

The  
Lord Chancellors  
of Scotland.



1<sup>st</sup> Marquis of Tweeddale



*John Hay, First Marquis of Tweeddale*

THE  
LORD CHANCELLORS  
OF SCOTLAND

FROM THE INSTITUTION OF THE OFFICE TO  
THE TREATY OF UNION

BY  
SAMUEL COWAN, J.P.

AUTHOR OF

"THE ROYAL HOUSE OF STUART," "LIFE OF MARY, QUEEN OF SCOTS,"  
"THE ANCIENT CAPITAL OF SCOTLAND," "THE GOWRIE CONSPIRACY," ETC.

VOL. II.



W. & A. K. JOHNSTON, LIMITED  
EDINBURGH AND LONDON

MCMXI

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# CONTENTS.

---

## CHAPTER I.

	PAGE
CARDINAL BETON . . . . .	I

## CHAPTER II.

GEORGE GORDON, FOURTH EARL OF HUNTLY— JAMES DOUGLAS, FOURTH EARL OF MORTON .	29
---	----

## CHAPTER III.

GEORGE GORDON, FIFTH EARL OF HUNTLY— ARCHIBALD, FIFTH EARL OF ARGYLL—SIR JOHN LYON, LORD GLAMIS . . . . .	67
---	----

## CHAPTER IV.

JOHN STEWART, FOURTH EARL OF ATHOLL—COLIN CAMPBELL, SIXTH EARL OF ARGYLL . . . . .	92
---	----

## CHAPTER V.

JAMES STEWART, EARL OF ARRAN . . . . .	122
--	-----

## CHAPTER VI.

	PAGE
SIR JOHN MAITLAND, LORD THIRLSTANE . . . . .	140

## CHAPTER VII.

JOHN GRAHAM, THIRD EARL OF MONTROSE — ALEXANDER SETON, EARL OF DUNFERMLINE —GEORGE HAY, FIRST EARL OF KINNOULL . . . . .	164
--	-----

## CHAPTER VIII.

ARCHBISHOP SPOTTISWOODE — JOHN CAMPBELL, FIRST EARL OF LOUDOUN . . . . .	188
---	-----

## CHAPTER IX.

WILLIAM CUNNINGHAM, EARL OF GLENCAIRN — JOHN LESLIE, SEVENTH EARL AND FIRST DUKE OF ROTHES—GEORGE GORDON, FIRST EARL OF ABERDEEN—JAMES DRUMMOND, FOURTH EARL OF PERTH—JOHN HAY, FIRST MARQUIS OF TWEEDDALE . . . . .	221
---	-----

## CHAPTER X.

PATRICK HUME, FIRST EARL OF MARCHMONT AND BARON POLWARTH—JOHN HAY, SECOND MAR- QUIS OF TWEEDDALE—JAMES OGILVY, FOURTH EARL OF FINDLATER AND FIRST EARL OF SEAFIELD . . . . .	253
INDEX . . . . .	285

## LIST OF ILLUSTRATIONS.

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- JOHN HAY, FIRST MARQUIS OF TWEEDDALE *Frontispiece*  
Chancellor, 1692-1696. (*Photogravure.*)  
(From the portrait in the Yester Collection.)
- CARDINAL BETON . . . . . *facing page* 16  
Chancellor, 1543-1546.  
(From the portrait in St. Margaret's Convent,  
Edinburgh.)
- GEORGE KEITH, FIFTH EARL MARISCHAL  
OF SCOTLAND . . . . . „ 80  
(From an engraving from the copy, by Alexander,  
in Marischal College, Aberdeen, from a lost  
original.)
- JOHN CAMPBELL, FIRST EARL OF LOUDOUN „ 208  
Chancellor, 1641-1660.  
(From the portrait at Loudoun Castle.)
- WILLIAM CUNNINGHAM, NINTH EARL OF  
GLENCAIRN . . . . . „ 224  
Chancellor, 1661-1664.  
(From an engraving after the portrait in the Scottish  
National Portrait Gallery.)

- JAMES DRUMMOND, FOURTH EARL OF  
PERTH . . . . . *facing page* 240  
Chancellor, 1684-1688.  
(From the portrait in the Drummond Castle  
Collection.)
- PATRICK HUME, FIRST EARL OF MARCH-  
MONT AND BARON POLWARTH. . . . . „ 256  
Chancellor, 1696-1702.  
(From the portrait in the National Portrait  
Gallery.)
- JOHN HAY, SECOND MARQUIS OF TWEED-  
DALE . . . . . „ 276  
Chancellor, 1704-1705.  
(From the portrait in the Yester Collection.)
- JAMES OGILVY, FOURTH EARL OF FIND-  
LATER AND FIRST EARL OF SEAFIELD „ 280  
Chancellor, 1702-1704 ; 1705-1708.  
(From the portrait in the Family Collection  
at Cullen House.)



# THE LORD CHANCELLORS OF SCOTLAND

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## CHAPTER I.

Cardinal Beton, Chancellor—Envoy for Scotland in France—Abbot of Arbroath and Seat in Parliament—Matrimonial Mission—Second Matrimonial Mission—Marriage of James V. to Mary of Guise—Created Cardinal by Pope Paul III.—Archbishop of St. Andrews 1539—Display of Beton's Power—Accompanies the King to the Western Islands—Visit to Rome—Papal Legate—Death of the King—Spurious Will—Beton's Imprisonment and Escape—Made Chancellor and resigns Privy Seal—Beton and Huntly concentrate their Forces—Beton and the Regent Arran—King Henry's Beton Conspiracy—Wishart's Martyrdom—Marriage of Beton's Daughter—His Assassination—Treatment of his Body—Beton's Character.

### CARDINAL BETON.

1543-1546.

DAVID BETON, who succeeded Gavin Dunbar in the Chancellorship, was the third son of seven of John Beton of Balfour, and nephew

of James Beton, the Archbishop and Chancellor. He was born in 1494. By the marriage of James, first Earl of Arran, to Janet, daughter of Sir David Beton of Creich, the Cardinal became the near relation of the second Earl, Regent of Scotland, declared next heir to the Crown in the event of Queen Mary dying without issue. He studied at St. Andrews and Glasgow, and completed his education in France, a custom that was popular at that period with all who could afford it.

In 1519 Beton, at the age of twenty-five, was Resident Envoy for Scotland at the Court of France, where he distinguished himself in the management of political matters. By the influence of his uncle, the Archbishop, he was in 1522 elected Abbot of Arbroath, with a seat in Parliament; and on the fall of Angus he was chosen Lord Privy Seal (1528). He was, further, Ambassador to France to endeavour to secure for James V. the hand of the Princess Magdalene, eldest daughter of

Francis I. This mission was successful, and the marriage took place on 1st January 1537. Beton was afterwards regarded with favour by the King of France for his pleasing manners, and was naturalised there, and consecrated to the bishopric of Mirepoix in December 1537.

On account of the premature death of the young Queen Magdalene the following year, Beton was sent on a second embassy to the French Court, accompanied by Lord Maxwell and the Master of Glencairn, when they concluded the espousal of Mary of Guise to James V. This second marriage of King James was celebrated in the Cathedral Church of St. Andrews at the end of June 1538, James Beton, the Archbishop, officiating.

In the beginning of 1538 his outstanding ability and political influence and a strong recommendation by the French King induced Pope Paul III. to promote David Beton to the dignity of Cardinal. He became colleague to his uncle, the Archbishop of St. Andrews,

and succeeded to that See at his uncle's death in 1539. Shortly afterwards his nephew, Sir David Beton, got a grant of Crown lands in Angus.

Shortly after the Cardinal's promotion to the primacy he made a magnificent display of his power and generosity at St. Andrews. His invitations included the Earls of Huntly, Marischal, Arran, and Montrose; Lords Fleming, Lindsay, Erskine, and Seton; Gavin, Archbishop of Glasgow (Chancellor), the Bishop of Dunblane, the Abbots of Dunfermline, Melrose, Lindores, and Kinloss, the Prior of Pittenweem, and many other persons—deans, doctors of divinity, and other ecclesiastics, and the nobility and commons. He went with them in procession from the Castle to the Cathedral, where he sat in a Chair of State; his rank as Cardinal entitled him to the same precedence as a Sovereign Prince. In an address to this august assembly he pointed out the dangers that threatened the Church by the increase of heretics, who had

the boldness to profess their opinions even in the King's Court, where they found too great countenance and encouragement.

It was now that Beton began to give way to persecuting tendencies. His first victims were Sir John Borthwick, Andrew Cuninghame (son of the Master of Glencairn), James Hamilton (brother of the martyr), and George Buchanan (the historian). These men all escaped to England.

In 1540 the Cardinal accompanied the King to the Western Isles and Orkney and Shetland in a fleet of twelve ships. The Cardinal had a force of 500 men from Fife and Angus.

It is said that to counteract the disposition of the King towards the Reformation the hopes of Beton and the clergy were fixed on a war with England. For the attainment of this object no industry and no intrigues were omitted, no sacrifice considered too dear. In 1542 Beton paid a visit to Rome accompanied by the King's secretary, Panter. His avowed object was to procure his nomination as Papal

Legate in Scotland, on account of the spreading of the Protestant doctrines among the nobility and higher classes, and this he accomplished. The Cardinal was invested by the Pope with the dignity of *legatus a latere* in Scotland in 1544.

It is recorded that Beton's commission as legate was captured by English privateers and sent to Henry VIII. in May 1545. It found its way to the State Paper Office, and Bishop Burnet afterwards printed it in his *History of the Reformation*. It is now in the Record Office in Chancery Lane.

[There are, according to Gordon, three kinds of legates: a legate who is simply an ambassador of the Pope; the legate *a latere*, always a Cardinal with the fullest powers; and legates born, who are so in virtue of their office, or in right of their dignity in the Church.]

The attempt (recorded in the Sadler Letters) of Henry VIII. about this time to formulate a scheme for Beton's disgrace on the charge

of keeping up a correspondence with traitors fell through. Various other attempts were made to effect Beton's disgrace at Court or to lessen his power, but his influence with the young King remained unabated. He never lost the King's countenance or friendship as long as he lived, and up to the King's death in 1542 directed all his affairs. He had had a roll made out of 360 of the nobility and barons, Arran, the Regent, heading the list, who were all suspected by him of heresy, and if the King had lived the majority of these would have suffered punishment. The death of the King, however, prevented the execution of Beton's designs.

It was by Beton's advice that the army under James V. invaded England, and on this invasion resulted the unfortunate battle of Solway Moss, followed by the King's death. On this event Arran was proclaimed Regent, though Beton produced what turned out to be a counterfeit Will of the King, appointing himself and three others to be governors of

the infant Queen. The forgery being discovered, Beton, by order of Arran, was arrested and put in Blackness Castle. The Governor of Blackness being a Catholic, however, he had no difficulty in effecting his escape and returning to his Castle of St. Andrews and resuming his duties.

Soon after this the Archbishop of Glasgow (Dunbar) resigned the Chancellorship, and Beton was chosen to succeed him (1543). His appointment is duly entered in the Records of Parliament. On his acceptance of office he resigned the Privy Seal in favour of John Hamilton, Abbot of Paisley, natural brother of Arran.

The Cardinal and the Earl of Huntly now concentrated their forces in the north, Argyll and Lennox in the west; whilst Bothwell, Home, and Buccleuch marched theirs upon the Borders. They declared they were compelled to adopt these measures in defence of the Catholic Church; but Beton's conduct had been so offensive to the English King



that he ordered him to be seized if he could be got hold of. Beton exerted every effort to defeat his intentions, and so indignant was he that he challenged Sir Ralph Eure, Warden of the Marches, to single combat. The challenge was communicated to Henry VIII., who intimated his wishes that Eure should accept it, the duel to take place in Edinburgh. (Duke of Suffolk to Sir R. Sadler.) [This story, however, has been called in question.]

On 3rd September Arran met Beton at Callender House, Falkirk (Lord Livingstone's). All causes of animosity were removed, and a complete reconciliation took place. Beton, who a few days before had declined any conference with Arran, alleging that his life was in danger, rode amicably with him to Stirling, and soon acquired such an influence over Arran that he publicly abjured his religion in the Franciscan Convent at Stirling; received absolution for having wandered from the Catholic faith;

renounced the treaties with England, and delivered his eldest son to the Cardinal as a pledge of his security.

Arran's father and mother had been married during the lifetime of the father's first wife, and Beton represented to Arran that it was only by the Pope's authority he could be recognised as legitimate. The effect of Beton's influence was that Arran broke faith with King Henry; and the infant Queen, whom Henry made strenuous efforts to capture, was sent to be educated in France. By Beton's influence the Act of Parliament permitting the scriptures to be read in the vulgar tongue was repealed, and the offence made punishable with death, while Arran publicly declared his resolution to punish heretics, exhorting prelates within their dioceses to enquire respecting them, and to proceed against them according to the Church laws.

Towards the close of the year Arran, acting by the advice of Beton, resolved on war,

seized Dalkeith and Pinkie, two of the chief houses of the Douglasses, and sent a herald to Tantallon, where Sadler, the English Ambassador, had taken refuge, commanding Angus to dismiss from the castle one who, on account of his false practices, they could no longer regard as the Ambassador of England. Parliament was called, and at Beton's instance a summons of treason was issued against Angus and his faction; and the treaties of peace, and marriage of the infant Queen, concluded with Henry of England declared at an end.

In 1544 Crichton, Laird of Brunston, once a confidential servant of Beton, entered into correspondence with Henry, and on certain conditions offered to assassinate Beton. George Wishart, the martyr, it is said, was involved in this plot, and was one of the men paid by Henry to carry it out.<sup>1</sup> We do not, however, think the authority sufficient for so grave a charge. The writer is evidently

<sup>1</sup> *Scotichronicon*.

attempting to defend Beton's conduct towards Wishart. If, as he says, his statement is fully proved by papers in the State Paper Office, why should these not be forthcoming? It is said Brunston despatched Wishart to the Earl of Hertford to communicate the plot which he, Kirkcaldy, the Master of Rothes, and others were willing to execute if assured of Henry's support. Hertford sent on Wishart to the English Court to communicate the offer to Henry. Henry received Wishart's and Brunston's letters with satisfaction, approved of the plot, and promised the conspirators support. A correspondence on this subject continued for three years further between Brunston, Lord Cassillis, and Sir Ralph Sadler. Henry avoided appearing in it openly, but he directed Sadler to make the arrangements. The conspirators, however, would not act without Henry's authority, under his sign manual, so that they might produce the document after the deed and claim the reward.

A despatch sent by Henry's orders, April 1544, through his Privy Council to the Earl of Hertford, runs as follows: "Do what you can to overthrow the Castle of Edinburgh, sack Holyrood, and as many towns and villages about Edinburgh as you can; sack Leith, putting men, women, and child to fire and sword. Then pass over to Fife, spoil and turn upside down the Cardinal's town of St. Andrews, so that the upper stone may be the nether, and not one stick stand by another; sparing no creature alive within the same, especially such as either in friendship or blood are allied to the Cardinal."

The history of the conduct of the nobility at this time is a record of baseness, cowardice, and disloyalty. Scarcely had the traces of Hertford's first invasion disappeared when another invasion, organised on the same lines and supported by the same band of traitors, was set on foot. Encouraged by the landing of a French force the patriotic party resolved that the alliance with France should be

maintained, and retaliatory measures against the English entered upon. With the great bulk of the nobility, however, these professions of loyalty were a mere cloak. At that very moment Cassillis was again organising his conspiracy against the Cardinal, whilst his associates—Angus, Glencairn, and Sir George Douglas—had assured the English Envoy of their entire devotion to his master. When the Regent, therefore, assembled the Scottish host, it was strong in apparent numbers, but weakened by treason and suspicion. The vanguard of the army was commanded by Angus; but reliance was uncertain on the Lords in the English interest, with the minor barons who followed them; and their indisposition to hostilities shackled the efforts of the remainder of the army.<sup>1</sup>

On the breach of the treaty with England the English King sent an army which on 4th May 1544 landed at Granton, near Edinburgh. On sight of these troops Beton fled

<sup>1</sup> R. M. Stewart, *Church of Scotland*.

to Edinburgh Castle for safety, then to St. Andrews. Then followed his cruel executions of Robert Lamb and five others at Perth, their crime being that they were found reading the New Testament in English. These executions caused him to be generally hated.

But the outstanding event of Beton's life was the martyrdom of George Wishart. Wishart was a son of James Wishart of Pitarrow, in the Mearns. A member of this family, William Wishart, was Bishop of St. Andrews and Primate of Scotland, 1272 to 1279. When arrested Wishart was a tutor in the family of Sir Alexander Cockburn of Ormiston. Beton had long desired to secure him, because his preaching had been so effectual in spreading the Reformation doctrines. He was seized at midnight at Ormiston House by Hepburn, Earl of Bothwell, Sheriff of the county, and delivered to Beton, who was then residing at Elphinstone Tower, four miles from Dalkeith.

In February 1546 Beton summoned the

prelates and other dignatories to meet at St. Andrews for Wishart's trial. It is important to notice how Beton managed this matter. The Archbishop of Glasgow advised him to apply to the Regent of Scotland for the sanction of the civil power. Beton's authority as a Legate *a latere* superseded that power, but he consented to do so. It is recorded that the Regent listened to the advice of David Hamilton of Preston, who dissuaded him, and declined to give his consent. Instead, therefore, of granting his warrant, he replied to Beton that he should do well not to precipitate this man's trial until his own coming, for, as to himself, he would not consent to his death before the case was examined, and if the Cardinal should do otherwise he would make protestation that the man's blood should be required at his hands. This answer greatly displeased Beton, who proceeded promptly with the trial, notwithstanding the Regent's inhibition. He replied to the Regent that



LE BIENHEUREUX DAVID DE BETHUNE  
ARCHEVESQVE DE S<sup>t</sup>. ANDRE  
CHANCELLIER ET REGENT DV  
ROYAUME DECOSE CARDINAL  
ET LEGAT ALATERE  
FVT MASSACRE  
POVR LA FOY  
EN 1546



CARDINAL BETON  
Archbishop of St. Andrews



he did not write him as though he depended in any matter on his authority, but out of a desire that the heretic's condemnation might proceed with some show of public consent, which, since he could not obtain, he would himself do that which he held most fitting. Wishart was duly arraigned in the Cathedral Church before Beton and his ecclesiastics. There were eighteen charges of heresy preferred against him. Wishart denied the jurisdiction of the Court, and maintained that he was unjustly accused by several of the articles. His objections were overruled, and the Cardinal, delivering sentence, condemned him to be burned. He accordingly suffered death on 2nd March 1546 in front of Beton's Castle of St. Andrews.

Wishart's death was regarded as murder, as the clergy without a civil warrant could execute no man. For this Beton's death was demanded, but the kingdom was under too feeble a Regency for such a course to be possible against him. At this point Beton's

assassination, it would appear, was again promoted by King Henry, and some arrangements were made to carry out the plot, but it was eventually postponed. Beton, it was supposed, had received secret information of it.

John Leslie, brother of the Earl of Rothes, however, did not hesitate to declare in public that he would have blood for blood, and with his nephew, Norman Leslie, and Kirkcaldy of Grange, entered into a close correspondence with England. On the evening of 28th May 1546 Norman Leslie came with five followers to St. Andrews and rode, without exciting suspicion, to his usual inn. Kirkcaldy was there already, and they were soon after joined by John Leslie. Next morning the conspirators, four in number, passed the gates of the castle and enquired if the Cardinal was yet awake. This was done without suspicion. As they were in conversation others of the conspirators arrived. The porter was the first to be despatched, and his body

was cast into the moat ; the workmen on the ramparts were led to the gate and dismissed. Kirkcaldy guarded a private gate where only escape was possible ; the rest of the conspirators went to the apartments of Beton's household, awoke them, and, threatening instant death if they spoke, led them one by one to the outer wicket and so dismissed them. In this way one hundred workmen and fifty servants were dismissed. Meanwhile Beton was still asleep, but, hearing an unusual bustle, he threw on his dressing gown, and, drawing up the window of the bedchamber, asked what it meant. Being answered that Norman Leslie had taken the castle, he rushed to the private gate, but, seeing it guarded, he returned to his apartments, seized his sword, and barricaded his door inside. The conspirators reached his bedroom, and John Leslie called for fire to open the door, but it was unlocked and they were admitted. Beton implored mercy, but Leslie and others rushed upon him. Melville, one of the party,

reproved them for their violence until Beton was told for what he was put to death. He said: "The judgment of God ought to be executed with gravity though in secret," and presenting the point of his sword to the already wounded Cardinal, he called on him to repent of his wicked courses, and especially of the death of Wishart, to avenge whose innocent blood they were now sent by God. "Remember that the mortal stroke I am now about to deal is not the mercenary blow of a hired assassin, but the just vengeance which hath fallen on an obstinate and cruel enemy of Christ and the Holy Gospel." Beton was then instantly despatched. The conspirators brought the Cardinal's body to the parapet wall of the Castle to show the people he was dead. The body was rolled in a pair of sheets, and was hung over the wall by an arm and a foot. So perished Beton, the most powerful opponent of the Reformed Religion in Scotland.

It may now be said without fear of con-

tradition, looking to the correspondence with England as disclosed in the State Paper Office, that the assassination of Beton, in spite of Melville's statement, was no sudden event arising simply out of indignation for the fate of Wishart, but an act of long projected murder encouraged, if not originated, by the English King in revenge for Beton's defeat of Henry's marriage scheme, and, so far as the principal conspirators were concerned, committed from private and mercenary motives (Bellesheim).

Two months after Beton's death a Parliament assembled, and the conspirators who had seized his castle, where they were now firmly entrenched, were declared guilty of treason, and all persons strictly interdicted from affording them any assistance in their rebellion. The Regent sent a letter to the Pope expressing his grief and indignation at the murder of the Cardinal, "one whom he venerated as a father." The conspirators, however, kept prisoner in the castle the

eldest son of the Regent, who had been entrusted by his father to the Cardinal's care.<sup>1</sup>

About Beton's dead body we have some curious reports. John Beton of Balfour, keeper of the Castle at that period, interred the body, it is said, at Kilrenny in the family tomb. Fox and Clarke say that the body lay seven months unburied. Knox says it was salted in the Sea Tower: "Now, because the weather was hot (May) and his funeral could not suddenly be prepared, it was thought best, to keep it from stinking, to give it great salt enough, a cope of lead, and a corner of the Sea Tower of the castle, a place where many of God's children had been imprisoned before, to await what obsequies the Bishops would prepare for them." Sir James Balfour says: "His body, after it had been salted in the bottom of the Sea Tower within the castle, was nine months thereafter taken from thence and obscurely interred in the Convent

<sup>1</sup> Bellesheim's *History*.



of the Blackfriars at St. Andrews." Holinshed says: "They delivered also the dead body of the Cardinal after it had lain buried in a dunghill within the castle ever since the day when they slew him."

That Cardinal Beton was a man of great ability and eminent scholastic attainments is beyond doubt, but that he was one of the greatest men Scotland has ever produced, as one writer says, we cannot endorse, for the martyrdom of Wishart must always be a blemish on his escutcheon. Under no circumstances is Beton entitled to be called really great when we consider the infamous manner in which Wishart was put to death, and the no less inhuman conduct of Beton in placing himself at the Castle window to enjoy the ghastly spectacle. His conduct in forging the will of James V., appointing himself Governor of the kingdom, was an act which showed his deceit and duplicity of character in a high degree, and must ever cast a shadow on the great talents which

he undoubtedly possessed. The commanding abilities and high position of Beton, and the favour in which he stood with the Scottish King and people, could not fail to arouse the jealousy of Henry VIII., who saw in his character and policy the frustration of his own plans regarding Scotland. In regard to the charge of persecution commonly brought against Beton, account must be taken, before he is condemned, of the inhumanity of the age in which he lived and the sentiment prevailing at that time. Not more than seven persons are recorded to have suffered death under him.

Beton's private character has been considered less satisfactory. The only ground for the assumption lies in the fact that he left a family behind, consisting of three sons and three daughters. The probability is that being somewhat late in life admitted to the orders of the Church—he received deacon's orders at the age of twenty-eight—he had already contracted a marriage with Marion

Ogilvie, one of the Airlie family, and that in spite of canonical regulations he continued afterwards to live with her—a great fault in the eyes of Catholics, but perhaps palliated by the prevailing laxity of the times, and in the eyes of Protestants scarcely an offence.<sup>1</sup>

Beton held at his death the Archbishopric of St. Andrews, the French bishopric of Mirepoix, the Abbacy of Arbroath, the dignity of Cardinal, and was also a Legate of the Pope. He was the head of the great Catholic party in Scotland, but he did not live to see the fall of the Catholic faith as the religion of the realm. His death was the natural result of his despotic and relentless rule, and was a triumph of no small importance to the Protestants, whom he had well nigh crushed out of existence.

In forming an estimate of the character of Beton we are confronted by two outstanding features not to be overlooked. These are the condition of the realm during his tenure

<sup>1</sup> R. M. Stewart, *Church of Scotland*.

of office and the life of extraordinary activity which he led. His success in life was quite remarkable, as the previous narrative shows. He was made Cardinal at the early age of forty-four, and Primate of Scotland at the age of forty-five; his influence with the King was paramount, while his position as Legate or Ambassador of the Pope gave him unlimited power and influence. There is little wonder that such a man holding these great offices should take up a dictatorial policy and attempt to exercise sovereign power. The weak administration of the kingdom allowed this for a time, but the state of feeling on the religious question was too sensitive to allow Beton to go on uninterruptedly. The inexcusable executions of six persons at Perth mainly because they were Protestants aroused public indignation; but Beton did not sufficiently appreciate this, and it evidently did not influence him in the slightest in the policy he was pursuing. He next proceeded to arrest George Wishart

because he preached Reformation doctrines, and Beton's sentence of death on that godly man must have appalled the nation. It was not an ordinary execution, such as beheading, which was common at that period. Wishart was, by Beton's sentence, burned alive at the stake. No more horrible death was possible, and it never seems to have occurred to Beton that by this diabolical act he would arouse the animosity of the Protestants and probably pay the penalty with his life. Yet so it turned out, and it may be said that but for Beton's defeat of King Henry's marriage scheme and the martyrdom of Wishart, Beton's assassination would not have taken place. No serious proceedings followed on the event, a fact which indicates the state of feeling at the time, and so the assassination of the Cardinal was allowed to pass unheeded into the realm of history.

He was a man who possessed great talents had they been properly used, and was superior in habits of business, in acquaintance with

human character, and in the energetic pursuit of his objects, to his opponents; but he was profligate in his private conduct, insatiable in his love of power, with a devotion to the Catholic Church which was as much the offspring of ambition as the result of conviction.<sup>1</sup>

Beton lived in unusual splendour, and his retinue consisted of a great number of nobles and gentlemen of quality. It is recorded that David Lindsay, ninth Earl of Crawford, married his daughter Margaret. The marriage was celebrated at the Castle of Finavon (Forfar) in April 1546, or a month before he was assassinated. The lady's dowry, which amounted to the large sum of 4000 marks, is said to have been the largest bestowed on any bride down to that time.

<sup>1</sup> Tytler's *History of Scotland*.

## CHAPTER II.

Huntly, Chancellor 1546 — Huntly, Privy Councillor — The Hadden Rig Engagement, and Defeat of the English — Huntly Captures the English Commanders — Frasers and Macdonalds Quarrel — Text of Huntly's Appointment — Battle of Pinkie, and Capture of Huntly — Imprisoned in Morpeth Castle but Escapes — Accompanies Mary of Guise to France — Deprived of Earldoms of Moray and Mar — Huntly leads the Catholic Party — Invites Queen Mary to return to Scotland — Misunderstanding with the Queen — Battle of Corrichie, and Death of Huntly — Treatment of his Body by Moray — Huntly's Family — Earl of Morton made Privy Councillor and Chancellor — Deprived of Chancellorship — The Darnley Conspiracy, and Banishment to England — Ainslie Bond — Betrayal of the Queen at Carberry Hill — Queen's Abdication — Coronation of James VI. — Morton reappointed Chancellor — Commissioner from Scotland to Elizabeth — Kirkcaldy's Raid on Stirling — Morton Seized and Escapes — The Regent Lennox Slain — Morton and the Maxwell Wedding — Morton appointed Regent — Siege of Edinburgh Castle by Morton — Deaths of Kirkcaldy and Maitland — Morton's oppressive Administration — Rebellion of Argyll and Atholl — Morton Resigns the Regency — Morton again Seizes the King — Falkirk Agreement — Mysterious Death of Atholl — Impeachment of Morton by Stewart — Morton Arrested and Imprisoned — Stewart created Earl of Arran — Morton's Trial and Execution — Treatment of his Body — His Character — His Successors.

GEORGE GORDON, FOURTH EARL  
OF HUNTLY.

1546-1562.

THE Regent was prompt in appointing a successor to Cardinal Beton. Within a fortnight of Beton's death, the Privy Council met at Edinburgh, attended by the leaders of both political parties. Its deliberations decisively showed what were for the moment the prevailing counsels in the country. The rejection of the English Alliance was unanimously confirmed, and the Earl of Huntly was appointed Chancellor of the kingdom in succession to Cardinal Beton. It was resolved that no one who had been concerned in Beton's assassination was to suffer in person or goods, either by spiritual or temporal law.

Huntly was at this time thirty-three years of age, highly cultivated and capable, and a Catholic in religion. He was the eldest son of the Master of Huntly and Jean,



natural daughter of James IV., and succeeded his grandfather, Alexander, the third Earl, in 1523 at the age of ten years. From his childhood he had been brought up with James V., being about the same age as the young King. After receiving the best education which that age could give he was in 1535 chosen a Privy Councillor, and in 1536 was nominated one of the Lords of the Regency during the King's absence in France in search of a wife. The other Regents were James Beton (Archbishop of St. Andrews and uncle of the Cardinal), Gavin Dunbar (Archbishop of Glasgow, the Chancellor), the Earls of Montrose and Eglinton, and Lord Maxwell. On the King's return Huntly was appointed Lieutenant-General of the North.

In August 1542 Sir Robert Bowes, English Warden of the East Marches, assembled a force of 3000 men and swept across the Border into Scotland. He was accompanied by his brother, and by Sir John Widrington, the Earl of Angus, and Sir George Douglas.

At Hadden Rig, near Kelso, he came in contact with the Earl of Huntly, to whom the King of Scots had committed the defence of the Borders, and a fierce encounter took place. Lord Home, with 400 lances, arrived in time to support Huntly, who won a complete victory, capturing 600 prisoners, including Sir Robert Bowes, Sir John Widdrington, Sir Richard Bowes, and several other persons of note. Angus, however, despatched with his dagger the knight who had seized him, and succeeded in saving himself by flight.

On the death of the King in December following, Huntly was by Act of Parliament appointed a Privy Councillor to Arran, the Regent, in the minority of Mary. Some time after this (May 1544) a violent outbreak took place in the Highlands which demanded Huntly's attention. The Macdonalds of Clanranald and the Camerons were plundering and ravishing Glenmorrison and the surrounding district. Huntly was entrusted by the Regent with full power to bring the

offenders to justice. He was accompanied by the Frasers, and the enemy retired on his approach. Huntly afterwards separated from the Frasers to return home, but whether this was a voluntary separation or was caused by divisions in his ranks is not at all certain. The Frasers were attacked by the Macdonalds immediately on their separation from Huntly, and an encounter took place at Loch Lochy, so fierce that only two combatants on 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 several of the leading rebels.

On the death of Beton, Huntly, as just stated, was made Chancellor of Scotland, and the Great Seal delivered to him, 10th June 1546. His Commission was in the following terms: "The which day the Governor in presence of the Queen and Lords of Council has chosen George, Earl of Huntly, Chancellor of Scotland; who has accepted the said office and has sworn that he shall legally and truly

administer it after his wit, cunning, and knowledge, as other Chancellors have done. In token whereof the Governor in presence of the Queen and Lords has delivered to the Earl our Sovereign Lady's Great Seal, and has ordained the King's Great Seal, whom God assoilzie, to be broken up; of the which one half was cut and shown cut in presence of the Queen and Lords of Council."

Huntly was chosen to command 8000 men at the battle of Pinkie in 1547, where he behaved with great courage and magnanimity, but unfortunately fell into the enemy's hands and was carried prisoner to Leith.

It is stated<sup>1</sup> that the Duke of Somerset, the English commander, invited Lord Huntly to use his influence to promote the proposed match between the two young Sovereigns, and so unite the two realms. Though Huntly was a prisoner he replied independently "that he was still of the same mind as he had been that the Queen should not be disposed of in

<sup>1</sup> *Sutherland MSS.*

marriage till she were of age, to give her own consent, and choose a husband for herself, at least with the consent of Parliament; and how well soever he should approve of the match yet he did not like the way of the wooing."

Huntly was carried prisoner from Leith to London, then sent to Morpeth Castle in the north of England, where he lay for some time. He found at last means to hoodwink his keepers, and by the aid of a dark night, fleet horses, and a guide, he made his escape and got back to Scotland, where he resumed his duties as Chancellor.

He afterwards accompanied Mary of Guise, the Queen-Mother, to France when she went to visit her daughter, the young Queen of Scots, and was made a Knight of the Ancient Order of St. Michael by the French King, Francis I. After his return to Scotland he got a grant of the Earldom of Moray, then in the gift of the Crown by the death of Earl James Stewart, the Queen's natural uncle.

When Mary of Guise became Regent,

however, she took the Great Seal from Huntly and gave it to one of her French retainers, though Huntly kept the Chancellorship. This alienated Huntly, and influenced him towards the Duke of Hamilton and the party which desired to drive the French out of the country.

For failing to carry out the Queen-Regent's orders Huntly was in 1554 warded by her in Edinburgh Castle. She stripped him of the Earldoms of Moray and Mar, which had been lately added to his dominions, and ordered him to retire to France for the next five years. On payment of a large sum, however, he was permitted to remain in Scotland and retain the office of Chancellor, but the powers and privileges of the office, it is said, remained in the hands of the Frenchman, de Roubay, till the close of the Regency of Mary of Guise.<sup>1</sup>

During the contentions between the Queen-Regent and the Lords of the Congregation,

<sup>1</sup> *Reg. of Privy Council.*

Huntly at first 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 Hamilton and the Lords of the Congregation for the support of the Reformation and the expulsion of the French troops from the kingdom.<sup>1</sup> In the contest between the Reformation and the Romish Church, however, Huntly, notwithstanding this bond, resolved to stand forth independently as the leader of the Catholic party. He assisted the Regent in her efforts to carry out the Catholic policy dictated by the Guises. At another time he professed to have joined the Lords of the Congregation, and was present at the Parliament of 1560, when the Catholic Church was overthrown, though he took care to give no material aid to the Protestant cause.

After the death of the French King, Mary's husband, Huntly and other nobles sent an

<sup>1</sup> *Hamilton MSS.*

envoy to invite her to return to her own country and to land at Aberdeen, where they would be prepared to welcome her with 20,000 men. This offer Mary declined. She chose as her chief counsellor her half-brother, Lord James Stewart, and it transpired that she intended to make him Earl of Moray. Huntly's disaffection to the Government on the disclosure of this news was not concealed, and there is reason to believe that he was organising his retainers and allies with a view to take up arms in support of the Catholic faith as soon as a favourable opportunity should present itself.

