the wooden harrows by means of ropes thrown over their shoulders. The crops were always scanty, and it was no uncommon occurrence for the grain to be cut down, and gathered in, amid frost and snow. Thrashing-mills were unknown at that time in Tweedside. There were no wheeled carts or carriages, or public conveyances of any kind, and, indeed, no proper roads. When Lady Louisa travelled in those days, it must have been always on horseback, and along rough bridle-paths.

The condition of the people was on a par with the state of

their lands. Farmhouses and cottages alike were mere hovels; the latter built of turf, low in the roof, dirty, damp, and unhealthy. The people were sober, industrious, and thrifty, but very poor; they seldom tasted butcher's meat, but lived mostly on meal, milk, and vegetables. The rents were very low, and only a small portion was paid in money. In the whole county of Peebles there was, at the close of the last century, only eight proprietors whose rentals exceeded £1,000 a year, £4,000 being the maximum. There are now twenty-six. The contrast between the condition of the country and its inhabitants in Lady Louisa's youthful days, and the scene of beauty and fertility which Tweedside now presents,—its rich arable fields and green pastures, the stately mansions of the gentry embosomed in fine woods, and the comfortable farmhouses and cottages,—may serve to show what agricultural skill and enterprise have done, in one lifetime, to transform a wilderness into a garden of Eden. Other changes have no doubt taken place during her career which must have been less pleasing to the far-descended, aristocratic old lady. At the close of last century there was no fewer than six great nobles who had estates in Tweeddale, only one of whom now remains, the proprietor of an estate of £2,000 a year.





THE DRUMMONDS.

THE founder of the Drummond family was long believed to have been 'a Hungarian gentleman,' named MAURICE, who was said by Lord Strathallan, in his history of the family, to have piloted the vessel in which Edgar Atheling and his two sisters embarked for Hungary in 1066. They were driven, however, by a storm to land upon the north side of the Firth of Forth, near Queensferry, and took refuge at the Court of Malcolm Canmore, which was then held at Dunfermline. After the marriage of the Scottish king to the Princess Margaret, the Hungarian, as a reward for his skilful management of the vessel in the dangerous sea voyage, was rewarded by Malcolm with lands, offices, and a coat-of-arms, and called Drummond; 'and so it seems,' says Lord Strathallan, 'this Hungarian gentleman got his name, either from the office as being capitaine, director, or admiral to Prince Edgar and his company—for Dromont or Dromend in divers nations was the name of a ship of a swift course, and the capitaine thereof was called Droment or Dromerer—or otherwise the occasion of the name was from the tempest they endured at sea;' for Drummond, his lordship thinks, might be made up of the Greek word for water, and meant a hill, 'signifying high hills of waters; or Drummond, from drum, which in our ancient language is a height.' The myth was enlarged with additional and minute particulars by succeeding historians of the family. Mr. Malcolm exalts the Hungarian gentleman to the position of a royal prince of Hungary, and affirms that he was the son of George, a younger son of Andrew, King of Hungary. The late Mr. Henry Drummond, the banker, and M.P. for West Surrey, in his splendid work, entitled, 'Noble British Families,' adopts and improves upon the statements of the previous writers, and gives the Hungarian prince a royal pedigree in Hun-

gary for many generations anterior to his coming to Scotland in 1066. All three agree in stating that the first lands given to that Hungarian by Malcolm Canmore lay in Dumbartonshire, and included the parish of Drummond in Lennox.

Mr. Fraser, in his elaborate and most interesting work, entitled, 'The Red Book of Menteith,' has proved, by conclusive evidence, that these statements respecting the origin of the Drummond family are purely apocryphal. The word Drummond, Drymen, or Drummin, is used as a local name in several counties of Scotland, and is derived from the Celtic word *druim*, a ridge or knoll. The first person who can be proved to have borne the name was one Malcolm of Drummond, who, along with his brother, named Gilbert, witnessed the charters of Maldouen, third Earl of Lennox, from 1225 to 1270. But this Malcolm was simply a chamberlain to the Earl. Mr. Drummond states that he was made hereditary thane or seneschal of Lennox, which is quite unsupported by evidence; and he asserts that Malcolm's estates reached from the shores of the Gareloch, in Argyllshire, across the counties of Dumbarton and Stirling into Perthshire, which Mr. Fraser has shown to be an entire mistake. Instead of the Barony of Drymen, or Drummond, having been granted to a Prince Maurice by Malcolm Canmore in 1070, the lands belonged to the Crown previous to the year 1489, when for the first time they were let on lease to John, first Lord Drummond, and afterwards granted to him as feu-farm. The earliest charter to the family of any lands having a similar name was granted in 1362, by Robert Stewart of Scotland, Earl of Strathern, to Maurice of Drummond, of the dominical lands, or mains of Drommand and Tulychravin, in the earldom of Strathern. It is doubtful if he ever entered into possession of these lands; but it is clear that, whether he did so or not, they did not belong to the Drummond family previous to the grant of 1362, but were part of the estates of the Earl of Strathern, and that they are wholly distinct from the lands and lordship of Drummond afterwards acquired by John Drummond, who sat in Parliament 6th May, 1471, under the designation of Dominus de Stobhall, and, sixteen years later, was created a peer of Parliament by James III.

James IV., after his accession to the throne, granted a lease for five years, on 6th June, 1489, in favour of John, Lord Drummond, of the Crown lands of Drummond, in the shire of Stirling. On the expiry of the lease, the King made a perpetual grant of the lands

to him by a charter under the Great Seal, dated 31st January, 1495, bearing that the grant was made for the good and faithful services rendered by Lord Drummond, and for the love and favour which the King had for him. After the death of James IV., Lord Drummond exerted all his influence to promote the marriage between his grandson, the Earl of Angus, and the widowed Queen Margaret. 'This marriage begot such jealousy,' says Lord Strathallan, 'in the rulers of the State, that the Earl of Angus was cited to appear before the Council, and Sir William Cummin of Inneralochy, Knight, Lyon King-at-Armes, appeared to deliver the charge; in doing whereof he seemed to the Lord Drummond to have approached the Earl with more boldness than discretion, for which he gave the Lyon a box on the ear; whereof he complained to John, Duke of Albany, then newly made Governor to King James V.; and the Governor, to give an example of his justice at his first entry to his new office, caused imprison the Lord Drummond's person in the Castle of Blackness, and forfeit his estate to the Crown for his rashness. But the Duke, considering, after information, what a fyne man the lord was, and how strongly allyed with most of the great families of the nation, was well pleased that the Queen-mother and Three Estates of Parliament should interceed for him, as he was soone restored to his libertie and fortune.' It would have been well for Lord Drummond if he had remembered, on this occasion, the motto of his family, 'Gang warily,' and his own maxim, in his paper of 'Constituted Advice,' 'In all our doings discretion is to be observed, otherwise nothing can be done aright.'

On the 5th of January, 1535, King James V. entered into an obligation to infest DAVID, second Lord Drummond, in all the lands which had belonged to his great-grandfather, John, the first lord, and which were in the King's hands by reason of escheat and forfeiture, through the accusation brought against John, Lord Drummond, for the treasonable and violent putting of hands on the King's officer then called Lyon King-of-Arms. Certain specified lands, however, were excepted—viz., Innerpeffrey, Foidow, Aucterarder, Dalquhenzie and Glencoyth, with the patronage of the provostry and chaplaincy of Innerpeffrey, which were to be given by the King to John Drummond of Innerpeffrey, and to the King's sister, Margaret, Lady Gordon, his spouse. It was stipulated in the obligation that David, Lord Drummond, was to marry Margaret Stewart, daughter of Margaret, Lady Gordon. The instrument of

infestment, dated 1st and 2nd November, 1542, affords the most positive proof of the distinction between the old and new possessions of Drummond in Stirlingshire and Drommane in Strathern, and the two were for the first time, by a charter dated 25th October, 1542, 'united, erected, and incorporated into a free barony, to be called in all tymes to cum the Barony of Drummen.' It is evident, then, that 'whatever lands in the Lennox the earlier members of the house of Drummond might have held, such certainly did not comprehend the lands bearing their own name.' The lands of Drummond were sold by the Earl of Perth, in 1631, to William, Earl of Strathern and Menteith. The eighth and last Earl entailed them upon James, Marquis of Montrose, and they have ever since formed part of the Montrose estates.

The lands of Roseneath, in Dumbartonshire, were also said by Mr. Henry Drummond to have been granted by Malcolm Canmore to the alleged Hungarian prince, but these lands were in reality acquired by the Drummonds in 1372, by a grant from Mary, Countess of Menteith, and were soon restored. The bars wavy, the armorial bearings of the Drummonds, were alleged to have been taken from the tempestuous waves of the sea, when Maurice the Hungarian piloted the vessel which carried Edgar Atheling and his sisters. The late Mr. John Riddell affirms that this supposed origin of the Drummond arms is too absurd and fabulous to claim a moment's attention. Mr. Fraser has shown that the bars wavy were the proper arms of the Menteith earldom, and that the Drummonds, as feudal vassals of the Earls of Menteith, according to a very common practice in other earldoms, adopted similar arms.

It thus appears that the founder of the Drummond family was not a Hungarian prince, or even gentleman, but Malcolm Beg, chamberlain to the Earl of Lennox. When the War of Independence broke out the Drummonds embraced the patriotic side. JOHN OF DRUMMOND was taken prisoner at the battle of Dunbar, and was imprisoned in the castle of Wisbeach; but he was set at liberty in August, 1297, on Sir Edmund Hastings, proprietor of part of Menteith in right of his wife, Lady Isabella Comyn, offering himself as security, and on the condition that he would accompany King Edward to France. His eldest son, SIR MALCOLM DRUMMOND, was a zealous supporter of the claims of Robert Bruce to the Scottish throne, and like his father fell into the hands of the English, having been taken prisoner by Sir John Segrave. On hearing this 'good news,' King Edward, on the

20th of August, 1301, offered oblations at the shrine of St. Mungo, in the cathedral of Glasgow. After the independence of the country was secured by the crowning victory of Bannockburn, MALCOLM was rewarded for his services by King Robert Bruce with lands in Perthshire. Sir Robert Douglas, the eminent genealogist, conjectures that the caltrops, or four-spiked pieces of iron, with the motto 'Gang warily,' in the armorial bearings of the Drummonds, were bestowed as an acknowledgment of Sir Malcolm's active efforts in the use of these formidable weapons at the battle of Bannockburn. His grandson, JOHN DRUMMOND, married the eldest daughter and co-heiress of Sir John Montefex,* the first of the numerous fortunate marriages made by the Drummonds. Maurice, another grandson, married the heiress of Concraig and of the Stewardship of Strathearn. A second son, SIR MALCOLM, whom Wyntoun terms 'a manfull knycht, baith wise and wary,' fought at the battle of Otterburn in 1388, in which his brother-in-law, James, second Earl of Douglas and Mar, was killed, and succeeded him in the latter earldom, in right of his wife, Lady Isabel Douglas, only daughter of William, first Earl of Douglas. He seems to have had some share in the capture at that battle of Ralph Percy, brother of the famous Hotspur, as he received from Robert III. a pension of £20, in satisfaction of the third part of Percy's ransom, which exceeded £600. He died of his 'hard captivity' which he endured at the hands of a band of ruffians by whom he was seized and imprisoned. His widow, the heiress of the ancient family of Mar, was forcibly married by Alexander Stewart, a natural son of 'the Wolf of Badenoch.' [See EARLDOM OF MAR]

SIR WALTER DRUMMOND, who was knighted by James II., was the ancestor of the Drummonds of Blair Drummond, Gairdrum, Newton, and other branches of the main stock. SIR JOHN DRUMMOND, the head of the family in the reign of James IV., held the great office of Justiciar of Scotland, was Constable of the castle of Stirling, took a prominent part in public affairs, and was created a peer 29th January, 1487-8, by the title of LORD DRUMMOND. Although this honour, as we have seen, was conferred upon him by James III., Lord Drummond joined the party of the disaffected nobles, who took up arms against their sovereign, with the Prince at their head, and was rewarded for his services after the death of the King at Sauchieburn

* It has hitherto been supposed that the estates of Stobhall and Cargill, on the Tay, which still belong to the family, came into the possession of the Drummonds by marriage with this heiress, but they were in reality bestowed by David II. on Queen Margaret, and were given by her to Malcolm of Drummond, her nephew.

by a lease, subsequently converted into a grant, of the Crown lands of Drummond in the county of Stirling.

The Drummonds were not only a brave and energetic race, but they were conspicuous for their handsome persons and gallant bearing. Good looks ran in their blood, and the ladies of the family were famous for their personal beauty, which no doubt led to the great marriages made by them, generation after generation, with the Douglasses, Gordons, Grahams, Crawfords, Kers, and other powerful families, which greatly increased the influence and possessions of their house. Margaret, daughter of Malcolm, Lord Drummond, and widow of Sir John Logie, became the second wife of David II., who seems to have been familiar with her during her husband's lifetime. The Drummonds gave a second queen to Scotland in the person of Annabella, the saintly wife of Robert III., and mother of the unfortunate David, Duke of Rothesay, and of James I., whose 'depth of sagacity and firmness of mind' contributed not a little to the good government of the kingdom. They had nearly given another royal consort to share the throne of James IV., who was devotedly attached to Margaret, eldest daughter of the first Lord Drummond, a lady of great beauty.* But that king's purpose to marry her was frustrated by her death, in consequence of poison administered by some of the nobles, who were envious of the honour which was a third time about to be conferred on her family. Her two younger sisters, who accidentally partook of the poisoned dish, shared her fate. The historian of the Drummonds states that James was 'affianced to Lady Margaret, and meant to make her his queen without consulting his council. He was opposed by those nobles who wished him to wed Margaret Tudor. His clergy likewise protested against his marriage as within the prohibited degrees. Before the King could receive the dispensation, his wife (the Lady Margaret) was poisoned at breakfast at Drummond Castle, with her two sisters. Suspicion fell on the Kennedys—a rival house, a member of which, Lady Janet Kennedy, daughter of John, Lord Kennedy, had borne a son to the King.' A slightly different account is given in 'Morreri's Dictionary,' on the authority of a manuscript history of the family of Drummond, com-

* The entries in the Lord High Treasurer's accounts respecting the frequent rich presents lavished on a certain Lady Margaret, which have been adduced as proofs of the relation in which Lady Margaret Drummond stood to James, have been proved to refer to Lady Margaret Stewart, the King's aunt. James, indeed, was a mere boy when those sums were paid; his connection with Margaret Drummond did not commence until the summer of 1496.

posed in 1689. It is there stated that Lady Margaret, daughter of the first Lord Drummond, 'was so much beloved by James IV. that he wished to marry her, but as they were connected by blood, and a dispensation from the Pope was required, the impatient monarch concluded a private marriage, from which clandestine union sprang a daughter, who became the wife of the Earl of Huntly. The dispensation having arrived, the King determined to celebrate his nuptials publicly; but the jealousy of some of the nobles against the house of Drummond suggested to them the cruel project of taking off Margaret by poison, in order that her family might not enjoy the glory of giving two queens to Scotland.' The three young ladies thus 'fouly done to death' were buried in a vault, covered with three blue marble stones, in the choir of the cathedral of Dunblane.

John, first Lord Drummond, died in 1519, upwards of eighty years of age. His eldest son predeceased him, and William, Master of Drummond, his second son, was unfortunately implicated in a tragic affair which brought him to the scaffold. There was a feud of long standing between the Drummonds and the Murrays, and in 1490 the Master of Drummond, having learned that a party of Murrays were levying teinds on his father's estates for George Murray, Abbot of Inchaffray, hastened to oppose them at the head of a large body of followers, accompanied by Campbell of Dunstaffnage. The Murrays took refuge in the church of Monievairst, and the Master and his party were retiring, when a shot from the church killed one of the Dunstaffnage men. The Highlanders, in revenge for this murder, set fire to the church, and nineteen of the Murrays were burnt to death. James determined to punish the ringleaders in this shocking outrage with death, and the Master of Drummond was apprehended, tried, convicted, and executed, in spite of the earnest entreaties of his mother and sister in his behalf.

He left a son, who predeceased his grandfather, and in consequence the first Lord Drummond was succeeded by his great-grandson DAVID, who became second Lord Drummond. He was a zealous adherent of Queen Mary. His second son, James, Lord Maderty, was ancestor of the Viscounts Strathallan. He married Margaret, daughter of Alexander, Duke of Albany, and grand-daughter of James II. His elder son, PATRICK, third Lord Drummond, embraced the Protestant religion. The great beauty, ability, and virtues of his daughter, the Countess of Roxburgh, were celebrated in glowing strains by the poet Daniel, and she was held in such high estimation

by James VI. that he made choice of her to be the governess of his daughters. The Drummonds were a courtly family, and throughout their whole career were conspicuous for their attachment to the throne. They fought gallantly on the royal side, under Montrose, in the Great Civil War, and suffered severely for their loyalty. More fortunate, however, than most of the Royalist nobles, they were liberally rewarded at the Restoration for their fidelity to the Crown.

JAMES, fourth Lord Drummond, was created EARL OF PERTH in 1605. His brother, the second Earl, was a staunch Royalist, and was fined £5,000 by Cromwell for his adherence to the cause of Charles I. His grandson JAMES, fourth Earl, after holding the offices of Lord Justice-General and of an Extraordinary Lord of Session, was in 1684 appointed Lord Chancellor of Scotland. He was a special favourite of James VII., whose good will he and his younger brother had gained by renouncing the Protestant religion, and embracing the tenets of Romanism. 'With a certain audacious baseness,' says Lord Macaulay, 'which characterised Scottish public men in that bad age, the brothers declared that the papers found in the strong box of Charles II. had converted them both to the true faith, and they began to confess and to hear mass. How little conscience had to do with Perth's change of religion he amply proved by taking to wife a few weeks later, in direct defiance of the laws of the Church which he had just joined, a lady who was his cousin-german, without waiting for a dispensation. When the good Pope learned this he said, with scorn and indignation which well became him, that this was a strange sort of conversion.'

Apostasy from the Episcopal Church to Romanism, and especially apostasy such as this, was a sure passport to the confidence and liberality of James, and Perth speedily became the chief Scottish favourite of that weak and tyrannical monarch. He obtained a gift of the forfeited estates of Lord Melville, and was entrusted with the whole management of affairs in Scotland. He readily lent himself to carry out the arbitrary and unconstitutional schemes of his master, and took a prominent part in the cruel persecution of the Covenanters. Burnet ascribes to him the invention of a little steel thumb-screw, which inflicted such intolerable pain that it wrung confessions out of men on whom his Majesty's favourite boot had been tried in vain. Perth's younger brother was created EARL OF MELFORT in 1686, received a grant of a portion of the forfeited estates of the Earl of Argyll, and was appointed Secretary of State for Scotland.

The unprincipled conduct of these two chief ministers of affairs rendered them very obnoxious to the people, and especially to the citizens of Edinburgh. A cargo of images, beads, crosses, and censers was sent from the Continent to Lord Perth, in direct violation of the law which forbade the importation of such articles. A Roman Catholic chapel was fitted up in the Chancellor's house, in which mass was regularly performed. A riot in consequence took place. The iron bars which protected the windows were wrenched off and the inmates were pelted with mud. The troops were called out to quell the disturbance, the mob assailed them with stones; in return, the troops were ordered to fire, and several citizens were killed. Two or three of the ringleaders of the riot were hanged, amid expressions of strong sympathy for the sufferers, and of abhorrence of the Chancellor, on whom the whole blame was laid.

Perth and his brother were poor creatures both, and seem to have been destitute even of the physical courage of their house. When the Revolution took place and his royal master fled to France, the Chancellor, whose 'nerves were weak and his spirit abject,' took refuge at Castle Drummond, his country seat, near Crieff, under the escort of a strong guard, and there experienced 'an agony as bitter as that into which the merciless tyrant had often thrown better men.' He confessed that 'the strong terrors of death were upon him,' and vainly 'tried to find consolation in the rites of his new Church.' Believing that he was not safe even among his own domestics and tenantry, he quitted Drummond Castle in disguise, and, crossing by unfrequented paths the Ochil Hills, then deep in snow, he succeeded in getting on board a collier vessel which lay off Kirkcaldy. But his flight was discovered. It was rumoured that he had carried off with him a large amount of gold, and a skiff, commanded by an old buccaneer, pursued and overtook the flying vessel near the Bass, at the mouth of the Firth. The Chancellor was dragged from the hold where he had concealed himself disguised in woman's clothes, was hurried on shore begging for life with unmanly cries, like his brother chancellor, Jeffries, and was consigned to the common jail of Kirkcaldy. He was afterwards transferred, amidst the execrations and screams of hatred of a crowd of spectators, to the castle of Stirling, where he was kept a close prisoner for four years. On regaining his liberty, in 1693, the ex-Chancellor went to Rome, where he resided for two years. King James then sent for him to St. Germain's,

appointed him First Lord of the Bedchamber, Chamberlain to the Queen, and governor to their son, the titular Prince of Wales, who, on his father's death, raised the Earl to the rank of Duke—a title which was, of course, not recognised by the British Government. He was deeply engaged in all the intrigues and plots of the mimic court of the exiled monarch until his death in 1716.

His eldest son, JAMES, Lord Drummond, accompanied King James in his expedition to Ireland, took a prominent part in the rebellion of 1715, and was, in consequence, attainted by the British Parliament. But two years before this unsuccessful attempt to restore the Stewart family to the throne, he executed a disposition of his estates in favour of his son, which was sustained by the Court of Session, and affirmed by the House of Lords. Destiny, however, had set her hand on the ill-fated house, and its doom was only postponed, not averted. The heir of the family, JAMES, third titular Duke of Perth, true to the principles of his family, joined Prince Charles Stewart in the rebellion of 1745, at the head of his tenantry, and shared in all the perils and privations of that unfortunate adventurer. He was a young man of an amiable disposition and dauntless courage, but his abilities were very moderate, his constitution was weak, and he was quite inexperienced both in politics and in war. 'In spite of a very delicate constitution,' says Douglas, 'he underwent the greatest fatigues, and was the first on every occasion of duty where his head or his hands could be of use.' He commanded the right wing of the Highlanders at the battle of Prestonpans, directed the siege of Carlisle, and of the castle of Stirling, and was at the head of the left wing at the final conflict of Culloden. After that disastrous battle, though tracked and pursued by the English troops, he made his escape to Moidart, and embarked in a French vessel lying off that coast. But his constitution was quite worn out by the privations he had undergone, and he died on his passage to France, 11th May, 1746, at the age of thirty-three. His brother and heir, Lord John Drummond, a colonel in the French service, commanded the left wing of the Highlanders at the battle of Falkirk. On the suppression of the rebellion, he made his escape to France, served with distinction in Flanders under Marshal Saxe, and attained the rank of major-general shortly before his death, in 1747. Previous to his death, the Duke of Perth had been attainted by the British Parliament, and his estates were forfeited to the Crown. His two uncles successively assumed the title of Duke of Perth, and

on the death of Lord Edward Drummond, the younger of the two, at Paris, in 1760, the main line of the family became extinct.

The succession fell to the descendants of the Earl of Melfort, younger brother of the Chancellor, and Secretary of State for Scotland under James VII. He too, as we have seen, became a pervert to the Romish Church, and in his zeal for his new faith obtained from the King the exclusion of his family by his first wife from the right to inherit his estates and titles, because their mother's relations had frustrated his attempts to convert them to Romanism. At the Revolution he fled to France, and was attainted by Act of Parliament in 1695. He was created Duke de Melfort in 1701, and for a number of years had the chief administration of the affairs of the exiled monarch. He died in 1714. His second wife, daughter of Sir Thomas Wallace of Craigie, lived to be above ninety years of age, and in her latter years supported herself by keeping a faro-table. His descendants remained in their adopted country, and identified themselves with its faith, its interests, and its manners. Most of them embraced the military profession and attained high rank in the French, German, and Polish services. Some of them entered the Church, and one was elevated to the rank of cardinal. GEORGE, Sixth Duke of Melfort, renounced the Romish faith, conformed to the Protestant Church, entered the British army, and became a captain in the 98th Highlanders. Having petitioned the Queen for the restoration of the Scottish attainted honours, he proved his descent, in 1848, before the Committee for Privileges of the House of Lords, was restored in blood by an Act of Parliament in 1853, and was reinstated in the earldom of Perth and the other Scottish honours of his illustrious house.

Meanwhile, the Drummond estates, which had been forfeited to the Crown in 1746, remained for nearly forty years under the charge of Commissioners. In 1784, however, they were conferred by George III., under the authority of an Act of Parliament, on a Captain JAMES DRUMMOND, who claimed to be heir male of Lord John Drummond, brother of the duke who fought at Culloden. The fortunate recipient of these fine estates was, in addition, created a British peer by the title of Baron Perth. At his death, in the year 1800, his landed property descended to his daughter, Clementina Drummond, who married the twelfth Lord Willoughby de Eresby. At her death the Drummond estates devolved upon her eldest daughter, Lady Aviland.

Repeated but unsuccessful efforts have been made by the Earl of Perth to obtain the restitution of the hereditary possessions of the family. He pleaded that he is now the nearest lawful heir male of James, third Duke of Perth, and that he is the first of his house who could sue for the family inheritance, as his predecessors were all French subjects and Papists, and incapable of taking up any heritable estate in Scotland. He also alleged that when the forfeited possessions of the Drummond family were restored, they ought legally to have been conferred on the nearest heir in the direct line of the entail of 1713. An adverse decision, however, was given both by the Court of Session and the House of Lords, mainly on the ground that the attainder vested the estates absolutely in the Crown, that they might, therefore, be conferred at will by the sovereign or Parliament, and that their gift to Captain Drummond cannot be reduced.

The interests at stake in this suit were very valuable. Though Drymen, the original seat of the Drummond family, and their other Dumbartonshire property, passed into the hands of the Grahams centuries ago, and the whole of their Stirlingshire estates, along with Auchterarder and other ancient possessions of the family in Perthshire, have also passed away from them, there yet remain the antique castle of Drummond with its quaint and beautiful gardens, Stobhall and Cargill, which four hundred years ago were bestowed upon Malcolm Drummond by Queen Margaret, his aunt, and the Trossachs, Loch Katrine, and Glenartney, immortalised by Sir Walter Scott, yielding in all nearly £30,000 a year.

There can be no doubt that both on political and social grounds, it would have been better that these fine estates should have devolved on a resident proprietor, the representative of their ancient owners, than that they should be held by a non-resident family already possessed of vast estates in another part of the island, strangers to the country and to the tenantry, and who never see or are seen by them, except during a few weeks in autumn.

As showing the grandeur of the Drummond family, Mr. Henry Drummond says that they have furnished Dukes of Roxburgh, Perth, and Melfort; a Marquis of Forth; Earls of Mar, Perth, and Ker; Viscounts Strathallan; Barons Drummond, Inchaffray, Madderty, Cromlix, and Stobhall; Knights of the Garter, St. Louis, Golden Fleece, and Thistle; Ambassadors, Queens of Scotland, Duchesses of Albany and Athole; Countesses of Monteith, Montrose, Eglinton, Mar, Rothes, Tullibardine, Dunfermline, Rox-

burgh, Winton, Sutherland, Balcarres, Crawford, Arran, Errol, Marischal, Kinnoul, Hyndford, Effingham; Macquary in France, and Castle Blanche in Spain; Baronesses Fleming, Elphinstone, Livingstone, Willoughby, Hervey, Oliphant, Rollo, and Kinclaven.

‘To this long list of distinguished names,’ says Mr. Fraser, ‘the author might have added Margaret Drummond, sometime Logie, the second queen of King David Bruce.’

Mr. Henry Drummond might also have mentioned the various minor branches of the family, such as the Drummonds of Carnock; of Hawthornden, to whom William Drummond, the celebrated poet, belonged; of Logie Almond, who produced the distinguished scholar and antiquary, Sir William Drummond; the Drummonds of Blair-Drummond, whose heiress married Henry Home, the celebrated Lord Kames, lawyer, judge, and philosopher; and others.

The present Earl of Perth, who was born in 1807, had an only son, Malcolm, Viscount Forth, who died in 1861, in very melancholy circumstances. He left a son, George Essex Montifex, born in 1856. It is stated in *Debrett's Peerage* that in 1874 the young lord married a daughter of the late Mr. Harrison, lead merchant, of London. According to the *Quebec Mercury* the youth, who was only eighteen years of age, immediately after his marriage, which displeased his family, emigrated with his wife to the United States. He landed at New York without means, and engaged himself as a shipping clerk to a firm in that town. He somehow lost his situation, however, and left New York and settled at Brookhaven, a fishing village on the south shore of Long Island. He lived there for several years in a picturesque old farmhouse, supporting himself and his wife very comfortably by fishing and shooting. In appearance, dress, manners, and language, he differed little from the fishermen of the village, who knew him only as George. Last year he quitted Brookhaven, and bringing his wife and one child—a son—to New York, he became a porter to a dry goods firm. When he was a shipping clerk he was visited by Lord Walter Campbell, who unsuccessfully tried to persuade the runaway to return home. He has now, however, gone back to his native country, and it is understood that a reconciliation has been effected between him and the old Earl, his grandfather.



THE STRATHALLAN DRUMMONDS.



THE Drummonds of Strathallan are descended from JAMES DRUMMOND, second son of David, second Lord Drummond. He was educated along with James VI., with whom he seems to have been a favourite through life, and was appointed one of the Gentlemen of the Royal Bedchamber in 1585. He was present with James at Perth, 5th August, 1600, when the Earl of Gowrie and his brother lost their lives in their attempt to obtain possession of the King's person. He obtained the office of commendator of the Abbey of Inchaffray, which was founded A.D. 1200 by Gilbert, Earl of Strathern, and his Countess, Matilda. Maurice, abbot of this religious house, was present at the battle of Bannockburn, and, before the conflict commenced, he passed bareheaded, and barefooted, through the ranks of the Scottish army, and, holding aloft a crucifix, in a few forcible words exhorted them to fight bravely for their rights and liberties. The Abbey shared the fate of the other monastic establishments of Scotland, and its lands were formed into a temporal barony in favour of James Drummond, who was raised to the peerage 31st January, 1609, by the title of LORD MADDERTY, the name of the parish in which Inchaffray is situated. He obtained the lands of Inverpeffray also, by his marriage with the heiress—a daughter of Sir James Chisholme of Cromlix—which descended to her through her mother from Sir James Drummond. The elder of his two sons—

JOHN DRUMMOND, became second Lord Madderty. Though, like all his family, a Royalist, he did not take up arms in behalf of Charles I. until after the battle of Kilsyth in 1645, which had completely prostrated the cause of the Parliament in Scotland. He then repaired to the standard of Montrose at Bothwell, along with the

Marquis of Douglas, the Earls of Linlithgow, Annandale, Hartfell, and other 'waiters on Providence,' who had held back until they saw which side was likely to prove the strongest. He does not appear to have accompanied Montrose to the Border, but he was afterwards imprisoned for the adherence which he had professed to the royal cause, and in 1649 he bound himself, under a heavy penalty, not to oppose the Parliament. He was succeeded by his eldest son, David; his fifth son, William, became the first Viscount Strathallan.

DAVID DRUMMOND, third Lord Madderty, suffered imprisonment in 1644, along with other Royalists, by order of the Committee of Estates. His two sons by his second wife, Beatrice, sister of the great Marquis of Montrose, died young, and he was succeeded by his youngest brother—

WILLIAM DRUMMOND. He took an active part on the royal side in the Great Civil War, was an officer in the army of the 'Engagement' raised for the rescue of Charles I. in 1648, and had the command of a regiment at the battle of Worcester in 1651, where he was taken prisoner, but made his escape. He succeeded in making his way to the Highlands, and joined there the force which had been collected under the Earl of Glencairn, but when they were surprised and defeated by General Morgan at Lochgarry in 1654, Lord Madderty fled to the Continent. He subsequently entered the Muscovite service, in which he attained the rank of lieutenant-general. As he himself said, he 'served long in the wars, at home and abroad, against the Polonians and Tartars.' After the Restoration he was recalled to his own country by Charles II., who appointed him in 1666 Major-General of the Forces in Scotland. He was sent in the following year, along with General Tom Dalzell, another Muscovite officer, to scour the shires of Ayr, Dumfries, and Galloway, and to complete the ruin of the Presbyterian party. But in 1675, on the suspicion that he had corresponded with some of the exiled Covenanters in Holland, he was imprisoned for a whole year in Dumbarton Castle. On his release he was restored to his command, and, in 1684, was appointed General of the Ordnance. On the accession of James VII. in the following year, General Drummond was nominated Commander of the Forces in Scotland, and appointed a Lord of the Treasury. 'He was a loose and profane man,' says Lord Macaulay, 'but a sense of honour, which his own kinsmen

wanted, restrained him from a public apostasy. He lived and died, in the significant phrase of one of his countrymen, "a bad Christian but a good Protestant." In 1686, along with the Duke of Hamilton and Sir George Lockhart, he strenuously opposed the attempt of King James to grant an indulgence to the Roman Catholics which he refused to the Scottish Covenanters. He succeeded his brother as Lord Madderty in 1684, and was created Viscount of Strathallan and Lord Drummond of Cromlix in 1686. He was the Lord Strathallan who wrote, in 1681, a history of the Drummond family, to which reference has already been made. The work remained in manuscript till the year 1831, when one hundred copies were printed for private circulation. In the preface to the volume the editor states that 'the author enjoyed the best advantages in the prosecution of his labours, not only in obtaining the use of the several accounts drawn up by previous writers, but in having free access to original papers, and to every other source of information regarding the collateral branches of a family to which he himself was nearly related, and of which he became so distinguished an ornament.' His lordship had, however, adopted without inquiry the traditional account of the origin of the Drummond family, and does not appear to have scrutinised the charters in their possession.

Lord Strathallan died in January, 1688, and was, therefore, spared the sight of the expulsion of the Stewart family from the throne. Principal Munro, who preached his funeral sermon, said of him, 'Now we have this generous soul in Muscovia, a stranger, and you may be sure the cavalier's coffers were not then of great weight; but he carried with him that which never forsook him till his last breath—resolution above the disasters of fortune, composure of spirit in the midst of adversity, and accomplishments, proper for any station in court or camp, that became a gentleman.' The Covenanters in Galloway who were 'harried' by General Drummond would have probably added some qualities to this panegyric which the courtly Principal has omitted.

Lord Strathallan left by his wife, a daughter of the celebrated leader of the Covenanters, Johnstone of Warriston, one daughter, who became Countess of Kinnoul, and a son—

WILLIAM, second Viscount of Strathallan, of whom nothing worthy of note is recorded. He died in 1702. On the death of his only son—

WILLIAM, third Viscount, in his sixtieth year (26th May, 1711), the family estates passed to the Earl of Kinnoul as heir of line, while the titles reverted to the heir male, WILLIAM DRUMMOND, descended from Sir James Drummond of Machany, second son of the first Lord Machany, a Royalist, like all his family. He was colonel of the Perthshire Foot in the army of the 'Engagement,' and died before the Restoration. His eldest son, also named Sir James, the only one of eight who had issue, was fined £500 by Cromwell, and died in 1675. The three eldest of his six sons predeceased him, and the fourth son—

WILLIAM DRUMMOND, succeeded his cousin as fourth Viscount of Strathallan. Along with his youngest brother Thomas, he repaired at once to the standard of the Earl of Mar in 1715; indeed the whole Drummond clan were most zealous in the cause of the exiled family. The Viscount was taken prisoner at the battle of Sheriffmuir, but, for some unexplained reason, he escaped both personal punishment and the forfeiture of his estate. The lenity shown him by the Government, however, produced no change in his attachment to the Stewarts, for in 1745, within a fortnight after the standard of Prince Charles had been raised in Glenfinnan, he was joined by Lord Strathallan at the head of his retainers. When the Jacobite army, after their victory at Preston, marched into England, his lordship was left in command of the forces stationed in Scotland. At the battle of Culloden he was stationed on the right wing, and, when it gave way, he was cut down by the English dragoons and killed on the spot. His wife, a daughter of the Baroness Nairne, who bore him seven sons and six daughters, for her devotion to the Jacobite cause was imprisoned in the castle of Edinburgh from the beginning of February to the end of November, 1746.

JAMES DRUMMOND, eldest son of Viscount Strathallan, took part along with his father in this ill-starred attempt to restore the Stewarts to the throne, but he succeeded in making his escape to the Continent after the ruin of the cause. He was included in the Act of Attainder passed against his father, but though he was at that time *de jure* in possession of the titles and estates of the family, he was designated James, eldest son of the Viscount of Strathallan. The Act of Attainder was not passed until the 4th of June, 1746, nearly seven weeks after his father's death at Culloden. It was strenuously

contended before the House of Lords that the attainder was vitiated by this erroneous description, but it was held by an absurd fiction of English law that all the Acts passed in any one Parliament must be regarded as passed on one day, and that day the first on which the Parliament assembled. The language of the attainder was therefore held to be sufficiently correct—a decision repugnant at once to justice and common sense. The decision in the Strathallan case, however, attracted so much notice, and was so universally condemned, that the practice was immediately thereafter altered, and every act has since been dated from the day on which it passed.

James Drummond died at Sens, in Champagne, in 1765. He left two sons, both of whom died unmarried. The younger, Andrew John Drummond, was an officer in the British army, and served with distinction in America under Sir William Howe in 1776 and 1777, and on the Continent in the campaigns of 1793 and 1794. He was appointed Governor of Dumbarton Castle, and attained the rank of General in 1812. The family estates had been repurchased in 1775, and on the death of General Drummond in 1817 they devolved on James Andrew John Laurence Charles Drummond, second son of William Drummond, third son of the fourth Viscount of Strathallan. He held for a good many years the position of chief of the British settlement at Canton. On his return to Scotland he was elected member for Perthshire, by a small majority, in March, 1812, and a second time a few months later, after a spirited contest with Mr. Graham of Balgowan (afterwards Lord Lynedoch). He was subsequently returned without opposition in July, 1818, and in March, 1820, and continued to represent the county until the year 1824, when he was restored by Act of Parliament to the forfeited titles of his family, of Viscount Strathallan, Lord Madderty, and Drummond of Cromlix. He was soon after elected one of the sixteen representative peers of Scotland, and continued to hold that position till his death in 1851. He left by his wife, a daughter of the Duke of Athole, five sons and two daughters. His eldest son, WILLIAM HENRY DRUMMOND, sixth Viscount, born in 1810, is a representative peer, and has been on two occasions a Lord-in-Waiting to the Queen.

The famous banking-house of the Drummonds, in London, was founded by a cadet of the Strathallan family—Andrew, the fifth son of the third Viscount. His connection with the Jacobites obtained for him the support of the great nobles and influential landed pro-

prietors in England belonging to that party, and raised his house to a foremost position among the banking establishments of the metropolis. Several members of the Strathallan family have been partners in the bank, the most noted of whom was Henry Drummond of Albury Park, member of Parliament for West Surrey, a remarkably shrewd and sagacious man of business, and the head of the 'Catholic Apostolic' Church—a believer in the gift of tongues, and a patron of Edward Irving, and at the same time the founder of the Professorship of Political Economy at Oxford. Edward, second son of Charles Drummond, of Cadlands, another of the partners in the bank, was private secretary to Sir Robert Peel, and was assassinated in the street, near Charing Cross, while in company with Sir Robert, by a lunatic named M'Naghton, who intended to shoot that eminent statesman.





THE ERSKINES.



THE Erskine family, which has produced a remarkable number of eminent men in every department of public life, derived their designation from the barony of Erskine in Renfrewshire, situated on the south bank of the Clyde. A Henry de Erskine, from whom the family trace their descent, was proprietor of this barony so early as the reign of Alexander II. A daughter of his great-grandson, Sir John de Erskine, was married to Sir Thomas Bruce, a brother of King Robert, who was taken prisoner and put to death by the English; another became the wife of Walter, High Steward of Scotland. The brother of these ladies was a faithful adherent of Robert Bruce, and as a reward for his patriotism and valour, was knighted under the royal banner on the field. He died in 1329. His son, Sir Robert de Erskine, held the great offices of Lord High Chamberlain, Justiciary north of the Forth, and Constable of the Castles of Edinburgh, Stirling, and Dumbarton. He was six times ambassador to England, was also sent on an embassy to France, was Warden of the Marches, and heritable Sheriff of Stirlingshire. He took an active part in securing the succession of the House of Stewart to the throne, on the death of David Bruce. In return for this important service he received from Robert II. a grant of the estate of Alloa, which still remains in the possession of the family, in exchange for the hunting-ground of Strathgartney. Sir Thomas, the son of this powerful noble by his marriage to Janet Keith, great grand-daughter of Gratney, Earl of Mar, laid the foundation of the claim which the Erskines preferred to that dignity, and the vast estates which were originally included in the earldom. Though their claim was rejected by James I., the family continued to prosper; new honours and possessions were liberally conferred upon them by successive

sovereigns, and they were elevated to the peerage in 1467. The second Lord Erskine fought on the side of King James III. against the rebel lords at Sauchieburn. Robert, third Lord Erskine, fell at the battle of Flodden with four other gentlemen, his kinsmen. The grandson of that lord, the Master of Erskine, was killed at Pinkie. For several generations the Erskines were entrusted with the honourable and responsible duty of keeping the heirs to the Crown during their minority. James IV., James V., Queen Mary, James VI., and his eldest son, Prince Henry, were in turn committed to the charge of the head of the Erskine family, who discharged this important trust with great fidelity. John, the fourth Lord Erskine, who had the keeping of James V. during his minority, was employed by him in after life in important public affairs, was present at the melancholy death of that monarch at Falkland, and after that event afforded for some time a refuge to his infant daughter, the unfortunate Mary, in Stirling Castle, of which he was hereditary governor. On the invasion of Scotland by the English, he removed her for greater security to the Priory of Inchmahome, an island in the Lake of Menteith, which was his own property. His eldest son, who fell at the battle of Pinkie during his father's lifetime, was the ancestor, by an illegitimate son, of the Erskines of Shieldfield, near Dryburgh, from whom sprang the celebrated brothers Ebenezer and Ralph Erskine, the founders of the Secession Church.

JOHN, fifth Lord Erskine, though a Protestant, was held in such esteem by Queen Mary that she bestowed on him the long-coveted title of Earl of Mar, which had been withheld from his ancestor a hundred and thirty years earlier. He maintained a neutral position during the protracted struggle between the Lords of the Congregation and the Queen Regent, Mary of Guise; but when she was reduced to great straits, he gave her an asylum in the castle of Edinburgh, where she died in 1560. The young Queen Mary put herself under his protection when about to be delivered of her son, afterwards James VI. The infant prince was immediately committed to the care of the Earl, who conveyed him to the castle of Stirling, and in the following year he baffled all the attempts of Bothwell to obtain possession of the heir to the throne. When James was subsequently crowned, though only thirteen months old, the Parliament imposed upon the Earl of Mar the onerous and responsible duty of keeping and educating the infant sovereign, which he discharged with exemplary

fideliy. James seems to have spent his youthful years very happily as well as securely in the household of the Earl, pursuing his studies, and enjoying his sports in the company of Mar's eldest son. Mar's sister was the mother, by James V., of Regent Moray,* and the Earl was himself chosen Regent of Scotland in 1571, on the death of the Earl of Lennox; but he sank beneath the burden of anxiety and grief occasioned by the distracted state of the kingdom, and died in the following year. The family attained its highest lustre under the Regent's son, JOHN, second Earl of Mar of the name of Erskine, the famous 'Jock o' the Sclaits' (slates),† a name given him by James VI., his playfellow and a pupil along with him and his cousins, sons of Erskine of Gogar, of the learned and severe pedagogue, George Buchanan, under the superintendence of the Countess of Mar. He was one of the nobles who took part in the Raid of Ruthven in 1582, and was, in consequence, deprived of his office of Governor of Stirling Castle—which was conferred on the royal favourite Arran—and was obliged to take refuge in Ireland. An unsuccessful attempt to regain his position in 1584 made it necessary for the Earl to retire into England; but in November of the following year, he and the other banished lords re-entered Scotland, and, at the head of eight thousand men, took possession of Stirling Castle and the person of the King, and expelled Arran from the Court.

From this time forward the Earl of Mar was one of the King's most trusty counsellors and intimate friends, down to the end of his career. In July, 1595, he was formally entrusted by James with the custody and education of Prince Henry, by a warrant under the King's own hand, being the fifth of the heirs to the throne who had been committed to the charge of an Erskine. He was sent ambassador to England in 1601, and by his dexterous management contributed not a little to facilitate the peaceable accession of James to the English throne. A quarrel took place between the Earl and Queen Anne respecting the custody of Prince Henry, but James firmly maintained the claim of his friend in opposition to the angry

* She afterwards married Sir William Douglas of Loch Leven. In Sir Walter Scott's *Abbot*, Lady Douglas is represented as a harsh custodian of Queen Mary. She was in reality very friendly to that illustrious Princess, and was not resident in Loch Leven Castle when Mary was imprisoned there.

† It is supposed that this *sobriquet* was given by James to his class-fellow from his having been intrusted by George Buchanan with a *slate*, whereon to record the misdeeds of the royal pupil during the pedagogue's absence.

demand of his wife, who never forgave the Earl for resisting her wishes. Mar, in return, steadily supported the policy of the King in his quarrels with the Scottish clergy, and voted for the 'Five Articles of Perth,' though he was well aware how obnoxious they were to the people of Scotland. In 1616 the Earl was appointed to the office of Lord High Treasurer, which he held till 1620, and became the most powerful man in the kingdom.

After the death of his first wife, Anne, daughter of David, Lord Drummond, the Earl fell ardently in love with Lady Mary Stewart, the daughter of the Duke of Lennox, the ill-fated royal favourite, and cousin of the King. As he was older than this French beauty, and had already a son and heir, she at first positively refused to marry him, remarking that 'Anne Drummond's bairn would be Earl of Mar, but that hers would be just Maister Erskine.' 'Being of a hawtie spirit,' says Lord Somerville, 'she disdained that the children begotten upon her should be any ways inferior, either as to honour or estate, to the children of the first marriage. She leaves nae means unessayed to advance their fortunes.'*

The Earl took her rejection of his suit so much to heart as to become seriously ill; but the King strove to comfort him, and, in his homely style of speech said, 'By my saul, Jock, ye sanna dee for ony lass in a' the land.' He was aware that the main cause of the lady's refusal to marry his friend was her knowledge of the fact that the Earl's son by his first wife would inherit his titles as well as his estates, and he informed her that if she married Mar, and bore him a son, he should also be made a peer. The inducement thus held out by his Majesty removed Lady Mary's scruples, and James was as good as his word. He created the Earl Lord Cardross, bestowing upon him at the same time the barony of that name, with the unusual privilege of authority to assign both the barony and the title to any of his sons whom he might choose. The Earl was the father of three peers, and the father-in-law of four powerful earls. Lady Mary Stewart bore him five sons and four daughters. The eldest of these, Sir James Erskine, married Mary Douglas, Countess of Buchan in her own right, and was created Earl of Buchan. The second son, Henry, received from his father the title and the barony of Cardross. The third son, Colonel Sir Alexander Erskine, lost his life, along with his brother-in-law, the Earl of

* *Memoirs of the Somervilles.* Lord Somerville is mistaken in representing Lord Mar as an old man at this time. He was little more than thirty years of age.

Haddington and other Covenanting leaders, when Dunglass Castle was blown up in 1640 by the explosion of the powder-magazine. He was a handsome and gallant soldier, originally in the French service, and is noted as the lover whose faithlessness is bewailed in the beautiful and pathetic song entitled, 'Lady Anne Bothwell's Lament.' Sir Charles Erskine, the fourth son, was ancestor of the Erskines of Alva, now represented by the Earl of Rosslyn. William Erskine, the youngest son, was cup-bearer to Charles II., and Master of the Charterhouse, London. The Earl of Mar's youngest daughter married the eldest son of the Lord Chancellor, Thomas Hamilton, first Earl of Haddington—'Tam o' the Cowgate.' When King James heard of the intended marriage, knowing well the great ability, and the 'pawkiness' of the two noblemen who were thus to be brought into close alliance, he exclaimed in unfeigned, and not altogether groundless, alarm, 'Lord, haud a grupp o' me. If Tam o' the Cowgate's son marry Jock o' the Sclaits' daughter, what will become o' me!'

It is a curious confirmation of his Majesty's apprehensions that, in 1624, the other nobles complained that the Earls of Mar and Melrose (the Lord-Chancellor's first title), wielded all but absolute power in the State. The former, it was said, disposed of the King's revenue, and the other ruled in the Council, and Court of Session, each according to his pleasure.

The Earl died at Stirling Castle, 14th December, 1634, at the age of seventy-seven, and was interred at Alloa. Scott of Scotstarvit says of his death, 'His chief delight was in hunting; and he procured by Act of Parliament that none should hunt within divers miles of the King's house. Yet often that which is most pleasant to a man is his overthrow; for, walking in his own hall, a dog cast him off his feet and lamed his leg, of which he died: and, at his burial, a hare having run through the company, his special chamberlain, Alexander Stirling, fell off his horse and broke his neck.'

It is said that there are some of the descendants of the Lord Treasurer who, on account of this casualty, are to this day chary of meeting an accidental hare.

From this period the decay of the family began, and steadily proceeded in its downward course till it reached its lowest position in 1715, when they were subjected, in consequence of the part which they took in the Great Civil War, to sequestrations and heavy fines.

JOHN, the eighth Earl of Mar of the name of Erskine, however, entered on life with every prospect of a prosperous career. He was invested with the Order of the Bath in 1610, was nominated one of the Extraordinary Lords of Session, sworn a privy councillor in 1615, and was, at the same time, appointed Governor of Stirling Castle. But, in 1638, he was deprived of the command of the castle, which Charles I. conferred on General Ruthven, afterwards Earl of Forth, whom he had recalled from the Swedish service at the time when he was resolved to suppress the Covenant by force. The same year the Earl was made to sell to the King the sheriffship of Stirling, and the bailiery of the Forth, for the sum of £8,000 sterling. He obtained a bond for the money in 1641, but it is doubtful whether any part of it was ever paid. Mar at first supported the Covenanters, but when their policy became apparent, he signed the Cumbernauld Bond, along with the Earl of Montrose and other nobles, to support the King. His property was, in consequence, sequestered by the Estates. In 1638 he sold the barony of Erskine, the most ancient possession of the family, to Sir John Hamilton of Orbiston, in order to clear off the heavy incumbrances on his other estates; and he is said to have lost in the Irish rebellion some lands which he had purchased in Ireland. He died in 1654. His eldest son—

JOHN, the ninth Earl, before he succeeded to the family titles and estates, commanded the Stirlingshire regiment in the army of the Covenanters, raised in 1644, for the purpose of resisting the threatened invasion of Scotland by Charles I. But in the following year, along with his father, he joined the Cumbernauld association, for the defence of the royal cause. This step, while it deeply offended the Covenanters, did not secure him protection from the Royalist forces; for, in 1645, the Irish *kernes* in the army of Montrose plundered the town of Alloa, and the estates of the Earl of Mar in the vicinity of that town. Notwithstanding this outrage, the Earl and his son gave a handsome entertainment to Montrose and his officers, and, by this exercise of hospitality, so highly incensed the Earl of Argyll, the leader of the Covenanters, that he threatened to burn the castle of Alloa. After the battle of Kilsyth (15th August, 1645) Lord Erskine joined the victorious Royalist army, and was present at their ruinous defeat at Philiphaugh on the 13th September following, but escaped from the battlefield, and

was sent by Montrose on the forlorn attempt to raise recruits in Braemar. The Estates, in consequence, fined him 24,000 marks, and caused his houses of Erskine and Mar to be plundered. On succeeding his father, in 1654, the Earl's whole estates were sequestrated by the orders of Cromwell, and he was so completely ruined that he lived till the Restoration in a small cottage, at the gate of what had been his own mansion, Alloa House. To add to his misfortunes and sufferings, he lost his eyesight. His estates were restored to him by Charles II. in 1660; but the family never recovered from the heavy losses to which they had been subjected during the Civil War. The unfortunate nobleman died in September, 1688, just in time to escape witnessing the ruin of that royal house for which he had suffered so much. His Countess, Lady Mary Maule, eldest daughter of the second Earl of Panmure, bore him eight sons and one daughter. Five of his sons died young. The second son was James Erskine of Grange, Lord Justice Clerk. The third was Lieutenant-Colonel Henry Erskine, who was killed at the battle of Almanza in 1707. The eldest—

JOHN, eleventh Earl of the Erskine family, was the well-known leader of the Jacobite rebellion in 1715. He found the family estates much involved, and joined the Whig party then in power under the Duke of Queensberry, merely because it was his interest to do so. He received from them the command of a regiment of foot, and was invested with the Order of the Thistle. In 1704, when the Whigs went out of office, Mar paid court to the Tory party, their successors, and contrived to impress them with the belief that he was a trustworthy friend of the exiled family. When the Whigs came once more into power he gave them his support, and assisted in promoting the Union between England and Scotland. As a reward for his services he was appointed Secretary of State for Scotland, and was chosen one of the sixteen representative peers. But finding that he had lost the good opinion of his countrymen by supporting the Union, which was very unpopular in Scotland, he endeavoured to regain their favour by voting for the motion in the House of Lords for the dissolution of the Union, which was very nearly carried. On the dismissal of the Whig ministry in 1713, Mar, without scruple or shame, went over to their opponents, and was again appointed Secretary of State, and manager for Scotland. These repeated tergiversations rendered him notorious even among the loose-prin-

cipld politicians of his own day, and gained him in his native country the nickname of 'Bobbing John.'

On the death of Queen Anne, the Earl of Mar, as Secretary of State, signed the proclamation of George I., and in a letter to the new sovereign made earnest protestations of ardent loyalty and deep attachment, accompanied by a reference to his services to the country. He also procured a letter to be addressed to himself by the chiefs of the Jacobite clans, declaring that they had always been ready to follow his directions in serving the late queen, and that they were equally ready to concur with him in serving the new sovereign. George, however, was quite well aware of the double part which the Earl had acted, and on presenting himself to the King on his arrival at Greenwich he was left unnoticed, and eight days after he was dismissed from office.

Deeply mortified at this treatment, Mar resolved upon revenge, and entered into correspondence with the disaffected party in Scotland, with the view of exciting an insurrection against the reigning family. He attended a court levee on the 1st of August, 1715, and next morning he set out for Scotland to raise the standard of rebellion against the King to whom he just paid homage. Accompanied by Major-General Hamilton and Colonel Hay, the Earl, disguised as an artisan, sailed in a coal-barge from London to Newcastle. He hired a vessel there which conveyed him and his companions to the coast of Fife, and landed them at the small port of Elie. He spent a few days in that district among the Jacobite gentry, with whom he made arrangements to join him in the North. On the 17th of August he left Fife, and with forty horse proceeded to his estates in Aberdeenshire, sending out by the way invitations to a great hunting match in the forest of Braemar, on the 25th of that month. On the day appointed the leading Jacobite noblemen and chiefs assembled, attended by a few hundreds of their vassals, and after a glowing address from Mar, denouncing the usurping intruder who occupied the throne, and holding out large promises of assistance from France in both troops and money, they resolved to take up arms on behalf of the exiled Stewart family. Accordingly, on the 6th of September, the Jacobite standard was unfurled at Castletown, in Braemar.

The fiery cross was sent through the Highlands, summoning every man capable of bearing arms to repair with all speed to the camp of the Jacobite leader. Mar's own tenants and vassals showed great

reluctance to take part in the enterprise. There is a very instructive letter sent by him to the bailie of his lordship of Kildrummie, in which he complains bitterly that so few of his retainers had voluntarily repaired to his standard. 'It is a pretty thing,' he said, 'when all the Highlands of Scotland are now rising upon their King and country's account, that my men should be only refractory,' and he threatened that should they continue obstinate, their property should be pillaged and burned, and they themselves treated as enemies. The clansmen of the Highland chiefs, however, repaired with more alacrity to the 'standard on the braes of Mar;' the Earl was soon at the head of an army of twelve thousand men, and almost the whole country to the north of the Tay was in the hands of the insurgents. Mar, however, was totally unfit to head such an enterprise. Though possessed of great activity and a plausible address, he was fickle, vacillating, infirm of purpose, 'crooked in mind and body,' and entirely ignorant of the art of war. He wasted much precious time lingering in the Highlands, and when at length he made up his mind to descend into the Lowlands, he found that the Duke of Argyll had taken up a position at Stirling which blocked his march. The two armies encountered at Sheriffmuir, near Dunblane, on the 13th of November, 1715, and though the result was a drawn battle, the advantages of the contest remained with the Duke. The march of the insurgents into the low country was permanently arrested. Mar retreated to Perth; his army rapidly dwindled away; and though joined by the Chevalier in person, who created him a duke, he was at last fain to retreat to the North, after laying waste, in the most ruthless manner, the country through which the royal troops must march in pursuit of the retreating army. The unfortunate Prince, his incompetent general, and several others of the leaders embarked at Montrose (February 4, 1746) in a French ship, and sailed for the Continent, leaving their deluded and indignant followers to shift for themselves. The Earl of Mar and the Chevalier, with his attendants, landed at Waldam, near Gravelines, February 11th.

The Earl accompanied the Prince to Rome, and for some years continued to manage his affairs, 'the mock minister of a mock cabinet,' in the French capital, and possessed James's unlimited confidence. He entered, however, into some negotiations with the Earl of Stair, ambassador at the French Court, through whom he obtained a pension of £2,000 from the British Government, and

£1,500 a year was allowed to his wife and daughter out of his forfeited estate. Mar, while revealing the secrets of James to the British Government, still professed to be a staunch adherent of the exiled family. But he was accused both of embezzling the money the Jacobites had raised for the promotion of their cause, and of betraying his master, and in the end James withdrew his confidence from him, and dismissed him from his service; indeed, he had by his double-dealing forfeited the esteem and confidence of both parties. He died at Aix-la-Chapelle in May, 1732, regretted by no one.

THE HON. JAMES ERSKINE OF GRANGE, younger brother of the Earl of Mar, was a very remarkable character. His memory has been preserved mainly in consequence of his extraordinary abduction of his wife. He was admitted to the Bar in July, 1705, was appointed to a seat on the Bench in October, 1706—no doubt through the influence of his brother the Earl, who was at that time Secretary of State for Scotland. In 1707 he was made a Lord of Justiciary, and in 1710 was appointed Lord Justice-Clerk. He had contracted a violent dislike to Sir Robert Walpole, and for the purpose of assisting the enemies of that minister in hunting him down, he offered himself a candidate for the Stirling Burghs. In order to exclude his vindictive enemy from the House of Commons, Walpole got an Act passed disqualifying judges of the Court of Session from holding a seat in Parliament. Grange was determined, however, not to be balked in his design, and he resigned his office, and was elected member for the Stirling district of burghs. Great expectations were entertained of the influence which he would exercise in the House. ‘But his first appearance,’ says Dr. Carlyle, ‘undeceived his sanguine friends, and silenced him for ever. He chose to make his maiden speech on the Witches’ Bill, as it was called; and being learned in *dæmonologia*, with books on which subject his library was filled, he made a long canting speech that set the House in a titter of laughter, and convinced Sir Robert that he had no need of any extraordinary armour against this champion of the house of Mar.’

Carlyle speaks contemptuously of Erskine’s learning and ability, and says he had been raised on the shoulders of his brother, the Earl of Mar, but had never distinguished himself. The minister of Inveresk, however, was too young to know him intimately, and he makes several erroneous statements respecting Grange’s career.

He was usually a member of the General Assembly, and voted with what Carlyle calls 'the High-flying party.' 'He had my father very frequently with him in the evenings,' Carlyle continues, 'and kept him to very late hours. They were understood to pass much of their time in prayer, and in settling the high points of Calvinism, for their creed was that of Geneva. Lord Grange was not unentertaining in conversation, for he had a great many anecdotes, which he related agreeably, and was fair-complexioned, good-looking, and insinuating. After these meetings for private prayer, however, in which they passed several hours before supper, praying alternately, they did not part without wine, for my mother used to complain of their late hours, and suspected that the claret had flowed liberally. Notwithstanding this intimacy, there were periods of half a year at a time when there was no intercourse between them at all. My father's conjecture was that at those times he was engaged in a course of debauchery at Edinburgh, and interrupted his religious exercises. For in those intervals he not only neglected my father's company, but absented himself from church, and did not attend the Sacrament, which at other times he would not have neglected for the world.'

Mr. Erskine's wife, Lady Grange as she was called, was Rachel Chiesley, the daughter of Chiesley of Dalry, who shot President Lockhart, 31st March, 1689, in the Old Bank Close, Lawnmarket, Edinburgh, in consequence of a decision given by him in an arbitration, that Chiesley was bound to make his wife and family an allowance. There can be no doubt that there was madness in her family, and the lady was a confirmed drunkard. She had been very beautiful, but had a most violent temper, and, becoming jealous of her husband, she employed spies to watch him when he visited London, and is said to have often boasted of the family to which she belonged, hinting that she might one day follow her father's example. Her husband declared that his life was hourly in danger from her outrageous conduct, and that she slept with deadly weapons under her pillow. According to Wodrow, 'she intercepted her husband's letters in the post-office, and would have palmed treason upon them, and took them to the Justice Clerk, as is said, and alleged that some phrases in some of her lord's letters to Lord Dun, related to the Pretender, without the least shadow for the inference.' Carlyle says her husband 'had taken every method to soothe her. As she loved command, he had made her factor upon his estate, and given her the whole management of his affairs. When absent he wrote her

the most flattering letters, and did what was still more flattering: he was said, when present, to have imparted secrets to her which, if disclosed, might have reached his life. Still she was unquiet, and led him a miserable life.' Though she had agreed, in 1730, to accept a separate maintenance, with which she would be satisfied, she still continued to persecute and annoy her husband in the most violent manner.

The outrageous conduct and alarming threats of this wretched woman at length caused Grange to take measures for her confinement in a remote and solitary spot in the Highlands. On the evening of 22nd January, 1732, Lady Grange, who was living in lodgings next door to her husband's house, was seized and gagged by a number of Highlandmen who had been secretly admitted into her residence. She was carried off by night journeys to Loch Hourn, on the west coast Highlands, and was thence transported to the small and lonely island of Hesker, where she remained five years. She was then conveyed to St. Kilda, where she was detained for seven years more, and ultimately to Harris, where she died in 1745. It was not till 1740 that some rumours got abroad respecting her abduction, and the wretched condition in which she was kept, but no effective measures were taken for her release. She affirmed that the men who carried her off wore Lovat's livery—probably meaning his tartan—and that Lovat himself had an interview at Stirling with the person in charge of her captors to make arrangements for her journey. Though that consummate villain denied the charge in the most vehement terms, there can be little or no doubt that it was true. 'As to that story about Lord Grange,' he said, 'it is a much less surprise to me, because they said ten times worse of me when that damned woman went from Edinburgh than they say now; for they said it was all my contrivance, and that it was my servants that took her away; but I defied them then, as I do now, and do declare to you upon honour that I do not know what has become of that woman, where she is, or who takes care of her; but if I had contrived, and assisted, and saved my Lord Grange from that devil who threatened every day to murder him and his children, I would not think shame of it before God or man.'

The Laird of M'Leod, to whom the island of St. Kilda belonged, was believed to have been Lovat's accomplice in this lawless deed. 'What was most extraordinary,' says Carlyle, 'was that, except in

conversation for a few weeks only, this enormous act, committed in the midst of the metropolis of Scotland, by a person who had been Lord Justice-Clerk, was not taken the least notice of by any of her own family, or by the King's Advocate, or Solicitor, or any of the guardians of the laws. Two of her sons were grown up to manhood; her eldest daughter was the wife of the Earl of Kintore; they acquiesced, in what they considered as a necessary act of justice, for the preservation of their father's life. Nay, the second son was supposed to be one of the persons who came masked to the house, and carried her off in a chair to the place where she was set on horse-back.'

A curious paper, written partly by Lady Grange, partly by the minister of St. Kilda, found its way to Edinburgh, and fell into the hands of Mr. William Blackwood, the well-known publisher. It was purchased by John Francis, Earl of Mar, and, along with some letters from that lady, was presented to the Marquis of Bute. This interesting document, which is dated January 21st, 1746, gives a long and minute account of Lady Grange's abduction, and of the treatment which she received from her captors and successive custodians, which bears the stamp of truth. It was published in the *Scots Magazine* for November, 1817, by a gentleman who had obtained a copy of the paper.

Grange left a diary, a portion of which was printed in 1834, under the title, 'Extracts from the Diary of a *Member of the College of Justice.*'

The forfeited estates of the Jacobite Earl of Mar were purchased from the Government by Erskine of Grange. His two eldest sons died young. James, the third son, an Advocate, was appointed Knight-Marischal of Scotland in 1758. He married his cousin, Lady Frances Erskine, only daughter of the Jacobite Earl of Mar, and died in 1785, leaving two sons. The Mar titles were restored by Act of Parliament to the elder son, John Francis Erskine, in 1824. They are now possessed, along with the estates, by a descendant of his younger son, WALTER HENRY ERSKINE, Earl of Mar and Kellie. [See ANCIENT EARLDOM OF MAR.]



THE ERSKINES OF BUCHAN AND CARDROSS.



THE Earldom of Buchan is one of the most ancient dignities in Scotland. It was held in the time of William the Lion by a chief named FERGUS, of whom nothing is known except that he made a grant of a mark of silver annually to the abbey of Aberbrothwick, which was founded by King William. His only daughter, Marjory, Countess of Buchan in her own right, married, A.D. 1210, WILLIAM COMYN, Sheriff of Forfar, and Justiciary of Scotland, who became Earl of Buchan in right of his wife. Their son, ALEXANDER COMYN, who inherited their title and estates, took a prominent part in public affairs during the reigns of Alexander II. and Alexander III. The Comyns were at this time among the most powerful families in the kingdom and were the leaders of the national party, in opposition to the English faction, who, even at that early period, sought to make the welfare of Scotland subservient to the interests of England. Earl Alexander was one of the guardians of Scotland after the death of Alexander III., and, like his father, held the office of Great Justiciary. He died in 1289, and was succeeded by his son, JOHN COMYN, who was Chief Constable of the kingdom. When the War of Independence broke out, the Earl of Buchan joined the English party. He seems to have cherished an intense hatred of Robert Bruce, on personal as well as family grounds, and received from King Edward a grant of Bruce's lordship of Annandale. In 1308 he collected a large army for the purpose of resisting Bruce's invasion of Buchan, where the Comyns ruled with almost regal authority; but he was defeated with great slaughter at Old Meldrum, and his estates were laid waste with fire and sword. The power of the great house of Comyn was completely broken down by this overthrow, and the 'harrying' of Buchan which followed: their estates were confis-

cated, and their very name almost disappeared from the roll of the Scottish nobility. The wife of Earl John, a daughter of the Earl of Fife, was the high-spirited lady who placed the crown on the head of Robert Bruce, in virtue of a privilege which, since the time of Malcolm Canmore, had belonged to her family.

In 1371 a grant of the dormant earldom of Buchan was made by Robert III. to SIR ALEXANDER STEWART, his fourth son by his first wife, Elizabeth Mure, who, on account of his savage character and conduct, was designated 'the Wolf of Badenoch,' the district of which he was lord. He also obtained the earldom of Ross for life, in right of his wife. In the year 1390 he invaded the district of Moray, in revenge of a quarrel with the bishop of that see, and besides ravaging the country, he plundered and profaned the cathedral of Elgin, which he afterwards set on fire, reducing that noble edifice, with the adjoining religious houses, and the town itself, to a mass of blackened ruins. He was subsequently obliged to do public penance for this crime in the Blackfriars church of Perth, and to make full satisfaction to the bishop.

At the death of this savage noble, in 1394, the earldom devolved upon his brother, ROBERT, Duke of Albany; but in 1403, as Regent, he conferred the title upon SIR JOHN STEWART, his second son. In 1419, with consent of the Estates, the Earl was sent with an army of seven thousand men to the assistance of the French king in his contest with England for his crown. These auxiliaries won great renown under the leadership of Buchan, and rendered important services to the French in their struggle for independence. On the 22nd of March, 1421, they defeated, at Beaugé, a large English force, under the Duke of Clarence, brother of Henry V. Fourteen hundred men, along with the Earl of Kent and Lords Gray and Ross, fell in this encounter. Clarence himself was unhorsed and wounded by Sir William Swinton, and, as he strove to regain his steed, he was felled to the earth and killed by the mace of the Earl of Buchan. As a reward for this signal victory the Dauphin conferred upon Buchan the high office of Constable of France. Three years later, however, the Scottish auxiliaries were almost annihilated at the fatal battle of Verneuil, and their commander, the Earl of Buchan, was among the slain. He married Lady Elizabeth Douglas, daughter of Archibald, fourth Earl of Douglas and Duke of Touraine, by whom he had an only daughter, who became the wife of George, second Lord Seton. The earldom of Buchan devolved upon

his brother, MURDOCH, Duke of Albany, at whose execution, in 1425, it was forfeited to the Crown.

The title remained dormant for forty-one years, but in 1466 it was bestowed on JAMES STEWART, surnamed 'Hearty James,' the second son of Sir James Stewart, the Black Knight of Lorn, by Lady Jane Beaufort, widow of James I. The new Earl was consequently uterine brother to James II. He was appointed High Chamberlain of Scotland in 1471, and two years later he was sent on an embassy to France. His son and grandson were successively Earls of Buchan. John, Master of Buchan, eldest son of the latter, fell at the battle of Pinkie, in 1547, leaving an only child, Christian, who became Countess of Buchan in her own right. She married Robert Douglas, second son of Sir Robert Douglas of Lochleven, uterine brother of the Regent Moray. He obtained the title of Earl of Buchan in right of his wife. Their only son, JAMES, became fifth Earl of Buchan of this family, and died in 1601, at the early age of twenty-one. He left an only child, MARY DOUGLAS, who succeeded to the title and estates; and by her marriage with James Erskine, son of John, seventh Earl of Mar, carried the earldom into the Erskine family. Her household book, which contains numerous items, such as 'to a poor minister who bemoanet his poverty to my lady,' shows that she was extremely generous to the poor. Not even 'ane masterfull beggar, who did knock at the gate, my lady being at table,' nor 'ane drunken beggar, who faint he was madd,' was sent empty away.

There is nothing worthy of special notice in the life of JAMES ERSKINE, sixth Earl, or of his son and grandson, the seventh and eighth Earls. The latter, who at the Revolution adhered to the cause of King James, was committed a prisoner to the castle of Stirling, where he died unmarried in 1695.

The death of Earl William opened the succession to the title and estates of Buchan to DAVID, fourth LORD CARDROSS, a descendant of the third son of the Lord Treasurer, Earl of Mar.

We have seen how the barony of Cardross was bestowed upon the Earl by James VI., in fulfilment of a promise made by him to Lady Mary Stewart, the Earl's second wife. It was formed out of the abbacies of Dryburgh and Cambuskenneth, and the priory of Inchmahome, which, as the charter sets forth, 'have bene in all tyme heretofore commounlie disponit be his ma^{teis} predecessors to sum that were cum of the hous of Erskyne.' The allusion is to Adam Erskine, Commendator of Cambuskenneth, natural son of Thomas,

Master of Erskine, and to David, first Abbot, and afterwards Commendator of Dryburgh, natural son of Robert, Master of Erskine, killed at Pinkie (elder brother of Thomas). Lord Erskine's third son John was 'Commendator of Inschemachame.'*

The charter enumerates in detail the services of the Earl of Mar, and the fidelity 'quhair of he, and his umquhile father, gaif evident and manifest pruf and experience in their worthie, memorable, and acceptable panes and travelles tane be them in the educatoun of his majestie's most royal persone fra his birth to his pfyte Age; and in the lyk notable service done be ye said Erle himself, in the educatoun of his ma^{teis} darest sone ye Prince.' The charter also invests the Earl with the unique right of conferring the title on any of his male descendants he might think fit. His eldest son was of course heir to the earldom of Mar, and the second, by his marriage, had already become Earl of Buchan. The Lord Treasurer therefore bestowed this dignity in his lifetime on his third son, Henry.

DAVID, second Lord Cardross, his son, was one of the Scottish peers who protested against the delivering up of Charles I. to the English army at Newcastle in 1646. His younger son, the Hon. Colonel John Erskine of Cardross, was father of John Erskine, the author of the well-known 'Institutes of the Law of Scotland,' and his grandson was the celebrated Dr. John Erskine, Minister of Greyfriars Church, Edinburgh, of whom Sir Walter Scott has given a graphic portrait in 'Guy Mannering.' HENRY, third Lord Cardross, his eldest son by his first wife, Anne, daughter of Sir Thomas Hope, King's Advocate, was an eminent patriot, and one of the most prominent opponents of the Duke of Lauderdale's arbitrary and oppressive administration. He succeeded to the family title and estates in 1671, and married Katherine, second daughter and ultimately heiress of Sir James Stewart of Strathbrock (or Uphall) and Kirkhill, in Linlithgowshire. In consequence of his support of the cause of civil and religious liberty, his lordship underwent long and severe persecution. In the statement laid before the King of the sufferings he endured it is mentioned that in August, 1675, he was fined by the Scottish Privy Council the sum of £1,000, for the offence of his lady's having divine worship performed in his own house, by his own chaplain, when Lord Cardross was not present. He was further fined by the Council in £112 10s. for his tenants having

* *Henry Erskine, his Kinsfolk and Times.* By Lieut.-Col. Ferguson.

attended two conventicles. He was imprisoned in the castle of Edinburgh for four years, and while a prisoner there was fined, in August, 1677, in the sum of £3,000, the half of his valued rent, for his lady having, without his knowledge, had a child baptised by a Nonconforming minister. A garrison was fixed in his house in 1675; and in June, 1679, the royal forces, on their march to the west, went two miles out of their road, in order that they might be quartered on Lord Cardross's estates of Kirkhill and Uphall.

In July of that year his lordship was released from prison on giving a bond for the amount of his fine, and early in 1680 he went up to London to lay his case before the King. He pleaded the hardships he had endured, the loyalty of his family, the protest of his father against the surrender of King Charles; the assistance which he gave in promoting the 'Engagement,' in 1648, for the relief of that monarch; the consequent infliction upon him of a fine of £1,000 by Cromwell, and of a fine of a similar amount imposed on the family represented by his wife, and the injury done to his houses and estates. But he obtained no redress, and feeling that it was hopeless to expect justice from the King and his worthless councillors, he resolved to leave the country, and accordingly proceeded to North America, where he founded a plantation at Charleston Neck, South Carolina. In a few years, however, he and the other colonists were driven from the settlement by the Spaniards, many of them being killed, and their property destroyed.

On his return to Europe, Lord Cardross took up his residence at the Hague, where Lords Stair and Melville, Sir Patrick Hume of Polwarth, Sir James Stewart of Coltness, Fletcher of Saltoun, and other Scottish exiles, were at that time settled, anxiously waiting for better times. He accompanied William of Orange to England in 1688, and in the following year raised a regiment of dragoons for the support of his cause. An Act was passed by the Scottish Parliament restoring Lord Cardross to his estates. He was also sworn a Privy Councillor, and was appointed Governor of the Mint. He died at Edinburgh in May, 1693, in the forty-fourth year of his age.

DAVID ERSKINE, his eldest son, fourth Lord Cardross, succeeded to the title of Earl of Buchan on the death, in 1695, of William Erskine, the eighth Earl. There appears to have been some question respecting the succession, but ultimately, in 1698, an Act was passed by the Estates allowing him to be called in Parliament, with the title

of Earl of Buchan. He married Frances Fairfax, daughter and heiress of Henry Fairfax of Hurst, Berkshire, and grand-daughter of Lord Fairfax. She was also grand-daughter of the celebrated Sir Thomas Brown, author of the 'Religio Medici,' her mother, Anne Brown, being his eldest daughter.* Lady Frances Erskine, their second daughter, married the celebrated Colonel Gardiner, 'a gallant soldier and high-minded Christian gentleman.' Of his wife the Colonel said 'that the greatest imperfection he knew in her character was that she valued and loved him much more than he deserved.' She was the friend of her neighbour, the Rev. Robert Blair, minister of Athelstaneford, and author of the well-known poem entitled 'The Grave.'

HENRY DAVID, tenth Earl of Buchan, married Agnes Stewart, daughter of Sir James Stewart of Coltness, Solicitor-General for Scotland, and of his wife, the witty and beautiful Anne Dalrymple, daughter of Sir Hew Dalrymple, of North Berwick, President of the Court of Session. Lady Buchan was the grand-daughter of Sir James Stewart of Goodtrees, Lord Advocate to King William, and Queen Anne, popularly designated "Jamie Wylie," on account of his crafty character and shifty conduct. The Earl and his wife were strict Presbyterians. His grandson describes him as 'a zealously religious man, strong in his anti-Roman convictions, though he inclined in a great way towards the Stewarts.' He was a man of great good-nature and polite manners, but of moderate abilities. His wife, however, was a woman of great intellect, which she had diligently cultivated. She had studied mathematics under the famous Colin Maclaurin, the friend of Sir Isaac Newton—a rare accomplishment at that time. She also possessed an elegant taste with a brilliant imagination, and, above all, an eminent and earnest piety. Her ladyship had also the reputation of being a notable manager—an acquirement greatly needed in the narrow circumstances of the family. The ample patrimony which at one time belonged to the heads of the house of Erskine had been greatly diminished, partly by mismanagement, and neglect of economy, partly through the losses sustained

* In a supplementary chapter to Sir Thomas Brown's biography there is this singular statement: 'It is very remarkable that although Sir Thomas Brown had *forty* children and grandchildren, yet in the second generation, within thirty years of his decease, the male line became extinct; in the third generation none survived their infancy, excepting in the family of the eldest daughter, *Anne*, of whose eight children none left any descendants but the third daughter, *Frances Fairfax*, married to the Earl of Buchan.'

by Lord Cardross during the time of the 'Persecution.' About the year 1745 Lord Buchan had been obliged to sell the estate of Cardross to his cousin of Carnock, so that the Linlithgowshire estates alone remained in his possession. But though his income was small for a person of his rank and position, it was sufficient, 'with the careful economy practised by Lady Buchan, for comfort, in accordance with the primitive notions of those days.' The Earl had quitted his seat in the country, and had taken up his residence in a flat at the head of Gray's Close, in the High Street of Edinburgh. His house, however, was frequented not only by the most eminent divines of the city, but by judges and leading advocates, and by members of other noble though not wealthy families, who came to partake of 'a cosy dish of tea,' which was at that time the usual form of social entertainment.*

In the beginning of the year 1762, Lord Buchan and his family removed to St. Andrews, where house-rent was lower, living cheaper, and education no way inferior to that of Edinburgh. They did not remain long, however, in this quiet retreat, for towards the end of 1763 the family took up their residence at Bath, where they became intimate with the Countess of Huntingdon, Whitfield, and other distinguished members of the Methodist connexion. The Earl died there in 1768, and was succeeded by his eldest son—

DAVID STEWART ERSKINE, eleventh Earl of Buchan, born in 1742. He was educated at the University of Glasgow, was for a short time in the army, next tried the diplomatic profession, under the great Lord Chatham (then Mr. Pitt), and in 1766 was appointed Secretary to the British Embassy in Spain. He did not, however, proceed to Madrid, and it was reported at the time that he declined to do so because the ambassador, Sir James Gray, was a person of inferior social rank. According to Horace Walpole, the father of Sir James was first a box-keeper, and then a footman to James VII. Boswell mentions that in discussing the merits of this question with Sir Alexander Macdonald, Dr. Johnson observed that, perhaps, in point of interest the young lord did wrong, but in point of dignity he did well. Sir Alexander held that Lord Cardross was altogether wrong, and contended that Mr. Pitt meant it as an advantageous thing to him. 'Why, sir,' said Johnson, 'Mr. Pitt might think it an

* Colonel Ferguson has shown that Lord Campbell, in his *Life of Lord Erskine*, has greatly exaggerated the poverty of the Earl of Buchan at this time.

advantageous thing for him to make him a vintner, and get him all the Portugal trade; but he would have demeaned himself strangely had he accepted of such a situation. Sir, had he gone as secretary while his inferior was ambassador, he would have been a traitor to his rank and his family.* Mr. Croker has justly remarked upon this discussion, 'If this principle were to be admitted, the young nobility would be excluded from all professions, for the superiors in the professions would frequently be their inferiors in personal rank. Would Johnson have dissuaded Lord Cardross from entering on the military profession, because at his outset he must have been commanded by a person inferior in personal rank?' Professor Rouet, however, wrote to his cousin, Baron Mure, 'Cardross does not go to Spain because of the bad state of his father's health.' But it must be admitted that the other reason alleged for declining the office was quite in keeping with the character of the young patrician.

Lord Cardross was present at his father's death, and figured prominently at his obsequies, which were performed with great solemnity, and elaborate ceremony. Lady Huntingdon's party took a great interest in the well-being of the young Earl, and Fletcher, Henry Venn, and the eccentric Berridge were at once appointed his chaplains. The name of John Wesley was subsequently added to the list, much to his own satisfaction. In 1771, Lord Buchan took up his residence on his Linlithgowshire estate, and set himself to effect, by precept and example, much-needed improvements in husbandry. He also made vigorous efforts to induce his brother nobles to act an independent part in the election of their sixteen representatives in Parliament, and to discontinue the degrading practice of voting for the list sent down by the Government of the day, and he succeeded ultimately, almost single-handed, in putting it down. He was the founder of the Society of Antiquaries in Edinburgh, in 1780, and contributed a number of papers to the first volume of their Transactions. He was able, in 1786, to buy back the small estate of Dryburgh, which had of old belonged to his ancestors, with the ruined abbey and mansion-house, where he took up his residence for half a century, and performed many curious and eccentric feats. He had a restless propensity for getting up public *fêtes*, one of which was an annual festival in commemoration of Thomson, the author of 'The Seasons,' at Ednam, the poet's native place. He erected, in his

* Boswell's *Life of Johnson*, iii. p. 111.

grounds at Dryburgh, an Ionic temple, with a statue of Apollo in the interior, and a bust of the bard surmounting the dome. Burns wrote a poetical address for its inauguration. He also raised a colossal statue of Sir William Wallace, on the summit of a steep and thickly planted bank above the river Tweed. It was installed with great ceremony. A huge curtain was drawn before the statue, which dropped at the discharge of a cannon, and then the Knight of Ellerslie was discovered with a large German tobacco-pipe in his mouth, which some wicked wag had placed there—to the unspeakable consternation of the peer, and amusement of the company. Sir Walter Scott used to say that when a revolution should take place, his first act would be to procure a cannon, and batter down this monstrosity.

It has been often said that Lord Buchan took credit to himself for having completed, at much personal expense, the education of his brothers. This, however, is an entire mistake, which probably originated in the peculiar way in which the Earl took credit to himself for the education and brilliant success of his two famous kinsmen. He said to an English nobleman who visited him at Dryburgh, ‘My brothers Henry and Tom are certainly extraordinary men, but they owe everything to me.’ This observation occasioning an involuntary look of surprise in his guest, he continued, ‘Yes, it is true; they owe everything to me. On my father’s death they pressed me for a small annual allowance. I knew that this would have been their ruin, by relaxing their industry. So, making a sacrifice of my inclinations to gratify them, I refused to give them a farthing; and they have both thriven ever since—*owing everything to me.*’

Lord Buchan had unbounded confidence in the influence of his own opinion when expressed in favour of an individual or object, even where no reasons were assigned. He frequently gave recommendations like the following: ‘Lord Buchan begs to recommend Mr. Henning to the attention of his friends;’ and he has been known to congratulate a youthful artist, after one or two turns with him in Princes Street, with assurance of success that had no firmer foundation than the fact that he had been seen in public with the modern Mæcenas leaning on his arm.*

Lord Buchan was fond of acting the part of a Mæcenas, and, not unfrequently attempted to patronise literary men in a way that drew down upon him public ridicule. The story is well

* *Archibald Constable, and his Literary Correspondents*, i. p. 519.

known of his calling at Sir Walter Scott's house, in Edinburgh, when he was lying dangerously ill, and having been forcibly prevented from intruding into Scott's chamber, for the purpose of informing him that he had made all necessary arrangements for the funeral of the great novelist at Dryburgh. 'I wished,' he said to James Ballantyne, 'to embrace Walter Scott before he died, and to inform him that I had long considered it as a satisfactory circumstance that he and I were destined to rest together in the same place of sepulture. The principal thing, however, was to relieve his mind as to the arrangements of his funeral—to show him a plan which I prepared for the procession, and, in a word, to assure him that I took upon myself the whole conduct of the ceremonial at Dryburgh.' He then exhibited to Ballantyne a formal programme, in which, as may be supposed, the predominant figure was not Walter Scott, but David, Earl of Buchan. It had been settled, *inter alia*, that the said Earl was to pronounce an eulogium over the grave, after the fashion of the French Academicians in the Père la Chaise.

Sir Walter Scott, who was thirty years younger than the Earl, outlived him, and formed one of the company at his lordship's funeral ten years after the incident mentioned by Lockhart. Under date April 20th, 1829, he mentions in his diary, 'Lord Buchan is dead, a person whose immense vanity, bordering on insanity, obscured, or rather eclipsed, very considerable talents. His imagination was so fertile that he seemed really to believe in the extraordinary fictions which he delighted in telling. His economy—most laudable in the early part of his life—when it enabled him from a small income to pay his father's debts—became a miserable habit, and led him to do mean things. He had a desire to be a great man, and a Mæcenas—*à bon marché*. The two celebrated lawyers, his brothers, were not more gifted by nature than I think he was; but the restraints of a profession kept the eccentricity of the family in order. Both Henry and Thomas were saving men, yet both died very poor. The latter at one time possessed £200,000; the other had a considerable fortune. The Earl alone has died wealthy. It is saving, not getting, that is the mother of riches. They all had wit. The Earl's was crack-brained and sometimes caustic; Henry's was of the very kindest, best-humoured, and gayest sort that ever cheered society; that of Lord Erskine was moody and muddish: but I never saw him in his best days.'*

* *Life of Sir Walter Scott*, iv. p. 276, vii. p. 189.

Many amusing instances have been given both of Lord Buchan's vanity and parsimony. He was boasting one day to the Duchess of Gordon of the extraordinary talents of his family, when her unscrupulous Grace asked him very coolly whether the wit had not come by the mother, and been all settled on the younger branches. Lord Buchan held liberal views on political affairs; but, in common with the general public, he took great offence at a famous article which appeared in the *Edinburgh Review* of October, 1808, criticising an account given by Don Pedro Cevallos of the French usurpations in Spain, and expressing the opinion that no hope could be entertained of the regeneration of that country. The Earl directed his servant to throw open the door of his house in George Street, and to lay down the number of the *Review* containing the offensive article on the innermost part of the floor of the lobby; and then, after all this preparation, his lordship personally kicked the book out of his house to the centre of the street, where he left it to be trodden into the mud. He had no doubt that this open proof of his disapprobation would be a death-blow to the *Review*.

It was one of the Earl's conceits to style anybody who was named 'David' *his son*—that is, if they were likely to be creditable to him. On one occasion, mentioning an able paper on optics, that had just been written by one of his 'sons,' a certain *David* Brewster, and was making a stir, the Earl added with impressive solemnity, 'You see I *revised* it.' *

Lord Buchan was evidently impressed with the notion that his opinion upon public affairs would be prized even by the King himself, so that he had no hesitation in tendering his advice to his Majesty as to what he should do at certain junctures in state affairs, or in expressing his approval of the dutiful conduct of the daughters of George III., grounding his right to do so, as was his wont, on his *consanguinity* to the royal family. In April, 1807, when the Ministry of 'All the Talents' was dismissed from office by the King, the Earl wrote to his Majesty requesting him 'not to accept the Great Seal from his brother Thomas, but to impose his command upon him to retain it for the service of his Majesty's subjects.' † 'This is my humble suit and opinion,' he adds, 'and I am sure, considering my *consanguinity to your Majesty*, and my being an ancient peer of your Majesty's realm, you will see it in the light my duty and fidelity to you inclines me to expect.' It is a curious fact that the King and Queen

* *Life of Henry Erskine*, p. 485.

† *Ibid.* p. 493.

and the Princesses always courteously and kindly acknowledged the letters of this eccentric old nobleman; and the Duke of Kent, as his correspondence shows, cherished sincere friendship for him. Though the Earl was noted for his intense vanity, he was by no means fond of gross flattery. His natural shrewdness enabled him readily to notice when the proper limit of praise was overstepped. There is a well-known letter addressed to him by Robert Burns, dated 3rd February, 1787, which contains the following complimentary couplet:—

‘Praise from thy lips ’tis mine with joy to boast:
They best can give it who deserve it most.’

The Earl evidently thought this commendation too strong, for he has endorsed the letter with these words, ‘Swift says, “Praise is like ambergris; a little is odorous, *much stinks*.”’

Lord Buchan was the author of numerous papers on historical, literary, and antiquarian subjects, a portion of which he collected and published in 1812, under the title of ‘The Anonymous and Fugitive Essays of the Earl of Buchan.’ He died in 1829, at the age of eighty-seven, and was succeeded by his nephew, the son of Henry Erskine.

HENRY ERSKINE was the second son of Henry David, tenth Earl of Buchan, and brother of the eleventh Earl. He was born in 1746, and received his education at three of the Scottish universities—namely, St. Andrews, Edinburgh, and Glasgow, and was called to the Bar in 1768. He speedily attracted attention by his legal knowledge, the variety and extent of his accomplishments, his eloquence, his wit, and his animated and graceful manner. Like his brothers David and Thomas, Henry Erskine early embraced Liberal principles, and steadfastly adhered to them through ‘good report and bad report.’ He was appointed Lord Advocate under the Coalition Ministry of Mr. Fox and Lord North, and it is gratifying to state that Henry Dundas, who had previously held that office, wrote him to say that though he could not approve of the change, he wished him all health and happiness to enjoy the office, and offered him all the assistance in his power in the performance of his duties. On the morning of the appointment Erskine met Dundas in the Outer House, who, observing that the latter had already resumed the ordinary stuff gown usually worn by advocates, he said gaily that he must leave off talking to go and order his silk gown, the official

robe of the Lord Advocate. 'It is hardly worth while,' said Dundas drily, 'for the time you will want it; you had better borrow mine.' 'From your readiness in making the offer,' replied Erskine, 'I have no doubt that the gown is a gown made to fit *any party*; but however short my time in office may be, it shall never be said of Henry Erskine that he put on the *abandoned habits* of his predecessor.' He did not, however, long enjoy his new silk gown. When the short-lived Coalition Ministry came to an end, Mr. Erskine was succeeded by Mr. Ilay Campbell, who became afterwards Lord President of the Court of Session. On resigning his gown, Erskine said to his successor, whose stature was not equal to his, 'My Lord, you must take nothing off it, for I'll soon need it again.' Mr. Campbell replied, 'It will be *long* enough, Harry, before you get it again.' He did get it again, but not till after twenty years had passed.

Henry Erskine strenuously advocated reform both in the burghs and in the election of members of Parliament. In consequence the greater part of his life was spent in 'the cold shade of opposition,' and there can be no doubt that his professional prospects were seriously injured by his steady adherence to the Whig party. As he was undoubtedly the foremost man of his profession in Scotland, he was, for eight years successively, chosen by the advocates for their Dean or official head; but, in 1796, he was deprived of this office by a majority of a hundred and twenty-three against thirty-eight, in consequence of having presided at a public meeting in Edinburgh, to petition against the continuance of the war with France. 'This dismissal,' says Lord Cockburn, 'was perfectly natural at a time when all intemperance was natural. But it was the Faculty of Advocates alone that suffered. Erskine had long honoured his brethren by his character and reputation, and certainly he lost nothing by being removed from the official chair. It is to the honour of the society, however, that out of a hundred and sixty-one who voted, there were thirty-eight who stood true to justice even in the midst of such a scene. In happier days it was regarded as a great honour to have belonged to that 'virtuous number of thirty-eight, the small but manly band of true patriots within the bosom of the Faculty of Advocates, who stood firm in the support of the Honourable Henry Erskine, when he had opposed the unconstitutional and oppressive measures of the Minister of the day.' The affront offered to Mr. Erskine excited a bitter feeling of resentment

among the Liberal party throughout the country, and was made the subject of a sarcastic poem by Burns, in which he contrasted the qualifications of Erskine with those of his successful rival, Robert Dundas of Arniston, the Lord Advocate.

‘Squire Hal besides had in this case
Pretensions rather brassy ;
For talents to deserve a place
Are qualifications saucy ;
So their worships of the Faculty,
Quite sick of merit’s rudeness,
Chose one who should owe it all, d’ye see,
To their gratis grace, and goodness.’

In 1806 Henry Erskine was a second time appointed Lord Advocate, under the short-lived Ministry of ‘All the Talents,’ and was elected member of Parliament for the Haddington district of Burghs, but held office only for one year. A striking indication of the feelings with which he was regarded, even by those most opposed to his political views, occurred in 1803, when the office of Lord Justice-Clerk became vacant by the death of the eccentric and ridiculous Lord Eskgrove. It was offered to Charles Hope, who had succeeded Dundas as Lord Advocate, and was ultimately Lord President. He was one of those who had been specially put forward to move Henry Erskine’s dismissal from the Deanship, but ‘the motion never cooled Erskine’s affection for Hope, and neither did it Hope’s for Erskine,’ as was shown by his generous conduct on this occasion. He waited upon Erskine, and informed him that if he would only signify his willingness to accept the office it would immediately be given him. But to the great regret of Erskine’s friends, and, indeed, of the public, he declined this handsome proposal, from an apprehension that by accepting it he might appear to separate himself from the political party with which he had so long acted.*

It was admitted on all hands that Henry Erskine was the very foremost in his profession, and as a pleader he has never been excelled, probably not equalled, by any member of the Scottish bar. Blair, afterwards the head of the Court, surpassed him in deep and exact legal knowledge, but Erskine excelled all his rivals in the variety and extent of his accomplishments and of his general practice. ‘Others,’ says Lord Cockburn, ‘were skilled in one department, or in one court, but wherever there was a litigant, civil, criminal,

* Cockburn’s *Memorials of his Time*, pp. 185-6.

fiscal, or ecclesiastic, there was a desire for Harry Erskine—despair if he was lost, confidence if he was secured.’ His sagacity, intuitive quickness of perception, and great argumentative powers, were recommended by the playfulness of his fancy, the copiousness and impressiveness of his language, and by the charms of his tall, elegant figure, his handsome intellectual countenance, his clear, sweet voice, and his polished and graceful manners. Add to all this his genial wit, delightful temper, and benevolent disposition, his private worth, and his unsullied public honour, and it need be no matter of surprise that this eminent advocate and highly gifted man was universally beloved and esteemed. ‘Nothing was so sour,’ says Lord Cockburn, ‘as not to be sweetened by the glance, the voice, the gaiety, the beauty of Henry Erskine.’ His friend, Lord Jeffrey, re-echoed the sentiment, and remarked that, ‘He was so utterly incapable of rancour, that even the rancorous felt that he ought not to be made its victim.’

Henry Erskine was pre-eminently the advocate of the common people, and his name was a terror to the oppressor, and a tower of strength to the oppressed, throughout the whole of Scotland. The feeling with which he was regarded by this class was well expressed by a poor man in a remote district of the country, who, on being threatened by his landlord with a ruinous lawsuit, for the purpose of compelling him to submit to some unjust demand, instantly replied, with flashing eyes, ‘Ye dinna ken what ye’re saying, maister. There’s no a puir man in a’ Scotland need to want a friend, or fear an enemy, as long as Harry Erskine is to the fore’ (survives). Many of Mr. Erskine’s *bon-mots* (‘*seria commixta jocis*’) have been preserved, and show that his wit was as kindly as it was pointed. ‘Harry Erskine was the best-natured man I ever knew,’ says Sir Walter Scott, ‘thoroughly a gentleman, and with but one fault—he could not say *No*. His wit was of the very kindest, best-humoured, and gayest sort that ever cheered society.’