When Mary returned to Scotland in 1561 she restored to Huntly the Great Seal and his estates.

At a meeting of the Privy Council at Edinburgh on 6th September 1561 it was ordained that "all letters and petitions that are to be put before the Lords of Council be delivered to the Chancellor, President, or Clerk of Council; after which they exhibit



them upon the board to be read by the Clerk as the Chancellor shall command, and what is unread to be read at next meeting. If there be any writing, petition, or request direct from the Queen to the Lords, the Master of Requests shall deliver the same to the Chancellor, to be shown to the Lords for answer thereto. Whatever matter be concluded by the Lords concerning the common weal, the same to be inserted in the Books of Council; and anything to be proposed the Clerk of Council shall make note thereof by advice of the Lords; and that memorandum to be delivered by the Clerk to the Chancellor before consideration. And this arrangement to be observed in all things concerning the Queen, affairs of the realm, and the common weal.”<sup>1</sup>

On 11th August 1562 Queen Mary set out on her famous expedition to the North, accompanied by Lord James Stewart, Argyll, and Randolph. This was the expedition that

<sup>1</sup> *Reg. of Privy Council.*

resulted in the Huntly Rebellion. Her ostensible object was to visit her northern territories, but the real object of the Lord James was to enable him to seize the Earldom of Moray, one of Huntly's possessions. The Queen arrived at Aberdeen on 27th August, and was received at King's College by the Earl and Countess of Huntly and many others. The Countess asked a pardon for her son, but this the Queen refused. Next the Queen was invited by the Earl and Countess to visit them at Huntly Castle, but this was also declined. Great preparations had been made by Huntly for the Queen's reception. The refusal of the invitation had never been contemplated. Mary visited the Garioch and Rothiemay districts, and on 10th September crossed the Spey and paid a visit to Darnaway Castle, the residence of the Earls of Moray. On the following day she held a Privy Council, when the Lord James presented his official nomination to the Earldom, and was created

Earl of Moray. Thereafter the Queen, escorted by the new Earl of Moray and others, visited Inverness, when access to that town was by some misapprehension refused. Moray attacked it, and executed Captain Alexander Gordon, the Governor, one of Huntly's sons. The Queen returned to Aberdeen on 22nd September.

For the misunderstanding which unfortunately occurred at this period between Huntly and the Queen, Moray was wholly responsible. A bogus report was ingeniously circulated, as a reason for Moray's conduct, that Huntly meant to seize the Queen. Then another bogus report was put in circulation that Huntly meant to force her into a marriage with his son, Sir John Gordon, and that, though Sir John was a married man, he was determined to have her. All this was the invention of Moray, who induced the simple young Queen to believe it, and got her authority to issue a proclamation calling the lieges to her support.

This northern expedition of Mary in 1562 affords us one of the best proofs we have of the downright treachery of Moray. On 15th October a Privy Council, called by Moray, was held at Aberdeen, when the following curious entry appears on the record of the proceedings:—

“If Huntly compeers not before her Majesty on 16th October to answer to such things as are to be laid to his charge conform to letters thereupon, that he be put to the horn for his contempt; that his houses, etc., be taken from him; that his friends and others of the country be required to appear before the Queen with all expedition, and charges and commission to be to this effect.”

Huntly, who by this time was aware of Moray's treachery, refused to surrender his estates, and he and his son, Sir John Gordon, were proclaimed rebels.<sup>1</sup> Huntly, unwilling to rebel against his Sovereign, sent the Countess to obtain an interview with the Queen and

<sup>1</sup> *Aboyne Papers.*

plead his cause, as he was not aware of having done anything to offend her. Moray prevented the interview, and Huntly was then compelled to take steps for the safety of his life.

Another Privy Council was held at Aberdeen, Moray presiding, when it was resolved that "as Huntly continues in his treasonable conspiracies, and is come forward to Aberdeen to pursue our Sovereign lady's person, her Grace, to resist his wicked enterprise, is to pass forward to meet him in the green fields." Moray, then, on 28th October, at the head of 2000 men, gave battle to Huntly at Corrichie, twelve miles west of Aberdeen. Huntly, who had only 500 retainers, was defeated and lost his life. Huntly's son, Sir John Gordon, was taken prisoner and executed by order of Moray.

The Chancellor's dead body was, by Moray's orders, exhibited in Court and tried and condemned for treason, and subjected to great indignity, and his armorial bearings trampled

under foot. The body was not buried for some months. This is one of the disgraceful incidents in the history of Scotland perpetrated by the man who afterwards was the cause of the dethroning of the Queen (that he might take her place) and of her execution.

Huntly's estates were forfeited to the Crown under a false accusation of treason; but five years after Queen Mary became aware of the facts of the case and of the fraud perpetrated by Moray, reversed the attainder, and restored the Huntly estates to the Chancellor's son.

The Chancellor was married to Lady Elizabeth Keith, daughter of the Earl Marischal, another daughter of whom, the Lady Agnes Keith, Moray married; she, after his death, became Countess of Argyll and the ancestress of the Argyll family. The Chancellor had it is said, eight sons and two daughters, one of whom was the wife of Bothwell when he seized the Queen, and who promptly sued for divorce from Bothwell; another was married to John Stewart, Earl of Atholl.

Moray having achieved his purpose, and passed an Act of attainder against the Huntly family, his next move was to appoint his friend Morton to the Chancellorship of the kingdom.

JAMES DOUGLAS, EARL OF  
MORTON.

1563-1565. 1567-1572.

James Douglas, Earl of Morton, was the second son of Sir George Douglas of Pittendreich, brother of David, seventh Earl of Angus, and great-grandson of Archibald "Bell the Cat." He received the best education of the time, and it is said he spent several of his early years in Italy. His residence was at Dalkeith Palace, and his earliest appearance in history is in 1544, when, it is said, he garrisoned his Castle of Dalkeith.

After the disastrous battle of Pinkie, Morton was compelled to surrender everything to the

English, and was carried prisoner to England, where he remained some years.

In 1553 he succeeded his father-in-law in the Earldom of Morton, and from that date devoted his life to public affairs, becoming, next to Moray, the greatest personality in the kingdom,—an apostle of treachery and intrigue, a turbulent, unscrupulous, and very daring nobleman.

Morton's character showed to advantage during the regency of Mary of Guise in his efforts to advance the reformation of religion and conserve the liberty and independence of the kingdom. Mary of Guise was for a time strongly supported by French troops. The presence of these troops would appear to have become intolerable to those opposed to the Queen-Regent, and she was compelled to send them home. On that occasion Morton and Glencairn were sent as ambassadors to England (by the Protestants) to return Elizabeth the thanks of the realm for the supplies she had sent and for establishing peace.



Morton, against whom nothing could be said at this date, was in 1561, on Queen Mary's return from France, made a Privy Councillor, and behaved himself properly and discreetly at the Council Board. He was a fearless and independent speaker, and at the Privy Council had many opportunities of displaying his eloquence. He was at that period in favour with the Queen, and she made him Chancellor in succession to Huntly (7th January 1563). He had held office for two years, when he was deprived of it on account of his leadership of the Riccio conspirators, and was obliged to escape to England to save his life. This event stopped all friendship between him and the Queen. Bothwell, who was an accomplice, obtained pardon, but Morton was never again admitted to the Queen's confidence, though afterwards pardoned by Bothwell's influence. His ruling passion, however, was strong, and he became also involved in the conspiracy against Lord Darnley.

On Morton being deprived of the Chancellorship the Queen appointed to that office her friend and supporter, George Gordon, fifth Earl of Huntly.

After the murder of Darnley Morton was one of the leaders in the confederacy that was formed for the dethronement of the Queen and the creation of a regency during her son's minority. Then followed the Queen's vigorous policy towards the Darnley conspirators and their banishment into England, the famous supper in Ainslie's Tavern, the Ainslie Bond authorising Bothwell to seize and marry the Queen, the Queen's seizure, the Bothwell marriage, and the culmination of the whole at Carberry Hill on 15th June 1567, when the Queen's forces and those of the Associated Lords met, determined to try their strength, but a battle was prevented by the intervention of the English Ambassador; and the Queen consented to discuss the situation with Kirkcaldy of Grange as representing the Associated Lords.

These negotiations between the Associated Lords and the Queen occupied the whole day. Morton, in defending his conduct, said "They had not taken arms against the Queen but against the murderer of the King [Bothwell], whom, if she would deliver to be punished or put from her company, she would find nothing more desired of them and all of her subjects than to continue in their dutiful obedience to her; otherwise no peace could be made. They had come to the field not to ask pardon for any offence they had committed, but to give pardon to those who had offended them." On Kirkcaldy giving the Queen a solemn undertaking that she would be honourably treated and restored to her dignity, conform to the negotiations which had been going on, she agreed to surrender to them and dismiss her army. Accompanied by Kirkcaldy, she was thereafter received by Morton, Atholl, and Maitland as representing the Associated Lords. Then, in place of being honourably received

and treated, as promised by Kirkcaldy, she was basely betrayed, and the soldiers allowed by Morton to cheer her in derision. This was treachery and cruelty on the part of Morton, and when the Queen saw she was betrayed she called Morton aside and told him she would pay him out for this treacherous act.

Morton's next move was to compel the Queen to sign her abdication, and this was done at Lochleven in the most brutal fashion by his subordinate, Lindsay of the Byres, who forced his way into the Queen's chamber and held her hand with a firm grasp till she signed, Lindsay threatening the while to sign with her blood if she refused. Morton followed up this conduct, which no words can adequately condemn, by having the infant King crowned at Stirling, the child being then a year old. Morton took the oaths for the boy King, and was the director in everything, while the astute and crafty Moray kept in the background, but approved of all that Morton did.

Moray, having now achieved everything he desired, was appointed Regent during the King's minority—the height of his ambition. His next step was to show his appreciation of Morton's conduct by reappointing him Chancellor of the kingdom under the Regency, Admiral for Scotland, and Hereditary Sheriff of Midlothian (date of this commission, 11th November 1567). Morton held the Chancellorship five years, when he resigned it on being elected Regent. He was a devoted follower of Moray, and fought on his side at the battle of Langside, when the Queen's troops were defeated.

In 1568 Morton was one of the Commissioners to Elizabeth on behalf of James to explain the dethronement of the Queen, but nothing came of this mission. After this Morton managed all the public business under Moray until the latter's assassination in January 1570. Under the Regents Lennox and Mar he held the same power and influence.

Morton, by the Regent Lennox's orders,

sent a detachment of a few horsemen and seventy foot to Leith to publish a proclamation forbidding any persons to supply the faction of the Queen with provisions, arms, or warlike stores under pain of treatment as rebels. This force was attacked on its way back to Dalkeith by Edinburgh citizens, and a smart skirmish ensued, in which the assailants were driven back into the city, though without great loss on either side. This was the beginning of a civil war that raged with much bitterness till closed by the intervention of Elizabeth. Lennox, the Regent, not being prepared to besiege Edinburgh, wished to abstain from violence, but resolved to hold the meetings of Parliament in the Canongate. There he erected fortifications, whence his soldiers fired into the town during the entire sitting of Parliament, and slew many soldiers and citizens. This Parliament forfeited the estates of Maitland, the Queen's Secretary, and two of his brothers. On its rising Morton retired to Leith, where the Queen's party burned down

some houses outside the walls that had been occupied by them. As Morton afterwards waylaid all who carried provisions into Edinburgh, a party was sent out supposed to be sufficiently strong to burn Dalkeith. Morton gave them battle and repulsed them. He then retired with the Regent to Stirling (1571).

In September of that year, however, Kirkcaldy, who was now Governor of Edinburgh Castle on behalf of the Queen, resolved to surprise Stirling, where the Regent and his faction were assembled to hold a Parliament, with the intention of slaying or capturing simultaneously all members of that party. Kirkcaldy did not take part in the expedition himself, but the leaders were Huntly, Buccleuch, Lord Claud Hamilton, and Wurmiston, with 300 foot and 200 horse. The expedition left Edinburgh on 3rd September, but was badly managed. The Queen's party arrived at Stirling at 3 o'clock in the morning. Morton happened to be in a strongly built

house, and made such a desperate resistance that the enemy could only obtain entrance by setting it on fire. Then after a number of his servants were killed he made his escape through the flames and surrendered to Buccleuch. The Regent Lennox and several of the nobles were secured, and the retreat was then sounded. At this point the garrison from the Castle sallied out and opened fire on all and sundry, so that dreadful confusion ensued, and the invaders were under the necessity of quitting their prisoners or of being instantly cut down. Calder, one of Kirkcaldy's men, but connected with the Hamiltons, seeing the day lost, shot the Regent, who was in the hands of Wormiston. For this Calder was afterwards executed. Two of those who had struck at the Regent and wounded him, not being able to escape, were seized and hanged. Lennox died the same night, and Mar succeeded him in the Regency.

About this time John, Lord Maxwell,



married a sister of Archibald, Earl of Angus. Morton, for the entertainment of a number of guests on the occasion, had stores of wine, venison, etc., provided; these, while being brought from Perth on the road towards Dalkeith, were taken possession of by a party of Kirkcaldy's horsemen from Edinburgh Castle. This so enraged Morton that he sent a number of armed men into Fife, who destroyed all the corn on Kirkcaldy's lands and burned his houses. Kirkcaldy the same night burned the town of Dalkeith (Morton's residence). Many other similar depredations occurred.

Mar, the Regent, died on 28th October 1572 in the midst of these troubles, and Morton was some time afterwards appointed to succeed him. Huntly and his supporters were unable to continue fighting on behalf of the Queen on account of the strength of their enemies, who were powerfully supported by Elizabeth, and Huntly eventually was compelled to give in.

One of Morton's first acts as Regent was to prevail on the Hamiltons and Huntly to sign a Pacification.<sup>1</sup> Kirkcaldy of Grange and Maitland of Lethington, however, refused to have anything to do with this agreement, and a quarrel ensued. Morton in revenge then began the famous siege of Edinburgh Castle, which lasted nine months. Kirkcaldy made a heroic defence, and the Castle held out until Morton was compelled to seek help from Elizabeth. She immediately sent to his assistance 1500 men under the command of Sir William Drury. This formidable addition to the besieging force disheartened Kirkcaldy. Gradually his store of provisions went down, and his men at last refused to continue to endure the siege. Kirkcaldy, against his will, was thereupon compelled to surrender. The lives of the garrison were spared, but Morton, with unaccountable brutality, ordered his old friend and companion to be executed. Everything

<sup>1</sup> See the *Hamilton Papers*.

was done to save his life, large sums of money were offered by his friends; but Morton was immovable. At last an appeal was made to Elizabeth, but she declined to interfere with Morton's prerogative, and the brave Kirkcaldy suffered the extreme penalty of the law on the Castlehill of Edinburgh, 3rd August 1573. His companion-in-arms, Maitland of Lethington, was conveyed to Leith, where he died; he is supposed to have been poisoned or otherwise put to death by order of Morton. Morton's brother, George Douglas, then became Governor of Edinburgh Castle.

Morton after the siege of Edinburgh Castle was in great straits for money, and took every opportunity to raise it. An illustration may be given of the questionable expedients he resorted to. He impounded the benefices of the clergy to the extent of one third, and imposed a heavy fine on all who ate animal food during Lent; these, failing payment, were imprisoned. This last action on Morton's part

is the more curious, as he was a nominal Protestant. A third of the Church benefices had been appropriated for the maintenance of the Protestant clergy, but from the avarice of the nobility this portion could not be collected with certainty. Morton proposed to vest it in the Crown, and no sooner got a hold of it than he appointed one man to serve perhaps three churches, in which he was to preach alternately, with a stipend of one parish only. By this means Morton secured two-thirds of the amount.<sup>1</sup> [The General Assembly in 1574 rectified this.]

In 1575 Morton issued a new gold coin weighing 1 oz., and ordained it to pass current for £20 Scots.

Morton's administration became oppressive and intolerable, and led at last to the Argyll and Atholl rebellion, when Morton was obliged to resign the Regency. Morton, however, hoodwinking Argyll and Atholl, by stratagem again got possession of the King.

<sup>1</sup> Spottiswoode's *History*.

The result of all this was that both parties appealed to arms, and met on the Muir of Falkirk. Bowes, the English Ambassador, appeared on the scene, and brought about an agreement (August 1578), after which all troops were dispersed (Spottiswoode).

Morton then invited the nobles to a banquet at Stirling, when it is said he took the opportunity of conveying a deadly poison into Atholl's glass, which caused his death four days thereafter at Kincardine Castle. This mysterious incident caused much controversy. Morton afterwards on the scaffold denied the charge, but at the *post-mortem* examination poison was found in the body.

From this date troubles increased in the kingdom, and the young King gradually began to take the direction of affairs into his own hands. Morton's administration gave dissatisfaction, and his appeals to Elizabeth for support were fruitless.

On 31st December 1580 an extraordinary incident took place at a meeting at Holy-

rood. The meeting was hardly convened when Captain Stewart, one of the young King's companions, entered the room, and falling on his knees addressed the King as follows: "The sense of that duty I owe to your Majesty brings me to this place to discover a crime which has hitherto been concealed by the power and interest of the author. The Earl of Morton was one of those who conspired the death of your Majesty's father. How dangerous it is to suffer such a man to be near your Majesty's person, and one of your council, let the nobles here present consider. As for what I have said, let the Earl be at once secured and brought to his trial. I shall either make my charge good or willingly undergo that punishment the law inflicts on those who unjustly endeavour to rob a man of his reputation, life, and fortune." Morton instantly rose up and demanded to know who this unknown man was who came here with such a charge. He knew not, he said, who had persuaded Captain Stewart to accuse him

of a crime of which he was wholly innocent, and had most severely punished in others; but either there or before any other judge, he was ready to answer, and doubted not but from his innocence his Majesty should be fully convinced of Stewart's rashness and the malice of his enemies. Stewart replied: "If Morton has severely punished others for this murder, why did he prefer his cousin, Archibald Douglas, to be a Senator of the College of Justice, who was known by all men to be one of the murderers." Morton was thereupon arrested and put in Edinburgh Castle, and afterwards in Dumbarton. Orders were also given to arrest Archibald Douglas, but he heard of his danger and escaped.

Elizabeth was enraged at this treatment of her ally, and sent Sir Thomas Randolph on a special mission to the King to solicit his liberation. James, however, declined to comply with the request. Randolph then addressed the Estates of Parliament, but they also de-

clined to interfere. The King now prosecuted all who took Morton's part and proclaimed them traitors, while Captain Stewart, for his impeachment of Morton, was created Earl of Arran.

Morton lay in Dumbarton prison till 1st June, when he was brought to trial and charged with the murder of the King's father. He pled not guilty, but the jury convicted him, and he was sentenced to death. On the following day he was to be hanged on a gibbet at the Mercat Cross of Edinburgh, after which he was to be beheaded and his body quartered. Morton received his sentence without uttering a word. Some of the Edinburgh ministers visited him and asked him to confess his crime. He replied, that on his return from England he became aware of Riccio's murder. Bothwell came to him at Whittinghame and proposed the murder of Darnley. "He said the Queen would have the King taken away, as she blamed him for Riccio's murder more than all the others, and



asked what part I would like. I replied, that being newly released of a great trouble I would not willingly enter into another, and that I would have no meddling in that business. He insisted on my consent, saying the Queen would have it done. If it be so, said I, bring me the Queen's handwriting, that I may know it is her own mind. This he never did." On being reminded that his own confession justified his sentence he answered that according to the strict letter of the law he was liable to punishment, but it was impossible for him to have revealed the plot, for to whom could he have done so? "To the Queen?—she was the author of it. To the King's father?—he was sic a bairn that there was nothing told him but he would tell it to her again; and the two most powerful men in the kingdom, Bothwell and Huntly, were the perpetrators. I foreknew, indeed, and concealed it, but it was because I durst not reveal it to any creature for my life. As to being art and part in the commission of the crime I

call God to witness that I am entirely innocent.”

At 2 o'clock Morton was brought under a strong guard by Captain Stewart to the place of execution, and at 4 o'clock his head was struck off. It would appear that his body lay four hours on the scaffold covered with a beggarly cloak, and was then carried by common porters to the usual burying-place of criminals. His head was exhibited next day on the highest point of the Tolbooth of Edinburgh. We may well ask, could the humiliation of human pride touch a lower depth. The Regent of Scotland was buried in a felon's grave without a human being to pay the last duty to his remains.

And so passed away this great personality in Scottish history. May we say with Spottiswoode : “ Never was there seen a more notable example of fortune's mutability than the Earl of Morton. He who a few years before had been revered by all men and feared as a king, abounding in wealth, honour, and friends,

was now at his end forsaken by all and made the very scorn of fortune, to teach men how little stability there is in honour, wealth, and friendship, and the rest of these worldly things men so much admire. In one thing he was nevertheless most happy, that he died truly penitent with that courage and resignation which became a truly great man and a good Christian and in the full assurance of a blessed immortality."

Morton married Elizabeth, third daughter of James, third Earl of Morton. The third Earl having no male issue entailed his estates on his son-in-law. The Regent too left no legitimate male issue, and he in turn entailed his estates on his nephew, Archibald Douglas, Earl of Angus, whom failing, Sir William Douglas of Lochleven.

On the death and forfeiture of the Regent in 1581, John, Lord Maxwell, grandson of the third Earl, became Earl of Morton in virtue of a charter from James VI., but he afterwards laid aside that title. Morton's attainder was

revoked in 1585, when his nephew, Archibald, Earl of Angus, assumed the title and estates. Earl Archibald died in 1588 without issue, and the estates went to Sir William Douglas of Lochleven.

## CHAPTER III.

George, Earl of Huntly, Chancellor—His Imprisonment—Execution stopped by the Queen—The Queen and Lady Huntly—Lindsay of the Byres' Outrage on the Queen—Queen escapes from Holyrood—Privy Council Meeting at Haddington—Huntly and the Queen at Kirk-of-Field—Signs Ainslie Bond—Huntly resigns after Carberry Hill—Opposes the Associated Lords—Arrives too late at Langside—Supports the Infant King—Assassination of Moray—Lennox made Regent—Huntly proclaimed Traitor and Forfeited—Huntly's Attainder reversed by Morton—Death of Huntly—Earl of Argyll, Chancellor—At Battle of Pinkie and Broughty Ferry—Argyll and the Reformation—Joins Moray—Queen-Regent at Perth—Dismisses the Provost—Argyll and Moray oppose the Regent—Countess of Argyll, the Queen, and Riccio—Craigmillar Conference—Argyll disapproves Treatment of the Queen—Joins Queen's Party and afterwards that of Moray—Attends Moray's Parliament, but afterwards supports the Queen—Receives the Queen at Hamilton on her Escape—Commands the Queen's Troops at Langside—Calls Parliament at Linlithgow—Appointed Chancellor—Death of Argyll—Lord Glamis, Chancellor—At Moray's Funeral—Glamis and Herries demand Morton to resign—Assassination of the Chancellor—Randolph's Letter to Killigrew—Character and Family.

GEORGE GORDON, FIFTH EARL  
OF HUNTLY.

1565-1567.

As already noted, Mary nominated George Gordon, fifth Earl of Huntly, as Morton's successor in the Chancellorship. This was the second son of the fourth Earl, who fell at Corrichie, and was afterwards attainted. His younger brother, Sir John Gordon, was executed on a false charge by Moray on the same occasion.

The fifth Earl had married a daughter of the Duke of Chatelherault, and fled to him for protection. The Duke, however, was compelled to surrender him, and he was sent a prisoner to Dunbar. On 8th February 1563 he was indicted for high treason, found guilty by a packed jury without the chance of making a defence, sentenced to death, and his estates declared forfeit to the Crown. Upon this a warrant for his execution, bearing the Queen's

signature, was surreptitiously obtained by Moray. The Governor of Dunbar Castle, however, had strong doubts of the genuineness of this document, and before he would take any step for Huntly's execution rode into Edinburgh and at a late hour obtained an audience of the Queen. She fell into a passion when the Governor declared his errand, denied all knowledge of the warrant, and complimented him on the courage and wisdom he had shown. She was overjoyed to hear that Huntly was alive and well, and charged the Governor to take care of the Earl and not to deliver him up or execute any sentence upon him unless she ordered him to do so by word of mouth. Shortly afterwards Huntly was liberated, and became a favourite and a loyal and devoted supporter of the Queen.

The Earl was at Holyrood at the time of Riccio's murder, being with Atholl and Bothwell in another part of the palace, from which they made their escape by a window. Lady Huntly was a faithful friend of the Queen.

Mary wrote to Huntly indicating her plan of escape from the conspirators at Holyrood, and Lady Huntly placed this letter for safety between her chemise and her body. While she and the Queen were in the bedroom engaged in conversation Lindsay of the Byres burst into the room and ordered Lady Huntly to depart, but not before she was searched. The letter, however, was not discovered. The proposed scheme was as follows. Mary was to let herself down from the window of her chamber where she was imprisoned, and her friends would be waiting to carry her off. Lady Huntly brought with her a ladder of rope which she succeeded in conveying into the room between two plates, as if they contained part of the Queen's supper. The plan, however, proved impracticable, as at the opposite window the guard was stationed.

When the Queen managed to escape to Dunbar from the Riccio conspirators, Huntly hastened to join the Royal Standard with his retainers.



At a Privy Council held at Haddington in March 1566 various changes were made in the administration,—Sir James Melville being made Secretary of State in place of Maitland.

At the opening of Parliament on 7th March 1566 Huntly, Bothwell, and Crawford bore the Crown, the Sceptre, and the Sword of Honour.

On the night of Darnley's murder (9th February 1567) Huntly dined with the Queen at Holyrood. After dinner she rose from the table and, accompanied by Argyll, Huntly, and Cassillis, returned to Darnley at Kirk-of-Field. The same night, after the murder, Huntly and Bothwell went to Holyrood to inform the Queen, who had retired to rest. On 16th February the Queen went to Seton House for change of air and scene, accompanied by Argyll and Huntly and a small escort. Huntly was present at the supper in Ainslie's Tavern on 19th April and signed the document authorising Bothwell to marry

the Queen; but shortly after this he appears among those who denounced this proposal.

Huntly remained Chancellor till the end of July 1567, after the Queen was made prisoner at Carberry Hill. Morton was thereupon reappointed to the office. Huntly became one of the Lords of the Regency, to administer affairs in the Queen's absence. He continued very devoted to her. On the breaking out of civil war between the Queen and the Associated Lords, Huntly became commander of the forces raised in the north on behalf of the Queen. A condition of anarchy prevailed throughout the kingdom.

At the battle of Langside (1568) Huntly, who was marching from the north with a large following to join the Royal troops at Hamilton, was unfortunately too late, and arrived only when the battle was over. This absence of a material portion of her strength was the main cause of the defeat of the Queen at Langside. Had Huntly's powerful contingent of Highlanders arrived in time it

must have turned the tide of battle. The defeat had a depressing influence on the Queen's supporters. Huntly, it would appear, shortly after signed a bond to support the infant King.

In the midst of these troubles Moray was shot by one of the Hamiltons on 20th January 1570 as he was passing with his retainers through Linlithgow. After this the Hamiltons, Huntly, and Argyll marched on Edinburgh with a body of troops, to be enthusiastically received by Kirkcaldy of Grange and his supporters. The Duke of Lennox succeeded Moray as Regent. Huntly accepted from the Queen the office of Lieutenant of the kingdom, and again collected a strong force for her. He and his supporters were proclaimed traitors by Lennox, and were attacked and defeated at Brechin. At a Parliament held at Stirling in 1571 an act of forfeiture was passed against Huntly and his brother, Sir Adam Gordon.

On the death of John Erskine, sixth Earl

of Mar, in October 1572, Morton was elected Regent.

On 23rd February 1573 a treaty was concluded between Hamilton and Huntly on the one side and the Regent Morton on the other, by which the former became bound to acknowledge the King, while the Regent undertook to repeal the act of attainder against them, and to restore their estates. Parliament confirmed this treaty the same year, and restored Chatelherault and Huntly to their estates; and at this Huntly, who was much disappointed at the result of his efforts on behalf of the Queen, laid down his arms and retired to his domains in the north. That he was as unprincipled as he is represented by some historians (*e.g.*, Taylor) cannot be admitted without further proof than has been advanced. His career, so far as we know it, was eminently creditable to him, and his devotion to the Queen in the midst of her misfortunes is in itself evidence that he was truly noble. It is a conspicuous

fact that in spite of the intrigues, plots, and conspiracies which prevailed at the Court in his day Huntly's name is identified with none such. For six years he followed the cause of his Queen to procure her liberation from captivity. His efforts failed, for the combined forces of the Regent Morton and Elizabeth were arrayed against him; and without material help from abroad the Royalists, under Huntly, could not meet such overwhelming opposition. It is not surprising that Huntly at last became disheartened and retired from the struggle. His death occurred at Strathbogie in 1576.

Huntly, as already stated, married a daughter of the Duke of Chatelherault, and left issue one son, who was created first Marquis of Huntly by James VI., and one daughter, who became Countess of Caithness.

ARCHIBALD, FIFTH EARL  
OF ARGYLL.

1572-1575.

Archibald, Earl of Argyll, who succeeded Morton as Chancellor, the eldest son of the fourth Earl of the same name, was a man of eminent accomplishments, and an active promoter of the Reformation. He was born in 1532, and his first public appearance was made at the battle of Pinkie in 1547, when he fought along with the Highlanders.

In 1548 he advanced at the head of a large force to Dundee with the intention of making himself master of Broughty Ferry, and compelling the English to abandon that fortress. It is said that he was bribed by the English with 1000 crowns; but from whatever cause at anyrate he retired from Dundee on 5th February.

We hear nothing more of Argyll till we come to Reformation times. At this period

Tytler notes he encouraged Douglas, his chaplain, to preach openly in his house in 1558. Other barons imitated his example; and an invitation was sent to Knox requesting his presence among them. This act spread alarm among the whole Catholic clergy. In the following year Protestant opinions continued to spread over Scotland, and the Queen-Regent also became alarmed. Argyll then went over to France to solicit Queen Mary's favour on behalf of the Protestant religion, and on his return he joined Morton, Glencairn, Lord James, and others openly known as its advocates. He and Lord James Stewart (afterwards Regent), disclaiming any intention of encouraging rebellion, joined the forces of the Queen-Regent.

Early in May the Protestants had begun to collect their strength at Perth. On the 11th Knox preached his famous sermon in St. John's Church which caused the demolition of the monastic houses. The Regent sent Argyll and Lord James to effect an amicable

arrangement between the two parties. This was done on the condition that both armies should be disbanded and the people not molested in their religion. The Regent, however, broke the treaty, and on 29th May 1559 entered Perth with French troops, dismissed Lord Ruthven, who was Provost, and the rest of the Protestant magistrates, and appointed Charteris of Kinfauns, a noted Catholic, to take Ruthven's place.

Mary of Guise remained only a few days in Perth, but left a French garrison of 600 men to defend it against the Reformers. Immediately on her departure Argyll and the Lord James, considering it a breach of faith that this garrison should be left in the town, went from Perth to St. Andrews to take action. The Regent ordered their immediate return, but this they refused. The Regent with her troops had gone meanwhile from Perth to Falkland, whence she now ordered a march on St. Andrews. Argyll and Stewart also mustered their followers, and by 12th



June 3000 had assembled under their standard on Cupar Moor. The Regent now became alarmed, and desired a truce for eight days; this was agreed to. Commissioners from the Regent were to meet the Lords of the Congregation to arrange terms of peace. But when the time for the meeting came no commissioners for Mary of Guise appeared, and Argyll and Stewart thereupon resolved to drive her troops out of Perth. On 25th June they accordingly attacked Perth, and at 10 P.M. batteries were opened on the town by Lord Ruthven. The following day the town surrendered, and the French garrison retired. Argyll and Stewart with 300 followers then went on to Stirling, as the Regent had threatened to put a French garrison there also, and found the monastic buildings already destroyed. Then the Regent for safety withdrew to Dunbar, and the Reformers occupied Edinburgh.

In 1561, when Queen Mary returned from France, she formed a new Privy Council, in

which was included Argyll. He was loyal to the Queen and much attached to her interest. On one occasion she honoured him by a visit to his country house, and spent part of 1563 deer stalking with him. He was, however, opposed to the Darnley marriage, and along with other nobles tried to prevent it, but in vain.

In 1565 the Reformers, led by Argyll and Stewart, attempted<sup>1</sup> to overawe their Sovereign. To this end they solicited the assistance of the English Queen, and debated among themselves whether to assassinate Darnley, or to seize him and his father and deliver them to Elizabeth.

The Countess of Argyll was with the Queen at supper in her private chamber on the evening of the Riccio murder, 9th March 1566; her husband, who had nothing to do with the business, was in another part of the palace.

The same year, after the Riccio murder,

<sup>1</sup> Tytler's *History of Scotland*.



GEORGE KEITH  
Fifth Earl Marischal



Argyll was one of the nobles present at Craigmillar when the famous conference took place there between Moray, Morton, and Maitland, and the Queen was asked to agree to a divorce from her husband, a request at once refused.

As a particular mark of her confidence the Queen ordered for Argyll apartments beside herself in the Castle of Edinburgh when she was about to be confined of her son. Argyll was not present at the christening (19th December 1566), being a Protestant, but the Countess, the Queen's natural sister, though also a Protestant, attended. She was present to represent Queen Elizabeth, and held the child at the font. For this, however, she was cited before the General Assembly, and, submitting to discipline, she was enjoined to make such public penance in the Chapel Royal, Stirling, as the Superintendent of Lothian should appoint.

Argyll became involved in the plot for Darnley's murder, and after that event signed

the Ainslie Bond (19th April 1567) in favour of the Queen's marriage to Bothwell. He was, however, one of the nobles who thereafter entered into association for the defence of the infant Prince, and later, at the Coronation on 29th July 1567, carried the Sword of State. He appears to have concurred in the appointment of Moray as Regent.

After the Carberry Hill affair, where Argyll does not appear at all, a Convention of the Lords of the Queen's party was held at Dumbarton (29th June), and proclamation made to all good subjects to be ready, on nine hours' notice, to take arms for the delivery of the Queen from Lochleven. Argyll, who evidently disapproved of the conduct of the Associated Lords at Carberry Hill, now left them and joined the Queen's party. His mind, however, was apparently very unsettled on the question of his allegiance. He attended and took part in the Convention, then afterwards submitted to the Regent. He was utterly opposed to the treasonable and law-

less conduct of Bothwell, but had no sympathy with the compulsory abdication of the Queen. Along with Hamilton and Huntly, he was at this date nominated the Queen's Lieutenant in the kingdom, and apparently encouraged every movement that was made for the Queen's liberation.

Argyll attended Moray's Parliament (December 1567), and carried the Sword of State at the opening ceremony. It was after this event that he became aware that abdication had been forced on the Queen under threat of death. He lamented her misfortunes, and resolved to restore her to the dignities of which she had been so unjustly deprived. She commissioned him and others to treat with Moray for her restoration. Moray, however, would only reply: "It was not convenient to unhinge the Government on its establishment. As for the Queen's liberty, things stood in such a ticklish position that it was not safe to make any alteration of affairs." This convinced Argyll that nothing was to be expected from Moray

by fair means, and he resolved to adhere to his Sovereign at all risks.

Soon after, in a meeting held at Hamilton, a bond was drawn up and executed, undertaking, by all reasonable means, to procure the Queen's freedom and release, "and if those who have her in hand refuse to set her at liberty on such reasonable conditions, we shall employ ourselves, our kindred, friends and followers, bodies and lives, to set her at liberty." After this the Queen made her escape from Lochleven and went straight to Hamilton Palace, where she was received by Argyll and the Hamiltons with 1000 men. Moray was asked to resign, but refused. Argyll was then appointed to the command of the troops to oppose Moray. These, when mustered, numbered 6000, and the parties met at Langside. Just before the action, however, Argyll suddenly fell ill, and this helped Moray to gain the victory. After Langside, Argyll, Huntly, and the Hamiltons held a convention at Largs (28th July), at which they resolved



to let loose the Borderers in England, and wrote the Duke of Alva requesting his assistance. This overture resulted in nothing.

Early in 1570 the Queen reappointed Argyll one of her Lieutenants in Scotland. He and Huntly wielded the whole power in the north, and refused to sign any pacification. So deep was their enmity to Moray that they accused him of being accessory to the murder of Darnley, and left nothing undone to support the interests of the Queen and destroy the authority of the Regent. At last, however, Argyll, perceiving the overwhelming power of Elizabeth exercised in Moray's favour, consented to acknowledge the King's authority, and was received again into favour.

On the assassination of the Regent Moray in January 1570 a message was sent from Argyll and the Hamiltons to their opponents warning them not to acknowledge any other authority than the Queen's, and declaring that, as her Lieutenants in Scotland, they were ready to punish the Regent's murder.

Argyll, Hamilton, and Huntly thereupon called a Parliament in the Queen's interest to meet at Linlithgow on 10th April following, but through the influence of Elizabeth, exerted against the Queen, these nobles were defeated, and Lennox was appointed Regent. As was to be expected, the realm was now split into two factions—one supporting the Queen and the other the King—each pretending an equal desire for the peace and welfare of the realm. Of these two factions the Queen's was the stronger, and would have triumphed over their opponents but for the aid of Elizabeth given to the young King. Both sides eventually prepared for war. Argyll and the Highland clans were ready to break in on the Lowlands, but the Duke of Sussex, on behalf of Elizabeth, promptly appeared in Annandale at the head of a powerful army to support the young King.

Argyll, finding it impossible to help Mary further, finally joined the King's party. In

September 1571 he was one of the nobles assembled at Stirling to attend the meeting of Parliament there, when he was seized by Kirkcaldy, but released. He was, later, a candidate for the Regency against Mar.

On the Earl of Morton being appointed Regent, 24th November 1572, Argyll, as already stated, was appointed Chancellor. He appears for the first time in the sederunt of the Privy Council as Chancellor on 15th April 1573. He was also elected Lord Justice General and Keeper of the Great Seal. In the administration of these high offices Argyll gave the utmost satisfaction as long as he lived. He remained ever kind and considerate to all friends of the Queen, and it was by his influence that matters were finally compromised by the Treaty of Pacification at Perth in 1573.

It was secretly resolved that for the present no inquiry should take place into the Darnley murder, in which Morton, Huntly, Argyll, and Sir James Balfour were all concerned, and that

no prosecution should be allowed. Morton was authorised to pardon those accessory to the death of Lennox.

Argyll died 12th September 1575, at the early age of forty-three years. He had married, first, Lady Jean Stewart, natural daughter of James V., and, secondly, Lady Janet Cunningham, daughter of the Earl of Glencairn, but left no issue by either. His first wife was interred beside her father in the Royal Vault, Abbey Church, Holyrood. The estates went to his half-brother, Sir Colin Campbell, who became sixth Earl.

#### SIR JOHN LYON, LORD GLAMIS.

1575-1577.

On the death of the Earl of Argyll in 1575 the Regent appointed Sir John Lyon, tenth Lord Glamis, as his successor. Glamis was the son of John Lyon, Lord Glamis, by Lady Janet Keith, daughter of the Earl Marischal,

and a direct descendant of that Sir John Lyon who in 1372 received a grant of the whole thanedom of Glamis from King Robert II.

Sir John succeeded to his estates in 1560; he was afterwards, by Morton's influence, made a Privy Councillor. In 1570 Glamis was one of those who carried the body of the Regent Moray to its interment in St. Anthony's Aisle, St. Giles Church; others were Morton, Mar, Glencairn, Cassillis, Lindsay, Ochiltree, and Ruthven.

In 1575 the King and Morton had begun to quarrel. In 1577-78 occurred the revolt of Atholl and Argyll; the King took part with these nobles. Morton resented this, and wrote a hasty letter to the King declaring his anxiety to resign office if his Royal master was prepared to overlook the conduct of Atholl and Argyll. Before Morton had time to withdraw this letter Glamis, the Chancellor, and Lord Herries brought him a message from the King requiring his immediate resignation. Morton received the unwelcome

message with composure, and rode from Dalkeith to the Mercat Cross of Edinburgh, where, after listening to the proclamation there of the King's assumption of the Government, he resigned, in presence of the assembled citizens, his administrative authority, and retired to his country seat of Loch Leven, where he devoted himself for a brief period to rural occupations. Glamis on his return from Dalkeith, before he could report to the King the result of his message, became engaged in a scuffle in the streets of Stirling with men of the Earl of Crawford, and was shot through the head and killed (17th March 1577). Randolph, the English Ambassador, described to his friend Killigrew the state of Scotland at that time in the following laconic terms:—

“All the devils in hell are stirring and in great rage in this country. The Regent is discharged, the country broken, the Chancellor slain by the Earl of Crawford, four killed of the town out of the Castle, and yet

are we in hope of some good quietness by the wisdom of the Earl of Morton."

Glamis was Chancellor at a turbulent period of Scottish history, and discharged his responsible duties with much acceptance. He is generally allowed to have been a wise and judicious Chancellor, and his untimely death was a misfortune both to the nation and to the King, more especially as it occurred at a time when both stood much in need of his services, for from his judicious and well-balanced mind he had acquired great influence and authority. He was especially anxious to have Church policy settled, and had been in correspondence on the point with Theodore Beza at Geneva (Spottiswoode). By his wife, Elizabeth, daughter of Alexander, sixth Lord Abernethy, he left issue—one son, Patrick, his heir; a daughter, Jean, married to Robert Douglas of Lochleven; and another daughter, Elizabeth, married to Patrick, Lord Grey.

## CHAPTER IV.

John Stewart, Earl of Atholl, Chancellor—Devoted Friend of Queen Mary—Privy Councillor and Justiciar for the North—Approves of the Darnley Marriage—Opposed to the Regents Moray and Morton—Escorts the Queen to Callender House—At Christening of the Infant King—Disapproved of the Darnley Murder—Displeased at Bothwell seizing the Queen—Joins the Confederates at Carberry Hill—Mary's Abdication and Council of Regency—Moray's Parliament—Morton quarrels with Atholl—Morton resigns Regency—Atholl appointed Chancellor—Stirling Banquet and mysterious Death of Atholl—Interred in St. Giles—Colin, Earl of Argyll, Chancellor—Marries the Regent Moray's Widow—The Countess a great Personality—The Countess and the Crown Jewels—Morton demands Them—Her Letter to Queen Elizabeth—Argyll and Morton Letters on the Subject—Final Reply of the Countess—Jewels eventually Delivered up—Argyll and Atholl complain of Morton—Argyll's Administration—His Death.

### JOHN STEWART, FOURTH EARL OF ATHOLL.

1577-1579.

THE death of Lord Glamis was followed by the appointment on 28th March 1577 of John



Stewart, fourth Earl of Atholl, as Chancellor of the kingdom.

The Earl was the son and heir of John, third Earl of Atholl, by Lady Mary Campbell, a daughter of the Earl of Argyll. During his whole life he was recognised as a man of distinguished honour, loyalty, and integrity, and a devoted friend and adviser of Queen Mary. He was one of the privileged nobles who had apartments within the precincts of Holyrood. It is recorded that he, Borthwick, and Somervell were the only three peers who dissented from the Confession of Faith and the Reformed Doctrine as ratified by Parliament in 1560—"They would believe as their fathers had done before them."

Atholl was one of the Queen's Privy Council after she came from France in 1561, and a Justiciar for the northern part of the kingdom. He approved of the Queen's marriage with Darnley, and had no sympathy with the opposition of Moray and Morton.

Moray, Argyll, and Rothes had arranged

to seize the Queen on 1st July 1565 between Perth and Kinross, as she was on her way to visit Lord Livingstone at Callender House. The Laird of Dowhill, Squire Lindsay, heard of the plot, and at once rode to Perth and advised the Queen. She called Atholl and Lord Ruthven, who promptly raised a force of 300 men, fully armed, and with this escort, under their leadership, the Queen and three of her ladies were in the saddle at 5 o'clock in the morning, and the journey was safely accomplished. For this Atholl was made Lieutenant in the north, with unlimited power to seek out the rebels and their followers, lay siege to their houses, and pursue them with fire and sword till they were brought to obedience. A conscription was levied, and all persons between sixteen and sixty were ordered to turn out for military service for twenty days under pain of forfeiture of their lands and goods.

At the festival after the Queen's marriage, 29th July 1565, when the ceremonial was

imitated from the French Court—the foremost in the practice of exacting menial services to the person of royalty from subjects of the highest rank—Atholl served as sewer, Morton as carver, and Crawford as cup-bearer. It was, further, Atholl who had the management of the feast, and directed all details.

Atholl was present at the christening of the infant King (December 1566) in the Chapel Royal, Stirling, and assisted at that ceremony. The infant was carried from the cradle to the Chapel Royal by the French Ambassador between two lines of barons and gentlemen, who held in their hands tapers of wax. After the banquet which followed, the company, led by the Queen, danced for upwards of two hours.

The next event of moment was the murder of Darnley. Atholl was enraged at the murder, and proposed that an association should be formed for the protection of the infant prince, and to secure the apprehension and trial of the murderers. He continued, however, to have a great affection for the

Queen, and to have compassion for her state and fortunes.

Atholl was highly displeased at the seizure of the Queen by Bothwell in April 1567, and resolved to go over to the Confederates, taking part with them at Carberry Hill. The Queen was led on horseback into Edinburgh a prisoner, riding between Atholl and Morton.

On Mary's abdication in 1567 Atholl was named, along with Morton, Argyll, and others, in the deed creating a Council of Regency. He was a signatory to the order to put the Queen in Lochleven, and a few days after assisted at the Coronation of the infant King. On 15th August following he accompanied Moray and others on the visit to the Queen at Lochleven, when the well-known interview between the Queen and Moray took place. After this Atholl entered into a bond to assist the King and set him on the throne, give him homage, and establish him in his kingdom. This bond is preserved in the library of Glasgow University.

At a meeting of the Scottish Parliament, 15th December 1567, Maitland announced the Queen's abdication and voluntary demission of the Crown to her son. Lord Herries declared that the Coronation of the Prince was invalid, and that so far was it from being with her approval that it was in direct opposition to her will; therefore he demanded that the Queen should be brought before them to defend herself. The Earl of Atholl seconded this request, but on a vote being taken the motion was lost. Atholl entered into a second bond in 1569 acknowledging the King's authority, and that of Moray, the Regent. He afterwards removed to his residence at Dunkeld or Blair Atholl, where it is said he lived in great splendour.

Darnley's murder was, however, still agitating the public mind. A suspicious gathering took place at Dunkeld, at which were present the Earl of Atholl, Seton, and Maitland of Lethington. It was said that they were hunting, but men believed "they were devising

some things touching the Queen's coming home [her liberation] and the wrecking of Moray, the Regent, and his affairs."<sup>1</sup>

In 1570 Atholl was still a loyal supporter of the Queen, but he was not prepared to go to England as a commissioner on her behalf unless he had some assurance of success. Atholl was a signatory to the famous petition of 16th April 1570 by the Scottish nobles to Elizabeth for Mary's liberation.

In 1575 the conduct of Morton, the Regent, became tyrannical, and Atholl and Argyll became dissatisfied with his custody of the young King, and determined to put an end to it. It is said that Atholl hated the Regent because of his conduct to Maitland, who was supposed to have been poisoned by him in 1573.

Atholl received a letter from Elizabeth recommending peace, but Morton made peace impossible by declaring Atholl a rebel. In 1577, however, when the King named a new Privy Council, Atholl was included.

<sup>1</sup> *Diurnal of Occurrents.*

On 4th March 1577 Atholl and other nobles were admitted into Stirling Castle in Morton's absence, and to the presence of the young King, and urged him to take the government into his own hands. In the midst of the discussion the letter arrived from Morton to the King denouncing their conduct, and declaring he would resign the Regency if their conduct was overlooked. So good an opportunity could not be lost, and before Morton had time to retract Glamis, the Chancellor, and Lord Herries arrived at Dalkeith (Morton's residence) with a message from the King requiring his immediate resignation. Morton obeyed, and his resignation was the same day proclaimed at the Mercat Cross of Edinburgh.

On 17th March the Chancellor, Glamis, was accidentally shot in the streets of Stirling. Atholl was thereupon appointed Chancellor of Scotland, and one of a council of twelve to assist the King in the administration. The appointment is recorded in the following terms: "Stirling Castle, 28th March 1577.

Which day John Stewart, Earl of Atholl, being nominated and elected Chancellor of this realm gave his oath in presence of the King and the Lords of the Privy Council for the due and lawful administration of the said office as he shall answer to God and the King to his peril."

A meeting would appear to have taken place shortly after this at Craigmillar between Atholl, Argyll, and Morton to adjust their differences, after which all three slept at Dalkeith Palace. Next morning after the Craigmillar meeting, 9th May 1577, Morton, unknown to his guests, got up before day-break, and with a small escort rode off to Stirling, entered the castle, and resumed his ascendancy over the King.

On 13th August Atholl and Argyll assembled their forces to fight Morton. The parties met at Falkirk, but by the intervention of Bowes, the English Ambassador, hostilities were put an end to, and the foes temporarily reconciled. Morton then assembled a Parliament at



Stirling, but Atholl and Argyll enraged at his conduct did not attend.

A Privy Council meeting of 14th April 1578 is the last occasion when Atholl's name appears as Chancellor.

During the year 1578 Atholl and Argyll continued to lead a confederacy against Morton; about the close of the year they became once again reconciled.

In April 1579 a banquet was given by Morton at Stirling, Atholl and Argyll being guests. Of the details of this banquet and the circumstances under which Atholl died we know nothing. Atholl was living at the time at Kincardine Castle, near Auchterarder, and died there on 25th April 1579, four days after this entertainment. His sudden death caused great surprise to his friends and followers, and a *post-mortem* examination of the body was ordered, and took place in presence of the King and Privy Council at Stirling on 15th June. Why there should have been a delay of seven

weeks remains unexplained. The medical officers who conducted the examination disagreed in their verdicts, although by some "the poison was so plainly detected that they declared there was no doubt on the subject." On account of this division of medical opinion the matter was allowed to drop, but it was pretty generally supposed that Morton had a hand in the death. One writer informs us that Atholl declared to the Countess before his death that he thought he got foul play at Stirling Castle.

The Chancellor's body was not interred till 4th July, when it was deposited by the King's authority in the south aisle of the church of St. Giles, beside the body of the Regent Moray.

Atholl left two daughters by his first wife, Elizabeth Gordon, daughter of the Earl of Huntly; and by his second wife, Margaret, daughter of Malcolm, Lord Fleming, one son and five daughters.

COLIN, SIXTH EARL OF ARGYLL.

1579-1584.

After the death of the Earl of Atholl, the Earl of Argyll was in 1579 elected Chancellor of the kingdom. This was a very trying period of Scottish history, as during Argyll's five years' term of office occurred the impeachment, trial, and execution of the Regent Morton (June 1581). Argyll could not but take an active part in that great political event, and, if we read the evidence correctly, it was one which had his full sympathy and approval.

The new Chancellor was the son of Archibald, the fourth Earl of Argyll, and half-brother of the fifth Earl. His mother was Lady Margaret Graham, daughter of William, Earl of Menteith.

On the breaking out of the troubles of 1567 Sir Colin Campbell, as he then was, did not side with his father, but zealously sup-

ported the infant King, and was a signatory to all the bonds that were entered into on his behalf. After the death of the Regent Moray in January 1570 Sir Colin appears to have married the Regent's widow, Lady Agnes Keith, daughter of the Earl Marischal, a lady who was a great personality in her time, and who maintained the brilliant traditions and reputation of her ancient family, of the highest honour and integrity, courageous in disposition, and with the gift, rare in that age, of expressing herself in all her communications briefly, in a scholarly manner, and with precision. After her marriage with Sir Colin Campbell, the Crown jewels and Queen Mary's jewels, which the Regent Moray had appropriated, passed into the possession of the Argyll family.

Morton, the Regent, was in great straits for money to carry on the administration, and it occurred to him that these jewels were the property of the State and not the property of Moray or his widow; and

that if he had possession of them he could raise money on their security for his official requirements. Under these circumstances he demanded their instant delivery, and put Sir Colin and his lady "to the horn" until his request should be obeyed.

They, on their part, however, refused to give up the jewels, the Lady Agnes maintaining that her position as custodier of the jewels was a solemn duty which had been imposed on her by her late husband, the Regent.

Lady Campbell, who considered the matter as peculiarly hers rather than her husband's, seems to have been responsible for the entire correspondence on her side, and being quite unable to win concession from the Regent Morton she sent the following letter to Queen Elizabeth:—

"10th September 1574.

"May it please your Majesty, I have oft troubled your Highness, of the which boldness I must humbly crave your pardon, as also

at the being here of your servant, Sir Harry Killigrew. He travelled at your Majesty's command with the Regent to bring the difference that is betwixt Sir Colin and the Regent for my cause, and my Lord of Moray's bairns, to some good end. And upon this occasion my husband and I wrote your Majesty letters of thanks for the favour we had obtained at the Regent's hand. But now, since the departing of your Ambassador, the Regent hath desired the performance of some further conditions by us not contained in the heads agreed upon before. It thus appears to Sir Colin and me that the Regent is not to make any immediate end of this matter, but only to drive time and allege that the fault is on our side. Argyll and I may not be present with you to declare verbally the conditions of all this, our just cause, and, fearing that it might be otherwise reported, I have sent your Highness the true copies of such writings as have passed between the Regent and Sir Colin. These

things being looked on, your Highness will soon consider the Regent's mind towards the weal of me and Lord Moray's bairns. Wherefore if it should please you to write in my favour to the Regent, I will most humbly desire that the same may be for a *simpliciter* relaxation from the horn, together with the Regent's promise to you that during his government I shall not again be troubled in this matter. And this, I believe, he will do at your desire, for ye have done more for him. I am the more desirous of this, your Majesty's earnest request, because I understand if I should exhibit the jewels at the Regent's desire he is altogether minded to retain them, and will hold no cause that I will allege, to be lawful, why I should have the custody of them. And if I should be this way handled I am sure you will disapprove. Fearing to trouble you with a longer letter I take my leave, committing your Highness to the protection of the Almighty.

AGNES KEITH."

Morton at first merely repeated his demand, but later issued the following conditions, on which, at the request of Queen Elizabeth, he would agree that Sir Colin and Lady Campbell should retain the jewels :—

“Whereas my Lady Campbell (formerly Lady Moray) hath made suit to the Queen of England for her favourable letter to the Regent, to permit her and the Earl, her husband, to retain certain jewels until certain demands be answered to the heirs of the late Lord Moray, for money disbursed by him in the King’s service, it hath pleased the Regent thus far to grant unto them at her Majesty’s request; to wit, that Sir Colin and Lady Campbell shall retain them in their custody on these conditions. That after the Regent’s return to Edinburgh they produce the said jewels to be valued, and show cause why they should detain them, giving caution to his Grace to be answerable for them for the King’s use; his Grace is contented that they shall retain them in their custody as



stated. And, touching the time to produce them, the Regent's pleasure is it should be on his return to Edinburgh, where competent valuers may be found to value the same. If this is approved by Sir Colin and Lady Campbell, they signify the same to his Grace, and he will release them from the horn so that they may come to the Regent for termination of this matter. Farther than this his Grace cannot go with his duty to the King and the nobility of the Realm."

Then follows the reply of Sir Colin Campbell to a memorial sent to him by the Regent:—

"It is of verity that the articles sent to me by the English Ambassador have the two points contained in them, the exhibition of the jewels and the caution, and as soon as I and my wife should signify our approval of the said articles that the Regent should relax us from the horn, and so I thought good to certify the Regent of my own approval and my wife's also. And, truly, in the articles

sent to me, which were subscribed by the English Ambassador, there was no caution desired for keeping any particular day, but only to find caution for the sure keeping of the King's jewels when they should be exhibited, and so it cannot be thought that I have any way shifted from the agreement. The Regent alleges that by my last relaxation the King was deprived of his profit, and the promise broken for not offering reasonable satisfaction. As to the first I altogether deny the intromitting with any of the living of Moray during that time; and, even if I had, the wrong is not great, for I understand the gear is my own and not my wife's. I am not afraid of being accused for any crime merely because I want my own. And albeit for my wife's disobedience the Regent has caused me to be named a rebel to the King, I hope I shall never justly merit that title at the hands of any sovereign. As for the promise made by my friend of reasonable satisfaction, I thought that point fulfilled when

my wife declared the cause of her retaining of that gear, which was not for any profit to herself but only for the weal of his bairns. Moray put them in her hands, and he had that power for the time. And these things being well considered I think the Regent will neither retain me a defrauder of the King's Majesty nor yet a promise breaker to himself. So that I marvel what is the occasion of the Regent's hard dealing to me and my wife. As to my desire that the matter promised should take effect my good will is already known by my letter to the Regent. But to find caution to keep so short a day as his Grace has desired, it cannot be; for two causes, one my wife's inability, the other so long as I am at the horn I have no negotiations with Lowland men as is desired: and so the requiring of these impossibilities at my hand makes me believe the Regent to have little desire that the matter commanded by the English Ambassador should take end, for none of them can be preferred on the

sudden. And so I think the Regent cannot justly lay to my charge the non-performance of that which was appointed at the Queen of England's desire. And thus so long as the Regent holds me at the horn I am not able to offer or do anything further for obeying or satisfying his Grace; but if it would please him to relax me from the horn I would be the more able to bring all things to a proper issue."

This correspondence would be incomplete without the Regent's presentation of the case and Lady Campbell's reply, contained in the following paper deposited at the Record Office:—

"The answer of Madam Agnes Keith, Lady Campbell, to the Regent's objections to Sir Colin Campbell's articles and offers made to his Grace concerning the exhibition or deliverance of certain jewels pertaining to the King's Majesty acclaimed of her, where it is answered to the Regent's objections that the trouble taken by Sir Colin

with me has been slender, and neither earnest nor yet effectual, and that the offer of finding caution that the jewels shall be forthcoming to the King's Majesty cannot be thought sufficient; that it exonerates not the Regent of that committed to his charge, and that there is nothing pretended against the said Sir Colin but what is conform to law.

“I will commit the answering of these heads unto my husband and his friends. But in my opinion concerning the first head, my husband has done that which becometh a nobleman of his honour and duty in joining with me for the satisfaction of the Regent's desire, unless my husband would have used me more extremely, not becoming a husband or lord, the which he could not of his honour do, considering the matter originated not in any crime, but is civil.

“And as touching the other objections, chiefly where exhibition ought to be made of the jewels acclaimed, and that my excuse in not exhibiting thereof is but an invention

without any manner of ground or law, my answer is that these things which are corporal, whereof the value may be liquidated, and the price thereof retained, are not necessary to be exhibited, because ordinary proofs may be conferred against the retainer; as yet there is none used against me. And this being truth, as it is most true, it cannot be objected that my first statement is an invention without ground of law.

“That if any power were granted to the Regent Moray by Parliament, it cannot but be patent to witness the truth that the jewels were not ordained to be withholden by me after his decease, and that my disbursing has not been great for the King, or my husband’s debts:—My answer is that I am assured the Regent nor any of the nobility, favourers of the King’s Majesty, would deny or call in question the power granted unto my late husband by consent of Parliament, to dispone to the King’s Majesty jewels as he thought good for maintaining of the common cause.

And seeing that he had dispersed one part thereof both by selling and pledging of them and perceiving that way to fail him, he retained some part in his own hands for his relief in the debts contracted by him in the common cause, whereof the burdens come upon his bairns. And in consideration thereof I have just cause to withhold and retain the jewels after his decease, and until relief or payment of the said debts be made. Notwithstanding my disbursing since my husband's decease for the King's debts, yet it is well known that he was superexpended in his own, which was spent in the common cause by intromission of the King's revenue to about the value of the jewels acclaimed. As to the rest of the objection it is impertinent to the purpose, and requires no answer.

“That I cannot justly claim retention of the jewels, being neither tutrix nor administratrix to my children:—It is of verity that I am tutrix testamentary and also tutrix dative, and no other has opposed them, and if any

would they shall be answered according to law.

“Where the debts were contracted by my lord and husband in the King’s service is not sure, nor declared by count, there being insufficient time thereto, and therefore I cannot lawfully retain the jewels:—My answer is that the fault thereof was not mine, because I was not executrix vocata, and they, who were executors vocati, would not accept the burden and charge upon them, albeit they were most effectually required thereto, as some of them yet living can bear witness, viz., the Lairds of Pitarro and Lochleven. Nevertheless if it is the Regent’s will and pleasure to suffer my person to stand in judgment, I shall cause such debts as were contracted by my late husband for maintenance of the King’s service and common cause to be made manifest, which being done, there are none of sound judgment but will consider my retention of the jewels to be lawful.

“If I had bestowed any sum of money of



my own, or yet taken money upon the King's jewels for maintenance of the action of avenging my husband's blood, whereof I crave my children to be recompensed, the retention of the jewels might have had some show:—Unto which I answer that I was never charged to bestow any sums of money to that effect, and if I had been obliged I would have provided some other of my own, so as not to have pledged these jewels, which are not mine.

“But in that case I have taken little care and burden, meaning to avenge my husband's slaughter as a payment of his debts:—I may answer that I am assured that all who have the fear of God understand and know how far God has permitted a subject and a lone woman to be an avenger of quarrels. But if it had been the will of God to have promoted me to the room and charge that others bear, and then to have some such assurance and friendship as they have gotten, I hope to have so discharged my duty that the

murderers, not only of my husband, but of others, should not have been entertained nor accepted, and, as the common proverb is, 'have their heads stroked therefor to their own contentment,' and yet, even in my present state, I shall, with God's grace, do both by my goods and otherwise as becomes me, both of my own duty and honour as time shall try the same.

"That I might have had the means to have relieved my husband's debts, if any had been, by his own goods:—I think there is no man of good conscience or reason will judge that the private means of my husband ought or should relieve or pay debts contracted by him for the outsetting of the King's Majesty's service and common cause.

"And that the executrix committed to my trust was refused by me, my husband's latest will neglected, and a part of the goods of most avail retained by me, from the knowledge of my children's nearest friends, and

refused by me to intromit with the remainder, whereby a great part is consumed:—To this I answer that I was not executrix vocata, as the testament will witness when it is seen, and as to my intromissions with any manner of goods pertaining to my late husband, the Regent is misinformed, for I am assured that there is none living who can prove my intromission or retention with any manner of goods or movables as is alleged, saving the jewels now acclaimed. And if any person will allege otherwise I will desire the matter to be brought to proof that my behaviour in that, as in other causes alleged, may be tried. And therefore I am accused, being innocent, in defrauding my bairns, in taking the best of my husband's goods, and leaving the rest, suffering the same to be consumed to their damage and hurt."

Nevertheless the jewels were eventually delivered to the Regent, but this correspondence, which took place before Sir Colin succeeded to the Earldom, unquestionably created

enmity between him and Morton for the remainder of their lives.

Sir Colin succeeded to the Earldom in 1575. A quarrel arose between him and the Regent out of Argyll's claim of jurisdiction as Justice-General for Scotland (1578). In this quarrel, as already related, the Earl of Atholl was also concerned.

After this period the parties were reconciled, and in April following took place the famous banquet at Stirling and the death of Atholl. Argyll was then appointed Chancellor of Scotland, and retained the office almost till his death in 1584. The first Privy Council meeting where he attended as Chancellor was on 4th September 1579. He approved the impeachment of Morton as not only a proper but an absolutely necessary proceeding, and was one of the peers who sat as judges at his trial in 1581 and condemned him.

There can be no doubt that Argyll and Atholl contributed greatly to the downfall of Morton. Argyll never was a friend of the

Regent, and was out of sympathy with his administration. It has even been said by some writers that his enmity to Morton began when Morton was a conspirator and one of the murderers of Darnley. Argyll after Morton's execution joined in the bond against Lennox, which led to the Raid of Ruthven in 1582 and the restoration of the Protestant party to power. He was, however, one of the nobles who assisted the young King to escape from the Gowrie faction in June 1583.

Argyll was an excellent Chancellor, and administered that responsible office with great satisfaction. Captain Stewart, Earl of Arran, was appointed Chancellor before Argyll's death, Argyll being laid aside with a fatal illness.

The Chancellor had by his wife, Lady Agnes Keith, daughter of the Earl Marischal, two sons—Archibald, his successor, and Colin, afterwards Sir Colin Campbell of Lundie. He had no issue by his first wife, Lady Johanna Stewart, daughter of Henry, Lord Methven.

## CHAPTER V.

James Stewart, Earl of Arran, Chancellor—Knighted and made a Privy Councillor—Plot for Morton's Overthrow—Stewart Impeaches Morton—Morton's Defence and Arrest—His Trial and Execution—Stewart's Rewards—The Clergy wait on the King—Arran and Countess of March—The Raid of Ruthven—Escape of the King—Arran in Favour—Arran Commands Edinburgh Castle—Appointed Chancellor—The Court at Kinneil—Plot to Assassinate Arran—Seizure of the Earl of Gowrie—Execution of Gowrie—The Berwick Conference—Brutal Treatment of Lady Gowrie—Elizabeth Approves Arran's Destruction—Arran Arrested and Released—Plot Against Arran—Banished Lords at Falkirk and Stirling—Arran Proclaimed Traitor—Death in 1596—His Family.

### JAMES STEWART, EARL OF ARRAN.

1584-1585.

JAMES STEWART, afterwards Earl of Arran, belonged to the Ochiltree family. In 1543 Andrew Stewart, Lord Avondale, had his

title changed by Act of Parliament to Lord Stewart of Ochiltree. His son, Andrew, the second Lord Stewart of Ochiltree, married Margaret, only daughter of James Hamilton, first Earl of Arran, by Beatrix, his first wife, the daughter of John, Lord Drummond. By Margaret Hamilton the second Lord Ochiltree had five sons—Andrew, who died before his father, James, afterwards Captain Stewart, Chancellor of Scotland and Earl of Arran, and three others.

James Stewart entered the service of the States of Holland, and obtained the rank of Captain in their army. On his return home he attended the Court of James VI., and soon became a favourite with that monarch, being made in turn Gentleman of the Bed-chamber, Knight, and Privy Councillor.

It is evident from the documents in the State Paper Office that in 1580 and 1581 the Courts of Rome, Paris, and Madrid made strenuous efforts to liberate the Scottish Queen. The favourites of the young King of Scots

were Esmé Stuart, Lord D'Aubigny, afterwards Duke of Lennox, and James Stewart, who became Captain of the Guard. These urged the King to insist on his mother's release, and the King, under their influence, apparently put himself in communication with her. Esmé Stuart further persuaded James to overwhelm opposition by one grand stroke—the overthrow of the Regent Morton, Mary's greatest enemy. Morton's steady adherence to England had made him odious to the Queen's supporters, while he was hated by the people for his avarice and the severity of his rule.

Captain Stewart, a man of daring, ambitious, and unscrupulous character, appeared at a meeting of the Privy Council on 31st December 1580, and in a scene that already has been described accused Morton of a share in the murder of Darnley. The whole meeting was thrown into confusion and amazement; Morton alone was cool and unmoved. Rising to his feet, and looking disdainfully at Stewart, he said: "I know not by whom this informer



has been set on, and it were easy for one of my rank to refuse all reply to so mean a person, but I stand upon my innocence, I fear no trial. The rigour with which I have prosecuted all suspected of that murder is well known: and when I have cleared myself it will be for your Majesty to determine what they deserve who have sent this perjured tool of theirs to accuse me."

Stewart hotly responded: "It is false, utterly false, that anyone has instigated me to make this accusation. A horror for the crime, and zeal for the safety of my Sovereign, have been my only counsellors: and as to Morton's pretended zeal against the guilty, let me ask where has he placed Archibald Douglas, his cousin? That most infamous of men, who was an actor in the tragedy, is now a senator, promoted to the highest seat of justice, and suffered to pollute that tribunal before which he ought to have been arraigned as the murderer of Darnley." As he uttered these last words Stewart sprang

to his feet, and Morton laid his hand on his sword, when Lords Lindsay and Cathcart threw themselves between them and prevented a personal encounter. The King then commanded both to be removed; and after a brief consultation the Justice Clerk declared that on a charge of treason the accused must be instantly arrested, and Morton was seized and committed to Edinburgh Castle. Shortly afterwards he was removed to Dumbarton Castle.

On 1st June 1581 he was tried before a jury in Edinburgh, the Chancellor, the Earl of Argyll, presiding. It was an occasion of no common importance, and created great excitement all over the kingdom, but little sympathy was shown for Morton. His trial was brief; he was found guilty of the charge preferred by Stewart, and with inexcusable haste was beheaded the following day, and his head fixed on the highest point of the Tolbooth of Edinburgh. His body was allowed to lie for four hours on the scaffold,

in the hope that his friends would remove it for burial. After this the common porters took it away and buried it in the criminals' burying-ground of the Tolbooth.

Stewart received great rewards for his impeachment of Morton. He was created Earl of Arran (April 1581), and sometime afterwards Provost of Edinburgh. His conduct was declared highly honourable by the Privy Council, and he was assured that at no future period would it be called in question.

Arran lived at Kinneil Castle, near Linlithgow, where, in 1582, the King visited him. During his stay the Duke of Guise, the King's relative, sent him a present of horses, and there was a general idea that the gift might be prelude to a French matrimonial alliance. John Durie, one of the Edinburgh ministers, was walking with the King in the Castle garden, where, meeting Paul, Guise's master-stabler, Durie drew his cap over his eyes, declaring he would not pollute them by looking at the devil's ambas-

sador, and, turning to James, said: "Beware, my liege, I implore you, with whom you ally yourself in marriage. Remember Knox's last words, that so long as you maintained God's Holy Gospel and kept yourself unpolluted, you would prosper. Listen not then to those ambassadors of the devil who are sent hither to allure you from your religion."