Mr. Erskine died 8th of October, 1817, in his seventy-first year. His eldest son succeeded, in 1829, to the earldom of Buchan.

THOMAS, Lord Erskine, Lord High Chancellor of England, the youngest son of Henry David, the tenth Earl of Buchan, was born at Edinburgh, 10th of January, o.s. 1749, in a house which is still standing, at the head of Gray’s Close. It has been stated by Lord Campbell and others that for some years he attended the High

School of his native city; but this is a mistake. Colonel Ferguson has shown that Thomas Erskine, along with his brothers, received his early education under a private tutor at Uphall, and completed it at St. Andrews, to which Lord Buchan removed about the year 1760.* He early showed a strong predilection for some learned profession, but his father's resources were exhausted by the expense incurred in educating his elder brothers, and Thomas had to enter the navy as a midshipman, in 1764—an effort to procure him a commission in the army, which he greatly preferred, having been unsuccessful. His dissatisfaction with the sea-service was strengthened by experience, and in September, 1768, when he had reached his eighteenth year, he obtained a commission in the Royals, or First Regiment of Foot. In 1770 he married Frances, the daughter of Daniel Moore, M.P. for Marlow. 'However inauspiciously this marriage may be thought to have begun,' says Colonel Ferguson, 'it is certain that a better choice of a wife could hardly have been made. While they were in poverty, Mrs. Erskine bore it well and uncomplainingly; and when her husband rose to opulence she was perfectly fit to take her share of the honour.' Erskine spent two years with his regiment in the island of Minorca, where he acquired a thorough knowledge of English literature, especially of Shakespeare, Milton, Dryden, and Pope. The chaplain of the regiment was at home on furlough, and Erskine acted as his substitute. At first he contented himself with reading the service from the Liturgy, but finding that this was by no means relished by the men, who were chiefly Presbyterians, he favoured them with an extempore prayer, and composed sermons, which he delivered to them with great solemnity and unction from the drumhead. He used always to talk of this incident in his life with peculiar satisfaction, and to boast that he had been a sailor and a soldier, a parson and a lawyer.

In August, 1774, Thomas Erskine formed the resolution to study for the Bar. He was admitted a student of Lincoln's Inn in April, 1775. During his probationary period he was frequently reduced to great pecuniary straits; but he bore his privations contentedly and cheerfully, and laboured with extraordinary industry and perseverance to qualify himself for his new profession. He was called to the Bar on the 3rd of July, 1778, and on 24th of November he made a display of his great legal abilities, eloquence, and courage, which placed him at a bound in the front rank of his profession. His first brief

* *Life of Henry Erskine*, p. 60.

was owing to an accidental meeting at dinner with Captain Baillie, Lieutenant-Governor of Greenwich Hospital, who, in consequence of his attempts to remedy some gross abuses in that establishment, was suspended from his office, and then prosecuted for libel, at the instigation of the notorious Lord Sandwich, the First Lord of the Admiralty. Erskine was the junior of five counsel retained by Captain Baillie. A rule to show cause why a criminal information should not be filed against him had been obtained, and it was for his counsel to get that rule discharged. Erskine's seniors were, of course, first heard. It was almost dark before their speeches were concluded, and, fortunately for the young barrister, the case was adjourned until the next morning. He had thus, as he said, the whole night to arrange what he had to say next morning, and took the Court with their faculties awake and freshened. The Solicitor-General, who was retained for the prosecution, supposing that all the defendant's counsel had been heard, was about to reply, in the full expectation of success, when a young gentleman, whose name, as well as his face, was unknown to almost all present, rose from the back row and modestly claimed his right to be heard. In a strain of matchless eloquence he denounced the prosecution as a disgrace to its authors, poured out the most cutting invectives on Lord Sandwich and the men whom he had employed as tools in this affair, lauded the conduct of Captain Baillie, who, he contended, had only discharged an important public duty at the risk of his office, 'from which the effrontery of power had already suspended him.' The interference of Lord Mansfield, who said Lord Sandwich was not before the Court, only served to increase the fierceness of Erskine's indignation against that profligate peer, and the vigour with which he denounced the prosecution and its abettors. His appeal was irresistible and his success complete. 'I must own,' wrote Lord Campbell, 'that, all the circumstances considered, it is the most wonderful forensic effort of which we have any account in our annals. It was the *début* of a barrister just called, and wholly unpractised in public speaking, before a court crowded with the men of the greatest distinction, belonging to all parties in the State. He came after four eminent counsel, who might be supposed to have exhausted the subject. He was called to order by a venerable judge, whose word had been law in that hall above a quarter of a century. His exclamation, "I will bring him before the Court," and the crushing denunciation of Lord Sandwich, in which he was enabled to persevere from the sympathy of the by-

standers, and even of the judges, who, in strictness, ought again to have checked his irregularity, are as soul-stirring as anything in this species of eloquence presented to us either by ancient or modern times.'*

Being asked how he had the courage to stand up so boldly against Lord Mansfield, he answered that he thought his little children were plucking his robe, and that he heard them saying, 'Now, father, is the time to get us bread.'

This first forensic effort raised Erskine at one bound from penury to prosperity, thirty retainers having been put into his hands before he left the Court.

In the beginning of the following year, Erskine was engaged as counsel in the court-martial held on Admiral Keppel, to try the charges brought against him by Sir Hugh Palliser, of incapacity and misconduct, in the battle off Ushant with a French fleet. For his most triumphant acquittal, after a trial which lasted thirteen days, Keppel was greatly indebted to his advocate, who managed the case with consummate skill. The grateful Admiral sent him the munificent present of a thousand pounds. Mr. Erskine's famous defence of Lord George Gordon, in 1781, when that weak and enthusiastic, but well-meaning young nobleman, was tried for high treason in the Court of King's Bench, placed him, as regards eloquence, high above all the men at the Bar. His speech not only secured the acquittal of his client, but rendered an important service to the country by completely overthrowing the doctrine of constructive treason.

After practising only five years at the Bar, Mr. Erskine obtained, in 1783, a patent of precedence, on the suggestion of Lord Mansfield, was appointed Attorney-General to the Prince of Wales, and was returned to Parliament for Portsmouth in the interest of Mr. Fox. He was not, however, so successful in the House of Commons as at the Bar. His reputation, as a painstaking, skilful, and eloquent advocate, continued to increase. His firm and courageous conduct in the trial of the Dean of St. Asaph for a seditious libel, in publishing a tract by the learned Sir William Jones, entitled him to the unceasing gratitude of his professional brethren, for his noble vindication of the independence of the Bar. Justice Buller, who presided at the trial, informed the jury that they had no right to decide whether the tract was a libel or not, and that the only ques-

* *Lives of the Chancellors*, vi. p. 396.

tion submitted to them was whether the Dean caused it to be published. The jury returned a verdict of 'Guilty of publishing only.' Buller strove to induce them to omit the word 'only,' which they repeatedly refused to do, and Erskine insisted that the verdict should be recorded as it had been given. The judge sought to intimidate the young barrister in the discharge of his office. 'Sit down, sir,' he exclaimed. 'Remember your duty, or I shall be obliged to proceed in another manner.' This threat extorted the memorable and effective reply, 'Your lordship may proceed in what manner you may think fit: I know my duty as well as your lordship knows yours. I shall not alter my conduct.' The judges, much to their discredit, attempted to uphold the doctrine that the jury are judges only of the fact of publication, but not of the question of libel. But the public mind was so alarmed by the consequences of this decision that Parliament, without hesitation, passed, as a declaratory Act, the Libel Bill, introduced in 1791 by Mr. Fox, which established the rights of jurors in cases of libel.

In 1789 Erskine delivered a speech on behalf of Stockdale, the publisher, who was tried in the Court of King's Bench, on an information filed by the Attorney-General, for publishing a pamphlet written by John Logan, the poet, animadverting on the managers of the impeachment against Warren Hastings. Lord Campbell says Erskine's speech in this case is the finest speech ever delivered at the English Bar, and he won a verdict which for ever established the freedom of the press in England. But, perhaps, the most important service which Mr. Erskine rendered to the cause of constitutional liberty was his successful defence, in conjunction with Mr. (afterwards Sir Vicary) Gibbs, of Hardy, Horne Tooke, and Thelwall, for high treason, in 1794. The Government attempted, by their proceedings in these cases, to revive the doctrine of constructive treason, against twelve persons who had belonged to various societies having for their professed object the reform of the House of Commons. Declining to be tried jointly, the Attorney-General, Sir John Scott, afterwards Lord Eldon, selected Thomas Hardy, a shoemaker, as the one against whom he could make the strongest case. He spoke nine hours in opening the case for the prosecution, but his efforts to procure a conviction were signally defeated, to his grievous mortification, by Erskine, who proved that the object of these societies had been advocated by the Earl of Chatham, Mr. Burke, Mr. Pitt himself, and the Duke of Richmond, at that time a

member of the Government. The speech which he delivered in defence of Hardy was a masterpiece, and well merited the eulogium which Horne Tooke wrote at the end of it, in a copy of Hardy's trial, 'This speech will live for ever.' The Ministry, instead of abandoning the prosecution of the others, against whom an indictment had been brought, were so infatuated as to bring John Horne Tooke, the celebrated philologist, and John Thelwall, successively to trial, but met with a still more signal defeat; and all the other prisoners were acquitted without any evidence being offered against them.

On the conclusion of these memorable trials, the public gratitude for the services which Erskine had rendered to the country was manifested in a very striking manner. 'On the last night of the trials,' says Lord Campbell, 'his horses were taken from his chariot, amidst bonfires and blazing flambeaux, he was drawn home by the huzzaing populace to his house in Serjeant's Inn; and they obeyed his injunctions when, addressing them from a window, with Gibbs by his side, he said, "Injured innocence still obtains protection from a British jury; and I am sure, in the honest effusions of your hearts, you will retire in peace, and bless God." The freedom of many corporations was voted to him, and his portraits and busts were sold in thousands all over Great Britain. What was more gratifying, his speeches for the prisoners were read, and applauded, by all men of taste. He now occupied a position as an advocate which no man before had reached, and which no man hereafter is ever likely to reach at the English Bar.'

On the formation of the Grenville Ministry, in 1806, Erskine was appointed Lord High Chancellor, and was raised to the peerage, with the title of Baron Erskine of Restormel Castle, in Cornwall. On the dissolution of the Ministry, in 1807, he retired in a great degree from public life. He took a lead, however, in opposing the 'Orders in Council' respecting neutral navigation, which he truly foretold would lead to a war with America. He delivered a speech, remarkable both for argument and eloquence, against the Bill for prohibiting the exportation of Jesuit's bark to the Continent of Europe. He introduced into the House of Lords a Bill for the Prevention of Cruelty to Animals, which was thrown out by the Commons, but was resumed and carried by other persons in the following year. In the memorable proceedings against the Queen, in 1820, he took a prominent part against the Bill of Pains and Penalties, and was

largely instrumental in causing it to be abandoned by the Government.

In the latter years of his life, owing to an unfortunate purchase of land, and some other ill-advised speculations, Lord Erskine suffered considerable pecuniary embarrassment. His wife died in 1805, leaving four sons and four daughters; and, an ill-assorted second marriage added considerably to the troubles of his old age. He died at Almondell, in Midlothian, the seat of his nephew, 17th November, 1823, in the seventy-second year of his age, and was interred in the family burying-place at Uphall.

Lord Erskine was conspicuous for his kindness of heart, urbanity, and entire freedom from envy, or jealousy of others. His vanity and egotism, of which many amusing stories are told, were, no doubt, excessive; but they were accompanied with much *bonhomie*, and were entirely devoid of arrogance or presumption. Posterity has ratified the verdict of one of his biographers, 'As an advocate in the forum, I consider him to be without an equal in ancient, or in modern times.'

Lord Erskine was succeeded by his eldest son, DAVID MONTAGUE, who served his country as Minister to the United States, and at the Court of Wirtemberg. Thomas, his third son, 'one of the most amiable and upright of men,' was a judge of the Court of Common Pleas. Esme Stewart, the youngest, a lieutenant-colonel, was Deputy Adjutant-General at the battle of Waterloo, and died from the consequences of a severe wound, which he received from a cannon-shot near the end of the day, by the side of the Duke of Wellington.





THE ERSKINES OF KELLIE



THE Erskines of Kellie trace their descent from Sir Alexander Erskine of Gogar, a younger son of the fourth Lord Erskine, and brother of the Regent Mar. The title of Earl of Kellie was conferred by James VI., in 1619, on Sir Thomas Erskine, the eldest surviving son of Sir Alexander, who had been the King's schoolfellow, and was through life regarded by him with great favour. He assisted in rescuing James from the Ruthvens at Gowrie House, in the year 1600, and was rewarded with the grant of a portion of the fine estate of Dirleton, which had belonged to the Earl of Gowrie. Erskine accompanied James to England, and in 1606 was created Viscount Fenton. He received from the King at various times liberal grants of lands, including the barony of Kellie, in Fifeshire, from which his title was taken when he was advanced to the dignity of Earl. He died in 1639, and was succeeded by his grandson, THOMAS, who died unmarried in 1643. His brother, ALEXANDER, became third Earl. He was a zealous supporter of King Charles during the Great Civil War, was in consequence imprisoned in the Tower of London, was excepted from Cromwell's Act of Grace and Pardon, and deprived of nearly the whole of his extensive estates. He was allowed, however, to retire to the Continent, but returned to Scotland after the Restoration, and died in May, 1677. His son, ALEXANDER, fifth Earl, took part in the Jacobite rebellion of 1745, and was imprisoned in the castle of Edinburgh for upwards of three years. He was a person of weak intellect, and, in all probability for that reason, was set at liberty without being brought to trial. He brought new talent into the family, however, by marrying a daughter of Dr. Pitcairne, the celebrated Jacobite physician, and poet. The eldest son of this marriage was —

THOMAS ALEXANDER, sixth Earl, the well-known musical composer, who succeeded his father in 1756. He was a remarkably amiable person, and possessed a considerable share of the wit and humour for which both his maternal grandfather and the Erskines were noted; but he is now chiefly remembered for his extraordinary proficiency in musical science. His convivial habits, however, which widely prevailed at that time, weakened his constitution, and impaired his property. He was obliged to dispose of the Kellie estate, retaining only the old castle and a few fields surrounding it. He died unmarried in 1781. A younger brother of this Earl was the Honourable Andrew Erskine, whose *vers de société* and witty conversation are still traditionally remembered in Scotland.

The 'Musical Earl' of Kellie was succeeded by his brother ARCHIBALD, who was an officer in the army. He was for a number of years one of the Scottish representative peers, and it was chiefly owing to his exertions that the legal restraints imposed upon the Scottish Episcopalians were removed. Like his brothers, he was unmarried, and at his death the title devolved on SIR CHARLES ERSKINE of Cambo. He, too, was unmarried, and was succeeded by his uncle THOMAS, ninth Earl, who was descended from Sir Charles Erskine of Cambo, third son of the first earl. Thomas Erskine, who was born about 1745, settled as a merchant in Sweden, and was appointed in 1775 British Consul at Gottenburg, Marstrand, and other ports on the western coast of that country. There was at one time seventeen persons between him and the family titles and estates, and yet he succeeded to them on the death of his nephew Charles, in 1799. In 1771 the Earl married Anne, daughter of Adam Gordon of Ardoch. He was elected one of the Scottish representatives when a vacancy occurred in 1804, and was chosen a second time at the general election in 1807. In the following year he was invested with the insignia of a knight commander of the royal Swedish Order of Vasa. On his death without issue he was succeeded by his brother METHVEN, tenth and last of the Earls of Kellie who enjoyed that peerage separately from the Earldom of Mar. In 1781 he married Joanna, younger daughter of Mr. Gordon; he too died without issue in 1829.* The title was claimed, in 1829, by the fifteenth Earl of Mar, as heir-male general. His right was allowed by the House of Lords, and the earldom is now conjoined with that of Mar.

* See ADDENDA, p. 429.



THE GRAHAMS.



THE monkish writers allege that the Grahams can trace their descent from a fabulous personage called Græme, who is said to have commanded the army of Fergus II. in 404, to have been governor of the kingdom in the monarchy of Eugene, and in 420 to have made a breach in the wall erected by the Emperor Severus between the Firth of Forth and the Clyde, and which was supposed to have derived from the Scottish warrior the name of Græme's Dyke. The 'gallant Grahams,' as they are termed in Scottish ballad and song, do not require the aid of fable to increase their fame, for few of our great old houses have such an illustrious history.

Like most of the ancient Scottish families, the Grahams are of Anglo-Norman origin, and they settled in Scotland during the twelfth century. The first of the race whose name occurs in the records of Scotland was a Sir William de Græme, who received from David I. the lands of Abercorn and Dalkeith, which descended to Peter, the elder of his two sons. Peter's grandson, Henry, by his marriage to the heiress of the family of Avenel, acquired their extensive estates in Eskdale. He was one of the *magnates Scotiae* who, in the Parliament of 5th February, 1283-4, bound themselves by their oaths and seals to acknowledge as their sovereign the Princess Margaret of Norway, the grand daughter of Alexander III., in the event of that monarch's death without male issue. His son, Sir Nicholas, was one of the nominees of Robert Bruce when, in 1292, he became a competitor for the crown. His grandson, Sir John de Graham of Dalkeith, who died without issue, was the last of the original stock of the family. His estates were divided between his two sisters: the elder, who married William More, inherited the lands of Abercorn; the younger became

the wife of William Douglas of Lugton, ancestor of the Earls of Morton, and conveyed to him Dalkeith, and the estates of the Avenels in Eskdale.

The male line of the family was carried on by John, the younger son of Sir William de Graham. Among the muniments in the possession of the Duke of Montrose there is a charter by William the Lion, probably of the date of 1175, granting to David de Graham, second son of John, the lands of Kynnabre, Charlton, and Barrowfield, in the county of Forfar, and of the fishing of the Water of Northesk.

A few years later the same monarch bestowed upon Radulph of Graham the lands of Cousland, Pentland, and Gogger, in Midlothian. Alexander II. in 1227 confirmed a grant made by Patrick, Earl of Dunbar, to David de Graham (who must have been the son of the first-mentioned David), of the whole waste lands of Dundaff and Strathcarron, which was the King's forest, in exchange for the lands of Gretquerquer, in Galloway.

Other extensive grants of estates were made from time to time to the Grahams by Alexander III., and by several great nobles their feudal superiors. The most noteworthy of these gifts was a grant by Robert Bruce, in 1325, of the lands of Old Munros, in the shire of Forfar, to David Graham, elder, and an exchange with that monarch, in 1326 or 1327, of the lands of Old Montrose for the lands of Cardross, in the county of Dumbarton, where the restorer of Scottish independence spent the last years of his life.*

The second Sir David de Graham, who held the office of sheriff of the county of Berwick, was one of the national, or Comyn, party during the minority of Alexander II., and resolutely opposed the intrigues of the English faction. He obtained from Malise, the powerful Earl of Strathern, the lands of Kincardine, in Perthshire, where the chief residence of the family was henceforth fixed. His second son, the patriotic Sir John de Graham of Dundaff, may be regarded as the first eminent member of the family. He is still fondly remembered as the bosom friend of the illustrious Scottish patriot Wallace. He was killed at the battle of Falkirk, July 22, 1298, fighting gallantly against the English invaders under Edward I., and was buried in the churchyard of that town. His tombstone, which has been thrice renewed, bears in the centre his coat-of-arms; at the upper part, round an architectural

* *Report by William Fraser: Second Report of Commission on Historical MSS.* pp. 166-7.

device, is the motto, 'Vivit post funere virtus,' and at the lower part the following inscription :—

'Mente manūque potens, et Vallæ fidus Achates ;
Conditus hic Gramus, bello interfectus ab Anglis.

22nd July, 1298.

HER LYS

Sir John the Græme, baith wight and wise,
Ane of the chiefs reskewit Scotland thrise ;
Ane better knight not to the world was lent,
Nor was gude Græme, of truth and hardiment.'

Dundaff Castle, now in ruins, stands on high ground a few miles from the battlefield, and commands four passes leading down in as many directions to the low country. It belongs to the Duke of Montrose, the chief of the Grahams, in whose possession there is an antique sword, a short, broad weapon, on which the following lines are inscribed :—

'Sir John ye Græme verry wicht and wyse,
Ane o' ye chiefes relievet Scotland thryse,
Fought with ys sword, and ner thout schame
Commandit nane to beir it bot his name.'

Sir Patrick and Sir David, the elder and the younger brothers of this celebrated patriot, embraced the cause of Baliol in the contest for the crown, and swore fidelity to Edward I. in 1292. It is probable, however, that this act of homage was rendered under compulsion, and was disavowed on the first opportunity, for in 1296 Sir David and his nephew were taken prisoners by the English monarch. They were released in the following year, on condition of serving under the English banner in the French wars. Sir Patrick fell at the mismanaged and disastrous battle of Dunbar, in 1296. Hemingford, the English chronicler, says he was 'a stout knight, wisest among the wise in council, and among the noblest the most noble.'

From this time downwards the Grahams have taken a prominent part in public, and especially in warlike, affairs. The son of Sir David, who bore his name, which seems to have been a favourite one among the early Grahams, was a zealous adherent of Robert Bruce, and defended the independence of his native country so stoutly, that he was excepted from the pacification which King Edward made with the Scots in 1303-4. Along with two of his kinsmen, he signed the famous letter to the Pope vindicating in noble terms the independence of Scotland. He died in 1327. It was he

who exchanged with King Robert Bruce the estate of Cardross for Old Montrose. His son, also named Sir David, was taken prisoner with his sovereign, David II., at the battle of Durham. Sir David's son, Sir Patrick of Graham, was the ancestor both of the Montrose and Menteith Grahams. His son and successor, by his first wife, Sir William, carried on the main line of the family. His eldest son, Patrick, by his second wife, Egidia, niece of Robert II., married—probably about the year 1406—Eufemea Stewart, Countess Palatine of Strathern, and either through courtesy of his wife, or by creation, became Earl Palatine of Strathern. (*See* EARLS OF MENTEITH.)

The elder son of Sir William Graham by his first wife predeceased him, leaving two sons. By his second wife, the Princess Mary Stewart, daughter of Robert II., Sir William had five sons, from the eldest of whom descended the Grahams of Fintry, of Claverhouse, and of Duntrune, and the third was the ancestor of the gallant Sir Thomas Graham, Lord Lynedoch. Patrick Graham, Sir William's second son, by the Princess Mary, was consecrated Bishop of Brechin in 1463, and was translated to St. Andrews in 1466. He was a learned and virtuous prelate, worthy to succeed the illustrious Bishop Kennedy, his near relative—a model bishop. Anxious to vindicate the independence of the Scottish Church, over which the Archbishop of York claimed jurisdiction, he visited Rome, and procured from the Pope a bull erecting his see into an archbishopric, and appointing him metropolitan, papal nuncio, and legate *a latere*, in Scotland for three years. On his return home the Archbishop was assailed with vindictive malignity by his ecclesiastical rivals. The inferior clergy rejoiced in his advancement; but the dignitaries of the Church, through envy and dread of the reforms which he was prepared to inaugurate, became his inveterate enemies. By bribing the King, James III., they succeeded in obtaining the degradation and imprisonment of the unfortunate prelate, on the plea that he had infringed the royal prerogative by applying to the papal court without the King's license. It is alleged, in a report recently found in the Roman archives, that Graham had proclaimed himself divinely appointed to reform ecclesiastical abuses, and had revoked indulgences granted at Rome, appointed legates, and had committed other similar illegal acts. There is reason to believe that the persecution which the Archbishop underwent had affected his mind. Schevez, an able, but unprincipled and profligate ecclesiastic, who succeeded Graham in the primacy, and was the leader of the hostile party, had him

declared insane, and procured the custody of his person. He was confined first in Inchcolm, and afterwards in the castle of Loch Leven, where he died in 1478.

Sir William Graham was succeeded by his grandson, PATRICK GRAHAM of Kincardine, who was made a peer of Parliament in 1451, under the title of LORD GRAHAM. His grandson, WILLIAM, third Lord Graham, was created EARL OF MONTROSE by James IV., 3rd March, 1504-5. His title, however, was not taken from the town of Montrose, but from his hereditary estate of 'Auld Montrose,' which was then erected into a free barony and earldom. He fell at the battle of Flodden, 9th September, 1513, where he and the Earl of Crawford commanded one of the divisions of the Scottish vanguard. One of the younger sons of the Earl by his third wife was the ancestor of the Græmes of Inchbrakie.

WILLIAM, second Earl of Montrose, held several offices of trust in connection with the person of the young king, James V., and his daughter, Queen Mary. JOHN, third Earl, was one of the most powerful noblemen in Scotland in his own day, and was deeply involved in the plots and intrigues of the early part of the reign of James VI. He assisted the profligate Earl of Arran in bringing the Regent Morton to the block, which led to a feud between him and the Douglasses. He twice held the office of High Treasurer of Scotland, and was appointed Lord Chancellor in 1599. After the accession of James to the throne of England, the Earl was nominated Lord High Commissioner to the Parliament which met at Edinburgh, 10th April, 1604. On resigning the office of Chancellor, a patent was granted to him by the King, in December of that year, appointing him Viceroy of Scotland for life, with a pension of £2,000 Scots. He presided at the meeting of the Estates at Perth, 9th July, 1606, which passed the ecclesiastical enactments termed the Five Articles of Perth, so obnoxious to the Presbyterian party. At his death in 1608, the King thought fit to order that the Earl, in consequence of his high position, should be buried with peculiar pomp and splendour, and promised to give forty thousand merks to cover the expense. But the promises of James in regard to pecuniary matters were not often performed. The money was never paid, and the costly funereal ceremonial imposed a heavy burden on the Earl's son.

JOHN GRAHAM, fourth Earl of Montrose, showed, by an incident mentioned in Birrel's Diary, that in his youth the hot blood of the Grahams ran in his veins, though in his mature years he was quiet, peaceful, and prudent in his conduct. '1595, the 19th January, the young Earle of Montroses [at this time he was only Lord Graham] fought ane combate with Sir James Sandilands at the Salt Trone of Edinburgh, thinking to have revengit the slauchter of his cousine, Mr. Johne Graham.' This Earl lived the retired life of a country gentleman, and seems to have been very domestic in all his habits. It appears from the family accounts that he amused himself with archery and golfing, and indulged a good deal in the use of tobacco. He was appointed President of the Council in July, 1626, and died 14th November of the same year, in the prime of life. But his burial was not 'accompleissit' until the 3rd of January, 'and the haill friends remainet in Kincardin thereafter, sateling his Lordship's affairs, till Soinday, the 7th of January.' An account-book which has been preserved shows the enormous expense that was incurred in 'accompleissing' the burial, and in entertaining for eight weeks the array of kinsmen who had congregated in the family mansion to do honour to the obsequies of the deceased nobleman. They feasted upon 'Venison, Beif, Muttoune, Lamb, Veill, Geis, Caponis,' and other poultry; and of game and wildfowl 'Capercaillies, Black Cokis, and Ethe henis, Termaganis, Muir foulls, Wodcoks, Peitrecks [partridges], Plewvers, and Birsall foulls,' in great abundance. Of liquors there were consumed one puncheon of 'claret wyn' and one puncheon of 'quhyt wyn,' besides nine gallons of 'Ester aill.*' This protracted hospitality and costly mode of performing funerals may account for the sumptuary laws frequently enacted by the Scottish Estates, for the purpose of limiting the ruinous expenses incurred on such occasions. No less than three years' rental of the estate of the deceased has sometimes been spent in 'accompleissing' his burial.

The glory of the house of Graham is JAMES, the fifth EARL and first MARQUIS OF MONTROSE. His mother was Lady Margaret Ruthven, eldest daughter of William, first Earl of Gowrie. The Ruthvens were noted for their fondness for magical pursuits, and the mother of the great marquis seems to have partaken of the family superstition. Scot of Scotstarvit asserts that she 'consulted with witches at his birth.' She predeceased the Earl, leaving an only

* *Memorials of Montrose*, i. p. 151.

son and five daughters. Her husband bears affectionate testimony to her worth and beauty, and says of her she was 'a woman religious, chaste, and beautifull, and my chiefe joy in this world.'

The young Earl was only fourteen years of age at the time of his father's death, in 1626. Two years previously he had been placed under a private tutor in Glasgow, obviously with the view of preparing him to enter a university; and in January, 1627, he was enrolled as an alumnus in the University of St. Andrews. The accounts of his tutor show that, during the residence of the youthful nobleman at that celebrated seat of learning, his recreations were riding, hunting, hawking, archery, and golf. He showed a fondness also for poetry and chess, and for heroic and romantic histories. The frequent entries in his accounts of donations to the poor—to a 'rymer,' a dumb woman, a dwarf, 'poor Irishe women,'—show that his purse was always open to the needy. He was no less liberal to minstrels, morrice-dancers, jugglers, town officers and drummers, and to the servants—coachmen, footmen, and nurses—in the country houses which he visited. He seems, even at this early period, to have attracted public attention and expectations, for in a poem by William Lithgow, entitled 'Scotland's Welcome to her Native Son, and Sovereigne Lord, King Charles,' the Genius of Scotland, addressing the King, thus refers to the youthful head of the Grahams:—

'As for that hopefull youth, the young Lord Grahame,
James Earl of Montrose, whose warlyke name
Sprung from redoubted worth, made manhood try
Their matchless deeds in unmatched chivalry—
I do bequeath him to thy gracious love,
Whose noble stocke did ever faithful prove
To their old aged auncestors; and my Bounds
Were often freed from thraldome by their wounds;
Leaving their roote, the stamp of fidele truth,
To be inherent in this noble youth:
Whose Hearts, whose Hands, whose Swords, whose Deeds, whose Fame
Made Mars, for valour, canonize THE GRAHAME.'

On quitting the university, Montrose, in his seventeenth year, married Lady Magdalene Carnegie, sixth daughter of the first Earl of Southesk. It was probably owing to the tender age of the young couple that the father of the bride binds himself in the marriage contract, dated 10th November, 1629, 'to entertain, and sustain, in house with himself honourably the saids noble Earl and Mistress Magdalene Carnegie, his promised spouse, during the space of three years next after the said marriage.' The young Earl continued to

prosecute his studies after his marriage, under private tutors; and, in 1633, leaving his wife and young children at Kinnaird with his father-in-law, he visited the Continent, and spent three years in France and Italy. He returned home in 1636, being then in his twenty-fourth year. On his appearance at court, he was ungraciously received by the King, whose frigid manners were fitted to repel, rather than to attract, an ardent and high-spirited youth. It has been alleged by various writers that the indignation of Montrose at the coldness with which he was treated by Charles made him throw himself into the hands of the Covenanters; but there is no evidence to warrant this assertion. Scotland was at this time in a state of great excitement, in consequence of the attempt of Charles and Laud to introduce the English Liturgy into the Scottish Church; and Montrose has emphatically declared in several documents that he had arrived at the deliberate conviction that 'Churchmen's greatness,' and Episcopal civil government, had grown to be equally destructive of liberty and prerogative. He therefore at once joined the Covenanting party, and became one of their most active leaders. In 1639 he was sent to chastise the prelatie town of Aberdeen, and to compel the inhabitants, who were principally Episcopalians, to take the Covenant. The temperate manner in which he performed this task did not meet with the full approbation of his party. 'The discretion of that generous and noble youth,' says Baillie, 'was but too great. All was forgiven to that unnatural city.'

After Montrose left Aberdeen, Lord Aboyne, at the head of a strong body of Highlanders, obtained possession of the town, evidently with the consent of the citizens, and the Covenanting general was a second time dispatched to this stronghold of the Episcopalians and Royalists, which the Highlanders evacuated on his approach. He treated the inhabitants with most unjustifiable severity, levied on them a contribution of ten thousand merks, pillaged their houses, carried off or destroyed their corn, and plundered both the fishermen of the town, and the farmers and peasantry of the adjacent country. Montrose then marched westward to attack the strongholds of the Gordons, but retraced his steps on learning that Aboyne had arrived with reinforcements, and had again taken possession of Aberdeen. The Highlanders, however, fled at the first discharge of the artillery of the Covenanting forces, and the unfortunate city once more fell into the hands of Montrose, who imposed a fine of sixty thousand merks sterling upon the citizens.

When the Covenanters at length took up arms in defence of their liberties, and entered England in 1640, Montrose was the first man who forded the Tweed, at the head of his own battalion; and, a few days after, he routed the vanguard of the English cavalry at Newburn, on the Tyne. Like Falkland, Hyde, and other moderate Reformers in the English Parliament, Montrose now became dissatisfied with the proceedings of the more extreme members of his party, and was apprehensive that the ultimate views of the Covenanters were inconsistent with the rights and just authority of the Sovereign. It has been alleged that he resented the preference given by the other leaders to the chief of the Campbells, the hereditary rival of his family. 'Montrose,' says Clarendon, 'had always a great emulation, or rather great contempt, of the Marquis of Argyll, as he was too apt to contemn those he did not love. The people looked upon them both as young men of unlimited ambition, and used to say that they were like Cæsar and Pompey: the one would endure no superior, and the other would have no equal.'

No decided step, however, was taken by Montrose in opposition to Argyll until July, 1640, when the Covenanting army was encamped on Dunse Law. At that period a bond was privately offered for his signature, proposing that some person should be appointed captain-general of the country north of the Forth, and implying that this person should be the Earl of Argyll. Montrose indignantly refused to subscribe this bond, and, in conjunction with the Earls of Marischal, Home, Athole, Mar, and other influential noblemen, including Lord Almond, the second in command of General Leslie's army, he entered into what was called the Cumberland Bond, from the place where it was prepared, for their mutual aid and defence in case of need. This bond was speedily discovered by Argyll and his friends, and the subscribers were called to account for their procedure by the Committee at Edinburgh; but their formal renunciation of the bond was accepted as a satisfactory settlement of the affair. The confidence of the party, however, in Montrose was shaken, and, in June, 1641, he was accused of carrying on a secret correspondence with the King, and, along with three of his friends, was confined in the castle of Edinburgh. He remained a close prisoner there until the beginning of 1642, when he was set at liberty, on the intercession of King Charles himself.

After the breaking out of the Civil War, Montrose, who greatly disliked the timorous and trimming policy of the Marquis of Hamil-

ton, the King's minister for Scotland, urged that an army of Royalists should be raised at once, to prevent the Covenanters from making common cause with the English Parliament. 'Resist,' he said, 'resist force with force. The King has loyal subjects in Scotland; they have wealth, and influence, and hearts stout and true; they want but the King's countenance and commission. The only danger is delay. If the army of the Covenant be allowed to make head, loyalty will be overwhelmed. The rebellious cockatrice must be bruised in the egg. Physic is too late when the disease has overrun the body.' There can be little doubt that if Montrose had been permitted at this juncture to raise an army in behalf of the royal cause, the Covenanting forces could not have ventured to quit Scotland. But his advice, which was as sagacious as it was bold, was disregarded, and the result was that a powerful army, under General Leslie, was sent to the assistance of the Parliament, and turned the scale in their favour.

On the ruinous failure of Hamilton's policy, and his consequent disgrace and imprisonment in the beginning of 1644, Montrose was appointed by the King Lieutenant-General in Scotland, and shortly after was advanced to the dignity of marquis. He made a daring attempt to cut his way into Scotland at the head of a small body of cavalry, with the view of raising the Scottish royalists on the side of the King, but was encountered on the Borders by a greatly superior force, and compelled to fall back on Carlisle. After the fatal battle of Marston Moor, however, he set out in August, 1644, in the disguise of a groom in attendance on two of his friends, Sir William Pollock and Colonel Sibbald, and succeeded in reaching the Highlands without detection. He found at Blair Athole two hundred Highlanders and about twelve hundred Irish auxiliaries, indifferently armed and disciplined, who had shortly before landed in the West Highlands under Alaster Macdonald, better known as Colkitto,* to aid the royal cause. Montrose immediately displayed his commission from the King, and raised the royal standard. The Highlanders flocked to it in considerable numbers, and the Marquis, finding himself at the head of a powerful force, lost no time in directing his march to the low country. At Tippermuir, three miles from Perth, he encountered (1st September) an army of six thousand Covenanters, under Lord Elcho, whom he defeated, with the loss of

* He was the son of Coll Keitache MacGillespie Macdonald of Colonsay. *Keitache* means left-handed.

three hundred men, and of all his artillery, arms, and baggage. Perth immediately surrendered, and the victors obtained from the terror-stricken citizens a seasonable supply of clothing and arms. The approach of Argyll at the head of a superior force compelled Montrose to leave Perth. The Highlanders in his army, according to their immemorial custom, quitted his standard and returned home to secure their spoil. The murder of Lord Kilpont [*see THE EARLS OF MENTEITH*] still further diminished his army, as the followers of that nobleman left the standard, to convey the body of their chief to the sepulchre of his ancestors. With a force reduced to less than two thousand men, Montrose proceeded northward to Aberdeenshire. Here, at the Bridge of Dee, he encountered and defeated another army of the Covenanters, under Lord Burleigh and Lord Lewis Gordon, one of the sons of Huntly, and pursued the fugitives into the town of Aberdeen. That ill-fated town was given up to pillage, and suffered cruelly from the excesses of Montrose's Irish troops, who put to death without mercy all whom they found in the streets. In some instances they even compelled their victims to strip before they killed them, lest their clothes should be soiled by their blood. 'The women durst not lament their husbands, or their fathers slaughtered in their presence, nor inter their dead, who remained unburied in the streets until the Irish departed.*' It has been justly said that the people of Aberdeen had a right to expect very different treatment from an army fighting under the royal banner, for they had always been favourable to the cause of the King; and Montrose himself, when in the service of the Covenanters, had been the agent in oppressing, for its devotion to the royal cause, the very city which his troops so cruelly plundered, on account of its enforced adherence to the Parliament.

On the approach of Argyll at the head of a superior force, Montrose proceeded up the Spey; then doubling back, he plunged into the wilds of Badenoch, and thence into Athole, always pursued, but never overtaken by the enemy. 'That strange coursing,' as Baillie terms the series of marches and countermarches, 'thrice round about from Spey to Athole, wherein Argyll and Lothian's soldiers were tired out, and the country harassed by both, and no less by friends than foes, did nothing for their own defence.' Completely tired out by these rapid and harassing marches, Argyll returned to Edinburgh, and resigned his commission as general,

* Spalding's *Troubles in Scotland*, ii., pp. 234-37.

declaring that he had not been adequately supported. It was supposed that Montrose would remain until the spring in the district of Athole, but having obtained a strong reinforcement of Macdonalds, Stewarts of Appin, and other Jacobite clans, he resolved to attack Argyll in his native fastnesses. Guided by a clansman of Glencoe, who declared that there was not a farm, or half a farm, under Maccallum More but he knew every foot of it, Montrose made his way into Argyllshire, through paths hitherto deemed inaccessible, and plundered and laid waste the whole country with merciless severity. Dividing his forces into three bodies, in order to make the work of devastation more complete, he traversed the whole of the devoted district for the space of a month, killing the able-bodied men, driving off the flocks and herds, and laying the houses in ashes. As Spalding says, 'He left no house or hold, except impregnable strengths, unburnt; their corn, goods, and gear; and left not a four-footed beast in Argyll's hails lands; and such as would not drive they houghed and slew.*' The thirst of feudal vengeance, it has been justly said, may explain, but can in no degree excuse, these severities.

On leaving Argyllshire, Montrose withdrew towards Lochaber, for the purpose of organising a general rising of the clans. He was followed by a strong body of the Campbells, under their chief; while General Baillie, at the head of a considerable army, was advancing from the east, and Lord Seaforth, with another force, was stationed at Inverness. Their object was, by a combined movement from different points, to surround and overpower their active enemy. Montrose, however, resolved to forestall their operations, and to fall upon the Campbells before they could be joined by Seaforth and Baillie. He accordingly retraced his steps over a succession of mountains covered with snow, and through passes 'so strait,' as he said, 'that three men could not march abreast,' and on the evening of the 1st of February, came in sight of the Campbells at Inverlochry, near Fort William. The privations borne by his forces during this march must have been very great. 'That day they fought,' says Patrick Gordon of Cluny, 'the General himself and the Earl of Airlie had no more to break their fast upon before they went to battle but a little meal mixed with cold water, which out of a hollow dish they did pick up with their knives. One may judge what wants the rest of the army must suffer. The most part of them had not tasted

* *Troubles in Scotland*, ii., p. 296.

bread for two days, marching over high mountains in knee-deep snow, and wading brooks and rivers up to their girdles.'

At sunrise next day the battle took place. The Campbells, under the command of Sir Duncan Campbell of Auchinbreck, commenced the attack, and, as Montrose says, 'fought for some time with great bravery;' but in the end they were completely defeated, with the loss of their general, along with many of his principal officers, and fifteen hundred men, who were killed in the conflict or the pursuit, which lasted for nine miles.

After his victory at Inverlochy, Montrose marched to the north-east, laying waste the country as he proceeded. At Elgin he was at length joined by a detachment of the Gordons, who had hitherto held aloof from him; and Seaforth also soon after repaired to his standard. He now issued orders for all who were capable of bearing arms, between the ages of sixteen and sixty, to join his banner, under pain of military execution, and those who did not immediately obey his summons he treated as rebels, 'plundering, burning, and spoiling the houses, biggins, and cornyards of the haill lands of the gentry; carrying off the horses, nolt, sheep, and plenishing [furniture] from others; laying the villages in ashes, and destroying the fishermen's boats and nets.' The Lowlands of Aberdeenshire and Moray were laid waste with fire and sword by the savage hordes of Irishmen and Highlanders. Elgin and Banff were given up to be pillaged by them 'pitifully; no merchants' goods nor gear left; they saw no man in the street but was stripped naked to the skin.' Brechin, Stonehaven, and Cowie, with the shipping, and the buildings on the estate of Dunnotar, were in succession consigned to the flames, amidst the tears and lamentations of the defenceless and wretched inhabitants. These ruthless barbarities were all the more inexcusable that they were inflicted on the tenantry and retainers of Montrose's old friend and fellow-soldier, Earl Marischal, avowedly, because he refused to abandon the Covenant for which they had formerly fought side by side. [See THE KEITHS, EARLS MARISCHAL.]

About this time Montrose lost his eldest son, John, a youth of great promise, in his fifteenth year, who died of sickness brought on by the fatigues of their rapid marches. His second son, James, 'a young bairn about fourteen years,' says Spalding, 'learning at the schools in Montrose,' was seized by Sir John Urry, and carried off to Edinburgh. The Covenanting forces under Baillie were reinforced at

this juncture by a considerable levy of cavalry under Urrey; and Lord Lewis Gordon, who had twice already changed sides in the contest, withdrew from the royal forces with a large part of the Gordons. Montrose was in consequence compelled to abandon the open country, and once more to retire northwards. Before carrying this movement into effect he attacked and stormed the town of Dundee, 4th April. But while his troops were dispersed in quest of liquor and plunder, he received intelligence that Baillie and Urrey, with four thousand men, were within a mile of the town. He instantly called off his soldiers from the spoil, and by a series of masterly movements kept the enemy at bay; and after a retreat of three days and two nights, harassed at every step by his pursuers, he at last effected his escape to the mountains. 'I have often,' says his biographer, Dr. Wishart, 'heard those who were esteemed the most experienced officers, not in Britain only, but in France and Germany, prefer this march to his most celebrated victories.'

The Covenanting generals unwisely divided their forces. Urrey marched northwards to Inverness, where he was joined by the Frasers and other friendly clans, and turned, with an overwhelming force, against Lord Gordon, who was stationed at Auchindoun. Montrose, who was in Menteith, in Stirlingshire, hearing of this movement, with his characteristic promptitude and rapidity hastened along the Braes of Balquhiddy, thence down the side of Loch Tay, and through Athole and Angus; he then traversed the Grampian mountains, and effected a junction with Lord Gordon on the Dee. Urrey's forces were still superior in numbers to the royal army, and without waiting for Baillie's co-operation, he attacked Montrose at the village of Auldearn, near Nairn (May 4, 1645). The battle was stoutly contested, but the Covenanters were in the end defeated, mainly through the treachery of Colonel Drummond, one of Urrey's officers, who was afterwards tried by a court-martial and shot. Nearly two thousand men, including a considerable number of officers and several men of rank, were slain, and their whole baggage, ammunition, and money, along with sixteen colours, fell into the hands of the victors.

After this signal victory, Montrose marched to Elgin, laying waste the country as usual with fire and sword. Nairn and Elgin were plundered, and the principal buildings set on fire. Cullen was reduced to ashes, and 'sic lands as were left unburnt up before were now burnt up.' Meanwhile, learning that Baillie was ravaging the

estates of Huntly, he marched northward, and brought him to action at the village of Alford, on the Don (July 2nd). The issue was for some time doubtful, but partly by the skilful manœuvring of their general, the Royalists were successful, though their victory was embittered by the death of Lord Gordon in the heat of the conflict.

The fame of Montrose's victories having attracted considerable numbers, both of Lowlanders and Highlanders, to his standard, he descended from the mountains and marched southwards at the head of nearly six thousand men. He approached Perth, where the Parliament was then assembled. As a numerous army, however, had taken up a strong position in the neighbourhood, he did not venture to attack it, but directed his march toward Stirling, as usual laying waste the country, burning the cottages, and killing the defenceless inhabitants. Castle Campbell, a noble antique edifice, was left in ruins by the same unsparing spirit of vengeance. Even the town and lordship of Alloa, belonging to the Earl of Mar, did not escape the ravages of the Irish kernes, though the Earl, who was favourably inclined to the royal cause, had hospitably entertained Montrose and his officers. Passing by Stirling, which was strongly garrisoned and defied their attack, the Royalists continued their march to the southwest, and encamped near the village of Kilsyth.

The army of the Covenanters was meanwhile following the footsteps of Montrose, and was now close at hand. Baillie, who was well aware that his raw and undisciplined levies were utterly unfit to cope with Montrose's veterans, wished to avoid a battle, but he was overruled by the Committee of Estates, who forced him to quit the strong position he had taken up, and to commence the attack. After a brief struggle Baillie's forces were totally defeated with the loss of upwards of four thousand men.

This crowning victory made Montrose for the time master of Scotland. The leaders of the Covenanting party fled for refuge to Berwick, and numbers of the Lowland nobility, who had hitherto stood aloof, now declared in favour of the royal cause. Montrose proceeded to Glasgow, which he laid under a heavy contribution, and put to death some of the principal citizens as incendiaries. The city of Edinburgh sent commissioners to entreat his clemency. A special commission was sent by the King, appointing Montrose Lieutenant-Governor and Captain-General of Scotland, and he issued a proclamation for a new Parliament to meet at Glasgow in October.

From the outset of his career the object which Montrose had in

view was to clear Scotland of the Covenanting forces, and then to lead his victorious army into England, to the assistance of the King. In accordance with this plan he now directed his march towards the Borders, where he expected to be joined by a body of fifteen hundred horse, under Lord Digby. But the Highlanders, according to their usual custom, now quitted the army, and returned home for the purpose of depositing their plunder in a place of security. The Gordons, with their leader, Lord Aboyne, soon after followed their example, so that, when Montrose began his march towards the Tweed, his force had dwindled down to a body scarcely more numerous than when he was wandering through Athole and Badenoch.

Meanwhile General David Leslie had been despatched from the Covenanting army in England to the assistance of the Estates. Montrose had heard of his approach, but as Leslie directed his march along the eastern coast, he supposed that it was his intention to cut off his retreat to the mountains, which seems to have been the case. But when Leslie reached Tranent he learned that Montrose was encamped in fancied security in Etrick Forest. He therefore altered his course and marched with all speed down the vale of the Gala, to Melrose, which he reached on the evening of September 12th. The royal army was only five or six miles distant from that place. The infantry were posted on a level plain called Philiphaugh, on the northern side of the Etrick, while Montrose had taken up his quarters with the cavalry in the town of Selkirk, on the opposite bank of the river. Favoured by a thick mist, Leslie, early next morning, forded the Etrick and came close upon the encampment of the Royalists without being discovered by a single scout. The surprise was complete. The noise of the conflict conveyed to Montrose the first intimation of the approach of the enemy. Hastily collecting his cavalry, he galloped across the river to the scene of action, where he found matters in a state of hopeless confusion. After repeated and desperate attempts to retrieve the fortunes of the day, he was at length compelled to make his escape from the field, and cutting his way through the midst of his enemies, followed by the Marquis of Douglas, Lord Napier, and about thirty horsemen, he fled up the Vale of Yarrow, and over Minchmoor to Peebles. Next day he was joined by the Earls of Crawford and Airlie, accompanied by about two hundred of the fugitive cavalry, and with these scanty remains of his army he succeeded in regaining his Highland fastnesses. The fruits of his six splendid victories were thus swept

away at one blow, and all hope of his retrieving the royal fortunes was extinguished.

For some little time after his overthrow at Philiphaugh, Montrose maintained a guerilla warfare in Athole. But after Charles had taken refuge with the Scottish army in England, he issued orders to Montrose to disband his followers, and to withdraw from the kingdom. Reluctantly obeying this command, the Marquis laid down his arms, and, having arranged the terms with General Middleton (July 22nd, 1646), he embarked, 3rd September, in the disguise of a servant, in a small Norwegian vessel, along with a few friends, and sailed for Norway. He afterwards proceeded to Paris, where he resided for some time. He was offered, by Cardinal Mazarin, in March, 1648, the rank of General of the Scots in France, and of a Lieutenant-General in the French army, with most liberal pay; but he was dissatisfied with the conditions offered him. As he told his nephew, the second Lord Napier, with a touch of his old haughtiness, he thought 'that any employment below ane Marischall of France was inferiour to him; besides the Frenches had become enymies to our king, and did laboure still to foment the differences betwixt him and his subjects.' He therefore declined the Cardinal's offer, and proceeded through Geneva to Germany, where he had been informed he would be welcome. At Prague, he was graciously received by the Emperor Ferdinand, who bestowed upon him the bâton of a Field-Marshal, and gave him the command of the levies to be raised on the borders of the Spanish Netherlands. In order to avoid hostile armies, he returned to Flanders by Vienna, Presburg, Dantzic, and Copenhagen, where he met with a cordial reception, and thence to Brussels. While residing at this place he heard of the execution of King Charles, which deeply affected him, and he wrote some well-known verses to his memory, expressing the highest veneration for that ill-fated sovereign.

Montrose was still constantly meditating a descent upon Scotland in favour of the royal cause, and was at the Hague while Prince Charles was in treaty with the leaders of the Covenanting party for a restoration to the Scottish throne, on the principles embodied in the National Covenant. The Marquis earnestly recommended him not to accept the Crown on the stringent terms proposed by them, and offered to replace him by force of arms on the throne of his ancestors. Charles, with characteristic baseness and duplicity, continued to negotiate a treaty with the Commissioners deputed by the

Scottish Estates, while at the same time he encouraged Montrose to persevere in his enterprise, and sent him the George and Garter.* The Marquis, having obtained a small supply of money and arms from the Queen of Sweden, and the King of Denmark, embarked at Hamburg, in the spring of 1650, with six hundred German mercenaries, and landed on one of the Orkney islands. Two of his vessels, laden with arms and ammunition, and about a third of his forces, were lost on the voyage. He constrained a few hundreds of the unwarlike fishermen to join him, and early in April he crossed to Caithness, with the design of penetrating into the Highlands. But just as he approached the borders of Ross-shire, at a place called Drumcarbisdale, on the river Kyle (27th April), he fell into an ambuscade laid for him by Colonel Strachan, who had been despatched in all haste with a body of horse to obstruct his progress. The Orkney men threw down their arms at once, and called for quarter. The German mercenaries retreated to a wood, and there, after a short defence, surrendered themselves prisoners. Montrose's few Scottish followers made a desperate resistance, but were most of them cut to pieces. As Sir Walter Scott remarks, 'the ardent and impetuous character of this great warrior, corresponding with that of the troops which he commanded, was better calculated for attack than defence—for surprising others rather than for providing against surprise himself. His final defeat at Dunbeith so nearly resembles in its circumstances the surprise at Philiphaugh, as to throw some shade on his military talents.' Montrose, who was wounded and had his horse killed under him, seeing the day irretrievably lost, fled from the field. Along with the Earl of Kinnoul and other two or three friends, they made their way into the desolate and mountainous region which separates Assynt from the Kyle of Sutherland, with the view of passing into the friendly country of Lord Reay. The Earl of Kinnoul sunk under the effect of hunger, cold, and fatigue, and Montrose himself fell into the hands of Macleod of Assynt, a mean and sordid chief, who delivered him up to the Covenanting general. He was conveyed to Edinburgh in the peasant's habit in which he had disguised himself. 'He sat,' says an eye-witness, 'upon a little shely horse without a saddle, but a quilt of rags and straw, and pieces of rope for stirrups, his feet fastened under the horse's belly with a tether, and a bit halter for a bridle; a ragged old dark-reddish plaid, and a *Montrer* cap upon his head, a

* *Letters of Charles II., Montrose and his Times*, ii. 353.

musketeer on each side, and his fellow-prisoners on foot after him.' At the house of the Laird of Grange, where he spent one night, he nearly effected his escape by a stratagem of the lady, who 'plied the guards with intoxicating drink until they were all fast asleep, and then she dressed the Marquis in her own clothes. In this disguise he passed all the sentinels, and was on the point of escaping, when a soldier, just sober enough to mark what was passing, gave the alarm, and he was again secured.'*

When he reached Dundee the citizens, greatly to their honour, although they had suffered severely from his arms, expressed sympathy for their fallen foe, and supplied him with clothes and other necessaries suitable to his rank. 'The Marquis himself,' says Sir Walter Scott, 'must have felt this as a severe rebuke for the wasteful mode in which he had carried on his warfare; and it was a still more piercing reproach to the unworthy victors who now triumphed over an heroic enemy, in the same manner as they would have done over a detected felon.'

Montrose reached Edinburgh on Saturday the 18th of May, and it was resolved by his ungenerous enemies to bring him into the capital with a kind of mock procession. At the foot of the Canongate, near Holyrood, he was received by the executioners, with the magistrates and the town-guard. His officers walked on foot bound with cords; then followed the Marquis himself, placed on a high chair in a cart, bareheaded, and bound to the seat with cords; the hangman, wearing his bonnet, rode on the foremost of the four horses that drew the cart. 'In all the way,' says a contemporary chronicler, 'there appeared in him such majesty, courage, modesty—and even somewhat more than natural—that those common women who had lost their husbands and children in his wars, and who were hired to stone him, were upon the sight of him so astonished, and moved, that their intended curses turned into tears and prayers.' As the procession moved slowly up the Canongate, it stopped opposite Moray House, where the Marquis of Argyll, his son Lord Lorne, and his newly-married wife—a daughter of the Earl of Moray—with the Chancellor Lord Loudon, and Warriston, appeared at a balcony for the purpose of gratifying their resentment by gazing on their dreaded enemy. But on Montrose 'turning his face towards them, they presently crept in at the windows, which being perceived by an Englishman, he cried up it was no wonder they started aside at his look, for they durst not look him in the face these seven years before.'

* *Life and Times*, 471.

Deputations both from the Parliament and the General Assembly waited upon the redoubted Cavalier in prison, and strove hard to induce him to make some acknowledgment of his alleged offences. He firmly vindicated, however, the course which he had taken in the royal service. Referring to his most vulnerable procedure, the ravages committed by his soldiers in plundering the country, he pleaded that 'soldiers who wanted pay could not be restrained from spoilzie, nor kept under such strict discipline as other regular forces. But he declared that he did all that lay in his power to keep them back from it; and as for bloodshed, if it could have been thereby prevented, he would rather it had all come out of his own veins.' The main point which they pressed against him was his breach of the Covenant. He declared that he still adhered to the Covenant which he took. 'Bishops,' he added, 'I care not for them; I never intended to advance their interest. But when the King had granted you all your desires, and you were every one sitting under his vine and fig tree, that then you should have taken a party in England by the hand, and entered into a league and covenant with them against the King, was the thing I judged my duty to oppose to the utmost.' Mr. James Guthrie, one of the deputation from the General Assembly, expressed their great grief that, in consequence of the impenitence of the Marquis, they could not release him from the sentence of excommunication. 'I am very sorry,' was his dignified rejoinder, 'that any actions of mine have been offensive to the Church of Scotland, and I would with all my heart be reconciled to the same. But since I cannot attain it on any other terms unless I call that my sin which I account to have been my duty, I cannot for all the reason and conscience in the world.'

Before Montrose reached Edinburgh, the Parliament had resolved to dispense with the form of a trial, and to proceed against him upon an act of attainder passed in the winter of 1644, while he was ravaging the territory of Argyll. The barbarity of his sentence was studiously aggravated by the most disgraceful insults. He was condemned to be hanged upon a gibbet thirty feet high, on which he was to be suspended for three hours; his head was to be affixed to an iron spike on the Tolbooth of Edinburgh; his limbs were to be placed on the gates of the four principal towns in Scotland, and his body (unless he should be released from the excommunication of the Kirk) was to be interred in the Boroughmuir, under the gallows. Montrose was summoned before the Parliament to hear this brutal

and cruel sentence read. The Chancellor, the Earl of Loudon, a cadet of the Campbell family, loaded him with coarse and virulent abuse. The Marquis defended himself with great courage, temper, and dignity. 'He behaved himself all this time in the house,' says Sir James Balfour, a hostile witness, 'with a great deal of courage and modesty, unmoved and undaunted as appeared, only he sighed two several times, and rolled his eyes alongst all the corners of the house; and at the reading of the sentence he lifted up his face, without any word speaking.'* He was then conveyed back to prison, where another deputation of ministers, with mistaken, though no doubt honest zeal, waited upon him and endeavoured to draw from him some expressions of penitence for taking up arms in behalf of the King. He at last put a stop to their exhortations with the words, 'I pray you, gentlemen, let me die in peace.'

That evening when left alone, he wrote with the point of a diamond on his prison window the following lines:—

'Let them bestow on every airth a limb,
Then open all my veins, that I may swim
To Thee, my Maker, in that crimson lake;
Then place my parboiled head upon a stake;
Scatter my ashes, strew them in the air;
Lord! since thou knowest where all these atoms are,
I'm hopeful thou'lt recover once my dust,
And confident thou'lt raise me with the just.'

The next day, May 21st, was fixed for his execution, and Wishart mentions that Johnston of Warriston, the Clerk-Register, entered the Marquis's cell while he was combing the long curled hair which he wore, according to the fashion of the Cavaliers, and asked him what he was about, in a tone which implied that he regarded this as but an idle employment at so solemn a time. 'While my head is my own,' replied Montrose with a smile, 'I will dress and adorn it; but when it becomes yours, you may treat it as you please.' He walked on foot from the Tolbooth to the scaffold, which had been erected in the middle of the market-place between the Cross and the Tron. 'He was clad in rich attire,' says a contemporary, 'more becoming a bridegroom than a criminal going to the gallows. None of his friends or kinsmen were allowed to accompany him, neither was he permitted to address the people from the scaffold; but the calm and dignified speech which he delivered to those around him was taken down, and circulated at the time. Dr. Wishart's narrative of his exploits and his own manifesto were hung around his neck. He

* Sir James Balfour's *Notes of the Parliament*.

himself assisted to fasten them, merely saying with a smile at this new display of the malice of his enemies, 'I did not feel more honoured when his Majesty sent me the Garter.' 'Then,' says an eye-witness, 'with the most undaunted courage, he went up to the top of that prodigious gibbet, where, having freely pardoned the executioner, he gave him three or four pieces of gold, and inquired of him how long he should hang there, who said three hours; then commanding him, at the uplifting of his hands, to tumble him over, he was accordingly thrust off by the weeping executioner. The whole people gave a general groan, and it was very observable that even those who at first appearance had bitterly inveighed against him, could not now abstain from tears. 'Tis said that Argyll's expressions had something of grief in them, and that he did likewise weep at the rehearsal of his death, for he was not present at the execution.'

The sentence pronounced upon Montrose was carried out in all its brutal and shocking details. At the Restoration, in 1660, his head was taken down from the Tolbooth in the presence of Lord Napier and a number of the leading barons of the house of Graham, and the scattered limbs were collected and interred, with great pomp and ceremony, in the tomb of his grandfather, the Viceroy of Scotland, in the church of St. Giles.

Montrose, who was thus cut off at the age of thirty-seven, was one of the most distinguished Scotsmen whom the seventeenth century, fertile in great men, produced. His talents for irregular warfare were of the highest order. He was a poet* and a scholar as well as a soldier, and wrote and spoke clearly and eloquently. His genius was of the heroic cast, and in the opinion of the celebrated Cardinal de Retz—no mean judge of character—closely resembled that of the ancient heroes of Greece and Rome. 'Montrose,' says Lord Clarendon, 'was in his nature fearless of danger, and never declined any enterprise for the difficulty of going through with it, but exceedingly affected those which seemed desperate to other men; and did believe somewhat to be in himself above other men, which made him lean more easily towards those who were, or were willing to be, inferior to him (towards whom he exercised wonderful civility and generosity) than with his superiors or equals. . . . He was not without vanity, but his virtues were much superior, and he well

* His best, and best-known, poem is entitled, 'An Excellent New Ballad to the tune of "I'll never love thee more."'

deserved to have his memory preserved and celebrated among the most illustrious persons of the age in which he lived.* Montrose was no doubt ambitious and fond of applause; as he himself frankly acknowledged, 'he was one of those that loved to have praise for virtuous actions.' But Clarendon admits that he was a man of 'a clear spirit,' 'a man of the clearest honour, courage, and affection to the King's service.' 'A person of as great honour, and as exemplary integrity and loyalty, as ever that nation (the Scottish) bred.' It is impossible, however, to deny that Montrose waged war in a sanguinary spirit, and that he permitted, if he did not authorise, his troops to lay waste the country in a cruel and vindictive manner. His own defence against this charge has already been quoted, and it has been pleaded in extenuation that this was 'the fault of his country and his age, and that his enemies showed as little of mercy and forbearance.'

In his personal deportment, Montrose was dignified yet graceful. His features, though not handsome, were singularly expressive. 'His hair was of a dark brown colour, and a high nose, a full, decided, well-opened, quick, grey eye, and a sanguine complexion, made amends for some coarseness and irregularity in the subordinate parts of the face. His stature was very little above the middle size; but in person he was uncommonly well built, and capable both of exerting great force, and enduring much fatigue. He was a man of a very princely carriage, and excellent address, which made him treated by all princes for the most part with the greatest familiarity. He was a complete horseman, and had a singular grace in riding.' 'As he was strong of body and limb, so he was most agile, which made him excel most others in those exercises where these two are required. His bodily endowments were equally fitting the court as the camp.'

Two days after his execution, the heart of Montrose was taken out of his body, which, in accordance with his sentence, was buried at the foot of the gallows on the Boroughmuir. This feat was accomplished by 'conveyance of some adventurous spirits appointed by that noble and honourable lady, the Lady Napier, taken out and embalmed in the most costly manner by that skilful surgeon and apothecary, Mr. James Callander, and then put in a rich case of gold.' † This interesting relic was in the possession, last century,

* *Clarendon's History*, vii. 284.

† *Relation of the True Funeral of the Great Lord Marquis of Montrose in the year 1661.*

of Francis, fifth Lord Napier, great-grandson of the lady who had it embalmed. Its subsequent extraordinary fortunes are narrated in a letter from Sir Alexander Johnstone, formerly Chief Justice of Ceylon, which is printed in the Appendix to Mr. Napier's 'Life of Montrose.' According to Sir Alexander, the gold filigree box containing the heart of Montrose was given by Lord Napier, on his deathbed, to his eldest and favourite daughter, who afterwards became Mrs. Johnstone and Sir Alexander's mother. She accompanied her husband to India, and during the voyage the gold box was struck by a splinter, in action with a French frigate. 'When in India,' continues Sir Alexander, 'my mother's anxiety about it gave rise to a report amongst the natives of the country that it was a talisman, and that whoever possessed it would never be wounded in battle or taken prisoner. Owing to this report it was stolen from her, and for some time it was not known what had become of it. At last she heard that it had been offered for sale to a powerful chief, who had purchased it for a large sum of money.' Sir Alexander happened to pay a visit to this chief, and induced him to restore the stolen property. It was again lost by Mr. and Mrs. Johnstone, from its being secreted, along with some other plate, in a well at Boulogne during the French Revolution, and was never recovered by them. 'We can scarcely conceive a stranger turn of fate,' says Earl Stanhope, 'than that the same nerves and sinews which had throbbled to the eager pulse of a Scottish hero in the Highlands, should, a century afterwards, come to be worshipped as a talisman on an Indian idol shrine.'

The 'Great Marquis of Montrose,' as he is usually termed, was succeeded by his eldest surviving son, JAMES, who was born about the year 1631. He was restored to the family dignities and estates, and had a new patent of marquis granted to him after the Restoration, 12th October, 1660. With great good feeling, he refused to vote on the trial of the Marquis of Argyll, the noted enemy of his father. He received, on the 21st of August, 1661, a charter of the Lordship of Cowal, forfeited by the chief of the Campbells, and was appointed one of the extraordinary Lords of Session, June 25th, 1668. But he had a strong aversion to the intrigues and factions of a public career during that stormy period, and preferred the peace and repose of private life. The 'Good Marquis,' as he was designated, was peculiarly amiable in his disposition. He died in 1669, and was succeeded by his son—

JAMES, third Marquis, who was appointed by Charles II. Captain of the Guard, and afterwards President of the Council. Unmindful of the example set him by his father, he acted as chancellor of the jury who brought in a verdict of guilty against the Earl of Argyll, his cousin-german, 12th December, 1681, one of the most iniquitous acts of that shameful period. The Marquis died prematurely in 1684, leaving an only son, JAMES, fourth Marquis and first Duke of Montrose. He was a mere child at the time of his father's death, and was left to the guardianship of his mother, along with the Earls of Haddington and Perth, Hay of Drummelzier, and Sir William Bruce of Kinross. On the 1st of February, 1688, however, the Marchioness was deprived of this office, on pretence of her marriage with Sir John Bruce, younger, of Kinross, but in reality it was believed because King James wished to have the young nobleman brought up as a Roman Catholic. Fortunately the expulsion of the arbitrary and unconstitutional sovereign from the throne frustrated his design; but his feeling on the subject was made evident by his removal from their seats on the bench of Lords Harcarse and Edmonstone, the judges who had voted in favour of the tutors selected by the father. The young Marquis spent some time travelling on the Continent. He grew up singularly handsome and engaging in his manners, and joined the Whig party, by whom he was highly esteemed and honoured. He was appointed High Admiral of Scotland in February, 1705, President of the Council, February 28th, 1706, was a steady supporter of the Union between Scotland and England, and was created Duke of Montrose on the 24th of April, 1707. He was five times chosen one of the representative peers of Scotland, and held that position from 1707 to 1727. He was also appointed Keeper of the Privy Seal, February 23rd, 1709, but was removed from that office in 1713 by the Tory Ministry. On hearing that Queen Anne was dying, the Duke, along with other Whig peers, hastened to Edinburgh, and, on the announcement of her death, they proclaimed George I., who had appointed the Duke one of the Lords of Regency. He then hastened to London to receive the new King, and six days after George had landed, he appointed Montrose Secretary of State for Scotland in room of the Earl of Mar, and he was sworn a Privy Councillor October 4, 1717. He was appointed Keeper of the Great Seal in Scotland; but, in consequence of his opposition to Walpole, he was dismissed from that office in April, 1733.

The Duke made a great addition to his hereditary estates by purchasing the property of the Duke of Lennox in Dumbartonshire, along with the hereditary sheriffdom of that county, the custodianship of Dumbarton Castle, and the regality of Lennox. His Grace was for many years involved in a kind of private, or local, war with the celebrated freebooter, Rob Roy Macgregor. They had some transactions in common in cattle dealing, the Duke having lent Rob considerable sums of money to enable him to carry on his speculations in the cattle trade. Unfortunately a sudden depression of markets, and the dishonesty of a partner named Macdonald, rendered Rob totally insolvent. The Duke, who conceived himself deceived and cheated by Macgregor's conduct, employed legal means to recover the money lent to him. Rob's landed property of Craicroyston was attached by the regular form of legal procedure, and his stock and furniture was seized and sold. Considering himself harshly and oppressively treated by the Duke, Macgregor carried on a predatory war against his Grace for thirty years, drove away his cattle, on one occasion robbed his factor of £300 which he had just received as rent, and repeatedly carried off quantities of corn from the granaries on the estate. The Duke made vigorous, but fruitless, efforts to destroy his troublesome adversary. On one occasion he actually surprised Macgregor and made him prisoner; but he succeeded in making his escape, in the manner described in Sir Walter Scott's novel of 'Rob Roy.'*

The Duke, who was Chancellor of the University of Glasgow, died 7th January, 1742. The eldest of his four sons died in infancy. The second was created a peer of Great Britain by the title of Earl and Baron Graham of Belford, 23rd May, 1732, with remainder to his brother. He died unmarried in 1741. The third son—

WILLIAM, second Duke of Montrose, along with his younger brother, George, was placed under the tuition of David Mallet, or rather Malloch, from whom they were not likely to have learned much that was good, and along with him made the tour of Europe. The Duke was noted for his great personal courage. Boswell mentions that when riding one night near Farnham, on his way to London, Montrose (then Lord Graham) was attacked by two highwaymen on horseback; he instantly shot one of them, upon which the other galloped off. His servant, who was very well mounted, pro-

* See *Introduction to Rob Roy*.

posed to pursue and take the robber; but his Grace said, 'No, we have had blood enough; I hope the man may live to repent.' Under the Jurisdiction Act of 1747, the Duke recovered for the sheriffship of Dumbartonshire £3,000; for the regality of Montrose, £1,000; of Menteith, £200; of Lennox, £578 18s. 4d.; and of Darnley, £300; in all £5,078 18s. 4d., instead of £15,000, which he claimed. The Duke became an adherent of William Pitt, and the family have ever since been attached to the Tory party. He died September 23rd, 1790, and was succeeded by his only surviving son—

JAMES, third Duke of Montrose. He represented in the House of Commons, first the borough of Richmond, in Yorkshire, at the general election of 1780, and subsequently Great Bedwin in 1784. He was appointed one of the Lords of the Treasury on the formation of the Ministry of Mr. Pitt in 1783, became Paymaster of the Forces in 1789, and one of the Commissioners of the Indian Board. He was appointed Master of the Horse in 1790—an office which he resigned for that of Lord Justice-General of Scotland in 1795. He was also President of the Board of Trade, June 10, 1804, and Joint Postmaster-General, July 13 in the same year. He was removed by the Ministry of 'All the Talents' in 1806, but on the return of the Tories to power in the following year, he was again made Master of the Horse, an office which he held until 1821, when he succeeded the Marquis of Hertford as Lord Chamberlain. Like his father, he was Chancellor of the University of Glasgow, and was also Lord-Lieutenant of the counties of Stirling and Dumbarton, in which, before the Reform Bill, his influence was predominant. He died December 30th, 1836.

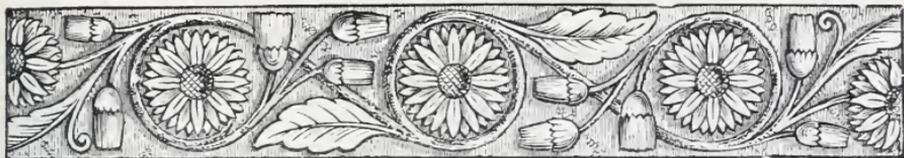
Sir Nathaniel Wraxall, in the 'Memoirs of his own Times,' says of this Duke: 'Few individuals, however distinguished by birth, talents, parliamentary interest, or public services, have attained to more splendid employments, or have arrived at greater honours, than Lord Graham under the reign of George III. Besides enjoying the lucrative sinecure of Justice-General of Scotland for life, we have seen him occupy a place in the Cabinet while he was Postmaster-General, during Pitt's second ill-fated administration. If he possessed no distinguished talent, he displayed various qualities calculated to compensate for the want of great ability, particularly the prudence, sagacity, and attention to his own interests so characteristic of the Caledonian people. Nor did he want great energy as

well as activity of mind and body. During the progress of the French Revolution, when the fabric of our constitution was threatened by internal and external attacks, Lord Graham, then become Duke of Montrose, enrolled himself as a private soldier in the City Light Horse. During several successive years he did duty in that capacity night and day, sacrificing to it his ease and his time, thus holding out an example worthy of imitation to the British nobility.'

The Duke was succeeded by his son JAMES, fourth Duke, who was Lord-Lieutenant of Stirlingshire, and commander of the Royal Archers of Scotland. He was esteemed and liked as a nobleman of an amiable disposition, but he took no prominent part in public affairs. He died in 1874, and was succeeded by his third and only surviving son—

DOUGLAS BERESFORD MALISE RONALD GRAHAM, the fifth and present Duke, born in 1852. Lady Beatrice Violet, the second daughter of the late Duke, wife of the Hon. Algernon W. Fulke-Greville, is the authoress of several clever and popular works. Lady Alma, the youngest daughter, is the present Marchioness of Breadalbane.





THOMAS GRAHAM, LORD LYNEDOCH.



HIS gallant soldier and skilful general was the greatest man produced by the family of Graham since the illustrious Marquis of Montrose. He was descended in the direct line from Sir William Graham of Kincardine, and Mary Stewart, a daughter of Robert III. Sir William was the ancestor of the Dukes of Montrose, the Earls of Strathern and Menteith, and all the other branches of the 'gallant Grahams.' Thomas Graham was the third and only surviving son of Thomas Graham (or Græme, as he spelled his name) of Balgowan, in Perthshire, by his wife, Lady Christian Hope, a daughter of the first Earl of Hopetoun. He was born in 1748, and received his early education at home, under the tuition first of the Rev. Mr. Fraser, minister of Monedie, and afterwards of the celebrated James Macpherson, the collector and translator of Ossian's poems. Young Graham was sent to Christchurch, Oxford, in 1766, and in the following year the death of his father put him in possession of a handsome and unencumbered estate. On leaving college, he spent several years on the Continent, where he acquired a thorough knowledge of the French and German languages. On his return to Scotland he devoted himself to the management and improvement of his estate. He enclosed his lands, erected comfortable farmhouses and offices, granted leases to his tenants, encouraged them to provide improved implements of husbandry, and to cultivate on a large scale potatoes and turnips, which had hitherto been regarded as mere garden plants. He also set himself with great care to cultivate improved breeds of horses, cattle, and sheep. He purchased, in 1785, the estate of Lynedoch or Lednoch, situated in a picturesque part of the valley of the Almond, and took great delight in planting trees and oak coppices, and in beautifying the sloping banks which border the course of

that stream. From his boyhood upwards, he was fond of horses and dogs, and was distinguished for his skill in all country sports, for which his stalwart and athletic frame eminently fitted him. He rode with the foxhounds, and accompanied the Duke of Athole, who subsequently became his brother-in-law, in grouse-shooting and deer-stalking on the Athole moors. He used to say, in after years, that he owed much of that education of the eye with reference to ground and distances, so useful to a military man, to his deer-hunting at this period of his life in the Forest of Athole.

At the age of twenty-four, Mr. Graham offered himself as a candidate, in the Whig interest, for the representation of the county of Perth, in opposition to the brother of the Duke of Athole, but was defeated by a majority of only six votes. Two years later (1774) he married Mary, second daughter of the ninth Earl Cathcart, a lady of remarkable beauty and accomplishments. Her elder sister, on the same day, became Duchess of Athole. 'Jane,' wrote Lord Cathcart, 'has married, to please herself, John, Duke of Athole, a peer of the realm; Mary has married Thomas Graham of Balgowan, the man of her heart, and a peer among princes.' The laird of Balgowan was distinguished for his accomplishments as a scholar as well as for his skill in the cultivation of his estate, and with his books, the improvement of his property, his field-sports, and, above all, the society of his lovely and amiable wife, he spent eighteen years in the tranquil and happy condition of a country gentleman, beloved by his neighbours and tenantry, distinguished only as a daring rider and sportsman, and a good classical scholar.

Mr. and Mrs. Graham lived mostly at home, but they occasionally spent a few weeks in Edinburgh and London, and in connection with these visits several interesting anecdotes are told of Mr. Graham's devotion to his wife and of the manner in which he showed his anxiety to promote her welfare. On one occasion, when the affectionate pair went to Edinburgh to attend a ball, Mrs. Graham discovered, on the morning of the day on which it was to take place, that she had left her jewel-box at Balgowan. Her husband cheered her in these annoying circumstances by reminding her that 'beauty, when unadorned, is adorned the most,' and said that she need not expect him to dinner, but that he would return in time for the ball. Without any hint as to his intention, he left the house, threw himself on horseback, and rode back to Balgowan—a distance of forty-five miles, including a ferry. Relays of horses by the way enabled

him to reach Edinburgh, bringing Mrs. Graham's jewel-box, in time for the ball.

An incident which befell Mr. Graham in London gives a strange idea of the state of the metropolis at that time. He was one day driving, with the Duchess of Athole and his wife, from Pall Mall to Grosvenor Square, to attend a party. The carriage was stopped in Park Lane—opposite the Marquis of Hertford's house—by a highwayman, who, pistol in hand, demanded their money, jewels, and watches, while other two men seized the horses' heads. Park Lane was then unlighted, and the police were not only inefficient, but not unfrequently in collusion with thieves and house-breakers. Mr. Graham, who was at the opposite side of the carriage, sprang across the ladies to the carriage-door, and collaring the assailant, threw him to the ground. Then, drawing his sword, which at that period formed part of a dress suit, he threatened to run the man through, if his associates holding the horses' heads attempted to come to his assistance. They immediately fled, and the prostrate highwayman was given into custody.

In the autumn of 1787, Mrs. Graham happened to be on a visit at Blair, to the Duchess of Athole, along with their youngest sister, Miss Cathcart, then in her seventeenth year, when Robert Burns, at that time on a tour in the Highlands, came with a letter of introduction to the Duke. His Grace was from home, but the visitor was cordially welcomed by the Duchess, and the Duke returned before he left Blair. The poet afterwards declared that the two days (September 1st and 2nd) which he spent there, were among the happiest days of his life. In a letter which he wrote from Inverness, on September 5th, to Mr. Walker, afterwards Professor of Humanity, of Glasgow, who was then residing at Blair Athole, enclosing his well-known 'Humble Petition of Bruar Water,' the poet says, 'The "little-angel band"—I declare I prayed for them very sincerely to-day at the Fall of Fyers. I shall never forget the fine family-piece I saw at Blair: the amiable, the truly noble Duchess, with her smiling little seraph in her lap, at the head of the table; the lovely "olive-plants," as the Hebrew bard finely says, round the happy mother; the beautiful Mrs. Graham; the lovely sweet Miss Cathcart, &c. I wish I had the power of Guido to do them justice.' *

* Sad to tell, these three lovely sisters all passed away in the flower of their youth. The Duchess survived Burns's visit only three years, and Mrs. Graham five. Miss Cathcart, who was singularly amiable as well as beautiful, was cut off at twenty-four. And yet other three members of the Cathcart family lived to a great age.

In order to induce Burns to visit her and her husband at Lynedoch, Mrs. Graham offered to conduct him to a spot hallowed in Scottish song—the graves of Bessie Bell and Mary Gray, which lie in the bosom of that romantic estate.* He promised to do so, and there is every probability that he performed his promise when he visited Mr. Ramsay of Auchtertyre in the following October. It is not unworthy of mention that Lord Lynedoch had a handsome iron railing placed round these celebrated graves, and caused them to be neatly trimmed, and covered with wild flowers.

No happiness on earth, however, is permanent. Mrs. Graham's health began to decline, and on the recommendation of her medical adviser she went, in the spring of 1792, to the south of France, along with her husband and sister. But the expedient proved unavailing, and she died on board ship, off the coast near Hyères, on the 26th of June. Her sorrowing husband returned home, and deposited her remains in a mausoleum which he built in the churchyard of Methven, where, after the lapse of upwards of half a century, he was himself laid in the same tomb.

The loss of his wife preyed deeply upon Mr. Graham's mind, and having in vain sought, by a twelvemonth's foreign travel, to alleviate his great sorrow, though now in the forty-third year of his age, he tried to drown the thought of his irreparable loss amid the toils and dangers of a military life.

Sir Walter Scott, in his 'Vision of Don Roderick,' thus touchingly refers to the motive which led the sorrowing husband of Mrs. Graham to devote himself to a military career:—

'Nor be his praise o'erpast who strove to hide
Beneath the warrior's vest affection's wound;
Whose wish Heaven for his country's weal denied;
Danger and fate he sought, but glory found.
From clime to clime, where'er war's trumpets sound

* Bessie Bell was the daughter of the Laird of Kinnaird, and Mary Gray of the Laird of Lynedoch. An intimate friendship existed between them, and when the plague of 1666 broke out, the two young ladies built themselves a house in a retired and romantic spot, called the Burnbraes, about three-quarters of a mile westward from Lynedoch House, where they resided for some time, and were supplied with food by a young gentleman of Perth, who, it is said, was in love with them both. The disease was unfortunately communicated to them by their lover, and proved fatal. 'The pest came frae the burrows-toun, and slew them baith thegither.' They were buried in a sequestered spot called the Dronach Haugh, at the foot of a brae of the same name, upon the banks of the river Almond. The beauty and the fate of these 'twa bonnie lasses' are commemorated in an old ballad bearing their name.

The wanderer went ; yet Caledonia ! still
Thine was his thought in march and tented ground :
He dreamed 'mid Alpine cliffs of Athole's hill,
And heard in Ebro's roar his Lynedoch's lovely rill." *

Mr. Graham joined, as a volunteer, the British troops sent to assist in the defence of Toulon, one of the few places which held out against the French Revolutionary Government. Napoleon Bonaparte, then a lieutenant of artillery, took part in the siege. Graham distinguished himself so greatly by his courage and energy, that Lord Mulgrave (to whom he acted as aide-de-camp), in a general order referring to the repulse of an attack by the French on an important fort, expressed 'his grateful sense of the friendly and important assistance which he had received in many difficult moments from Mr. Graham, and to add his tribute of praise to the general voice of the British and Piedmontese officers of his column, who saw with so much pleasure and applause the gallant example which Mr. Graham set to the whole column, in the foremost point of every attack.' On one occasion, when a private soldier was killed, Graham snatched up his musket and took his place at the head of the attacking column. It is worthy of notice that it was at Toulon he first became acquainted with his life-long friend, Rowland Hill, then a captain, who ultimately became Viscount Hill, and commander-in-chief of the British army.

On his return to Scotland, Mr. Graham raised, in Perthshire, the first battalion of the 90th regiment (Balgowan's 'Grey Brecks,' as they were called), of which he was appointed lieutenant-colonel in 1794, and nominated Rowland Hill major. Shortly after he was unanimously chosen to represent the county of Perth in Parliament. In 1795 he was stationed with his regiment at Gibraltar; but, soon becoming wearied of the listlessness of garrison duty, he obtained permission to join the Austrian army on the Rhine as British Commissioner. In this capacity he shared in the disastrous campaign of 1796, and afterward assisted Würmser in the defence of Mantua, when it was invested by the French under General Bonaparte. The

* A beautiful whole-length portrait of Mrs. Graham, which was painted by Gainsborough, is regarded as a masterpiece of pictorial art. At her death it was inclosed in a case, and deposited in the back room of a picture-frame maker in London, where it remained unopened during Lord Lynedoch's lifetime. He was never again able to look upon the 'counterfeit presentment' of the face and form so dear to him. This exquisite work of art was presented by his cousin and heir, Robert Graham, Esq., of Redgorton, to the Scottish National Gallery in Edinburgh.

garrison was reduced to the greatest extremities from want of provisions, and Colonel Graham undertook the perilous duty of conveying intelligence to the Imperialist General Alvinzi, at Bassano, fifty miles distant, of their desperate situation. Quitting the fortress, wearing a cloak of the country over his uniform, on the 24th of December, amid rain and sleet, he crossed the Mincio, in a boat which was repeatedly stranded in consequence of the darkness. He pursued his way on foot during the night, wading through deep swamps, and crossing numerous watercourses and the river Po, in constant danger of losing his way, or of being shot by the French pickets, and at daybreak he concealed himself till the return of night, when he resumed his journey. After surmounting numerous hardships and perils, he at length reached in safety, on the 4th of January, the headquarters of the Austrian general. But on the 14th the Austrians were defeated, and Mantua, soon after, was forced to surrender.

Colonel Graham now returned to Scotland, but in the autumn of 1797 he rejoined his regiment at Gibraltar. In the following year he took part, under Sir Charles Stuart, in the reduction of Minorca, where he greatly distinguished himself. He then repaired to Sicily, and obtained the warmest acknowledgments of the King and Queen of Naples for his effective exertions on their behalf. In 1798 he was entrusted with the charge of the operations against the important island of Malta, which was at that time in the possession of the French. With the local rank of brigadier-general, he had under his command the 30th and 89th regiments, and some corps embodied under his immediate direction. Owing to the great strength of the place, he was obliged to resort to a blockade, and after being invested for nearly two years, the garrison were compelled by famine to surrender in September, 1800, and the island has ever since remained a portion of the British Empire. Colonel Graham's services were very shabbily acknowledged by the Government of that day, who reserved their patronage and honours for the officers belonging to their own political party. In the summer of 1801 he proceeded to Egypt, where his regiment (the 90th) had greatly distinguished itself under Sir Ralph Abercromby, but he did not arrive until the campaign had terminated by the capitulation of the French army. He availed himself of the opportunity, however, to make a tour in that country and in Turkey. He spent some time in Constantinople, whence he travelled on horseback to Vienna—a journey which in later

years he used to mention as one of the most agreeable rides he had ever enjoyed.

After spending some time in the discharge of his parliamentary duties, and in attending to the improvement of his estates, Colonel Graham was stationed with his regiment in Ireland, and was then sent to the West Indies, where he remained for three years. When the Ministry of 'All the Talents' was dismissed in 1807, on account of the favour they had shown for the Roman Catholic claims to equal privileges, Colonel Graham supported their policy, and denounced as hypocrisy the cry of 'No Popery' raised by Mr. Perceval. But his approval of the proceedings of the Whig Ministry, and of Roman Catholic emancipation did not find favour with the Perthshire electors—a small body in those days—and on the dissolution of Parliament in May, 1807, Colonel Graham declined to seek re-election, and Lord James Murray was returned without opposition in his stead.

In 1808 Colonel Graham accompanied Sir John Moore as his aide-de-camp to Sweden, and then to Spain. He served with that distinguished officer throughout the whole of his campaign, terminating in the arduous and trying retreat to Corunna, in which Graham's services were especially valuable to the harassed troops. As Sheridan said in the House of Commons, 'In the hour of peril Graham was their best adviser; in the hour of disaster Graham was their surest consolation.' When Sir John Moore received his death-wound at the battle of Corunna, Colonel Graham was at his right hand, and had his left hand on the mane of Sir John's horse. He at once rode away for medical assistance. Before he returned his dying general missed him, and anxiously asked, 'Are Colonel Graham and my aides-de-camp safe?'—one of his last inquiries. The remains of the gallant and noble-minded general were carried first to Colonel Graham's quarters, and he was one of the select company who witnessed the memorable scene of Moore's burial on the rampart of the citadel of Corunna.

After his return to England, Colonel Graham was promoted to the rank of major-general, and was appointed, in the summer of 1809, to command a division under the incompetent and indolent Lord Chatham, in the fatal Walcheren expedition. An attack of malaria fever, however, compelled him to return home. On his recovery he was raised to the rank of lieutenant-general, and was sent to Spain, to take command of the British and Portuguese troops in Cadiz, which was at that time closely invested by the

French. The British Government attached great importance to the possession of Cadiz, as it was the last stronghold of the patriotic cause in the Peninsula. But, as Sir William Napier remarked, while 'money, troops, and a fleet—in fine, all things necessary to render Cadiz formidable—were collected, yet to little purpose, because procrastinating jealousy, ostentation, and a thousand absurdities, were the invariable attendants of Spanish armies and government.'

General Graham resolved to make a resolute effort to raise the siege by attacking the rear of the besieging army, and in February, 1811, he sailed from Cadiz with a force of upwards of 4,000 men, accompanied by 7,000 Spanish troops, under General La Pena, to whom, for the sake of unanimity, the chief command was unfortunately conceded. The allied troops assembled at Tarifa, in the Straits of Gibraltar, and, moving northward, they arrived, on the morning of the 5th of March, at the heights of Barossa, which were on the south of Cadiz and of the lines of the besieging army. The cowardice and stupidity of the Spanish general placed the force in imminent peril. By his instructions, General Graham moved down from the position of Barossa to that of the Torre de Bermeja, about half-way to the Santi Petri river, in order to secure the communication across that river. While marching through the wood towards the Barmeja, Graham received notice that the enemy was advancing in force towards the height of Barossa. As that position was the key of that of Santi Petri, Graham immediately countermarched, in order to support the troops left for its defence; but before the British force could get themselves quite disengaged from the wood, he saw to his astonishment the Spanish troops under La Pena abandoning the Barossa hill, which the French left wing was rapidly ascending. At the same time their right wing stood in the plain on the edge of the wood, within cannon-shot. 'A retreat,' as he says, 'in the face of such an enemy, already within reach of the easy communication by the sea-beach, must have involved the whole allied army in all the danger of being attacked during the unavoidable confusion of the different corps arriving on the narrow ridge of the Barmeja at the same time. Trusting,' as he says, 'to the known heroism of British troops, regardless of the numbers and position of the enemy,' General Graham determined on an immediate attack. In the centre a powerful battery of ten guns, under Major Duncan, opened a most destructive fire upon General Laval's division, which, however, continued to advance in very imposing masses, but was com-

pletely defeated by a determined charge of the British left wing; and the eagle of the 8th regiment of light infantry, and a howitzer, were captured. A reserve formed beyond the narrow valley, across which the enemy was closely pursued, next shared the same fate. Meanwhile the right wing was not less successful. General Ruffin's division, confident of success, met it on the ascent of the hill, and, after a sanguinary conflict, was driven from the heights in confusion, leaving two pieces of cannon in the hands of the victors.

'No expressions of mine,' said General Graham, in his despatch to the Earl of Liverpool, 'could do justice to the conduct of the troops throughout. Nothing less than the almost unparalleled exertions of every officer, the invincible bravery of every soldier, and the most determined devotion to the honour of his Majesty's arms in all, could have achieved this brilliant success against such a formidable enemy so posted.'

'The contemptible feebleness of La Pena,' says Sir William Napier, 'furnished a surprising contrast to the heroic vigour of Graham, whose attack was an inspiration rather than a resolution—so sure, so sudden was the decision, so swift, so conclusive was the execution.'*

The French lost about three thousand men in this brilliant action, and six pieces of cannon and an eagle were captured, along with nearly five hundred prisoners, among whom were Generals Ruffin and Rosseau. The loss on the side of the victors was two hundred killed, and upwards of nine hundred were wounded. Had it not been for the imbecility and obstinacy of the Spanish general, the victory might have had the effect of raising the blockade of Cadiz. 'Had the whole body of the Spanish cavalry,' wrote Graham, 'with the horse artillery, been rapidly sent by the sea-beach to form on the plain, and to envelop the enemy's left; had the greatest part of the infantry been marched through the pine wood to the rear of the British force, to turn his right, he must either have retired instantly, or he would have exposed himself to absolute destruction; his cavalry greatly encumbered, his artillery lost, his columns mixed and in confusion; and a general dispersion would have been the inevitable consequence of a close pursuit. But the movement was lost.'

Lord Wellington, in a despatch to General Graham, says:—

'I beg to congratulate you and the brave troops under your command on the signal victory which you gained on the 5th instant. I

* Napier's *History of the Peninsular War*, iii. Appendix.

have no doubt whatever that their success would have had the effect of raising the siege of Cadiz, if the Spanish troops had made any effort to assist them; and I am equally certain, from your account of the ground, that if you had not decided with the utmost promptitude to attack the enemy, and if your attack had not been a most vigorous one the whole allied army would have been lost.'*

The Spanish general, in order to screen himself from merited obloquy, circulated false and calumnious accounts of the battle, which General Graham exposed by publishing in Spanish, as well as in English, his dispatch to Lord Liverpool, along with a letter to the British envoy, in vindication of his conduct. Lord Wellington mentions that La Pena was to be brought to a court-martial, but nothing is known of the result. The Cortez voted to General Graham the title of grandee of the first class; he, however, declined the honour. For his brilliant victory at Barossa he received the thanks of Parliament, in his place as a member of the House of Commons.

Graham shortly after joined the army under Wellington, and was appointed second in command. In January, 1812, he took part in the siege and capture of Ciudad Rodrigo, and Wellington declared that he was much indebted to him for the success of the enterprise. Three months later he and his friend General Hill received the Order of the Bath. A complaint in his eyes, from which he had been suffering for some time, made it necessary for Graham to return home at this juncture. 'I cannot avoid feeling the utmost concern,' wrote Wellington to him, 'that this necessity should have become urgent at this moment, and that I should now be deprived of your valuable assistance.' At the general election in October, 1812, Sir Thomas Graham contested the county of Perth with Mr. Drummond (afterwards Lord Strathallan), but though he was supported by a number of influential Tories, he lost the election by a majority of seven votes.

His visit to Scotland had the effect of restoring his eyesight, and in May, 1813, he rejoined the army at Frinada, on the frontiers of Portugal, bringing with him the insignia of the Order of the Garter to Lord Wellington. On the 22nd of May the British force quitted Portugal and moved upon Vittoria in three divisions. The left wing, which was commanded by Sir Thomas Graham, had to cross three large rivers—the Douro, the Esla, and the Ebro—and had to force positions of great strength among the passes of the mountains, continually pressing round the right wing of the retiring

* *The Duke of Wellington's Despatches*, vii. 382.

French army. General Graham took a prominent part in the battle of Vittoria (21st June), when the French were beaten 'before the town, in the town, about the town, and out of the town;' and, by carrying the villages of Gamarra and Abecherco at the point of the bayonet, he intercepted the retreat of the enemy by the high road to Bayonne, and compelled them to turn to that leading to Pampeluna. He was shortly after directed to conduct the siege of the strong fortress of St. Sebastian, which was defended with great gallantry and skill by General Rey. The first assault, which took place on the 25th of July, was repulsed with heavy loss, and the siege had in consequence to be raised for a time. It was renewed, however, after the defeat of Soult in the battles of the Pyrenees, and a second attempt to carry the fortress by storm was made on the 31st of August. The breach was found to present almost insuperable obstacles, and the storming party strove in vain to effect a lodgement. In this almost desperate state of the attack, General Graham ordered a heavy fire of artillery to be directed against the curtain, passing only a few feet over the heads of our troops in the breach. This novel expedient was completely successful. Taking advantage of an explosion on the rampart caused by the fire of the guns, which created confusion among the enemy, the assailants gained a footing on the wall, and after a sanguinary struggle, which lasted two hours, forced their way into the town. On the 9th of September the brave Governor Rey surrendered the citadel, and the garrison, reduced to one-third of their number, marched out with the honours of war. The reduction of this important place cost the allies three thousand eight hundred men in killed and wounded.

At the passage of the Bidassoa, which separates France and Spain, General Graham commanded the left wing of the British army, and, after an obstinate conflict, succeeded in establishing his victorious troops on the French territory. But the return of the complaint in his eyes, and the general state of his health, obliged him to resign his command and return home. In return for his eminent services, he now received a third time the thanks of Parliament, and the freedom of the cities of London and Edinburgh was conferred upon him. His health was so far recovered that early in 1814 he was able to take the command of the British forces in Holland, and directed the unsuccessful attempt, March 8th, to carry the strong fortress of Bergen-op-Zoom by a night attack. On the 3rd of May, 1814, he was raised to the peerage by the title of Baron Lynedoch of Balgowan;

but, in keeping with his disinterested and high-minded character, he declined the grant of £2,000 a year, to himself and to his heirs, which was voted as usual to accompany the title. Other honours, both British and foreign, were heaped upon him. He was made a Knight Grand Cross of the Order of St. Michael and St. George, of the Spanish Order of St. Ferdinand, and of the Portuguese Order of the Tower and Sword. He was raised to the full rank of general in 1821, was nominated colonel of the 14th Foot in 1826, which in 1834 he exchanged for that of the Royals. He was elected Rector of the University of Glasgow, and in 1829 was appointed Governor of Dumbarton Castle, a post of more honour than profit, as the salary was only £170 a year.

The old age of the gallant veteran was spent among a wide circle of friends, by whom he was held in the highest esteem and honour, and his exploits were celebrated, even during his lifetime, both by the poetic and the historic muse. He took a warm interest in public events, and gave a steady support to the Whig Ministry under Earl Grey, and Lord Melbourne. He travelled frequently on the Continent, and visited not only Italy, Germany, and France, but Denmark, Sweden, and Russia. In the end of the autumn of 1841, only two years before his death, he travelled through France to Genoa and Rome. His riding-horses were sent on to Rome, and he rode frequently in the Campagna. Lord Cockburn gives an interesting sketch in his *Journal* of the appearance of the gallant veteran, under the date of October 24th, 1837. 'I dined at Craigcrook,' he wrote, 'on the 21st, and at the New Club yesterday, for the first time since he was couched for cataract, with one of the finest specimens of an old gentleman—Lord Lynedoch. He is better even than the Chief Commissioner, in so far as he is a year or two older. At the age of about eighty-eight, his mind and body are both perfectly entire. He is still a great horseman, drives to London night and day in an open carriage, eats and drinks like an ordinary person, hears as well as others; sees well enough, after being operated upon, for all practical purposes, reading included; has the gallantry and politeness of an old soldier; enjoys and enlivens every company, especially where there are ladies, by a plain, manly, sensible, well-bred manner, and a conversation rich in his strong judgment, and with a memory full of the most interesting scenes and people of the last seventy years. Large in bone and feature, his head is finer than Jupiter's. It is like a

grey, solid, war-worn castle. Nor has it only been in the affairs of war that his manly, chivalrous spirit has made him admired and loved. He has always taken a decided part in politics, on the popular side, and is one of the old Whigs, who find nothing good prevailing now but what he fought for and anticipated long ago. He is one of the men who make old age lovely.' *

Lord Lynedoch continued to the last his early rising, his active habits, and temperate mode of living, his interest in rural affairs, and in the management and adornment of his estate. Only four weeks before his death he sent down from London to his gardener a number of trees and shrubs, with minute directions where they were to be planted. His hand is still to be traced in every corner of the Lynedoch estate. He died in London on the 18th of December, 1843, in the ninety-sixth year of his age, after a very short illness: indeed, he rose and dressed himself on the day of his death.

In his person Lord Lynedoch was tall, square-shouldered, and erect, his limbs sinewy and remarkably strong. His complexion was dark, with full eyebrows, firm-set lips, and an open, benevolent air. His manners and address were frank, simple, and polished. He was greatly beloved by his friends, and esteemed and trusted by his tenantry and neighbours. He has left a name, as Mr. Abbot, the Speaker of the House of Commons, said, 'never to be mentioned in our military annals without the strongest expression of respect and admiration.'

* *Journal of Henry Cockburn*, i. 149.





THE GRAHAMS OF ESK, NETHERBY, AND NORTON-CONYERS.

THE GRAHAMS OF ESK, NETHERBY, and NORTON-CONYERS, the most important of the minor branches of the family of Graham, are descended from Sir John Graham of Kilbride, near Dunblane, second son of Malise, first Earl of Strathern. On account of his distinguished courage and daring exploits, he was commonly surnamed 'John with the Bright Sword.' Having fallen into disfavour at Court, probably on account of some of the sanguinary feuds of his day, Sir John retired, with a considerable number of his kinsmen and clan, to the Borders, in the reign of Henry IV., and settled in 'the Debateable Land'—a strip of territory on the banks of the river Esk, near the Solway Firth—so called because it was claimed both by Scotland and England. 'They were all stark moss-troopers,' says Mr. Sandford, 'and arrant thieves; both to England and Scotland outlawed; yet sometimes connived at, because they gave intelligence forth of Scotland, and would raise four hundred horse at any time upon a raid of the English into Scotland.' A saying is recorded of a mother to her son (which is now become proverbial), '*Ride, Rowley, hough's i' the pot;*' that is, the last piece of beef was in the pot, and therefore it was high time for him to go and fetch more.* Sir Walter Scott says that this fierce and hardy race—

'Whoever lost, were sure to win;
They sought the beeves that made their broth,
In Scotland and in England both.' †

They plundered both countries with impunity, for as the wardens of both accounted them the proper subjects of their own sovereign, neither would demand redress of their ravages from the officer of the

* *Introduction to the History of Cumberland.*

† *Lay of the Last Minstrel*, canto vi.

other kingdom, which would have been an acknowledgment of his jurisdiction over them, and they could not agree to unite in punishing their outrages.

On the transference of the Court to London, at the union of the Crowns, the freebooters renewed their plundering raids more extensively than ever, and King James was constrained to issue a Commission for the settlement of the Borders. One of the first steps taken by the Commissioners was to deal with the unruly and irreclaimable Grahams. Finding themselves at last in the grasp of the law, they sent a petition to the King, setting forth 'that they, and others inhabiting within the bounds of Eske and Leven, being the borders of the realme of England against Scotland, are men brought up in ignorance, and not having had meanes to learne their due obedience to God, and your most excellent Majestie, of late, and immediately after the death of the Queen's most excellent Majestie, your Majestie's late dear sister, did disorderly and tumultuously assemble ourselves with all the warlike force and power that they could make, and being so disorderlie assembled, did invade the inlande part of the easte parte of the county of Cumberland, and spoiled many of your subjects of England with fire, sword, robbery, and reaving of their goods, and murthering and taking prisoners the persons of the same, which are misdemeanour; albeit we cannot excuse our ignorance, for that by the lawes of God we do knowe that all rebelling, reaving, and murthers are altogether forbidden, yet so it is, that some among us of evil and corrupt judgment did persuade us, that untill your Majestie was a crowned kinge within the realme of Englande, that the lawe of the same kingdome did cease and was of no force, and that all actes and offences whatsoever done and committed in the meane tyme, were not by the common justice of this realme punishable by force, of the which malitious error put into our heads, as deceived men, and believing over reddey that grosse untruth, we did most injudiciously run upon your Majestie's inland subjectis, and did them many wronges, both by fyer, sword, and taking there goodes, in such sort as before we have acknowledged.'

The admission that they imagined that during the interval between the death of Elizabeth and the coronation of James the country was in a lawless state, and every man was entitled to do 'what was right in his own eyes,' is exceedingly naïve and significant.

After professing their sorrow for their misdeeds, they beseech his Majesty that he will be pleased 'now at our humble suit to grant

unto us the saving of our lives, which now is in your highnesse by the justice of your lawes, to take from us at your highnesse good pleasure, and that your Majestie will be pleased to relegate and banish us (as a tumultuous collony) into some other parte of your kingdome, there to spend the residue of our miserable and sorrowful dayes in lamenting and sorrowing for our offences.'

The Commissioners evidently felt that it was hopeless to attempt the reformation of these hereditary reivers so long as they continued in their native haunts. They therefore resolved to try the effect of sending a large detachment of them out of the country and exposing them to new and more healthy influences and motives abroad.

On the 17th of May, 1605, the Privy Council wrote 'that his Majesty having spared their lives, which otherwise were forfeited through their crimes, his clemency further appeared in that he is pleased to dispose of them as may be greatly for their good, and in such sorte as they shall be in no worse condition than his Majesty's good subjects that were no offenders, being as they are appointed to be sent to serve in the garrisons and cautionary towns of Flushing and Brill, places where many honest men desire to be maintained in service.'

A copy is given of 'the names of Games which are to be sent away.' Some of the names are accompanied by the *sobriquets* by which they were familiarly known, such as 'Richard Game,' alias 'Jocks Ritchie;' 'John Game,' alias 'All our Kaines;' 'Richard Game,' alias 'Lang Ritchie;' 'Andrew Game of Sarkeyde,' alias 'Little Andrew;' 'Richard Game,' alias 'Richie of Galloway.' The custom of using *by-names* was, indeed, universal among the Border freebooters at this period, and most of them were better known by their *sobriquets* than by their own proper names.

The list included the name of Richard Graham, son of Walter Game, of Netherby; and it would appear that the Scottish Commissioners had proposed its omission at their first meeting; for, on 17th April, 1605, the English Commissioners wrote to them from Carlisle stating that the omission of the name 'Richard Grayme, is so ill taken that we shall be taxed of partialty;' and asking the consent of their Scottish brethren that 'his name may be added to the rest as before yt was.' The Scottish Commissioners next day expressed their concurrence in this step; but a subsequent effort on behalf of Richard was made by the Earl of Montrose, who wrote from Holyrood House on the 25th of June, 1605, entreating the

Commissioners to permit young Graham to remain with him, and offering to be 'answerable for him, both to his Majestie, unto the Councill, and to your worships.' It is evident that Richard Graham must have been notorious for his turbulence and reiving habits, for, notwithstanding his position in society, and the powerful influence exerted on his behalf, the Commissioners adhered to their decision that he must accompany the other Grahams to Flushing on the 6th of July. But they complied with his request to give him a letter of commendation to the governor of that place, setting forth that the bearer was son to Walter of Netherby, the chief of all the Græmes dwelling betwixt Leven and Sark, and that he, 'mynding to show his forwardness in his Majestie's service, hath desyred us to give testimony of his birth and place, and that upon his due desert he may receive such favour as to his dimerrit shall appertyne, which we thinkeing reasonable have thereunto condescended, as also that for his better encouragement to go forward to do his highnesse service, we have entreated the conductor of the rest to place him as auncient of that company.'

The Commissioners appear to have had some difficulty in making up the required number of compulsory emigrants, but it was at last completed. The first batch, of fifty, was sent to Brill, and the second, of seventy-two, to Flushing.

Before three weeks had elapsed, however, several of the expatriated Grahams began to appear in their former haunts on the Border, to the great disgust of the Commissioners. Some of them had procured licenses from their officers to come home for two months; others had returned without any license at all, among whom was Richard of Netherby. On the 23rd of October, 1605, Sir Wilfrid Lawson wrote to the Earl of Cumberland, informing him that, in addition to the Grahams already reported to him as having returned 'with license or without,' 'there are still mo coming daily, which is greatly to the dislyke of the better and truer sorte of his Majestie's subjects heare; and it is lyke, unless there be some order schortly taken as well to stay those not yet come, as to send away, or otherwise to take some severe course, with those already come without lycence, that they will all be schortly at home again.'

The Privy Council, in the meantime, had informed the Commissioners, on the 19th of October, that they 'have taken order with the Viscount Lisle, Gouvernour of Flushing, that none, from henceforth, shall have any passes, nor be allowed to come over without

speciall lycense from his Majestie, or of us of his Privy Counsell.* As for those who had already come over without license, it was his Majesty's pleasure that they were presently to be proceeded with according to justice, and be kept safe in prison, until his Majesty be made further acquainted with the matter. These restrictions, however, failed to compel the Grahams to remain in Flushing. They, no doubt, preferred roaming at will over the moors and among the glens and mountains of their native land, to being cooped up in a Dutch garrison town. The Privy Council were made aware, by the 14th of November, 1605, that of the seventy-two Grahams sent to Flushing, only fourteen remained there, the rest having returned home.* It had therefore become necessary to adopt some more stringent measures to root them out of their hereditary haunts, and accordingly a large number of the clan, along with a body of Armstrongs and Elliots, were transported to the north of Ireland, and their return prohibited under pain of death. By dint of energy and perseverance, these stalwart freebooters prospered greatly in that country, and their descendants at the present day form the backbone of the industry of Ulster.

While the clan were thus disposed of, their chiefs prospered as regards both rank and possessions. Richard Graham, who purchased the estate of Netherby and the barony of Liddell from the Earl of Cumberland, was created a baronet, in 1629, by the style of Sir Richard Graham of Esk. He fought under the royal banner at the battle of Edgehill, and was so severely wounded that he was left all night among the slain. He was succeeded by his elder son, George. His younger son, Richard, was created a baronet in 1662, and was the ancestor of the Grahams of Norton-Conyers. Sir Richard's grandson, the third baronet, was elevated, in 1680, to the peerage of Scotland, by the title of Viscount Preston. He was for a good many years ambassador to the Court of France, and subsequently Secretary of State to James VII. After the Revolution he engaged in a treasonable plot against King William, and on December 31st, 1690, along with two of his associates, Ashton and Elliot, he was captured on his way to France, with compromising letters in his possession. Ashton and the Viscount were brought to trial at the Old Bailey, on a charge of treason, and were found guilty. Ashton was executed, but Preston saved his life and was pardoned on revealing the names of his accomplices. His attainder

* *Second Report of the Historical MSS. Commission*, 181, 182.

did not affect the Scottish peerage, but on the death of his grandson, the third Viscount, the title became extinct. His extensive estates passed to his surviving aunt, the Hon. Catherine Graham, wife of Lord Widdrington. She died in 1757 without issue, and bequeathed the property to her cousin, the Rev. Robert Graham, D.D., grandson of Sir George Graham, second baronet of Esk. James Graham of Netherby, his son, was created a baronet in 1782, and was the father of the late eminent statesman, Sir James Graham, who filled a succession of important offices in the administrations of Earl Grey, Sir Robert Peel, and the Earl of Aberdeen.

Sir John Graham of Kilbride was the ancestor also of the Grahams of Gartmore.





THE SCOTTS OF BUCCLEUCH.



COTT of Satchells, who published, in 1688, 'A True History of the Right Honourable name of Scott,' gives the following romantic account of the origin of that name.

Two brothers, natives of Galloway, having been banished from that country, for a riot or insurrection, came to Rankleburn, in Ettrick Forest, where the keeper, whose name was Brydone, received them joyfully on account of their skill in winding the horn, and in the other mysteries of the chase. Kenneth MacAlpin, then King of Scotland, came soon after to hunt in the royal forest, and pursued a buck from Ettrickheugh to the glen now called Buccleuch, about two miles above the junction of Rankleburn with the river Ettrick. Here the stag stood at bay; and the King and his attendants, who followed on horseback, were thrown out by the steepness of the hill, and the morass. John, one of the brothers from Galloway, had followed the chase on foot, and now coming in, seized the buck by the horns, and, being a man of great strength and activity, threw him on his back, and ran with his burden about a mile up a steep hill to a place called Cracra Cross, where Kenneth had halted, and laid the buck at the sovereign's feet.

'The deer being curee'd in that place,
At his Majesty's command,
Then John of Galloway ran apace,
And fetch'd water to his hand.
The King did wash into a dish,
And Galloway John he wot;
He said, "Thy name, now, after this,
Shall ever be called John Scott.

"The forest, and the deer therein,
We commit to thy hand:
For thou shalt sure the ranger be,
If thou obey command;

And for the buck thou stoutly brought
To us up that steep heuch,
Thy designation ever shall
Be John Scott, in Bucksleuch."

* * * *

'In Scotland no Bucksleuch was then
Before the buck in the cleuch was slain ;
Night's men at first they did appear,
Because moon and stars to their arms they bear ;
Their crest, supporters, and hunting-horn,
Show their beginning from hunting came ;
Their names and style, the book doth say
John gained them both into one day.'

This account of the origin of the Scotts of Buccleuch, however it may have originated, though widely believed, is purely fabulous. The lands of Buccleuch did not become the property of the family of Scott until at least two centuries subsequent to the time of Kenneth III. ; and it was not until the fifteenth century that the designation of Scott of Buccleuch began to be used by the head of the family.

The cradle of the Scotts was not in Etrick Forest, but at Scotstown and Kirkurd, in the county of Peebles, which still belong to the Duke of Buccleuch. Several persons of the name of Scott appear as witnesses to charters during the twelfth century, but the first, regarding whom there is certain evidence that he was an ancestor of the Scotts of Buccleuch, is RICHARD SCOTT of Rankleburn and Murthockstone. His ancestors resided at Scotstown, and, according to Satchells, the Cross Kirk of Peebles had been the burial-place of the family for several generations. Richard Scott acquired the lands of Murthockstone (afterwards Murdieston) in Lanarkshire by his marriage to the heiress of that estate. Satchell says—

'Scott's Hall he left standing alone,
And went to live at Mordestoun ;
And there a brave house he did rear,
Which to this time it doth appear.'

Like many other Scottish nobles, both of native and foreign extraction, Richard Scott took the oath of fealty to Edward I. of England in 1295, and, like his brother nobles, broke his oath on the first convenient opportunity. On his doing homage to the English monarch, the Sheriff of Selkirk was ordered to restore to him his lands and rights, which were then in the hands of King Edward. He must, therefore, have been at that time in possession of Rankle-

burn and Buccleuch, which were situated in the county of Selkirk. Richard Scott died about the year 1320, and was succeeded by his son, SIR MICHAEL, who must have taken an active part in the war with England during the reign of David II., as he obtained the honour of knighthood. He fought at the disastrous battle of Halidon Hill, 19th July, 1333; and was killed, thirteen years after, at the battle of Durham, where the King was taken prisoner, along with many of his barons and knights. In the genealogical table drawn up by Sir Walter Scott, it is stated that Sir Michael left two sons, 'the eldest of whom (ROBERT) carried on the family, the second (JOHN) was the ancestor of the Scotts of Harden.' Nothing worthy of mention is known of Robert Scott, or of his son, SIR WALTER, who is said to have been killed at the battle of Homildon, 14th September, 1402. But Sir Walter's son, ROBERT, exchanged the lands of Glenkery, which were a portion of the lands of Rankleburn, for the lands of Bellenden, which then belonged to the monastery of Melrose. Bellenden, which was a convenient spot for the gathering of the clan from Etrick, Kirkurd, and Murthockstone, became henceforth the place of rendezvous of the Scotts of Buccleuch when they were mustered for a Border raid. Robert Scott also acquired half of the lands of Branxholm from John Inglis, the laird of Menar, by a charter dated 31st January, 1420, and other lands in the barony of Hawick.

Robert Scott was succeeded, in 1426, by his eldest son, SIR WALTER SCOTT, Knight, who was the first of the family styled 'Lord of Buccleuch.' He possessed the family estates during the long period of forty-three years, and added greatly to their extent. His first acquisition was the lands of Lempitlaw, near Kelso, from Archibald, Earl of Douglas, on the resignation of Robert Scott, his father, in 1426. He next obtained, in 1437, the barony of Eckford, also in Roxburghshire, from James II., as a reward for his capture of Gilbert Rutherford, a notorious freebooter; and in 1446 he exchanged the estate of Murthockstone, or Murdiestone, for the other half of Branxholm, of which Sir Thomas Inglis of Manor was proprietor. According to tradition, the exchange took place in consequence of a conversation between Scott and Inglis, in which the latter complained of the injuries that he suffered from the depredations of the English Borderers, who frequently plundered his lands of Branxholm. Sir Walter Scott, who already possessed the other half of the barony,

offered him the estate of Murdiestone, in exchange for the lands which were exposed to these inroads. The offer was at once accepted. When the bargain was completed, Scott made the significant and characteristic remark that 'the cattle in Cumberland were as good as those of Teviotdale.' He availed himself of the first opportunity to commence a system of reprisals for the English raids, which was regularly pursued by his successors. An amusing reference to the well-known habits of the Scotts is made in the ballad of the 'Outlaw Murray,' where Buccleuch is represented as trying to inflame the displeasure of the King against the outlaw, and urging the infliction of condign punishment upon him for his offences:—

'Then spak the kene Laird of Bucksleuch,
A stalworthe man and sterne was he—
"For a King to gang an Outlaw till,
Is beneath his state and dignitie.

"The man that wons yon Foreste intil,
He lives by reif and felonie!
Wherefore brayd on, my sovereign liege,
Wi' fire and sword we'll follow thee;
Or, gif your courtlie lords fa' back,
Our Borderers sall the onset gie."

'Then out and spak the nobil King,
And round him cast a wylie ee—
"Now haud thy tongue, Sir Walter Scott,
Nor speak of reif nor felonie:
For had every honest man his awin kye,
A right puir clan thy name wad be!"

Sir Walter Scott was cousin to Sir William Crichton, the powerful and unscrupulous Chancellor of James II., and it was, in all probability, through this connection that the Scotts took part with the King in his desperate contest with the house of Douglas. In 1455 the three brothers of the exiled Earl—the Earls of Moray and Ormond, and Lord Balveny—invaded the Scottish borders at the head of a powerful force, but were encountered (1st May) at Arkinholm, near Langholm, by the Scotts and other Border clans, under the Earl of Angus, and were totally routed. Balveny escaped into England, but Moray was killed, and Ormond was wounded, taken prisoner, and executed. Sir Walter Scott was liberally rewarded for his services in this conflict. He obtained a grant of Quhychester and Crawford-John—part of the forfeited estates of the Douglasses—expressly for his meritorious deeds at Arkinholm, and a remission of certain sums of money due to the Crown. For the same reason

the lands of Branxholm were erected into a free barony, in favour of David Scott, Sir Walter's son, to be held in blench for the annual rendering of a red rose. In various other ways Sir Walter added largely to the estates of the family, and greatly increased their influence. He was appointed no less than seven times one of the conservators of successive truces with England, along with a number of the most powerful barons in the kingdom. He died before 9th February, 1469, leaving by his wife, Margaret Cockburn of Henderland,* three sons, and was succeeded by the eldest—

SIR DAVID SCOTT, who was the first of the family that bore the designation of Buccleuch. The marriage of his son, DAVID SCOTT the younger, to Lady Jane Douglas, daughter of the fourth Earl of Angus, and sister of the famous Archibald 'Bell-the-Cat,' the fifth Earl, brought him the governorship of the strong castle of Hermitage, in Liddesdale, and must have strengthened not a little the position of the family. The friendship which subsisted between the Scotts and the 'Red Douglasses,' whom they assisted to put down their 'Black' kinsmen, was evidently of a very close kind, for provision was made in the marriage contract that, 'if David should die, his next younger brother was to marry Lady Jane Douglas, and so on in regular succession of the brothers; and that if Lady Jane should die, David was to obtain in marriage the next daughter of the Earl of Angus, till a marriage was completed'†—an arrangement which showed the influential position of the Scotts at that period. Notwithstanding this connection, however, they took opposite sides in the contests between James III. and the discontented nobles; and the services which David Scott the younger, and his son Robert, rendered to that unfortunate sovereign, were acknowledged and rewarded by him with extensive grants of land and other favours.

Sir David, who died in March, 1491-2, had four sons. Walter, the eldest, died young and unmarried. David, the second son, also predeceased his father, leaving an only child, who succeeded to the family estates. The Scotts of Scotstown claim to be descended from Robert, the third son. William, the fourth son, died before his father without leaving issue.

* Cockburn of Henderland, probably Lady Scott's grand-nephew, fell a victim to the raid which James V. made, in 1529, into the Border districts. The pathetic ballad of the *Lament of the Border Wiaow*, is said to have been written on his execution.

† *The Scotts of Buccleuch*. By William Fraser, i. 47.

SIR WALTER SCOTT of Branxholm succeeded his grandfather, 1492. He held the family estates for a very short period, and was succeeded by his son of the same name, who represented the house for no less than forty-eight years, and by his combined energy and prudence became one of the most powerful barons on the Borders. His retainers fought under the banner of their sovereign at the battle of Flodden, and though very young at that time, it is not improbable that he was present as their leader. The list of the slain included not a few of the clan, among whom was the kinsman of their chief, Sir Alexander Scott of Hassenden, from whom the Scotts of Woll, Deloraine, and Haining are descended. In return for the services which Sir Walter Scott rendered to the monks of Melrose, he was appointed bailie of the abbey lands, an office which became hereditary in the Buccleuch family. Notwithstanding his long-continued alliance with the Douglasses, Sir Walter Scott was a supporter of the Duke of Albany, and the French faction, against Queen Margaret and her second husband, the Earl of Angus. She alleged that Buccleuch had retained part of her dower, arising from lands in Ettrick Forest, to the amount of 4,000 merks a year, and she committed Sir Walter and Ker of Cessford prisoners to Edinburgh Castle, giving as her reason that from the feud which existed between these two powerful Border barons, the district was kept in a state of disorder and disorganisation. She asserted that Buccleuch was especially to blame, and that he was notorious for the encouragement that he gave to the Border freebooters, who made frequent inroads into Northumberland and Cumberland. 'Wherefore,' she says, 'I thought best to put them both in the castle of Edinburgh, until they find a way how the Borders may be well ruled, since it is in their hands to do as they will, and not to let them break the Borders, for their evil will among themselves.' At this time the chronic disorders in these districts were greatly aggravated by the policy of Henry VIII. in encouraging the English Borderers to make inroads into Scotland. Norfolk promised the King that he would 'lett slippe recently them of Tindail and Riddesdail for the annoyance of Scotlande.' He piously adds, 'God sende them all goode spede.' In the two inroads which followed 'much insight gear, catall, horse, and prisoners' were carried off. It need excite no surprise that Buccleuch countenanced the Armstrongs and Elliots, in their retaliatory raids into England.

In the shifting of parties which was continually going on at this time, we find Buccleuch in alliance with the Earl of Angus in 1524,

and two years later in arms against the Douglas faction, who had the custody of the young king's person, and ruled the country in the most arbitrary manner. James himself was impatient of the restraint under which he was placed by Angus, and eagerly sought an opportunity to free himself from it. In the summer of 1526 the Earl made a progress into Teviotdale, taking the King with him. James secretly sent a request to Sir Walter Scott that he would rescue him out of the hands of the Douglasses. Buccleuch eagerly complied with the royal injunction, and immediately levied his retainers and friends, comprehending the Elliots, Armstrongs, and other Border clans, to the number of six hundred. Angus had passed the night of July 24th at Melrose, on his way back from Jedburgh to Edinburgh, and Lord Home and the chiefs of the Kers, who had accompanied him in his expedition, had taken their leave of the King, when, in the grey of the morning, Buccleuch and his followers suddenly appeared on the northern slope of Halidon Hill, and descending into the plain, interposed between Angus and the bridge over the Tweed. The Earl immediately sent a messenger to Buccleuch to inquire the reason of his appearance at the head of such a force. He replied that he came to show his clan to the King, according to the custom of the Border chiefs, when their territories were honoured by the royal presence. He was then commanded in the King's name to dismiss his followers, but he bluntly refused, alleging that he knew the King's mind better than Angus. On receiving this haughty answer, which was intended and regarded as a defiance, the Earl said to the King, 'Sir, yonder is Buccleuch, and the thieves of Annandale with him, to interrupt your passage. I vow to God they shall either fight or flee; and ye shall tarry here on this knowe [knoll], and my brother George with you, with any other company you please, and I shall pass and put yon thieves off the ground, and rid the gate unto your Grace, or else die for it.' Angus then alighted, and commanding his followers also to dismount, hastened to encounter the Scotts, who received them with levelled spears. The battle, though fiercely contested, was short, as the Borderers were unequally matched against the armed knights in the forces of the Douglasses; and the Homes and the Kers returned on hearing the noise of the conflict, and, attacking the left wing and rear of Buccleuch's little army, put them to flight. About eighty of the Scotts were slain in this engagement and the pursuit. The only person of importance who fell on the side of the Douglasses was Sir Andrew Ker of Cess-

ford, who was killed by one of the Elliots, a retainer of Buccleuch, while eagerly pressing on the retreating enemy.* He was lamented by both parties, and his unhappy slaughter on this occasion caused a deadly feud between the Kers and Scotts, which raged during the greater part of a century, and led to the murder of Buccleuch in Edinburgh by the Kers, in the year 1552.

Buccleuch was obliged to retire to France, in order to escape the vengeance of Angus for this attempt to emancipate his sovereign from the yoke of the Douglasses. But before leaving the kingdom he was required to give security, under a penalty of £10,000 Scots, that he would not return to Scotland without the King's permission. He at length received a pardon on the 10th of February, 1528, mainly through the exertions of James himself, and he, at the same time, obtained permission to return from France. On the 28th of May following, the King succeeded, by his own ingenuity, in freeing himself from the power of the Douglasses; and on July 6th he made a declaration that Buccleuch, in appearing at the head of his followers at Melrose, had only followed his instructions. Sir Walter became one of his Majesty's chief advisers in the measures which he adopted against the Douglasses, and, in consequence, he was denounced by the envoys of King Henry as one of 'the chief maintainers of all misguided men on the borders of Scotland.' When the forfeited estates of Angus were divided among the royal favourites, Sir Walter Scott obtained as his share the lands in the lordship of Jedburgh Forest, 'for his good, true, and thankful services done to his sovereign.'

The favour which the King cherished towards Buccleuch did not, however, prevent him from imprisoning that chief, along with the Earl of Bothwell, Lord Home, Kerr of Ferniehirst,† and other powerful protectors of the freebooters and 'broken men,' before undertaking his memorable expedition to the Borders, in which

* An exact parallel to this incident is furnished by the battle between the partisans of King David and the adherents of Ishbosheth, followed by the slaughter of Asahel. See 2 *Samuel* ii. 18—23.

The spot where the battle was fought is between Melrose and the adjoining village of Darnick, and is called the 'Skirmish Field.' The place where Buccleuch drew up his men for the onset is termed 'Charge-Law,' and the spot where Elliot turned and slew Cessford with his spear is known as 'Turn-again,' and is marked by a stone seat which commands a splendid view, and was a favourite resting-place of Sir Walter Scott. The battle has been celebrated in Latin verse by a contemporary writer, Mr. John Johnson, Professor in the University of St. Andrews.

† This is the manner in which the Ferniehirst family spell their name, which differs slightly from the spelling of the Cessford Kers.

Johnnie Armstrong and other leaders of the marauders were executed. In the course of a few months, however, with the exception of Bothwell, they were liberated on giving pledges for their allegiance and peaceable demeanour.

Strenuous efforts were made by influential friends to heal the deadly feud between the Scotts and Kers, and with this view Sir Walter Scott, who was now a widower, married, in January, 1530, a daughter of Andrew Kerr of Ferniehirst, the head of one of the branches of this clan. A bond was also entered into between the heads of the chief branches of the two clans that, on the one hand, 'Sir Walter Scott of Branxholm shall gang, or cause gang, at the will of the party, to the four head pilgrimages of Scotland [Scone, Dundee, Paisley, and Melrose], and shall say a mass for the souls of umquhile Andrew Ker of Cessford and them that were slain in his company, in the field of Melrose; and upon his expense shall cause a chaplain saye a mass daily, when he is disposed, in what place the said Walter Ker and his former friends pleases, for the weil of the said souls, for the space of five years next to come.' The chiefs of the Kers came under a corresponding obligation to make pilgrimages, and to say masses, for the souls of the Scotts who fell in the battle of Melrose. Walter Scott also bound himself to marry his son and heir to one of the sisters of Walter Ker of Cessford.

But, as the Minstrel of the clan wrote with reference to this long-breathed feud—

'Can piety the discord heal
Or stanch the death-feud's enmity?
Can Christian love, can patriot zeal,
Can love of blessed charity?
No! vainly to each holy shrine,
In mutual pilgrimage they drew;
Implored, in vain, the grace divine
For chiefs their own red falchions slew;
While Cessford owns the rule of Carr,
While Ettrick boasts the line of Scott,
The slaughter'd chiefs, the mortal jar,
The havoc of the feudal war,
Shall never, never be forgot.' *

So, no doubt, felt the members of both clans at this time, and the feud was ultimately quenched in blood.

The Border raids between the two countries continued as usual throughout the winter of 1532. Certain satirical expressions said to have been uttered by Buccleuch against Henry VIII. gave offence to

* *Lay of the Last Minstrel*, c. i. stanza viii.

the English, and the Earl of Northumberland, with fifteen hundred men, ravaged and plundered his lands, and burnt Branxholm Castle. Their principal object was to kill or capture Buccleuch himself, but in this they were not successful. It would appear that at this time the Scotts and Kers had been so far reconciled as to make common cause against their 'auld enemies.' In retaliation for Northumberland's inroad, 'the Laird of Cessford, the Laird of Buccleuch, and the Laird of Ferniehirst,' at the head of a strong body of their clansmen and other Borderers, estimated at five thousand, made a destructive incursion into England, laid waste a large portion of Northumberland, and returned home laden with spoil.*

In 1535 a strange, and, indeed, inexplicable accusation was brought against Sir Walter Scott, that he had given assistance to Lord Dacre and other Englishmen at the time of the burning of Cavers and Denholm. This assistance, it has been conjectured, may have been given in carrying out the feud with the Kers; it could scarcely have originated in sympathy with the English. Buccleuch was summoned before the Justiciary Court to answer for this charge, and was put in ward for a certain time at his Majesty's pleasure. He was imprisoned a second time, in 1540, for causing disturbances on the Borders, but was speedily set at liberty, and restored to 'all his lands, offices, heritages, honours, and dignities.' In return he pledged himself to make Teviotdale, as far as it belonged to him, in time coming to be as peaceable and obedient to the King and his laws as any part of Lothian; and some of his friends became surety for him, in the sum of 10,000 merks, that he would fulfil his engagement.

The French faction, headed by Cardinal Beaton, the Queen-Dowager, and the Earl of Arran, had now gained the ascendancy, and repudiated the treaty with Henry VIII. for the marriage of the youthful queen to his son. To punish the Scots for their refusal to fulfil their engagement, a most destructive inroad was made upon the Border districts, and the estates of Buccleuch in particular were laid waste with fire and sword. The 'barmkeyne' at Branxholm Castle was burned, and a very large number of oxen, cows, sheep, and horses were carried away, along with thirty prisoners. Eight of the Scotts were killed. Wharton, the English Warden, shortly after arranged a meeting with Buccleuch, with threescore horse on either side, and strove hard to induce him to embrace the English alliance.

* *State Papers.* Henry VIII., iv. 625, 626.

Being asked to state what he wished with them, Buccleuch, with a merry countenance, answered that he would buy horse of them and renew old acquaintance. They said they had no horses to sell to any Scottish men, and for old acquaintance they thought he had some other matter, and advised him to show the same, who answered, 'I ask what ails you, thus to run upon us?' After farther conversation, he 'earnestly therewith said that if my Lord Prince did marry their Queen, he would as truly and dutifully serve the King's Highness and my Lord Prince as any Scottish man did any King of Scotland, and that he would be glad to have the favour of England with his honour; but that he would not be constrained thereto if all Tividale were burnt to the bottom of hell.' He proposed that they should give him protection from inroads for 'one month or twenty days, in which time he would know all his friends' minds.' This appears to have been the main object he had in view in acceding to this interview with Wharton and his associates. 'They answered that they had no commission to grant him any assurance one hour longer than that assurance granted for their meeting, nor to grant any of his demands, whatsoever the same were, but to hear what he had to say.'

Lord Wharton soon discovered that there was no hope that Buccleuch would consent to be numbered with the 'assured Scots,' who indeed had no intention of keeping their engagements with him. The victory at Ancrum Moor which followed this conference was largely due to the valour and skill of Buccleuch, and avenged, by the total destruction of the English forces under Sir Ralph Evers and Sir Brian Latoun, their barbarous and ruthless ravages of the Border district. The devastation of the Buccleuch estates was repeatedly carried out by these marauders with merciless severity. It is a significant fact that the Kers took part in this destructive raid, although immediately after the battle of Pinkie, at which Sir Walter Scott fought at the head of a numerous body of his retainers, he and Sir Walter Ker, as representing their respective clans, entered into a bond for the maintenance of the royal authority and the defence of the country. But the Kers, instead of keeping their engagement, joined Lord Grey, the English commander on the Borders, and assisted him in devastating the country. Buccleuch himself was shortly after under the necessity of offering to submit to the English monarch, who was now Edward VI., in order to save his tenants and estates from total ruin. It is a curious example of

the utter untrustworthiness of the Scottish magnates of that period that this step was taken with the concurrence and permission of the Earl of Arran, the Governor of Scotland. A letter, dated 26th September, 1547, and subscribed by Arran under the signet of Queen Mary, empowers Buccleuch to 'intercommune with the Protector and Council of England, and sic utheris Inglismen as he pleesses for saiftie of him, his kin, friendis, and servandis for heirschip and distruction of the Inglismen in tyme coming, and for the commoun well of our realme, als aft as he sall think expedient.' But the Governor makes provision for Buccleuch's renunciation of his engagement with the English as soon as it had served its purpose. The letter ordains that 'quhenevir he beis requirit be us or oure said Governour, he sall incontinent thaireftir renunce and ourgif all bandis, contractis, and wytingis made be him to the Inglismen.'*

As might have been expected, Buccleuch did not keep his engagement with the English, and Lord Grey immediately proved himself a vigilant and cruel enemy, as he had threatened. Accompanied by the Kers, on the 3rd of October, 1550, he ravaged and plundered in the most savage manner the lands of the Scotts in Teviotdale. On the 8th he 'burnt, haryet, and destroyed' the town of Hawick, and all the towns, manses, and steadings upon the waters of Teviot, Borthwick, and Slitrig pertaining to Sir Walter Scott. On the 19th he pillaged, and devastated, in the same manner, the houses and lands in Ettrick and Yarrow, destroyed the town of Selkirk, of which Sir Walter was Provost, and burnt his castles of Newark and Catslack. At Newark four of the servants and a woman were put to death, and the aged mother of the chief perished in the flames of Catslack.

In the spring of the following year Sir Walter Scott was appointed Governor-General and Justiciar within Liddesdale and part of Teviotdale, and in June he was made Warden and Justiciar in the Middle Marches of Scotland, with the most ample powers, which we may be sure were not left unused, to cause the inhabitants to 'convene, ride, and advance against "our auld enemies of England," and in the pursuit, capture, and punishment of thieves, rebels, and evildoers to make statutes, acts, and ordinances thereupon to punish transgressors, thieves, and other delinquents within these bounds, according to the laws,' &c.†

But the active and turbulent career of Sir Walter Scott was now near a close. The slaughter of Ker of Cessford was still unavenged,

* *Scotts of Buccleuch*, i. 111; ii. 185.

† *Ibid.* ii. 204.

and though it took place in open fight, and upwards of a quarter of a century had elapsed since that unfortunate event occurred, the thirst for vengeance among the Kers was not quenched. On the night of the 4th October, 1552, Sir Walter was attacked and murdered in the High Street of Edinburgh, by a party of the Kers and their friends. The death stroke was given by John Hume, of Cowdenknowes, the head of a branch of the Home family; but the chief of the Kers must have been present, for the murderer called out to Cessford, 'Strike traitour ane straik, for thy faderis sake.'

' Bards long shall tell
How Lord Walter fell !
When startled burghers fled afar,
The furies of the Border war ;
When the streets of high Dunedin
Saw lances gleam, and falchions redden,
And heard the slogan's deadly yell—
Then the chief of Branksome fell.' *

For this foul deed the Kers were declared rebels, and appear to have suffered severely both from the vengeance of the Scotts, and the efforts of the Government officers to inflict the penalties of rebellion. Their chiefs of Cessford, Ferniehirst, and Hirsell presented a piteous petition to the Governor, setting forth that 'his servants had seized upon their houses, possessions, and goods, so that they had nothing, unless they stole and plundered, to sustain themselves, their wives and children; and being at the horn, they dared not resort to their friends, but lay in the woods and fells. Their enemies had slain divers of their friends not guilty of any crime committed by them, and daily sought and pursued them and all their friends, kinsmen, and servants for their slaughter, so that none of them dared, from fear of their lives, to come to kirk, market, nor to the Governor to ask a remedy from him.' † Through the influence of their allies, the Homes, the Governor was induced to allow the Kers who were implicated in the murder of Sir Walter Scott to go into banishment in France, with their retainers, to the number of four hundred, as part of an auxiliary force which the Scottish Council were about to despatch to the assistance of the French king.

Sir Walter Scott was married three times. His first wife was Elizabeth Carmichael, of the family of Carmichael of that ilk, afterwards Earls of Hyndford. She died before the year 1530, leaving

* *Lay of the Last Minstrel*, canto i. stanza vii.

† Sir Walter Scott's *Border Antiquities*, ii. Appendix No. II.

two sons, both of whom predeceased their father. He married, secondly, Janet Kerr, daughter of Sir Andrew Kerr of Ferniehirst, and widow of George Turnbull of Bedrule. Sir Walter's third wife was Janet Beaton, 'of Bethune's high line of Picardy,' a relative of Cardinal Beaton, whom she seems to have a good deal resembled in her character. Like Sir Walter, she had been twice previously married, and was divorced from her second husband, Simon Preston of Craigmillar. She was the daughter of Sir John Beaton of Creich, in Fife, and was first married to Sir James Crichton of Cranston Riddell. Having been left a widow, in 1539, she soon afterwards married Simon Preston, the Laird of Craigmillar. In 1543 she instituted a suit of divorce against him, and set forth as the ground of her suit that before her marriage to her present husband she had had illicit intercourse with Sir Walter Scott of Buccleuch, and that he and Preston were within the prohibited degrees, as the one was the great-grandson and the other the great-great-grandson of a common ancestor. On that plea the marriage was declared null and void; and the motive of the suit immediately became manifest, for on the 2nd of December, 1544, she was married to Sir Walter Scott.

Sir Walter Scott had by Janet Beaton two sons and three daughters. She survived her husband nearly sixteen years. After the murder of Sir Walter, she rode at the head of two hundred of her clan, in full armour, to the kirk of St. Mary of the Lowes, in Yarrow, and broke open its doors in order to seize the Laird of Cranstoun, an ally of Cessford. At a later period she was implicated in the intrigues of Queen Mary and Bothwell, and was popularly accused of having employed witchcraft, and the administration of magic philtres, to promote their attachment and marriage. One of the placards issued at the time of Darnley's murder accuses of the crime 'the Erle of Bothwell, Mr. James Balfoure, the parsoune of Fliske, Mr. David Chalmers, black Mr. John Spens, who was principal deviser of the murder; and the Quene assenting thairto, threw the persuasion of the Erle of Bothwell, and the witchcraft of Lady Buckleuch.' Sir Walter Scott, in his '*Lay of the Last Minstrel*,' in accordance with this superstitious notion, represents Lady Buccleuch as endowed with supernatural powers. But the charms which she employed to promote the schemes of her paramour, Bothwell, were altogether of a mundane and immoral character. It was at one time proposed that Lady Jane Gordon, Bothwell's wife, should sue for a divorce on the ground of his notorious infidelities; and 'that no feature might be

wanting,' says Froude, 'to complete the foulness of the picture, Lady Buccleuch was said to be ready, if required, to come forward with the necessary evidence.'

David, Sir Walter's eldest son, died before 1544, unmarried. His second son, Sir William of Kirkurd, also died about four months before him, leaving a son WALTER, only three years old, who succeeded to the Buccleuch estates on the death of his grandfather. According to Sir James Melville, he 'was a man of rare qualities, wise, true, stout, and modest.' But as he was only three years of age when his grandfather's death opened the succession to him, and he died at the age of twenty-four, the encomium of the historian must be taken a good deal on trust. Strenuous efforts were made to heal the deadly feud between the Scotts and Kers, and with this view a series of marriages were formally arranged between members of the principal families on both sides, under heavy penalties on the defaulters if these proposals were not carried into effect. But from some unknown reason these marriages did not take place. Liddesdale and the adjoining districts continued to be wasted and plundered by quarrels between the Scotts and Elliots, which were studiously fomented by the English wardens. Referring to these disorders, Sir John Foster wrote to the Privy Council, 22nd June, 1565, 'the longer that such conditions continue amongst themselves, in better quiet shall we be.'* At length the excesses of these freebooters compelled the Regent Moray to undertake his memorable expedition to the Borders in 1567, in which he burned and destroyed the whole district of Liddesdale, not leaving a single house standing, and hanged or drowned great numbers of the depredators. The barons and chief men of the Border district, including the provosts and bailies of the burghs, followed up this severe action of the Regent by 'boycotting,' in 1569, the rebellious people in Liddesdale, Ewesdale, Eskdale, and Annandale. 'They undertook that they would not intercommune with any of them, nor suffer any meat, drink, or victuals to be bought or carried to them, nor suffer them to resort to markets or trysts, within their bounds, nor permit them to pasture their flocks, or abide upon any land outwith Liddesdale,' unless within eight days they should find sufficient and respectable sureties; 'and all others not finding sureties within the said space we shall pursue to the death with fire and sword, and all other kinds of hostility.'†

* *Calendar of State Papers*, No. 1124.

† *Pitcairn's Criminal Trials*.

These stringent measures produced comparative peace and security, for a brief space, throughout the Border districts, but on the assassination of the Regent they relapsed into their former condition.

Sir Walter Scott was a zealous partisan of Queen Mary, and supported her cause with the utmost enthusiasm, but as unscrupulously as the other barons who were enlisted on her side. He was undoubtedly cognisant of the plot for the murder of the Regent Moray (25th January, 1569-70). On the morning after that event he and Kerr of Ferniehirst made a marauding incursion into England at the head of a powerful force, and when threatened with the vengeance of the Regent for this outrage, Buccleuch made the well-known remark, 'Tush! the Regent is as cold as my bridle-bit.' In retaliation for this unprovoked raid, an English army, under the Earl of Sussex and Sir John Foster, crossed the Border and burnt the whole of Teviotdale, destroying, according to their own account, about fifty strongholds and three hundred villages or hamlets. They blew up with gunpowder the walls of Branxholm Castle, the principal seat of Buccleuch, which was described as 'a very strong house and well set, and very pleasant gardens and orchards about it.'

Sir Walter Scott was a principal actor in the execution of the plot devised by Kirkaldy of Grange, to surprise the Parliament which met at Stirling in September, 1571. The enterprise, which at first was crowned with complete success, was ultimately rendered abortive by the want of discipline on the part of the Borderers, who dispersed to plunder the merchant booths, leaving their prisoners unguarded. They all, in consequence, made their escape, except the Regent Lennox, who was killed, and the assailants were unexpectedly attacked by the Earl of Mar, who sallied out of the castle with forty men, assisted by the townsmen, and put the assailants to flight, carrying off, however, the horses which they had stolen. Buccleuch, to whom the Earl of Morton had surrendered, was in his turn obliged to surrender to that Earl, along with several of his associates in the raid, but he was speedily set at liberty.

Sir Walter commenced the rebuilding of Branxholm Castle; but the work, though it had been carried on for three years, was not completed at the time of his death, April 17th, 1574; it was finished by his widow, Lady Margaret Douglas, whom he married when he was only sixteen years of age. He had by her a son, Walter, and two daughters. She took for her second husband Francis Stewart, the factious and intriguing Earl of Bothwell, to whom she bore three

sons and three daughters. She survived her first husband for the long period of sixty-six years, and died in the year 1640.

SIR WALTER SCOTT, the first of the family who was elevated to the peerage, was only in the ninth year of his age when his father died. He was a man of strife from his youth upwards, having been born and bred among Border feuds. In 1557, when he was only in his twelfth year, the old quarrel between the Scotts and Kers broke out afresh, but was finally set at rest in 1558. Then followed a serious and protracted feud with the Elliots and Armstrongs, in which they were the aggressors, and inflicted great damage on the estates both of Buccleuch and of his mother. The young chief took part in the expedition to Stirling in the year 1585, under the Earl of Angus, in order to expel the worthless favourite, Arran, from the councils of the King, when the notorious Kinmont and the Armstrongs in Buccleuch's army not only made prey of horses and cattle, but even carried off the very gratings of the windows.* Sir Walter's raids into England were punished with a short imprisonment in Edinburgh Castle; but his complicity in the lawless proceedings of his stepfather, the turbulent Earl of Bothwell, was a more serious offence, and was visited, in September, 1591, with banishment to France for three years, but he obtained permission to return to Scotland in November, 1592. When the patience of King James with Bothwell's repeated acts of treason and rebellion was at length exhausted, and the honours and estates of the Earl were forfeited to the Crown, his castles and baronies were bestowed upon the royal favourite, the Duke of Lennox. After holding them for three years, the Duke resigned them into the hands of the King, who immediately conferred the Bothwell estates, extending over eight counties, on Sir Walter Scott (1st October, 1594) as a reward for his eminent services 'in pacifying the Borders and middle regions of the Marches, and putting down the insolence and disobedience of our subjects dwelling there, as in sundry other weighty affairs committed to his trust.' It was afterwards arranged by Charles I. that a great portion of the Bothwell estates should be restored to the family of Earl Francis. Liddesdale and Hermitage Castle, however, remained with the Buccleuch family.

Buccleuch was on the Continent when his clan fought on the side of the Johnstones at the sanguinary battle of Dryfe Sands; and at

* *Johnstoni Historia; Border Minstrelsy*, ii. 43.

the raid of the Reidswire—an unfortunate and accidental collision between the English and the Scotts—they were under the command of Walter Scott of Goldielands, who led the clan during the minority of the chief—

‘The Laird’s Wat, that worthie man,
Brought in that sirname weil beseen.’*

Buccleuch was, of course, engaged in many a Border raid, and was the leader of not a few destructive inroads into England. The spirited ballad of ‘Jamie Telfer of the Fair Dodhead’ shows that though he held the office of the Keeper of Liddesdale, he was quite ready to take the law into his own hands when any of his retainers had been wronged by the English freebooters. His most celebrated exploit of this kind is commemorated in the ballad of ‘Kinmont Willie,’ which narrates his rescue of a noted Borderer, one of the Armstrong clan, who had been illegally captured by some Englishmen on a day of truce, when he was returning from a warden court held on the borders of the two countries. Armstrong was a notorious depredator, but he was on Scottish ground and protected by the truce when a body of two hundred English horsemen crossed the Liddel, chased him for three or four miles, captured and carried him to Carlisle Castle, where he was heavily ironed and imprisoned. Buccleuch, with whom Kinmont Willie was a special favourite, instantly complained of this outrage in violation of Border law, and demanded the release of his retainer. But Lord Scrope, the Warden, refused, or at least evaded the demand, and so did Sir Robert Bowes, the English ambassador. The ballad describes no doubt pretty correctly what the ‘bald Keeper’ felt and said when thus outraged and bearded. After striking the table with his hand and ‘garing the red wine spring on hie,’ he exclaimed—

‘O is my basnet [helmet] a widow’s curch [coif],
Or my lance a wand of the willow-tree?
Or my arm a ladye’s lilye hand,
That an English lord should lightly me?’

‘And have they ta’en him, Kinmont Willie,
Against the truce of Border tide?
And forgotten that the bauld Buccleuch
Is Keeper here on the Scottish side?’

‘And have they e’en ta’en him, Kinmont Willie,
Withouten either dread or fear,
And forgotten that the bauld Buccleuch
Can back a steed or shake a spear?’

* Well-appointed. Ballad of the *Raid of the Reidswire*. See *Border Minstrelsy*, ii. 15.

He swore that he would bring Kinmont Willie out of Carlisle Castle alive or dead, and collecting a select band of his own clan, and of the Armstrongs, and taking advantage of a dark and tempestuous night, they crossed the Esk and the Eden, though swollen by heavy rains, and reached the castle unperceived. The scaling-ladders which they brought with them proved too short, but they undermined a part of the wall near the postern gate, and soon made a breach sufficient to admit a number of the daring assailants one by one. They disarmed and bound the watch, wrenched open the postern, and admitted their companions. Buccleuch meanwhile kept watch between the postern of the castle and the nearest gate of the town. The tumultuous noise which the assailants made, and the sound of their trumpets, so terrified the garrison that they retreated into the inner stronghold.

‘Now, sound out, trumpets!’ quo’ Buccleuch
 ‘Let’s waken Lord Scroope right merilie!’—
 Then loud the Warden’s trumpet blew—
*O who dare meddle wi’ me? **

Meanwhile one of the assailants hastened to the cell of the prisoner, broke open its door, and carried him off in his arms. The ballad describes with a good deal of rough humour the manner in which the moss-trooper made his exit from the prison:—

‘Then Red Rowan has hente him up,
 The starkest man in Tiviotdale—
 “Abide, abide now, Red Rowan,
 Till of my Lord Scroope I take farewell.
 “Farewell, farewell, my gude Lord Scroope!
 My gude Lord Scroope, farewell,’ he cried—
 “I’ll pay you for my lodging mail [rent],
 When first we meet on the Border side.”
 ‘Then shoulder-high, with shout and cry,
 We bore him down the ladder lang;
 At every stride Red Rowan made,
 I wot the Kinmont’s aim’s played clang!

Meanwhile the alarm-bell of the castle rang, and was answered by those of the cathedral and the Moat-hall, drums beat to arms, and the beacon blazed upon the top of the great tower. But as the real strength of the Scots was unknown, all was terror and confusion both in the castle and town. Buccleuch having accomplished his purpose, rode off unmolested with his men, who had strictly obeyed

* The name of a celebrated Border tune.

his orders, not to injure the garrison or take any booty. They swam the flooded Eden—

‘Even where it flowed frae bank to brim,’

and carrying off their rescued prisoner in triumph, they regained the Scottish border about two hours after sunrise. ‘There never had been a more gallant deed of vassalage done in Scotland,’ says an old chronicler, ‘no, not in Wallace’s days.’*

When Queen Elizabeth heard of this daring exploit she broke out into a furious passion, and demanded, with the most violent menaces, that Buccleuch should be delivered up to her to atone for this insult to her Government. A diplomatic correspondence ensued, which lasted for eighteen months. Buccleuch pleaded that ‘the first wrong was done by the officer of England, to him as known officer of Scotland, by the breaking of the assurance of the day of truce, and the taking of a prisoner in warlike manner within Scotland, to the dishonour of the King and of the realm.’ And King James protested ‘that he might with great reason crave the delivery of Lord Scrope for the injury committed by his deputy, it being less favourable to take a prisoner than relieve him that is unlawfully taken.’ The English Queen, however, was deaf to argument, and, with violent threats, repeated her demand for the deliverance of Buccleuch. It was firmly resisted by the whole body of the Scottish people, nobles, burghers, and clergy, and even by the King himself, though Elizabeth threatened to stop the payment of the annuity due to him. While this affair was still unsettled, a band of the English Borderers invaded Liddesdale and plundered the country. Buccleuch and Cessford immediately retaliated by a raid into England, in which they not only brought off much spoil, but apprehended thirty-six of the Tynedale thieves, all of whom he put to death. Elizabeth’s anger blazed forth with ungovernable fury at this fresh outrage, and she wrote to Bowes, her ambassador in Scotland, ‘I wonder how base-minded that king thinks me that with patience I can digest this dishonourable. . . . Let him know, therefore, that I will have satisfaction, or else . . .’ These broken words of wrath are inserted betwixt the subscription and the address of the letter.†

For this new offence Buccleuch and Cessford were tried by the Commissioners and found guilty. As the peaceful relations between the two kingdoms were now seriously endangered, Buccleuch con-

* *Rymer*, xvi. 318; *Border Minstrelsy*, ii. 47. † *Birra’s Diary*, April 6th, 1596.

sented to enter into parole in England, and surrendered himself to Sir William Selby, Master of the Ordnance of Berwick; and Sir Robert Ker chose for his guardian Sir Robert Carey, Warden-depute of the East Marches. They were both treated with generous hospitality and great honour. According to an old tradition, Buccleuch was presented to Queen Elizabeth herself, who demanded of him how he dared to storm her castle. 'What is it,' replied the 'bald Buccleuch,' 'that a man dare not do?' Elizabeth, who, with all her faults, recognised a true man when she met one, turned to a lord-in-waiting, and said, 'With ten thousand such men our brother of Scotland might shake the firmest throne in Europe.'

During the remainder of Elizabeth's reign the Borders continued to be the scene of constant raids and feuds; and though Buccleuch, as Keeper of Liddesdale, exerted himself vigorously to repress the destructive incursions of the moss-troopers in the Middle Marches, it was not until the union of the Crowns took place that his efforts were successful. He received the thanks of the King and Council for his important services, and, in 1606, was created a Lord of Parliament by the title of Lord Scott of Buccleuch. After the Union, in 1604, he formed a band of these marauders, two hundred in number, into a company, and led them to the Low Countries, where they fought with conspicuous valour against Spain, under the banner of Prince Maurice of Nassau. In all probability few of them survived to reach their own country again. Buccleuch returned to Scotland in 1609 on the conclusion of a twelve years' truce between Spain and the United Provinces. He died in 1611, leaving by his wife, a daughter of Sir William Ker of Cessford, the hereditary enemy of his house, a son, who succeeded him, and three daughters.

WALTER, second Lord Scott of Buccleuch, 'was the first who for the long period of one hundred and forty years had inherited the Buccleuch estates being of full age; since the time of David Scott, in 1470, the Lords of Buccleuch had all been minors at the time of succession.'* Lord Scott was created Earl of Buccleuch in 1619. Like his father, he was fond of a military career, and entered the service of the States-General, as he did, at the head of a detachment of Scotsmen, though, strange to say, only half-a-dozen of them belonged to his own clan and bore his name. He was present at the sieges of Bergen-op-Zoom and Maestricht. As Sir Walter Scott

* *Scotts of Buccleuch*, i. 242.

says of him, 'A braver ne'er to battle rode.' He was recalled from the Netherlands, in 1631, by Charles I., who desired his presence in London, as his Majesty had occasion for his services, but he subsequently returned to his command in the Netherlands, and was in active service there six weeks before his death.

The Earl was noted for his generous hospitality. Satchells, in his doggrel verse, enumerates with great satisfaction the retainers who were maintained at Branxholm—four-and-twenty gentlemen of his name and kin, each of whom had two servants to wait on him; and four-and-twenty pensioners, all of the name Scott, 'for service done and to be done,' had each a room, and held lands of the estimated value of from twelve to fourteen thousand merks a year. Sir Walter Scott, who evidently took the hint from Satchells, gives a picturesque description of the splendour and hospitality of Branxholm in the olden times, as well as of the watch and ward which it was necessary to keep for the protection of the Borders.

'Nine and-twenty knights of fame,
Hung their shields in Branksome Hall;
Nine-and-twenty squires of name,
Brought them their steeds to bower from stall;
Nine-and-twenty yeomen tall
Waited, duteous, on them all:
They were all knights of metal true,
Kinsmen to the bold Buccleuch.

'Ten of them were sheathed in steel,
With hilted sword, and spur on heel:
They quitted not their harness bright,
Neither by day, nor yet by night:
They lay down to rest
With corslet laced,
Pillow'd on buckler cold and hard;
They carved at the meal
With gloves of steel,
And they drank the red wine through the helmet barr'd.

'Ten squires, ten yeomen, mail-clad men,
Waited the beck of the warders ten;
Thirty steeds, both fleet and wight,
Stood saddled in stable day and night,
Barbed with frontlet of steel, I trow,
And with Jedwood-axe at saddlebow;
A hundred more fed free in stall:—
Such was the custom of Branksome Hall.'

The profuse hospitality of the Earl, and the cost of maintaining so many retainers, together with his large purchases of land, led to the temporary embarrassment of his pecuniary affairs; but, through the

able and careful management of Walter Scott of Harden, the Buccleuch estates were ultimately freed from all encumbrances and greatly enlarged.

Earl Walter died in London on the 20th November, 1633. His body was embalmed, and brought to Scotland by sea in a vessel belonging to Kirkaldy, which, after a perilous voyage of fifteen weeks, arrived safely at Leith. After remaining for twenty days in the church of that town, the corpse was conveyed to Branxholm with great pomp, alms being distributed in all the villages and towns through which the cortège passed. The interment, however, did not take place till the 11th June, 1634, seven months after the Earl's death. The funeral procession from Branxholm to St. Mary's Church, Hawick, where the remains of the deceased nobleman were interred among his ancestors, was of extraordinary magnificence.*

Earl Walter had by his wife, Lady Mary Hay, a daughter of Francis, Earl of Errol, a family of three sons and three daughters. Walter, the eldest son, died in childhood, and the Earl was succeeded by his second son, Francis. Mr. Fraser mentions that while Earl Walter provided liberally for all his lawful children, he was not unmindful of his natural children, of whom there were three sons and two daughters. The former received donations of lands; the latter were provided with a liberal *tocher* at their marriage.

FRANCIS, second Earl of Buccleuch, succeeded to the family honours and estates when he was only about seven years of age. He and his brother were educated at St. Leonard's College, St. Andrews, of which he always cherished a kind remembrance, and greatly augmented its library by his gifts. The young Earl was equally distinguished for his bravery and his piety. 'From his very youth,' wrote the Earl of Lothian, 'he gave testimony of his love to religion,' and he was one of the leaders in the army of the Covenanters when they took up arms to resist the ecclesiastical innovations of Charles I. and Laud. He was present with his regiment when Newcastle was stormed, and taken, by the Scottish army under General Leslie.†

* See *Balfour's Ancient and Heraldic Tracts*, p. 106. *The Scotts of Buccleuch*, i. 264-66.

† Mr. Fraser thinks it probable that the Bellenden banner, emblazoned with armorial bearings, now preserved in the family, is that which was made for the regiment of Earl Francis, previous to his march into England, in the beginning of 1644. This curious and venerable relic of the olden times was displayed at the celebrated football match, which was played 4th December, 1815, on Carterhaugh, near the junction of the Etrick and Yarrow, between the men of the parish of Selkirk, and those of the Dale of

Earl Francis took part, with the more resolute section of the Covenanters, under the Marquis of Argyll, in opposing the 'Engagement' which led to the abortive expedition into England for the rescue of the King, and he brought his clan to the assistance of the levies raised by General Leslie to resist the Engagers. After the execution of King Charles, Earl Francis was one of the last to submit to the authority of the English Commonwealth, and a fine of £15,000 was imposed by Cromwell on his daughter and successor, the Countess Mary—£5,000 more than the sum levied on any other of the party; but, through the intercession of powerful friends, the amount was ultimately reduced to £6,000. After the defeat of the Scottish army at Dunbar, in September, 1650, Cromwell took possession of the Earl's castles of Newark and Dalkeith; but the muniments, plate, and other valuables had been removed to the fortress on the Bass Rock, where they remained in safety until the year 1652.

During the disorders which resulted from the great Civil War, the moss-troopers, who, after the union of the Crowns, had become somewhat orderly and peaceful, once more resumed their marauding habits. The tenants on the Buccleuch estates were the principal sufferers from their depredations, and the cattle even of the Earl himself were sometimes carried off in considerable numbers. He was appointed, in 1643, justiciar over an extensive district on the Borders, and made vigorous efforts, which were only partially successful, to restrain and control the Armstrongs, the Elliots, and other Border thieves. The indictments and informations presented at the Justiciary Courts, in the years 1645 and 1646, show the nature and extent of the depredations of the Liddesdale men in England. A stalwart Armstrong, called Symon of Whitlisyde, and other four of that clan, 'did steal out of Swinburne Park, in Northumberland, fifty kye and oxen. The same Symon Armstrong, and his partners, did steal out of the Rukin in Ridsdale, fourscore of sheep.' Having

Yarrow, in the presence of Charles, Duke of Buccleuch, the Earl and Countess of Home, and a great array of the gentry of the Forest. The Earl of Home, the Duke's brother-in-law, appointed James Hogg, the Ettrick Shepherd, his lieutenant over the Yarrow Band, while the Sheriff of the county (Sir Walter Scott) had under his special cognisance the 'Sutors of Selkirk.' The banner bearing the word 'Bellindaine,' the ancient war-cry of the clan Scott, was carried by Sir Walter Scott's eldest son, and was displayed to the sound of war-pipes, as on former occasions when the chief took the field in person, whether for the purpose of war or of sport. This gathering of the men of Ettrick and Yarrow was commemorated by Sir Walter Scott in a poem entitled 'The Lifting of the Banner,' and by the Ettrick Shepherd in his beautiful verses, entitled 'The Ettrick Garland to the Ancient Banner of the House of Buccleuch.'

brought their spoil across the Borders, as far as Kershopehead, the moss-troopers left the sheep, and went in search of food; but the owners had closely followed them, and on the return of the marauders the sheep were gone. A body of the Armstrongs, in open day, carried off three score of oxen out of the lands of Emblehope. The same party shortly afterwards took four-and-twenty horses belonging to the same proprietor, and also ten horses and a mare, and a stallion valued at £20 sterling. They also drove away openly in the daytime 'twelve or threthreen score of nolt, with a great number of horses and meares,' belonging to the Charltons of Tynedale. It is no wonder that old Satchells describes these men as 'very ill to tame.' They were not, however, without a sense of humour, as the following incident, recorded in these judicial papers, shows:— 'Lancie Armstrong, called of Catheugh, Geordie Rackesse of the Hillhouse, and several others, had made a successful foray across the English Border, and were driving homeward, on a Sunday forenoon, about eighty oxen which they had seized. At Chiffonberrie Craig a poor English curate, who had some beasts in that drift taken from him, following them, desired them earnestlie to let him have his twae or thrie beasts again, because he was a Kirkman. Geordie Rackessee, laughing verie merrilie, wist he had all the ministers of England and Scotland as far at his command as he had him; and withal bade him make them a little preaching, and he coulde have his beastes again. "Oh!" says the curate, "good youths, this is a very unfit place for preaching; if you and I were together in church I would do my best to give you content." "Then," said Geordie, "if you will not preach to us, yet you will give us a prayer, and we will learn you to be a moss-trooper." This the curate still refused. "If you will neither preach nor pray to us," said Geordie, "yet you will take some tobacco or sneisin [snuff] with us." The curate was content of that, provyding they wald give him his beastes againe, which they did accordinglie, and so that conference brake.'

Earl Francis died in the year 1651, in the twenty-fifth year of his age, deeply lamented. His excellent character and amiable disposition earned for him the designation of the 'Good Earl Francis.'

It was in his time that the barony of Dalkeith was purchased from the Earl of Morton. The old castle and estate were for many years a possession of the Douglas family, and here Froissart, the famous French chronicler, was entertained by them during his visit to Scot

land. It was the principal residence of Regent Morton, the head of a junior branch of the Douglasses.

Earl Francis married, in 1646, when he was in the twentieth year of his age, Lady Margaret Leslie, daughter of the sixth Earl of Rothes, and widow of Lord Balgonie, eldest son of the first Earl of Leven. She is said to have been an active and witty woman. Satchells says, 'She must always have her intents.' Her conduct shows her to have been selfish, greedy, intriguing, and unscrupulous. In 1650 the Earl made a new settlement of his estates, entailing them on his heirs male, whom failing, on the eldest heir female of his body, whom failing, on Lady Jean Scott, afterwards Countess of Tweeddale, his sister, and her heirs. As the only son of the 'Good Earl Francis' unfortunately died in infancy (whose death he 'took very grievously'), he was succeeded by his eldest daughter, LADY MARY SCOTT, a child only four years of age. About fourteen months after the Earl's death, the Countess-Dowager married the second Earl of Wemyss, who, like herself, had also been twice previously married, and had buried his second wife only two months before he was engaged to his third spouse.

The tutors of the young heiress of the Buccleuch estates did not co-operate cordially in promoting her interests. Sir Gideon Scott of Highchester, one of them, was jealous of the Earl of Tweeddale, who had married her aunt, and expressed his belief that the Earl entertained sinister designs, which made him bent on wresting the infant Countess and her sister from the guardianship of their mother. In conjunction with that lady, he presented a petition to the Protector, entreating that the children should remain in the custody of the Countess of Wemyss until they had attained the age of eleven or twelve years. Cromwell returned a favourable answer to this request, and the tutors decided unanimously that the children should remain with their mother until they were ten years of age, which was afterwards extended to twelve. The story of the scandalous intrigues of which the Countess was the object, as narrated at length in the 'Scotts of Buccleuch,' is a very melancholy one. There seems to have been no end to the selfish schemes for her disposal in marriage. Attempts were made to obtain her hand for her cousin, a son of the Earl of Tweeddale, and for a son of the Earl of Lothian. Highchester alleged that Scott of Scotstarvit, one of her tutors, had a design to marry her to his son, or one of his grandchildren; and when this scheme failed he professed to have the complete disposal of

the heiress, and offered her to the son of Mr. Scott of Scottshall, in Kent. John Scott, of Gorrinberrie, a natural son of Earl Walter, and one of the tutors of the Countess, made overtures to her mother to promote her marriage to his son. It appears from a letter of Robert Baillie that there was at one time an expectation that the son and heir of the Earl of Eglinton would carry off the prize; but 'he runs away without any advyce, and marries a daughter of my Lord Dumfries, who is a broken man, when he was sure of my Lady Balclough's marriage—the greatest match in Brittain. This unexpected prank is worse to all his kinn than his death would have been.*' Even Mr. Desborough, one of the English Commissioners of the Commonwealth, is said to have attempted to gain the hand of the Countess for his own son.

All these projects, however, were frustrated by the mother of the heiress, her uncle the Duke of Rothes, the notorious persecutor of the Covenanters, and Sir Gideon Scott of Highchester, who entered into a scandalous intrigue to marry the Countess in her eleventh year to a son of Sir Gideon, a boy only fourteen years of age. In order to secure secrecy, the preparations for the marriage were carried out in a most clandestine manner. The Presbytery of Kirkaldy were induced to dispense, illegally, with the proclamation of banns, and to order Mr. Wilkie, the minister of Wemyss, the parish in which the Countess resided, to perform the marriage ceremony, which was accordingly carried into effect on the 9th of February, 1659. Care was taken, in the marriage contract, to secure to the boy husband the life rent of the honours and estates of the earldom, and a most liberal recompense—which they contrived greatly to exceed—to the mother and stepfather of the Countess, with whom she was to reside until she reached the age of eighteen years.

Several of the tutors had been gained over to assist in promoting this nefarious scheme, but the others, among whom were Scots-tarvit and Gorrinberrie, along with the overseers appointed by Earl Francis, immediately raised an action for the dissolution of the marriage, in which they were successful. The children so illegally and shamefully united were separated by a decree of the Commissary, Sir John Nisbet of Dirleton, the celebrated lawyer, and the Countess was placed in the custody of General Monck, who then resided at Dalkeith Castle. The poor girl had inherited the amiable and affectionate disposition of her father, and her letters to her

* Baillie's *Letters*, iii. 366.

husband, of which a great number have been preserved, show that she cherished a very warm attachment to him.*

When the Countess attained the 'legal age' of twelve (31st August, 1659), measures were at once taken by her unscrupulous relations to obtain the ratification of her marriage, and a declaration of their adherence to it was signed by her and her husband on the 2nd September, at Leith, in the presence of General Monck. The poor child was at that time suffering from the 'King's Evil,' as scrofula was then called, for which she was touched by Charles II., in 1660, of course without effect.† She died at Wester Wemyss, on the 11th of March, 1661, in her fourteenth year. The only advantage which her husband derived from his short-lived union was the barren title for life of Earl of Tarras, her unscrupulous mother, in conjunction with the Earl of Rothes, having completely deceived and outwitted him in regard to the last will of his wife, which appointed Rothes and Wemyss sole executors, and universal legatees. They ultimately divided between them the sum of £96,104.

On the death of the Countess Mary, the Buccleuch titles and estates devolved upon her only sister, LADY ANNE SCOTT. Rothes lost no time in obtaining from the King a gift of the ward and marriage of his niece, for which the selfish, grasping knave contrived to obtain the sum of £12,000. The Countess of Wemyss, who was evidently a worthy associate of her unscrupulous brother, only two months after the death of Countess Mary, wrote to Charles II., proposing the marriage of her daughter Anne, then in her eleventh year, to his son James, Duke of Monmouth. As the Countess was the greatest heiress of her day, the offer was readily accepted by the King, and the Countess, who was 'a proper, handsome, and a lively, tall, young lady of her age,' was taken up to London by her mother, in June, 1662, and appears to have made a favourable impression upon his Majesty. The marriage was celebrated on the 20th April, 1663, 'in the Earl of Wemys' house, being there for the tyme, where his Majesty and the Queen were present with divers of the Cowrt.' Charles conferred upon his son, on the day of his marriage, the titles of Duke of Buccleuch, Earl of Dalkeith, and Lord Scott of Whitechester and Eskdail, in addition to the Dukedom of Monmouth. The King also became bound to provide £40,000 sterling to be invested in the purchase of land in Scotland in favour

* See *Scotts of Buccleuch*, i. 365-69.

† See *Lamont's Diary*.

of the Duke of Monmouth and his heirs. In 1666, the titles of the Duke and those of the house of Buccleuch were resigned into the hands of the King, along with the family estates, and were re-granted by charter under the Great Seal, and were to be held by the Duke and Duchess conjointly and severally, and independently of each other. In this way the right of the Duchess to the ducal honours, which she had previously held from mere courtesy as the wife of the Duke, were vested in her own person by express grant and creation.

In compliance with a royal injunction, the Duke and Duchess of Monmouth remained at Court. But, though she took a prominent place in that gay circle, her Grace conducted herself with such prudence and propriety, that not the slightest imputation was ever made against her character or conduct. Count Grammont says that 'her mind possessed all those perfections in which the handsome Monmouth was so deficient.' And Bishop Burnet mentions that the Duke of York 'commended the Duchess of Monmouth so highly as to say to me, that the hopes of a crown could not work on her to do an unjust thing.' She bore to Monmouth four sons and two daughters, and though the Duke was not a faithful husband, the Duchess was to him a most dutiful and affectionate wife, and habitually used her influence to counteract the violent counsels of his associates, and to prevent him from engaging in their desperate schemes. As long as he remained in England she kept him from being implicated in their treasonable plots; but, after he retired to Holland, beyond the reach of her prudent advice, he yielded to the solicitations of the men who led him on to his ruin.

Soon after Monmouth had been captured and lodged in the Tower, the Duchess was, by royal command, sent to see him, accompanied by the Earl of Clarendon, keeper of the Privy Seal. 'He saluted her, and told her he was very glad to see her,' but he directed the greater part of his discourse to the Earl of Clarendon, whose interest he earnestly implored. In answer, however, to a touching appeal from the Duchess, he said, 'she had always shown herself a very kind, loving, and dutiful wife toward him, and he had nothing imaginable to charge her with, either against her virtue and duty to him, her steady loyalty and affection towards the late King, or kindness and affection towards his children.' A few hours before his execution he took farewell of his wife and children. 'He spoke to her kindly,' says Macaulay, 'but without emotion. Though she

was a woman of great strength of mind, and had little cause to love him, her misery was such that none of the bystanders could refrain from weeping.*

After the death of the Duke of Monmouth, his English peerages were forfeited, and a sentence of forfeiture against him and his descendants was likewise pronounced by the Court of Justiciary in Scotland which forfeited the Scottish titles held by Monmouth, and might have affected also the rights of his children, though not of the Duchess. To prevent this she resigned her honours and estates to the Crown, 16th April, 1687, and obtained a new grant to herself and her heirs. This re-grant was ratified by the Parliament, 15th June, 1693. In July, 1690, the sentence of forfeiture against the Duke of Monmouth was revoked. But the dukedom of Buccleuch is not inherited, as Sir Walter Scott supposed, under that Recissory Act, but under the re-grant of 1687.

Three years after the death of Monmouth, the Duchess, then in her thirty-eighth year, took for her second husband, Charles, third Lord Cornwallis, with whom she seems to have lived very happily. She had issue to him one son and two daughters. Her education had been greatly neglected, as her letters show; but she could express her opinions and wishes in a clear, terse, and forcible manner. She was a strong-minded, high-spirited woman. Evelyn said of her, 'She is one of the wisest and craftiest of her sex, and has much wit.' According to Dr. Johnson, she was 'inflexible in her demand to be treated as a princess.' In some of her charters she even adopted the style of 'Mighty Princess.' At dinner she was attended by pages, and served on the knee, while her guests stood during the repast. She had a great deal of prudence and good sense, so that though she persisted in retaining in her own hands during her life all her rights, possessions, and authority, she managed her affairs with great discretion, and by her purchases largely extended the family estates.† She had been recommended to transfer to her eldest son, in fee, her estates, reserving to herself only a life rent interest, like the Duchess of Hamilton. But this she steadily declined to do. 'Till I change my mind,' she said, 'I will keep all the rights I enjoy from God, and my forefathers. I did not com to my estate befor my time. I was my sister's aire; and I

* *Contemporary Manuscripts, Scotts of Buccleuch*, i. 447-50.

† It is interesting to know that when the Duchess bought the lands of Smeaton from Sir James Richardson, five colliers and twelve bearers to work the Smeaton coal were disposed of as serfs along with the estate.

bliss God I have children which I trust in His mercy will be mine when I am dead. The Duchess of Hamilton is but a woman, and we are not such wis creatures as men, so I will folow no exampull of that sort, till I see all the nobellmen in Scotland resin to ther sons, then I will consider of the busines.' In another letter she says, 'I love my child as well as anie body living ever lov'd ther own flesh and bloud, but will never be so blinded whilst I keepe my reason, as to lessen myself in my own famelly, but will keepe my outhority and be the head of it whilst it pleases God to give me life. I am a man in my own famelly.'

The Duchess accordingly kept a sharp eye even on the minute details of her affairs, and took an interest not only in the appointment of the ministers on her estates, and their assistants, but of the schoolmasters also. On the occasion of a vacancy in the church at Dalkeith, she says, 'If I may not absolutely choose, I would, however, have the best of the gaung.' When a minister was about to be appointed to the church of Hawick, 'Of all the candidats for Hawick,' she said, 'I am for the modrat man.' On making arrangements for the appointment of an assistant to the minister at Dalkeith, her Grace wrote, 'I have fixed a sume for the minister's helper at Dakith, as you proposed; so the Kirk will love uss both, but I fear will not reckon uss of the number of the godly.' When asking Lord Royston to undertake 'a troublesome business, that of placing a schoolmaster at Dalkeith,' she says, 'Chooos one qualified for the place as a scholar, and one who is not high flown upon any account.' Her long residence in England gave rise to an impression that she had ceased to take much interest in her native country, and in the tenantry on her Scottish estates. Against this notion she protested most vigorously. 'The Scott's hart,' she says, 'is the same I brought to England, and will never chang, as I find by long experience.' Her extensive purchases of land were all made in Scotland. On receiving the arrears of her jointure she remarked, 'I own I should be glad to buy Scotts land with English money.' And she declared that she would never part with one inch of ground that ever did belong to her family inheritance.*

With all her firmness and strong will, the Duchess had a kind heart. She gave a point-blank refusal to a proposal that she should increase her income by adopting a system of letting her estates which she thought would be injurious to her tenants. 'You know,'

* *Scotts of Buccleuch*, i. 475-77.

she wrote to Lord Melville, 'I think it would rewin the tenants, or else, I am sure, oppress them, which I will never do, and I am resolved nobody ever shall do it whilst I live.' She exerted herself successfully, in 1691, to save the life of a poor man who, when intoxicated, was induced by an innkeeper to drink a treasonable toast. Writing in his behalf, from Dalkeith, to the Earl of Leven, she said, 'Your Lordship will think me soliciter for all mankind, but whair ther is no murdar I would have nobody dey befor ther time . . . Now I know not which way to endever the presarvation of this poor man, but if it can be don, if you would give derection or helpe in this, do not laugh at me. I am no soldeur, but a poor merciful woman.' *

This was not the only instance in which the Duchess interfered to save the life of a Jacobite. Sir Walter Scott relates in his Autobiography that his great-grandfather, 'Beardie,' who fought for the Stewarts under Dundee and the Earl of Mar, ran 'a narrow risk of being hanged, had it not been for the interference of Anne, Duchess of Buccleuch and Monmouth.'

Her Grace died on 6th February, 1732, at the good old age of nearly eighty-one years. She was the last of the race who exhibited the characteristic traits of the 'Bauld Buccleuch.' Her descendants were of a different and milder type—

'In them the savage virtues of the race,
Revenge and all ierocious thoughts, were dead,'

and they have for successive generations been distinguished for their amiable disposition, their kindness to their tenantry and retainers, their strong common sense, their patriotism, and their generosity in promoting the social welfare of the community, rather than for any ambition to manage the affairs of the state.

JAMES, Earl of Dalkeith, the second and eldest surviving son of the Duke and Duchess of Buccleuch and Monmouth, predeceased his mother in 1705, in the thirty-first year of his age, greatly lamented on account of his many amiable qualities, and Duchess Anne was succeeded by her grandson—

FRANCIS, second Duke of Buccleuch, who married Lady Jane Douglas, eldest daughter of the second Duke of Queensberry, whose titles and estates were inherited by their grandson, the third Duke of Buccleuch. It is somewhat singular that a marriage was at one

* *Scotts of Buccleuch*, i. 466.

time proposed between Duke Francis, when Earl of Dalkeith, and another Lady Jane Douglas, the only sister of the Duke of Douglas, whose marriage to Sir John Stewart led to the famous 'Douglas Case.' (See *THE ANGUS DOUGLASES*, i. 91.) If this proposal had been carried into effect, it would, in all probability have united the dukedom of Buccleuch with that of Douglas, instead of Queensberry. It is not improbable that the duel which took place between the Earl of Dalkeith and his intended brother-in-law may have had something to do with this affair. Duchess Anne, who was displeased at the breaking off of the match, imputed the blame to the Duchess of Queensberry, of whom she pungently remarked, 'She has the same fait which some others has in this worald, more power than they deserve.' Strange to say, however, the extensive estates, though not the titles of the Douglas family, were inherited by the great-granddaughter of Duke Francis. (See *THE HOMES*, i. 386.)

The forfeited English titles of the Duke of Monmouth were restored to his grandson, Duke Francis, by Act of Parliament, in 1743, and from that time the Dukes of Buccleuch sit in the House of Lords as Earls of Doncaster. His Grace died in 1751. He had two sons and three daughters by Lady Jane Douglas, who died in 1729. 'She was as good a young woman as ever I knew in all my life,' wrote Duchess Anne of her, at the time of her lamented decease. 'I never saw any one thing in her that I could wish wer otherways.'

Their eldest son, Francis, Earl of Dalkeith, born in 1721, married in 1742 Lady Caroline Campbell, eldest daughter and co-heiress of John, Duke of Argyll and Greenwich, the celebrated statesman and general. The Earl died of smallpox in 1750, in the thirtieth year of his age. His widow married in 1755 the well-known statesman, Charles Townshend, and was created Baroness Greenwich, in her own right, in 1767. She inherited a portion of the unentailed property of her father, and through her Granton and other estates were added to the possessions of the Buccleuch family. By his Countess the Earl of Dalkeith had four sons and two daughters. As he predeceased his father, the Earl's eldest surviving son—

HENRY, became third Duke of Buccleuch in 1751, and in 1810 he succeeded to the titles and large estates of the Queensberry family. He was educated at Eton, and in 1764 his Grace and his brother, Campbell Scott, set out on their travels, accompanied by the celebrated Adam Smith, author of the 'Wealth of Nations,' who received

an annuity of £300 in compensation for the salary of his chair of Moral Philosophy in the University of Glasgow, which he had of course to resign when he undertook the charge of the young Duke. Their tour, which lasted nearly three years, afforded an opportunity to the philosopher and his pupils to become acquainted with Quesnay, Turgot, D'Alembert, Necker, Marmontel, and others who had attained the highest eminence in literature and science. The Duke's brother, the Hon. Campbell Scott, was assassinated in the streets of Paris on the 18th of October, 1765, and immediately after this sad event his Grace returned to London. For Adam Smith, who had nursed him during an illness at Compiègne with remarkable tenderness and assiduous attention, the Duke cherished the greatest affection and esteem. 'We continued to live in friendship,' he said, 'till the hour of his death; and I shall always remain with the impression of having lost a friend, whom I loved and respected not only for his great talents, but for every private virtue.' It was through the Duke's influence that Smith was appointed, in 1778, one of the Commissioners of Customs in Scotland.

On the commencement of the war with France in 1778, his Grace raised a regiment of 'Fencibles,' which was called out to suppress the anti-Catholic riots in Edinburgh. Throughout his whole life the Duke showed a marked predilection for the society of literary men, and he was the first President of the Royal Society of Edinburgh. Dr. Carlyle of Inveresk, who passed several glowing eulogiums on Duke Henry, both in prose and verse, says, at the time when he was about to visit his estates on coming of age, 'The family had been kind to their tenants, and the hopes of the country were high that this new possessor of so large a property might inherit the good temper and benevolence of his progenitors. I may anticipate what at first was only guessed, but came soon to be known, that he surpassed them all, as much in justice and humanity as he did in superiority of understanding and good sense. . . . In this Duke was revived the character which Sir James Melville gave his renowned predecessor in Queen Mary's reign, 'Sure and true, stout and modest.'*

Numerous anecdotes are told illustrative of the simplicity, geniality, and generosity of the Duke's character, some of which have been embodied in verse. He is said to have sometimes paid visits in disguise to the tenants and peasants on his estate. The Border

* *Autobiography of Dr. Alexander Carlyle*, 489-90.

poet, Henry Riddell, puts an allusion to this habit into the mouth of an old man in Glendale, in whose hut the Duke was said on one occasion to have passed a night:—

‘ And yet they say he’s curious ways,
And slyly comes among them,
Like old King James; and they say more,
He’s o’er indulgent to the poor—
Ye’d think that needna wrang them.’

It was mainly to the Duke of Buccleuch’s influence that Sir Walter Scott was indebted for his appointment to the office of sheriff-depute of Selkirkshire in 1799, and in 1806 to that of one of the principal clerks of the Court of Session.

The Duke died at Dalkeith House on 11th January, 1812, in the sixty-sixth year of his age. The news of his death caused deep sorrow among all classes, and there was scarce a dry eye among the attendants at his funeral. ‘There never lived a man in a situation of distinction,’ said Sir Walter at the time of the Duke’s death, ‘so generally beloved, so universally praised, so little detracted from or censured. . . . The Duke’s mind was moulded upon the kindest and most single-hearted model, and arrested the affections of all who had any connection with him. He is truly a great loss to Scotland, and will be long missed and lamented.’*

The Duke married, 2nd May, 1767, Lady Elizabeth Montagu, only daughter of the last Duke of Montagu, who survived till 1827. Their eldest son, George, died in infancy. Henry James Montagu, the third son, inherited, in 1790, the estates of his maternal grandfather, and became Lord Montagu. The second son—

CHARLES WILLIAM HENRY, became fourth Duke of Buccleuch and sixth Duke of Queensberry. He was a nobleman of singular amiability and generosity, but unfortunately possessed the family honours and estates only seven years, and was cut off in the forty-seventh year of his age. The Queensberry estates had, under the last Duke (Old Q) been neglected and devastated, the fine old trees cut down, and the mansion house allowed to fall into decay. The new comer set himself energetically to rescue it from dilapidation, and it cost him £60,000 to make it wind and water-tight. He planted an immense number of trees to replace those cut down by the ‘degenerate Douglas,’ and rebuilt all the cottages, in which, as

* *Life of Sir Walter Scott*, ii. 392.

Scott said, 'an aged race of pensioners of Duke Charles and his wife, "Kitty, blooming, young, and gay," had, during the last reign, been pining into rheumatisms and agues, in neglected poverty.' It has been calculated that he spent on the Queensberry estates eight times the income he actually derived from them during his brief tenure.*

Sir Walter Scott, in his obituary notice of the Duke, mentions a striking example of the disinterested manner in which his Grace administered his estates, and of his generous sympathy with his retainers:—

'In the year 1817, when the poor stood so much in need of employment, a friend asked the Duke why his Grace did not propose to go to London in the spring. By way of answer the Duke showed him a list of day-labourers then employed in improvements on his different estates, the number of whom, exclusive of his regular establishment, amounted to *nine hundred and forty-seven* persons. If we allow to each labourer two persons whose support depended on his wages, the Duke was, in a manner, foregoing, during this severe year, the privilege of his rank, in order to provide with more convenience for a little army of nearly three thousand persons, many of whom must otherwise have found it difficult to obtain subsistence.'†

The Duke was a warm friend of Sir Walter Scott, and took a deep interest in his welfare. The letters which passed between them show their strong mutual attachment; and when the Duchess passed away 'in beauty's bloom,' it was to the 'Minstrel of the Clan' that the Duke at once turned for sympathy and consolation. Sir Walter cherished an unbounded admiration of this lady. On receiving the unexpected intimation of her death (Aug. 24th, 1814), he thus expressed his opinion of her in his Diary: 'She was indeed a rare example of the soundest good sense, and the most exquisite purity of moral feeling, united with the utmost grace and elegance of personal beauty, and with manners becoming the most dignified rank in British society. There was a feminine softness in all her deportment which won universal love, as her firmness of mind and correctness of principle commanded veneration. To her family her loss is inexpressibly great.'‡

* *Scotts of Buccleuch*, i. 503.

† *Scott's Miscellaneous Works*.

‡ Lockhart's *Life of Sir Walter Scott*, iii. 268.

The 'Lay of the Last Minstrel,' which was dedicated to the Duke, was written in compliance with the wish of the Duchess, who was at that time Countess of Dalkeith. In his preface to the edition of 1813, the author says, 'The lovely young Countess of Dalkeith, afterwards Harriet, Duchess of Buccleuch, had come to the land of her husband with the desire of making herself acquainted with its traditions and customs, as well as its manners and history. All who remember this lady will agree that the intellectual character of her extreme beauty, the amenity and courtesy of her manners, the soundness of her understanding, and her unbounded benevolence, gave more the idea of an angelic visitant than of a being belonging to this nether world; and such a thought was but too consistent with the short space she was permitted to tarry among us.' Scott proceeds to mention that an aged gentleman near Langholm communicated to her ladyship the story of Gilpin Horner, in which he, like many more of the district, was a firm believer. The Countess was so delighted with the legend, and the gravity and full confidence with which it was told, that she enjoined on Scott, as a task, to compose a ballad on the subject. 'Of course,' he adds, 'to hear was to obey,' and the result was the composition of the immortal 'Lay.'

The poet has also commemorated the virtues and graces of the Duchess, and especially her kindness to the poor, in the following beautiful passage in the introduction to the second canto of 'Marmion,' which was written while her ladyship was absent from the district, but must have been felt more keenly after her death:—

' And she is gone, whose lovely face
Is but her least and lowest grace;
Though if to Sylphid Queen 'twere given
To show on earth the charms of heaven,
She could not glide along the air,
With form more light, or face more fair.
No more the widow's deafen'd ear
Grows quick that lady's step to hear:
At noontide she expects her not,
Nor busies her to trim the cot;
Pensive she turns her humming wheel,
Or pensive cooks her orphans' meal;
Yet blesses, ere she deals their bread,
The gentle hand by which they're fed.'

The Duchess took a warm interest in the Ettrick Shepherd, who often received from her tokens of her generous sympathy, and after her death obtained from the Duke for life the little farm of Altrive

Lake. He considered the poet, he said, as '*her* legacy.' Her early death was a blow from which the Duke, who was in a delicate state of health, never recovered.

Sir Walter Scott, who observed in 1818, with great apprehension, that the malady under which the Duke laboured was making serious progress, earnestly recommended that he should try a change of climate, for the recovery of his health. In order to cheer his Grace's drooping spirits, he sent him regularly an 'Edinburgh Gazette Extraordinary,' containing the amusing gossip of the day. The Duke sailed for Lisbon in the spring of 1819. Previous to his departure he wrote to Sir Walter, reminding him of his promise to sit to Raeburn for a portrait, which was to be placed in the library at Bowhill. 'A space for one picture is reserved over the fireplace, and in this warm situation I intend to place the Guardian of Literature. I should be happy to have my friend Maida appear. It is now almost proverbial, "Walter Scott and his dog." Raeburn should be warned that I am as well acquainted with my friend's hands and arms as with his nose; and Vandyke was of my opinion, many of R.'s works are shamefully finished—the face studied, but everything else neglected. This is a fair opportunity of producing something really worthy of his skill.'

The portrait, however, was never executed, in consequence of the death of the Duke, which took place on the 20th of April, 1819. It was lamented by Scott as an irreparable loss. 'Such a fund of excellent sense,' he said, 'high principle, and perfect honour, have been rarely combined in the same individual.' He paid a graceful tribute to the Duke's memory, which was published at first in the 'Weekly Journal, and later in his 'Miscellaneous Works.' It concludes with this high and well merited eulogium:—

'It was the unceasing labour of his life to improve to the utmost the large opportunities of benefiting mankind with which his situation invested him. Others of his rank might be more missed in the resorts of splendour, and gaiety, frequented by persons of distinction. But the peasant, while he leans on his spade; age, sinking to the grave in hopeless indigence; and youth struggling for the means of existence, will long miss the generous and powerful patron, whose aid was never asked in vain, when the merit of the petitioner was unquestioned.'

Duke Charles had by his Duchess—a daughter of Viscount
VOL. II.

Sydney—three sons and six daughters. The eldest son, George Henry, died in his tenth year, and the second, Walter Francis, succeeded to the family titles and estates.

WALTER FRANCIS MONTAGU-DOUGLAS-SCOTT, fifth Duke of Buccleuch and seventh Duke of Queensberry, was born in 1806, and was left an orphan at the early age of thirteen. His uncle, Lord Montagu, however, watched over him with all a father's care, and, guided by the advice of Sir Walter Scott, as shrewd as it was affectionate, his lordship made most judicious arrangements for the education and training of his nephew for the responsible position which he was one day to occupy. It appears that the young Duke had naturally some turn for history and historical anecdote, and Sir Walter earnestly recommended that he should be induced to read extensively in that most useful branch of knowledge, and to make himself intimately acquainted with the history and institutions of his country, and her relative position with regard to other countries. 'It is, in fact,' he wrote, 'the accomplishment which of all others comes most home to the business and heart of a public man, and the Duke of Buccleuch can never be regarded as a private one. Besides, it has in a singular degree the tendency to ripen men's judgment upon the wild political speculations now current.'*

The youthful nobleman was sent, in due course, to Eton; but his health unfortunately became delicate in 1821, and it was found necessary for him to take 'a temporary recess' from that seminary. It has frequently happened, however, as in the case of the Duke of Wellington, that the strongest and best confirmed health has succeeded in after life to a delicate childhood or youth; and the Duke of Buccleuch enjoyed throughout his whole career, from manhood to old age, uninterrupted good health, to which his temperate habits no doubt largely contributed. He had the good fortune to obtain for his tutor Mr. Blakeney—grandson of General Blakeney, who was governor of Stirling Castle in 1745—an accomplished gentleman, and an old friend and fellow-student at Cambridge of Lord Montagu. The Duke had just completed his curriculum at Eton, when he was called upon, at the age of sixteen, to receive King George IV., on the occasion of that sovereign's visit to Scotland in 1822. His Majesty was royally entertained at Dalkeith House, and seems in return to have treated his young host with kind and paternal attention. It was

* *Life of Scott*, v. 71-2, 272-3.

probably by Mr. Blakeney's advice that the Duke, on leaving Eton, instead of being sent to Christchurch, Oxford—the favourite college of the great Tory families—was entered at St. John's College, Cambridge, where he took the degree of Master of Arts in 1827.