On 6th July 1582 a deputation of the clergy, of whom one was Andrew Melville, sought an interview with the King at Perth. On being ushered into the presence chamber they found Lennox and Arran with the King, and when they laid their remonstrance on the table Arran took it up, glanced his eye over it, and furiously demanded, "Who dares sign these treasonable articles?" "We dare," replied Melville, "and will render our lives in the cause." And at the word he stepped forward to the table and subscribed his name to the paper, and was followed by all his brethren. Their unexpected courage intimidated Lennox and Arran, the King

was silent, and after some conference the ministers were dismissed in peace.<sup>1</sup>

A discreditable incident in Arran's career took place about this time. He was on familiar terms with the Earl of March, and used his opportunities to seduce the affections of the Countess, a woman of great beauty. She brought an action for divorce against her husband, and obtained it, after which Stewart married her. It affords a shocking picture of the manners of the time, observes Tytler, that the young King should have countenanced such an affair.

For some time Arran had the entire disposal of the Royal patronage, and it was not long before his unbounded ambition and insolent behaviour provoked the resentment of the nobles, while the people beheld with indignation the King and kingdom governed according to his will and pleasure. Accordingly several of the nobility soon entered into an agreement to detain the King while he was at Ruthven

<sup>1</sup> Tytler's *History of Scotland*.

Castle, and on this followed the Raid of Ruthven (1582), the flight of Lennox, the seizure and imprisonment of Arran, and the control of the Government for ten months by a new council, of which Gowrie was the head, and in which the influence of Protestant nobles and Presbyterian ministers was predominant.

On the news of the Raid of Ruthven, Arran hastened to Ruthven with only two followers; on his arrival he was at once seized by the Ruthvens and their allies, and next day sent a prisoner to Oliphant's house at Dupplin. Sometime later the restraint was removed, and he was warded at Kinneil, where he remained for a year.

In June 1583 the King escaped from Falkland to St. Andrews by the help of his friends, and Arran, who by this time was set at liberty, sent to congratulate James on his deliverance, and begged permission to come and kiss his hand. Arran thereupon returned to Court, and became once more a first favourite with the King. A proclamation

was issued denouncing the detention of the King's person as treason, but declaring that "the King was resolved to forget and forgive all offences, provided the actors shewed themselves penitent for the same, asked pardon, and did not provoke him in future by their unlawful actions."

Arran had again the principal charge of public business, with the command of Edinburgh and Stirling Castles. He procured also the reversion of the Chancellor's office after the death of Argyll, which was daily expected, receiving a gift of the office for life. On Argyll's death he was appointed Chancellor and Lieutenant of the kingdom.

Towards the close of 1583 the young Duke of Lennox, son of Esmé Stuart, arrived from France. On coming ashore at Leith he was met by Arran and Huntly and escorted to Kinneil, where the King held his Court. James restored the boy, a youth of thirteen, to his father's estates, and committed him to the guardianship of Montrose.

In 1584 a plot was set on foot to assassinate Arran, taken part in by the Earl of Gowrie and others. Arran, however, discovered and watched their movements, allowing the scheme to proceed to the eve of execution. Then, on the instant he learned that Gowrie only waited at Dundee for a signal to join his friends, who were advancing to Stirling, he despatched to arrest him his brother, Colonel Stewart, who, coming suddenly on the town before sunrise with 100 horse, surrounded Gowrie's residence. Gowrie bravely defended himself for twelve hours, but was at last overpowered, seized, and carried prisoner to Edinburgh. Meanwhile Mar, Angus, and Glamis, Gowrie's confederates, with 500 horse, had taken possession of Stirling Castle. The King immediately advanced to Stirling with an army and retook the Castle; the conspirators fled. Four of the garrison of Stirling, including Archibald Douglas, were hanged; Gowrie was tried at Edinburgh and executed.



Elizabeth now became alarmed, and began to negotiate with Arran, who secretly declared his constancy in religion as it was professed in England, and undertook, if Elizabeth followed his counsel, to keep the young King unmarried for three years. Burghley favoured this proposal, but it was rejected by Elizabeth. In the autumn she sent Lord Hunsdon to the Borders to confer with Arran. They met near Berwick on 14th August 1584. To impress the English representative with his power Arran brought a retinue of 5000 horse and five members of the Privy Council; Lord Hunsdon came almost alone.

Arran opened the conference by professing his devotion to the English Queen, and succeeded in persuading Hunsdon not only of this, but of his entire hold over the mind of his Royal master.

On his return to Edinburgh Arran resumed the management of affairs with a high hand. Assisted by his Countess, whose pride and insolence exceeded his own, he overruled the

deliberations of Parliament, and secured an Act, passed without debate, by which the estates of sixty of his opponents were forfeited. The Countess of Gowrie, a daughter of Henry Stewart, Lord Methven, on the last day of the sittings had obtained admission to the antechamber, where, as the King passed, she hoped to have an opportunity of pleading for herself and her children: by Arran's order she was driven into the street. Here she cast herself at the King's feet in an agony of tears. Arran pulled the King past, and, pushing the suppliant aside, not only threw her down but brutally trod upon her, leaving her fainting on the pavement.

In 1585 the miseries of Scotland were increased by the violent proceedings of Arran against all concerned with the banished Lords, by his open contempt of the law, and the shameless venality of his government. His pride, his avarice, his insolence to the ancient nobility, and impatience of all who rivalled

him in the King's affections, made his government intolerable.

The Master of Gray, once a follower of Arran, had been sent to the English Court as Arran's agent. There, however, he worked for his own hand, embracing the cause of the banished Lords, and had contrived, with the approval of Elizabeth and Walsingham, a plot for Arran's destruction. Bellenden, the Justice Clerk, who had recently visited England, had been prevailed on by the Queen to join it,<sup>1</sup> as Lord Maxwell did also. The Justice Clerk promised Wotton, the English Ambassador, that he would find an assassin, who turned out to be Douglas, Provost of the Collegiate Church of Lincluden, to dispose of Arran if he would engage that his mistress would protect him (Wotton to Walsingham, 8th June 1585). This plot, however, like so many others, fell through.

The same year, however, Lord Russel was killed on the Borders, at a meeting between

<sup>1</sup> Tytler's *History of Scotland*.

Sir John Foster and Kerr of Fernyhurst. The ingenuity of Wotton and Walsingham managed to implicate Arran in the affair, and he was arrested and put in the castle of St. Andrews, only to be shortly afterwards liberated, and allowed to retire to his own house.

The movement against Arran was now joined by Lords Claud and John Hamilton. The banished Lords, with consent of Elizabeth, entered Scotland with 8000 troops and encamped first at Falkirk, then at Stirling. Arran, who was with the King at Stirling, knew that this invasion had only one object, his destruction, and, having no time to make resistance, he fled from Stirling accompanied by only one horseman. The banished Lords met the King: their attainder was reversed and they were restored to their estates; Glamis was appointed Captain of the Guard, and Arran was proclaimed a traitor, and the Chancellorship vacated by his flight. He was succeeded by Sir John Maitland as Chancellor.

It does not appear that Arran returned to Court until 1592, but his misfortunes had neither tamed his pride nor quelled that fierce energy and unscrupulous daring which had prompted him to destroy the Regent Morton.<sup>1</sup> He went to the north to his sister-in-law, and stayed with her for two years. Subsequently he went to Ayrshire, where he had an estate of his own.

In 1593, at the command of James, Arran came to Court to lodge certain accusations against the Chancellor, Maitland, then in retirement at his family house at Lethington. Arran was not permitted to remain at Court, but was driven back to his retreat, to the great relief of all parties in the State.

In the end of 1596, as he was walking through Symington (Lanarkshire), accompanied by one or two attendants, he was unexpectedly attacked and killed by Sir James Douglas of Torthorwald, nephew of the Regent Morton. Spottiswoode comments

<sup>1</sup> Tytler's *History of Scotland*.

that Arran, "full of violence when he was in office, executed his official duties with great cruelty, which was now paid him home in the end." Some years after this Captain William Stewart, his nephew, meeting Sir James Douglas in the High Street of Edinburgh, drew his sword and ran him through the body; Douglas died on the spot.

Sir Walter Scott's version of the incident is slightly different: "Captain James Stewart was one of the King's earliest minions, and neither he nor any other person ever settled his affections on a worse. Having ventured to stir from the solitude in which he had spent some years of retirement after being banished from Court, Stewart ventured in 1595 to appear in public and to pass near the Castle of Douglas of Torthorwald. The haughty baron, incensed at Stewart's audacity, threw himself hastily on horseback, pursued Stewart up a wild pass called the Gate Slack, ran a lance through his body, and left him dead on the highway. The friends of Stewart

endeavoured to bring Douglas to justice, but Douglas, rather than risk a trial, chose rather to submit to a decree of outlawry, which followed on the occasion. The end of this affair was that a nephew of Stewart avenged the deed by running Torthorwald through the body some time after, as he was walking on the streets of Edinburgh."

Arran left two sons; the eldest, Sir James Stewart, was afterwards, in 1615, Lord Ochiltree. The Chancellor's wife was Lady Elizabeth Stewart, daughter of John, fourth Earl of Atholl. The Chancellor was her third husband.

## CHAPTER VI.

Sir John Maitland, Chancellor—Keeper of Privy Seal—Deaths of Kirkcaldy and Lethington—Maitland sent to Tantallon—Senator of the College of Justice—Appointed Chancellor—Speech on Mary's Execution—The Coming of the Armada—The King and Maitland in Edinburgh—Earl of Huntly and the Chancellor—The Danish Marriage—King and Chancellor visit Norway and Denmark—Maitland Created a Peer—Maitland, the Queen, and the Barony of Musselburgh—Maitland's Policy of Firm Government and Economy—Assassination of Moray at Donibristle—Maitland Driven from Court—Return of the Chancellor—Earl of Bothwell and Maitland—King and Queen Quarrel—Maitland and the Queen—Death of Maitland—His Character—Literary Accomplishments and Family.

### SIR JOHN MAITLAND, LORD THIRLSTANE.

1585-1595.

AFTER the flight of James Stewart, Earl of Arran, from Stirling Castle in 1585, the office of Chancellor of the kingdom was declared vacant, and Sir John Maitland



was appointed to it (December). Maitland's grandfather fell at Flodden, and his father, Sir Richard Maitland of Lethington, was Lord Privy Seal in the reign of Queen Mary. The new Vice-Chancellor was second son of Sir Richard, and younger brother to the celebrated Secretary of State. Born probably in 1545, he was sent to finish his education abroad. On his return to Scotland he obtained the Abbacy of Kelso *in commendam*; shortly afterwards he exchanged it with Francis, second Earl of Bothwell, for the Priory of Coldingham (1566).

In 1567, when his father resigned the Privy Seal, Maitland received the office of Lord Privy Seal from Mary (20th April 1567), and was reappointed to that office by the Regent Moray on 26th August following. In the disturbances of that period he naturally followed the policy of his elder brother, sitting in the Regent's Parliaments in December 1567 and August 1568.

After Moray's assassination Maitland joined

the Queen's party, was denounced rebel in the end of 1570, and with his brothers forfeited in the Canongate Parliament. He endured with Kirkcaldy of Grange the siege of Edinburgh Castle till its capture in 1573, when Kirkcaldy was executed, and William Maitland of Lethington, Sir John's brother, poisoned. Maitland himself was sent first to Tantallon Castle, then, nine months later, to Cowthallie, the house of Lord Sommerville, bail for his safe keeping being taken to the extent of £10,000 Scots. He was deprived of the Privy Seal, which was given to George Buchanan, the historian, while the Priory of Coldingham fell to Sir Alexander Hume, younger, of Manderston. Maitland continued in confinement till the resignation of Morton, his great enemy.

In 1578 he was liberated by an act of the Privy Council. He then returned to Court and became the friend and counsellor of the King, who reappointed him one of the Senators of the College of Justice (26th April 1581).

Shortly after this Maitland was knighted, and made, first, Privy Councillor, then Secretary of State (18th May 1584). The same year he was reappointed Keeper of the Great Seal and Vice-Chancellor, and on the fall of Arran in 1585 was, as already stated, appointed Chancellor of the kingdom.

In 1586 an agreement between Elizabeth and James VI. was signed by James without consulting his Privy Council. This act was strongly disapproved of by Maitland and many of the nobles. They maintained that the King, before signing so important a paper, should have secured commercial privileges for his subjects, that Elizabeth should have made some declaration regarding James' title to the English Crown, and that the amnesty which, under the agreement, he was to receive, should bear some proportion to the offers of those foreign princes, which his adherence to England had compelled him to refuse. Without consulting his Council he

had rushed into a treaty which he would speedily repent.<sup>1</sup>

When the King reached his majority in 1587 Maitland was formally reappointed Chancellor of the kingdom.

On the occasion of the execution of Mary at Fotheringay, Maitland made a stirring appeal to the assembled Estates, urging revenge for her death; and such was the effect of his eloquence that the nobles threw themselves on their knees before the King, and, amid the clang of their weapons and imprecations against Elizabeth, took a vow that they would hazard their lives and fortunes in the quarrel.<sup>2</sup>

On the approach of the Armada James became greatly alarmed and called a meeting of the Estates in Edinburgh to consider what precautions should be taken for the public safety. Maitland, in an eloquent speech, suggested a course of action. An army should

<sup>1</sup> State Paper Office : Douglas to Walsingham.

<sup>2</sup> State Paper Office.

be raised, watches appointed at all seaports, and beacons erected in the highest places in the land to give notice and warning. His views were adopted.

At the close of 1588 Maitland assured Fowler, Elizabeth's agent, that the death of the Guises, instead of strengthening the English party in Scotland, would have an opposite effect. "Your Queen," said he, "thinks she has lost in Guise a great enemy, my master, a great friend. Be assured it is not so; for a long time the King hath had no dealings with Guise. He loved him not, nor is he sorry but rather glad that he is gone. But, mark me, this will make the King of Spain seek my master, and esteem him more than before. For, by the Duke of Guise, that Prince thought to have had all France at his devotion except the Protestants, and to have been so strong as to have had his revenge on England without our help, but now Scotland is his only card to play against England,

and that you will see ere long." (Fowler to Walsingham).

In 1589 certain of the nobles, headed by Huntly, Erroll, and Bothwell, jealous of the Chancellor's great influence with the King, resolved to separate James from Maitland, and to put the Chancellor to death. The King, hearing of the plot, left Holyrood and remained in Edinburgh in the same house with the Chancellor. An attempt to secure the person of the Chancellor was thereupon made by Huntly. On one occasion, when the King and the Chancellor were together, Huntly came unexpectedly into the King's lodgings. James, in surprise, asked him his errand, while the Chancellor, observing armed men enter the room, suspected a plot, and moved aside to a distant window. The King, after speaking for some time with Huntly, retired to his closet, and Maitland, with three friends, retired in safety to his lodgings above the King's apartments. Huntly was ordered to remove his retinue instantly from the town,

was cited before the King the following morning, and, being unable to give an explanation of his conduct, was put for a time into Edinburgh Castle.

The pretext for another plot to get rid of the Chancellor was opposition shown by him to the King's marriage with the Princess Anne of Denmark, a charge in which there appears to have been no truth at all. The facts were that the English Queen desired James should marry the Princess Catherine, sister of the French King, Charles X. Through her influence the Privy Council opposed the marriage with the Princess Anne, and for this the King unfairly blamed the Chancellor, while his enemies declared him the cause of all the delay, and that the marriage would never be arranged till the King had got rid of him. Hearing of these libels, the Chancellor went straight to the King, denied them absolutely, and offered to go in person to Denmark and bring home to Scotland the young Princess.

On 22nd October 1589 the King and the Chancellor embarked at Leith for Norway and Denmark for the celebration of the Royal marriage. The King left behind him a characteristic letter, written in his own hand, to the effect that his subjects had thought their Sovereign a barren stock, indisposed to marriage, and careless of having children to succeed him; that the Chancellor led him by the nose, as if he were a child in intellect and resolution, or an impudent ass who could do nothing for himself. He had determined to seek his Queen forthwith, and marry her as speedily as the winds and waves would permit; he alone, unknown to the Chancellor and Council, had conceived the first idea of this voyage.

While in Denmark Maitland met the famous Tycho Brahe, and addressed to him several complimentary verses. The Chancellor on his return from Denmark was raised to the peerage by the title of Lord Maitland of Thirlstane, by letters patent, 18th May 1590,



on which date he resigned the Privy Seal. In 1591 he also resigned the office of Secretary of State, which was conferred on his nephew.

Some years before the King's marriage Maitland, by the King's bounty, had acquired an heritable right to the barony of Musselburgh, formerly belonging to Dunfermline Abbey. The Queen claimed it as part of that rich benefice, and expected Maitland to surrender it. On his refusal she raised an action against him, and was supported by Lennox, Argyll, Angus, Erroll, Morton, Hume, and the Master of Glamis. Kerr of Cessford was requested by Maitland to mediate: the lands were surrendered to the Queen, and a reconciliation followed.

In 1591 the evils of his weak administration—assassination and crimes of all descriptions, freely committed—were forcibly shown to the King by Maitland. It was time, the Chancellor urged, to check the insolence and presumption of the nobility, and compel them

to respect the dignity of the Sovereign and the authority of the law. He recommended the utmost diligence in the collection of the Royal revenues, and the utmost economy in their expenditure, in order that the authority of the Crown might be upheld and extended by keeping in pay a body of troops sufficient to support the judges in administering the laws, and to compel the most powerful offenders to submission. He insisted also on the necessity of maintaining friendly relations with England, and of keeping a vigilant eye on the movements of the Catholics, who were intriguing with Spain, strong in numbers and resources, warm in zeal, and high in expectation.<sup>1</sup>

The poverty of the Crown, the intolerable oppression of the higher barons, who dictated to the King in all affairs of his government, thrust themselves into his counsels, or absented themselves from Court at pleasure; all this was pointed out by the Chancellor to the

<sup>1</sup> State Paper Office: Bowes to Burghley.

King, and the necessity of reformation insisted on. Maitland considered it was time that these illegal coalitions of the nobles, whose object had so often been the seizure of the King's person and his compelled approval of their atrocious designs, should be broken up and rendered impossible. He suggested a retrenchment of the superfluous offices in the Royal household, a more rigid and practical attention to business, and a resolution by the King to show himself more distant and dignified towards his nobility: he, as Chancellor, was ready to back the King to the utmost of his power.

Lord Hunsdon, in a letter to Burghley (7th December 1591), points out that the Chancellor is a great counsellor, "and the King seeth that his gifts merit his place, but he followeth directly His Majesty's course in all."

In February 1592, however, in the midst of all these schemes for securing the peace of the country, the young Earl of Moray was

assassinated at Donibristle by Huntly, and a great outcry raised against Huntly and against Maitland, who was accused of abetting him, though apparently on insufficient evidence. It was said that the Chancellor was to receive for his services a share of the Argyll lands in Stirlingshire. His enemies declared him no longer able to guide the Government with his usual steady and determined hand, and his supposed implication with Huntly raised against him universal displeasure.<sup>1</sup> Popular dislike added new strength to his opponents, and he was driven from the Court, and retired for a year to his country house.

The retirement of Maitland after the assassination of the Earl of Moray is described in a letter of Bowes to Lord Burghley (17th December 1592). Notwithstanding, we have no direct evidence that Maitland was an accomplice, directly or indirectly, in the assassination of the young Earl, and as Lord Chancellor, and looking to the high character

<sup>1</sup> Tytler's *History of Scotland*.

he has left on record, it is extremely unlikely that he had anything to do with it. And even if the King connived at the event, which has been suggested, and is conceivable, Maitland's position and character still make the suggestion as against him very improbable.

Maitland now ceased to attend Privy Council meetings, and obtained leave to go abroad for three years; he had even been designated Ambassador to France, while the Chancellorship was administered by Lennox and Mar. He did not, however, in fact leave Scotland, retaining his title of Chancellor, and ready to return to Court when the King should want his services.<sup>1</sup>

With Maitland's advice and aid James had hitherto been able to hold in check the power of the higher nobles and to keep the country in something like tranquillity. But the murder of Moray, the alleged implication of Maitland, his own suspected connivance, the compulsory

<sup>1</sup> J. Hill Burton's *History of Scotland*.

retirement of the Chancellor, and the formidable combination which now took place between the majority of the higher nobles and Bothwell, ultimately threw the King into great alarm.

In 1593 the King, naturally indolent and fond of his pastimes, began to desire Maitland's return. But Lennox and the whole faction of the Stewarts regarded the Chancellor as their enemy, and had frequently plotted against his life; while he was at deadly feud with the Master of Glamis, as with Bothwell, who regarded him as the author of all his troubles and the forger of that accusation of witchcraft, under the imputation of which he was now a banished and a broken man. It was difficult in the circumstances for the King to recall him while he lay under such a load of enmity; and for the present he was fain to be content to visit him at his house at Lethington, and consult him on affairs of State.

A more favourable condition of affairs, however, was soon to come about. A quarrel arose between Lennox and Hamilton as to the

succession to the Crown, Lennox endeavouring to have himself put forward and Hamilton excluded. Huntly and the Stewarts (Earls of Atholl) were also at enmity, the latter desiring to be avenged for the murder of Moray ; while Argyll, Ochiltree, and many of the other barons were at enmity with Maitland, and in this were urged on and supported by the Queen.

Amidst so many divisions in the Court and the country Maitland, in 1593, saw an opportunity favourable to his own return to Court. He accordingly rode into Edinburgh, attended by Montrose, Glencairn, Arbroath, and others of his friends. This movement roused his opponents ; Lord Maxwell proposed an appeal to arms, while in Edinburgh the citizens were prepared for war. The King, roused at last from his lethargy, exerted himself to restore peace, and succeeded in inducing the barons to dismiss their followers and in bringing about a reconciliation between the Queen's faction and the Chancellor.

It had long been evident to James that in the state of the country no hand but that of Maitland could save the Government from disruption; and it was agreed that on the conclusion of the Parliament which was about to meet, Maitland should return to Court and be reinstated in his high office (Bowes to Burghley, 19th June 1593).

The settlement was not effected altogether without opposition. Francis, second Earl of Bothwell, had been committed to prison for consulting witches about the King's death. Believing he owed his imprisonment to Maitland, he beset Holyrood and attempted to seize his enemy. "He and his accomplices came to the King's door, and the Queen's and the Chancellor's; at one time with fire to the King's door, and with hammers to the Queen's door. The citizens, warned by the sounding of the Common Bell, followed their Provost to Holyrood. Before they arrived Bothwell and his accomplices had all escaped, except seven or eight, who were apprehended



and executed at the Mercat Cross of Edinburgh.”<sup>1</sup> There is a dispatch from Nicholson, the English resident in Edinburgh, to Bowes, the English Ambassador (22nd June 1595), stating that in respect of Bothwell, who had conspired more than once against the King’s life, the King showed no mercy; and Bothwell’s estates were divided between Hume, Cessford, and Buccleuch.

In 1595 took place the quarrel between the King and Queen as to the custody of the young Prince Henry, who had hitherto been under the charge of the Earl and Countess of Mar. The Queen was opposed to anyone but herself having anything to do with the child. Maitland sought to strengthen himself against his enemies by adopting the cause of the Queen, who at first had treated all his advances with suspicion, but latterly, dreading his strength, or conciliated by his devotion, received him into favour. The Chancellor, on this reconciliation, promised to support

<sup>1</sup> Hill Burton’s *History of Scotland*.

her, and to have the Prince removed to her own keeping. James, discovering the plot, reprimanded Maitland severely for meddling in an affair that he had nothing to do with, and Maitland felt this rebuke acutely. It now was admitted that he had been an accomplice of Huntly in the murder of the Earl of Moray. On another occasion the King, observing Maitland's defiance, took him to task, and reminded him that he was but his creature, a man of yesterday, a cadet of a mean house compared with Mar, who had a dozen vassals for his one (John Colvil to Sir Robert Cecil, 2nd August 1595), and that it ill became him to make proud speeches or compare himself with the old nobles, and raise factions with Glamis and the Queen against the master to whom he owed all. Pasquils, too, and biting epigrams forecasting some fatal end, were found pinned to his seat in the Court. None the less Maitland's influence once more increased, and the Queen renewed her efforts to secure the custody of

the young Prince, feigning sickness to gain her ends, till the King became inexorable. The clergy, scandalised by the divisions in the Royal family, remonstrated with the Queen, and induced her to renounce all factions, and follow the commands of her husband as her only safe and Christian course.<sup>1</sup>

Maitland's career was now drawing to a close. He had for some years ruled the Court and the country with a firm and haughty superiority. He had given great offence to the Queen, and provoked the hostility of many of the nobles. But he kept his ground, partly by superiority to all his rivals in practical business talents, partly by the deep political sagacity and foresight which made Burghley pronounce him "the wisest man in Scotland," and partly by that high personal courage and familiarity with conspiracy, and even with murder, which marked many men of his age. In 1595, however, he was seized with a fatal illness, which sent him to his bed,

<sup>1</sup> State Paper Office : Colvil, 18th August 1595.

and compelled him to send for the ministers of the kirk, and for the King. His master, however, resisted repeated messages, and even is said to have whispered in a courtier's ear that it would be a small matter if the Chancellor were hanged. On 3rd October 1595 the Chancellor died at Lauder, having just completed the fiftieth year of his age.<sup>1</sup>

What appears to have weighed heaviest on his conscience at the end was the part he had acted in sowing dissension between the King and Queen respecting the custody of the Prince. James, too, for his part, regretted the reprimand he had given Maitland, wrote an affectionate letter to him on his deathbed, and afterwards composed an epitaph to his memory.<sup>2</sup>

Whatever may have been his faults, it is certain that the whole State was thrown into confusion by the Chancellor's death. Border raids were resumed, and a lawless and reck-

<sup>1</sup> Spottiswoode's *History*, p. 412.

<sup>2</sup> State Paper Office : Nicholson to Bowes.

less state of matters prevailed. The King's presence was urgently called for on the Borders, and in the meantime the competitors at Court for the Chancellor's place were busy, bitter, and clamorous (Nicholson to Bowes).

Maitland had for long been James' principal counsellor. The history of his administration proves that he had the views and capacity of a statesman. He was swayed neither by extreme Protestant nor by extreme Catholic views. Though a Protestant by conviction, his moderate, often self-seeking, policy did not commend him to the more influential ministers. It was in the face of many enemies, therefore, that he had retained his position as Lord Chancellor and directed James' councils.

He was an able man, and had been a faithful minister. He acquitted himself throughout with integrity, honour, and fidelity, if we except his alleged connection with the Earl of Moray's assassination and his alliance with the Queen against James. "He was," says

Spottiswoode, "a man of rare parts and of a deep wit, learned, full of courage, and most faithful to his King and master. No man did ever carry himself in his place more wisely, nor sustain it more courageously against his enemies."<sup>1</sup>

James Melville, too, in his *Diary*, estimates his worth highly. "He was a man of grait lerning, wisdome, and stoutnes, and kythed in end to have the feir of God, deing a guid Christian and lovar of Chryst's servants. And, indeid, he was a grait instrument in keiping the King aff the kirk, and fra faworing of papists, as the yeir efter it kythed cleirlie."<sup>2</sup>

Maitland wrote a satire against "St. Andrews tongues," and an admonition to the Earl of Mar, which have been printed along with his other poems by the Maitland Club. He also translated into Latin James' sonnet on Sir Philip Sydney and His Majesty's Own Sonnet.

<sup>1</sup> Spottiswoode's *History*, p. 411.

<sup>2</sup> Melville's *Diary*, p. 221.

That could, in fact, be no ordinary man, who was styled by Burghley "the wisest man in Scotland." He had been of service both to his Sovereign and to his country in times of universal difficulty ; he had laboured successfully to preserve peace between the two kingdoms ; while the superiority of his talents overawed all his rivals. Scotland was to feel her need of him in time to come.

Maitland was interred at Haddington, where his son, the first Earl of Lauderdale, erected to his memory a magnificent monument of marble, under a stately canopy embellished with Corinthian pillars, with a full-length figure of the Chancellor on the pedestal.

He had by his wife, Lady Jane Fleming, only daughter and heiress of James, fourth Lord Fleming, Lord Chamberlain in Queen Mary's reign, one son, afterwards Earl of Lauderdale, and one daughter, who married Robert, Lord Seton, son and heir of the Earl of Winton.

## CHAPTER VII.

John Graham, Earl of Montrose—Chancellor of Jury at Morton's Trial—Created Lord Treasurer—Deprived of Office—Appointed Chancellor—Lennox and Mar Competitors for the Office—Official Meeting in Holyrood Abbey—Montrose Appointed Keeper of the Great Seal—Principal for Glasgow College—Lord High Commissioner to Parliament—Resigns Chancellorship—Made Viceroy of Scotland—Services—Death of Montrose—Alexander Seton, Earl of Dunfermline—Education—An Extraordinary Lord of Session—Lord President—Bruce Case—Chancellor Refuses to Obey the King—Edinburgh Riot—Chancellor Created Lord Fyvie—Letter to James—Union Commissioner and Chancellor—Eglington and Glencairn Brawl—Peace of the Borders—Chancellor made an English Privy Councillor—The Macdonalds of Islay—The Five Articles of Perth—Death of the Chancellor—Lords of the Privy Council's Letter to the King—The Chancellor's Character—His Family—George Hay, Earl of Kinnoull—Commendator of the Carthusian Monastery at Perth—Resigns—Acquires Lands of Errol—Gowrie Conspiracy—Acquires Lands of Kinfauns—Appointed Chancellor—Reappointed by Charles I.—Acquires Aberdalgie and Dupplin—Created Viscount Dupplin—In 1633 Created Earl of Kinnoull—Coronation Precedence Incident—Accompanies Charles I. to Perth—Entertainment on the River—Death of the Chancellor—His Family.



JOHN GRAHAM, THIRD EARL  
OF MONTROSE.

1598-1604.

No appointment seems to have been made to the Chancellorship for three years after Maitland's death, when John Graham, third Earl of Montrose, was appointed as his successor. John Graham was a posthumous son of Robert, Master of Montrose, who fell at Pinkie, by Margaret, daughter of Lord Fleming, and succeeded his grandfather in 1571. The same year he was made a Privy Councillor. In 1569 he married Lady Liliastoun Drummond.

Montrose was strongly opposed to the administration of the Regent Morton. He guarded him from Dumbarton to Edinburgh on the way to his trial, and was chancellor of the jury which declared him guilty. After this the King heaped favours on Montrose. On the fall of the Earl of Gowrie in 1584

he was appointed an Extraordinary Lord and Lord Treasurer of Scotland, though in the following year, on the return of Angus and the banished Lords, he was deprived of these offices, which were conferred on Sir Thomas Lyon, Master of Glamis. Montrose, however, continued to be in favour with the King, was readmitted to his Extraordinary Lordship in November 1591, and took part in all the public events of the time.

On 18th January 1598, at a Privy Council meeting, the King, "in presence of the Lords, nominated, elected, and chose John, Earl of Montrose, to be Chancellor of the realm all the days of his life, with power to him to use and exercise the said office, with whole privileges and immunities, during the said period." The Earl of Montrose being present gave his oath for the faithful discharge of his duty. Lennox and Mar had been competitors for the appointment. The King had been heard to say jocularly that "he would weel ken who next should have the Seals,

and was resolved no more to have a great man as Chancellor in his affairs, but only such as he could correct and were hangable."

The first Privy Council meeting where Montrose is officially designated Chancellor was that of 23rd January 1598. In the matter of precedence the Privy Council of 4th November 1600 resolved that in the procession to Parliament the Chancellor should follow after His Majesty and the Great Chamberlain.<sup>1</sup>

On 10th January 1600 Montrose was summoned to meet with others in the Abbey of Holyrood, to consider how far the lieges are obliged by the law to assist the ordinary sheriffs and magistrates in the execution of their official duties, and what punishment should be proposed for persons refusing such duty, and to resolve on means for more effective obedience in time coming. At a meeting of the Privy Council on 30th December following the Chancellor declared, in the presence of the Lords of Secret Council, that it was

<sup>1</sup> *Reg. of Privy Council.*

His Majesty's pleasure that David Lindsay, Bishop of Ross, should be elected a member of the Privy Council. This was agreed to.

In 1601 Montrose was appointed Keeper of the Great Seal; and on 15th April of that year he was appointed to be Receiver of Writs, when William Gray of Inchtute delivered to him two sacks of letters and documents concerning the living of Bonnyton.

At a Privy Council meeting at Glasgow on 27th August 1602, during Montrose's Chancellorship, it was ordained that there should be one Principal in the College, whose election or deposition should be in the hands of the Church, that is, of the Archbishop of Glasgow, the Rector, the Dean of Faculty, the Principal, and four Regents of the College, and the ministers of Glasgow, Calder, Hamilton, Monkland and Renfrew.

On the accession of James to the English throne Montrose was Lord High Commissioner to the Parliament which met at Edinburgh, 10th April 1604. During the sitting

of this Parliament Montrose, not being a lawyer, and anticipating that many intricate points of law would arise when the Commissioners for the Union should meet, temporarily resigned the Chancellorship in favour of Alexander Seton, Lord Fyvie, afterwards Earl of Dunfermline, and President of the Court of Session. In a continuation of this Parliament, held at Perth 11th July 1604, he was appointed one of the Commissioners for the Treaty of Union, and at the same time finally resigned the Chancellorship, which was bestowed on Lord Fyvie. For this generous act Montrose was created by the King Viceroy of Scotland for life (1604), with a honorarium of £2000 Scots. Such a commission had never been conferred on any subject before. In virtue of his high position Montrose presided at the Parliament which sat 9th July 1606 to pass the Five Articles of Perth, restoring Episcopal government to the Church.

In 1606 the lands of Huntingtown and

others, part of the Gowrie estate, were dissolved from the Crown "to be sett in blench farm (for payment of ane penny)" to the Earl of Montrose, for the Earl's "monyfald, great, proffitable, gude, trew, and thankfull services monyways done to his Majestie."<sup>1</sup> His name appears as Commissioner to the Parliament which met at Edinburgh 18th March 1607. By the middle of July, however, his place was taken by the Duke of Lennox, on account of the Earl's rapidly failing health, and on 9th November 1608 Montrose died, at the age of sixty-one years. In consequence of his high position the King ordered his remains to be interred with ceremony, and promised 40,000 marks to cover the expense. The money was never paid, and such a costly function imposed a heavy burden on the Earl, his son.

The Chancellor left issue—John, Master of Graham, his successor; Sir William Graham of Braco; Sir Robert Graham of Innermeath;

<sup>1</sup> *Acts of Parliament*, vol. iv., p. 337.

and one daughter, Lady Lilius Graham, who married John, first Earl of Wigtown.

ALEXANDER SETON, EARL OF  
DUNFERMLINE.

1604-1622.

Alexander Seton, who succeeded the Earl of Montrose as Chancellor, was the third son of George, sixth Lord Seton, by Isobel, daughter of Sir William Hamilton of Sanquhar, and was born in 1555. Queen Mary, who was his godmother, gave him the lands of "Plus-carty in Moray" as "ane god-barne gift." He was sent to Rome at an early age and studied for some time in the Jesuits' College there with the view of entering the priesthood. There, according to Lord Kingston, he became "a great humanist in prose and poesie, Greek and Latine, well versed in the mathematicks, and had greitt skill in architecture and herauldrie." According to Spottiswoode and Scotstarvet, Seton took Holy Orders abroad.