In the autumn of 1826, the year before the Duke came of age, Sir Walter Scott paid a visit to him at Drumlanrig, and entered in his journal the following opinion respecting his young chief. 'He has grown up into a graceful and apparently strong young man, and received us most kindly. I think he will be well qualified to sustain his difficult and important task. The heart is excellent, so are the talents. Good sense and knowledge of the world, picked up at one of the great English schools (and it is one of their most important results) will prevent him from being deceived; and with perfect good-nature he has a natural sense of his own situation which will keep him from associating with unworthy companions. God bless him! His father and I loved each other well, and his beautiful mother had as much of the angel as is permitted to walk this earth. . . . I trust this young nobleman will be—

"A hedge about his friends,
A hackle to his foes."

I would not have him quite so soft-natured as his grandfather, whose kindness sometimes mastered his excellent understanding. His father had a temper which better jumped with my humour. Enough of ill-nature to keep your good-nature from being abused, is no bad ingredient in their disposition who have favours to bestow.* The young Duke grew up to be in this respect what his father's friend desired, and whatever failings he may have had, he had certainly no lack of firmness in adhering to his opinions and purposes.

Although the death of his grandmother, the Dowager Duchess Elizabeth, cast a shadow over the proceedings, the Duke's coming of age was celebrated in Dumfriesshire with great enthusiasm.

When the Duke of Buccleuch attained his majority, he entered into possession of dignities and estates, in number and extent equalled only by a very few of the old historical families. He inherited the ancient titles both of the Buccleuch Scotts and the Queensberry Douglasses, along with the restored titles of his paternal ancestor, the Duke of Monmouth, in all comprising two

* *Life of Scott*, vi. 338-9.

dukedoms, a marquisate, four earldoms, three viscountys, and five baronies. He inherited the vast estates of the houses of Buccleuch and Queensberry. At a later period the Montagu estates also came into his possession, amounting altogether to 459,260 acres, with a rent-roll of nearly a quarter of a million.

He found, however, the Queensberry estates still in a dilapidated condition. 'The outraged castle,' says Sir Walter Scott, 'in 1810 stood in the midst of waste and desolation, except a few scattered old stumps not judged worth the cutting.' The Duke carried out on an extensive scale the improvements which his father had commenced on the demesne. 'The whole has been completely replanted,' said Sir Walter, 'and the scattered seniors look as graceful as fathers surrounded by their children. The face of this immense estate has been scarcely less wonderfully changed. The scrambling tenants who held a precarious tenure of lease under "Old Q." at the risk (as actually took place) of losing their possession at his death, have given room to skilful men working their farms regularly, and enjoying comfortable houses, at a rent which is enough to forbid idleness, but not to impair industry.

In the spring of 1828, his Grace was appointed Lord-Lieutenant of Midlothian, and shortly after made a short tour on the Continent. On his return he took his seat in the House of Lords as Earl of Doncaster. A few months later he received a sumptuous entertainment at Dumfries from the gentlemen of the district, at which Sir Walter Scott, who was present, predicted for his young chieftain a noble career worthy of his ancestors and his position. Ten years after, the extent to which this anticipation had been realised was shown by the gathering at Branxholm of a thousand of the tenants and representatives from every part of his Grace's extensive estates, who bore grateful testimony to his unceasing kindness and liberality. In his dignified reply to the commendations bestowed upon him as an enlightened and generous landlord, the Duke spoke feelingly of the responsibilities attached to his position. What had been entrusted to him, he said, had not been given to him that it might be wasted in idle or frivolous amusements, nor would he be justified in wasting the hard earnings of the tillers of the soil, by carrying them away, and spending them in foreign countries. It was his wish to see them employed as the means of producing good to them, and to the country at large. 'You will find me ready,' he added, 'to promote every scheme that is for the benefit of the country. Should

I err, do not impute it to any intentional omission; it may be an error of the judgment, it will not be an error of intention.'

It was predicted by Sir Walter Scott, at the Dumfries banquet, that the Duke would be found foremost to support every benevolent measure, and this prediction was most amply fulfilled. In this, as in other respects, his Grace showed that he had inherited the virtues of his immediate progenitors. His father and grandfather were model landlords, and displayed much greater anxiety to discharge faithfully the duties of their high position, than to exact rigorously their rights and rents. They might indeed have sat for the portrait of the generous public benefactor portrayed in the Book of Job. Of them it might have been said, as it was of him, that 'When the ear heard them it blessed them, and when the eye saw them it gave witness to them; because they delivered the poor that cried, and the fatherless, and him that had none to help him. The blessing of him that was ready to perish came upon them, and they caused the widow's heart to sing for joy.' Their descendant made it his study to walk closely in their footsteps, befriending the poor, supporting liberally benevolent institutions of every kind, encouraging education, promoting industry and agricultural improvements, and taking a warm interest in everything relating to the comfort and prosperity of the large population settled on his estates.

From his majority to the close of his career, the Duke took a deep interest in all that pertains to practical agriculture. The farm buildings and cottages on his own estates are models of neatness and comfort; the farms are in a high state of cultivation, and the tenants have received every encouragement to carry on improvements. Shortly after coming of age he became a member of the Highland Society; in 1830 he was elected a vice-president, and a year later was appointed president of the society, an office which he held until 1835. An exceptional honour was conferred upon the Duke in 1866, when he was for the second time elected president of the society, and continued to fill the chair until 1869. The Thornhill Agricultural Society has been from its birth under his Grace's fostering care, and he was also the originator, and chief supporter, of the Union Agricultural Society of Dumfries and Galloway. He was very successful at both local and national shows as a breeder and exhibiter of stock, and contributed not a little by his example to stimulate tenant-farmers in the improvement of their cattle and sheep.

The Duke's shrewdness, energy, and business habits were dis-

played not only in the discharge of his duties as a landlord, and an enterprising agriculturalist, but also in the management of county affairs, in which his influence was predominant. To him the country is indebted for the gigantic and costly works within two miles of Edinburgh, on the shore of the Firth of Forth, which were commenced in the year 1835, as Mr. Adam Black said, at a public dinner, 'with no view to private advantage, but solely on the solicitation of others, for the sake of the community.' They have made Granton one of the most commodious of modern harbours, which, besides being a ferryboat port for the North British Railway, has a regular steam communication with London, and with Sweden and Norway. His Grace has also taken a leading part, along with the Duke of Devonshire, in the erection of docks at Barrow-in-Furness, Lancashire, which have transformed a fishing-village into a populous and prosperous commercial town.

The political principles adopted by the Duke may be said to have been hereditary in his family, and his shrewdness and sound judgment, as well as his high rank and vast possessions, naturally led to his becoming the leader of the Scottish Conservative party. This position was rather thrust upon him than sought by him, and he exercised great influence in a quiet, undemonstrative manner. He was, indeed, virtually Minister for Scotland whenever the Conservatives were in office. He seems to have had not much taste or inclination for political office, and the management of his estates and his attention to public social affairs left him little time to devote to parliamentary discussions; but he consented to hold the office of Privy Seal from February, 1842, to January, 1846, in the Ministry of Sir Robert Peel. When Lord Stanley seceded from the Government, and other great landed proprietors offered a violent opposition to the repeal of the Corn Laws, the Duke of Buccleuch wrote to his political chief, 'I feel it to be my imperative duty to my sovereign and my country to make every personal sacrifice. I am ready, therefore, at the risk of any imputation that may be cast upon me, to give my decided support, not only to your administration generally, but to the passing through Parliament of a measure for the final settlement of the Corn Laws.' In order publicly to manifest his resolution to give the policy of Sir Robert Peel his cordial support, he accepted the office of President of the Council, which had become vacant by the death of Lord Wharncliffe. His Grace, of course, retired on the defeat of the Ministry in 1846, and never again returned to office.

As the Duke advanced in years, tokens of the universal respect in which he was held were multiplied. While still a youth, the Duke of Wellington created him a Knight of the Thistle—a distinction which he resigned when he received the Order of the Garter from Sir Robert Peel in 1834. In London he was made High Steward of Westminster, and a Governor of the Charterhouse. In 1841 he was appointed to the Lord-Lieutenancy of Roxburghshire, in addition to that of Midlothian. In the following year he had the honour of entertaining the Queen on the occasion of her first visit to Scotland. As Captain-General of the Royal Company of Archers, it was his duty to receive, and to be in close attendance, on her Majesty when she landed at Granton. In recognition of his sympathy with scientific pursuits and aims, he was elected President of the British Association, which met at Dundee in September, 1867. He contributed the handsome sum of £4,000 to the fund for extending the buildings of the Edinburgh University, for which the senatus expressed their gratitude, along with their recognition of the Duke's eminent position, and general public services, by conferring on him, in 1874, the honorary degree of LL.D. His Grace had previously received the same distinction from his Alma Mater, while Oxford had bestowed upon him its corresponding degree of D.C.L. He was President of the Society of Antiquaries of Scotland; and to crown the honours which he received of this class, on the lamented death of Sir William Stirling Maxwell, his Grace, with the cordial approval of all parties, political and ecclesiastical, was chosen Chancellor of the University of Glasgow.

While the old age of the Duke was thus accompanied by 'honour, love, obedience, troops of friends,' one of the most gratifying tokens of the esteem in which he was held was afforded by the celebration of his jubilee as a landlord in the Music Hall of Edinburgh, on the 7th of May, 1878. At the banquet, which was attended by between four and five hundred gentlemen of all political parties, and from all parts of the country, his Grace was presented with an illuminated address from seven hundred of his tenants in Scotland, expressing their appreciation of his intimate and personal knowledge of what constitutes good husbandry, and his constant encouragement of every appliance that tends to the agricultural improvement of his estates, always thinking and acting for others, rather than for himself. Referring to the management of his estates, which he had carried out for fifty years, the Duke, in his reply, said he had found it no

easy task. Although a labour of love, it had been one of great exertion, and had it not been for the kindly feeling which had always subsisted between his tenantry and himself, he could not have fulfilled the duties and obligations laid upon him. 'I do not pretend to say,' he added, 'that I have done my duty without any omission, but only that I have endeavoured to do it. I cannot but look back upon many opportunities that have been lost, and many occasions of doing good that I have missed, upon things said by me, and done by me which I now bitterly regret. But I have always acted in an open and straightforward manner, without any compromise or subterfuge of any kind. I have acted with political friends, and political opponents, and during the long period of my life I am not aware that I have in any instance lost a friend, or made an enemy.' His Grace was well entitled to make this statement, which will be cordially re-echoed by all who have ever had the pleasure of co-operating with him, in any public or benevolent undertaking. His manly and touching expression of deep regret for some things he had said and done was well fitted to produce a favourable impression on his political opponents, and especially on that ecclesiastical body with which his Grace had unfortunately come into collision thirty-five years before. The honours which were regarded as merited by the Duke were, however, not yet exhausted. In the course of 1883 a project was set on foot for a national memorial, as a tribute to his Grace's public and private character, and the manner in which he had discharged the duties of his high position throughout his long and distinguished career. The proposal met with a prompt and cordial response. The sum of £10,000 was subscribed by persons of all political parties, and nearly all classes of the community. It was resolved that the money should be expended in the erection of a statue of the Duke in Edinburgh, which has been erected on an appropriate site in the vicinity of St. Giles's Church.

The Duke died, after a short illness, on the 16th of March, 1884, in the seventy-eighth year of his age.

His Grace was married in 1829 to Lady Charlotte Anne Thynne, youngest daughter of the second Marquis of Bath, by whom he has had a family of five sons and three daughters. His eldest son, WILLIAM HENRY WALTER, has succeeded to the family titles and estates in Scotland. Henry John Montagu-Douglas-Scott, his second son, has inherited the estates in England, and has been created Baron Montagu, the title held by his grand-uncle.



THE SCOTTS OF HARDEN.

THE Scotts of Harden are descended from Walter Scott of Sinton, who traced his pedigree to John, second son of Sir Michael Scott of Murthockstone. According to Satchells, 'he was so lame he could neither run nor ride.'

Robert Scott of Strickshaws, second son of Walter, seventh laird of Sinton, flourished in the reign of James V., and distinguished himself at the battle of Melrose. He had three sons, the eldest of whom, Walter, called 'Watty Fire-the-Braes,' succeeded his uncle in the estate of Sinton. The second son, WILLIAM SCOTT, was the first laird of Harden, having acquired the estate from Lord Home in 1501. Almost all that is known of this branch of the Scott clan is derived from the researches of Sir Walter Scott, with whom it was a labour of love to draw up the pedigree of the different branches of the family, and to record their exploits. William Scott was called 'Willy with the Boltfoot,' from a lameness caused by a wound which he received in battle. Of this redoubted Borderer, Satchells says:—

'The Laird and Lady of Harden,
Betwixt them procreat was a son
Called William Boltfoot of Harden;
He did survive to be a MAN.'

'The emphasis,' says Lockhart, 'with which this last line was quoted by Sir Walter Scott I can never forget. Boltfoot was, in fact, one of the 'prowest knights of the whole genealogy—a fearless horseman and expert spearman, renowned and dreaded; and I suppose I have heard Sir Walter repeat a dozen times, as he was dashing into the Tweed and Ettrick, "rolling red from brae to brae," a stanza from what he called an old ballad, though it was most likely one of his own early imitations:—

“To tak’ the foord he aye was first,
 Unless the English loons were near ;
 Plunge vassal then, plunge horse and man,
 Auld Boltfoot rides into the rear.”

Boltfoot’s son was the renowned Walter Scott of Harden, commonly called ‘Auld Wat,’ whose marauding exploits have been commemorated in many a Border tradition and ballad. The old castle of Harden, the stronghold of this renowned freebooter, which is still in good preservation, stands on the very brink of a dark and precipitous dell, through which a scanty rivulet steals to meet the Borthwick, a tributary of the Teviot. Leyden, in his ‘Scenes of Infancy,’ has given a description, as accurate as it is spirited, of the appearance of the mansion, and its surrounding scenery:—

‘Where Bortha hoarse, that loads the meads with sand,
 Rolls her red tide to Teviot’s western strand,
 Through slaty hills, whose sides are shagg’d with thorn,
 Where springs in scattered tufts the dark green corn,
 Towers wood-girt Harden, far above the vale,
 And clouds of ravens o’er the turrets sail ;
 A hardy race, who never shrunk from war,
 The *Scott*, to rival realms a mighty bar,
 Here fixed his mountain home—a wide domain,
 And rich the soil, had purple heath been grain.’

In the recess of the glen on the edge of which the mansion stands, Wat of Harden kept his spoil, which served for the maintenance of his retainers. When the supply was exhausted the production of a pair of clean spurs in a covered dish, was a significant hint to the hungry band that they must seek a supply of beeves from the Northumbrian pastures to replenish the larder.

‘And loud and loud, in Harden tower
 The quaigh gaed round wi’ mickle glee ;
 For the English beef was brought in bower,
 And the English ale flowed merrilie.

They ate, they laughed, they sang and quaffed,
 Till nought on board was seen,
 When knight and squire were boune to dine,
 But a spur of silver sheen.’*

Sir Walter Scott, in connection with this custom, relates one of the many anecdotes which tradition has preserved respecting this redoubtable chief. ‘Upon one occasion when the virlage herd was

* *The Reiver’s Wedding*, Lockhart’s *Life of Scott*, i. 354. The identical spurs are now in the possession of Lord Polwarth. See the *Scotts of Buccleuch*, where an engraving is given of these notable relics.

driving out the cattle to pasture, the old laird heard him call out loudly to drive out Harden's cow. "Harden's cow!" echoed the affronted chief. "Is it come to that pass? By my faith, they shall soon say Harden's kye" (cows). Accordingly, he sounded his bugle, set out with his followers, and next day returned with a *bow of kye* and a bassened (brindled) bull.'

On his return with his gallant prey, he passed a very large haystack. It occurred to the provident laird that this would be extremely convenient to fodder his new stock of cattle, but as no means of transporting it were obvious, he was fain to take leave of it, with the apostrophe, now become proverbial, 'By my saul, had ye but four feet ye should not stand long there.' In short, as Froissart says of a similar class of feudal robbers, nothing came amiss to them that was not *too heavy or too hot*.

Auld Wat's bugle-horn is often referred to. An engraving of it is given in the 'Scotts of Buccleuch,' and shows its surface completely covered with initials, cut or burned into the horn. Sir Walter, who must have often seen this interesting relic, thus describes it in the 'Reiver's Wedding':—

'He took a bugle frae his side,
With names carv'd o'er and o'er,
Full many a chief of meikle pride
That Border bugle bore.

He blew a note baith sharp and hie,
Till rock and water rang around;
Three score of moss-troopers and three
Have mounted at that bugle sound.'

In the spirit-stirring ballad of 'Jamie Telfer' there is a most picturesque description of old Harden weeping for very rage when his kinsman, Willie Scott of Gorrinberry, was killed in the fray.

'But he's taen aff his gude steel cap,
And thrice he's waved it in the air;
The Dinlay snaw was ne'er mair white,
Nor the lyart locks of Harden's hair.

"Revenge! revenge!" Auld Watt 'gan cry;
"Fye, lads, lay on them cruellie!
We'll ne'er see Teviotside again,
Or Willie's death revenged sall be."

Sir Walter evidently had this striking picture in his eye when he wrote the famous description of Harden's appearance at Branksome, in the 'Lay of the Last Minstrel':—

' An aged knight, to danger steel'd,
 With many a moss-trooper came on ;
 And azure in a golden field,
 The stars and crescent graced his shield,
 Without the bend of Murdieston.
 Wide lay his lands round Oakwood tower,
 And wide round haunted Castle-Ower ;
 High over Borthwick's mountain flood,
 His wood-embosom'd mansion stood ;
 In the dark glen, so deep below,
 The herds of plundered England low ;
 His bold retainers' daily food,
 And bought with danger, blows, and blood.
 Marauding chief! his sole delight
 The moonlight raid, the morning fight ;
 Not even the Flower of Yarrow's charms
 In youth, might tame his rage for arms.
 And still, in age, he spurn'd at rest,
 And still his brows the helmet press'd,
 Albeit the blanched locks below
 Were white as Dinlay's spotless snow.
 Five stately warriors drew the sword
 Before their father's band ;
 A braver knight than Harden's lord,
 Ne'er belted on a brand.'*

Sir Walter mentions, in a note to the ballad of 'Jamie Telfer,' that Walter Scott of Harden was married to Mary Scott, celebrated in song by the title of the 'Flower of Yarrow.' By their marriage contract the father of that lady was to find Harden horse meat and man's meat, at his tower of Dryhope, for a year and a day ; but five barons pledged themselves that at the expiry of that period the son-in-law should remove without attempting to continue in possession by force—a condition which was referred to as a curious illustration of the unsettled character of the age. According to another traditionary account, Harden, on his part, agreed to give Dryhope the profits of the first Michaelmas moon. The original, Sir Walter adds, is in the charter-chest of the present Mr. Scott of Harden. A notary-public signed for all the parties to the deed, none of whom could write their names.

It is evident that Sir Walter had never examined the document in question, but had described it from common report. Mr. Fraser, who takes nothing for granted, was induced, by the peculiarity of these ante-nuptial conditions, to examine the original contract for the marriage, which bears date at Selkirk, 21st March, 1576, and the parties to it are Walter Scott of Harden, and John Scott

* *Lay of the Last Minstrel*, canto iv. stanza ix.

of Dryhope, for his daughter, Marion Scott. Walter and Marion became bound to celebrate their marriage before Lammas then next; and Walter obliges himself to infest Marion in life-rent in the lands of Mabynewlaw, as a part of Harden. The father of Marion Scott becomes bound to pay to Harden four hundred merks Scots, at the times specified, the balance being to be paid 'at the said Walter and Marion's passing to their awin hous.' For observing the contract faithfully, the parties to the contract obliged them, by the faith and truth of their bodies, and by the 'ostentioun' of their right hands.* The contract, however, contains nothing about providing meat for man and horse, or the five guaranteeing barons, and the profits of the Michaelmas moon.

By the 'Flower of Yarrow' the laird of Harden had six sons, five of whom survived him, and his extensive estates were divided among them. The sixth son was slain, at a fray in a hunting match, by the Scotts of Gilmanscleugh. His brothers flew to arms, but the old laird secured them in the dungeon of his tower, hurried to Edinburgh, stated the crime, and obtained a gift of the lands of the offenders from the Crown. He returned to Harden with equal speed, relieved his sons, and showed them the charter. 'To horse, lads,' cried the savage warrior, 'and let us take possession. The lands of Gilmanscleugh are well worth a dead son.' The property thus obtained continued in the family till the beginning of last century, when it was sold by John Scott of Harden to Anne, Duchess of Buccleuch.†

An interesting story has been preserved by tradition respecting one of the forays which Harden's retainers made across the Border into Cumberland. On their return laden with spoil, which lay scattered in heaps around the hall, the lady of the mansion heard a wailing sound from one of the bundles, and on unloosing it found an infant wrapped in it, who flung his arms around her neck, and clung to her breast. She took charge of the little captive, and brought him up as her foster-child. He spent his life at Harden, but had no taste for the wild and adventurous enterprises of its marauding inmates, and passed his days in the quiet scenes of pastoral pursuits. He is said to have been the author of some of the most beautiful songs and ballads whose scenes are laid on the Borders. Leyden, in his 'Scenes of Infancy,' has embodied this touching story in the following beautiful lines:—

* *Scotts of Buccleuch*, i. xx.

† *Border Minstrelsy*, ii. 11.

‘The waning harvest-moon shone cold and bright,
 The warder’s horn was heard at dead of night ;
 And as the massy portals wide were flung,
 With stamping hoofs the rocky pavement rung.
 What fair, half-veiled, leans from her lattice hall,
 Where red the wavering gleams of torchlight fall ?
 ’Tis Yarrow’s fairest flower, who through the gloom
 Looks wistful for her lover’s dancing plume.
 Amid the piles of spoil that strew’d the ground,
 Her ear, all anxious, caught a wailing sound ;
 With trembling haste the youthful matron flew,
 And from the hurried heaps an infant drew.

Scared at the light his little hands he flung
 Around her neck, and to her bosom clung ;
 While beauteous Mary soothed, in accents mild,
 His fluttering soul, and clasped her foster-child.
 Of milder mood the gentle captive grew,
 Nor loved the scenes that scared his infant view ;
 In vales remote, from camps and castles far,
 He shunned the fearful shuddering joy of war ;
 Content the loves of simple swains to sing,
 Or wake to fame the harp’s heroic string.

His are the strains, whose wandering echoes thrill
 The shepherd, lingering on the twilight hill,
 When evening brings the merry folding hours,
 And sun-eyed daisies close their winking flowers.
 He lived o’er Yarrow’s Flower to shed the tear,
 To strew the holly leaves o’er Harden’s bier ;
 But none was found above the minstrel’s tomb,
 Emblem of peace, to bid the daisy bloom ;
 He, nameless as the race from which he sprung,
 Saved other names, and left his own unsung.’

Auld Wat of Harden died about 1629, at a great age. His eldest son, Sir William, succeeded him as Baron of Harden ; his second son, Walter, was killed by the Scotts of Gilmanscleugh. Hugh, the third, was the progenitor of the Scotts of Gala. The ancient family estate of Sinton was conveyed by Auld Wat to his fifth son, Francis, who is the ancestor of the modern family of Sinton. Wat’s six daughters, who probably inherited their mother’s beauty, were all married to Border lairds. Margaret, the eldest, became the wife of Gilbert Elliot of Stobs, who for some unknown reason was called ‘Gibby with the Gowden [golden] Garters.’ The fourth daughter was married to the famous freebooter, Scott of Tushielaw, who was designated ‘King of the Border.’

SIR WILLIAM SCOTT was a favourite of James VI., by whom he was knighted in the lifetime of his father. He obtained also

charters of various lands in the Border counties. He embraced the cause of Charles I. during the Great Civil War, and was in consequence fined £3,000 by Cromwell in 1654. He was a man of good abilities, and held various offices of trust, including the sheriffship of Selkirk; but his memory has been preserved mainly by the romantic story connected with his marriage. It has been often told, but the fullest and best account of the incident is given by Sir Walter Scott, who was a firm believer in the accuracy of the narrative, and commenced, but did not complete, a ballad upon it, called 'The Reiver's Wedding.' The following account of the affair is given by Sir Walter in his 'Border Antiquities.' He tells it also in a letter to Miss Seward, June 29, 1802.*

'The Scotts and Murrays were ancient enemies; and as the possessions of the former adjoined to those of the latter, or lay contiguous to them on many points, they were at no loss for opportunities of exercising their enmity "according to the custom of the Marches." In the seventeenth century the greater part of the property lying upon the river Ettrick belonged to Scott of Harden, who made his principal residence at Oakwood Tower, a Border house of strength still remaining upon that river. William Scott (afterwards Sir William), son of the head of this family, undertook an expedition against the Murrays of Elibank, whose property lay at a few miles distant. He found his enemy upon their guard, was defeated, and made prisoner in the act of driving off the cattle he had collected for that purpose. Sir Gideon Murray conducted his prisoner to the castle, where his lady received him with congratulations upon his victory, and inquiries concerning the fate to which he destined his prisoner. "The gallows," answered Sir Gideon—for he is said already to have acquired the honour of knighthood—"to the gallows with the marauder." "Hout, na, Sir Gideon," answered the considerate matron, in her vernacular idiom; "would you hang the winsome young laird of Harden when you have three ill-favoured daughters to marry?" "Right," answered the baron, who caught at the idea, "he shall marry our daughter, Muckle-mouthed Meg, or strap for it." Upon this alternative being proposed to the prisoner, he upon the first view of the case stoutly preferred the gibbet to "Muckle-mouthed Meg," for such was the nickname of the young lady, whose real name was Agnes. But at length, when he was literally led forth to execution, and saw no other chance of

* See *Life of Scott*, i. 345-50.

escape, he retracted his ungallant resolution, and preferred the typical noose of matrimony to the literal cord of hemp. Such is the tradition established in both families, and often jocularly referred to upon the Borders. It may be necessary to add that Muckle-mouthed Meg and her husband were a happy and loving pair, and had a large family.'

The common belief in the district was that all Meg's descendants have inherited something of her characteristic feature. Sir Walter Scott, who was one of them, certainly was no exception to the rule. Lockhart states that the contract of marriage, executed instantly on the parchment of a drum, is still in the charter-chest of Sir Walter Scott's representative. Mr. Fraser, who carefully examined the document, declares that 'the marriage of young Harden and Agnes Murray, instead of being a hurried business, was arranged very leisurely, and with great care, calmness, and deliberation by all the parties interested, including the two principals, the bridegroom and bride, and the parents on either side. Instead of one contract, as is usual in such cases, there were two separate and successive contracts, made at an interval of several months, before the marriage was finally arranged.' The first contract bears date at Edinburgh, 18th February, 1611. In it young Harden and Agnes Murray agree to solemnise their marriage in the face of Christ's Kirk, within two months and a half after the date of the contract. Stipulations are made in the document for the infeftment, by Walter Scott, of his son and his promised spouse, and their heirs male, in the lands of Harden and other lands belonging to Walter and William Scott; and Sir Gideon Murray on his part becomes bound to pay to William Scott the sum of seven thousand merks as tocher with his daughter. The contract is subscribed by Sir Gideon Murray, William Scott, and 'Agnes Murray,' all good signatures. But as Auld Wat of Harden could not write, his subscription is thus given: 'Walter Scott of Harden, with my hand at the pen, led be the notaries vnderwritten at my command, becus I can not wryt.' The marriage however did not take place at the time specified in the contract, a failure which is not accounted for, and a second contract was made at the Provost's Place of Creichtoun, on the 14th of July, 1611, in terms similar to those of the original contract. Taking all these circumstances into account, Mr. Fraser considers himself entitled to regard the story of 'Muckle-mouthed Meg' as a myth.*

* *Scotts of Buccleuch*, i. lxx.

The existence and the terms of these two contracts no doubt show that the marriage of young Harden and Agnes Murray was not a hastily-settled affair, regulated by a contract 'executed instantly on the parchment of a drum;' but it is difficult to believe that a story so minute and circumstantial in its details could have been entirely fictitious. Myths are of slow growth, and have always some fact as a foundation. Sir William Scott died in 1655. The eldest son of 'Little Sir William' survived till 1707, and his second son lived three years longer. Sir Walter Scott was born in 1771, and the story must have been in circulation and universally credited long before his day. Is it not possible and probable that Sir William Scott was 'handfasted' to Agnes Murray in some such circumstances as are narrated by his descendant, the poet? And may not the delay in solemnizing the marriage, necessitating the formation of a second contract, have been caused by the reluctance of 'the handsomest man of his time' to marry an ill-favoured bride?

Sir William Scott had by Agnes Murray five sons and three daughters. The eldest son, called 'LITTLE SIR WILLIAM,' was knighted by Charles II. immediately after the Restoration. The second was Sir Gideon of Highchester, whose posterity carried on the line of the family. Walter, the third son, called 'Watty Wud-spurs' (or Mad-spurs), figures characteristically in the ballad of 'Jamie Telfer.' He was the ancestor of the Scotts of Raeburn. The fourth son was James of Thirlestaine; and from John of Woll, the fifth son, the family of Woll are descended.

SIR WILLIAM SCOTT, fifth Baron of Harden, the son of 'Little Sir William,' was implicated in the rebellion of the Earl of Argyll, but he obtained a remission 12th December, 1685. He died without issue in 1707, and was succeeded by his only brother, Robert, styled of Iliston. He also had no issue, and was succeeded in 1710 by his cousin, Walter, son of Sir Gideon Scott of Highchester, who was so deeply implicated in the intrigue for the marriage of his son to the Countess of Buccleuch (see p. 214). As we have seen, he was created by Charles II. Earl of Tarras and Lord Almoor and Campcastill, 'for the days of his natural life,' and this barren honour was all that he gained by his marriage. He and his crafty, intriguing father continued to press upon the King his claims for the sum of £120,000 Scots, which, under the marriage contract, was to be

paid to him in the event of the Countess predeceasing him within a year and a day of the date of the contract. All his efforts, however, were fruitless; the marriage contract was reduced. An agreement with the Earl and Countess of Wemyss, that 20,000 merks per annum should be secured to him by a decree of the Court, came to nothing, as 'my Lady Wemyss, notwithstanding all her promises and engagements, was not the least industrious in the matter.' Both Monmouth and his Duchess, however, spoke to the King for him, but he says, 'Truly the King, she found, was very little inclined to favour me, for he said, "Is it not enough that I have made him an Earle, though I doe no more?"' and that the Duke answered that I was the worse of that, since I had not whereupon to maintain the post of an Earle, and that whate I pretended to was by vertue of my contract of marriage, for it was a shame I should have nothing upon that account. The King seemed not to notice much that which the Duke spoke anent my contract of marriage; but said over again he had made me an Earle.' Under the influence of that 'hope deferred which maketh the heart sick' the Earl determined to leave the Court, and in September, 1671, he wrote to his father, 'In a few days I am to parte homewarde, since I find my longer stay hier will be in vain.' The unlucky husband of the Countess Mary was certainly treated shabbily and unjustly, but at the same time it is impossible to feel much sympathy for his disappointment.

The Earl of Tarras was connected with the plot for the exclusion of the Duke of York from the Crown, and on its discovery he was apprehended and tried for treason. He threw himself upon the King's mercy, and confessed all that he knew of the plot, 'either of himself or any other.' His evidence was made use of to procure the condemnation of the eminent patriot, Robert Baillie of Jerviswood. But his confession saved his own life, for, though he was brought to trial 5th January, 1685, found guilty, and condemned to be executed, the sentence was merely formal; a remission was granted to him, and he was set at liberty under a bond of £3,000 for his appearance when called before the Privy Council.

The Earl of Tarras married as his second wife, 31st December, 1677, Helen, daughter of Thomas Hepburn of Humbie, and had issue by her five sons and five daughters. Through that marriage the estate of Humbie, in East Lothian, now belongs to Lord Polwarth, the head of the Harden family.

Lord Tarras was one of the first to take part in the Revolution of

1688. He died in April, 1693, in the forty-ninth year of his age. His life dignities of course became extinct. His estates were inherited by his eldest son, Gideon Scott of Highchester, whose two sons possessed in turn the family estates, and both died without issue. Harden then devolved on their uncle, the second son of the Earl of Tarras, who was four times married, and left two sons, the elder of whom, Walter Scott, his heir, represented Roxburghshire in Parliament from 1747 to 1763, when he was appointed Receiver-General of the Customs, or Cashier of the Excise, in Scotland. He married Lady Diana Hume Campbell, youngest daughter of the third Earl of Marchmont, the only one of the three that had issue. He died in 1793. Lady Diana survived her husband the long period of thirty-four years, and died in 1827, in the ninety-fourth year of her age. 'She had conversed in her early days,' says Lockhart, 'with the brightest ornaments of the cycle of Queen Anne, and preserved rich stores of anecdote, well calculated to gratify the curiosity and excite the ambition of a young enthusiast in literature. Lady Diana soon appreciated the minstrel of the clan, and surviving to a remarkable age, she had the satisfaction of seeing him at the height of his eminence—the solitary person who could give the author of "Marmion" personal reminiscences of Pope.' When this venerable lady died, Sir Walter Scott entered in his diary, on the 22nd of July, 'Lady Diana Scott was the last person whom I recollect so much older than myself, that she always kept at the same distance, in point of age, so that she scarce seemed older to me, relatively, two years ago, when in her ninety-second year, than fifty years before. She was the daughter (alone remaining) of Pope's Earl of Marchmont, and, like her father, had an acute mind and an eager temper. She was always kind to me, remarkably so indeed when I was a boy.*'

HUGH SCOTT, the son of Mr. Walter Scott and Lady Diana, eleventh Baron of Harden, was born in 1758. He was elected member of Parliament for Berwickshire in 1780—an honour which lost him a fine estate. (*See* vol. i. 404.) He married, in 1795, Harriet, daughter of Hans Maurice, Count de Bruhl, Saxon ambassador at the British Court. Sir Walter Scott, then a young man, was introduced to this lady shortly after marriage, and she gave him great assistance in his translations from the German. He used to

* *Scott's Life*, vii. 48. *Ibid*, i. 248.

say that 'she was the first *woman of real fashion* that took him up; that she used the privilege of her sex and station in the truest spirit of kindness, set him right as to a thousand little trifles which no one else could have ventured to notice, and, in short, did for him what no one but an elegant woman can do for a young man whose early days have been spent in narrow and provincial circles.' She continued through life his attached friend, and the letters which he wrote to her (the last of them from Naples, 6th March, 1832) show how cordially he reciprocated her esteem and regard. Of Harden himself, Sir Walter wrote to the Duke of Buccleuch, in 1817, 'I have known Harden long, and most intimately—a more respectable man, either for feeling, or talent, or knowledge of human life, is rarely to be met with.'

Mr. Scott succeeded in recovering, in 1835, the Barony of Polwarth, which had been conferred on his maternal ancestor, Sir Patrick Hume, in 1690. Seven years later, Sir Patrick was created Earl of Marchmont and Viscount Blasonberry, and also, for the second time, Baron Polwarth. These honours were restricted to his heirs male, and their heirs male, and the heirs male of the family, but the first Barony of Polwarth was to descend to the heirs male of the first peer, and to their heirs. This destination of the peerage was long overlooked, and while various efforts were made, without success, to recover the earldom of Marchmont, it was not until many years after the death of the third Earl that attention was directed to the difference in distinction between the first and the second Barony of Polwarth. Mr. Scott presented a petition to the House of Lords, claiming the first barony as grandson and nearest heir-of-line to the last Earl of Marchmont, and had his claim allowed in 1835. Lord Polwarth died 28th December, 1841, and was succeeded by his eldest son—

HENRY FRANCIS HEPBURN SCOTT, fifth Baron Polwarth, who was born on 1st January, 1800. He assumed the name of Hepburn, on inheriting the estates of the Hepburns of Humbie, which descended to him through Helen Hepburn, the second wife of the Earl of Tarraş. Lord Polwarth married, in 1835, Georgina Baillie, daughter of George Baillie of Jarviswood, a descendant of the illustrious patriot and Covenanter, who suffered the loss of life and estate for 'the Good Old Cause' in the time of 'the Persecution.' Lord Polwarth held the office of Lord-Lieutenant and Sheriff-Principal of Selkirkshire, and was for many years one of the sixteen

representative peers of Scotland. He was universally esteemed and respected throughout the Border counties, and his death, in 1867, caused wide and deep regret. The testimony, which the Duke of Buccleuch gave at the annual meeting of the Commissioners of Supply for the county of Roxburgh, to the personal worth of Lord Polwarth, was cordially concurred in by all parties and all classes. 'For upwards of forty years,' said the Duke, 'he was one of the most indefatigable, most useful, and most attentive members of the various bodies connected with the county, and spared neither time nor trouble in the discharge of his manifold duties. His fine character as a gentleman stood as high as it was possible for any man's character to stand. For my own part, I feel that I have lost in Lord Polwarth one of my oldest and most steadfast friends, for whom I have always entertained the most affectionate regard.'

Lord Polwarth was succeeded by his eldest son, WALTER HUGH HEPBURN SCOTT, sixth Baron Polwarth, who was born in 1838. His lordship holds the office, formerly held by his father, of Lord-Lieutenant and Sheriff-Principal of Selkirkshire.

THE SCOTTS OF RAEURN are descended from Walter, third son of Sir William Scott, grandson of 'Auld Wat' of Harden. Their chief claim to be kept in remembrance is based on the fact that Sir Walter Scott, the illustrious poet and novelist, belonged to the Raeburn family. Lockhart says 'Christie Steele's brief character of Croftangry's ancestry appears to suit well all that we have on record concerning Scott's immediate progenitors of the stubborn race of Raeburn: "They werena ill to the poor folk, and that is aye something; they were just decent, bein bodies. Any poor creature that had face to beg got an awmous, and welcome; they that were shamefaced gaed by, and twice as welcome. But they keepit an honest walk before God and man, and as I said before, if they did little good, they did little ill. They lifted their rents and spent them, called in their kain and eat them; gaed to the kirk of a Sunday; bowed civilly if folk tuk aff their bonnets as they gaed by, and lookit as black as sin at them that keepit them on.'" '*

At the Restoration, the first laird of Raeburn and his wife, a daughter of William MacDougal of Makerston, became Quakers, and were in consequence subjected to severe persecution by the tyrannical and oppressive Government of that day. Raeburn was

* *Life of Scott*, vii. 87.

first imprisoned in the Tolbooth of Edinburgh, and was afterwards conveyed to the jail of Jedburgh, where his wife was incarcerated. No one was allowed to have access to them, except such persons as might be likely to convert them from their Quaker principles. Their children were taken from them by an edict of the Privy Council, in order that they might not be infected with the heresy of their parents, and the laird was ordered to pay £2,000 Scots for their maintenance. 'It appears,' says Sir Walter Scott, 'that the laird of Makerston, his brother-in-law, joined with Raeburn's own brother Harden in this singular persecution. It was observed by the people that the male line of the second Sir William of Harden became extinct in 1710, and that the representation of Makerston soon passed into the female line. They assigned, as a cause, that when the wife of Raeburn found herself deprived of her husband, and refused permission even to see her children, she pronounced a malediction on her husband's brother and her own, and prayed that a male of their body might not inherit their property.'

Raeburn's eldest son, William, at the age of twenty-four, fell in a duel with Pringle of Crichton, which was fought with swords, near Selkirk, in 1707. The second son, Walter, received a good education at the University of Glasgow. He was a zealous Jacobite, and was called 'Beardie,' from a vow which he had made never to shave his beard till the exiled royal family were restored. Sir Walter Scott says of him 'that it would have been well if his zeal for the banished dynasty of Stewart had stopped with his letting his beard grow. But he took arms, and intrigued in their cause, until he lost all he had in the world, and, as I have heard, ran a narrow risk of being hanged, had it not been for the interference of Anne, Duchess of Buccleuch and Monmouth.'

In the introduction to the sixth canto of 'Marmion,' Sir Walter describes his 'great-grandsire'—

'With amber beard, and flaxen hair,
And reverend apostolic air,'

as having been loyal, to his cost:—

'The banished race of Kings revived,
And lost his land—but kept his beard.'

Robert Scott, Beardie's second son, was Sir Walter Scott's grandfather.

The SCOTTS OF THIRLSTANE are represented in the male line by Lord Napier of Ettrick.



THE HEPBURNS.



HEPBURN is the name of an old and powerful family located on the Eastern Marches, and noted throughout the whole history of Scotland for their turbulence, and, not unfrequently, for their disloyalty. Their designation is said to have been derived from a place called Hepborne, or Hayborn, in Northumberland, from which ADAM HEPBURN, the founder of the family, came, in the reign of David II. He is said to have received grants of various lands in East Lothian from the Earl of March, the descendant of the Northumbrian Prince Cospatrick, and the head of the great family of Dunbar. The lands of North Hailes and Traprane were conferred upon him by Robert Bruce, which shows that he must have fought on the patriotic side in the War of Independence. His eldest son, SIR PATRICK HEPBURN of Hailes, distinguished himself by his bravery at the battle of Otterburn (1388), in which his son Patrick, styled by Fordun, 'Miles magnanimus, et athleta bellicosus,' also took part. In 1402, in the lifetime of his father, the younger Hepburn commanded a body of Borderers who made a hostile incursion into England, but were intercepted on their return by the Earl of Northumberland and the Earl of March, who had turned traitor to his king and country, and, after a stubborn conflict, the Scots were defeated, and Hepburn and other East Lothian barons were among the slain. His eldest son, SIR ADAM HEPBURN, took a prominent part in public affairs, and when the estates of the Dunbar and March family were forfeited, in 1435, he was made constable of the important fortress of Dunbar. In the following year he was present at the battle of Piperden, in which the Earl of Angus defeated the Earl of Northumberland, and took Sir Robert Ogle prisoner, with most of his followers. Sir Adam's eldest son, SIR PATRICK HEPBURN, was created a peer of Parliament in

1456, by the title of LORD HALES. His son ADAM, the second Lord, who married the eldest daughter of the first Lord Home, was by no means a pattern of loyalty and obedience to the law; and, in alliance with his kinsmen, the Homes, took his share in the broils and feuds which disturbed the peace of the country in the unfortunate reign of James III. The minor branches of the Hepburn family had by this time spread themselves through East Lothian and Berwickshire, and some of them, such as the Hepburns of Waughton * and Whitsome, had become powerful. GEORGE, the third son of the second Lord Hales, was Provost of Bothwell and Lincluden, Abbot of Aberbrothock, High Treasurer of Scotland in 1509, and, in the following year, Commendator both of Aberbrothock and Icolmkill. He fell, along with the Archbishop of St. Andrews, and several other ecclesiastical dignitaries, at the battle of Flodden, in 1513. JOHN, the fourth son of Lord Hales, was Prior of St. Andrews, and the founder, in 1512, of St. Leonard's College in that ancient city. The fifth son, JAMES, was first rector of Dalry and Parton; then, in 1515, he was elected Abbot of Dunfermline. In the same year he was appointed Lord High Treasurer, and, in 1516, he was elected Bishop of Moray. The fact that so many important offices were conferred upon his younger sons is conclusive evidence of the great influence to which the head of the Hepburn family had now attained.

PATRICK HEPBURN, third Lord Hales and first Earl of Bothwell, raised the family to a position in the foremost rank of the great barons of Scotland. He had the command of the castle of Berwick in 1482, and, after the town had surrendered, he held out the fortress with great bravery against a powerful English army, commanded by the Duke of Gloucester (afterwards Richard III.), and the Duke of Albany, King James's brother. Lord Hales was one of the leaders in the rebellion against that unfortunate monarch, which was caused to some extent by his annexation, to the chapel royal of Stirling, of the rich temporalities of the priory of Coldingham, which the Homes had come to regard as virtually belonging to their family. The selfish and unpatriotic disaffected nobles entered into negotiations with Henry VII. of England to betray their country in order to

* Sir John Hepburn, the famous soldier, belonged to the Hepburns of Athelstaneford, a branch of the Waughton family. He fought with great distinction under Gustavus Adolphus, and afterwards entered the French service, in which he attained the rank of field-marshal. He was killed at the siege of Saverne, 21st June, 1636.

promote their own interests, and obtained for that purpose a safe-conduct to England; but the dissensions between them and the King came so rapidly to a crisis that no use was made of it.

Lord Hales commanded the vanguard of the rebel forces at the battle of Sauchieburn (June 11, 1488), in which King James lost his life. On the surrender of the castle of Edinburgh a few days after this conflict, the custody of that important fortress was committed to Lord Hales, with three hundred merks of the customs of that city. As the government of the country was entirely in the hands of the victorious party, honours, offices, and estates were showered upon the person who had contributed so largely to their success. He was appointed Sheriff-Principal of the county of Edinburgh, Master of the Household, and High Admiral of Scotland for life. He obtained a charter of the lands of Crichton Castle and other estates in the counties of Edinburgh and Dumfries, along with the lordship of Bothwell, in Lanarkshire, of which Sir John Ramsay, a favourite of the late King, had been deprived. He was also created (17th October, 1488) Earl of Bothwell, a title which had been borne by Ramsay. Shortly after he obtained a grant of the office of Steward of Kirkcudbright, and of the custody of Thrieve Castle, the stronghold of the Black Douglasses, with its feus. On the 29th of May of the following year, his covetousness being still unsatiated, the Earl and his uncle, John Hepburn, Prior of St. Andrews, received a lease of the lordship of Orkney and Shetland, and were made custodians of the castle of Stirling. A few weeks later he was appointed Warden of the West and Middle Marches. On the slaughter of Spens of Kilspindie, by Archibald Bell-the-Cat, Earl of Angus, the King compelled Angus, before he would pardon him for this crime, to exchange the lordship of Liddesdale and the castle of Hermitage for the barony and castle of Bothwell, which was a considerable diminution to the greatness and power of the Douglasses, and added not a little to the influence and importance of the Hepburn family.

Lord Hales was repeatedly appointed ambassador to the courts of France, Spain, and England in connection with the negotiations for the marriage of the young King; and when all arrangements were at length concluded, and the Princess Margaret, eldest daughter of Henry VII., was married by proxy to James IV., at Richmond (January 27th, 1503), the Earl of Bothwell officiated as the representative of the King. He was honoured also to bear the sword of state before

his Majesty when he received his young queen, and escorted her into the capital. The Earl died about 1507. Of his three sons by Lady Janet Douglas, only daughter of the first Earl of Morton, he was succeeded by ADAM, the eldest. JOHN, the second, became Bishop of Brechin in 1517; and PATRICK, the third, succeeded his uncle as Prior of St. Andrews. He held for three years (1524—27) the office of Secretary of State, and, in 1535, was consecrated Bishop of Moray, and was allowed to hold in commendam the abbacy of Scone. He was one of those prelates whose licentious conduct brought great discredit on their sacred office, and contributed largely to the downfall of the Romish system in Scotland. He had no fewer than nine natural children—seven sons and two daughters—who were legitimatised under the Great Seal in 1533, 1545, and 1550. When he saw the Reformation at hand, he made liberal provision for them by feuing out all the lands belonging to the see.

ADAM HEPBURN, second Earl of Bothwell, succeeded his father in his office of High Admiral, as well as in his titles and extensive estates, but did not long enjoy them. He commanded the reserve, consisting of the men of Lothian, at the fatal battle of Flodden, where he fell along with many of his kinsmen, and the chivalry of the Borders. When the result of the fight was still in doubt, the Earl advanced to the support of his sovereign, and attacked the enemy with such vigour as to put the standard of the Earl of Surrey in imminent danger. An ancient English poet describes Bothwell as having distinguished himself by his furious attempt to retrieve the fortunes of the day.

‘Then on the Scottish part, right proud
 The Earl of Bothwell then outbrast,
 And, stepping forth with stomach good,
 Into the enemies’ throng he thrast;
 And *Bothwell! Bothwell!* cried bold,
 To cause his soldiers to ensue;
 But there he caught a welcome cold,
 The Englishmen straight down him threw.
 Thus Haburn through his hardy heart
 His fatal force in conflict found.’

Earl Adam left one son, by a natural daughter of the Earl of Buchan, brother-uterine of James II.

PATRICK, third Earl of Bothwell, was an infant only a few months old at the time of his father’s death. Brought up among a turbu-

lent nobility, during the unsettled state of the country in the minority of James V., it need excite no surprise that at an early age he was involved in the feuds that prevailed in the Marches. In 1528, when he was in the sixteenth year of his age, a remission was granted to him and a number of his kinsmen by the Duke of Albany, the Regent, for treasonably assisting Lord Home, Home of Wedderburn, and their retainers, who were at that time proclaimed rebels to the sovereign. A few months later he was committed to prison by the King for protecting the Border freebooters. After six months' confinement, he was released, on security being given by his friends to the amount of twenty thousand pounds. We next find him, in December, 1531, paying a secret visit to England, and holding a treasonable conference with the Earl of Northumberland, who wrote of him to King Henry in high terms, describing him as 'of personage, wit, learning, and manners, of his years as toward and as goodly a gentleman as I ever saw in my life, and to my simple understanding he is very meet to serve your Highness in any thing that shall be your most gracious pleasure to command him withal.' His intrigues, however, were discovered, and on his return to Scotland he was apprehended by the orders of the King and confined in the castle of Edinburgh, where he seems to have remained for a considerable time. Liddesdale, where a large portion of Bothwell's estates lay, had long been the headquarters of the Border freebooters, who were harboured and protected by the nobles to serve their own purposes. King James saw clearly that it would be impossible to maintain peace in that lawless district until it was placed under royal authority. He therefore, in September, 1538, compelled the Earl of Bothwell to resign his lordship to the Crown. It would appear that the Earl was at the same time banished the kingdom, and he is said to have taken up his residence at Venice. In 1542 he was in England, and, like not a few of his unprincipled and unpatriotic class at that time, he engaged in treasonable negotiations with Henry VIII., and it was no doubt owing to the discovery of his treason that the barony of Bothwell and his other estates were annexed to the Crown.

The Earl returned to Scotland after the death of King James (13th December, 1542), and immediately became one of the prominent supporters of Cardinal Beaton and the Roman Catholic party in the kingdom. He, and the other Popish nobles, demanded that the Cardinal should be set at liberty by the Governor, Arran, and that the ordinance allowing the New Testament to be read in the vulgar tongue

by the people should be rescinded. These demands were refused, and the faction having been charged on pain of treason to return to their allegiance, durst not disobey, but gave in their adherence to the Governor. Bothwell, at the meeting of the Estates in 1543, issued a summons of reduction of the deed of resignation of the lordship of Liddesdale and castle of Hermitage, and succeeded in obtaining the restitution of his estates. Sir Ralph Sadler, who found the Earl in possession of Liddesdale when he visited Scotland in 1543, to negotiate a marriage between the infant Queen Mary and Prince Edward of England, says, 'As to the Earl of Bothwell, who hath the rule of Liddesdale, I think him the most vain and insolent man in the world, full of pride and folly, and here nothing at all esteemed.' Bothwell was prominent and active in all the intrigues and movements of the Roman Catholic party at this juncture, for the purpose of preventing the alliance with England, and in supporting the claims of the Queen-mother, Mary of Guise, to the regency, in the room of Arran. He was the rival of the Earl of Lennox in a suit for her hand, and competed with him in his efforts to gain her favour by the magnificence of his apparel and his skill in the exercises of chivalry. He is described by Pittscottie as at this time 'fair and whitely, something hanging shouldered, and went something forward, with gentle and humane countenance.'

Bothwell allowed himself to be made the tool of Cardinal Beaton in delivering into his hands George Wishart, the martyr, in January, 1546. The Cardinal's influence had now become paramount in the country, and Wishart, knowing well the inveteracy of the Romish priests against him, was aware that he was in imminent danger. At Haddington he could not obtain an audience even of a hundred, for 'the Earl of Bothwell, who had great credit and obedience, by procurement of Cardinal Beaton, had given inhibition to both town and country that they should in no wise give an ear to the heretical doctrine, under the pain of his displeasure.' On leaving Haddington, Wishart refused to allow John Knox to accompany him, bidding him return to his pupils, for one was enough at this time for a sacrifice. He was spending the night at Ormiston, the seat of Cockburn, a zealous member of the Reforming party. At midnight the house was surrounded by a body of armed men, under the Earl of Bothwell, who summoned the inmates to deliver up Wishart, pledging his honour at the same time for the safety of his person, and confirming this assurance by an oath. Resistance was hopeless, and Wishart at

once exclaimed, 'Open the gates; the blessed will of my Lord be done.' He was immediately seized, mounted on horseback, and conveyed to Elphinstone Tower, only a mile distant, where Cardinal Beaton was then residing, Bothwell all the time assuring him that his life and person would be perfectly safe, and that he would either procure him a fair trial, or set him at liberty. From Elphinstone Tower Wishart was conveyed to Edinburgh, and thence to Bothwell's house at Hailes. It is alleged that Bothwell wished to protect his prisoner from injury, but that the Cardinal and the Queen-Dowager induced him to violate his pledge, and to deliver Wishart up to Beaton, who transferred him to St. Andrews, and speedily brought him to the stake. There is no reason to believe that Bothwell ever repented of his breach of faith, and complicity in this foul deed, but it was pleaded for him that he only yielded to the authority of the Governor and Council, before whom he was brought on the 19th of January, 1546, and commanded, under the highest penalties, to deliver up his prisoner. There is no reason to doubt that this order was issued merely for the purpose of affording Bothwell an excuse for his violation of his solemn promise.

Notwithstanding his ready compliance with the wishes of the Cardinal, Bothwell was soon after again committed to prison, in all probability in consequence of his intrigues with England, and did not obtain his release until after the battle of Pinkie, 10th September, 1547. He immediately waited upon the Duke of Somerset, the commander of the invading army, and there can be little doubt that he then gave in his adherence to the English cause. He is described as 'a gentleman of a right comely porte and stature, and heretofore of right honourable and just meaning and dealing towards the King's Majesty (Henry VIII.), whom therefore, my Lord's Grace did according to his degree and merits very friendly welcome and maintain.' There was good reason why the Earl received a cordial welcome from the ruthless English invaders, for it has been ascertained that he had gone over wholly to their side. An instrument, dated at Westminster, 3rd September, 1549, sets forth that King Edward had taken the Earl of Bothwell under his protection and favour, granting him a yearly rent of three thousand crowns, and the wages of a hundred horsemen for the defence of his person, and the annoyance of the enemy; and, if he should lose his lands in Scotland in the English King's service for the space of three years, promising to give him lands of equal value in England. There are good grounds for believing

that the traitorous noble spent the remainder of his life in exile, and that he died in 1556. He left a son, who succeeded him in the family title and estates, and a daughter. The latter became the wife of John Stewart, Prior of Coldingham, a natural son of James V., to whom she bore Francis Stewart, the turbulent Earl of Bothwell who so often disturbed the peace of the country during the reign of James VI.

JAMES HEPBURN, fourth Earl of Bothwell, whose foul crimes have stamped his memory with infamy, was born about the year 1536. His early years were spent in the castle of Spynie, near Elgin, with his granduncle, Patrick Hepburn, Bishop of Moray, a prelate who was conspicuous, even at that immoral period, for the neglect of the duties of his office, and his gross licentiousness. James Hepburn was only in his nineteenth or twentieth year when his father died, and he succeeded him not only in the family titles and estates, including the strong fortresses of Bothwell, Crichton and Hailes, but also in his hereditary offices of Lord High Admiral of Scotland, Sheriff of the counties of Berwick, Haddington, and Midlothian, and Bailiff of Lauderdale. He was thus the most powerful nobleman in the south of Scotland. This 'glorious, rash, and hazardous young man,' as he is styled by Walsingham, was, from his youth upwards, the cause of strife and discord in the country, and of trouble to the public authorities. Though he professed to be a Protestant, he espoused the cause of the Queen Regent against the Lords of the Congregation, and showed himself utterly unscrupulous in the means he adopted to promote her interests. In 1558, though little more than of age, he was appointed by her Lieutenant-General of the Middle Marches, and keeper of Hermitage Castle, which added largely to his already overgrown power. In October, 1559, having learned that Cockburn of Ormiston had received four thousand crowns from Sir Ralph Sadler, for the use of the Protestant party, Bothwell waylaid and wounded him, and robbed him of the money. On receiving intelligence of this gross outrage, the Earl of Arran, the Governor, and Lord James Stewart (afterwards Regent Moray) immediately went to Bothwell's house in Haddington, with a body of soldiers, to apprehend the depredator; but, a few minutes before they reached the place, he received intelligence of their approach and fled down the bed of the river Tyne, which is closely adjoining, and took refuge in the house of Cockburn of Sandybed. Entering by

the back door, which opened to the river, he changed clothes with the turnspit and performed the duties of that menial. In return for the protection afforded him in this extremity, Bothwell gave to Cockburn and his heirs a perpetual ground annual of four bolls of wheat, four bolls of barley, and four bolls of oats, to be paid yearly out of the lands of Mainshill, near Haddington. These quantities of grain continued to be paid to Cockburn's heirs till the year 1760, when his estate was sold by his descendant to Mr. Buchan of Lethem; and he shortly after disposed of the ground annual to the Earl of Wemyss, who was then proprietor of Mainshill.

Bothwell was one of the nobles who waited upon Queen Mary in France, in the year 1561, and must, even at that time, have been a person of some political importance, for, on his departure from France, Throckmorton wrote to Queen Elizabeth: 'The said Earl is departed suddenly from this realm to return to Scotland by Flanders, and hath made boast that he will do great things, and live in Scotland in despite of all men. He is *glorious*, boastful, rash, and hazardous, and therefore it were meet that his adversaries should both give an eye to him, and keep him short.' Darker traits speedily showed themselves in Bothwell's character. He became restless and turbulent, and made violent attacks on other barons, hatched conspiracies against the Government, and was at length imprisoned, and then banished the kingdom, for a conspiracy against the Earl of Moray. He was allowed to return home in 1565; but, on May 2nd of that year, he was proclaimed a rebel and put to the horn for not appearing to answer for an accusation of high treason, in conspiring to seize the person of the young Queen. He was charged with having proposed to the Earl of Arran to carry her off to the castle of Dumbarton, 'and thair keep her surelie, or otherwyse demayne hir person at your plesour, quhill sche aggre to quhatsumevir thing yo shall desyre.' It thus appears that Bothwell's abduction of the Queen at Cramond Bridge, in 1567, was no new project.

The private life of the young noble was as profligate as his public conduct was treasonable and violent. The Earl of Bedford wrote of him to Cecil, 'I assure you Bothwell is as naughty a man as liveth,' and accused him of crimes of which 'it is a shame even to speak.' There were scandalous reports widely spread respecting his connection with a certain Lady Reres, and her sister Janet Beaton, both disreputably associated at a later period with Queen Mary and him.

It has quite recently been discovered by Professor Schiern of

Copenhagen,* that during Bothwell's exile on the Continent he had formed a connection with Anna, a daughter of Christopher Thron-dessön, a Norwegian nobleman, and one of the admirals of Christian III. This lady complained that Bothwell 'had taken her from her father's land and paternal home, and led her into a foreign country away from her parents, and would not hold her as his lawful wife, which he with hand, and mouth, and letters, had promised both them and her to do.' It appears that the young lady accompanied Bothwell from Denmark to the Netherlands, but was there abandoned by her villainous betrayer, and reduced to such straits that she was obliged to dispose of her jewels. She seems afterwards to have made her way to Scotland, where she resided for some time, and to have finally returned in the year 1563 to her own country, where the Earl, in after years, and in very strange circumstances, once more encountered his deserted wife.

When Queen Mary and her brother, the Earl of Moray, quarrelled in consequence of her marriage with Darnley, and Moray was driven out of the kingdom and compelled to take refuge in England, Bothwell, 'the enemy of all honest men,' as he was justly termed, was recalled from his exile, and received into favour. He was shortly after appointed Warden of the Three Marches, an office never before held by one person, was restored to his office of High Admiral, and received grants of the abbeys of Haddington and Melrose, and of extensive Crown lands. His influence at Court speedily became paramount, and all favours and preferments passed through his hands. In the autumn of 1566 he was commissioned to suppress some disturbances which had arisen among the freebooters in Liddesdale, and was severely wounded (7th October) in an encounter with one of them named Elliot of Park. The Queen, who was then holding a justice court at Jedburgh, on hearing of Bothwell's wound, rode to Hermitage Castle, where he lay—a distance of twenty miles, through an almost impassable district—and returned on the same day. Her rapid journey, fatigue, and anxiety threw her into a fever, which nearly cost her her life.

It is not possible to point out the precise period at which Bothwell's plot for the murder of Mary's husband had its origin; but, in all probability, it must have been shortly after the Queen left Jedburgh (7th November) for Coldingham, Dunbar, and Tantallan, accom-

* *Life of James Hepburn, Earl of Bothwell.* By Frederick Schiern, Professor of History in the University of Copenhagen.

panied by the Earl. It is certain that the 'band' for the murder of Darnley was signed by Bothwell and his associates in the month of December following. This flagitious plot was carried into effect on the 9th of February, 1567. The whole circumstances connected with the deed were, of course, not known at the moment; but no doubt was entertained that Bothwell was the murderer of the ill-fated prince. He was denounced by name in public placards, and vengeance was loudly demanded on him and his accomplices; but, notwithstanding, he continued as much as ever in favour with the Queen, and was for some time the only one of her nobles who had access to her presence. On the 21st of February he accompanied her to Seton Castle, where they remained until the 10th of March, when they returned to Holyrood. On the 19th of March, Mary conferred upon Bothwell the command of Edinburgh Castle, along with other marks of her favour. On the 24th of the same month he again accompanied the Queen to Seton, and stayed with her till the 10th of April. His mock trial for the murder of Darnley, and acquittal, his obtaining from the leading nobility a bond recommending him as a suitable husband for the Queen, his divorce from his Countess, Lady Jean Gordon;* his elevation to the rank of Duke of Orkney and Shetland; his collusive seizure of the person of the Queen; his marriage to Mary amid mingled horror and indignation on the part of the people, followed by his coarse and brutal treatment of the ill-fated princess; the confederacy of the nobles for the protection of her infant son against the machinations of this bold, bad man; his flight along with Mary to Dunbar; his march to Carberry Hill to meet the confederate barons, and his final separa-

* The marriage between Bothwell and Lady Jean Gordon was dissolved by the Consistorial Court of St. Andrews, presided over by Hamilton, the Primate of the Roman Catholic Church, on the plea that they were related within the prohibited degrees, and that they had married without a papal dispensation. But a dispensation had in reality been obtained, as was confidently asserted at the time. That document was issued on the 17th of February, 1566, only fifteen months before the marriage of Mary and Bothwell, by the prelate who declared the prior marriage null and void, with the authority of Legate *a latere*. It is undeniable, therefore, that according to the law of the Romish church, Mary was never really married to Bothwell. When it is taken into account that the Queen was the most intimate friend of Lady Jean Gordon, that she took a special and personal superintendence of the arrangements for her marriage, that hers is the first signature to the marriage contract, that she made a gift to the bride of her marriage dress, and that she and Darnley were at the expense of the first day's feast on the occasion of the wedding, it is difficult to believe that Mary was ignorant of the fact that a dispensation had been granted. The advocates of the Queen have always denied that this could have been the case, but the document was recently found by Dr. Stuart in the charter-chest at Dunrobin.

tion there from the Queen, succeeded each other with startling rapidity. Bothwell's subsequent career has hitherto been but imperfectly known, and various conflicting but erroneous accounts have been given of the closing years of his flagitious and miserable life. The laborious researches of Professor Schiern have at length brought the whole circumstances to light.

It appears that on leaving Dunbar, to which he fled from Carberry Hill, Bothwell had only two small vessels with him, but on reaching Shetland he persuaded two Bremen merchants, who happened to be there at that time, to give him the command of two of their ships, along with the crews, on condition that he was to pay them a certain sum as long as he retained their ships in his service, and compensation if they were lost or not returned. His four vessels were lying at anchor in Bressay Sound, and part of their crews, along with Bothwell himself, had gone on shore, when four Scottish ships, commanded by Kirkcaldy of Grange and Murray of Tullibardine, who had been sent in pursuit of the murderer of Darnley, hove in sight. Bothwell's men, on the approach of their enemies, cut their cables and took to flight. It has hitherto been supposed that Bothwell was on board one of these vessels, and that he escaped capture only by the accident that the *Unicorn*, Kirkcaldy's ship, struck upon a rock, and went down, just as it was on the point of overtaking his vessel. Professor Schiern has, however, shown that Bothwell made his escape unobserved across Yell Sound and the island of Yell, and was taken on board one of his ships at Unst. Shortly after, his pursuers came up with him, and a battle ensued which lasted for several hours. One of the Earl's ships had its mainmast carried away by a cannon-shot, and Bothwell owed his escape to an opportune gale, which separated the combatants, and drove the ship which carried him, and one of its comrades, far out on the North Sea. He succeeded, however, in reaching the south-west coast of Norway, but he had scarcely cast anchor in the Sound of Kharm, when the Danish warship, *Bjornen*, appeared, the captain of which, Christian Aalborg, demanded to see the ship's papers; but none could be produced, Bothwell alleging that 'he whose duty it was to issue such papers in Scotland was now in close confinement.' Captain Aalborg, finding, as he said, these two 'Scottish Pinker, without any passport, safe-conduct, or commissions, which honest seafaring people commonly use, and are in duty bound to have,' determined to carry them to Bergen. By a dexterous stratagem he contrived to get a portion of Bothwell's men on board

his own ship, and another portion on shore, and thus rendered resistance hopeless. Bothwell on this made himself known to the Danish Admiral, who had some difficulty in believing that the man whom he saw, 'attired in old torn coarse boatswain's clothes, was the highest of the rulers in all Scotland.'

In spite of his remonstrances, the Earl was conveyed to Bergen Castle, where he was hospitably entertained by the commandant, but, to his surprise and dismay, had a prosecution immediately raised against him by Anna Throndessön, the lady whom he had so basely deserted in the Netherlands, but who was now resident in the neighbourhood of Bergen. On hearing of Bothwell's arrival, she at once seized the opportunity of seeking redress for her wrongs. She summoned the Earl before the Court, and read in his presence the letters in which he had promised to marry her, 'Lady Anna being of opinion that this promise had been of no weight in his eyes, since he had three wives alive—first, herself; another in Scotland, from whom he had procured his freedom; and the last, Queen Mary.' Bothwell, in the end, succeeded in getting this prosecution quashed by promising the injured lady an annuity to be sent from Scotland, and handing over to her the smallest of his two ships. He was peremptorily refused permission, however, to leave the country; and the discovery of a letter-case with papers, which he had concealed in the ballast of his ship—among which was the patent creating him Duke of Orkney, a letter from Queen Mary, 'in which she bewailed herself and all her friends,' and 'divers letters both in print and writing,' in which the Scottish Council accused him of the murder of the King, and offered a reward for his apprehension—made it clear that 'he had for no good reason withdrawn from his native country.' The cautious governor, with the advice of certain freemen and councillors, on this discovery resolved to send Bothwell, along with these compromising documents, to Copenhagen. He reached the Danish capital about the close of the autumn of 1567. The King of Denmark, Frederick II., was absent in North Jutland at the time of Bothwell's arrival, and he delayed coming to any decision regarding his disposal till he himself, at the end of the year, returned to Zealand. The Earl was speedily recognised by some Scottish merchants at Copenhagen, and intelligence conveyed to the Government respecting his place of refuge.

On the 15th December, Sir William Stewart, the Scottish herald, appeared at the Danish Court, and delivered to Frederick a formal

demand from the Regent Moray for the surrender of Darnley's murderer. In this emergency the Earl proved himself, as Peter Oxe, the High Steward, and John Früs, one of the Danish councillors, described him, in a document which still exists, 'very cunning and inventive.' He affirmed that he had come to Denmark to 'declare the cause of the Queen of Scotland, his royal Majesty's kinswoman, and to desire his Majesty's good counsel and assistance for her deliverance, as from the lord and prince on whom, both on account of kinship and descent, as also on account of the ancient alliance which has been between both kingdoms from time immemorial, she altogether relies.' He pleaded that 'he had already in Scotland been legally acquitted of this charge, that he was himself the real regent of Scotland, that the Queen was his consort, and that his opponents were only rebels.' He addressed letters to Charles IX. of France, declaring that he had left Scotland 'to lay before the Danish king the wrongs to which his near relative, the Queen of Scotland, had become a victim,' and entreated the French king 'favourably to take into account the goodwill with which through his whole life he had striven, and would further strive, to be of service to him.' He also solicited, and, it would appear succeeded, in securing the interposition in his behalf of Charles Dancay, the French ambassador at the Court of Denmark. In the end, Frederick declined to surrender Bothwell, but offered permission to the Scottish envoy himself to prosecute the Earl in Denmark, for the crimes laid to his charge—a course, however, which Sir William Stewart did not think it expedient at that time to adopt. Meanwhile, orders were given by the King that Bothwell should be removed from Copenhagen to the castle of Malmoe, where he was confined in a large oblong vaulted hall, strongly secured with iron-barred windows, which still exist. During his residence in the castle of Copenhagen Bothwell composed a detailed memoir of the transactions in Scotland that had led to the dethronement of the Queen and his own banishment, which is throughout a tissue of the most extraordinary falsehoods, denying all participation on his own part in the murder of Darnley, and ascribing that deed to Moray and the other Protestant lords.

The seizure of the Queen at Almond Bridge, and her abduction to Dunbar, along with other important incidents, are passed over unnoticed in this narrative, the object of which was to convince the King and Council that the Regent Moray and his associates were alone the special instruments and sources of the disturbances that

had taken place in Scotland from the year 1559 down to that time, and to induce them to give help by land and sea for the deliverance of the Scottish Queen. A few days after his transference to the castle of Malmoe, Bothwell drew up another paper, in which he not only entreated assistance, but with his characteristic 'cunning and inventiveness,' declared that he was empowered to offer to make over to the King, in return for his help, the Orkney and Shetland Islands, and, 'if the King and Council would themselves state how they wished bonds to be drawn up with respect to the surrender of these islands, the Earl became surety that they would be so drawn and sealed by the Queen, by himself, and by the Scottish Privy Council,' in accordance with 'their intention and final will.' This was a very dexterous proposal, for Frederick, like his father, Christian III., had striven in vain to recover these islands from the Scottish Government, and Christian had even threatened to enforce his claims upon them by a great naval armament. There is every reason to believe that this most welcome offer contributed not a little to the lenity with which Bothwell was for a good many years treated by the Danish Government. In vain did Moray renew his demand for the Earl's extradition; equally in vain did Elizabeth, as the relative of Darnley, support the Regent's demand, and plead that it was a matter which concerned every monarch, 'whose majesty ought always to be sacred, and never violated without punishment.' Supported by the French king and his ambassador, Frederick obstinately refused to surrender the Scottish refugee.

The Regent, however, was not to be turned from his purpose, and he employed a Captain John Clark, an officer in the service of the King of Denmark, and in high favour with Frederick, to support his request for Bothwell's extradition. Clark had been employed to enlist mercenary troops in Scotland for the Danish king, and had been present with his men at Carberry Hill on the side of the Lords. It was he who captured Captain Blacater, one of Bothwell's accomplices, the first of them that was executed for the murder of Darnley. Clark set himself with great zeal to support the request of the Scottish Government that the Earl should be given up to be tried in Scotland, or that he should be executed in Denmark; but his efforts were all in vain. He obtained, however, the surrender of two of Bothwell's accomplices in the murder: William Murray, and Nicolas Hubert the Frenchman, usually called Paris, whose confessions proved highly injurious to the Scottish

Queen, though their genuineness and veracity have been impeached by her defenders. A document brought to light by Professor Schiern, dated October 30th, 1568, has settled the disputed point of time when Paris was surrendered to Captain Clark; but the problem is still unsolved what was done with him during the long period which elapsed before his landing at Leith, in the middle of June in the following year. There is a curious episode introduced by the Professor respecting Captain Clark himself, who shortly after fell under the displeasure of Frederick. Bothwell and his associates seem to have furnished evidence respecting certain charges brought against the unfortunate soldier, one of which was that he had employed the mercenaries whom he had enlisted for the service of the Danish King, against the Queen of Scotland. He was tried by a court-martial and found guilty, and ended his days in the prison in which Bothwell himself was ultimately confined.

After the assassination of Regent Moray, Lennox, his successor, the father of Darnley, made another and still more urgent demand for the surrender of the murderer of his son, and despatched Thomas Buchanan, a relative of the celebrated George Buchanan, as his ambassador to press his request that the Earl should be either given up to the Scottish Government, or punished in Denmark. But though the arguments which Buchanan employed were both ingenious and forcible, he, too, failed of success. He discovered, however, that Bothwell, when in Malmoe, had received letters from Mary, and that through some channel or other he still kept up a correspondence with her, though she was now a prisoner in England. Up to this time the Earl had been subjected to what is known as 'an honourable imprisonment,' and the King had given orders to his High Steward to procure velvet and silk stuff for his apparel. But after the accession of Morton to the Regency, and the complete overthrow of Mary's party in Scotland, Bothwell received very different treatment. 'The King of Denmark,' wrote the French ambassador to his master (28th June, 1573), 'has hitherto treated the Earl of Bothwell very well, but a few days ago he put him in a worse and closer prison.' The prison, it appears, was in the old castle of Dragsholm, in Zealand, where the Earl spent the closing years of his wretched existence. Professor Schiern says that tradition still points out, in the part of the prison called Bothwell's cell, two iron bars in the wall to which the Earl's fetters are said to have been so fastened that he could move round with them. It is stated

in the memoirs of Lord Herries, that 'none had access unto him, but onlie those who carried him such scurvie meat and drink as was allowed, which was given in at a little window.' In this 'loathsome prison' Bothwell dragged out a miserable existence for five years. According to unvarying tradition, he became insane before his death, which took place in 1578. The adjoining church of Faareville, which stands in 'a lonely and quiet spot on the west bay of Fsefjord, the haunt of gulls and seafowl,' is said to be 'the last resting-place of him who once was the husband of Scotland's Queen.'

Professor Schiern has devoted a considerable space to a discussion of the authenticity of Bothwell's 'Testament,' in which he is said shortly before his death to have declared that the Queen of Scots was innocent of all complicity in the murder of her husband, and confessed that he was the originator and perpetrator of that crime, with the approval of Moray, Morton, and the other Protestant lords; at the same time accusing himself of other gross crimes of which the people of Scotland could never have heard. The author has shown that if any such declaration was ever made it must have been emitted a number of years before Bothwell's death, and that the published extracts alleged to have been made from the document were in all probability forgeries. He lays great stress on the fact that James VI., who, while yet a child, had been greatly moved when the abstract of Bothwell's alleged 'Testament' came under his notice, passed a whole winter in Zealand when he went to obtain the hand of his bride, and was noted there for his curiosity respecting everything important or interesting in Denmark, met with the sons of the men who were said to have been present when Bothwell made his dying declaration, was within sight of Malmoe Castle, where the murderer of his father was so long imprisoned, and was only a few miles distant from the spot where he was buried, yet apparently made no inquiry respecting this document, and certainly made no reference to it. That in these circumstances, says the Professor, James 'never then nor afterwards sought to bring to light any such attestation of his mother's innocence as that alleged, and never caused it to be communicated to any of the historians whose works he followed with such interest, is the strongest proof against its authenticity.' Bothwell fortunately left no issue.

The title of Earl of Bothwell was conferred by James VI., 29th July, 1576, on FRANCIS STEWART, eldest son of John Stewart, Prior

of Coldingham, natural son of James V. by Elizabeth, daughter of Sir John Carmichael. The Prior obtained legitimation under the Great Seal, 7th February, 1551, and married, in 1562, Lady Jane Hepburn, daughter of Patrick, third Earl of Bothwell, and sister of the murderer of Darnley. It was no doubt owing to his near relationship to the Hepburns through his mother, that their forfeited titles were conferred upon him, along with a considerable portion of their estates. He was also appointed Lord High Admiral of Scotland, Sheriff-Principal of the county of Edinburgh, and within the constabulary of Haddington, and Sheriff of the county of Berwick, and Bailyard of Lauderdale.

From his early years Francis Stewart was noted for his restless and turbulent disposition. He took part against the Earl of Arran, the royal favourite, and quarrelled with Sir William Stewart, Arran's brother, whom he killed in a fray which took place in Blackfriars Wynd, in Edinburgh, on the 30th July, 1588. In that same year he assisted the Popish Earls of Huntly, Errol, and Angus, in their rebellion, and was imprisoned in Tantallon Castle; but after a few months' confinement he was released on payment of a fine to the Crown. In 1589, when James went to Denmark in quest of his betrothed bride, he appointed Bothwell one of the administrators of the kingdom during his absence, in the hope of conciliating him by this mark of distinction. But on the return of the King the Earl returned to his former practices. In January, 1591, a number of wretched creatures were brought to trial and burned on a charge of witchcraft, and two of them declared that Bothwell had consulted them in order to know the time of the King's death, and that at his instigation they had raised the storm which had endangered the lives of James and his queen, on their voyage homeward from Denmark. The Earl surrendered himself a prisoner in the castle of Edinburgh, to meet these charges, insisting that 'the devil, wha was a lyer from the beginning, nor yet his sworn witches, ought not to be credited.' But after remaining three weeks in prison he became impatient of restraint, and on the 22nd of June, 1591, he effected his escape from the castle, and fled to the Borders. The King on this proclaimed him a traitor, and forbade, under the penalties of treason, any one to 'reset, supply, show favour, intercommune, or have intelligence with him.' Bothwell, no way intimidated by this procedure, returned secretly to Edinburgh with a body of his retainers, and on the evening of December 27th, furtively obtained admission to the inner court of Holyrood. An alarm was

given, and the King, who was then at supper, rushed down a back-stair leading to one of the turrets, in which he took refuge.* The attendants barred and barricaded the door of the Queen's apartment, which Bothwell attempted to force open. Meanwhile notice of this attack was sent to the Provost of the city, who hastily collected a band of armed citizens, with whom he entered the palace by a private door leading to the royal chapel, and compelled Bothwell and his followers to take to flight. Nine of them were captured, and without a trial were hanged next morning, on a new gallows erected opposite the palace gate for the purpose.

Sir James Melville, who was present, gives a lively picture of the scene of disorder, brilliantly illuminated by the glare of passing torches; while the report of firearms, the clatter of armour, the din of hammers thundering on the gates, mingled wildly with the war-cry of the Borderers, who shouted incessantly, 'Justice! justice! A Bothwell! a Bothwell!' †

The 'Abbey Raid,' as it was called, was so nearly successful that Bothwell was encouraged to make another attempt to seize the royal person. Having collected a body of his retainers on the Borders, he made a rapid march, during the night, to Falkland, where the King was then residing in peaceful seclusion, and had very nearly fallen into the hands of his turbulent subject. A messenger, sent by Sir James Melville to warn the King of his danger, reached the palace only a few moments before the Earl and his followers. After a fruitless effort to force an entrance, he withdrew to the Borders, and shortly after took refuge in England, where he seems to have been welcomed by Queen Elizabeth. James was so indignant at this renewed act of treason, that he vented his anger

* Spottiswood lauds the firm deportment of the King when Bothwell was thundering at the door of the Queen's apartment. But Birrel describes the King's majesty as 'flying down the backstairs with his breeches in his hand' (*Birrel*, p. 30). 'Such is the difference,' says Sir Walter Scott, 'betwixt the narrative of the courtly archbishop and that of the Presbyterian burgher of Edinburgh.' This scene seems to have been regarded by Sir Walter with great amusement. In the 'Fortunes of Nigel' he represents Richie Moniplies as describing the array of King James when his majesty was about to go out to hunt, or hawk, on Blackheath. 'A bonny grey horse, the saddle, and the stirrups, and the curb, and the bit o' gowd, or silver gilded at least; the King, with all his nobles, dressed out in his hunting-suit of green, doubly laced and laid down with gowd. My certy, lad, thought I,' adds Richie, 'times are changed since ye came fleeing down the backstairs of auld Holyrood House in grit fear, having your breeks in your hand, without time to put them on, and Frank Stewart, the wild Earl of Bothwell, hard at your haunches.'

† Melville's *Memoirs*, 356.

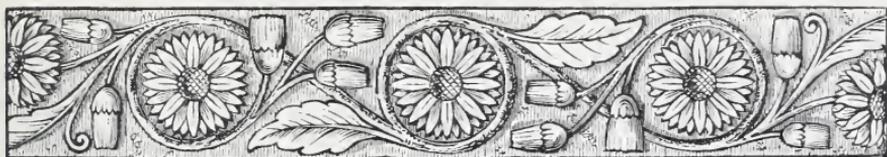
upon Bothwell's countess, a daughter of the seventh Earl of Angus, and widow of Sir Walter Scott of Buccleuch, and issued a proclamation ordering that no one should 'reset her, give her entertainment, or have any commerce of society with her in any case.'

The Earl, however, had warm friends at Court, particularly Lennox, Athole, and Ochiltree—nobles of the Stewart family; and encouraged by their support, he returned to Scotland in 1593, and on the 23rd of July was brought secretly to Edinburgh, accompanied by John Colville, brother of the Lord of Castle Wemyss, and was lodged for the night in a house adjoining the palace, belonging to the Countess of Gowrie, Athole's mother-in-law. Early next morning the Countess of Athole, taking Bothwell and Colville along with her, entered the palace by a private passage which communicated with Lady Gowrie's house, and conducting them into an anteroom opening into the King's bedchamber, hid them behind the arras. She then stealthily displaced the arms of the guard, and, having locked the door of the Queen's bedchamber, to prevent the escape of the King, retired with her attendants. In a short time Bothwell, emerging from his hiding-place, knocked loudly at the King's chamber door, which was immediately opened by the Earl of Athole. James, who happened to be at the instant in a closet opening into the apartment, hearing a noise, rushed out in a state of dishabille, and seeing Bothwell and Colville standing with drawn swords, attempted to escape by the Queen's bedchamber, but finding the door locked he called out, 'Treason! treason!' At that moment the Duke of Lennox, Athole, Ochiltree, and others of Bothwell's friends, entered the room, and James, finding that he was completely in their power, threw himself into a chair, and with unwonted courage faced the danger which he could not avoid. Bothwell and Colville threw themselves on their knees before him, but James called out, 'Come on, Francis! You seek my life, and I know I am wholly in your power. Strike, and end thy work!' But Bothwell, with unexpected moderation, only stipulated for the remission of his forfeiture. He declared his willingness to submit to trial on the charges of witchcraft, and of seeking the King's life directly or indirectly, and offered that, after he had been tried and acquitted, he would leave the country, if it should be his Majesty's pleasure, and go to any place he should be pleased to appoint. James yielded to Bothwell's entreaties, and subscribed a document, promising him, on condition of his peaceable behaviour, a fair trial, and in the event of his

acquittal, restoration to his rank and estates. It was further stipulated that he should in the meantime retire from the Court; and Bothwell having readily acquiesced, his peace was next day proclaimed by the heralds at the Cross of Edinburgh.

The trial accordingly took place on the 10th of August, and lasted for nine hours. It ended in Bothwell's complete acquittal, and was immediately followed by full remission of all his 'by-gone offences done to his Majesty and his authority, preceding this day, never to be quarrelled hereafter.' A proclamation was also issued by the King, charging the lieges that none of them 'tak upon hand to slander, murmur, reproach, or backbite the said Earl and his friends.' James, however, had no intention of keeping the agreement which he had made with his factious subject, and Bothwell was informed that if he would renounce the conditions extorted by force from the King, being a breach of the royal prerogative, a remission would be granted for his past offences, but that he must forthwith retire out of the kingdom, and 'remain forth of the same,' during his Majesty's pleasure. Lord Home and Bothwell's other enemies were at the same time permitted to return to Court, from which his friends were expelled. He was served with a summons to appear before the King and Council on the 25th October, 1593, to answer sundry charges of high treason, and, having failed to appear, he was denounced a rebel, and put to the horn. Incensed at these proceedings, Bothwell levied a body of five hundred moss-troopers, and marched to the neighbourhood of Edinburgh. James went out to meet him at the head of a numerous but undisciplined body of the citizens, and drew them up on the Boroughmuir. He had previously despatched Lord Home with a body of cavalry to attack Bothwell, but they were no match for the warlike Borderers, and were quickly put to the rout. As soon as the King saw the fugitives approaching, he fled upon the gallop back to the city. Bothwell however, in his eager pursuit of the defeated troops, was thrown from his horse, and so severely injured that he retired to Dalkeith, where he passed the night. Next morning he dismissed his followers, and once more sought security on the English side of the Border. Elizabeth, however, had by this time discovered that he could no longer be of service to her, and expelled him from the country. Sentence of excommunication was pronounced against him by the Church, which rendered him liable to the highest civil penalties. He was driven from all his castles and places of

shelter, and was chased from one quarter of the country to another. At length, after being keenly pursued through the county of Caithness, where he made several hairbreadth escapes, he found means of retiring to France. He then wandered into Spain, and afterwards passed into Italy, where he renounced the Protestant faith. He there led a life of obscurity and indigence, earning a wretched subsistence by the exhibition of feats of arms, fortune-telling, and necromancy. He died at Naples in 1612, in great misery. The forfeited estates of Bothwell were divided among Sir Walter Scott of Buccleuch, his stepson, Ker of Cessford, and Lord Home. The forfeited titles of the Earl were never recovered, but the greater part of his extensive estates were restored by Charles I. to Francis Stewart, his eldest son, who married Lady Isabella Seton, only daughter of Robert, first Earl of Winton, and ultimately sold his paternal estates to the Winton family. He left a son and a daughter. In Creighton's 'Memoirs' it is stated that Francis Stewart, the grandson of the Earl of Bothwell, though so nearly related to the royal family, was a private in the Scottish Horse Guards, in the reign of Charles II. This circumstance appears to have suggested to Sir Walter Scott the character of Sergeant Bothwell in 'Old Mortality.' John Stewart, the second son of the Earl, was the last Commendator of Coldingham, and he got the lands which belonged to that priory formed into a barony in 1621.



THE FRASERS OF LOVAT.

THE Frasers, like most of the other great Scottish houses, were of Norman descent. Their original designation was Frissell, which occurs in the roll of Battle Abbey, and is still given to them in various parts of the country. As is the case with most of the old Scottish families, a fabulous origin is ascribed to the Frasers, whose ancestor, it is pretended, came to Scotland in the reign of Charlemagne, along with the French ambassadors whom that great monarch is said to have sent to form a league with King Achaius. In reality the first of the name settled in Scotland in the reign of Malcolm Canmore, and appears to have obtained from that monarch a grant of lands in East Lothian. In the reign of David I., Malcolm's youngest son, SIR SIMON FRASER, possessed half of the lands of Keith, in East Lothian, called from him Keith Simon. Hervey, the ancestor of the Keiths, Earls Marischal, who married Simon's grand-daughter, was proprietor of the other half, named from him Keith Herveie. Another member of the Fraser family, a SIR GILBERT, obtained the lands of North Hailes, and also a large estate in Tweeddale. Oliver Castle, a celebrated stronghold of the Frasers, of which a few fragments still remain, was built by OLIVER FRASER, eldest son of Sir Gilbert. But the most illustrious of the heads of this famous house was SIR SIMON FRASER, the renowned warrior and patriot, and the bosom friend of Sir William Wallace. His father, who bore the same name, held the office of High Sheriff of Tweeddale, and was one of the Scottish magnates who took part in the discussions respecting the pretensions of the various claimants to the Scottish crown, and supported the rights of Baliol. He died in 1291. The great Sir Simon, like his father, adhered faithfully to the cause of Baliol till that weak and wavering

personage betrayed his own cause, and surrendered the crown to Edward I.

Sir Simon had evidently been regarded by the English monarch as unfriendly to his claims, for when he invaded Scotland, in 1296, he carried the chief of the Frasers with him to England, and kept him there a close prisoner for eight months. In June, 1297, Sir Simon and his cousin, Sir Richard Fraser, received permission to pay a visit to Scotland, on giving their pledge to return, and accompany Edward on his projected expedition to France. The Frasers, however, like most of the nobles of that day, and even the clergy of the highest rank, seem to have regarded promises extorted by force or threats as not binding; and when Sir William Wallace, after the battle of Falkirk, resigned his double office as Guardian of the Kingdom, and General of the Army, Sir Simon was chosen to succeed him as commander of the Scottish forces, while Sir John Comyn of Badenoch was appointed Guardian. In 1303, an English army of thirty thousand men, in violation, it was alleged, of a truce which had been agreed upon between the Scots and English, invaded Scotland, and advanced to Roslin, a few miles from Edinburgh. They were divided into three bodies, encamped at a considerable distance from each other. The Scottish leaders, Sir Simon Fraser and Sir John Comyn, hearing of these hostile movements, made a rapid night march from Biggar at the head of ten thousand men, and next day (February 25th) attacked and defeated these three divisions in succession in one day.

Incensed at this defeat, King Edward invaded Scotland at the head of a powerful army, with which the Scots were quite unable to cope in the open field. Comyn and most of the great nobles made submission to the invader, but Sir Simon Fraser firmly refused to lay down his arms, and was, in consequence, expressly excepted from the conditions of the capitulation made at Strathorde, on the 9th of February, 1303-4. The indomitable chief remained in concealment in the north till 1306, when he joined Robert Bruce, who, in that year, was crowned at Scone. He was present at the battle of Methven, where he performed prodigies of valour, and is said to have rescued and remounted the King when his horse was killed under him. According to one account, Sir Simon made his escape from the field along with Bruce, and was treacherously seized at Restalrig, near Edinburgh, in 1307, by the retainers of one of the Comyns. But a different account of his apprehension is given in a

manuscript chronicle in the British Museum, quoted by Ritson. After noticing the defeat of the Scots, the chronicler thus proceeds:—

‘When Robert the Bruce saw this mischief, and gan to flee and hov’d him, that men might not him find; but S. Simond Frisell pursued was so sore, so that he turned again and abode bataille, for he was a worthy knight, and a bolde of bodye, and the English pursued him sore on every side, and quelde the steed that Sir Simon Frisell rode upon, and then toke him and led him to the host. And S. Symond began for to flatter and speke fair, and saide, “Lordys, I shall give you four thousand markes of silver, and mine horse and harness, and all my armour and income.” Tho’ answered Thobaude of Pevenes, that was the King’s archer, “Now God me so helpe, it is for nought that thou speakest; for all the gold of England I would not let thee go without commandment of King Edward.” And tho’ he was led to the King, and the King would not see him, but commanded to lead him away to his doom in London, on Our Lady’s own nativity. And he was hung and drawn, and his head smitten off and hanged again with chains of iron upon the gallows, and his head was set at London Bridge upon a spear, and against Christmas the body was burnt for encheson (*reason*) that the men that kepted the body saw many devils ramping with iron crooks running upon the gallows, and horribly tormenting the body. And many that them saw, anon thereafter died for dread, or waxen mad, or sore sickness they had.’

A ballad which appears to have been written at the time gives an account of the cruel and barbarous treatment which the English king disgraced himself by giving to a knight conspicuous among his contemporaries for his high deeds of chivalry, as well as personal gallantry. After mentioning how Sir Simon was brought into London, with a garland of green leaves on his head, to show that he was a traitor, the writer goes on to say—

‘Y-fettered were his legs under his horse’s wombe,
Both with iron and with steel manacled were his hond,
A garland of pervynk* set upon his heved; †
Much was the power that him was bereved
 In land,
 So God me amend,
 Little he ween’d
 So to be brought in hand.

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* Periwinkle.

† Head.

SIR ANDREW FRASER, second son of Sir Gilbert and uncle of Sir Simon, became, on the death of the patriot, the male representative of the Fraser family. He possessed the lands of Touch, in Stirlingshire, and of Struthers, in Fife, afterwards the property of the Lindsays, Earls of Crawford. 'He was,' says Anderson, the historian of the family, 'the first of the name of Fraser who established an interest for himself and his descendants in the northern parts of Scotland, and more especially in Inverness-shire, where they have ever since figured with such renown and distinction.' The mother of Sir Simon the patriot was one of the Bissets of Lovat, a great family long ago extinct, and probably this fact had some influence in obtaining from James I. for HUGH FRASER, the first of the Frasers of Lovat, the gift of the extensive estates of the Bissets, on the Beaully Firth, which still remain in the possession of the head of the clan. Here, at Castle Downie, or Beaufort, as it is now called, they established their chief seat and became the heads of a powerful clan, who, after the manner of the Celtic race, assumed the name of MacShimie, or sons of Simon, the favourite name of the Frasers down to the present day. Hugh Fraser obtained a large estate in the north through his marriage with Margaret, one of the co-heiresses of the Earl of Caithness. He fell at the battle of Halidon Hill (19th July, 1333). His eldest son died unmarried. His second son, HUGH, was created a Lord of Parliament under the title of Lord Fraser of Lovat. Thomas, the third lord, grandson of Hugh, held the office of Justiciary of the North, and fell at Flodden.

While thus laying down their lives in their country's cause, the Frasers also took their full share of clan feuds and battles, in their own district. In the sanguinary contest of Blar-na-parc with the Macdonalds of Clanranald, fought in July, 1544, owing to the heat of the weather, the combatants threw off their coats and fought in their shirts, whence the field received the designation of 'Blair-lan-luni,' the Field of Shirts. The whole of the Frasers engaged in the fight, four hundred in number, including Hugh, fourth Lord Lovat, the Royal Justiciary, and his eldest son (with the exception of one of the dunniewassals, Fraser of Foyers, and four of the clan), were killed, while of the Macdonalds only eight survived.

The style of life kept up by the chiefs of the Fraser clan, and their liberal hospitality, may be understood from the abundance shown in the household expenditure of the sixth Lord Lovat. The weekly consumption included seven bolls of malt, seven bolls of meal, and one

of flour. Each year seventy beeves were consumed, besides venison, fish, poultry, lamb, veal, and all sorts of feathered game in profusion. His lordship imported wines, sugars, and spices from France in return for the salmon produced by his rivers. When he died, in 1631, his funeral was attended by four thousand armed clansmen, for all of whom entertainment would be provided.

The heads of the clan continued in uninterrupted succession to enjoy the state and authority of great Highland chieftains, resisting their adversaries, and protecting their vassals and friends, without incurring the disapprobation of the sovereign, down to the time of the notorious Simon Fraser, twelfth Lord Lovat, who expiated his numerous crimes, of which treason was by no means the worst, on the scaffold. The memoirs and letters of his day abound with anecdotes respecting Lovat's villanies, his hardihood, and his wit, which did not forsake him even on the scaffold. The incidents of his life would be thought highly coloured if they had been narrated in a romance. He alternated between the lowest depths of poverty and misery, and the summit of high rank and immense power. He had been by turns an outlaw from his own country, a proscribed traitor, a prisoner for years in the Bastille, in France, a Roman Catholic priest, a peer, and the chief of one of the most powerful clans in the Highlands.