In 1577 he passed his examination as an advocate. The College of Justice at that time consisted of the Lord Chancellor, the Lord President, and fourteen other judges.

In 1586 Seton was admitted as an Extraordinary Lord of Session by the style of Prior of Pluscardine. This property had been granted to him by Queen Mary while at Rome, and of it his father had been Commissioner since 1561. In 1588 he was created an Ordinary Lord of Session, under the title of Lord Urquhart, and five years afterwards, when thirty-eight years of age, he was appointed Lord President.

In the famous claim of Robert Bruce, successor of Andrew Melville, which came before the Court, the King commanded the Senators to give judgment against Bruce, who was suing the Crown for his stipend, unjustly taken from him by the King. The Lord President, with great dignity and firmness, informed the King that, while they were ready to serve him with their lives



and substance, "this is a matter of law, in which we are sworn to do justice according to our consciences and the statutes of the realm. Your Majesty may will and command us to the contrary, in which case I and every honest man on this bench will either vote according to conscience, or resign and not vote at all." The King was silenced, and retired from Court muttering revenge.

Lord Urquhart was appointed a Commissioner of Exchequer in January 1596, an office which he resigned the following year. He was one of the objects of the popular fury in the Edinburgh riot of December 1596, when his exclusion from the Council during the discussion of religious questions was demanded. The King, however, made good his position, and compelled the city to elect Urquhart as Provost for ten successive years.

Seton was created Lord Fyvie in 1598, and obtained the barony of Fyvie, with a free lordship.

On the accession of James to the English throne Lord Fyvie was entrusted with the education of Prince Charles, the King's second son. On 30th May 1603 Lord Fyvie wrote respecting the young Prince Charles to James:—

“Your Sacred Majesty's most noble son, Duke Charles, continues, praised be God, in good health, good courage, and lofty mind, although yet weak in body; is beginning to speak some words, far better as yet of his mind and tongue than of his body and feet. But I hope in God he shall be well and princely, worthy of your Majesty, as his grace is judged by all very like in lineaments to your Royal person.”

In 1604 the Lord President was one of the Commissioners for Scotland to deal with the question of the Union. In order that his Lordship might preside when the Commissioners met at Westminster, the Earl of Montrose resigned the office of Chancellor, as already stated, and the Lord President

was appointed Chancellor in his room. The Chancellor's views relative to the treaty were so acceptable to the King that, as a further proof of his favour, he created him Earl of Dunfermline (4th March 1605), and next day his name appears on the record as "Alexander, Earl of Dunfermline, Chancellor."

In 1606 there was a street brawl in Perth between the retainers of the Earls of Eglinton and Glencairn. The Chancellor's two nephews were concerned in this affair, and he was so displeased at their conduct that he refused to see them, resolving to have the matter fully investigated without respect of persons. On 6th August following the Chancellor wrote the King:—

"Yesterday we have celebrated the blessed memory (sixth anniversary) of your Majesty's happy delivery from the traitor Gowrie's traitorous and devilish conspiracy, acknowledging therein the safety, preservation, and evidence of God's providence upon this Island

Empire and Commonwealth, that ever has been shown."

During the term of office of Dunfermline the Borders appear to have been in a very lawless state. In the year 1608 the Chancellor reported to the King, chiefly in reference to the services of the Earl of Dunbar and his superintendence of the Marches:—

"He has had special care to repress in the country and on the Borders the insolence of all the oppressors and Nimrods; but regard or respect for any of them he has purged the Borders of all the chiefest malefactors, robbers, and brigands as were wont to reign and triumph there; . . . and by the cutting off of the sword of justice, and your Majesty's authority and laws, the Lairds of Tinwald, Maxwell, Douglas, Johnston, Jardine, etc., have rendered these highways between Scotland and England free and peaceable. . . . All is done in your Majesty's name and authority and by your instructions."

In 1609 the Chancellor was made a member

of the English Privy Council, and in 1611 was appointed Custodier of Holyrood Palace. Thereafter the management of the offices of Treasurer, Controller, and Collector was committed to eight councillors, the Chancellor being one of them.

In a Parliament held at Edinburgh in October 1612 the Chancellor was appointed King's Commissioner.

On the death of Prince Henry, at the age of nineteen years, the Chancellor, the Bishop of Glasgow, and others were sent by the Council to offer their sympathy to the King, but before they came to Newcastle they were commanded by a letter from the King to return, which caused much surprise. It was alleged that the King had begun to relent of his melancholy, and that the sight of the Scottish deputies would but augment his grief.

By an Act of the Estates passed in 1609, under Dunfermline's Chancellorship, justices of the peace were appointed for every

shire, the number assigned to each being dependent on its relative extent and importance.

In 1614 occurred the troubles with the Macdonalds of Islay, especially with Ranald Oig, a natural son of Angus Macdonald, the Chief. The Islay lands were rented by Sir John Campbell of Cawdor, on condition that he should put down the rebels at his own cost. The Chancellor Dunfermline conceived a scheme for effecting the object of the Government and the advance of his own interests at the same time. He despatched to Ranald Oig a secret agent named Graham. On the strength of Graham's promises Ranald was prevailed on to deliver up Bishop Knox's hostages, confined in the Castle of Dunivaig. Campbell of Cawdor then laid siege to the Castle till its surrender, when twenty of the defenders were hanged, and Ranald and others of the ringleaders despatched to Edinburgh to be dealt with by the Privy Council. Six months after, Ranald and five others of the

clan were hanged at the Mercat Cross of Edinburgh.

At the Scottish Parliament of July 1621 the Five Articles of Perth received the sanction of the Estates. As the Commissioner touched the Acts with the sceptre, three flashes of lightning, each followed by a terrific peal of thunder, lit up the chamber, which had been in darkness before and was in darkness again. There followed such rain and hail that the Lords were imprisoned about an hour and a half, and the gutters ran like little brooks. In these manifestations the one side saw the plain expression of the wrath of heaven, but their opponents construed them differently. "As the law was given with fire from Mount Sinai," said they, "so did fires confirm these laws"<sup>1</sup>

For thirty-seven years Dunfermline was President of the Court of Session, and was esteemed one of the most eminent lawyers of his time. He devoted attention to the

<sup>1</sup> Calderwood's *History*.

building of his beautiful new castle at Fyvie, and made vast additions to his mansion house of Pinkie, near Musselburgh. He long enjoyed good health, and in his spare time he was fond of the recreation of archery. In 1622 he was laid aside with a fatal illness, which carried him off in fourteen days. His death occurred at his residence at Pinkie on 16th June, in the sixty-seventh year of his age, to the great regret of all who knew him. The Lords of the Privy Council, in a letter to the King intimating his death, signed by seventeen of their number, say:—

“It has pleased God to call to His mercy from this mortal life the Earl of Dunfermline, your Majesty’s faithful and trusty Councillor, by whose death we are deprived of great assistance, solid counsel, and perfect resolution, and of whose anxious travail, care, and diligence in your Majesty’s service we can bear good record. Seeing in God’s appointed time he has completed his course, to the regret of all your Majesty’s good subjects,



we could not omit the duty, looking to the high and honourable office which he held, of giving notice of his death to your Majesty."

The Chancellor is admitted to have been a man of great integrity and honour, and discharged the duties of his high office with great impartiality. He was an able lawyer, an impartial judge, and a sagacious and shrewd statesman.

"He exercised his place with great moderation, and to the contentment of all honest men," says Spottiswoode. "He was a good justiciar, courteous and humane both to strangers and to his own country people," is Calderwood's estimate; while Sir Anthony Weldon, in his "Perfect Description of the People and Country of Scotland,"<sup>1</sup> notes: "The wonders of their kingdom are these, the Lord Chancellor, he is believed, the Master of the Rolls, well spoken of, and the whole Council are free from suspicion of corruption."

Some fragments of the Chancellor's poetry,

<sup>1</sup> P. Hume Brown: *Early Travellers in Scotland*, p. 62.

in particular an epigram prefixed to Bishop Lesley's *History of Scotland*, and another addressed to Sir John Skene, are still extant.<sup>1</sup>

The Chancellor first married Lady Lillias Drummond, daughter of Patrick, Lord Drummond, by whom he had four daughters. He married, secondly, Lady Grizel Leslie of the House of Rothes, by whom he had one daughter, married to John, first Earl of Tweeddale; and, thirdly, Lady Margaret Hay, sister to John, Lord Tweeddale, by whom he had Charles, his only son and heir, and one daughter, Grizel, who died unmarried.

GEORGE HAY, EARL OF  
KINNOULL.

1622-1634.

On the death of Dunfermline in 1622 Sir George Hay of Kinfauns, afterwards Earl of

<sup>1</sup> G. Brunton and David Haig: *Historical Account of Senators of College of Justice*, p. 202.

Kinnoull, was appointed his successor. George Hay was the third son of Peter Hay of Megginch, and was born in 1572. At the age of eighteen he was sent to the college at Douay in France, where he spent some years with his uncle, Father Edmund of that college. He returned to Scotland in 1596, when twenty-four years of age, and was then presented at Court by his kinsman, Sir James Hay, afterwards Earl of Carlisle. He was now well qualified by his learning and accomplishments for any post in His Majesty's service, and soon came into favour with the King, being immediately appointed a Gentleman of the Bedchamber. In 1599 he received the Commendatorship of the Carthusian monastery (or Charterhouse) of Perth, with a vote and seat in Parliament, together with the buildings, lands, and tithes within the enclosure of the monastery of the Charterhouse. Later he acquired the Church lands of Errol, on resigning the title of Commendator of the Charterhouse.

On the occasion of the notable Gowrie Conspiracy in 1600 Sir George Hay was with the King at Perth, and obtained the lands of Nethercliff after that event for his services to the King. In 1610 he was knighted.

In 1613 King James VI. visited Perth, accompanied by Sir George Hay. The Skinners provided a sword dance, the Baxters or Bakers the Egyptian dance, and the school-master and bairns a "good dance" to His Majesty. For these dances the Skinners were paid £40.

Passing on to the year 1616, for there is little recorded of him in the interval, he was in that year chosen Lord Clerk Register, an office he held till 1622. In 1617 he was appointed one of the Queen's counsellors. In 1620 he obtained a charter of the lands of Kinfauns. On the death of Dunfermline in 1622 Sir George Hay was appointed to the Chancellorship, when he resigned the office of Lord Clerk Register.

Hay was Chancellor till the death of the King. On the accession of Charles I. in 1625 he was reappointed to the Chancellorship, and in 1626 he obtained a charter of the lands of Aberdalgie and Dupplin. The following year, on account of his eminent services, he was created Viscount Dupplin and Lord Hay of Kinfauns by Charles I., and in 1633 Earl of Kinnoull.

On the morning of the coronation day the King sent the Lord Lyon, Sir James Balfour, with a message to the Chancellor, signifying that it was His Majesty's pleasure that the Archbishop of St. Andrews only should precede his Lordship at the ceremony of that day, to which the Chancellor replied: "Since His Majesty had been pleased to continue him in that office which his worthy father of happy memory had conferred on him, he was ready to lay it in all humility at His Majesty's feet. But since it was his Royal will he should enjoy it with the known privileges pertaining to his office, never a . . . priest in Scotland should

set foot before him so long as his blood was hot." Sir James having related the Chancellor's answer, the King dropped the matter with "Well then, Lyon, let us go to business. I will meddle no further with that old cankered, goutish man, at whose hands there is nothing to be gained but sour words."

The Chancellor accompanied King Charles I. to Perth when he paid his memorable visit (8th July 1633). The King and his escort were received with great ceremony by the Provost and magistrates at the entry to the South Inch. The King sat on horseback and listened patiently to an address which was presented to him, after which young men, clad in red and white specially for the occasion, escorted him to Gowrie House, the residence of the Lord Chancellor, Lord Kinnoull. Next day he attended Divine service, after which he returned to Gowrie House and sat on the garden wall in front of the river to witness an entertainment. On the river was a floating stage of timber, clad round with birks, on

which for the King's amusement thirteen of the Glovers, with green caps, silver strings, red ribbons, white shoes, and bells about their legs and rapiers in their hands, danced a sword dance. The Town Council ordered forty fed oxen to be used for the King's entertainment. All this took place on the river in presence of the King and Chancellor.

The Chancellor discharged the duties of his high and responsible office with general acceptance and with unimpeachable integrity till his death in London on 16th December 1634 in his sixty-second year. His body was brought to Scotland by sea, and buried in the Parish Church of Kinnoull, where a marble monument was raised to his memory.

His Lordship married Margaret, daughter of Sir James Haliburton of Pitcur, by whom he had two sons and one daughter. His elder son, George, succeeded him as Earl of Kinnoull.

## CHAPTER VIII.

Spottiswoode—Birth and Education—Accompanies Lennox to France—Accompanies King James to England—Appointed Archbishop of Glasgow—Preaches before Parliament, 1606—Courts of High Commission Established—Scottish Bishops Consecrated in London—Spottiswoode, Archbishop of St. Andrews—His Household Troubles—Ogilvy the Jesuit—Spottiswoode Presides at General Assembly, 1616—The General Assemblies of 1617 and 1618—The Five Articles of Perth Carried—Spottiswoode, President of the Exchequer—A New Version of the Psalms—Spottiswoode Crowns the King, 1633—Balmerino Arrested—Spottiswoode Appointed Chancellor, 1635—Laud, Spottiswoode, and the Liturgy—Spottiswoode and the Marquis of Hamilton—Spottiswoode's Resignation—Letter from the King—Death of Spottiswoode—His "History"—His Family—John Campbell, Earl of Loudoun—Early Life—Opposes the Policy of Charles I.—Newburn—Loudoun Appointed Chancellor—Visits the Court at York—Letter to Scots Commissioners in London—Negotiations with Charles I.—Advice to Charles at Newark—Goes to Hampton Court to the King—Advances to Edinburgh with Troops—Presides at Scottish Parliament, 1649—Coronation of Charles II.—Loudoun's Address to the King—Loudoun's Action after Worcester—With Glencairn—Surrenders to Monk—Estates Confiscated—The Restoration—Loudoun Resigns Chancellorship—Death of Loudoun—His Interment—His Family.



## JOHN SPOTTISWOODE.

1635-1638.

AFTER the death of the Earl of Kinnoull, John Spottiswoode, afterwards Archbishop of St. Andrews, was in 1635 elected Chancellor of Scotland (14th January). He was the son of John Spottiswoode, Superintendent of Lothian and minister of Calder, and of Beatrix, daughter of Patrick Crichton of Lugton, while his grandfather, William Spottiswoode, fell at Flodden. Born in 1565, he was educated under the brothers Andrew and James Melville at the University of Glasgow, where he took his degree in 1581. At twenty-two years of age he was chosen successor to his father at Calder. In matters ecclesiastical he favoured the views of James VI., and became a supporter of moderate Episcopacy.

On the last day of January 1595 there was a brawl between the followers of the Master of Graham and those of Sir James Sandilands

in the High Street of Edinburgh. Several were slain on both sides, and Sir James Sandilands himself was struck by two shots, and would have been slain if George Lockhart, of Ayr, had not stood above him and defended him. Young Spottiswoode took part in the defence of Sandilands.

In 1599 John Spottiswoode was married to the daughter of David Lindsay, minister of Leith. In 1601 he accompanied the King's Ambassador, the Duke of Lennox, to France as Chaplain, and Calderwood notes: "He made no scruple to see the Mass celebrated, and to go so near that it behoved him to discover his head and kneel." He was accused on this charge before the General Assembly.

Spottiswoode was much about the Court, and on the accession of James to the throne of England accompanied him to England. On the journey, news came of the death of the Archbishop of Glasgow, James Beton, the nephew of the Cardinal. The King immediately recommended Spottiswoode to the

vacant See, made him a Privy Councillor, and sent him back to Scotland to attend the Queen on her separate journey to London. He was not, however, consecrated as Archbishop till 1610 at London. He found the revenues of the Glasgow See all but exhausted, not so much as £100 Scots being left.

On 16th August 1604 the Synod of Lothian met at Tranent. The two Archbishops, Spottiswoode and Law, were present, and were charged with trying to overthrow the discipline of the Kirk. They purged themselves in open Assembly, protesting that they had no such intention, but only to receive the Kirk rents and thereafter submit the same to the Assembly. The clergy were jealous of them notwithstanding, and they were required to subscribe the Confession of Faith anew with the rest of the clergy, which they did.<sup>1</sup>

Spottiswoode was now the second Episcopal dignitary in Scotland, and having received

<sup>1</sup> *Wodrow MSS.*

such honour from the King he gradually identified himself with the King's policy for the reconstruction of Episcopacy. In 1604 he was appointed a Lord of the Articles, a post to which he was re-elected each successive Parliament.<sup>1</sup> He attended the Hampton Court Conference the same year. In July of 1606 the Scottish Parliament met at Perth to consider the ecclesiastical troubles of the time. In this Parliament Spottiswoode took an active part, and preached the opening sermon, in which he severely criticised the established discipline. For violent expressions in this sermon he was accused before the General Assembly, but they refused to judge or censure him.

In 1610 the Court of High Commission was established, and the two Archbishops (St. Andrews and Glasgow) were instructed to hold Courts in their respective provinces. This Court put the King in possession of absolute power, to use the bodies and goods

<sup>1</sup> *Acts of Parliament*, vol. iv., p. 260.

of his subjects at his pleasure without proofs of law. It armed the bishops with extraordinary powers, hitherto unknown in the realm, so as to make ready the way for Episcopal jurisdiction. One archbishop and four secular bishops might now suspend any minister and impose unlimited fines, while the Lords of Council were charged to prosecute summarily as rebels those who would not appear or pay fines imposed.

The same year Spottiswoode presided as Moderator in the General Assembly at Glasgow, when the power of the bishops was restored. By command of the King he was, as already noticed, consecrated in London along with the Bishops of Brechin and Galloway by the Bishops of London, Worcester, Ely, and Rochester.

On 30th May 1615 Spottiswoode was appointed Archbishop of St. Andrews and Primate of Scotland, on the See becoming vacant by the death of Archbishop Gladstones, and the two Courts of High Com-

mission were under him united into one. He had great influence with the King, and was thought the fittest person to be trusted with the business of bringing the Scottish Church to some degree of conformity in worship and ceremonies with that of England.

Out of the Archbishop's revenues a fund had been set apart for the maintenance of Edinburgh Castle. The King had written to the Privy Council to restore this fund to the revenues of the See and provide for the maintenance of the Castle out of His Majesty's rents. The Council's answer was that "the capitane of the castle declined to be dispossessed of a constant and sure revenue under pretext of that which would be uncertain."

Some time after this Spottiswoode tells his household troubles in a private letter to his friend, John Murray of the King's Bed-chamber :—

"I am glad to understand that His Majesty has been pleased to set you to work about

these moneys, for thereby I look to come to some end. The burdens that lie upon me that way render my service the less profitable, and force me to live at home and more obscure, except where necessity presses me. To further the service I spared no expense, and made for it on one occasion or another one and forty journeys to Court, whereby it may be conceived what bred me these burdens. I left Glasgow and took myself to a greater charge with less provision, only, as God is my witness, to advance the business which I knew men thought more able than myself would not be so willing unto. Then the time is so fallen out by the cheapness of corn that the little I have will be less by one-half this year than before. So beyond my annuals little remains to myself; and in what case I should leave my children if God should visit me He knows.”<sup>1</sup>

In 1615 the King gave instructions that distinct answers should be extracted from

<sup>1</sup> Original letters, Bannatyne Club.

Ogilvy the Jesuit, arrested by Spottiswoode for sedition, to the two questions: Whether the Pope could excommunicate and depose the King? and, Whether it be no murder to slay His Majesty, being so excommunicated and deposed?

Spottiswoode, however, tried to put these critical questions so as to give an opportunity for evading a rigid answer. "I hope," said he, "you will not make this a controversy of religion whether the King, being deposed by the Pope, may be lawfully killed." To this Ogilvy replied, "It is a question among the doctors of the Church. Many hold the affirmation not improbable, but as that point is not yet determined, so if it shall be concluded I will give my life in defence of it, and call it unlawful I will not, though I should save my life in saying it." The jury returned a verdict of guilty against him, and he was thereafter executed (Pitcairn).

In 1616 a General Assembly was held at Aberdeen, Archbishop Spottiswoode presiding,



when a book of ecclesiastical canons was ordered for the purpose of establishing uniformity of discipline throughout the Church. It was resolved that a new liturgy or Book of Common Prayer and a new Confession of Faith should be completed for the use of the Scottish Church, and be drawn up by a Special Commission.

At a General Assembly held at St. Andrews in October 1617 the Five Articles of Perth were brought forward for approval, but because of opposition could not be carried by the Bishops. The King thereupon ordered Spottiswoode to convene the bishops and ministers "who are in Edinburgh" for the time, and procure their approval, and if they refused, to suspend them from the ministry. The same year the King visited Scotland, when it is recorded that twelve apostles and four evangelists, curiously wrought in wood, were prepared to be set up in the Chapel Royal; they were not, however, made use of. The English service, however, was in-

roduced, and the Sacrament administered after the English fashion. This was the beginning of the ecclesiastical troubles which lasted for so many years thereafter.

A General Assembly, called by Royal proclamation, was held at Perth on 25th August 1618 for the purpose of further considering the Five Articles, which the King ordered the Churches to accept and observe. Spottiswoode preached the opening sermon, which lasted two hours. Referring to these Articles, he said: "I, therefore, in presence of Almighty God and this honourable Assembly, solemnly protest that, without my knowledge and against my desire, and when I least expected, these Articles were sent me, not to be propounded to the Church, but to be inserted among the canons thereof, while these were agathering. Touching which point I humbly excused myself, that I could not insert among the canons that which was not advised by the Church, and I desired that they might be referred to another occasion. Neither did

I hear after that anything of them till after that protestation was formed to be presented to the Estates of Parliament."

None the less, forced on by bribery and intimidation, these Articles were carried. They were as follows: Kneeling at the sacrament, private communion, private baptism, confirmation of children, and observation of festivals. But Spottiswoode's authority could not compel *obedience* to them, even though it was attempted to enforce them through the Court of High Commission, and though, for their disobedience, several of the clergy were deprived of their benefices. For several years after this Assembly Spottiswoode's main work was to press these Five Articles on the people.

On 14th March 1619 Spottiswoode preached in St. Giles, at Edinburgh, when the Chancellor, the Lord President, and other noblemen were present. He threatened the Estates with the King's wrath and authority unless they gave obedience to the Articles of Perth

without a whisper to the contrary. Ministers were called before the Court of High Commission, and there deposed and fined for non-compliance.

Shortly after the accession of Charles I. Spottiswoode was put into a new office—the Presidency of the Exchequer in Scotland, of which he was the first and the last holder.

On 17th July 1632 Spottiswoode, by the King's command, called a meeting of bishops for the purpose of introducing a new version of the Psalms into the worship of the Church. The meeting refused the new book until the errors contained in it were cancelled.

In 1633 Charles I. came to Edinburgh for the first time as King, and held a Parliament there. Spottiswoode performed the coronation ceremony at Holyrood, and put the crown on the King's head. His father crowned James VI. in 1567. The Bishop of Brechin preached the sermon in the Abbey Church. Laud, who accompanied the King, was Master of Ceremonies, and had introduced an altar into the

church, two wax candles lighted, and an empty basin. Behind the altar there was a rich tapestry and a crucifix, curiously wrought, to which the bishops on duty bowed. Among those who protested against these innovations and threatened to appeal to Parliament was Lord Balmerino. When Spottiswoode heard of this he ordered Balmerino to be arrested and brought to trial. Balmerino was condemned, but afterwards pardoned, on account of the threatening attitude of the people.

In 1634 the Earl of Kinnoull, the Chancellor, died, and the King appointed Spottiswoode to the Chancellorship (14th January 1635). Since the Reformation laymen had been appointed to this high office, but now it was thought desirable that Spottiswoode should be chosen. The King intimated to the Privy Council that as Primate of Scotland Spottiswoode should take precedence of every subject. He held office for three years, and all that time civil and ecclesiastical troubles gathered apace around him. The letter of

Archbishop Laud to Spottiswoode, of 10th November 1635, makes it evident that Spottiswoode and the Bishop of Ross were the two persons the King entrusted with the direction of Church matters in Scotland.

In October 1636 the matter of a liturgy was settled, and the King sent down his instructions to Spottiswoode and the Bishops as to the publishing of the book.

Spottiswoode is supposed to have been, at first, opposed to the introduction of the Laudian liturgy in 1637, and only to have been prevailed on to attempt it by the influence of the younger bishops, with the result that Episcopacy in Scotland was wholly overthrown.

In 1638 the Archbishop urged the King's compliance with the demand in Scotland for a General Assembly and Parliament. This would have established peace, but the King, governed by Laud, rejected the advice.

The day the Covenant was first signed, the Archbishop, now an old man, arrived in

the capital, and heard what was in course. "Now all that we have been doing these thirty years past is thrown down at once," he sadly exclaimed. Fearing personal violence in the excited state of popular passions, he withdrew from Edinburgh to Newcastle.

On this followed a correspondence between Spottiswoode and the Marquis of Hamilton, the King's High Commissioner. A General Assembly was proposed by Spottiswoode to be held at Aberdeen, but the King and Hamilton fixed it at Glasgow. In September of this year Hamilton came from Court to meet Spottiswoode, and delivered some messages from the King. Whatever these were, Spottiswoode was grieved that he could not agree with the King, and he offered to resign the Chancellorship, on the ground of the troubles of the time and his own advanced age. The King replied: "Having understood that in regard of your age and infirmity you are willing to demit the office of Chancellor, though, knowing your faithfulness and

earnest care of our service, we were not pleased that you should do the same, yet, considering your state and the troubles of the time, we have resolved to give way thereto; and it is our pleasure that you deliver the Great Seal to James, Marquis of Hamilton, our Commissioner. . . . We are pleased that you and your brethren remain where you are till you hear from our Commissioner, and we will that you should be directed by him. . . . We assure you that it shall still be one of our chiefest studies how to rectify and establish the government of the Church aright, and to repair your losses, which we desire you to be most confident of."

Then followed the famous meeting of the General Assembly held at Glasgow, under Alexander Henderson as Moderator, in 1638, and its interminable debates on Episcopacy and Presbyterianism. The General Assembly met again in Edinburgh in August 1639. On the 6th August, just before its opening, the



King wrote to Spottiswoode. This letter was in answer to an address sent by the Scottish bishops through Laud, their mediator, and in it the King declined to prorogue the Assembly, political conditions rendering that impossible.

The abolition of Episcopal government, which Spottiswoode believed to be of divine institution, and the sad prospect of the times, affected seriously the Archbishop's health and brought on a fatal disease, of which he died in London on 27th December 1639, in the seventy-fifth year of his age. His body was, by the King's order, carried by torchlight from his lodgings to Westminster Abbey, where it was laid near the tomb of James VI. and that of Archbishop Tait, in the South Aisle.

Spottiswoode died just in time to escape witnessing the total overthrow of his favourite church polity in Scotland. He was a man of great ability, neither sanguinary nor cruel, temperate in all his transactions throughout

his life, and his whole policy was marked by moderation. As an author and historian he is entitled to high respect for his accuracy as well as for style and arrangement; his *History of the Church of Scotland*<sup>1</sup> is well known.

By his wife, Rachael Lindsay, daughter of the Bishop of Ross, Spottiswoode had a numerous family, but only three of his children survived him—Sir John Spottiswoode, Sir Robert Spottiswoode, President of the Court of Session, and one daughter, who married Sir William Sinclair of Roslyn.

JOHN CAMPBELL, FIRST EARL  
OF LOUDOUN.

1641-1660.

After the resignation of Spottiswoode in 1638 there does not appear to have been any appointment to the Chancellorship until

<sup>1</sup> 1655. 3 vols. Edited, with a Life of Spottiswoode, by Bishop Russell for the Spottiswoode Society, 1847-51.

1641, when John Campbell, afterwards Earl of Loudoun, was chosen as Spottiswoode's successor. The barony of Loudoun passed to the Campbells in the reign of Robert Bruce by the marriage of Sir Duncan Campbell to Susan Crawford, heiress of Loudoun, and fifth in descent from Sir Reginald Crawford, Sheriff of Ayr, who married the first known heiress of that property.

John Campbell, the Chancellor, was one of the Campbells of Glenorchy, a branch of the Argyll family. An ancestor was John Campbell of Lawers, eldest son of Sir Colin Campbell, first Baron of Glenorchy, by Margaret, daughter of William Stirling of Keir. Archibald Campbell, younger of Lawers, married Agnes, daughter of John Ross of Craigie (Perth), by whom he had Sir John Campbell of Lawers, who was knighted by James VI. at the coronation of his Queen (Anne of Denmark) in 1590. His son was Sir James Campbell of Lawers, who also was in favour with King James. Sir James Campbell mar-

ried Jean, daughter of Lord Colville of Culross, by whom he had John Campbell, afterwards Earl of Loudoun, a second son, Sir Mungo of Lawers, and one daughter.

The future Chancellor was born in 1598. He was knighted by James VI. (1620), and afterwards married Margaret Campbell, daughter of the Master of Loudoun, and heiress to the estate and title of Hugh, Lord Campbell of Loudoun, her grandfather. On the death of his wife's grandfather John Campbell was created Earl of Loudoun in 1633 (8th May), but in consequence of his opposition to the King's desires, in connection with the act empowering the King to regulate the apparel of the clergy, the patent was stopped at the Chancery. He sat in Parliament, however, as Lord Loudoun in right of his wife.

The young Earl was a strong Presbyterian, and took an active part in the opposition to the attempt of Charles I. to force the new liturgy on the Scottish people. His view of the issues at stake appears clearly in his



JOHN CAMPBELL  
First Earl of Loudoun



assurance to Hamilton, the Royal Commissioner, that the Scottish people "knew no other ties between a King and his subjects than religion and laws; if these were broken, men's lives were not dear to them, nor would they be now, such fears being past with them."<sup>1</sup>

Loudoun sat in the famous General Assembly at Glasgow in 1638 as elder for the burgh of Irvine, and was selected as one of the Assessors to the Moderator. In the following year, with the assistance of his friends, he captured the Castles of Strathaven, Douglas, and Tantallon, and garrisoned them for the Covenanters. The Earl was one of the Commissioners who concluded the Pacification of Berwick 18th June 1639. Charles himself met the Commissioners, and it was agreed that a free Assembly and a free Parliament should be held, at which the King himself should, if possible, be present; while the Scots, on their part, agreed to restore the

<sup>1</sup> Brunton and Haig: *Senators of the College of Justice*, p. 301.

Royal castles and to disband their forces. The Parliament met on 31st August without the King's presence; it was prorogued by the Royal Commissioner, Lord Traquair, and of a remonstrance sent to London to the King by the hands of Lord Loudoun and another peer, acceptance was refused. The two Commissioners were at first ordered to return to Scotland, but later brought back to London.<sup>1</sup> There Loudoun was arrested as one of the seven Scots noblemen who signed a letter to the King of France asking assistance. He was put in the Tower, but after six months' confinement was released by the influence of the Marquis of Hamilton.

Loudoun now became one of the most active leaders of the army of the Covenant, and commanded the van of the foot at Newburn, near Durham, 28th August 1640, when David Leslie defeated the English with considerable loss. He was afterwards one of the

<sup>1</sup> J. F. Bright: *History of England*, vol. ii., p. 642.



Commissioners who negotiated the Treaty of Ripon.

Loudoun presided on 15th July 1641 at the opening of the Scottish Parliament, at which Charles was present. The King had come to win Scotland to his side. There was no demand the Estates could make that he would not grant. The Acts of the Parliament of the preceding year were ratified, an Act of Pacification passed, and the whole Royal patronage vested in the Estates. Offices and titles were showered upon the King's former enemies; Loudoun received the Chancellorship, with a pension of £1000 sterling, and his patent as Earl. On 2nd October 1641, accordingly, the Great Seal of Scotland, which had been in the keeping of the Marquis of Hamilton since Spottiswoode's resignation, was delivered to him. He swore the oath *de fidei administratione*, and was placed by the Lord Lyon in his seat, below the King's, on the right hand of the President of the Parliament.<sup>1</sup>

<sup>1</sup> Brunton and Haig: *Senators of the College of Justice*, p. 303.

The Treasurership was put in commission, the Chancellor being named First Commissioner.

In 1642 the Scots Estates sent the Chancellor to England to offer mediation between the King and Parliament. Loudoun met the King at York, where the Court then was, and wrote to the Scots Commissioners in London, in the name of the secret council, "that they should represent to the two Houses the deep sense they had of the injuries and indignities which were offered to the King, whose just rights they were bound to defend; and that they should bind up those wounds which were made, and give His Majesty such security for his safety among them, by declaring against tumults and such other acts as were offensive to them, that he might be inclined to reside nearer them and comply with them in such propositions as should be reasonably made." All efforts, however, to maintain peace proved fruitless, and Charles parted with the Chancellor with many ex-

pressions of kindness, and desired him to give a full representation to the Privy Council of the state of his affairs and what concessions he had made to the English Parliament.

Early in 1643 the Chancellor and other Commissioners were sent to Oxford once more to offer mediation. The King, however, would neither consent to mediation nor allow the Commissioners to proceed to London.

In February 1645 Loudoun was sent as one of the Scottish Commissioners to Uxbridge, where once more the demands of Charles and the English Parliament were found to be incompatible.

In 1646 the King surrendered at Newark to General Leslie and the Scots. The Chancellor now strongly advised him to meet the demands of the Commissioners from the English Parliament. If he refused now, he pointed out, he would lose all his friends in Parliament, and all England would join against him as one man to oppose him, and set up another government, so that both

kingdoms would settle religion and peace without him, to the ruin of his person and posterity. If he left England he would not be permitted to come and reign in Scotland. Notwithstanding these reasonable and forcible arguments, the King was immovable and positive in his opinion. He said: "No condition they could reduce him to could be half so miserable and grievous to bear as that to which they would persuade him to reduce *himself* to, and therefore he bade them proceed their own way. Though they had all forsaken him, God had not."

On the departure of the English Commissioners with Charles' refusal the Chancellor, with His Majesty's approval, went to London to treat with Parliament for a mitigation of their propositions regarding the King. When Parliament resolved "that His Majesty should be disposed of as both Houses should think fit," the Chancellor, in the name of Scotland, put in a claim to a joint right of disposing of the King's person. He said it was the

law and practice of all nations not to deliver up the meanest subject who had fled to them, though for the highest crime ; and if this were so, how would the world condemn them for so base and dishonourable an act as the surrender of their King, the King having put himself in their hands? Was their being in England to be used as an argument why they should deliver up the King to be disposed of as both Houses should think fit? Parliament replied "that the Scots army came into England as auxiliaries under pain, and therefore they ought not to capitulate at all in this matter ; the kingdom of Scotland hath no right of joint exercise of interest in disposing of the person of the King to the realm of England."

Commissioners were again sent from the Parliament to try to effect a compromise, but Charles was as obstinate as ever. The Scots would not remain in England to support an un-Covenanted King, and on 3rd February 1647 they handed Charles over to the English

Commissioners at Newcastle, and withdrew across the Border.