Simon Fraser was the son of Thomas Fraser, of Beaufort, next male heir to the house of Lovat and to the chieftainship of the Frasers, after the death of Hugh, Lord Lovat, without male issue. He was born in 1667, and was educated at King's College, Old Aberdeen. In 1694, before he had completed his studies, he obtained a commission in the regiment of Lord Murray, afterwards Earl of Tullibardine, son of the Marquis of Athole, to whom he made himself specially obnoxious by his quarrelsome behaviour. On the death of the tenth Lord Lovat, in 1696, Simon Fraser assumed the designation of Master of Lovat, and his father laid claim to the title and estates. The late lord, however, had left a daughter only eleven years of age, and Simon concocted a scheme, which had nearly proved successful, to strengthen his claim by marrying the young girl. As his character was notoriously bad, her mother and friends were strongly opposed to the match, and Tullibardine was alleged to desire that she should marry one of his own sons. As they were mere boys, however, this scheme, if it was ever really entertained, could not be carried out, and Lord Saltoun, the head of another branch of the Frasers, was proposed as a more suitable husband for the young

heiress. Meanwhile, Simon had tried to get her into his power by the assistance of one of his associates, Fraser of Tenechiel; but after conducting her out of the house one winter night in such haste that she is said to have gone barefooted, Tenechiel, either through fear or a fit of repentance, restored her to her mother's keeping. Being thus made aware of the danger to which the girl was exposed, Lord Saltoun and Lord Mungo Murray, the dowager Lady Lovat's brother, hurried northward in order to arrange for conveying the heiress to a place of security. But Simon was on the alert, and having collected a body of his clansmen for the purpose, he seized the intended bridegroom and his friend at the wood of Bunchrew, and carried them prisoners to the house of Fanellan. A gallows was erected before the windows of the apartment in which they were confined, in order to intimidate them into submission to Simon's demands, and a summons was issued to the clan to come to the assistance of their chief. About five hundred men assembled in the course of a week, and Simon, putting himself at their head, with flags flying and bagpipes screaming, marched to Castle Downie, taking his prisoners with him. The heiress, however, had by this time been transferred to a secure place of refuge in her uncle's country of Athole, where she was afterwards married to Mr. Mackenzie of Prestonhall, who assumed the designation of Fraser of Fraserdale.

Simon, though baffled in his attempt to obtain possession of the young lady, found her mother, the dowager Lady Lovat, in the family mansion, and at once resolved to marry her, in order to secure through her jointure some interest in the estate. He first set at liberty his two prisoners, in order that they might not witness his proceedings, but he made Saltoun bind himself, under a forfeiture of eight thousand pounds, not to 'interfere' again in his affairs. The three female attendants of Lady Lovat were then forcibly removed. One of them, on being brought back to take off her ladyship's clothes, found her sitting in a fainting state on the floor, while some of Simon's men were endeavouring to divest her of her raiment. A marriage ceremony was hastily performed between her and Simon by Robert Mure, the minister of Abertarf. The dress of the outraged lady was cut from her person by a dirk, and she was subjected to the last extremity of brutal violence, while the bagpipes played in the apartment adjacent to her bedroom to drown her screams. Her attendant found her, next morning, speechless and apparently out of her senses.

When the news of this shocking outrage reached Lady Lovat's relations, her brother, Lord Tullibardine, obtained letters of fire and sword against the Master of Lovat and his accomplices, and marched with a body of troops to Inverness-shire, for the purpose of rescuing his sister out of the hands of the ruffians by whom she was kept a close prisoner. On the approach of the troops, Simon conveyed the lady to the isle of Aigas, a fastness in the midst of the Beaully river where he was safe from pursuit. On quitting this place of refuge he seems to have shifted from place to place throughout the Fraser territory, dragging about with him the poor lady whom he had so shamefully outraged, and occasionally coming into collision with the troops sent to apprehend him. At length, in September, 1698, he and nineteen of his chief accomplices were tried in absence before the High Court of Justiciary, for rape and other atrocious crimes, which were held as treasonable—a decision the legality of which was denied at the time. They were found guilty and condemned to capital punishment, and their lands were confiscated. Simon made his escape, however, and according to one account he fled to the Continent, where he obtained access to King William, who was then at Loo. It is doubtful, however, whether he went farther than London. This much is certain, that through the influence of the Duke of Argyll, who was probably induced to move in the matter from hostility to the Marquis of Athole, the King was persuaded to pardon Simon's other offences, but he declined to remit his outrage against Lady Lovat. On his return to Scotland he was summoned to answer for this crime at the bar of the Justiciary Court, on the 17th of February, 1701. It is asserted that he fully intended to stand his trial, protected by a strong body of his clansmen, in the hope that he would thus overawe the Court. But on the morning of the day appointed for his trial, having learned that the judges were hostile to him, he fled at once to England, and was in consequence outlawed.

Simon appears, however, to have speedily returned to his own district, for in February, 1702, he is represented as living openly in the country, 'to the contempt of all authority and justice.' 'He keeps,' it was said, 'in a manner his open residence within the lordship of Lovat, where, and especially in Stratherrick, he further presumes to keep men in arms attending and guarding his person,' and levying contributions from Lady Lovat's tenants, who were in consequence unable to pay her any rents. For this offence letters

of intercommuning were issued against him on her ladyship's petition. In these circumstances Lord Lovat, as he now called himself, his father being dead, deemed it expedient to take refuge in France. He took with him a general commission, which he declared he had received from a number of Highland chiefs and leading Jacobites in the Lowlands, authorising him to engage that they would take up arms in the cause of the exiled family. Armed with this authority he proceeded to St. Germain, and submitted to the exiled court a project for raising an insurrection against the reigning sovereign of Great Britain, by means of the Highland clans. The Chevalier de St. George and the French ministers were aware of the infamy of Fraser's character, and distrusted his schemes, but Mary of Este was disposed to put confidence in him, and he was sent back to Scotland with a colonel's commission in the Jacobite service. He is said to have had interviews on the subject of his mission with Cameron of Lochiel, Stuart of Appin, and other Highland chiefs. If so, his object must have been to entrap them into some treasonable action, for he immediately disclosed the whole proceeding to the Duke of Queensberry, who was then at the head of affairs in Scotland. The Duke of Hamilton and some other influential noblemen who were included in Fraser's accusation, affirmed that his statements were utterly devoid of truth, and even went so far as to assert that the plot was a mere pretext devised by the Duke of Queensberry himself. Fraser was sent back to France in order to obtain additional information for the Government respecting the conspiracies of the Jacobites, but his double treachery had by this time become known, and as soon as he appeared in Paris he was arrested and sent to the Bastille. He is said to have passed ten years in prison, partly in the castle of Angoulême, partly in Saumur, where he is alleged to have taken priest's orders. All his efforts to induce the French Government to set him at liberty were unsuccessful, but he at length succeeded in making his escape, with the assistance of his kinsman, Major Fraser, who had been sent to the Continent by the clan to discover where he was. He reached England, after a dangerous passage across the Channel, in November, 1714, but he was still under the sentence of outlawry, and in the following June he was arrested in London, at the instigation of the Marquis of Athole. He was set at liberty, however, on the Earl of Sutherland, John Forbes of Culloden, and some other gentlemen, becoming bail for him.

When the Jacobite insurrection of 1715 broke out, Simon set out for Scotland, no doubt with the intention of joining the party that should appear most likely to promote his own interests. He alleges that he was arrested at Newcastle, Longtown, near Carlisle, Dumfries, and Lanark, which would seem to show that his character was generally known, and that his intentions were as generally distrusted. He was allowed, however, in the end to prosecute his journey. On reaching Edinburgh he was instantly apprehended by order of the Lord Justice-Clerk, and was about to be imprisoned in the castle, when he was set at liberty through the interposition of the Lord Provost of the city. He made his way by sea from Leith to Inverness-shire, and found that Mackenzie of Fraserdale had led a body of five hundred men of the Fraser clan to the standard of the Earl of Mar. Three hundred of them, however, had disobeyed his orders and had remained at home, and putting himself at their head, Lovat concerted a plan, with Duncan Forbes of Culloden, for the recovery of Inverness, the capital of the Highlands, which had been garrisoned by Sir John Mackenzie of Coul, with four hundred of his clan. He also sent a message to his clansmen who had joined the rebels, ordering them immediately to quit Lord Mar's camp. Though there is every reason to believe that their own predilections were in favour of the exiled Stewart dynasty, and they were under the command of the husband of the heiress of their late chief, they at once abandoned the Jacobite cause, and set out on their march to place themselves under the command of Simon Fraser, whom they recognised as their rightful chief. Strengthened by this important accession to the force under his command, and by a body of auxiliaries furnished by the Munros, Grants, and Rosses, who had always adhered to the Whig side, Lovat proceeded to carry into effect the plan which Duncan Forbes and he had devised for obtaining possession of Inverness. On their approach the garrison abandoned the town, and dropping down the river in boats, during the night of November 13th, they made their escape to the northern coast of the Moray Firth.

Such important services rendered at this critical period were not likely to remain without a liberal recompense. Simon received first of all a royal pardon for his crimes. Mackenzie of Fraserdale was obliged to leave the country on the suppression of the rebellion, a sentence of attainder and outlawry was passed against him, and his forfeited life-rent of the estate of Lovat was bestowed by a grant

from the Crown (23rd August, 1716) on Lord Lovat. The Court of Session, in July, 1730, pronounced in favour of his claim to the title. But the judgment was regarded as given by an incompetent tribunal, and to prevent an appeal to the House of Lords a compromise was made with Hugh Mackenzie, son of the baroness, who had assumed the title. On payment of a considerable sum of money he consented to cede to Simon Fraser his claim to the family honours, and his right to the estate, after the death of his father. Having thus obtained the family titles, property, and chieftainship, Lovat had full scope to indulge his evil passions, and to pursue his own selfish ends. 'He was indeed,' says Sir Walter Scott, 'a most singular person, such as could only have arisen in a time and situation where there was a mixture of savage and civilized life. The wild and desperate passions of his youth were now matured into a character at once bold, cautious, and crafty; loving command, yet full of flattery and dissimulation, and accomplished in all points of policy excepting that which is proverbially considered the best, he was at all times profuse of oaths and protestations, but chiefly, as was observed of Charles IX. of France, when he had determined in his own mind to infringe them. Like many cunning people, he seems often to have overshot his mark; while the indulgence of a temper so fierce and capricious as to infer some slight irregularity of intellect frequently occasioned the shipwreck of his fairest schemes of self-interest. To maintain and extend his authority over a Highland clan, he showed in miniature alternately the arts of a Machiavelli and the tyranny of a Cæsar Borgia. His hospitality was exuberant, yet was regulated by means which savoured much of a paltry economy. His table was filled with Frasers, all of whom he called his cousins, but took care that the fare with which they were regaled was adapted not to the supposed equality, but to the actual importance of the guests. Thus the claret did not pass below a particular mark on the table; those who sat beneath that limit had some cheaper liquor, which had also its bounds of circulation; and the clansmen at the extremity of the board were served with single ale. Still it was drunk at the table of their chief, and that made amends for all. Lovat had a Lowland estate, where he fleeced his tenants without mercy, for the sake of maintaining his Highland military retainers. He was a master of the Highland character, and knew how to avail himself of its peculiarities. He knew every one whom it was convenient for him to caress: had been acquainted with his

father, remembered the feats of his ancestors, and was profuse in his complimentary expressions of praise and fondness. If a man of substance offended Lovat, or, which was the same thing, if he possessed a troublesome claim against him, and was determined to enforce it, one would have thought that all the plagues of Egypt had been denounced against the obnoxious individual. His house was burnt, his flocks driven off, his cattle houghed; and if the perpetrators of such outrages were secured, the gaol of Inverness was never strong enough to detain them till punishment. They always broke prison. With persons of low rank less ceremony was used, and it was not uncommon for witnesses to appear against them for some imaginary crime, for which Lord Lovat's victims suffered the punishment of transportation.'

Lovat was twice married after his return to Scotland in 1715, first to Margaret, fourth daughter of Ludovic Grant of Grant, by whom he had two sons and two daughters. After her death, he married, in 1733, Primrose, fifth daughter of John Campbell of Mamore, brother to the Duke of Argyll, who bore him one son. He is said to have overcome her reluctance to take him for a husband, by a most disgraceful trick, very worthy of the man. There is good reason to believe that he sought to make this lady his wife with the hope that he would thereby secure the friendship and support of the powerful family of Argyll. 'Finding himself disappointed in this expectation, he vented his resentment on the poor lady, whom he shut up in a turret of his castle, neither affording her food, clothes, or other necessaries in a manner suitable to her education, nor permitting her to go abroad or to receive any friends within doors.' Rumours as to the treatment she was receiving from her brutal husband got abroad, and a lady who was deeply interested in her welfare made a sudden visit to Castle Downie for the purpose of ascertaining Lady Lovat's real situation. Lovat compelled his wife to dress herself in proper apparel, which he brought her, and to receive her visitor with all the appearance of a contented and respected mistress of the mansion, watching her so closely all the while that she could not obtain an opportunity of exchanging words with her apart. But the visitor was satisfied from her silence and constraint that all was not well, and took active, and in the end successful, measures to obtain a separation from her savage husband, whom she long survived.

Lovat, notwithstanding all his professions of loyalty, was at heart

a Jacobite, and never relinquished the hope of the restoration of the Stewarts. He obtained from the Government the command of one of the independent companies, termed the Black Watch, organised at this time to put down robbery and theft, which afforded him the means, without suspicion, of training his whole clan by turn to military discipline, and the use of arms. Some purchases of arms and ammunition, however, which he made from abroad alarmed the Government respecting his intentions, and his commission was withdrawn in 1737. His indignation at this treatment no doubt contributed to strengthen his alienation from the Hanoverian dynasty. He was the first of the seven influential Jacobite leaders who subscribed the invitation to the Chevalier in 1740; but when Prince Charles arrived, in 1745, without the troops, money, and arms which they had stipulated as the condition of their taking the field in his behalf, the wily old chief showed great hesitation in repairing to his standard. He had been promised a dukedom and the lord-lieutenancy of Inverness-shire, and while the Prince lay at Invergarry, Fraser of Gortuleg, Lovat's confidant, waited upon him and solicited the patents which he had been led to expect, expressing at the same time his great interest in the enterprise, though his age and infirmities prevented him from immediately assembling his clan in its support. The Prince and his advisers were very desirous that Lovat should declare himself in favour of the attempt to replace the Stewart family on the throne, as, besides his own numerous and warlike clan, he had great influence with the M'Phersons, whose chief was his son-in-law, the M'Intoshes, Farquharsons, and other septes in Inverness-shire, who were likely to follow the cause which he should adopt. It appears that the original patents subscribed by the Prince's father had been left behind with the heavy baggage, but new deeds were written out and sent by Gortuleg to the selfish and cunning old chief.

Lovat still hesitated, however, to repair to the Jacobite standard, and with his usual double-dealing, he continued to profess to President Forbes his determination to support the reigning dynasty. On the 23rd of August he wrote, 'Your lordship judges right when you believe that no hardship, or ill-usage that I meet with, can alter or diminish my zeal and attachment for his Majesty's person and Government. I am as ready this day (as far as I am able) to serve the King and Government as I was in the year 1715, when I had the good fortune to serve the King in suppressing that great

Rebellion, more than any one of my rank in the island of Britain. But my clan and I have been so neglected these many years past, that I have not twelve stand of arms in my country, though I thank God I could bring twelve hundred good men to the field for the King's service, if I had arms and other accoutrements for them. Therefore, my good lord, I earnestly entreat that, as you wish that I would do good service to the Government on this critical occasion, you may order immediately a thousand stand of arms to be delivered to me and my clan at Inverness.' On the following day he wrote, 'I hear that mad and unaccountable gentleman [Prince Charles] has set up a standard at a place called Glenfinnan, Monday last.'

It is amusing and instructive to contrast these letters to President Forbes with a communication addressed in September to the chief of the Camerons:—

'DEAR LOCHIEL,—

'I fear you have been ower rash in going out ere affairs were ripe. You are in a dangerous state. The Elector's General, Cope, is in your rear, hanging at your tail with three thousand men, such as have not been seen heir since Dundee's affair, and we have no force to meet him. If the Macphersons would take the field, I would bring out my lads and help the work; and, 'twixt the twa, we might cause Cope to keep his Xmas heir; bot only Cluny is earnest in the cause, and my Lord Advocate (Duncan Forbes) plays at cat and mouse with me. But times may change, and I may bring him to the Saint Johnstoun's tippet [the gallows rope]. Meantime look to yourselves, for we may expect many a sour face, and sharp weapon in the south. I'll aid you what I can, but my prayers are all I can give at present. My service to the Prince; but I wish he had not come here so empty-handed: siller will go far in the Highlands. I send this by Ewan Fraser, whom I have charged to give it to yourself, for were Duncan to find it, it would be my head to an onion.

'Farewell,

'Your faithful friend,

'LOVAT.'

The crafty old chief continued his underhand intrigues, pretending great zeal in promoting the plans of President Forbes, while he was in reality doing all in his power to counteract them. His object was to unite his own clan with the M'Phersons, the

M'Intoshes, Farquharsons, and the Macdonalds and Macleods from the Island of Skye, and thus to form an army in the north which he could afterwards employ in support of the strongest side for his own advantage. But his selfish design was seen through by the chiefs of the Skye men, and they were induced by President Forbes first to remain neutral in the contest, and afterwards to take up arms in support of the Government. There can be little doubt that if Lovat had declared at the first in favour of the Jacobite cause, the Macleods and Macdonalds would have done so too, and their united forces would have added greatly to the Prince's chance of success. But he hesitated so long as to the course which he should adopt, that when he did ultimately take up arms in behalf of the Stewarts, his adhesion did no good to them, and brought ruin upon himself. He carried out to the last his dissimulation and selfish cunning. When the news of the victory at Prestonpans reached him, a Jacobite emissary who was with him at the time urged him to 'throw off the mask.' He then, in the presence of a number of his vassals, flung down his hat and drank success to the Prince and confusion to the White Horse (the Hanoverian badge) and all his adherents. He still, however, resolved that his own personal share in the insurrection should, as far as possible, be kept secret. He, therefore, sent his clan to join the insurgent army, under his eldest son, a youth of nineteen, whom he recalled for the purpose from the University of St. Andrews, whilst he himself remained at home. It was clearly proved on Lovat's trial that the youth was strongly averse to the step, which he was compelled to take by his father's threats and arguments, and that he was still more disgusted by the duplicity which the arrangement displayed.

Lovat pretended that his clan had joined the rebels against his positive orders, at the instance of his 'unnatural and disobedient son.' On the 6th of November, 1745, he wrote to the Lord President:— 'Foyers and Kilbokie, whose familys always used to be the leading familys of the clan on both sides, were the maddest and the keenest to go off; and when they saw that I absolutely forbid them to move or go out of the country, they drew up with my son, and they easily got him to condescend to go at their head. Though I had ten thousand lives to save, I could do no more in this affair to save myself than I have done; and if the Government would punish me for the insolent behaviour of my son to myself, and his mad behaviour towards the Government, it would be a greater severity than ever was used to

any subject.' The Lord President, however, was not deceived by these transparently false representations, and told the crafty old dissembler, in courteous but explicit terms, when the affection of his clan and their attachment to him in the year 1715 and downward were remembered, it would not be easily believed that his authority is less with them now than it was at that time. 'It will not be credited,' he added, 'that their engagements or inclinations were stronger against the Government when the present commotions began than they were thirty years ago, when the clan was at Perth.'

The movement of the Frasers was so long delayed, that the march of the Prince into England had taken place before the Master of Lovat commenced his journey southward. He, in consequence, halted at Perth, where a body of the Jacobite troops had been stationed under Lord Strathallan. The Frasers afterwards joined the main body at Stirling on their return from England. They fought at Culloden with their hereditary valour, and when the Highlanders were defeated, they marched off the field with their banner flying and their bagpipes playing in the face of the enemy.

In his flight from Culloden, Prince Charles, attended by a small body of his officers, proceeded to Gortuleg, where Lord Lovat was then residing, and where they met for the first and last time, in mutual anxiety and alarm. Sir Walter Scott mentions that a lady, who was then a girl, residing in Lord Lovat's family, described to him the unexpected appearance of Prince Charles and his flying attendants at Gortuleg, near the Fall of Foyers [not Castle Downie, as Sir Walter erroneously supposed]. The wild and desolate vale on which she was gazing with indolent composure, was at once so suddenly filled with horsemen riding furiously towards the castle, that, impressed with the belief that they were fairies, who, according to Highland tradition, are visible only from one twinkle of the eyelid to another, she strove to refrain from the vibration which she believed would occasion the strange and magnificent apparition to become invisible. To Lord Lovat it brought a certainty more dreadful than the presence of fairies, or even demons. Yet he lost neither heart nor judgment. He recommended that a body of three thousand men should be collected to defend the Highlands until the Government should be induced to grant them reasonable terms. Mr. Grant of Laggan says that Lovat reproached the Prince with great asperity for declaring his intention to abandon the enterprise. 'Remember,' he said, 'your great ancestor, Robert

Bruce, who lost eleven battles and won Scotland by the twelfth.' But this judicious advice was unheeded

The fugitive Prince and his attendants went on to Invergarry, and Lovat, finding that his vassal's house at Gortuleg was no safe place of refuge, fled to the mountains, though he was so infirm that he had to be carried by his attendants. Not finding himself safe there, he escaped in a boat to an island in Loch Morar. He was discovered by a detachment from the garrison of Fort William, engaged in making descents upon the coasts of Knoidart and Arisaig. In one of these descents they got intelligence respecting the aged chief, and, after three days' search, they found him concealed in a hollow tree with his legs swathed in flannel. He was sent up to London and imprisoned in the Tower. His trial did not take place until the 9th of March, 1747, to afford time to collect evidence sufficient to insure his conviction. No one doubted his complicity in the rebellion. Indeed, on one occasion he said of himself that he had been engaged in every plot for the restoration of the Stewart family since he was fifteen years of age; but as he had cunningly kept in the background, and had abstained from any overt act of treason, he would probably have escaped the punishment which he justly merited had not John Murray of Broughton, secretary to the Prince, purchased his own safety by becoming king's evidence, and producing letters from Lovat to Charles which fully established his guilt. The trial lasted seven days, and though he defended himself with great dexterity, he was found guilty and condemned to be beheaded. When sentence was pronounced upon him he said, 'Farewell, my lords, we shall not all meet again in the same place. I am sure of that.' During the interval between his conviction and his execution he displayed the utmost insensibility to his position, and made his approaching death the subject of frequent jests. He was, notwithstanding, anxious to escape his doom, and wrote a letter to the Duke of Cumberland, pleading the favour in which he had been held by George I., and how he had carried the Duke about when a child in the parks of Kensington and Hampton Court; but, finding that all his applications for life were vain, he resolved, as Sir Walter Scott says, to imitate in his death the animal he most resembled in his life, and die like the fox, without indulging his enemies by the utterance of a sigh or a groan. Though in the eightieth year of his age, and so infirm that he had to obtain the assistance of two warders in mounting the scaffold, his spirits never flagged. Looking round

upon the multitude assembled on Tower Hill to witness his execution, he said with a sneer, 'God save us! Why should there be such a bustle about taking off an old grey head from a man who cannot get up three steps without two assistants?' At this moment, a scaffold crowded with spectators gave way, and Lovat was informed that a number of them had been seriously injured, if not killed. In curious keeping with his character, he remarked in the words of an old Scottish adage, 'The more mischief the better sport.' He professed to die in the Roman Catholic religion, and, after spending a short time in devotion, he repeated the well-known line of Horace, singularly inappropriate to his character and fate:—

'Dulce et decorum est pro patria mori,'

and laying his head upon the block, he received the fatal blow with unabated courage. Of all the victims of the Jacobite rebellion, no one either deserved or received so little compassion as Lovat; but his execution, when on the very verge of the grave, conferred little credit on the Government.

Lovat's titles and estates were of course forfeited, but the latter were restored, in 1774, to SIMON FRASER, the eldest son of the rebel lord, who entered the royal army in 1756, and ultimately attained the rank of lieutenant-general. At a time when he did not possess an acre of the Fraser estates, he raised among the clan a regiment of fourteen hundred men, called the 78th or Fraser Highlanders, and served at their head with great distinction in America, and especially under General Wolfe, at the memorable battle on the heights of Abraham, where he commanded the left wing of the British army. With all his bravery and military skill, General Fraser does not appear to have commanded much affection or esteem. An old Highlander in Glasgow, to whom he had failed to keep his promise, is reported to have said to him, 'As long as you live, Simon of Lovat will never die.' And Mrs. Grant of Laggan declared that in him 'a pleasing exterior covered a large share of his father's character, and that no heart was ever harder, no hands more rapacious, than his.'

General Fraser died without issue in 1782, and was succeeded by his half-brother, Colonel ARCHIBALD CAMPBELL FRASER, who, like him, was long member of Parliament for Inverness-shire. He had the misfortune to outlive his five sons, and on his death, in 1815, the male line of the eldest branch of the Fraser family became extinct, and the estates devolved upon THOMAS ALEXANDER FRASER of Strichen,

who was descended from the second son of the sixth Lord Lovat. He was the twenty-first chief in succession from the great Sir Simon Fraser, the friend of Robert Bruce, and the rights, both of the Lovat and the Strichen branches, centred in his person, two hundred and twenty-seven years from the time when his ancestors acquired the estate of Strichen. He was elevated to the House of Lords in 1837, by the title of BARON LOVAT OF LOVAT. In 1854 the attainder of the forfeited Scottish peerage was removed, and the ancient title of his family was restored to him by the House of Lords in 1857.

At the time of Lord Lovat's succession to the patrimonial estates of his family they were heavily burdened, and large portions of them had been provisionally alienated by what is termed 'wadsets,' which differ from mortgages in this respect, that they can be redeemed at any time on payment of the sum originally lent upon their security; but the new peer was a man of great ability and activity, as well as of economical habits, and he set himself with praiseworthy energy and zeal to relieve the inheritance of his ancestors from its encumbrances. For this purpose he disposed of his paternal estate of Strichen, and laid out the sum for which it was sold in redeeming the 'wadsets' and in improving the Lovat territory, 162,000 acres in extent, to which the entailed estate of Abertarf, belonging to one of the minor branches of the family, has recently been added, yielding altogether, including the deer forest, a rental of upwards of £35,000 a year. Lord Lovat died in 1876, and was succeeded by his eldest son—

SIMON FRASER, the fifteenth LORD LOVAT, and the twenty-second chief of the Fraser clan. He is regarded as the head of the Roman Catholic body in the north. When the Benedictines were expelled from France, in 1876, he presented them with the buildings at Fort Augustus, which he had shortly before purchased from the Government, and gave them also a liberal endowment to assist in supporting the establishment.

A suit was instituted before the House of Lords in 1885, by a person of the name of John Fraser, who contended that his great-grandfather, Alexander Fraser, a miner, who died in Anglesea in 1776, was identical with Alexander Fraser of Beaufort, son of Thomas of Beaufort, twelfth Lord Lovat, whose descendants were the nearest heirs to the Lovat estates in the event of the extinction of the main line of the family. This Alexander Fraser was said to

have fled from Scotland into Wales in 1689, in consequence of having killed a fiddler, and having taken part in the rising of the Highlanders under Dundee in that year. Their lordships, however, were of opinion that there was no evidence adduced to prove that Alexander Fraser of Beaufort left Scotland in 1689, or that he was identical with Alexander Fraser, the miner, who died in Wales in 1776. The Committee for Privileges therefore decided that, in their opinion, 'John Fraser has no right to the titles, dignity, and honours claimed in his petition.'

The badge of the clan Fraser is the yew, and their war-cry was 'Castle Downie,' the residence of their chief, which is now termed Beaufort Castle.

The family of Fraser of Castle Fraser, in Aberdeenshire, is descended in the female line from the Hon. Sir Simon Fraser of Inverallochy, second son of Simon, eighth Lord Lovat, and in the male line from Colin Mackenzie of Kilcoy, who married Sir Simon's great-granddaughter, the heiress of the estate. Andrew Mackenzie, the second son of that lady, on succeeding his mother in the estate of Inverallochy, and her youngest sister in that of Castle Fraser, assumed the additional name of Fraser by royal license.

The Frasers of Leadclune are descended from Alexander Fraser, second son of Hugh, second Lord Lovat. A baronetcy was conferred on William Fraser, the head of this family, in 1806.





THE FRASERS OF PHILORTH AND SALTOUN.

OF the junior branches of the Frasers, the most distinguished are the ancient family of PHILORTH, who trace their descent from WILLIAM FRASER, whose father, Alexander, flourished during the early part of the fourteenth century, but it has not been ascertained whether he had any connection with the Frasers of Tweeddale, though it is highly probable that he belonged to that family. William Fraser inherited from his father the fine estates of Cowie and Durris, in Kincardineshire, which, however, long ago passed away from the family. He was killed at the battle of Durham, in 1346. His descendants were distinguished throughout for their patriotism and their bravery. One of them, who was Abbot of Compiègne, in France, was elected in 1596 Rector of the University of Paris, was the author of several treatises in philosophy, and two theological works. Sir Alexander Fraser of Philorth, his nephew, laid the foundations of the castle of Fraserburgh, which became the chief residence of the family. In 1613 he succeeded in getting the town erected into a borough of regality, and the parish, which was originally called Philorth, was changed to Fraserburgh, in honour of the benefits which he conferred upon it. The cross, the gaol, and the court-house were erected by Sir Alexander. In 1592 he obtained a charter from the Crown, empowering him to erect and endow a college and university at Fraserburgh, but no steps appear to have been taken to carry this proposal into execution. His eldest son, also Sir Alexander, married a daughter of the seventh Lord Abernethy of Saltoun, and their son succeeded to that peerage as heir of line on the death, in 1669, of his cousin, Alexander, ninth Lord Abernethy of Saltoun; but the estate had been sold, in 1643, to Sir Andrew Fletcher, to whose descendants it still belongs.

The Saltoun Frasers worthily upheld the reputation of the patriotic family whom they had succeeded. The sixteenth Lord Saltoun in particular was a distinguished military officer, and was described by the Duke of Wellington as 'a pattern to the army, both as a man and a soldier.' He entered the service in 1802, when he was seventeen years of age, as ensign in the 42nd Regiment—the famous Black Watch—and, two years after, he obtained a captain's commission in the 1st Foot Guards. He served under Sir John Moore in his celebrated Spanish campaign, and fought at Corunna, 16th January, 1809. He accompanied the grossly mismanaged and disastrous Walcheren expedition in that year. He was with the Duke of Wellington throughout the Peninsular campaign, and took an active part in its most perilous and sanguinary encounters. He gained special distinction in the final struggle with Napoleon at Quatre Bras and at Waterloo. He was appointed to defend the important post of Hougoumont, which the Duke deemed it necessary to maintain at any cost, as it was essential to the success of his operations. Lord Saltoun was directed to hold the orchard and the wood with the light troops of the 1st Regiment, while the Coldstreams and the 3rd Guards, under Colonel Macdonnell, were stationed in the buildings and the garden. The battle raged round Hougoumont all day with the greatest fury, but Lord Saltoun kept the enemy at bay, though with dreadful carnage. At two o'clock, when, in consequence of the severe loss of his troops, he returned to his own regiment, the 1st Guards, he brought back only one-third of the men whom he had led into action. He took a prominent part in the last famous charge of the Guards which closed the battle.

Lord Saltoun's distinguished services were deservedly rewarded with professional honours and promotion. He was made a Companion of the Bath in 1815, and K.C.B. in 1818, and ultimately attained the rank of lieutenant-general. He also became Colonel of the 2nd Foot in 1846. During the opium war with China, Lord Saltoun commanded a brigade at the attack and capture of Chin-Kiang-Fou, and received the thanks of both Houses of Parliament for 'the energy, ability, and gallantry' which he had displayed in that campaign.

His lordship was noted for his musical skill and taste, and was President of the Madrigal Society, and of the Musical Union. Besides his military distinctions, and the Order of the Thistle, with which he was invested by his own sovereign, Lord Saltoun was a

Knight of the Austrian order of Maria Theresa, and of the Russian Order of St. George. He died in 1853, without issue, and was succeeded by his nephew, ALEXANDER, seventeenth Lord Saltoun, a representative peer, on whose death, in February, 1886, the family titles and estates passed to his eldest son, ALEXANDER WILLIAM FREDERICK, Lieutenant-Colonel in the Grenadier Guards, eighteenth Lord Saltoun.

The title of BARON FRASER (now dormant), in the peerage of Scotland, was conferred in 1633 on ANDREW FRASER of Muchells, in Aberdeenshire, who was descended from a branch of the house of Philorth. He died in 1636. His son, also named ANDREW, the second Lord Fraser, joined the Covenanting party, and fought under the banner of Montrose against the northern Royalists. His grandson, CHARLES, fourth Lord Fraser, was a Jacobite, and in 1693 was tried before the High Court of Justiciary in Edinburgh, for proclaiming King James at Fraserburgh, for drinking his health and that of his son, and cursing King William and his adherents. He was found guilty only of drinking the healths of the expelled monarch and his son, and was fined two hundred pounds for the offence. Lord Fraser took the oaths and his seat in Parliament 2nd July, 1695; and in the Parliament of 1706 he supported the union with England. But his Jacobite principles were only latent, not extinguished, and he took part in the rebellion of 1715. After its suppression he contrived to escape arrest by remaining in hiding. He lost his life in 1720 by a fall from a precipice near Banff. He left no issue, and his title has not been claimed. He bequeathed his estate of Castle Fraser to the children of his wife, daughter of the seventh Earl of Buchan, by her first husband, Sir Simon Fraser of Inverallochy.



THE GORDONS.



THE Gordons are one of the oldest and most illustrious of the historical families of Scotland, and from the twelfth century down to the present day have taken a very prominent part in public affairs. They have shed their blood like water for their sovereign and country, at home and abroad, on the scaffold and the battlefield. They have earned distinction both as statesmen and warriors, and have filled the highest offices in the Church and the State. Their exploits have been commemorated in song, and ballad, and tradition, as well as in the historic records of the country; and several members of the family have acquired an honourable position among Scottish authors. 'O send Lewie Gordon hame,' 'Kenmure's on and awa,' 'Cauld Kail in Aberdeen,' and 'Tullochgorum,' represent different phases of the character of the 'gay Gordons,'* gallant as gay. They claim a share in the poetry of Byron, whose mother was a Gordon; and the 'Genealogical History of the Family of Sutherland,' 'The History of the Ancient, Noble, and Illustrious Family of Gordon,' and the 'Itinerarium Septentrionale' of 'Sandy

* This designation seems to have been given to the Gordons at an early period, probably from the vivacity and sprightliness of their manners. It is often ascribed to them in old ballads. In one of the versions of the *Battle of Otterburn*, in which Sir John of Gordon was slain, it is said that Douglas—

'Has chosen the Lindsays light,
With them the Gordons gay.'

In the ballad of *Glenlogie*, where Lady Jean asks the name of the young noble who had attracted her attention, she is told—

'He is of the gay Gordons; his name it is John;'

and it is added, that when informed of the lady's preference for him—

'He turned about lightly, as the Gordons does a.'

The ladies of the Gordon family have long been noted for the elegant shape of the neck.

Gordon,' besides numerous treatises, historical, classical, and theological, attest the learning and are the fruits of the grave studies of the Gordons. The 'Gordon Highlanders,' raised among the clan and led by their chief, have carried the British standard to victory on many a well-fought field, in Holland and Egypt, in Spain and Belgium, at Corunna, Quatre Bras, and Waterloo; and the chiefs of the various branches of the house have been among the bravest and most skilful officers in the British army.

There are few of the ancient families of Scotland respecting whose origin so many absurd and fabulous stories have been told as of the Gordons. According to one account, they came from Greece into Gaul, and thence into Scotland, at least a thousand years ago. Another fabulist traces their origin to Spain, and a third to Flanders. Some writers affirm that the Gordons are descended from Bertrand de Gourdon, who, in 1199, wounded mortally with an arrow Richard Cœur de Lion, while he was besieging the castle of Chalons in the Limoges. But there can be no doubt that the Gordons were originally from Normandy, and that the founder of the Scottish branch of the family came into Scotland in the reign of David I. (1124—53), from whom he received a grant of the lands of Gordon. There is a tradition that the first of the name came from England in the days of Malcolm Canmore, and that, as a reward for his services in killing a wild boar which infested the Borders, he received from that monarch a grant of land in the Merse of Berwickshire, which he called Gordon after his own name, and settling there, he assumed a boar's head for his armorial bearings in commemoration of his exploit. In all probability the story was invented to account for the arms of the family, and its founder was much more likely to have styled himself 'de Gordon' after his lands, than to have given his name to the place where he settled.

The ancestor of the Gordons had two sons, Richard and Adam. Richard, the elder, who died in the year 1200, appears to have been a liberal benefactor to the monastery of Kelso. His son confirmed by charter his grants of land, and his grandson increased them, and gave lands also to the monks of Coldstream. He died in 1285 without male issue, and his only daughter, Alice, married her cousin, Adam de Gordon, the son of Adam the younger brother of Richard, and thus united the two branches of the family. This Adam is said to have accompanied Louis of France in his crusade for the recovery of the Holy Sepulchre, in 1270, and to have died

during the expedition. His son, who was also named Adam, was a supporter of Baliol in his contest with Bruce for the crown, but he died before the commencement of the War of Independence.

His son, SIR ADAM DE GORDON, was one of the most powerful nobles of his time, and took a prominent part in the struggle for national freedom. He was at the outset an adherent of John Baliol, but after the death of that unfortunate monarch, Sir Adam gave in his adhesion to Robert Bruce. He was sent as ambassador to the papal court to submit to the Pope the spirited memorial prepared by the Parliament in 1320, in vindication of the freedom and independence of their country, and succeeded in persuading the Roman Pontiff to suspend the publication of his sentence of excommunication and interdict, and to address an epistle to the English king recommending him to conclude a peace with Scotland. As a reward for his important services, Sir Adam received from Robert Bruce a grant of the forfeited estate of David de Strathbogie, Earl of Athole; but that nobleman, having returned to his allegiance, was allowed to retain possession of his lands.

Sir Adam was killed at the battle of Halidon Hill, in 1333. He was succeeded by ALEXANDER, the eldest of his four sons, who fought with great gallantry by his father's side, and was one of the few nobles who escaped from that fatal field. He is said to have fallen at the battle of Durham, October 17th, 1346, but his name does not appear in the list of the slain given by Lord Hailes. His son, SIR JOHN, was present at that engagement, and was taken prisoner, along with King David. He was detained in captivity in England until 1357.

The Earl of Athole, who was noted for his rapacity and cruelty, once more joined the English invaders, in 1335, but was defeated by Sir Andrew Moray, the Regent, at Kilblane, near Braemar, and was killed in the battle. His estates were then finally forfeited, and in 1376 SIR JOHN DE GORDON, the son of the Sir John who was captured at Durham, obtained from Robert II. a new charter of the lands of Strathbogie. The Gordon clan were thus transferred from the Borders to the Highlands, though they continued to possess their original estates in Berwickshire till the beginning of the fifteenth century. Their northern domain and lordship received the name of Huntly from a small village near Gordon, and their title was taken from it when the family was raised to the peerage. Sir John de

Gordon was a redoubted warrior, and many of his exploits are narrated in the Border annals and traditions of his age.

In 1371-2 the English Borderers invaded and plundered the lands of Gordon. Sir John retaliated as usual by an incursion into Northumberland, where he laid waste and plundered the country. But as he returned with his booty, he was attacked unawares by Sir John Lilburn, a Northumbrian baron, who, with a greatly superior force, lay in ambush near Carham to intercept him. Gordon harangued and cheered his followers, charged the English gallantly, and, after having himself been five times in great peril, gained a complete victory, taking the English commander and his brother captive. According to Wyntoun, Sir John was desperately wounded, but—

‘The’re rayse a welle grete renowne,
And gretly prysyd wes gude Gordown.’

Shortly after this exploit Sir John of Gordon encountered and defeated Sir Thomas Musgrave, a renowned English knight, whom he made prisoner. Wyntoun says of Sir John and the Laird of Johnston, another celebrated Borderer—

‘He and the Lord of Gordown
Had a soverane gude renown
Of ony that war of thare degré,
For full that war of grete bounté.’

Sir John and his clan fought at the battle of Otterburn in 1587, under the banner of the Earl of Douglas, and, along with his renowned leader, he lost his life in that fiercely-contested conflict.*

Lord John left three sons, the two younger of whom were known in tradition by the familiar names of *Jock* and *Tam*. The former was the ancestor of the Gordons of Pitlurg; the latter of those of Lesmoir and of Craig-Gordon.

His eldest son, SIR ADAM DE GORDON, a young noble conspicuous for his gallantry, fell at the battle of Homildon Hill. When the English archers were pouring their volleys with deadly effect on the closely wedged ranks of the Scottish spearmen, who were falling by hundreds, Sir John Swinton, a brave Border knight of gigantic stature, well advanced in years, exclaimed, ‘Why stand we here to be shot like deer and marked down by the enemy? Where is our wonted courage? Are we to be still and have our

* Ridpath's *Border History*. *Minstrelsy of the Scottish Border*.

hands nailed to our lances? Follow me, and let us at least sell our lives as dearly as we can.' This gallant proposal won the admiration of Adam de Gordon, whose family were at deadly feud with that of Swinton, and throwing himself from his horse and kneeling down before him, he said, 'I have not been knighted, and never can I take the honour from the hand of a truer, more loyal, more valiant leader. Grant me the boon I ask, and I unite my forces to yours, that we may live and die together.' Swinton cordially complied with Gordon's request, and after having hastily performed the ceremony, he tenderly embraced his late foe. The two knights then mounted their horses, and, at the head of a hundred horsemen, charged fiercely on the English host; but, unsupported by their countrymen, the little band, with its gallant leaders, were overpowered and slain.

Sir Adam was succeeded in his estates by his only child, ELIZABETH GORDON, who became the wife of ALEXANDER DE SETON, second son of Sir William de Seton of Seton. He assumed the name of Gordon, was styled Lord Gordon and Huntly, and carried on the line of the family. He had two sons by the heiress of the Gordons. ALEXANDER, the eldest, was created EARL OF HUNTLY in 1449. He was a good deal employed in embassies and negotiations at the English court. During the rebellion of the Douglasses Huntly was appointed by James II. (who placed great confidence in his integrity and judgment) lieutenant-general of the kingdom, and was intrusted with the difficult task of suppressing the rebellion of the Earls of Crawford and Ross, who had entered into a treasonable association with the Earl of Douglas. Marching northward with a powerful army under the royal standard, he encountered Crawford, at the head of his retainers and vassals, on a moor about two miles north-east of Brechin. The battle was fiercely contested, and for a considerable time the issue was very doubtful; but it was decided against the Tiger Earl, as Crawford was called, by the desertion in the heat of the fight of one of his most trusted vassals, Collace of Balnamoon, at the head of three hundred men. Huntly lost two of his brothers, and Gordon of Methlic, ancestor of the Earl of Aberdeen, in this sanguinary conflict. A brother of Crawford, and sixty other lords and gentlemen who fought on his side, were among the slain. The Earl and his discomfited followers fled to Finhaven Castle. On alighting from his horse, the savage Earl called for a cup of wine, and declared with an oath that 'he

wad be content to hang seven years in hell by the breers o' the e'en [eyelashes] to gain such a victory as had that day fallen to Huntly.'*

The Earl of Moray, one of the brothers of the Earl of Douglas, in revenge for Crawford's defeat, burned Huntly's castle of Strathbogie and ravaged his estates, and he shortly after surprised and defeated a body of the Gordons in a morass called Dunkinty. This repulse is commemorated in a jeering song which runs thus:—

'Where did you leave your men,
Thou Gordon so gay?
In the bog of Dunkinty,
Mowing the hay.'

Lord Huntly died 15th July, 1470, and was buried at Elgin. He was three times married. His first wife, daughter of Robert de Keith, grandson of the Great Marischal of Scotland, brought him a fine estate but no children. His second wife, who was daughter and heiress of Sir John Hay of Tullibody, bore to him a son, Sir Alexander Seton, who inherited his mother's estate, and was ancestor of the Setons of Touch. The Earl's third wife, a daughter of Lord Crichton, High Chancellor of Scotland, bore to him three sons and three daughters. The title and estates were settled by charter on the issue of this third marriage, and the eldest son succeeded his father in 1470.

GEORGE, second Earl of Huntly, was appointed, with the Earl of Crawford, joint justiciary of the country beyond the Forth. He was a member of the Privy Council of James III. Though he was an accomplice of Bell-the-Cat and the other disaffected barons in the murder of the royal favourites at Lauder, in the final struggle between them and James, Huntly supported the cause of that unfortunate sovereign, and, along with the Earl of Athole, commanded the vanguard of the royal army in the battle of Sauchieburn, where the King lost his life. James IV., however, seems to have entertained no hostile feelings towards the Earl, for in 1491 he nominated him his lieutenant in the northern parts of Scotland beyond the North Esk river; and, in 1498, he appointed Huntly High Chancellor of Scotland. He resigned this office in 1502, and died soon after. The Earl was twice married. His first wife, Annabella, daughter of James I., bore to him six daughters and five sons. His

* *Lives of the Lindsays*, i. 137.

eldest son became third Earl. His second son, Adam, married Elizabeth, Countess of Sutherland, and became Earl of Sutherland in her right. William, third son, was the ancestor of the Gordons of Gight, from whom Lord Byron was descended. James Gordon of Letterfourie, the fourth, was admiral of the fleet in 1513. Lady Catherine, the eldest daughter of Lord Huntly, who was regarded as the most beautiful and accomplished woman in Scotland, was given in marriage by the King to Perkin Warbeck, whose claims to the English throne he warmly supported. She accompanied that adventurer to England; after his execution King Henry granted her a pension, and assigned her a post of honour at the English Court, where she was known by the name of the White Rose of Scotland. Lady Catherine afterwards married Sir Matthew Cradock, an ancestor of the Pembroke family. The Earl had no issue by his second wife, a daughter of the first Earl of Errol.

ALEXANDER, third Earl of Huntly, according to Holinshed, was held in the highest reputation of all the Scottish nobility for his valour, joined with wisdom and policy. He contributed greatly to the suppression of a rebellion in the Isles in 1505, and in the following year he stormed the castle of Stornoway, in Lewis, the stronghold of Torquil Macleod, the leader of the insurgents. The Earl, along with Lord Home, commanded the left wing of the Scottish army at the battle of Flodden, 9th September, 1513, and overpowered and threw into disorder the division commanded by Sir Edward Howard. The Earl and his brother, the Earl of Sutherland, were among the few Scottish nobles who returned in safety from that fatal field, but Sir William Gordon of Gight was among the slain, as was also Alexander Gordon, heir-apparent of Lochinvar. When the Queen-Dowager was appointed Regent of the kingdom, the Parliament resolved that she should be guided by the counsels of Huntly, along with Angus and the Archbishop of Glasgow. During the minority of James V. Huntly's authority was predominant in the north. When the Duke of Albany left the country in 1517, the Earl was nominated one of the Council of Regency, and, in the following year, he was appointed the royal lieutenant over all Scotland, except the West Highlands. He died at Paris, 16th January, 1524. By his first wife, a daughter of John, Earl of Athole, uterine brother of James IV., the Earl had four sons and two daughters. By his second wife, a daughter of Lord Gray, he had no issue. His eldest son,

George, died young. John, his second son, also predeceased him, leaving two sons by his wife Margaret, an illegitimate daughter of James IV. Alexander, his third son, was ancestor of the Gordons of Cluny; and the fourth, William, was Bishop of Aberdeen from 1547 to his death in 1577.

Bishop Gordon has obtained an unenviable notoriety for his immoral life and his alienation of the revenues of his diocese. Spottiswood says:—‘This man, brought up in letters at Aberdeen, followed his studies a long time in Paris, and returning thence was first, parson of Clat, and afterwards promoted to the See. Some hopes he gave at first of a virtuous man, but afterwards turned a very epicure, spending all his time in drinking and whoring. He dilapidated the whole rents by feuing the land, and converting the victual-duties in money, a great part whereof he wasted upon his base children and their mothers.’ The registers of the diocese fully bear out these severe statements respecting the conduct of this unworthy prelate. Mention is made in them of no fewer than forty-nine ‘charters of assedation’ of various portions of the land belonging to the bishopric granted by him during the course of a single year—1549. The Dean and Chapter of Aberdeen, in a memorial of advice presented to Bishop Gordon in January, 1558, ‘humbly and heartily pray and exhort my lord, their ordinary, for the honour of God, relief of his own conscience, and weil of his diocese, and the eviting of great scandal, that his lordship will be so good as to show edicative example; in special in removing and discharging himself of the company of the gentlewoman by whom he is greatly slandered; without the which be done, divers that are partners say they cannot accept counsel and correction of him who will not correct himself.’*

This really affecting appeal, however, had no effect on the bishop. On the 20th October, 1565, he granted a charter of the lands of North Spittal to Janet Knowles (probably ‘the gentlewoman by whom he was greatly slandered’) in life-rents, and to his children, George, John, and William, Elizabeth, Margaret, and Martha Gordon, in feu.†

GEORGE, fourth Earl of Huntly, eldest son of Lord John Gordon, succeeded his grandfather in 1524, when only ten years of age. He was educated along with James V., his maternal uncle, and was carefully instructed by the best masters. His frequent intercourse with

* *Registrum Episcopatus Aberdonensis*, i.; preface, lvii.

† *Ibid.* lxxv.

the Court of France not only polished his manners, but gave him an insight into the inner machinery of public government. At an early age he filled several important offices, and in 1537 he was appointed Lieutenant-general of the country beyond the Forth. The Earl was possessed of almost regal influence in the north, which he frequently exercised in an arbitrary and tyrannical manner. He took a very prominent part in public affairs during the reign of James V. and his unfortunate daughter Mary. In July, 1542, he defeated, at Haddon Rig, near Kelso, Sir Robert Bowes, Warden of the East Marches, who was ravaging Teviotdale at the head of three thousand men, and took six hundred prisoners, including Bowes himself, with his brother and several other persons of note. This defeat so enraged King Henry that he sent an expedition consisting of thirty thousand men into Scotland, under the Duke of Norfolk, with orders to lay waste the country; but they were kept in check by Huntly with a force only a third of that number, and were ultimately compelled to retreat to Berwick.

After the death of King James, Huntly was constituted Lieutenant-general of all the Highlands, and of Orkney and Shetland. In May, 1544, he marched with a numerous army, reinforced by Lord Lovat and the Frasers, against the clan Cameron and the Macdonalds of Clanranald, who were plundering Glenmoriston, Strathglass, and the whole adjoining district. At his approach they retired to their own territories. But as soon as Huntly had separated from the Frasers to return home, they were attacked by the Macdonalds at Loch Lochy, and so fierce was the conflict, that only two combatants on the one side and four on the other survived. Huntly lost no time in retracing his steps, and after laying waste the district, he apprehended and put to death a number of the leading men of the rebellious tribes.

The Earl was appointed High Chancellor of Scotland in 1546. He commanded the vanguard at the battle of Pinkie, 10th September, 1547, and was taken prisoner by the English. He was first sent to London, but was subsequently removed to Morpeth Castle. He promised that, if allowed to return home, he would join the English party and forward the project of marriage between the young Scottish queen and King Edward. He did not mislike the match so much, he said, as the manner of wooing. His offer does not appear to have been accepted; probably its sincerity was doubted. Among the papers, however, in Gordon Castle, there are

covenants between Huntly and the Protector Somerset which show that the Earl had agreed to promote the project of an English marriage and alliance, while he was at the same time regarded as the main support of the Roman Catholic party, who were bent on an alliance and marriage with France. He succeeded in making his escape from his prison, in 1548, by the assistance of George Car, a well-known Borderer. 'George Car,' says the family historian, 'came at the appointed time with two horses, the best the Borderers could afford for the purpose, the one being for the Earl and the other for his servant. The appointed night he prepares a good supper for his keepers, and invites them solemnly to it, and to play at cards, to put off the tediousness of the night. At length, as if he had been weary of playing, he left off, entreating them to continue; and, going to the window, he did by a secret sign observe that all things were ready for his escape, tho' the night was extremely dark. He began then to be doubtful, sometimes in hope, and other times in fear. At last, without thinking, he burst out into this speech, *A dark night, a wearied knight; GOD be the Guide.* The keepers, hearing him speaking to himself, asked what he meant by that? He answered that these words were used as a proverb among the Scots, and had their beginning from the old Earl of Morton uttering the same in the middle of the night, when he lay a-dying. Whereupon, that his keepers might have no suspicion of his designed escape, he sitteth down again to cards, after which he suddenly rose from them on the plea of necessity, and went suddenly out with his servant, found the horses furnished by George Car ready, which he and his servant immediately mounted, and on them, with all possible speed, fled to the Scot's Borders.' *

Huntly was now the recognised head of the Roman Catholic party in Scotland, and when the marriage of Queen Mary to the Dauphin of France was proposed, he received the order of St. Michael from the French King, and, in 1549, he obtained a grant of the earldom of Moray.

The severity of Huntly's proceedings against the Highland clans had excited a strong feeling of revenge, and a plot was formed for his assassination. Mackintosh, the chief of the clan Chattan, who had been liberally educated by the Earl of Moray, Huntly's enemy, was at the head of this conspiracy. The plot

* *The History of the Ancient, Noble, and Illustrious Family of Gordon.* By Mr. William Gordon of Old Aberdeen, i. 171, 172.

being discovered, Huntly caused Mackintosh to be apprehended and beheaded at Strathbogie.

In 1554 a violent outbreak took place on the part of the chief of Clanranald, accompanied as usual with rapine and bloodshed, and Huntly was entrusted by the Queen-Regent with full powers to bring the offenders to justice. The expedition, however, was unsuccessful, mainly in consequence of dissensions among the Earl's followers, and its failure was attributed to his own mismanagement. He was, in consequence, apprehended and committed to prison, was deprived of all his offices, and was sentenced to be banished to France for five years. He was at the same time compelled to renounce the earldom of Moray, and the lordship of Abernethy, with his leases and possessions in Orkney and Shetland. The sentence of banishment, however, was recalled by the Queen-Regent and commuted for a heavy fine, and he was restored to his office of Chancellor, of which he had been deprived.

During the fierce contentions between Mary of Guise and the Lords of the Congregation, Huntly repeatedly interposed, in order to prevent hostilities. On her behalf he signed the agreement with them which led to their evacuation of Edinburgh, but, shortly after, he entered into a bond with the Duke of Chatelherault, and the other Lords of the Congregation, for the support of the Reformation and the expulsion of the French troops from the kingdom. It need excite no surprise that in these circumstances the Queen-Regent, in her last interview with the lords, warned them against the crafty and interested advice of the Earl of Huntly.

The power of the Gordon family had now reached its greatest height. They had succeeded to the vast influence of the old Earls of Ross; and the 'Cock of the North,' as the head of the house was termed, exercised almost supreme authority over the vast territory to the north and west of Aberdeen, extending from the Dee as far as the chain of lakes which now form the Caledonian Canal. They possessed also large estates on the fertile east coast of Scotland, which were cultivated by an industrious Lowland tenantry, furnishing them with the means of living in princely state at their castle of Strathbogie, and of maintaining a numerous body of armed retainers. The Earls of Huntly were not only the chiefs of a clan, but the heads of a party almost strong enough to cope with royalty, and the great offices of Lieutenant-General of all the Highlands, King's Lieutenant over all Scotland, and Lord High Chancellor, which were held by

several of them in succession, added largely to their already overgrown power. They possessed a vast number of bonds of man-rent, friendship, and alliance, given to them not only by the minor houses of their own kindred, but by most of the leading families in the north of Scotland, dating from 1444 to 1670, which testify, in a very unmistakable way, the enormous following which could be relied on by the chiefs of the Gordons in all emergencies.

The earliest of these bonds—a hundred and seven in all—was given in 1444 by James of Forbes, who ‘becomes man till ane honourable and mighty Lord, Alexander of Seton of Gordon.’ Among the important and influential persons who, in subsequent times, gave similar bonds to Huntly, was the Earl of Argyll, who, in 1583, promised to ‘concur and take aefeld, true, and plain part’ with the chief of the Gordons, ‘in all his honest and guid causes, against whatsomever that live or die may, our sovereign lord and his authority alone excepted.’ In 1587, Rattray of Craighall binds himself and his dependents ‘to serve the said Earl in all his actions and adoes, against all persons, the King’s Majesty only excepted, and sall neither hear nor see his skaith, but sall make him foreseen therewith, and sall resist the same sae far as in me lies, and that in respect the same Earl has given me his bond of maintenance.’ Similar engagements were entered into by Macleod of Lewis, Colin of Kintail, chief of the clan Mackenzie; Munro of Foulis, Glengarry, Macgregor of Glenstrae, Drummond of Blair, Donald Gorm of Sleat, progenitor of the present Lord Macdonald; Grant of Freuchie, Lady Menzies of Weem, the Earl of Orkney, Lord Lovat, Lord Spynie, Cameron of Lochiel, Menzies of that ilk, Menzies of Pitfodells, the Laird of Luss, Mackintosh of Dunnachtan, Innes of Innermarky, the Laird of Melgund, the clan Macpherson, and numerous other powerful chiefs and lairds.*

The rental of the widespread lands of the chief of the Gordons was, of course, correspondingly large, though a great portion of it was paid in kind, as was shown by an incident which occurred in 1556. In that year the Queen-Dowager, on a progress to the northern part of the country, was sumptuously entertained by Huntly in his castle of Strathbogie, which he had recently enlarged and adorned at a great expense. After a stay of some days, the Queen, apprehensive that her prolonged visit, with her large retinue, might put her host to inconvenience, proposed to take her departure. Huntly, however,

* *Gordon Papers, Spalding Club Misc.*, iv. 123—319.

entreated her to remain, which she agreed to do. On expressing a wish to inspect the cellars and storehouses which furnished the bounteous cheer provided for her, she was shown, among other stores of food of every sort, an enormous quantity of wildfowl and venison. The Frenchmen in the Queen's retinue asked how and whence a supply so vast and yet so fresh was procured, and were informed by the Earl that he had relays of hunters and fowlers dispersed in the mountains, woods, and remote places of his domains, who daily forwarded to his castle the game which they caught, however distant their quarters might be. D'Oisel, on hearing this reply, remarked to the Queen that such a man was not to be tolerated in so small and poor a kingdom as Scotland, and that his wings ought to be clipped before he became too arrogant.*

In the contest between the Reformers and the Romish Church, the fourth Earl, unfortunately for himself and his family, resolved to stand forth as the leader of the Popish party. During the commotions under the regency of the Queen-mother, as we have seen, he had acted a temporising part. He at one time assisted the Regent in her efforts to carry out the Popish policy dictated by her brothers, the Guises. At another he professed to have joined the Lords of the Congregation, though he took care to give no material aid to the Protestant cause, and was present at the famous Parliament of 1560, in which the Romish Church was overthrown. He was courted and feared by each of the contending parties, as Robertson remarks, and in consequence, both connived at his encroachments in the north, and he was thus enabled, by a combination of artifice and force, to add every day to his already exorbitant power and wealth. But there can be no doubt that he had, long before this time, determined to become the leader of the Scottish Roman Catholics, in their life and death struggle with the Protestants. After the death of the French king, Mary's husband, Huntly, in conjunction with some other Romish nobles, sent an envoy to the young Queen, to invite her, on her return to her own country, to land at Aberdeen, where they were prepared to welcome her as the champion of the old faith, with an army of twenty thousand men. But Mary was aware that the acceptance of this offer would incur the risk of a desperate civil war, and that whether it terminated in victory or defeat, it would be ruinous to her hopes of gaining the English crown. She therefore

* *First Report of Commission on Historical Manuscripts*, 114.

contented herself with enjoining the envoy to assure the lords and prelates who had sent him of her favour towards them, and her intention to reside in her kingdom.

In carrying out the policy which she adopted at this stage, Mary chose as her chief counsellor her half-brother, Lord James Stewart, the leader of the Protestant lords, and it transpired that she intended to create him Earl of Moray. Huntly was deeply offended at the favour thus shown to his rival, and especially at the prospect of being deprived of the extensive domains attached to the earldom of Moray, which had for some years been in his possession. His disaffection to the Government was not concealed, and there was reason to believe that he was organising his retainers and allies with a view to take up arms in support of the ancient faith, as soon as a favourable opportunity should present itself.

In these circumstances the Queen resolved to make a journey to the north, no doubt by Moray's advice, though Randolph says it was 'rather devised by herself than approved by her council.' In the course of this royal progress, which was to terminate at Inverness, Mary was to visit Huntly at his splendid castle of Strathbogie, by way of doing honour to the northern potentate. It is doubtful, however, whether the Earl regarded the proposal quite in this light, and it could not suit his purposes that his keen-eyed rival should have an opportunity of inspecting closely the state of affairs at the headquarters of the Popish party.

At this time an incident occurred which had an important influence on the relations between the Queen and her potent subject. In a conflict which took place in the streets of Edinburgh, between Sir John Gordon, one of Huntly's younger sons, and Lord Ogilvy, that nobleman was severely wounded, and Gordon was immediately arrested and committed to prison. He made his escape, however, from the Tolbooth, and took refuge on his estate in the north. His mother persuaded him to submit himself to the pleasure of the Queen, who ordered him to be conveyed to the castle of Stirling. On his way thither he repented of his submission, escaped from his guards, and gathering a strong body of horsemen, bade defiance to the royal authority.

The Queen set out from Edinburgh on her royal progress (11th August, 1562), accompanied by Randolph, the English ambassador, her brother, Lord James, at that time Earl of Mar, Secretary Lethington, and a large body of the nobility. She arrived at Old

Aberdeen on the 27th of August. Huntly was evidently afraid to trust himself within her power without knowing whether she came for a peaceful or a hostile purpose, and he sent his wife to wait on her Majesty, and to invite her to his castle of Strathbogie. The Queen declined to accept the invitation, on the ground that she would not visit the Earl so long as his son was a fugitive from justice. Randolph, however, who was the Earl's guest for two nights, in a letter to Cecil, says, 'his house is fair, and best furnished of any house that I have seen in this country. His cheer is marvellous great.' There can be no doubt that both the Queen and her chief counsellor ran considerable risk in venturing into the Gordon territory, and it transpired that while spending a night in the Castle of Balquhain, a stronghold of the Leslies, they both narrowly escaped seizure. At Darnaway Castle, the chief mansion of the earldom of Moray, a meeting of the Privy Council was held, at which the Lord James produced his patent of the earldom of Moray, which he exchanged for that of Mar, 'both more honourable,' says Randolph, 'and greater in profit than the other.' The conferring this honour upon his rival seems to have driven Huntly to despair. He immediately assembled his vassals, and advanced with rapid marches towards Aberdeen, with the hope of seizing the Queen's person. A party of the royal soldiers were attacked near Findlater, one of the Earl's castles, by his son, Sir John Gordon. Their leader was captured, a number of them killed, and the rest disarmed. 'This fact,' says Knox, 'so inflamed the Queen that all hope of reconciliation was past; and so the said Earl of Huntly was charged, under pain of putting him to the *horne*, to present himself and the said Sir John before the Queen and Council within six days, which charge he disobeyed, and so was pronounced a rebel.'*

A considerable force had at first assembled round the Gordon standard, but the Mackintoshes, whose chief he had beheaded some years before, and several other clans that had hitherto submitted to the iron rule of Huntly, now availed themselves of the opportunity to free themselves from his yoke, under the plea of loyalty. His troops thus gradually melted away until they had dwindled down to between seven and eight hundred men. On the other hand, the royal forces, swelled by the deserters from Huntly's standard, numbered about two thousand. The Earl, however, with the courage of despair, assumed the offensive. A conflict took place on the declivity

* Knox's Works, ii. 354.

of a hill called Corrichie, about fifteen or eighteen miles west of Aberdeen. On the first attack, the clans that had passed from Huntly to the Queen took to flight; but Moray restored the battle, which terminated in the complete defeat of the insurgents. The Earl himself was found dead on the field—smothered, it was said, in his armour, owing to his corpulence, and the pressure of the crowd of fugitives and pursuers.* Two of his sons, Sir John and Adam Gordon, were taken prisoners. The latter, who was only eighteen years of age, was pardoned on account of his youth; but, three days after the battle, Sir John, who was regarded as the chief cause of the rebellion, was beheaded at Aberdeen. Buchanan says, ‘he was generally pitied and lamented, for he was a noble youth, very beautiful, and entering on the prime of his age.’ He was said to have aspired to the hand of the Queen, and it is alleged that on this account, at the instance of Moray, she witnessed his execution.

There can be no doubt that Huntly had meditated the most violent measures against his sovereign. Randolph states in a letter to Cecil that ‘Sir John Gordon confessed his treasonable designs, but laid the burden of them on his father; that two confidential servants of that nobleman, Thomas Ker and his brother, acknowledged that their master, on three several occasions, had plotted to cut off Moray and Lethington; and that the Queen herself, in a conversation with Randolph, thanked God for having delivered her enemy into her hand. She declared,’ he says, ‘many a shameful and detestable part that he thought to have used against her, as to have married her where he would, to have slain her brother, and whom other he liked; the places, the times, where it should have been done; and how easy matter it was, if God had not preserved her.’

Lord George Gordon, Huntly’s eldest surviving son, was shortly after apprehended in the Lowlands, and having been brought to trial for treason, was found guilty and condemned to death, but was respited, and committed a prisoner to the castle of Dunbar.

The movables in Huntly’s splendid mansion of Strathbogie were

* One of the numerous misstatements, to use the mildest term, of Bishop Leslie, is to the effect that Huntly was taken prisoner and put to death by Moray’s order. In accordance with the barbarous law and practice of the time, Huntly’s dead body was embowelled and roughly embalmed, in order that it might be brought to Edinburgh, to the meeting of Parliament, where sentence of forfeiture was pronounced upon him. Leslie, who must have known better, says this was done because Moray’s hatred of all good men prompted him to insult even their remains.

divided between the Queen and the Earl of Moray. The inventory of the Queen's share has been preserved, and, as Dr. Stuart remarks, it enables us to realise the grandeur of Huntly's style of living, as well as his taste and refinement. The beds carried from Strathbogie to Holyrood were of rich velvets, with ornaments and fringes of gold and silver work; many pieces of tapestry, vessels of gilded or coloured glass, figures of animals, and images of a monk and nun, the marble bust of a man, and a wooden carving of the Samaritan woman at the well, were items in the list.

It is startling to learn that several of the most costly articles of which Queen Mary had thus despoiled her unfortunate subject were employed to deck the apartments in the Kirk of Field which were hastily fitted up for Darnley when he was brought from Glasgow to the place selected for his murder. The hall was hung with five pieces of tapestry, part of the plunder of Strathbogie. The walls of the king's chamber on the upper floor were hung with six pieces of tapestry, which, like the hangings of the wall, had been spoiled from the Gordons after Corriche. There were two or three cushions of red velvet, a high chair covered with purple velvet, and a little table with a broad cloth, or cover of green velvet, also brought from Strathbogie.

At the first meeting of Parliament, Huntly's vast estates were confiscated to the Crown, and the potent house of Gordon was reduced at once to insignificance and penury. Such a signal overthrow of one of the greatest territorial magnates in the kingdom was regarded by the Protestants as a signal judgment upon him for his hostility to the good cause. John Knox, in pointing the moral of Huntly's downfall, for the benefit of the courtiers, said, referring to the Earl's public deportment, 'Have ye not seen ane greater than any of ye, sit picking his nails and pull down his bonnet over his eyes when idolatry, witchcraft, murder, oppression, and such vices were rebuked? Was not his common talk, "When the knaves have railed their fill they will hold their peace"? Have you not heard it affirmed in his own face that God should revenge that his blasphemy, even in the eyes of such as were witness to his iniquity? Then was the Earl of Huntly accused by you as the maintainer of idolatry and only hinderer of all good order. Him has God punished even according to His threatenings, that his and your ears heard, and by your hands hath God executed his judgments.' *

* Knox's Works, ii. 362.

In no long time, however, the house of Gordon rose again from its ruins with undiminished splendour and power.

By his countess, a granddaughter of the third Earl Marischal, Lord Huntly had nine sons and three daughters. Alexander, the eldest, who married a daughter of the Duke of Chatelherault, died without issue in 1553. George, the second son, became fifth Earl. Of the other sons, one was a Jesuit and died at Paris, in 1626. Sir Adam of Auchindoun, the sixth son, whom Queen Mary pardoned, was long a staunch and powerful supporter of her cause in the north. On the 9th of October, 1571, he defeated the Forbeses, the hereditary enemies of the Gordons, and the opponents of the Queen's party, with the loss of a hundred and twenty men. Two hundred hagbuteers were despatched by the Regent to the assistance of the Forbeses, but, in a second encounter, at the 'Craibstane,' near Aberdeen, they were again defeated by Gordon: three hundred of them were killed, and two hundred, along with the Master of Forbes, were taken prisoners. 'But,' says a contemporary chronicler, 'what glory and renown he (Auchindoun) obtained by these two victories, was all casten down by the infamy of his next attempt; for, immediately after his last conflict, he directed his soldiers to the castle of Towie, desiring the house to be rendered to him in the Queen's name, whilk was obstinately refused by the lady, and she burst out with certain injurious words. And the soldiers, being impatient, by command of their leader, Captain Ker, fire was put to the house, whence she and the number of twenty-seven persons were cruelly burnt to the death.'

This atrocious deed has been commemorated in the beautiful and touching ballad entitled 'Edom o' Gordon.'* The Laird of Towie

* The description, by the unknown poet, of the scene in which the mother and her children appear, as they see the flames climbing up the battlements and the smoke closing around them, as Mr. Murray remarks, is perhaps unsurpassed in popular poetry; while the picture of the beautiful dead face, smiting even the ruffian soldier with a feeling which he cannot bear, is sketched as if by the hand of Nature herself:—

'O then bespake her youngest son,
Sat on the nurse's knee;
"O mother dear, gie ower your house,
For the reek it smothers me."

"I wad gie a' my gowd, my bairn,
Sae wad I gie my fee,
For æ blast o' the westlan' wind
To blaw the reek frae thee."

Castle, one of the chiefs of the Forbes family, was from home when his mansion and family were thus ruthlessly destroyed. The ballad represents him as pursuing the murderers, and states that only five of them escaped his vengeance. There is, unfortunately, no reason to believe that they met with the condign punishment which their shocking crime deserved. As Sir Adam Gordon retained Ker in his service after this inhuman deed, he was regarded by the public as equally guilty.*

Sir Patrick, the seventh son of the Earl of Huntly, was killed at the battle of Glenlivet, in 1594.

The Earl's second daughter, Lady Jean, had a memorable career. She married, on 22nd February, 1566, the notorious Earl of Both-

O then bespake her dochter dear—
She was baith jimp and sma'—
"O row me in a pair o' sheets,
And tow me ower the wa'."

They rowed her in a pair o' sheets,
And towed her ower the wa',
But on the point of Edom's spear
She got a deadly fa'.

O bonny, bonny was her mouth,
And cherry were her cheeks,
And clear, clear was her yellow hair,
Whereon the red bluid dreeps.

Then wi' his spear he turned her ower ;
O gin her face was wan !
He said, "Ye are the first that e'er
I wished alive again."

He turned her ower and ower again,
O gin her skin was white !
"I might hae spared that bonny face
To been some man's delight.

"Brisk and boun my merry men all,
For ill dooms I do guess :
I canna look in that bonnie face,
As it lies on the grass."

The Ballads and Songs of Scotland. By J. Clark Murray, LL.D.

* Among the papers in the charter-chest of Lord Forbes at Castle Forbes, there is a pungent Latin epigram, written by James Forbes of Corsinday, in 1621, which shows the bitter feeling that the Forbeses cherished towards the Gordons. Referring to the armorial bearings of the Gordon family, it represents the Gordons as boasting that they had performed an exploit which equalled one of Hercules. True, they had both killed a boar, but the one was a fierce wild beast, the other was a domestic pig. The one was a devourer of men, the other fed only on refuse. There was as great a difference between the exploit of the Gordons and that of Hercules, as there was between these two animals.—*Second Report of the Historical MSS. Commission, 194.*

well; but, in 1567, her marriage was annulled, in order to allow him to become the third husband of Queen Mary. This was done on the plea that he was related to Lady Jean within the prohibited degrees of consanguinity, and that no dispensation had been obtained from the Pope sanctioning their union. It was suspected at the time that a dispensation had been given by the Papal legate, the Archbishop of St. Andrews, the same prelate that declared the marriage null and void from the beginning, and indeed it was asserted by the commissioners at Westminster, that the sentence of nullity 'for consanguenitie standing betwixt Bothwell and his wiff precedit oralie becaus the dispensation was abstracted.' This has now been proved to be the case, by the discovery of this important document at Dunrobin. It must, therefore, have all along been in the possession of Lady Jean Gordon, who must, of course, have withheld it by collusion. The motives which led to the suppression of the dispensation by her and her family are very obvious. Her brother, the Earl of Huntly, was closely connected with the Queen at this juncture, and his family estates, which had been forfeited by his father in 1562, were formally restored and his forfeiture rescinded on the 19th of April, the very day on which he and other nobles signed the bond in Ainslie's tavern, recommending Bothwell, his sister's husband, as a fit person to marry the Queen. His motive, therefore, for promoting the dissolution of the marriage is quite apparent. After Bothwell's downfall and flight, Throckmorton, in a letter to Queen Elizabeth, says, 'Now I hear sayde earle of Huntley can be contented that Bodwell shuld myscarye, to ryd the quene and *hys sister* of so wicked a husbände.' The allusion in this letter to Huntly's sister evidently implies that it was still possible that she might be held to be legally Bothwell's wife; and this is confirmed by the statement that 'she hath protested to the Lady Moray that she will never live with the Earl of Bothwell nor take him for her husband.' Unless she had been aware that the divorce had been collusive and fraudulent, she could not have regarded it as a possible occurrence that she might be called upon to live again with Bothwell as his wife.

With regard to Lady Jean's own reasons for agreeing so readily to separate from her husband, apart from the question whether this step was taken with the knowledge of the Queen's affection, real or supposed, for Bothwell, and with a view to the restoration of the fortunes of her house, as was positively asserted by the

Earl of Moray, it is doubtful whether she did really sacrifice her feelings by consenting to the divorce. Bothwell, according to all accounts, was a person of violent temper and gross habits, as well as of notorious profligacy, and short as had been the time of their union, it was long enough to disgust a lady whom her son, the Earl of Sutherland, describes as 'virtuous, religious, and wyse, even beyond her sex,' and to make her willing, if not anxious, that her connection with her worthless husband should be brought to a termination. It must also be kept in mind that, contrary to custom in such cases, special arrangements were made for the preservation of her legal rights as Bothwell's wife, and that, though her marriage was annulled, and his estates were twice forfeited before her death, she continued to draw her jointure from them to the end of her long life, and this notwithstanding her own marriage to two husbands in succession, after her separation from Bothwell in 1566. In 1573 Lady Jean married Alexander, twelfth Earl of Sutherland, to whom she bore two daughters and four sons, the youngest of whom, Sir Robert Gordon of Gordonstoun, was the historian of the family of Sutherland. After the death of the Earl, the Countess married Alexander Ogilvie of Boyne, whom she also outlived. She died, May 14th, 1629, having survived, in peace and honour, her divorce from Bothwell the long period of sixty-two years. Her son, Sir Robert Gordon, eulogises in glowing terms her excellent memory, sound judgment, and great understanding, the prudence and foresight with which she managed her affairs 'amidst all the troublesome times, and variable courses of fortune' which she experienced. 'By reason of her husband, Earl Alexander, his sickly disposition, together with her son's minority at the time of his father's death, she was in a manner forced to take upon her the managing of all the affairs of that house a good while, which she did perform with great care, to her own credit and the weal of that family.'

GEORGE, fifth Earl of Huntly, as we have seen, was tried and condemned for treason after the battle of Corrichie. A story has been told, on the authority of Gordon of Straloch, respecting an alleged attempt on the part of the Earl of Moray to procure the execution of Lord George Gordon during his imprisonment in Dunbar Castle, without the Queen's knowledge, though professedly by her authority. But it rests on no trustworthy authority, and carries falsehood on its face. The death of Lord George, who was a con-

demned traitor, could have been of no service to Moray while other six of Huntly's sons were alive and at liberty. After Queen Mary had resolved to marry Darnley in spite of the opposition of Moray and the other Protestant lords, she released Gordon from prison, and restored to him his titles and estates. The Earl of Huntly was in Holyrood at the time of Rizzio's murder, and was supping along with Bothwell and Athole in another part of the palace. Having reason to believe that they were obnoxious to the perpetrators of that dastardly crime, they made their escape through a window of their apartment towards the garden on the north side. When the Queen took refuge in Dunbar, Huntly hastened to the royal standard with his retainers, and was rewarded for his loyalty with the office of Chancellor, of which the Earl of Morton was deprived for his complicity in the murder of Rizzio. He is said to have been present at the memorable conference with the Queen respecting the proposal that she should obtain a divorce from her worthless husband; and there is every reason to believe that he was one of those who subscribed the bond for Darnley's murder. After that foul deed was executed he accompanied Mary to Seton, about twelve miles from Edinburgh, along with Bothwell, Argyll, and others implicated in the crime. There, according to an entry in a contemporary, 'Diary of Occurrences,' 'they passed their time meryly.' Huntly and Seton, it was said, played a match against the Queen and Bothwell in shooting at the butts, and the former, who were the losers, entertained the winners to dinner in the adjoining village of Tranent. Huntly was present at the notorious supper of the most influential peers, and members of the Estates, which was held on the 19th of April, in Ainslie's tavern, and signed the document recommending Bothwell as a suitable husband to the Queen, and promising to promote their marriage,—probably the most shameful deed of that disgraceful period. Huntly's titles and estates were restored on that same day, no doubt with the distinct understanding that he would further Bothwell's divorce from his sister.

After the insurrection of the Confederate lords had compelled the Queen to separate from her husband, Bothwell took refuge with Huntly at Strathbogie, and it was not until the attempt of the two earls to raise a fresh force for the Queen's cause had failed that Bothwell resolved to flee the country. It need excite no surprise that Huntly, whose whole conduct showed that he was as selfish as he was unprincipled, was then 'contented that Bothwell should

muscarye,' and that in a short space of time he was acting with the nobles who were denouncing the Queen's marriage, and loudly execrating Bothwell's conduct. He signed the bond to support the authority of the infant king, and carried the sceptre at the first Parliament of the Regent Moray, 3rd December, 1567. After Mary's escape from Lochleven Castle the Earl once more changed sides, and joined the association which was formed at Hamilton in support of the Queen. Huntly had gone to the north, in order to raise forces in her behalf, and was on his march with a considerable army to her aid, when the battle of Langside rendered her cause hopeless. He was deprived of his office of Chancellor—a step which no doubt strengthened his hostility to the Regent; but, after uniting with the Hamiltons in an attempt to let loose the Borderers upon England, in order to bring about a war between the two countries, and writing to the Duke of Alva soliciting his assistance, Huntly made his peace with Moray in May, 1569.

After the murder of the Regent, in 1570, the Earl accepted from Mary the office of Lieutenant-General of the kingdom, and collected a strong force at Aberdeen. But he and the other leaders of the party were proclaimed traitors by the new Regent, Lennox, who attacked him on his march southward, and defeated him at Brechin. At a Parliament held at Stirling in 1571, an Act of forfeiture was passed against Huntly and his brother, Sir Adam Gordon, along with other adherents of the Queen. The Earl was one of the leaders of the force despatched by Kirkaldy of Grange against the Regent at Stirling, which had nearly succeeded in taking prisoners the most influential members of the King's party. Lennox lost his life on that occasion, and Captain Calder, who shot him, declared previous to his execution, that Huntly and Lord Claud Hamilton gave him orders to shoot both the Regent and the Earl of Morton. A treaty of peace was at length concluded, 23rd February, 1573, between the Duke of Chatelherault and Huntly on the one side, and the new Regent, Morton, on the other, by which the former became bound to acknowledge the King's authority, and the Regent pledged himself to get the Act of attainder against them repealed and their estates restored. The Parliament confirmed these conditions, and Huntly laid down his arms and retired to his northern domains. He died at Strathbogie in 1576. The startling suddenness of his death was regarded by his contemporaries as a divine judgment upon him for his crimes, and especially for his partici-

pation in the murder of Darnley, and of Regent Lennox; and marvellous stories were told of the mysterious noises that were heard in the room in which his body was laid, and how several individuals, on opening the door of the room and attempting to enter it, fell down instantly as if dead, and were with difficulty recovered. He was certainly one of the worst of the unprincipled Scottish nobles of that period, blackened with crimes of the most atrocious nature.

GEORGE, sixth Earl and first Marquis of Huntly, succeeded his father when he was a minor. Like him, he was the leader of the Roman Catholic party in the north, and united with the Earls of Crawford and Errol in intriguing with the King of Spain and the Pope, for the overthrow of the Protestant Church and the restoration of Romish supremacy in Scotland. In 1588, however, he professed to give in his adherence to the Reformed faith, and subscribed the Confession, but in his intercepted letters to the Spanish King, he says, 'the whole had been extorted from him against his conscience.' In the following year he and his associates took up arms against the Government, but were speedily overthrown, almost without a struggle. He was brought to trial and found guilty of repeated acts of treason, but the King, with whom the Earl was a favourite, and whose policy was to conciliate the English Roman Catholics, would not allow sentence to be pronounced against him. At the time of his marriage and the public rejoicings with which it was accompanied, James set at liberty this potent nobleman, who, however, refused to remain at Court, and retired to his estates in Aberdeenshire, where he appears to have exerted himself to suppress the feuds which at that time raged in the north. His efforts do not appear to have been attended with much success, and he became involved himself in bitter feuds with the Grants, and the clan Chattan, which were not unattended with bloodshed.

A deadly quarrel took place at this time between Huntly and the Earl of Moray, son-in-law of the 'Good Regent,' a young nobleman of great promise and of remarkably handsome appearance, who had befriended the clans at feud with the Gordons. A rumour was circulated, which was utterly untrue, that Moray had abetted Bothwell in his attempt to seize the King's person in 1591. Huntly communicated this fabulous story to James, and importuned him to take proceedings against the traitor. Though the King well knew that Huntly was the mortal enemy of Moray, he granted him a com-

mission to apprehend that nobleman and bring him to trial. Armed with this authority, Huntly, at the head of a body of horsemen, hastened to Dunnibrissle, a mansion on the northern shore of the Firth of Forth, where Moray was then residing. He arrived about midnight, and surrounding the house, summoned the Earl to surrender. Unwilling to put himself in the power of his deadly foe, Moray refused to comply, and with the few retainers whom he had with him, maintained a stout defence against his assailants. Unable to force an entrance, Huntly set fire to the house, and the inmates were compelled to come out, in order to escape being suffocated or burnt to death. Sheriff Dunbar, who was the first to rush out, was mistaken for the Earl, and was at once put to death; but Moray succeeded in forcing his way through the assailants and escaped to the sea-shore. His pursuers, however, followed him down amongst the cliffs, where he was endeavouring to conceal himself, and put him to death with savage cruelty. Gordon of Buckie, who took a prominent part in this foul deed, insisted on Huntly becoming 'art and part' in the murder by stabbing the dead body of the Earl.*

When the tidings of this atrocity reached the capital next morning, the whole city was immediately in commotion. Loud lamentations were heard on every side for the death of Moray, who was a great favourite with the people, and especially with the Presbyterian party, and the King himself was violently denounced as a participant in the murder. There were various suspicious circumstances which strengthened the general conviction that James was not free from guilt in the matter, notwithstanding his public and solemn protestation of his own innocence. The public indignation grew so strong and threatening that he withdrew in great alarm to Glasgow; but he persisted notwithstanding in his determination to screen Huntly. In a letter which James wrote to him at this crisis, he says, 'Since your passing herefra, I have been in such danger and perill of my life, as since I was borne I was never in the like, partlie by the grudging and tumults of the people, and partlie by the exclamation of the ministrie, whereby I was moved to dissemble. Alwise I sall remain constant. When you come heree, come not by the ferries, and if ye doe, accompanie yourself as yee respect your own preservation.'

* This tragic incident is commemorated in the well-known ballad of *The Bonnie Earl of Moray*.

With the hope of putting a stop to the loud clamours for justice, James at length made a show of proceeding against Huntly. The Earl was accordingly summoned to surrender and stand his trial; and having received from the King a secret assurance of safety, he at once obeyed, and on the 10th of March, 1592, he entered himself in ward in the castle of Blackness. But as soon as the popular feeling against him was somewhat allayed, he was set at liberty, on finding security to re-enter and stand his trial, when he should be required. No trial, however, was intended, and none ever took place, and this mockery of justice was terminated by Huntly obtaining the royal pardon and being permitted to return to Court.

The murder of the Earl of Moray was not the only savage deed in which Huntly was implicated. The chief of the clan Macintosh, in conjunction with the Laird of Grant and the Earls of Argyll and Athole, ravaged Huntly's lands, in revenge for the slaughter of Moray, and Mackintosh burned the castle of Auchindoun, which belonged to the Gordons. Huntly, in revenge for this outrage, not only assailed the hostile sept with his own followers, but let loose upon them all the neighbouring clans who were under his influence, and 'would do anything,' as the old phrase was, 'for his love or for his fear.' In order to save his clan from extermination, Mackintosh resolved to surrender himself to Huntly, to atone for the offence he had committed. He accordingly proceeded to the castle of the Bog of Gight for this purpose. The Earl was from home, but the chief presented himself to the Countess, a stern and haughty woman, and, after expressing his penitence for the burning of Auchindoun, entreated that his clan should be spared. The lady informed him that her husband was so deeply offended by his conduct, that he had sworn that he would never pardon the outrage till he had brought the offender's neck to the block. Mackintosh expressed his willingness to submit even to that humiliation, and to put himself at her mercy, and, kneeling down, he laid his head on the block on which the slain bullocks and sheep were broken up, no doubt expecting that the Countess would be satisfied with this token of unreserved submission. But, with a vindictiveness which proved her to be a worthy helpmate to her husband, she made a sign to the cook, who stepped forward with his hatchet, and severed the unfortunate chief's head from his body.

Another story is told of Huntly which not only exhibits his personal character, but throws light on the manners of the times.

The Farquharsons of Deeside had killed Gordon of Brackley, the head of a minor branch of the family. The Earl resolved to inflict condign punishment for this slaughter not only on the actual homicides, but also on the whole sept. He summoned to his assistance his ally, the Laird of Grant, and arranged that he should commence operations on the upper end of the Vale of Dee, while the Gordons should ascend the river from beneath, and thus place the devoted clan between two fires. The Farquharsons, thus enclosed as in a net, and taken unawares, were almost entirely destroyed, both men and women, and about two hundred orphan children were nearly the only survivors. Huntly carried the poor orphans to his castle, and fed them like pigs. About a year after this destructive foray, the Laird of Grant paid a visit to the Bog of Gight, and, after dinner, Huntly said he would show him rare sport. Conducting his guest to a balcony which overlooked the kitchen, he showed him a large trough, into which all the broken victuals left from the dinner of the whole household had been thrown, and on a signal given by the cook, a hatch was raised and there rushed into the kitchen a mob of children, half naked, and as uncivilised as a pack of hounds, who clamoured and struggled each to obtain a share of the food. Grant, who, unlike his host, was a humane man, was greatly shocked at this degrading scene, and inquired who these miserable children were that were thus fed like so many pigs. He was informed that they were the children of those Farquharsons whom the Gordons and the Grants slew on Deeside. Grant must have felt deeply the consequences thus presented to him of the sanguinary raid in which he had taken part, and he put in his claim to be allowed to maintain these wretched orphans as long as they had been kept by Huntly. The Earl, who was probably tired of the joke of the pig-trough, readily consented to get the rabble of children taken off his hands, and gave himself no further trouble about them. The Laird of Grant was allowed to carry them to his castle, and ultimately to disperse them among his clan. They of course bore the laird's own name of Grant; but it is said that for several generations their descendants continued to bear the designation of the Race of the Trough, to mark their origin.

Huntly had now returned to his own country, but he was very soon involved in fresh troubles and conflicts. In conjunction with the Earls of Angus and Errol, he entered into a treasonable conspiracy to overturn the Protestant religion in Scotland. He was,

in consequence, summoned with great reluctance by the King, to answer to the charge brought against him of conspiring, along with other discontented Popish nobles, against the sovereign. Instead, however, of surrendering to stand his trial, Huntly and his associates took refuge in their northern fastnesses. James, indignant at this disregard of his authority, marched against them (17th February, 1593) at the head of a strong body of troops. But on hearing of his arrival at Aberdeen, Huntly and his fellow-conspirators quitted their strongholds, and fled to the mountains, leaving their wives to present the keys of their castles in token of surrender. James placed garrisons in these strongholds, and followed up these steps by the forfeiture of the Popish lords and the seizure of their land; but this was done in such a way as to justify the remark of Lord Burleigh, that the King only 'dissembled a confiscation.' In the course of a few months he invited the Countess of Huntly to Court, and, it was believed, even consented to hold a secret meeting at Falkland with Huntly himself. The Protestant party vehemently remonstrated against the lenity which James was showing to the men who were conspirators against his throne, as well as against the Protestant faith; but he would proceed no farther against them than to offer that their offences should be 'abolished, delete, and extinct, and remain in oblivion for ever,' provided that they would renounce Popery and embrace the Presbyterian religion. If they refused this offer they were to go into exile. Huntly and the other two Earls declined to avail themselves of these proffered terms, and they entered into a new conspiracy with Francis Stewart, Earl of Bothwell, for the seizure of the King's person. They were in consequence declared guilty of high treason, their estates and honours were forfeited, and a commission was given to the Earl of Argyll to lay waste their territory, and to pursue them with fire and sword. The Earl accordingly marched to the north at the head of a strong body of men, and encountered Huntly at a place called Glenlivet. After a fierce contest Argyll was defeated with considerable loss. [*See CAMPBELLS OF ARGYLL.*]

The King, who had reached Dundee on his way northwards, though he seems to have regarded with great complacency the misfortune that had befallen Argyll,* was so enraged at the insult

* On seeing the Earl return attended only by a small body of his own retainers, James is said to have remarked, 'Fair fa' ye, Geordie Gordon, for sending him back sae like a subject.'

to his own authority, that he hastened to the north with his whole army, reinforced by the clans at feud with the Gordons, and reached Aberdeen on the 15th of October, 1594. He thence marched to Strathbogie—the castle of Huntly, who had fled into Caithness—which he caused to be blown up with gunpowder and levelled with the ground. The Earl, finding himself reduced to extremity by the desertion of his followers and by the rigour of the northern winter, which had just set in, implored and obtained the King's permission to depart out of Scotland, on the condition that he would not return without his Majesty's consent, or during his exile engage in any new attempt against the Protestant religion or the peace and liberties of his native country.

Huntly did, notwithstanding, return secretly to Scotland in December, 1597, with the connivance of the King. Great offers were made in his behalf by his Countess, and liberal promises were given to the judicatories of the Kirk, that, if allowed to remain, he would abstain from any attempt to overthrow or injure the Protestant Church, would banish from his company all Jesuits and seminary priests, and would even confer with any of the ministers of the Kirk on the subject of religion, and, if convinced by their arguments, would embrace the Protestant faith. On these conditions, which were never meant to be kept, Huntly was again reconciled to the Kirk with much public solemnity, and was suffered to remain in the country, and to retain possession of his castles and estates. As a mark of the royal favour he obtained a grant of the dissolved abbey of Dunfermline, was appointed Lord-Lieutenant of the North, and on the 15th of April, 1599, was created Marquis of Huntly. James had always cherished a great liking for the chief of the Gordons; and Calderwood, under the date of A.D. 1600, says that he and the King 'passed over the time with drinking and waughting' (quaffing in large draughts).

Through the interposition of the King, Huntly was reconciled, in 1603, to the Earl of Moray, the son of the 'Bonnie Earl' whom he had murdered, and in token of their amity he gave the young nobleman his eldest daughter in marriage.

He was again, however, in trouble with the Protestant clergy, and Mr. George Gladstones, minister of St. Andrews, was appointed by the General Assembly to remain with the Marquis 'for ane quarter, or ane half year, to the effect by his travels and labours the said noble lord and his family might be informit in the word of truth.'

The 'travels and labours' of this worthy minister, however, failed to induce his lordship to 'resort to the preaching at the ordinar times in the parish kirk,' or to cease his efforts to promote the Roman Catholic religion in Scotland, and to shelter and encourage the Jesuits and priests. He was in consequence excommunicated by the General Assembly in 1608, and in the following year was committed to Stirling Castle. He regained his liberty in December, 1610, on his engaging to subscribe the Confession of Faith, and to make satisfaction to the Kirk—a stipulation as discreditable to the clerical leaders as it was to the Popish Earl. He of course speedily relapsed into his old habits, and directed his officers to prohibit his tenants from attending the Protestant Church. For this conduct he was summoned, in 1616, to appear before the Court of High Commission, and on his refusal to subscribe the Confession of Faith he was committed prisoner to the castle of Edinburgh. He was speedily set at liberty by the Lord Chancellor, and proceeded to London, where he was absolved from the sentence of excommunication by the Archbishop of Canterbury, a proceeding which gave great offence to the Scottish prelates, who regarded it as a revival of the old claim of supremacy over the Church of Scotland. The Archbishop of St. Andrews noticed it in a sermon which he preached in St. Giles's Church, Edinburgh, and stated that the King had promised that 'the like should not fall out hereafter.' This admission, however, was not regarded as satisfactory, and the Marquis was obliged to appear before the General Assembly in August, 1616, and there to acknowledge his offence, and to promise that he would educate his children in the faith of the Reformed Church, and continue therein himself. On the faith of this confession and promise, he was absolved by the Archbishop of St. Andrews. He then made oath that he would truly conform to the Established Church, and subscribed the Confession of Faith. It is not easy to decide whether the conduct of the Marquis or of the Assembly in this dishonest proceeding, deserves the more severe condemnation. Though he professed to have been converted four or five times over by the Protestant ministers, there can be no doubt that he was during his whole life a warm adherent of the Romish Church.

Huntly does not appear to have been such a favourite with Charles I. as he was with James, for he compelled the too powerful nobleman to resign the sheriffships of Aberdeen and Inverness for the sum of £5,000; which, however, was never paid. The Marquis

became involved in the feud with the Crichtons of Frendraught, and his vassals, uniting with the Gordons of Rothiemay, ravaged the lands of Frendraught, hanged one of his tenants, and carried off a large booty, which they disposed of by public sale. [See THE CRICHTONS OF FRENDRUGHT.] Frendraught hastened to Edinburgh, and complained of these outrages to the Privy Council, who issued an order, in the beginning of 1635, for Huntly to appear before them. He attempted to excuse himself on the plea of old age and infirmity, but the Council were inexorable. He was outlawed for contumacy; and some of his friends were apprehended, and two of them were executed. Having, however, afterwards appeared in Edinburgh, his sentence was reversed, and he was about to be set at liberty, on giving his bond that he and his allies and retainers should keep the peace, when he was accused by Captain Adam Gordon of Park, one of the ringleaders in the attacks upon Frendraught, of being the resetter of the 'broken-men' in the north, and the prime mover in the depredations against the Crichtons, and in all the disorders by which the peace of the northern districts had been disturbed. The aged noble was summoned by the Council to appear before them in Edinburgh to answer this charge, and though it was now 'the dead of the year, cold, tempestuous, and stormy,' he was compelled to obey. Though he is said to have 'cleared himself with great dexteritie, beyond admiration,' he was imprisoned in the castle of Edinburgh, in a room where he had no light, and was denied the company of his lady, who had accompanied him, except on a visit at Christmas. He afterwards obtained permission to live in 'his own lodging, near to his Majesty's palace of Holyrood House, with liberty to walk within one of the gardens or walks within the precincts of the said palace, and no farther.' His health had now broken down, and finding himself growing weaker and weaker, he expressed a strong desire to return to Strathbogie. He accordingly set out in June, 1636, on his journey northward 'in a wand-bed within his chariot, his lady still with him.' He got no farther than Dundee, where he died in an inn, June 13th, and his body was carried on a horse-litter to Strathbogie for burial. He was in the seventy-fourth year of his age, and had possessed the family estates and honours for sixty years.

The Marquis was interred at Elgin, with great magnificence, according to the rites of the Roman Catholic Church. 'He had torch-lights,' says Spalding, 'carried in great numbers by friends

and gentlemen.' His son and other three nobles bore the coffin. 'He was carried to the east style of the College Kirk, in at the south door, and buried in his own aisle, with much mourning and lamentation; the like form of burial with torch-light was seldom seen before.'

If we may rely on the testimony of the clerk of the Consistorial Court of the diocese of Aberdeen, the Marquis of Huntly, notwithstanding the sanguinary feuds, and treasonable intrigues in which he was often engaged, seems to have been highly respected in the north. 'He was of a great spirit,' says Spalding, 'for in time of trouble he was of an invincible courage and boldly bare down all his enemies. He was never inclined to war himself, but by the pride and influence of his kin was diverse times drawn into troubles, whilk he did bear through valiantly. He loved not to be in the law contending against any man, but loved rest and quietness with all his heart, and in time of peace he lived moderately and temperately in his diet, and fully set to building all curious devices. A good neighbour in his marches, disposed rather to give than to take a foot wrongously. He was heard to say he never drew a sword in his own quarrel. In his youth a prodigal spender, in his old age more wise and worldly, yet never counted for cost in matters of credit and honour. A great householder; a terror to his enemies, whom he ever, with his prideful kin, held under subjection and obedience. Just in all his bargains, and was never *heard* of for his true debt.'

The rent-roll of the Marquis, which has fortunately been preserved, gives a striking idea of the means and influence of this great nobleman. It states in detail the sums of money, and the produce due from each farm on his vast estates. A large proportion of the rent was paid in kind. 'The silver mail,' or money rent, amounted to £3,819, besides £636 of teind silver. The 'ferme victual' payable to the Marquis was 3,816 bolls, besides which there were 55 bolls of custom meal, 436 of multure beir, 108 of custom oats, 83 of custom victual, 167 marts (cattle to be slaughtered at Martinmas), 483 sheep, 316 lambs, 167 grice (young pigs), 14 swine, 1,389 capons, 272 geese, 3,231 poultry, 700 chickens, 5,284 eggs, 5 stones of candles, 46 stones of brew tallow, 34 leats of peats, 990 ells of custom linen, 94 stones of custom butter, 40 barrels of salmon, 8 bolls of teind victual, 2 stones of cheese, and 30 kids.* This vast amount of grain and live stock was, of course, devoted to the maintenance of the large body of retainers who were

* *Gordon Papers, Spalding Club MSS.* iv.

at his command, and ready to support his cause, even against the sovereign himself.

In his latter years, the Marquis occupied himself much in building and planting. In 1602, he rebuilt with great splendour the ancient castle of Strathbogie, now known as Huntly Castle, which, though in a ruinous state, attests the magnificent style in which the chief of the great family of the Gordons lived. 'He built a house at Kinkail, on the Dee,' says Sir Robert Gordon, 'called the New House, which standeth amidst three hunting forests of his own. He built the house of Ruthven, in Badenoch, twice, it being burnt down by adventure, or negligence of his servants, after he had once finished the same. He built a new house in Aboyne; he repaired his house in Elgin; he hath built a house in the Plewlands, in Moray; he hath enlarged and decoreat the house of Bog-Gicht, which he hath parked about; he repaired his house in the old town of Aberdeen.'*

The feeling against Roman Catholics ran so high at this time that the Marchioness, a daughter of Esme, Duke of Lennox, the favourite of King James, was compelled to return to France, where she had been born and educated, in order to escape excommunication, which at that time would have incurred forfeiture of her whole property. 'Thus resolutely,' says Spalding, 'she settles her estates, rents, and living, and leaves with sore heart her stately building of the Bog, beautified with many yards, parks, and pleasures—closes up the yetts, and takes journey with about sixteen horse. . . . A strange thing to see a worthy lady, near seventy years of age, put to such trouble and travail, being a widow, her eldest son, the Lord Marquis, being out of the kingdom, her bairns and oyes [grandchildren] dispersed and spread; and albeit nobly born, yet left helpless and comfortless, and so put at by the Kirk, that she behoved to go, or else to bide excommunication, and thereby lose her estate and living. . . . It is said she had about three hundred thousand merks in gold and jewels with her, by and attain the gold and silver plate of both houses of Bog and Strathbogie.' On her journey southward the Marchioness remained about three months in Edinburgh; but though Charles I. was in the Scottish capital at this time, he was powerless to protect her. She died in France in the ensuing year.

The Marquis of Huntly left by this lady four sons and five daughters. His second son, John, who was created Viscount Melgum

* *Genealogical History of the Earldom of Sutherland.*

and Lord Aboyne by Charles I. in 1627, perished in the burning of Frendraught Castle.* His eldest son, GEORGE, was second Marquis of Huntly. During the lifetime of his father he spent some time at the Court in London, and great pains were taken by the King to educate him in the Protestant religion. On his return to his own country, the Earl of Enzie, as he was termed, became involved, in 1618, in a quarrel with Sir Lauchlan Mackintosh—chief of the clan Chattan, his hereditary enemies—which greatly disturbed the peace of the country. In the end the Earl, who possessed superior influence at Court, induced King James to commit Mackintosh to the castle of Edinburgh, until he should give satisfaction to the heir of the Gordons. In 1623, accompanied by a band of ‘gallant young gentlemen and well appointed,’ he went over to France, and was made Captain of the Scots Bodyguard to the French king, an office of great honour and influence, which had long been held by the Stewarts of D’Aubigny, Earls and Dukes of Lennox. Louis XIII. was at that time assisting the German princes against the House of Austria, and Lord Enzie was sent into Lorraine, and served with great distinction there, and afterwards in Alsace. Louis, on reviving the corps, intended to confer the command on Frederick, Duke of Richmond and Lennox, but on the sudden death of that nobleman in 1624, the honour was transferred to his nephew, Lord Gordon, under the Marshal de la Force. The French king cordially acknowledged the signal services rendered to him by the Scottish company in this campaign. The Earl was recalled from Germany by his father, as his assistance was urgently required in suppressing the disorders in the Highlands and in Aberdeenshire. He was created Viscount Aboyne in 1632, with remainder to his second son, James, and his heirs male. He succeeded to the hereditary honours and estates of his family on the death of his father in 1636, and when the ill-advised proceedings of Charles I., in attempting to force an English liturgy on the people of Scotland, had caused them to take up arms in vindication of their rights and liberties, the Marquis of Huntly received a commission from the King as his Lieutenant in the North, and raised the royal standard there.

* Viscount Melgum was married to Lady Sophia Hay, fifth daughter of the Earl of Errol. This lady was a Roman Catholic, and was ministered to by Gilbert Blackhal, a priest of the Scots’ mission in France, in the Low Countries, and in Scotland, who, in a work which has been published by the Spalding Club, entitled, ‘A brief narration of the services done to three noble Ladyes,’ has recorded ‘How I came to be engaged in the service of my Ladye of Aboyne,’ and ‘of the services that I rendered to my Lady of Aboyne, in the capacities of priest, chamberlain, and captain of her castle.’

The Covenanters, who were well aware of Huntly's great influence in the north, made an earnest effort to induce him to join their party. Colonel Robert Munro, an officer who had served in the German wars, was sent as their envoy to Strathbogie. 'The sum of his commission to Huntly was, that the noblemen Covenanters were desirous that he should join with them in the common cause; that if he would do so, and take the Covenant, they would give him the first place and make him leader of their forces; and further, they would make his state and his fortunes greater than ever they were; and, moreover, they should pay off and discharge all his debts, which they knew to be about ane hundred thousand pounds sterling; that their forces and associates were a hundred to one with the King; and therefore it was to no purpose to him to take up arms against them, for if he refused this offer, and declared against them, they should find means to disable him for to help the King; and, moreover, they knew how to undo him, and bade him expect that they would ruin his family and estates.'

The offer was tempting to an ambitious man, but Huntly's loyalty was proof against the temptation. 'To this proposition,' says the contemporary writer, 'Huntly gave a sharp and absolute repartee, that his family had risen and stood by the kings of Scotland; and for his part, if the event proved the ruin of the King, he was resolved to lay his life, honours, and estate under the rubbish of the King his ruins. But, withal, thanked the gentleman who had brought the commission, and had advised him thereto, as proceeding from one whom he took for a friend and good-willer, and urged out of a good intention to him.'*

Huntly's first step was to seize and fortify the city of Aberdeen. Having learned that a meeting of Covenanters was to be held at Turriff on February 14, he resolved to disperse them, and marched thither at the head of two thousand men. But Montrose having received intimation of Huntly's purpose, anticipated this movement, and by a rapid march across a range of hills called the Grangebean, reached Turriff before his arrival. The Marquis, finding that he had been forestalled, retreated to Aberdeen without venturing on an attack, alleging that he had authority to act only on the defensive. On the approach of Montrose, however, to Aberdeen, Huntly precipitately retreated northward, and the inhabitants surrendered without resistance to the Covenanting general. It was on this occasion

* Gordon's *Scots' Affairs*, i. 49-50.

that distinctive colours were for the first time adopted by the Royalist and the Presbyterian parties. Spalding says, 'Here it is to be noted, that few or none of the haill army wanted ane blew ribbin hung about his craig [neck], down under his left arme, which they called the "Covenanters' Ribbon." But the Lord Gordon, and some other of the Marquess's bairnes and familie, had ane ribbin when he was dwelling in the toun of ane reid flesh cullor, which they wore in their hatts, and called it the "Royall Ribbin," as a sign of their love and loyaltie to the King. In despyte and derision thereof, this blew ribbin was worne, and called the "Covenanters' Ribbon" be [by] the haill souldiers of the army, and would not hear of the "Royall Ribbin," such was their pryde and malice.'*

After demolishing the fortifications which Huntly had erected, and compelling the citizens to subscribe the Covenant, Montrose proceeded northwards to Inverury in search of the chief of the Gordons. An interview was arranged between them in the presence of twelve friends on each side, which terminated in Huntly's accompanying Montrose to the camp at Inverury. The historian of the family of Gordon states that the conference there terminated in an agreement that Huntly 'should subscribe a paper by which he obliged himself to maintain the King's authority, together with the liberties and religion of the kingdom,' and that his friends and followers should be at liberty to sign the Covenant or not, as they inclined. It was also agreed that Montrose should withdraw his army from the north, and that Huntly should immediately disband that remainder of his army he had as yet kept together, and should not trouble or molest any of the Covenanters within the bounds of his lieutenancy. With respect to those of Huntly's followers who were Roman Catholics, and could not subscribe the Covenant, it was agreed that they should sign a declaration of their willingness to concur with the Covenanters in maintaining the laws and liberties of the kingdom.†

Shortly after, a conference was held at Aberdeen of leading Covenanters, and Huntly was invited to attend for the purpose of giving his advice respecting the best method of restoring order, and a regard to law, in the northern district of the country. He accepted the invitation, and, contrary to the advice of his friends, he took with him his two eldest sons. He was first of all advised by Montrose to resign his commission of lieutenancy, to which he agreed.

* *Spalding*, i. 94.

† *History of the Illustrious Family of Gordon*, ii. 265 6.

He was then required to give a contribution towards liquidating the debt which had been contracted in raising and paying their forces. He declined to comply with this demand, on the ground that the money was borrowed without his advice or consent. Montrose next requested him to take steps to apprehend some loose and broken men in the north, but he pleaded that, having resigned his commission, he had no longer any authority to act in such a matter. He was, finally, required to reconcile himself to the Crichtons of Fren-draught, which he positively refused to do. He was then informed that he and his sons must accompany the Covenanting forces to Edinburgh, and that it was in his choice to do so either as a prisoner, with a guard, or with Montrose himself, at large. He pleaded that he had come to Inverury by invitation of Montrose, on an assurance of safe conduct, with permission to come and go at his own pleasure, and it was not honourable to tell him that he must now go to Edinburgh whether he would or would not. However, since he was left to make his choice, he would rather go to the south as a volunteer than as a prisoner.* Viscount Aboyne, his second son, was allowed to return to Strathbogie in order to provide money for his father, but the Marquis himself, and his eldest son, were conveyed to Edinburgh, where they were imprisoned in the castle. They were, however, soon after set at liberty, in accordance with the stipulation in the treaty between King Charles and the Covenanting forces, 20th June, 1639.

It is difficult to say how far Montrose was responsible for this breach of good faith and of a safe conduct. His defenders allege that he was overborne by the clamorous demands of the personal enemies of Huntly. It is certain, however, that the Gordons laid the blame of this dishonourable deed at the door of Montrose himself. A contemporary chronicler says, 'For Montrose going along with that action it is most certain, to the best of my knowledge—for I write this knowingly—that it bred such a distaste in Huntly against Montrose, that afterwards, when Montrose fell off to the King, and forsook the Covenanters, and was glad to get the assistance of Huntly and his followers, the Marquis of Huntly could never be gained to join cordially with him, nor to swallow that indignity. This bred jars betwixt them in the carrying on of the war, and that which was pleasing to the one was seldom pleasing to the other. Whence it came to pass, that such as were equally enemies to both

* Spalding's *Memorials*, i. 170.

(who knew it well enough) were secured, and, in the end, prevailed so far as to ruiuate and destroy both of them, and the King by a consequent.* This state of feeling towards Montrose sufficiently accounts for the vacillating conduct of the Gordons throughout the contest between the Royalists and the Covenanters in the north.

While the Marquis was in durance, his second son, Lord Aboyne, at the head of a party of the Gordons, who were dissatisfied with this treatment of their chief, and of a considerable body of Highlanders, took possession of the city of Aberdeen. Montrose lost no time in marching to the north to suppress this rising. On his approach, Aboyne disbanded his forces and made his escape, while Montrose, after firing and plundering that stronghold of the Royalists, marched from Aberdeen to attack the castles of the Gordons in Strathbogie. Meanwhile, Aboyne, having received a commission of lieutenancy from the King, returned at the head of an army of three thousand foot and five hundred horse, and prepared to act on the offensive. But the Highlanders, unaccustomed to artillery, fled at the first discharge from the cannon.

In April, 1644, Huntly received a new commission from King Charles to act as his Majesty's Lieutenant-General in the north. But though he collected a large force he did nothing for the royal cause, and in a short time disbanded his army and retreated into Strathnaver, in Sutherlandshire. While the Marquis remained inactive in this remote district, Montrose had been appointed Lieutenant-General of the kingdom, and on raising the royal standard in Athole had been immediately joined by three hundred Gordons from Badenoch. But their chief could not be induced to co-operate cordially with the royal general, and the great body of the clan held aloof. They remembered with strong resentment the treatment they had received from Montrose during his former campaign against them in the service of the Covenanters, and the recent defeat which he had inflicted, at the Bridge of Dee, on Lord Lewis Gordon, the third son of Huntly, who, along with Lord Burleigh, was fighting on the side of the Parliament. In consequence, all the efforts of Montrose to attract the Gordons to the royal standard completely failed. A small body of them, indeed, joined him, but suddenly deserted his standard at a most critical moment, in spite of the exertions of their commander, Lord Gordon, eldest son of their chief. They, however, afterwards returned, and fought with great gallantry at the battle of Alford,

* Gordon's *Scots' Affairs*, ii, 238.

where their victory was embittered by the death of Lord Gordon. At a later period, Lord Aboyne rejoined the Royalist army at the head of a considerable body of horse, and fought at the battle of Kilsyth. But when Montrose began his march to the Borders, Aboyne 'took a caprice,' says Sir Robert Spottiswood, 'and had away with him the greatest strength he had of horse.'

After the ruin of the royal cause in the south, Huntly, who was now the only formidable opponent of the successful party, still continued in arms, and fortified the town of Banff. A portion of the Covenanting army stationed in Aberdeenshire made an unsuccessful attempt to dislodge him, and were obliged to retire with loss, and the Marquis proceeded to garrison his castles of Strathbogie, Bog of Gight, and Auchindoun. He was excepted from pardon in 1647, and a reward of one thousand pounds was offered for his apprehension. Middleton was sent against him, but failed to reduce him to submission, though reinforced by three regiments from the south. David Leslie was then despatched to Aberdeenshire with a strong body of horse and foot, and Huntly, finding himself unable to resist the combined force of the two armies, took refuge in his Highland fastnesses. The Covenanting generals reduced all the strongholds of the Gordons in Aberdeenshire, hanging or shooting on the spot the Irishmen in their garrisons, and carrying away prisoners the commanders, of whom the most important were put to death in Edinburgh. The Marquis was hunted from place to place by Middleton, through Glenmoriston, Badenoch, and other remote districts. At length, in the month of December, 1647, he was captured at midnight by Lieutenant-Colonel Menzies, at Dalnabo, in Strathdon. His attendants, ten in number, made a brave resistance, but were all either killed or mortally wounded. His captor, apprehensive of a rescue, carried the Marquis to the castle of Blairfindie, in Glenlivet, about four miles from Dalnabo. The Gordons resident in the neighbourhood flew to arms to rescue their chief. But the Marquis sent them a message dissuading them from the attempt. He was now, he said, almost worn out with grief and fatigue; he could no longer live in hills and dens, and hoped that his enemies would not drive things to the worst. But if such was the will of Heaven, he could not outlive the sad fate he foresaw his royal master was likely to undergo; and be the event what it would, he doubted not but the just providence of God would restore the royal family, and his own along with it.*

* *History of the Family of Gordon*, ii. 546.

The Marquis was carried under a strong guard to Edinburgh and imprisoned in the Tolbooth of that city. King Charles, who was at that time confined in Carisbrook Castle, wrote to the Earl of Lanark, who was then in London, entreating him to intercede on behalf of his old and faithful servant; but if any such intercession was made it was without effect. Huntly was kept in prison for sixteen months. After the execution of King Charles and the Duke of Hamilton in England, the Scottish Committee of Estates brought the Marquis to trial on the 16th of March, 1649, on the charge of treason. He was of course found guilty, and condemned to be beheaded at the Market Cross of Edinburgh, on the 22nd of that month. The men who brought this consistent Royalist to the block denounced the execution of King Charles as a great crime, but they had nevertheless no hesitation in sacrificing his most devoted follower, solely on the ground of his steadfast adherence to the royal cause.

On the scaffold the Marquis displayed great calmness and courage. One of the Presbyterian ministers asked him if he desired to be absolved from the sentence of excommunication pronounced against him. He replied that as he was not accustomed to give ear to false prophets, he did not wish to be troubled by him. He addressed the crowd of spectators, declaring that he was about to die for having employed some years of his life in the service of the King, and that he had charity to forgive those who had voted for his death, although they could not convince him that he had done anything contrary to the laws.* It must be admitted that both in his public career and in his death, the chief of the Gordons adhered strictly to the principles which he had professed to Sir George Munro at the commencement of the Civil War.

‘The Marquis,’ says Wishart in his ‘Life of Montrose,’ ‘besides his noble birth, in which he was inferior to no subject, was one of that power in the north that he was feared by all his neighbours. He had a great estate, many friends, vassals, and followers; was of a comely personage, and bright spirit, and had stuck close to the King’s interest from the beginning of the troubles. On this account, and on this only, he was so hated by the fanaticks that they resolved to make him a sacrifice.’

Lord Huntly had by his wife, Lady Anne Campbell, daughter of the seventh Earl of Argyll, a family of five sons and three daughters. His eldest son, Lord Gordon, a youth of ‘singular worth and

accomplishments,' served for some time in France, under the Marquis de la Force. When the Civil War broke out, he joined the Covenanters, it was supposed through the influence of his uncle, the Earl of Argyll; but in 1645 he abandoned their cause, and repaired to the standard of Montrose. He had the command of the horse at the battle of Auldearn, in May of that year. He was killed at the battle of Alford, 2nd July. The historian of the family says Lord Gordon was 'a very hopeful young gentleman, able of mind and body, about the age of twenty-eight years.' Wishart dwells at length on the general lamentation of the soldiers for the loss of Lord Gordon, 'whose death seemed to eclipse all the glory of the victory,' and Montrose himself mourned bitterly that 'one who was the honour of his nation, the ornament of the Scots nobility, and the boldest assertor of the royal authority in the north, had fallen in the flower of his youth.'

James, Viscount Aboyne, the Marquis's second son, also fought under the banner of Montrose at Auldearn, Alford, and Kilsyth. He was excepted from pardon by the Estates, and took refuge in France, where he died in 1648.

Lord Lewis Gordon, the third son, succeeded his father as third Marquis of Huntly. Lord Charles, the fourth son, was a staunch Royalist, and after the Restoration was created by Charles II. Earl of Aboyne, and Lord Gordon of Strathavon and Glenlivet. Lord Henry Gordon, the fifth son of the second Marquis, served for several years in Poland, but returned home and died at Strathbogie.

LEWIS, third Marquis of Huntly, repeatedly changed sides during the Civil War, and seems to have shared the feelings of dislike and jealousy which most of the Gordon family cherished towards Montrose. He was restored to his honours and estates by the Parliament held at Perth, 5th March, 1651, at which Charles II. was present. He died in 1653, leaving by his wife, a daughter of Sir James Grant of Grant, three daughters and one son—

GEORGE, fourth Marquis of Huntly and first Duke of Gordon. He was only three years old at the time of his accession to the family honours and estates, and when he reached his sixteenth year the Privy Council, in obedience to a letter from the King, decreed that, 'in order to the conversion of the Marquis of Huntly and the better ordering of his affairs, his mother should be removed from him and

retire with her family to some of his lordship's houses in the north, before the 1st of August.' 'It may be remarked as a curious combination of circumstances,' says Mr. Chambers, 'that Charles II., in whose name ran the letter expressing such anxiety for the Protestant upbringing of the young Gordon, was in his private sentiments a Catholic, while Lauderdale, by whom the letter was officially signed, was indifferent to all religion.' The effort now made for his conversion was not successful. The young nobleman continued a firm Papist to the day of his death.

The Marquis spent a good deal of his early life on the Continent and served in the French army at Oudenarde, in 1671, and at the siege of Maestricht. He fought under the French standard in 1674, in the conquest of Burgundy, and afterwards under Marshal Turenne before the battle of Strasburg. In the following year he served a campaign under the Prince of Orange in Flanders. In 1684 he was created Duke of Gordon by Charles II., in testimony of his appreciation of the steadfast loyalty of his family, the sacrifices they had undergone, and the eminent services which they had rendered to the Crown. He was appointed by James VII. Lieutenant of the North, a member of the Privy Council, one of the Lords of the Treasury, and Governor of Edinburgh Castle. But though a Roman Catholic, the Duke disapproved of the measures adopted by James for the re-establishment of his religion in Scotland, and was in consequence treated with marked coldness by the King and Court.

At the Revolution, however, his Grace remained faithful to the infatuated monarch. When he was about to surrender the Castle of Edinburgh, and was in the act of removing his furniture, he was prevailed upon by Dundee and Balcarres to hold it for James. The Convention required him to evacuate the fortress within twenty-four hours. He returned an evasive answer, and made various excuses for declining to comply with this demand. He entertained great respect, he said, for the Convention, and meditated no harm either to its members, or to the city of Edinburgh. He offered to give security for his peaceable behaviour to the amount of twenty thousand pounds sterling, but he could not give up the castle until he received despatches, which he was hourly expecting, from the Government now established in England. His answer was deemed unsatisfactory. He was proclaimed a traitor to the Estates, and guards were posted to intercept all communication betwixt the garrison and the city.

It was well known that the Duke was by no means resolute in setting at defiance the authority of the Convention, and Dundee, on leaving Edinburgh in trepidation and haste, clambered up the western face of the rock on which the castle stands, held a conference at a postern with his Grace, and urged him to hold out till he should be relieved. The Duke positively refused, however, to fire on the city, as the Jacobites entreated him to do. He sent notice to the magistrates that he was about to fire a salute, but they need not be alarmed, for his guns would not be loaded with ball. The intercourse between the garrison and the citizens seems to have been of the most free and easy kind. Letters and fresh provisions were conveyed to the garrison, and on one occasion a white flag was hung out and a conference was held to state that all the cards in the castle were worn out, and the favour of a fresh supply was requested. But at length the provisions were exhausted, and no relief being practicable, the Duke surrendered the fortress on honourable terms.

After proceeding to London, and making his submission to King William, the Duke of Gordon passed over to Flanders, and, in 1691, paid a visit to the Court of the exiled monarch. He was very ungraciously received, however, and speedily quitted St. Germain's for Switzerland, where he was arrested and sent to England. But, though regarded with suspicion by the Government, not altogether without reason, and frequently imprisoned, he does not appear to have taken any part in the intrigues and plots for the restoration of the Stewarts. The conduct of his Duchess, a daughter of Henry Howard, Duke of Norfolk and Earl of Norwich, no doubt contributed to rouse the jealousy of the Government. In 1711 she presented to the Faculty of Advocates in Edinburgh a silver medal, having on one side the effigy of James, and on the reverse a miniature map of the British Isles, with the inscription *Reddite* (restore). The cordiality with which her Grace's gift was received by the members of the Scottish Bar, and the language employed in their reply of thanks, showed the prevalence of Jacobite opinions and feelings among them, and naturally excited the anger of the Government both against the lawyers and the Duchess. On the accession of George I., in 1714, the Duke was regarded as disaffected to the Hanoverian dynasty, and was ordered to be confined to the city of Edinburgh on his parole. He died at Leith, 7th December, 1716, in the sixty-seventh year of his age. His son—

ALEXANDER, second Duke of Gordon, inherited the Jacobite principles, along with the title and estates, of his house. During the lifetime of his father, the Marquis of Huntly attended the gathering of the Highland chiefs and other Jacobite leaders at Braemar, in 1715, and the smaller but more important meeting at Aboyne Castle. He proclaimed the Chevalier at Castle Gordon, and, accompanied by a large body of horse and foot, he joined the rebel force at Perth on the 6th of October. He fought at the battle of Sheriffmuir, but shortly after returned home, and capitulated to the Earl of Sutherland. In the following April he was brought to Edinburgh, and confined for a short time in the castle. The Duke seems to have been regarded with sympathy by the Government, and no further proceedings were instituted against him. He died in 1728, and his widow, a daughter of the famous Earl of Peterborough, who survived her husband upwards of thirty years, fortunately for her family and the country, educated their four sons and seven daughters in the Protestant faith. For this service the General Assembly of the Presbyterian Church sent her Grace a cordial letter of thanks, and the Government, in 1735, settled upon her a pension of £1000 a year.* But she was deprived of her pension for a single act of hospitality shown to the Young Chevalier, in 1745, by laying out a breakfast for him on the roadside, at her park-gate of Preston Hall, as he marched past on his way to England.

The Duchess was noted for her intellectual vigour, intelligence, and activity. In 1706 she brought down from England, to the estates of her father-in-law, the Duke of Gordon, some English ploughs, and men to work them who were acquainted with *fallowing*—a mode of husbandry heretofore unknown in Scotland. Her advice also induced two of the landed proprietors of the Gordon clan—Sir Robert Gordon of Gordonstoun and Sir William Gordon of Invergordon—to set about the draining and planting of their estates,

* According to a report common at the time, the efforts of the Duchess to convert her eldest son to the Protestant religion were aided by a casual conversation between him and one of the tenants on his estate, who had received some ill-treatment from his Grace's factor. He at last made personal application to the Duke, from whom he at once obtained redress. Catching a glimpse of the images within the family chapel, the farmer asked what they were. The Duke answered that they were the representations of certain holy men, to whom good Catholics were accustomed to apply to intercede for them with the Almighty. 'Such nonsense!' rejoined the rustic. 'Would it not be far better to do as I have been doing—speak to the Laird himsel?' This chance remark is said to have made a considerable impression on the Duke's mind.

and the introduction of improved modes of culture, including the sowing of French grasses.

Lord Lewis, the third son of the first Duke—the ‘Lewie Gordon’ of a well-known and spirited Jacobite song—took part in the rebellion of 1745. He escaped to the Continent after the battle of Culloden, and died in France in 1754, but all the rest remained faithful to the reigning dynasty. Lord Adam, the youngest son, was a General in the British army, and served with great activity and zeal both in America and on the Continent. He was appointed Commander-in-Chief of the Forces in Scotland in 1782, and in 1796 he was nominated Governor of Edinburgh Castle. He married the widow of the Duke of Athole, the heroine of the song, ‘For lack of gold she’s left me,’—a daughter of Drummond of Megginch. He died without issue in 1801.

COSMO GEORGE,* third Duke, succeeded to the family honours and estates in 1728, when he was only eight years of age. He supported the Government during the rebellion of 1745, and was rewarded for his loyalty by receiving, in 1747, the Order of the Thistle. He was elected one of the sixteen representative peers to the tenth Parliament of Great Britain, but he died in 1752, in the thirty-second year of his age, leaving by his wife, a daughter of the Earl of Aberdeen, three sons and four daughters.

Lord George Gordon, his youngest son, obtained an undesirable notoriety in connection with the destructive riots in London which took place in 1780. Lord George was President of a so-called Protestant Association, which busied itself in getting up petitions for the repeal of an Act, passed in 1778, for the removal of some of the disabilities imposed upon the English Roman Catholics. His inflammatory speeches roused the London populace to a state of frenzied violence. A monster petition, praying for the repeal of the Act in question, was carried in procession through the principal streets of the city, to be presented to Parliament. Scenes of violence occurred, even in the lobbies of the House of Commons, and the safety of the members was for some time in peril. The Roman Catholic chapels, and the houses of several eminent men who were favourable to the unpopular Act, including that of Lord Mansfield, were sacked and burned by the mob without hindrance, owing to the

* The name Cosmo was given to the Duke in compliment to Cosmo de Medici III., Grand Duke of Tuscany, with whom his father was on terms of close friendship.

cowardice and supineness of the public authorities. The riot was in the end suppressed by the intervention of the military, but not without considerable loss of life. Lord George was imprisoned in the Tower, and brought to trial on a charge of high treason. He was defended by Thomas Erskine, in one of his finest speeches, and was acquitted by the jury. It was generally admitted that he was insane—an opinion which was confirmed some years later by his abandoning the Christian religion and embracing Judaism. It is certainly remarkable that a member of the Gordon family, who had suffered so much for their adherence to the Roman Catholic faith, should have been the leader of an association, formed to prevent the adherents of that religion obtaining equal rights and privileges with their fellow-countrymen. Believers in the transmission of characteristic peculiarities from generation to generation, will not fail to notice the significant fact that Lord George Gordon was the great-grandson of the half-mad Charles Mordaunt, Earl of Peterborough.

The chiefs of the Gordon clan, now restored to their hereditary position in Parliament and in the country, became celebrated for their patriotism, their princely hospitality, and their kindness to their tenantry and their dependents.

DUKE ALEXANDER, the fourth possessor of the ducal title, retained it for the long period of seventy-six years. In 1761 he was elected one of the sixteen representative peers of Scotland, and in 1775 was created a Knight of the Order of the Thistle. A regiment had been raised on the Gordon estates in 1759, which became the 89th Highlanders, and his Grace was appointed one of its captains. In 1778, during the American war, he raised the Gordon Fencibles, of which he became colonel; and in 1793 he raised another regiment of fencibles, called the Gordon Highlanders, which was disbanded with the other fencible corps, in 1799. As his Grace was the great-grandson of Lady Elizabeth Howard, daughter of the Earl of Norwich, that extinct title was revived in his favour in 1784, and he was at the same time created Lord Gordon of Huntly. He was also appointed Keeper of the Great Seal of Scotland. The Duke was the author of the excellent humorous song entitled 'Cauld kail in Aberdeen,' but he was best known, and best remembered, as the husband of the celebrated Duchess Jane, one of the leaders of fashionable society in London for nearly half a century, and regarded as one of the cleverest women of her day. Her Grace was the second

daughter of Sir William Maxwell of Monreith. Her early years were spent in Hyndford's Close, off the High Street of Edinburgh, where she seems to have conducted herself with a freedom of manners which would seem almost incredible in the present day. An old gentleman, who was a relative of the Maxwell family, stated that on the occasion when he first made the acquaintance of Jane Maxwell and her sisters, they had been despatched by their mother, Lady Maxwell, to the 'Fountain Well,' in front of John Knox's house, to fetch 'a kettle' of water, and Miss Jane was seen mounted on the back of a sow, of which she had made capture, while her sister, Miss Betty, afterwards Lady Wallace, lustily thumped it with a stick. 'The two romps used to watch the animals as they were let loose from the yard of Peter Ramsay, the stabler, in St. Mary's Wynd, and get on their backs the moment they issued from the Close.' *

In 1767, Jane Maxwell was married to Alexander, fourth Duke of Gordon, then in his twenty-fourth year, whom Lord Kames, his tutor, considered 'the greatest subject in Britain, not from the extent of his rent-roll, but from a much more valuable property, the number of people whom Providence had put under his government and protection.' † Her beauty, elegance, sprightliness, and extraordinary tact, combined with wit, made her at once a general favourite in the highest circles, and for many years she had an undisputed reign as the queen of society in London and in Edinburgh. She was a zealous supporter of Mr. Pitt, and her mansion in London was long the chief resort of the leaders of the Tory party. Her Grace, amid all the distractions of fashionable and political life, found time to perform many kind and benevolent acts. 'It was affirmed by those who knew her, that whether it was a young damsel who had to be brought out at an assembly, or a friend to be helped out of a difficulty, or a regiment to be raised, the Duchess of Gordon was ever ready to use her best exertions, and to employ in the cause the wonderful powers of fascination which she exercised over all who came in contact with her.' ‡

Lord Kames addressed a letter to the Duchess, on her marriage, impressing upon her the great responsibility of her position, and he lived to see the day when he could thank God that 'his best hopes had been realised' in regard to the manner in which his 'dear pupil' had given effect to his views, 'training the young creatures

* Chambers's *Traditions of Edinburgh*, i. 239.

† *The Hon. Henry Erskine*, by Lieutenant-Colonel Ferguson, p. 288.

‡ *Ibid.*

about her to habits of industry, the knitting of stockings among the young folk of both sexes, and other useful occupations.' In a letter which her Grace wrote at a late period of her career to her old and attached friend, Henry Erskine, she says, 'For years I have given premiums for all kinds of domestic industry—spinning, dyeing, &c.—and last year had some hundreds of specimens of beautiful colours from the herbs of the fields, and different woollen productions. But there is an evil I cannot remedy without a sum of money. The children are neglected in body and mind: cold, hunger, and dirt, carries off hundreds. The cow-pox would save many; no doctors for thirty miles makes many orphan families. . . . I wish to add to the comforts of the aged, and take the children—teach them to think right, raise food for themselves, and prepare them to succeed to their fathers' farms with knowledge of all the branches of farming. . . . A healthy, well-regulated people must be the proud riches of this country: by them we can alone be deffended.'

Robert Burns in the course of his northern tour came to Fochabers, and presuming on his acquaintance with the Duchess of Gordon in Edinburgh, to whom he had been introduced in the course of the preceding winter, he proceeded to Gordon Castle, leaving at the inn his travelling companion, William Nichol, one of the masters of the Edinburgh High School—a jealous, rude, and brutal pedagogue. The poet was received with the utmost hospitality and kindness, and the following entry in his diary showed how highly he appreciated his reception. 'The Duke made me happier than ever great man did—noble, princely, yet mildly condescending and affable, gay and kind. The Duchess witty and sensible. God bless them!' His stay was unfortunately cut short by Nichol, whose pride was inflamed into a high degree of passion by the fancied neglect which he had suffered by being left at the inn, and who insisted on proceeding immediately on his journey. Burns, sensible of the kindness which had been shown him by the Duke and Duchess, made the best return in his power by sending them a poem, entitled 'Castle Gordon,' which is not one of his happiest efforts. The Duchess had planned a visit of Mr. Addington, afterwards Lord Sidmouth, to Castle Gordon, when Burns should meet him, knowing that the English statesman was a warm admirer of the poetry of the Scottish bard. But the future Premier was unable to accept the invitation, and contented himself with writing and forwarding some verses expressing a warm admiration of the genius of the poet—which, however, had no

practical result—and recommending him to be resigned to the want of worldly gear and ‘grateful for the wealth of his exhaustless mind.’

The Duchess of Gordon was noted for her freedom of speech, and not less for her freedom of action. She was a great admirer of Mr. Pitt and a steady adherent of George III. and Queen Charlotte. She had, consequently, no high opinion of the Prince of Wales and the dissolute society which he chose to frequent. Lord Harcourt mentions in his diary that on one occasion ‘Jack Payne,’ the Prince’s secretary, uttered some ribaldry about the Queen in the presence of the Duchess of Gordon. ‘You little, insignificant, good-for-nothing, upstart, pert, chattering puppy!’ said her Grace, ‘how dare you name your royal master’s royal mother in that style!’

In her early days members of the upper classes, both male and female, would sometimes in a frolic make up a party to spend an evening in one of the underground apartments or cellars in the old town of Edinburgh, where they partook of oysters and porter, set out in flagons on a table, in a dingy wainscoted room, lighted by tallow candles. Brandy or rum punch was then served to the company, and dancing followed. When the ladies had taken their departure in their sedan-chairs or carriages, the gentlemen proceeded to crown the evening by a deep debauch. On one occasion, about the close of last century, after the Duchess was a matron in the full height of her popularity as a leader of fashion, she paid a visit to Auld Reekie, and in company with Henry Dundas, the Scottish Viceroy, and other persons of the highest position, made up an oyster-cellar party, and devoted a winter evening to the amusement which they had enjoyed in the days of their youth.

The Duchess had the reputation of being a dexterous match-maker, which was probably owing to the fact that no fewer than three dukes (Richmond, Manchester, and Bedford) and a marquis (Cornwallis) became her sons-in-law. After her daughters were thus settled to her satisfaction, her Grace said she would now make love to her old husband, but she had unfortunately been anticipated in this praiseworthy resolution. The Duke, whom she had probably a good deal neglected, absorbed as she must have been in fashionable and political engagements, had meanwhile formed an illicit connection with a young woman of the name of Christie, of humble birth, who resided at Fochabers, in the vicinity of Gordon Castle; and, as might have been expected, this *liaison* alienated his affections from his wife,

and must have hardened his heart; for, as the national poet of Scotland justly remarks, the 'illicit love'

'hardens a' within,
And petrifies the feeling.'

The letters which the Duke wrote to Henry Erskine in 1806, show that he had not escaped the demoralising influence of his sinful and degrading connection. He compelled his wife to separate from him, and from her complaints respecting her circumstances, 'taxes,' and 'double prices of everything,' the poor lady does not appear to have had a very liberal allowance for her support. 'For all the light-heartedness,' says Colonel Ferguson, 'which was her chief characteristic for so many years, her latter end was very sad. She who had shown so much kindness to others came to be in grievous need of some measure of it for herself. Robbed of her political power, estranged from most of her family, not even on speaking terms with her husband, and leading a wandering, almost a homeless life, her case presents a marked instance of the ephemeral character of all human hopes.'*

The Duchess died on the 14th of April, 1812. One who knew her well has written of her thus, 'So the great leader of fashion is gone at last—the Duchess of Gordon. Her *last party*, poor woman, came to the Pultney Hotel to see her coffin. She lay in state three days, in crimson and velvet, and she died more satisfactorily than one could have expected. She had an old Scottish Presbyterian clergyman to attend her, who spoke very freely to her, I heard, and she took it well.' †

In 1820 the Duke married his mistress, by whom he had no legitimate issue. He died in 1827, in the eighty-second year of his age.

GEORGE, the only surviving son of Duke Alexander and his Duchess, became the fifth and last Duke of Gordon of the male line. In his twentieth year he entered the army as an ensign in the 35th Regiment, and in the following year (1791) he exchanged into the 42nd Regiment, in which he served two years. He then obtained a commission in the 3rd Foot Guards, and took part in the Duke of York's first expedition to Flanders. In 1794 he raised among his father's retainers the famous regiment of Gordon Highlanders (the

* *Henry Erskine*, p. 411.

† *Ibid.* 415.

92nd), of which he was appointed Lieutenant-Colonel. His father and mother personally assisted the Marquis in procuring suitable recruits for this gallant body of men, and the Duchess is said to have induced them to join the regiment by placing the enlistment shilling between her lips. The Marquis went out with his regiment to Gibraltar, and on his homeward voyage from Corunna to England, the packet in which he sailed was captured by a French privateer, and though he was robbed of all his effects, he was fortunately allowed to go on board a Swedish vessel, which landed him at Falmouth. The Marquis of Huntly subsequently served for upwards of a year in Corsica, and in Ireland during the rebellion in 1798, when the good conduct and discipline of his regiment were gratefully acknowledged by the people. In the grievously mismanaged and abortive expedition to Holland, in 1799, under the Duke of York, the Marquis was severely wounded at the head of his regiment at the battle of Bergen, October 2nd. The 92nd formed part of the brigade commanded by Sir John Moore, who was so gratified by their gallant conduct that when he obtained a grant of supporters for his armorial bearings as a Knight of the Bath, he chose a soldier of the Gordon Highlanders in full uniform as one of his supporters.

In 1809 the Marquis commanded a brigade in the unfortunate Walcheren expedition, under the incompetent Earl of Chatham. In 1819 he attained the rank of General, and in the following year was appointed Colonel of the 1st Foot Guards, which he afterwards exchanged for the Colonelcy of the 3rd Guards, and received the Grand Cross of the Bath. On the death of his father, in 1827, the Marquis of Huntly succeeded to the dukedom of Gordon, and was appointed Keeper of the Great Seal of Scotland. Shortly after he became Governor of Edinburgh Castle. From this time forward his Grace resided chiefly at Gordon Castle, where he dispensed hospitality on a magnificent scale. He died 28th May, 1836, at the age of sixty-six. He was survived by his Duchess, a daughter of Mr. Brodie of Arnhall, who was noted for her piety and benevolence, and the deep interest which she took in the cause of education, and the welfare of the agricultural labourers on the Gordon estates.

As the Duke died without issue, the dukedom, along with the English peerages of Norwich and Gordon, became extinct, the baronies (by writ) of Mordaunt and Beauchamp fell into abeyance, and the marquissate and earldom of Huntly and the earldom of Enzie devolved upon his kinsman, George, fifth Earl of Aboyne.

The extensive estates of the family fell to the fifth Duke of Richmond and Lennox, a son of the eldest daughter of Duke Alexander, who succeeded to them under the entail executed by that nobleman, preferring his daughters and their children to his male kinsmen of the Aboyne branch of the family.

A portion of these estates lying in Lochaber were sold after the death of the last Duke of Gordon, to the great regret of the tenantry. But the Gordon estates in the counties of Banff, Elgin, Aberdeen, and Inverness, still, according to the Domesday Book, comprise 269,290 acres, yielding an annual rental of £69,388.

The present Duke of Richmond (the sixth), who already enjoyed an English, a Scottish, and a French dukedom, was created Duke of Gordon of Gordon Castle, and Earl of Kinrara, in 1876.

George, fifth Earl of Aboyne, who, on the death of the fifth Duke of Gordon, became ninth Marquis of Huntly, was descended from Lord Charles Gordon, fourth son of the second Marquis, who was created Earl of Aboyne by Charles II. in 1660. The title had previously been conferred by Charles I., in 1627, along with that of Viscount Melgum, on the second son of the Marquis of Huntly, who was burned to death in the tower of Crichton of Frendraught. George, the eldest son of the Marquis, was created Viscount Aboyne in 1632, and on his succession to the Marquisate, in 1636, the title of Aboyne devolved on his second son, James, who died without issue in 1649. Earl George was the author of some poems, which have been preserved in local manuscript collections, but have escaped the notice of the historians of Scottish poetry.* There is nothing worthy of special notice in the lives of his son and grandson, the second and third Earls, but CHARLES, fourth Earl of Aboyne, was a noted agricultural improver, and set a most praiseworthy example of industry and economy. He succeeded his father in 1732. On coming of age, as his estate was small and burdened with debt, he thought it insufficient to enable him to live in Scotland, in a manner suitable to his rank. He therefore resolved to take up his residence in France, and had sent his luggage to Paris, when he fortunately changed his mind. Setting himself to improve his estate by the introduction of improved modes of agriculture, enclosing and subdividing the fields by the erection of stone fences, and forming plantations, he increased the value of his property to such a large extent that in no long time it was freed from debt, and yielded a greatly

* *Second Report of the Historical MSS. Commission*, p. 180.

increased rental. He died 28th December, 1794, in the sixty-eighth year of his age. By his first wife, a daughter of the Earl of Galloway, he had a son, who succeeded him, and two daughters, one of whom became the wife of William Beckford of Fonthill, the author of 'Vathek'—'England's wealthiest son,' as Lord Byron termed him. The Earl's son, George Douglas Gordon, by his second wife, daughter of the Earl of Morton, inherited through his mother the fine estate of Hallyburton, in Forfarshire, and assumed the name and arms of Hallyburton.

GEORGE, ninth Marquis of Huntly and fifth Earl of Aboyne, was born in 1761. He entered the army before he had completed his seventeenth year, and attained the rank of Lieutenant-Colonel of the Coldstream Guards. He visited France in 1783, and his handsome person, gallant bearing, and sprightly manners, characteristic of the 'gay Gordons,' combined with his remarkable skill in dancing, made Lord Strathaven, as he was then called, a great favourite at the Court of Louis XIV. Marie Antoinette seems to have taken special pleasure in his society—a preference which attracted the attention of the scandal-mongers at the Court. Mirabeau, in one of his letters to the Count de la Marck, mentions that 'the Polignacs spoke maliciously of the Queen's delight in dancing *écossaises* with young Lord Strathaven, at the little balls which were given at Madame d'Ossun's.' His lordship quitted the army in 1792, shortly after his marriage to the second daughter of Sir Charles Cope, with whom he got the estate of Orton Longueville, in Huntingdonshire.

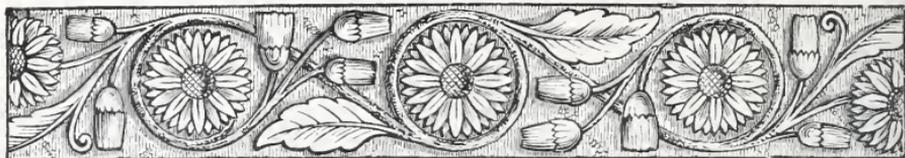
On the death of his father, in 1794, Lord Strathaven succeeded to the titles of Earl of Aboyne and Lord Gordon of Strathaven and Glenlivet. In 1796 he was chosen one of the representative peers of Scotland, and retained that position in successive Parliaments until 1815, when he was created a peer of the United Kingdom, by the title of Lord Meldrum of Morven.

In 1836, Lord Aboyne, on the death of the fifth Duke of Gordon, laid claim to the marquisate of Huntly, as the direct heir male of the first Marquis, and had his claim sustained by the House of Lords. He thus became premier Marquis of Scotland, and head of the ancient house of Gordon. But his accession to higher honours brought him no addition to his estates or income, and he fell into embarrassed circumstances, mainly in consequence of his purchases of the old Gordon territory in Inverness-shire, and other extensive estates,

which if he had been able to hold for a few years would have brought a largely increased price, but in the meantime yielded only a small return. His difficulties were aggravated by the dishonesty of his confidential agent, an Edinburgh lawyer, who embezzled upwards of £80,000, and then absconded. The liabilities of the Marquis amounted to £517,500, but by the judicious management of his trustees, and his own prolonged life, his creditors ultimately received seventeen shillings in the pound. He died 17th June, 1853, within a fortnight of his ninety-third year, leaving a family of six sons and two daughters.

His eldest son, CHARLES, became tenth Marquis of Huntly, represented East Grinstead in Parliament during twelve years, and was member for Huntingdonshire in 1830. He was for some time a Lord-in-Waiting to the Queen. He died in 1863, leaving six sons and seven daughters, and was succeeded by his eldest son, CHARLES, eleventh Marquis of Huntly, who was born in 1847, and married, in 1869, Amy, eldest daughter of Sir William Cunliffe Brooks, Bart.





THE GORDONS OF METHLIC AND HADDO.

THE GORDONS OF METHLIC AND HADDO, now ennobled under the title of Earl of Aberdeen, trace their pedigree to SIR WILLIAM GORDON of Coldingknows, in Berwickshire, younger son of Sir Thomas de Gordon, grandson of the founder of the family in Scotland. The Gordons of Huntly, as we have seen, represent the house through an heir female, Elizabeth Gordon, who, in 1449, married Alexander de Seton, while the Aberdeen branch have preserved an unbroken male descent. Owing, however, to the loss of many of the family papers when Kelly, their residence, was taken and plundered by the Marquis of Argyll, in 1644, and at a later period, when the house in which the Earl lived in Aberdeen was burned, their descent from Sir William Gordon cannot be traced with certainty. Sir William's son is said to have accompanied his cousin, Sir Adam Gordon, to the north, in the time of King Robert Bruce, and to have married the heiress of Methlic. His descendant, PATRICK GORDON of Methlic, was killed at the battle of Brechin (May 18th, 1452), in which the Tiger Earl of Crawford was defeated by the Earl of Huntly. JAMES GORDON, Sir Patrick's son, received from the King a gift of the barony of Kelly, a part of Crawford's forfeited estate. His great-grandson, GEORGE GORDON, though he signed, in 1567, the bond of association for the defence of the infant sovereign, James VI., became a staunch supporter of the cause of Queen Mary, under the banner of the Earl of Huntly, her lieutenant in the north. The head of the family during the Great Civil War was George Gordon's great-grandson, SIR JOHN GORDON of Haddo, who succeeded to the family estates in 1624. When the Covenanters took up arms against their sovereign, King Charles appointed Sir John Gordon second in command to the Marquis of Huntly, his lieutenant in the

north. He took part in the skirmish called 'The Trot of Turriff,' 14th May, 1639, when blood was first shed in that lamentable contest. In 1642 he was created a baronet by the King, but the honour thus conferred upon him no doubt helped to make him obnoxious to the Covenanted Convention, who issued letters of intercommuning against him, and granted a warrant for his apprehension. When the Marquis of Huntly took up arms on behalf of the King, in 1644, he was joined by Sir John Gordon, and a sentence of excommunication was pronounced against them both, by order of the General Assembly. When Huntly disbanded his forces and retreated into Strathnairn, in Sutherlandshire, Sir John attempted to defend his castle of Kelly against the Marquis of Argyll, who had been despatched to the north at the head of a strong force to quell the insurrection. Earl Marischal, Sir John's cousin, who was in Argyll's army, earnestly recommended him to surrender, assuring him that he would obtain safe and honourable terms. He accordingly capitulated, on the 8th of May. The greater part of the garrison was dismissed, but Sir John, Captain Logie, and four or five others, were detained as prisoners. The author of the history of the Gordon family asserts that Argyll 'destroyed and plundered everything that was in the house, carried away out of the garner 180 chalders victual, killed and drove away all the horse, nolt, and sheep that belonged to Sir John and his tenants round about,' and that this 'barbarous usage touched Marischal in the most sensible part; he took it as an open affront to himself,' being a violation of the terms of surrender.*

Sir John was conveyed to Edinburgh, and was imprisoned in the western division of St. Giles's Church, which in consequence acquired, and long retained, the name of Haddo's Hole. He was brought to trial before the Estates on a charge of high treason, on the ground that he had taken up arms against the Convention, and had taken part in the battle at Turriff. He pleaded that all these alleged offences had been indemnified by the 'Act of Pacification,' and produced the royal commission under which he had acted. He was also indicted for garrisoning his house against the Estates—a charge on which it appears they mainly relied for obtaining a conviction. He urged in his defence that 'there were many Acts of Parliament making these things treason when done against the King, but none yet extant making them treason when done against

* *The History of the Illustrious Family of Gordon*, ii. 407.

the Estates.' He was of course found guilty, and along with Captain Logie, was beheaded at the Cross of Edinburgh, on the 10th of July, 1644. On the scaffold he said in an audible voice to the crowd of spectators, in reply to one of the ministers who desired him to make a full confession of his sins, 'I confess myself to be a great sinner before God, but never transgressed against the country, or any in it but such as were in open rebellion against the King; and what I did in that case I thought it good service, and bound to it as my duty by the laws of God and the land.' William Gordon says that 'Sir John had got a very liberal education, and was a gentleman of excellent parts, both natural and acquired, but above all was eminent for his courage and valour.'*

At the Restoration, the forfeited estates of the family were restored to Sir John's eldest son, who died without male issue in 1665, and was succeeded by his brother—

SIR GEORGE GORDON, third Baronet and first Earl of Aberdeen, who was born in 1637. He was educated at Marischal College, Aberdeen, and for some time held the office of Professor in that institution. On resigning his chair he went to the Continent to study civil law, and was residing there when the death of his brother put him in possession of the family estates. On his return to Scotland he was admitted to the Bar, in the beginning of 1668, and speedily obtained a high reputation for his ability and legal knowledge. Crawford, in his 'History of the Officers of State,' mentions that during all the time he was at the Bar he never took fees as an advocate, though he had abundance of clients, and many of them persons of the first rank. He represented the county of Aberdeen, in the Parliaments of 1670 and 1673, was made a member of the Privy Council in 1678, was appointed one of the Senators of the College of Justice in 1680, and was nominated President of the Court of Session in 1681. In the following year he was elevated to the office of Lord Chancellor of Scotland. He was in London at the time this promotion was conferred upon him, and a few days after he embarked for Scotland, along with the Duke of York, in the *Gloucester* frigate, which on the 5th of May struck on the sandbank called the Lemon and Ore, near Yarmouth. With the exception of the Duke, Sir George Gordon, whom he insisted on taking with him, the Earl of Wintoun, and two gentlemen of the Duke's bedchamber, all on board

* *The History of the Illustrious Family of Gordon*, ii. 409-13.

perished. It had hitherto been the custom to appoint none but peers to the Chancellorship, and as the nomination of a Commoner gave great offence to many of the nobility, Sir George Gordon was created, November 30th, 1682, Earl of Aberdeen, Viscount Formartine, Lord Haddo, Methlic, Tarves, and Kellie. In the preamble of the patent conferring that honour upon him, mention is made in detail of the loyalty and important services of his ancestors, especially of the memorable fidelity and integrity of his father, and of his strenuous efforts during the Great Civil War to uphold the royal cause, for which he sacrificed his life and fortune.

Lord Aberdeen held the office of Chancellor for two years, and resigned it for a reason highly honourable to him—his opposition to the proposal of the Duke of Queensberry, that husbands should be fined for the non-attendance of their wives at church. King James decided in favour of Queensberry, and Lord Aberdeen immediately resigned his office of Chancellor, which was conferred upon the Romish pervert, the Earl of Perth.

The accounts of the Earl, which are still preserved among the manuscripts in Haddo House, throw interesting light both on the Chancellor's personal habits and on the manners of the times. His lordship had evidently been fond of such sports as hunting, hawking, and horse-racing. There are frequent entries of payments made to the men who brought hawks, for hoods and bells, and for a hawk glove, and hawks' meat. A certain Patrick Logan receives £32 (Scots) for 'going north with hawks;' on one occasion, 'my Lord going to the hawking,' receives £5 16s.; on another, £12 14s. At that time there were horse-races at Leith, which continued to be kept up till a comparatively recent period. They had evidently been patronised by the Chancellor, for in his accounts there appear such items as these—'To my Lord going to Leith to his race, £8 8s. ;' 'for weighing the men att Leith that rade, £1 8s. ;' 'to the man that ran the night before the race, 18s. ;' 'item, to the two grooms, drink money att winning the race at Leith, £8 8s. ;' 'item, to the Edinburgh officers with the cup, £14 ;' 'item, to the Smith boy plaitt the running horse feet, 14s.'

It would appear that numerous presents were sent to the Lord Chancellor by his friends—no doubt with a view to conciliate the good-will of the powerful minister and judge. The most frequent present seems to have been deer. Lords Doune, Huntly, Menteith, and Sir Patrick Hume send deer; Lord Kinnaird, a goose; Lord

Crawford, 'sparrow grasse;' the Marquis of Douglas, a Solan goose, doubtless from the Bass, which was in vicinity of his lordship's castle of Tantallon; Lord Strathmore, English hounds; Lord Oxford, a dog; the minister of Currie also sends an English hound; Gordon of Glenbucket, dogs; the Captain of Clan Ranald and Macleod of Macleod, a hawk; Lord Errol, 'a torsel off falcon;' Lord Lithgow, eels, peaches, and partridges; Lord Wintoun and Lady Errol, pears; Lord Dunfermline, fruit. Douceurs are given to each of the servants bringing these presents, varying from 7s. to £2 18s. (Scots).

Payments for books show that the Lord Chancellor was not neglecting his legal studies. 'To Sir Jo. Dalrymple's man with *Stair's Decisions*' £2 18s. was paid; 'Sir James Turner's man with a book, £1 9s.;' 'to my Lord Glendoyick's man, for *Acts of Parliament*, £1 9s.;' 'for Grotius, *De Jure Belli et Pacis*, £2 18s.'

The entries relating to the Lord Chancellor's dress are not the least curious and interesting part of the accounts. 'Gloves to my Lord' cost £2 18s.; 'a pock to my Lord's hatt,' 7s. 10d. A cobbler received 14s. for 'dressing my Lord's boots.' His lordship's expenses in London were on a much larger scale. 'Two fyne shirts and a poynt gravat' were charged £10 15s. sterling (Scots money was unknown in the Great Metropolis); 'a castor hatt to my Lord' cost £1; 'a fyne pirie wig, £5 5s.' Five shillings was paid to 'Dunfermling's man to trim my Lord.' 'Takeing a coach over water to Windsor' was charged 1s.; 'a hackney chair to my Lord, five days, 17s. 6d.;' and the same sum was paid 'for my Lord's lodgeing five nights att Windsor.' The Chancellor's travelling expenses 'comeing up to London' amounted to £10. The footmen of the King, Queen, and Duke of York received from him in gratuities the sum of £3 4s. 6d. The total expenses incurred in his journey to London and back, and remaining a fortnight in the metropolis, amounted to £150 17s. 4d.

The Earl's travelling expenses even at home were by no means light, as appears from such entries as—'To my Lord himself goeing to Cranstoun, £17 8s.;' 'to my Lord goeing to Lauderdale's funeral, £9 16s.;' for 'drink and accommodation in Mrs. Bennett's'—doubtless an inn—£35 9s. 8d. was paid, and the same sum, bating the shillings and pence, for 'five horses post from Burntisland to Aberdeen,' and 'for our lawing [reckoning] in Aberdeen at night, £67 1s.;' for 'lime and sack there in the morning, £3.' Falstaff's complaint that lime had been put in his sack, shows the common

usage at that time. But the travelling expenses appear to have been greatly exceeded by the gratuities which the Lord Chancellor had to give to footmen, trumpeters, 'musitioners,' fiddlers, pipers, drummers, porters, and retainers of every sort. The heaviest item of all was for 'drink money.' On one occasion £13 (Scots) was paid for drink money at Abbotshall; on another, £11 12s. for drink money at Cupar. On a journey to Gordon Castle there was paid for 'drink money at Craig of Boyne, £8 14s. ;' 'for drink money at the Booge, £17 8s. ;' and 'to the two footmen to drink by the way, 7s.' On a journey from Kellie to Edinburgh, £8 14s. was paid for drink money to the drummers of Aberdeen; £2 18s. for drink money to 'Widow Burnet, tapster ;' and £1 9s. for drink money to fiddlers.

The Earl was evidently open-handed, and wherever he went gave liberally, not only to servants but to the poor and needy. A 'poor body at Athroes' got 9s.; a poor scholar, 14s.; 'one Johnston, a poet,' £5 16s.; a poor seaman, £1 9s.; 'ane distracted wyfe, called Johnston,' 14s.; 'a poor gentlewoman,' £1 9s.; 'to the poor at Dundee,' 10s.; 'to the poor at Glammis,' 12s.; 'to the poor at Cullen of Boyne,' 7s. When his lordship attended church he did not neglect 'the collection,' as is shown by the entry, 'To my Lord goeing to church,' £1 9s. The church officers were not forgotten. 'The beddels that keeps my Lady's seatt' received a gratuity of £2 18s.; 'the beddels of the Abay church' got £1 9s. Another entry—'Item, to the clerk and beddels quhen Katherin was baptised'—shows that at that early period the custom existed, which has come down to our own day, of giving a gratuity to the beadle in attendance at baptisms. Finally, 'My Lady's receipts for house furnishing from the 15th of January to the 4th of June, 1683,' amounted to £1,946 17s. 4d.*

After his resignation of his office, Lord Aberdeen devoted his attention to the management and improvement of his estates. At the Revolution he remained in the country for some time, in order to avoid giving his adherence to the new sovereigns, and he was repeatedly fined for his absence from Parliament. On the accession of Queen Anne, however, he took the oath of allegiance, and attended one or two sessions of her Parliament. He died at Kelly, on the 20th of April, 1720, in the eighty-third year of his age. By his wife, daughter and heiress of George Lockhart of Torbrecks, the Earl

* *Fifth Report of the Historical Manuscripts Commission*, pp. 609-611.

had, with four daughters, two sons; George, Lord Haddo, who predeceased him, and—

WILLIAM, second Earl, who was chosen one of the representative peers of Scotland. He died in 1746, in his seventieth year. He was three times married. Alexander Gordon, his third son by his third wife, a daughter of the second Duke of Gordon, was appointed one of the Senators of the Court of Session, with the title of Lord Rockville.

GEORGE, third Earl, eldest son of the second Earl, like his father, was one of the sixteen representative peers. He died in 1801. He had four daughters and two sons, the elder of whom, George, Lord Haddo, predeceased him, having died in 1791, in consequence of injuries received by a fall from his horse. He left six sons and one daughter. His second and sixth sons entered the navy, and each attained the rank of vice-admiral. Sir Alexander Gordon, his third son, was a lieutenant-colonel in the army, and aide-de-camp, first to his uncle, Sir David Baird, and afterwards to the Duke of Wellington. He was mortally wounded at the battle of Waterloo, and died on the following day. The Duke, in a letter communicating the sad intelligence to the Earl of Aberdeen, Sir Alexander's brother, says, 'He had served me most zealously and usefully for many years, and on many trying occasions; but he had never rendered himself more useful and had never distinguished himself more than in our late actions. He received the wound which occasioned his death when rallying one of the Brunswick battalions which was shaking a little; and he lived long enough to be informed by myself of the glorious result of our actions, to which he had so much contributed by his active and zealous assistance.'

Sir Robert Gordon, G.C.B., fifth son of Lord Haddo, attained high rank and distinction in the diplomatic service of the country. The eldest son—

GEORGE HAMILTON GORDON, born in 1784, became fourth Earl of Aberdeen on the death of his grandfather in 1801. He was educated at Harrow, and at St. John's College, Cambridge, where he took the degree of M.A. in 1804. After completing his studies, he travelled for some time in Italy and Greece, and, on his return, was one of the founders of the Athenian Society, whose members are restricted to

persons who have visited Athens. Hence the Earl was termed by Lord Byron, in his 'English Bards and Scotch Reviewers'—

'The travell'd thane, Athenian Aberdeen.'

Lord Aberdeen entered Parliament in 1806 as one of the Scottish representative peers, was chosen a second time in 1807, and in 1813, when barely twenty-nine years of age, he was sent on a special mission to Vienna for the purpose of inducing the Emperor of Austria to join the alliance against his son-in-law, the Emperor Napoleon. He performed this delicate and difficult task with great success, and signed at Toplitz the preliminary treaty in which Austria united with Great Britain and Russia against France. The Earl was present at Lutzen and Bautzen, and other great battles in the campaigns of 1813-14, and rode over the field of Leipsic, in company with Humboldt, after the three days' sanguinary conflict. It was he who persuaded Murat, King of Naples, to abandon the cause of his imperial brother-in-law, and he subsequently took part in the negotiations rendered necessary by the return of Napoleon from Elba. In 1814, he was created Viscount Gordon of Aberdeen, in the peerage of the United Kingdom. He was a steady supporter of Lord Liverpool's Government, and the Tory party; in January, 1828, he became Chancellor of the Duchy of Lancaster, and shortly after, on the resignation of the Canningites, he was appointed Secretary of State for Foreign Affairs in the administration of the Duke of Wellington—a position which he held for nearly three years. On the overthrow of the Duke's Ministry, the Earl of course retired from office, and with the exception of a few months in 1834-1835, when he filled the post of Colonial Secretary in the short-lived administration of Sir Robert Peel, he remained in Opposition until 1841, when Peel became once more Prime Minister, and Lord Aberdeen was reinstalled in the Foreign Office. He loyally supported his chief against the fierce attacks of the Protectionists on the abolition of the Corn Laws, and in all his Free Trade policy. His own administration of foreign affairs was cautious and pacific, yet firm and dignified; and in the dispute with the Government of the United States on the Oregon question he steadily upheld the honour and interests of the country, while he contrived to avert the evils of war, which at one time seemed imminent.

When the controversy arose in the Established Church of Scotland, respecting the Veto Law, and the right of the people to reject

an unacceptable presentee, Lord Aberdeen, who took a warm interest in the affairs of the Church in which he was an office-bearer, undertook to prepare a Bill which he expected would have the effect of healing those dissensions that were threatening to rend the Church in pieces. His lordship had publicly expressed his conviction that 'the will of the people had always formed an essential ingredient in the election to the pastoral office,' and the professed object of the measure which he prepared, was to prevent the intrusion of a presentee on a congregation who refused to receive him as their minister. But when the Bill was introduced into the House of Lords, it was found to be essentially at variance with the principles of the Non-Intrusion party. They insisted that the Church courts should have power to reject a presentee simply on the ground that he was unacceptable to the people. But Lord Aberdeen proposed to give effect to the objections of the parishioners to the presentee only when these were sufficient, in the judgment of the Presbytery, to warrant his rejection. On this and some other similar grounds, Lord Aberdeen's Bill was condemned by the General Assembly of May, 1841, by a great majority, and was abandoned at the time by its author. A painful controversy in consequence ensued between Lord Aberdeen and Dr. Chalmers. There seem to have been misunderstandings on both sides respecting the precise nature and extent of the powers which the Earl intended to confer upon the Church courts; but there can be little doubt that he had been induced to quit the ground which he originally took up, by the urgent representations of some of the leaders of the Moderate party, and especially of Mr. John Hope, the Dean of Faculty, who, more than any other person, was instrumental in bringing about the disruption of the Scottish Church.

After the catastrophe had taken place, Lord Aberdeen's despised and rejected Bill was passed into a law. It had no effect in repairing the breach that had been made in the Church, and the results, as Lord Cockburn remarked, were 'great discontent among the people, great caprice and tyranny in the Church courts, great grumbling among patrons, yet no regular or effective check on the exercise of patronage.' It had ultimately to be repealed, having been productive of nothing but mischief and universal dissatisfaction. Lord Aberdeen was surprised and deeply grieved at the disruption of the Established Church, having been made to believe that only a small number of ministers and people would secede, and he repeatedly

expressed his great regret that he had unwittingly contributed to bring about this catastrophe.

Lord Aberdeen retired from office in 1846, when the Protectionists, in revenge, broke up Sir Robert Peel's Government. On the death of that distinguished statesman, his lordship became the virtual head of his party, and during the ministerial crisis of 1851 he was requested by the Queen to form a Ministry, in conjunction with Sir James Graham, but was obliged to decline the responsible and difficult task. When the short-lived administration of Lord Derby was overthrown in the following year, a coalition was formed between the Whigs and the Peelites, and Lord Aberdeen was placed at the head of the Government, which combined almost all the men of talent and experience in the House of Commons. They carried out a number of important reforms in home affairs, especially in financial arrangements. The nation seemed to be entering on a period of great prosperity and progress when this fair prospect was suddenly overcast by the war between Russia and Turkey, in which Great Britain and France were reluctantly involved. Lord Aberdeen had long before penetrated the designs of Russia upon Turkey, and had in his despatches denounced in decided terms the ambition and faithlessness of the Czar Nicholas. He felt strongly, he said, the dishonourable unfairness of the Russians. They presumed on his being Premier, and thought he would not go to war. Lord Aberdeen had, indeed, an undisguised horror of war, which he justly regarded as one of the greatest evils, and strove to maintain peace after the voice of the nation had unequivocally declared for an armed resistance to the unprincipled designs of Russia. The country thus 'drifted into war,' for which no adequate preparation had been made. When the Crimean disasters took place, Lord John Russell, who had long been impatient under the Premiership of Lord Aberdeen, whom he expected to have made way for his own elevation to the chief place in the Cabinet, suddenly resigned his office, and the administration was in consequence broken up, but not until it had carried several important measures for the reform of the law, the government of India, the opening of the University of Oxford, the improvement of the condition of the people, and the extension of the principles of free trade.

On the retirement of Lord Aberdeen from the office of First Lord of the Treasury, he was made a Knight of the Garter, and the Queen, as a rare and signal token of royal favour, commanded him to retain

also the Order of the Thistle, of which his lordship was the senior knight, having received the green ribbon as far back as the year 1808. From that period onward Lord Aberdeen did not take any prominent part in public affairs, though his administrative ability and high character gave him great weight in the legislature.

Lord Aberdeen belonged to the solid, not to the showy, class of statesmen. He had a clear head, a sound judgment, a liberal disposition, vast experience, and unblemished integrity. Notwithstanding his long connection with the Tory party, he was thoroughly Liberal in his policy, both foreign and domestic. He was of a somewhat reserved temperament and studious habits, and was distinguished for his refined taste in all matters connected with the fine arts. He was the author of an 'Introduction' to 'Wilkins' Translation of Vitruvius' Civil Architecture,' which he published in an extended form as a distinct work in 1822, under the title of 'An Inquiry into the Principles of Beauty in Grecian Architecture.'

There are a number of interesting references to the Earl scattered through the diary and the letters of Bishop Wilberforce. Sir James Graham told him that, when Lord Melbourne went out of office, he said to the Queen, 'Madam, you will not like Peel, but you will like Aberdeen. He is a gentleman.' Sir James added, 'He has a great tenderness for the sex; a most entirely good man, very affectionate and true.' The Bishop, writing from Buchanness, October 15th, 1856, says: 'It is delightful to walk and converse with the good old Earl. He is full of history, manners, and men. All his judgments are fair, and candid, and true, in the highest possible degree, but at the same time there is a slight tinge of humour in his judgment of men, and a clear discernment of character, which is delightful.' In his diary, under the date of February 7th, 1855, the Bishop says: 'Lord Aberdeen, natural, simple, good, and honest as ever.' The Earl must have had a very conciliatory and persuasive manner. George IV. was always partial to him, and when the Earl was sent by his colleagues to that Sybarite he used to say to him, 'What—— thing have I got to yield to now, that they have sent *you* to break it to me?'

Lord Aberdeen was a skilful and enterprising agricultural improver. When he came into possession of his estate at Haddo, there were only the limes and a few Scottish firs on it. He planted about fourteen millions of trees, and lived to see whole forests which he had planted rise into maturity and beauty.

The Earl was Chancellor of King's College and University, Aberdeen, President of the British Institution, a Governor of Harrow and of the Charterhouse, and Lord-Lieutenant of Aberdeenshire. He died at Stanmore, on December 14th, 1860, in the seventy-seventh year of his age. Bishop Wilberforce, who officiated, says, 'Lord Aberdeen's funeral was most striking. The vault was in an old ivy-grown corner of the *old* church, now demolished, just under the old tower. The heavy tread of the bearers crushed the snow, the great flakes falling heavily through the whole service; the form, in particular, amongst the pall-bearers, of Sir James Graham, with his massive figure and large bald head, bare, with the snow falling on it; Arthur Gordon's sorrow; Gladstone with his face *speaking*; Newcastle; the light *from within* the vault: a most impressive sight, engraven on my memory for ever.' *

GEORGE JOHN JAMES, Lord Haddo, succeeded his father as fifth Earl of Aberdeen. He was born in 1816, and died in 1864, leaving by his wife, a daughter of Mr. Baillie of Jerviswood, and sister of the tenth Earl of Haddington, three sons and three daughters.

GEORGE HAMILTON, sixth Earl, his eldest son, born in 1841, from his earliest years displayed a strong liking for a seafaring life. When a mere child he used to go out with the herring boats at Boddam, and remain with the fishermen all night. Shortly after his accession to the earldom he resolved to gratify this passion for a sailor's life, and in January, 1866, he sailed from Liverpool in a large sailing vessel, called the *Pomona*, bound to St. John's, New Brunswick. After a protracted voyage the vessel reached its destination, and the Earl spent the month of April with his uncle, Sir Arthur Gordon, who was at that time Governor of New Brunswick. He then proceeded to Boston, where he stayed some weeks in a hotel, and dropping his title, assumed the name of 'George H. Osborne.' Under that designation he embarked, in the month of June, in a vessel bound for Palmas, in the Canaries. One of the sailors, with whom he appears to have become somewhat intimate, says, 'He was not dressed as a sailor, and I was surprised to find he had shipped as one. His hands were tender, and they soon got blistered; mine were then in a similar state, and we joked about it. But he was always active, willing, and energetic, and took a fair share of all the work.

* *Life of Bishop Wilberforce*, ii. 465.

He made himself most popular with officers and crew. . . . He told me Osborne was an assumed name, and that his real name was Gordon; but, he said, I must not mention it on board ship.'

In July, 1866, the Earl was at Palmas, on the coast of Africa, whence he wrote an interesting letter to his mother. He was discovered to have served, in 1867, on board the schooner *Arthur Burton*, bound for Vera Cruz, with a cargo of corn. At that time the Mexican War was going on, and Vera Cruz was being bombarded, and a cannon-ball struck a house close to which he was standing. He immediately placed his head in the hole the ball had made, and remained in that position till the cannonading ceased. 'I thought it unlikely,' he said in a letter to his mother, 'that another shot would come just to that same spot; but while I was there seven people were killed in the same square.'

In February, 1867, he resided for some time in Boston, assiduously studying navigation at the Nautical College there, and obtained from the college authorities a certificate of his possessing the requisite skill and judgment for the first officer of any ship in the merchant service. Early in that year he sailed from New York to Galveston, Texas, with 'a good Boston captain,' named John Wilson, who was a Baptist and a teetotaller. On the 12th of August he wrote from New York to his mother, mentioning that he had just arrived from Mexico, and giving a vivid description of the imminent danger to which his vessel had been exposed, 'a whole night and part of a day bumping on a sandbank, in a sea full of sharks, on an inhospitable and dangerous coast, where sand-flies, horse-flies, and mosquitos abound, and where at night can be heard the savage roar of the tigers and wild animals which inhabit the impervious tropical jungle which lines the coast and comes right down to the beach.' He made another narrow escape in the Gulf Stream on New Year's Eve, described in a letter to his mother dated 10th February, 1868. Another letter to Lady Aberdeen, dated 1st December, 1868, gives an account of his deliverance from a still more imminent danger.

'Not many weeks ago,' he says, 'I thought my last hour was come. I was in a small vessel, deep loaded, and very leaky. A furious gale came on right on shore. The water gained on us—we could not keep her free. As morning dawned the gale increased, if possible, in violence. To windward there was nothing but rain and wind, and the ever-rising white-capped billows. To leeward was the low quicksand, with roaring billows, on to which we were slowly but

surely drifting. We carried an awful press of sail, but the poor water-logged steamer lay over on her beam-ends, and made two miles to leeward for every one ahead. We were toiling at the pumps and throwing overboard our deck load; but already there was five foot of water in the hold, and nothing could have saved us but a miracle, or a change of wind. At 10 A.M. God in his mercy sent a sudden change of wind all in a moment, right off the shore, with perfect floods of rain, which beat down the sea, and in half an hour the wind moderated. After toiling seventeen hours we got a suck on the pumps, and took heart of grace, and eat a little food. Next day we made the harbour of New York, where I now am. To-morrow we start for a coast famed for its tales of piracy, wrecking, and murder—the coast of Florida. But those times are past, and now it is only dangerous on account of its numerous shoals and sunken rocks. Give my love to all dear ones, and believe in the never-dying love of your affectionate son, GEORGE.'

There is abundant evidence that Lord Aberdeen, while keeping up the accomplishments which he had cultivated at home, had acquired a thorough knowledge of the profession which for a time he had chosen to follow. 'He was a first-rate navigator,' said one who knew him only as a sailor, 'and no calculation ever puzzled him.' An American carpenter, named Green, with whom he seems to have been on intimate terms, says, 'He drew beautifully. He was an excellent seaman and navigator. He was very fond of reading and music. He used to play very often on a piano in my house. He was very good to children. My wife had a little sister who was often in the house, and George used to take a great deal of notice of her, and often buy her little presents: she was four or five years old. I remember George had a revolver on board the *Walton*, and I have often seen him at sea throw a corked bottle overboard and break it with a shot from his revolver. He was a first-rate shot both with pistol and rifle. I have seen him snuff a candle with a pistol-bullet at five or six yards.'

All who came into familiar intercourse with George Osborne bear testimony to his sincere but unostentatious piety, as might have been expected from his training by pious parents. His daily perusal of the Holy Scriptures is frequently mentioned by his companions, and his regular attendance at church while on shore. The testimony is not less strong to his strict moral conduct, and his earnest efforts to promote the spiritual interests of the sailors with whom he came

in contact. He lived on his wages as a seaman, and even saved a little money from them. He was of a most obliging disposition, and always ready to lend a helping hand to relieve distress. In his boyhood he showed a taste for mechanics, frequently working with the carpenter on his father's estate; and his handiness, along with his energy and activity, made him of great use on board ship. His affection for his family, and especially for his mother, was remarkably strong and tender. In a letter to her, dated New York, 12th August, 1867, he says:—

‘MY DEAREST MAMMA,—I hope you are keeping well. I am now with a very good man. It is good for me to be here; he is the same I went to Galveston with, but I must leave him to-day. I hope you will get this letter, and that it will cheer your heart; it tells you of my undiminished love, though I have not heard of or from you for more than a year.’

On the 1st of December, 1868, he wrote to Lady Aberdeen:—

‘I must come and see you soon, though it is so long since I have heard, that a sort of vague dread fills my mind, and I seem to feel rather to go on in doubt than to learn what would kill me, or drive me to worse—I mean were I to return and not find you. How many times has this thought come to me in the dark and cheerless night watches; but I have to drive it from me as too dreadful to think of. I wonder where you are now, and what you are doing. I know you are doing something good, and a blessing to all around you.’

On the 15th of March, 1867, the Earl wrote from Honiton, Texas, in a similar strain to his younger brother, James Gordon:—

‘I have never seen an approach to a double of you or of mamma. I know there cannot be her double in the world. She has not an equal. . . . My best love to dear mamma; I think of her only; she is always in my thoughts.’

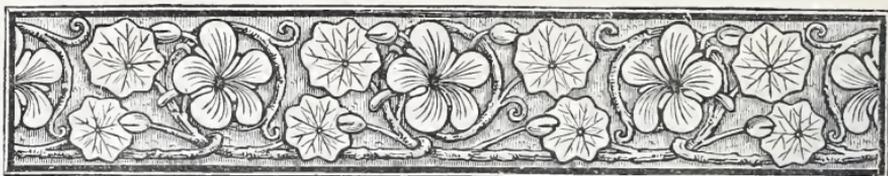
One of the incidents which helped to prove the identity of the Earl with George Osborne was the fondness of the latter for a song which used to be sung by Lady Aberdeen, and which he stated had been a favourite song of his mother.

Although Lord Aberdeen frequently expressed a great liking for America and the Americans, he had no intention of remaining permanently absent from Scotland. In several of his letters he inti-

mated that he meant to return home, but he was induced to prolong his seafaring life from finding that the change of climate had improved his health, which had been delicate in his own country. Several months passed in 1869 without any letter from him, and the anxiety of the family respecting him became so intense and painful that the Rev. William Alexander, a Presbyterian clergyman, who had been his lordship's tutor, volunteered to go in search of him, in November, 1870. The difficulties he had to encounter in this enterprise were very great, as even the name which the Earl had assumed was not known. After long and laborious inquiries, Mr. Alexander at length succeeded in finding the 'good Boston captain,' the Baptist and teetotaler, with whom the Earl had sailed from New York to Galveston, Texas, in 1867, and he, on being shown the photograph of Lord Aberdeen, declared it to be the likeness of a young man named George Osborne, who had been in his ship on the voyage mentioned. Furnished with this clue, and assisted by the agent of the present Earl, Mr. Alexander succeeded in tracing the career of Osborne to its sad close. He had engaged himself as mate on board a small vessel called the *Hera*, which sailed from Boston to Melbourne on the 21st of January, 1870, with a crew of only eight persons besides the captain, and on the night of the 27th he was washed overboard in a state of the weather which rendered it hopeless to rescue him. The identity of George Osborne with Lord Aberdeen was clearly established by photographs, by handwriting, and by a comparison of the various occurrences of Osborne's career during the years 1866—1870 with those which Lord Aberdeen's letters recorded as having happened to himself.* There could therefore be no doubt of the fate of this excellent young nobleman, whose untimely death, in the flower of his youth, caused great sorrow among his relations and the tenantry on his estates.

His brother James, second son of the fifth Earl, predeceased him in 1868, and he was succeeded by his youngest brother, JOHN CAMPBELL HAMILTON GORDON, born in 1847. The Earl is Lord-Lieutenant of Aberdeenshire, was for several years Lord High Commissioner to the General Assembly of the Established Church of Scotland, and in 1886 was appointed Lord-Lieutenant of Ireland. According to the 'Doomsday Book,' the family estates comprehend 63,422 acres, with a rental of £40,765.

* *The Rise of Great Families*, by Sir Bernard Burke, pp. 155-80.



THE GORDONS OF KENMURE.



THE GORDONS OF KENMURE are descended from William de Gordon, second son of Sir Adam de Gordon, the founder of the main branch of the family. He received from his father the barony of Stichell, in the vicinity of Gordon, and also the lands of Glenkens, in the stewartry of Kirkcudbright, comprising Kenmure, Lochinvar, and the other estates of the Gordons in that district, which had previously belonged to the Douglasses and the Maxwells. His grandson, who bore his name, was the first of the family who settled in Galloway, and his descendants, rising on the ruins of the Black Douglasses, and sending out numerous branches, gradually increased their possessions in that district, until they were by far the largest landowners in the stewartry of Kirkcudbright. SIR ALEXANDER GORDON, the seventh Laird of Lochinvar, fell at the battle of Flodden, and was succeeded by his brother, SIR ROBERT, whose claims, after a long contention before the Lords of Council, were preferred to those of Sir Alexander's daughter. SIR JAMES GORDON, Sir Robert's eldest son, held the office of Royal Chamberlain to the Lordship of Galloway, and was also appointed Governor of the town and castle of Dumbarton. He was killed at the battle of Pinkie, 10th September, 1547. His eldest son, SIR JOHN, was, in 1555, appointed Justiciary of the Lordship of Galloway. He was for some time an adherent of Queen Mary, but in 1567 joined the associated barons in support of the infant King. SIR ROBERT, his eldest son, was noted for his physical strength, activity, and prowess, and not less for his exploits against the English Borderers and the freebooters of Annandale, who frequently carried their plundering excursions into Galloway.

SIR JOHN GORDON OF LOCHINVAR, the elder son of this gallant

Gordon, by his wife, a daughter of the first Earl of Ruthven, was elevated to the peerage, by the title of Viscount Kenmure and Lord Lochinvar, by Charles I. when he visited Scotland, in 1633, for the purpose of his coronation. Sir John had previously, in 1629, obtained from that monarch the charter of the royal burgh of New Galloway, which was at that time created on the Kenmure estate. Lord Kenmure was distinguished for his personal piety as well as for his attachment to Presbyterian principles, and was the intimate friend of the famous John Welch, son-in-law of John Knox, with whom he resided some time in France, and also of Gillespie and Samuel Rutherford. It was through his influence that Rutherford was appointed minister of Anwoth in 1627, and that famous divine dedicated to the Viscount his first work, entitled, 'Exercitationes Apologeticæ pro Divina Gratia,' &c. The Viscount sold the ancient family estate of Stichell, in order, it was said, to obtain the forfeited earldom of Gowrie, to which he laid claim through his mother. It was reported that the money was paid to the Duke of Buckingham, who had undertaken to support the claim, but in consequence of the assassination of the Duke the very next day, the Viscount both lost his money and failed in his object. The report, however, does not rest on any satisfactory evidence. Lord Kenmure died in 1634, in the thirty-fifth year of his age. Rutherford, who attended him on his deathbed, wrote a tract, entitled, 'The last and heavenly Speeches and glorious Departure of John, Viscount Kenmure.' Lady Kenmure, the Viscount's widow, who lived to a great age, took for her second husband, in 1640, the Hon. Sir Harry Montgomery of Giffin, and was a constant correspondent of Rutherford.

JOHN GORDON, the only son of the first Viscount, died unmarried in 1639, and the title passed to his cousin, JOHN GORDON, grandson of Sir John Gordon of Lochinvar. He also died unmarried, in 1643, and was succeeded by his brother ROBERT, fourth Viscount, who suffered severely for his attachment to the royal cause in the Great Civil War, and was excepted from Cromwell's Act of Grace and Pardon in 1654. The family never recovered from the blow which they then received. Their power and prestige were gone, their extensive estates dwindled away, and the heads of this once great house, frowned on by the Court and the Government, and ungratefully treated even by the exiled monarch in whose cause they had lost and suffered so much, spent their days in obscurity and neglect,

on the remnant of their patrimonial inheritance. On the death of Lord Robert without issue, in 1663, the title devolved on Alexander Gordon of Pennygame, who, like the third Viscount, was a descendant of Sir John Gordon of Lochinvar. He died in 1698.

His only son, WILLIAM, sixth Viscount, unfortunately for himself and his family, quitted his retirement and took an active part in the rebellion of 1715. At the head of a body of a hundred and fifty horse, including the Earl of Nithsdale and a number of the Roman Catholic gentry of the western frontier, Lord Kenmure proclaimed the Chevalier St. George as James VIII. at Moffat, Lochmaben, Hawick, and other Border towns. He then joined the Northumbrian insurgents, commanded by the presumptuous and incompetent Forster, and marched with them into England. Though in the well-known Jacobite ballad, 'Kenmure's on and awa', he is designated 'the bravest lord that ever Galloway saw,' the Viscount, from his mild and modest disposition, and his want of military experience, was altogether unfit to be a leader in such an expedition. Indeed, there is reason to believe that, like his ill-starred coadjutor, the Earl of Derwentwater, he would never have engaged in such a foolish enterprise had it not been for the urgent importunity of his wife, the only sister of the sixth Earl of Carnwath, who also forfeited his titles and estates in the cause of the Stewarts. Lord Kenmure fought with the hereditary courage of his race at the barricades of Preston, where he was taken prisoner and conveyed to London, pinioned with cords and exposed to the insults of the populace. He was tried on a charge of treason, found guilty, and condemned to be executed. He suffered the penalty of the law (24th February, 1716) with great firmness, expressing his regret that he had pleaded guilty at his trial to the charge of treason, and prayed for 'King James.'

The widowed Viscountess of Kenmure, a woman of great energy and courage, hastened down to Scotland by herself, after the execution of her husband, and secured his letters and other important papers. When his estates were exposed for sale, with the assistance of some friends, she was enabled to purchase them, and through her excellent management, when her eldest son, Robert, came of age, she handed the patrimonial property over to him entirely unencumbered, reserving only a small annuity for herself. She died at Terregles in 1776, having survived her husband the long period of sixty years.

The eldest son of the Viscount who laid down his life for the

cause of the exiled family, died in 1741; and JOHN GORDON, the second son, was, by courtesy, eighth Viscount. He was an officer in the royal army, and by his wife, a daughter of the Earl of Seaforth, he had a family of five sons and one daughter. But four of his sons, who, like their uncles, were in the military service of the Crown, died unmarried. JOHN GORDON, the eldest surviving son of the titular eighth Viscount, born in 1750, was a captain in the 17th Regiment of foot, and in 1784 was elected member for the Stewartry of Kirkcudbright. He was restored by Parliament, in 1788, to the forfeited honours of his family, but died without issue, in 1840, in the ninety-first year of his age. He was succeeded by his nephew—

ADAM GORDON, a distinguished naval officer, who shared in the glories of Trafalgar, and other British victories. He was the eleventh Viscount in succession, but, owing to the attainder of 1716, only the eighth in the enjoyment of the peerage. At his death, in 1847, the family titles became dormant, perhaps extinct; but his estates were inherited by his sister, the Hon. Mrs. Louise Bellamy Gordon.





THE GORDONS OF EARLSTON, GIGHT, ETC.



THE cadets of the Gordon family are numerous and influential, especially in the north of Scotland, and not a few of them have acquired great distinction in the service of their country.

The Gordons of Earlston, in the Stewartry of Kirkcudbright, are descended from Alexander Gordon, second son of the sixth Lord of Lochinvar. He embraced the doctrines of Wicliffe, and used to read the New Testament in English to some of his followers at their meetings in the woods of Aird. Alexander, the head of that family in the time of Charles I., strenuously opposed the attempt of that monarch to establish Episcopacy in Scotland. His son, William Gordon, suffered severe persecution for his adherence to the cause of the Covenanters, and was killed by some English dragoons when on his way to join the insurgents at Bothwell Bridge. His eldest son, Alexander, was sentenced to death in his absence in 1680. He was afterwards captured on board ship in 1683, but his life was spared by the intercession of the Duke of Gordon. He was detained a prisoner successively in the castle of Edinburgh, on the Bass Rock, and in Blackness Castle, till the Revolution, when he obtained his liberty and the restoration of his estates.

The Gordons of Pitlurg, in Aberdeenshire, are descended from John de Gordon, who, in 1376, received a grant of Strabolgie from Robert II. In the same county are the Gordons of Abergeldie, Wardhouse, and Fyvie, the Gordons of Gordonstoun and Letterfourie, in Banffshire, the Gordons of Embo in Sutherlandshire, &c. &c. The GORDONS OF GIGHT, now extinct, sprang from the second son of the second Earl of Huntly, and the Princess Jane, daughter of James I. They seem to have been men of a fierce disposition and passionate

temper, and were repeatedly guilty of outrages of the most violent nature. On one occasion, in September, 1601, a messenger was sent to deliver letters to the Laird of Gight, summoning him to answer for his conduct in not only destroying the crops of certain persons against whom he had 'conceived mortal wrath,' but wounding them to the imminent peril of their lives. The messenger, after delivering the letter, was returning quietly from the house, 'lippening for nae harm or pursuit,' when he was seized by a number of armed servants of Gight, and dragged before the laird, who would have shot him but for the interposition of 'some one, who put aside the weapon. He then harlit him within his hall, took the copy of the said letters, whilk he supposed to have been the principal letters, and cast them in a dish of broe [broth], and forcit the officer to sup and swallow them,' holding a dagger at his breast all the time. Afterwards the laird, being informed that the principal letters were yet extant, 'came to the officer in a new rage and fury, rave [tore] the principal letters out of his sleeve, rave them in pieces, and cast them on the fire.' For this scandalous outrage the Laird of Gight was put to the horn. A much more serious crime was committed by the laird in 1615. His brother, Adam Gordon, was killed in a single combat by Francis Hay, cousin-german to the Earl of Errol. Gordon, resolved to revenge this deed, seized Hay, without any warrant, and brought him to Aberdeen, where, at an irregular, and, indeed, illegal trial, presided over by the sheriff-substitute, who was also a Gordon, he was condemned to death. Next morning he was led out to a solitary place, and there butchered by the Gordons. No punishment seems to have been inflicted on the perpetrators of this bloody deed, which caused a fierce quarrel between the Earl of Errol, the chief of the Hays, and the Marquis of Huntly.

It is instructive to learn that the men who were guilty of these shocking crimes all the while firmly adhered to the religion of their fathers. In 1661, George Gordon, the young Laird of Gight, who had hitherto evaded all the demands of the Church Courts that he should abandon his Popish errors, was threatened with immediate excommunication, unless he should without further delay subscribe the Covenant. He pleaded sickness, and inability to leave the country; offered to confine himself within a mile of his own house, 'and receipt nane wha is excommunicat (my bedfellow excepted); or he would go into confinement anywhere else, and confer with Protestant clergymen as soon as his sickness would permit.' He says in

conclusion, 'If it shall please his Majesty, and your wisdoms of the Kirk of Scotland sae to take my blude for my profession, whilk is Roman Catholic, I will maist willingly offer it; and gif sae be, God grant me constancy to abide the same.' Gordon's offer, however, was not deemed satisfactory, and he was informed by the Presbytery of Aberdeen that unless he should within eight days give sufficient surety for either subscribing, or leaving the kingdom, he would be excommunicated.* The laird would have been entitled to great sympathy under this odious persecution, if his religious principles had kept him from robbery and murder. In 1641 the Laird of Gight retaliated upon his tormentors. He and the Lairds of Newton and Ardlogie, with a party of forty horse and musketeers, 'made a raid upon the town of Banff, and plundered it of buff coats, pikes, swords, carbines, pistols, yea, and money also,' and compelled the bailies to subscribe a renunciation of the Covenant.

Towards the close of last century the family ended in an heiress, Catherine Gordon, who seems to have inherited the fierce and unruly passions of her family. She married, in 1785, Captain John Byron, a worthless and dissolute spendthrift, by whom she became the mother of the famous poet, Lord Byron. As she espoused Captain Byron without any 'settlement,' her estate was seized by his creditors, and sold to Lord Aberdeen for £18,500, while she and her son were left in penury.

The castle of Gight is now a complete ruin, with the exception of two modern rooms, which are preserved for the accommodation of parties visiting the glen. There is a prophecy regarding it and the family, as usual ascribed to Thomas the Rhymer, which says—

'When the heron leaves the tree,
The Laird o' Gight shall landless be.'

It is said that when the Honourable John Byron married the heiress of Gight, the denizens of a heronry which, for ages, had fixed their airy abode among the branches of a magnificent tree in the immediate vicinity of the house, at once left their ancient habitation, and migrated in a troop to Kelly, where it is certain a family of herons is now domiciled. 'The riggs soon followed' is a familiar saying, which aptly enough fills up the tradition, for the estate of Gight is now in the hands of the Earls of Aberdeen.

* *Selections from the Ecclesiastical Records of Aberdeen*, xxxvii., xc.

Another prophecy is even more remarkable, since its complete verification has been accomplished within a very recent period:—

‘At Gight three men by sudden death shall dee,
And aiter that the land shall lie in lea.’

‘In 1791 Lord Haddo met a violent death on the Green of Gight by the fall of his horse; some years after this a servant on the estate met a similar death on the Mains, or home farm. But two deaths were not sufficient to verify the seer’s words. A few years ago the house, preparatory to the farm being turned into lea, was being pulled down, when one of the men employed in the work casually remarked on the failure of the Rhymer’s prediction. But, as if to vindicate the veracity of the prophet’s words, in less than an hour the speaker himself supplied the fated number, lying crushed to death beneath the crumbling ruins of a fallen wall! We need scarcely add that the local fame of the Rhymer is now more than ever in the ascendant.’

Pratt adds: ‘We cannot take leave of the grey romantic towers of Gight in language more appropriate than that of the noble bard whose maternal ancestors occupied them for nearly four hundred years:—

‘And there they stand, as stands a lofty mind—
Worn, but unstooping to the baser crowd,
All tenantless, save to the cranny wind,
Or holding dark communion with the cloud,
Banners on high, and battles passed below;
And they who fought are in a bloody shroud,
And those who waved are shredless dust ere now,
And the bleak battlements shall bear no future blow.’*

* Pratt’s *Buchan. Twelve Sketches of Scenery and Antiquities, etc.*, by William Ferguson of Kimmundy, pp. 51-2.



THE HAYS OF ERROL.