The Scottish Parliament again sent the Chancellor and the Earls of Lauderdale and Lanark to treat with the King when at Hampton Court. The King, however, in the expectation of securing better terms from the Independents than from the Scots, declined to avail himself of their services.

Events now moved rapidly. On 11th November Charles, fearing for his life, fled from Hampton Court to the Isle of Wight, where he renewed intrigues with the Scots. Hamilton succeeded in persuading the Estates to raise 40,000 men for the invasion of England, and Charles' standard was raised in Kent and in Wales. But the reaction in his favour was short-lived. Fairfax reduced Kent,—Cromwell Wales; and Cromwell and Lambert together defeated Hamilton's army at Preston.

The destruction of Hamilton's army once more changed the situation in Scotland. On

the morning of the day of his defeat the Chancellor and the Earl of Eglinton marched to Edinburgh at the head of 6000 men, drawn from the shires of Ayr, Renfrew, and Lanark. They were received with open arms, and were supported in other parts of the country by Argyll and Cassillis.

The Chancellor presided at the meeting of the Scottish Parliament in 1649, after Charles' execution, when Charles II. was proclaimed King, and Commissioners sent to treat with him at The Hague.

At the Coronation, 1st January 1651, the Chancellor addressed the King as follows:—

“Your good subjects desire you may be crowned as righteous and lawful heir of the Crown of this kingdom; that you would maintain the present proposed religion, the National Covenant and Solemn League and Covenant; that you would be pleased to receive them into your protection and govern them according to law, defend them in their rights and privileges, they offering themselves

humbly to your Majesty with their vows to bestow land, life, and what else is in their power for the maintenance of religion, the safety of your Majesty's person, and the maintenance of your Crown, which they entreat you to accept, and pray Almighty God that for many years you may enjoy the same."

Loudoun, further, raised levies of troops for the King's service. After the battle of Worcester he withdrew to the Highlands, till in 1653 Glencairn took up arms in the King's cause, when once again he joined the Royalists. Before six months elapsed, however, animosities and divisions arose, and Glencairn threatened to arrest the Chancellor and Lord Lorn and make them prisoners. Loudoun thereupon left Glencairn, retiring farther into the interior. The following year (1654) he submitted himself to Monk, but was excluded from Cromwell's Act of Indemnity, by which Act, however, £400 per annum was settled out of his estates upon his Countess and her heirs.



At the Restoration Loudoun was deprived of the Chancellorship, in spite of the fact that he held that office *ad vitam aut culpam*. His Presbyterian leanings were unwelcome to the Court. He was not, however, actually *dismissed* from office, the King rather suggesting his resignation. Loudoun therefore surrendered the office, and the Earl of Glencairn was appointed his successor.

Loudoun sat in the first session of the Parliament of 1661, and exerted himself in behalf of his patron and kinsman, the Marquis of Argyll, who was impeached for high treason, making a learned and able speech in Argyll's defence. He pointed out that men might lawfully submit to usurpation when forced to do so by necessity, and that this had never been considered a crime. On Argyll's execution he seems to have feared a like fate was in contemplation for himself, and exhorted his Countess to pray that he might never see the next session of Parliament. His wish was granted. He died on

the 15th March 1663 at Edinburgh, and was interred in the old Church of Loudoun.

The Chancellor left two sons and two daughters by his wife, Lady Margaret Campbell, Baroness of Loudoun.

NOTE.—After Charles was handed over by the Scots at Newcastle to the English Commissioners (1647) he was some time at Holmby House. From there he was, with his own consent, removed by Cornet Joyce (June 2) and taken to Newmarket. Later he was at Hampton Court, where he was visited by Loudoun, as previously noted. On 11th November an unsigned warning of approaching danger induced him to fly for refuge to Carisbrook Castle, in the Isle of Wight. After Hamilton's defeat at Preston (1648) Charles was removed by the army from Carisbrook to Hurst Castle; on the 7th December he was brought to Whitehall. On 20th January 1649 his trial was opened; he was beheaded, before Whitehall, on the 29th of the same month.

## CHAPTER IX.

Earl of Glencairn—Made Justice-General—Resigns Office—Letter from Charles II. to Glencairn—Glencairn raises an Army—The King sends Middleton to Scotland—Restoration of Charles II.—Glencairn made Chancellor—Favours Episcopacy—Sharp, the Chancellor, and Conformity—Death of Glencairn—His Character—His Family—John Leslie, Earl of Rothes—Carries Sword of State at the Coronation—Commands a Regiment at Worcester—Taken Prisoner—Released—President of the Council and Extraordinary Lord of Session—Lord Treasurer—Appointed Chancellor and Keeper of the Great Seal—Created Duke of Rothes—Death—Burnet's Reference—Rothes' Family—Earl of Aberdeen—Early Years—Lord President of the Court of Session—Appointed Chancellor—Charles' Opinion—Created Earl of Aberdeen—Quarrel with Queensberry and Perth—Resigns Chancellorship—His Death—His Family—Earl of Perth—Lord Justice-General—Appointed Chancellor—Claims on Royal Favour—Quarrel with Queensberry—Catholic Chapel at his House—A Riot—More Rioting in Edinburgh—Flight to Drummond Castle—Flight to Burntisland—His Capture—His Imprisonment—At St. Germain's—Duke of Perth—Death—His Family—John Hay, First Marquis of Tweeddale—With Charles I. at Nottingham—At Marston Moor and Preston—Holds Neidpath Castle—Becomes Earl of Tweeddale—Financial Troubles—Sits in Cromwell's Par-

liament—Opposed to James Guthrie's Death—Imprisonment—Lord of Session and Commissioner of Treasury—Dismissed from Offices—Appointed Chancellor—Lord High Commissioner for William and Mary—The Glencoe Report—Gives Official Support to Darien Scheme—Dismissed from Office—Death—His Character.

WILLIAM CUNNINGHAM, NINTH  
EARL OF GLENCAIRN.

1661-1664.

THE Earldom of Glencairn was created in the reign of James III. The Chancellor was son of William, the eighth Earl, by Janet Ker, daughter of Mark, first Earl of Lothian. He was born in 1610, and succeeded to the Earldom in 1631. Shortly afterwards he was appointed a Privy Councillor, and in 1641 was elected one of the Commissioners of the Treasury, his colleagues being Loudoun, then Chancellor, Argyll, Lindsay, and Sir James Carmichael.

In the Convention of Estates in 1643 Glencairn was one of the peers who joined

the Duke of Hamilton in vigorously opposing a Scots army being sent into England under the obligation of the Solemn League and Covenant.

Glencairn was made Lord Justice-General on the death of Sir Thomas Hope of Carse in 1646. In the Parliament of 1648 he heartily espoused the King's interest, and was anxious to rescue Charles from his imprisonment. But when, after the defeat of the Scots army at Preston on 17th August, his opponents got the Government into their hands, and an ordinance was passed declaring all who had assisted in the "Engagement" incapable of bearing any office in the State or sitting in Parliament until they had satisfied the Kirk, Glencairn was deprived of the office of Justice-General, which was given to the Earl of Cassillis. Glencairn then retired into private life.

Charles II. wrote to Glencairn from Paris, 14th March 1653, as follows: "I hope our affairs will shortly mend in all places, and you

may be very confident that I omit nothing that is in my power to mend matters. In the meantime you see how much I depend on your loyalty, interest, and conduct, of which you will make use at such time and in such manner as in your judgment you find best for my service." Accordingly, in the end of that year the Earl raised the Royal standard in the Highlands, and, at his request, the King sent General Middleton to Scotland. Not long afterwards, however, Glencairn delivered up the command of the troops, 3000 horse and foot, to Middleton, retired from the army, and ultimately submitted to Monk.

Glencairn was one of the peers General Monk called to the convention he summoned when about to march into England in 1659, and one of the first to congratulate Charles II. on the Restoration. He was received into favour, and sent to Scotland to summon together the surviving members of the Committee of Estates (3rd August 1660). The



WILLIAM CUNNINGHAM  
Ninth Earl of Glencairn





Estates met, Glencairn presiding, and authorised the seizure of several of the protesting ministers, who had met at Edinburgh.

The resignation of the Chancellorship by Loudoun was followed by the appointment of the Earl of Glencairn as Chancellor of the kingdom for life (19th January 1661). He was also appointed Sheriff of Ayrshire. On 28th February 1661 he took the oath, which was administered by Sir Archibald Primrose, the Lord Clerk Register.

The Chancellor favoured the restoration of Episcopacy, and the King, who had been advised by him, wrote to the Privy Council of Scotland intimating his intention of setting up Episcopacy, and asking their advice on the matter. Glencairn ordered the King's letter to be read the first Council day after receipt, and spoke strongly in support of it. A reply was accordingly sent to the King assuring him that the change would give satisfaction to the nation, and the system was inaugurated. Sharp was made Arch-

bishop of St. Andrews; James Hamilton, minister of Cambusnethan, became Bishop of Galloway; Robert Leighton, Principal of Edinburgh University, Bishop of Dunblane; George Wishart, Bishop of Edinburgh; and George Haliburton, Bishop of Dunkeld. Sharp, however, aimed at enforcing Conformity, and he and Glencairn soon quarrelled.

The Primate went to Court in 1663 to complain of the Chancellor as remiss in executing the Conformity laws; unless more spirit were put into the administration it would be impossible, he urged, to preserve the Church. Nothing, however, came of Sharp's representations, though he was allowed, on official occasions, to take precedence of the Chancellor (16th January 1664). Glencairn was greatly offended that this was conceded, and became apprehensive that his interest at Court was failing. The slight preyed on his mind, till about three months later he was seized with fever at his house of Belton, near Dunbar, and died,

after an eight days' illness, on the 13th May 1664, in the fifty-fourth year of his age.

It was not till two months later that he was interred with great state and magnificence in the south-east aisle of St. Giles, Edinburgh; as to the cause of the delay we are not informed. The funeral sermon was preached by Burnet, Archbishop of Glasgow, who made reference to the nobility of his birth and descent, his piety, his great qualities, his loyalty to his Sovereign, and his singular temperance and sobriety at a time when that virtue was at a premium.

The Chancellor by his first wife, Lady Ann Ogilvy, daughter of James, first Earl of Findlater, left four sons and four daughters. By his second wife, Lady Margaret Montgomery, daughter of the Earl of Eglinton, and widow of John, first Earl of Tweeddale, he had no issue.

The Earl of Glencairn was succeeded in the Chancellorship by John Leslie, seventh Earl of Rothes.

JOHN LESLIE, SEVENTH EARL AND  
FIRST DUKE OF ROTHES.

1664-1681.

The new Chancellor was born in 1630, the only son of John, sixth Earl, and Anne, daughter of the Regent Mar. On his father's death in 1641 he succeeded to the Earldom while still a minor.

At the age of twenty Rothes was one of the peers who waited on Charles II. at Breda in 1650, and carried the Sword of State at his coronation the following year. When the Scottish Parliament at Stirling raised an army for the King the Earl of Rothes, then Sheriff of Fife, raised a regiment of horse in that county, and was taken prisoner at the battle of Worcester (1651). He was sent first to the Tower of London, where he suffered a long and tedious imprisonment; later he was transferred to Newcastle. In 1655, however, he was liberated by Cromwell on the inter-

cession of the Countess of Dysart. He then went over to Breda, returning with the King at the Restoration in 1660. He was then made Lord President of the Council and an Extraordinary Lord of Session, and had a pension conferred upon him.

After the quarrel between Lauderdale and Middleton, in 1663 the latter was superseded, and Rothes appointed in his stead as the King's High Commissioner to Parliament. Following on this he was made Lord Treasurer of Scotland in succession to the Earl of Crawford, his father-in-law. He also became Keeper of the Great Seal, General of the Forces, and Captain of the Guard, and on the death of the Earl of Glencairn in 1664 he was appointed to the Chancellorship of the kingdom, holding that office till his death.

In 1667 he resigned all these offices except the Chancellorship; but on 29th May 1680 the influence of the Duke of York secured his creation as Duke of Rothes.

In 1681 Rothes, however, was seized with illness at Holyrood House, and died there on 27th July of that year. He had only reached his fifty-first year. He was buried in St. Giles, but his body was afterwards transferred to the Abbey Church of Holyrood, where it lay for some time till taken to Leslie, in Fife, and finally deposited in the family burial-place. The Duke having no male issue, the title became extinct.

Lord Fountainhall says of Rothes that "he gave himself great liberty in all sorts of pleasure and debaucheries, and by his bad example infected many of the nobility and gentry." Bishop Burnet also makes reference to the Chancellor in a passage which was suppressed in the early editions of his History: "He was unhappily made for drunkenness. For as he drank all his friends dead, and was able to subdue two or three sets of drunkards one after another, so it scarce ever appeared that he was disordered; and after the greatest excesses

an hour or two of sleep carried them all off so entirely that no sign of them remained."

Rothes married Lady Anne Lindsay, daughter of John, Earl of Crawford, by whom he had two daughters. On the eldest, Lady Margaret Leslie, Countess of Rothes, he settled his estates; the dignity of Earl of Rothes was to descend to her and her heirs. She married Charles, fifth Earl of Haddington; their sons were John, ninth Earl of Rothes, and Thomas, Earl of Haddington. The Chancellor's second daughter, Christian, married, first, James Graham, third Marquis of Montrose, and, secondly, Sir John Bruce of Kinross.

GEORGE GORDON, FIRST EARL  
OF ABERDEEN.

1682-1684.

Sir George Gordon, afterwards Earl of Aberdeen, succeeded the Earl of Rothes as Chancellor of Scotland. Sir George was the

second son of Sir John Gordon, Bart., of Haddo, who in 1644 was executed by the Covenanters at the Mercat Cross, Edinburgh, and Mary, daughter of William Forbes of Tolquhoun. His elder brother, John, was in 1661 restored to his father's estates, but died in 1665 without male issue, when Sir George succeeded to the title and estates. He was born 3rd October 1637, and studied at Marischal College, Aberdeen, under John Strachan, eventually succeeding him as Professor; later, resigning that post, he completed his education on the Continent, where he studied civil law. On his return from abroad he was admitted advocate, 7th February 1668, and for several years he attended the House and pleaded at the bar. It is recorded of him that though he had plenty clients he never took any fees.

Sir George Gordon represented the county of Aberdeen in Parliament in 1670 and 1673. In the latter year he was a member of the committee appointed to apportion the supplies



granted by Parliament. He was made by Charles II, a Privy Councillor in 1678, and a judge in the Court of Session two years later. On the passing of the Test Act and the deprivation of Sir James Dalrymple, he was in 1681 appointed by the Duke of York President of the Court of Session. Than during his term of office justice was never better nor more promptly administered.

After the death of the Duke of Rothes, Sir George was appointed Chancellor, 1st May 1682; the King at the same time declared his satisfaction with his ability for the duties of that high office in the following terms: "We have abundant experience, by clear and manifold observation, of the distinguished fidelity, excellent mental endowments, and irreproachable integrity of our most trusty and well-beloved cousin and counsellor, Sir George Gordon of Haddo, President of our Session, whereby he is specially qualified for the discharge of the very highest office of trust."

The elevation of Sir George Gordon to an office for long held only by the highest nobility gave at first some offence. But all cause for such ill-feeling was soon removed when, in consideration of the untainted loyalty of his ancestors, the sufferings of his father, and his own constant zeal and affection to the Crown, he was the same year created Earl of Aberdeen (30th November 1682). He was also appointed Sheriff-Principal of Edinburgh and Aberdeen.

For two years, in conjunction with the Duke of Queensberry, Aberdeen now held the chief direction of affairs in Scotland. A quarrel, however, arising between them, the influence and position of the Chancellor were undermined by Queensberry and Perth, the latter desiring the Chancellorship for himself. They are said to have secured the assistance of the favourite, the Duchess of Portsmouth, by a large bribe. An occasion against him was not far to seek. Aberdeen opposed a claim of the Privy Council that husbands

might be fined for the absence of their wives from church services, on the strict letter of the law that, while a fine was imposed upon husbands whose wives *attended Conventicles*, none was imposed on those whose wives *did not attend church*. His decision was received with great disfavour at Court, and in 1684 Lord Aberdeen resigned the office of Chancellor, which was conferred on the Earl of Perth.

The King accepted his resignation reluctantly, and during the remainder of Charles' reign and that of James VII. Aberdeen was ever loyal to the Crown so far as consistent with his honour and the Protestant religion. He remained a non-juror throughout King William's reign, but took the oath of allegiance to Queen Anne and sat in Parliament on several occasions during her reign. He disapproved of the Treaty of Union, like many others of the Scottish nobility.

His Lordship lived to the age of eighty-three years, and died at Kelly on 20th April

1720. Mackay wrote of him: "He is very knowing in the laws and constitutions of his country, and is believed to be the solidest statesman in Scotland."

He married Anne, daughter and heiress of George Lockhart of Torbrex. The match, it is said, was made by Lockhart of Carnwath, afterwards President of the Court of Session, the lady's maternal uncle. Their children were—George, who died unmarried; William, second Earl; Anne, afterwards Countess of Eglinton; Martha, who married John Udney of Udney; and Mary, Lady Saltoun.

JAMES DRUMMOND, FOURTH  
EARL OF PERTH.

1684-1688.

James Drummond, fourth Earl of Perth, was born in 1648, and educated at St. Andrews University. He then went to France to complete his education. After his return to Scotland he was in 1678 made

by Charles II. a member of the Privy Council. He first joined the party of Lauderdale, but, becoming dissatisfied with that nobleman's administration, he left him and joined the Duke of Hamilton and the other nobles who pressed on the King the illegality of the administration, and the oppression and injustice Scotland suffered.

On the fall of Lauderdale the Earl of Perth was made Lord Justice-General, 1st May 1682, Queensberry, who held that office, being promoted to that of Lord Treasurer. On 16th November following he was admitted an Extraordinary Lord of Session; and joining with Queensberry in his attack on Aberdeen, on that Earl's resignation he secured his position as Chancellor, 23rd June 1684.

Perth now saw in his former ally his present chief rival. On 6th February 1685 Charles II. had died, to be succeeded by his openly Catholic brother, the Duke of York. "The Chancellor," says Macaulay, "had already an unquestionable title to the Royal favour. He

had brought into use a little steel thumb-screw which gave such exquisite torment that it had wrung confessions even out of men on whom His Majesty's favourite boot had been tried in vain."<sup>1</sup>

Perth and his brother, since 14th April 1685 Viscount Melfort,<sup>2</sup> were ready to please their King in greater things as well as in less. Papers found in the strong box of his late Majesty had, they declared, converted them to belief in the Catholic faith, and by 1686 they had begun to confess and to hear Mass. A Royal letter to the Privy Council dispensed with the Chancellor's taking the Test (14th January 1686), and he was shortly afterwards the recipient of a Royal gift of £6000 sterling.<sup>3</sup>

<sup>1</sup> Macaulay: *History of England*, 1899, vol. i., p. 383.

<sup>2</sup> The Hon. John Drummond, second son of James, third Earl of Perth, created Viscount of Melfort and Lord Drummond of Gillestoun, 14th April 1685; Earl of Melfort, 12th August 1686; created *titular* Duke of Melfort by James VII. at St. Germain's, 17th April 1692.

<sup>3</sup> Brunton and Haig: *Senators of the College of Justice*, p. 416.

Perth and Melfort now struck a blow at their enemy. They accused the Treasurer, Queensberry, before James, but on charges so frivolous that at first the very authors could not but believe them to have failed, and worked their own undoing. It was Halifax who cynically reassured them: "Be of good cheer, my Lord: thy faith hath made thee whole." The brothers returned to Edinburgh masters of Scotland.

Their new won power, and the methods employed to win it, were likely to find little favour with their countrymen. The macers of the Privy Council were sent by the Chancellor round the printers and booksellers of Edinburgh, warning them to publish no book without his licence. One book was shown them as reflecting in very coarse terms on Popery—it proved to be the Bible.<sup>1</sup> A cargo of copes and images arrived at Leith for the Chancellor; they were passed without question by the customs officers, and a Catholic Chapel

<sup>1</sup> Macaulay: *History*, vol. i., p. 384.

was soon fitted up at the Chancellor's house in Edinburgh, where Mass was regularly performed. This proved too much for the mob of Edinburgh, never very difficult to rouse. The Chancellor's house was attacked; the iron bars which protected the windows were wrenched off, and Lady Perth and the other inmates pelted with mud. The troops were called out to quell the disturbance; the mob assailed them with stones. The troops were then ordered to fire, and several citizens were killed. Two or three of the ringleaders of the riot were arrested and hanged, amidst expressions of strong sympathy from the populace and abhorrence of the Chancellor, on whom, in spite of his efforts to implicate Queensberry, the whole blame was laid.

When the Ancient Order of St. Andrew was revived in 1687 the Chancellor was named the first Knight of the Order; and the following year the quorum of the Lords of the Treasury was reduced to three, of whom





*The Right Hon<sup>ble</sup>.  
 James Earle of Perth Lord Drummond & Stobhall &c.  
 Lord High Chancellor of the Kingdom of Scotland  
 And one of his Most Hon<sup>ble</sup> Privy Council of Scotland & England.*

JAMES DRUMMOND  
 Fourth Earl of Perth



he had necessarily to be one; while the Council were commanded to hold him in all things as the King's own mouth and his chief Minister of State.

But retribution was not now to be long delayed. The landing of William of Orange drew off to oppose him all the regular troops in Scotland, save a small garrison in Edinburgh Castle under the Duke of Gordon, and the city mob seized their opportunity once again to demonstrate their hatred of the Chancellor. After the retreat from Salisbury the riots became still more violent, and members of the Privy Council told Perth that they felt it no longer safe to be in Council where he was. On the advice of the other Roman Catholic members of the Council, therefore, Perth betook himself under a strong guard to Drummond Castle. Then came the news of James' flight, and, consequent on this, a general rising all over Scotland. The Chancellor was stricken with panic. He confessed that the terrors of death

were upon him, and tried to find consolation in the rites of the Catholic Church. Then, believing he was not safe at Drummond Castle, he quitted it in disguise, and found his way over the snow-covered Ochils to Burntisland, where a ship was lying in which he might escape. But his flight was discovered, and he was pursued by a longboat from Kirkcaldy and overtaken near the Bass. "Perth was dragged out of the hold on deck in woman's clothes, stripped, hustled, and plundered . . . Begging for life with unmanly cries, he was hurried to the shore and flung into the common gaol of Kirkcaldy."<sup>1</sup> There he was treated, according to Lord Balcarres, "with all the barbarity and insolence a rabble was capable of." By order of the Council he was removed to Stirling Castle, where he remained four years in confinement. In 1693 he was allowed to leave the country and he went to Rome. He remained there two years, till James sent for him. He

<sup>1</sup> Macaulay: *History*, vol. i., p. 626.

thereupon proceeded to St. Germain, when James created him Duke of Perth, Knight of the Garter, First Gentleman of the Bed-chamber, Chamberlain to his Queen, and Governor to his son. His title was confirmed in France by Louis XIV. in 1701, on James' death.

His Lordship died at Paris 11th May 1716, aged sixty-eight years, and was buried in the Chapel of the Scots College there. He was married, first, to Lady Jean, daughter of William, Marquis of Douglas, by whom he had James, his heir; secondly, to Lillas, Countess Dowager of Tullibardine and daughter of Sir James Drummond of Machany, by whom he had John, fifth *titular* Duke of Perth; and, thirdly, to Lady Mary Gordon, daughter of the third Marquis of Huntly and sister to George, first Duke of Gordon, by whom he had one son.

JOHN HAY, FIRST MARQUIS  
OF TWEEDDALE.

1692-1696.

The first Marquis of Tweeddale was the eldest son of John, first Earl of Tweeddale, and his first wife, Jane, daughter of Alexander Seton, Earl of Dunfermline. He was born in 1626, and educated in Edinburgh and London.

In 1642, when Charles I. set up his standard at Nottingham, Hay attended His Majesty, and continued in the Royal army so long as Scotland remained neutral. He returned, however, to Scotland in 1643, and commanded a regiment at Marston Moor the following year. He waited on the King with other nobles while he was at Newcastle in 1646, but had no hand in his surrender. In 1648 he entered into the "Engagement," and had the command of the East Lothian regiment of 1200 men. He fought against Cromwell

at the battle of Preston, where the Duke of Hamilton was defeated and taken prisoner.

When Charles II. came to Scotland in 1650 Hay with other young nobles waited on him, and assisted at the coronation (1651). He then accompanied the King from Perth to Stirling, where a Parliament was held, but when the army marched into England, having no command, he first retired to Dundee for safety, and then garrisoned Neidpath Castle for the King.

In 1654 Hay became Earl of Tweeddale by the death of his father.

Lord Tweeddale, on succeeding to his estates, was reduced to great straits in consequence of having become security for the debts of his relative, the Earl of Dunfermline. He was forced for some time to flee from home and to stay in Edinburgh, his estates being heavily mortgaged, and the interest in arrears. At a later period these responsibilities brought upon the Earl no little trouble and pecuniary loss.

He sat as Commissioner for Haddingtonshire in Cromwell's Parliament of 1655, and was instrumental in securing the reduction of the burden of assessment to be paid by Scotland from £10,000 to £6000 monthly.

He was nominated a Privy Councillor at the Restoration, but in the first session of Middleton's Parliament in 1661, having opposed the sentence of death on James Guthrie, the Covenanter, for declining to recognise the King's authority in Church matters, and moved that he be banished only, an order was sent down from London to commit Tweeddale to imprisonment in Edinburgh Castle. His Lordship then sent up a report of his speech, which fully satisfied the King, and, after imprisonment for two months, he was first permitted to be confined to his house of Bothans, and in May 1662 finally liberated.

In 1664 he was appointed an Extraordinary Lord of Session, and in 1667 a Commissioner of the Treasury. In 1668 he was made a member of the English Privy Council.



Tweeddale was a strong advocate of the use of mild measures with the Covenanters, and employed his influence with the King in the endeavour to get the ejected Presbyterian ministers restored to their parishes. With the assistance of Sir Robert Murray, moreover, the Earl succeeded in putting the public finances on a more satisfactory footing, and in paying off debts which the King had contracted in Scotland. It was by the Earl'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 Episcopal clergy.

The success of these measures, however, and the popularity which they gained, roused the jealousy of Lauderdale, the President of the Council, whose enmity was manifested by secret efforts to defeat the Earl's new scheme for a union of the two kingdoms. By his influence, accordingly, Tweeddale was in 1674 dismissed from all his offices, and even deprived of his seat in the Privy Council. Lauderdale's

enmity, further, induced him to stir up the Duke and Duchess of Buccleuch and Monmouth to bring a suit against Tweeddale for the reduction of the settlement made with them by the Earl, and ratified by the Lords, regarding the Buccleuch estates, which were entailed on Lady Tweeddale, a sister of Earl Francis, failing heirs of the Earl's own body. Lauderdale induced the court to set aside the deed, and so deprived the Earl of £4000 sterling.

On the fall of Lauderdale, Lord Tweeddale was restored to his offices of Commissioner to the Treasury, Privy Councillor, and Lord Privy Seal (1682), and 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 he had incurred on account of his cautionary obligations for the Earl of Dunfermline, who appears to have been completely bankrupt. Tweeddale had to sell his whole interest in the district of Tweeddale for the purpose of

paying Dunfermline's debts. It is also said that Tweeddale had an unfortunate taste for buying land beyond his means of payment, and consequently in his private affairs he was constantly in need of money.

After the dethronement of James VII., Lord Tweeddale became a supporter of the government of William and Mary, and was in favour with their Majesties. Under them he continued to be a member of the Privy Council and a Commissioner to the Treasury. He was not, however, readmitted to his seat on the Bench.<sup>1</sup>

For more than three years after the Revolution there was no Chancellor, but on 5th January 1692 Tweeddale was appointed to the vacant office; by letters patent, of date 17th December 1694, he was also raised to the dignity of Marquis of Tweeddale.

The Marquis was chosen Lord High Commissioner for the King to the Parliament which met at Edinburgh, 9th May 1695.

<sup>1</sup> Brunton and Haig : *Senators*, p. 386.

He was also one of the Commissioners appointed by William III. to investigate the whole circumstances connected with the Glencoe massacre. The report presented is characterised by Macaulay as "an excellent digest of evidence—clear, passionless, and austere just. . . . No source from which valuable evidence was likely to be derived had been neglected."<sup>1</sup> The Commission found that the slaughter of M'Ian and his clansmen had been a barbarous murder, for which the letters of the Master of Stair were the sole warrant and cause.

In another matter, however, the Chancellor's action proved less satisfactory or convenient to his Royal master. Tweeddale was a friend and country neighbour of the famous Fletcher of Saltoun, and was persuaded by him to support Paterson's Darien Scheme brought forward this same year. Lord Macaulay suggests the Government may have been glad of so fortunate a means for drawing men's attention

<sup>1</sup> Macaulay : *History*, vol. ii., p. 520.

from the Glencoe enquiry. At any rate, Tweeddale, as High Commissioner, on 26th June gave the Royal assent to the ill-fated Act by which certain persons were formed into "The Company of Scotland trading to Africa and the Indies."

Then came the outcry in England against the scheme. William had been at Namur when his Lord High Commissioner assented in his name. He now saw it was necessary to yield to the complaints of his *English* subjects, said he had been very ill served in Scotland, and dismissed Secretary Johnstone and Tweeddale from their offices (1696).

Lord Tweeddale soon after fell ill, and died at Edinburgh, 11th August 1697, in the seventy-first year of his age. He was buried in the church at Yester among his ancestors.

"His Lordship," says Bishop Burnet, "understood all the interests and concerns of Scotland well. He had a great stock of knowledge, with a mild and obliging temper. He was of a blameless, or rather an exemplary,

life in all respects—the ablest and worthiest man of the nobility—only he was too cautious and fearful.” Macaulay’s estimate does not greatly differ: “A man grown old in business, well informed, prudent, humane, blameless in private life, and, on the whole, as respectable as any Scottish peer who had been long and deeply concerned in the politics of those troubled times.”<sup>1</sup>

The Marquis married, in September 1644, Lady Jean Scott, daughter of Walter, first Earl of Buccleuch, by whom he had five sons and two daughters.

<sup>1</sup> Macaulay : *History*, vol. ii., p. 518.

## CHAPTER X.

Patrick Hume of Polwarth—In Parliament for Berwickshire—Imprisoned in the Tolbooth—Again suffers Imprisonment—Connection with English Whigs—The Rye House Plot—Hume in Hiding—Sandy and the Sheep's Head—Hume Escapes to Holland—Argyll's Expedition—Hume Supports Prince of Orange—Accompanies him to England—Queen Mary and Grizel Hume—"The Club"—Hume, Privy Councillor and Commissioner for Union—Created Lord Polwarth—Appointed Chancellor—Created Earl of Marchmont—Personal Popularity—Resigns Chancellorship—The Protestant Succession—The Treaty of Union—Question of Bribery—Character of Marchmont—His Death—John Hay, Second Marquis of Tweeddale—Applies to Queen for Dissolution of Parliament—Opposes the Union—High Commissioner to Parliament—Appointed Chancellor—His Resignation—The "Squadron Volante"—Hume Supports the Union—His Death—His Character—James Ogilvy, Earl of Findlater—Supports James VII.—Takes Oath of Allegiance to William—Knighted—Sheriff of Banffshire—Joint-Secretary of State—Created Earl of Seafield—Union Commissioner—Appointed Lord Chancellor—Resigns Chancellorship—Reappointed Chancellor—"The End o' an Auld Sang"—Seafield Chief Baron of Exchequer—Keeper of the Great Seal—His Death—His Character.

SIR PATRICK HUME, FIRST EARL  
OF MARCHMONT AND BARON  
POLWARTH.

1696-1702.

TWEEDDALE'S successor was the eldest son of Sir Patrick Hume, Bart., of Polwarth, born 13th January 1641. His father died when the future Chancellor was not more than seven years of age, and, in consequence, for the better part of his early education he was indebted to his mother, who brought him up as a strict Presbyterian, and, with the Scottish appreciation of a good education, secured for him the best masters obtainable.

In 1665 Hume was chosen Member of Parliament for Berwickshire, and soon distinguished himself by his zeal and independence. In 1673 Charles II. sent a letter to the Scots Parliament requiring a levy of soldiers, and money to support them. Lauderdale proposed that the request be referred



to the Lords of the Articles. This was opposed by Hamilton, who maintained that the Royal wishes ought to be considered by Parliament. Sir Patrick Hume publicly concurred with Hamilton, whereupon Lauderdale checked him, and pointed him out to the House as a dangerous person.

In 1674 Sir Patrick, along with others opposed to Lauderdale, went to London to make a representation to the King of Scottish grievances. When they arrived at Court they were well received by the King, and were given so good a hearing that they thought they had fully convinced Charles of the necessity of putting Scotland into other hands. They were sent back to Edinburgh with full assurances that all things should be left to the judgment of Parliament. But on their return, instead of redress, they found an order for the prorogation of the Estates, which gave so great dissatisfaction that Lauderdale's life was even threatened.<sup>1</sup>

<sup>1</sup> Brunton and Haig : *Senators*, p. 452.

In the following year in several of the Lowland shires, and notably in Berwick, Ayr, and Renfrew, strong dislike was expressed to the order of the Privy Council that various forts in the kingdom should be garrisoned, and their garrisons maintained by the neighbouring districts. The troops in Cullen Castle fell to be maintained by Hume's constituents, and he was sent from Berwickshire to obtain some legal remedy. He first presented a bill of suspension; this was refused. He then used a legal protection in the ordinary form of law by taking instruments. The Council thereupon declared him incapable of holding any public trust, and committed him to the Tolbooth, whence he was removed to Stirling Castle. There he was kept till February 1676, when he was released by the King on the petition of some of his friends. The sentence, however, by which he was declared incapable of holding any position of public trust was not removed.



*Patricius Comes de MARCHMONT Vicecomes de Blazonberrie Dominus Polwarth de' Strath, Robus  
 et Greenlams, Scirens, Comes Principi GUILLIAMO D. G. Magnae Britanniae, Franciae et Sabaudiae, R. G. I. in Antiqua  
 suo Scotiae Regni PROREX, Actor, cummibus Cancellarius Domus, Secretarius Concilii post, Principes Regni  
 Sanguinis primus, et Scaccarii Dominorum primus, et Admiraltatis auct. quo non etc. - 605. Dni. 1698.*

PATRICK HUME

First Earl of Marchmont and Baron Polwarth



In 1679 Hume was once again suffering imprisonment, first at Dumbarton, then again at Stirling. On 17th July we find Charles writing to the Privy Council from Windsor: "Whereas, upon sure information, we did formerly . . . cause imprison Sir Patrick Hume of Polwart, for reasons known only to ourselves, and tending to secure the publick peace of that our ancient kingdom, . . . we do hereby authorize and require you to cause the said Sir Patrick Hume to be sett at liberty; . . . for doing whereof this shall be your warrant."

Crawfurd<sup>1</sup> states that Hume obtained his liberty on this second occasion by the interposition of some of his English relatives at Court, and in particular the Countess of Northumberland.