THE Hays are amongst the oldest and most illustrious of the historic families of Scotland, but their real origin has been obscured by a fabulous traditionary story which would still appear to be held for gospel truth in the northern district of Aberdeenshire, as various allusions were made to it on the banners and triumphal arches displayed when the eldest son of the present Earl came of age, as well as in the speeches delivered on that occasion. It is said that in the reign of Kenneth III., the Danes invaded Scotland, and encountered a Scottish army commanded by their king at Luncarty, near Perth. The battle was long and fiercely contested, but at length the two wings of the Scottish forces were compelled to give way. As they were flying from the field, pursued by the victorious Danes, a husbandman named Hay, who happened, along with his two sons, to be at work in a neighbouring field, armed only with the yokes of their ploughs, stationed themselves in a narrow pass through which the fugitives were hurrying, compelled them to halt in their flight, restored the battle, and gained a complete victory. 'Sone after,' says Hector Boece, 'ane counsal was sat at Scone in the quhilk Hay and his sons were maid nobil and doted for their singular virtew provin in this field, with sundray lands to sustane thair estait. It is said that he askit fra the King certane lands liand betwixt Tay and Arole, and gat als mekil thairof, as ane falcon flew of ane man's hand or scho lichtit. The falcon flew to ane tower, four miles fra Dundee, called Rosse, and lichtit on ane stane quhilk is yet callit the Falcon Stane, and sa he gat all the lands betwixt Tay and Arole, six milis of lenth and four of breid, quhilk lands are yet inhabit by his posteritie.' In proof of the truth of this story an appeal is made to the arms of the Hays—three escutcheons supported by two peasants, each carrying an ox-yoke on his shoulder,

with a falcon for the crest. In all probability, however, this story, which is entirely fabulous, was invented to explain the arms, for armorial bearings were unknown at the date of the battle of Luncarty.

A very ingenious attempt has been made by Mr. Hay Allan, a gentleman who claims affinity with the Hays, to vindicate the truth of the story told by Boece, on the alleged authority of a manuscript history of the family, which, however, does not appear to have been seen by anyone but himself.

‘Mac Garadh,’ he says, ‘is the ancient name of the Hays. It is of genuine Gaelic origin, and was given first to the family in allusion to the celebrated action by which he [the peasant] raised himself from obscurity. It is very expressive of the circumstances. Its literal signification is a dike, or barrier, and was given to the ancestor of the Hays for his conduct at the battle of Luncarty, where he stood between the flying Scots and the victorious Danes, like a wall or barrier of defence. . . . Surnames did not come into use in England before the time of the Conqueror, and their introduction into Scotland was at a date a little subsequent. The name of Garadh was given to the ancestors of the Hays about one hundred and fifty-six years before, and had not, therefore, been subsequently retained by his descendants as an individual designation, but was only used generally as the name of the whole race, as Clann na Garadh, and particularly as the patronymic of the chief, who was designated Mac Mhic Garadh Mor, and Sgithan Deang, the son of the son of Garadh of the red shields.

‘At the time, therefore, of the adoption of surnames, the appellation of Garadh had grown into antiquity, and there were also other reasons which still more forcibly actuated its neglect. In the reign of Mac Beath there were two brothers of the direct descendants of Garadh, and during the troubles of that tyrant’s usurpation the younger, “being right bauld and stalwart of heart,” went into Normandy, where he married the daughter and heiress of one of the barons of the dukedom.

‘Surnames had by this time become partially in use on the Continent, and on his domiciliation in Normandy the descendant of Garadh was desirous of adopting a name which should conform to the language and usage of the country, and at the same time perpetuate the memory of his origin. For this purpose he assumed the name of De la Haye, which is a sufficiently literal translation of

Garadh, the first signifying a hedge or fence, the latter a dike or barrier.

‘In the reign of Malcolm Bean Mor, the son of the first De la Hays was one of the warriors who accompanied William of Normandy into England. Some time after the Conquest he made a journey into Scotland, to visit his uncle, the chief of the Clan na Garadh, then grown to a very advanced age and without children. During his visit the old chief died, and there being no other heir, De la Hays was declared his successor. From this time he abandoned the service of William, residing wholly in Scotland. The name became hereditary to the descendants of Garadh, and the old appellation dropped into oblivion.’

Mr. Hay Allan has also given a war-song of the family, which he says he copied from an old leaf that he found pasted into that history. Some stanzas, he asserts, are very ancient, and others, he admits, are quite modern. He has heard scraps of it sung by old people in Perthshire. And he states that the old war-cry of the Hays was, ‘Halen Mac Garadh.’

The song begins in the following manner :—

‘Mac Garadh ! Mac Garadh ! red race of the Tay,
Ho ! gather, ho ! gather like hawks to the prey ;
Mac Garadh, Mac Garadh, Mac Garadh, come fast,
The flame ’s on the beacon, the horn ’s on the blast ;
The standard of Errol unfolds its white breast,
And the falcon of Loncartie stirs in her nest :
Come away—come away—come to the tryste—
Come in, Mac Garadh, from east and from west.’

Then follows the picture of the charge :—

‘Mac Garadh is coming ! like stream from the hill,
Mac Garadh is coming, lance, claymore, and bill ;
 Like thunder’s wild rattle
 Is mingled the battle
With cry of the falling and shout of the charge :
 The lances are flashing,
 The claymores are clashing,
And ringing the arrows on buckler and targe.’ *

All this is, no doubt, very interesting, but until this MS. history of the Hays is produced, and the circumstances in which it was found are made known, the alleged Celtic origin of the family must be regarded as a romance, and we must continue to believe that the Hays are in reality a branch of the Norman family of de Haya.

* See *Bridal of Coalchuirn*, by James Hay Allan, Esq.

They derive their designation from an estate in Normandy, and their armorial bearings are the same as those borne by families of the name in Italy, France, and England. A *Sieur de la Haya* accompanied William the Conqueror to England in 1066. A William de la Haya, who married a daughter of Ranulph de Soulis, Lord of Liddesdale, was principal butler to Malcolm IV., about the middle of the twelfth century, and to his brother, William the Lion, who bestowed on him the lands of Errol. SIR GILBERT DE LA HAYA and his brother HUGH, descendants in the fifth generation from this royal butler, were amongst the first of the Scottish barons to repair to the standard of Robert Bruce, and were present at his coronation. Hugh was taken prisoner at the battle of Tippermuir, but Gilbert made his escape, with Bruce and a small body of his followers, into the wilds of Athole, and shared in all his subsequent perils and privations. Hugh must in some way have regained his liberty, for he fought, along with his brother, at Bannockburn. Sir Gilbert was created, by King Robert Bruce, HIGH CONSTABLE OF SCOTLAND—an office which was made hereditary in his family, and received from his grateful sovereign a grant of the lands of Slains, in Aberdeenshire, which is still the seat of his descendants.

About the middle of the fourteenth century, WILLIAM DE LA HAYA, the representative of the house, a zealous supporter of James II. in his struggle with the Douglasses, as a reward for his services was raised to the peerage by the title of the EARL OF ERROL, and received various grants of land in 1446 and 1450. During the rebellion of that powerful house, which placed the throne of James II. in imminent peril, the Earl of Errol, in order to conciliate the people, and to induce them to rally round their sovereign, resigned his constable fees, which were levied on everything brought to market while the Estates were sitting, and were the source of large emoluments to the High Constable. An indemnification was promised him for this great sacrifice, but was never given.

The successors of Earl William continued for two centuries to take a prominent part in the wars, and treaties, and other public affairs connected with the history of the country. WILLIAM HAY, fourth Earl, fell at Flodden, fighting by the side of his sovereign. His son, WILLIAM, the fifth Earl, was, according to Calderwood, a man 'well learned, both in humanitie and divinitie, and speciallie weill versed in the New Testament. He would rehearse word by word the choicest sentences, speciallie such as served to establish

solid comfort in the soule by faith in Christ. Much he suffered for the cause of Christ.' On his death, about 1535, without male issue, his title, office, and estates devolved upon GEORGE HAY, son of the Hon. Thomas Hay, of Logie Almond, who married Margaret Logie, heiress of that property. His eldest son, ANDREW HAY, who became seventh Earl, married Lady Jane, only daughter and heiress of the fifth Earl, and thus united the collateral heir male and the heir female of line of this ancient family. Like his father, Earl Andrew was a steady supporter of Queen Mary. His son, FRANCIS, eighth Earl, was one of the leaders of the Popish faction during the early years of James VI., and along with the Earls of Huntly, Crawford, Angus, and Bothwell, took up arms against his sovereign for the purpose of promoting the interests of the Romish party in Scotland. [See DOUGLASES, and CAMPBELLS OF ARGYLL.] Errol and his fellow-conspirators repeatedly entered into a treasonable correspondence with Philip of Spain and the Duke of Parma, with a view to the invasion of the country, and they even levied a powerful force, with which they defeated, at Glenlivet, 15th October, 1594, the royal army, commanded by the Earl of Argyll. Errol fled to the Continent, and was forfeited by the Parliament and excommunicated by the Church. He was ultimately allowed to return home, was relieved from his civil and political disabilities, reconciled to the Court, and received into favour by James VI. He seems to have been always liked by the King, and he was one of the commissioners nominated by the Parliament, in 1604, to treat of a union between Scotland and England. 'He was,' says Sir Robert Douglas, 'a truly noble man, of a great and courageous spirit, who had great troubles in his time, which he stoutly and honourably carried; and now in favour, died in peace with God and man, and a loyal subject to the King, to the great grief of his friends.' The Earl died at his ancestral castle of Slains, 16th July, 1631, and on his deathbed gave directions that, instead of the costly funeral usual at that day in the case of great nobles, he should be buried privately in the church of that place, and that the calculated expense of a showy 'earthing up' be distributed among the poor on his estate, which was accordingly done. The Earl was three times married, but left issue only by his third wife, a daughter of the Earl of Morton, who bore to him three sons and eight daughters.

His eldest son, WILLIAM, the ninth Earl, was brought up at Court,

and was educated in the Protestant religion. He was held in special favour by Charles I., and officiated as Lord High Constable at the coronation of that sovereign in the abbey of Holyrood in 1633. He unfortunately lived in such a splendid and extravagant style that he was obliged to sell his paternal estate of Errol, one of the largest and finest in the kingdom, which had been in the possession of the family for four centuries and a half. It is painful to notice the decadence of a family so renowned in the history of our country, brought about by the spendthrift habits of one of its members. But as Sir Walter Scott remarked when looking at a farm on the Errol estate, at one time rented at £500 a year, but which had been completely covered and ruined by a thick coating of sand blown upon it in a storm, 'Misfortune and imprudence more fatal than the sands of Belhelvie,' have swallowed up the greater part of the once-magnificent estates of the Errol family, of which the poet has said—

'A thousand years have seen it there.'

GILBERT, the tenth Earl, was a staunch Royalist during the troublous times of the Great Civil War, and raised a regiment at his own expense for the service of Charles II. 'We do promise,' wrote that monarch, 'that as soon as it shall please Almighty God to put an end to the present troubles, the claims of our said cousin, the said Earl of Errol, shall be favourably considered and justice done, so that he may see how highly we esteem that ancient family, and the value we set upon his present services.' But, as usual, the promise was not kept by 'the laughter-loving king, whose word no man relied on.' On the death of Earl Gilbert without issue, his titles and estates devolved upon SIR JOHN HAY of Killour, grandson of Sir George Hay, the younger son of the seventh Earl. His son CHARLES, the twelfth Earl, died unmarried in 1717, and the title, with its privileges, and honours, and the remnant of the once-extensive possessions of the family, passed to his elder sister, LADY MARY, the wife of Alexander Falconer, son of Sir David Falconer, Lord President of the Court of Session. At the death of the Countess without issue it was inherited by LORD BOYD, the grandson of his sister, who married James, fifth Earl of Linlithgow and fourth Earl of Callandar, to whom she bore an only child, Lady Anne Livingston, the wife of the Earl of Kilmarnock. Lord Boyd would have united in his own person the earldoms of Errol, Kilmarnock, Linlithgow, and Callandar had the three last not been attainted at the

close of the Jacobite rebellion of 1745. His father, the amiable but unfortunate Earl of Kilmarnock, when in his twelfth year, had fought for the Hanoverian dynasty in 1715, but changed sides and joined the banner of Prince Charles Stewart in 1745. He had been soured by the illtreatment he had received from the Government in withholding his pension, and was so miserably poor that he was frequently obliged to depend upon the hospitality of his friends for a dinner. His wife, the Countess of Linlithgow and Callandar in her own right, was a lady of great spirit and wit, and she contributed not a little to the success of the Highland army at the battle of Falkirk, by detaining General Hawley at Callandar House until the insurgents had taken up a commanding position on the moor, which enabled them to engage the royal troops at a great advantage.

The Earl of Kilmarnock was taken prisoner at the battle of Culloden. His second son, the Hon. Charles Boyd, also espoused the Jacobite cause, but his eldest son fought on the Hanoverian side,* and the third son was an officer in the Royal Navy. The Earl was brought to trial, along with the Earl of Cromartie and Lord Balmerino, before the House of Lords in Westminster Hall, on the 28th of July, 1746. He pleaded guilty, and when brought before the court, on the 30th, to receive sentence of death, he urged, as reasons why clemency should be shown to him, that his family had constantly supported the Revolution of 1688, and the interests of the House of Hanover; that his father had shown great zeal and activity in the cause of the reigning family during the rebellion of 1715; and that he himself, though very young, had at that time appeared in arms on the same side; and that his eldest son, whom he had trained in loyal principles, had fought at Culloden in behalf of King George. No regard, however, was paid to these pleas by the sovereign or his advisers, and Lord Kilmarnock was beheaded on Tower Hill, on the 18th of August, 1746. His behaviour on the scaffold was dignified, firm, and composed. He acknowledged the justice of his sentence, prayed for the reigning King and his family; and when the Deputy-Lieutenant of the Tower, according to an ancient custom, said, 'God save King George!' the Earl answered, 'Amen!' knelt calmly on the block, and submitted to the fatal blow. 'His whole behaviour,' says the Rev. Mr. Forster, who attended the

* As the Earl was led along before the royal troops bareheaded, his hat having fallen off and not been replaced by the soldiers to whom he had surrendered, Lord Boyd, his son, started from the ranks and placed his own hat on his father's head. This act of filial affection and reverence produced a deep impression even on the soldiers who witnessed it, though certainly 'not given to the melting mood.'

Earl on the scaffold, 'was so humble and resigned, that not only his friends, but every spectator, was deeply moved; and even the executioner was deeply moved.'

Lord Kilmarnock was tall and graceful in person, and was possessed of fine accomplishments; but in his early days he was careless and extravagant in his expenditure, 'by which,' as he confessed to Mr. Forster, 'he had reduced himself to great and perplexing difficulties. He was tempted to join the rebellion in the hope that, by its success, he might retrieve his embarrassed circumstances.'

Lord Kilmarnock's own titles, and the patrimonial estates and titles of his Countess, were forfeited; but the remnant of the Errol property, with the dignities and high privileges of the Hays, descended to JAMES HAY, the son of this ill-fated pair, who became thirteenth Earl of Errol. He officiated as High Constable of Scotland at the coronation of George III. in 1761. Sir Walter Scott represents 'Redgauntlet' as exclaiming in a burst of indignation at the spectacle, 'Shame of shames! Yonder the gigantic form of Errol bows his head before the grandson of his father's murderer.' It is said that Lord Errol, having accidentally omitted to pull off his cap when the King entered, made a respectful apology for the omission, but his Majesty entreated him to be covered, for he looked upon his presence at the ceremony as a very particular honour. Dr. Samuel Johnson, on his tour to the Hebrides, visited this nobleman at Slains Castle, in Aberdeenshire, and Boswell has given a very graphic and interesting description of the personal appearance, and captivating manners of the Earl. 'His dignified person and agreeable countenance, with the most unaffected affability,' he says, 'gave me high satisfaction.' Dr. Beattie, in a letter to Mr. Montagu, says of Lord Errol, 'His stature was six feet four inches, and his countenance and deportment exhibited such a mixture of the sublime and the peaceful as I have never seen united in any other man. He often put me in mind of an ancient hero, and I remember Dr. Johnson was positive that he resembled Homer's character of Sarpedon.' Sir William Forbes adds his testimony to the same effect: 'Were I desired,' he says, 'to specify the man of the most graceful form, the most elegant, polished, and popular manners which I have ever known in my long intercourse with society, I should not hesitate to name James, Earl of Errol. . . . He was a most affectionate and attentive parent, husband, and brother, elegant in his economy, somewhat expensive, yet exact and methodical. He exerted his influence, as a man of rank, and a magistrate, in doing good to all in his neighbourhood.'

In a word, he was adored by his servants, a blessing to his tenants, and the darling of the whole country.' His death, which took place in 1778, in the fifty-third year of his age, is spoken of as 'a great loss to his country, and a matter of unspeakable regret to his friends.'

When Dr. Johnson and Boswell visited Slains Castle, in 1773, they found living there the Hon. Charles Boyd, the Earl's brother. After the ruin of the Jacobite cause at Culloden he fled to the island of Arran, the ancient possession of the Boyds, where he lay concealed for a year among its glens and hills. During his residence in Arran he fortunately found a chest of medical books, left by a surgeon there, and he occupied himself in his solitude so diligently in studying them as to acquire considerable knowledge of medicine. He escaped to France, and practised there as a physician for twenty years. He then returned to Scotland, and lived for some time in Slains Castle, where he was often consulted by the poor in the neighbourhood. He died at Edinburgh in 1785.

There is nothing deserving of special notice in the character or conduct of his successors, two of whom, the fourteenth and fifteenth earls, were sons of Earl James. They have all been highly respectable men, and have discharged in a creditable manner the duties connected with their position in society. The fourteenth Earl was an officer in the army. His brother WILLIAM, the fifteenth Earl, who assumed the additional surname and arms of Carr, from his maternal grandfather, Sir William Carr of Etal, Northumberland, was for several years Lord High Commissioner to the Church of Scotland. His eldest son, James, Lord Hay, was killed at Waterloo. WILLIAM GEORGE, sixteenth Earl, married Elizabeth Fitzclarence, the third of the natural daughters of King William IV., and, probably in consequence of that connection, was appointed Lord Steward of the Household, and afterwards Master of the Buckhounds, under the Whig Ministry of 1830. He was created, in 1831, a Peer of the United Kingdom by the title of Baron Kilmarnock, and in the following year he was constituted Knight-Marischal of Scotland, and was appointed Lord-Lieutenant of Aberdeenshire. His son WILLIAM HENRY, present Earl, is the seventeenth who has borne the title, and the twenty-second Lord High Constable of Scotland. He was formerly an officer in the army, and was wounded at the battle of the Alma. In virtue of his office as Lord High Constable, the Earl of Errol is the first subject in Scotland after the blood royal, and takes precedence of every other peer.



THE HAYS OF TWEEDDALE.

THE Hays of Tweeddale have attained higher rank and have figured more conspicuously in the history of Scotland than any other branch of this ancient family. They are descended from Robert, second son of William de Haya, who held the office of royal butler to Malcolm IV. and William the Lion. SIR JOHN DE HAYA, the grandson of Robert, acquired the lands of Locherworth (now Borthwick) in Midlothian by marriage with the heiress of that estate. His son, Sir William de Haya, in the contest for the Scottish Crown in 1292, was one of the nominees of Robert Bruce. But like the other Scottish magnates of English descent, he swore fealty to Edward I. in July of that year, and gave in his submission to him in 1297, as his son, SIR GILBERT HAY, had done in the previous year. Sir Gilbert made one of those fortunate marriages for which the Hays were so noted. His wife was one of the daughters and co-heiresses of Sir Simon Fraser, the gallant patriot, and the friend and companion of Wallace, who was executed at London by Edward I., with circumstances of shocking barbarity. By this marriage the Hays obtained the valuable barony of Neidpath, and other lands on Tweedside, which remained in their possession until the year 1686. SIR WILLIAM DE HAYA, Sir Gilbert's grandson, fought under the banner of David II. at the battle of Durham (17th September, 1346), where he was taken prisoner along with that monarch. SIR THOMAS, his son, was one of the hostages for King David's liberation, 3rd October, 1357, and seems to have been detained a good many years in England. In 1385 he received four hundred of the forty thousand francs which were sent by the French king with John de Vienne, to be distributed among the most influential Scottish barons.

SIR WILLIAM HAY, son of Sir Thomas, was Sheriff of Peeblesshire. He married Jean or Joanna, eldest daughter of Sir Hugh Gifford of Yester, the head of an old family which settled in Scotland in the reign of David I., and obtained from that monarch lands in East Lothian. William the Lion conferred upon him the barony of Yester. In the course of time the parish which bore that name came to be popularly called Gifford. His grandson, Hugh Gifford, was one of the guardians of Alexander III. and his queen. He was regarded as a skilful magician, and several anecdotes are told of his magical art, and his control over demons and the powers of nature. Fordun mentions that in Gifford's castle there was a capacious cavern, said to have been formed by magical art, and called in the country, 'Bo-Hall,' that is, Hobgoblin Hall. Sir David Dalrymple, in his 'Annals,' says, 'A stair of twenty-four steps led down to this apartment, which is a large and spacious hall, with an arched roof; and though it has stood for so many centuries, and been exposed to the external air for a period of fifty or sixty years, it is still as firm and entire as if it had only stood a few years. From the floor of this hall another stair of thirty-six steps leads down to a pit, which hath a communication with Hope's Water.' This ancient and strong castle, which stands on an elevated peninsula, near the junction of two streams, has long been in ruins, though the Goblin Hall was tenanted by the Marquis of Tweeddale's falconer so late as 1737. Sir Hugh's appearance and dress are vividly described by Sir Walter Scott in the third canto of 'Marmion;' and of the hall he says—

'Of lofty roof and ample size,
Beneath the castle deep it lies;
To hew the living rock profound,
The floor to pave, the arch to round,
There never toiled a mortal arm:
It all was wrought by word and charm.'

Sir Hugh Gifford's heiress brought the barony of Yester into the Tweeddale family, and they quartered the arms of Gifford with their own.

The church of Yester, of which Sir William obtained the patronage along with the estate, was originally called St. Bathan's. It was converted by him into a collegiate establishment for a provost, six prebendaries, and two choristers; and in this state it continued until the Reformation.

Though the Hays were henceforth designated as of Yester, they

still continued to reside at Neidpath Castle, on the banks of the Tweed, near Peebles. In all probability the newer part of that castle was built by Sir William in the early part of the fifteenth century. For the sake of security the walls of the new structure were made enormously thick and strong; but a serious mistake was committed in a military point of view, in allowing the old castle to remain, for its walls were greatly inferior in strength and thickness to those of the new part of the fortress, and the old part consequently formed its vulnerable part as soon as artillery came into use.*

Sir William took for his second wife, Alice, daughter of Sir Thomas Hay, of Errol, and had issue by both wives. The first bore to him three sons and three daughters, the second a son and a daughter. The eldest son, William, predeceased him; the second son, Thomas, was one of the hostages for James I. in 1423, when his income was estimated at six hundred marks yearly. He survived his father only four years, and died unmarried in 1432. He was succeeded by his brother, DAVID, who married the sister of the first Earl of Angus, and relict of the first Lord Forbes. He obtained with her the lands of Gliswell and Torbirus.

Father Hay states that there was a double marriage, on the authority of a document at Hermiston, dated 4th December, 1409, and of a bond, dated 12th December, 1410, given by the Countess of Mar for one hundred pounds Scots to Sir William Hay of Locharward, 'because William, Earle of Angus, her sone, married Margaret Hay, his daughter.' It thus appears that the sister of the first Earl of Angus married Sir William Hay's son, and the daughter of Sir William married the Earl of Angus.†

Sir David Hay had by his wife two sons and a daughter. JOHN, the eldest son, was created a peer by solemn investiture in Parliament, by the title of LORD HAY OF YESTER, 29th January, 1487-8. He married, first, a daughter of Lord Lindsay of the Byres, by whom he had an only son, John, his successor. He took for his second wife the daughter and heiress of Sir William Cunningham of Belton, who bore him two sons and two daughters.

JOHN, second Lord Yester, fell at Flodden in 1513. His eldest son, the third Lord, who also was named JOHN, was twice married.

* *History of Peeblesshire*, by William Chambers, pp. 163, 319.

† This document, in which the first Earl of Angus is acknowledged by the Countess of Mar as her son, sets at rest the long-disputed question respecting the origin of the Angus family.—See *THE ANGUS DOUGLASES*, i. 71.

His first wife was Elizabeth Douglas, daughter of the Master of Angus, and sister of Archibald, sixth Earl of Angus. He took for his second wife the daughter of John Dickson of Smithfield, with whom he received that estate. It was inherited by William Hay, the elder of the two sons whom this lady bore to Lord Yester. He was the ancestor of the present family of Smithfield and Haistoune, who were advanced to the dignity of Baronets of Nova Scotia by James VI., in 1624.

Jean Hay, the daughter of Lord Yester by the heiress of Smithfield, married George Broun of Coalstoun, and received as her dowry the famous enchanted pear, which is still preserved in the family. (*See THE RAMSAYS, i. 314.*)

JOHN, fourth Lord Yester, was taken prisoner at the battle of Pinkie, 10th September, 1547, was carried to the Tower of London, and was not restored to liberty until peace was concluded in the year 1550. He died in 1557.

JOHN, fifth Lord Yester, was deprived by James V. of his sheriffship in consequence of his brother, Hay of Smithfield, having allowed a Border freebooter to escape out of prison; but he appealed to the Council against this arbitrary act of the King, and was restored in his office. Though Lord Yester had supported the Reformation, and was one of the nobles who subscribed the 'Book of Discipline,' 27th January, 1561, he espoused the cause of Queen Mary, was present with her forces at Carberry Hill in 1567, and fought on her side at the battle of Langside in 1568. He was one of the noblemen who, in 1570, signed a letter to the English queen, Elizabeth, in behalf of Queen Mary, whom Elizabeth had held for three years in captivity. He died in 1576, leaving two sons and four daughters by his wife, a daughter of Sir John Kerr of Ferniehirst. The Kers of Ferniehirst were noted even among the Border clans for their fierce and sanguinary spirit. Sir John was 'art and part' in the murder of Sir Walter Scott of Buccleuch, in the High Street of Edinburgh. The account which De Beaugue gives in his 'Memoirs' of the cruel treatment of the English garrison, when Sir John, with the assistance of the French troops under D'Esse, retook his castle of Ferniehirst in 1549, is shocking in the extreme. Lord Yester's eldest son and successor—

WILLIAM, sixth Lord Yester, seems to have inherited the fierce and

turbulent spirit of his maternal ancestors, for he was noted even in those troublous times for his turbulence and violence. On the 30th of April, 1585, a complaint was made against him, before the Privy Council, by John Livingstone of Belstane, in the parish of Carluke, on the ground of a violent attack made upon him by Lord Yester, which put him in peril of his life. One morning, he alleges, he left his home before sunrise, meaning no harm to anyone, and expecting none to himself. He was walking out, 'under God's peace and the King's,' when suddenly he was beset by about forty people, who had him at feud, 'all bodin in feir of weir;' namely, armed with jacks, steel bonnets, spears, lances, staffs, bows, hagbuts, pistolets, and other invasive weapons forbidden by the laws. At the head of them was William, Master of Yester (a denounced rebel on account of his slaughter of the Laird of Yesterhall's servant), Alexander Jardine, younger, of Applegarth, and a number of other individuals, all mentioned by name, all of them persons of good position and influence. Having come for the purpose of attacking Livingstone, they no sooner saw him than they set upon him with discharge of their firearms, to deprive him of his life. He narrowly escaped, and ran back to his house, which they immediately environed in the most furious manner, firing in at the windows, and through every aperture, for a space of three hours. A 'bullon' pierced his hat. As they departed they met his wife and daughter, whom they abused shamefully. The perpetrators of these barbarities and violent deeds were all denounced as rebels by the Privy Council, a sentence which they seem to have regarded very lightly.

In the following year (October 8th) the Master of Yester is once more brought before the Council, on a complaint made by Sir John Stewart of Traquair, and his brother, James Stewart of Shillinglaw, lieutenant of his Majesty's guard. They set forth, in the first place, how it is well known of Sir John Stewart that, 'having his dwelling-place on the south side of Tweed, in a room [place] subject to the invasions of the thieves and broken men of the Borders, and lying betwixt them and sundry his Majesty's true liges, whom commonly they harry and oppress, have at all times himself, his brother, his friends and neighbours assisting him, dwelling betwixt the burgh of Peebles and Gathopeburn, resistit the stouthreif and oppressions of the said thieves and broken men, to the comfort and relief of many true men, in whilk course they intend, God willing, to continue to their lives' end.' Of late, however, they declare 'they have been and

is gretumly hindered therein, by reason that William, Master of Yester, by the causing, direction, at least oversight and tolerance, of William Lord Hay of Yester, his father, sheriff of Peebles and provost of the burgh of Peebles (wha by the laws of this realme aucht to mak his said son answerable,' but had 'placit him in the principal house and strength of Neidpath,' though he had been denounced rebel for nearly the space of a year 'for his inobedience to underlie the laws' till within the last few days that he obtained relaxation) . . . had in the meantime 'not only usurpit, and taken on him the charge of the sheriffship of Peebles, and provostry of the burgh thereof, but ane absolute command to proclaim and hold wappinshawings* at times na wise appointit by his hieness' direction, to banish and give up kindness to all persons, in burgh or land, where he pleases, to tak up men's gear under pretence of unlaws fra wappinshawings or other unnecessar causings, never being lawfully callit nor convenit; . . . and forder it is well knawn to sundry of the lords of Secret Council that the said Master sought the life of the said James Stewart, and daily shores and boasts [threatens and vaunts] to slay him and all others of his kin, friends, allies, assisters, and partakers.' On the petition of the complainers, the Council heard parties, the peccant Master appearing for himself and in excuse for his father, who was sick and unable to travel. The case was remitted to the judgment of the Court of Session, to be decided by them as they might think proper. Meanwhile the Master was enjoined to desist from molesting the Stewarts and their friends and dependents between this and the 8th of January next.

On the 20th April, 1587, it is stated that the King had dealt with these hostile parties, and had arranged *letters of affirmance* between them, in order to secure peace for the future; but the Master of Yester had refused to subscribe. For his refractory behaviour he was threatened with being denounced a rebel. On the 12th of May the King ordered him to enter in ward north of the Tay, and there remain till liberated; and a few weeks later, on this order not being complied with, the Master was denounced rebel, and all persons were forbidden to assist or receive him.

It was shortly after this fruitless effort to heal the feud between the Hays and Stewarts that King James made his memorable attempt to induce the whole nobility, convened for the purpose at Edinburgh,

* Meetings of the male inhabitants for the exhibition of their weapons, which they were required by statute to provide.

to bury in oblivion their mutual animosities, and to promise that they would henceforth live together in amity. After a banquet at Holyrood, they were made to march in procession hand-in-hand to the Cross of Edinburgh, and there, in the presence of the King and a great concourse of the citizens, to drink to each other, and to pledge their faith that they would be friends. The Master of Yester alone declined to comply with the King's earnest request, and refused to be reconciled to Stewart of Traquair. He was committed to the castle for his contumacy, and after a few months' imprisonment he at last yielded. The whole circumstances connected with this affair throw great light both on the character of the Scottish nobility of that day, and on the lawless state of the country, when the son of a peer of the realm, and the sheriff of the county, robbed the people of their goods under the pretext that they had refused to attend meetings illegally convened by his own authority.

It is a curious and instructive fact that Father Hay, in his 'Genealogie of the Hays of Tweeddale,' written a century later, precisely reverses the character and objects of this quarrel. The Master of Yester, whose nickname it seems was *Wood-sword*, is described by him as a vigorous supporter of the laws, and a scourge of the thieves and broken men who infested the Borders; while the Stewarts of Traquair were their friends and protectors. The Master, he affirms, captured and hanged a great number of them, and in pursuing them received a wound in the face. Father Hay admits that the Master was at feud with the house of Traquair, but asserts that it was because they 'seconded' the moss-troopers. 'King James VI.,' he continues, 'being desirous to have this feud taken away, as all others of the country, and he refusing was committed to the castle of Edinburgh, out of which he made his escape, and immediately made some new inroad against the thieves, of whom he killed a great many, in a place called from thence the *Bloody Haugh*, near Riskinhope, in Rodonna; whereupon King James was pleased to make a hunting journey, and came to the house of Neidpath, whither the King called Traquair, with his two sons, who made to Lord Yester acknowledgment for the wrong they had done him, and thus peace was made by the King. This was witnessed by one William Geddes, who was my lord's butler, and lived till the year 1632.'*

This account of the cause of the feud between these two powerful Border families is no doubt in accordance with the version of it which

* *Genealogie of the Hays of Tweeddale*, p. 25.

was traditionary among the Hays, but it is unfortunately at variance with the judicial records of the country. It is not improbable, however, that the reconciliation, which was undoubtedly effected by the King, took place at Neidpath.

Lord Yester was one of the nobles engaged in the Raid of Ruthven in 1582, and was in consequence obliged to take refuge in the Low Countries. He returned in 1585, and died in 1591, leaving six daughters, but no son, by his wife, a daughter of Lord Herries. He was succeeded by his brother—

JAMES, seventh Lord Yester, who obtained from James VI. a charter to him and to his heirs male of the lordship and barony of Yester, containing a new creation. The charter is dated 1591, but it had not passed the seals when his brother died, and Father Hay asserts the Chancellor Maitland extorted from Lord Yester the superiority of Lethington, and the lands of Haystoun, near Haddington, before he would pass it.* Lord Yester resided at Neidpath Castle like his predecessors. At this time his wife—Lady Margaret Kerr, a daughter of the Earl of Lothian—had brought him no family, and his presumptive heir was his second cousin, Hay of Smithfield. In connection with this state of matters, a singular incident occurred—a public judicial combat on Edston-haugh, on the north bank of the Tweed, near Neidpath—the last of the kind in Scotland.

Lord Yester had for his page one George Hepburn, brother of the parson of Oldhamstocks, in East Lothian. His master of the horse was John Brown of Hartree. One day Brown, in conversation with Hepburn, remarked, ‘Your father had good knowledge of physic; I think you should have some also.’ ‘What mean ye by that?’ said Hepburn. ‘You might have great advantage of something,’ answered Brown. On being further questioned, the latter stated that, seeing Lord Yester had no children, and Hay of Smithfield came next in the entail, it was only necessary to give the former a suitable dose to make the latter Lord Yester. ‘If you,’ continued Brown, ‘could give him some poison, you should be nobly rewarded, you and yours.’ ‘Methinks that were no good physic,’ quoth Hepburn, drily, and soon after revealed the project to his lord. Brown, on being taxed with it, stood stoutly on his denial. Hepburn strongly insisted that the proposal had been made to him. In these circumstances it was resolved that a pas-

* *Genealogie of the Hays of Tweeddale*, p. 26.

sage of arms should be held between the two, in order to determine the dispute.

‘The two combatants were to fight in their doublets, mounted, with spears and swords. Some of the greatest men in the country took part in the affair, and honoured it with their presence. The Laird of Buccleuch appeared as judge for Brown; Hepburn had on his part the Laird of Cessford. The Lords Yester and Newbottle were amongst those officiating. When all was ready, the two combatants rode full tilt against each other with their spears, when Brown missed Hepburn, and was thrown from his horse, with his adversary’s weapon through his body. Having grazed his thigh in the charge, Hepburn did not immediately follow up his advantage, but suffered Brown to lie unharmed on the ground. ‘Fy!’ cried one of the judges; ‘alight, and take amends of thy enemy!’ He then advanced on foot, with his sword in his hand, to Brown, and commanded him to confess the truth. ‘Stay,’ cried Brown, ‘till I draw the broken spear out of my body.’ This being done, Brown suddenly drew his sword and struck at Hepburn, who for some time was content to ward off his blows, but at last dealt him a backward wipe across the face, when the wretched man, blinded with blood, fell to the ground. The judges then interposed to prevent him being further punished by Hepburn, but he resolutely refused to make any confession.*

Lord Yester, after this incident, had by Lady Margaret, ‘who was ane active woman, and did mutch for the standing of the familie,’ three sons and a daughter—John, his successor; William, who was the ancestor of the Hays of Linplum; and Robert, who died young. It was this Lady Yester who in her widowhood erected the church in Edinburgh which bears and perpetuates her name.

JOHN, eighth Lord Yester, and first Earl of Tweeddale, was noted for his sagacity and active business habits. He took a prominent part in resisting the attempts of James VI. and Charles I. to alter and injure the constitution of the Presbyterian Church. He opposed the Five Articles of Perth, which were most obnoxious to the people of Scotland, and voted against them in the Parliament of 1521. He was equally hostile to the Act passed in 1633, for regulating the apparel of ecclesiastics, which he saw was intended to prepare the way for further and more offensive innovations—a step which made the

* *Domestic Annals of Scotland*, i. 264-5. *Genealogie of the Hays of Tweeddale*, p. 26.

King withhold from him at that time the dignity of an earl. He took part, also, in the resistance which was made in 1637 to the introduction of the new liturgy framed by Charles. When the Covenanters took up arms in 1639, in defence of their rights and liberties, Lord Yester was appointed to the command of one of the regiments in the Scottish army. On the breaking out of the second war, Lord Yester accompanied the forces under General Leslie in their march into England, and was present at the siege of Newcastle, but refused to accept of any command. Lord Yester was raised to the rank of Earl of Tweeddale by King Charles when he sought refuge in the Scottish camp in 1646. The pecuniary embarrassments which proved so troublesome to his son and successor, and so injurious to the family estates, were caused by the improvidence of this Earl, and the obligations which he undertook for his nephew, the Earl of Dunfermline, 'a young man,' says Father Hay, 'much inclined to all sorts of gaming, and careless of his business.' Lord Yester's mother had contracted a second marriage with the Master of Jedburgh, 'with whom her sone was necessitated to enter into a treatie and composition for payment of fortie thousand merks in money, and ane annuity of eight thousand merks by year, which, with the burthens of the family, which were not small, and debts contracted by himself in his travels abroad, and courtship at home, he was necessitat to sell the barony of Swed in the sheriffdome of Dumfreese, which came in by the Cunninghams; with Beltoun, and the barony of Arthearmoor, reserving only the superiority.' He purchased the barony of Drumelzier, an ancient possession of the Tweedies, on which he had heavy mortgages, and assigned it to his second son, Lord William Hay. From him it passed by inheritance to the Hays of Dunse Castle, with whom it remained till disposed of in 1831.

In the latter years of Lord Tweeddale, when enfeebled by illness, the honour of the family was sustained by his eldest son, Lord Yester, who fortified his castle of Neidpath against the forces of the Commonwealth, when Cromwell invaded Scotland. A detachment of troops, probably commanded by Major-General Lambert, besieged Neidpath, and by battering down the old peel, which was attached to the fortress, and was its weakest part, compelled the garrison to surrender.

The Earl was twice married, first to Lady Jane Seton, daughter of the first Earl of Dunfermline, his brother-in-law, by whom he had one son, John; and secondly, to Lady Margaret Montgomery,

eldest daughter of the sixth Earl of Eglintoun, who bore to him four sons and three daughters, but they all died in childhood, except one son, William. The Earl was present at the coronation of Charles II. in 1650, and survived till 1654.

JOHN, second Earl of Tweeddale, was born in 1626. He spent his early years in London, with his relatives, the Earls of Rothes and Dunfermline, and when only sixteen years of age he repaired to the standard of Charles I., raised at Nottingham, at the commencement of the Great Civil War. His father, however, at this juncture carried him to Scotland, and in the following year he was appointed to the command of a regiment in the army levied by the Covenanters for the assistance of the Parliament in the contest with the King. He took part in the battle of Marston Moor, which was so fatal to the royal cause. But after the designs of the Republicans became apparent, Lord Tweeddale withdrew from their party, and waited on the King when he took refuge in the Scottish camp at Newcastle. He joined the army of the 'Engagement' raised for his rescue, and fought at Preston in 1648 at the head of the East Lothian Regiment, twelve hundred strong. More fortunate than most of the other leaders in that ill-devised and badly managed enterprise, he made his escape when the troops in the town were compelled to surrender, and returned in safety to Scotland. He attended Charles II. when he came from the Continent for the purpose of vindicating his claim to the throne of his ancestors, and was present at his coronation in 1657. The Earl does not appear, however, to have been appointed to any command in the forces under General Leslie, and did not accompany them in their march into England, which terminated so disastrously at Worcester. When all opposition to the sway of Cromwell had ceased, 'the usurpers,' as Father Hay says, 'being absolut masters of the cuntry, he was necessitat to live under their protection, having a numerous family of childring, as all others at that time did who were not prisoners.' His lordship, however, yielded something more than mere passive obedience to the Commonwealth, for he consented, in 1655, to represent the county of East Lothian in Cromwell's Parliament.

The relations in which Lord Tweeddale stood to the Protector are made apparent by the following letter which appeared in No. 2 of the *Public Intelligencer*, a newspaper published at the time in London.

It was, according to the heading, written ‘ by the Lord Tweeddale, a Scottish Lord, to his Highness, upon occasion of a pamphlet that was published a while since, wherein the said Tweeddale’s name was mentioned, which pamphlet was entituled, “ A Short Discovery of his Highness the Lord Protector’s intentions touching the Anabaptists in the Army,” upon which there are thirty-five queries propounded for his Highness to answer :’—

‘ May it please your Highness,

‘ Amongst the bad accidents of my life (as who will excuse himself) I count it not a small one, that my name is used to a Forgery, wherein many bitter expressions is cast upon your Highness, and the present Government; and though God has raised your thoughts above the consideration of such, that possibly it neither has nor should come to your knowledge, bot for my boldness in the way I take to vindicate myself, and bear testimony against such an untruth as is contained in a printed paper relating to a discourse of your Highness to me, the falsehood of the thing being sufficiently known to your Highness. All I say for myself is, that if I had been a persone to whom your Highness had communicat any purpose of importance in reference to the Government, I wold not have been so unworthy of your favour as to have divulged it without your Highness’ order of licens, much less to the prejudice of the peace and quiet of the people, or fomenting the jealousies of any. I beseech your Highness to give this charity to my discretione; a good consciens I desire to keep towards all men, and likewise excuse the presumption of

‘ Your Highness’ most dutiful and humble servant,

‘ TWEEDDALE.’

Lord Tweeddale had succeeded his father in the previous year. He had been reduced to great straits in consequence of his having become security for the debts of his uncle, the Earl of Dunfermline. ‘ He was forced sometimes to flee his house, and for the most part necessitat to stay att Edinburgh to keep his credit, most of the estate being wadsett [mortgaged] and comprisd; and he, haveing only his relief out of Dunfermlyn’s, was forced to have led comprisings, and used all other diligence against it, which occasioned the Earle of Kalendar to enter into a treatie with him for dividing the debt, and the relief, which continued till 1654, that his father died.’*

* *Genealogie of the Hays of Tweeddale*, pp. 30-1.

At a later period these responsibilities brought upon the Earl no little trouble and pecuniary loss.

At the Restoration, Lord Tweeddale, who was at that time in London, waited upon Charles II. as soon as he arrived in England, and was cordially received by him. The King 'was pleased,' says Father Hay, 'as a mark of his favour to change the holding of the greatest part of his estate from ward to blench, and to name him one of his Privy Council.'

But Lord Tweeddale's loyalty was entirely free from that mingled fawning upon the King and violence against the Covenanters, which was exhibited by the courtiers of that day; and in the Parliament of 1661 he stood alone in opposing the passing the sentence of death upon the Rev. James Guthrie of Stirling, for having declined the authority of the King in ecclesiastical affairs. It is alleged that some remarks which he made were misrepresented to the King by Middleton, and he was in consequence (September 14th) committed a prisoner, by royal warrant, to the castle of Edinburgh. He was liberated, however, on the 4th of October, on giving security to the amount of £10,000 Scots that he would appear when called upon; but was required to confine himself for six months to his own house. In some unknown way, probably through his insinuating address, when the Earl repaired to Court, he was again received into royal favour, and in 1666 was appointed one of the Extraordinary Lords of Session. In the following year he was nominated one of the Commissioners of the Treasury, and in 1668 became a member of the English Privy Council. He was a strenuous advocate of milder measures with the Covenanters, and employed his influence with the King in favour of the Indulgence which was issued in 1669, granting permission, under certain conditions, to the ejected Presbyterian ministers to exercise the functions of their office. He held interviews with some of these ministers, in order to ascertain whether some terms of accommodation could not be framed which they could accept. With the assistance of Sir Robert Murray, the Earl succeeded in putting the public finances on a satisfactory footing, and in paying off the old debts which the King had contracted in Scotland. It was through Tweeddale's influence also that, after the suppression of the Pentland rising, the standing army was reduced to a small reserve force, greatly to the dissatisfaction of the prelates, as well as of the military officers.

The success of these measures and the popularity which they gained

for the Earl roused the jealousy of Lauderdale, who was President of the Council and First Commissioner of the Treasury, and his alienation was manifested by his underhand efforts to defeat the project which Tweeddale had formed to bring about a union of the two kingdoms. He also changed the destination of his estates, which had been settled upon his only child, who had married the Earl of Tweeddale's son, and were to descend to the second son of that marriage. At this time Lauderdale's wife died, and six weeks after her death he married the notorious Countess of Dysart, who, to serve her own purposes, induced him to quarrel with his best friends. Among others, Lord Tweeddale was dismissed from all his offices, and was even deprived of his seat in the Privy Council. Lauderdale's enmity induced him to stir up the Duke and Duchess of Buccleuch and Monmouth to commence a suit for a reduction of the settlement made with them by the Earl, with consent of their curators, and ratified by a decret of the Lords, in connection with the Buccleuch estates, which were entailed upon Lady Tweeddale, a sister of Earl Francis, failing heirs of the Earl's own body. The King had bound himself as administrator for his son, the Duke of Monmouth, for the fulfilment of this contract. Notwithstanding, Lauderdale induced the Court to set aside this deed, and thus deprived his former friend of £4,000 sterling.

This injustice, Father Hay says, with the expense of three or four journeys to Court, and of two lawsuits, inflicted great loss on the Earl, 'so that the Duke of Lauderdale may be justly said to have robbed the family of any benefit it had by his daughter's tocher.' He contrived also to deprive Tweeddale of the teinds of Pinkie, and to compel the Earl to repay him £1,000 sterling for the sums which he had received from them.

On the downfall of Lauderdale, in 1680, the Earl was restored to his office of Commissioner of the Treasury, and was readmitted a member of the Privy Council. He was continued in these offices by James VII., though he was well known to be averse to all measures of persecution. He was still harassed by the debts which he had incurred on account of his cautionary obligations for the Earl of Dunfermline, who seems to have been completely bankrupt. There is a curious printed document in the possession of the Marquis of Tweeddale, giving a full account of 'the particular debts wherein the deceased Earl of Tweeddale was engaged for Charles Earl of Dunfermline, and which John, now Earl of Tweeddale, present Lord

Chancellor, was obliged and necessitat to pay for preventing the ruine of his own family and fortune: With a distinct account what whereof was payed by intermission with the rents of Dunfermline's estate, or by the sale of lands or other wayes; and how much ballance is yet resting to the Earl of Tweeddale of these debts.' It appears from this detailed and minute account that the original amount due by the Earl of Dunfermline in 1650, for which the Earl of Tweeddale was responsible, was £76,808 3s. 9d. Scots, to which had to be added £10,865 5s. 8d. for interest and sheriffs' fees. The sale of lands belonging to Lord Dunfermline, and the purchase from him of the estate of Pinkie, at one time considerably reduced the amount of the debt, but it mounted up again until, at Whitsunday, 1691, there was due of principal and interest the sum of about £24,220 sterling, exclusive of the sheriffs' fees, which amounted to £122 5s. sterling. It was further alleged that 'albeit the Earl of Tweeddale paid to the Earl of Dunfermline a very great and exorbitant price for the lands of Pinkie and the teinds thereof,' the Duke of Lauderdale succeeded in obtaining a decret of eviction of these teinds before the Court of Session, and repayment of the sums which Lord Tweeddale had received from them, and that amount, together with the rent of the teinds for four years, during which they were possessed by Lauderdale, making in all upwards of £1,513 lost to Tweeddale, besides the loss entailed upon him by the failure of tenants and 'the bad payment of teinds and feu duties,' estimated at £166. It was stated in conclusion that 'the yearly rent of the estate which belonged to Dunfermline, and is now possessed by the Earl of Tweeddale, does not come near the interest of the ballance which is due. . . . And upon the whole matter it is clearly evident how great a loser the Earl of Tweeddale hath been, and is like still to be, of these debts which he is necessitat to pay for the Earl of Dunfermline, and whereof he can expect no adequate relief.'

Reference is made in this document to the sale of the Earl of Tweeddale's 'whole interest in the shire of Tweeddale,' for the purpose of paying the Earl of Dunfermline's debts. It is mentioned that the Tweeddale estate at that time yielded upwards of £1,300 sterling of yearly rent, and that it was sold at twenty years' purchase. It appears, however, that the obligations under which the Earl had come for his kinsman were not the only cause of his embarrassments, for we learn on the same authority that he had an unfortunate taste for buying land beyond his means of payment. 'The Earle of Tweed-

dale, having purchased the baronies of Linton and Newland, and contracting considerable debts for them, neare £10,000 sterling, which, with the old debts of the familie, and cautionrie for the Earle of Dunfermyne, brought his debts to so immense a soume as at Whitsunday, 1686, he was necessitat to sell his whole estate and interest in Tweeddale to the Duke of Queensberry for about £280,000 pounds' [Scots], a sum equal to £23,333 6s. 8d. sterling. The sale of this fine estate, which is now worth £14,315 a year, brought to a close the connection of the Tweeddale family with Peeblesshire, which had lasted for nearly four hundred years.

The Earl of Tweeddale cordially concurred in the resolution adopted by the Convocation at the Revolution of 1688, that King James had forfeited the Crown, and that it ought to be offered to William and Mary. He was sworn a Privy Councillor 18th May, 1689. On the 7th of December following he was nominated one of the Lords of the Treasury, and on 5th January, 1692, he was appointed High Chancellor of Scotland. On 17th December, 1694, he was created Marquis of Tweeddale, Earl of Gifford, Viscount Walden, and Lord Hay of Yester. In a very critical state of public affairs, when inquiry had to be made into the massacre of Glencoe, the Marquis of Tweeddale was selected for the office of Lord High Commissioner to the Parliament which met at Edinburgh in 1695. In connection with that appointment of the Chancellor 'to sit on the throne and hold the sceptre,' Lord Macaulay says 'he was a man grown old in business, well informed, prudent, humane, blameless in private life, and on the whole as respectable as any Scottish lord who had been long and deeply concerned in the politics of those troubled times.'* He discharged the delicate and difficult duties of his office with great prudence and impartiality. He was a member of the Commission appointed by King William to examine fully the whole circumstances of the massacre, and the report—in all probability his production—which they prepared and laid before Parliament, has been justly pronounced highly creditable to those who framed it: an excellent digest of evidence, clear, passionless, and austere just.†

But Lord Tweeddale was too patriotic to retain long the favour of a sovereign who knew little of Scotland, and regarded its welfare as a matter of secondary importance. When William Paterson projected a Scottish company for trading to Africa and the Indies, the High

* *History*, iv. 571.

† *Ibid*, iv. 574.

Commissioner gave the royal sanction to the Act by which it was established (26th June, 1695), in accordance with the unanimous wish of the legislature, which it was impossible for him to resist; and it was admitted even by Lord Macaulay, who strongly condemns the scheme, that the policy of the 'shrewd, cautious old politician,' was for the moment eminently successful, and soothed into good humour the Parliament which met burning with indignation. But when the English East India Company and Parliament were thrown into a frenzy of alarm by the Darien project, and both Houses addressed the Crown, complaining of the injury which would be inflicted on English commerce by this new Scottish corporation, William is reported to have said 'that he had been ill served in Scotland; but he hoped that some remedies might be found to prevent the inconveniences that might arise from this Act.' His Majesty showed his displeasure by immediately dismissing the Chancellor and the two secretaries from office.

Lord Tweeddale spent large sums of money in improving his estates, and he greatly enlarged and embellished the castle of Neidpath, the ancient residence of his family. He died in 1697, in the seventy-first year of his age, having had by his wife, daughter of the first Earl of Buccleuch, seven sons and two daughters. One of the latter became Countess of Roxburgh, the other was the Countess of March. Of his sons, two—the second and fourth—died young. David, the third, was the ancestor of the Hays of Belton; Alexander, the fifth, of the Hays of Spot. The eldest son—

JOHN, who was born in 1645, became second Marquis of Tweeddale. Father Hay gives a very naive account of the manner in which he became the son-in-law of the potent minister of Charles II. 'Whilst Lord Yester,' he says, 'was going to France, he was engaged by the Earle of Lauderdale, and the means of Sir Robert Murray, to stop his journey, the plague being then in London, and to stay till he should be out of danger of abiding in France in quarantine; and in the meantime he was advised to writt to his father for his allowance to become a suitter to my Lord Lauderdale's daughter, upon whom his whole estate was entailed. The Duke of Lauderdale, being the sole Secretarie and Gentleman of the Bedchamber to the King, and in greatest favour at Court, and showing to the youth his esteem and so great a passion and affection that he could deny him nothing, and underhand employing Yester's

friends and acquaintances, to compass a conclusion, the Lord Yester complied easily, and first allowed Sir Robert Murray to writt, and then writt himself, so that his father and mother were at length persuaded to condescend to the stop of his journey, and follow the youth's inclination in that particular, every one representing that it was the greatest opportunity a man could wish of making a fortune, Lauderdale being a courteour, and Yester, by that means, in a way to share and become a partner of all his places and employments. Those weighty thoughts of making an assured fortune engadged Yester to press his father to come to London, and treat of the conditions. They were concluded with great advantage, if they had been kept by Lauderdale, and if he had not wronged the fortune and familie, and diffraded his daughter and their childring of their right by the contract of marriage, some part whereof is yet *sub judice*. Lauderdale did then often profess that he was so well satisfied to have my Lord Yester for his goode sone, that he did absolutely forget that ever he had a sone to succeed him, and that the loss of his son was abundantly made up by this alliance.* So the marriage was made publick, and the King delivered the bride.'

Lauderdale continued on the most friendly terms with his son-in-law and daughter until Lady Dysart obtained a complete ascendancy over him, and set herself, only too successfully, to alienate the savage old persecutor from his own family. It was no doubt at her instigation that, when his first wife was on her death-bed in France, he obtained a warrant from the French king to seize her jewels and plate. 'Not satisfied therewith, he was no sooner arrived in Scotland than he sent his daughter and Yester a summons to hear and see it found by the Lords of Session that all my Lady Lauderdale's plate and jewells, which he had seased by warrand, were exhausted by debts. This summons occasioned so much grief and trouble to his daughter, that she contracted thereby a melancholy, whereof she never recovered.' So bitter was the enmity of this rapacious Duchess to her husband's son-in-law, that, no doubt through her means, he dismissed him from the Council, and deprived him of the command of the East Lothian militia regiment. Disheartened by this unworthy and unnatural treatment, Lord Yester travelled in France and Italy for two years, but on his return 'he

* It is evident from this statement that the Duke of Lauderdale must have had a son, who died in infancy, but no mention is made of this child by peerage writers.

found Lauderdale as badly disposed against him as before, and so continued till the day of his death, which happened anno 1681.*

After the sinister influence of Lauderdale was at an end, Lord Yester was restored, in 1683, to his seat in the Council, and in the descent upon Scotland by the Earl of Argyll in 1685, he was appointed to the command of the regiment raised in East Lothian to assist in the suppression of the rebellion. Like his father, he cordially concurred in the Revolution of 1688. He was sworn a privy councillor of the new sovereigns, and appointed Sheriff of East Lothian. In the Parliament of 1695, of which his father was Lord High Commissioner, Lord Yester sat and voted as High Treasurer of Scotland. He succeeded to the family titles and estates in 1697, and was continued a member of the Privy Council by Queen Anne in 1702. Prior to the opening of the parliamentary session of 1703, the Marquis of Tweeddale and the Duke of Hamilton, accompanied by the Earls of Marischal and Rothes, made a personal application to her Majesty for the dissolution of the Parliament, which was virtually the Convention of Estates that had framed the Revolution settlement. They contended that by the fundamental laws and constitution of the kingdom 'all parliaments do dissolve by the death of the king or queen.' Anne, however, issued a proclamation for the assembling of Parliament in the usual manner. When it met, Hamilton and Tweeddale protested against anything that might be done by it, and left the meeting, followed by about eighty of their adherents. The Court, though very angry at this step, felt it necessary to give way, as the country party not only disputed the authority of the 'Rump,' as the remnant were termed, but began to refuse payment of the taxes which they imposed. A new Parliament was accordingly summoned, in which a strong party, led by the Marquis of Tweeddale, who were hostile to the proposed union of the two kingdoms, insisted on indemnification for the losses sustained by the Darien expedition, and on the punishment of the authors and agents in the massacre of Glencoe. The Marquis was appointed Lord High Commissioner to the Parliament, which, 5th August, 1704, passed the famous 'Act for the Security of the Kingdom.' On the 17th of October, the same year, he was appointed to the office held by his father, that of High Chancellor of Scotland, in the room of the Earl of Seafield, but on a change of Ministry he was displaced, on the 9th of March, 1705, and Seafield was reinstated in his office. In the

* *Genealogie of the Hays of Tweeddale*, p. 38.

Parliament which passed the Treaty of Union the Marquis of Tweeddale was the head of a party who held a middle position between the supporters of the Government and the Jacobites. Occupying an independent position, they did not adhere steadily to either party, but shifted from side to side according to circumstances. Hence they were termed by the Jacobites the 'Squadron Volante,' or flying squadron. The intrigues that were carried on at this time in the Scottish Parliament, at the last stage of its existence, were endless, and by no means creditable either to the integrity, or the patriotism of the great body of the members. The leader of the 'Squadron Volante,' however, was too sagacious to accede to the proposal of the Jacobites that he should unite with them against the Court. He declared that the object for which his followers had been formed—to mediate between the contending parties in Parliament, and to support only those measures which were likely to be most beneficial to the country—made it impossible for him to co-operate with the enemies of the Revolution settlement. The Marquis and his 'squadron,' therefore, supported the Union, which without their aid could not have been carried. He was one of the sixteen Scottish peers chosen to represent the nobility in the British Parliament in 1707. He died at Yester, 20th April, 1713, in the sixty-first year of his age.

Mackay, in his curious contemporary work entitled 'Memoirs,' describes Lord Tweeddale as 'a great encourager and promoter of trade and the welfare of his country.' 'He hath good sense,' he adds, 'is very modest, much a man of honour, and hot when piqued; is highly esteemed in his country, and may make a considerable figure in it now. He is a short, brown man towards sixty years old.' Scott of Satchells, in his dedication to the Marquis of his 'History of the House of Scott,' compliments him on his poetical abilities. He is the author of the original song entitled 'Tweedside,' which must have been written at Neidpath before 1697.

Notwithstanding the dilapidation of the Duke of Lauderdale's property by his rapacious duchess, and the jeremiad of Father Hay over the manner in which the Duke 'robbed the family of any benefit of his daughter's tocher,' it appears that her husband inherited of the Lauderdale estates the barony of Steads, comprising the farms of Snowdon, Carfrae, and Danskine, which still belong to the family, though this was a small portion compared with the pro-

perty which might have been expected with the lady who, at the time of her marriage, was reputed the greatest heiress of her day in Scotland.

The Marquis had three sons by Lady Anne Maitland, and two daughters. The eldest son, Charles, succeeded him. The second, Lord John Hay, a distinguished military officer, was colonel of the Royal Scots Greys, fought at the battle of Ramilies, and attained the rank of brigadier-general. The grandson of Lord William, the third son, became seventh Marquis of Tweeddale.

CHARLES, third Marquis, was appointed, in 1714, President of the Court of Police, and Lord-Lieutenant of Haddingtonshire. He was chosen one of the sixteen representative peers, 3rd March, 1715, and died on the 17th of December following. He married Lady Susan Hamilton, second daughter of the Duke of Hamilton, and by her had four sons and four daughters. The third son, Lord Charles Hay, entered the army, served at the siege of Gibraltar, and fought at Fontenoy, where he was wounded.* He was appointed aide-de-camp to the King in March, 1749, and major-general in February, 1757. Three months after receiving this promotion he was sent out to America as second in command under General Hopson. The Earl of Loudon, commander-in-chief there, was a weak and irresolute man. He had eleven thousand soldiers under him, supported by thirty-three ships of war and ten thousand two hundred seamen, with whom he was to undertake an expedition against Louisberg. But on receiving some exaggerated reports of the French force, he lost heart and gave orders to retreat. 'He is like St. George upon the sign-posts,' said a Philadelphian to Dr. Franklin, 'always on horseback but never advances.' When Lord Charles Hay arrived at Halifax, he found the incapable commander idly amusing himself by employing the powerful force entrusted to him in a series of sham fights, instead of active operations against the enemy. The indignation of Lord Charles was so roused at such misconduct, that he could not refrain from expressing his dissatisfaction with the want of spirit displayed by his superior officer. He was in consequence put under arrest, and sent home to England. Although the incompetent Earl of Loudon was recalled in 1758, Lord Charles was tried by a court-martial in February, 1760; the case was submitted to the King, but no decision was given regarding it, and Lord Charles died at London two months afterwards.

* See ADDENDA, p. 431.

JOHN, fourth Marquis of Tweeddale, was an able and accomplished statesman, and possessed considerable knowledge of law. He was appointed one of the Extraordinary Lords of Session in 1721—the last who held that office; was chosen one of the Scottish representative peers in 1722, and was afterwards several times re-elected. On the downfall of Walpole, in February, 1742, Pulteney, to whom had been entrusted the arrangement of places in the new Government, insisted that the office of Scottish Minister, which had been in abeyance since 1739, should be revived, and the Marquis of Tweeddale was appointed Secretary of State for Scotland, and Principal Keeper of the Signet. Erskine of Tinwald, who at this juncture resigned the office of Lord Advocate, wrote to a brother lawyer—Craigie of Glendoick—2nd March, 1742, ‘You have been mentioned to the King by the Marquis of Tweeddale as my successor. You are happy in having to do with a patron who is a man of truth and honour.’ The period of four years during which his lordship held the office of Scottish Minister, was a time of great trouble and anxiety. The English members of the Government were not only grossly ignorant, as usual, of the state of feeling in Scotland, but they were by no means willing to receive accurate information on the subject. They rejected as utterly incredible the idea that a Jacobite insurrection was at hand, and thought it quite unnecessary to make any preparations to resist and suppress it. Lord Tweeddale, who was in London at that time, shared to some extent in their feeling of incredulity, and even after he was aware that the Highlanders had left Perth in their march to the south, he wrote to the Lord Advocate, ‘I flatter myself they have been able to make no great progress.’ On the very day on which this letter was written, Prince Charles entered the Palace of Holyrood.

In February, 1746, when the rebellion was still raging, a ministerial crisis took place. On the refusal of the King to admit Pitt to the Government, Mr. Pelham, the Prime Minister, along with those members of the administration who supported him, resigned office. Earls Granville and Tweeddale attempted, unsuccessfully, to form a Ministry. On their failure Pelham resumed office; Granville and Tweeddale were left out of the reconstructed Government, and the office of Secretary of State for Scotland was a second time abolished. Lord Tweeddale resigned at this time his office of Keeper of the Signet. In 1761 he was appointed Justice-General of Scotland, and was also sworn a member of the Privy Council. He died at London in 1762.

The Marquis married Lady Frances Carteret, daughter of the Earl of Granville, and had by her four daughters and two sons. The eldest son died in infancy; the younger, George, became fifth Marquis, and died in 1770, in the thirteenth year of his age. The title then devolved on his uncle—

GEORGE, sixth Marquis of Tweeddale. He was noted for his strict economy, and accumulated a large fortune, which he bequeathed to trustees to be laid out in the purchase of lands, to be entailed on the Tweeddale title. He died without issue in 1787, and was succeeded by his cousin, GEORGE HAY, grandson of Lord William Hay, of Newhall.

GEORGE, seventh Marquis of Tweeddale, married a daughter of the seventh Earl of Lauderdale. He was appointed Lord-Lieutenant of Haddingtonshire, and was chosen one of the Scottish representative peers. On account of his delicate health, the Marquis and Marchioness went to the Continent in 1802, and were among the British subjects who were detained in France by the discreditable act of Napoleon Bonaparte, when war with Great Britain was renewed in 1803. The Marchioness died at Verdun on the 8th of May, and the Marquis on August 9th, 1804. They left twelve orphan children to lament their loss.

The eldest son, George, succeeded to the family titles and estates. The second and fifth sons entered the army, in which they attained high rank. Lord John Hay, the third son, joined the royal navy, and, after many distinguished services, rose to the rank of rear-admiral. In 1846 he was appointed one of the Lords of the Admiralty, and in the following year was elected Member of Parliament for Windsor.

GEORGE, eighth Marquis of Tweeddale, was born in 1787. He received his early education at the parochial school of Gifford, where he distinguished himself more by his physical strength and prowess than by his intellectual attainments. He entered the army in 1804, the year in which he succeeded to the family titles and estates, when he was only seventeen years of age. He had the good fortune to receive his first training as a soldier under the gallant Sir John Moore, at Shorncliffe. Two years later he went out to Sicily as aide-de-camp to the general commanding the English army in that island. There,

having got his company, he exchanged into the Grenadier Guards, only, however, to re-exchange into a regiment on active service. He served through the Peninsular war in the army under the Duke of Wellington, was honourably mentioned in the Duke's despatches for his personal bravery, was wounded at Busaco, and a second time at Vittoria, where he acted as quartermaster-general, and received a medal for his services in that decisive engagement. He was the third man in the army to cross the Douro, and attack the French forces under Soult at Oporto—one of the most famous exploits of the Great Duke. Shortly after being gazetted as a major, when he was in his twenty-seventh year, the Marquis was invalided, and returned home. But impatient of enforced inactivity, before his health was completely restored he rejoined his regiment, which was at that time stationed in Canada. On reaching it, at the Falls of Niagara he found the drums beating, calling the men to go into action, and though he was labouring under a fit of ague he joined the regiment in the encounter, but was once more, almost at the outset, severely wounded. In two months, however, he was again on foot, and obtained the command of a brigade, which he retained till the close of the war, in 1814. Lord Tweeddale's distinguished services were rewarded by steady and well-merited promotion. He attained the rank of general in 1854, was nominated colonel of the 2nd Life Guards in 1863, and ten years after was created a field marshal. On the termination of the war with France the Marquis took up his residence on his paternal estate, married in 1816 Lady Susan Montagu, third daughter of the fifth Duke of Manchester, was appointed Lord Lieutenant of Haddingtonshire in 1824, and set himself with characteristic energy and zeal to discharge the duties of that office, and to improve his estates. In 1842 he was appointed Governor of Madras and Commander-in-Chief of the Forces—a union of offices unprecedented at that period, but carried out by the Duke of Wellington from a conviction that Lord Tweeddale possessed special qualifications for restoring the discipline of the army, which had been allowed to fall into a somewhat relaxed state. He did much to improve the condition not only of the soldiers, but of the people also, and to draw out the resources of the country.

On his return home, in 1848, the Marquis resumed the operations which he had previously commenced for the improvement of his estates. He led the way in tile-draining, in deep ploughing, and in other agricultural experiments, which he conducted at a consider-

able expense. He was also the inventor of several eminently useful agricultural implements now in general operation. His tile-making machine and celebrated Tweeddale plough have conferred an important boon on the farmers of Scotland, and will long make his name a household word amongst them. His lordship took a great interest in meteorology, and was a proficient in mechanics. The eminent services which he had rendered to the agricultural interest were acknowledged by his election to the office of President of the Agricultural and Highland Society.

Lord Tweeddale was conspicuous for his stature and strength; and numerous anecdotes have been told of his gallantry in the field, and of the terrible effect with which he wielded a sabre longer by a good many inches than the regulation weapon. He was a famous boxer—one of the very best—and when provoked gave practical proof of his prowess. He was an excellent horseman, was long known as ‘the Prince of the Heavy Bays,’ was a most skilful whip, and once drove the mail-coach from London to Haddington at a sitting.

The extraordinary strength of Lord Tweeddale’s constitution, invigorated as it was by athletic exercises, in which he was a great adept, bade fair, notwithstanding his great age, to prolong his life a good many years beyond the period at which it was unexpectedly brought to a close through the effects of an unfortunate accident. After having been undressed by his valet, he was left alone in his room, and, rising from his chair to ring his bell, he fell between the fender and the fire, and was severely burned on the back. For a time he seemed likely to recover from the effects of this accident, but the shock had been too great for his enfeebled vitality, and his strength gradually sank till he quietly passed away, 10th October, 1876, in the ninetieth year of his age.

The Marquis was the father of six sons and seven daughters, six of whom were married. The eldest daughter was the Marchioness of Dalhousie; the fifth is the Dowager-Duchess of Wellington, and was a great favourite of her illustrious father-in-law; the youngest is the wife of the present Sir Robert Peel. George, Earl Gifford, the eldest son of the Marquis, was a man of great ability. He was for some time Member of Parliament for Totness, but his invincible shyness prevented him from taking a prominent part in the debates of the House. The illness of which he died, in 1863, was caused by his exertions to save the life of a workman who was in imminent danger of being crushed by a tree which he was cutting

down in the vicinity of the ruins of the old castle. Shortly before his death, Lord Gifford married the Dowager-Baroness Dufferin, one of the beautiful Sheridans.

Lord Tweeddale's second son, ARTHUR, Viscount Walden, succeeded him as ninth Marquis. He died, 29th December, 1878, leaving no issue.

WILLIAM MONTAGUE HAY, third son, the present Marquis, was created a British peer in 1881 by the title of Baron Tweeddale of Yester. His immediate younger brother, Lord John Hay, a gallant naval officer, for several years held the command of the Mediterranean fleet. He was recently raised to the rank of admiral, and is at present the first naval officer of the Admiralty.

According to the Domesday Book, the Tweeddale estates in the counties of Haddington, Berwick, and Roxburgh, comprise 43,027 acres, with a rental of £23,832 6s.

'It is to be observed,' said Father Hay, 'that the whole fortune of this familie came by marriages, and whatever hath been purchased was by the selling of lands that had come that way; in consideration whereof Charles Hay, present Lord Yester [third Marquis of Tweeddale], made the following verses*—

'Aulam alii jacent, felix domus Yestria, nube,
Nam quæ sors aliis, dat Venus alma tibi.' †

The 'handsome Hays,' as they have long been termed, obtained by fortunate marriages the estates of the Frasers in Peeblesshire, Locherworth in Midlothian, Yester and Belton in East Lothian, Swed in Dumfriesshire, and Snowdoun, Carfrae, and Danskine in Berwickshire.

* Lord Yester's verses are an adaptation of the well-known epigram on the Hapsburgs of Austria, ascribed to Matthias Corvinus, in the fifteenth century:—

'Bella gerant alii; tu felix Austria, nube;
Nam quæ Mars aliis, dat tibi regna Venus.'

† 'Let others boast of the Court, thou happy house of Yester, marry; for the things which Fortune bestows on others, benign Venus gives to thee.'



THE HAYS OF KINNOUL.



THE HAYS OF KINNOUL are descended from a common ancestor with the Earls of Errol. The titles of Earl of Kinnoul, Viscount of Dupplin, and Baron Hay of Kinfauns, were conferred, in 1633, upon Sir George Hay, second son of Peter Hay of Megginch. He was born in 1572, and studied for six years in the Scots College at Douay, under his uncle, the well-known Father Hay, who was Professor of Civil and Canon Law in that seminary. He returned to Scotland about 1596, and obtained the office of a gentleman of the bedchamber to King James, who bestowed upon him the commendam of the Charterhouse of Perth, and the church lands of Errol. He was present with James at Gowrie House, Perth, when the Earl of Gowrie and his brother were killed, and obtained the lands of Nethercliff out of that nobleman's forfeited estates. In the year 1616 he was nominated Clerk Registrar, and was made a Lord of Session; and in 1622 he was raised to the office of Lord High Chancellor of Scotland. He was elevated to the peerage in 1627, by the titles of Viscount of Dupplin and Lord Hay of Kinfauns, and on the 25th May, 1633, he was raised by Charles I. to the rank of Earl of Kinnoul, immediately before the coronation of the King. This mark of royal favour did not, however, render him unduly compliant to his Majesty's wishes. One of the objects which Charles had in view at his coronation was to increase the power and prominence of the hierarchy, and with this view he sent Sir James Balfour, Lyon King-at-Arms, to the Chancellor, to inform him that it was his Majesty's pleasure that he should give precedence for that day to the Archbishop of St. Andrews. Lord Kinnoul, however, replied to this order, with proper spirit and firmness, that 'since his Majesty had been pleased to continue him in that office, which by his means his worthy father, of happy memory,

had conferred on him, he was ready, in all humility, to lay it at his Majesty's feet. But, since it was his royal will he should enjoy it with the various privileges pertaining to the office, never a stoled priest in Scotland should set a foot before him while his blood was hot.' When this courageous reply of the old Chancellor was reported to the King, he said, 'Well, Lyon, I will meddle no further with that old cankered, goutish man, at whose hands there is nothing to be gained but soure words.'

Lord Kinnoul died at London, 16th December, 1634, and was interred in the parish church of Kinnoul, where a marble monument, with his statue, was erected to his memory.

Peter, the elder of the Earl's two sons, predeceased him, and GEORGE, the younger, became second Earl of Kinnoul. He was nominated a Privy Councillor to Charles I., and was Captain of the Guard to that sovereign from 1632 to 1635. At the breaking out of the Great Civil War he embraced the royal cause, but died soon after, in 1644. His only son, WILLIAM, the third Earl, was a staunch Royalist, and joined Montrose in his ill-fated expedition to Scotland in 1650. After his total defeat at Drumcarbisdale, the Earl accompanied his leader and Major Sinclair in their flight from the field into the wild mountain district of Assynt. The privations endured by them from fatigue and the want of food became insupportable. On the morning of the third day Lord Kinnoul grew so faint, and his strength was so exhausted by hunger and cold, that he could proceed no farther. He was, therefore, necessarily left by his distracted and enfeebled companions without shelter or protection of any kind on the exposed heath. Major Sinclair volunteered to go in search of assistance to the Earl, while Montrose went off alone towards the Reay country. They both fell into the hands of their enemies, but as they could give no accurate directions as to the spot where Lord Kinnoul had been left, that nobleman, whose body was never found, must have perished in some recess among the mountains.

GEORGE and WILLIAM, the sons of this ill-fated Earl, held in succession the family titles and estates, and both died without issue. Earl William, however, obtained a new patent in favour of his kinsman, THOMAS HAY, Viscount of Dupplin, a descendant of Peter Hay, brother of the first Earl, who became sixth Earl of Kinnoul. He represented Perthshire in the Scottish Parliament of 1693, and was created Viscount of Dupplin by William III. in 1697. He was one

of the Commissioners for the Union, and gave that measure his steady support; but as he was the brother-in-law of the Earl of Mar, and was visited by him at Dupplin, on his way to the north to raise the standard of rebellion, Lord Kinnoul was regarded as a suspected person, and was committed prisoner to the castle of Edinburgh till after the suppression of the rebellion. He died in 1717. Colonel John Hay, the youngest of his three sons, accompanied the leader of the insurrection from London to Braemar, and proclaimed the Chevalier at Perth. After the collapse of the rebellion, Colonel Hay repaired to the Court of the exiled family, in which he held a post, and was created by the Chevalier titular Earl of Inverness. The intrigues and jealousies of Hay and his wife, a daughter of the fifth Viscount Stormont, led to endless disagreements and quarrels in the household of the Chevalier, and caused the Princess Sobieski, his wife, to retire for a time into a convent. In the end, the Chevalier was constrained, by the representations of some influential Jacobites, to dismiss Hay from his service.

GEORGE, the eldest son of Earl Thomas, became seventh Earl of Kinnoul. He was a supporter of Harley, afterwards Earl of Oxford, whose daughter he married, and was one of the twelve British peers created by that intriguing politician to secure a majority in the House of Lords for his administration. His Jacobite inclinations were so well known, that on the breaking out of the rebellion of 1715, he was taken into custody, and was kept in confinement from 21st September till the 24th of the following June. He was afterwards reconciled to the Court, and, in 1729, was appointed ambassador to Constantinople, where he remained till 1737. He died in 1758, leaving by his wife, Lady Abigail Harley, four sons and six daughters. Robert Hay, his second son, assumed the name of Drummond as the heir of entail of his great-grandfather, the first Viscount of Strathallan, who settled the estates of Cromlex and Innerpeffrey on the second son of the Earl of Kinnoul. Robert Hay Drummond entered into holy orders, and became in succession rector of Bothal in Northumberland, a Prebendary of Westminster, Bishop of St. Asaph, Bishop of Salisbury, and, finally, Archbishop of York.

THOMAS, eldest son of the seventh Earl, born in 1710, succeeded his father in the family honours and estates. When a commoner he

was member for Cambridge, and held in succession the offices of a Lord of the Treasury, Joint Paymaster of the Forces, and Chancellor of the Duchy of Lancaster. In 1759 he was sent as Ambassador-Extraordinary and Minister Plenipotentiary to the Court of Lisbon. But in 1762 he resigned all his public offices and retired to his estate in Scotland. In 1765 he was elected Chancellor of the University of St. Andrews, and, in 1768, was chosen President of the Scottish Society for the Propagation of Christian Knowledge. He died at Dupplin in 1787, in the seventy-eighth year of his age.

His only son having died in infancy, he was succeeded by his nephew, ROBERT HAY DRUMMOND, eldest son of the Archbishop of York, of whom there is nothing special to record. He was Lord Lyon King-at-Arms, and, like his uncle, was President of the Society for Propagating Christian Knowledge. He died in 1804. His eldest son—

THOMAS DRUMMOND HAY, born in 1785, became tenth Earl, was appointed Lord Lyon King-at-Arms in 1804, and Lord-Lieutenant of Perthshire in 1830. The only memorable act in his long career was his lending his name as patron to the suit in the celebrated Auchterarder case, which led to the disruption of the Established Church of Scotland. He died in 1866, aged eighty-one.

The present Earl, who was born in 1827, married, in 1848, a daughter of the Duke of Beaufort, and has a numerous family.

The Kinnoul estates, which lie in Perthshire, extend to 12,577 acres, with a rental of £14,814.



THE MACLELLANS OF KIRKCUDBRIGHT.

THE Maclellans are supposed to have come from Ireland at a very early period. They certainly possessed lands in Galloway in the reign of Alexander II., 1217, and were hereditary sheriffs of that province. Maclellan of Bombie, an ancestor of Lord Kirkcudbright, accompanied the Scottish patriot, Wallace, when, after his defeat at Falkirk, in 1298, he sailed from Kirkcudbright for France, in order to entreat the help of Philip, the French king, in his struggle against Edward I., their common enemy. The Maclellans became so numerous and prosperous about the beginning of the fifteenth century, that there were no fewer than fourteen knights of the name at that period living in Galloway. About the middle of the century they unfortunately, through no fault of theirs, came into collision with the formidable house of Douglas. SIR PATRICK MACLELLAN OF BOMBIE, head of the family and Sheriff of Galloway, refused to join the confederacy of the eighth Earl of Douglas with the Earls of Ross and Crawford, against the King. The imperious Earl, enraged at this opposition to his will, besieged and captured Sir Patrick in his stronghold of Raeberry Castle, and carried him a prisoner to his fortress of Thrieve. Sir Patrick Gray, Maclellan's uncle, who held a high office at Court, obtained a letter from the King (James II.) entreating, rather than ordering, Douglas to set his prisoner at liberty, which Gray carried himself. The Earl professed to receive him with all courtesy, but requested that he should partake of some refreshment before entering upon the business which had brought him so long a journey. 'It's ill talking,' he said, 'between a fou man and a fasting.' In the meantime, however, having a shrewd guess as to Gray's errand, he ordered Maclellan to be immediately put to death. When Sir Patrick had finished his repast he presented the royal letter to the

Earl, who, after perusing it, expressed his deep regret that it was not in his power to comply fully with his Majesty's request, and, conducting Gray to the courtyard where Maclellan's body lay, he jeeringly said, 'Yonder, Sir Patrick, lies your sister's son. Unfortunately he wants the head, but you are welcome to do with the body what you please.' 'My lord,' said Gray, suppressing his indignation, 'since you have taken his head, you may dispose of his body as you will.' He then instantly called for his horse. But, after crossing the drawbridge, his indignation could no longer be restrained, and, turning round, he exclaimed to the Earl, who was standing at the gate, 'If I live, you shall bitterly pay for this day's work,' and immediately galloped off. 'To horse! to horse!' exclaimed Douglas, 'and chase him.' Gray was closely pursued till near Edinburgh, and if he had not been well mounted, would, without doubt, have shared the fate of his nephew. [See DOUGLASES, vol. i. 63, 64.]

The Maclellans were from the earliest times staunch Royalists, and zealously supported the successive kings of Scotland in their contests with their turbulent and too powerful nobles. SIR ROBERT MACLELLAN, a direct descendant of the Laird of Bombie whom the Earl of Douglas murdered, was one of the Gentlemen of the Bedchamber, and was raised to the peerage by Charles I., in 1633, by the title of Lord Kirkcudbright. The newly created peer fought gallantly on the royal side in the Great Civil War. JOHN, the third lord, was very eccentric and hotheaded, and in his impetuous zeal on behalf of the royal cause, he compelled his vassals in a body to take up arms in behalf of the King, and incurred such enormous expense in raising and arming them as completely ruined his estates, which were seized and sold by his creditors. As nothing was left to support the dignity, the title was not claimed for nearly sixty years after the death of this luckless Royalist, and even then it was assumed only for the purpose of voting in a keen contest, for the position of representative peer, between the Earls of Eglintoun and Aberdeen.

The sixth Baron Kirkcudbright, *de jure*, was so reduced in his circumstances that he was obliged to support himself and his family by keeping a glover's shop in Edinburgh. Once a year, however, on the night of the Peers' Ball, he took his place in full dress, with his sword by his side, among his brother nobles, and by this act asserted his equality of rank with those who on other occasions were his customers. It was to this peer that Goldsmith alluded somewhat

flippantly in one of his letters written while studying medicine at the Edinburgh University, in 1753. 'Some days ago I walked into my Lord Kilcowbry's; don't be surprised, his lordship is but a glover.' There can be little doubt that Sir Walter Scott had this worthy and noble tradesman in his eye when he put into the mouth of King James VI., in the 'Fortunes of Nigel,' his memorable description of the course adopted by poor Scottish peers. 'Ye see that a man of right gentle blood may for a season lay by his gentry and yet ken where to find it when he has occasion for it. It would be as unseemly for a packman or pedlar, as ye call a travelling merchant, whilk is a trade to which our native subjects of Scotland are specially addicted, to be blazing his genealogy in the faces of those to whom he sells a bawbee's worth of ribbon, as it would be for him to have a beaver on his head and a rapier by his side when the pack was on his shouthers. Na, na; he hings his sword on the cleek, lays his beaver on the shelf, puts his pedigree into his pocket, and gangs as doucely and cannily about his peddling craft as if his blood was nae better than ditch-water. But let our pedlar be transformed, as I have ken'd it happen mair than ance, into a fair thriving merchant, then ye shall have a transformation, my lords. Out he pulls his pedigree, on he buckles his sword, gives his beaver a brush, and cocks it in the face of all creation.'

The custom which the British Solomon describes in such graphic terms doubtless originated, like many other Scottish customs, in the intercourse with France. Down to the time of the first French Revolution, there existed in Brittany a law of great antiquity, which authorised a nobleman whose income was insufficient for the maintenance of his dignity, to descend for a season to the condition of a commoner. In token that he had temporarily laid aside his rank and its accompanying privileges, he deposited his sword in the archives of the Duchy, where it remained until he was in circumstances to redeem it, and to resume his original position. A very striking and affecting description is given by Sterne of a scene which he witnessed at Rennes, when a marquis, the representative of an ancient and illustrious family, accompanied by his wife and daughter and two sons, claimed from the Court the formal restoration of the sword which, twenty years before, he had deposited with the state authorities when about to embark for Martinico, to engage in commercial pursuits, with the view of repairing the dilapidated fortunes of his house.

The Edinburgh citizen who inherited, but did not assume, the titles of his family, had three sons. The eldest predeceased him; the third entered the Royal Navy, and was killed in 1782, in an engagement with the French, while in command of the *Superb*, the flagship of Sir Edward Hughes, and was highly commended in the Admiral's despatches, 'as an excellent officer in every department of the service.' The second son, JOHN, seventh Lord Kirkcudbright, on petition to the King, had his claim to the title allowed by the House of Lords in 1773. He entered the army and attained the rank of lieutenant-colonel. He died in 1801, leaving two sons. The elder, SHOLTO HENRY, became eighth Lord Kirkcudbright, and died without issue. The younger, CAMDEN GREY, ninth lord, had an only child—a daughter—and on his death, in 1832, the title became dormant or extinct.





INDEX.

VOL. II.

A.

- 'ARREY RAID,' THE, 265.
ABERDEEN, EARLS OF. [See THE GORDONS OF METHLIC AND HADDO.]
ABERDEEN, the town of, pillaged by Montrose's troops, 151.
ABOVE, VISCOUNTS, EARLS, AND LORDS OF. [See THE GORDONS.]
ANNANDALE PEERAGE CASES, 59.
ARMSTRONG, WILLIAM, carries off Lord Durie, 76.

B.

- BELL, BESSIE, her death and grave, 172.
BO-HALL, OR HOBGOBLIN HALL, description of, 380.
BOSWELL'S description of thirteenth Earl of Errol, 377.
BOTHWELL, EARLS OF. [See THE HEPBURNES.]
BRANNHOLM CASTLE, blown up by English army, 203.
BROWN, JOHN, of Hartree, his combat with Lord Yester, 386.

C.

- CARLAVEROCK CASTLE, description of, 2; besieged by Edward I., ib.
CARLYLE, DR., his eulogium on the character of the third Duke of Buccleuch, 222.
CHARLES, PRINCE, his flight from Culloden to Gortaleg, 300.

D.

- DAIKETH CASTLE, taken possession of by Cromwell, 211.
DARNLEY, LORD, the murder of, 256.
DRUMMONDS, THE. The wrongly supposed founder of the family, 86. Malcolm of Drummond, 87. Maurice of Drummond, ib. John Drummond, ib; created a peer, ib; uses his influence in promoting marriage between Earl of Angus and Queen Margaret, 88. David, second Lord Drummond, ib; King James V. enters into an obligation to invest him in the lands forfeited to first Lord Drummond, ib. Malcolm, Beg, founder of family, 89. John of Drummond taken prisoner at battle of Dunbar, ib; set at liberty, ib. Sir Malcolm Drummond supports claims of Robert Bruce, ib; taken prisoner, ib; rewarded for his services to King Robert, co. John Drummond and Maurice Drummond make fortunate marriages, ib. Sir Malcolm Drummond, ib; fights at battle of Otterburn, ib; succeeds to earldom of Mar, ib; his death, ib. Sir Walter Drummond, ib. Sir John Drummond, ib; his offices, ib; created Lord Drummond, ib; joins disaffected nobles against sovereign, ib. The character of the Drummonds, ib. Great marriages made by the ladies of the family, ib. Lady Margaret Drummond poisoned, ib. Death of first Lord Drummond, 92. William, Master of Drummond executed, ib. David, second Lord Drummond, ib; supports the cause of Queen Mary, ib. James, Lord Madderty, ib; his marriage, ib. Patrick, third Lord Drummond, ib; his daughter, Countess of Roxburgh, becomes governess to James VI.'s daughters, 93. The Drum-

monds rewarded for their fidelity to the crown, ib. James, fourth Lord Drummond, ib; created Earl of Perth, ib. James, fourth Earl of Perth, ib; his offices and appointments, ib; embraces Romanism and gains goodwill of James VII., ib; Lord Macaulay on his conduct, ib; becomes favourite of the king, ib; persecutes the Covenanters, ib; his younger brother created Earl of Melfort, ib; Earl Melfort made Secretary of State for Scotland, ib. Conduct of Earls Perth and Melfort becomes obnoxious to the people, 94. Earl Perth takes refuge in Castle Drummond, ib; imprisoned, ib; retires to Rome, ib; repairs to King James at St. Germain's, ib; made a duke, 95. James, Lord Drummond, ib; attained by British Parliament, ib. James, third titular Duke of Perth, ib; joins Prince Charles Stewart, ib; his character, ib; dies while escaping to France, ib. Lord John Drummond, ib; commands at battle of Falkirk, ib; his distinguished military service in Flanders, ib. Main line of family becomes extinct, 96. Earl of Melfort escapes to France, ib; attained, ib; made Duke de Melfort, ib; his death, ib. George, sixth Duke of Melfort, ib; renounces Romish faith, ib; reinstated in earldom of Perth and other Scottish honours, ib. Drummond estates conferred on Captain James Drummond, ib. Captain Drummond made Baron Perth, ib. Clementina Drummond inherits landed property, ib. Lady Aviland inherits the Drummond estates, ib. Earl of Perth endeavours to obtain hereditary possessions of the family, 97. The grandeur of the Drummonds, ib. Present Earl of Perth, ib; his son, Viscount Perth, ib. George Essex Montfex, ib.

STRATHALLAN DRUMMONDS, THE. James Drummond, 99; his offices and appointments, ib; becomes Lord Madderty, ib. John Drummond, second Lord Madderty, ib; takes up arms in behalf of Charles I., ib; imprisoned, 100; binds himself not to oppose Parliament, ib. David Drummond, third Lord Madderty, ib; imprisoned, ib. William Drummond, ib; becomes an active royalist, ib; his appointments, ib; taken prisoner, ib; escapes to the continent, ib; enters Muscovite service, ib; recalled by Charles II., and receives an appointment, ib; employed to effect suppression of the Covenanters, ib; imprisoned, ib; later appointments, ib; Lord Macaulay on his character, ib; opposes attempt of King James to grant indulgence to Roman Catholics, 101; succeeds as Lord Madderty, ib; created Viscount of Strathallan and Lord Drummond of Cromlix, ib; writes history of Drummond family, ib; his death, 102; Principal Munro's remarks on his life, ib. William, second Viscount of Strathallan, ib. William, third Viscount, 102. Family estates pass to Earl of Kinross, ib; titles revert to William Drummond, ib. Sir James Drummond, ib. William Drummond, fourth Viscount of Strathallan, ib; taken prisoner at battle of Sheriffmuir, ib; killed at battle of Culloden, ib; his wife imprisoned in castle of Edinburgh, ib. James Drummond, ib; escapes to continent, ib; attained, ib; his death, ib. Andrew John Drummond, ib; his military distinctions and appointments, 103. James Andrew John Laurence Charles Drummond inherits the family

estates, *ib.*; elected member for Perthshire, *ib.*; restored to forfeited titles of family, *ib.*; elected a representative peer, *ib.* William Henry Drummond, sixth Viscount Strathallan, *ib.* Henry Drummond of Albury Park; 104. Assassination of Henry Drummond, *ib.*
DUNDEE, the storming of, 152.

E.

ERSKINES, THE. Origin of their designation, 105. Henry de Erskine, *ib.* Sir John de Erskine, *ib.*; distinguished marriages of his daughters, *ib.*; his son's services to Robert Bruce, *ib.* Sir Robert de Erskine, *ib.*; his offices, *ib.*; takes active part in securing succession of the house of Stewart to the throne, *ib.*; receives a grant of the estates of Alloa, *ib.* Sir Thomas Erskine marries Janet Keith, *ib.* Second Lord Erskine fights against rebel lords at Sauchieburn, 106. Robert, third Lord Erskine, *ib.* Master of Erskine killed at battle of Pinkie, *ib.* John, fourth Lord Erskine, *ib.* John, fifth Lord Erskine, *ib.*; title of Earl of Mar bestowed on him, *ib.*; gives Mary of Guise an asylum, *ib.*; Queen Mary puts herself under his protection, *ib.*; baffles Bothwell's attempts to obtain possession of the heir to the throne, *ib.*; chosen Regent of Scotland, *ib.*; his death, 107. John, second Earl of Mar, *ib.*; takes part in raid of Ruthven, *ib.*; deprived of office, *ib.*; seeks refuge in Ireland, *ib.*; retires to England, *ib.*; takes possession of Stirling Castle, *ib.*; expels Arran from court, *ib.*; becomes an intimate friend of the king, *ib.*; appointed ambassador to England, *ib.*; quarrel between him and Queen Anne, *ib.*; votes for 'Five Articles of Perth,' 108; appointed Lord High Treasurer, *ib.*; marries Lady Mary Stewart, *ib.*; his children by her, *ib.*; his death, 109. Scott of Scotstarvit's remarks on his death, *ib.* John, eighth Earl of Mar, 110; offices and appointments, *ib.*; his property sequestered, *ib.*; his death, *ib.* John, ninth earl, *ib.*; commands regiment in army of Covenanters, *ib.*; joins Cumberland's association for defence of royal cause, *ib.*; fights at Philiphaugh, *ib.*; fined by the Estates, 111; his estates sequestered, *ib.*; his affliction, *ib.*; his death, *ib.* John, eleventh earl, *ib.*; joins Whig party, *ib.*; receives command of regiment, *ib.*; invested with order of the Thistle, *ib.*; pays court to Tory party, *ib.*; assists in promoting the Union, *ib.*; loses the confidence of his countrymen, *ib.*; appointed Secretary of State, *ib.*; signs proclamation of George I., 112; dismissed from office, *ib.*; resolves on exciting insurrection against reigning family, *ib.*; his character, 113; retreats to Perth, *ib.*; repairs to the continent, *ib.*; loses the confidence of Prince James, 114. Hon. James Erskine of Grange, *ib.*; his offices and appointments, *ib.*; cherishes dislike to Sir Robert Walpole, *ib.*; elected member for the Stirling districts of burghs, *ib.*; his character and abilities, 115. The character of Lady Erskine, *ib.*; abduction of Lady Erskine, 116. Erskine of Grange, 117. purchases the forfeited estates of Earl of Mar, *ib.*; James, his son, marries Lady Frances Erskine, *ib.*; Mar titles restored to John Francis Erskine, *ib.*; the titles and estates inherited by Walter Henry Erskine, *ib.*
ERSKINES OF BUCHAN AND CARDROSS, THE. Antiquity of the earldom, 118. Fergus, *ib.* Marjory, Countess of Buchan marries William Comyn, *ib.* Alexander Comyn inherits title and estates, *ib.* The power of the Comyns and their opposition to the English, *ib.* John Comyn succeeds to title and estates, *ib.*; joins the English party, *ib.*; his dislike to Robert Bruce, *ib.*; defeated, and his estates laid bare, *ib.*; his estates confiscated, *ib.* The earldom of Buchan granted to Sir Alexander Stewart, 119; his character, *ib.*; obtains earldom of Ross, *ib.*; invades district of Moray, *ib.* Robert, Duke of Albany inherits the earldom, *ib.*; confers the title upon his son Sir John Stewart, *ib.*; sends an army to the assistance of the French king in his contest with England, *ib.* The English force defeated by the Scottish auxiliaries at Peaugé, *ib.* The office of Constable of France conferred upon the Earl of Buchan, *ib.*; is killed at battle of Verneuil, *ib.* Murdoch, Duke of Albany inherits the earldom of Buchan, 120. The earldom forfeited to the crown, *ib.*; bestowed on James Stewart, *ib.*; his appointments, *ib.* John, Master of Buchan killed at battle of Pinkie, *ib.* Christian, Countess of Buchan, *ib.*; marries Robert Douglas, *ib.* James, fifth Earl of Buchan, *ib.* Mary Douglas succeeds to title and estates, *ib.*; marries James Erskine, *ib.*; his character, *ib.* James Erskine, sixth earl, *ib.* The eighth Earl of Buchan imprisoned in Stirling Castle, *ib.* David, fourth Lord Cardross succeeds to title and estates of Buchan, *ib.* The barony of Cardross, *ib.* David, second Lord Cardross, 121. Henry, third Lord

Cardross, *ib.*; his marriage, *ib.*; suffers persecution in cause of civil and religious liberty, *ib.*; imprisoned in Edinburgh Castle, 122; petitions king for redress of hardships suffered in the royal cause, *ib.*; takes up his residence at the Hague, *ib.*; accompanies William of Orange to England, *ib.*; raises regiment of Dragoons, *ib.*; restored to his estates, *ib.*; sworn a Privy Councillor, *ib.*; his death, *ib.* David Erskine, fourth Lord Cardross, *ib.*; his marriage, 123. Henry David, tenth Earl of Buchan, *ib.*; his marriage, *ib.*; his character, *ib.* Lady Buchan's character, *ib.* The earl sells estate of Cardross, 124; his death, *ib.* David Stewart Erskine, eleventh Earl of Buchan, *ib.*; appointed Secretary to British Embassy in Spain, *ib.*; declines to proceed to Madrid, *ib.*; makes efforts to promote independence in the election of representative peers, *ib.*; founds Society of Antiquaries, 125; buys back estate of Dryburgh, *ib.*; his character, *ib.*; instances of his vanity and parsimony, 126; his death, 129. Henry Erskine, *ib.*; his abilities and character, *ib.*; appointed Lord Advocate, *ib.*; advocates reform in the burghs and in the election of members of Parliament, 130; deprived of the office of Lord Advocate, *ib.*; re-appointed Lord Advocate, 131; elected a member of Parliament, *ib.*; his accomplishments at the bar, *ib.*; his character, 132. Thomas, Lord Erskine, *ib.*; his early education, 133; obtains commission in the army, *ib.*; his marriage, *ib.*; studies English classics, *ib.*; performs duties of chaplain in the army, *ib.*; studies for the bar, *ib.*; his pecuniary straits, *ib.*; called to the bar, *ib.*; displays great forensic ability at his début, 134; rapidly rises in legal profession, 135; appointed Attorney-General to Prince of Wales, *ib.*; elected member of Parliament, *ib.*; later forensic triumphs, 136; the country's gratitude for his public services, 137; appointed Lord High Chancellor, *ib.*; made Baron Erskine, *ib.*; some events of his political life, *ib.*; troubles of his old age, 138; his character, *ib.* David Montague Erskine, second baron, *ib.* Thomas Erskine, *ib.* Esme Stewart Erskine, *ib.*
ERSKINES OF KELLIE, THE. Sir Alexander Erskine of Gogar, 139. Sir Thomas Erskine, *ib.*; assists in rescuing James from the Ruthvens at Gowrie House, *ib.*; created Viscount Fenton, *ib.*; receives from the king grants of land, *ib.*; advanced to the earldom of Kellie, *ib.* Thomas, second earl, *ib.* Alexander, third earl, *ib.*; supports King Charles during civil war, *ib.*; imprisoned in Tower, *ib.*; deprived of his estates, *ib.*; retires to the continent, *ib.*; his return to Scotland, *ib.*; his death, *ib.* Alexander, fifth earl, *ib.*; his marriage, *ib.* Thomas Alexander, sixth earl, 140; his character and abilities, *ib.*; his convivial habits, *ib.*; disposes of the Kellie estate, *ib.* Archibald, seventh earl, *ib.*; endeavours to remove legal restraints imposed upon Episcopalians, *ib.* Sir Charles Erskine succeeds to the earldom, *ib.* The earldom conjoined with an earldom of Mar, *ib.*

EVELYN, his remarks on the character of the Duchess of Monmouth, 217.

F.

FARQUHARSONS, THE, Earl of Huntly's slaughter of them, and his inhuman treatment of their orphans, 318.
FRASERS OF CASTLE FRASER, 288.
FRASERS OF LEADCLUNE, 288.
FRASERS OF LOVAT, THE. Their descent and original designation, 269. Sir Simon Fraser, *ib.* Sir Gilbert Fraser, *ib.* Oliver Fraser, *ib.* Oliver Castle, *ib.* Sir Simon Fraser, *ib.*; his father, *ib.*; supports the cause of Baliol, *ib.*; made prisoner by Edward I., 270; permitted to visit Scotland, *ib.*; chosen to succeed Sir William Wallace, *ib.*; defeats the English at Roslin, *ib.*; refuses to submit to King Edward, *ib.*; joins Robert Bruce, *ib.*; his valour at battle of Methven, *ib.*; is captured and executed, *ib.*; a ballad on the cruel treatment he receives, *ib.*; his uncle, Bishop Fraser, 272. Extinction of the male line of family, *ib.* Sir Simon's daughters inherit the estates, *ib.* Sir Andrew Fraser, 273; his mother, *ib.* Hugh Fraser, *ib.*; his marriage, *ib.*; killed at battle of Halidon Hill, *ib.*; his son Hugh created Lord Fraser of Lovat, *ib.* Thomas, third Lord Lovat killed at Flodden, *ib.* Clan feuds and battles of the Frasers, *ib.* Hugh, fourth Lord Lovat, *ib.* The hospitality of the Frasers, *ib.* Simon Fraser, twelfth Lord Lovat, 274; his character, *ib.*; his education, *ib.*; obtains a commission in the army, *ib.*; conceals scheme for marrying daughter of tenth Lord Lovat, *ib.*; foiled in his attempt to capture her, *ib.*; resolves to marry dowager Lady Lovat, *ib.*; commits outrage on the dowager, 276; conveys her to Isle of Aigas, *ib.*; brought to trial and condemned to capital punishment, *ib.*; escapes

to the continent, *ib*; is outlawed, *ib*; returns to Scotland, *ib*; letters of intercommuning issued against him, 277; takes refuge in France, *ib*; proceeds to St. Germain and submits to the exiled court a project for raising an insurrection against reigning sovereign, *ib*; returns to Scotland with colonel's commission, *ib*; returns to France, *ib*; is seized and sent to the Bastille, *ib*; makes his escape, *ib*; arrested in London, *ib*; set at liberty, *ib*; apprehended at Edinburgh, 278; concocts plan for the recovery of Inverness, *ib*; receives royal pardon for his crimes, *ib* Mackenzie of Fraserdale, *ib*; sentence of attainder and outlawry passed against him, *ib*; Hugh Mackenzie consents to cede to him his claim to the family honours, *ib*. Sir Walter Scott on his life and character, *ib*; his marriages, 279; his cruel treatment of his second wife, *ib*; obtains command of the Black Watch, 281; his commission withdrawn, *ib*; subscribes the invitation to Prince Charles, *ib*; his intrigues and duplicity, *ib*; his letter to the chief of the Camerons, 282; sends his clan, under his son, to join the insurgent army of Jacobites, 283; his dishonest explanation of the event to the Lord President, *ib*; visited by Prince Charles in his flight from Culoden, 283; his recommendation to the Prince, *ib*; imprisoned in the Tower, 285; brought to trial and condemned to be beheaded, *ib*; his execution, 286. Simon Fraser, *ib*; the forfeited estates of his father restored him, *ib*; enters the royal army, *ib*; raises the Fraser Highlanders, *ib*; serves under General Wolfe, *ib*; his character, *ib*. Estates devolve upon Colonel Archibald Campbell Fraser, *ib*. Male line of eldest branch of Fraser family becomes extinct, *ib*. Thomas Alexander Fraser of Strichen inherits the estates, *ib*; elevated to House of Lords by title of Baron Lovat of Lovat, 287; ancient titles of family restored him, *ib*; relieves the inheritance of his ancestors from its encumbrances, *ib*; his death, *ib*. Simon Fraser, fifteenth Lord Lovat, *ib*; protects and endows the Roman Catholics, *ib*. The suit brought before the House of Lords by John Fraser, *ib*. The badge and war-cry of the Frasers, 288. The Frasers of Castle Fraser, *ib*. The Frasers of Leadcraze, *ib*.

FRASERS OF PHILORTH AND SALTOUN, THE. Descent of the Philorth family, 286. William Fraser, *ib*; inherits the estates of Cowie and Durris, *ib*; killed at battle of Durham, *ib*; character of his descendants, *ib*. Sir Alexander Fraser lays foundations of Fraserburgh Castle, *ib*; Philorth parish designated Fraserburgh in honour of the benefits conferred by him upon it, *ib*. Second Sir Alexander succeeds Lord Abernethy of Saltoun, *ib*. Sixteenth Lord Saltoun, 290; his character, *ib*; serves under Sir John Moore at Corunna, *ib*; serves under Wellington, *ib*; appointed to command at Hougomont, *ib*; his honours and promotions, *ib*; commands brigade at capture of Chin-Kiang-Feu, *ib*; his musical accomplishments, *ib*. Alexander, seventeenth Lord Saltoun, 291. Alexander William Frederick, *ib*. Title of Baron Fraser conferred on Andrew Fraser of Mutchells, *ib*. Andrew, second Lord Fraser, *ib*; fights under Montrose against royalists, *ib*. Charles, fourth Lord Fraser, *ib*; brought to trial for proclaiming King James at Fraserburgh, *ib*; loses his life, *ib*. Castle Fraser bequeathed to his step-children, *ib*.

FRASERBURGH CASTLE, 289.

G.

GIGHT CASTLE, description of, 368.

GORDON RIOTS, the, 336.

GORDONS, THE. The antiquity of the family, 292. The prominent part taken by them in public affairs, *ib*; their position among authors, *ib*. Designation of the 'Gay Gordons,' *ib*. Fabulous account of their origin, 293. Richard and Adam, sons of the ancestor of the family, *ib*. Richard Gordon's daughter Alice marries her cousin, Adam de Gordon, *ib*. Sir Adam de Gordon, 294; supports Robert Bruce, *ib*; sent ambassador to Papal court, *ib*; receives a grant of forfeited estates of Earl of Athole, *ib*; killed at battle of Halidon Hill, *ib*. Sir Alexander Gordon, *ib*. Sir John Gordon, *ib*; taken prisoner at battle of Durham, *ib*. Sir John de Gordon, *ib*. The Gordon clan transferred to the Highlands, *ib*; their lands invaded by English Borderers, 295; attacked by Sir John Lilburn, *ib*; wins victory over the English, *ib*; encounters and defeats Sir Thomas Musgrave, *ib*; fights under Douglas at battle of Otterburn, *ib*; loses his life, *ib*. Sir Adam de Gordon unites his force with that of Swinton and gallantly charges the English at Homildon Hill, 296. Elizabeth Gordon succeeds to the estates, *ib*; marries Alexander

de Seton, *ib*; Alexander Seton created Earl of Huntly, *ib*; appointed Lieutenant-General of Kingdom, *ib*; undertakes suppression of rebellion, *ib*; encounters Earl of Crawford, *ib*; escapes to Finhaven Castle, *ib*; Castle of Strathbogie burnt, and the estates ravaged by Earl of Moray, 297; Huntly's death, *ib*; his wives, *ib*. George, second Earl of Huntly, *ib*; his appointments, *ib*; commands in the royal interest at battle of Sauchieburn, *ib*; his son Adam becomes Earl of Sutherland, 298; his sons William and James Gordon, *ib*; his daughter Lady Catherine Gordon, *ib*. Alexander, third Earl of Huntly, *ib*; aids in suppression of a rebellion in the Isles, *ib*; storms Stornaway Castle, *ib*; commands at battle of Flodden, *ib*; nominated to the Council of Regency, *ib*; his death, *ib*. Bishop Gordon, 299; Spottiswood's remarks on his life and character, *ib*. George, fourth Earl of Huntly, *ib*; his education, *ib*; appointed a lieutenant-general, 300; defeats Sir Robert Bowes at Haddon Rig, *ib*; appointed Lieutenant-General of all the Highlands, *ib*; marches against the Camerons and the Macdonalds of Clanranald, *ib*; appointed High Chancellor, *ib*; taken prisoner at battle of Pinkie, *ib*; escapes from prison, 301; recognised as head of Roman Catholic party, *ib*; receives order of St. Michael from French king, *ib*; obtains grant of earldom of Moray, *ib*; plot formed for his assassination, *ib*; committed to prison, 302; deprived of his offices and sentenced to banishment, *ib*; restored to the Chancellorship, *ib*; his craft and self-interest, *ib*. The power of the Gordons, *ib*; their bonds of manrent, friendship, and alliance, 303; entertain the queen-dowager, *ib*; becomes leader of Komish party, 304; in conjunction with other popish nobles, sends an envoy to Queen Mary, *ib*; offended at the favour shown Lord James Stewart by Mary, 305. Sir John Gordon committed to prison for wounding Lord Ogilvy, *ib*; the earl's distrust of Queen Mary, 306; Queen Mary declines an invitation through his countess, *ib*; his mortification at Lord James Stewart becoming Earl of Moray, *ib*; disobeys charge to present himself before queen and council, *ib*; pronounced a rebel, *ib*; killed in an encounter with the royal forces at Corriehic, 307; Sir John and Adam Gordon taken prisoners, *ib*. Sir John beheaded at Aberdeen, *ib*. Lord George Gordon brought to trial for treason, *ib*; respited and made prisoner in Dunbar Castle, *ib*. The movables of Earl Huntly's mansion divided between Queen Mary and Earl of Moray, 308; his estates confiscated to the crown, *ib*; John Knox's remarks on his deportment, *ib*; his sons and daughters, 309. Sir Adam of Auchindoun defeats the Forbeses, *ib*; his soldiers burn Towie Castle, *ib*; a ballad on the burning of the castle, *ib*. Sir Patrick Gordon killed at battle of Glenlivet, 310. Lady Jean Gordon, *ib*; her marriage with Bothwell annulled, 311; marries Alexander, twelfth Earl of Sutherland, 312; marries Alexander Ogilvie of Boyne, *ib*; her son Sir Robert Gordon's eulogium on her character, *ib*. George, fifth Earl of Huntly, *ib*; story of an alleged attempt by the Earl of Moray to procure execution of Lord George Gordon, *ib*; Huntly supports Queen Mary at Dunbar, 313; rewarded with Chancellorship, *ib*; signs document recommending Bothwell as suitable husband to the queen, *ib*; his titles and estates restored, *ib*; instances of his selfish and unprincipled character, *ib*; makes his peace with Moray, 314; accepts office of Lieutenant-General of Kingdom, *ib*; defeated by Lennox at Brechin, *ib*; act of forfeiture passed against him and his brother Sir Adam Gordon, *ib*; treaty of peace concluded between him and the Regent Morton, *ib*; his death, *ib*. George, sixth Earl and first Marquis of Huntly, 315; unites with Earls Crawford and Errol in an intrigue for the restoration of Komish supremacy in Scotland, *ib*; takes up arms against government, *ib*; found guilty of treason, *ib*; the king disallows sentence to be passed against him, *ib*; receives his liberty, *ib*; retires to his estates, *ib*; becomes involved in feuds with neighbouring clans, *ib*; quarrels with Earl of Moray, *ib*; the king grants him commission to apprehend Moray, 316; murder of that nobleman, *ib*; the commotion created by his death, *ib*; Huntly receives letter from King James having reference to the death of Moray, *ib*; the king makes show of proceeding against him, 317; confined in Blackness Castle, *ib*; set at liberty, *ib*; obtains royal pardon and returns to court, *ib*; his lands ravaged and the castle of Auchindoun burnt in revenge for the slaughter of Moray, *ib*; an instance of the Countess of Huntly's vindictiveness, 317; the earl slaughters the Farquharsons, 318; his inhumane treatment of their opponents, *ib*; enters into conspiracy for overthrow of Protestant

religion, *ib*; summoned to answer charge of conspiring against the king, 319; takes refuge in his northern fastnesses, *ib*; James marches against him, *ib*; the king invites the Countess of Huntly to court, *ib*; the Protestant party remonstrates with king for his leniency to Huntly, *ib*; Huntly joins conspiracy for seizure of king's person, *ib*; his estates and honours forfeited, *ib*; encountered at Glenlivet by Earl of Argyll, *ib*; the king causes Strathgogie Castle to be blown up, 320; the earl obtains permission to leave Scotland, *ib*; secretly returns, *ib*; suffered to retain possession of his castles and estates, *ib*; appointed Lord-Lieutenant of the North, *ib*; created Marquis of Huntly, *ib*; reconciled to Earl of Moray, *ib*; *ib* in trouble with the Protestant party, 321; excommunicated by General Assembly, *ib*; confined in Stirling Castle, *ib*; receives his liberty, *ib*; summoned before Court of High Commission, *ib*; imprisoned in Edinburgh Castle, *ib*; absolved from sentence of excommunication, *ib*; obliged to appear before General Assembly, *ib*; becomes involved in feud with Crichtons of Frendraught, 322; ordered to appear before Privy Council, *ib*; is outlawed, *ib*; the sentence reversed, *ib*; again summoned to appear before Privy Council, *ib*; confined in Edinburgh Castle, *ib*; his health declines, *ib*; his death and interment, *ib*; Spalding's remarks on his life and character, 323; his rent-roll, *ib*; his building and planting operations, 324. Marchioness of Huntly compelled to return to France, *ib*; Spalding's remarks on the event of her departure, *ib*; her death, *ib*. John Huntly created Viscount Melgum and Lord Aboyne, 325; his death at the burning of Frendraught Castle, *ib*. George, second Marquis of Huntly, *ib*; involved in a quarrel with Sir Lauchlan Mackintosh, *ib*; his distinguished services on the continent, *ib*; created Viscount Aboyne, *ib*; commissioned Lieutenant of the North, *ib*; Covenanters endeavour to induce him to join their party, 326; Colonel Munro's commission to him, *ib*; the Abderdeen, *ib*; retreats at the approach of Montrose, *ib*; pursued by Montrose, 327; holds an interview with him, *ib*; makes an agreement with him, *ib*; accepts invitation to attend a conference held by the Covenanters, *ib*; his differences with Montrose, 328; conveyed with his son to Edinburgh, *ib*; receives his liberty, *ib*; his son, Lord Aboyne takes possession of Aberdeen, 329; the banis his army, *ib*; Lord Gordon killed at battle of Alford, 330; Lord Aboyne fights at battle of Kilsyth, *ib*; Huntly fortifies the town of Banff, *ib*; Middleton and Leslie march against him, *ib*; the marquis takes refuge in his Highland fastnesses, *ib*; the strongholds of the Gordons reduced, *ib*; Huntly captured, *ib*; dissuades attempt to rescue him, *ib*; imprisoned, *ib*; King Charles unsuccessfully intercedes in his behalf, 331; the marquis brought to trial on charge of treason, *ib*; condemned to be beheaded, *ib*; his courage on the scaffold, *ib*; Wishart's remarks on his life and character, *ib*. Lord Gordon, 332; his service in France, *ib*; abandons cause of the Covenanters, *ib*; commands at battle of Auldearn, *ib*; Wishart's remarks on his death, *ib*. James, Viscount Aboyne fights under Montrose, *ib*; seeks refuge in France, *ib*. Lord Charles Gordon created Earl of Aboyne, *ib*. Lord Henry Gordon serves in Poland, *ib*. Lewis, third Marquis of Huntly, *ib*; his dislike of Montrose, *ib*; restored to his honours and estates, *ib*; his death, *ib*. George, fourth Marquis of Huntly and first Duke of Gordon, *ib*; the Privy Council decrees his separation from his mother, *ib*; his distinguished services on the continent, 333; his appointments, *ib*; holds Edinburgh Castle, *ib*; proclaimed a traitor, *ib*; surrenders Edinburgh Castle, 334; ungraciously received by the Court at St. Germans, *ib*. The Duchess of Huntly presents medal to Faculty of Advocates, *ib*. The Duke's disaffection for the Hanoverian dynasty, *ib*; confined to city of Edinburgh, *ib*; his death, *ib*. Alexander, second Duke of Gordon, 335; proclaims the Chevalier, *ib*; fights at battle of Sheriffmuir, *ib*; surrenders to the Earl of Sutherland, *ib*; his death, *ib*. The Duchess of Huntly pensioned by the Government, *ib*; her character, *ib*; the reported efforts made by her to convert her eldest son to Protestantism, *ib*. Lord Lewis Gordon takes part in battle of Culloden, 336; his appointments, *ib*; his death, *ib*. Cosmo George, third Duke of Gordon, *ib*; supports the Government, *ib*; receives order of the Thistle, *ib*; his death, *ib*. Lord George Gordon, *ib*; his part in the London riots, *ib*; brought to trial on charge of high treason, *ib*. Alexander, fourth Duke of Gordon, 337; elected a representative peer, *ib*; created

knight of Order of Thistle, *ib*; his military appointments, *ib*; raises the Gordon Fencibles, *ib*; title of earldom of Norwich revived in his favour, *ib*; created Lord Gordon of Huntly, *ib*. Jane, Duchess of Gordon, *ib*; her early years, 338; her freedom of manners, *ib*; her person and character, *ib*; her influence in society, *ib*; her efforts in training the young, *ib*. Burns visit to Gordon Castle, 339; Duchess of Gordon's freedom of speech, 340; makes up an oyster-cellar party, *ib*; her reputation as a matchmaker, *ib*. The duke's liaison, 341; compels his duchess to separate from him, *ib*; the death of the duchess, *ib*. The duke marries his mistress, *ib*. George, fifth Duke of Gordon, *ib*; enters the army, *ib*; obtains a commission, *ib*; accompanies Duke of York to Flanders, *ib*; raises 2nd Gordon Highlanders, *ib*; his military zeal, appointments, and engagements, 342; severely wounded at battle of Bergen, *ib*; his death, *ib*. Duchess of Gordon, *ib*; her character, *ib*. The dukedom becomes extinct, *ib*; marquise and earldom of Huntly inherited by George, fifth Earl of Aboyne, *ib*. The family estates fall to fifth Duke of Richmond and Lennox, 343; the rental and acreage of estates, *ib*. The sixth Duke of Richmond created Duke of Gordon of Gordon Castle, *ib*. Charles, fourth Earl of Aboyne, *ib*; his character, *ib*; improves his estates, *ib*; his death, *ib*. George, ninth Marquis of Huntly and fifth Earl of Aboyne, 344; his military appointments, *ib*; his person and deportment, *ib*; quits the army, *ib*; his marriage, *ib*; lays claim to marquise of Huntly, *ib*; becomes embarrassed in circumstances, *ib*; his death, 345. Charles, tenth Marquis of Huntly, *ib*. Charles, eleventh marquis, *ib*; his marriage, *ib*. GORDONS OF EARLSTON, GIGHT, &c., THE. Origin of the Gordons of Earlston, 366. Alexander Gordon, *ib*; embraces doctrines of Wicliffe, *ib*; opposes attempt of Charles I. to establish Episcopacy in Scotland, *ib*; his son William's sufferings in the cause of the Covenanters, *ib*; killed at Bothwell Bridge, *ib*. Alexander Gordon made a prisoner, *ib*. The Gordons of Pittarig, *ib*. John de Gordon, *ib*. Origin of the Gordons of Gight, *ib*; their character, *ib*; their outrage on a messenger sent to deliver a summons to the Laird of Gight, 367. The Laird of Gight put to the horn, *ib*; Francis Hay seized and murdered by the Gordons of Gight, *ib*. George Gordon, Laird of Gight threatened with excommunication, *ib*; makes a raid upon the town of Banff, 368. Catherine Gordon, *ib*; marries Captain John Byron, *ib*; her estate seized by her husband's creditors, *ib*. The castle of Gight, *ib*; prophecies respecting it and the family, *ib*. GORDONS OF KENMURE, THE. Origin of the family, 362. William de Gordon, *ib*; his grandson, William de Gordon settles in Galloway, *ib*. Sir Alexander Gordon, seventh Laird of Lochinvar, *ib*; killed at battle of Flodden, *ib*. Sir Robert Gordon, eighth laird, *ib*. Sir James Gordon, *ib*; his offices and appointments, *ib*; killed at battle of Pinkie, *ib*. Sir John Gordon, *ib*; appointed justiciary of the lordship of Galloway, *ib*; supports the cause of Queen Mary, *ib*; joins associated barons in support of infant king, *ib*. Sir Robert Gordon, *ib*; his character, *ib*. Sir John Gordon of Lochinvar, *ib*; elevated to peerage by the title of Viscount Kenmure, &c., 363; his piety, *ib*; sells the family estate of Stichell, *ib*; his death, *ib*. Lady Kenmure's second marriage, *ib*. John Gordon succeeds to the viscounty, *ib*; title passes to his cousin John Gordon, *ib*. Robert, fourth Viscount Kenmure, *ib*; suffers severely in royal cause, *ib*; the decadence of family, *ib*. The viscounty devolves on Alexander Gordon of Lennygame, 364; his death, *ib*. William, sixth Viscount Kenmure, *ib*; proclaims the Chevalier St. George, *ib*; joins Northumbrian insurgents under Forster, *ib*; taken prisoner, *ib*; found guilty of treason, *ib*; his execution, *ib*. Viscountess Kenmure secures his letters and papers, *ib*; purchases his estates, *ib*; hands over the patrimonial property to her son Robert, *ib*; her death, *ib*. John Gordon, eighth titular viscount, 365; his son John Gordon restored to the forfeited honours of family, *ib*; succeeded by his nephew, Adam Gordon, *ib*; family titles become dormant, *ib*; family estates inherited by Hon. Mrs. Louise Bellamy Gordon, *ib*. GORDONS OF METHLICH AND HADDO, THE. Sir William Gordon of Coldingknows, 316. Patrick Gordon of Methlich, *ib*; killed at battle of Brechin, *ib*. James Gordon receives gift of barony of Kelly, *ib*. George Gordon, *ib*; supports Queen Mary, *ib*. Sir John Gordon of Haddo succeeds to family estates, *ib*; appointed to command under Huntly, *ib*; made a baronet, 347; excommunicated by General Assembly, *ib*; capitulates to Argyll, *ib*; imprisoned in St. Giles Church, Edinburgh, *ib*;

tried on a charge of high treason, *ib*; beheaded, 348; his address on the scaffold, *ib*; the forfeited estates restored to John Gordon, *ib*. Sir George Gordon, third baronet, *ib*, admitted to the bar, *ib*; obtains great reputation as an advocate, *ib*; his appointments, *ib*; elevated to the Chancellorship, *ib*; created Earl of Aberdeen, &c., 340; his accounts as showing his personal habits and the manners of his time, *ib*; improves his estates, 351; takes oath of allegiance to Queen Anne, *ib*; his death, *ib*. William, second Earl of Aberdeen, 352; his son Alexander appointed senator of Court of Session, *ib*. George, third earl, *ib*; his son Sir Alexander mortally wounded at battle of Waterloo, *ib*; his son Sir Robert obtains diplomatic distinction, *ib*. George Hamilton Gordon, fourth Earl of Aberdeen, *ib*; his education, *ib*; enters Parliament as a representative peer, 353; sent on mission to Vienna to induce the Emperor of Austria to join alliance against Napoleon, *ib*; created Viscount Gordon of Aberdeen in peerage of United Kingdom, *ib*; supports Lord Liverpool's Government, *ib*; his political appointments and actions, *ib*; prepares a bill for healing the dissensions of the Church, 354; nature of the bill, *ib*; excites hostility of Dr. Chalmers, *ib*; the bill becomes law, *ib*; results of the bill, *ib*; the bill repealed, *ib*; Lord Aberdeen retires from office, 355; placed at head of the Government, *ib*; his opinion of Russia's conduct during his premiership, *ib*; the breaking-up of his administration, *ib*; made a Knight of the Garter, *ib*; his character as a statesman, 356; references to the earl in Bishop Wilberforce's diary, *ib*; his character as an agricultural improver, *ib*; some appointments held by him, *ib*; his death, 357. Bishop Wilberforce's remarks on the funeral of the earl, *ib*. George John James, fifth Earl of Aberdeen, *ib*. George Hamilton, sixth Earl of Aberdeen, *ib*; his predilection for sea-faring life, *ib*; his nautical adventures and experiences, *ib*; has a narrow escape in the Gulf Stream, *ib*; his accomplishments, 359; his piety, *ib*; his affection for his mother and his letters to her, 360; Rev. William Alexander goes in search of him, 361; the story of his death, *ib*. John Campbell Hamilton Gordon, sixth Earl of Aberdeen, *ib*; his appointments, *ib*. Age and rental of family estates, *ib*.

GORDONS OF PITLURG. [See THE GORDONS OF EARLSTON, &c.]

GRAHAMs, THE. Origin of the family, 141. Sir William de Græme, *ib*. Peter de Græme, *ib*. Henry de Græme, *ib*; binds himself to acknowledge Princess Margaret of Norway as sovereign, *ib*. Sir Nicholas de Græme, *ib*. Sir John de Graham of Falketh, *ib*; his estates divided, *ib*. John de Graham, 142. David de Graham, *ib*. Radulph de Graham, *ib*. David Graham, *ib*. Second Sir David de Graham, *ib*; opposes intrigues of English faction, *ib*. Sir John de Graham of Dundaff, *ib*; killed at battle of Falkirk, *ib*. Dundaff Castle, 143. Sir Patrick de Graham, *ib*; killed at battle of Dunbar, *ib*; his character, *ib*; Sir David de Graham, *ib*; taken prisoner, *ib*. Sir David de Graham, his son, signs letters to the Pope vindicating independence of Scotland, *ib*. Sir David de Graham, 144; taken prisoner at battle of Durham, *ib*. Sir Patrick de Graham, *ib*. Sir William de Graham, *ib*. Patrick de Graham, *ib*; his marriage, *ib*; becomes Earl Palatine of Strathern, *ib*. Patrick Graham consecrated a bishop, *ib*; his character, *ib*; procures appointments from the Pope, *ib*; degraded and imprisoned, *ib*; declared insane, 145. Sir Patrick Graham of Kincardine, *ib*; made Lord Graham, *ib*. William, third Lord Graham, *ib*. Earl of Montrose, *ib*; killed at battle of Flodden, *ib*. William, second Earl Montrose, *ib*. John, third earl, *ib*; involved in an intrigue, *ib*; his offices and appointments, *ib*; presides at meeting of the Estates of Perth, *ib*; the splendour of his burial, *ib*. John Graham, fourth Earl of Montrose, 146; his character, *ib*; his recreations, *ib*; his burial, *ib*. James, fifth Earl and first Marquis of Montrose, *ib*; the character of his mother, *ib*; his education, 147; his recreations, *ib*; his generosity, *ib*; his marriage, *ib*; visits the continent, 148; ungraciously received at court, *ib*; joins the Covenanters, *ib*; his severe treatment of the inhabitants of Aberdeen, *ib*; becomes dissatisfied with members of Covenanting party, 149; Clarendon's remarks on his character, *ib*; refuses to sign bond appointing Earl of Argyll captain-general, *ib*; enters into the Cumberland bond, *ib*; accused of secretly corresponding with the king, *ib*; confined in Edinburgh Castle, *ib*; set at liberty, *ib*; appointed Lieutenant-General of Scotland, 150; defeats the Covenanters at Tippermuir and the Bridge of Dee, 151; the excesses of his troops, *ib*; devastates Argyllshire, 152; organises

general rising of the clans, *ib*; the privations of his forces, *ib*; his victory at Inverlochry, 153; his sons, *ib*; storms Dundee, *ib*; his triumph at Auldearn, 154; defeats Baillie's forces at Kilsyth, 155; appointed Lieutenant-General and Captain-General of Scotland, *ib*; surprised and defeated by General David Leslie at Philiphaugh, 157; retires to Norway, *ib*; removes to Paris, *ib*; refuses appointment from Cardinal Mazarin, *ib*; proceeds to Germany, *ib*; made a field-marshal by Ferdinand, *ib*; returns to Flanders, *ib*; his recommendations to Prince Charles, *ib*; makes an unsuccessful descent upon Scotland, 158; Sir Walter Scott's remarks on his character, *ib*; falls into the hands of the Covenanters, *ib*; endeavours to escape, 159. Sir Walter Scott's remarks on his humiliation, *ib*; a contemporary chronicler on the character of his reception at Edinburgh, *ib*; vindicates his acts in the royal cause, 160; condemned to be hanged, *ib*; lines written by him on the prison window, 161; his execution, *ib*; his character and abilities, 162; his person and deportment, 163; his heart embalmed, *ib*; his extraordinary fortunes, 164. James, second marquis, *ib*; restored to family dignities and estates, *ib*; refuses to vote on trial of Marquis of Argyll, *ib*; receives charter of lordship of Cowal, *ib*; appointed Extraordinary Lord of Session, *ib*; his death, *ib*. James, third marquis, 165; his appointments, *ib*; his death, *ib*. James, fourth marquis, *ib*; his mother deprived of office of guardian to him, *ib*; travels on the continent, *ib*; his person and appointments, *ib*; joins the Whig party, *ib*; created a duke, *ib*; repairs to London to receive George I., *ib*; makes addition to his hereditary estates, 166; involved in war with Rob Roy Macgregor, 166; surprises Macgregor and makes him prisoner, 166; William, second Duke of Montrose, *ib*; his tuition, *ib*; his personal courage, *ib*; his compensation under the Jurisdiction Act, 167; becomes adherent of William Pitt, *ib*. James, third Duke of Montrose, *ib*; represents borough of Richmond and Great Bedwin in House of Commons, *ib*; his appointments, *ib*; Sir Nathaniel Wraxall's remarks on the duke's character and life, *ib*. James, fourth Duke of Montrose, 168. Douglas Beresford Malise Ronald Graham, fifth Duke of Montrose, *ib*; his sister, Lady Beatrice Violet, *ib*.

GRAHAM, THOMAS, LORD LYNEDOCH. His descent, 169; his education, *ib*; studies languages on the continent, *ib*; devotes himself to management and improvement of his estates, *ib*; contests representation of county of Perth, 170; his marriage, *ib*; his accomplishments, *ib*; his devotion to his wife, *ib*; encounters highwaymen in London, 171; Robert Burns introduced to him, *ib*; the death of his wife, 172; Sir Walter Scott's remarks on his military career, *ib*; joins the British troops, 173; distinguishes himself, *ib*; becomes acquainted with Rowland Hill, *ib*; raises the 'Grey Brecks', *ib*; chosen to represent county of Perth, *ib*; joins the Austrian army, *ib*; assists in defence of Mantua, *ib*; assists in the reduction of Minorca, 174; takes charge of operations against island of Malta, *ib*; makes a tour in Egypt and Turkey, *ib*; sent to the West Indies, *ib*; supports policy of ministry of 'All the Talents', *ib*; accompanies Sir John Moore to Sweden and Spain, 175; appointed to command in the Walcheren expedition, *ib*; takes command of troops in Cadiz, *ib*; his victory at Barossa, 177; receives congratulation from Lord Wellington, *ib*; appointed to command under Wellington, 178; honoured with the Order of the Bath, *ib*; returns home, *ib*; contests county of Perth, *ib*; rejoins the army, *ib*; present at battle of Vittoria, 179; conducts siege of St. Sebastian, *ib*; failure of his eyesight, *ib*; honours conferred on him, *ib*; takes command in Holland, *ib*; attempts to carry fortress of Bergen-op-Zoom, *ib*; made Baron Lynedoch of Balgowan, 179; further honours conferred on him, 180; his old age, *ib*. Lord Cockburn's sketch of his appearance in later life, *ib*; his death, 181; a description of his person, *ib*.

GRAHAMs OF ESK, NETHERBY, AND NORTON-COMYERS, THE. Origin of the family, 182; their settlement on the banks of the Esk, *ib*; their free-booting notoriety, *ib*; their petition to the king on the appointment of Commissioners for restoring order on the Borders, 183; sobriquets of some of the Græmes, 184; the Commissioners send detachments of them out of the country, *ib*. Richard Graham of Netherby, *ib*. Some of the expatriated Græmes return to their former home, 185. Some of the clan transported to Ireland, 186. Richard Graham, *ib*; created a baronet, *ib*; wounded at battle of Edgehill, *ib*. George Graham succeeds to the baronetcy, *ib*; his son Richard created a baronet, *ib*; Richard Graham's grandson made Viscount Preston, *ib*;

his appointments, *ib.*; is engaged in treasonable plot against King William, *ib.*; brought to trial and found guilty of treason, *ib.*; pardoned, *ib.* Title becomes extinct, *ib.* Hon. Catherine Gram inherits the estates, 187. The property bequeathed to Rev. Robert Graham, *ib.*; his son, James Graham of Netherby created a baronet, *ib.*

GRAY, MARY, her death and grave, 172.

*GRAY BREEKS,' the raising of, 172.

H.

HARDEN CASTLE, description of, 234.

HARDEN, WALTER, an anecdote told by Sir Walter Scott concerning him, 234.

HAY, FRANCIS, his seizure and murder by the Gordons of Gight, 367.

HAYS OF ERROL, THE. Fabulous story of their origin, 370. Hector Boece's and Mr. Hay Allan's remarks on their origin, *ib.* War-song of the family as given by Mr. Hay Allan, 372. Derivation of family name, 373. William de la Haya, *ib.* Sir Gilbert and Hugh de la Haya repair to Scotland, *ib.* Robert Bruce, *ib.* Hugh de la Haya taken prisoner at Tippermuir, *ib.* Sir Gilbert and Hugh fight at battle of Bannockburn, *ib.* Sir Gilbert created High Constable of Scotland, *ib.*; receives grant of the lands of Slains, *ib.* William de la Haya raised to the peerage by title of Earl of Errol, *ib.*; resigns his constable fees, *ib.* William Hay, fourth earl, killed at Flodden, *ib.* William, fifth Earl of Errol, *ib.*; his learning, *ib.* George Hay inherits title, office, and estates, 374. Andrew Hay, seventh Earl of Errol, *ib.*; marries Lady Jane Hay, *ib.*; supports the cause of Queen Mary, *ib.* Francis Hay, eighth earl, *ib.*; takes up arms in the interest of the Romish party, *ib.*; his treasonable correspondence, *ib.*; defeats the royal army, *ib.*; escapes to the continent, *ib.*; forfeited and excommunicated, *ib.*; returns home and is relieved from civil and political disabilities, *ib.*; received into favour by James VI., *ib.*; nominated commissioner to treat of the Union, *ib.* Sir Robert Douglas's remarks on his character, *ib.*; his death, *ib.*; his directions respecting his burial, *ib.* William, ninth Earl of Errol, *ib.*; educated in Protestant religion, 375; favoured by Charles I., *ib.*; his extravagant style of living, *ib.*; sells paternal estate of Errol, *ib.* Gilbert, tenth earl, *ib.*; raises a regiment for service of Charles II., *ib.*; Charles's promise to him, *ib.* Sir John Hay of Killour inherits titles and estates, *ib.* Charles, twelfth Earl of Errol, *ib.*; the title and remnant of family possessions pass to his sister, Lady Mary Falconer, *ib.*; inherited by Lord Boyd, *ib.* Lord Boyd's father, Earl of Kilmarnock reduced to straits, 376. Character of Lord Boyd's mother, *ib.* Earl of Kilmarnock taken prisoner at battle of Culloden, *ib.*; brought to trial and condemned to death, *ib.*; his behaviour on the scaffold, 377; his person and accomplishments, *ib.*; his extravagant habits, *ib.* Lord Kilmarnock's own titles and the patrimonial estates and titles of his countess forfeited, *ib.* James Hay becomes thirteenth Earl of Errol, *ib.*; visited by Dr. Johnson, *ib.*; Boswell's description of his personal appearance and manners, *ib.* Dr. Beattie's and Sir William Forbes' description of him, *ib.*; his death, 378. The earl's brother, Hon. Charles Boyd escapes to the island of Arran, *ib.*; acquires knowledge of medicine, *ib.*; practises as physician in France, *ib.*; his death, *ib.* William, fifteenth Earl of Errol, *ib.*; his son Lord Hay killed at Waterloo, *ib.* William George, sixteenth earl, *ib.*; his marriage, *ib.*; his appointments, *ib.*; created peer of United Kingdom by title of Baron Kilmarnock, *ib.* William Henry, seventh Earl of Errol, *ib.*; wounded at battle of the Alma, *ib.*; his precedence in the peerage of Scotland, *ib.*

HAYS OF KINNOUL, THE. Their origin, 405. The titles of Earl of Kinnoull, Viscount of Dupplin, &c., conferred upon Sir George Hay, *ib.*; studies at Douay, *ib.*; returns to Scotland, *ib.*; appointed gentleman of bedchamber to king, *ib.*; James bestows upon him Commendam of Charterhouse of Perth, *ib.*; obtains portion of Earl of Gowrie's forfeited estates, *ib.*; nominated Clerk Registrar and made Lord of Session, *ib.*; appointed Lord High Chancellor, *ib.*; elevated to peerage by titles of Viscount of Dupplin, &c., *ib.*; raised by Charles I. to rank of Earl of Kinnoull, *ib.*; his death, 406; his son Peter, *ib.* George, second Earl of Kinnoull, *ib.*; nominated Privy Councillor, *ib.* William, third earl, *ib.*; joins Montrose in his expedition to Scotland, *ib.*; escapes with him to Assunt; their privations, *ib.*; the earl's death, *ib.* George, fourth Earl of Kinnoull, *ib.* William, fifth earl, *ib.*; obtains new patent in favour of Thomas

Hay, Viscount of Dupplin, *ib.* Thomas Hay becomes sixth Earl of Kinnoull, *ib.*; supports the Union, 407; imprisoned in Edinburgh Castle, *ib.*; his death, *ib.*; Colonel John Hay, his son, proclaims Chevalier at Perth, *ib.*; repairs to court of exiled family, *ib.*; created titular Earl of Inverness, *ib.*; the intrigues and jealousies of himself and wife at court, *ib.* George, seventh Earl of Kinnoull, *ib.*; supports Harley, Earl of Oxford, *ib.*; kept in confinement, *ib.*; reconciled to the court, *ib.*; appointed ambassador to Constantinople, *ib.*; his death, *ib.*; his son Robert assumes name of Drummond, *ib.*; Robert enters holy orders, *ib.* Thomas, eighth Earl of Kinnoull, *ib.*; his political career and offices as a commoner, 408; resigns his public offices and retires to his estates, *ib.*; further honours, *ib.*; his death, *ib.* Robert Hay Drummond, ninth Earl of Kinnoull, *ib.*; his death, *ib.* Thomas Drummond, tenth Earl of Kinnoull, *ib.*; his appointments, *ib.*; his death, *ib.* Eleventh Earl of Kinnoull, *ib.*; his marriage, *ib.* Acreage and rental of Kinnoull estates, *ib.*

HAYS OF TWEEDEDALE, THE. The origin of the family, 379. Robert de Haya, *ib.* Sir John de Haya, *ib.*; acquires the lands of Rocherworth, *ib.* Sir William de Haya, *ib.*; Swears fealty to Edward I., *ib.* Sir Gilbert Hay, *ib.*; makes a fortunate marriage, *ib.*; obtains barony of Neidpath, *ib.* Sir William de Haya, *ib.*; fights under banner of David II. at Durban, *ib.*; taken prisoner, *ib.* Sir Thomas de Haya becomes hostage for the king's liberation, *ib.* Sir William Hay, 380; marries Jean Gifford of Yester, *ib.* Gifford's Castle, *ib.* 'Bo-hall,' *ib.* Sir David Dalrymple's description of it, *ib.* Sir William obtains patronage of Yester Church, *ib.* Neidpath Castle, 381. Sir William's second marriage, *ib.*; his issue by his wives, *ib.* Sir Thomas Hay, *ib.* Sir David Hay, *ib.* John Hay created a peer by the title of Lord Hay of Yester, *ib.*; his marriages, *ib.* John, second Lord Yester, *ib.* John, third lord, *ib.*; his marriages, 382. Jean Hay marries George Broun of Coalstoun, *ib.* John, fourth Lord Yester, *ib.*; taken prisoner at battle of Pinkie, *ib.*; restored to liberty, *ib.* John, fifth Lord Yester, *ib.*; deprived of sheriffdom, *ib.*; restored in the office, *ib.* espouses cause of Queen Mary, *ib.*; signs a letter to Elizabeth in behalf of Mary, *ib.*; his death, *ib.* William, sixth Lord Yester, *ib.*; his turbulence and violence, *ib.*; complaint made against him before the Privy Council by John Livingstone of Belstane, 383; again brought before the Council on complaint made by Sir John Stewart of Traquair, *ib.*; refuses to subscribe letters of affirmation, 384; denounced a rebel, *ib.*; ordered to enter in ward, *ib.* Master of Yester refuses to be reconciled to the Stewarts of Traquair, 385; imprisoned for contumacy, *ib.* Father Hay's manner of viewing the quarrel with the Stewarts, *ib.* Lord Yester engaged in the raid of Ruthven, 386; takes refuge in the Low Countries, *ib.*; his death, *ib.* James, seventh Lord Yester, obtains charter of lordship and barony of Yester, *ib.*; combat between him and John Brown of Hartree, *ib.* Lady Yester, 387. John, eighth Lord Yester, *ib.*; resists attempts of James VI. and Charles I. to alter constitution of Presbyterian Church, *ib.*; opposes Five Articles of Perth, *ib.*; his hostility to the Act for regulating the apparel of ecclesiastics, *ib.*; resists introduction of Charles' new liturgy, *ib.*; appointed to command regiment of Covenanters, 388; accompanies forces under General Leslie, *ib.*; becomes Earl of Tweeddale, *ib.*; his improvidence, *ib.*; his mother contracts marriage with Master of Jedburgh, *ib.*; purchases barony of Drumelzier, *ib.*; his eldest son Lord Yester fortifies Neidpath Castle against the Commonwealth, *ib.* Lord Yester's marriage, *ib.* John, second Earl of Tweeddale, 389; his early years, *ib.*; repairs to the standard of Charles I., *ib.*; his appointments and engagements, *ib.*; makes his escape from Preston, *ib.*; attends Charles II. on his return from continent, *ib.*; becomes a member in Cromwell's Parliament, *ib.* Lord Tweeddale's letter in the *Public Intelligence* addressed to the Lord Protector, 390; reduced to great straits by consequence of being security for his uncle, Earl of Dunfermline's debts, *ib.*; waits upon Charles II. on his arrival in England, 391; opposes the passing of sentence of death on Rev. James Guthrie, *ib.*; his appointments, *ib.*; advocates milder measures towards Covenanters, *ib.*; puts public finance on satisfactory footing, *ib.*; his popularity excites the jealousy of Lauderdale, 392. Lord Tweeddale dismissed from his offices, *ib.*; restored to office of Commissioner of Treasury, *ib.*; readmitted to the Privy Council, *ib.*; an account of his cautionary obligations for Earl of Dunfermline, *ib.*; purchases lands beyond his means, 393; concurs in the resolution by Convocation that the crown

ought to be offered to William and Mary 304; sworn a Privy Councillor, *ib*; appointed High Chancellor, *ib*; created Marquis of Tweeddale, *ib*; selected for office of Lord High Commissioner, *ib*; Lord Macaulay's remarks on his life and character, *ib*; appointed member of Commission for inquiring into the Glencoe massacre, *ib*; gives royal sanction to the act for establishing a Scottish trading company, *ib*; dismissed the chancellorship, 305; improves his estates and enlarges Neidpath Castle, *ib*. John, second Marquis of Tweeddale, *ib*. Father Hay's account of how he became son-in-law to Lauderdale, *ib*; Lady Dysart alienates Lauderdale from his own family, 306. Lord Yester restored to his seat in the council, 307; assists Argyle in suppression of rebellion, *ib*; his appointments, *ib*; with the Earls Marischal and Rothes, makes personal application to Queen Anne for dissolution of Parliament, *ib*; becomes leader of new Parliament, *ib*; hostile to the Union, *ib*; insists on indemnification for losses in Darien expedition, and the punishment of agents in the Glencoe massacre, *ib*; appointed Lord High Commissioner to Parliament, *ib*; his party gets title of the "Squadron Volante," *ib*; his party supports Union, *ib*; his death, 308; Mackay's description of him, *ib*; his son, Lord John Hay, 309. Charles, third Marquis of Tweeddale, *ib*; his appointments, *ib*; chosen representative peer, *ib*; his marriage, *ib*; his son, Lord Charles Hay, *ib*; sent to America in command under Hopson, *ib*; John, fourth Marquis of Tweeddale, 400; his abilities and knowledge, *ib*; his offices and appointments, *ib*; Erskine of Tinwald's testimony to his character, *ib*; attempts formation of a ministry on resignation of Mr. Pelham, *ib*; resigns office of Keeper of the Signet, *ib*; his death, *ib*; his issue by his wife, 401. George, sixth Marquis of Tweeddale, *ib*; accumulates a fortune, *ib*; his death, *ib*. George, seventh Marquis of Tweeddale, *ib*; his marriage, *ib*; appointed a lord-lieutenant, *ib*; chosen a representative peer, *ib*; retires to the continent, *ib*; his death, *ib*; his son, Lord John Hay appointed Lord of Admiralty, *ib*. George, eighth Marquis of Tweeddale, *ib*; his early education, *ib*; enters the army, *ib*; trained under Sir John Moore, *ib*; goes to Sicily as aide-de-camp to Sir John Moore, *ib*; his military services, engagements, and promotions, 402; his marriage, *ib*; appointed a lord-lieutenant, *ib*; improves his estates, *ib*; made Governor of Madras and Commander-in-Chief of the Forces, *ib*; his inventive genius and accomplishments, 403; elected president of Agricultural and Highland Society, *ib*; his physique and prowess, *ib*; his death, *ib*; his issue by his wife, *ib*. Arthur, ninth Marquis of Tweeddale, 404. William Montague Hay, tenth marquis, *ib*; created British peer by title of Baron Tweeddale, *ib*; his brother, Lord John Hay, *ib*. Acreage and rental of estates, *ib*.

HEPBURNS, THE. Derivation of family name, 247. Adam Hepburn, *ib*. Sir Patrick Hepburn of Hailes, *ib*. Sir Adam Hepburn, *ib*. Sir Patrick Hepburn, *ib*; created a peer by title of Lord Hailes, *ib*. Adam, second Lord Hailes, 248. George Hepburn, *ib*; his appointments, *ib*. John Hepburn, *ib*. James Hepburn, *ib*; his appointments, *ib*. Patrick Hepburn, third Lord Hailes, *ib*; holds castle of Berwick against powerful English army, *ib*; commands at battle of Sanchieburn, *ib*; the custody of Edinburgh Castle entrusted to him, *ib*; his honours, appointments, and estates, 249; created Earl of Bothwell, *ib*; his death, *ib*. Patrick Hepburn consecrated a Bishop, 250; his character, *ib*. Adam, second Earl of Bothwell, *ib*; killed at battle of Edinmoulin, *ib*. Patrick, third Earl of Bothwell, *ib*; remission granted him for assisting Lord Home, 251; imprisoned, *ib*; holds treasonable conference with the Earl of Northumberland, *ib*; confined in Edinburgh Castle, *ib*; compelled to resign his lordship to the crown, *ib*; banished the kingdom, *ib*; negotiates with Henry VIII., *ib*; returns to Scotland, *ib*; supports Cardinal Beaton, *ib*; obtains restitution of his estates, 252; Sir Ralph Sadler's opinion of him, *ib*; made the instrument of Cardinal Beaton in the seizure of George Wishart, *ib*; committed to prison, 253; waits upon Duke of Somerset, *ib*; receives King Edward's protection, *ib*; his exile and death, 254. James Hepburn, fourth Earl of Bothwell, *ib*; his early years, *ib*; espouses cause of Queen Regent against Lords of Congregation, *ib*; appointed Lieutenant-General of Middle Marches, *ib*; waylays and robs Cockburn of Ormiston, *ib*; Throckmorton's letter to Queen Elizabeth respecting him, 255; imprisoned and banished the kingdom, *ib*; returns home, *ib*; proclaimed a rebel, *ib*; his character, *ib*; his connection with Anna Thronedessön, *ib*; recalled from

exile, 256; appointments and honours, *ib*; his influence at Court, *ib*; wounded in an encounter with Elliot of Park, *ib*; his plot for murder of Darnley, *ib*; Queen Mary's attachment to him, 257; accompanies Queen to Holyrood, *ib*; Mary confers on him command of Edinburgh Castle, *ib*; divorced from his countess, *ib*; his marriage with Mary, *ib*; his flight, 258; pursued by Kirkcaldy and Murray, *ib*; casts anchor on coast of Norway, *ib*; conveyed to Bergen Castle, *ib*; prosecution raised against him by Anna Thronedessön, 259; escapes the prosecution by a compromise, *ib*. Bothwell sent to Copenhagen, *ib*; the Regent Moray demands of King Frederick the surrender of Bothwell, *ib*; Bothwell's strategy, 260; Frederick declines to surrender him, *ib*; Bothwell confined in Malmo Castle, *ib*; the Regent Moray again attempts to get him surrendered, 261. Regent Lennox renews the effort, 262; King Frederick changes his treatment of Bothwell, *ib*; Bothwell's miserable end, 263; his 'testament' as to the innocence of Mary in the matter of her husband's murder, *ib*. Title of Earl of Bothwell conferred on Francis Stewart, *ib*; marries Lady Jane Hepburn, 264; his appointments, *ib*; his character, *ib*; imprisonment, *ib*; appointed an administrator of kingdom during the king's absence, *ib*; surrenders himself a prisoner to meet charges of witchcraft, *ib*; escapes from Edinburgh Castle, *ib*; proclaimed a traitor, *ib*; returns to Edinburgh, *ib*. The 'Abbey raid,' 265. The earl takes refuge in England, *ib*; his king's anger vents itself on the Countess of Bothwell, 266; the earl returns to Scotland, *ib*; enters the palace and forces himself into the presence of the king, *ib*; stipulates for the remission of his forfeiture, *ib*; James yields to Bothwell's entreaties, *ib*; Bothwell's trial and acquittal, *ib*; fails to answer summons to appear before the king and council on a charge of high treason, *ib*; denounced a rebel, *ib*; seeks refuge in England, 267; expelled the country, *ib*; excommunicated, *ib*; retires to the continent, *ib*; his death, *ib*; his forfeited estates divided, *ib*; forfeited titles of Bothwell lost, *ib*. The estates restored to Francis Stewart, 268.

HERRIES, LORDS OF. [See THE MAXWELLS.]

HUNTLY, EARLS AND MARQUISES OF. [See THE GORDONS.]

J.

JAMES VI. his efforts to promote amicable relations between members of the nobility, 384.

JOCK O' THE SCLAITS, 107.

JOHNSON, DR. his visit to Earl of Errol, 377; his remarks on the character of the Duchess of Devonshire, 217.

JOHNSTONES OF ANNANDALE, THE. Their original settlement in East Lothian, 54. Sir John de Johnstone, *ib*; his great-grandson, Sir John's valour in defence of his country, *ib*; defeats English army, *ib*; appointed guardian of Western Marches, *ib*. Sir Adam Johnstone commands at battle of Sark, *ib*; instrumental in suppressing rebellion of the Douglasses against crown, *ib*. The seat of the Johnstones, 55. The 'Marquis's Beef-stand,' *ib*; an adventure which occurred at the Beef-stand, *ib*. Johnstone receives commission from the court to proceed against Lord Maxwell, 56; defeated by Robert Maxwell, *ib*. Maxwell sets fire to Lochwood Castle, 57. Johnstone defeated and taken prisoner, *ib*. James Johnstone created Lord Johnstone of Lochwood, *ib*; made Earl of Hartfell, *ib*; joins Montrose, *ib*; taken prisoner at Philiphaugh, *ib*; condemned to death, *ib*; his livespared, *ib*; his son obtains earldom of Annandale, *ib*; successive owners of the lordship of Annandale, *ib*. Earl of Hartfell's death, 58. William, second Earl of Annandale, *ib*; his offices and appointments, *ib*; created Marquis of Annandale, *ib*; his daughter marries Earl of Hopetoun, *ib*. James, second Marquis of Annandale, *ib*. George, third marquis, *ib*; his character, *ib*; placed under charge of David Hume, *ib*; family titles become dormant, 59; estates inherited by James, third Earl of Hopetoun, *ib*. John James Hope Johnstone inherits Annandale estates and makes claim to titles of maternal ancestor, *ib*. The Annandale peerage cases, *ib*. Death of Mr. Hope Johnstone, 62. Sir Frederick Johnstone of Westerhall claims Annandale titles, 63. Matthew Johnstone, *ib*. James Johnstone, *ib*; persecutes the Covenanters, *ib*. Westerhall abandons James VII. and joins party of Prince of Orange, 64. John Johnstone created baronet of Nova Scotia, *ib*. The Johnstones of Alva, *ib*. Sir William Johnstone, fifth baronet, *ib*; acquires great fortune, *ib*; his baronetcy, estates, &c., inherited by Sir John Lowther Johnstone, *ib*. Sir Frederick John William Johnstone, eighth baronet, *ib*.

K.

KERS, THE, their feuds with the Scotts. [*See THE SCOTTS OF BEUCLUCH.*]
KILMARNOCK, EARLS OF. [*See THE HAYS OF ERROL.*]

L.

LAUDERDALE, EARL OF, Lady Dysart alienates him from his family, 395.
LENNOX, REGENT, his efforts to get King Frederick to deliver up Bothwell, 201.
LEYDEN, quotation from his 'Scenes of Infancy', 237.

M.

MACLELLANS OF KIRKCUDBRIGHT, THE. Their origin, 490. Maclellan of Bombie, ib; accompanies Wallace to France to entreat help of Philip against England, ib. The Maclellans come into collision with the house of Douglas, ib. Sir Patrick Maclellan of Bombie, ib; refuses to join Earls Douglas, &c., in confederacy against king, ib; captured by Douglas and confined in Thrieve Castle, ib; Sir Patrick Gray obtains letter from James II, entreating Douglas to set him free, ib; Douglas orders him to be put to death, ib. Sir Robert Maclellan, 410; raised to peerage by title of Lord Kirkcudbright, ib; fights in the royal interest, ib. John, third lord, ib; his character, ib; incurs great expense in raising an armed body in support of king, ib; his estates sold by creditors, ib; title becomes dormant, ib. Sixth Lord Kirkcudbright, ib; his reduced circumstances, ib; Goldsmith's reference to him, ib; quotation from Sir Walter Scott's 'Fortunes of Nigel' as to his poverty, 411; one of his sons killed in naval service during engagement with the French, 412. John, seventh Lord Kirkcudbright, ib; his claim to title allowed by House of Lords, ib; his promotion in the army, ib; his death, ib. Sholto Henry, eighth Lord Kirkcudbright, ib. Camden Grey, ninth lord, ib; his death, ib. Title becomes dormant, ib.

MADDERTY, LORDS OF. [*See THE STRATHALLAN DRUMMONDS.*]

MARY, QUEEN, her marriage and flight with Bothwell, 257; Bothwell's 'testament' as to her innocence in the matter of her husband's murder, 263.

'**MAXWELL'S GOOD NIGHT**,' ballad of, 22.

MAXWELLS, THE. Maccus, supposed founder of family, 1. Herbert de Maccuswel, ib. Sir John de Maccuswel, ib. Aymer de Maxwell, ib; obtains baronies of Mearns, Nether-Polluk, Dryps, and Calderwood, ib. John de Maxwell, ib. Sir Herbert Maxwell, ib; holds castle of Carlarverock against Edward I., 2. Sir Eustace Maxwell, ib; embraces cause of John Baliol, ib; supports Robert Bruce, ib; dismantles his castle, 3. Honours, offices, and estates of the Maxwells, ib. Sir Herbert Maxwell, of Carlarverock, ib; created Lord of Parliament, ib. Robert, second Lord Maxwell, ib. John, fourth lord, ib. Robert, fifth lord, ib; his appointments, ib; accompanies King James in his raid on the Borders, ib; tradition respecting his treachery, ib; wins the esteem and confidence of the king, 4; his honours and appointments, ib; taken prisoner at rout of Solway Moss, ib; is liberated, ib; conditions of his liberty, ib; imprisoned, 5; becomes favourable to doctrines of Reformed Church, ib; obtains large grants of lands, ib. Robert, fifth Lord Maxwell, 6; his character, ib; Lady Beatrix, his wife, ib; origination of feud between Maxwells and Johnstones, ib; Lord Maxwell taken prisoner, 7; his death, ib. Robert, seventh Lord Maxwell, ib. John, eighth lord, ib; suffers for his adherence to Queen Mary's cause, ib; obtains wardenship of West Marches, 8; quarrels with Regent Morton, ib; summons issued against him for maltreatment of John Bek, ib; becomes associated with royal favourites, 9; obtains earldom of Morton, ib; denounced as a rebel, 10; deprived of the wardenship of West Marches, ib; rupture of his friendship with Earl of Arran, ib; Arran revives feud between Maxwells and Johnstones, ib; Morton's victory over Arran, 11; imprisoned in Edinburgh Castle, 12; liberated, ib; receives licence to visit the continent, ib; violates his pledge, ib; his treasonable intentions and intrigues, 13; organises armed force in Dumfries, ib; disregards summons to appear before the council, ib; leaves Scotland, ib; the king orders the surrender of his castles, ib. David Maxwell holds Lochmaben, ib; the king besieges it, ib; Earl of Morton pursued by Sir William Stewart, ib; is apprehended and imprisoned in Edinburgh Castle; released, ib; professes con-

version to Protestant religion, ib; struggles with new Earl of Morton for precedence in the Kirk of Edinburgh, ib. Feud between Maxwells and Johnstones, ib. William Johnstone the Galliard makes foray on lands of Nithsdale barons, 15. Johnstones pursued by the Crichtons, ib; a desperate struggle between them, ib; description of a remarkable scene following the foray, ib. Johnstones win victory over the Maxwells, 16. Lord Maxwell slain, ib. John, ninth Lord Maxwell, 17; supports the Roman Catholic religion, 19; declared a rebel, ib; imprisoned, ib; proclaimed a traitor, ib; involved in dispute with William Douglas of Lochleven, ib; imprisoned for turbulent acts, ib; makes a daring escape, ib; desires to effect reconciliation with Laird of Johnstone, 20; the murder of Johnstone, 21. Lord Maxwell found guilty of treason, 22; escapes to France, ib; Lord Maxwell returns to Scotland, 24; made prisoner in Castle Sinclair, ib. The Johnstones petition the king for justice to be executed on him, ib. Maxwell's friends endeavour to reconcile the Johnstones, ib; Maxwell indicted for murder of Sir James Johnstone, 26; beheaded, ib. Robert, tenth Lord Maxwell, ib; becomes Earl of Nithsdale, 26; appropriateness of title, ib; endeavours to establish amicable relations with the Murrays of Cockpool and the Johnstones, ib; the king gives him protection from his creditors, ib; supports Charles I., 27; appointed one of the Commissioners to obtain surrender of tithes and ecclesiastical property forfeited to crown at the Reformation, ib; failure of his mission, ib; his support of the Roman Catholics becomes offensive to Presbyterians, ib; letter sent him by Archbishop Spotswood, ib; supports royal cause during Civil War, ib; garrisons castles of Carlarverock and Thrieve, ib; surrenders his stronghold, 28; sequestered, ib; excommunicated by the church, ib. Robert, second Earl of Nithsdale, ib; supports royal party, ib; taken prisoner at storming of New-castle, ib; Act of Parliament passed restoring him against his father's forfeiture, ib; sells barony of Mearns, ib; submits to the king statement of injuries received in royal cause, and claims compensation, 20. John, third Earl of Nithsdale, ib; sides with royal party, ib; heavy fines imposed on him, ib; his life and estates forfeited, and excommunicated by the Church, ib; petitions Parliament for compensation for sufferings and losses incurred in the royal cause, ib. Robert Maxwell, fourth Earl of Nithsdale, 30; supports government of Charles II, ib; rewarded for his services, ib; obtains protection from his creditors, ib. William Maxwell, fifth Earl of Nithsdale, 31; repairs to St. Germain's, ib; marries Lady Winnifred Herbert, ib; his house at Terregles attacked by a fanatical mob, ib; joins the rebellion, 32; sent to the Tower, ib; sentence of death passed upon him, ib; the Countess of Nithsdale joins him, ib; fails to procure his pardon, 33; her success in effecting his escape from prison, 35; the countess conceals herself in London, 40; saves the family papers, 41; leaves England, ib; life of Earl and Countess Nithsdale on the continent, 42. The Earl of Nithsdale's character, 43; his daughter Lady Anne marries Lord Bellow, 44. Lord Maxwell marries Lady Catherine Stewart, ib. Death of Earl of Nithsdale, 45. William, Lord Maxwell succeeds to family estates, ib; his daughter Winnifred inherits Nithsdale estates, 46; Lady Winnifred's marriage, ib; becomes correspondent of Burns, ib. Death of Mr. Maxwell Constable, ib; Lady Maxwell inherits Nithsdale, ib. Marmaduke Constable, ib; his death, ib; his judicious settlement of his property, 47. Acreage and rental of the estates, ib. The forfeiture of William, fifth Earl of Nithsdale reversed, ib. Mr. Constable Maxwell becomes tenth Lord Herries of Terregles, ib; Marmaduke Constable Maxwell, eleventh Lord Herries, ib; his son Joseph marries Mary Monica Scott of Abbotsford, ib. Origin of the Maxwells of Herries, 48. Sir Herbert Herries, ib; William, third Lord Herries, ib. Agnes Herries marries Sir John Maxwell, ib. Katherine Herries becomes wife of Sir Alexander Stewart of Garlies, ib; Janet Herries marries Sir James Cockburn of Stirling, ib. Sir John Maxwell, fourth Lord Herries of Terregles, ib; his political life, ib; his influence in south of Scotland and at court, ib; appointed warden of West Marches, 49; endeavours to maintain peace on the Borders, ib; incurs displeasure of Queen Mary, ib; becomes reconciled to the queen, ib; sits on Bothwell's assize, ib; subscribes bond supporting Queen Mary against the confederate lords, 51; his address before the Estates, ib; pledges himself to

aid in the liberation of the queen from Lochleven, 52; commands at battle of Langside, ib; accompanies the queen when seeking the protection of Queen Elizabeth, ib; Lord Herries submits to the king's government, 53; his death, ib. William Maxwell, fifth Lord Herries, ib. John, sixth Lord Herries, ib. John, seventh Lord Herries, ib; becomes third Earl of Nithsdale, ib.

MELFORT, DUKES OF. [See THE DRUMMONDS.]

MONMOUTH, DUKE OF. [See THE SCOTTS OF BUCCLEUCH.]

MONTROSE, EARLS OF. [See THE GRAHAMS.]

MORAY, EARL OF, his apprehension by Huntly, and death, 316.

MORAY, REGENT, his efforts to get King Frederick to deliver up Bothwell, 261.

MORTON, EARLS OF. [See THE MAXWELLS.]

MUNRO, COLONEL, his commission from the Covenanters to Viscount Aboyne, 326.

N.

NEIDPATH CASTLE, 181.

NEWARK CASTLE, taken possession of by Cromwell, 211.

NITHSDALE, EARLS OF. [See THE MAXWELLS.]

O.

OLIVER CASTLE, description of, 269.

R.

RAEBURN, LAIRDS OF. [See THE SCOTTS OF HARDEN.]

S.

SCOTT, SIR WALTER, his letter to Miss Seward concerning a romantic story connected with Sir William Scott of Harden's wedding, 230.

SCOTTS OF BUCCLEUCH, THE. Richly account of the origin of family name, 188. Robert Scott, 189; takes oath of fealty to Edward I, ib; his death, ib. Sir Michael Scott, 190; killed at battle of Halidon Hill, ib; Robert Scott, ib; John Scott, ib; Sir Walter Scott, ib; his son Robert exchanges lands of Glenkerrie for lands of Bellenden, ib. Sir Walter Scott, ib; adds to family estates, ib. Ballad having reference to habits of the Scotts, 191; the Scotts espouse the cause of James II, ib. Sir Walter rewarded for services to royal cause, ib; his death, ib; Sir David Scott, 192; his son marries Lady Jane Douglas, ib. Friendship between Scotts and 'Red Douglasses,' ib. Sir David rewarded with grants of lands for services rendered James III, ib; his death, ib. Sir Walter Scott of Braxholm succeeds to family estates, 193; Sir Walter Scott, his son, inherits estates, ib; fights under banner of sovereign at Flodden, ib; supports Duke of Albany and French faction against Queen Margaret, ib; imprisoned in Edinburgh Castle, ib; forms alliance with Earl of Angus, ib; takes up arms against Douglas faction, 194; attempts to rescue James from the Douglasses, ib; encounters Angus at Halidon Hill, ib; obliged to retire to France, 195; pardoned, ib; obtains permission to return home, ib; becomes a chief adviser to king, ib; obtains share of the Angus estates, ib; imprisoned by the king, ib. Efforts made to establish amity between the Scotts and the Kers, 196. Sir Walter's lands plundered and his castle burnt by the English, 197; accused of giving assistance to the English, ib; his estates again laid waste, ib; holds meeting with English Warden, ib; skill of Buccleuch contributes to victory at Ancrum Moor, 198; enters into bond with Sir Walter Ker for maintenance of royal authority, ib; empowered to intercommune with Protector and Council, 199; breaks his engagement with the English, ib. The lands of Scotts of Levidale ravaged and plundered by Lord Grey, ib. Buccleuch's appointments, ib; attacked and murdered by the Kers, 200. The Kers declared rebels, ib; allowed to go into banishment, ib. Buccleuch's marriages, ib. Lady Buccleuch implicated in intrigue of Queen Mary and Bothwell, 201. Walter Scott succeeds to estates, 202. Efforts made to heal feud of the Scotts and the Kers, ib. Sir Walter supports cause of Mary, 203. Braxholm Castle blown up by English army, ib; Sir Walter an actor in plot to surprise Parliament at Stirling, ib; rebuilds Braxholm Castle, ib; his marriage, ib; his death, 204. Sir Walter Scott, ib; his character, ib; his estates damaged in feuds with Elliots and Armstrongs, ib; imprisoned in Edinburgh Castle, ib; banished to France, ib; obtains permission to return, ib; Bothwell's

estates conferred upon him, ib; his exploit in the rescue of Kinnmont Willie, 205; ballad on the event, ib. Queen Elizabeth demands Buccleuch to be delivered up to her, 207. Buccleuch and Cessford make raid into England in retaliation for English invasion, ib. Buccleuch tried by commission and found guilty, ib; consents to enter England, 208; receives thanks from king and council for his services, ib; created Lord Scott of Buccleuch, ib; his service in the Low Countries, ib; his death, ib. Walter, second Lord Scott, ib; created Earl of Buccleuch, ib; his military service in the Netherlands, ib; returns home, 209; his generous hospitality, ib; Sir Walter Scott's description of the splendour of Braxholm, ib; his death, 210; his funeral, 210; his issue by his wife, ib. Francis, second Earl of Buccleuch, ib; his education and character, ib; his service in cause of Covenanters, ib; Cromwell fines his successor, 211; Cromwell takes possession of Newaik and Dalkeith Castles, ib; the tenants on Buccleuch's estates suffer from marauding habits of the moss-troopers, ib; as Justiciary, makes efforts to restrain the Border thieves, ib. Instances of indelicacy before the courts, ib. The earl's death, 212; his countess's character, ib; makes new settlement of his estates, ib; succeeded by his daughter, Lady Mary Scott, 213; her tutors, ib; intrigues for her disposal in marriage, ib; her marriage, 214; an action successfully raised for the dissolution of her marriage, ib; her death, 215. Lady Anne Scott inherits the Buccleuch titles and estates, ib; her marriage to Duke of Monmouth, ib; King Charles confers on the duke title of Duke of Buccleuch, &c., ib. Titles of the duke and the house of Buccleuch resigned, and regranted to duke and duchess conjointly, 216. Duke and Duchess of Monmouth remain at court, ib; character of the duchess, ib; her visit to the duke at the Tower, ib. The English and Scotch titles of the duke forfeited, 217. The duchess resigns her honours and estates to Crown and receives a new grant to herself and heirs, ib. Sentence of forfeiture against Monmouth revoked, ib. The duchess's second marriage, ib; Evelyn and Johnson's remark on her character, ib; her keen interest in, and management of her estates, 218; interferes to save life of a Jacobite, 219; her death, ib. James, Earl of Dalkeith, ib. Francis, second Duke of Buccleuch, ib; his marriage, ib; the forfeited English titles of Duke of Monmouth restored him, 220; his death, ib; character of his duchess, ib. Marriage of Francis, Earl of Dalkeith, ib; his death, ib. Henry, third Duke of Buccleuch, ib; succeeds to titles and estates of Queensberry family, ib; travels with Adam Smith, ib; his brother, Campbell Scott assassinated, 221; raises regiment of Fencibles, ib; Dr. Carlyle's eulogium on his character, ib; his death, 222; his marriage, ib. Charles William Henry, fourth Duke of Buccleuch and sixth Duke of Queensberry, ib; improves the Queensberry estates, ib; Sir Walter Scott's notice of his manner of managing his estates, ib; the duke's friendship to Sir Walter Scott, 223. The death of the Duchess of Buccleuch, ib; Sir Walter Scott's eulogium on her, ib. The duke visits Lisbon in pursuit of health, 225; his death, ib; Sir Walter Scott's tribute to his memory, ib. Walter Francis Montagu Douglas-Scott, fifth Duke of Buccleuch, 226; his education and training, ib; Sir Walter Scott's visit to him, 227; his opinion of the Duke's character, ib; appointed Lord-Lieutenant of Midlothian, 228; takes his seat in House of Lords, ib; receives splendid entertainment at Dumfries, ib; Sir Walter Scott's impressions and predictions concerning him, ib; his deep interest in all matters pertaining to his estates and agriculture, 229; made president of Highland Agricultural Society, ib; his political principles, 230; his honours and appointments, 231; celebration of his jubilee, ib; his death, 232; his marriage, ib; succeeded by his son, William Henry Walter, ib.

SCOTTS OF HARDEN, THE. Their descent, 233. Robert Scott of Stricksbaws, ib. William Scott, first laird of Harden, ib; his character, ib. Description of Harden Castle, 234. An anecdote told by Sir Walter Scott concerning Wat of Harden, ib. Sir Walter Scott's description of Wat's bugle-horn, 235. A description of Harden weeping for Willie Scott of Gorrinberry, ib; Harden's appearance described by Sir Walter Scott, ib. Walter Scott of Harden's marriage to Mary Scott, 236. Their marriage contract, ib; Harden's sons, 237; one of them killed by Scotts of Gilmanscleugh, ib; traditional story of his retainers' foray into Cumberland, ib; the story as told by Leyden in 'Scenes of Infancy,' 238; Harden's death, ib. Sir William Scott, ib; fined by Cromwell, 239; Sir Walter Scott's description

- of a romantic story connected with his marriage, *ib* ; his death, 241 ; his issue by Agnes Murray, *ib*. 'Little Sir William,' *ib* ; Sir William Scott, fifth Baron of Harden, *ib* ; succeeded by his brother, Robert of Ilston, *ib* ; Walter Scott of Highchester inherits estates, *ib* ; created Earl of Terras, &c., *ib* ; implicated in plot for excluding Duke of York from Crown, 242 ; saves his life by confessing his knowledge of the plot, *ib* ; his second wife, *ib* ; his issue by her, *ib* ; his death, 243 ; his eldest son, Gideon Scott of Highchester inherits estates, *ib*. The estates devolve on second son of Earl of Terras, *ib*. Walter Scott, tenth Baron of Harden, *ib* ; his marriage, *ib*. Lockhart's remarks on the life of Lady Diana Scott, *ib* ; Hugh Scott, eleventh Baron of Harden, *ib* ; his marriage, *ib* ; recovers barony of Polwarth, 244 ; his death, *ib*. Henry Francis Hepburn Scott, fifth Baron Polwarth, *ib* ; inherits estates of Hepburns of Humber, *ib* ; his marriage, *ib* ; his offices, *ib* ; Duke of Buccleuch's testimony to his personal worth, 245. Walter Hugh Hepburn Scott, sixth Baron Polwarth, 245. The Scotts of Raeburn, *ib* ; first laird subjected to severe persecution by the Government, 247 ; his son William killed in a duel, *ib*. Sir Walter Scott's remarks respecting Walter Scott, son of first laird of Raeburn, *ib*. Robert Scott, *ib*. Sir Walter Scott's reference to him, *ib*. The Scotts of Thirlestane, *ib*.
- SPALDING**, his remarks on the life and character of Marquis of Huntly, *ib*, 323.
- '**SQUADRONE VOLANTE**,' *THE*, 307.
- STEWARTS OF TRAQUIR, THE**. Description and locality of the House of Traquair, 65. Successive owners of the estate of Traquair, 66 ; estate conferred on James Stewart, 67 ; James Stewart killed at battle of Flodden, *ib* ; his son supports cause of Queen Mary, *ib*. John Stewart inherits the family estates, *ib* ; his education, *ib* ; his offices and appointments, *ib* ; raised to peerage by title of Lord Stuart of Traquair, *ib* ; made Lord High Treasurer of Scotland, *ib* ; his prominence in public affairs, 68 ; Clarendon's remarks on his wisdom and dexterity, *ib* ; King Charles compelled to dismiss him from his service, 69 ; Charles' letters to him, *ib* ; carries out the royal commands when king insists on adoption of the new Service Book, 70 ; mobbed at Edinburgh, *ib* ; receives letter from the king on occasion of the riot, *ib* ; recommends withdrawal of new liturgy, *ib* ; accompanies heralds to Edinburgh Cross on reading of the royal proclamation, 71 ; appointed assessor to Royal Commissioner Hamilton, 72 ; appointed Lord High Commissioner to General Assembly, *ib* ; his duplicity and deceit in his dealings with Covenanters, *ib* ; impeached by Parliament as an incendiary, 73 ; the king interferes to save him from capital punishment, *ib* ; subscribes remonstrance expressing disapproval of combination of Estates, *ib* ; declared an enemy to religion and peace of the kingdom, 74 ; his goods confiscated and his estates sequestered, *ib* ; his payment for averting entire forfeiture, *ib* ; appointed member of the Committee of Estates, *ib* ; raises troop for the Engagement, *ib* ; taken prisoner at battle of Preston, *ib* ; confined in Warwick Castle, *ib* ; his estates again sequestered, *ib* ; receives his liberty, *ib* ; the poverty and obscurity of his latter days, *ib* ; his son, Lord Linton refuses him assistance, *ib* ; his death, 75 ; a traditionary story of his unscrupulousness, *ib* ; employs William Armstrong to carry off Lord Durie, 76 ; employs Armstrong to convey important letters to the king, 78. Lord Linton inherits titles and remnant of estates, *ib* ; elected elder of the kirk, 79 ; his marriages, *ib* ; fined, excommunicated, and imprisoned, *ib* ; censured by the Presbytery, *ib* ; an entry in Justice of Peace Records respecting him, 80 ; his death, *ib*. Lady Traquair disobeys summons to attend Holyrood House, *ib* ; warrant issued to bring her and her son before the council, *ib* ; William, third Earl of Traquair, *ib*. George, fourth earl, *ib* ; embraces Romish faith, *ib* ; suffers annoyance for his religious opinions, 81. Charles, seventh Earl of Traquair, 82 ; makes application for exclusive working of mines in Spain, *ib* ; endeavours to obtain grandeeship and establishment in Spain, *ib*. Family titles become extinct, *ib*. Lady Louisa Stuart inherits the family estates, *ib* ; her life and character, *ib* ; political and commercial changes on the continent and in Scotland, and the progress of agriculture and general intelligence in Tweeddale during her lifetime, 83.
- STRATHBOGIE CASTLE**, blown up, 320.

T.

THRONDESSON, ANNA, her prosecution of Bothwell, 253.

W.

WISHART, GEORGE, his seizure by Bothwell, and martyrdom, 252.

Y.

YESTER, LORDS AND EARLS OF. [See **THE HAYS OF TWEEDDALE**.]



ADDENDA.

EARLDOM OF MENTEITH.

Vol. I., pp. 16—33.

I AM indebted to the *Athenæum* for the correction of my mistake in supposing that Huntingdon is the oldest English earldom, and for reminding me of my omission to mention Lady Elizabeth Graham, younger sister of the last Earl of Menteith, and her ill-fated descendant—an omission which is supplied in the present edition. But I am not sure that I can acquiesce in the reviewer's opinion that the earldom conferred upon Malise Graham in 1427 is not to be regarded as identical with the earldom held by Murdoch, Duke of Albany. No doubt on the forfeiture of that nobleman in 1425 his titles became vested in the crown, and one of them—the earldom of Menteith—was conferred upon a member of a different family. But did this transfer constitute the title a new honour?

THE ANGUS DOUGLASES.

Vol. I., p. 89.

It is mentioned in the Douglas Book, which has been issued since these volumes were in type, that James, second Marquis of Douglas, inherited the family estates so heavily burdened, that it was computed he would not have £1,000 a year to maintain himself and his household. Under the management of William Lawrie of Blackwood, his principal chamberlain, matters went from bad to worse. He was evidently an unprincipled, untruthful, and dishonest person, but he continued to insinuate himself

into the favour of the Marquis, who placed unbounded confidence in him, and entrusted him with the complete control of his affairs. No account could be obtained from him of their condition, and it was not until nearly the very close of the Marquis's life that, through the interference of Lord Lothian, Blackwood very reluctantly allowed the relations of the Marquis to make inquiry into the condition of that nobleman's affairs. They found everything in a state of utter confusion. But it was with difficulty that the Marquis was induced to grant a commission for the management of his affairs to the Duke of Queensberry and a number of other noblemen and gentlemen. They immediately discharged Blackwood and appointed another chamberlain in his place. In the end the eyes of the Marquis were opened to the real character of the man who had deceived and almost ruined him. Before the commissioners were formally invested with authority to act for the Marquis, they prevailed upon him to divest himself of his estate in favour of his only surviving son and successor. They allowed the weak-minded nobleman a fixed sum of 12,000 marks yearly for the support of himself and his household, and with the remnant of the rental they had to extinguish debt amounting to upwards of £240,000 Scots. They found the barony of Tantallon so heavily encumbered that it was deemed advisable to sell it, and it was disposed of in 1699 to Sir Hew Dalrymple, of North Berwick, President of the Court of Session. Under the judicious management of the commissioners the Douglas estates were eventually freed of their incumbrances.

Blackwood inflicted a much more serious injury on the Marquis than the fraudulent mismanagement of his pecuniary affairs. There can be no doubt that it was owing to his machinations that the Marquis was separated from his wife, Lady Barbara Erskine, eldest daughter of the Earl of Mar. According to tradition Blackwood had been an unsuccessful suitor to this lady, and his position as the confidential chamberlain of Lord Douglas gave him peculiar facilities for executing the atrocious vengeance which he had projected against her for her rejection of his suit. "By a train of proceedings," says Robert Chambers, "somewhat similar to those of Iago, and in particular by pretending to have discovered a pair of men's shoes underneath the Marchioness's bed, he completely succeeded in breaking up the affection of the unfortunate couple. Lord Douglas, who, though a man of profligate conduct, had hitherto treated his wife with some degree of politeness, now rendered her life so miserable that she was obliged to seek refuge with her father. The Earl came with a large retinue to carry her off, when, according to the ballad as well as the tradition of the country, a most affecting scene took

place. The Marquis himself was so much overcome by the parting of his wife and child, that he expressed even in that last hour a desire of being reconciled to her. But the traitorous Lawrie succeeded in preventing him from so doing by a well-aimed sarcasm at his weakness."

The belief that Blackwood was the chief cause of this unhappy quarrel between the Marquis and Marchioness was current at the time among the Douglas tenantry, and is fully borne out by the family papers. The Marquis consulted Blackwood and followed his advice at every step in this affair, sending him copies of the letters he wrote to his wife, and subscribing whatever documents Blackwood thought fit to prepare. Before 1677 the Marchioness was constrained to invoke the interposition of the Privy Council to protect her against the ill-usage of the Marquis, and in February of that year she renewed her complaint, and made application for the judicial allocation of an aliment on which she might live apart from her husband. Four years elapsed, however, before her petition was carried into effect. In February, 1681, a formal contract of separation was made between James, Marquis of Douglas, and Charles, Earl of Mar, on behalf of his sister, whereby she was to receive an aliment of three thousand marks yearly, and to live apart from her husband. As the deed was a mutual document no recriminating charges were made on either side, but it was merely stated that there are "great animosities, mistakes, and differences betwixt the Marquis and his lady, which have arisen to a great height, so that neither of them are satisfied longer to continue together." The Marchioness died about 1690 without being reconciled to the Marquis. The ballad referred to by Chambers is styled "Lord Jamie Douglas," sometimes the "Marchioness of Douglas." It is very long, consisting of thirty-four verses, and is characterised by a good deal of poetic licence, but some parts of it are very pathetic. It distinctly imputes the blame of the misunderstanding and separation to the machinations of the unprincipled chamberlain.

"Awa, awa, thou fause Blackwood,
Aye, and an ill death may thou dee! [die]
Thou wert the first and occasion last,
Of parting my gay love and me.

"When I lay sick, and very sick,
Sick I was, and like to dee,
A gentleman, a friend of mine,
He came on purpose to visit me;
But Blackwood whisper'd in my lord's ear,
He was ower lang in chamber with me."

The ballad was often sung by an elderly female, a retainer of the family, to the Duke of Douglas, son of the unfortunate lady, who while listening to it was in the habit of vituperating in no measured terms the — villain who had maligned and so deeply injured his mother.

THE LAST EARL OF WINTOUN.

Vol. I., p. 136.

A different account of the escape of the Earl of Wintoun from the Tower is given by Dr. John Brown in his sketch of a 'Jacobite Family,' but he does not state on what authority. He says it was effected by a certain redoubtable ex-caird named John Gunn, who had been captain of a band of gipsies, but afterwards became body servant to Mr. Moir of Stoneywood, a staunch Jacobite:—

“Mr. Moir had occasion to go to London, taking John with him, of course. He visited his friend, the Earl of Wintoun, then under sentence of death in the Tower for his concern in the rebellion of 1715. The Earl was arranging his affairs, and the family books and papers had been allowed to be carried into his cell in a large hamper, which went and came as occasion needed. John, who was a man of immense size and strength, undertook, if the Earl put himself instead of his charters into the hamper, to take it under his arm as usual, and so he did, walking lightly out.”

THE CAMPBELLS OF ARGYLL.

Vol. I. p. 256.

An amusing account of John Duke of Argyll's second marriage is given in a privately printed volume of reminiscences by Lady Louisa Stuart. Miss Jane Warburton was the daughter of a Cheshire county gentleman, who became one of Queen Anne's maids of honour. She happened in her simplicity, as a raw girl lately arrived from the country, to have expressed her admiration of the Duke, who was one of the handsomest men of his time, and having in consequence been made the butt of a good deal of rude joking and laughter about the Court, her words reached the ear of the Duke, who was touched with her innocent *naïveté*, and shortly

afterwards paid his addresses to her and married her. The match created a good deal of wonder at the time. The Duke is said to have been an invariably kind and indulgent husband, and never seemed to be conscious of anything amiss in his simple-minded wife, and the marriage was to all appearance a happy one.

Sir Walter Scott says—"It is still recorded in popular tradition that Queen Caroline was so indignant at the execution of Porteous by the mob of Edinburgh, she told the Duke of Argyll that sooner than submit to such an insult she would make Scotland a hunting field. 'In that case,' answered the high-spirited nobleman with a profound bow, 'I will take leave of your Majesty, and go down to my own country and get my hounds ready.' The import of the reply had more than met the ear."

THE TWO BEAUTIFUL GUNNINGS.

Vol. I., p. 256.

My friendly Aristarchus of the *Morning Post* has pointed out the mistake which I made in my first edition in mentioning the *three* beautiful Miss Gunnings when there were only two. He is quite right. No doubt there were three ladies of the Gunning family, but as one married in Ireland and never appeared in London, I should have specified only two. He also reminds me of an incident which had somehow escaped my recollection, the manner in which the marriage of the younger of the two ladies to the Duke of Hamilton took place, as described by Horace Walpole in his letter to Sir Horace Mann, dated February 27th, 1752:—

"The event that has made most noise since my last is the extempore wedding of the youngest of the two Gunnings, who have made so vehement a noise. Lord Coventry, a grave young lord of the remains of the patriot breed, has long dangled after the eldest, virtuously with regard to her virtue, not very honourably with regard to his own credit. About six weeks ago Duke Hamilton, the very reverse of the Earl, hot, debauched, extravagant, and equally damaged in his fortune and his person, fell in love with the youngest at the masquerade, and determined to marry her in the spring. About a fortnight since, at an immense assembly at my Lord Chesterfield's, made to show the house, which is really magnificent, Duke Hamilton made violent love at one end of the room, while he was playing at Pharaoh at the other end; that is, he saw neither the bank nor his own cards, which were of three hundred pounds each; he soon lost a

thousand. I own I was so little a professor in love that I thought all this parade looked ill for the poor girl, and could not conceive if he was so much engaged with his mistress as to disregard such sums, why he played at all. However, two nights afterwards being left alone with her, while her mother and sister were at Bedford House, he found himself so impatient that he sent for a parson. The doctor refused to perform the ceremony without licence or ring; the Duke swore he would send for the Archbishop—at last they were married with a ring of the bed curtain at half an hour after twelve at night at Mayfair Chapel. The Scotch are enraged; the women mad that so much beauty has had its effect; and what is most silly, my Lord Coventry declares that now he will marry the other.”

After the death of the Duke of Hamilton, in 1751, Elizabeth Gunning married Colonel John Campbell, who became fifth Duke of Argyll, for whom she had refused the Duke of Bridgewater, the father of British inland navigation. She was the mother of two Dukes of Hamilton and two Dukes of Argyll.

THE LAUDERDALE MAITLANDS.

Vol. I. p. 355.

It has commonly been supposed, as I stated in my first edition, that the son of Secretary Maitland died without issue. I am indebted to my accomplished friend, Mr. John Taylor Brown, for the correction of this mistake. He says James Maitland left two daughters, one of whom, it is interesting to know, became an inmate of Port Royal, and the other, though not an inmate, was also a Jansenist, and intimately associated with the Port Royalists. Both of them, under the Port Royal influence, became very pious and devout women. There is also a curious letter of James Maitland's, father of these ladies, in the correspondence of Camden, written after the appearance of Camden's History of Queen Elizabeth. Camden in his book had treated the character of the Secretary with very little ceremony, and the son, who when his father died had scarcely emerged from infancy, seems to have been startled by the censure poured upon his parent, of whose real character he had probably heard for the first time. He therefore wrote to Camden asking, in a perfectly polite and temperate letter, to inform him as to the grounds on which his injurious statements

are made. What Camden's answer was we do not know, as nothing more of the correspondence is given. But there is something pathetic in the simple gentleman's awaking for the first time, in his late manhood, to the real character of a father whom he had never known.

Vol. I. p. 357.

Pepys says the Duke of Lauderdale declared to him "that he had rather hear a cat mew than the best musique in the world, and the better the musique the more sick it makes him, and that of all instruments he hates the lute most, and next to that the bagpipe." This anecdote affords a striking illustration of Shakespeare's well-known words—

"The man that hath no music in himself,
Nor is not moved with concord of sweet sounds,
Is fit for treasons, stratagems, and spoils;
The motions of his spirit are dull as night,
And his affections dark as Erebus.
Let no such man be trusted."

THE ERSKINES OF KELLIE.

Vol. II., p. 140.

The following remarkable, and indeed romantic, account of the manner in which the two daughters of Mr. Gordon, of Ardoch, in Aberdeenshire, became successively Countesses of Kellie, was related to Mr. Robert Chambers, in 1845, by a lady then upwards of ninety years of age, who was well acquainted with all the circumstances of the case.

At Ardoch Castle, which is situated upon a tall rock overlooking the sea, the proprietor, Mr. Gordon, was one evening, a little after the middle of the last century, alarmed by the firing of a gun, evidently from a vessel in distress near shore. A storm was raging, and he had every reason to fear that the vessel was about to be dashed against that iron-bound coast. Hastening down to the beach with lights and ropes, he and his servants looked in vain for the distressed vessel. Its fate was already accomplished, as the floating spars but too plainly showed; but they looked in vain for any dead or alive who might have come from the wreck. At length they found a sort of crib, which had been rudely cast ashore, containing, strange to say, a still live infant. The little creature, whose

singular fate it had been to survive where so many stronger people perished, was carefully taken to the house and nursed. It proved to be a female child, evidently from its wrappings the offspring of persons of no mean condition, but with nothing about it to afford a trace as to who these were. Mr. Gordon made some attempts to find the relatives of this foundling, but without effect. Hoping that she in time might be claimed, he caused her to be brought up along with his own daughters, and treated in all respects as one of them. The personal graces and amiable character of the child in time made him feel towards her as if she had actually stood in that relation to him. When she had attained to womanhood a storm similar to that already spoken of occurred. An alarm-gun was fired, and Mr. Gordon, as was his wont, hurried down to the beach, but this time to receive a shipwrecked party, whom he immediately conducted to his own house and treated with his characteristic kindness. Amongst them was one gentleman passenger, whom he took into his own parlour and entertained at supper. After a comfortable night spent in the castle, this stranger was surprised at breakfast by the entrance of a troop of blooming young ladies, the daughters of his host as he understood, but one of whom attracted his attention in a special manner. "Is this young lady your daughter too?" he inquired of Mr. Gordon. "No," replied his host; "but she is as dear to me as if she were." And he then related her story. The stranger listened with increasing emotion, and at the close of the narration said he had reason to believe that the young lady was his own niece. He then related the circumstances of a sister's return from India, corresponding to the time of the shipwreck, and explained how it might happen that Mr. Gordon's inquiries for her relations had failed. "She is now," said he, "an orphan; but if I am not mistaken in my supposition, she is entitled to a handsome provision which her father bequeathed to her, in the hope of her yet being found." Ere long sufficient evidence was afforded to make it certain that the gentleman had, really by the strange accident of the shipwreck, found his long-missing niece. It became necessary of course that she should pass under his care, and leave Ardoch—a bitter necessity to her, as it inferred a parting with so many friends dear to her. To mitigate the anguish of this separation it was arranged that one of her so-called sisters, the Misses Gordon, should accompany her. Their destination was Gottenburg, where the uncle had long been settled as a merchant. Here closes all that was romantic in the history of the foundling; but there was to be a sequel of that nature in favour of Mr. Gordon's daughters. Their visit to Gottenburg made them acquainted with Mr. Thomas Erskine, one of a body of Scottish

merchants who were at that time settled in the Swedish port, and as we have seen Anne Gordon was married to him in 1771. Methven, his brother, was at that time engaged in mercantile pursuits in Bengal, and his marriage to Joanna Gordon did not take place till ten years later.

THE FAMILY OF THE HAYS.

Vol. II. p. 399.

The Marquis of Tweeddale reminds me that I have omitted to mention the well-known anecdote respecting the behaviour of Lord Charles Hay, second son of the second Marquis of Tweeddale, at the Battle of Fontenoy. It is thus related by Carlyle in his history of Frederick the Great of Prussia :—

“The head of the English column comes to sight on the rising ground close by; the officers doff their hats, politely saluting ours, who return courtesy. Was ever such politeness seen before? It is a fact among the memorablest of this battle. Nay, a certain officer of rank, Lord Charles Hay the name of him, valued surely in the annals of the Hay and Tweeddale house, steps forward from the ranks as if wishing something. Toward whom (says the accurate Espagna) the Marquis d’Auteroche, Grenadier Lieutenant, with a mien of polite interrogation, not knowing what he meant, made a step or two. ‘Monsieur,’ said Lord Charles Hay, ‘bid your people fire.’ ‘Non, Monsieur, we never fire first.’ Is not this a bit of modern chivalry?”

THE END.

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