Sir Patrick, following on his release, went to England, and there came much in contact with Monmouth, Shaftesbury, and Lord Russell, who was a kinsman of his own, the

<sup>1</sup> Crawfurd's *Off. of State*, p. 241.

leaders of the English Whigs. With them he had many conferences on the state of affairs in Scotland, and as to what might be done to secure the kingdom from papacy and arbitrary power in the event of a Catholic succeeding to the throne. Nothing was suggested against the life of the King or the Duke of York, but Sir Patrick was strongly opposed to the succession of the latter, as inconsistent with the liberties of the nation.

Then came the Rye House Plot in 1683, and though there is no proof that Sir Patrick Hume was connected with it, his enemies chose to throw suspicion around him. On the arrest of Baillie of Jerviswoode, Hume, knowing that he was a marked man, and that the Government was bent on his destruction, quitted his residence of Redbraes Castle, and, while it was given out that he had gone on a distant journey, took up his quarters in the family burial vault, underneath the Parish Church of Polwarth, about two miles distant. The only light he enjoyed

in this dismal abode came through a slit in the wall, through which, however, no one could see anything within. As long as daylight lasted he spent his time in reading Buchanan's Latin version of the Psalms, which he thus imprinted so deeply on his memory that, many years after, when he was eighty years of age, he could repeat any one of them without omitting a word. He lived several weeks in this vault in the autumn of 1684.<sup>1</sup>

The duty of conveying food to Sir Patrick devolved on his eldest daughter, Grizel, a courageous young lady of nineteen years of age. She walked night after night through the woods of her father's policies and amid the tombstones of the churchyard, afraid of nothing but the danger that her father's hiding-place might be discovered. She even conveyed a letter from her father to his friend, Baillie of Jarviswoode, then a prisoner for treason in the Edinburgh Tolbooth. The

<sup>1</sup> Taylor: *Historic Families*.

son of Baillie, a youth about her own age, had been recalled from his education in Holland to attend his father's trial. In a cell of the Tolbooth these two young people met for the first time, and an attachment then commenced which was to lead to their union in happier days.

It is Grizel Hume, too, who is the heroine of the immortal story of the sheep's head. This was a favourite dish of Sir Patrick's, and when it one day appeared on the table for dinner, while her younger brothers and sisters, not in the secret of their father's hiding-place, were busy with their broth, their sister managed to appropriate the greater part of the head, with the intention of conveying it to Sir Patrick. When her brother Sandy had finished his broth, he looked up, and in astonishment cried out, "Mother, will you look at Grizel? While we have been eating our broth, she has eat up the whole sheep's head!"

After her husband had been for some time



concealed in the vault, Lady Hume and a trusted carpenter, "Jamie Winter," prepared a new hiding-place for him, under a sliding bed, in a lower apartment in his house. He ventured home, and remained there undiscovered, without being obliged to make use of this new place of refuge.

After Baillie's execution in December 1684, however, the search for Sir Patrick became keener, and he decided to make an attempt to escape from the country in disguise. He set out on horseback during the night, accompanied by a trustworthy servant named Alexander, who was to conduct him part of the way to London. In travelling towards the Tweed Sir Patrick and his guide accidentally separated in the darkness, and the former was not aware that he had quitted the proper road till he reached the banks of the river. This mistake proved his safety, for Alexander was overtaken by the very soldiers who had been sent in pursuit of his master. In the disguise of a surgeon

Sir Patrick reached London in safety, and from there made his way to Brussels. Thence he went to Holland, where he was well received by the Prince of Orange.

In January 1685, having failed to appear to answer to the charge of implication in the Shaftesbury plot, Hume was denounced a rebel, and on 22nd May an act of forfeiture was passed against him.

On the death of Charles II. the exiles in Holland planned the two expeditions of Monmouth and Argyll. Hume had assumed an important position amongst them, and it seems undeniable that to the circumscribed powers granted to Argyll through Hume's efforts and those of others, and to the constant interference to which, throughout the expedition, Argyll was subjected, was due in great measure the completeness of its failure. Hume, says Lord Macaulay, wished only to make use of Argyll, not to give him a free hand. "He was a man incapable alike of leading and of following, conceited, captious,

and wrongheaded, an endless talker, a sluggard in action against the enemy, and active only against his own allies."<sup>1</sup>

Argyll's expedition set sail on the 2nd May 1685. The commander wished to secure the country of his own clansmen and make it the basis of future operations; in this he was supported by Rumbold, an old soldier of Cromwell's. Hume and Cochrane, another Lowland gentleman, however, insisted on a division of forces, and an attempt with part of the expedition to invade the Lowlands. They obtained some supplies at Greenock, but found the country against them, and rejoined Argyll in the island of Bute. Argyll at last yielded to their importunities and advanced into the Lowlands. On crossing the river Leven they were opposed by Royalist troops. Hume disapproved of giving battle, and the insurgents began a retreat, during which their army disbanded and scattered. Argyll was captured in Renfrewshire, and

<sup>1</sup> Macaulay : *History*, vol. i., p. 263.

beheaded. Hume escaped to the house of a friend, Montgomery of Lainshaw, and lay there concealed for three weeks, while a report was circulated that he was dead. He then made his way to Dublin, and Bordeaux, whence he travelled as "Dr Peter Wallace" to Holland, settling at Utrecht.

There he was joined by his wife and family, who, before leaving Scotland, had been subjected to harsh treatment by the Government of Charles II. The eldest son, Patrick, was arrested and put in prison, but was afterwards liberated on finding bail for £2000. Under the designation of Dr Wallace, Sir Patrick lived for three years at Utrecht in great privation, as his estates had been confiscated, and his income was small and precarious. He was very active in promoting the claims of the Prince of Orange to the throne, offering to take upon himself the administration of affairs in Scotland until a Convention of the Estates should meet.

In 1688, when the Prince of Orange sailed

for Torbay, Sir Patrick Hume accompanied the expedition and shared in all its difficulties, and ultimately in its rewards.<sup>1</sup> His heroic daughter, Grizel, came over to England at the same time in the train of the Princess of Orange. The Princess wished to retain Sir Patrick's daughter near her person, and offered to make her one of her maids of honour, but this the young lady declined. About two years after the Revolution she married her faithful lover, George Baillie, who had regained his paternal estates of Jerviswoode. She spent with him forty-eight years of wedded life in the enjoyment of unalloyed happiness.

Sir Patrick was chosen a member of the Convention which met at Edinburgh on 14th March 1689; and his forfeiture was rescinded by Act of Parliament in July 1690.

But it was impossible for William to please equally all his supporters, either in England or in Scotland. Unable himself to be present

<sup>1</sup> Taylor: *Historic Families*.

in his new northern kingdom, he entrusted the government chiefly to the two Dalrymples, the Earl and Master of Stair, who held respectively the offices of Lord President and Lord Advocate. These men were at once opposed by a knot of discontented Whig politicians, who formed "The Club," under the direction of Montgomery. Hume became one of their number. "He is a lover of set speeches," said one writer of him about this time, "and can hardly give audience to private friends without them."<sup>1</sup> These gentlemen were actuated chiefly by a hatred of the Lord President and the Lord Advocate. By the power of "The Club" an act, aimed at these two men, and incapacitating from employment in any public office any person who had even taken a part in proceedings inconsistent with the Claim of Right, was passed in the Estates by a majority of seventy-four to twenty-four votes. Hume indeed avowed it as his opinion

<sup>1</sup> Macaulay : *History*, vol. ii., p. 27.

that the whole patronage of the Realm should be transferred from the Crown to the Estates.

In spite of this, however, Hume continued to receive favours from the Crown. When a new Privy Council was formed he was made a Privy Councillor, and was nominated a Commissioner to treat of the union of the two kingdoms. He was also created a Peer of the Realm by the title of Lord Polwarth of Polwarth, by letters patent 26th December 1690. In the patent King William assigned him an *orange* proper, ensigned with an imperial crown, to be placed in a *surtout* in his coat of arms in all time coming as a mark of His Majesty's Royal favour to the family of Polwarth, and in commemoration of his Lordship's great affection for His Majesty.

Lord Polwarth was in 1692 reappointed Sheriff of Berwickshire, and in 1693 an Extraordinary Lord of Session. On 2nd May 1696 he was appointed Chancellor of Scotland, on the dismissal of Lord Tweeddale, and on 23rd

April of the following year he was created Earl of Marchmont. Thereafter he was a Commissioner of both the Treasury and the Admiralty, and in the Scottish Parliament which met at Edinburgh in July 1698, Lord High Commissioner to represent His Majesty.

Marchmont held the Chancellorship till King William's death with the universal approval of the nation for his justice, integrity, sound judgment, and eminent capability for the duties of that office. His correspondence with King William and his ministers exhibits a constant and earnest desire to act and to advise as should best promote the honour of his master and benefactor and the weal of the State; and he had the good fortune to serve a Prince who imposed no duties upon him which brought into conflict his obligations to the Sovereign and to the country.<sup>1</sup>

At a Parliament held in May 1700 Queensberry, the Commissioner, and the Chancellor spoke of the deliverance wrought by the

<sup>1</sup> *Marchmont Papers.*



Revolution, the deep debt of gratitude due to the King, his great services in the cause of the Protestant religion and the peace of Europe, and the danger of urging, at one of the most delicate junctures in the diplomatic history of the Continental Powers, any views or projects calculated to weaken His Majesty's influence by creating divisions among his people.<sup>1</sup>

The diary of George Home of Kimmerghame, whose father was the Earl of Marchmont's cousin, gives a pleasing view of Marchmont's character. "Without the presence of the Chancellor neither a business meeting nor a convivial party was considered complete. When he journeys to London in his family coach, a journey of twelve days, he is escorted as far as Bedford by his friends. His return from the south as His Majesty's Commissioner resembles nothing but a Royal progress. In the midst of all this he is a kind friend, a hospitable host,

<sup>1</sup> Hill Burton: *History of Scotland*.

an active country gentleman, a welcome guest at bridals and christenings, and deeply interested in all that concerns Berwickshire.”<sup>1</sup>

In 1702 the King appointed Lord Marchmont Commissioner to the General Assembly of that year. During the sitting the King died, but Queen Anne granted a new commission to Marchmont to represent her at that same Assembly. In the same year, however, some alterations being made in the Ministry, Marchmont resigned the Chancellorship.

In the first Parliament of Queen Anne (1703) Marchmont moved that a bill be brought in for settling the succession to the Crown on the Princess Sophia, Duchess-Dowager of Hanover, as she was next in succession in the Protestant line after the Queen, who had no issue alive. The same session Marchmont presented a bill for settling and securing the Protestant religion as then established, in doctrine, worship, and discipline.

<sup>1</sup> *Chambers's Lives.*

This was carried. The attempt of Lord Marchmont, says one writer, to introduce an Act for the Hanoverian Succession at a time when his fellow statesmen were chiefly bent on asserting, by the Act of Security, the useless independence of his country, was so ill received that there was some talk of conveying him to the State prison in Edinburgh Castle.

In 1706, when the Treaty of Union came before Parliament, Marchmont was eager for its success. He was anxious to settle the Crown in the Protestant succession; it was, he said, the thing he longed to see before he should leave the world; and he reckoned it his great happiness that he had contributed so much to bring it about.

It was at this Parliament (November 1706) that Lord Belhaven made his famous speech: “What hinders us, my Lord,” he cried, “to lay aside our divisions, to unite cordially and heartily together in our present circumstance, when our all is at stake. Hannibal, my Lord, is at our gates: Hannibal is come the length

of this table : he is at the foot of this throne : he will demolish this throne if we take not notice : he would seize upon these regalia : he would take them for our *spolia opima*, and whip us out of this house never to return. For the love of God, then, for the safety and welfare of our ancient Kingdom, whose sad circumstances I hope we shall yet convert into prosperity! We want no means if we unite. God blesseth the Peacemakers. We want neither men nor sufficiency of all manner of things to make a nation happy. . . . Good God, what is this! An entire surrender. My Lord, I find my heart so full of grief and indignation that I must beg pardon not to finish the last part of my speech that I may drop a tear as the prelude to so sad a story." Lord Marchmont stood up and said they had heard a long speech, and a very terrible one, but he thought a short answer would suffice, and it might be given in these words: "Behold, he dreamed, but lo! when he awoke, behold it was a

dream." The vote stood 116 for and 83 against the bill.

In connection with the passing of the Act of Union, the sum of £2000 was, according to Lockhart, divided among the Scottish nobles and others as a bribe. Of this sum Marchmont is recorded as having received £1104. Another authority, however, Sir George Rose, says that this sum was in reality payment of arrears on offices and pensions lawfully due to Marchmont, and calls in question the whole statement of Lockhart. Marchmont certainly had complained to the Duke of Argyll that he could not get payment of the arrears of his salary as Chancellor: "I cannot but think it strange that now, after three years, £827 sterling of my salary for serving the Queen as Lord Chancellor is yet resting owing to me, which makes me very uneasy, when so little can be made of our estates in the country."<sup>1</sup>

The accession of George I. gave to Lord

<sup>1</sup> *Marchmont Papers.*

Marchmont what was the desire of his heart, —a Protestant king on the throne. He was immediately reappointed Sheriff of Berwickshire, which he had some time previously resigned.

In 1715, in the seventy-fifth year of his age, acting on the feelings and principles of his youth, he forbade a meeting of the gentlemen of the county, which had been proposed with the view of obtaining a redress of hardships, but which would have embarrassed the newly established Government; and his Lordship took the necessary precautions to render his prohibition effectual. When, however, he saw the Protestant succession secure, he gave up all thoughts of active life, and removed to Berwick to spend the remainder of his days in retirement.

A short time before his death he was visited by his daughter, Lady Grizel Baillie, and his grandchildren, who with a number of friends had a dance. Being then very weak on his limbs, he desired to be carried downstairs to

see them. He was so much delighted with the happy faces he saw around him that he remarked: "Though he could not dance, he could yet beat time with his foot."<sup>1</sup>

He is described by a contemporary in the following terms: "He hath been a fine clever gentleman, of clean parts, . . . zealous for the Presbyterian government and its Divine rights (which was his great motive in engaging against the Crown). Business and years have now almost worn him out. He hath been handsome and lovely, and was so since King William's accession to the throne, towards seventy years old."<sup>2</sup>

The Earl of Marchmont died at Berwick on 1st August 1724 at the mature age of eighty-three years, and was interred in the Canongate Churchyard beside the remains of his wife.

The Earl was married to Grizel, daughter

<sup>1</sup> *Chambers's Lives.*

<sup>2</sup> Mackay's *Memoirs*, quoted in Brunton and Haig: *Senators*, p. 461.

of Sir Thomas Ker of Cavers, by whom he left issue—three sons and five daughters. His eldest son, Sir Patrick, Lord Polwarth, predeceased him, and his second son, Sir Alexander Hume, succeeded as second Earl of Marchmont.

JOHN HAY, SECOND MARQUIS  
OF TWEEDDALE.

1704-1705.

John Hay was the eldest son of the first Marquis of Tweeddale and of Lady Jean Scott. He was born in 1645, and educated in England. He succeeded his father as Marquis of Tweeddale in 1697.

On the Argyll invasion he was appointed Colonel of the East Lothian Regiment in 1685. In 1689 he was chosen a Privy Councillor and Sheriff of East Lothian. He sat in the Parliament of 1695 as High Treasurer of Scotland. He was also a Privy Councillor under Queen Anne.





JOHN HAY  
Second Marquis of Tweeddale



Prior to the opening of Queen Anne's Parliament in 1703, Lords Tweeddale and Hamilton, accompanied by the Earl Marischal and Rothes, made an application to Her Majesty for the dissolution of the Parliament, or, more correctly, the Convention of Estates, that had framed the Revolution settlement. The Queen, 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 angry at this action, felt it necessary to give way, as the country party not only disputed the authority of the "Rump," as the remnant was called, but began to refuse payment of the taxes which they imposed. A new Parliament was accordingly summoned, in which a strong party, led by Lord Tweeddale, who were opposed to the union of the two kingdoms, insisted on indemnification of the losses sustained by the Darien expedition, and the

punishment of the authors and agents of the Glencoe massacre.

Lord Tweeddale was appointed on 5th August 1704 High Commissioner to Parliament to represent the Queen. In addressing this Parliament he pressed for the settlement of the Crown on the House of Hanover as necessary to establish peace and secure the Protestant religion.

On the prorogation of Parliament Lord Tweeddale went to London. There he met with a gracious reception from the Queen, who appointed him Chancellor of Scotland in room of Lord Seafield, 17th October 1704. Five months after, on account of changes at Court, he resigned the Chancellorship, to which Seafield was again appointed, 9th March 1705.

In the Parliament which passed the Treaty of Union, Tweeddale was the head of the party—the “Squadron Volante”—who held a middle position between the supporters of Government and the Jacobites. His Lordship

and his faction supported the Union, which could not, indeed, have been carried without their aid.

He was one of the sixteen Representative Peers of Scotland to the first British Parliament.

His Lordship after this resided at his seat at Yester, East Lothian, enjoying the pleasures of country life, till on 20th April 1713 he was seized with a fit of apoplexy, and died immediately. Lord Tweeddale at his death was sixty-eight years of age.

He married Lady Anne Maitland, only daughter of John, Duke of Lauderdale, by whom he had three sons and two daughters.

Lord Tweeddale has been described as "a great promoter and encourager of trade, and of the welfare of his country. He hath good sense, is very modest, much a man of honour, and is highly esteemed in his country."<sup>1</sup>

<sup>1</sup> Mackay: *Memoirs*.

JAMES OGILVY, FOURTH EARL OF  
FINDLATER AND FIRST EARL  
OF SEAFIELD.

1702-1704.      1705-1708.

The last of Scotland's Lord Chancellors was born in 1663, the second son of the third Earl of Findlater and of Anne, daughter of Hugh, seventh Earl of Eglinton.

Findlater early took to the study of the law, and in 1685 was admitted to the Bar as an advocate. In 1681-95 he was representative for Cullen at the Convention of Estates. There he attracted notice by a speech he delivered in favour of James VII., when the Convention had James' Administration under debate. He was one of the five members who dissented from the Act forfeiting the King. He took, nevertheless, the Oath of Allegiance to William and Mary, and continued his practice as an advocate with much success. He was, in 1693, appointed



JAMES OGILVY  
First Earl of Seafield





Solicitor - General on the removal of Sir William Lockhart, and on the death of Sir James Baird of Auchmeden he was knighted, and appointed Sheriff of Banffshire.

Findlater had not been long connected with the Government when he was promoted to the office of Secretary of State, along with the Earl of Tullibardine, in 1695. In 1698 he was created Viscount Seafield, and represented the King as Lord High Commissioner at the General Assembly which met on 2nd February 1700. The following year he was created Earl of Seafield, and continued Secretary of State till the death of the King. Queen Anne, on her accession to the throne, continued him in office, along with the Duke of Queensberry, by a new commission in 1702, and he was that year chosen as one of the Commissioners for the adjustment of the Treaty of Union.

On 1st November of the same year Seafield was appointed Chancellor of Scotland in room of the Earl of Marchmont. He was for the

second time Lord High Commissioner to the General Assembly at Edinburgh in 1703, as also to Parliament. In 1704, on account of changes in the Ministry, he resigned the Chancellorship. But on 9th March 1705, when a new Ministry came into office, Seafield was a second time appointed Chancellor, in which office he remained until the Treaty of Union became an Act of Parliament in 1708.

Lord Seafield concurred in the measures for the promotion of the Union. His speeches setting forth the great advantages that would accrue to the nation on account of it have all been published; and when all was accomplished, and the last Scottish Parliament about to terminate its last sitting, the Chancellor declared, surely half at least in regret, "And there's an end o' an auld sang."

When it was decided, in 1708, to terminate a separate Chancellorship for Scotland, Lord Seafield was appointed to the office of Lord Chief Baron of Exchequer, with a pension of £3000 per annum. After the Union he was

a Privy Councillor of the Queen, and held that office till his death. He was also a Representative Peer for Scotland. In 1713 he was appointed Keeper of the Great Seal of Scotland, and presided as Chancellor in the Court of Session, where, it is said, he had a peculiar talent for despatching business and shortening lawsuits.

Lord Seafield, who was married to Anne, daughter of Sir John Dunbar of Durn, died in 1730. He had three sons and two daughters, and was succeeded in the Earldom by his eldest son.

A contemporary wrote of Seafield: "He has great knowledge of the civil law and constitution of Scotland—understands perfectly how to manage a Scottish Parliament to the advantage of the Court. He affects plainness and familiarity of manner, but is not sincere; is very beautiful in his person, with a graceful behaviour, a smiling countenance, and a soft tongue."

. . . . .

And so ends at last, with the Union of the Parliaments, one, not unimportant, aspect of Scottish history and Scottish national life; traced, in these pages, from its creation, in the early days of Scottish feudalism, through its varied developments to its close.

After the Act of Union a Keeper of the Great Seal continued to be appointed for sealing writs as to private matters, and the office of Director of Chancery dealt with routine business connected with the department. But the history of the Chancellorship ended when the last of Scotland's Chancellors spoke the requiem of his office as well as of his country's Parliament—it was the “end o' an auld sang.”

## INDEX.

*Note.—Where reference is made to the First Volume, only the number of the page is given.*

- A Becket, Thomas, Archbishop of Canterbury, 12, 16.
- Aberdeen, George, first Earl of, Chancellor, ii., 231-236 — death of, ii., 235.
- „ King's College, 231.
- „ See erected, 1, 68.
- Abernethy, Alexander, sixth Lord, ii., 91.
- „ Church, 155, 299.
- „ Lady Elizabeth, ii., 91.
- Achais, John de, Chancellor, 10, 20, 32, 33.
- Acre, John of, 130.
- Ada, Countess of Holland, 101.
- „ daughter of Earl David, 111.
- Adam, Abbot of Melrose, 94.
- „ Bishop of Caithness, roasted, 104.
- „ of Brechin, Chancellor, 157-159
- Agmundsham, W., Joint-Chancellor, 147.
- Ainslie Bond, ii., 48, 71, 82.
- Alan, Justiciar, 117.
- „ Lord of Galloway, 110.
- „ of Caithness, Chancellor, 147-148.
- „ of Dumfries, Chancellor, 148-151.
- Albany, brother of James III., 236.
- „ conspiracy, 240.
- Albany, John, Duke of, Regent—Returns to France, 267—opposes Queen Margaret, 280—Edinburgh Castle scene, 280-281—assembles an army, 282—returns to Scotland from France, 284.
- Albany, Mordac, Duke of, 174-175
- „ Robert, Duke of, 174.
- Alexander I., King of Scots—Institutes office of Chancellor, 5 — charters of, 7 — Church supremacy, 21—appoints Turgot, 22—Turgot's predecessor, 26.
- Alexander II., King of Scots—Christened and crowned, 89—marriage, 95—inauguration, 97 — coronation, 103 — second marriage, 105—the Lindsays, 112 — death of Alexander, 116.
- Alexander III., King of Scots—Accession, 116 — coronation, 117—regency, 118—marriage, 131—visits English Court, 135—second marriage, 137—orders a new coin, 146.
- Alexander III., Pope, Bull to Malcolm III., 74.
- „ IV., Pope, Gameline correspondence, 119-127.

- Alexander VI., Pope, Bull, Aberdeen University, 231.  
 „ of St. Andrews, Lord Chancellor, 252-261.  
 Alva, Duke of, ii., 85.  
 Ancrum Moor, battle of, 296.  
 Andrew, Bishop of Moray, 108.  
 Angus and Lennox bond, 292.  
 „ and Maxwell arrested, 293.  
 „ Archibald, fifth Earl of, Chancellor, 234-243.  
 „ Archibald, sixth Earl of—Chancellor, 278-300—dismisses Beton, 287—death of Angus, 299.  
 Angus, Argyll, Erroll, and the King, 286.  
 „ estates dispersed, 291.  
 „ Glencairn, and Sir George Douglas, ii., 14.  
 „ Home, and Arran, 283.  
 „ Mary, Countess of, 191.  
 „ Morton estates, ii., 65.  
 Anne of Denmark, ii., 147.  
 Arbroath Abbey charter, 160.  
 „ Abbot of, 154.  
 „ Monastery of, 152.  
 „ Register of, 10.  
 Ardkinlas, engagement at, 235.  
 Argyll and Atholl rebellion, ii., 58, 59.  
 „ Archibald, second Earl of, Chancellor, 243-244.  
 „ Archibald, fourth Earl of, concentrates his troops in the west, ii., 8.  
 „ Archibald, fifth Earl of, Chancellor, ii., 76-88.  
 „ Archibald, first Marquis of, impeachment and execution of, ii., 219.  
 „ Archibald, second Marquis of, captured and executed, ii., 263.  
 „ Colin, first Earl of, Chancellor, 221-227.  
 „ Countess of, ii., 80, 81.  
 Armada, Spanish, ii., 144.  
 Arnold, Bishop of St. Andrews, 76.  
 Arran, James Hamilton, first Earl Regent—  
 Skirmish in Edinburgh, 285—defeated by the English, 294—renounces Edward's marriage contract, 297—appointed Regent, 304—his marriage, ii., 2.  
 Arran, James, second Earl of—  
 Proclaimed Regent, ii., 7—Beton's influence, ii., 9—Arran legitimacy, ii., 10.  
 Associated Lords, ii., 48, 72.  
 Atholl and Argyll revolt, ii., 89, 98.  
 „ Bond and the King, ii., 96.  
 „ John, fourth Earl of, Chancellor, ii., 92-102—death of, ii., 120.  
 „ Patrick, Earl of, murdered, 114.  
 Avignon, 175  
 Avondale, Lord, death of, 217.  
 „ second and third Lords, 217.  
 Bagemont's Roll, 137.  
 Baillie of Jerviswoode, ii., 259.  
 „ George, of Jerviswoode, ii., 265.  
 Baird, Sir James, of Auchmeden, ii., 281.  
 Balfour, Sir James, ii., 87, 185.  
 „ Sir John, of Balfour, 262.  
 Baliol, Edward, King of Scots,—  
 Battle of Dupplin, 158—crowned King, *ib.*—his Chancellor, 159—surrender of, 164.  
 Baliol, Henry, 113.  
 „ John, King of Scots—  
 Parentage, 110—Fraser's letter, 141—accession of, 143—sends Fraser to France, 145—Baliol's character, 149.  
 Baliol, Sir Alexander, 148.  
 Balmerino, Lord, ii., 201.  
 Banners of St. Peter, St. John, and St. Wilfred, 38.  
 Battle of the Clans, Perth, 171.  
 Belhaven, Lord, speech of, ii., 271.

- Bellenden, Justice Clerk, ii., 135.  
 Benedict XIII., Pope—  
   Refuses Greenlaw's postulation, 173—appoints Lauder to Glasgow, 175.  
 Berenger, Count of Provence, 17.  
 Bernard of Arbroath, Chancellor, 153-156.  
 Berwick Castle, 150.  
 Bethune, Robert, 262.  
 Beton, Cardinal—  
   Chancellor, ii., 1-28—divorces Queen and Angus, 291—invites Angus to coronation, *ib.*—Douglases join Beton, 294—conspiracy against Beton, 295—appointed Chancellor, ii., 8—his assassination, ii., 20.  
 Beton, James, Archbishop—  
   Chancellor, 261-277—arrested, 272—expelled from office, 273—reinstated, 274—pursued by Douglases, *ib.*—Patrick Hamilton, 275—founds new college, 276—his great establishment, 276-277—his death, 276.  
 Beton, John, of Balfour, ii., 22.  
   ,, Margaret, ii., 28.  
   ,, Sir David of Creich, 263.  
 Beza, Theodore, ii., 91.  
 Bisset, Walter, 114.  
 Blackness Castle, ii., 8.  
 Boece, Hector, historian, 232.  
 Bondington, William, Chancellor, 107-111.  
 Boniface VIII., Pope, appoints Lamberton, 152.  
 Borthwick, Lord, ii., 93.  
   ,, Sir John, ii., 5.  
 Bosco, William, Chancellor, 160.  
 Bothwell Collegiate Church, 263.  
   ,, Francis, second Earl of, ii., 156.  
   ,, James Hepburn, Earl of, ii., 71.  
 Bowes letter to Burghley, ii., 152, 156.  
   ,, Sir Robert, ii., 31, 59, 100.  
 Boyd, Archibald, of Bonshaw, 253.  
 Boyd, Joint Lord of Justiciary, 222.  
   ,, Robert, Lord, 243.  
 Broughty Castle, ii., 96.  
 Bruce, Edward, 155.  
   ,, James, Chancellor, 203-204.  
   ,, King Robert, 153.  
   ,, Lady Christian, 139.  
 Buccleuch, Duke and Duchess of, ii., 248.  
   ,, Earl of, ii., 8, 53.  
   ,, engagement at Melrose, 287.  
   ,, Walter, first Earl of, ii., 252.  
 Buchan, Earl of, 249.  
 Buchanan, George, escape of, 275.  
 Bullock, William, Chancellor, 159.  
 Burnet, Bishop, ii., 230.  
 Caerlaverock Castle, 45.  
 Calder, Sir John of Cawdor, 244.  
 Caldwell, William, Chancellor, 163-164.  
 Calixtus II, Pope—  
   Ecclesiastical supremacy, 26—letter to Bishop of Glasgow, 27—letter to King Alexander, 28.  
 Callender House, ii., 9.  
 Cambuskenneth, 44, 86.  
   ,, Convent, 106, 129, 283.  
   ,, Parliament, 155.  
 Cameron, John, Chancellor, 176-182.  
 Campbell, Lady Agnes, ii., 105-112.  
   ,, Lady Margaret, ii., 208.  
   ,, Lady Mary, ii., 93.  
   ,, Neil, of Lochow, 222.  
   ,, of Cawdor, ii., 178.  
   ,, Sir Duncan, 222.  
   ,, Sir Duncan, ii., 207.  
   ,, Sir John of Glenorchy, ii., 207.  
   ,, Sir John of Lawers, ii., 207.  
 Canongate Parliament, ii., 142.  
 Canons Regular and Culdees, 34.

- Canons Regular of St. Andrews, 152.  
 Canterbury, Archbishop of, 24.  
 „ monks of, 23.  
 Carberry Hill, ii., 48-49, 72.  
 Carlisle, Bishop of, 150.  
 „ See of, 132.  
 Carmelite Friars, 130.  
 Carrick, Dr John, Chancellor, 166-167.  
 Carthusian monastery, Perth, ii., 183.  
 Castle Gloom, Dollar, 226.  
 Catherine, Princess of England, 249.  
 Chapel Royal, Dean of, 255.  
 „ Royal and twelve apostles, ii., 197.  
 Charles I.—  
 Meets Scots Commissioners, ii., 209—Scots Parliament, 1641, ii., 211—at York, ii., 212—mediation offered, *ib.*—Oxford meeting, ii., 213—surrender at Newark, *ib.*—reply to the Chancellor, ii., 214—decision of Parliament, *ib.*—transferred to the English, ii., 215—escape from Hampton Court, ii., 216—execution of, ii., 217.  
 Charles II.—  
 Accession and coronation, ii., 217—Chancellor's speech, *ib.*—Restoration, ii., 219—letter to Glencairn, ii., 223.  
 Charteris of Kinfauns, ii., 78.  
 „ Sir Thomas, Chancellor, 162.  
 Chatelherault, Duke of, ii., 68, 74-75.  
 Chief Baron of Exchequer, ii., 282.  
 Clement III., Pope—  
 St. Andrews Church quarrel, 35—supremacy Bull to King William, 85.  
 Clement, Bishop of Dunblane, 94.  
 Cockburn, Sir Alexander of Langton, 169.  
 „ Sir Archibald, ii., 15.  
 Coldingham charters, 7.  
 „ Priory of, 257, 291; ii., 142.  
 „ serfs, 71.  
 College of Justice founded, 302.  
 Colvil, John, to Sir Robert Cecil, ii., 158.  
 Colville, Lord, of Culross, ii., 208.  
 Comyn, Sir John, 147.  
 „ Sir William, Chancellor, 68-70.  
 „ Walter, Earl of Menteith, 116, 131.  
 Comyns seize the King, 129.  
 Cormac, Bishop, 68.  
 Corrichie, battle of, ii., 43.  
 Corstorphine Collegiate Church, 180.  
 Court of High Commission, ii., 192-193, 200.  
 Courts of Justice, 12.  
 Craigmillar Conference, ii., 81.  
 „ Meeting, ii., 100.  
 Crawford, David, first Lord, 111.  
 „ David Lindsay, ninth Earl of, ii., 28.  
 „ Earl of—  
 Quarrels with Kennedy, 194—excommunicated, 195.  
 Crawford, Lady Susan, ii., 207.  
 „ Sir Reginald, ii., 207.  
 Crichton of Brunston, ii., 11.  
 „ Sir John, of Crichton, 182.  
 „ Sir William—  
 Chancellor, 182-189—captures the King, 185—assassinates Douglas, 186—resigns office, *ib.*—reappointed, 187—founds Crichton Church, 188.  
 Cromarty Charter, 155.  
 Cromwell, Oliver—  
 At Preston, ii., 216—Parliament, ii., 246.  
 “Cross Roger,” St. Andrews, 87.  
 Crown jewels, ii., 104.  
 Croyser, Archdeacon of Tweeddale, 179.  
 Cupar Moor and Queen Regent, ii., 79.



- Dalkeith burned, ii., 55.  
 „ Palace, ii., 100.  
 Darien Scheme, ii., 250.  
 Darnaway Castle, ii., 40.  
 Darnley, Henry, Lord, 279.  
 „ murder, ii., 95.  
 David I., King of Scots—  
   Coldingham Charters, 7—John  
   Achais, 21—first Chancellor,  
   31—Holyrood and Melrose  
   Charters, 34—Glasgow Cathed-  
   ral, 36—Battle of the Stand-  
   ard, 37.  
 David II., King of Scots—  
   Halidon Hill, 158—released,  
   165—the ransom, *ib.*—divorces  
   the Queen, 166—death, 167.  
 David, Earl of Huntingdon, 82.  
 Devorgilla, 110.  
 Dhu, Donald, 247.  
 Dominican Monastery, St. Andrews,  
   137.  
   „ Order, 91.  
 Donibristle, ii., 152.  
 Donortius, Bishop, 68.  
 Douglas, Archibald, ii., 65, 133.  
   „ Archibald, fourth Earl of,  
   209.  
   „ assassination of, 186.  
   „ Castle agreement, 292.  
   „ Earl of, and Sir William  
   Crichton, 184.  
   „ Gavin, Provost of St. Giles,  
   243.  
   „ James, of Polbatthy, 155.  
   „ Lady Egidia, 205.  
   „ Lady Margaret, 209.  
   „ Parish Church, 243.  
   „ Provost of Lincluden, ii.,  
   135.  
   „ Sir Archibald, of Kil-  
   spindie, 243.  
   „ Sir George, ii., 14, 31,  
   57.  
   „ Sir James, and Arran, ii.,  
   137.  
   „ Sir William, ii., 65.  
   „ William, Lord of Liddes-  
   dale, 205.  
 Douglas, William, Marquis of, ii.,  
   243.  
   „ William, of Glenbervie,  
   243.  
 Drummond Castle, ii., 241.  
   „ Lady Lillias, ii., 182.  
   „ Queen Annabella, 191.  
   „ Patrick, Lord, ii., 182.  
   „ Sir James, of Machany,  
   ii., 243.  
 Drury, Sir William, ii., 56.  
 Dryburgh Abbey, 91.  
 Dumbarton Convention, ii., 82.  
 Dunbar, battle of, 151.  
   „ Castle, Governor of, ii.,  
   69.  
   „ Gavin, Chancellor, 301-  
   307.  
   „ siege of, 158.  
   „ Sir John, of Durn, ii.,  
   283.  
 Duncan of Arbutnot, 91.  
 Dunfermline Abbey, 204.  
   „ Abbot of, 155, 263.  
   „ Alexander, first Earl  
   of, Chancellor, ii.,  
   171-182.  
   „ Chartulary of, 20.  
   „ Duke of Ross, Com-  
   mendator of, 251.  
 Dunivaig Castle, ii., 178.  
 Dunkeld political meeting, ii., 97.  
   „ See of, 35.  
 Dunnottar Church, 138.  
 Dupplin, battle of, 158.  
 Durham Abbey, 25.  
   „ See of, 69.  
 Eadmer, Bishop of St. Andrews—  
   Succeeds Turgot, 6—interview  
   with Alexander I., 21—elected  
   to St. Andrews, 22—resigns  
   office, 23—his death, 24.  
 Edgar, King of Scots—  
   St. Andrews vacancy, 6—char-  
   ters of, 40-41.  
 Edinburgh Castle, siege of, ii., 56,  
   „ Riot, Chancellor's house,  
   ii., 240.

- Edward, I., King of England—  
 His birth, 18—Caerlaverock  
 Castle, 45—Bishop Fraser's  
 letter, 142—appoints Chan-  
 cellor, 147—three Chancellors,  
 149—Stracathro Churchyard,  
 151—Treaty of Northampton,  
 156.
- Edward III., King of England, 158.  
 „ IV., King of England,  
 214, 222.  
 „ Chancellor, 43, 67-68.  
 „ Prince of Wales, 147.
- Egidia, daughter of Robert II., 205.
- Eglinton, Earl of, ii., 31, 217.
- Elcho Monastery, 113.
- Electress, Sophia, ii., 270.
- Elias of Dunsyre, 73.
- Elizabeth (Queen) and Atholl, ii.,  
 98.
- Elphinstone, William, Chancellor,  
 227-234.  
 „ Tower, ii., 15.
- Engelram, Chancellor, 72-75.
- English and Scottish Church sup-  
 remacy, 85.
- Episcopal Palace, Glasgow, 179.
- Erasmus—  
 Tutor to Archbishop Stewart,  
 253—estimate of the Arch-  
 bishop, 259-261.
- Eric, King of Norway, 206.
- Ermengarde, Queen, 106.
- Erroll, Nicholas, Earl of, 246.
- Eschina de Molle, 53.
- Eugenius IV., Pope, 192.
- Eure, Sir Ralph, ii., 9.
- Fairfax at Preston, ii., 216.
- Falaise, Treaty of, 86.
- Falkirk, engagement at, ii., 100.
- Falkland and Queen Regent, ii., 78.  
 „ Palace dungeon, 174.
- Feast of St. Peter and St. Paul, 22.
- Ferret, Thomas, Vicar of Dollar,  
 303.
- Finchale Priory, Durham, 148.
- Findlater, James, fourth Earl of,  
 Chancellor, ii., 280-284.
- Fitzalan, Walter, charter of, 77.
- Five Articles of Perth, ii., 169, 179,  
 198.
- Fleming, Lady Jane, ii., 163.  
 „ Lord, ii., 163.  
 „ Margaret, ii., 165.  
 „ Sir Malcolm, 161, 186.
- Florence, Chancellor, 100-102.
- Forgan Church, 83, 143.
- Forrester, Sir Adam, Corstorphine,  
 169.  
 „ Sir John, Corstorphine,  
 175.
- Forteviot Church, 106.
- Foster, Sir John, ii., 136.
- Fountainhall, Lord, ii., 230.
- Foulis, William, Provost of Both-  
 well, 183.
- Fraser, Sir James, 140.  
 „ William, Chancellor, 140-  
 146.
- Frasers and Macdonalds, ii., 33.
- Frederick II. of Germany, 109.
- Fyvie, Alexander, Lord, ii., 173.
- Gameline, Chancellor, 117-130.
- General Assembly—  
 At Glasgow, ii., 193, 204—  
 Aberdeen, ii., 196—St. An-  
 drews, ii., 197—Perth, ii., 198  
 —Edinburgh, ii., 204.
- George I., accession of, ii., 273.  
 „ Master of Angus, 243.
- Gladstones, Archbishop, ii., 193.
- Glamis, Captain of the Guard, ii.,  
 136.  
 „ Sir Thomas Lyon, Master  
 of, ii., 166.
- Glasgow Cathedral—  
 Original building, 33—conse-  
 cration, 36—charter by David  
 I., 39—Chancellor's consecra-  
 tion, 108.
- Glencairn, Earl of, ii., 14, 77.  
 „ William Cunningham,  
 Earl of, Chancellor,  
 ii., 222-227—death of,  
 ii., 226.
- Glengonar and Glencaple, 113.

- Glenmorrison, ii., 32.  
 Gordon, Sir Adam, ii., 73.  
 „ Sir John, of Huntly—  
 „ Sir John and Queen Mary, ii.,  
 41—execution of Sir John, ii.,  
 43.  
 Gordon, Sir John, of Haddo, execu-  
 tion of, ii., 232.  
 Govan Charter by King David, 39.  
 Gowrie, Countess of, petitions the  
 King, ii., 134.  
 „ House, Perth, ii., 186.  
 „ William, first Earl of—  
 Plot against Arran, ii., 132—  
 at Dundee, *ib.*—seized and  
 executed, *ib.*  
 Graham, John, Master of, ii., 170.  
 „ Lady Lilies, 171.  
 „ Sir Robert, of Innermeath,  
 170.  
 „ Sir William, of Braco,  
 170.  
 Gray, Master of, plot against Arran,  
 ii., 135.  
 „ William, Inchtute, ii., 168.  
 Great Seal, broken, ii., 34.  
 „ „ custody of, 8.  
 Greek and Roman Church Union,  
 136.  
 Greenlaw, Gilbert, Chancellor, 172-  
 175.  
 Gregory, VIII., Pope, 35.  
 „ IX., Pope, 109.  
 „ X., Pope, 135.  
 „ XII., Pope, 175.  
 Grey, Patrick, Lord, ii., 91.  
 Hadden Rig Engagement, ii., 32.  
 Haddington Church, 83.  
 „ Privy Council at, ii.,  
 71.  
 „ Vicar of, 95.  
 Hailes, Lord, Edinburgh Castle,  
 249.  
 Haliburton, Sir James, of Pitcur,  
 ii., 187.  
 Halidon Hill Engagement, 158.  
 Halkerton, Provost of Lincluden,  
 249.  
 Hamilton and Morton Treaty, ii.,  
 74.  
 „ Bond, ii., 84.  
 „ David, of Preston, ii.,  
 16.  
 „ James, first Marquis of,  
 ii., 203-204.  
 „ James, third Marquis and  
 first Duke of—  
 Royal Commissioner, ii., 209  
 —releases Loudoun, ii., 210—  
 defeated at Preston, ii., 216.  
 Hamilton, Lords Claud and John  
 ii., 136.  
 „ Palace, ii., 84.  
 „ Sir William, of Sanquhar,  
 ii., 171.  
 Hampton Court, ii., 216.  
 „ Court Conference, ii., 192.  
 Harlaw, battle of, 174.  
 Harold, Bishop of Argyll, 93.  
 Harverdene and Swinton Charter,  
 33.  
 Hastings, David, Earl of Atholl,  
 114.  
 Hay, Father Edmund, ii., 183.  
 „ Lady Margaret, ii., 182.  
 „ Peter, of Megginch, ii., 183.  
 „ Sir George, of Kinfauns, ii.,  
 182.  
 „ Sir James, Earl of Carlisle, ii.,  
 183.  
 Henderson, Rev. Alexander, ii.,  
 204.  
 Henry I., King of England—  
 Eadmer's election, 22—death  
 of Henry, 37.  
 Henry II., King of England—  
 A Becket, Chancellor, 13—  
 death of Henry, 84.  
 Henry III., King of England—  
 Queen Eleanor, 17—Princess  
 Joan's marriage, 95—meets  
 King Alexander at York, 97—  
 Gameline's arrest, 127-128.  
 Henry VII., King of England—  
 Opposes James III., 223—Bis-  
 hop Elphinstone, 229—James  
 IV. conspiracy, 249.

- Henry VIII., King of England—  
 Scheme for Beton's disgrace,  
 ii., 6—Recommends duel, ii.,  
 9—attempts to seize young  
 Queen, ii., 10—approves  
 Beton's conspiracy, ii., 12—  
 suggests Beton's assassination.  
 ii., 18.
- Henry of Molle, 53.  
 „ Prince, 81-82.  
 „ Prince, custody of, ii., 157  
 —death of, ii., 177.
- Herbert—  
 Second Chancellor, 44-65—  
 Newbattle Charter, 33—con-  
 secration of, 37—succeeds  
 Achaius, 38—Govan Charter,  
 39—various charters, 42—  
 family charters, 44-65—Glas-  
 gow charters, 60-62.
- Heries, Lord, of Terregles—  
 Morton's resignation, ii., 89—  
 coronation of James invalid, ii.,  
 97—presents King's message to  
 Morton at Dalkeith, ii., 99.
- High Steward, office of, 11.
- Holland, Earl and Countess of, 101.
- Holyrood, 34.  
 „ Abbey, political meet-  
 ing, ii., 167.  
 „ Abbot of, 302.  
 „ and coronation of Charles  
 I., ii., 200.  
 „ Charter, 78-80.  
 „ Commendator of, 250.  
 „ Palace, Custodier of, ii.,  
 177.
- Home, Earl of, ii., 22.
- Homildon Hill, battle of, 174.  
 „ George, of Kimmerghame,  
 ii., 269.
- Honorius III., Pope—  
 Ecclesiastical liberty, 86—  
 ecclesiastical supremacy, 95—  
 coronation of Alexander II.,  
 97.
- Hugo—  
 Chancellor, 87-88—Newbattle  
 Charter, 33—Roxburgh Castle  
 Charter, 52—death of Hugo,  
 88.
- Hugo, Bishop of Dunkeld, 106.
- Hume, Lady Grizel, ii., 259.
- Hunsdon and Arran Conference,  
 ii., 133  
 „ Lord, expedition of, ii.,  
 133.
- Hunsdon's letter to Burghley, ii.,  
 150.
- Huntingdon, David, Earl of, 114.
- Huntly, Countess of, ii., 40.  
 „ George second Earl of,  
 Chancellor, 245-247.  
 „ George, fourth Earl of,  
 Chancellor, ii., 30-45.  
 „ George, fifth Earl of,  
 Chancellor, ii., 68-75.  
 „ George Gordon, first Mar-  
 quis of, ii., 75.  
 „ George Gordon, third Mar-  
 quis of, ii., 243.  
 „ Lady, ii., 70.  
 „ plot against Maitland, ii.,  
 146.
- Inchaffray, Convent of, 99.  
 „ Foundation Charter, 99.
- Inchcolm Abbey, 132.
- Inchmartine Palace, 130.
- Ingram de Couci, 105.
- Innocent II., Pope—  
 Letter to Bishop John of Glas-  
 gow, 29—acknowledged by the  
 King, 36.
- Innocent III., Pope—  
 Ecclesiastical liberty, 86—  
 Paisley Abbey, 101.
- Innocent IV., Pope—  
 His chaplain, Gameline, 118.
- Irvine, William, of Drum, 155, 158.
- Isle of Wight, ii., 216.
- James I.—  
 Chancellor's duties, 9—Release  
 of, 176—Embassy to Rome,  
 179—assassination, 181.
- James II.—  
 Accession, 182—marriage, *ib.*

- assassinates Douglas, 189—  
visits Bishop Kennedy, 197—  
defeats Douglas, 198—appoints  
Chancellor, 211—death of,  
198.
- James III.—  
Accession and marriage, 213—  
Lauder Bridge affair, 216—  
Louis XI. quarrel, 228—death  
of, 224.
- James IV.—  
Coronation, 224—Lindsay's  
trial, 225—conspiracy against,  
249—battle of Flodden, 258.
- James V.—  
Escapes from the Douglasses,  
274—marriage of, 276—Mel-  
rose defeat, 287—escape from  
Falkland, 289—Western Isles  
trip, ii., 5—Solway Moss, ii., 7.
- James VI.—  
Christening, ii., 81—corona-  
tion, ii., 50—impeachment of  
Morton, ii., 125—execution of  
Morton, ii., 126—at Kinneil  
Casle, ii., 127, 131—at Perth,  
ii., 128—escape from Falkland,  
ii., 130—agreement with Eliza-  
beth, ii., 143—Maitland plot,  
ii., 146—proposed marriage,  
ii., 147—trip to Denmark, ii.,  
148—reconciles Queen and  
Maitland, ii., 155—custody of  
Prince Henry, ii., 157—rebukes  
Maitland, ii., 158—at New-  
castle, ii., 177—Perth visit of  
1613, ii., 184.
- James VII.—  
His flight, ii., 241—at St. Ger-  
mains, ii., 243.
- Jean, daughter of James IV., ii.,  
88.
- Jedburgh Abbey, 129.  
,, Castle, 150.
- Jerusalem, 34.  
,, Hospital of St. John,  
112.
- Joan, Queen, death of, 165.  
,, sister of Henry III., 95.
- Jocelyn, Bishop of Glasgow, 48, 49,  
74.
- John, Bishop of Glasgow—  
Suspended, 26—dispatch from  
the Pope, 27, 28—goes to  
Rome and Jerusalem, 30—  
supremacy quarrel, 33—appeals  
to Urban III., 34—death of,  
36.
- John, King of England, 91.
- Julius II., Pope, 251.
- Justices of Peace appointed, ii.,  
177.
- Keith, Lady Agnes, ii., 44, 101.  
,, Lady Elizabeth, ii., 44.  
,, Lady Janet, ii., 88.
- Kelso Agreement, 128.  
,, Monastery of, Charters, 55,  
57.
- Kennedy, James, Chancellor, 191-  
203.  
,, James, of Dunure, 192.  
,, John, Lord of Cassillis,  
243.
- Kentigern, of Glasgow, 33.
- Ker, Sir Thomas, of Cavers, ii.,  
276.
- Kerr of Fernyhirst, ii., 136.
- Kilwinning Abbey, 263.
- Kincardine Castle, ii., 59, 101.
- Kinnoull, George, first Earl of,  
Chancellor, ii., 182-187.
- Kinross, seizure of King and Queen,  
129.
- Kirkcaldy, William, of Grange—  
Beton's death, ii., 18—Carberry  
Hill, ii., 48-49—Stirling Raid,  
ii., 53—Edinburgh Castle siege,  
ii., 56—Kirkcaldy's death, ii.,  
57.
- Kirkwall, See of, 70.
- Knollys, Sir William, 226.
- Knox, John, at Perth, ii., 77.
- Laing, John, Chancellor, 218-219.
- Lamb, Robert, execution of, ii.,  
15.
- Lamberton Kirk, 284.

- Lamberton, W., Bishop of St. Andrews—  
 John Achais, 32—sent prisoner to England, 139—Church of Leuchars, 144—elected to St. Andrews, 152—confirmed by Boniface VIII., *ib.*—grants Bernard a pension, 155.  
 Langside, ii., 51, 72, 84.  
 Largs Convention, ii., 84.  
 Laud, Archbishop, ii., 200.  
 Lauder Bridge affair, 237-239.  
 ,, Sir Alan, of Hatton, 175.  
 ,, William, Chancellor, 175-177.  
 Lauderdale, fall of, ii., 248.  
 ,, first Earl of, ii., 163, 216.  
 ,, John, Duke of, ii., 279.  
 Laurence, Archdeacon, 96.  
 Laws of the Burghs, 10.  
 ,, of the Regency, ii., 72.  
 Leith houses burned, ii., 53.  
 Lennox and Linlithgow Bridge, 274, 288.  
 ,, Glencairn, and Buccleuch, 282.  
 ,, John, Earl of, 244.  
 ,, Lady Margaret, 279.  
 ,, and Morton at Stirling, ii., 53.  
 ,, Duke of, ii., 54.  
 ,, Regent, ii., 51, 73.  
 Leslie, John, ii., 18.  
 ,, Norman, ii., 18.  
 Leuchars Church, 144.  
 ,, Patrick, Bishop of Brechin, 165.  
 Lindores Abbey, 240.  
 Lindsay, Alexander, Lord, 246.  
 ,, of Dowhill, ii., 94.  
 ,, of the Byres, trial of, 225.  
 ,, of the Byres, Queen Mary outrage, ii., 50.  
 ,, Sir David, 111, 113.  
 ,, Sir John, 112.  
 ,, Sir William, Chancellor, 111-115.  
 Lindsay, William, Dean of Glasgow, 115.  
 Livingstone, James, Chancellor, 219-220.  
 ,, Lord, ii., 94.  
 ,, Sir Alexander—  
 Tutor to the King, 183—  
 Crichton quarrel, 184—seizure of, 188.  
 Llewellyn, Prince of Wales, 129.  
 Loch Lochy, ii., 33.  
 Lochindorb Castle, 159.  
 Lochleven, ii., 82, 84.  
 Lochwood House, Glasgow, 181.  
 Logie, Queen Margaret, 166.  
 London Bridge, 20.  
 Lords, banished, attainder reversed, ii., 136.  
 ,, of the Congregation, ii., 37.  
 Loudoun, John, Earl of—  
 Chancellor, ii., 206-220—  
 arrested and imprisoned, ii., 210—his death, ii., 219.  
 Lyon, Sir John, Chancellor, ii., 88-91—his death, 90.  
 Lyons General Council, 133.  
 MacClellan, assassination of, 190.  
 Macdonald of Clanranald, ii., 32.  
 ,, Ranald Oig, executed, ii., 178.  
 Macdonalds of Islay, ii., 172.  
 Macduff, Earl of Fife, 150.  
 Madras College, 137.  
 Magdalen, Princess, ii., 213.  
 Maid of Norway, 141, 147.  
 Maitland Club, ii., 162.  
 ,, Sir John, Chancellor, ii., 140-163.  
 ,, W., of Lethington—  
 Carberry Hill, ii., 49—  
 forfeited, ii., 52—  
 Edinburgh Castle, siege of, ii., 56—  
 his death, ii., 57.  
 Malcolm III., King of Scots, 6.  
 ,, IV., King of Scots—  
 Herbert the Chancellor, 39—  
 at Roxburgh Castle, 48—  
 the Kelso Charter, 71.  
 Malcolm, Earl of Fife, 116.

- Malise, Earl of Strathearn, 116.  
 Malvoisine, William—  
   Chancellor, 89-99—consecrates  
   Dryburgh, 91—King William  
   bond, *ib.*—mortification for  
   King William, 93.  
 Mar, Earl and Countess of, ii.,  
   157.  
   ,, John, sixth Earl of, ii., 74.  
   ,, Regent, ii., 54, 55.  
 March, Countess of, ii., 129.  
   ,, Patrick, Earl of, 111.  
 Marchmont, Sir Patrick Hume,  
   Chancellor, ii., 276.  
 Margaret, daughter of Earl David,  
   111.  
   ,, daughter of Henry III.,  
   131.  
   ,, Lady, Campbell, 253.  
   ,, Princess, of Denmark,  
   249.  
   ,, Princess, of Germany,  
   231.  
   ,, Queen of James IV.—  
   Marries Angus, 279—Edin-  
   burgh Castle scene, 280—reply  
   to Albany, 281—surrenders  
   Regency, 282—divorces Angus,  
   284—marries Henry Stuart,  
   291.  
 Marjory, Princess, daughter of  
   Bruce, 139.  
 Marie de Couci, Queen, 130.  
 Marshalsea Prison, 19.  
 Mary of Gueldres, Queen of James  
   II., 218.  
   ,, of Guise, Regent—  
   Marriage, 276—quarrels with  
   Regent, 294—raises an army,  
   298—opposed by Angus, *ib.*—  
   visits France, ii., 35—Huntly  
   loses Great Seal, ii., 36—  
   supported by French troops,  
   ii., 46.  
 Mary Queen of Scots—  
   Invitation to Scotland, ii., 38  
   —North expedition, ii., 39-40  
   —Kirk-of-Field, ii., 71—forced  
   abdication, ii., 50—attempted  
   seizure, ii., 94—Huntly family,  
   ii., 69—Craigmillar, ii., 81—  
   Escape from Lochleven, ii., 84  
   —Carberry Hill, ii., 48-49—  
   Langside, ii., 51, 72.  
 Maud, Empress, 37, 69.  
 Maximilian, Emperor, 230.  
 Maxwell, Aymer de, 44.  
   ,, John, Lord—  
   Marriage of, ii., 54—becomes  
   Earl of Morton, ii., 65—Arran  
   plot, ii., 135—appeal to arms,  
   ii., 155.  
 Maxwell, Lord Provost of Edin-  
   burgh, 302.  
   ,, Sir Eustace, 45.  
   ,, Sir Herbert, 62.  
 Melfort, Viscount, ii., 238.  
 Melrose, 34.  
   ,, Abbot of, 129.  
   ,, Great Charter, 70.  
 Melville, Andrew, ii., 128, 172,  
   189.  
   ,, James, ii., 162, 189.  
   ,, Sir James, ii., 71.  
 Menteth, Earl of, 96.  
 Methven, Lord, and Queen Mar-  
   garet, 291.  
 Middleton's Parliament, ii., 246.  
 Montrose, Earl of, ii., 31.  
   ,, John, third Earl of, and  
   Chancellor, ii., 164-  
   171.  
   ,, Robert, Master of, ii.,  
   165.  
 Monymusk, Culdees of, 91.  
 Moray, James, first Earl of, assas-  
   sinated, ii., 73.  
   ,, John, second Earl of, assas-  
   sinated, ii., 152, 253.  
 Morebattle, 138.  
 Mortlach, See of, 68.  
 Morton, James—  
   Regent and Chancellor, ii., 45-  
   66—Argyll quarrel, ii., 121—  
   impeachment, ii., 124—trial  
   and execution, ii., 126.  
 Morton, James, third Earl of, ii.,  
   65.

- National Council, 7, 8.  
 Nectan, Bishop, 68.  
 Newark, surrender of the King, ii., 213.  
 Newbattle Charter, 33.  
 „ Monastery, 67, 113.  
 Newbigging of Dunsyre, 73.  
 Newburn, Durham, ii., 210.  
 Newcastle and Charles I., ii., 216.  
 Nicholas, Chancellor, 75-77.  
 „ de Balmyle, Chancellor, 152-153.  
 „ III., Pope, 141.  
 „ to Bowes, ii., 157, 161.  
 Niel, Earl of Carrick, 166.  
 Nithsdale, Earl of, 45.  
 Norfolk, Duke of, 268.  
 Norham Conference, 142-143.  
 „ Provincial Council, 73.  
 Northallerton, 37.  
 Northampton, 82, 91.  
 Northumberland, Countess of, ii., 257.  
 Nottingham Castle, 139.  
 Ochiltree, Lord, ii., 139, 163.  
 Oliphant, David, 111.  
 Osbert, Bishop of Dunblane, 109.  
 Otho, Legate, 97.  
 Otterburn, battle of, 171.  
 Pacification of Berwick, ii., 209.  
 Padua, Archbishop of, 253.  
 „ University of, 6.  
 Paisley Abbey, Pope's Bull, 101.  
 Parliament at Perth, 173.  
 Paschal II., Pope—  
 Consecrates John Achaius, 21  
 —summons Achaius to Rome, 26.  
 Paul III., Pope, ii., 3.  
 Peebles, John, 168-170.  
 Perth and the Queen-Regent, ii., 78.  
 „ Convention of, 1212, 92.  
 „ Countess of, attacked by mob, ii., 240.  
 „ James, fourth Earl of—  
 Chancellor, ii., 236-243 —  
 Justice - General, ii., 237 —  
 Catholic chapel fitted up, ii., 240—his house attacked, *ib.*—  
 flight and capture, ii., 242—  
 his death, ii., 243.  
 Perth Provincial Council, 1238, 96.  
 Petit, Duncan, Chancellor, 170-171.  
 Pinkie, battle of, 298.  
 Pluscardine Charter, 109.  
 „ Prior of, 172.  
 Polwarth, Baron, Chancellor, ii., 254-276.  
 „ Parish Church, ii., 258.  
 Portsmouth, Duchess of, ii., 234.  
 Preston, battle of, ii., 223.  
 Privy Council meeting, ii., 101.  
 Queen Anne—  
 Commission to Marchmont, ii., 270—first Parliament, *ib.*—  
 Proclamation, ii., 277—ap-  
 points Chancellor, ii., 278—  
 Lord Seafield, ii., 281.  
 Queen Eleanor, 17, 18, 19, 20.  
 „ Elizabeth and James VI., ii., 81.  
 „ Mary's jewels, ii., 105-112.  
 „ Matilda, 39, 43.  
 „ Regent, Moray, and Argyll, ii., 78-79.  
 Queenhithe, London, 17.  
 Queensberry, Duke of, ii., 234, 237.  
 „ Perth, and Melfort, ii., 239.  
 Raid of Ruthven, ii., 130.  
 Ralph, Archbishop of Canterbury, 23, 28.  
 Randolph, Earl of Orkney, and Bishop, 206.  
 „ Sir Thomas, ii., 61, 90.  
 Reading Abbey, 141.  
 Restoration of Charles II., ii., 246.  
 Revolution, the, ii., 241.  
 Riccio conspirators, ii., 70.  
 Richard III., King of England, 229.



- Richard, Bishop of St. Andrews, 77.  
 ,, Cœur de Lion, 84.  
 ,, of Dunkeld, Chancellor, 131-132.  
 Richmond Castle, 51.  
 Roasting the Bishop, 104.  
 Robert II., 167.  
 ,, III., King of Scots, 9.  
 ,, Abbot of Scone, 23.  
 ,, Bishop of St. Andrews, 63, 65.  
 ,, Earl of Ross, 102.  
 ,, of Dunfermline, Chancellor, 116-117.  
 Roger, Archbishop of York—  
 Resignation, 81—monks of  
 Durham, 83—death of, 86—  
 inscription on tomb, 87.  
 Roger, Chancellor, 80-87.  
 Roland of Carrick, 166.  
 ,, of Innerwick, 54.  
 Rome, 34.  
 ,, General Council, 92.  
 Roslyn Collegiate Church, 207.  
 Ross, David Lindsay, Bishop of,  
 ii., 168.  
 ,, Hugh, of Cromarty, 155.  
 ,, James, Duke of, Chancellor,  
 248-252.  
 Rothes, John, Duke of—  
 Chancellor, ii., 228-231—in the  
 Tower of London, ii., 228—  
 released by Cromwell, *ib.*—  
 Royal Commissioner, ii., 229  
 —Lord Treasurer, *ib.*—death  
 of, ii., 230.  
 Rothes, Master of, ii., 12.  
 Rothesay, Duke of, starved to death,  
 174.  
 Roxburgh Castle, 51, 52, 105, 150.  
 Rump Parliament, ii., 277.  
 Russel, Lord, death of, ii., 135.  
 Ruthven Castle, ii., 130.  
 ,, William, Lord—  
 Perth Provostship, ii. 78.—the  
 skirmish, ii., 79—supports  
 young Queen, ii., 94.  
 Rye House Plot, ii., 258.  
 Sadler, Sir R., ii., 9, 12.  
 St. Andrews, altarges, 25.  
 ,, Archbishop of, 12.  
 ,, Bishop of, 25.  
 ,, Castle, 81, 276.  
 ,, discovery of stone  
 coffin, 258.  
 ,, Greyfriars Monastery,  
 200.  
 ,, See of, 21, 22, 24, 34,  
 35.  
 St. Bartholomew's Day, 37.  
 ,, Bean, 68.  
 ,, John, Lord, Treasurer, 226.  
 ,, Mark's, Convent of, 255.  
 ,, Salvator's College foundation,  
 199.  
 ,, Stephanus, John de, 90.  
 ,, Thomas the Martyr, 48.  
 Sandilands, Sir James, ii., 190.  
 Sauchieburn, 223.  
 Scone, 74, 75.  
 ,, Abbot of, 139.  
 ,, Baliol's conference, 151.  
 ,, Charters, 76.  
 ,, Commendatorship, 193.  
 Scoonie, church of, 95.  
 Scotlandwell Hospital, 89.  
 Scott, Mathew, Chancellor, 106-  
 107.  
 Scottish bishops, 36.  
 ,, clergy, ordinances, 108.  
 ,, Parliaments, 9, 12, 103,  
 141, 155, 188, 240, 272, 289;  
 ii., 168, 170, 177, 179, 192,  
 200, 210, 211, 216, 219.  
 Sea view, St. Andrews, ii., 22.  
 Seafield, James, first Earl of, Chan-  
 cellor, ii., 280-284.  
 Selkirk, 160.  
 Seton, George, sixth Lord, ii., 171.  
 ,, House, ii., 71.  
 ,, Lord, ii., 97.  
 ,, Robert, Lord, ii., 163.  
 Seven Celtic Earls, 103-104.  
 Shereswood, George, Chancellor,  
 211-212.  
 Sinclair, Henry, Earl of Orkney,  
 210.

- Sinclair, Oliver, of Roslyn, 210.  
 ,, William, Earl of Caithness, 210.  
 Six Guardians of Scotland, 141.  
 Somerset, Duke of, ii., 34.  
 Somerville, Lord, ii., 142.  
 Spottiswoode, John, Archbishop, Chancellor, ii., 189-206.  
 ,, Sir John, ii., 206.  
 ,, Sir Robert, ii., 206.  
 Stair, Earl of, and Master of, ii., 266.  
 Standard, Battle of the, 37.  
 Stephen, King of England, 37.  
 Stewart, Alexander, Chancellor, 252-261.  
 ,, Captain James—  
 Impeaches Morton, ii., 60—  
 created Earl of Arran, ii., 62.  
 Stewart, Captain William, and Sir James Douglas, ii., 138.  
 ,, James, Earl of Arran, Chancellor, ii., 122-139.  
 ,, John, Lord of Lorn, 227.  
 ,, John of Traquair, 284.  
 ,, Lady Annabella, 246.  
 ,, Lady Elizabeth, ii., 139.  
 ,, Lady Jean, ii., 88.  
 ,, Lord James—  
 Queen Mary's counsellor, ii., 38—  
 created Earl of Moray, ii., 40—  
 assassinated, ii., 73.  
 Stirling, Chapel Royal, ii., 81.  
 ,, Kirkcaldy's raid, ii., 53.  
 ,, Morton's banquet, ii., 101.  
 ,, Thomas, Chancellor, 105-106.  
 ,, William, of Keir, 243.  
 Stone of Destiny, 117.  
 Stornoway Castle, 247.  
 Stracathro Churchyard, 151.  
 Strathearn, Gilbert, Earl of, 99.  
 Strathyrum, 84.  
 Stuart, Andrew, Chancellor, 212-217.  
 ,, Esmé, Duke of Lennox, ii., 124.  
 Stuart, Henry—  
 Queen's counsellor, 273—  
 in love with the Queen, 286—  
 marries the Queen, 291.  
 Stuart, Sir James, 212.  
 Suffolk, Duke of, ii., 9.  
 Sussex, Duke of, ii., 86.  
 Swaine, son of Thor, 72, 74.  
 Tantallon Castle, 235, 298; ii., 142.  
 Tarentum, 28.  
 Tarvet, Church of, 96.  
 Thirlstane, Lord, Chancellor, ii., 140-163.  
 Thor of Tibbermore, 72.  
 Threave Castle, 207.  
 Three Estates of the Realm, 9.  
 Thurstan, Archbishop of York, 23, 26, 28, 29, 30.  
 Tiron, in Picardy, 32, 34, 36.  
 Tower of London, 20.  
 Traquair, John Stewart, Earl of, Royal Commissioner, ii., 210.  
 Treaty of Union, ii., 271, 273.  
 Tullibardine, Earl of, ii., 281.  
 Turgot of St. Andrews, 6, 22, 25.  
 Turnberry Church, 101.  
 Tweeddale, John, first Marquis of, Chancellor, ii., 244-252.  
 ,, John, second Marquis of, Chancellor, ii., 276-279.  
 Twynham, Walter, Chancellor, 157.  
 Urban, III., Pope, 34.  
 Uxbridge Convention, 213.  
 Viceroy of Scotland, 169.  
 Walsingham and Elizabeth, ii., 135-136.  
 Walter, Bishop of Glasgow, 92, 102.  
 ,, Chancellor, 70-72.  
 ,, de Bidun, Chancellor, 77-80.  
 ,, Lord Haliburton, 219.  
 ,, the High Steward, 139, 153, 154.

- Warbeck, Perkin, 246.  
 Weldon, Sir Anthony, ii., 181.  
 Western Isles rebellion, 247.  
 Westminster Abbey, ii., 205.  
 Whitehall, 9.  
 Whithorn Priory, 242.  
 Widrington, Sir John, ii., 31.  
 Wigtown, John, Lord Fleming, first Earl of, ii., 171.  
 William, Bishop of Orkney, 70.  
 „ Earl of Orkney, Chancellor, 205-211.  
 „ of Orange, King of Scots—Landing, ii., 241—Glencoe Massacre, ii., 250—sails for Torbay, ii., 265—death of, ii., 270.  
 William of St. Andrews, Chancellor, 102-105.  
 „ the Lion, King of Scots—Sits on the Bench, 8—laws of the burghs, 10—appoints Dunkeld bishop, 35—Kelso Church donation, 48—taken prisoner, 51—Treaty of Falaise, 81—death of, 102.  
 Windsor Castle, 20.  
 Wishart, George, the martyr—The Ayr incident, 305—the Beton plot, ii., 11—Wishart arrested, ii., 15—his trial at St. Andrews, ii., 16—his execution, ii., 17.  
 Wishart, James, of Pitarro, ii., 15.  
 „ Robert, Bishop of Glasgow—A Lord of Regency, 138—homage to Edward, 139—arrested and imprisoned, *ib.*—becomes blind, *ib.*—Maid of Norway's marriage, 147.  
 Wishart, William, bishop, ii., 15.  
 „ William, Chancellor, 134-140.  
 Wolsey, Cardinal—Chancellor Beton, 268—letter to Norfolk, 269-272—Queen Margaret, 273.  
 Worcester, battle of, ii., 218.  
 Wotton, English Ambassador, ii., 135-136.  
 York, Archbishop of (Thurstan)—supremacy of St. Andrews, 22—recommends Eadmer, 25—suspends John Achaius, 26—Calixtus II. obedience to York, 28.

NOTE.—The Seal represented on the cover of these volumes is the first Great Seal of King Robert I.

